

1 NEW YORK STATE SENATE

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3
4 THE STENOGRAPHIC RECORD

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8
9 ALBANY, NEW YORK

10 January 25, 2022

11 3:51 p.m.

12
13
14 REGULAR SESSION

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17
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, in memory
11 of Officer Jason Rivera and Officer Wilbert Mora,
12 two NYPD officers who lost their lives in service
13 to their city and to our state.

14 We offer our deepest condolences to
15 their families and loved ones, and we have a
16 moment of silence in their honor.

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

19 ACTING PRESIDENT MAYER: The
20 reading of the Journal.

21 THE SECRETARY: In Senate, Monday,
22 January 24, 2022, the Senate met pursuant to
23 adjournment. The Journal of Sunday, January 23,
24 2022, was read and approved. On motion, Senate
25 adjourned.

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

3 Presentation of petitions.

4 Messages from the Assembly.

5 The Secretary will read.

6 THE SECRETARY: Senator Breslin
7 moves to discharge, from the Committee on Rules,
8 Assembly Bill Number 8698 and substitute it for
9 the identical Senate Bill 7768, Third Reading
10 Calendar 141.

11 ACTING PRESIDENT MAYER: So
12 ordered.

13 THE SECRETARY: Senator May moves
14 to discharge, from the Committee on Rules,
15 Assembly Bill Number 8799 and substitute it for
16 the identical Senate Bill 7779, Third Reading
17 Calendar 150.

18 ACTING PRESIDENT MAYER: So
19 ordered.

20 THE SECRETARY: Senator Skoufis
21 moves to discharge, from the Committee on Rules,
22 Assembly Bill Number 8726 and substitute it for
23 the identical Senate Bill 7785, Third Reading
24 Calendar 154.

25 ACTING PRESIDENT MAYER: So

1 ordered.

2 THE SECRETARY: Senator Sanders
3 moves to discharge, from the Committee on Rules,
4 Assembly Bill Number 8771 and substitute it for
5 the identical Senate Bill 7793, Third Reading
6 Calendar 160.

7 ACTING PRESIDENT MAYER: So
8 ordered.

9 THE SECRETARY: Senator Comrie
10 moves to discharge, from the Committee on Rules,
11 Assembly Bill Number 8763 and substitute it for
12 the identical Senate Bill 7802, Third Reading
13 Calendar 168.

14 ACTING PRESIDENT MAYER: So
15 ordered.

16 THE SECRETARY: Senator Parker
17 moves to discharge, from the Committee on Rules,
18 Assembly Bill Number 8690 and substitute it for
19 the identical Senate Bill 7815, Third Reading
20 Calendar 179.

21 ACTING PRESIDENT MAYER: So
22 ordered.

23 THE SECRETARY: Senator Comrie
24 moves to discharge, from the Committee on Rules,
25 Assembly Bill Number 8794 and substitute it for

1 the identical Senate Bill 7822, Third Reading
2 Calendar 185.

3 ACTING PRESIDENT MAYER: So
4 ordered.

5 Messages from the Governor.
6 Reports of standing committees.
7 Reports of select committees.
8 Communications and reports from
9 state officers.

10 Motions and resolutions.

11 Senator Gianaris.

12 SENATOR GIANARIS: Madam President,
13 on page 13 I offer the following amendments to
14 Calendar Number 122, Senate Print 7453, by
15 Senator Krueger, and ask that said bill retain
16 its place on Third Reading Calendar.

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

20 SENATOR GIANARIS: Madam President,
21 on behalf of Senator Myrie, I wish to call up
22 Senate Print 284A, recalled from the Assembly,
23 which is now at the desk.

24 ACTING PRESIDENT MAYER: The
25 Secretary will read.

1 THE SECRETARY: Calendar Number 2,
2 Senate Print 284A, by Senator Myrie, an act to
3 amend the Election Law.

4 ACTING PRESIDENT MAYER: Call the
5 roll.

6 (The Secretary called the roll.)

7 THE SECRETARY: Ayes, 62.

8 SENATOR GIANARIS: I take it that
9 that was the vote to reconsider the vote by which
10 the bill was passed.

11 Madam President, I now offer the
12 following amendments.

13 ACTING PRESIDENT MAYER: The
14 amendments are received.

15 SENATOR GIANARIS: Now at this
16 time, Madam President, I move to adopt the
17 Resolution Calendar, with the exception of
18 Resolutions 1716 and 1718.

19 ACTING PRESIDENT MAYER: All those
20 in favor of adopting the Resolution Calendar,
21 with the exception of Resolutions 1716 and 1718,
22 please signify by saying aye.

23 (Response of "Aye.")

24 ACTING PRESIDENT MAYER: Opposed,
25 nay.

1 (No response.)

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

4 Senator Gianaris.

5 SENATOR GIANARIS: Thank you,
6 Madam President.

7 Can we now take up Resolution 1716,
8 by Senator Mannion, read that resolution's title
9 only, and recognize Senator Mannion.

10 ACTING PRESIDENT MAYER: The
11 Secretary will read.

12 THE SECRETARY: Senate Resolution
13 1716, by Senator Mannion, congratulating Susan
14 Constantino upon the occasion of her retirement
15 after 33 years of distinguished service to
16 Cerebral Palsy Associations of New York State.

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

19 SENATOR MANNION: Thank you,
20 Madam President.

21 I rise to recognize the immeasurable
22 contributions to the people of the State of
23 New York by Susan Constantino. She is retiring
24 after 33 years of distinguished service to the
25 Cerebral Palsy Associations of New York State and

1 a lifetime of helping others and improving lives.

2 Sue has long been one of the
3 fiercest and most effective advocates for people
4 with disabilities. Her lifetime of service began
5 in Buffalo in the 1980s. It was there that she
6 quickly recognized how technology and the dawn of
7 home computers could aid people with
8 disabilities, and the "Special Friends and
9 Computers" program was born.

10 She has served on countless
11 commissions, councils and task forces, leaving a
12 positive and indelible mark. When you ask Susan
13 Constantino for help for someone that has a
14 disability, the answer is always yes.

15 Before the pandemic, she fought to
16 bring telemedicine to the many New Yorkers who
17 might have difficulty making doctor's
18 appointments and needed other services. And
19 during the pandemic, Susan went well above and
20 well beyond to ensure folks got the services that
21 they needed, and that they were going to be okay.

22 For Susan Constantino it was always
23 personal. It was never just a job. That's why
24 she spearheaded the opening of five federally
25 qualified health centers in New York City, and

1 that's why she is the epitome of doing more with
2 less.

3 Despite cuts and inadequate funding,
4 she developed and grew programs, including
5 community living opportunities, early
6 intervention, special education, and family
7 support services.

8 Her decades of advocacy laid the
9 groundwork and highlighted the need for a
10 separate Senate Standing Committee on
11 disabilities that I am honored to chair.

12 Madam President, if we had more Sue
13 Constantinos in the world, it surely would be a
14 better place.

15 My most heartfelt congratulations to
16 Sue on her retirement, and my deep, deep thanks
17 for all of her wise counsel and friendship.

18 Thank you, Madam President.

19 ACTING PRESIDENT MAYER: The
20 question is on the resolution. All in favor
21 signify by saying aye.

22 (Response of "Aye.")

