

1 NEW YORK STATE SENATE

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4 THE STENOGRAPHIC RECORD

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9 ALBANY, NEW YORK

10 April 20, 2021

11 3:12 p.m.

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14 REGULAR SESSION

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18 SENATOR SHELLEY B. MAYER, Acting President

19 ALEJANDRA N. PAULINO, ESQ., Secretary

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

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

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

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

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

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

13 ACTING PRESIDENT MAYER: Reading of
14 the Journal.

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

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

22 Presentation of petitions.

23 Messages from the Assembly.

24 The Secretary will read.

25 THE SECRETARY: Senator Gianaris

1 moves to discharge, from the Committee on Labor,
2 Assembly Bill Number 2681B and substitute it for
3 the identical Senate Bill 1034B, Third Reading
4 Calendar 119.

5 ACTING PRESIDENT MAYER: The
6 substitution is so ordered.

7 THE SECRETARY: Senator Breslin
8 moves to discharge, from the Committee on
9 Insurance, Assembly Bill Number 5379 and
10 substitute it for the identical Senate Bill 4326,
11 Third Reading Calendar 480.

12 ACTING PRESIDENT MAYER: The
13 substitution is so ordered.

14 Messages from the Governor.

15 Reports of standing committees.

16 Reports of select committees.

17 Communications and reports from
18 state officers.

19 Motions and resolutions.

20 Senator Gianaris.

21 SENATOR GIANARIS: Madam President,
22 on behalf of Senator Savino, on page 29 I offer
23 the following amendments to Calendar 581,
24 Senate Print 4102, and ask that said bill retain
25 its place on the Third Reading Calendar.

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

4 Senator Gianaris.

5 SENATOR GIANARIS: I now move to
6 adopt the Resolution Calendar, with the exception
7 of Resolutions 618, 622 and 631.

8 ACTING PRESIDENT MAYER: All in
9 favor of adopting the Resolution Calendar, with
10 the exception of Resolutions 618, 622 and 631,
11 please signify by saying aye.

12 (Response of "Aye.")

13 ACTING PRESIDENT MAYER: Opposed,
14 nay.

15 (No response.)

16 ACTING PRESIDENT MAYER: The
17 Resolution Calendar is adopted.

18 Senator Gianaris.

19 SENATOR GIANARIS: Let's start with
20 Resolution 631, by Leader Stewart-Cousins, read
21 that resolution's title, and recognize the leader
22 on the resolution.

23 ACTING PRESIDENT MAYER: The
24 Secretary will read.

25 THE SECRETARY: Senate Resolution

1 631, by Senator Stewart-Cousins, mourning the
2 untimely death of DMX, legendary New York
3 rap icon and talented actor.

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

6 SENATOR STEWART-COUSINS: Thank you
7 so much, Madam President.

8 I rise and I want to acknowledge my
9 coprime sponsor of this resolution,
10 Senator Bailey. Senator Bailey and I claim
11 DMX -- as I'm sure you do, Madam President --
12 because Earl Simmons, as is his name, was born in
13 Mount Vernon, but we like to say he became DMX in
14 Yonkers.

15 And he grew up in the 35th District,
16 he grew up in my district. He grew up in the
17 School Street Housing Complex. And even with all
18 of his great success, he remained really
19 committed to the people of both Mount Vernon and
20 certainly of Yonkers. And in everything that I
21 have attended since his passing, there has been
22 nothing but love in the street for X, as he's
23 called.

24 He was the first hip-hop artist to
25 have his debut album and his sophomore album

1 reach number one in the same year, and his first
2 five albums also reached number one.

3 And although he was a rapper, I
4 think that people have to remember he was so much
5 more than that. He was a husband, a son, an
6 actor. He was a father, a friend, fiance. But
7 mostly he was Yonkers, he was East Coast, and he
8 was hip-hop.

9 He was somebody who no matter where
10 he lived, Yonkers was always present in his soul.
11 And he exuded greatness, he exuded pain, he
12 talked about struggle, he talked about agony, he
13 talked about faith. And he knew all of those
14 things, and somehow it was always watching, you
15 know, watching the evolution, watching him in
16 lightness and in darkness -- but it was always
17 his being available for everybody. I think that
18 makes DMX's impact so strong.

19 Through his music and his life, he
20 challenged us to find purpose. In his song
21 "Slippin'," DMX said "See, to live is to suffer,
22 but to survive, well, that's to find meaning in
23 the suffering."

24 DMX was never ashamed of where he
25 came from and what he went through. He spent

1 about five years in another place in my district,
2 Children's Village, on and off. And he never
3 loved the experience, because that's -- it's
4 always difficult when you're separated from your
5 family. But nonetheless, he continued to go back
6 to Children's Village to help to give guidance to
7 young people who had to call Children's Village
8 their home.

9 He also continued to come back to
10 another place in my district, the Nepperhan
11 Community Center, where he would offer families
12 turkey dinners at Thanksgiving. And again,
13 whether he was donating money or just walking
14 down the street giving people ice cream, I just
15 never met anybody who hasn't talked about DMX
16 interacting with them in nothing but an open way.

17 I had a chance to meet him many
18 years ago when he was just beginning to rise. He
19 was at a music shop in Getty Square in Yonkers,
20 and there he was, signing autographs, inspiring
21 everybody. He had the -- his dogs in the back,
22 but he was just totally there and was always
23 present when he walked in our community.

24 We know that DMX had his demons. We
25 know that DMX suffered like so many from

1 addiction. And we know that a large part of his
2 life he was criminalized for that. I'm always
3 happy that in this chamber and at this juncture
4 we have understood the disease of addiction and
5 want to believe that we can help to save lives by
6 making sure that it is addressed as a disease.

7 But for DMX, you know, although he
8 left us too soon, I want to say that the job he
9 did, the job that he did that gave inspiration to
10 so many kids, so many young people, so many
11 adults who have seen the same struggles and have
12 tried to fight through the most difficult times,
13 DMX still, still offers an amazing path,
14 inspiration: You could be totally different, you
15 could do different things, you could sound rough
16 and raspy, you could be hard, but you could be
17 soft. You could be so many things and never,
18 ever, ever be all that you can be. You'll never
19 be everything.

20 But we who have benefited from what
21 he brought to us in the positive will be able to
22 make sure that his life and his legacy are
23 remembered with all of his aspects, but also
24 very, very fondly for all that he did.

25 As we celebrate the life and the

1 legacy of Earl Simmons, DMX, I'm reminded of a
2 quote he said that all of us in this chamber
3 could use a reminder of while we serve the people
4 we represent. He said: "You can't speak for the
5 people unless you're able to walk amongst the
6 people."

7 He never failed, no matter how high
8 he got, to walk amongst the people. And because
9 of that, the people will never forget DMX.

10 Thank you, Madam President.

11 ACTING PRESIDENT MAYER: Thank you,
12 Leader Stewart-Cousins.

13 Senator Bailey on the resolution.

14 SENATOR BAILEY: Thank you,
15 Madam President.

16 And let me thank our great Majority
17 Leader, Andrea Stewart-Cousins, for not just
18 introducing this resolution and allowing me to be
19 to be the coprime sponsor of it, but for speaking
20 about DMX, Earl Simmons, in such an eloquent
21 fashion, Madam Leader, one that transcends
22 generations.

