NEW YORK STATE SENATE

THE STENOGRAPHIC RECORD

ALBANY, NEW YORK

March 12, 2025

3:32 p.m.

REGULAR SESSION

SENATOR JAMAAL T. BAILEY, Acting President

ALEJANDRA N. PAULINO, ESQ., Secretary

P R O C E E D I N G S

ACTING PRESIDENT BAILEY: The Senate will come to order.

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

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

ACTING PRESIDENT BAILEY: 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 BAILEY: Reading of the Journal.

THE SECRETARY: In Senate, Tuesday, March 11, 2025, the Senate met pursuant to adjournment. The Journal of Monday, March 10, 2025, was read and approved. On motion, the Senate adjourned.

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

Presentation of petitions.

Messages from the Assembly.

Messages from the Governor.

Reports of standing committees.

Reports of select committees.

Communications and reports from state officers.

Motions and resolutions.

Senator Gianaris.

SENATOR GIANARIS: Good afternoon, Mr. President.

We have a number of resolutions to take up today. Let's begin with three resolutions we're going to take up together, previously adopted Resolutions 457, 458 and 459, all by Senator May. Please read their titles and recognize Senator May.

ACTING PRESIDENT BAILEY: The Secretary will read.

THE SECRETARY: Senate Resolution 457, by Senator May, congratulating the Marcellus Girls Varsity Soccer Team upon the occasion of winning the New York State Public High School Athletic Association Class B Championship on November 17, 2024.

Resolution 458, also by Senator May, honoring the Syracuse Central School District's first ever Girls Wrestling Team for being trailblazers in the sport of wrestling.

Resolution 459, by Senator May, congratulating Coach Edward Curle upon the occasion of being named the Section 1 Swimming and Diving Coach of the Year by the National Federation of State High School Associations.

ACTING PRESIDENT BAILEY: Senator May on the resolutions.

SENATOR MAY: Thank you, Mr. President.

I am very proud that we're joined today by the Marcellus Mustangs Girls Varsity Soccer Team.

Not only did they win the state championship with a 4-0 win over Cold Spring Harbor; not only was this Marcellus's first championship in 20 years; not only were they the top-ranked team in state standings all season long; not only did they not allow a single goal in the postseason -- but they also had the team's first undefeated season, and their head coach, Laurie Updike, was inducted into the New York State High School Girls Soccer Hall of Fame.

Big congratulations to this unbeatable team from Marcellus. I ask that we

give them all of the privileges and courtesies of the house.

Should I do all three? Okay.

I also get to honor a different sort of team. I'll put on my pink instead of my green and black. This team doesn't have decades of history or sparkling row of trophies, but they have heart and courage and a beautiful team spirit. We are joined by the Syracuse City School District's Titans Girls Wrestling Team.

Coach Heather Niver was inspired by her late son's love of wrestling to start a team for Syracuse girls. She has inspired these young ladies to try something they never imagined doing, and to overcome all obstacles to become successful wrestlers.

They started out practicing in socks before the community rallied around and raised funds for wrestling shoes.

They won their inaugural match this winter and are making big plans to travel to Virginia Beach this May. I have no doubt these dedicated, diverse and caring teammates and their beloved coach will have plenty of trophies to show off before long.

And finally, I am proud to recognize Syracuse City School District Swimming and Diving Coach Edward Curle for being named National Federation of State High School Associations Division 1 Swimming and Diving Coach of the Year.

Coach Curle started out as a lifeguard for the Syracuse City School District in 1993 and worked his way up to head coach.

His philosophy is to give everyone a chance to learn and grow. He welcomes everyone, from nonswimmers to accomplished swimmers and divers. And through discipline, teamwork and perseverance, he inspired inspires them to excel.

Syracuse City School District has one consolidated swim team for all five high schools, but Coach Curle has been able to overcome the rivalries and develop strong team spirit among kids from all across the city.

Please join me in congratulating this inspiring leader on his national recognition.

ACTING PRESIDENT MAYER: Thank you, Senator May.

To our guests from the Marcellus

Girls Soccer Team, the Syracuse Central School District's Girls Wrestling Team, and Coach Edward Curle, we welcome you to the Senate. We extend to you all the privileges and courtesies of the house.