23 ACTING PRESIDENT MAYER: Opposed?

24 (No response.)

25 ACTING PRESIDENT MAYER: The

1 resolution is adopted.

2 Senator Gianaris.

3 SENATOR GIANARIS: Can we now move
4 to Resolution 1718, by Senator Myrie, read that
5 resolution's title only, and recognize Senator
6 Myrie.

7 ACTING PRESIDENT MAYER: The
8 Secretary will read.

9 THE SECRETARY: Senate Resolution
10 1718, by Senator Myrie, mourning the death of
11 former New York State Senator Dr. Waldaba H.
12 Stewart, Jr., dedicated political leader, adjunct
13 professor, distinguished citizen and devoted
14 member of his community.

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

17 SENATOR MYRIE: Thank you,
18 Madam President.

19 To his family, his friends, his
20 colleagues, his community, to his students, our
21 deepest condolences for the profound loss of a
22 great man, Dr. Waldaba Hamilton Stewart, Jr.

23 Dr. Stewart was a Panamanian, a
24 Brooklynite, a Garveyite, an economist, a
25 professor and a former member of this

1 State Senate. He was a champion for justice and
2 equity. He cared about healthcare justice. Many
3 people don't know, but when this Senate took up
4 and affirmed a woman's right to choose, the 29th
5 and deciding vote was Senator Stewart's vote.

6 But he also cared about healthcare
7 provision in the community. Kings County
8 Hospital in Brooklyn would not be what it is
9 today without his dedication. And when the
10 Rockefeller administration cut treatment for drug
11 addiction, Senator Stewart stood up and said "Our
12 community deserves better." And he did so when
13 it wasn't popular.

14 He cared about economic justice --
15 proposed business corridors in Brooklyn, but also
16 agricultural opportunities particularly for
17 people of African descent, because he recognized
18 that without economic autonomy we could not
19 prosper.

20 And of course he was a racial
21 justice champion. He called for accountability
22 and transparency in the Attica uprising. He
23 called out law enforcement corruption where
24 appropriate. And when Black kids from his
25 district attended what was then a mostly white

1 Erasmus High School and had rocks thrown at their
2 bus, Senator Stewart stepped in, made peace and
3 said "This is not what Brooklyn is about."

4 He once said that simple solutions
5 cannot be applied to complex problems, and he
6 lived his life to exemplify that phrase. So for
7 that, he will be missed forever. But he will
8 never, ever be forgotten.

9 Dr. Stewart, may you rest in peace,
10 may your family be blessed, and may your memory
11 forever live in this great State of New York.

12 Thank you, Madam President.

13 ACTING PRESIDENT MAYER: The
14 question is on the resolution.

15 All in favor signify by saying aye.

16 (Response of "Aye.")

17 ACTING PRESIDENT MAYER: Opposed?

18 (No response.)

19 ACTING PRESIDENT MAYER: The
20 resolution is adopted.

21 Senator Gianaris.

22 SENATOR GIANARIS: At the request
23 of the sponsors, those resolutions are open for
24 cosponsorship.

25 ACTING PRESIDENT MAYER: 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 reading of the calendar.

7 ACTING PRESIDENT MAYER: The
8 Secretary will read.

9 THE SECRETARY: Calendar Number 83,
10 Senate Print 6791A, by Senator Kaplan --

11 SENATOR LANZA: Lay it aside.

12 ACTING PRESIDENT MAYER: The bill
13 is laid aside.

14 THE SECRETARY: Calendar Number
15 141, Assembly Print Number 8698, by
16 Assemblymember Hunter, an act to amend the
17 Insurance Law.

18 ACTING PRESIDENT MAYER: Read the
19 last section.

20 THE SECRETARY: Section 3. This
21 act shall take effect on the same date and in the
22 same manner as a chapter of the Laws of 2021.

23 ACTING PRESIDENT MAYER: Call the
24 roll.

25 (The Secretary called the roll.)

1 ACTING PRESIDENT MAYER: Announce
2 the results.

3 THE SECRETARY: Ayes, 62.

4 ACTING PRESIDENT MAYER: The bill
5 is passed.

6 THE SECRETARY: Calendar Number
7 142, Senate Print 7771, by Senator Hinchey, an
8 act to amend the Agriculture and Markets Law and
9 the Public Health Law.

10 ACTING PRESIDENT MAYER: Read the
11 last section.

12 THE SECRETARY: Section 5. This
13 act shall take effect on the same date and in the
14 same manner as a chapter of the Laws of 2021.

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, 62.

21 ACTING PRESIDENT MAYER: The bill
22 is passed.

23 THE SECRETARY: Calendar Number
24 150, Assembly Print 8799, by Assemblymember Cruz,
25 an act to amend the Elder Law.

1 ACTING PRESIDENT MAYER: Read the
2 last section.

3 THE SECRETARY: Section 9. This
4 act shall take effect on the same date and in the
5 same manner as a chapter of the Laws of 2021.

6 ACTING PRESIDENT MAYER: Call the
7 roll.

8 (The Secretary called the roll.)

9 ACTING PRESIDENT MAYER: Announce
10 the results.

11 THE SECRETARY: Ayes, 62.

12 ACTING PRESIDENT MAYER: The bill
13 is passed.

14 THE SECRETARY: Calendar Number
15 152, Senate Print 7783, by Senator Addabbo, an
16 act to amend the Agriculture and Markets Law.

17 ACTING PRESIDENT MAYER: Read the
18 last section.

19 THE SECRETARY: Section 2. This
20 act shall take effect on the same date and in the
21 same manner as a chapter of the Laws of 2021.

22 ACTING PRESIDENT MAYER: Call the
23 roll.

24 (The Secretary called the roll.)

25 ACTING PRESIDENT MAYER: Announce

1 the results.

2 THE SECRETARY: Ayes, 62.

3 ACTING PRESIDENT MAYER: The bill
4 is passed.

5 THE SECRETARY: Calendar Number
6 154, Assembly Print Number 8726, by
7 Assemblymember Jacobson, an act to amend the
8 Workers' Compensation Law.

9 ACTING PRESIDENT MAYER: Read the
10 last section.

11 THE SECRETARY: Section 2. This
12 act shall take effect on the same date and in the
13 same manner as a chapter of the Laws of 2021.

14 ACTING PRESIDENT MAYER: Call the
15 roll.

16 (The Secretary called the roll.)

17 ACTING PRESIDENT MAYER: Announce
18 the results.

19 THE SECRETARY: In relation to
20 Calendar Number 154, those Senators voting in the
21 negative are Senators Akshar, Borrello, Boyle,
22 Gallivan, Griffo, Jordan, Oberacker, O'Mara,
23 Ortt, Rath, Ritchie, Serino, Stec, Tedisco and
24 Weik.

25 Ayes, 47. Nays, 15.

1 ACTING PRESIDENT MAYER: The bill
2 is passed.

3 THE SECRETARY: Calendar Number
4 160, Assembly Print Number 8771, by
5 Assemblymember Perry, an act to amend the
6 Banking Law.

7 ACTING PRESIDENT MAYER: Read the
8 last section.

9 THE SECRETARY: Section 2. This
10 act shall take effect on the same date and in the
11 same manner as a chapter of the Laws of 2021.