23 You know, we used to commemorate
24 Black Music Month. And the last time we were
25 able to do that was June 17, 2019. I recall it

1 vividly, because we all got to speak about how
2 music affects us.

3 And DMX, as an artist, came around
4 at a pivotal time for me. I was in high school.
5 But Mount Vernon-born, Yonkers-raised Earl
6 Simmons, he affected the lives of so many people.
7 Passed away far too soon at the age of 50.

8 And during that hospitalization, so
9 many of us, we prayed for him like he prayed on
10 his music, like he prayed in his music. On every
11 DMX album there was a word of scripture, there
12 was a gospel tract, there was something to show
13 his connection and his faith. And we as his
14 fans, his supporters, people that never met him
15 but felt that we knew him, we tried to will him
16 through it, but we weren't able to.

17 But when he passed away, the
18 neighborhood, the entire neighborhood was playing
19 his music so loud. And they were playing
20 different songs. But for some reason,
21 Madam President, they all seemed to fit together.
22 They blended beautifully together, because that's
23 kind of what hip-hop is to so many of us. It's
24 what it is to me.

25 And I was speaking about, earlier,

1 about me in high school, right? And I remember
2 the first time I heard DMX. And it was either on
3 HOT 97 or it was a DJ Clue mixtape, I can't
4 remember. But back in those days we had to wait
5 for the music to come out. We couldn't just go
6 on after music and pull it up. Right?

7 But it was a song called "24 Hours
8 to Live." And what stood out to me was that he
9 was a featured artist on this song, but he was
10 given the last verse. Usually the last verse is
11 reserved for somebody more established, more
12 prominent. But DMX's raw energy -- and on that
13 line, he said "Out with a bang, you will remember
14 my name." And we certainly do remember DMX's
15 name and his legacy.

16 And I remember that. And I was
17 like, Wow, this guy's different. Because at that
18 point in hip-hop we were in the, quote, unquote,
19 shiny suit era. Right? There was a lot of rap
20 about -- about -- speaking about opulence and
21 wealth and decadence. And then you heard gritty
22 or raw, but powerful, an emotional voice, and it
23 made you stop and think like, Who is this? He's
24 just different.

25 He was uniquely New York, with

1 references such as 5411s, which is a reference to
2 a pair of Reebok Freestyle sneakers, which were
3 49.99 plus tax. He referenced so many
4 geographical areas within the five boroughs and
5 Westchester County.

6 And as far as hip-hop goes, being
7 from the Bronx, the birthplace of hip-hop, he put
8 Yonkers on the map. I had people in the North
9 Bronx who were talking about they're from Y-O.
10 And I'm like, Hey, you're not from Yonkers. I
11 know where you live. You're from the
12 North Bronx.

13 But it was that sound, it was that
14 intensity, it was that charisma that made people
15 want to be down with DMX.

16 I went to the Bronx High School of
17 Science. In 1998-1999, kids at Bronx Science
18 were talking about "Get at Me Dog" and "Money,
19 power, respect is the key to life." And these
20 were kids who weren't big hip-hop fans, but there
21 was just something about DMX that drew them in.

22 You had Intel Science Talent Search
23 winners talking about "stop, drop, open up shop."
24 It was just amazing.

25 And so many people, they talked

1 about -- they used to talk about Westchester
2 County as upstate, Madam President and
3 Madam Leader. But upstate in 1999, when he
4 performed at Woodstock -- and you can look at the
5 clip on the internet. He moved a crowd of about
6 100,000 people who knew every single word to
7 "Ruff Ryders' Anthem." He was a hip-hop rock
8 star.

9 And I remember a day post-session
10 last year, we were up here for a July session on
11 July 22nd, and there was a Verzuz. It was
12 something that's been put together by Swizz Beatz
13 and assembled into -- in the era of COVID-19, for
14 us to be able to have some sort of music. And
15 the DMX versus the Snoop Dogg Verzuz was
16 something that was must-see TV. Members and
17 staffers and a lot of people, everybody was
18 talking about that one. I remember watching that
19 one last year up here, and it brought so many
20 people together.

21 He was ahead of his time when it
22 came to honesty and openness about who he was.
23 We tell people to speak their truths and be their
24 authentic selves, and sometimes it's too raw
25 sometimes for us. But DMX had no problem

1 articulating that in his music, and did so
2 unabashedly and boldly. And I think about his
3 skill as an MC.

4 He was way more than just a guy who
5 barked on records. He had significant technical
6 rhyme skill, internal rhyme scheme. He would
7 change up his flows in songs. My friends and I,
8 we were in college, we would analyze certain
9 songs and the meanings and the double entendres
10 and the metaphor and the simile that he would
11 use.

12 He was an incredibly skilled rapper,
13 someone who has not been given credit by people
14 who don't really listen to rap because they think
15 that he's just barking and yelling. But if you
16 pay attention to the music, DMX was a wordsmith
17 ahead of his time.

18 As I said before, he was given that
19 final verse on songs because he was a burst of
20 energy with his raw talent and skill. I talked
21 about how he switched up his flow in a song
22 called "Stop Being Greedy." And there's a song
23 called "Damien" which was -- kind of illustrated
24 his internal demons, so to speak. And it was a
25 literal conversation with the Devil, but

1 ultimately good prevailed.

2 And he talked about "The snake, the
3 rat, the cat, the dog, how you gonna see them if
4 you livin' in the fog?" And the snake is the
5 individual who is, you know, colloquially
6 referred to as somebody who's being not worthy.
7 The rat is someone who is not going to stay to
8 their word. The cat is a regular-seeming person,
9 but the dog, to DMX, was someone who was loyal.
10 So that progression.

11 See, there's a level of skill and
12 intensity and thought process in his rhyme
13 skills. And "There was Brenda, LaTisha" -- no.
14 He was able to get 46 names effortlessly in a
15 song. And at first when I heard that song, "What
16 They Really Want," I was like, he's just saying
17 names. But listening to it over and over again,
18 that takes a significant amount of skills to be
19 able to rhyme that many names and put it on
20 record. It was incredible.

21 And 19 years later, there was a
22 social media challenge, the DMX Challenge, which
23 showed -- which went along to the beat of that
24 song. It was -- his lyrics stood the test of
25 time.

1 Now, on this very floor we speak
2 about the effects of childhood trauma, substance
3 use disorder and how it leads to crime. And we
4 all agree -- at least in this chamber I hope we
5 do -- that we should find a way to stop these
6 causes. We have to do everything that we can to
7 help people recover and thrive so that people do
8 not succumb to these illnesses. The reality is
9 that people -- growing up, nobody wakes up in the
10 morning and decides that they want to feel pain,
11 that they want to have trauma. These are things
12 that sometimes individuals are faced with, but
13 they deal with them. Earl Simmons dealt with
14 them. DMX dealt with them. He lived his
15 authentic truth.

16 Sometimes we say we want to hear it,
17 but we don't really want to hear it. We tell
18 people we understand the conditions that they
19 live in, but we turn our collective noses up when
20 we hear certain lyrics because they're too raw
21 for us.

