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NEW YORK STATE SENATE

THE STENOGRAPHIC RECORD

ALBANY, NEW YORK

April 27, 2022

12:21 p.m.

REGULAR SESSION

SENATOR JAMAAL T. BAILEY, Acting President

ALEJANDRA N. PAULINO, ESQ., Secretary

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

2 ACTING PRESIDENT BAILEY: The
3 Senate 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 BAILEY: In the
9 absence of clergy, let us bow our heads in a
10 moment of silent reflection or prayer, in memory
11 of James Sauer and Stewart Dietrick, who passed
12 away in a helicopter crash while conducting a
13 training exercise for Mercy Flight.

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

16 ACTING PRESIDENT BAILEY: Reading
17 of the Journal.

18 THE SECRETARY: In Senate, Tuesday,
19 April 26, 2022, the Senate met pursuant to
20 adjournment. The Journal of Monday, April 25,
21 2022, was read and approved. On motion, the
22 Senate adjourned.

23 ACTING PRESIDENT BAILEY: Without
24 objection, the Journal stands approved as read.

25 Presentation of petitions.

1 Messages from the Assembly.
2 Messages from the Governor.
3 Reports of standing committees.
4 Reports of select committees.
5 Communications and reports from
6 state officers.

7 Motions and resolutions.

8 Senator Liu.

9 SENATOR LIU: Mr. President, I wish
10 to call up Senator Mannion's bill, Print Number
11 6287A, recalled from the Assembly, which is now
12 at the desk.

13 ACTING PRESIDENT BAILEY: The
14 Secretary will read.

15 THE SECRETARY: Calendar Number
16 683, Senate Print 6287A, by Senator Mannion, an
17 act to amend the Social Services Law.

18 SENATOR LIU: Mr. President, I now
19 move to reconsider the vote by which the bill was
20 passed.

21 ACTING PRESIDENT BAILEY: Call the
22 roll.

23 (The Secretary called the roll.)

24 THE SECRETARY: Ayes, 62.

25 ACTING PRESIDENT BAILEY: The bill

1 is restored to its place on the Third Reading
2 Calendar.

3 SENATOR LIU: Mr. President, I now
4 offer the following amendments.

5 ACTING PRESIDENT BAILEY: The
6 amendments are received, and the bill will retain
7 its place on the Third Reading Calendar.

8 Senator Liu.

9 SENATOR LIU: There's a privileged
10 resolution at the desk.

11 Can you please take that up, read
12 its title, and recognize Senator Persaud on the
13 resolution.

14 ACTING PRESIDENT BAILEY: The
15 Secretary will read.

16 THE SECRETARY: Senate Resolution
17 2376, by Senator Persaud, honoring the life and
18 heroic actions of Timothy Klein, renowned
19 firefighter, distinguished citizen, and devoted
20 member of his community.

21 ACTING PRESIDENT BAILEY: Senator
22 Persaud on the resolution.

23 SENATOR PERSAUD: Thank you,
24 Mr. President.

25 First I'd like to thank Leader

1 Stewart-Cousins for allowing this resolution to
2 be brought to the floor.

3 And I'd like to thank
4 Senator Addabbo, who worked with me on getting
5 this resolution together.

6 I just want to take a moment to
7 recognize one of New York's bravest: Firefighter
8 Timothy Klein, 31 years old, who died tragically
9 on Sunday while responding to a fire not too far
10 from my house.

11 Timothy Klein was a member of Ladder
12 170 in the Canarsie section of my district, in my
13 local firehouse. Firefighter Klein was a
14 carpenter. He loved building ramps for people on
15 his off days, and he was well loved by his family
16 and the community.

17 On Sunday when they received the
18 call of smoke, heavy smoke in the area, he and
19 his colleagues responded to that home. In
20 addition to Firefighter Klein, who perished in
21 that fire, a young man of 21 years old also lost
22 his life. So my condolences to his family.

