

1 NEW YORK STATE SENATE

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4 THE STENOGRAPHIC RECORD

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9 ALBANY, NEW YORK

10 February 23, 2021

11 3:30 p.m.

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13  
14 REGULAR SESSION

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18 SENATOR SHELLEY B. MAYER, Acting President

19 ALEJANDRA N. PAULINO, ESQ., Secretary

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

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

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

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

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

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

13 ACTING PRESIDENT MAYER: Reading of  
14 the Journal.

15 THE SECRETARY: In Senate, Monday,  
16 February 22, 2021, the Senate met pursuant to  
17 adjournment. The Journal of Sunday, February 21,  
18 2021, was read and approved. On motion, Senate  
19 adjourned.

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

22 Presentation of petitions.

23 Messages from the Assembly.

24 Messages from the Governor.

25 Reports of standing committees.

1 Reports of select committees.

2 Communications and reports from  
3 state officers.

4 Motions and resolutions.

5 Senator Gianaris.

6 SENATOR GIANARIS: On behalf of  
7 Senator Kaminsky, on page 14 I offer the  
8 following amendments to Calendar 239, Senate  
9 Print 1103, and ask that said bill retain its  
10 place on Third Reading Calendar.

11 ACTING PRESIDENT MAYER: The  
12 amendments are received, and the bill shall  
13 retain its place on the Third Reading Calendar.

14 Senator Gianaris.

15 SENATOR GIANARIS: I move to adopt  
16 the Resolution Calendar, with the exception of  
17 Resolution 400.

18 ACTING PRESIDENT MAYER: All in  
19 favor of adopting the Resolution Calendar, with  
20 the exception of Resolution 400, please signify  
21 by saying aye.

22 (Response of "Aye.")

23 ACTING PRESIDENT MAYER: Opposed,  
24 nay.

25 (No response.)

1                   ACTING PRESIDENT MAYER:    The  
2   Resolution Calendar is adopted.

3                   Senator Gianaris.

4                   SENATOR GIANARIS:    At this time can  
5   we begin by taking up previously adopted  
6   Resolution 183, by Senator Persaud, read that  
7   resolution's title only, and recognize Senator  
8   Persaud.

9                   ACTING PRESIDENT MAYER:    The  
10   Secretary will read.

11                  THE SECRETARY:    Senate Resolution  
12   183, by Senator Persaud, commemorating the  
13   51st Anniversary of Guyana becoming a Republic,  
14   to be celebrated February 23, 2021.

15                  ACTING PRESIDENT MAYER:    Senator  
16   Persaud on the resolution.

17                  SENATOR PERSAUD:    Thank you,  
18   Madam President.

19                  Today I rise as a proud daughter of  
20   the country of Guyana. Guyana is located on the  
21   northern coast of South America, and it's known  
22   as the only English-speaking country in  
23   South America.

24                  In this chamber we have a number of  
25   Guyanese. We have Senator Benjamin, Senator

1     Brisport, Shontell Smith, Jessica Persaud. In  
2     the Assembly we have Assemblymember Hyndman, and  
3     a number of members who are on the Senate Finance  
4     team.

5                     Today Guyana celebrates its 51st  
6     republic anniversary. And this day is celebrated  
7     with a festival, a festival that comes from an  
8     Amerindian term. That festival is called  
9     Mashramani. Or, as we love to say, we are going  
10    to Mash it up, and it's called "Mash."

11                    On that day, all kinds of things are  
12    happening. There are parades, lots of food, lots  
13    of fun, and everybody comes together as one.  
14    That is the only time -- well, one of the only  
15    times in the country of Guyana that all ethnic  
16    groups will come together as one.

17                    Guyana is a country that's  
18    undergoing turmoil. It's a fabulous place,  
19    beautiful. You name it, we have it. But when it  
20    comes to political life, Guyana is a country  
21    that's divided by ethnic groups. Today, as they  
22    celebrate their 51st anniversary of republic,  
23    they are continuing to go through that strife.

24                    On March 2nd of 2020 they held an  
25    election to select the president of the country.

1 Many months later, they were still going through  
2 turmoil because there was no declared winner.  
3 Ultimately, the United States played a role in  
4 selecting the winner of the election of Guyana.

5 The issues that the country was  
6 going through in that election are the issues we  
7 went through in our prior election last year.  
8 And the United States asked the Guyanese people  
9 to accept what was going on and not to fight it,  
10 not to ask for recounts, because -- those were  
11 the actual words, because they were asking for  
12 recounts. And then we had the same thing happen  
13 here.

14 Guyana is a rich country. But  
15 again, Guyana is a divided nation. We are  
16 looking, as we move forward in this 51st year,  
17 that the people of Guyana can come together as  
18 one and live under that motto that we love to  
19 say: One people, one nation, one destiny.

20 And then they have a song that says,  
21 you know, when outside forces come in, they  
22 cannot divide us. But that's what is happening  
23 in Guyana. Currently there's an oil exploration.  
24 Guyana has the largest oil reserve in the world  
25 currently. There's lots of money, and hence the

1 additional fighting.

2                   Guyana is my country, the land where  
3 I was born. I am proud to represent Guyana.  
4 Wherever you go, we love to tell people, wherever  
5 you go across this world, you will find Guyanese.  
6 We are a proud people. We are a hardworking  
7 people. We are a committed people to our causes.

8                   Madam President, on behalf of the  
9 people of Guyana who are living in the  
10 United States, I wish all of the people who are  
11 living in Guyana Happy Republic, Happy  
12 Mashramani, and may you change your ways so that  
13 Guyanese can live together as one: One people,  
14 one nation, one destiny.

15                   Thank you, Madam President.

16                   ACTING PRESIDENT MAYER:    Senator  
17 Brisport on the resolution.

18                   SENATOR BRISPORT:    Thank you,  
19 Madam President.

20                   And thank you, Senator Persaud, for  
21 introducing this resolution.

22                   My colleagues, I stand before you as  
23 the child of an undocumented immigrant from  
24 Guyana. My dad came here in 1969, lived here,  
25 worked here, paid taxes, but could not vote. And

1 as we honor the independence of Guyana and we  
2 talk about my Guyanese father, I think it's an  
3 opportune moment to say no taxation without  
4 representation, that immigrants are welcome here  
5 and that immigration makes us stronger.

6 As we talk about independence, I'd  
7 like to share what I think of that as, which is  
8 freedom from extraction -- a nation and a people  
9 who said they will no longer be utilized to  
10 enrich the pockets of a wealthy few. And we  
11 should take this opportunity, as we honor the  
12 independence, to look at other places where  
13 extraction is happening for profit.

14 Senator Persaud mentioned oil. I  
15 would like to remind us that the fossil fuel  
16 industry is extraction. Prison labor is  
17 extraction. Union busting is extraction.  
18 Deregulating housing is extraction. Private  
19 medical insurance is extraction.

20 I'm a proud Guyanese-American man.  
21 And as we celebrate Guyana's independence, may we  
22 all work to build a New York where all people and  
23 all New Yorkers are free from extraction.

24 Thank you.

25 ACTING PRESIDENT MAYER: Thank you.



1                   The resolution was previously  
2                   adopted on January 26th.

3                   Senator Gianaris.

4                   SENATOR GIANARIS:    Madam President,  
5                   at this time we're going to take up two  
6                   resolutions simultaneously, both by Leader  
7                   Stewart-Cousins.

8                   Can we take up previously adopted  
9                   Resolution 317 as well as Resolution 400, by  
10                  Leader Stewart-Cousins, read those two  
11                  resolutions in their entirety, and recognize the  
12                  leader on the resolutions.

13                  ACTING PRESIDENT MAYER:    The  
14                  Secretary will read.

15                  THE SECRETARY:    Senate Resolution  
16                  317, by Senator Stewart-Cousins, memorializing  
17                  Governor Andrew M. Cuomo to proclaim February  
18                  2021 as Black History Month in the State of  
19                  New York.

20                  "WHEREAS, Black History Month,  
21                  previously known as Negro History Week, was  
22                  founded by Dr. Carter G. Woodson, and was first  
23                  celebrated on February 1, 1926; since 1976, it  
24                  has become a nationally recognized month-long  
25                  celebration, held each year during the month of

1 February to acknowledge and pay tribute to  
2 African-Americans neglected by both society and  
3 the history books; and

4 "WHEREAS, The month of February  
5 observes the rich and diverse heritage of our  
6 great state and nation; and

7 "WHEREAS, Black History Month seeks  
8 to emphasize Black history is American history;  
9 and

10 "WHEREAS, Black History Month is a  
11 time to reflect on the struggles and victories of  
12 African-Americans throughout our country's  
13 history and to recognize their numerous valuable  
14 contributions to the protection of our democratic  
15 society in war and in peace; and

16 "WHEREAS, Some African-American  
17 pioneers whose many accomplishments, all of which  
18 took place during the month of February, went  
19 unnoticed, as well as numerous symbolic events in  
20 February that deserve to be memorialized  
21 include: John Sweat Rock, a noted Boston lawyer  
22 who became the first African-American admitted to  
23 argue before the U.S. Supreme Court on  
24 February 1, 1865, and the first African-American  
25 to be received on the floor of the U.S. House of

1 Representatives; Jonathan Jasper Wright, the  
2 first African-American to hold a major judicial  
3 position, who was elected to the South Carolina  
4 Supreme Court on February 1, 1870; President  
5 Abraham Lincoln submits the proposed  
6 13th Amendment to the U.S. Constitution,  
7 abolishing slavery, to the states for  
8 ratification on February 1, 1865; civil rights  
9 protester Jimmie Lee Jackson dies from wounds  
10 inflicted during a protest on February 26, 1965,  
11 leading to the historic Selma, Alabama, civil  
12 rights demonstrations, including Bloody Sunday,  
13 in which 600 demonstrators, including Martin  
14 Luther King, Jr., were attacked by police;  
15 Autherine J. Lucy became the first  
16 African-American student to attend the University  
17 of Alabama on February 3, 1956; she was expelled  
18 three days later 'for her own safety' in response  
19 to threats from a mob; in 1992, Autherine Lucy  
20 Foster graduated from the university with a  
21 master's degree in education, the same day her  
22 daughter, Grazia Foster, graduated with a  
23 bachelor's degree in corporate finance; the Negro  
24 Baseball League was founded on February 3, 1920;  
25 Jack Johnson, the first African-American World

1 Heavyweight Boxing Champion, won his first title  
2 on February 3, 1903; and Reginald F. Lewis, born  
3 on December 7, 1942, in Baltimore, Maryland,  
4 received his law degree from Harvard Law School  
5 in 1968, and was a partner in Murphy, Thorpes &  
6 Lewis, the first Black law firm on Wall Street;  
7 and in 1989, he became president and CEO of  
8 TLC Beatrice International Food Company, the  
9 largest Black-owned business in the  
10 United States; and

11 "WHEREAS, In recognition of the vast  
12 contributions of African-Americans, a joyful  
13 month-long celebration is held across New York  
14 State and across the United States with many  
15 commemorative events to honor and display the  
16 cultural heritage of African-Americans; and

17 "WHEREAS, This Legislative Body  
18 commends the African-American community for  
19 preserving, for future generations, its  
20 centuries-old traditions that benefit us all and  
21 add to the color and beauty of the tapestry which  
22 is our American society; now, therefore, be it

23 "RESOLVED, That this Legislative  
24 Body pause in its deliberations to memorialize  
25 Governor Andrew M. Cuomo to proclaim February

1     2021, as Black History Month in the State of  
2     New York; and be it further

3                 "RESOLVED, That copies of this  
4     resolution, suitably engrossed, be transmitted to  
5     the Honorable Andrew M. Cuomo, Governor of the  
6     State of New York, and to the events  
7     commemorating Black History Month throughout  
8     New York State."

9                 Senate Resolution 400, by  
10    Senator Stewart-Cousins, commending former  
11    Senator Velmanette Montgomery upon the occasion  
12    of her designation as the first-ever recipient of  
13    the Senate Majority Leader's Legislative Legacy  
14    Award.