22 Now, quite frankly, DMX talked about
23 a lot of things that we've either fixed in this
24 house, thanks to the leadership of Andrea
25 Stewart-Cousins, or that we still look towards

1 fixing. When he said in the song "Get at Me Dog"
2 "Nah'mean, I'm just robbing to eat, and there's
3 at least a thousand of us like me mobbin' the
4 street," he talks about actual hunger, the root
5 causes of crime when attempting to survive.

6 He talked about, in "Who We Be,"
7 "The 23 hours that's locked, the one hour that's
8 not, the silence, the dark, the mind so fragile,
9 the wish that the streets would have took you
10 when they had you." We're talking about solitary
11 confinement, the HALT bill that we just did in
12 this Legislature, talking about how spending that
13 much time by yourself, isolated, makes you wonder
14 whether the streets -- what was better for you,
15 the pitfall in the street that you escaped or
16 being incarcerated for that amount of time and
17 being inside by yourself. Those are things that
18 he was telling us about.

19 The leader spoke about "Slippin',"
20 and there's a song -- and there's a part where he
21 talked about "Damn, was it my fault, somethin' I
22 did, to make a father leave his first kid at
23 seven doin' my first bid." We're talking about
24 the incarceration of young people, raising the
25 lower age, making sure that we don't submit young

1 people to incarceration at such a young age.

2 "All I know is pain, all I feel is
3 rain, How can I maintain with madness on my
4 brain," from "Ruff Ryders' Anthem."

5 From "Do You" he said, "You wanna be
6 me? Here's what you do, grow up neglected by
7 both parents and still pull through." Think
8 about how self-aware that is. And that was in
9 the year 2000. He's obviously grown as a man and
10 as an artist. But in the year 2000 he was able
11 to speak that truth which was so uncomfortable.
12 But we have to sometimes, Madam President, be
13 comfortable with being uncomfortable.

14 From "Prayer III," "And when it
15 seems like the pressure gets to be too much, I
16 take time out and pray, and ask that you be my
17 crutch. Lord I am not perfect by a long shot, I
18 confess to you daily, but I work harder every day
19 and I hope that you hear me."

20 But that duality, that's what made
21 him real. Because no one is the same person all
22 the time. We all have our DMX moments. And I
23 know everybody in this chamber has felt: "Y'all
24 gon' make me lose my mind up in here, up in
25 here." I know everybody's felt that. Who hasn't

1 had a Ruff Ryders' Anthem kind of day? Who
2 hasn't had a day where they're trying to figure
3 out what games are being played and how's it
4 going down.

5 But who also in this chamber, who
6 has not had a moment where they were slipping,
7 falling and they felt that they couldn't get up?
8 But they got back up. He could hike me up to
9 work out, he could make you think
10 introspectively.

11 And Madam President, dare I say that
12 anybody that's ever tried to rap along with a DMX
13 song has changed their voice? I don't care who
14 you are, I don't care what song you're singing,
15 you're not using your regular voice if you're
16 rapping along to a DMX song. You're trying to go
17 one octave below, you're trying to get the
18 ground, you're trying to do it -- I've tried not
19 to, intentionally I've tried not to go into the
20 DMX voice, but I can't help it. It is something
21 that was just so specific to who he is.

22 The praise that he offered was often
23 invigorating. But, I mean we know him as DMX,
24 but to his loved ones, he was just Earl --
25 father, grandfather, a loyal friend, just someone

1 who people relied on.

2 I never actually got the chance to
3 meet him in person. And the one time that I was
4 going to meet him when he was coming back to
5 perform in the City of Mount Vernon, he was
6 coming in as I was leaving and I didn't get the
7 chance to meet him. Everybody that I've ever
8 known that's met him has said that he was
9 incredibly affable, a kind soul, someone who was
10 much more comfortable with those who didn't have
11 as much than he would be with those who seemingly
12 had it all.

13 Stopped for pictures with everybody.
14 And if you're reading social media and looking at
15 all of the encounters that he's had with people,
16 with perfect strangers -- the one woman who
17 forgave her father for his substance abuse after
18 speaking to DMX one time. Another woman who met
19 him on a plane with her stepdaughter and he had a
20 conversation with her, and they were eventually
21 invited to a concert that he had later on that
22 evening. The time that he mopped the floor of a
23 Waffle House because he saw that the worker at
24 the Waffle House was overly tired. And DMX said,
25 and I quote, "The minute you get too big to mop

1 up a floor or to wipe a counter, that's the exact
2 minute you have life messed up."

3 When we think about his name, Earl,
4 in royalty an earl is the third rank of the
5 peerage standing above the ranks of viscount and
6 baron, but below duke and marquis. It's an
7 ancient title that comes from the words "warrior"
8 and "nobleman."

9 Well, in New York we have our own
10 hip-hop royalty. He's the Earl of Westchester
11 County. He is DMX, he is one of the greatest
12 hip-hop artists that we will ever know, a
13 phenomenal actor, phenomenal for the culture,
14 someone who gave us so much in the hip-hop
15 generation. As a kid who's been raised by
16 hip-hop, I am grateful for not just the
17 accomplishments that DMX has given, but I'm more
18 happy about the impact that Earl Simmons left on
19 the world.

20 May he rest in peace, and may his
21 memory be a blessing.

22 Thank you, Madam President.

23 ACTING PRESIDENT MAYER: Thank you,
24 Senator Bailey.

25 The question is on the resolution.

1 All in favor signify by saying aye.

2 (Response of "Aye.")

3 ACTING PRESIDENT MAYER: Opposed?

4 (No response.)

5 ACTING PRESIDENT MAYER: The

6 resolution is adopted.

7 Senator Gianaris.

8 SENATOR GIANARIS: Madam President,

9 can we now move on to Resolution 622, by

10 Senator Gounardes, read that resolution's title

11 only, and recognize Senator Gounardes.

12 ACTING PRESIDENT MAYER: The

13 Secretary will read.

14 THE SECRETARY: Senate Resolution

15 622, by Senator Gounardes, memorializing Governor

16 Andrew M. Cuomo to recognize April 20, 2021, in

17 honor of the 244th Anniversary of the adoption of

18 the first New York State Constitution.

19 ACTING PRESIDENT MAYER: Senator

20 Gounardes on the resolution.

21 SENATOR GOUNARDES: Thank you,

22 Madam President.

23 Today is an incredibly important day

24 in the history of our state. On this date in

25 1777, our state's first Constitution was ratified

1 and adopted in the City of Kingston.

2 The Constitution, the first
3 chartering document of the newly declared
4 independent New York, was drafted primarily by
5 prominent founding fathers John Jay and
6 Gouverneur Morris, both of whom would go on to
7 sign the U.S. Constitution in 1787, and
8 Robert Livingston, who represented New York at
9 the Second Continental Congress, was a member of
10 the Committee of Five who drafted the Declaration
11 of Independence, and administered the first oath
12 of office to George Washington in 1789.

13 The process of drafting the
14 Constitution began almost immediately after the
15 Declaration of Independence was announced in July
16 of '76. The New York Provincial Congress, a
17 committee of colonists who favored independence
18 that began organizing themselves in 1775 to
19 support the war effort, met in the City of
20 White Plains on July 10, 1776, to begin the work
21 of creating a new government now that the Colony
22 of New York had declared itself free and
23 independent.