23 The fire quickly escalated,
24 Mr. President, to a three-alarm, where over a
25 hundred fighters were there. And, you know,

1 conditions in that building deteriorated quickly
2 and the firefighters were scrambling to get out
3 of that building. Some firefighters who are
4 still in the hospital jumped through windows.
5 The roof partially collapsed. The stairway in
6 the house collapsed. But Firefighter Klein was
7 unable to make it out. And when they found
8 him -- it's something that no one ever wants to
9 go through.

10 We all know that when we are all
11 running away from things, firefighters are
12 running into, you know, the line of fire, you
13 know. And truthfully, it is the line of fire
14 they are running into.

15 Firefighter Klein was trapped. You
16 know, Firefighter Klein -- his colleagues tried
17 desperately to get him out, but they were unable
18 to do so.

19 I was there at the hospital until
20 very late with all of his colleagues. And no one
21 ever wants to be there, going through that when
22 you see the anguish that firefighters were going
23 through as they are learning the fate of their
24 colleague.

25 Ironically -- and it's what a

1 tragedy it was -- a few years ago, from that same
2 ladder company, Ladder 170, Firefighter Pollard
3 died trying to save someone on the Belt Parkway
4 in my district. And at that funeral I sat there
5 while Firefighter Klein gave the eulogy on behalf
6 of that firehouse.

7 And so we're sitting there Sunday
8 night saying, My goodness, he was so distraught
9 because he had lost a friend and a colleague --
10 and now here we are again, talking about him and
11 looking at his colleagues from that firehouse and
12 wondering now which of them will be the one
13 giving the eulogy from that firehouse.

14 So it is a sad day for the FDNY.
15 It's a sad day for the City of New York. It is a
16 sad day for Senate District 19's firehouse.

17 I'm going to tell you, Firefighter
18 Klein, he died a selfless hero. You know, he
19 signed up for a job he loved and he really wanted
20 to do. His fellow firefighters loved him. He
21 had this presence about him that -- and he cannot
22 be replaced. No one can ever be replaced, but
23 the presence of Firefighter Klein will never be
24 replaced.

25 Firefighter Klein is survived by his

1 parents, Diane and Patrick Klein, his three
2 siblings, his sisters, Erin, Tara and Bridget.
3 He has aunts, uncles, cousins, and he has
4 especially his cousin Keith Klein, who's also a
5 member of FDNY. And Firefighter Klein also
6 leaves his girlfriend.

7 What a tragedy for this family.

8 So, my colleagues, I ask you just to
9 remember Firefighter Klein in your prayers,
10 because as we say, firefighters are always
11 running into the fire when we are all running
12 out.

13 Mr. President, I vote aye. Thank
14 you.

15 ACTING PRESIDENT BAILEY: Thank
16 you, Senator Persaud.

17 Senator Jackson on the resolution.

18 SENATOR JACKSON: Thank you,
19 Mr. President.

20 My colleagues, I rise to honor FDNY
21 Firefighter Timothy Klein. I thank our colleague
22 for presenting this resolution honoring him, this
23 resolution I speak on -- brought to the floor, as
24 I said, by Senator Roxanne Persaud -- honoring
25 the life of FDNY Firefighter Timothy Klein, who

1 lost his life in the line of duty on Sunday,
2 April 24th.

3 First, I want to express my
4 condolences and my prayers to the family of the
5 firefighter -- not only his immediate family and
6 extended family, but the entire firefighter
7 family and those that when 911 is called, they
8 rush to save lives.

9 Today we stand as a legislative body
10 to convey our grateful appreciation and heartfelt
11 regret in recognizing the loss of a brave and
12 hardworking firefighter, who made the ultimate
13 sacrifice in the line of duty at the age of 31.
14 Today we honor the life and heroic actions of
15 Timothy Klein, renowned firefighter,
16 distinguished citizen and devoted member of his
17 community.

18 Timothy was a six-year veteran of
19 the department, a graduate from Archbishop Molloy
20 High School in 2008, appointed to the FDNY on
21 December 28, 2015, and assigned to Ladder 170
22 from the start of his career.

