NEW YORK STATE SENATE

THE STENOGRAPHIC RECORD

ALBANY, NEW YORK

February 23, 2021

3:30 p.m.

REGULAR SESSION

SENATOR SHELLEY B. MAYER, Acting President

ALEJANDRA N. PAULINO, ESQ., Secretary

P R O C E E D I N G S

ACTING PRESIDENT MAYER: The Senate will come to order.

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

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

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

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

ACTING PRESIDENT MAYER: Reading of the Journal.

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

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

Presentation of petitions.

Messages from the Assembly.

Messages from the Governor.

Reports of standing committees.

Reports of select committees.

Communications and reports from state officers.

Motions and resolutions.

Senator Gianaris.

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

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

Senator Gianaris.

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

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

(Response of "Aye.")

ACTING PRESIDENT MAYER: Opposed, nay.

(No response.)

ACTING PRESIDENT MAYER: The Resolution Calendar is adopted.

Senator Gianaris.

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

ACTING PRESIDENT MAYER: The Secretary will read.

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

ACTING PRESIDENT MAYER: Senator Persaud on the resolution.

SENATOR PERSAUD: Thank you, Madam President.

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

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

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

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

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

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

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

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

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

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

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

additional fighting.

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

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

Thank you, Madam President.

ACTING PRESIDENT MAYER: Senator Brisport on the resolution.

SENATOR BRISPORT: Thank you, Madam President.

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

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

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

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

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

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

Thank you.

ACTING PRESIDENT MAYER: Thank you.

The resolution was previously adopted on January 26th.

Senator Gianaris.

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

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

ACTING PRESIDENT MAYER: The Secretary will read.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

"WHEREAS, Senator Velmanette

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

SENATOR STEWART-COUSINS: Thank you, Madam President.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

You all can clap. Do not be ashamed.

(Laughter; applause.)

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

(Laughter.)

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

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

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

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

(Extended standing ovation.)

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

ACTING PRESIDENT MAYER: The Senate

will stand at ease.

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

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

ACTING PRESIDENT MAYER: The Senate will return to order.

Senator Gianaris.

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

ACTING PRESIDENT MAYER: Senator Persaud on the resolution.

SENATOR PERSAUD: Thank you.

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

You have paved the way for us. And

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

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

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

And as Senator Montgomery will say, bless your heart.

(Laughter.)

SENATOR PERSAUD: Thank you, Madam President.

ACTING PRESIDENT MAYER: Senator Liu on the resolution.

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

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

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

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

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

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

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

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

(Laughter.)

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

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

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

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

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

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

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

Thank you, Madam President, for this opportunity.

ACTING PRESIDENT MAYER: Thank you, Senator Liu.

Senator Brisport on the resolution.

SENATOR BRISPORT: Thank you, Madam President.

I rise before you with two

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

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

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

Happy Black History Month.

ACTING PRESIDENT PERSAUD: Senator

Gianaris on the resolution.

SENATOR GIANARIS: Thank you, Madam President.

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

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

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

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

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

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

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

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

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

So great to see you, Senator Montgomery.

Thank you, Madam President.

ACTING PRESIDENT PERSAUD: Senator Mayer on the resolution.

SENATOR MAYER: Thank you, Madam President.

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

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

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

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

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

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

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

Thank you.

ACTING PRESIDENT PERSAUD: Senator Kennedy on the resolution.

SENATOR KENNEDY: Thank you, Madam President.

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

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

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

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

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

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

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

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

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

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

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

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

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

Madam President, I vote aye.

ACTING PRESIDENT PERSAUD: Senator Lanza on the resolution.

SENATOR LANZA: Madam President, thank you.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

for that, ultimately.

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

Congratulations, Senator Montgomery.

ACTING PRESIDENT PERSAUD: Senator Savino on the resolution.

SENATOR SAVINO: Thank you, Madam President.

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

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

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

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

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

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

the press never really paid much attention to.

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

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

around the state.

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

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

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

I used to tease her all the time and

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

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

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

together made a real difference for a lot of people.