24 The work of the Provincial Congress
25 was delayed and disrupted by the imminent

1 invasion of New York City by British forces. The
2 Congress had to adjourn repeatedly and seek out
3 safer locations away from the British Army, a
4 situation that became more desperate with the
5 Continental Army's defeats across Long Island and
6 New York City and their ultimate retreat across
7 the river to New Jersey.

8 As winter settled in and the British
9 made camp in New York City, the Provincial
10 Congress fled to upstate, Kingston, to continue
11 their efforts at mobilizing for the war effort
12 and drafting the Constitution.

13 Finally, on April 20, 1777,
14 244 years ago, and with only one dissenting vote,
15 the Provincial Congress of New York, renaming
16 itself the Convention of Representatives of the
17 State of New York, adopted and ratified the new
18 Constitution. Remarkably, this new Constitution
19 was not submitted to the general public for
20 ratification or support. The ongoing war made
21 that nearly impossible.

22 Our first Constitution had
23 42 sections and clocked in at just under
24 7,000 words. It included in its preamble the
25 entire text of the Declaration of Independence.

1 It did not have a formal Bill of Rights, but it
2 did include a right to trial by jury, a right to
3 counsel in felony cases, and a right to due
4 process, as well as prohibitions against bills of
5 attainder and protections of religious freedom
6 and liberty of conscience.

7 The Constitution made no mention of
8 slavery, nor did it even include a process for
9 future amendments. But it was the first state
10 constitution -- and therefore the first in our
11 nation's history -- to require that legislative
12 representation be based on equal population and
13 that every seven years the apportionment of
14 legislative seats be reallocated based on changes
15 in the population.

16 It's amazing to me that this is
17 still an issue that we are discussing and
18 debating today when our state's forefathers so
19 easily provided us with a solution some
20 240-odd years ago.

21 Our State Constitution was in many
22 ways a precursor to the U.S. Constitution that
23 would be adopted a decade later. For example,
24 looking at the records that we have available of
25 the deliberations and debates, the State

1 Senate -- this very body -- was designed to be a
2 filter for public opinion much like the U.S.
3 Senate was designed to be "the saucer that cools
4 the tea" that we so often learn about in our
5 social studies classes.

6 Over the years, our state, the
7 structures of our government, the rights bestowed
8 to our people, and the obligations of those
9 people vis-a-vis their government have changed
10 greatly. In fact, the State of New York has
11 ratified four different Constitutions in its
12 history: 1777, 1821, 1846, and 1894. And in
13 between all those years, the Constitution has
14 been amended hundreds of times.

15 Now, I could spend hours and hours
16 going through this history in greater detail, but
17 I won't. I will just note one interesting
18 historical fact, that in 1858 our
19 State Legislature approved a resolution calling
20 for a Constitutional Convention for the express
21 purpose of disbanding the entire state government
22 and transferring all governing authority to the
23 New York Central Railroad. They submitted that
24 amendment for ratification to the public, and it
25 failed by just 6,000 votes. We would have quite

1 a different history if that amendment had
2 actually been passed.

3 Now, I'm sure many of you here are
4 wondering what's the big deal, why is this so
5 important, why should we care? What is this all
6 about? And the answer is really simple. We tend
7 to place such a premium on discussing our federal
8 Constitution. We talk about it all throughout
9 our education, beginning in elementary school.
10 We talk about the U.S. Constitution as if it were
11 some sort of religious document that holds the
12 eternal truths that support our own personal
13 political views.

14 We spend so much time debating and
15 discussing the constitutional powers of the
16 federal government -- Congress, the Supreme
17 Court, Presidency -- and yet despite the
18 Constitution's sacred importance to our national
19 civic identity, we often overlook just how
20 important state governments really are.

21 States -- the laboratories of
22 democracy, as Justice Brandeis reminds us -- have
23 a more fundamental impact on our day-to-day lives
24 as citizens than the federal government ever has
25 and perhaps ever will. And in a world that

1 depends on an engaged and educated citizenry to
2 fulfill the promise of self-government, what
3 could be more important than starting with the
4 very foundational charter that outlines the
5 rights, privileges, powers and responsibilities
6 of a government that directly affects our lives
7 each and every day?

8 We should care about our State
9 Constitution and its history because it is the
10 blueprint for a government of, by and for us.
11 The people. New Yorkers.

12 And so today, April 20th, I want to
13 wish you all a happy 4/20; that is, a happy
14 New York Constitution Day.

15 Thank you, Mr. President.

16 ACTING PRESIDENT BAILEY: Thank
17 you, Senator Gounardes.

18 The question is on the resolution.
19 All in favor signify by saying aye.

20 (Response of "Aye.")

21 ACTING PRESIDENT BAILEY: Opposed?

22 (No response.)

23 ACTING PRESIDENT BAILEY: The
24 resolution is adopted.

25 Senator Gianaris.

1 SENATOR GIANARIS: Mr. President,
2 can we now move on to Resolution 618, by Senator
3 Ryan, read its title only, and recognize
4 Senator Ryan on the resolution.

5 ACTING PRESIDENT BAILEY: The
6 Secretary will read.

7 THE SECRETARY: Senate Resolution
8 618, by Senator Ryan, commemorating the
9 200th Anniversary of Erie County, New York.

10 ACTING PRESIDENT BAILEY: Senator
11 Ryan on the resolution.

12 SENATOR RYAN: Thank you,
13 Mr. President.

14 While certainly not as catchy as
15 4/20, I only have 200 to deal with. So it's the
16 200th anniversary of the founding of Erie County.

17 At its founding in 1821 Erie County
18 was consisting of just 10 towns and the Buffalo
19 Creek Reservation, which was home to the Seneca,
20 Cayuga and Onondaga Nations.

21 Today Erie County has many more than
22 10 towns. It has the City of Buffalo.
23 Approximately 900,000 people live there, the most
24 populous county out of the five-borough area.
25 It's located on the shores of Lake Erie, the

1 terminus of the Erie Canal. And it helped Erie
2 County grow quickly into a major industrial and
3 transportation powerhouse in the late 1800s.

4 Today, our county has changed. We
5 are no longer the Gateway to the Western
6 Frontier. It seems quaint to think about it,
7 that that was the gateway to the western frontier
8 not too long ago. And we built a new county, and
9 it's an ever-evolving county with a vibrant
10 economy.

11 So the county's bicentennial
12 provides us with an exciting opportunity to look
13 back at our history, to remember where we came
14 from. And we in Erie County will spend this
15 upcoming year honoring the hardworking
16 individuals who helped make Erie County what it
17 is over the past 200 years. And we'll celebrate
18 the artists, we'll celebrate the architects who
19 help envision Erie County and helped make us a
20 nationwide tourist destination. And finally,
21 we'll celebrate the present-day Erie County by
22 recognizing its significant role and place today
23 in the State of New York.

24 And on that note I'd like to thank
25 our county executive, Mark Poloncarz, for his

1 work leading our community, especially his work
2 during the pandemic. I look forward to joining
3 him and other county residents in a year-long
4 celebration of the county's great history.