15                "WHEREAS, It is the custom of this  
16    Legislative Body to recognize and commend those  
17    individuals of outstanding purpose whose lives  
18    have been committed to public service and the  
19    pursuit of excellence in the conduct of the  
20    legislative process in this noble Empire State;  
21    and

22                "WHEREAS, Attendant to such concern,  
23    and in full accord with its long-standing  
24    tradition, this Legislative Body is justly proud  
25    to reflect upon those extraordinary individuals

1 who have made everlasting contributions on behalf  
2 of their fellow men and women and have left their  
3 mark on this great Empire State; Senator  
4 Velmanette Montgomery is one such individual; she  
5 truly devoted her life to serving her government  
6 with integrity and commitment for the sole  
7 purpose of serving the needs of others; and

8 "WHEREAS, Senator Velmanette  
9 Montgomery was first elected to the New York  
10 State Senate in 1984; after that, she was  
11 re-elected 17 consecutive times; and

12 "WHEREAS, Senator Velmanette  
13 Montgomery was the second Black woman to be  
14 elected to this Legislative Body, first elected  
15 more than twenty years after the first Black  
16 woman to be elected to this Legislative Body,  
17 paving the way for a new generation of diverse  
18 Senators; and

19 "WHEREAS, Senator Velmanette  
20 Montgomery represented District 25, which  
21 includes Fort Greene, Boerum Hill, Red Hook,  
22 Bedford-Stuyvesant, Sunset Park, Gowanus, and  
23 Park Slope, among other neighborhoods located  
24 within the Borough of Brooklyn; and

25 "WHEREAS, Senator Velmanette

1     Montgomery was the longest-serving Democratic  
2     Senator in New York State history, and was the  
3     first Senator to give birth to a child while  
4     serving in office; through her work, she made  
5     New York a better place to live, to work and to  
6     raise a family; and

7                 "WHEREAS, She served as the  
8     long-time secretary of the New York State Senate  
9     Democratic Conference and served on the  
10    Conference Leadership team for over a decade; in  
11    2019, she was appointed Majority Conference  
12    Secretary; and

13                "WHEREAS, As a trailblazing  
14    legislator and state leader, Senator Velmanette  
15    Montgomery was well-known for her effective  
16    leadership and steadfast commitment to her  
17    constituents; during her career, she worked  
18    tirelessly as an advocate for youth, public  
19    education, criminal justice reform, environmental  
20    preservation and civil rights; and

21                "WHEREAS, During her distinguished  
22    tenure in this Legislative Body, Senator  
23    Velmanette Montgomery sponsored numerous bills  
24    that were enacted into law and have made deep and  
25    lasting changes to better the lives of the

1 residents of New York State; among these  
2 important accomplishments are laws prohibiting  
3 the use of shackles on pregnant women (Chapter  
4 411 of 2009 and Chapter 570 of 2015), allowing  
5 youth in foster care to remain in care past their  
6 eighteenth birthday (Chapter 342 of 2009), and  
7 ensuring fair and equal pay for public employees  
8 (Chapter 741 of 2019); and

9 "WHEREAS, As the chair of the  
10 New York State Senate Standing Committee on  
11 Children and Families, Senator Velmanette  
12 Montgomery was dedicated to helping young people  
13 achieve positive outcomes through reform of the  
14 state's juvenile justice, foster care and  
15 adoptive care system; and

16 "WHEREAS, Senator Velmanette  
17 Montgomery's dedication to improving the lives of  
18 young people led her to be a statewide champion  
19 of YouthBuild, an organization that provides  
20 opportunities for young people to realize their  
21 full potential, her support helping to achieve  
22 millions of dollars in state assistance and  
23 bicameral support for the program; and

24 "WHEREAS, Her passion for supporting  
25 children's health and well-being led Senator



1 Velmanette Montgomery to lead the fight for  
2 school-based health clinics, helping to secure  
3 significant state fiscal support for health  
4 services for schools in an innovative  
5 community-based model; and

6 "WHEREAS, Senator Velmanette  
7 Montgomery was known for her championing of  
8 incarcerated persons and understood the critical  
9 need to create a pathway for second chances; her  
10 commitment to restorative justice included her  
11 often lonely but ultimately successful crusade to  
12 'Raise the Age' of criminal liability; and

13 "WHEREAS, In acknowledgment of her  
14 longtime advocacy on the issue of kinship care,  
15 Senator Velmanette Montgomery was the recipient  
16 of numerous awards, including the auspicious  
17 Barbara M. Clark Kinship Champion Award; and

18 "WHEREAS, Senator Velmanette  
19 Montgomery was not only known for her success as  
20 a legislator, but for her passion for mentoring  
21 new legislators, staff, and others, leaving a  
22 lasting impression on the next generation of  
23 leaders and lawmakers; and

24 "WHEREAS, Prior to her service in  
25 public office, Senator Velmanette Montgomery

1 worked as a teacher, adjunct professor, and  
2 day care director; furthermore, she was the  
3 cofounder of the Day Care Forum of New York City,  
4 and served as president of Community School Board  
5 13; and

6 "WHEREAS, Velmanette Montgomery  
7 obtained a master's degree in education from  
8 New York University before becoming a  
9 Revson Fellow at Columbia University; in 1991,  
10 she was awarded an Honorary Doctor of Law from  
11 St. Joseph's College in Brooklyn; and

12 "WHEREAS, In light of her many  
13 accomplishments and historic impact on the State  
14 Legislature and the Empire State itself, the  
15 Senate Majority Leader has established a new  
16 award to honor her legacy on this state and her  
17 beloved community on the occasion of her  
18 retirement, and this award shall make  
19 Senator Velmanette Montgomery the first recipient  
20 of this newly established Senate Majority  
21 Leader's Legislative Legacy Award; now,  
22 therefore, be it

23 "RESOLVED, That this Legislative  
24 Body pause in its deliberations to commend former  
25 Senator Velmanette Montgomery upon the occasion

1 of her designation as the first-ever recipient of  
2 the Senate Majority Leader's Legislative Legacy  
3 Award; and be it further

4 "RESOLVED, That a copy of this  
5 resolution, suitably engrossed, be transmitted to  
6 the Honorable Velmanette Montgomery."

7 ACTING PRESIDENT MAYER: Majority  
8 Leader Stewart-Cousins on the resolution.

9 SENATOR STEWART-COUSINS: Thank  
10 you, Madam President.

11 I rise because this is an incredible  
12 honor for me. It is an opportunity to celebrate  
13 Black history and to celebrate someone who was  
14 iconic in creating Black excellence and  
15 excellence in general in this chamber, and that  
16 is Senator Velmanette Montgomery.

17 I think when Carter Woodson thought  
18 about Black history, he thought about all that's  
19 untold and all that we have to be grateful for in  
20 terms of the contributions of Black people in  
21 this country. He understood that unless we  
22 spoke of our history, people would find it easy  
23 to ignore, to marginalize, to rewrite and to  
24 decide what was important about our contributions  
25 and what were not.

1                   And those of us who have had the  
2 opportunity to stand on the shoulders of unnamed  
3 giants appreciate these moments, these months,  
4 these hours, these days where we set aside time  
5 to celebrate those who have made a difference in  
6 our lives that people might never even know of or  
7 hear about.

8                   This past year of reckoning, where  
9 we have been experiencing the twin pandemics of  
10 the COVID-19 virus as well as we saw the pandemic  
11 of racism, I think it made people look at Black  
12 history and really understand in so many ways the  
13 struggles and how although we have come a very  
14 long way -- I am standing in this chamber as the  
15 Majority Leader -- there is so much untold, and  
16 so many of our institutions that have been part  
17 of a systemic oppression of people because of the  
18 color of their skin.

19                   I have heard from so many people of  
20 all different nationalities, skin tones, saying,  
21 Oh, I never knew this, I never knew that. And  
22 sadly, because of the situation around COVID, I  
23 think people for the first time were able to see  
24 things in a way that they hadn't seen them  
25 before. It's not that what happened -- that the

1 murder of George Floyd had never happened before,  
2 but I think it was seen in a different way.

3 That brings me to Senator Velmanette  
4 Montgomery. Because Senator Velmanette  
5 Montgomery was the second African-American woman  
6 to serve in this chamber. The first was  
7 Constance Baker Motley. She was elected in 1964  
8 and only spent a year here because she was tapped  
9 to become the borough president.

10 It was 20 years between the election  
11 of Constance Baker Motley and Senator Velmanette  
12 Montgomery. There's a whole generation that had  
13 passed before Senator Velmanette Montgomery  
14 graced the floors of this chamber, the only  
15 African-American woman here.

16 And when she came, representing her  
17 Brooklyn community with Fort Greene, so many  
18 people who believed in the power of government to  
19 change their lives and believed that this  
20 powerful woman, who was a daycare director and a  
21 community activist and doing things for the  
22 community, would be that person to come and tell  
23 their story.

24 And every day, she came and told the  
25 story. She wasn't necessarily heard. She was in

1 the minority while she was telling the story, and  
2 she was a minority within the minority of the  
3 Democrats, within the minority of the women --  
4 and she was the only African-American woman.

5 And then, history-making again, she  
6 was the only Senator that actually ever had given  
7 birth to a child while they were a Senator. Even  
8 that part of her service was historic.

9 But it's what she fought for. When  
10 she fought for school-based health clinics,  
11 because she knew her constituents didn't have  
12 access. When she fought for the right for  
13 incarcerated parents whose kids were being  
14 snatched away never to be seen or heard of again.  
15 When she fought to Raise the Age so that young  
16 people weren't just incarcerated without  
17 protections.

18 When she fought to make sure that  
19 kinship care was part of extending the family --  
20 because when these kids were yanked out of homes,  
21 who would take care of them? Grandparents.  
22 Velmanette recognized that kinship care was  
23 important to get that support.

24 She was fighting to make sure that  
25 parolees had -- people had a chance to get heard

1 in parole. She fought for women not to be  
2 shackled when they were giving birth if they were  
3 also incarcerated.

4 In fact, Senator Velmanette  
5 Montgomery's legislative legacy looks like this  
6 (unfolding brochure). She spent more years than  
7 any Democrat spent in this chamber, and she got a  
8 chance finally to see so many of the things that  
9 she'd fought for long ago -- because she  
10 understood the injustice in the criminal justice  
11 system, she understood the inequities in  
12 education and access, she understood how  
13 marginalized people were and how it hampered  
14 their progress. And she fought and she fought  
15 and she fought.

16 And finally, over the past two  
17 years, most of the things she fought for have  
18 become part of what we are all proud of in this  
19 chamber.

20 When I looked at all of the  
21 different awards we have -- and we have awards  
22 that acknowledge people for everything, but  
23 mostly they're people outside of our chamber.  
24 And any of these things, Velmanette, you would be  
25 qualified for. But I thought it's time that this

1 chamber recognized people like you, whose legacy  
2 has made not only the chamber better, but each  
3 and every one of us better.

4 Before I ever knew there was a  
5 chance that I would be a Senator, I came here on  
6 a weekend, a Caucus weekend, and I saw you, the  
7 very first black woman Senator I ever saw. I,  
8 Roxanne, the Ada Smiths and the Ruth  
9 Hassell-Thompsons and the Samara Brouks, we thank  
10 you.

11 So because we're thanking you, you  
12 do get a chance to become the very first person  
13 to receive the Senate Majority Leader Legislative  
14 Legacy award. It is customized for you.

15 You all can clap. Do not be  
16 ashamed.

17 (Laughter; applause.)

18 SENATOR STEWART-COUSINS: I know  
19 we're so used to being alone in here we don't  
20 even know how to make noise anymore.

21 (Laughter.)

22 SENATOR STEWART-COUSINS: But this  
23 award is custom-designed for you. It will be  
24 custom-designed in the future for the next  
25 person.



1                   But I know, because of your proud  
2 heritage, and it's Black History Month, this  
3 Kente cloth design represents you.

4                   And I'll just read what your award  
5 says. It says it's in recognition of a lifetime  
6 of legislative accomplishments that have made  
7 meaningful and deep changes to the lives of women  
8 and children of the State of New York; pioneering  
9 efforts to Raise the Age of criminal  
10 responsibility for children; providing leadership  
11 and consequential mentorship to generations of  
12 women; building the foundation for funding  
13 YouthBuild, that supports and mentors young  
14 people; championing school-based health clinics  
15 across the state; and for your unwavering  
16 commitment to protecting the dignity of the  
17 incarcerated and their families -- notably,  
18 banning the use of shackles on women while giving  
19 birth, supporting the Close to Home program.

20                   Thank you for being a persistent  
21 beacon for truth and justice. Congratulations.

22                   (Extended standing ovation.)

23                   SENATOR GIANARIS: Madam President,  
24 can we stand at ease for a couple of minutes.

25                   ACTING PRESIDENT MAYER: The Senate

1 will stand at ease.

2 (Whereupon, the Senate stood at ease  
3 at 3:57 p.m.)

4 (Whereupon, the Senate reconvened at  
5 4:00 p.m.)

6 ACTING PRESIDENT MAYER: The Senate  
7 will return to order.

8 Senator Gianaris.

9 SENATOR GIANARIS: Madam President,  
10 at this point can we continue with -- I know  
11 there are many Senators who want to come in here  
12 individually to give their remarks about  
13 Senator Montgomery, so please let us continue on  
14 the resolution.

15 ACTING PRESIDENT MAYER: Senator  
16 Persaud on the resolution.

17 SENATOR PERSAUD: Thank you.

18 Senator Montgomery, I am not going  
19 to repeat everything our leader said. There's no  
20 need; she has said it. All I want to remind you  
21 is of what you've done for us. Everywhere I go,  
22 there's still the question, How is  
23 Senator Montgomery? No one sees you as the  
24 former Senator -- it's still Senator Montgomery.

25 You have paved the way for us. And

1 I remember what you said when you were leaving,  
2 you said to me: Make sure that you work with the  
3 leader, because there's not many of us around.  
4 And my promise to you was yes, we will continue  
5 to do so.

6 And then it says behind every  
7 successful woman is a tribe of other successful  
8 women who have her back.

9 Senator Stewart-Cousins, on behalf  
10 of Senator Montgomery, we continue to pledge to  
11 you that we have your back.

12 And as Senator Montgomery will say,  
13 bless your heart.

14 (Laughter.)

15 SENATOR PERSAUD: Thank you,  
16 Madam President.

17 ACTING PRESIDENT MAYER: Senator  
18 Liu on the resolution.

19 SENATOR LIU: Thank you,  
20 Madam President, for this wonderful opportunity  
21 to talk about this important resolution that our  
22 leader, Madam Senator Andrea Stewart-Cousins, has  
23 put forth.

24 In this important month of Black  
25 History Month and on the cusp of Women's History

1     Month, we have this incredible individual by the  
2     name of Velmanette Montgomery, our former  
3     Senator. I've often referred to her as my leader  
4     far beyond the walls of this Senate. A  
5     history-maker, somebody who has inspired  
6     generations of office holders, community  
7     activists in so many different ways.

8                 Senator Montgomery, I don't have  
9     enough time on this floor to talk about all the  
10    things that you have done for the State of  
11    New York, for our community, for myself  
12    personally, and indeed in your global impact.  
13    There is much to be said, but I will say that  
14    it's been memorialized in this resolution that we  
15    have proudly passed today.

