NEW YORK STATE SENATE

THE STENOGRAPHIC RECORD

ALBANY, NEW YORK

May 22, 2024

4:01 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 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, Tuesday, May 21, 2024, the Senate met pursuant to adjournment. The Journal of Monday, May 20, 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.

The Secretary will read.

THE SECRETARY: Senator Gianaris

moves to discharge, from the Committee on Agriculture, Assembly Bill Number 9254 and substitute it for the identical Senate Bill 8542, Third Reading Calendar 819.

Senator Persaud moves to discharge, from the Committee on Judiciary, Assembly Bill Number 9505 and substitute it for the identical Senate Bill 9015, Third Reading Calendar 831.

ACTING PRESIDENT PERSAUD: So ordered.

Messages from the Governor.

Reports of standing committees.

Reports of select committees.

Communications and reports from state officers.

Motions and resolutions.

Senator Gianaris.

SENATOR GIANARIS: Good afternoon, Madam President.

On behalf of Senator Hoylman-Sigal, I wish to call up Senate Print 2601A, recalled from the Assembly, which is now at the desk.

ACTING PRESIDENT PERSAUD: The Secretary will read.

THE SECRETARY: Calendar Number

124, Senate Print Number 2601A, by Senator Hoylman-Sigal, an act to amend the Banking Law.

SENATOR GIANARIS: Move to reconsider the vote by which the bill was passed.

ACTING PRESIDENT PERSAUD: Call the roll on reconsideration.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 52.

ACTING PRESIDENT PERSAUD: The bill will be restored to its place on the Third Reading Calendar.

SENATOR GIANARIS: I offer the following amendments.

ACTING PRESIDENT PERSAUD: The amendments are received.

SENATOR GIANARIS: On behalf of Senator Hinchey, on page 90 I offer the following amendments to Calendar 1215, Senate Print 8703, and ask that said bill retain its place on the Third Reading Calendar.

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

Senator Gianaris.

SENATOR GIANARIS: And on behalf of Senator Cleare, I move to amend Senate Bill 6906B by striking out the amendments made on February 23rd and restoring it to its previous original print, 6906.

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

SENATOR GIANARIS: Thank you, Madam President.

Please recognize Senator Scarcella-Spanton for an introduction.

ACTING PRESIDENT PERSAUD: Senator Scarcella-Spanton for an introduction.

SENATOR SCARCELLA-SPANTON: Thank you, Madam Speaker.

I rise today to pay tribute to an extraordinary couple who work tirelessly for the Albanian children and community in my district and in Senator Fernandez's district as well. Today I get the opportunity to acknowledge Qemal and Kozeta Zylo, who established Alba Life Inc. more than 17 years ago.

I recently had the opportunity to witness the dedication and passion of the

Alba Life School during their remarkable performance at their 16th anniversary of Kosovo's Independence celebration, an event that I hosted right here in the State Capitol.

Their commitment to preserving the Albanian language and culture is truly commendable and deserving of our utmost respect and admiration. I know that they not only do work in my district, but in schools in the Bronx as well, in Senator Fernandez's district.

Thank you very much to all of you at the Alba Life Inc. team for your extraordinary contributions. Their continued efforts to uphold Albanian traditions through their teachings, alongside their hard work and dedication to excellence is truly commendable, and I am lucky to consider you all friends.

Thank you so much.

ACTING PRESIDENT PERSAUD: To our guests, I welcome you on behalf of the Senate. We extend to you the privileges and courtesies of this house.

Please rise and be recognized.

(Standing ovation.)

ACTING PRESIDENT PERSAUD: Senator

Gianaris.

SENATOR GIANARIS: Please recognize Senator Weik for an introduction.

ACTING PRESIDENT PERSAUD: Senator Weik for an introduction.

SENATOR WEIK: Thank you, Madam President.

In Albany today is Roger Sampson, executive director of New York 811, a not-for-profit one-call center that is the communications link between utility companies and individuals who plan to dig in the five boroughs of New York City, Nassau and Suffolk counties on Long Island.

You all have probably noticed the signs "Call Before You Dig" that direct residents and contractors to call 811 before starting any major digging work.

This important safety organization is headquartered in my district in the Hamlet of Bohemia.

As we enter the prime season for digging, Roger is in Albany today to raise awareness to individuals and companies, ensuring that all digging activities are done safely.

New York 811 helps safeguard one of the most extensive, complicated and congested underground infrastructures in the nation, and we thank Roger and New York 811 for helping to keep New Yorkers safe.

Madam President, please recognize Roger Sampson of New York 811.

ACTING PRESIDENT PERSAUD: To our guest, I welcome you on behalf of the Senate. We extend to you the privileges and courtesies of this house.

Please continue standing and be recognized.

(Standing ovation.)

ACTING PRESIDENT PERSAUD: Senator Gianaris.

SENATOR GIANARIS: Can we now take up previously adopted Resolution 2351, by Senator Cleare, read that resolution's title, and recognize Senator Cleare.

ACTING PRESIDENT PERSAUD: The Secretary will read.

THE SECRETARY: Resolution 2351, by Senator Cleare, commemorating the 30th anniversary of Mad Wednesdays and paying

tribute to its founder, Maria Davis, for her ceaseless dedication to HIV/AIDS prevention and awareness.

ACTING PRESIDENT PERSAUD: Senator Cleare on the resolution.

SENATOR CLEARE: Thank you, Madam President.

It is my great honor to speak about one of the great unsung sheroes of all Harlem and New York City, Maria Davis. This resolution pays tribute to multiple aspects of the lifework of Maria Davis, including the 30th anniversary of New York's longest running showcase, Mad Wednesdays.

Mad Wednesdays was found by Maria Davis in Harlem over 30 years ago because she believed that there needed to be a showcase in the community for young up-and-coming talent that might otherwise be overlooked and never receive a chance.

Maria is a woman of color and promoter in a male-dominated profession, and an individual living with HIV and AIDS certainly knows about strength, resilience, and having the will to overcome all obstacles.

In the early days of Mad Wednesdays, Maria Davis featured individuals who would go on to become legendary, such as Jay-Z and Lil' Kim. Maria herself and Mad Wednesdays were in fact featured on Jay-Z's debut album Reasonable Doubt, and the song "22 Two's" featured Maria Davis herself, as the rap lyrics for the song had debuted originally at Mad Wednesdays.

Maria has kept up the tradition of Mad Wednesdays, going through many musical cycles, generations, and even through the COVID pandemic. In addition to her work as a music promoter, she has been an essential figure and ambassador in our Harlem community on the issues of health, wellness and HIV and AIDS treatment, prevention and awareness.

So many in our community have been able to turn to Mary Davis for support, for love, acceptance and wise counsel. What Maria has accomplished with her life in terms of top-level music promotion and the public service she has provided as a trusted community ambassador of health and wellness has touched the lives of millions of people. Thus it is only fitting that we as a body recognize and celebrate her today.

Thank you, Madam President. I proudly vote aye on this resolution.

And I see you, Payton Rose, who is here, her partner.

And I ask that the courtesies of this house be extended to Maria Davis on the 30th anniversary of Mad Wednesdays.

Thank you.

ACTING PRESIDENT PERSAUD: To our guests, Maria Davis and your guests, I welcome you on behalf of the Senate. We extend to you the privileges and courtesies of this house.

Please rise and be recognized.

(Standing ovation.)

ACTING PRESIDENT PERSAUD: Senator Gianaris.

SENATOR GIANARIS: Let's move on to previously adopted Resolution 2377, by Senator Martinez, read that resolution's title and recognize Senator Martinez.

ACTING PRESIDENT PERSAUD: The Secretary will read.

