

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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