16                And I want to thank you not only for  
17    your incredible service, the legislation that  
18    you've proposed, you've put forth, you've pushed  
19    for the passage of, as our leader has already  
20    summarized -- very briefly, because there's so  
21    much more -- but the tone in which you have  
22    upheld your responsibilities.

23                Senator Montgomery was never one to  
24    be loud or brash. She's always soft-spoken. But  
25    anytime Senator Montgomery spoke, the entire

1 chamber or the entire room, however large,  
2 however small, would quiet down so that we could  
3 hear what this venerable person had to say so  
4 that we could all learn from it and understand  
5 what our responsibilities going forward would be.

6 I also want to thank  
7 Senator Montgomery -- she has amazing filing  
8 skills -- because she's been sending all of us  
9 mementos, photographs, newspaper articles from  
10 the last like 25, 30 years.

11 (Laughter.)

12 SENATOR LIU: It's amazing what she  
13 has done. Thank you for passing that on to us as  
14 well.

15 I'm starting to get at a loss for  
16 words except to say that, you know, we had so  
17 many -- there were so many events that were going  
18 to be held in 2020 to celebrate  
19 Senator Montgomery's due, because she paid her  
20 dues. And she fully deserved her right to retire  
21 and to step back and allow others to pick up her  
22 mantle. And in fact I had a chance to attend a  
23 couple of those events.

24 And then the world or at least  
25 in-person events got cut short, and so after

1 February we couldn't have any more events. And  
2 so, so many of the events that this outstanding  
3 individual were going to be honored at were  
4 canceled.

5 But I know that once life gets back  
6 to normal, we are going to have those events.  
7 And I'm very happy and I feel blessed that we're  
8 able to celebrate the life, career, and legacy of  
9 Velmanette Montgomery.

10 Velmanette, you're not going  
11 anywhere, because we all still have your number.  
12 And in some ways you may be busier than you were  
13 before you retired, because everybody thinks you  
14 have a whole lot of free time now.

15 But thank you for visiting us once  
16 again. Thank you for your decades of service to  
17 New York. And thank you for your friendship.

18 Thank you, Madam President, for this  
19 opportunity.

20 ACTING PRESIDENT MAYER: Thank you,  
21 Senator Liu.

22 Senator Brisport on the resolution.

23 SENATOR BRISPORT: Thank you,  
24 Madam President.

25 I rise before you with two

1 impossible tasks -- one impossible task of  
2 following the incredible speech and accolades of  
3 our great leader, and the second impossible task  
4 of following in the footsteps of  
5 Senator Montgomery, my predecessor.

6           Senator Montgomery served in this  
7 Legislature for longer than I've been alive. And  
8 when she entered the Legislature in 1984, you  
9 know, some would say that Albany was an old boy's  
10 club. I would add that it was an old white boy's  
11 club. And for a woman in her skin, it was an  
12 incredibly hostile environment to navigate. But  
13 she did not just navigate it, she thrived in it.

14           We all heard a long list of her  
15 accomplishments and achievements, and I'd like to  
16 highlight that Senator Montgomery took a  
17 principled progressive position for decades  
18 before it was popular to do so. And as we lean  
19 into her legacy, I would say the best way to  
20 honor the work that she's done in this chamber is  
21 to find those moments where we also can lean into  
22 the moments where we also find the principled  
23 position, even when it's not the prevalent one.

24           Happy Black History Month.

25           ACTING PRESIDENT PERSAUD:     Senator

1     Gianaris on the resolution.

2                     SENATOR GIANARIS:     Thank you,  
3     Madam President.

4                     And I could not let this opportunity  
5     pass without paying my respects to one of the  
6     most beloved and respected legislators I've ever  
7     served with. And I have worked in this building  
8     for more years than I care to admit, in both  
9     houses, in various capacities. So when I say  
10    that, there are hundreds and hundreds of  
11    legislators who I could rank in terms of level of  
12    respect of their colleagues. And Velmanette is  
13    at the top of that list.

14                    It is so wonderful to see you in  
15    person, Senator Montgomery. I only regret that  
16    we're under pandemic rules so you don't have a  
17    full chamber of love coming at you today. But  
18    you are getting a sense from the stream of  
19    members you're going to see walking in one at a  
20    time of just how beloved you were in this State  
21    Senate.

22                    And many have spoken already about  
23    your legacy and your accomplishments, and they  
24    were forward-looking, prescient in many ways.  
25    Some of the issues you were focusing on many



1 years ago were ones that have been achieved now,  
2 and we wonder why it took so long to get there.  
3 And so we appreciate your leadership over the  
4 years on that.

5 But I also want to speak to  
6 something a little more -- I wouldn't say  
7 political, but less about legislation and more  
8 about the direction of this house and this  
9 chamber. And that is I can go back to when the  
10 great Andrea Stewart-Cousins was selected as the  
11 leader of our conference, and it was an  
12 interesting moment when Senators in the  
13 conference at the time needed to be heard and  
14 people were looking for direction, and  
15 Senator Montgomery was among the first, loudest,  
16 clearest and strongest supporters of making  
17 Andrea Stewart-Cousins the first female leader of  
18 a conference in the history of New York State.

19 And now we see another part of your  
20 legacy, Senator Montgomery, is the incredible  
21 record that our great leader has established here  
22 in the State Senate.

23 And so we miss you greatly. It's  
24 wonderful to see you here. I miss conferences,  
25 looking over once when you would raise your hand

1 in the corner, and everyone would go quiet and  
2 listen to what you had to say.

3 But it is wonderful to see you, and  
4 we want to have you back again with a full  
5 chamber when we can properly show you our love as  
6 we are individually today.

7 So great to see you,  
8 Senator Montgomery.

9 Thank you, Madam President.

10 ACTING PRESIDENT PERSAUD: Senator  
11 Mayer on the resolution.

12 SENATOR MAYER: Thank you,  
13 Madam President.

14 It truly is an honor to be able to  
15 speak to my friend and former seatmate, Senator  
16 Montgomery.

17 I don't know that she remembers, but  
18 approximately 35 years ago when I first came to  
19 Albany to work for then-Attorney General Abrams,  
20 there weren't very much legislators who cared  
21 about childcare. There weren't very many  
22 legislators who cared individually about people  
23 whose voices weren't heard.

24 And I remember distinctly coming  
25 before you in the legislative hearing, you and a

1     few women who were legislators at the time,  
2     Assembly and Senators, who were willing to talk  
3     about the children of our working mothers and  
4     fathers.

5                     And over the years, your dignified  
6     persistence in talking about those children,  
7     talking about those families, talking about the  
8     kind of empathy and decency that we expect of  
9     people but is not always seen here, was a  
10    defining skill and moment that you had.

11                    And I think that's one of the  
12    reasons you were so respected. You were a  
13    reminder to all of us that we are here to speak  
14    for that child, that family, that family who has  
15    a relative in prison, that family whose child  
16    can't get a job; we have a responsibility to  
17    treat them with respect and to be their voice.  
18    You reminded everyone on both sides of the aisle  
19    that that's what we were here for.

20                    You were a shining example of the  
21    best of legislating. I think you were held in  
22    the highest regard by everyone. And for me,  
23    you've just been a tremendous role model and a  
24    shining example of what we should and can be.

25                    Thank you.

1                   ACTING PRESIDENT PERSAUD:     Senator  
2 Kennedy on the resolution.

3                   SENATOR KENNEDY:     Thank you,  
4 Madam President.

5                   I rise today to join in the chorus  
6 to sing the praises and to thank this  
7 extraordinary woman, our former colleague,  
8 Senator Velmanette Montgomery.

9                   I want to also thank our wonderful  
10 Majority Leader, Andrea Stewart-Cousins, for  
11 bringing this resolution to the floor. As we  
12 celebrate black history, it's certainly fitting  
13 that we celebrate our former colleague. And to  
14 be named the Senate Majority Leader's first  
15 recipient of the Legislative Legacy Award, it's a  
16 wonderful accomplishment on top of so many other  
17 accomplishments that you've had in this chamber  
18 and throughout this great state.

19                   Throughout her career as a public  
20 servant, right here in New York,  
21 Senator Montgomery stood as a steadfast voice for  
22 those in need. For three and a half decades --  
23 and, you know, I heard Senator Brisport mention  
24 it, her successor. But Senator Velmanette  
25 Montgomery served in this body longer than

1 many of the legislators today were even alive.  
2 Before many of them were even born,  
3 Senator Montgomery was serving in this wonderful  
4 chamber.

5           At her core, she was drawn to  
6 correcting the injustices that exist in our  
7 society and dedicated many of her years to  
8 helping those in need, with a particular focus on  
9 civil rights, criminal justice reform, and  
10 fighting for the betterment of our youth. We  
11 know that she was the driving force regarding so  
12 many different issues. Most recently, in recent  
13 years, the transformative issue of Raising the  
14 Age legislation.

15           Senator Montgomery also, we know,  
16 fought as a leading voice for women's rights and  
17 human rights in general. In essence,  
18 Senator Montgomery was the conscience of our  
19 Democratic Conference, and we thank you for that,  
20 for being that voice, for being that voice for  
21 our conference but, most importantly, for being  
22 that voice for our state, for our people, for the  
23 betterment of society in general.

24           As the chair of the Senate Committee  
25 on Children and Families, Senator Montgomery took

1 a hard look at how we could improve our foster  
2 care and adoptive care systems, her heart  
3 undoubtedly focused on helping kids. Perhaps  
4 that stemmed from her work as a teacher. We know  
5 that her work here in the State Senate was  
6 reflective of the needs of the community. She  
7 also worked as a daycare director. Her focus on  
8 youth and the improvement of our children will  
9 forever, forever resound throughout this state.

10 All we have to do is take a look at  
11 where we are today as a legislative body to see  
12 Senator Montgomery's vision, realized in so many  
13 ways, and how it has touched so many lives across  
14 this great state, and on so many levels. But she  
15 would be the first to tell each and every one of  
16 us that our work is not done.

17 But it is her legacy and her vision  
18 for human rights and making sure that everyone  
19 has a seat at the table and also ensuring that we  
20 are thinking about everyone, from the oldest  
21 Americans to the youngest children in society.  
22 Now, in New York, it's those folks that need us  
23 more than ever before.

24 And while Senator Montgomery is no  
25 longer a part of this legislative body, her

1 spirit and commitment to the people of New York  
2 is going to echo in these chambers for decades to  
3 come.

4 So to our dear friend Velmanette  
5 Montgomery, we extend our deepest gratitude and  
6 our best wishes and our incredible support as you  
7 enter the next chapter in your life. Thank you  
8 for all that you've done for all of us in this  
9 great state.

10 Madam President, I vote aye.

11 ACTING PRESIDENT PERSAUD: Senator  
12 Lanza on the resolution.

13 SENATOR LANZA: Madam President,  
14 thank you.

15 I'm violating one of my own rules  
16 about not speaking on resolutions. But every so  
17 often, the resolution moves me in a way that I  
18 think requires that I say something.

19 Also, I didn't want this to be  
20 Democratic party only, Senator Gianaris, because  
21 Senator Montgomery deserves nothing short of  
22 unanimous and bipartisan friendship, support, and  
23 love.

24 You know, when I came to this  
25 chamber, Madam President, more than a decade ago,

1 Senator Montgomery was already a leader. She was  
2 known by all, even a freshman Senator like myself  
3 walking into this room.

4           You know, people know us as members  
5 of this body, as Senators. I'm going to shock  
6 some people around the state, but we're people  
7 too. And I can think about all that  
8 Senator Montgomery has meant to this body and to  
9 this state as a leader, but really what comes to  
10 mind first is how wonderful and great a person  
11 she is.

12           I will always recollect the many  
13 conversations she and I would have -- not inside  
14 this chamber but outside this chamber, in the  
15 cloakroom, in the lounge, in the halls -- when we  
16 would talk about each other's families, when we  
17 would talk about each other's neighborhoods, our  
18 districts, about the things that mattered to us  
19 beyond politics. And I always sought her out  
20 outside this chamber because I enjoyed her  
21 friendship, first and foremost, but I enjoyed  
22 being with her and enjoyed talking to her.

23           You know, she and I -- I a  
24 Republican, she a Democrat -- we were never  
25 afraid to agree with each other in a world that



1 doesn't want us to agree with each other -- even  
2 more so today than perhaps ever before, sadly,  
3 Senator Montgomery. Nor were we ever afraid to  
4 disagree with each other. And perhaps -- I could  
5 speak for myself -- I learned more when  
6 Senator Montgomery disagreed with me than when we  
7 agreed with each other.

8               Senator Montgomery, this country,  
9 the body politic, needs people like you more than  
10 ever. It needs that approach today more than  
11 ever. And I hope that is -- of all the things  
12 that come together as your legacy, I hope that  
13 that is the message that stands apart from all  
14 others. That we've got to agree, we've got to  
15 disagree, we've got to do it with respect. You  
16 always did that.

17              One of the issues that I worked on  
18 very long and hard, and something I am very proud  
19 today to have been a part of accomplishing, is  
20 the issue of Raise the Age. Now, when  
21 Senator Montgomery was talking about that issue,  
22 it wasn't very popular among Democrats. It was  
23 even less popular among Republicans.

24              And in our conversations outside of  
25 this chamber about life and about the right

1 approach to life, and about why we all come  
2 together in this room and what it is that we're  
3 all after, which is to make things better, we  
4 began a conversation about Raise the Age. And  
5 those were the first conversations that I was  
6 involved in on the issue. And I knew very early  
7 on, talking to Senator Montgomery, that it was  
8 something that I wanted to be part of.