Please rise and be recognized.

(Standing ovation.)

ACTING PRESIDENT MAYER: Senator Gianaris.

SENATOR GIANARIS: Next let's take up previously adopted Resolution 466, by Senator Ryan, read that resolution's title and recognize Senator Ryan. Sean Ryan.

ACTING PRESIDENT MAYER: The Secretary will read.

THE SECRETARY: Resolution 466, by Senator Sean Ryan, commemorating the 150th Anniversary of the Buffalo Zoo.

ACTING PRESIDENT MAYER: Senator Ryan on the resolution.

SENATOR SEAN RYAN: Thank you, Madam President.

I rise to celebrate the 150th anniversary of the Buffalo Zoo, which I know you visited as a former Buffalo resident.

The Buffalo Zoo has been one of Western New York's greatest cultural touchstones for over a generation. It opened in 1875. It's one of the oldest zoos in the country. It's been a fixture throughout most of our Buffalo history. It's an indelible part of our community. Everyone has memories of being at the Buffalo Zoo.

It also is a big contributor to our economy. People come to see the zoo from all over Western New York and around the globe. It's one of our most popular attractions. And I'm happy to report that we have Lisa Smith, the zoo's president and CEO, with us here today.

She took over that role in 2023, and with over two decades of institutional knowledge, she's been doing this Buffalo institution proud.

Lisa and her team care deeply about the work. It's important work. Zoos have changed a lot in the last 150 years. The Buffalo Zoo is involved in all sorts of breeding programs. Whether it's working with the Seneca Nation to breed the hellbender salamander or working on the black rhino recovery program, Buffalo Zoo has become a contributor to the

national conservation movement.

Big focus on educating visitors about animals, habitat and conservation initiatives. So they're providing a service to our citizens but also helping our patrons become better global citizens.

So as we celebrate this milestone, I applaud Lisa and her team and everyone who works so hard every day to make the Buffalo Zoo the regional treasure that it is.

Thank you, Madam President.

ACTING PRESIDENT MAYER: Thank you, Senator Ryan.

Senator Baskin on the resolution.

SENATOR BASKIN: Thank you, Madam President.

I too rise in support and celebration of the Buffalo Zoo and the hard work of Ms. Smith.

The Buffalo Zoo is something that's very important to the constituents that I serve. As a mother raising school-age children, there is nothing more fabulous than spending a weekend at our Buffalo Zoo any time of the year. And it brings such joy -- and, like my colleague says,

such economic value to the City of Buffalo and the Erie County region.

I want to also point out the Buffalo Zoo's most recent efforts in equity and inclusion when it comes to providing accessibility for residents across the City of Buffalo and our surrounding areas who do not always have the means or the finances to be able to have cultural excursions as working-class families.

Lisa has made it a point to make sure that the zoo is accessible to all residents across Buffalo and Erie County. And for that, I am extremely grateful.

So again, congratulations to the Buffalo Zoo on 150 years of service to our region, and to Ms. Smith for her commitment to the residents of Buffalo and Erie County.

Thank you.

ACTING PRESIDENT MAYER: Thank you, Senator Baskin.

Senator Gallivan on the resolution.

SENATOR GALLIVAN: (Rushing to seat.) Thank you, Madam President. I too rise to --

ACTING PRESIDENT MAYER: Take your time.

SENATOR GALLIVAN: -- thank you and congratulate you --

(Laughter.)

SENATOR GALLIVAN: -- on being here and for all the work that you and your predecessors have done at the zoo.

That is among the earliest memories I have of growing up in Buffalo: Going to the zoo. The smell of the elephants --

(Laughter.)

SENATOR GALLIVAN: -- and then that great big Sampson, Sampson the Gorilla, who was like one of the best things. And the turtle was bigger than life.

But nonetheless, it really is -- it adds to the fabric of Buffalo and Western New York. And there are not many people who have grown up in Western New York who haven't enjoyed it over time.

And you'll be happy to know that we've continued the process -- or we've continued the tradition. I have two new grandchildren, and their families at Christmastime were gifted a

Buffalo Zoo membership. So keep treating them all well.

Thank you very much, Madam President.

ACTING PRESIDENT MAYER: Thank you Senator.