12 ACTING PRESIDENT MAYER: Call the
13 roll.

14 (The Secretary called the roll.)

15 ACTING PRESIDENT MAYER: Announce
16 the results.

17 THE SECRETARY: In relation to
18 Calendar Number 160, those Senators voting in the
19 negative are Senators Akshar, Borrello, Boyle,
20 Gallivan, Griffo, Helming, Jordan, Lanza,
21 Martucci, Mattera, Oberacker, O'Mara, Ortt,
22 Palumbo, Rath, Ritchie, Serino, Stec, Tedisco and
23 Weik.

24 Ayes, 42. Nays, 20.

25 ACTING PRESIDENT MAYER: The bill

1 is passed.

2 THE SECRETARY: Calendar Number
3 161, Senate Print 7794, by Senator Mannion, an
4 act to amend the Domestic Relations Law and the
5 Family Court Act.

6 ACTING PRESIDENT MAYER: Read the
7 last section.

8 THE SECRETARY: Section 3. This
9 act shall take effect on the same date and in the
10 same manner as a chapter of the Laws of 2021.

11 ACTING PRESIDENT MAYER: Call the
12 roll.

13 (The Secretary called the roll.)

14 ACTING PRESIDENT MAYER: Announce
15 the results.

16 THE SECRETARY: Ayes, 62.

17 ACTING PRESIDENT MAYER: The bill
18 is passed.

19 THE SECRETARY: Calendar Number
20 163, Senate Print 7797, by Senator Sanders, an
21 act to amend the Insurance Law.

22 ACTING PRESIDENT MAYER: Read the
23 last section.

24 THE SECRETARY: Section 2. This
25 act shall take effect on the same date and in the

1 same manner as a chapter of the Laws of 2021.

2 ACTING PRESIDENT MAYER: Call the
3 roll.

4 (The Secretary called the roll.)

5 ACTING PRESIDENT MAYER: Announce
6 the results.

7 THE SECRETARY: Ayes, 62.

8 ACTING PRESIDENT MAYER: The bill
9 is passed.

10 THE SECRETARY: Calendar Number
11 168, Assembly Print Number 8763, by
12 Assemblymember Paulin, an act to amend the
13 Public Service Law.

14 ACTING PRESIDENT MAYER: Read the
15 last section.

16 THE SECRETARY: Section 2. This
17 act shall take effect on the same date and in the
18 same manner as a chapter of the Laws of 2021.

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: In relation to
25 Calendar Number 168, those Senators voting in the

1 negative are Senators Akshar, Borrello, Gallivan,
2 Griffo, Jordan, Lanza, Oberacker, O'Mara, Ortt,
3 Ritchie and Serino.

4 Ayes, 51. Nays, 11.

5 ACTING PRESIDENT MAYER: The bill
6 is passed.

7 THE SECRETARY: Calendar Number
8 175, Senate Print 7811, by Senator Mayer, an act
9 to amend the Labor Law.

10 ACTING PRESIDENT MAYER: Read the
11 last section.

12 THE SECRETARY: Section 2. This
13 act shall take effect on the same date and in the
14 same manner as a chapter of the Laws of 2021.

15 ACTING PRESIDENT MAYER: Call the
16 roll.

17 (The Secretary called the roll.)

18 ACTING PRESIDENT MAYER: Senator
19 Oberacker to explain his vote.

20 SENATOR OBERACKER: Thank you,
21 Madam President.

22 You know, one of the first services
23 that I use of any municipality is the roads. And
24 to speak on some of the numbers that come into
25 play as we look at how these roads are

1 maintained, how they're resurfaced and how
2 they're repaired, as a former chair of
3 Public Works for Otsego County, I've come with a
4 desire to bring these numbers up so we understand
5 sometimes what these pieces of legislation
6 actually mean at a lower municipal level.

7 So Otsego County has 477 center lane
8 miles. A center lane mile is calculated by the
9 number of miles in our county roads going one
10 direction. So in actuality we have over
11 954 miles of road to maintain and to potentially
12 pave and resurface.

13 The cost was \$110,000 per mile to
14 pave those roads when I was seated as the chair
15 of Public Works. So the 954 times 110 gives us
16 almost \$105 million -- for one of the nine
17 counties that I represent -- if we were to repair
18 and/or pave those roads.

19 On an average year, we would do
20 approximately 30 miles. And these are calculated
21 at costs of at least three years ago. So for us
22 to do that, it would take almost 32 years to
23 resurface those roads.

24 The hauling of the oil, the hauling
25 of the stone, the hauling of the finished

1 pavement are all going to increase per this piece
2 of legislation. Our local municipalities simply
3 cannot, they simply cannot afford to have this
4 mandate pushed down on them.

5 Petrochemicals in general are on the
6 rise, and we know this. So the cost not only to
7 haul but to produce the actual asphalt that will
8 be coming to our municipalities will increase.

9 One of the things we were very proud
10 of was our shared services between the
11 municipalities where we would get the department
12 of works from certain municipalities to offer up
13 their drivers to haul to make our paving that
14 much more efficient. That cost will now go up,
15 per this legislation.

16 Budgets have already been put
17 together and submitted without the increased
18 cost, again, of this piece of legislation. I
19 think we can see where, when we use a top-down
20 approach and we don't take in the stakeholders at
21 the level that it most affects, these things can
22 be extremely detrimental.

23 You know, in my rural area -- and I
24 traveled last month over 3,000 miles in my
25 district -- I've been on many of these roads in

1 various states of repair. And I can tell you
2 unequivocally that this piece of legislation will
3 have dire, dire effects on maintaining these
4 roads.

5 And therefore, Madam President, I
6 will be voting in the negative and I urge all of
7 my colleagues to do the same.

8 Thank you.

9 ACTING PRESIDENT PERSAUD: Senator
10 Oberacker to be recorded in the negative.

11 Senator Mayer to explain her vote.

12 SENATOR MAYER: Thank you, Madam
13 President.

14 And I appreciate my colleague's
15 comments, but I do want to clarify.

16 One, we are voting on a chapter
17 amendment of a bill that was previously adopted
18 by this house and the Assembly, signed by the
19 Governor, that does one very simple thing: It
20 says that on a prevailing wage project, which
21 includes roads -- not limited to roads -- the
22 person who drives what they call aggregate supply
23 from, for example, a place in -- it could be
24 5 miles away from the site, to the site, dumps
25 the aggregate supply and then drives back, for

1 that drive to and from, that job is prevailing
2 wage as well as the guys who are working on the
3 site.

4 That's all this bill did. And in
5 fact the chapter amendment limited the concerns
6 that my colleague has raised by clarifying, for
7 example, coming from another state into New York
8 to bring this aggregate supply, that part of it
9 would not be covered by the bill.

10 But the bill says to our brothers
11 and sisters who have these jobs, they are
12 entitled to prevailing wage for their work
13 related to a prevailing wage job. And that's
14 simply what the bill does.

15 I would point out that in Nassau and
16 Suffolk, under regulations promulgated by the
17 New York State Department of Labor, this traffic
18 of aggregate supply is already covered by
19 prevailing wage. And I don't think that Nassau
20 and Suffolk have gone bankrupt, or their towns
21 and villages have, by complying with this
22 requirement.