5 Thank you, Mr. President.

6 ACTING PRESIDENT BAILEY: Thank
7 you, Senator Ryan.

8 Senator Kennedy on the resolution.

9 SENATOR KENNEDY: Thank you,
10 Mr. President.

11 First of all, I want to thank
12 Senator Ryan for bringing this resolution to the
13 floor.

14 And I rise to also commemorate and
15 celebrate the 200th anniversary of Erie County,
16 New York.

17 My colleagues have heard me talk
18 about my hometown in this chamber, and not only
19 because I'm proud of the place it is today, but
20 because I understand the centuries of
21 dedication and work that went into building it
22 into the region that it's become. So many
23 individuals and businesses have contributed to
24 shaping our community, as well as moments in
25 history that put Erie County on the map, like the

1 Pan-American Exposition and our ties to several
2 U.S. presidents, including Millard Fillmore,
3 Grover Cleveland, William McKinley and Teddy
4 Roosevelt.

5 Over the years, Erie County has
6 served as home for hardworking blue-collar
7 families, business owners, innovators, farmers,
8 thousands upon thousands of immigrants who rooted
9 their futures in Western New York and built our
10 region, over 200 years, into what it is today --
11 immigrants like my own ancestors, who came to the
12 U.S. from Ireland, Germany, and other areas of
13 Western Europe, some through Canada, in order to
14 find a home in Erie County and live the American
15 dream after fleeing oppression and starvation.

16 And now, in some cases over a
17 century later, my wife Katie and I continue to
18 raise our own family in Erie County because we
19 believe in all that it offers and we believe in
20 all the potential that it holds.

21 There's no better way to commemorate
22 the county's bicentennial celebration than by
23 embracing all the businesses, artists and ideas
24 that make Erie County so vibrant. I'm looking
25 forward to participating in EC200 with my own

1 family, whether that be at the Buffalo History
2 Museum, listening to the Buffalo Philharmonic
3 Orchestra and the credible lineup of speakers who
4 will share their own perspective on the county's
5 storied past, or just sharing stories among
6 friends in the community.

7 I'd be remiss if I didn't recognize
8 the County Executive, Mark Poloncarz, who's doing
9 a tremendous job not only leading our county in
10 this generation, but in coordinating the entire
11 effort to celebrate the bicentennial, and
12 whose staff has gone above and beyond to protect
13 and inform residents of Erie County during this
14 remarkably difficult year.

15 With EC200 we're celebrating not
16 only the region but the individuals who make it
17 outstanding, and we're deeply grateful for the
18 county workers who have tirelessly worked
19 hand-in-hand with state leaders over this past
20 year.

21 My hope is that Erie County
22 continues to expand and grow its footprint as a
23 welcoming, diverse, trail-blazing region, and
24 that as we finally see hope on the horizon, we
25 can celebrate all that our community has to offer

1 together.

2 We congratulate once again Erie
3 County on its bicentennial, EC200. Thank you,
4 Mr. President. I vote aye.

5 ACTING PRESIDENT BAILEY: Thank
6 you, Senator Kennedy.

7 The question is on the resolution.
8 All in favor signify by saying aye.

9 (Response of "Aye.")

10 ACTING PRESIDENT BAILEY: Opposed,
11 nay.

12 (No response.)

13 ACTING PRESIDENT BAILEY: The
14 resolution is adopted.

15 Senator Gianaris.

16 SENATOR GIANARIS: Mr. President, I
17 didn't realize until today that modern-day Greece
18 and Erie County were both birthed in the same
19 year. And I'm not referring to Greece, New York,
20 I'm referring to the nation of Greece. Both in
21 1821.

22 At the request of the sponsors,
23 Mr. President, the resolutions we took up today
24 are open for cosponsorship.

25 ACTING PRESIDENT BAILEY: The

1 resolutions are open for cosponsorship. Should
2 you choose not to be a cosponsor of the
3 resolutions, please notify the desk.

4 Senator Gianaris.

5 SENATOR GIANARIS: Please take up
6 the calendar.

7 ACTING PRESIDENT BAILEY: The
8 Secretary will read.

9 THE SECRETARY: Calendar Number
10 109, Senate Print 1410, by Senator Rivera, an act
11 to amend the Public Health Law.

12 SENATOR LANZA: Lay it aside.

13 ACTING PRESIDENT BAILEY: Lay it
14 aside.

15 THE SECRETARY: Calendar Number
16 119, Assembly Print 2681B, substituted earlier by
17 Assemblymember Reyes, an act to amend the
18 Labor Law.

19 ACTING PRESIDENT BAILEY: Read the
20 last section.

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

23 ACTING PRESIDENT BAILEY: Call the
24 roll.

25 (The Secretary called the roll.)

1 ACTING PRESIDENT BAILEY: Senator
2 Gianaris to explain his vote.

3 SENATOR GIANARIS: Thank you,
4 Mr. President.

5 I want to thank my colleagues on
6 both sides of the aisle for supporting this
7 important measure, which passed the Assembly
8 yesterday and we're taking up for the second time
9 today to match the bills.

10 We know that people lost their lives
11 over the last year because of inadequate
12 protections in the workplace. And this
13 legislation will require places of employment to
14 have standards that are set by the Departments of
15 Labor and Health to protect workers and customers
16 at establishments throughout the state, and will
17 also give those workers a role to play in
18 monitoring and opining about whether those
19 measures are sufficient in terms of PPE, air
20 circulation, social distancing, all the measures
21 we've come to know and accept over the last year.

22 There are still places where people
23 work helping us get through the pandemic that are
24 not provided adequate safety, and so this bill
25 will do that. It's called the HERO Act for a

1 reason, because we lost too many heroes over the
2 last year and we're trying to save lives as we go
3 forward and continue to grapple with what is
4 hopefully the ending of this pandemic over the
5 next several months.

6 And again, I thank my colleagues
7 because we do have support from both sides of the
8 aisle for this. I do thank them for recognizing
9 its importance and for supporting this bill.

10 Thank you, Mr. President.

11 ACTING PRESIDENT BAILEY: Senator
12 Gianaris to be recorded in the affirmative.

13 Senator Mannion to explain his vote.

14 SENATOR MANNION: Thank you,
15 Mr. President.

16 The New York HERO Act turns the
17 lessons of COVID-19 into policies that will
18 protect all New Yorkers, all New York workers,
19 and help the state persevere through similar
20 public health crises in the future.

21 My prior vocation was a high school
22 science teacher and a representative of teachers
23 and nurses. As the gravity of the pandemic
24 became clear, I watched as learning moved to a
25 remote model. But I was also there as we

1 cautiously returned teachers and students into
2 the classroom in a world filled with unknowns.

3 I represented teachers who were
4 cancer survivors, who suffered from multiple
5 sclerosis, who were immunocompromised or who
6 cared for loved ones who were susceptible to the
7 virus. And I represented teachers who were just
8 scared.

9 They came to work during a global
10 pandemic and did their jobs of educating
11 children. They walked through the classroom
12 doors. Others walked through the hospital doors.
13 They walked through the bus doors. They walked
14 through supermarket doors.

15 What can we do? We can pass the
16 New York HERO Act, which will minimize the risk
17 to our health and the livelihoods of many. The
18 New York HERO Act requires the state to develop
19 airborne infectious disease policies that include
20 health screenings, face coverings and PPE.

