NEW YORK STATE SENATE

THE STENOGRAPHIC RECORD

ALBANY, NEW YORK

March 3, 2022

11:41 a.m.

REGULAR SESSION

SENATOR SHELLEY B. MAYER, Acting President

ALEJANDRA N. PAULINO, ESQ., Secretary

P R O C E E D I N G S

ACTING PRESIDENT MAYER: The Senate will come to order.

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

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

ACTING PRESIDENT MAYER: In the absence of clergy, let us bow our heads in a moment of silent reflection or prayer, and let us acknowledge the very sad passing of the son of a colleague of ours, Assemblymember Pat Fahy, whose son, Brendan Fahy Bequette, passed away this week at the age of 25 after a 20-month battle with cancer.

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

ACTING PRESIDENT MAYER: Reading of the Journal.

THE SECRETARY: In Senate, Wednesday, March 2, 2022, the Senate met pursuant to adjournment. The Journal of Tuesday, March 1, 2022, was read and approved. On motion, the Senate adjourned.

ACTING PRESIDENT MAYER: Without

objection, the Journal stands approved as read.

Presentation of petitions.

Messages from the Assembly.

Messages from the Governor -- oh, my apologies. The Secretary will read.

THE SECRETARY: Senator Sanders moves to discharge, from the Committee on Banks, Assembly Bill Number 8293 and substitute it for the identical Senate Bill Number 1684, Third Reading Calendar 496.

Senator Skoufis moves to discharge, from the Committee on Mental Health and Developmental Disabilities, Assembly Bill Number 6506 and substitute it for the identical Senate Bill Number 4253, Third Reading Calendar 529.

ACTING PRESIDENT MAYER: So ordered.

Messages from the Governor.

Reports of standing committees.

Reports of select committees.

Communications and reports from state officers.

Motions and resolutions.

Senator Gianaris.

SENATOR GIANARIS: Madam President,

please take up Resolution 1956, by Leader Stewart-Cousins, have that resolution read in its entirety, and recognize Senator Cleare on the resolution.

ACTING PRESIDENT MAYER: The Secretary will read.

THE PRESIDENT: Senate Resolution 1956, by Senator Stewart-Cousins, memorializing Governor Kathy Hochul to proclaim March 2022 as Women's History Month in the State of New York.

"WHEREAS, March is Women's History Month; and

"WHEREAS, March 8th is International Women's Day; and

"WHEREAS, Each year New York State officially sets aside time to recognize the unique contributions that New York women have made to New York State and beyond; and

"WHEREAS, New York State has a distinguished history of monumental achievements in the area of women's rights; and

"WHEREAS, In 1826, New York State opened one of the first public high schools for girls, resulting in a future for women in which they were no longer confined to the home, a

future in which they were educated and able to use this education to better their social and economic status; and

"WHEREAS, In 1848 in New York, the first women's rights convention was held at Seneca Falls to secure for all women the right to vote; and

"WHEREAS, In 1903, The Women's Trade Union League of New York was formed to represent working women, later becoming the nucleus for the International Ladies' Garment Workers' Union; and

"WHEREAS, In 1917, New York guaranteed women the right to vote in all elections, and in the following year the first two women, Ida Sammis and Mary Lilly, were elected to the New York State Legislature and became the first women to then serve in 1919; and

"WHEREAS, In 1955, Bessie Buchanan was the first African-American woman to serve in the New York State Legislature; and

"WHEREAS, In 1967, Muriel Siebert became the first woman to own a seat on the New York Stock Exchange, opening the door for women to gain positions of greater economic power; and

"WHEREAS, In 1968, New York State Assemblywoman Shirley Chisholm became the first Black woman elected to Congress, and in 1972, she ran for President of the United States, another first for Black women; and

"WHEREAS, In 1970, New York City was the site of the first Women's Strike for Equality, in which 50,000 people marched for equal rights; and

"WHEREAS, In 1978, Olga Mendez became the first Latina woman to serve in the New York State Legislature; and