23 So this simply says let's have on a
24 statewide basis what the Department of Labor
25 already implemented for Nassau and Suffolk. And

1 in passing this chapter amendment, we are saying
2 to our brothers and sisters who do this work, as
3 well as those that pay them, that it ought to be
4 fair across the board, everyone should be the
5 beneficiary of the prevailing wage if they're on
6 a prevailing wage job.

7 So I urge my colleagues to vote yes.
8 And with that, thank you, Madam President.

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

11 Announce the results.

12 THE SECRETARY: In relation to
13 Calendar 175, those Senators voting in the
14 negative are Senators Akshar, Borrello, Gallivan,
15 Griffo, Helming, Jordan, Oberacker, O'Mara, Ortt,
16 Palumbo, Rath, Serino, Stec and Tedisco.

17 Ayes, 48. Nays, 14.

18 ACTING PRESIDENT PERSAUD: The bill
19 is passed.

20 THE SECRETARY: Calendar Number
21 179, Assembly Print Number 8690, by
22 Assemblymember Cruz, an act to amend the
23 Mental Hygiene Law.

24 ACTING PRESIDENT PERSAUD: Read the
25 last section.

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

3 ACTING PRESIDENT PERSAUD: Call the
4 roll.

5 (The Secretary called the roll.)

6 ACTING PRESIDENT PERSAUD: Announce
7 the results.

8 THE SECRETARY: Ayes, 62.

9 ACTING PRESIDENT PERSAUD: The bill
10 is passed.

11 THE SECRETARY: Calendar Number
12 181, Senate Print 7817, by Senator Savino, an act
13 to amend a chapter of the Laws of 2021.

14 ACTING PRESIDENT PERSAUD: Read the
15 last section.

16 THE SECRETARY: Section 2. This
17 act shall take effect on the same date and in the
18 same manner as a chapter of the Laws of 2021.

19 ACTING PRESIDENT PERSAUD: Call the
20 roll.

21 (The Secretary called the roll.)

22 ACTING PRESIDENT PERSAUD: Announce
23 the results.

24 THE SECRETARY: Ayes, 62.

25 ACTING PRESIDENT PERSAUD: The bill

1 is passed.

2 THE SECRETARY: Calendar Number
3 185, Assembly Print Number 8794, by
4 Assemblymember --

5 SENATOR LANZA: Lay it aside.

6 ACTING PRESIDENT PERSAUD: Lay it
7 aside.

8 THE SECRETARY: Calendar Number
9 200, Senate Print 7843, by Senator Ramos, an act
10 to amend the Workers' Compensation Law.

11 ACTING PRESIDENT PERSAUD: Read the
12 last section.

13 THE SECRETARY: Section 2. This
14 act shall take effect on the same date and in the
15 same manner as a chapter of the Laws of 2021.

16 ACTING PRESIDENT PERSAUD: Call the
17 roll.

18 (The Secretary called the roll.)

19 ACTING PRESIDENT PERSAUD: Announce
20 the results.

21 THE SECRETARY: In relation to
22 Calendar Number 200, those Senators voting in the
23 negative are Senators Boyle, Gallivan, Helming,
24 Jordan, Lanza, Martucci, Oberacker, O'Mara, Ortt,
25 Palumbo, Rath, Serino, Stec and Tedisco.

1 Ayes, 48. Nays, 14.

2 ACTING PRESIDENT PERSAUD: The bill
3 is passed.

4 Senator Gia -- Senator Liu, that
5 completes the reading of today's calendar.

6 SENATOR LIU: Madam President, I'm
7 happy to answer for Senator Gianaris.

8 (Laughter.)

9 SENATOR LIU: Please go to the
10 reading of the controversial calendar,
11 Madam President.

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

14 The Secretary will read.

15 THE SECRETARY: Calendar Number 83,
16 Senate Print 6791A, by Senator Kaplan, an act to
17 amend the Labor Law.

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

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

24 ACTING PRESIDENT PERSAUD: Thank
25 you, Senator Lanza.

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

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

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

11 SENATOR STEC: Thank you,
12 Madam President. I rise to appeal that the
13 amendment is germane to the bill-in-chief.

14 The cost to heat one's home this
15 year is up 30 percent from last year. Homeowners
16 across the state are struggling to pay their
17 bills, and inflation is at a 30-year high. In
18 fact in my district this past weekend it
19 routinely got to 20 below zero. This amendment
20 would provide \$300 to individuals and \$600 to
21 families of homeowners and renters to help pay
22 for the additional cost to heat their homes, and
23 provides much-needed financial relief.

24 This tax credit would be capped to
25 \$125,000 for individuals and \$250,000 for married

1 couples. And we feel that with the \$7 billion
2 surplus, this money would be best spent returning
3 it to the taxpayers to help offset their home
4 heating costs this year.

5 Thank you, Madam President.

6 ACTING PRESIDENT PERSAUD: Thank
7 you, Senator.

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

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

13 SENATOR LANZA: Request a show of
14 hands.

15 SENATOR LIU: By unanimous consent,
16 please waive the showing of hands and record each
17 member of the Minority in the affirmative.

18 ACTING PRESIDENT PERSAUD: Without
19 objection, so ordered.

20 Announce the results.

21 THE SECRETARY: Ayes, 20.

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

25 Senator Borrello.

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

3 SENATOR MAYER: I'm not the
4 sponsor, Senator Borrello, but I'd be happy to
5 yield for questions on her behalf.

6 ACTING PRESIDENT PERSAUD: The
7 sponsor yields.

8 SENATOR BORRELLO: Thank you. I
9 guess the first question -- I appreciate you,
10 Senator Mayer, taking these questions, but is the
11 sponsor here to debate this bill?

12 SENATOR MAYER: I believe the
13 sponsor did not know this bill would be subject
14 to a debate. And since we can vote remotely, I
15 believe that she is not present and therefore I
16 am doing the bill.

17 SENATOR BORRELLO: Will the sponsor
18 yield for another question.

19 ACTING PRESIDENT PERSAUD: Will the
20 sponsor yield?

21 SENATOR MAYER: Yeah, sure.

22 ACTING PRESIDENT PERSAUD: The
23 sponsor yields.

24 SENATOR BORRELLO: Yes, thank you
25 again.

1 Let me start off by saying that I am
2 certainly in favor of this bill. I'll be
3 supporting this bill. But I have some concerns
4 overall about unemployment insurance. You know,
5 I'm a business owner myself. I can tell you that
6 we all were quite surprised by the dramatic
7 increase in our unemployment insurance costs.

8 So my first question is we passed
9 legislation last year to freeze the experience
10 rating for unemployment insurance, yet myself and
11 every other business owner in New York State
12 opened up their unemployment insurance bill and
13 saw dramatic increases.

14 So why did that occur if we froze
15 the experience rating?

16 SENATOR MAYER: My understanding is
17 that this bill -- in the first place let me say
18 we all share the concern about the rise in these
19 rates, and that's the reason for this bill. And
20 I'm glad that you'll be supporting it.

21 My understanding is that this bill
22 eliminates the consideration of the solvency of
23 the trust fund for the next two years and allows
24 us to freeze the increase in rates at least
25 partially in Year 1 and also in Year 2.