THE SECRETARY: Resolution 2377, by Senator Martinez, memorializing Governor Kathy Hochul to proclaim May 24, 2024, as Long Island

Sound Day in the State of New York.

ACTING PRESIDENT PERSAUD: Senator Martinez on the resolution.

SENATOR MARTINEZ: Good afternoon, Madam President. Thank you.

Today, as we approach the unofficial start of the summer season, I rise in recognition and celebration of the Long Island Sound Day, an important commemoration of one of New York's greatest shared natural resources.

The Long Island Sound stretches from New York City to Southern Westchester County in the west, to Block Island Sound in the east, with Long Island and Connecticut forming the respective northern and southern shores. It's a marine sound and tidal estuary where saltwater from the Atlantic Ocean mixes with freshwater from inland waters.

It is estimated that the Long Island Sound generates more than $9 billion annually for the regional economy through commercial and recreational activities. However, the ability of the sound to support these diverse uses depends on the quality of its water, which sustains a variety of marine life including zooplankton -- I

remember, while I was in school, learning about zooplankton -- bay scallops, clams, and several species of fish and birds.

Its waters and coastal habitats are also home to sea turtles, multiple shark species, the American oystercatcher, our bald eagle, our falcons, and our ospreys.

Due to conservation efforts, river otters and humpback whales now have returned to the Long Island Sound, which at one point had been gone. These achievements highlight the success of the environmental rehabilitation efforts being led by organizations like the Long Island Sound Study, a partnership of researchers, regulators, user groups and other concerned organizations and individuals committed to protecting and improving the health of the sound.

This treasured landmark is a destination for both residents and visitors alike, offering natural, scenic and recreational opportunities that enhance the quality of life for our residents.

By commemorating tomorrow, May 24th, as Long Island Sound Day, we celebrate the

ongoing commitment to cooperation between New York and Connecticut as well as with our federal and local stakeholders in protecting this beautiful coastal resource and ensuring its longevity for future generations.

Madam President, thank you.

ACTING PRESIDENT PERSAUD: Senator Martins on the resolution.

SENATOR MARTINS: Thank you, Madam President.

I too rise first of all to thank Senator Martinez for introducing this resolution.

I have the privilege of representing the Long Island Sound shore community from the Queens line through the Suffolk County line on the North Shore of Long Island.

Although we're asking the Governor to memorialize May 24th as Long Island Sound Day, and we understand that our colleagues in the State of Connecticut will be doing the same thing, I think we know and they know that the Long Island Sound belongs to us in New York State -- not only those of us on Long Island, in Nassau and Suffolk counties, Madam President, but also our colleagues who represent the North Shore

of Queens and the Queens community and the shore communities in Westchester and the Bronx, who also have a responsibility for the sound.

You know, over the years our communities have not fully appreciated the fact that we are on an island, we do have shore communities, and that we do fully utilize the sound. And the sound, as a result, fell into a little bit of neglect over the years. The nitrification of the sound, the impact on our fish and seafood, mostly oysters and shellfish, has been frankly an issue that has driven our towns -- the towns of North Hempstead, Oyster Bay, the City of Glen Cove -- to promote the wellness of the sound, to commit resources to doing so.

And, Madam President, I'm happy to say that the ecosystems on Long Island Sound, as a result of the efforts of our local communities, of our federal partners, and of course of our efforts here in New York State, have come back. It is a pristine place, for those of you who have spent time out on Long Island Sound. If you haven't, please do so, whether it's boating, fishing, or any recreational activities.

It is a jewel for this state, something we should celebrate. And I'm happy to vote aye.

Once again, thank you to Senator Martinez.

And remember, folks, May 24th, this Friday, as you start your Memorial Day weekend, come down, visit us on Long Island, spend a little time on Long Island Sound.

Thank you, Madam President.

ACTING PRESIDENT PERSAUD: Thank you, Senator.

Senator Palumbo on the resolution.

SENATOR PALUMBO: Thank you, Madam President.

And I thank Senator Martinez for bringing this resolution to the floor.

Without being too redundant, the Long Island -- the beautiful Long Island Sound, based upon many efforts that our federal partners and that people in this building have done, has come a long way back. We had a huge lobster die-off, we have obviously issues with different algal blooms, scallops at certain points intermittently are dying off.

But I rise to proudly recognize the Friday before Memorial Day. And as my colleague from Long Island just mentioned, and invited everyone to come down, in my district I don't need to invite anybody when it's summertime. So come this Memorial Day weekend, the population in the town where I live triples, and even more so on the South Fork.

So people understand the beauty of the bucolic east end of Long Island and the Long Island Sound. But more importantly, where I live, this body of water is an economic engine for those residents -- commercial fishing, oyster farming, and the list goes on and on and on.

And keep in mind the Long Island Sound is 21 miles wide at its widest points, 113 miles long. There's 600 miles of coastline along the Long Island Sound. And as mentioned by Senator Martinez, $9 billion worth of economy every year. Five hundred thousand boats are registered in the area of Long Island Sound, and nearly 750,000 recreational fishermen utilize this extraordinary resource. Not including, of course, all those commercial fishermen who for generations have made a living on the sound.

So I proudly vote aye, Madam President, and I thank the sponsor again for bringing this to the floor. I look forward to not being able to make a left turn out of my driveway starting Friday.

(Laughter.)

SENATOR PALUMBO: But I am also going to be celebrating the Long Island Sound.

Thank you, Madam President.

ACTING PRESIDENT PERSAUD: Thank you, Senator.

Senator Mayer on the resolution.

SENATOR MAYER: Thank you, Madam President.

Thank you, Senator Martinez and my colleagues, for all talking about this important day.

I think we might have to change the name to the Long Island-Westchester Sound, ultimately, because almost all of my district abuts the sound. And like my colleagues, the sound is a source of not only recreation, parks and fun, but a tremendous economic driver for the entire south shore of Westchester.

Last year I was proud to convene a

meeting of Assemblymembers and Senators, all representing portions where the sound hits their district -- from Westchester through the Bronx, parts of Queens that are indirectly affected, out to Long Island -- to see how we can work together to ensure and continue the improvement of the water in the sound, which we all agree has made tremendous strides.

So this bipartisan waterway, which affects all of us, I just encourage my colleagues: Please come to Playland, it opened on Friday. It is a beautiful place on the sound, the most historic park in all of New York State. Proud to have it in Rye.

But all of the sound is a joyful place that we are very proud of the quality of the water, the quality of the environment, and the quality of the fun and economic development it brings to our communities.

I vote aye. Thank you, Senator Martinez.

ACTING PRESIDENT PERSAUD: Thank you, Senator.

The resolution was adopted on May 14th.

Senator Gianaris.

SENATOR GIANARIS: Thank you, Madam President.

Let's move on to previously adopted Resolution 1840, by Senator Hinchey, read that resolution's title and recognize Senator Hinchey.

ACTING PRESIDENT PERSAUD: The Secretary will read.

THE SECRETARY: Resolution 1840, by Senator Hinchey, memorializing Governor Kathy Hochul to proclaim May 2024 as Lyme Disease Awareness Month in the State of New York.

ACTING PRESIDENT PERSAUD: Senator Hinchey on the resolution.

SENATOR HINCHEY: Thank you, Madam President. I am proud to rise today to declare May 2024 Lyme Disease Awareness Month in the State of New York.

New York State does a lot of things really well, but one of the things we don't do well is track data on Lyme cases, both Lyme disease and other tick-borne illnesses. We know that New York State ranks as one of the highest states in the country as it pertains to tick-borne illnesses and Lyme disease, and yet

here at the state we only have data back through 2020.