9           And we eventually got there. And I  
10 was proud to sponsor that bill. But I could not  
11 have ever ended up where we ended up, this state  
12 could never have ended up where we ended up,  
13 without Senator Montgomery. You know, she had  
14 this idea, which seems obvious -- but the obvious  
15 isn't always popular -- that among all the  
16 people, all of our brothers and sisters, our  
17 children, more than anyone else, deserve a second  
18 chance. Our children, more than anyone else,  
19 deserve special consideration and acknowledgment  
20 that they are children.

21           And so, Senator Montgomery, one of  
22 the things that I -- when people ask me what it  
23 is that I'm proud about in terms of what I've  
24 done here as a member of this august body, is my  
25 work on Raise the Age. And I have you to thank

1 for that, ultimately.

2           So I thank you for your friendship.  
3 I thank you for what you have meant to this body  
4 and to this state. I thank you for our  
5 agreements. I thank you for our disagreements.  
6 But more than anything else, I thank you for your  
7 style and your class and your integrity, and I  
8 wish there were more people like you.

9           Congratulations, Senator Montgomery.

10           ACTING PRESIDENT PERSAUD: Senator  
11 Savino on the resolution.

12           SENATOR SAVINO: Thank you,  
13 Madam President.

14           I'm not sure I can follow that,  
15 Senator Lanza. That was actually quite touching.

16           Senator Montgomery, I don't even  
17 know where to start. I think of all of the  
18 tragedies of the pandemic last year -- and there  
19 were so many, so many families affected in so  
20 many ways, so much heartbreak. But for us here  
21 personally in the Senate chamber, I think one of  
22 the most heartbreaking things is we didn't really  
23 get the opportunity to say goodbye to some of our  
24 colleagues who left us last year in the way that  
25 we wanted to, recognizing their contribution not

1 just to the Senate but to the state and to our  
2 own individual lives.

3           Senator Lanza said -- and I'm sure  
4 some of the colleagues that were here before me  
5 talked about our personal relationships with you,  
6 and I want to talk about mine.

7           You know, when I came into the  
8 Senate 17 years ago, you know, I knew that I had  
9 a lot in common with a bunch of members. But you  
10 and I had a special relationship because we were  
11 committed to some of the very same issues,  
12 children and families, I coming out of a career  
13 in the Child Welfare Administration, then into  
14 the labor movement; you in your lifetime  
15 commitment to improving the conditions for the  
16 most vulnerable of our population, children who  
17 were languishing in foster care, children who  
18 needed preventive services, families who were  
19 affected by addiction and criminal justice,  
20 mothers who had their families separated because  
21 of all of the social challenges. That's who you  
22 dedicated your career to, you know?

23           A lot of us get a lot of coverage  
24 from the media because of the issues that we take  
25 on. But the things that you and I cared about,

1 the press never really paid much attention to.

2           And I can remember many meetings of  
3 the Children and Families Committee where you and  
4 I would be the only two that would show up. But  
5 we did the work. We focused on the things that  
6 you had dedicated your career to -- fighting  
7 every year to make sure that school-based clinics  
8 were in the budget; making sure that children had  
9 access to healthcare, those who needed it the  
10 most; fighting to make sure that women who  
11 desperately needed preventive services so they  
12 didn't lose their children to the foster care  
13 system were able to depend on that. Nurse Family  
14 Partnerships. All of those things that held  
15 families together.

16           I can remember standing next to you  
17 in the Majority Conference Room the day you were  
18 able to get the bill passed that said it was  
19 inhumane to shackle a pregnant woman when she was  
20 giving birth in the correctional system. Who  
21 would have imagined that that actually happened?  
22 But you knew it. The rest of the world wasn't  
23 even aware that women were treated that way. You  
24 made that change, a profound change for women,  
25 and then made sure they stopped doing it in jails

1 around the state.

2           You wanted to make a difference in  
3 small, meaningful ways that were huge. I  
4 remember, as Senator Lanza said, on Raise the  
5 Age, you and I holding the first hearing in 2011,  
6 and very few people showed up. Most of our  
7 colleagues weren't interested. In fact, they  
8 didn't even know that the age of criminal  
9 responsibility in New York State was so low.

10           But you sat there all day and you  
11 took testimony from individuals and from  
12 policymakers who wanted us to start down the road  
13 to change that outdated, archaic law. And six  
14 years later, it was done.

15           And a lot of people took credit for  
16 it, but you and I both know how it started. It  
17 was Velmanette Montgomery, who never lost sight  
18 of what was really important. It was the most  
19 vulnerable people in this state, children and  
20 families. And those who didn't have high-priced  
21 lawyers to fight for them, who didn't have  
22 advocates really who could deliver for them. The  
23 people who just needed someone who was going to  
24 come to Albany every day.

25           I used to tease her all the time and

1 say Velmanette really believes that for want of  
2 an after-school program, all the prisons would be  
3 empty. She really believed that. Because she  
4 understood the value of early intervention in a  
5 meaningful way, that if we could work to help  
6 kids at an early age -- that's why we worked on  
7 creating the Close to Home program, to divert  
8 kids out of the criminal justice system at an  
9 early age. And we're seeing the fruits of that  
10 now. Less and less young people are winding up  
11 in prison.

12           She dedicated her life to improving  
13 the lives of people. The proof is in the  
14 pudding. We all know it. That's why we're here  
15 today. You deserve so much more, so much more  
16 credit. And I only hope that those of us who  
17 follow you live up to your reputation and we  
18 never forget what you have asked us to do:  
19 Protect the small, protect the vulnerable, and  
20 never, ever forget why we were sent here, to  
21 fight for those who can't fight for themselves.

22           I am proud to have served with you,  
23 Velmanette. I am proud to have known you. And I  
24 am proud to have partaken in a small way in some  
25 of the work that you have done, because we

1 together made a real difference for a lot of  
2 people.

3 So congratulations on your  
4 retirement, and I hope that you finally are able  
5 to enjoy it and enjoy your family.

6 Thank you, Madam President.

7 ACTING PRESIDENT PERSAUD:  
8 Senator Parker on the resolution.

9 SENATOR PARKER: Thank you,  
10 Madam President.

11 I rise to add my voice to those who  
12 are doing two things today; first, giving some  
13 honor and tribute to Black History Month, and  
14 certainly adding my voice to those who are  
15 honoring and lauding the work of Senator  
16 Velmanette Montgomery. And maybe to the casual  
17 observer they seem like different things, but  
18 they're very much within the same realm of  
19 activity that we're doing here on the floor  
20 today.

21 That we see that the creation of  
22 African-American History Month out of Negro  
23 History Week, right, was really critical in the  
24 development of even where we find ourselves now.  
25 As we talk about Black Lives Matter, as we talk



1 about the emergence of organizations like the  
2 NAACP and the Urban League, if you look at all of  
3 the momentum that we saw develop out of the  
4 murder of George Floyd, you don't get any of that  
5 without African-Americans having a good sense of  
6 themselves. Right?

7                   And Carter G. Woodson, in creating  
8 this holiday, understood it to be a movement that  
9 was internal. When you read his works,  
10 particularly *The Mis-Education of the Negro*, he  
11 is not talking about schools, he's not talking  
12 about we got to get Black Studies programs into  
13 schools and we've got to talk about curriculums  
14 of inclusion. He was saying that we, as people  
15 of African descent, have to know our history.  
16 And he had no expectation that the large dominant  
17 white society would in fact do that for us.

18                   And so he was really clear that it  
19 was something that we had to do both on a macro  
20 level, in the context of understanding the heroes  
21 and sheroes of our community and of our diaspora,  
22 but then also understanding our own personal  
23 histories and where we actually come from as  
24 people of African descent.

25                   Much of Black history has been

1 dominated by men. Right? You know, especially  
2 here in America, in the context of a patriarchal  
3 society. But you have to understand that women  
4 have always been side by side with men in what  
5 they call a ma'atriarchal society. Right?  
6 Ma'atriachal, "Ma'at" referring to an ancient  
7 Egyptian deity called Ma'at. She was balance.  
8 She's where you get the 42 Declarations of  
9 Virtue. But she is righteousness, rightfulness,  
10 truth, order, balance. Right?

11               She was symbolized zoomorphically,  
12 Senator, as an ostrich feather. Why an ostrich  
13 feather? Because on the -- what the Kemetic  
14 people knew, who you called the ancient  
15 Egyptians, what the Kemetic people knew is that  
16 on the body of an ostrich, it had exactly the  
17 same number of feathers on both sides of the  
18 ostrich: Balance, order, rightfulness,  
19 reciprocity. Each one of those feathers was the  
20 same height, same length, same width. Balance,  
21 order, righteousness, rightfulness.

22               They say that -- the Kemetic people  
23 believed that when God created the universe and  
24 spoke his sacred name into nothingness, and he  
25 steps into the universe that is void at that

1 point, what exists is a square of Ma'at. That  
2 the entire -- for ancient Egyptians, that the  
3 entire universe is predicated on this notion, on  
4 this feminine notion of balance and order and  
5 righteousness.

6 And you see a history of African  
7 women who then rule under that same idea of  
8 order, of balance, of righteousness, of  
9 rightfulness, right -- of bringing good into the  
10 world, and let no good be lost.

11 And so we begin with Nefertiti and  
12 Cleopatra, right, with Hatshepsut, right, with  
13 the Candace queens and Nzinga. Right? With  
14 Yaa Asantewa. And understanding that that  
15 history is absolutely connected to the history  
16 that you see here in America with people like  
17 Harriet Tubman and Sojourner Truth and Fannie Lou  
18 Hamer and Ella Baker. Betty Shabazz. Coretta  
19 Scott King. Shirley Chisholm. Constance Baker  
20 Motley. And Velmanette Montgomery.

21 There's a straight line in terms of  
22 the understanding of bringing truth and balance  
23 and order to this place.

24 And you've heard my colleagues talk  
25 about her accolades -- Rockefeller drug law,

1     Raise the Age, juvenile justice reform. I mean,  
2     the work on just providing access for black women  
3     in the political arena. And some of that was not  
4     even just things that she legislated. Some of it  
5     was just her being, that somebody that you  
6     knew -- when I got elected here in 2002 and took  
7     office in 2003, Senator Velmanette Montgomery was  
8     already a legend, was already somebody that I had  
9     known about and had followed their work, also  
10    being from Brooklyn, because she was directly  
11    connected to all of the important decisions that  
12    were being made in my life before that.

13                 And having an opportunity not just  
14    to serve with her in this body, but for a number  
15    of years to literally sit next to her, at the  
16    foot of the queen, has been the most important  
17    experience of my life here.

18                 That I can't even begin to -- and  
19    you've heard a lot of people talk about their  
20    personal experiences. I cannot begin to tell you  
21    how much I've learned by just watching her  
22    manner. And you would learn -- you know that,  
23    Mike, by the way I behave. I'm not saying that.  
24    But what I'm saying -- not because I didn't learn  
25    it --

1 (Overtalk; laughter.)

2 SENATOR PARKER: I didn't say I  
3 wasn't hardheaded, I just said I was taught it.

4 SENATOR GIANARIS: You knew what  
5 you were doing.

6 (Laughter.)

7 SENATOR PARKER: But the notion, as  
8 we reflect on the legacy of people like  
9 John Lewis and we talk about "good trouble," you  
10 know, the person who brought good trouble here in  
11 the State of New York has always been Velmanette  
12 Montgomery. Somebody who's always stood up and  
13 made sure that we understood what the right thing  
14 needed to be done, and made sure that the least  
15 of those in our communities were always being  
16 thought of.

17 That at times that we weren't  
18 considering people who might be in prison and  
19 people who might have been in foster care and  
20 women who might have been sex-trafficked and  
21 young children who might be home alone -- in the  
22 moment that we were not paying attention to that,  
23 Velmanette Montgomery's eye was on the sparrow.  
24 And she made sure that she paid attention to the  
25 least of those in our community and admonished us

1 for not doing the same and always directed us  
2 gently onto the right path.

3 And so I'm here just to say  
4 congratulations for running a good race, for a  
5 job well done. Thanking for you for not just  
6 what you've poured into me, but what you've  
7 poured into this chamber on both sides of the  
8 aisle -- man and woman, black, Latino, Asian,  
9 Jewish, Christian, all of us have benefited from  
10 being in your presence and from the things that  
11 you've taught us. Thank you so much.

12 And just wishing you nothing but joy  
13 and happiness on your travels going forward. And  
14 we hope that you will not forget about us and  
15 that you will continue to pour into us as you go  
16 on to do even more great things now that your  
17 time has been freed up.

18 God bless you, Velmanette  
19 Montgomery.

20 ACTING PRESIDENT PERSAUD: Senator  
21 Jackson on the resolution.

22 SENATOR JACKSON: Thank you,  
23 Madam President.

24 So I rise this afternoon in order to  
25 support the resolution put forward by our

1 Majority Leader Andrea Stewart-Cousins.

2           And Velmanette Montgomery, my  
3 sister, let me thank you for your service. And I  
4 didn't know how long you served until I heard it  
5 today, 35 years in the New York State Senate.  
6 And when I only came here in January of 2019,  
7 which was just two years ago -- as Kevin Parker,  
8 my colleague, said, you were here when he came in  
9 in 2003, and you were probably here when probably  
10 98 percent of the people were not here.