"WHEREAS, In 1983, New York State women legislators established the Legislative Women's Caucus to improve the participation of women in all areas of government, support issues that benefit women and provide a network of support for women in the State Legislature; and

"WHEREAS, In 2007, Ellen Young was the first Asian-American woman to serve in the New York State Legislature; and

"WHEREAS, In 2009, New Yorker Sonia Sotomayor became the first Hispanic Justice appointed to the United States Supreme Court; and

"WHEREAS, In 2015, New Yorker

Loretta Elizabeth Lynch was appointed as Attorney General of the United States, becoming the first African-American woman to serve in this esteemed position; and

"WHEREAS, New York has been the home of many extraordinary women who have led society to a better future: Elizabeth Cady Stanton and Susan B. Anthony led the campaign for women's suffrage; Sojourner Truth spoke out for the abolition of slavery and for suffrage for all women; and

"WHEREAS, Carrie Chapman Catt became the first president of the League of Women Voters; Emma Willard opened the first endowed institution for the education of women; Civil War surgeon Dr. Mary E. Walker was the only woman ever awarded the Congressional Medal of Honor; Harriet Tubman was an abolitionist who led slaves to freedom by way of the Underground Railroad in the 19th century; and

"WHEREAS, Elizabeth Blackwell and Belva Lockwood were the first women in the fields of medicine and law; pioneer birth control educator and advocate Margaret Sanger established a research center in New York City; and

"WHEREAS, Emma Goldman founded the Free Speech League, which led to the American Civil Liberties Union; humanitarian Eleanor Roosevelt served as United States Delegate to the United Nations; and

"WHEREAS, New Yorker Edith Windsor fought to expand marriage equality in the United States prior to the Marriage Equality Act of New York, which became law in 2011; and

"WHEREAS, Civil rights lawyer and New York State Senator Constance Baker Motley became the first Black woman to sit on the U.S. District Court in New York, and there have been so many more known and unknown women who championed rights and opportunity for all; and

"WHEREAS, New York State has hosted many conventions, campaigns and events of the Women's Rights Movement, from the 1848 convention at Seneca Falls to the 1999 Berkshire Conference of Women Historians, which was held to improve the status of women in history and in the historical professions; and

"WHEREAS, 50 percent of statewide elected officials are women and, for the first time, a woman has been elected Attorney General

in the State of New York; and

"WHEREAS, 2022 marks the 102nd anniversary of the 19th Amendment, which guaranteed women the right to vote in the United States; and

"WHEREAS, Today, 73 women serve in the New York State Legislature, making up 34 percent of the seats, holding leadership positions in both houses and bringing the diverse experiences of women into law and public policy; now, therefore, be it

"RESOLVED, That this Legislative Body pause in its deliberations to memorialize Governor Kathy Hochul to proclaim March 2022 as Women's History Month in the State of New York; and be it further

"RESOLVED, That copies of this resolution, suitably engrossed, be transmitted to the Honorable Kathy Hochul, Governor of the State of New York, and the Legislative Women's Caucus of New York State."

ACTING PRESIDENT MAYER: Senator Cleare on the resolution.

SENATOR CLEARE: Good morning, Madam President.

It is my honor to rise in support on the Majority Leader's resolution declaring March as Women's History Month in the State of New York.

As the proud chair of the Senate Standing Committee on Women's Issues, this month, this event and all interconnected ceremonies, celebrations and associated calls to action take on added significance.

Some like to call this Women's Her-Story Month, and that term is appropriate, because the long march towards equal rights and, more importantly, equitable outcomes, is a powerful and instructive narrative.

My personal inspiration, not only for this month but pertaining to my public service vocation, is the former Senator of my district, Constance Baker Motley, who many do not know played a tantamount role in the civil rights movement as she was offered the position of law clerk to Thurgood Marshall while she was still in law school.

Her tenacious and unconquerable drive led to her being the first woman hired by the NAACP Legal Defense and Educational Fund as a

civil rights lawyer. Furthermore, she researched and wrote the original complaint in the Brown v. Board of Education case.