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

3 ACTING PRESIDENT PERSAUD: Does the
4 sponsor yield?

5 SENATOR MAYER: Yes.

6 ACTING PRESIDENT PERSAUD: The
7 sponsor yields.

8 SENATOR BORRELLO: Thank you again.

9 So we had the opportunity last year
10 to do this, and we didn't. We froze the
11 experience rating, but we didn't freeze the rate.
12 So will the employers in New York State be
13 receiving a rebate check for the gigantic bills
14 that they just paid for unemployment insurance?

15 SENATOR MAYER: The employers in
16 New York are going to benefit by this legislation
17 by reducing the amount they are going to have to
18 pay every month as the impact of COVID goes on
19 longer and hurts small businesses more than
20 anyone could have anticipated.

21 So I think all small businesses,
22 including the NFIB and the Business Council,
23 support this legislation as being good for
24 business.

25 SENATOR BORRELLO: Madam President,

1 will the sponsor continue to yield?

2 ACTING PRESIDENT PERSAUD: Does the
3 sponsor yield?

4 SENATOR MAYER: Yes.

5 ACTING PRESIDENT PERSAUD: The
6 sponsor yields.

7 SENATOR BORRELLO: I'm not trying
8 to be a pain here, but quite honestly I'm going
9 to get this question because I've had it asked of
10 me by my own wife, who runs our businesses.

11 Will businesses that have already
12 paid these unemployment insurance premiums get a
13 rebate when this bill passes?

14 SENATOR MAYER: There is nothing in
15 this bill that orders a rebate, but I am
16 confident, in the context of the budget
17 conversations, if you or any other member wants
18 to argue that a rebate should be issued, that is
19 something to discuss.

20 But as you know, the issue of the
21 solvency of the fund poses substantial long-term
22 problems. But if we can get a rebate, I'm sure
23 you'll have many colleagues agreeing that's a
24 good thing.

25 SENATOR BORRELLO: Thank you.

1 Madam President, will the sponsor
2 continue to yield?

3 ACTING PRESIDENT PERSAUD: Does the
4 sponsor yield?

5 SENATOR MAYER: Yes.

6 ACTING PRESIDENT PERSAUD: The
7 sponsor yields.

8 SENATOR BORRELLO: Are you aware
9 that I think 32 states now have taken their
10 federal COVID relief money and they have applied
11 it to their unemployment insurance funds?

12 As you may be aware, New York State
13 used to have about a \$2.6 billion surplus in the
14 Unemployment Insurance Fund. Keep in mind,
15 that's paid by business owners like myself and
16 every business owner in New York State, not by
17 the government. And now, thanks to bad
18 government policy, essentially, we've got a
19 \$9 billion deficit.

20 So would you or would the Majority
21 in general be in favor of diverting some of the
22 unallocated funds to filling that crater of our
23 \$9 billion Unemployment Insurance Fund deficit?

24 SENATOR MAYER: In the first place,
25 I would respectfully disagree with the reason for

1 the crater. The reason for the crater is that we
2 had COVID and millions of New Yorkers were
3 dependent on unemployment insurance just to get
4 by. And thankfully we had a system, while
5 imperfect -- and many of us complained about
6 it -- that did get us through that.

7 So I am aware that other states have
8 used some of their federal money. I think if we
9 do it right now, we don't have to wait for the
10 budget. We pass this now, we start immediately
11 reducing the rate that small businesses and
12 businesses have to pay. So I think it's a wise
13 choice.

14 If we want to argue in the budget
15 about using some of those funds, then let's get
16 it then.

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

19 ACTING PRESIDENT PERSAUD: Does the
20 sponsor yield?

21 SENATOR MAYER: Yes.

22 ACTING PRESIDENT PERSAUD: The
23 Senator yields.

24 SENATOR BORRELLO: So I'm assuming
25 that obviously with that \$9 billion hole still

1 being there that's owed to the federal
2 government, that eventually that's going to have
3 to be paid back with interest. Do you know what
4 the impact on the Unemployment Insurance Fund
5 will be when that occurs?

6 SENATOR MAYER: No, I don't,
7 Senator Borrello.

8 But I would add this. This is a
9 bill before this house that would help small
10 businesses today and allow us to do this in the
11 face of the insolvency.

12 So we recognize there's insolvency.
13 We'll have to deal with that.

14 SENATOR BORRELLO: Madam President,
15 on the bill.

16 ACTING PRESIDENT PERSAUD: Senator
17 Borrello on the bill.

18 SENATOR BORRELLO: First of all,
19 Senator Mayer, thank you very much for stepping
20 in. Appreciate it.

21 And I think you and I both share
22 these concerns for our small businesses.

23 But I can tell you as a business
24 owner myself that, you know, this was a
25 devastating impact on all of our businesses. And

1 to go from having to -- we've got businesses that
2 didn't lay off a single person, not a single
3 person during the pandemic that are seeing
4 dramatic increases in their unemployment
5 insurance rates.

6 And what this bill really is doing,
7 as good as it is, is essentially kicking the can
8 down the road because it's not addressing the
9 fundamental problem of a \$9 billion, with a B,
10 deficit in our Unemployment Insurance Fund.

11 Now, we may disagree on how that
12 number came about, but I can tell you that
13 New York State has still yet to address how much
14 fraud was in our unemployment insurance. I asked
15 that question of the commissioner of the
16 Department of Labor. She danced around it and
17 said that, well, we avoided about \$2 billion in
18 fraud. But she wouldn't actually tell us,
19 because I'm sure she doesn't know, how much fraud
20 we actually experienced in our unemployment
21 insurance.

22 And that's really troubling because
23 other states, including California, have
24 identified that number. And I think that would
25 be justification for diverting the unspent

1 federal money that we have to that Unemployment
2 Insurance Fund, because that's what this is
3 really about.

4 This is a good step. It will help
5 us. But ultimately we are going to have to pay
6 that bill at some point. And right now we're
7 kicking the can down the road as interest accrues
8 on that \$9 billion that is on the backs of every
9 single employer in New York State. That's the
10 troubling part of this.

11 So I really think we need to look at
12 what we spend our money on here in New York
13 State. We have a huge budget surplus. We have
14 unspent federal relief money. And we have yet to
15 address the fundamental problem that every single
16 employer in New York State is paying more in
17 unemployment insurance than they ever have. And
18 according to the Business Council, it's going to
19 take more than a decade to make up that
20 \$9 billion surplus if some of that money from the
21 federal government isn't diverted to that fund.
22 A decade on the backs of every single employer in
23 New York State.

24 So this is kind of like a bucket of
25 water in the ocean, quite frankly. Happy to have

1 it, glad we're doing it, but we need to step up
2 and we need to fill that crater and make sure
3 that that \$9 billion deficit is not a burden on
4 our already overburdened businesses in New York
5 State.

6 So Madam President, with that I will
7 be supporting the bill. Thank you.

8 ACTING PRESIDENT PERSAUD: Thank
9 you, Senator.

10 Are there any other Senators wishing
11 to be heard?

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

14 Read the last section.

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

17 ACTING PRESIDENT PERSAUD: Call the
18 roll.

19 (The Secretary called the roll.)