11           And then I thought about the fact  
12 that you served so long in this body, basically  
13 in the minority -- in both the minority and  
14 majority we know what it takes in order to move  
15 items. Especially when you're in the minority,  
16 it's pretty tough. But you were here in 2019  
17 when Andrea Stewart-Cousins became the Majority  
18 Leader. And so now you've reached the top of the  
19 hill, and now you said: I've done my job, it's  
20 time for me to move on.

21           But I say to you, I am just  
22 fortunate enough to be able to serve with you for  
23 a term of office. And so I thank you for your  
24 service.

25           Now I'd just like to read a little

1 bit. At this opportunity and moment celebrating  
2 Black History Month, with Women's History  
3 Month -- ur, ur, ur {gesturing; making engine  
4 noise} right around the corner --

5 (Laughter.)

6 SENATOR JACKSON: -- Leader Andrea  
7 Stewart-Cousins introduced this resolution  
8 honoring you as the first-ever recipient of the  
9 Senate Majority Leader's Legislative Legacy  
10 Award. And let me tell you, that's the best  
11 thing that I say, that you're the first, never  
12 the last.

13 And it was an honor to serve with  
14 you in the State Senate. And you are a  
15 powerhouse in the Legislature, and I value the  
16 time I was able to legislate alongside you during  
17 your 35 years of service to the people not only  
18 of your district, but the entire State of New  
19 York and beyond.

20 And you were the champion of many  
21 issues. In many of them your involvement was  
22 with youth and very positive causes in order to  
23 help people uplift themselves. And I asked my  
24 legislative director to please -- what are some  
25 of the bills that we have that you were carrying.



1 Expanding the Empire State Child Credit for  
2 children under the age of five. Civic education  
3 for students in Grades 5 through 12. TAP,  
4 Tuition Assistance Program Awards for  
5 incarcerated persons. And reorganizing mayoral  
6 control in New York City.

7 And that's just five. But you  
8 probably introduced hundreds of them in your  
9 tenure. And they're all for the good of the  
10 people of our state and your district and the  
11 City of New York.

12 So Velmanette, thank you for your  
13 service. The most important thing, stay healthy.  
14 Enjoy yourself, enjoy your family. And in Arabic  
15 I say "As-Salamu Alaikum," peace be upon you and  
16 your family. God bless you.

17 Thank you, Madam President.

18 ACTING PRESIDENT PERSAUD:

19 Resolution 317 was previously adopted on  
20 February 2nd.

21 The question is on Resolution 400.  
22 All those in favor signify by saying aye.

23 (Response of "Aye.")

24 ACTING PRESIDENT PERSAUD: Opposed,  
25 nay.

1 (No response.)

2 ACTING PRESIDENT PERSAUD: The  
3 resolution is adopted.

4 Senator Montgomery, on behalf of the  
5 Senate, congratulations on receiving the  
6 first-ever Senate Majority Leader's Legislative  
7 Legacy Award.

8 Senators, let us rise and recognize  
9 Senator Montgomery.

10 (Extended standing ovation.)

11 ACTING PRESIDENT PERSAUD: Senator  
12 Gianaris.

13 SENATOR GIANARIS: Thank you,  
14 Madam President.

15 Let me once again let  
16 Senator Montgomery know how wonderful it was to  
17 see her back in the Senate chamber today.

18 At the request of the sponsors of  
19 all the resolutions we took up today, they are  
20 now open for cosponsorship.

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

25 Senator Gianaris.

1           SENATOR GIANARIS:    Let us now take  
2 up the calendar, please.

3           ACTING PRESIDENT PERSAUD:    The  
4 Secretary will read.

5           THE SECRETARY:    Calendar Number  
6 103, Senate Print 192, by Senator Thomas, an act  
7 to amend the General Business Law.

8           SENATOR LANZA:    Lay it aside.

9           ACTING PRESIDENT PERSAUD:    Lay it  
10 aside.

11          THE SECRETARY:    Calendar Number  
12 115, Senate Print 931A, by Senator Kaplan, an act  
13 to amend the Public Service Law and the Public  
14 Authorities Law.

15          ACTING PRESIDENT PERSAUD:    Read the  
16 last section.

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

19          ACTING PRESIDENT PERSAUD:    Call the  
20 roll.

21               (The Secretary called the roll.)

22          ACTING PRESIDENT PERSAUD:    Announce  
23 the results.

24          THE SECRETARY:    Ayes, 63.

25          ACTING PRESIDENT PERSAUD:    The bill

1 is passed.

2 THE SECRETARY: Calendar Number  
3 116, Senate Print 1453A, by Senator Parker, an  
4 act to amend the Public Service Law.

5 ACTING PRESIDENT PERSAUD: Read the  
6 last section.

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

9 ACTING PRESIDENT PERSAUD: Call the  
10 roll.

11 (The Secretary called the roll.)

12 SENATOR LANZA: Lay it aside.

13 ACTING PRESIDENT PERSAUD: Lay it  
14 aside.

15 THE SECRETARY: Calendar Number  
16 117, Senate Print 1556, by Senator Parker, an act  
17 to amend the Public Service Law.

18 SENATOR GIANARIS: Lay it aside for  
19 the day.

20 ACTING PRESIDENT PERSAUD: The bill  
21 will be laid aside for the day.

22 THE SECRETARY: Calendar Number  
23 246, Senate Print 544, by Senator Kaminsky, an  
24 act to amend the Public Service Law and the  
25 Education Law.

1                   ACTING PRESIDENT PERSAUD:    Read the  
2   last section.

3                   THE SECRETARY:    Section 4.   This  
4   act shall take effect 18 months after it shall  
5   have become a law.

6                   ACTING PRESIDENT PERSAUD:    Call the  
7   roll.

8                   (The Secretary called the roll.)

9                   ACTING PRESIDENT PERSAUD:    Announce  
10   the results.

11                   THE SECRETARY:    Ayes, 63.

12                   ACTING PRESIDENT PERSAUD:    The bill  
13   is passed.

14                   THE SECRETARY:    Calendar Number  
15   248, Senate Print 929B, by Senator Kaplan, an act  
16   to amend the Public Service Law and the  
17   Public Authorities Law.

18                   ACTING PRESIDENT PERSAUD:    Read the  
19   last section.

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

22                   ACTING PRESIDENT PERSAUD:    Call the  
23   roll.

24                   (The Secretary called the roll.)

25                   ACTING PRESIDENT PERSAUD:

1 Senator Kaplan to explain her vote.

2 SENATOR KAPLAN: Thank you,  
3 Madam President.

4 I also have to mention it was really  
5 wonderful to see Senator Montgomery here and for  
6 us to recognize all her hard work throughout the  
7 years that she has been part of this chamber.

8 With that, I'd like to take this  
9 time and thank our Majority Leader, Andrea  
10 Stewart-Cousins, and my Senate colleagues for  
11 prioritizing the issue of utility reforms and for  
12 working together hard to hold these hearings and  
13 to introduce this great package of legislation  
14 that we are passing today.

15 PSEG Long Island and Altice put  
16 Long Islanders through hell this past August when  
17 they completely failed in their response to  
18 Tropical Storm Isaias. Thousands of my  
19 constituents were plunged into darkness and  
20 uncertainty for days and weeks, threatening the  
21 health and safety of them for far too many days  
22 and literally endangering the lives of those with  
23 serious medical conditions.

24 It is clear that these utilities  
25 need stricter guardrails and consumer protections

1 in place to ensure we don't go through a  
2 situation like that ever again and to ensure that  
3 our residents don't have to fear for their lives  
4 or their livelihoods just because there is a  
5 tropical storm in the forecast.

6 The package of legislation we are  
7 passing today, which includes two bills I'm proud  
8 to sponsor, is the beginning of our effort to  
9 protect vulnerable New Yorkers and to ensure our  
10 utilities are prepared for the next storm like  
11 that.

12 There are still big conversations to  
13 be had on this topic, and more must be done. But  
14 I'm proud that we are taking these important  
15 actions today, and I cast my vote affirmatively.

16 Thank you, Madam President.

17 ACTING PRESIDENT PERSAUD:  
18 Senator Kaplan to be recorded in the affirmative.

19 Announce the results.

20 THE SECRETARY: In relation to  
21 Calendar 248, voting in the negative: Senator  
22 Oberacker.

23 Ayes, 62. Nays, 1.

24 ACTING PRESIDENT PERSAUD: The bill  
25 is passed.

1                   THE SECRETARY:    Calendar Number  
2   249, Senate Print 968, by Senator Gaughran, an  
3   act to amend the Public Authorities Law.

4                   ACTING PRESIDENT PERSAUD:   Read the  
5   last section.

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

8                   ACTING PRESIDENT PERSAUD:   Call the  
9   roll.

10                   (The Secretary called the roll.)

11                   ACTING PRESIDENT PERSAUD:   Senator  
12   Gaughran to explain his vote.

13                   SENATOR GAUGHRAN:   Thank you,  
14   Madam President.

15                   And I too would just like to say  
16   what an honor it was, even though it was only one  
17   two-year term, to get to serve with  
18   Senator Montgomery and the legacy that she has  
19   left in this chamber.  And she would always be  
20   fighting for the people, and that's what we are  
21   doing today.

22                   This August, Tropical Storm Isaias  
23   laid bare the extent of the Long Island Power  
24   Authority's failure to provide oversight over  
25   PSEG.  In a modern society there is no reason why



1 a 93-year-old woman who relies on oxygen to live,  
2 who is on PSEG's critical care list, should be  
3 told by PSEG to go call a friend or 911, there is  
4 nothing we can do for you. So I ask, where was  
5 LIPA during this crisis?

6 I could go on and talk about all the  
7 horror stories that many of us witnessed  
8 firsthand. A constituent of mine, nine months  
9 pregnant, who with complications having to sleep  
10 in the backyard on lawn furniture after eight  
11 days of calling and not getting any help.

12 Cold Spring Harbor Laboratory, where  
13 they were doing millions of dollars of research  
14 dealing with COVID-19, not being told the truth  
15 and all the failures there.

16 A sewage treatment plant that  
17 fortunately the generator didn't give up -- give  
18 out, and we didn't have an environmental  
19 disasters in the Long Island Sound. I can go on  
20 and on.

21 But it is important that today we  
22 are taking these steps so that finally we are  
23 making sure that both LIPA and PSEG have the  
24 proper oversight. This sweeping legislation will  
25 make sure that there will be transparency and

1     there will finally be the ability for  
2     Long Islanders, when their power goes out, to  
3     have some sort of recourse so that hopefully we  
4     never have to face these nightmares in the  
5     future.

6                     Madam President, I vote in the  
7     affirmative. Thank you.

8                     ACTING PRESIDENT PERSAUD:     Senator  
9     Gaughran to be recorded in the affirmative.

10                    Announce the results.

11                    THE SECRETARY:     Ayes, 63.

12                    ACTING PRESIDENT PERSAUD:     The bill  
13     is passed.

14                    THE SECRETARY:     Calendar Number  
15     250, Senate Print 1199, by Senator Gianaris, an  
16     act to amend the Public Service Law.

17                    ACTING PRESIDENT PERSAUD:     Read the  
18     last section.

19                    THE SECRETARY:     Section 2. This  
20     act shall take effect on the 30th day after it  
21     shall have become a law.

22                    ACTING PRESIDENT PERSAUD:     Call the  
23     roll.

24                    (The Secretary called the roll.)

25                    ACTING PRESIDENT PERSAUD:     Announce

1 the results.

2 THE SECRETARY: In relation to  
3 Calendar Number 250, those Senators voting in the  
4 negative are Senators Borrello, Boyle, Griffo,  
5 Jordan, Martucci, Mattera, Oberacker, O'Mara,  
6 Ortt, Rath, Ritchie, Stec and Weik.

7 Ayes, 50. Nays, 13.

8 ACTING PRESIDENT PERSAUD: The bill  
9 is passed.

10 THE SECRETARY: Calendar Number  
11 254, Senate Print 1544A, by Senator Kaminsky, an  
12 act to amend the Public Service Law and the  
13 Public Authorities Law.

14 ACTING PRESIDENT PERSAUD: Read the  
15 last section.

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

18 ACTING PRESIDENT PERSAUD: Call the  
19 roll.

20 (The Secretary called the roll.)

21 ACTING PRESIDENT PERSAUD:  
22 Senator Kaminsky to explain his vote.

23 SENATOR KAMINSKY: Thank you very  
24 much, Madam President.

25 As we look across the country and

1 see what's happening in Texas right now, we  
2 understand the importance of having utilities  
3 that are held accountable and in which we have  
4 proper regulations in place.

5           And this August, after  
6 Tropical Storm Isaias ravaged Long Island, too  
7 many people were left in the dark, both literally  
8 and figuratively, without answers as to what was  
9 going on.

10           And in the aftermath, when  
11 questioning their executives about what went  
12 wrong, they had the temerity to tell us that  
13 their salaries were secret and we were not  
14 entitled to know what they are, even though  
15 they're funded by the very ratepayers that they  
16 let down.

17           And, by the way, this was in the  
18 context of a conversation of determining whether  
19 they were going to set some funds aside to help  
20 reimburse ratepayers for spoiled food and other  
21 necessities like medicine. The answer we got was  
22 "None of your business."

23           Well, today we vote to make it our  
24 business. This vote will mean that utility  
25 executives for both water companies and electric

1 companies and other big utilities have to  
2 disclose each year how much their top executives  
3 make. They're funded by the ratepayers. We're  
4 entitled to know. Transparency matters when it  
5 comes to holding utilities accountable, and this  
6 is one such important step today.

7 I'd like to thank the Majority  
8 Leader for her dedication and attention to these  
9 critical issues on utility reform for residents,  
10 and I vote in the affirmative.