But what that data says -- I represent the Hudson Valley -- is that of our four counties, Columbia, Greene, Ulster and Dutchess, all four rank in the top 10 counties with the worst cases of Lyme disease, with Greene and Columbia ranking first and second and Ulster and Dutchess ranking fifth and sixth. I can tell you I'm sure those numbers have changed; Dutchess and Ulster are probably higher in that list today.

Personally, just this season alone, now that we've gotten a new puppy, we have had multiple ticks in our house that we find almost every day, because the findings of ticks has increased dramatically. This is caused by weather changing, it's caused by surroundings. Ticks are coming further up north, and we have many of them. And yet there's no real research done in how we can combat Lyme disease and other tick-borne illnesses.

Everyone in the Hudson Valley, but really probably across the state, knows someone who has been negatively impacted by a tick bite.

And we have a responsibility in this state not just to do more as it pertains to research, but to raise awareness of this so that fewer people are negatively impacted.

What the awareness month does for May is it encourages people to understand what they should do should they find a tick. If you're enjoying the great outdoors, of which we are so lucky to have here in New York so many incredible parks and pathways and fields, so many things to do outside -- but what you do is you come back home, put your clothes in a drier immediately. Check your pets. Make sure that you're wearing light-colored clothing if you go outside.

Awareness month will make sure that we are starting to really combat the prevalence of ticks and tick-borne illnesses across the state.

I'm proud to sponsor this resolution, and I vote aye.

Thank you, Madam President.

ACTING PRESIDENT PERSAUD: Thank you, Senator.

Senator Mannion on the resolution.

SENATOR MANNION: Thank you, Madam President.

Thank you to Senator Hinchey for bringing this resolution to the floor.

You know, I think all of us have in some way been impacted by Lyme disease. We have a family member or a friend who has suffered from the symptoms of it.

Often Lyme disease leaves no mark, there is no bull's-eye from the tick bite that occurs. It is difficult to diagnose. In fact, there is no definitive test to diagnose someone with Lyme disease. There is no vaccine for humans for Lyme disease. So the challenges are great. And also the symptoms of Lyme disease mimic many other diseases.

So we have to make sure that we do things like we're doing today to shine a light on Lyme disease and other co-infectors, other viruses that are tick-borne -- I mean, viruses that are tick-borne, beyond the bacteria that causes Lyme disease.

So I'm proud to say that near my district, Upstate Medical Center has a biovector lab which was designed just to take in ticks that

were found in the region and have them tested. But they've honestly taken on detection of ticks from around the world that get sent to them.

Finally I'd just like to say that we need to remove the stigma from people who have chronic Lyme disease, which dramatically impacts their ability to thrive, their ability to work, and their ability to be as active as they once were.

I thank you, Madam President, and I thank Senator Hinchey for bringing the resolution. I proudly vote aye.

ACTING PRESIDENT PERSAUD: Thank you, Senator.

The resolution was adopted on February 27th.

Senator Gianaris.

SENATOR GIANARIS: Next up is previously adopted Resolution 2068, by Senator Rolison. Please read its title and recognize Senator Rolison.

ACTING PRESIDENT PERSAUD: The Secretary will read.

THE SECRETARY: Resolution 2068, by Senator Rolison, congratulating the Our Lady of

Lourdes High School Girls Basketball Team upon the occasion of capturing the 2024 New York State Public High School Athletic Association Basketball Class AAA Championship on March 17, 2024.

ACTING PRESIDENT PERSAUD: Senator Rolison on the resolution.

SENATOR ROLISON: Thank you, Madam President.

Today I was looking forward to congratulating in person Our Lady of Lourdes Girls Basketball Team, but because of school commitments they could not make the trip. That is more important than being up here.

So I wanted to read into the record this afternoon, Madam President, about our great Lady Warriors from Our Lady of Lourdes High School, which is in the Town of Poughkeepsie.

And as it was stated, they won the Class AAA State Championship held on Sunday, March 17, 2024, at Hudson Valley Community College. They had a record of 24 and 1. And they beat the Section III Liverpool High School champs in a very decisive victory with a final

score of 69-54. It was their first title since 2004.

And, you know, we know that athletic competition helps to enhance both the moral and physical development of young athletes. It prepares them for the future by instilling in them the importance of teamwork, encouraging a standard of healthy living, and developing a sense of fair play and competition.

And this team really just lit the season on fire with how they played together, they overcame diversity, and they made it to the championship.

Their coach, Al Viani, and Assistant Coaches Jessica Paden and Wayne Neal, who I recently just saw a couple of weekends ago, just so excited for the Lady Warriors.

And as I said, it was their first title since 2004. Big defensive team, Simone Pelish, who was an outstanding player for the Lady Warriors, in that particular game had 33 points to move them to the final spot and to get them to be state champions.

And Madam President, thank you for letting me read this into the record. I will be

presenting this resolution to the Lady Warriors in the very near future at the school. And I'll be voting aye.

Thank you, Madam President.

ACTING PRESIDENT PERSAUD: Thank you, Senator.

The resolution was adopted on April 3rd.

Senator Gianaris.

SENATOR GIANARIS: Madam President, the sponsors are opening all of the resolutions we took up today for sponsorship.

ACTING PRESIDENT PERSAUD: The resolutions are open for cosponsorship. Should you choose not to be a cosponsor, please notify the desk.

Senator Gianaris.

SENATOR GIANARIS: There's a report of the Finance Committee at the desk. Can we take that up now, please.

ACTING PRESIDENT PERSAUD: The Secretary will read.

THE SECRETARY: Senator Krueger, from the Committee on Finance, reports the following nominations:

As Secretary of State, Walter T. Mosley;

As executive director of the Dormitory Authority, Robert J. Rodriguez.

SENATOR GIANARIS: I move to accept the report of the Finance Committee and ask that you recognize Senator Krueger.

SENATOR KRUEGER: I thought we were missing a part.

ACTING PRESIDENT PERSAUD: Senator Gianaris.

SENATOR GIANARIS: I'm sorry, Senator Krueger, I apologize. I'm told we are redoing the order of business.

We're going to take up the calendar first, and then we'll return for the nominees.

ACTING PRESIDENT PERSAUD: The Secretary will read.

THE SECRETARY: Calendar Number 86, Senate Print 2862A, by Senator Martinez, an act to amend the Real Property Tax 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, 56.

ACTING PRESIDENT PERSAUD: The bill is passed.

THE SECRETARY: Calendar Number 148, Senate Print 1979A, by Senator Cleare, an act in relation to requiring the Empire State Development Corporation to study the economic impact of optimizing and creating kitchen incubators in New York State.

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, 56.

ACTING PRESIDENT PERSAUD: The bill

is passed.

THE SECRETARY: Calendar Number 278, Senate Print 1936, by Senator Comrie, an act to amend the Public Authorities 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, 56.

ACTING PRESIDENT PERSAUD: The bill is passed.

THE SECRETARY: Calendar Number 353, Senate Print 7780A, by Senator Brouk, an act to amend the Public Health Law.

ACTING PRESIDENT PERSAUD: Read the last section.

THE SECRETARY: Section 3. 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: Senator Brouk to explain her vote.

SENATOR BROUK: Thank you, Madam President.

Today we move forward with our commitment to making our state a safer place to give birth by passing this bill to identify what makes a doula-friendly healthcare provider.

We already know that doulas who provide non-medical emotional, physical and informational support to birthing people before, during and after birth can significantly improve health outcomes for both the mother and the newborn baby.

This bill is going to help New York develop a standard for doula-friendly hospitals and healthcare facilities as a way to prioritize patient choice and patient satisfaction and of course to improve maternal and infant health.