She would go on to take a substantial part in every major case brought in the march to freedom. Amazingly, she was the first Black woman to argue a case at the Supreme Court, and she went on to argue 10 landmark civil rights cases, winning nine.

Harlem was honored when she became our State Senator in the early 1960s, the first woman of color to ever serve in this body. I am the second Harlem woman representative.

Shortly thereafter, she was appointed by President Johnson to become a federal judge for the Southern District of New York, where her work on equal rights as well as free speech and due process continued for multiple decades.

Her life's work has been cited as an inspiration not just by me, but by others such as our first woman vice president, Kamala Harris, and United States Supreme Court nominee Ketanji Brown Jackson.

I personally seek to build upon the

legacy of my wonderful predecessor, Constance Baker Motley, for my work in the Women's Issues Committee, where the issues of maternal health and other health disparities, housing, education, workforce, eradicating domestic violence and ending human trafficking, are of paramount importance.

We have much work to do to live up to her legacy and to transition from civil rights to equal rights and then to a fundamentally just world that cares about equity and outcomes. While I am the second woman of color to hold this State Senate seat, and Ketanji Brown Jackson will become the first woman of color to sit on the Supreme Court, our legacy will be about creating seconds, thirds, fourths, fifths, and hundredths, thousandths and millionths in terms of opportunities for women, particularly those of color.

We stand on the shoulders of those who first opened the doors, and now it is our charge to take the doors off the hinges.

Thank you.

ACTING PRESIDENT MAYER: Thank you, Senator Cleare.

Senator Krueger on the resolution.

SENATOR KRUEGER: Thank you very much, Madam President.

I also rise to thank my leader, Andrea Stewart-Cousins, for giving us one more reminder of why women's history is so crucial to those of us who serve in government and to everyone in the State of New York. And I am honored to be following our new Senator Cleare and her highlighting of history.

I was thinking about this and thinking about how many of the truly great women in government for the country actually have come from New York. And we're pulling up a few quotes -- actually because a very good friend of mine, who's a Grammy-nominated musician, has produced or will soon be producing a concert on the essential voices of women in American history.

And so she had pulled all these amazing quotes. And so I was just reading a few of the ones that she sent me, and I thought how appropriate for the floor of the chamber today, on this day.

Of course I automatically go to

Eleanor Roosevelt whenever I'm thinking of what would Eleanor do in this situation because I'm not sure: "Freedom makes a huge requirement of every human being. With freedom comes responsibility."

Hillary Clinton: "Human rights are women's rights, and women's rights are human rights, once and for all."

Shirley Chisholm: "In the field of equal rights ... laws ... can be used to provide protection for those who are most abused, and to begin the process of evolutionary change by compelling the insensitive majority to reexamine its unconscious attitudes."

And even though I thought my whole life Eleanor would be my default woman to go to for inspiration, I have to say reading Ruth Bader Ginsburg and the work of Ruth Bader Ginsburg has sort of given me a struggle between the two women.

So just very quickly: "Women's rights are an essential part of the overall human rights agenda, trained on the equal dignity and ability to live in freedom all people should enjoy."

"Women belong in all places where decisions are being made" -- certainly important for us here in this chamber. "It shouldn't be that women are the exception, just there."

And "People ask me sometimes when -- when do you think it will be enough? When will there be enough women on the Supreme Court? And my answer is when there are nine."

So just a reminder to all of us of how far we've come and how far we have to go. And that we are a better state the more equality we have for every single citizen, men or women or X-gender, no matter where they came from, no matter what their race or religion or ethnicity. That truly will guarantee us that we can be the greatest state in this nation.

Thank you, Madam President.

ACTING PRESIDENT MAYER: Thank you, Senator Krueger.

Senator Weik on the resolution.

SENATOR WEIK: Thank you, Madam President.

I rise today in recognition of Women's History Month and as a member of the Women's Issues Committee.