11 ACTING PRESIDENT PERSAUD:  
12 Senator Kaminsky to be recorded in the  
13 affirmative.

14 Announce the results.

15 THE SECRETARY: In relation to  
16 Calendar 254, those Senators voting in the  
17 negative are Senators Akshar, Borrello, Gallivan,  
18 Griffo, Helming, Jordan, Martucci, Oberacker,  
19 O'Mara, Ortt, Rath and Stec.

20 Ayes, 51. Nays, 12.

21 ACTING PRESIDENT PERSAUD: The bill  
22 is passed.

23 THE SECRETARY: Calendar Number  
24 331, Senate Print 3085, by Senator  
25 Stewart-Cousins, an act to amend the

1 Real Property Tax Law.

2 ACTING PRESIDENT PERSAUD: Read the  
3 last section.

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

6 ACTING PRESIDENT PERSAUD: Call the  
7 roll.

8 (The Secretary called the roll.)

9 ACTING PRESIDENT PERSAUD: Announce  
10 the results.

11 THE SECRETARY: Ayes, 63.

12 ACTING PRESIDENT PERSAUD: The bill  
13 is passed.

14 THE SECRETARY: Calendar Number  
15 342, Senate Print 3083, by Senator Salazar, an  
16 act to establish an LGBT Youth and Young Adult  
17 Suicide Prevention Task Force.

18 ACTING PRESIDENT PERSAUD: Read the  
19 last section.

20 THE SECRETARY: Section 2. This  
21 act shall take effect on the 60th day after it  
22 shall have become a law.

23 ACTING PRESIDENT PERSAUD: Call the  
24 roll.

25 (The Secretary called the roll.)

1                   ACTING PRESIDENT PERSAUD:     Senator  
2 Jackson to explain his vote.

3                   SENATOR JACKSON:     Thank you,  
4 Madam President.

5                   My colleagues, I rise in order to  
6 speak in support of Senate Bill 3408, along with  
7 another bill that's coming up, S3083, by Senator  
8 Salazar, and Senate Bill 3408, by Senator Brouk,  
9 of Rochester.

10                  And so I rise to explain for this  
11 bill and its companions, from the moment the  
12 pandemic arrived, every crack in the nation's  
13 foundation was exposed and deepened. But when it  
14 comes to suicide prevention, the system was  
15 already failing. Suicides among young adults  
16 were already skyrocketing before the pandemic  
17 started.

18                  Now many experts fear that the  
19 situation is only going to get worse. And in  
20 fact I heard on the news just two days ago that  
21 in the number of students in the New York City  
22 school system, five children committed suicide.  
23 In all of last year, the entire school year,  
24 there was four. So we've already surpassed that  
25 from last year.

1           But since the coronavirus arrived,  
2       depression and anxiety across our state and the  
3       world has become rampant. And according to the  
4       CDC, one in four young adults have struggled with  
5       suicidal thoughts since the coronavirus hit.  
6       Even more alarming, suicide rates for Black  
7       children have doubled.

8           And we need to know why our Black  
9       youth are falling victim to high suicide rates.  
10      Is it driven by the pandemic, racial unrest,  
11      stressful relationships at home, or all or a  
12      combination of these? The one sure answer is we  
13      need to do something about it. And as Senator  
14      Brouk's bill does, that's what we need to do.

15           Lesbian, gay and bisexual youth are  
16      facing similar spikes and were already five time  
17      more likely to have attempted suicide than  
18      non-LGBTQ youth before the pandemic. And we want  
19      young LGBTQ people to know they are not alone,  
20      and that the adults in their lives need to know  
21      when and how to support them best. And that is  
22      why Senator Salazar's legislation is so  
23      important.

24           Suicide prevention is a personal  
25      thing for me on many levels. During my days at



1 the City Council, I worked hard to ensure that  
2 the suicide hotline would not be eliminated  
3 during the budget negotiations with then-Mayor  
4 Bloomberg. Many families have depended on this  
5 service for their loved one's survival -- not  
6 only them, but my own family included.

7 And as our young people fight  
8 through a toxic mix of isolation and economic  
9 devastation which could further increase this  
10 wave of suicides, we must take action.

11 So today I stand in proud support of  
12 Senator Brouk's and Senator Salazar's bills, with  
13 gratitude for their championing of this issue,  
14 and I vote aye to save lives.

15 Thank you, Madam President.

16 ACTING PRESIDENT PERSAUD: Senator  
17 Jackson to be recorded in the affirmative.

18 Announce the results.

19 THE SECRETARY: Ayes, 63.

20 ACTING PRESIDENT PERSAUD: The bill  
21 is passed.

22 THE SECRETARY: Calendar Number  
23 343, Senate Print 3408, by Senator Brouk, an act  
24 to establish a Black Youth Suicide Prevention  
25 Task Force.

1                   ACTING PRESIDENT PERSAUD:    Read the  
2   last section.

3                   THE SECRETARY:    Section 2.   This  
4   act shall take effect on the 60th day after it  
5   shall have become a law.

6                   ACTING PRESIDENT PERSAUD:    Call the  
7   roll.

8                   (The Secretary called the roll.)

9                   ACTING PRESIDENT PERSAUD:    Announce  
10   the results.

11                   THE SECRETARY:    Ayes, 63.

12                   ACTING PRESIDENT PERSAUD:    The bill  
13   is passed.

14                   THE SECRETARY:    Calendar Number  
15   344, Senate Print 3409, by Senator Brouk, an act  
16   to amend the Mental Hygiene Law.

17                   ACTING PRESIDENT PERSAUD:    Read the  
18   last section.

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

21                   ACTING PRESIDENT PERSAUD:    Call the  
22   roll.

23                   (The Secretary called the roll.)

24                   ACTING PRESIDENT PERSAUD:    Announce  
25   the results.

1 THE SECRETARY: Ayes, 63.

2 ACTING PRESIDENT PERSAUD: The bill  
3 is passed.

4 THE SECRETARY: Calendar Number  
5 345, Senate Print 3476, by Senator Parker, an act  
6 to amend the Mental Hygiene Law.

7 ACTING PRESIDENT PERSAUD: Read the  
8 last section.

9 THE SECRETARY: Section 2. This  
10 act shall take effect on the 90th day after it  
11 shall have become a law.

12 ACTING PRESIDENT PERSAUD: Call the  
13 roll.

14 (The Secretary called the roll.)

15 ACTING PRESIDENT PERSAUD: Senator  
16 Parker to explain his vote.

17 SENATOR PARKER: Thank you very  
18 much, Madam President.

19 I rise today to add my voice to my  
20 colleagues who are talking about the issue of  
21 mental health.

22 And during this pandemic where  
23 people are fighting for both their lives and  
24 their livelihoods, the thing that's gotten caught  
25 in the middle of that is people's mental health.

1 People have been stuck at home, some of them for  
2 almost a year. People have been torn away from  
3 their jobs, from their loved ones, from their  
4 schools, from their familial groups. We have, in  
5 our stay-at-home orders, have inadvertently stuck  
6 people who are being abused in with their  
7 abusers.

8                   So it's important that we start  
9 paying more attention to this. And what my bill  
10 does today is creates a mechanism to make sure  
11 that as we're providing this mental health help,  
12 that we give it the same kind of priority within  
13 the context of insurance and economic support as  
14 we do physical health, that we need to do both.

15                   And in this moment, mental health is  
16 critically important. You know, there's a number  
17 of colleagues who have bills today -- Senator  
18 Salazar's bill on LGBTQ support, you know,  
19 Senator Brouk's legislation on African-American  
20 young people and suicide rates. All of these  
21 things are important.

22                   I'm happy to stand up in support of  
23 all this legislation, and I vote aye on my bill.

24                   ACTING PRESIDENT PERSAUD:  
25 Senator Parker to be recorded in the affirmative.

1                   Announce the results.

2                   THE SECRETARY:    Ayes, 63.

3                   ACTING PRESIDENT PERSAUD:    The bill  
4 is passed.

5                   THE SECRETARY:    Calendar Number  
6 369, Senate Print 3784A, by Senator Comrie, an  
7 act to amend the Public Service Law.

8                   ACTING PRESIDENT PERSAUD:    Read the  
9 last section.

10                  THE SECRETARY:    Section 2.  This  
11 act shall take effect on the 120th day after it  
12 shall have become a law.

13                  ACTING PRESIDENT PERSAUD:    Call the  
14 roll.

15                                   (The Secretary called the roll.)

16                  ACTING PRESIDENT PERSAUD:    Senator  
17 Reichlin-Melnick to explain his vote.

18                  SENATOR REICHLIN-MELNICK:    Thank  
19 you, Madam President.

20                                   I just rise to support this bill  
21 very strongly.  This is a great piece of  
22 legislation because last summer the residents of  
23 my district and all over the state were hit hard  
24 by Tropical Storm Isaias.  And this is something  
25 which would help, because there were people who

1       were without power for days, tens of thousands of  
2       people in my district and all over our state.

3               This bill would require that utility  
4       companies, if they can't get the power back on,  
5       reimburse people for their spoiled food, for  
6       their prescription medicines, reimburse a small  
7       business that has to throw out thousands of  
8       dollars worth of meat, of produce, of food from  
9       ordinary refrigerators.

10              And I think it's long past time we  
11       passed this bill. I'm proud to be a cosponsor,  
12       and I think it's common sense that we make sure  
13       that people are made whole after these natural  
14       disasters. So I'm voting in support of the bill,  
15       and thanks for it coming up.

16              ACTING PRESIDENT PERSAUD:     Senator  
17       Reichlin-Melnick to be recorded in the  
18       affirmative.

19              Announce the results.

20              THE SECRETARY:     Ayes, 63.

21              ACTING PRESIDENT PERSAUD:     The bill  
22       is passed.

23              THE SECRETARY:     Calendar Number  
24       373, Senate Print 4960, by Senator Mayer, an act  
25       to amend the Public Service Law.

1                   SENATOR LANZA:    Lay it aside.

2                   ACTING PRESIDENT PERSAUD:    Lay it  
3   aside.

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

6                   SENATOR GIANARIS:    Thank you,  
7   Madam President.

8                   Now we will take up the  
9   controversial calendar, starting with  
10   Calendar 116.

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

13                   The Secretary will read.

14                   THE SECRETARY:    Calendar Number  
15   116, Senate Print 1453A, by Senator Parker, an  
16   act to amend the Public Service Law.

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

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

23                   ACTING PRESIDENT PERSAUD:    Thank  
24   you, Senator Lanza.  Upon review of the  
25   amendment, in accordance with Rule 6, Section 4B,

1 I rule it nongermane and out of order at this  
2 time.

3 SENATOR LANZA: Accordingly,  
4 Madam President, I appeal the ruling of the chair  
5 and ask that Senator Boyle be recognized.

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

9 SENATOR BOYLE: Thank you, Madam  
10 President, for the opportunity to speak on this  
11 amendment.

12 I would argue that this amendment is  
13 in fact germane. The bill-in-chief extends a  
14 moratorium on utility termination of services  
15 after the COVID-19 state of emergency is lifted  
16 and expires. Since the start of pandemic, the  
17 Governor has issued numerous executive orders  
18 related to the moratorium and suspensions of both  
19 services and of laws.

20 It is time for the Legislature to  
21 get back to doing the people's work. This  
22 bill-in-chief and this hostile amendment both  
23 would aim to do just that.

24 This is now the 16th time since May  
25 that my colleagues and I have put forward an



1 amendment in this house to remove the Governor's  
2 emergency powers and restore the Legislature as a  
3 coequal branch of government.

4           Each time our colleagues across the  
5 aisle have voted against this amendment, despite  
6 the fact that we all know that many of the  
7 colleagues in the Majority share our feelings.  
8 In fact, the amendment we are moving today was  
9 introduced just last week as a bill by one of  
10 your colleagues in the Majority. It is very  
11 similar to the bill that was introduced by  
12 Senator Helming last summer.

13           Let me be clear: This is not a  
14 partisan or political issue. This is an issue of  
15 doing what's right for the people of this state,  
16 the people who elected us to serve them.

17           Given recent reports of the  
18 Governor's office's purposeful withholding of  
19 data from the Legislature and the public, this  
20 should have been our first order of business when  
21 we returned to session. We should not be forced  
22 to continue to put forward this amendment when  
23 there is clear support on both sides of the  
24 aisle. And we know this would be just the first  
25 step.

1           The powers that we gave the Governor  
2   on an emergency basis were done on a bipartisan  
3   basis. The vote I have here, it passed 53 to 4.  
4   Republicans and Democrats both supported giving  
5   the President -- giving the Governor emergency  
6   powers. We can take them back on a bipartisan  
7   basis.

8           Let me put this another way that  
9   some of my colleagues on the other side of the  
10  aisle may appreciate. There's going to be a  
11  documentary made about this -- I don't know if  
12  it's going to be on HBO or HBO Max or Netflix,  
13  but there's going to be a documentary made. And  
14  just like every powerful and impactful  
15  documentary, there's going to be a victim.  
16  There's going to be victims, 15,000-plus New  
17  Yorkers who died in nursing homes and their  
18  families and their grieving friends. There's  
19  also going to be villains. I think the villains  
20  probably are going to be the Governor, I think  
21  the villain is going to be Melissa DeRosa.

22           How do you write that? Her father  
23  was a big lobbyist for the very hospitals that  
24  benefited from some of these executive orders. I  
25  read recently that her mother-in-law is the

1 U.S. Attorney for the Southern District of  
2 New York. This is a documentary in the making.

3 Probably the health commissioner,  
4 Howard Zucker.

5 This documentary is going to have  
6 heroes. I believe the first hero is going to be  
7 Assemblyman Ron Kim for standing up and speaking,  
8 as we all know, truth to power. The advocates  
9 who have asked for responsibility and openness,  
10 transparency, they're going to be true heroes.  
11 The nine workers of the New York State Department  
12 of Health who resigned based on principle,  
13 because their expertise was being ignored by the  
14 Governor and his staff, they will be heroes.