20 ACTING PRESIDENT PERSAUD: Senator
21 Mayer to explain her vote.

22 SENATOR MAYER: Thank you very
23 much.

24 First I want to thank Senator Kaplan
25 for bringing this very important bill to the

1 floor, and to our leader for making sure that we
2 put a bill on for a vote -- and I'm confident
3 that we'll have so many supporters -- that not
4 only reflects the challenges of our business
5 community but at the same time, in the same bill,
6 deals with the needs of our constituents to deal
7 with their continued unemployment.

8 We didn't get to discuss this in the
9 debate, but the bill temporarily overrides the
10 current freeze on increases to the maximum weekly
11 benefit rate for unemployment. So for districts
12 like mine, particularly in the restaurant and bar
13 sector and the hospitality sector, where my small
14 bars and restaurants still suffer and yet are
15 paying unemployment insurance tax rates that are
16 too high -- and at the same time their employees
17 are still eligible for and some are receiving
18 unemployment. This bill is a win/win.

19 And I recognize we have challenges
20 with a unemployment situation that was far in
21 excess of anything New York State could have ever
22 contemplated. And it's imperfect, and many of us
23 have complained about it and continue to fight
24 for it to be better.

25 But in the interim, we have a bill

1 that helps our small businesses and helps our
2 constituents who have been laid off or lost their
3 jobs. I can't think of a more pressing and
4 important thing to do, and I urge my colleagues
5 to vote yes.

6 Thank you to Senator Kaplan for her
7 leadership on behalf of small businesses and on
8 behalf of our constituents throughout the state.

9 I'll be voting yes.

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

12 Announce the results.

13 THE SECRETARY: Ayes, 62.

14 ACTING PRESIDENT PERSAUD: The bill
15 is passed.

16 THE SECRETARY: Calendar Number
17 185, Assembly Print Number 8794, by
18 Assemblymember Carroll, an act to amend the
19 Public Authorities Law.

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

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

1 ACTING PRESIDENT PERSAUD: Thank
2 you, Senator Lanza.

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

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

9 ACTING PRESIDENT PERSAUD: The
10 appeal has been made and recognized, and
11 Senator Palumbo may be heard.

12 SENATOR PALUMBO: Thank you,
13 Madam President, for recognizing me for the
14 purposes of this appeal.

15 With respect to germaneness, this
16 proposed amendment would make pushing someone
17 onto a subway track -- onto the tracks of a
18 subway a Class C violent felony.

19 And the bill-in-chief, which I
20 support, I previously supported, is an excellent
21 bill, actually. It provides rules and guidelines
22 for the public as to what they should be doing in
23 the event someone is pushed on the tracks. So
24 these are obviously -- almost mirror the same
25 issue.

1 Now, if I may, I'd like to just
2 discuss some of the statistics that we've seen
3 and why this is such a critical and important
4 bill. I have from the Daily News, from
5 February 14th of last year, a little bit less
6 than a year ago -- the title is "Despite big
7 decrease in riders during COVID pandemic,
8 New York City seeing terrifying string of
9 straphangers shoved onto the subway tracks."

10 If you look at the statistics, the
11 average swipe of the turnstiles on a weekday
12 prior to the pandemic was 5.5 million passengers.
13 In 2020, 1.7 million riders were averaged a day.
14 That's a 70 percent decline in ridership.

15 So when you think about that
16 ultimate decline, well, you know, that's
17 unfortunate. That's part of the pandemic issues
18 that we've been dealing with.

19 However, with millions and millions
20 of riders -- less riders on the subway, there
21 were still 26 individuals in the year 2020, 26 of
22 them shoved onto the tracks. That was a
23 30 percent increase from 2019 -- 30 percent more
24 than the year before, when they had 70 percent
25 more individuals riding the subway.

1 And quite frankly, if I may suggest
2 to my colleagues, subway pushing is not a typical
3 type of crime because of the intent of it. Now,
4 we have many people who are mentally ill, as
5 we've seen. And unfortunately, because of some
6 of the reforms that we've seen in the past few
7 years, people are not in custody and they're not
8 getting the available services that they could
9 have otherwise gotten with mental health issues.

10 We have intentional acts where
11 people certainly understand the nature and
12 consequences of their actions. And when it's an
13 intentional act, my friends, it's an act of
14 terrorism. As we sit here today, with what we've
15 just seen in the past few months, we have
16 passengers standing on the stairway because
17 they're terrified, because they're afraid to go
18 to work.

19 And so now, if I push someone on the
20 tracks -- we had an individual just recently
21 pushed onto the tracks who sustained some
22 injuries -- it's probably a misdemeanor. If
23 they're fortunate and lucky enough to get away
24 with their life and climb back on the platform,
25 it's a harassment. It's not even a crime.

1 So what this bill would do, it would
2 create a new crime -- making it a serious crime,
3 of course, a Class C violent felony -- for the
4 mere act of pushing someone on the tracks where
5 they could lose their life.

6 We have seen Michelle Alyssa Go. We
7 could go through many, many, many different names
8 and many of these victims that we've seen. But
9 quite frankly, the individuals who were the
10 actors, the bad actors, Madam President, were
11 people who otherwise have seen -- without a
12 terrible, terrible tragedy and loss of life, they
13 otherwise just move through the criminal justice
14 system, maybe get the mental help they need. But
15 not those individuals that I'm specifically
16 speaking of, the ones with the mental health
17 issues, the ones that are doing it to be
18 malicious.

19 It's random, it's terrifying, and
20 something needs to be done.

21 So as such, Madam President, this
22 bill is certainly germane to the underlying
23 bill-in-chief. And quite frankly it's something
24 that we need to do now. This is the time for it,
25 it's very timely. We're trying to get out of

1 this pandemic, we're trying to have our
2 businesses recover, and we're trying to let the
3 citizens of this state just go to work without
4 fear in their heart.

5 Thank you, Madam President.

6 ACTING PRESIDENT MAYER: Thank you,
7 Senator.

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

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

13 SENATOR LANZA: Request a show of
14 hands.

15 SENATOR LIU: By unanimous consent,
16 Madam President, please waive the showing of
17 hands and record each member of the Minority in
18 the affirmative.

19 ACTING PRESIDENT MAYER: Without
20 objection, so ordered.

21 Announce the results.

22 THE SECRETARY: Ayes, 20.

23 ACTING PRESIDENT MAYER: The ruling
24 of the chair stands, and the bill-in-chief is
25 before the house.

1 Are there any other Senators wishing
2 to be heard?

3 SENATOR JORDAN: Yes.

4 ACTING SENATOR MAYER: I apologize.
5 Are you on the bill, Senator Jordan,
6 or to explain your vote?

7 SENATOR JORDAN: To explain my
8 vote.

9 ACTING PRESIDENT MAYER: I'll get
10 right to you.

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

13 Read the last section.

14 THE SECRETARY: Section 3. This
15 act shall take effect on the same date and in the
16 same manner as a chapter of the Laws of 2021.

17 ACTING PRESIDENT MAYER: Senator
18 Jordan to explain her vote.

19 SENATOR JORDAN: Yes, thank you,
20 Madam President.

21 I believe this is a good bill
22 because it deals with safety, public safety --
23 specifically, subway traffic safety. I'm going
24 to be voting in the affirmative on this bill. It
25 mandates that the New York City Transit Authority

1 include instructions on how to react safely,
2 timely and effectively when a person falls onto
3 the subway tracks, as part of its ongoing safety
4 education package.