There's no better month than March to celebrate the countless contributions women make in our country and our world. From being wives and moms to being professionals solving everyday global problems, the positive impact women have in our society is immeasurable.

And here in New York we are the home of monumental moments in women's history. The historic women's suffrage movement began right here in New York at the Seneca Falls convention. And it would be decades before women had the sacred right to vote.

There are many fearless and historic leaders that come to mind: Susan B. Anthony, Alice Paul, Elizabeth Cady Stanton and many, many more. It's because of these courageous female leaders that we all now live in a more perfect state and union.

Later this month we'll be celebrating International Women's Day. This whole month, and next Tuesday, it's essential to remember the brave trailblazers in our past that fought for a better tomorrow and brought us here today.

Let's continue to lift women up.

Let's recognize and achieve the trailblazing women that have paved the way and the women who carry the torch today. And let's continue to invest in the future by inspiring and empowering young girls across our great state to be the next generation of excelling women.

I proudly support this resolution and all the extraordinary women in our communities. Thank you.

ACTING PRESIDENT MAYER: Thank you, Senator Weik.

Senator Bailey on the resolution.

SENATOR BAILEY: Thank you, Madam President.

Thank you for allowing me to speak on this resolution. It is fit that you are presiding today. I want to thank you and Senator Persaud for also allowing me to preside from time to time.

I want to thank our leader for introducing this resolution, and Senator Cleare for her eloquent words.

And I want you to look at the composition of this body and how far we've come. The leader of this house is obviously Senator

Andrea Stewart-Cousins. The Secretary of the Senate is Alejandra Paulino. Chief of staff, Shontell Smith. The chair of the Finance Committee, Liz Krueger. The very top positions in the New York State Senate are held by women.

And I find that not to be coincidence, I find that to be extremely fitting in terms of the way that we have been able to do things that we've never done in this state under the leadership of these women.

I think about something Senator Cleare said in women's history month being March. And I never thought about what the word "March" meant in context with the drive that women have had to make in the workplace and in terms of respect. But it's a constant march, right? It is a constant proceeding. It is a constant looking for respect that women have deserved over the years but, quite frankly, has escaped them.

Now this march is getting louder and it's getting stronger. We have in the Bronx, where I hail from, a majority-women City Council, a majority-women Assembly delegation. Many women -- more women in the Bronx on the bench than men.

And so this march is something that is happening, is critically important. In the Bronx we have Vanessa Gibson, our first woman borough president; Darcel Clark, the first Black woman D.A.; Adrienne Adams, the first Black woman to be the Speaker of the City Council; and so many other legendary figures or soon-to-be legendary figures.

And I say soon-to-be-legendary figures because if you haven't heard about her, her name is Giada Bailey. She just happens to be my oldest daughter. And she is a philosopher in her own right. And you can find her saying things such as "If you can't win, you win. But you don't win, then you still win." The inspiration of a then-5-year-old, now a 7-year-old.

And I think about my youngest, Carina, Carina Bailey -- I also have to make sure I say her name in full. Because names are powerful, Madam President. Names are things that we hold with respect. And especially when it comes to our young women, our young women and girls, we have to make sure that we uplift them.

And I can give you an excerpt from

what happened today. Today happens to be "Dress As What Your Career Would Be" Day in their school. And so my wife, who -- Giamara, who is incredible, they're having a conversation. And Carina says, "Well, I'm going to be a half-ballerina and a half-lawyer like Mom."

"Well, you know Dad's a lawyer too, right?"

"But Mom's a lawyer, Dad. That's what matters."

And then the conversation between my wife and Carina: "Okay, well, tomorrow I'm going to tell my teacher that you're a lawyer."

"Okay, are you going to tell her that?"

"Yes. Well, yesterday she asked me what you did for a living, and I couldn't quite remember."

"So what did you tell them, Carina?"

"Well, I told them my mom was a boss."

(Laughter.)