15 The Republicans, both the Assembly  
16 and the Senate, we're not going to be heroes, but  
17 we'll be on the side of the angels.

18 The only role in this documentary  
19 that's up -- is a question is where the Senate  
20 Majority is going to be. Where are the Democrats  
21 going to be in this documentary, are they going  
22 to be on the side of the angels or the other  
23 side?

24 That being said, Madam President, I  
25 appeal the ruling of the chair and I ask the

1 amendment be ruled germane. Thank you.

2 ACTING PRESIDENT PERSAUD: Thank  
3 you, Senator.

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

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

9 SENATOR LANZA: Request a show of  
10 hands.

11 SENATOR GIANARIS: Madam President,  
12 we've agreed to waive the showing of hands and  
13 record each member of the Minority in the  
14 affirmative.

15 ACTING PRESIDENT PERSAUD: Without  
16 objection, so ordered.

17 Announce the results.

18 THE SECRETARY: Ayes, 20.

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

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

24 Seeing and hearing none, debate is  
25 closed. The Secretary will ring the bell.

1 Read the last section.

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

4 ACTING PRESIDENT PERSAUD: Call the  
5 roll.

6 (The Secretary called the roll.)

7 ACTING PRESIDENT PERSAUD: Announce  
8 the results.

9 ACTING PRESIDENT PERSAUD: Senator  
10 Parker to explain his vote.

11 SENATOR PARKER: Thank you,  
12 Madam President, to explain my vote.

13 This legislation is an extender of a  
14 utility moratorium. We passed the original  
15 version of this bill back in June, really as we  
16 really began the beginning of our journey with  
17 this pandemic. We had people obviously who had  
18 lost their jobs, not being able to pay their  
19 rent, not being able to pay their property taxes  
20 or their mortgages, and of course not being able  
21 to pay their utilities.

22 We're hoping to get to a place where  
23 we'll be able to address these arrears, but it  
24 was important that in this moment the State of  
25 New York recognized that people weren't able to

1 pay their bills because of no fault of their own,  
2 but because of the pandemic. And we're  
3 addressing that issue right now.

4 This legislation actually has become  
5 a national model, and I'm proud to have had an  
6 opportunity to work with the advocates, to  
7 sponsor it, and I'm hoping that my colleagues  
8 will vote aye.

9 ACTING PRESIDENT PERSAUD:  
10 Senator Parker to be recorded in the affirmative.

11 Announce the results.

12 THE SECRETARY: In relation to  
13 Calendar 116, those Senators voting in the  
14 negative are Senators Lanza, Oberacker, Ortt and  
15 Stec.

16 Ayes, 59. Nays, 4.

17 ACTING PRESIDENT PERSAUD: The bill  
18 is passed.

19 The Secretary will read.

20 THE SECRETARY: Calendar Number  
21 103, Senate Print 192, by Senator Thomas, an act  
22 to amend the General Business Law.

23 ACTING PRESIDENT PERSAUD: Senator  
24 Martucci.

25 SENATOR MARTUCCI: Thank you,

1 Madam President. Through you, will the sponsor  
2 yield for a question?

3 ACTING PRESIDENT PERSAUD: Will the  
4 sponsor yield?

5 SENATOR THOMAS: Yes.

6 ACTING PRESIDENT PERSAUD: The  
7 sponsor will yield.

8 SENATOR MARTUCCI: Thank you, Madam  
9 President.

10 In reviewing this piece of  
11 legislation, which is designed to extend  
12 Lemon Law protections to commercial vehicles,  
13 commercial vehicle sales, is the sponsor aware of  
14 the two-step manufacturing process that's  
15 inherent in commercial vehicle manufacture?

16 SENATOR THOMAS: Through you,  
17 Madam President, I do not.

18 SENATOR MARTUCCI: Madam President,  
19 will the sponsor continue to yield.

20 ACTING PRESIDENT PERSAUD: Will the  
21 sponsor yield?

22 SENATOR THOMAS: Yes.

23 ACTING PRESIDENT PERSAUD: The  
24 sponsor yields.

25 SENATOR MARTUCCI: So to provide a

1 little bit of background, I guess, to my  
2 question, typically with respect to commercial  
3 vehicles, the manufacturing process is a  
4 multistage process whereby one manufacturer  
5 manufactures the chassis portion of the vehicle  
6 and another manufacturer manufactures significant  
7 other portions of the vehicle.

8               So for example, an ambulance, which  
9 is typically produced on either a Ford or a  
10 General Motors chassis, will then have a body  
11 mounted on it by an ambulance company, and then  
12 another manufacturer will mount things like  
13 lights and sirens.

14               So in the production of that  
15 vehicle, there are multiple manufacturers that  
16 are producing the vehicle. That's what I mean by  
17 a multi-manufacturer process.

18               So my question is, was that  
19 consideration paid in the crafting of this  
20 legislation?

21               SENATOR THOMAS: Through you,  
22 Madam President, I don't seem to understand what  
23 this has to do with the bill.

24               The bill is talking about protecting  
25 consumers and extending warranties if there is a



1 manufacturing defect. Regardless of whether they  
2 manufacture it with a two-step or five-step  
3 process, there's obviously still going to be a  
4 manufacturing defect somewhere around there, and  
5 this is protecting against it.

6 SENATOR MARTUCCI: Madam President,  
7 will the sponsor continue to yield?

8 ACTING PRESIDENT PERSAUD: Will the  
9 sponsor yield?

10 SENATOR THOMAS: Yes.

11 ACTING PRESIDENT PERSAUD: The  
12 sponsor yields.

13 SENATOR MARTUCCI: Thank you.

14 So my question then would be the way  
15 that the bill is written, in the case where there  
16 are multiple manufacturers of a vehicle, which  
17 manufacturer would be responsible for warranting  
18 the defect?

19 SENATOR THOMAS: So through you,  
20 Madam President, anyone -- any manufacturer that  
21 has something to do with the defect will be held  
22 responsible in repairing that defect.

23 SENATOR MARTUCCI: Madam President,  
24 will the sponsor continue to yield.

25 ACTING PRESIDENT PERSAUD: Will the

1 sponsor yield?

2 SENATOR THOMAS: Yes.

3 ACTING PRESIDENT PERSAUD: The  
4 sponsor yields.

5 SENATOR MARTUCCI: Would this  
6 consumer -- as outlined in the bill, would the  
7 word "consumer," as defined in the bill, apply to  
8 large corporate commercial entities like, for  
9 example, rental car companies or taxi fleet  
10 companies?

11 SENATOR THOMAS: Through you,  
12 Madam President. That's why specifically in the  
13 bill "consumer" was replaced with "purchaser," to  
14 actually fix that issue with the definition.

15 SENATOR MARTUCCI: Madam President,  
16 will the sponsor continue to yield.

17 ACTING PRESIDENT PERSAUD: Will the  
18 sponsor yield?

19 SENATOR THOMAS: Yes, Madam  
20 President.

21 ACTING PRESIDENT PERSAUD: The  
22 sponsor yields.

23 SENATOR MARTUCCI: Thank you.

24 Since there are very few vehicles  
25 that are actually produced right here in New York

1 State, how would this bill apply to vehicles that  
2 are produced outside of New York State?

3 SENATOR THOMAS: Through you,  
4 Madam President, there is the federal warranty  
5 law, which is I believe called the Magnuson-Moss  
6 Warranty Act, that will cover this if it's  
7 outside of the State of New York.

8 SENATOR MARTUCCI: Thank you,  
9 Madam President. Through you, will the sponsor  
10 continue to yield?

11 ACTING PRESIDENT PERSAUD: Will the  
12 sponsor yield?

13 SENATOR THOMAS: Yes.

14 ACTING PRESIDENT PERSAUD: The  
15 sponsor yields.

16 SENATOR MARTUCCI: In the  
17 legislation are there any exclusions made  
18 specifically for overweight vehicles.

19 SENATOR THOMAS: Through you,  
20 Madam President, right now, no, there isn't.

21 But again, no amendments were sent  
22 to my office to consider any of this.

23 SENATOR MARTUCCI: Madam President,  
24 will the sponsor continue to yield, through you.

25 ACTING PRESIDENT PERSAUD: Will the

1 sponsor yield?

2 SENATOR THOMAS: Yes.

3 ACTING PRESIDENT PERSAUD: The  
4 sponsor yields.

5 SENATOR MARTUCCI: The same sort of  
6 question, were there any axle restrictions as  
7 outlined in the bill?

8 SENATOR THOMAS: Through you,  
9 Madam President, no.

10 And again, no amendments were sent  
11 to my office to address that issue.

12 SENATOR MARTUCCI: Thank you.  
13 Madam President, on the bill.

14 ACTING PRESIDENT PERSAUD: Senator  
15 Martucci on the bill.

16 SENATOR MARTUCCI: First, thank you  
17 to my colleague Senator Thomas for answering my  
18 questions today.

19 On the surface, this bill makes  
20 sense. Why shouldn't we apply a Lemon Law  
21 protection to commercial purchases and leases,  
22 just in the same way we do for any typical  
23 consumer?

24 The problem is that the bill shows a  
25 lack of understanding with respect to the

1 commercial industry as it relates to these types  
2 of purchases. As someone who owns a bus company,  
3 I can tell you firsthand that vehicles that are  
4 produced by multiple manufacturers are not  
5 warrantyable like a single-stage manufactured  
6 vehicle.

7           This bill will create confusion as  
8 to which manufacturer is responsible for the  
9 warranty protections. And in addition,  
10 commercial vehicles already have commercial  
11 warranty protections on them. This is true of a  
12 bus or a truck or an ambulance or really any  
13 vehicle that's produced or purchased here in this  
14 state.

15           It's also true for rental car  
16 companies like Enterprise and Avis. They simply  
17 don't need this bill. And from what I've read,  
18 they don't want this bill either.

19           Only in Albany would the Legislature  
20 look to substitute its opinion for the collective  
21 wisdom of an industry, and groups like the  
22 Business Council oppose this bill. It doesn't  
23 make sense, and it shouldn't be here for a vote  
24 on the floor.

25           And for those reasons, I believe

1 it's a bad bill, it creates more problems than it  
2 solves, and I'm going to be recorded in the  
3 negative.

4 Thank you, Madam President.

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

7 Seeing and hearing none, debate is  
8 closed. The Secretary will ring the bell.

9 Read the last section.

10 THE SECRETARY: Section 25. This  
11 act shall take effect immediately.

12 ACTING PRESIDENT PERSAUD: Call the  
13 roll.

14 (The Secretary called the roll.)

15 ACTING PRESIDENT PERSAUD: Senator  
16 Thomas to explain his vote.

17 SENATOR THOMAS: Thank you,  
18 Madam President.

19 This is a very important bill before  
20 us today. Like I mentioned moments ago during  
21 the debate, you know, our businesses are  
22 suffering, they're vulnerable to bad actors, and  
23 added protection is needed. Currently New York  
24 State Lemon Law only protects consumers  
25 purchasing a vehicle for personal needs from

1     deceitful selling practices and faulty  
2     manufacturing.

3             This bill changes that and allows  
4     vehicles that are used primarily for commercial  
5     or business purposes to be covered, including  
6     those purchased by small businesses. Businesses  
7     are not exempt from being victims of predatory  
8     sellers, nor are the vehicles they purchase  
9     immune to possible flaws in the manufacturing  
10    process.

11            More than half of all states already  
12    include vehicles purchased for commercial  
13    purposes in the Lemon Law statutes. We will join  
14    them when this is signed into law.

15            I vote in the affirmative,  
16    Madam President. Thank you.

17            ACTING PRESIDENT PERSAUD:    Senator  
18    Thomas to be recorded in the affirmative.

19            Announce the results.

20            THE SECRETARY:    In relation to  
21    Calendar 103, those Senators voting in the  
22    negative are Senators Akshar, Borrello, Boyle,  
23    Gallivan, Griffio, Helming, Jordan, Lanza,  
24    Martucci, Mattera, Oberacker, O'Mara, Ortt,  
25    Palumbo, Rath, Ritchie, Serino, Stec, Tedisco and

1 Weik.

2 Ayes, 43. Nays, 20.

3 ACTING PRESIDENT PERSAUD: The bill  
4 is passed.

5 The Secretary will read.

6 THE SECRETARY: Calendar Number  
7 373, Senate Print 4960, by Senator Mayer, an act  
8 to amend the Public Service Law.

9 ACTING PRESIDENT PERSAUD: Senator  
10 Borrello.

11 SENATOR BORRELLO: Yes,  
12 Madam President, will the sponsor yield for a  
13 question.

14 ACTING PRESIDENT PERSAUD: Will the  
15 sponsor yield?

16 SENATOR MAYER: Yes, happy to.

17 ACTING PRESIDENT PERSAUD: The  
18 sponsor yields.

19 SENATOR BORRELLO: Thank you.

20 Thank you, Senator Mayer. Good to  
21 see you.

22 SENATOR MAYER: Good to see you  
23 too.

24 SENATOR BORRELLO: A question. One  
25 of the key elements of this bill is that it would



1 remove any cap or any limitation on fines that  
2 can be imposed on a utility company for  
3 violations. Am I correct in that interpretation?  
4 Will this basically allow for unlimited fine  
5 amounts?