5 The thought of falling on the tracks
6 is horrifying. This is good information to get
7 out there because, according to the NYPD,
8 461 felony assaults were reported on the subway
9 system in 2021, and 30 involved a person being
10 pushed onto the subway tracks. The thought of
11 being pushed onto subway tracks is even more
12 horrifying than just falling on them.

13 We are still in the first month of
14 the year, and already police know of five
15 assaults this year in which a person was shoved
16 onto the tracks.

17 While this bill is an excellent
18 solution for after the act, if we really want to
19 help, we should be proactive in having less of
20 these terrible accidents happening. Repealing
21 the bail reform law passed and lauded by the
22 Majority would do just that. I'll give you
23 several instances where bail reform added to the
24 number of shovings onto the subway tracks.

25 In October of 2021, Anthonia

1 Egegbara was charged with attempted second degree
2 murder for allegedly pushing a 42-year-old woman
3 against the side of a No. 3 train who narrowly
4 avoided getting crushed under the train's wheels.

5 Egegbara had previously been set
6 free without bail for an assault that left the
7 victim with injuries of a black eye, a broken
8 nose, and a knocked-out tooth. She had been
9 surcharged with third-degree assault, a
10 misdemeanor, that does not allow for a judge's
11 discretion and for a judge to impose bail under
12 the new bail reform.

13 Then there was the repeat offender
14 Bernardo Carbajal, who stabbed his victim eight
15 times and then pushed him onto the subway tracks.
16 If only Carbajal was held for bail for his
17 previous two arrests in 2021 for two other
18 stabbing incidents.

19 We can also talk about Ricardo
20 Hernandez, who tried to shove an undercover
21 policeman onto subway tracks in Queens last
22 April. At Hernandez's arraignment, Queens
23 Supreme Court Justice Louis Nock said the state's
24 bail reform did not allow him to hold Hernandez
25 in jail for that shoving.

1 So these assaults bring me back to
2 the point I want to make. While Senator Comrie's
3 bill will most certainly help those who fall --
4 and maybe those who are pushed -- onto the subway
5 tracks, we can save many, many more lives by
6 repealing bail reform put in place by the
7 majorities of the Senate and the Assembly in
8 January of 2020 that allows repeat offenders to
9 walk free and recommit crimes.

10 Thank you.

11 ACTING PRESIDENT MAYER: Senator
12 Jordan to be recorded in the affirmative.

13 Announce the results.

14 THE SECRETARY: Ayes, 62.

15 ACTING PRESIDENT MAYER: The bill
16 is passed.

17 Senator Liu, that completes the
18 reading of today's calendar.

19 SENATOR LIU: Madam President,
20 there's a report of the Finance Committee at the
21 desk. Please take it up and recognize Senator
22 Persaud on that report.

23 ACTING PRESIDENT MAYER: The
24 Secretary will read.

25 THE SECRETARY: Senator Krueger,

1 from the Committee on Finance, reports the
2 following nominations:

3 As commissioner of the Division of
4 Homeland Security and Emergency Services,
5 Jacqueline Bray.

6 As superintendent of the Department
7 of Financial Services, Adrienne Harris.

8 As commissioner of the Office of
9 Addiction Services and Supports, Dr. Chinazo
10 Cunningham.

11 ACTING PRESIDENT MAYER: Senator
12 Persaud.

13 SENATOR PERSAUD: Thank you,
14 Madam President.

15 On behalf of Senator Krueger, chair
16 of Finance, I'd like to move the nomination of
17 Jacqueline Bray to the position of commissioner
18 of the Division of Homeland Security and
19 Emergency Services to the floor.

20 Please recognize any Senator wishing
21 to speak on this nomination.

22 ACTING PRESIDENT MAYER: I don't
23 believe a Senator is going to speak, so the
24 question is on the nomination of Jacqueline Bray
25 to the position of commissioner of the Division

1 of Homeland Security and Emergency Services.

2 Call the roll.

3 (The Secretary called the roll.)

4 THE SECRETARY: Voting in the
5 negative on the nomination: Senators Akshar,
6 Borrello, Boyle, Gallivan, Griffo, Jordan, Lanza,
7 Martucci, Mattera, Oberacker, Ortt, Palumbo,
8 Rath, Ritchie, Serino, Stec, Tedisco and Weik.

9 ACTING PRESIDENT MAYER: Jacqueline
10 Bray is confirmed to the position of commissioner
11 of the Division of Homeland Security and
12 Emergency Services.

13 The Secretary will continue to read.

14 THE SECRETARY: As superintendent
15 of the Department of Financial Services,
16 Adrienne Harris.

17 ACTING PRESIDENT MAYER: Senator
18 Persaud.

19 SENATOR PERSAUD: Thank you,
20 Madam President.

21 Again on behalf of Senator Krueger,
22 I move the nomination of Adrienne Harris to the
23 position of superintendent of the Department of
24 Financial Services to the floor.

25 Please recognize any Senator wishing

1 to speak on the nomination.

2 ACTING PRESIDENT MAYER: Senator
3 Sanders on the nomination.

4 SENATOR SANDERS: Thank you,
5 Madam President. It's good to see all of you as
6 much as I'm seeing you.

7 (Laughter.)

8 SENATOR SANDERS: I am here to
9 speak on the nomination of Adrienne Harris to be
10 the superintendent of the Department of Financial
11 Services.

12 As the chair of Banks, I have a
13 special responsibility here to make sure that we
14 do due diligence on such a person. And I became
15 aware of concerns that some had on her relations
16 with the fintech industry, so I set out to look
17 into this matter very much.

18 And I actually viewed just about
19 every video there is on this issue to see and
20 hear for myself what these words are and what is
21 the context that they were given. Not only that,
22 I went line by line with them with her. Some of
23 these things were troubling, and I actually did
24 go line by line with her.

25 I came away -- yes, I spoke of other

1 parts, not just that. I spoke of her view on DFS
2 as a whole and the many things that it can do.

3 But I came away convinced that this
4 gifted person was the right one to be in charge
5 of the DFS, the Department of Financial Services.
6 I came away so convinced that I decided to come
7 to the floor today to make it as official as I
8 can that I did the due diligence that most people
9 are talking about.

10 And having heard and seen it, I am
11 here to say that she will make a fine
12 superintendent and I look forward to working with
13 her, as all of us should, to ensure that she is
14 the person that all of us need her to be.

15 So with that I vote yes,
16 Madam President. Thank you for the opportunity
17 to speak.

18 ACTING PRESIDENT MAYER: Thank you,
19 Senator Sanders.

20 The question is on the nomination of
21 Adrienne Harris to the position of superintendent
22 of the Department of Financial Services.

23 Call the roll.

24 (The Secretary called the roll.)

25 ACTING PRESIDENT MAYER: Announce

1 the results.

2 THE SECRETARY: In relation to the
3 nomination of Adrienne Harris, those Senators
4 voting in the negative are Senators Biaggi,
5 Boyle, Brisport, Gianaris, Liu, Oberacker, Ramos,
6 Stec and Tedisco.

7 ACTING PRESIDENT MAYER: The
8 nominee Adrienne Harris is confirmed to the
9 position of superintendent of the Department of
10 Financial Services.