SENATOR BAILEY: If she can conceptualize that at 5, I think it is our job, regardless of what our gender may be, to make

sure that we continue to feed these flames of these incredibly inspiring young women.

Am I biased? A hundred percent. These are my daughters. These are my flesh and blood. And I happen to -- I live for them. But we all live for the women in our lives. And we all live for making sure that the advancement of women is something critical.

I just want to -- before I close, I want to make sure I shout out one of my favorite -- one of my favorite former colleagues, Senator Velmanette Montgomery, who did so much to uplift so many of us. There would not be a Women's History Month speech or statement from me if I didn't talk about Velmanette and all the great work that she's done.

And I think about, you know, just the -- in closing, the -- what women like Constance Baker Motley had to deal with, and Senator Velmanette Montgomery, and Shirley Chisholm. It's very easy because -- my daughters can make statements like that because they see their mother, right, and they see other women now. But making those strides in those times where you quite frankly did not see that, that's

even all the more remarkable. And it makes what they did, in retrospect, even more legendary.

And as I close, I want to think about the legacy of a legendary woman who left us far too soon, my great late mother-in-law. March 27th, it will be two years. We miss her every day. I'd like to thank her for being a role model to me and teaching me.

And may God bless her legacy, and God bless all the women of this great state and country.

Thank you, Madam President.

ACTING PRESIDENT MAYER: Thank you, Senator Bailey.

Senator May on the resolution.

SENATOR MAY: Thank you, Madam President.

And I want to add my voice to the chorus of those thanking the Majority Leader for bringing this resolution forward.

This week we watched the President of the United States, just before he gave the State of the Union address, turn to greet the first woman Vice President and the first woman Speaker of the House sitting behind him. And I

know my heart swelled at that sight, and I think the hearts of a lot of American women did too, and girls. And the next generation coming, the Bailey girls and others.

And I wanted to pick up on what Senator Krueger said. I -- we just completed Black History Month and now we're starting Women's History Month, and both of these are really important opportunities to lift up the contributions of people whose place in history has traditionally been marginalized.

But I think we also harbor a hope that eventually we will understand that American history and Black history, American history and women's history are one and the same, and maybe someday we won't need to have these special months to make these celebrations.

But I wanted to mention one particular woman who actually lived in what is Senator Mannion's district, but was very important in my region a century and a half ago: Matilda Joslyn Gage, who was known as the woman who was ahead of the women who were ahead of their times.

She was an early abolitionist and

suffragist, and a very outspoken critic of human rights violations of all kinds. And she ultimately broke with the women's movement because she felt that they were being too accommodating of some -- particularly some racist views about which women should have rights.

And she got very involved with the Haudenosaunee. She began to understand that the Haudenosaunee women had a lot of power in Haudenosaunee culture and government. And she eventually became an honorary member of the Haudenosaunee and became somebody who was really lifting up the model that the Native American system of government was offering to women in New York State and around the world.

And so she ultimately -- her son-in-law was Frank Baum, who wrote the Wizard of Oz books, and he modeled his powerful, spunky female leader heroine on his mother-in-law. So she has had an impact on children all around the world as well.

So I do want us not to forget, in the list of suffragists and women who are really pushing for women's rights in this state, that we should never forget Matilda Joslyn Gage in that

number.

So with that, I will thank you and vote aye on the resolution.

ACTING PRESIDENT MAYER: Thank you, Senator May.

The resolution was previously adopted on March 1st.

Senator Gianaris.

SENATOR GIANARIS: At the request of Leader Stewart-Cousins, that resolution is open for cosponsorship.

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

Senator Gianaris.

SENATOR GIANARIS: Please take up the reading of the calendar.

ACTING PRESIDENT MAYER: The Secretary will read.

THE SECRETARY: Calendar Number 114, Senate Print 2542A, by Senator Rivera. An act to amend the Social Services Law.

ACTING PRESIDENT MAYER: Read the last section.

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

ACTING PRESIDENT MAYER: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT MAYER: Announce the results.