6 SENATOR MAYER: Through you,  
7 Madam President, what the bill does is in  
8 sticking up for consumers and ratepayers, it  
9 eliminates the statutory cap and instead imposes  
10 a number of specific factors that the Public  
11 Service commission must determine after finding a  
12 violation has occurred.

13 So once there is a violation, then  
14 they analyze the factors and they determine the  
15 amount of the appropriate penalty or fine,  
16 thereby protecting ratepayers and consumers.

17 SENATOR BORRELLO: Madam President,  
18 will the sponsor continue to yield?

19 ACTING PRESIDENT PERSAUD: Does the  
20 sponsor yield?

21 SENATOR MAYER: Yes.

22 ACTING PRESIDENT PERSAUD: The  
23 sponsor yields.

24 SENATOR BORRELLO: Thank you.

25 So with that, though, there is no

1 specific limit that this bill or this Legislature  
2 will be putting on fines. Theoretically, there  
3 could be any dollar amount of any kind, based on  
4 the language in this bill.

5 SENATOR MAYER: Through you,  
6 Madam President. Again, there must be a finding  
7 of a violation. No utility company has anything  
8 to worry about if they have not violated the  
9 rules or the law.

10 Even after doing so, these factors  
11 must be applied which give the Public Service  
12 Commission discretion.

13 But at the end of the day, talk to  
14 consumers, ratepayers and those who are dependent  
15 on our utility companies. They believe that  
16 these fines in the past have been a cost of doing  
17 business and we must change the way these  
18 companies operate.

19 SENATOR BORRELLO: Madam President,  
20 will the sponsor continue to yield.

21 ACTING PRESIDENT PERSAUD: Does the  
22 sponsor yield?

23 SENATOR MAYER: Yes.

24 ACTING PRESIDENT PERSAUD: The  
25 sponsor yields.

1                   SENATOR BORRELLO:    Let me first say  
2   that I agree with you that oftentimes businesses  
3   do look at these as just a cost of doing  
4   business, rather than providing the service, so  
5   we agree on that.   But I'm concerned about the  
6   nature of this being unlimited, in essence.

7                   So the next question I have is this  
8   bill also seems to reach beyond gas and electric  
9   companies and could also capture other utilities  
10  like telecommunications, cable, internet  
11  providers.   Would that be the case?   Is that the  
12  intent?

13                  SENATOR MAYER:    Through you,  
14  Madam President.   This bill, one, reaches  
15  entities that are already regulated in some  
16  fashion by the Public Service Commission.   It  
17  does impose additional requirements for cable and  
18  telephone companies to actually prepare and file  
19  an emergency service plan, which is shared, which  
20  is absolutely essential for customers to know  
21  what the requirements are.

22                  But this does not expand the scope  
23  of the authority of the Public Service  
24  Commission, which already has authority over  
25  utility companies and has some regulatory

1 authority over cable and telephone companies.

2 SENATOR BORRELLO: Madam President,  
3 will the sponsor continue to yield.

4 ACTING PRESIDENT PERSAUD: Does the  
5 sponsor yield?

6 SENATOR MAYER: Yes.

7 ACTING PRESIDENT PERSAUD: The  
8 sponsor yields.

9 SENATOR BORRELLO: On page 4,  
10 line 16 of this bill, the word "reasonably" has  
11 been struck. Can the sponsor explain how the  
12 effect of this amendment -- what's the effect of  
13 this amendment? Striking the word "reasonably,"  
14 what is the impact of that? So does that mean  
15 that it is strictly liable for any breakdown  
16 that -- even though there's no fault of their  
17 own?

18 In other words, if it wasn't their  
19 fault there was a breakdown because the word  
20 "reasonably" has been struck from this bill, does  
21 that make them still liable even if it wasn't  
22 their fault?

23 SENATOR MAYER: Through you,  
24 Madam President. Again, first there must be a  
25 finding of a violation. And what we have seen

1 historically is violations have been basically  
2 minimized because the utilities come in and say  
3 it was a reasonable violation.

4           This says the PSC must actually  
5 review, for example, which act or omission led to  
6 the violation, whether it was knowing or willful,  
7 whether it was recurring or had been the subject  
8 of a previous finding. Whether it -- for  
9 example, it dealt with economic losses of  
10 ratepayers.

11           And finally, for any company -- and  
12 my focus here is on consumers and ratepayers.  
13 But legitimately, if any company worries, there  
14 are -- Factor (k), mitigating factors relevant to  
15 the seriousness of the violation as determined by  
16 the commission.

17           There's more than adequate  
18 protection here for the companies. But we need  
19 to build in the protection for the consumers and  
20 ratepayers. And that's what this does, by taking  
21 away what has been an excuse of reasonableness as  
22 applied to violations.

23           SENATOR BORRELLO: Thank you.

24           Madam President, will the sponsor  
25 continue to yield.

1                   ACTING PRESIDENT PERSAUD:    Does the  
2 sponsor yield?

3                   SENATOR MAYER:     Surely.

4                   ACTING PRESIDENT PERSAUD:    The  
5 sponsor yields.

6                   SENATOR BORRELLO:    Yes, the last  
7 one.

8                   Well, by my reading of this bill,  
9 hypothetically an officer of a telecommunications  
10 company could be assessed any amount for any  
11 violation of the law, regulation, or any order,  
12 whether or not the act was willful. And that's  
13 the part that I have an issue with.

14                   Was that your intention, to make  
15 them basically have an unlimited potential for a  
16 fine, even for something that wasn't done  
17 willfully?

18                   SENATOR MAYER:    Through you, Madam  
19 President. Under Section 25A, which is the  
20 administrative proceedings, officers can be held  
21 liable for willful violations.

22                   SENATOR BORRELLO:   Madam President,  
23 on the bill.

24                   ACTING PRESIDENT PERSAUD:   Senator  
25 Borrello on the bill.

1                   SENATOR BORRELLO:    Thank you.

2                   Senator Mayer, thank you very much  
3 for indulging me. I appreciate it very much.

4                   You know, the -- I understand the  
5 need to want to protect consumers, and that that  
6 absolutely should be our priority. But  
7 oftentimes there's unintended consequences where  
8 they pass along what would be an unlimited fine  
9 amount ultimately to the ratepayers. And that's  
10 part of my concern.

11                  But there's another part to this  
12 too. Let me first read a quote. The quote that  
13 I have here is "I propose an up-front fine  
14 structure by the PSC that is simple,  
15 straightforward, and may finally provide the real  
16 financial incentive that these utility companies  
17 need and understand."

18                  These aren't my words. Those are  
19 actually the words of a former member of this  
20 body, of the Senate Democratic Conference, and  
21 the current Westchester County Executive George  
22 Latimer. He said that in this testimony to the  
23 joint Senate-Assembly hearing on the power  
24 communications failure from Tropical Storm  
25 Isaias.

1                   So the county executive, a former  
2 member of this body, felt that we needed a  
3 simpler and more defined way to make these  
4 companies more accountable. But, you know, the  
5 question is how do we improve their response,  
6 right?

7                   But instead of really digging into  
8 this issue and advancing proposals that would  
9 improve utility response and provide a  
10 straightforward and simple, like he said, fine  
11 structure, this body is deciding to do exactly  
12 the opposite and is moving to vote on a piece of  
13 legislation that hands unfettered power to the  
14 Executive, to the Governor.

15                  I mean, I can't believe we're  
16 passing a bill right now, in this current  
17 environment, that's going to hand more unfettered  
18 power to this Governor. That's really the issue  
19 here.

20                  The Governor will have the ability  
21 to fine companies at an unlimited amount for a  
22 pretty much unlimited amount of reasons. That  
23 could very easily be abused. And I think we've  
24 learned a lesson recently that this Governor has  
25 the propensity to utilize that type of power in



1 an abusive manner.

2 So handing this power to this  
3 Governor at this moment in time I think is  
4 particularly irresponsible. I understand the  
5 nature of what we're trying to do; we're trying  
6 to protect consumers. I understand the impact of  
7 that tropical storm. We saw what happened in  
8 Texas recently. These companies need to be held  
9 accountable.

10 This is not the way to make these  
11 companies accountable. It's an expansive  
12 increase in the Governor's power. This body  
13 needs to reassert itself as a separate coequal  
14 branch of government. We need to stop handing  
15 the Governor unlimited power and authority.  
16 We've seen the tragic results of that in recent  
17 months.

18 So at the very least, this bill's  
19 timing is poor. But on top of that, it certainly  
20 goes directly against our constitutional  
21 obligation to be a separate, coequal branch of  
22 government, and I'll be voting no.

23 Thank you, Madam President.

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

1                   Seeing and hearing none, debate is  
2 closed. The Secretary will ring the bell.

3                   Read the last section.

4                   THE SECRETARY: Section 8. This  
5 act shall take effect on the 90th day after it  
6 shall have become a law.

7                   ACTING PRESIDENT PERSAUD: Call the  
8 roll.

9                   (The Secretary called the roll.)

10                  ACTING PRESIDENT PERSAUD: Senator  
11 Mayer to explain her vote.

12                  SENATOR MAYER: Thank you,  
13 Madam President.

14                  Nine years ago my district and many,  
15 many constituents suffered through Superstorm  
16 Sandy. In testimony after that storm, I said  
17 Sandy made clear our infrastructure, staffing and  
18 the system of accountability is simply  
19 ill-prepared to respond to these increasingly  
20 common and powerful storms.

21                  Ironically, after Superstorm Sandy  
22 the Legislature passed Section 25A that we're  
23 talking about today. It was supposed to be a  
24 tool to ensure that utility companies actually  
25 responded to the legitimate demands of ratepayers

1 and customers. But it has not worked.

2 Tropical Storm Isaias hit our region  
3 hard, but it wasn't the worst storm we have seen  
4 or will see. We will see worse. As we've seen  
5 in Texas, we will see very serious climate change  
6 affect all of our communities.

7 But these companies statewide have  
8 acted in derogation of their duties, and the fact  
9 is the current law has not held them responsible.  
10 They have seen the fines and penalties as a cost  
11 of doing business and a cost that has  
12 unfortunately not changed their behavior.

13 After this last storm, among the  
14 constituents who wrote to me or called me were  
15 some who were forced to remain in a healthcare  
16 facility because the facility would not discharge  
17 the patient until her electricity was restored,  
18 because she needed electricity for her  
19 life-sustaining equipment.

20 Another could not get the power  
21 restored when his wife had life-sustaining  
22 medications which required refrigeration.

23 Elected leaders like myself and our  
24 county executive, George Latimer, could not get  
25 phone calls returned, could not get electric and

1 cable companies to coordinate and work together,  
2 could not get realistic and timely information  
3 about restorations -- and frankly we and, more  
4 important, our constituents were ignored.

5 Ratepayers and customers are tired  
6 of the costs of violations being deemed the cost  
7 of doing business and just ignored until the next  
8 storm. And I promised to my constituents I would  
9 not let there be another storm without a  
10 substantial and meaningful response.

11 This legislation will do that by  
12 eliminating statutory caps on penalties and  
13 shedding vague language regarding whether a  
14 violation occurred. This will empower the Public  
15 Service Commission -- and I remind us, the  
16 members of which are confirmed by this body, and  
17 is an independent body under the law -- to  
18 respond to violations by utilities in a way that  
19 is proportionate to the seriousness of the  
20 violations and significant enough to incentivize  
21 improved compliance.

22 In addition, this bill requires  
23 cable and phone companies to submit emergency  
24 response plans for review and approval, which  
25 will enhance oversight of these industries and

1 help prevent the kind of service outage debacle  
2 that we lived through in my district last August.

3 I'd like to thank the Majority  
4 Leader for bringing this important bill to the  
5 floor, and the staff of -- my staff, Mike Press  
6 and Rob Habermann, for their great work and open  
7 minds about finding a way forward.

8 To the people of New York and to my  
9 constituents, I say we heard your frustration, we  
10 share it. With this bill and the others passed  
11 today, we convey your message to these companies:  
12 There will not be another time where this happens  
13 again.

14 Thank you, Madam President.

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

17 Announce the results.

18 THE SECRETARY: In relation to  
19 Calendar 373, those Senators voting in the  
20 negative are Senators Akshar, Borrello, Boyle,  
21 Gallivan, Griffo, Helming, Jordan, Lanza,  
22 Martucci, Mattera, Oberacker, O'Mara, Ortt,  
23 Palumbo, Rath, Ritchie, Serino, Stec, Tedisco and  
24 Weik.

25 Ayes, 43. Nays, 20.

1                   ACTING PRESIDENT PERSAUD:    The bill  
2   is passed.

3                   Senator Gianaris, that completes the  
4   reading of the controversial calendar.

5                   SENATOR GIANARIS:    Thank you,  
6   Madam President.

7                   Returning to motions and resolutions  
8   for a moment, on behalf of Senator Brisport, on  
9   page 25 I offer the following amendments to  
10   Calendar 341, Senate Print 4378, and ask that  
11   said bill retain its place on the Third Reading  
12   Calendar.

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

16                  SENATOR GIANARIS:    And on behalf of  
17   Senator Ramos, on page 25 I offer the following  
18   amendments to Calendar 337, Senate Print 3211,  
19   and ask that said bill retain its place on Third  
20   Reading Calendar.

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

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

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

3                   SENATOR GIANARIS:    I move to  
4   adjourn until tomorrow, Wednesday, February 24th,  
5   at 11:00 a.m.

6                   ACTING PRESIDENT PERSAUD:    On  
7   motion, the Senate stands adjourned until  
8   Wednesday, February 24th, at 11:00 a.m.

9                   (Whereupon, at 5:27 p.m., the Senate  
10   adjourned.)

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