This bill directly speaks to the challenges identified by the New York State Doula Pilot Program and feedback offered by community doulas through the Department of Health's Doula

Medicaid Services Benefit Stakeholder Meetings.

In particular, this legislation will expand the state's knowledge of the ways that doulas are and maybe are not welcome in the healthcare system. Because for doulas to save lives and improve outcomes, they need to be welcome in every corner of New York State as an integral part of every birthing care team.

A doula-friendly designation makes sense. It makes sense for hospitals and other care centers who are striving to provide quality care. It makes sense for doctors and nurses on the frontlines of working with patients. It makes sense for doulas themselves. And most importantly, it makes sense for birthing people and the babies throughout New York State.

We should all want doula-friendly hospital designation to be a gold standard for medical care here in New York, and I am grateful to this body for this continuing work to expand doula access.

I vote aye. Thank you.

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

Announce the results.

THE SECRETARY: Ayes, 58.

ACTING PRESIDENT PERSAUD: The bill is passed.

THE SECRETARY: Calendar Number 458, Senate Print 4534, by Senator Harckham, an act to amend the Transportation Law.

ACTING PRESIDENT PERSAUD: Read the last section.

THE SECRETARY: Section 2. This act shall take effect one year after it shall have become a law.

ACTING PRESIDENT PERSAUD: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT PERSAUD: Senator Oberacker to explain his vote.

SENATOR OBERACKER: Thank you, Madam President.

As the ranking member on Transportation, I'd like to thank Senator Harckham for bringing this very important bill forward.

As I travel around the seven counties that I represent in the 51st Senate District, I can speak unequivocally that -- and I

know that the Senator had my best interest and my health in mind when he brought this forward, so Senator, thank you. As I travel around, fog lines are going to be and are extremely, extremely important.

And it just kind of harkens back to a conversation I had with my wife as I was coming back late at night, and she said to me, she says, "Do you have trouble staying awake?" And I said, "But for two things, the deer and the fog, I can stay awake very, very easily."

So again, Senator, thank you. It makes sense. Sometimes in Albany we get it right.

I proudly vote aye. Thank you.

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

Announce the results.

THE SECRETARY: Ayes, 58.

ACTING PRESIDENT PERSAUD: The bill is passed.

THE SECRETARY: Calendar Number 546, Senate Print 2450, by Senator Krueger, an act to amend the Penal Law.

ACTING PRESIDENT PERSAUD: Read the

last section.

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

ACTING PRESIDENT PERSAUD: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT PERSAUD: Senator Krueger to explain her vote.

ACTING PRESIDENT PERSAUD: Thank you, Madam President.

We've dealt with this bill before. I'm hoping this is the year we can get it through both houses at the same time.

We all understand that technology is changing everything about our lives. We talk about the impact of AI, we talk about internet, we talk about stolen IDs, fraudulent computer images. This is just a simple bill that I think is critically important.

People are being harassed through texts and emails. They're not asking for this information, they're not asking for information to be spread falsely about them. And it's incredibly damaging, particularly to young people who may find themselves being stalked, having

photo images of themselves spread around, being threatened by total strangers via email and texts and other now old forms of technology; forget the newer ones we still don't understand.

So this would actually increase the penalties for aggravated harassment in the second degree on these issues. And it's a law I believe is important because we've had some questions in court about whether we have the authority to go after these kinds of abuses.

So I'm going to thank my colleagues in advance for supporting me on this bill and hopefully, again, this will be the year. Sometimes we have struggles between one house or the other house. So let's hope we get it across the finish line.

I vote yes, Madam President. Thank you.

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

Announce the results.

THE SECRETARY: In relation to Calendar 546, voting in the negative are Senators Brisport and Salazar.

Ayes, 56. Nays, 2.

ACTING PRESIDENT PERSAUD: The bill is passed.

THE SECRETARY: Calendar Number 819, Assembly Bill Number 9254, by Assemblymember Weprin, an act to amend Chapter 395 of the Laws of 2008.

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, 58.

ACTING PRESIDENT PERSAUD: The bill is passed.

THE SECRETARY: Calendar Number 831, Assembly Print Number 9505, by Assemblymember McMahon, an act to amend the Family Court Act.

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, 58.

ACTING PRESIDENT PERSAUD: The bill is passed.

THE SECRETARY: Calendar Number 862, Senate Print 8881, by Senator Sanders, an act to amend the Executive Law.

ACTING PRESIDENT PERSAUD: Read the last section.

THE SECRETARY: Section 4. 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: Ayes, 58.

ACTING PRESIDENT PERSAUD: The bill is passed.

THE SECRETARY: Calendar Number 978, Senate Print 2907, by Senator Persaud, an act to amend the Education Law.

ACTING PRESIDENT PERSAUD: Read the last section.

THE SECRETARY: Section 12. This act shall take effect 18 months 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, 58.

ACTING PRESIDENT PERSAUD: The bill is passed.

THE SECRETARY: Calendar Number 981, Senate Print 4447, by Senator Fernandez, 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: Announce the results.

THE SECRETARY: Ayes, 58.

ACTING PRESIDENT PERSAUD: The bill is passed.

THE SECRETARY: Calendar Number 1012, Senate Print 6433, by Senator Mannion, an act to amend the Mental Hygiene Law.

ACTING PRESIDENT PERSAUD: Read the last section.

THE SECRETARY: Section 2. This act shall take effect on the 120th 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, 58.

ACTING PRESIDENT PERSAUD: The bill is passed.

THE SECRETARY: Calendar Number 1017, Senate Print 4970, by Senator Jackson, an act in relation to directing the Division of

Housing and Community Renewal to study non-rental fees charged by landlords.

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 1017, those Senators voting in the negative are Senators Ashby, Borrello, Canzoneri-Fitzpatrick, Felder, Gallivan, Griffo, Lanza, Martins, Mattera, Murray, Oberacker, O'Mara, Ortt, Palumbo, Rhoads, Rolison, Stec, Tedisco and Weik. Also Senator Weber.

Ayes, 38. Nays, 20.

ACTING PRESIDENT PERSAUD: The bill is passed.

THE SECRETARY: Calendar Number 1082, Senate Print 8739, by Senator Mattera, an act to amend the General Business Law.

ACTING PRESIDENT PERSAUD: Read the

last section.

THE SECRETARY: Section 3. 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: Ayes, 59.

ACTING PRESIDENT PERSAUD: The bill is passed.

THE SECRETARY: Calendar Number 1085, Senate Print 27, by Senator Stec, Concurrent Resolution of the Senate and Assembly proposing an amendment to Section 1 of Article 14 of the Constitution.

ACTING PRESIDENT PERSAUD: Call the roll on the resolution.

(The Secretary called the roll.)

ACTING PRESIDENT PERSAUD: Senator Stec to explain his vote.

SENATOR STEC: Thank you, Madam President.

I want to thank the chamber for

their support again on this constitutional amendment. You've all heard me, probably more times that you'd care to, rant about the effect that prison closures have around the state, upstate in particular.

I've talked several times about my community, my very large Senate district, the impact that it has that when there's no plan, the state allows it to go fallow and it becomes a blight on the community.

Inside the Blue Line we have that added level of we need a constitutional amendment to move property. And this constitutional amendment will allow that process to take place. You all know how involved a constitutional amendment is. It's very difficult. We have to pass it in two different sessions.

But you've always supported it; I appreciate that. We've done it every one of the four years that I've been here, and I think Senator Little had it a year or two in advance of that.

We're hoping that this year the Assembly passes it as well. That's the holdup. But again, this is -- you know, these properties

don't age well when they sit fallow like this. This will allow -- if the state doesn't want it, no one wants it, it might have marketability in the private sector, but we can't sell it without this constitutional amendment.