23 Timothy came from a family with a
24 rich history of service in the FDNY. Growing up
25 in a firefighter family, Timothy understood the

1 risks and value of protecting the lives of
2 others.

3 He was beloved, not only in Canarsie
4 but where he grew up, with the Rockaway Beach
5 community remembering Klein as someone many
6 aspire to be like -- a great person, full of
7 faith and love for others.

8 His colleagues remind us with great
9 sincerity that Timothy was a guy you wanted to be
10 working on Ladder 170 in Brooklyn, because he
11 would bravely serve the people of New York with
12 the same faith and love he exemplified for others
13 back home in Queens.

14 And today our city mourns because it
15 has lost another of its bravest, whose principal
16 labors were based on serving and protecting the
17 lives of fellow New Yorkers.

18 Klein leaves behind a legacy that
19 serves as an example that there are still people
20 who do for others because they believe in a world
21 where we need more solidarity, respect and honor.
22 Timothy went out to do the job New Yorkers asked
23 him to do every day, and dedicated his life and
24 career purposefully and faithfully to his family
25 and New York City residents. He will deeply be

1 missed by his family, colleagues, and the entire
2 community.

3 Mr. President, I vote in favor of
4 this resolution.

5 ACTING PRESIDENT BAILEY: Senator
6 Jackson also to be recorded in the affirmative.

7 May the memory of Firefighter Klein
8 be a blessing.

9 The question is on the resolution.
10 All those in favor signify by saying aye.

11 (Response of "Aye.")

12 ACTING PRESIDENT BAILEY: Opposed,
13 nay.

14 (No response.)

15 ACTING PRESIDENT BAILEY: The
16 resolution is adopted.

17 Senator Liu.

18 SENATOR LIU: Mr. President, please
19 take up previously adopted Resolution 2243, by
20 Senator May, read that resolution title only, and
21 recognize Senator May on the resolution.

22 ACTING PRESIDENT BAILEY: The
23 Secretary will read.

24 THE SECRETARY: Senate Resolution
25 2243, by Senator May, memorializing Governor

1 Kathy Hochul to proclaim April 2022 as Fair
2 Housing Month in the State of New York.

3 ACTING PRESIDENT PERSAUD: Senator
4 May on the resolution.

5 SENATOR MAY: Thank you,
6 Madam President.

7 I am proud to speak on this
8 resolution naming April as Fair Housing Month in
9 New York State.

10 The Fair Housing Act was signed into
11 law on April 11, 1968. It prohibited
12 discrimination concerning the sale, rental and
13 financing of housing based on race, religion,
14 national origin or sex. It actually passed the
15 Senate narrowly on April 4th, the same day that
16 Dr. Martin Luther King was shot.

17 A decisive voice in that debate was
18 my U.S. Senator at that time, Edward Brooke, who
19 spoke about returning from fighting in World War
20 II and being unable to buy a home in a community
21 of his choice because he was Black.

22 As we know, the Fair Housing Act did
23 not put an end to housing discrimination, and
24 this body has taken important steps in recent
25 years to address continuing violations here in

1 New York State.

2 We have funded an expansion of the
3 type of testing that Newsday carried out on
4 Long Island that identified discriminatory
5 practices by realtors, and we continue to work to
6 ensure fair housing organizations have sustained,
7 reliable funding to be effective watchdogs
8 against future abuses.

9 In 2022, 54 years after the passage
10 of the Fair Housing Act, we still see high levels
11 of racial and economic segregation throughout
12 this state, especially in our upstate cities. My
13 home city of Syracuse has the highest rate of
14 child poverty of any city in the country. About
15 half of families are rent-burdened. Ten percent
16 of high school boys are functionally homeless.
17 And rates of lead poisoning and environmental
18 toxins and hazards remain unacceptably high.

19 All of these failures
20 disproportionately affect people of color, single
21 moms, and refugee families.

22 We must be intentional in examining
23 how policy created and sustains these conditions,
24 and what we can do to ensure that all people in
25 our state have housing choice and the freedom to

1 live where they desire.