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

Thank you, Madam President.

ACTING PRESIDENT PERSAUD: Senator Parker on the resolution.

SENATOR PARKER: Thank you, Madam President.

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

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

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

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

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

Much of Black history has been

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

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

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

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

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

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

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

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

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

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

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

(Overtalk; laughter.)

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

SENATOR GIANARIS: You knew what you were doing.

(Laughter.)

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

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

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

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

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

God bless you, Velmanette Montgomery.

ACTING PRESIDENT PERSAUD: Senator Jackson on the resolution.

SENATOR JACKSON: Thank you, Madam President.

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

Majority Leader Andrea Stewart-Cousins.

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

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

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

Now I'd just like to read a little

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

(Laughter.)

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

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

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

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

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

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

Thank you, Madam President.

ACTING PRESIDENT PERSAUD: Resolution 317 was previously adopted on February 2nd.

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

(Response of "Aye.")

ACTING PRESIDENT PERSAUD: Opposed, nay.

(No response.)

ACTING PRESIDENT PERSAUD: The resolution is adopted.

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

Senators, let us rise and recognize Senator Montgomery.

(Extended standing ovation.)

ACTING PRESIDENT PERSAUD: Senator Gianaris.

SENATOR GIANARIS: Thank you, Madam President.

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

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

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

Senator Gianaris.

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

ACTING PRESIDENT PERSAUD: The Secretary will read.

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

SENATOR LANZA: Lay it aside.

ACTING PRESIDENT PERSAUD: Lay it aside.

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

ACTING PRESIDENT PERSAUD: Read the last section.

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

ACTING PRESIDENT PERSAUD: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT PERSAUD: Announce the results.

THE SECRETARY: Ayes, 63.

ACTING PRESIDENT PERSAUD: The bill

is passed.

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

ACTING PRESIDENT PERSAUD: Read the last section.

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

ACTING PRESIDENT PERSAUD: Call the roll.

(The Secretary called the roll.)

SENATOR LANZA: Lay it aside.

ACTING PRESIDENT PERSAUD: Lay it aside.

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

SENATOR GIANARIS: Lay it aside for the day.

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

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

ACTING PRESIDENT PERSAUD: Read the last section.

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

ACTING PRESIDENT PERSAUD: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT PERSAUD: Announce the results.

THE SECRETARY: Ayes, 63.

ACTING PRESIDENT PERSAUD: The bill is passed.

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

ACTING PRESIDENT PERSAUD: Read the last section.

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

ACTING PRESIDENT PERSAUD: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT PERSAUD:

Senator Kaplan to explain her vote.

SENATOR KAPLAN: Thank you, Madam President.

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

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

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

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

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

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

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

Thank you, Madam President.

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

Announce the results.

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

Ayes, 62. Nays, 1.

ACTING PRESIDENT PERSAUD: The bill is passed.

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

ACTING PRESIDENT PERSAUD: Read the last section.

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

ACTING PRESIDENT PERSAUD: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT PERSAUD: Senator Gaughran to explain his vote.

SENATOR GAUGHRAN: Thank you, Madam President.

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

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

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

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

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

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

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

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

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

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

Announce the results.

THE SECRETARY: Ayes, 63.

ACTING PRESIDENT PERSAUD: The bill is passed.

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

ACTING PRESIDENT PERSAUD: Read the last section.

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

ACTING PRESIDENT PERSAUD: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT PERSAUD: Announce

the results.

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

Ayes, 50. Nays, 13.

ACTING PRESIDENT PERSAUD: The bill is passed.

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

ACTING PRESIDENT PERSAUD: Read the last section.

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

ACTING PRESIDENT PERSAUD: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT PERSAUD: Senator Kaminsky to explain his vote.

SENATOR KAMINSKY: Thank you very much, Madam President.

As we look across the country and

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

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

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

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

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

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

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

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

Announce the results.

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

Ayes, 51. Nays, 12.

ACTING PRESIDENT PERSAUD: The bill is passed.