So I vote in the affirmative. And I thank you and my colleagues, Madam President.

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

Announce the results.

THE SECRETARY: Ayes, 59.

ACTING PRESIDENT PERSAUD: The bill is passed.

THE SECRETARY: Calendar Number 1107, Senate Print 3196, by Senator Mannion, an act to amend the Mental Hygiene Law.

ACTING PRESIDENT PERSAUD: Read the last section.

THE SECRETARY: Section 4. This act shall take effect April 1, 2025.

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 1108, Senate Print 3354, by Senator Skoufis, an act to amend the Executive Law.

ACTING PRESIDENT PERSAUD: Read the last section.

THE SECRETARY: Section 3. 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 1108, those Senators voting in the negative are Senators Borrello, Helming, Murray, O'Mara, Ortt and Weik.

Ayes, 53. Nays, 6.

ACTING PRESIDENT PERSAUD: The bill is passed.

THE SECRETARY: Calendar Number 1113, Senate Print 5801A, by Senator Liu, an act to amend the Public Officers Law.

ACTING PRESIDENT PERSAUD: Read the last section.

THE SECRETARY: Section 3. 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 1113, those Senators voting in the negative are Senators Borrello, Canzoneri-Fitzpatrick and Rhoads.

Ayes, 56. Nays, 3.

ACTING PRESIDENT PERSAUD: The bill is passed.

THE SECRETARY: Calendar Number 1136, Senate Print 8336, by Senator Borrello, an act to amend the Parks, Recreation and Historic Preservation 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 1136, voting in the negative: Senator Skoufis.

Ayes, 58. Nays, 1.

ACTING PRESIDENT PERSAUD: The bill is passed.

THE SECRETARY: Calendar Number 1143, Senate Print 1687A, by Senator Hinchey, an act to amend the Executive Law.

ACTING PRESIDENT PERSAUD: Read the last section.

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

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 1146, Senate Print 1148, by Senator Krueger, an act to amend the Election 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 1146, those Senators voting in the negative are Senators Gallivan, Helming, Oberacker and Skoufis.

Ayes, 55. Nays, 4.

ACTING PRESIDENT PERSAUD: The bill is passed.

THE SECRETARY: Calendar Number 1148, Senate Print 2298, by Senator Mayer, an act to amend the Election Law.

ACTING PRESIDENT PERSAUD: Read the last section.

THE SECRETARY: Section 2. 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: In relation to Calendar Number 1148, voting in the negative: Senator Lanza.

Ayes, 58. Nays, 1.

ACTING PRESIDENT PERSAUD: The bill is passed.

THE SECRETARY: Calendar Number 1161, Senate Print 9276, by Senator Gianaris, an act to amend the Criminal Procedure Law.

SENATOR LANZA: Lay it aside.

ACTING PRESIDENT PERSAUD: Lay it aside.

THE SECRETARY: Calendar Number 1196, Senate Print 5361A, by Senator Mannion, an act granting retroactive membership with Tier IV status in the New York State Teachers' Retirement System to Peter Guarino.

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.

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

SENATOR GIANARIS: Madam President, I believe there is still a report of the Finance Committee at the desk. Let's take that up again.

ACTING PRESIDENT PERSAUD: The Secretary will read.

THE SECRETARY: Senator Krueger, from the Committee on Finance, reports the following nominations:

Walter T. Mosley, as Secretary of State;

Robert J. Rodriguez, as

Executive Director of the Dormitory Authority.

SENATOR GIANARIS: I move to accept the report of the Finance Committee, and please recognize Senator Krueger.

ACTING PRESIDENT PERSAUD: All those in favor of accepting the Finance Committee report signify by saying aye.

(Response of "Aye.")

ACTING PRESIDENT PERSAUD: Opposed, nay.

(No response.)

ACTING PRESIDENT PERSAUD: The report of the Finance Committee is accepted.

Senator Krueger.

SENATOR KRUEGER: Thank you very much, Madam President.

So we know that it's the time of year when nominees start to come to us from the Governor, and we have two more important positions today that have moved through their appropriate committees. Both Walter Mosley -- who's here with his wife Julie, his daughter Allyson, his son Sebastien, his mother Marilyn, and his father Walter. I got it right? Excellent.

And who -- also with Robert Rodriguez, who I think is not here with family today. Thank you.

So those of us who have served in the Senate or even those of us who may have served in the Assembly earlier and then come to the Senate can say that we know both of these men from their past public service as Assemblymembers.

I'm not really going to speak in detail about them because we have other members who want to. But the fact is taking on responsibilities for both DASNY and also for the Secretary of State office are critical positions.

And as legislators, we actually deal with these agencies all the time. We often make complaints to these agencies all the time. And I know, from knowing both of them and having spoken to them before the committee meetings and then through the interview process, that both men do understand that they are taking on positions where there are frustrations out there in the public, and frustrations sometimes among legislators that we need to make sure their agencies are getting things done.

And I believe that both men know exactly what they're walking into, having been legislators before, on the other side of the desk perhaps. And I'm very pleased that they both want to continue in public service for the State of New York and use the skills they have already fine-tuned in their previous careers in and out of government to take on these responsibilities.

And with that, I do certainly hope that all of my colleagues will support them in the vote this afternoon. They certainly had more than enough votes to move through the committee process.

Thank you, Madam President.

ACTING PRESIDENT PERSAUD: Thank you, Senator.

Senator Comrie on the nominations.

SENATOR COMRIE: Thank you, Madam President.

I rise today to support the nominations of both Robert Rodriguez and Walter Mosley to their positions in DASNY and as Secretary of State.

They both have been young men who have been clearly focused on making sure that

this state is a better place, doing things in their previous capacities to ensure that minority needs were focused on, that they are continuing to now serve in positions that are very important to many of us.

I still have DASNY projects that haven't been done yet, so you'll be hearing from all of us a lot.

(Laughter.)

SENATOR COMRIE: And for the Secretary, we have a lot of projects that have been done and need to be forwarded. And I look forward to working with you, Walter. You've always been -- both of you have always been great communicators, people that like to get along with people, people that understand the need to have an argument to get things done or in order to find the right way to get things done.

So I appreciate both of your temperaments. I appreciate your service and your continued commitment to public service. And I want to thank the Governor for finding two young men that we can all work with.

Thank you, Madam President.

ACTING PRESIDENT PERSAUD: Thank

you, Senator.

Senator Serrano on the nominations.

SENATOR SERRANO: Thank you very much, Madam President.

And I'd like to congratulate the two nominees and thank the Governor for putting forth two tremendous individuals. I have had the pleasure of knowing both for many, many years. And Mr. Mosley, to you and your family, it's always been a pleasure to know you.

And Robert Rodriguez, where do I begin? I could say that I've known him for a thousand years, because -- but then that would make me sound really old, so I'm not going to do that.

(Laughter.)

SENATOR SERRANO: But known him for quite a while.

And both came up through similar paths, both Hayesmen from Cardinal Hayes High School -- different years, but did come up through that. And knew him back when he was on the community board in East Harlem and then as an Assemblymember, my counterpart as State Senator, representing East Harlem.

He was a wonderful colleague to work with, someone who cared deeply about history, who cared deeply about East Harlem and its place in the cultural fabric of the City of New York. And it was really wonderful to have had that opportunity to work with you.

Your years as Secretary of State have been tremendous as well. And I congratulate you and look forward to your work in this new chapter within your life.

So congratulations, both.

ACTING PRESIDENT PERSAUD: Thank you, Senator.

Senator Bailey on the nominations.