To our guest Lisa Smith, we welcome you on behalf of the Senate. Congratulations on the anniversary of the Buffalo Zoo. We extend to you the privileges and courtesies of the house.

(Standing ovation.)

ACTING PRESIDENT MAYER: Senator Gianaris.

SENATOR GIANARIS: Thank you, Madam President.

I want to pause in our normal course of business to recognize that today is Senator Lanza's birthday.

(Reaction from members.)

(Cheers; standing ovation.)

SENATOR GIANARIS: And Senator Rhoads grabbed me earlier and pointed out that yesterday was the 144th anniversary, to the day, of this chamber being open, and he wanted me to make sure to ask Senator Lanza how it was on

that day.

(Laughter.)

SENATOR LANZA: Better.

(Laughter.)

SENATOR GIANARIS: The resolutions we took up are open for cosponsorship, Madam President.

ACTING PRESIDENT MAYER: The resolutions are open for cosponsorship.

Should you choose not to be a cosponsor on the resolutions, please notify the desk.

Senator Gianaris.

SENATOR GIANARIS: Please take up the calendar.

ACTING PRESIDENT MAYER: The Secretary will read.

THE SECRETARY: Calendar Number 264, Senate Print 2067, by Senator Scarcella-Spanton, an act to amend the Veterans' Services Law.

ACTING PRESIDENT MAYER: 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 MAYER: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT MAYER: Announce the results.

THE SECRETARY: Ayes, 56.

ACTING PRESIDENT MAYER: The bill is passed.

THE SECRETARY: Calendar Number 295, Senate Print 2050, by Senator Webb, an act to amend the Election Law.

ACTING PRESIDENT MAYER: Read the last section.

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

ACTING PRESIDENT MAYER: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT MAYER: Announce the results -- oh. (Pause.)

Announce the results.

THE SECRETARY: In relation to Calendar 295, voting in the negative are Senators Borrello, Canzoneri-Fitzpatrick, Martins

and Rhoads.

Ayes, 52. Nays, 4.

ACTING PRESIDENT MAYER: The bill is passed.

THE SECRETARY: Calendar Number 402, Senate Print 1194A, by Senator Addabbo, an act to amend the Public Service Law.

ACTING PRESIDENT MAYER: Read the last section.

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

ACTING PRESIDENT MAYER: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT MAYER: Announce the results.

THE SECRETARY: In relation to Calendar Number 402, voting in the negative: Senator Walczyk.

Ayes, 55. Nays, 1.

ACTING PRESIDENT MAYER: The bill is passed.

THE SECRETARY: Calendar Number 419, Senate Print 4850, by Senator Chris Ryan, an act to amend the Insurance Law.

ACTING PRESIDENT MAYER: Read the last section.

THE SECRETARY: Section 4. This act shall take effect on the 60th day after it shall have become a law.

ACTING PRESIDENT MAYER: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT MAYER: Senator Chris Ryan to explain his vote.

SENATOR CHRIS RYAN: Thank you, Madam President.

I just want to say that I am tremendously proud to carry this legislation today. This bill will add preventive care and expand access to breast cancer screenings for women who are from families that have already suffered from this horrible, horrible disease called cancer.

This bill ensures that when a doctor believes you should have a screening for breast cancer because your second-degree relative was affected by this disease, the screening will be covered.

Women will no longer be hit with

exorbitant costs and forced to dip into their pockets to cover the cost of a screening that potentially could save their lives.

Breast cancer remains a significant health concern in both our nation and our state. Nationally, the American Cancer Society estimates that in 2025, approximately 280,000 new cases of invasive breast cancer will be diagnosed among women, and about -- unfortunately -- 43,000 women will lose their lives to this terrible disease.

In New York State alone, we anticipate over 17,000 new cases this year, with nearly 2500 deaths.

Family history is a well-established risk factor for breast cancer. While first-degree relatives have always been long-covered, evidence indicates that if you have a second-degree relative who had breast cancer, then you are also at increased risk as well, and you should be screened. You should definitely, definitely be screened.

By broadening the screening criteria, doctors can catch the disease earlier and save more lives.