2 We need to accurately evaluate the
3 role played by systems of zoning, code
4 enforcement, eviction, legal representation, and
5 investment in affordable housing if we are to
6 continue the legacy and action of the Civil
7 Rights Movement that led to the passage of the
8 Fair Housing Act.

9 I vote aye. Thank you,
10 Madam President.

11 ACTING PRESIDENT PERSAUD: Thank
12 you, Senator.

13 Senator Jackson on the resolution.

14 SENATOR JACKSON: Thank you,
15 Madam President.

16 My colleagues, I rise in favor of
17 this resolution and I stand to speak on the
18 resolution brought on the floor by our colleague
19 Senator Rachel May, recognizing this April 2022
20 as Fair Housing Month.

21 When I heard that we were speaking
22 on this resolution today and voting on it, I
23 wanted to make sure that I got an opportunity to
24 speak on this, because many of the people that I
25 represent are renters in New York City, the

1 majority of them, and I've read stories about
2 discrimination in housing in the New York Times
3 many years ago. And also I felt that I was
4 discriminated against myself as a young Black man
5 looking for an affordable housing place to live
6 for my wife and my daughter.

7 So housing is a human right, and
8 housing discrimination denies people that right.
9 It is evident that fair housing advances economic
10 opportunities and helps close the wealth gap that
11 has historically disadvantaged communities of
12 color for generations. And our communities of
13 color are still reeling from the devastating
14 effects of decades-long discrimination practices,
15 including redlining and disinvestment in
16 communities.

17 We increasingly need affordable,
18 accessible, and well-located housing to maintain
19 dignity and quality of life in New York. And as
20 a Legislature, we work hard to achieve generally
21 fair housing and prevent discrimination in public
22 and private housing, protecting tenants and
23 buyers alike.

24 Therefore, it is only fitting that
25 this legislative body proclaim April 2022 as Fair

1 Housing Month in the State of New York to
2 increase awareness of important issues that
3 affect the lives of the citizens of New York
4 State -- not only citizens, but people,
5 residents. And I say that because there are many
6 people that are not citizens that are buying and
7 renting and discriminated against.

8 While there is still much work to be
9 done, passing this resolution to officially
10 celebrate the anniversary of the passing of the
11 Fair Housing Act of 1968 -- and as my colleague
12 said, it was passed on the same day as the
13 assassination of Reverend Dr. Martin Luther King,
14 Jr. The goal, which serves as an inspiration and
15 led to its passing, was to eliminate housing
16 discrimination and create equal opportunity in
17 every community we represent.

18 So Madam President, I respectfully
19 say I vote aye on this resolution on behalf of
20 all those that feel that housing is a human right
21 and no one should be discriminated against.

22 Thank you.

23 ACTING PRESIDENT PERSAUD: Thank
24 you, Senator.

25 The resolution was previously

1 adopted on 4/26.

2 Senator Liu.

3 SENATOR LIU: Madam President,
4 please take up previously adopted Resolution
5 2212, by Senator Bailey, read that resolution
6 title only, and recognize Senator Bailey on the
7 resolution.

8 ACTING PRESIDENT PERSAUD: The
9 Secretary will read.

10 THE SECRETARY: Senate Resolution
11 2212, by Senator Bailey, memorializing
12 Governor Kathy Hochul to proclaim April 28, 2022,
13 as Take Our Daughters and Sons to Work Day in the
14 State of New York.

15 ACTING PRESIDENT PERSAUD: Senator
16 Bailey.

17 SENATOR BAILEY: Thank you,
18 Madam President.

19 There's a phrase that resounds with
20 me: If you can't be it, then you can't see it
21 {sic}. And I think the exposure of making sure
22 that our children see what we do each and every
23 day is critically important to their development.

24 I remember -- and I sponsor this
25 resolution every year, and I've spoken about how

1 in the past, and for good reason, it was just
2 "Take Your Daughters to Work Day." But my dad,
3 he would bring me along because he wanted me to
4 see what a workplace experience looked like. And
5 I'm glad it's "Take Your Daughters and Sons to
6 Work Day."