SENATOR BAILEY: Thank you, Madam President.

Congratulations to the nominees. It is an excellent choice -- choices by the Governor to nominate these two gentleman, who quite frankly could be doing other things. And I spoke about that with one of her other nominees. I think the bellwether test about great public servants is great public servants are people who do public service because they love to do it, as opposed to have to do it.

Both of these gentlemen could be doing other things that are more lucrative in many other ways, but they're choosing to serve us, which is a testament to who they are and their dedication to not just their respective previous districts but to the people of the great State of New York.

And, you know, I was a former staff member, and I'll often talk about how Shelley Mayer is one of my favorite people in the world because she treated me the same when I was a staff member as she does when I was a member.

And that's the same for these two gentlemen. You can tell a lot about people from how they treat people that they don't have to treat in a certain way. And both of these gentlemen treated me with the utmost respect regardless of what my title was or what.

And I think that attitude, that mentality, that thought process, that dedication, that care, that trust that they have will serve our state very well.

And so to both of you, Mr. President and Mr. Secretary of State, I congratulate you both, I thank you both and look forward to

working with you both very much in the future. Congratulations to you and your families.

Thank you, Madam President. I vote aye.

ACTING PRESIDENT PERSAUD: Thank you.

Senator Murray on the nominations.

SENATOR MURRAY: Thank you, Madam President.

First, I'll start by saying congratulations to both nominees.

But I will say, once again, we are in the process of voting for multiple candidates with one up or down vote. Now, earlier in the year we've taken votes on judgeships and different commissioners and board member positions on different agencies, and I voted no on those.

Last week we had two nominees, and I voted yes. And someone said to me, Well, what was the difference?

Well, the earlier no votes were not a protest. While I don't think the system is good when we're doing it this way, they weren't protest votes. It was because they were

candidates that I simply didn't think should be confirmed, and that's why I voted no.

Last week the candidates I thought were terrific. They were very good and will do a great job for New York, so I voted yes. I think that's the case this week too.

I've had the honor and privilege of working with both of these gentlemen in the Assembly. Recently, Secretary Rodriguez and I have worked together on a living shores project in Patchogue and started working on another project in Mastic Beach. And he's just been a pleasure to work with. I think he's going to do a great job with the Dormitory Authority.

And former Assemblyman Mosley, I look forward to working with him. On the floor, he was always very passionate in the Assembly. He cares about public service. I think he is the perfect choice for this position, and I hope and look forward to working with him too on this project in Mastic Beach.

But both of those gentlemen are great. They will be just -- they will do a great job for the State of New York and the people of New York, and so I'm pleased to vote aye to both.

Thank you.

ACTING PRESIDENT PERSAUD: Thank you, Senator.

Senator Mayer on the nominations.

SENATOR MAYER: Thank you, Madam President.

I also rise, like so many of my colleagues, to support both of these nominees, both of whom I have known since we served together in the Assembly.

Robert Rodriguez I knew before he was a community activist, which always gets high marks around here before you get into public service.

I would like to say that with both nominees, I have personally raised the need for the people who hold these positions to be extremely responsive to everyone in this chamber and in the Assembly. We all really need their help.

My experience with Robert Rodriguez as Secretary of State is that he's jumped in to help me on issues of hearing aids -- people don't realize what the Secretary of State's office does -- on issues of coastal management. There's

a range of issues, and I look forward to working with Walter Mosley in as equally a vibrant and strong way. And I have his assurance that he will be as responsive to the needs of us as individual members.

And I would say the same for DASNY. We need a president of DASNY who responds to us, who knows that we come in the best of goodwill to try to resolve problems. And with both of these men I am very confident they will do these jobs in a way that makes the state proud and is responsive to the needs of our constituents.

So I proudly vote aye on both.

Thank you, Madam President.

ACTING PRESIDENT PERSAUD: Thank you, Senator.

Senator Ryan on the nominations.

SENATOR RYAN: Thank you, Madam President.

It's my pleasure to rise and support these two wonderful nominees who are committed and dedicated public servants. And I know they're going to do a great job.

Thank you, Robert, for the work that you have done traveling the state, really helping

to upgrade the Department of State. And I know you're going to do a great job at DASNY.

And to Walter and Julie and to the rest of your family, what a great honor to be nominated by the Governor for this position. And I'll say one thing I know for sure, is good things come out of the New York State Assembly.

(Laughter.)

SENATOR RYAN: I vote aye.

ACTING PRESIDENT PERSAUD: Senator Liu on the nominations.

SENATOR LIU: Madam President, thank you for recognizing me.

I very rarely speak about the people we're about to confirm. I can say that Walter Mosley, he's all right. And Robert Rodriguez, he's all right too.

And with that -- oh, maybe I'll just say just a little bit more.

I want to say that Walter is the proud son of a fiery leader in Brooklyn, Marilyn Mosley. She should be super proud. And he's also the proud father of an Asian-American daughter. And I've known Walter for many, many years. He's going to do us proud as Secretary of

State.

And Robert Rodriguez, a lot's been said about him already. Just don't forget, Old-Timers Day, 111th Street, stickball. Maybe you want to come a little early to get some practice swings in.

(Laughter.)

SENATOR LIU: Thank you, Madam President.

ACTING PRESIDENT PERSAUD: Thank you, Senator.

Call the roll on the nominations.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 59.

Oh, excuse me. In relation to the nominations, voting in the negative: Senator Ortt.

Ayes, 58. Nays, 1.

ACTING PRESIDENT PERSAUD: The nominees are confirmed.

Senator Gianaris.

SENATOR GIANARIS: Let's give them a round of applause, shall we?

(Standing ovation.)

ACTING PRESIDENT PERSAUD: Senator

Gianaris.

SENATOR GIANARIS: Now let's take up the controversial calendar, please.

ACTING PRESIDENT PERSAUD: The Secretary will ring the bell.

The Secretary will read.

THE SECRETARY: Calendar Number 1161, Senate Print 9276, by Senator Gianaris, an act to amend the Criminal Procedure Law.

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.

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: Madam President, accordingly, I appeal the ruling of the chair and ask that Senator Palumbo 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.

So in the past few weeks we've seen some decisions from the Court of Appeals, one of course in particular that has turned the rules of evidence on its head. And I can say with respect to the bill-in-chief, this is something that was clearly done in response to the Harvey Weinstein decision. And the intent of this bill, myself and I think I speak for my conference, unequivocally is supported by our conference.

Now, the reason why we have a hostile amendment on this bill is to strike and replace simply based upon the language of that bill. And we have to get into this a little deeper to understand the nuance of this, because the decision was based upon admission of prior bad acts under a case from 1901 called People v. Molineux. And so under the Molineux Rule, as it's called, you can sometimes bring in prior evidence to prove certain conduct -- to prove motive, intent, absence of mistake or accident, the identity of the perpetrator, or a common

scheme where there's almost a signature aspect to the crime.

So in the Weinstein case, what I would submit, evidence was admitted that is classic Molineux. His defense was -- and again, you all know what I did for a living for many years. His defense was that these were sexual favors for professional favors. Consent.

And the witnesses were brought in to establish that no, this is a pattern of conduct that Harvey Weinstein engaged in, and he would assault and rape women. And this is the so-called acquaintance rape which was addressed in the decision.

Now, going to germaneness, my bill, 9445, is simply a codification of People v. Molineux. It is exactly -- this has been law for over a hundred years. And what that does is that allows -- the prosecutor must provide that evidence and proof that it goes to any of those factors, as I said.

And then the court must then, after finding that not only is that evidence relevant, but that evidence goes to some of those specific items -- and that, more importantly, there's a

balancing test of probative value of that evidence toward what they're looking to achieve versus its prejudicial effect on the defendant, which is critical.