So thank you for the support of this

bill. You know, and I'll say from somebody who lost a loved one -- I lost my mother to cancer early, far, far too early in her life. And I know this terrible disease touches so many. But, you know, what we do here matters. It matters deeply. And if we can take a step forward to beat breast cancer in this great New York State, I believe we should.

Thank you.

ACTING PRESIDENT MAYER: Senator Chris Ryan to be recorded in the affirmative.

Senator Mattera to explain his vote.

SENATOR MATTERA: Yes, thank you, Madam President.

And I just want to commend Senator Ryan for bringing this forward. This is so, so important.

For somebody that became a new Senator, and I had the screening units that would go out into our neighborhoods that people didn't have any insurance, to save lives. And it meant so much to me. And then to find out that my beautiful wife two years ago was diagnosed with breast cancer.

And when I received that phone call,

I couldn't believe it. I couldn't believe what I heard. There I am, I have the mammogram buses and the mobile units, and doing all this. And I said, Let's get a second opinion, this and that. No. And there was my beautiful wife who would go every year to get tested, and to find out that she was diagnosed with breast cancer.

It was one of the hardest two years of our lives as a family member, with my family and my daughters -- and as a husband, to be there, to show support all that time. That I love my wife very dearly, 31 years, and a family member.

So please, please, this is so, so important. This shouldn't be even a question. This is very, very important for our families and our loved ones.

So again, Senator Ryan, thank you so much for bringing this forward. And I gladly say vote yes on this very, very important bill.

Thank you.

ACTING PRESIDENT MAYER: Thank you.

Senator Mattera to be recorded in the affirmative.

Announce the results.

THE SECRETARY: Ayes, 56.

ACTING PRESIDENT MAYER: The bill is passed.

THE SECRETARY: Calendar Number 458, Senate Print 4892, by Senator Stavisky, an act to amend the Education Law.

ACTING PRESIDENT MAYER: Read the last section.

SENATOR GIANARIS: Lay it aside for the day.

ACTING PRESIDENT MAYER: The bill is laid aside for the day.

THE SECRETARY: Calendar Number 463, Senate Print 4907, by Senator Fahy, an act to amend the Mental Hygiene Law.

ACTING PRESIDENT MAYER: Read the last section.

THE SECRETARY: Section 2. This act shall take effect on the 20th day after it shall have become a law.

ACTING PRESIDENT MAYER: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT MAYER: Announce the results.

THE SECRETARY: Ayes, 56.

ACTING PRESIDENT MAYER: The bill is passed.

THE SECRETARY: Calendar Number 465, Senate Print 257, by Senator Martinez, an act in relation to authorizing a study on lithium-ion battery fires and prevention.

ACTING PRESIDENT MAYER: Read the last section.

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

ACTING PRESIDENT MAYER: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT MAYER: Senator Rhoads to explain his vote.

SENATOR RHOADS: Thank you, Madam President.

I want to thank Senator Martinez and I want to thank the members of this chamber for voting for this important legislation.

We all -- and I think it's a recognition of the fact that we all recognize that lithium-ion batteries are a true concern. We see the news reports on a continuing basis,

and we see the devastation that these lithium-ion fires create. Getting to the root cause of these fires is incredibly important.

But as we recognize that there's an issue, I do want to note for everyone here in the chamber and for those watching at home, we continue to push our climate-change goals, which are requiring the full electrification, for example, of vehicles. We have a school bus mandate that's requiring the full electrification of every school bus. And we are literally playing with fire.

Lithium-ion battery fires occur because there are fuels and oxidizers in a confined space. You see many of those fires in very small areas, even though small fires are very difficult to contain. But when you're talking about larger batteries, which are simply bundles of these small lithium-ion batteries bundled together in larger units -- that's all a larger battery is -- the danger of those fires only becomes worse and more intense.

And when it's a small fire -- for example, in a household appliance -- you have the ability to remove one of the elements of what

they call a fire triangle. Fires occur only when there's fuel, when there's heat, and when there's oxygen. And so in a smaller fire, like for example on an airplane, if they have something charged with a lithium-ion battery, you have the opportunity to fully submerge it.

You can't do that with a car battery. You can't do that with an electric bus battery to power that electric bus. That makes those fires very dangerous. It makes those fires very intense. And it makes those fires very quick, as you see on some of those videos.