11 The Secretary will continue to read.

12 THE SECRETARY: As commissioner of
13 the Office of Addiction Services and Supports,
14 Dr. Chinazo Cunningham.

15 ACTING PRESIDENT MAYER: Senator
16 Persaud.

17 SENATOR PERSAUD: Thank you again,
18 Madam President.

19 On behalf of Senator Krueger, I move
20 the nomination of Dr. Chinazo Cunningham to the
21 position of commissioner of the Office of
22 Addiction Services and Supports to the floor.

23 Please recognize any Senators
24 wishing to speak on the nomination.

25 ACTING PRESIDENT MAYER: Senator

1 Rivera on the nomination.

2 SENATOR RIVERA: Thank you,
3 Madam President.

4 I stand up to speak on behalf of --
5 certainly of myself, but of all of our colleagues
6 who are voting in the affirmative for this very
7 talented and skilled nominee. I thank the
8 Governor for sending her up to us, and I
9 certainly will vote in the affirmative.

10 There's a couple of things that I
11 wanted to underline, Madam President, and the
12 reason that I am so supportive of her nomination.
13 It is because her entire life's work has been
14 dedicated to the concept of harm reduction, harm
15 reduction as a modality for how we deal with
16 folks who are drug users.

17 And I wanted to linger on that for a
18 second, Madam President, because not only do I
19 think it is important to talk about how it's
20 going to change the way that this agency does its
21 business, but I believe that the way that she
22 will change this agency will save many, many
23 lives.

24 And I also, Madam President, wanted
25 to underline, based on the comments of some of my

1 colleagues over the last couple of weeks in the
2 nomination of another nominee that we approved
3 just a few days ago, and the comments then about
4 a set of policies which at this moment the State
5 of New York is not pursuing, although many of us
6 are pushing for that to be the case -- but I
7 thought it was necessary to kind of just speak
8 for a second about it.

9 In the case of Dr. Cunningham, she
10 has dedicated her life to harm reduction as a
11 modality. Now, harm reduction, my colleagues, is
12 a way to think about people who use drugs as
13 people first. They might use drugs, but they are
14 people first. And we must meet them where they
15 are.

16 The fact of the matter is,
17 Madam President, that criminalization and
18 incarceration have not worked. We have had not
19 only thousands of people die from drug overdoses,
20 but certainly during the pandemic,
21 Madam President, the affliction has gotten worse.
22 And we cannot arrest our way out of this. We
23 cannot put people in jail and think that they're
24 going to get better. We have to do something
25 different. And that is to say exactly what the

1 modality of harm reduction is.

2 And, Madam President, one thing in
3 particular that, again, the State of New York has
4 not yet pursued -- although I have a couple of
5 pieces of legislation that deal with it, as well
6 as I am asking and talking with our Governor to
7 see if they would actually become a reality in
8 the rest of the state: Overdose prevention
9 centers, places where people will use drugs under
10 medical supervision.

11 And I've heard my colleagues talk
12 about this. And I will tell you just yesterday
13 there was a piece of news that made me incredibly
14 proud of the work that I have been doing to make
15 this a reality. In the City of New York, in the
16 two months that the two facilities have been
17 operating, 114 lives have been saved. One
18 hundred and fourteen individuals who will have an
19 opportunity to get treatment, who will have an
20 opportunity to get better, who will have an
21 opportunity to recover because they are not in
22 the ground.

23 And that is precisely why this
24 modality, Madam President, and the work that I
25 believe that this incredible nominee,

1 Dr. Cunningham, will do with this agency,
2 ultimately that is what it's about. It's about
3 saving lives.

4 So let's put the stigma to the side,
5 Madam President. Let's not consistently think
6 about this as a way to arrest our way out of it,
7 to think that people that use drugs are
8 criminals. That has not worked. I want to save
9 lives of people all over the state, in every
10 single part of the city, in every single part of
11 the state. Everybody deserves to live.

12 And that's why I'm very proud to
13 vote for this nominee and very proud to work with
14 her in the weeks, months and years to come to
15 make sure that we save New Yorkers' lives.

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

18 ACTING PRESIDENT MAYER: Thank you,
19 Senator Rivera.

20 Senator Lanza on the nomination.

21 SENATOR LANZA: Thank you,
22 Madam President.

23 You know, I agree with a lot of what
24 my good friend Senator Rivera said about
25 addiction. And I respect the work he does in

1 that regard. It is a horrific problem here in
2 the State of New York. We have record numbers of
3 our citizens, especially young people, dying,
4 dying because of drug overdoses. So whatever we
5 have done -- all of us, every one of us in this
6 state -- whatever we think we have done, it is
7 not working.

8 Where I disagree, and very
9 fundamentally, is on the issue of these centers
10 where the State of New York, the City of New York
11 is inviting citizens in and saying: Sit down and
12 do heroin. That's where we have a fundamental
13 disagreement. It is that disagreement which
14 requires that I vote my conscience and do not
15 support Dr. Cunningham, who believes that's a
16 good idea.

17 And I take exception, civilly and
18 respectfully, with the idea that 114 people have
19 been saved in these centers because someone gave
20 them Narcan. I would argue that 114 people
21 almost died because the City of New York and the
22 State of New York said: Here, do drugs. Perhaps
23 if they were not there and did not feel safe and
24 sanctioned with all these supervisors, they may
25 not have done drugs that day and they may not

1 have overdosed.

2 But I certainly do not consider it a
3 success to say while we were supervising
4 114 people, they almost died. Doesn't sound like
5 supervision to me. And I will say I know times
6 change and things change and we have to look at
7 things. I agree with Senator Rivera. I don't
8 believe people in addiction ought to be arrested.
9 That's not the answer. We're not going to arrest
10 our way out of addiction. But we're not going to
11 drug our way out of addiction either.

12 And to me, I think back to what I
13 thought was normal. When I was a kid, doctors
14 did not hand you a needle and tell you to pump
15 poison in your body. And because this doctor
16 does, I cannot support her nomination.

17 ACTING PRESIDENT MAYER: The
18 question is on the nomination of Dr. Chinazo
19 Cunningham to the position of commissioner of the
20 Office of Addiction Services and Supports.

21 Call the roll.

22 (The Secretary called the roll.)

23 ACTING PRESIDENT MAYER: Announce
24 the results.

25 THE SECRETARY: In relation to the

1 nomination of Dr. Chinazo Cunningham, those
2 Senators voting in the negative are
3 Senators Akshar, Borrello, Boyle, Gallivan,
4 Griffo, Jordan, Lanza, Martucci, Mattera,
5 Oberacker, O'Mara, Ortt, Palumbo, Rath, Ritchie,
6 Serino, Stec, Tedisco and Weik.

7 ACTING PRESIDENT MAYER: The
8 nominee, Dr. Chinazo Cunningham, is confirmed to
9 the position of commissioner of the Office of
10 Addiction Services and Supports.

11 Senator Liu.

12 SENATOR LIU: Madam President, is
13 there any further business at the desk?

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

16 SENATOR LIU: Then I move to
17 adjourn until Wednesday, January 26th, at
18 11:00 a.m.

19 ACTING PRESIDENT MAYER: On motion,
20 the Senate stands adjourned until Wednesday,
21 January 26th, at 11:00 a.m.

22 (Whereupon, at 4:54 p.m., the Senate
23 adjourned.)

24

25