Because you're not allowed in the State of New York to bring in evidence to prove what's called propensity. Meaning because this defendant has committed a bunch of other crimes, they probably did this. That's not how it works. In our system of justice we have a fair system, and we have due process rights. And you can't say this individual committed several robberies over the course of many years and therefore, jury, he probably did this one too. That's not how it works. That's called propensity evidence.

So my bill is just a simple codification of Molineux, which we know is constitutional without question. It's been law, it's been tested for over 100 years -- 123 years that's been the law in this state.

And now here's the wrinkle. The underlying bill, the bill-in-chief, is essentially an adoption of the bill that was Assemblywoman Paulin's for -- it's been around I believe for several years, a few years at

least -- that is a codification, a New York version of the Federal Rules of Evidence Section 413.

Now, I know this is a bit nuanced, Madam President, but this is a very serious issue. And obviously we want to get this right. Because quite frankly, if we don't pass a constitutional statute, we're doing nothing for victims of sexual assault and rape to fix this gaping hole in our rules of -- in our criminal justice as a whole in New York State.

Now, Rule 413, "Similar Crimes in Sexual Assault Cases: (a) Permitted Uses" -- this is the actual rule of evidence -- "In a criminal case in which a defendant is accused of sexual assault, the court may admit evidence that the defendant committed any other sexual assault. This evidence may be considered on any matter to which it is relevant." That's the federal rule.

The bill-in-chief actually says -- and this is at line 7, Section 1: "In a criminal proceeding in which a defendant is accused of a sexual offense, the court may admit evidence that the defendant committed any other sexual offense. Such evidence may be considered on any matter to

which it is relevant, including to prove that the defendant acted in conformity therewith" -- which I believe in my humble opinion is okay -- "or had a propensity to engage in similar wrongful acts."

Nowhere in that federal rule is the word "propensity" in the statute. In fact, we've had a little bit of interaction with -- you know, on social media and in the media. And just this morning I was reading that a law school professor at Albany Law, Professor Vin Bonventre, agreed that there were constitutional challenges that would likely be met with this new statute, and I quote: "'We're going to tell you about the evidence that he's committed this before'" -- as I just explained. "'That's so terribly unfair,' Bonventre said. 'I think the Court of Appeals would, and I think it should, throw that out as a matter of basic fundamental constitutional fairness.'"

So, Madam President, the reason why this is not only germane, it's essentially the exact same rule that we're looking to implement into law -- but I would suggest to yourself and my colleagues that my version is unequivocally constitutional. We know that for a fact. This

one may not be. We don't know. I pray that it is constitutional. But in the event that it is not, as I mentioned earlier, we will be doing nothing to protect those victims that we're all seeking to protect with this actual bill right now.

So for those reasons, Madam President, I think the germaneness is quite obvious. But more importantly, this is simply going to codify a pretty restrictive law. And this is another important thing to consider, that the Federal Rules of Evidence are a floor. Right? When we have federal law comes down, that's a floor of rights. You can extend more.

And that's the thing. As a practitioner for so many years in this state, speaking of myself, that the rules with respect to this type of evidence have been expanded actually in favor of the accused, that you can't bring in propensity evidence, as I said, to just say, Well, they did it before, they probably did this. That's not how it works. And it's a very, very limited circumstance where you can bring in a prior bad act to prove that someone is not -- that their conduct is consistent with prior acts.

So, Madam President, for those reasons I respectfully request that my colleagues and yourself vote to strike and replace, just a simple fix, because this is too important an issue for us to get it wrong.

Thank you.

ACTING PRESIDENT PERSAUD: Thank you, Senator.

I wish 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 Palumbo.

SENATOR PALUMBO: Thank you, Madam President. Just on the bill, please.

ACTING PRESIDENT PERSAUD: Senator Palumbo on the bill.

SENATOR PALUMBO: Well, thank you, Madam President. I do appreciate it. And I'm sure you were listening very intently as to my comments with respect to the constitutionality of this particular bill, of which I'm very concerned.

But I think it's important for us to talk a little bit about how we got here and why we're now putting forward a bill that I believe is rushed, I believe this is a scramble -- sadly, for political reasons, not the right reasons. And we got here because we now have a Court of Appeals and a Chief Judge who's legislating from the bench.

And now this was forecast, quite obviously, as you may recall -- and I'm sure you do. And for those of my colleagues that I had to sue to deal with the Hector LaSalle, I'm sure you're all over that. But we had a confirmation process where we saw constitutional gymnastics and in fact a violation of the Constitution to not confirm Justice LaSalle and to confirm someone who we know is not only a progressive

activist, but let's keep in mind in the Harkenrider v. Hochul case, he dissented when it came to congressional maps and said, and I quote: "It is important to pay close attention to the wording of the Constitution. It does not prohibit the creation or maintenance of districts that are highly partisan in one direction or the other."

So we all recall, because we were here, those of us that lived through it, that my colleagues said that's the guy for me. So we got Rowan Wilson on the bench for political reasons. And it was also forecast that when it came to sexual assault and rape, he was an ideologue. He did not recall victims or think of victims.

Because in People v. Regan only a few weeks before his confirmation hearing, he dismissed a rape case for a 48-month pretrial delay, no prejudice to the defendant. There's a case, there were Taranovich factors -- I won't get in the weeds, but the bottom line is the Taranovich case said that you can take into account certain factors, but there is no statute of limitations on rape. And he basically created a new standard and dismissed a rape conviction.

And here we stand again with a sexual assault case before us, or I should say legislation to deal with another dismissal of a rape conviction.

So, Madam President, this bill, at line 9, the fact that it allows evidence to prove, quote, a propensity to engage in similar wrongful acts, is extremely problematic. And I have very significant concerns because there is no question that this statute is going to be challenged. We have very capable lawyers on both sides in the State of New York.

And I think it's quite obvious what this Court of Appeals is going to do when they get an opportunity to decide on a statute allowing prior bad acts to be admitted to show propensity.

So this is a very nuanced thing, and this is something that we need to fix. But we need to fix it right. Because when you look at the conduct of this Chief Judge -- we have a redistricting case, we have a judge recuse themselves -- by the way, those judges are confirmed by this body, for those who don't remember -- and then we have a judge who has

previously ruled on that same issue in favor of or similar to the outcome that the Chief Judge wants, that person gets vouched in -- not confirmed by the Senate, by the way -- and they're making decisions in the highest court of the land in the State of New York.

And what happens? It goes, and strikingly, surprisingly, the Chief Judge is in the majority of a decision that threw those maps out. Which I think was the intent of putting him on the bench.

But now we just have the snowball effect of a disaster, where he's now vouching in two other judges. And just a quick comment on that. One of the judges that was vouched in -- again, not confirmed -- Judge Barros, ruled on a Molineux issue in the People v. Telfair case, where a defendant was caught with a gun in a pillowcase on a plane and he said, "Oh, that's my girlfriend's gun." The detectives believed his story, never charged him.

Shortly after that, he's caught with another gun. "It's my girlfriend's gun." Ultimately pled guilty to criminal possession of a weapon as a misdemeanor. So it wasn't his

girlfriend's gun, it was his.

Fast forward to New York, and here we are, Mr. Telfair is charged with another gun possession, and guess what he says? I know, it's rhetorical. "It's my girlfriend's gun."

So what does the prosecution do? They bring in classic Molineux, where they said this is not a mistake, this wasn't an accident, the gun -- I believe it was multiple guns were in the vehicle because he knew they were there. He possessed those guns knowingly and voluntarily.