THE SECRETARY: Ayes, 63.

ACTING PRESIDENT MAYER: The bill is passed.

THE SECRETARY: Calendar Number 496, Assembly Print Number 8293, by Assemblymember Fahy, an act to direct the Department of Financial Services to conduct a study on underbanked communities.

ACTING PRESIDENT MAYER: Read the last section.

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

ACTING PRESIDENT MAYER: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT MAYER: Announce the results.

THE SECRETARY: Ayes, 63.

ACTING PRESIDENT MAYER: The bill is passed.

THE SECRETARY: Calendar Number 506, Senate Print 2687, by Senator Brooks, an act to amend the Education Law.

ACTING PRESIDENT MAYER: Read the last section.

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

ACTING PRESIDENT MAYER: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT MAYER: Announce the results.

THE SECRETARY: Ayes, 63.

ACTING PRESIDENT MAYER: The bill is passed.

THE SECRETARY: Calendar Number 511, Senate Print 6393, by Senator Reichlin-Melnick, an act to amend the Education Law.

ACTING PRESIDENT MAYER: Read the last section.

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

ACTING PRESIDENT MAYER: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT MAYER: Announce the results.

THE SECRETARY: Ayes, 63.

ACTING PRESIDENT MAYER: The bill is passed.

THE SECRETARY: Calendar Number 525, Senate Print 2877, by Senator Ramos, an act to establish a Latina suicide prevention task force.

ACTING PRESIDENT MAYER: Read the last section.

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

ACTING PRESIDENT MAYER: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT MAYER: Announce the results.

THE SECRETARY: Ayes, 63.

ACTING PRESIDENT MAYER: The bill is passed.

THE SECRETARY: Calendar Number 526, Senate Print 3083, by Senator Salazar, an act to establish an LGBT youth and young adult suicide prevention task force.

SENATOR GIANARIS: Lay it aside for the day.

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

THE SECRETARY: Calendar Number 527, Senate Print 3409, by Senator Brouk, an act to amend the Mental Hygiene Law.

ACTING PRESIDENT MAYER: Read the last section.

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

ACTING PRESIDENT MAYER: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT MAYER: Announce the results.

THE SECRETARY: Ayes, 63.

ACTING PRESIDENT MAYER: The bill is passed.

THE SECRETARY: Calendar Number 529, Assembly Print Number 6506, by

Assemblymember Gunther, an act to amend the Mental Hygiene Law.

ACTING PRESIDENT MAYER: Read the last section.

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

ACTING PRESIDENT MAYER: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT MAYER: Announce the results.

THE SECRETARY: Ayes, 63.

ACTING PRESIDENT MAYER: The bill is passed.

THE SECRETARY: Calendar Number 536, Senate Print 2940, by Senator Comrie, an act to amend the New York State Urban Development Corporation Act.

ACTING PRESIDENT MAYER: Read the last section.

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

ACTING PRESIDENT MAYER: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT MAYER: Announce the results.

THE SECRETARY: In relation to Calendar 536, those Senators voting in the negative are Senators Oberacker, O'Mara, Ortt, Palumbo and Stec.

Ayes, 58. Nays, 5.

ACTING PRESIDENT MAYER: The bill is passed.

THE SECRETARY: Calendar Number 541, Senate Print 7617, by Senator Mannion, an act to amend Part Q of Chapter 59 of the Laws of 2016.

ACTING PRESIDENT MAYER: Read the last section.

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

ACTING PRESIDENT MAYER: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT MAYER: Announce the results.

THE SECRETARY: Ayes, 63.

ACTING PRESIDENT MAYER: The bill is passed.

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

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

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

SENATOR GIANARIS: Move to adjourn until Monday, March 7th, at 3:00 p.m., intervening days being legislative days.

ACTING PRESIDENT MAYER: On motion, the Senate stands adjourned until Monday, March 7th, at 3:00 p.m., with the intervening days being legislative days.

(Whereupon, at 12:09 p.m., the Senate adjourned.)