21 With the return to normalcy within
22 our sights, it is imperative that we prepare for
23 the next public health crisis. Closing our
24 schools and our businesses for prolonged periods
25 of time must be a last resort. The New York HERO

1 Act is a major leap forward in workplace safety
2 and worker protection.

3 I want to thank Deputy Majority
4 Leader Mike Gianaris for his leadership on this
5 bill. I am proud to be a cosponsor, and I
6 proudly cast my vote in the affirmative.

7 Thank you, Mr. President.

8 ACTING PRESIDENT BAILEY: Senator
9 Mannion to be recorded in the affirmative.

10 Announce the results.

11 THE SECRETARY: In relation to
12 Calendar 119, those Senators voting in the
13 negative are Senators Borrello, Boyle, Gallivan,
14 Griffo, Helming, Jordan, Lanza, Oberacker,
15 O'Mara, Ortt, Palumbo, Rath, Ritchie, Serino,
16 Stec, Tedisco and Weik.

17 Ayes, 46. Nays, 17.

18 ACTING PRESIDENT BAILEY: The bill
19 is passed.

20 ACTING PRESIDENT BAILEY: Calendar
21 Number 185, Senate Print 134, by Senator Mayer,
22 an act to amend the Banking Law.

23 ACTING PRESIDENT BAILEY: Read the
24 last section.

25 THE SECRETARY: Section 2. This

1 act shall take effect one year after it shall
2 have become a law.

3 ACTING PRESIDENT BAILEY: Call the
4 roll.

5 (The Secretary called the roll.)

6 ACTING PRESIDENT BAILEY: Senator
7 Mayer to explain her vote.

8 SENATOR MAYER: Thank you,
9 Mr. President.

10 In August of 2019 I read a most
11 disturbing story in the New York Times entitled
12 "Wells Fargo Closed their Accounts, but the Fees
13 Continued to Mount." And it told the story of
14 one man who closed 13 of his checking accounts,
15 got the cash out, and then went about his
16 business. He found out several months later he
17 was charged by the bank \$1500 in fees to an
18 account that he thought he had closed.

19 And he wasn't alone. It turned out
20 that at least with respect to Wells Fargo, there
21 were an estimated \$100,000 in overdraft fees over
22 eight months for accounts that were closed.

23 This is the kind of behavior that
24 affects all of our constituents. And the fact is
25 that under New York law, these so-called zombie

1 accounts, like we have zombie housing, are not
2 sufficiently regulated.

3 I felt it was very imperative to
4 protect those I represent and those we all
5 represent by ensuring that New York law expressly
6 prohibited charging fees once your account is
7 closed. And in fact, in reading up about this,
8 all the guidance is: Send a letter to the bank.
9 All the burden is on the consumer. Make sure you
10 solidify the closure.

11 Well, frankly, the burden should be
12 on the banking institution. Once you have a
13 clear understanding that your account is closed,
14 no additional fees should be charged unless they
15 have to do with an overdraft or something that
16 was previously due.

17 So this bill finally changes that.
18 I look forward to it passing in the Assembly as
19 well.

20 And again, in a time of very tough
21 finances for so many of our constituents, we have
22 to speak up for the consumer and speak up for the
23 little guy and the little gal, and this bill does
24 that.

25 Thank you, Mr. President. I vote

1 aye.

2 ACTING PRESIDENT BAILEY: Senator
3 Mayer to be recorded in the affirmative.

4 Announce the results.

5 THE SECRETARY: In relation to
6 Calendar 185, those Senators voting in the
7 negative are Senators Akshar, Borrello, Boyle,
8 Griffo, Jordan, Martucci, Oberacker, Palumbo,
9 Rath, Stec, Tedisco and Weik.

10 Ayes, 51. Nays, 12.

11 ACTING PRESIDENT BAILEY: The bill
12 is passed.

13 THE SECRETARY: Calendar Number
14 224, Senate Print 1843, by Senator Skoufis, an
15 act to amend the Insurance Law.

16 ACTING PRESIDENT BAILEY: Read the
17 last section.

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

20 ACTING PRESIDENT BAILEY: Call the
21 roll.

22 (The Secretary called the roll.)

23 ACTING PRESIDENT BAILEY: Announce
24 the results.

25 THE SECRETARY: Ayes, 63.

1 ACTING PRESIDENT BAILEY: The bill
2 is passed.

3 THE SECRETARY: Calendar Number
4 320, Senate Print 989A, by Senator Gaughran, an
5 act in relation to the assessment of property
6 owned by water-works corporations.

7 ACTING PRESIDENT BAILEY: Read the
8 last section.

9 THE SECRETARY: Section 7. This
10 act shall take effect immediately.

11 ACTING PRESIDENT BAILEY: Call the
12 roll.

13 (The Secretary called the roll.)

14 ACTING PRESIDENT BAILEY: Senator
15 Brooks to explain his vote.

16 SENATOR BROOKS: Thank you,
17 Mr. President.

18 This bill is the result of work and
19 discussions that have gone on over and over the
20 last four or five years that I have been a member
21 of this great house. New York American Water has
22 provided a level of service and rates that have
23 been excessively expensive to the residents of
24 their service area.

25 This legislation provides a

1 mechanism to let us make this a municipal agency,
2 resulting, we believe, in both improved services
3 and reductions in taxes.

4 Our discussions with New York
5 American Water -- my discussions with them go
6 through today, we spoke with them today. This is
7 the step and the direction we have to take, and I
8 am fully in support of this legislation and vote
9 aye for a better financial future for the
10 residents of Nassau County.

11 Thank you.

12 ACTING PRESIDENT MAYER: Senator
13 Brooks to be recorded in the affirmative.

14 Senator Kaminsky to explain his
15 vote.

16 SENATOR KAMINSKY: Thank you,
17 Madam President.

18 I rise today representing
19 approximately 90,000 aggrieved customers of
20 American Water who have been gouged for years
21 paying excessive water rates. Their neighbors in
22 municipal districts just down the street pay a
23 fraction of what they pay. Yet American Water
24 customers complain about brown water and poor
25 service.

1 It used to be the water bill was the
2 one bill you didn't have to wince when you opened
3 the envelope. But with American Water, that's
4 proven not to be true. To think that
5 affordability, especially on Long Island, has
6 been pushed to the point where people are gouged
7 for water, the basic necessity of life? Well,
8 that's where we are.

9 And this bill today will help
10 provide much-needed relief. It does two things.
11 One is that much of the bill is a special
12 franchise tax. That would be removed from this
13 bill so American Water customers eventually will
14 not see this on their bill.

15 And second, and most importantly, it
16 will create the Nassau County Water Authority,
17 which will have it in their power to municipalize
18 the very water systems owned by American Water
19 right now, because it's very clear that a path to
20 municipal water is a way for relief for American
21 customers who have been aggrieved for far too
22 long.

23 I'm proud to act as the Senate
24 today. Our residents demand action, and that's
25 what we're doing here today, and I vote in the

1 affirmative.

2 Thank you, Madam President. And
3 thank you, Senator Gaughran and Senator Brooks,
4 for your support on this bill.

5 ACTING PRESIDENT MAYER: Senator
6 Kaminsky to be recorded in the affirmative.

7 Senator Gaughran to explain his
8 vote.

9 SENATOR GAUGHRAN: Thank you,
10 Madam President.

11 No one should have to pay four or
12 five times more for water than their neighbor on
13 the other side of the fence who is in a municipal
14 water district. No one should have to possibly
15 lose their home because of the excessive money
16 they owe on their water bill.