And Judge Barros actually -- and ironically, the majority decision in the Second Department was written by none other than our friend Hector LaSalle. But Judge Barros dissented and said that was too far and issued a similar decision to Weinstein that she would have dismissed the case because it was inadmissible, or vacated the conviction because of inadmissible Molineux-type evidence.

So, Madam President, we have a judge willing to do anything to basically -- I mean, you could call it stacking the court. I call it manipulating the vote. He's got an idea in his head as to how he wants an outcome to end up, and

then cherry-picks around the state different judges that will agree with him.

Because just -- by the way, that vouching-in rule I believe was exercised about five times prior to last year in the history of the State of New York. Now we see it on a regular basis. And remarkably, we're getting outrageous results and actually someone who's legislating from the bench when they should actually be just deciding the law in accordance with precedent and case law.

So, Madam President, I pray that this is constitutional, because we need to do something now to fix what's broken. We have other issues with pretrial delay. This isn't going to be the end of it because of the bench that I'm afraid my colleagues wanted and all voted for.

But regarding this issue at hand, I do support this. I pray that it's constitutional because we need to fix this and fix it right.

Thank you very much, Madam President.

ACTING PRESIDENT PERSAUD: Thank you, Senator.

Are there any other Senators wishing to be heard?

Senator Martins.

SENATOR MARTINS: I'll explain my vote.

ACTING PRESIDENT PERSAUD: Are there any other Senators wishing to be heard?

Seeing and hearing none, debate is closed.

Senator Gianaris.

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

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

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 Martins to explain his vote.

SENATOR MARTINS: Thank you,

Madam President.

You know, I'm struck by the fact that the decision of the Court of Appeals was a 4-3 decision, that there are three justices of the Court of Appeals that actually got it right, that decided this case keeping the best interests of New Yorkers and of the victims of these crimes first and foremost. And yet although two Court of Appeals justices recused themselves, the chief justice chose to bring up two justices who sided with him and another judge and in a 4-3 decision forced this body and this Legislature to consider a piece of legislation that will protect the victims of sexual crimes in New York.

Now, this body appointed this judge not too long ago, the chief judge. And at the time we had a discussion in this body about the need to have a law-and-order judge and not a judge that was an activist judge that would be pro-criminal but someone who would actually prioritize the victims, the law, and the residents of this state.

So, Madam President, I rise to support this bill, but I must lament the fact that we are even here and need this. Because if

we had appointed a appropriate judge just a few months ago, the decision of this Court of Appeals would not require us to be here debating a bill.

I expect that this bill is going to pass unanimously. I do. But I do think it's also important that we all take a moment to understand the consequences of votes that take place on this floor when it comes to justices or judges of the Court of Appeals and the politics behind those.

Madam President, there is even a quote, there's a quote that was made to the New York Post on April 23rd. It was that "Rowan Wilson is among the highest legal intellects I have ever encountered and has an approach to decision-making that reflects the best of what our society deserves." The best of what our society deserves.

Madam President, I believe New Yorkers deserve better. The women of New York deserve better. I vote aye, but I think it's important that we recognize what happened here on this floor and avoid it happening again.

Thank you.

ACTING PRESIDENT PERSAUD: Senator

Martins to be recorded in the affirmative.

Senator Gianaris to explain his vote and to close.

SENATOR GIANARIS: Thank you, Madam President. And thanks to my colleagues for the discussion on this bill.

What we're doing today is dealing with an ongoing injustice in our criminal legal system. For the last 123 years, evidence of prior bad acts in all cases, but particularly in sexual offenses, were not admissible in most cases, with some exceptions.

For 300 years, including three-quarters of the last century, the sexual history of female victims in these cases was let in. And it was often the main defense for someone charged to put the woman's character on trial. No restrictions to talking about how often she would engage in sexual activity -- not crimes, by the way, just consensual sexual activity.

Okay, you say thank God we now have rape shield laws, so we don't do that anymore. Or do we? In 2024, as we sit here today, New York State law -- which we should fix, by the

way -- allows evidence to be admitted against the complainant of a sexual offense if they were convicted of a crime of prostitution in the last three years.

Now, I ask you, what the hell does that have to do with whether somebody was raped or assaulted two or three years later? And I don't see any of you sponsoring that bill if you're so concerned about not letting in previous acts that are unrelated to the current situation.

You also can let in prior history with the defendant. So if someone had an ongoing consensual relationship with someone, but then at some point it turned to nonconsensual, you can admit all of that prior history to make the case that the victim is not credible.

And so we have a system right now that victimizes the victims again. And so I do think it's fair to say let us balance the scales of justice as it relates to these offenses only, because these are very unique.

These cases often involve -- more so than in any other crime -- involve one person's word against another. This is activity that takes place behind closed doors. And a jury is

often left with shrugging its shoulders, not knowing who to believe.

Oftentimes it doesn't even get that far because prosecutors don't bring the cases. This is in fact the most undercharged set of crimes that we have in our system.

And so I do think that the same way the federal government and 16 other states have been doing for about three decades in this country, we can say for this specific set of crimes it is illustrative to the jury who to believe in a situation like that where you don't have much more evidence about consent.

It's been the case federally for 30 years. I don't know what courses Senator Palumbo is taking to keep up with his CLE credits, but maybe he wants to take some on this issue, because that rule has been challenged constitutionally multiple times in multiple circuits throughout the country, always upheld as constitutional. And in fact those decisions use the very word "propensity" to describe what the federal rule allows.

The key in those cases is that there is language that allows a judge to weigh the

probative value versus the prejudicial effect and to reject the evidence if the prejudice outweighs the probative value. That is exactly the language we have in this bill.

The last thing I would say, because my political colleagues across the aisle decided to try and turn this into a discussion that we had months ago about our Court of Appeals -- to be clear, the Court of Appeals interpreted the law as it exists. You may not like the law as it exists. I apparently don't, because I'm putting this bill forward to change the law. We never had a statute on this question in New York. This has all been based on case law that flowed from a 123-year-old case.

And so what we're doing now is giving some clarity statutorily as to what we want to allow and what we don't want to allow in these cases in New York.

So let's not sit there and try and, you know, bring up old grudges on this. Because in fact the bill on the hostile amendment that was proposed by the other side is exactly the standard that exists now. All Senator Palumbo did was take the Molineux standard that this

case law has been talking about for 123 years and put it on a piece of paper and put it forward as a bill.

It would change absolutely nothing. And so if a court finds that the current state of common law required this outcome, they would exactly find the same outcome if this bill were to be enacted.

So let's for once try and focus on the right priorities. For me, that is making sure that victims of sexual assaults and sexual offenses in our state are treated respectfully, get to tell their stories, and we balance the scales of justice as it relates to these cases in New York.

Thank you, Madam President. I vote yes.

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

Announce the results.

THE SECRETARY: In relation to Calendar 1161, those Senators voting in the negative are Senators Brisport, Gonzalez, Rivera and Salazar.

Ayes, 55. Nays, 4.

ACTING PRESIDENT PERSAUD: The bill is passed.

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

SENATOR GIANARIS: Thank you, Madam President.

Returning to motions for a moment.

On behalf of Senator Sanders, on page 46, I offer the following amendments to Calendar Number 577, Senate 1731C, and ask that said bill retain its place on the Third Reading Calendar.

ACTING PRESIDENT PERSAUD: The amendments are received, and the bill will retain its 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, Thursday, May 23rd, at 11:00 a.m.

ACTING PRESIDENT PERSAUD: On motion, the Senate stands adjourned until

Thursday, May 23rd, at 11:00 a.m.

(Whereupon, at 5:25 p.m., the Senate adjourned.)