7 But one of the things that's really
8 important to me as a parent, continuing to read
9 the names of my daughters into the permanent
10 record of the State of New York: Giada Bailey
11 and Carina Bailey. You know, I often love to do
12 that when I speak. And it's critically important
13 so that in the future, whenever it is that they
14 are studying state legislation or the state, that
15 they know that their dad was doing something to
16 make sure that their names were there.

17 And those of us who are legislators,
18 I think we do that with our children, whether in
19 the Assembly or in the Senate. Bronx
20 Assemblywoman Chantel Jackson brings her son T.J.
21 so many different places. And I think that is
22 remarkable and incredible because, quite frankly,
23 in the halls of government -- many of us didn't
24 see this space until we were adults.

25 And so I think being able to see

1 this space, this august chamber and the chambers
2 in the Senate and the Assembly, is critically
3 important for those of us who are legislators to
4 bring our children to the confines of the State
5 Capitol so that they can see what we're doing and
6 how important it is to the work that we do.

7 But it's not just limited to
8 legislators. It is for any profession that,
9 quite frankly, would permit you to bring your
10 child to work. And I know that we have
11 constraints based upon COVID and bringing certain
12 people who may not necessarily be in that
13 specific service title to work. But I would
14 encourage all of us, anybody listening or anybody
15 that can bring their child to work to see what
16 they do, I think it is critically important.

17 We may forget certain things that we
18 do as parents, but the children don't forget it.
19 I remember -- because my dad worked downtown, and
20 I remember taking that long train ride. And I
21 remember reading the newspaper, my very own copy
22 of the newspaper, next to my dad who was reading
23 the newspaper. I was about I think 4 years old.
24 But it was a pivotal moment that I won't forget.
25 And quite frankly, I don't know if my dad

1 remembers that, but I remember it.

2 And our kids will remember the times
3 that they've come to the Capitol, that they've
4 gone to the precinct, that they've gone to the
5 firehouse, that they've gone to the school, that
6 they've gone to whatever place of work or line of
7 business that their parents are in, so that they
8 can see that their parents contribute something
9 great to society. And that our children are on
10 track to contribute something greater to society.

11 As I close, I look at my role, my
12 Venn diagram role as a legislator and as a
13 father, and I think that as a legislator and as a
14 father, there's a simple role that we have. As a
15 legislator, your job is make sure that your
16 community was left better than it was before you
17 started running, before you took office. Your
18 job as a father -- my job as a father is to make
19 sure that my daughters are way better at life
20 than I was.

21 And so the exposure to the
22 professions that we have, both critically
23 important in terms of the work that our children
24 will do -- because at the end of the day, at some
25 point in the future, this won't be my desk. This

1 won't be any of our desks. These will be the
2 desks of some child maybe watching right now,
3 maybe paying attention to the transcripts -- this
4 room will be populated with somebody who is a
5 child right now.

6 Take them, expose them, let them see
7 what we do. Thank you, Madam President.

8 ACTING PRESIDENT PERSAUD: Thank
9 you, Senator.

10 Senator Jackson on the resolution.

11 SENATOR JACKSON: Thank you,
12 Madam President.

13 I rise to speak in favor of the
14 resolution.

15 When I heard that tomorrow is going
16 to be Take Your Daughters To Work or Your Sons To
17 Work Day in New York State, I just want to
18 reflect back on when I was the president of the
19 Parents Association at our school and the
20 president of School Board 6 in Northern
21 Manhattan, I encouraged people to bring their
22 children to work.

23 The bond that they have with their
24 children -- children asking questions about the
25 type of the work that you do.

1 And for me, I first worked for the
2 State of New York investigating unemployment
3 insurance fraud, and then for 22 years as a labor
4 union representative. And so my daughters, I
5 took them to work me with me. And now I don't
6 have little daughters to take to work, they're
7 taking me to their offices, because our daughters
8 are 46, 41 and 35.