17 Water is a basic human right. And
18 on Long Island there are 125,000 customers who
19 pay water bills that are so high they honestly
20 should be considered extortion.

21 So today we begin the path to create
22 public water for these people and for all of
23 Long Island who have suffered for too long and
24 have been left behind. By creating the Nassau
25 County Water Authority, we are establishing that

1 pathway.

2 And we have to recognize that
3 Long Island, with our sole-source aquifer, with
4 the aging infrastructure for our water systems,
5 with all the emerging contaminants, the cost of
6 water is unfortunately probably going to continue
7 to rise over the years. So that's why this
8 legislation is really the economic, environmental
9 and moral obligation of all of us to pass today.

10 And I thank the leader, Andrea
11 Stewart-Cousins, for bringing this bill forward,
12 and Senators Kaminsky and Brooks and the staff
13 for all their help on this bill, and I vote in
14 the affirmative.

15 ACTING PRESIDENT MAYER: Senator
16 Gaughran to be recorded in the affirmative.

17 Announce the results.

18 THE SECRETARY: In relation to
19 Calendar 320, voting in the negative:
20 Senator Skoufis.

21 Ayes, 62. Nays, 1.

22 ACTING PRESIDENT MAYER: The bill
23 is passed.

24 THE SECRETARY: Calendar Number
25 411, Senate Print 3156, by Senator Comrie, an act

1 to amend the Public Authorities Law.

2 SENATOR GIANARIS: Lay it aside for
3 the day.

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

6 THE SECRETARY: Calendar Number
7 480, Assembly Print 5379, substituted earlier by
8 Assemblymember Hunter, an act to amend the
9 Insurance Law.

10 ACTING PRESIDENT MAYER: Read the
11 last section.

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

15 ACTING PRESIDENT MAYER: Call the
16 roll.

17 (The Secretary called the roll.)

18 ACTING PRESIDENT MAYER: Announce
19 the results.

20 THE SECRETARY: Ayes, 63.

21 ACTING PRESIDENT MAYER: The bill
22 is passed.

23 THE SECRETARY: Calendar Number
24 506, Senate Print 1682, by Senator Bailey, an act
25 to amend the Criminal Procedure Law.

1 ACTING PRESIDENT MAYER: Read the
2 last section.

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

5 ACTING PRESIDENT MAYER: Call the
6 roll.

7 (The Secretary called the roll.)

8 ACTING PRESIDENT MAYER: Senator
9 Bailey to explain his vote. I'm sorry, I did not
10 see you.

11 SENATOR BAILEY: Thank you,
12 Madam President.

13 I want to thank Majority Leader
14 Stewart-Cousins for bringing this bill to the
15 floor, as well as Committee Chair Senator Pete
16 Harckham for recognizing the importance of this
17 critical bill.

18 I want to thank my Assembly sponsor,
19 Assemblymember Diana Richardson, for being such a
20 fierce advocate for this in the Assembly and
21 really looking at this bill as an opportunity.

22 Being able to expand the access to
23 drug courts in judicial diversion programs can
24 only be good for us. Drug courts work not only
25 in terms of fiscal savings, because they save

1 upwards of \$7,000 per person that go, but the
2 success rates, which are more valuable in human
3 capital, are immeasurable.

4 In the Bronx and in Mount Vernon, I
5 have seen drug courts work. I have seen
6 individuals not just be restored to prior their
7 status, but they've been better because of what's
8 happened in drug court. So expanding the
9 accessibility can only be a good thing.

10 The second thing is making sure that
11 we treat people with addiction respectfully. And
12 that's changing references of "substance abuse"
13 to "substance use disorder." Because if we're
14 really looking at these matters as health-related
15 problems -- which they are, Madam President -- we
16 should be changing the names in the way that we
17 describe certain things and certain afflictions
18 that individuals have.

19 I thank my colleagues for supporting
20 this important piece of legislation, and I will
21 be voting in the affirmative.

22 ACTING PRESIDENT MAYER: Senator
23 Bailey to be recorded in the affirmative.

24 Announce the results.

25 THE SECRETARY: In relation to

1 Calendar 506, those Senators voting in the
2 negative are Senators Akshar, Borrello, Boyle,
3 Gallivan, Griffio, Helming, Jordan, Lanza,
4 Martucci, Mattera, Oberacker, O'Mara, Ortt,
5 Palumbo, Rath, Ritchie, Serino, Stec, Tedisco and
6 Weik.

7 Ayes, 43. Nays, 20.

8 ACTING PRESIDENT MAYER: The bill
9 is passed.

10 THE SECRETARY: Calendar Number
11 508, Senate Print 3070, by Senator Sepúlveda, an
12 act to direct the president of the State Civil
13 Service Commission to conduct a study on the
14 current civil service examinations.

15 ACTING PRESIDENT MAYER: Read the
16 last section.

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

19 ACTING PRESIDENT MAYER: Call the
20 roll.

21 (The Secretary called the roll.)

22 ACTING PRESIDENT MAYER: Announce
23 the results.

24 THE SECRETARY: Ayes, 63.

25 ACTING PRESIDENT MAYER: The bill

1 is passed.

2 THE SECRETARY: Calendar Number
3 640, Senate Print 5267A, by Senator May, an act
4 to amend the Highway Law.

5 ACTING PRESIDENT MAYER: Read the
6 last section.

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

9 ACTING PRESIDENT MAYER: Call the
10 roll.

11 (The Secretary called the roll.)

12 ACTING PRESIDENT MAYER: Senator
13 May to explain her vote.

14 SENATOR MAY: Thank you,
15 Madam President.

16 I want to thank the leadership and
17 my colleagues for bringing forward this bill to
18 honor the late Assemblymember Bill Magee.

19 Bill served for 28 years in the
20 Assembly, much of it as chair of the Committee on
21 Agriculture. He was a relentless advocate for
22 rural New York, for farmers, and for the people
23 of his district in Central New York. He
24 represented Madison County, as I do, and I always
25 feel he left very big shoes to fill.

1 His staff and colleagues recall him
2 as humble, quiet, smart and caring. And they say
3 his favorite phrase was "How can I help?"

4 I had too few opportunities to get
5 to know him, and only near the end of his life,
6 but they were memorable. I remember being at a
7 fundraiser, a benefit for FarmNet, where he
8 revived his lifelong calling as an auctioneer to
9 auction off some of his famous farm-themed
10 neckties for charity. With his skill as an
11 auctioneer, and I think the affection that people
12 felt for him, he managed to drive the prices well
13 into the four figures, which was very impressive
14 to me for a necktie.

15 I also toured his nursing home where
16 he lived for the last year or so of his life,
17 only to find that he had joined the board of
18 directors as a resident of the nursing home, and
19 he personally guided me around in his wheelchair.

20 This was a man who never lost sight
21 of his calling as a public servant, and he never
22 stopped asking "How can I help?"

23 I am pleased we can honor Bill by
24 naming a portion of highway in Madison County for
25 him, near his home. I hope his memory will live

1 on for a very long time.