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

Real Property Tax Law.

ACTING PRESIDENT PERSAUD: Read the last section.

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

ACTING PRESIDENT PERSAUD: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT PERSAUD: Announce the results.

THE SECRETARY: Ayes, 63.

ACTING PRESIDENT PERSAUD: The bill is passed.

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

ACTING PRESIDENT PERSAUD: Read the last section.

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

ACTING PRESIDENT PERSAUD: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT PERSAUD: Senator Jackson to explain his vote.

SENATOR JACKSON: Thank you, Madam President.

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

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

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

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

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

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

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

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

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

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

Thank you, Madam President.

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

Announce the results.

THE SECRETARY: Ayes, 63.

ACTING PRESIDENT PERSAUD: The bill is passed.

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

ACTING PRESIDENT PERSAUD: Read the last section.

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

ACTING PRESIDENT PERSAUD: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT PERSAUD: Announce the results.

THE SECRETARY: Ayes, 63.

ACTING PRESIDENT PERSAUD: The bill is passed.

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

ACTING PRESIDENT PERSAUD: Read the last section.

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

ACTING PRESIDENT PERSAUD: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT PERSAUD: Announce the results.

THE SECRETARY: Ayes, 63.

ACTING PRESIDENT PERSAUD: The bill is passed.

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

ACTING PRESIDENT PERSAUD: Read the last section.

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

ACTING PRESIDENT PERSAUD: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT PERSAUD: Senator Parker to explain his vote.

SENATOR PARKER: Thank you very much, Madam President.

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

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

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

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

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

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

ACTING PRESIDENT PERSAUD:

Senator Parker to be recorded in the affirmative.

Announce the results.

THE SECRETARY: Ayes, 63.

ACTING PRESIDENT PERSAUD: The bill is passed.

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

ACTING PRESIDENT PERSAUD: Read the last section.

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

ACTING PRESIDENT PERSAUD: Call the roll.

(The Secretary called the roll.)

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

SENATOR REICHLIN-MELNICK: Thank you, Madam President.

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

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

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

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

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

Announce the results.

THE SECRETARY: Ayes, 63.

ACTING PRESIDENT PERSAUD: The bill is passed.

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

SENATOR LANZA: Lay it aside.

ACTING PRESIDENT PERSAUD: Lay it aside.

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

SENATOR GIANARIS: Thank you, Madam President.

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

ACTING PRESIDENT PERSAUD: The Secretary will ring the bell.

The Secretary will read.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Probably the health commissioner, Howard Zucker.

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

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

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

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

amendment be ruled germane. Thank you.

ACTING PRESIDENT PERSAUD: Thank you, Senator.

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

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

SENATOR LANZA: Request a show of hands.

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

ACTING PRESIDENT PERSAUD: Without objection, so ordered.

Announce the results.

THE SECRETARY: Ayes, 20.

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

Are there any other Senators wishing to be heard?

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

Read the last section.

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

ACTING PRESIDENT PERSAUD: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT PERSAUD: Announce the results.

ACTING PRESIDENT PERSAUD: Senator Parker to explain his vote.

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

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

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

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

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

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

Announce the results.

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

Ayes, 59. Nays, 4.

ACTING PRESIDENT PERSAUD: The bill is passed.

The Secretary will read.

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

ACTING PRESIDENT PERSAUD: Senator Martucci.

SENATOR MARTUCCI: Thank you,

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

ACTING PRESIDENT PERSAUD: Will the sponsor yield?

SENATOR THOMAS: Yes.

ACTING PRESIDENT PERSAUD: The sponsor will yield.

SENATOR MARTUCCI: Thank you, Madam President.

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

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

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

ACTING PRESIDENT PERSAUD: Will the sponsor yield?

SENATOR THOMAS: Yes.

ACTING PRESIDENT PERSAUD: The sponsor yields.

SENATOR MARTUCCI: So to provide a

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

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

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

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

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

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

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

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

ACTING PRESIDENT PERSAUD: Will the sponsor yield?

SENATOR THOMAS: Yes.