9 But I have grandkids that are very,
10 very important in the process. And they see the
11 type of bond that happens when you bring your
12 children to work and people talk to them and they
13 talk to them. And you're just proud that you
14 have children that you can take to work, and it
15 builds the relationship and bond of the family.
16 And that's so, so important.

17 And believe me, the administrators
18 at work see how important that is that you are
19 bringing your children to work. And listen, they
20 appreciate that and understand that.

21 I remember in school when I went to
22 a parent-teachers conference, and in the notes of
23 the file of my daughter's record in the
24 principal's office it says "Parents come to
25 Parents Association meetings." And it was listed

1 in the file.

2 And that's so important that you
3 build a connection with your children
4 regarding -- either it's work or school, it
5 doesn't really matter. That's important.

6 So thank you, Senator Bailey, for
7 putting forward this resolution for tomorrow,
8 April 28, 2022, as bring your children, your
9 daughters and sons, to work.

10 Thank you.

11 ACTING PRESIDENT PERSAUD: Thank
12 you, Senator.

13 The resolution was previously
14 adopted on 4/5.

15 Senator Liu.

16 SENATOR LIU: Madam President,
17 please take up previously adopted
18 Resolution 2360, by Senator Ryan, read that
19 resolution title only, and recognize Senator Ryan
20 on the resolution.

21 ACTING PRESIDENT PERSAUD: The
22 Secretary will read.

23 THE SECRETARY: Senate Resolution
24 2360, by Senator Ryan, congratulating Rick
25 Jeanneret upon the occasion of his retirement

1 after 51 years of distinguished service to the
2 Buffalo Sabres Hockey Team.

3 ACTING PRESIDENT PERSAUD: Senator
4 Ryan.

5 SENATOR RYAN: Thank you,
6 Madam President.

7 I sense I won't be the only Buffalo
8 Sabres fan heard from today on this resolution.

9 So when the regular NHL season wraps
10 up at the end of this week, it will be the end of
11 an era for hockey fans in Buffalo. Rick
12 Jeanneret, long-time play-by-play announcer --
13 you know, when I say "long-time," 51 years as a
14 play-by-play announcer -- he's retiring. RJ, as
15 he's affectionately known, he's a character all
16 around Buffalo.

17 But around the league, he's the
18 longest-tenured announcer in hockey. He joined
19 the Sabres in their inaugural year in 1971, did
20 radio from '71 to '95. And then when the TV
21 broadcast came in, he became the radio and the
22 TV.

23 But tremendous reach. Back when he
24 was doing it on AM radio, that station reached
25 into southern New York -- sorry, Southern

1 Ontario, Central New York, Northern Pennsylvania.
2 So his voice has been the soundtrack for the
3 Sabres, for the entirety of the Sabres, for
4 generations of fans.

5 Really energetic style. He plays
6 with words. Every kid in Buffalo has narrated
7 their own goals with his own calls: You know,
8 "Top shelf, where momma hides the cookies,"
9 countless other ones.

10 Dominik Hašek was a terrific goalie,
11 and after one acrobatic save he announced, "Oh,
12 brother, we are not worthy." And from that point
13 on, fans in the arena started bowing every time
14 Hašek made a wonderful save.

15 And his most iconic call is probably
16 from 1993 when the Sabres beat the Boston Bruins
17 in overtime, and Brad May scored the goal -- and
18 his call was "May Day, May Day, May Day!"

19 Memorable calls made him a legend
20 amongst NHL broadcasters. In 2012, a full decade
21 before today, before his retirement, he was
22 recognized by the NHL Hockey Hall of Fame, and he
23 was given the Foster Hewitt Memorial Award. It's
24 the highest honor they give broadcasters. And
25 yet he kept going for 10 years.

1 But for all the accolades that he
2 has received in the last few weeks -- and there
3 have been many -- anyone will tell you that fame
4 has not changed Rick Jeanneret. He's
5 approachable. People see him in supermarkets, he
6 stops and talks to kids. He can talk about
7 hockey all day long. But one thing he never
8 wants to do is talk about himself. He's a very
9 humble person, and he's pushing away the
10 accolades over the last few weeks like you
11 wouldn't believe.