2 I vote aye. Thank you.

3 ACTING PRESIDENT MAYER: Senator
4 May to be recorded in the affirmative.

5 Announce the results.

6 THE SECRETARY: Ayes, 63.

7 ACTING PRESIDENT MAYER: The bill
8 is passed.

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

11 SENATOR GIANARIS: Can we now move
12 to the controversial calendar, please.

13 ACTING PRESIDENT MAYER: The
14 Secretary will ring the bell.

15 The Secretary will read.

16 THE SECRETARY: Calendar Number
17 109, Senate Print 1410, by Senator Rivera, an act
18 to amend the Public Health Law.

19 ACTING PRESIDENT MAYER: Senator
20 Lanza, why do you rise?

21 SENATOR LANZA: Madam President, I
22 believe there's an amendment at the desk. I
23 waive the reading of that amendment and ask that
24 Senator Mattera be recognized and heard.

25 ACTING PRESIDENT MAYER: Thank you,

1 Senator Lanza.

2 Upon review of the amendment, in
3 accordance with Rule 6, Section 4B, I rule it
4 nongermane and out of order at this time.

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

8 ACTING PRESIDENT MAYER: The appeal
9 has been made and recognized, and Senator Mattera
10 may be heard.

11 SENATOR MATTERA: Thank you,
12 Madam President.

13 I rise today to urge this amendment
14 is germane because the bill-in-chief, S1410,
15 amends the Public Health Law.

16 For more than a year now, the
17 Governor has amended and suspended dozens of
18 Public Health Law provisions and continues to do
19 so. Not only is my amendment germane, each day
20 it becomes more and more apparent that it is
21 absolutely necessary for us to rightfully
22 reestablish the Legislature as a coequal branch
23 of government.

24 The Executive bill that was passed
25 by the Senate Majority on March 5th has done

1 nothing to curtail his power. Yesterday we
2 learned of yet another investigation into
3 allegations of the Governor's abuse of power.
4 The State Comptroller has now issued a referral
5 authorizing the State Attorney General to begin a
6 criminal investigation into Governor Andrew
7 Cuomo's use of state resources in relation to his
8 most recent book.

9 Well, it's about time. No one
10 should be using state resources for their own
11 political benefit, such as writing a book,
12 particularly when it was for his own personal
13 profit and at the expense of vulnerable
14 New Yorkers who have suffered the most throughout
15 this pandemic.

16 How are we allowing this Governor to
17 still have this type of authority while under a
18 cloud of multiple investigations? He continues
19 to operate, making decisions for his own
20 political survival, with no checks and balances
21 in place.

22 We must put an end to this. The
23 bill that my colleagues across the aisle passed
24 did not strip any powers away from the Executive.
25 That has become more clear with each day that

1 passes. In fact, the Governor is blatantly
2 disregarding the law and has not posted the
3 required justifications for this extension of his
4 own executive orders.

5 I present to you for the 37th time
6 our amendment that would actually do so. This
7 would actually remove powers from a damaged
8 Executive who continues to inflict harm on
9 New Yorkers and our small businesses.
10 New Yorkers need and deserve better.

11 For these reasons, Madam President,
12 I strongly urge you to reconsider your ruling and
13 I urge all my colleagues to support this
14 amendment.

15 Thank you, Madam President. Thank
16 you.

17 ACTING PRESIDENT MAYER: Thank you,
18 Senator Mattera.

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

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

24 SENATOR LANZA: Request a show of
25 hands.

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

5 ACTING PRESIDENT MAYER: Without
6 objection, so ordered.

7 Announce the results.

8 THE SECRETARY: Ayes, 20.

9 ACTING PRESIDENT MAYER: The ruling
10 of the chair stands, and the bill-in-chief is
11 before the house.

12 Are there any other Senators wishing
13 to be heard? Seeing and hearing -- Senator
14 Boyle. No?

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

17 Read the last section.

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

20 ACTING PRESIDENT MAYER: Call the
21 roll.

22 (The Secretary called the roll.)

23 ACTING PRESIDENT MAYER: Senator
24 Boyle to explain his vote.

25 SENATOR BOYLE: Thank you,

1 Madam President, to explain my vote.

2 I would like to thank the sponsor of
3 the bill, Senator Rivera.

4 This bill would include reports of
5 asthma and other respiratory disease diagnoses
6 for which a rescue inhaler treatment is
7 prescribed by a healthcare provider to be
8 reported in a statewide immunization information
9 database.

10 It would allow schools, colleges,
11 professional and technical schools, children's
12 overnight camps and summer day camps,
13 commissioners of local social service districts,
14 commissioners of Office of Children and Family
15 Services and WIC programs to access this
16 information so that they are aware that a child
17 has been prescribed a rescue inhaler, much like
18 they do with -- are made aware of blood lead
19 analysis and immunization information.

20 Quite simply, this will save lives.
21 Right now it's a convoluted system to get the
22 information about which children are required to
23 have these rescue inhalers. This will have the
24 information automatically in the database. And
25 God forbid something happens in terms of an

1 asthma attack, they should be ready to protect
2 and save this child.

3 I'd like to also take this
4 opportunity to thank a businessman constituent of
5 mine, a physician who specializes in asthma,
6 particularly with children, Dr. Harvey Miller, on
7 Long Island.

8 Dr. Miller has been a relentless,
9 passionate advocate for all legislation involving
10 protecting children who suffer from asthma. He's
11 probably called my office once or twice a day for
12 the last 10 years to push legislation such as
13 this bill to protect children. He's made it his
14 lifelong profession and his passion, and I want
15 to thank Dr. Miller.

16 And in honor of him, I will be
17 voting in the affirmative.

18 ACTING PRESIDENT MAYER: Senator
19 Boyle to be recorded in the affirmative.

20 Announce the results.

21 THE SECRETARY: Ayes, 63.

22 ACTING PRESIDENT MAYER: The bill
23 is passed.

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

1 SENATOR GIANARIS: Madam President,
2 if we can return to motions and resolutions.

3 On behalf of Senator May, I'd like
4 to call up Senate Print 3396, recalled from the
5 Assembly, which is now at the desk.

6 ACTING PRESIDENT MAYER: The
7 Secretary will read.

8 THE SECRETARY: Calendar Number
9 418, Senate Print 3396, by Senator May, an act to
10 amend the Agriculture and Markets Law.

11 SENATOR GIANARIS: I move to
12 reconsider the vote by which the bill was passed.

13 ACTING PRESIDENT MAYER: The
14 Secretary will call the roll on reconsideration.

15 (The Secretary called the roll.)

16 THE SECRETARY: Ayes, 63.

17 ACTING PRESIDENT MAYER: The bill
18 is restored to its place on the Third Reading
19 Calendar.

20 SENATOR GIANARIS: I offer the
21 following amendments.

22 ACTING PRESIDENT MAYER: The
23 amendments are received.

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

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

3 SENATOR GIANARIS: I move to
4 adjourn until tomorrow, Wednesday, April 21st, at
5 11:00 a.m.

6 ACTING PRESIDENT MAYER: On motion,
7 the Senate stands adjourned until Wednesday,
8 April 21st, at 11:00 a.m.

9 (Whereupon, at 4:15 p.m., the Senate
10 adjourned.)

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