And so for both firefighter safety and, more importantly, for the safety of those who are in that vehicle, and for the safety of the kids that are in the school bus, while we recognize that there's a need to conduct a study to try and figure out why these are occurring and trying to figure out what safety measures we can have to prevent them from occurring, perhaps we should pump the brakes on some of these mandates so that we can put safety first.

We may be able to get to the fully electrical --

ACTING PRESIDENT MAYER: Excuse me,

Senator Rhoads. How do you vote?

SENATOR RHOADS: Sure. I vote in the affirmative.

I was just going to finish up that we may be able to get there, but let's get there at a time when safety and technology has caught up with where we need to be.

Thank you, Madam President.

ACTING PRESIDENT MAYER: Senator Rhoads to be recorded in the affirmative.

Senator Murray to explain his vote.

SENATOR MURRAY: Thank you, Madam President.

I'd like to add my voice to those and echo the sentiments of my colleagues to thank Senator Martinez for bringing this forward.

But I'd also like to say that yes, maybe we do have to pump the brakes. There are quite a few battery storage facilities now being proposed for my district, and every area I hear back from the constituents saying, Whoa, we're not ready for this.

Just as important, I'm hearing from our firefighters, who are very concerned, saying we really are not ready for this. These fires

are extremely hot, extremely dangerous, and we really don't know yet exactly how to handle them.

So I would add my voice to the concerns of maybe we pump the brakes on such facilities until we have a little more information.

I know the Governor has put together a task force, but they really haven't met yet, really haven't come to any conclusions. The training isn't there yet. So I'd really suggest that we pump the brakes.

With that said, I support this bill.

Thank you.

ACTING PRESIDENT MAYER: Senator Murray to be recorded in the affirmative.

Senator Harckham to explain his vote.

SENATOR HARCKHAM: Thank you very much, Madam President.

I want to thank the Senator for bringing this legislation to the floor. I'll be voting in the affirmative.

I just would like to state for the record that in New York and nationally, there are far more gasoline automobile and school bus fires

than there are electric automobile and school bus fires.

And if you look at the amount of homes and apartment buildings and businesses destroyed by natural gas explosions versus battery fires, the number is not close.

So I'll be voting aye. Thank you.

ACTING PRESIDENT MAYER: Senator Harckham to be recorded in the affirmative.

Announce the results.

THE SECRETARY: Ayes, 57.

ACTING PRESIDENT MAYER: The bill is passed.

THE SECRETARY: Calendar Number 466, Senate Print 381, by Senator Brouk, an act to amend the Labor Law.

ACTING PRESIDENT MAYER: Read the last section.

THE SECRETARY: Section 2. This act shall take effect on the 180th day after it shall have become a law.

ACTING PRESIDENT MAYER: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT MAYER: Announce

the results.

THE SECRETARY: In relation to Calendar 466, voting in the negative are Senators Borrello, Gallivan and Walczyk.

Ayes, 54. Nays, 3.

ACTING PRESIDENT MAYER: The bill is passed.

THE SECRETARY: Calendar Number 469, Senate Print 1075, by Senator Serrano, an act to create a temporary state commission to study and make recommendations concerning the incidence of asthma in the Borough of the Bronx.

ACTING PRESIDENT MAYER: Read the last section.

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

ACTING PRESIDENT MAYER: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT MAYER: Announce the results.

THE SECRETARY: Ayes, 57.

ACTING PRESIDENT MAYER: The bill is passed.

THE SECRETARY: Calendar Number

478, Senate Print Number 5397, by Senator Scarcella-Spanton, an act to amend the Veterans' Services Law.

ACTING PRESIDENT MAYER: Read the last section.

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

ACTING PRESIDENT MAYER: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT MAYER: Announce the results.

THE SECRETARY: Ayes, 57.

ACTING PRESIDENT MAYER: The bill is passed.

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

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

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

SENATOR GIANARIS: I move to adjourn until tomorrow, Thursday, March 13th, at 11:00 a.m.

ACTING PRESIDENT MAYER: On motion,

the Senate stands adjourned until Thursday, March 13th, at 11:00 a.m.

(Whereupon, the Senate adjourned at 3:56 p.m.)