ACTING PRESIDENT PERSAUD: The sponsor yields.

SENATOR MARTUCCI: Thank you.

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

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

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

ACTING PRESIDENT PERSAUD: Will the

sponsor yield?

SENATOR THOMAS: Yes.

ACTING PRESIDENT PERSAUD: The sponsor yields.

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

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

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

ACTING PRESIDENT PERSAUD: Will the sponsor yield?

SENATOR THOMAS: Yes, Madam President.

ACTING PRESIDENT PERSAUD: The sponsor yields.

SENATOR MARTUCCI: Thank you.

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

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

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

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

ACTING PRESIDENT PERSAUD: Will the sponsor yield?

SENATOR THOMAS: Yes.

ACTING PRESIDENT PERSAUD: The sponsor yields.

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

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

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

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

ACTING PRESIDENT PERSAUD: Will the

sponsor yield?

SENATOR THOMAS: Yes.

ACTING PRESIDENT PERSAUD: The sponsor yields.

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

SENATOR THOMAS: Through you, Madam President, no.

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

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

ACTING PRESIDENT PERSAUD: Senator Martucci on the bill.

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

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

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

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

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

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

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

And for those reasons, I believe

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

Thank you, Madam President.

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

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

Read the last section.

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

ACTING PRESIDENT PERSAUD: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT PERSAUD: Senator Thomas to explain his vote.

SENATOR THOMAS: Thank you, Madam President.

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

deceitful selling practices and faulty manufacturing.

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

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

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

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

Announce the results.

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

Weik.

Ayes, 43. Nays, 20.

ACTING PRESIDENT PERSAUD: The bill is passed.

The Secretary will read.

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

ACTING PRESIDENT PERSAUD: Senator Borrello.

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

ACTING PRESIDENT PERSAUD: Will the sponsor yield?

SENATOR MAYER: Yes, happy to.

ACTING PRESIDENT PERSAUD: The sponsor yields.

SENATOR BORRELLO: Thank you.

Thank you, Senator Mayer. Good to see you.

SENATOR MAYER: Good to see you too.

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

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

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

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

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

ACTING PRESIDENT PERSAUD: Does the sponsor yield?

SENATOR MAYER: Yes.

ACTING PRESIDENT PERSAUD: The sponsor yields.

SENATOR BORRELLO: Thank you.

So with that, though, there is no

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

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

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

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

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

ACTING PRESIDENT PERSAUD: Does the sponsor yield?

SENATOR MAYER: Yes.

ACTING PRESIDENT PERSAUD: The sponsor yields.

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

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

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

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

authority over cable and telephone companies.

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

ACTING PRESIDENT PERSAUD: Does the sponsor yield?

SENATOR MAYER: Yes.

ACTING PRESIDENT PERSAUD: The sponsor yields.

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

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

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

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

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

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

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

SENATOR BORRELLO: Thank you.

Madam President, will the sponsor continue to yield.

ACTING PRESIDENT PERSAUD: Does the sponsor yield?

SENATOR MAYER: Surely.

ACTING PRESIDENT PERSAUD: The sponsor yields.

SENATOR BORRELLO: Yes, the last one.

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

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

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

SENATOR BORRELLO: Madam President, on the bill.

ACTING PRESIDENT PERSAUD: Senator Borrello on the bill.

SENATOR BORRELLO: Thank you.

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

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

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

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

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

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

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

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

an abusive manner.

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

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

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

Thank you, Madam President.

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

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

Read the last section.

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

ACTING PRESIDENT PERSAUD: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT PERSAUD: Senator Mayer to explain her vote.

SENATOR MAYER: Thank you, Madam President.

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

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

and customers. But it has not worked.

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

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

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

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

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

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

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

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

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

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

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

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

Thank you, Madam President.

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

Announce the results.

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

Ayes, 43. Nays, 20.

ACTING PRESIDENT PERSAUD: The bill is passed.

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

SENATOR GIANARIS: Thank you, Madam President.

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

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

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

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

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

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

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

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

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