12 But he has a deep love for the game
13 of hockey. He has a deep love for the Buffalo
14 Sabres. And he's always, always there for the
15 fans, especially for the kids.

16 But few people associated with pro
17 sports are held in such high esteem in Western
18 New York. He's held in higher esteem than most
19 people who played the game. So it's great to
20 have Rick Jeanneret be the voice of the Buffalo
21 Sabres for at least one more game.

22 But for all he's done for the
23 Buffalo Sabres, for hockey, for the whole league,
24 it's right that we honor his illustrious career
25 as it comes to an end. So at the last game

1 coming up this Friday, I'd like to congratulate
2 Rick Jeanneret, a true legend in Western New York
3 and certainly a top-shelf announcer.

4 Thank you, Madam President.

5 ACTING PRESIDENT PERSAUD: Thank
6 you, Senator.

7 Senator Kennedy on the resolution.

8 SENATOR KENNEDY: Thank you,
9 Madam President.

10 This Friday, as a Buffalo Sabres
11 season ticket holder, like thousands of others, I
12 will attend the Sabres hockey game, the last game
13 of the season, with my oldest son. It's not only
14 the last game of the season, but this game holds
15 a very special place in Buffalo sports history,
16 as it will be the last game that the great
17 Rick Jeanneret will be announcing, after 51 years
18 of being the voice of the Buffalo Sabres.

19 So I rise today not just as a
20 Senator, not just as a Sabres season
21 ticket holder, but as a Buffalonian and a former
22 Sabres arena usher, to honor one of Buffalo's
23 greatest media personalities, Rick Jeanneret --
24 affectionately known to all of us as RJ -- who
25 has dedicated his entire life to the sport of

1 hockey and to the city and the people of Buffalo.

2 He's been with us since nearly the
3 inception of the team, including both of the
4 team's Stanley Cup finals appearances in 1975 and
5 1999, and the post-lockout teams in the mid-2000s
6 that electrified the hockey world, way back to
7 the French Connection, all the way to today,
8 where our Sabres are showing more potential than
9 they have in years.

10 During all of these ups and downs of
11 the team and the community, it was always RJ's
12 calls that kept our spirits high. It's an
13 indisputable fact that everyone who loves hockey
14 in all of Western New York has their favorite
15 Rick Jeanneret calls.

16 "May Day, May Day." "Now do you
17 believe?" "These guys are good, scary good."
18 "Somebody call a cop, he robbed him blind." "Top
19 shelf, where momma hides the cookies." "Roll the
20 highlight film." "La-la-la-la-La Fontaine."
21 "Fa-la-la-la-La Fontaine," around the holidays.

22 (Laughter.)

23 SENATOR KENNEDY: And one of my
24 personal favorites: "This series is going back
25 to where Jimmy Hoffa is, back to the Meadowlands

1 in New Jersey."

2 (Laughter.)

3 SENATOR KENNEDY: And
4 Madam President, I could go on and on. There are
5 countless others.

6 This is a man who bleeds blue and
7 gold, who knows that Buffalo is a sports city,
8 that it's at its best when our teams are at their
9 best.

10 In fact, he is so dedicated to his
11 craft that in 2014 when he announced that he was
12 battling throat cancer, he declared then and
13 there that he had every intention of coming back.
14 And of course he did, giving us nearly another
15 decade of thrills to remember, urging fans
16 through tough years, all with the class, talent
17 and sense of humor that we've loved from him for
18 the past half-century.

19 While I'll watch RJ's last call at
20 the arena next to my son this Friday and we pay
21 tribute to this sports legend, I will undoubtedly
22 harken back to my own childhood when my father
23 would turn down the volume on the television in
24 our living room and turn up the AM radio to hear
25 RJ call the games while my family sat together

1 transfixing at the TV. "This is how you call a
2 hockey game," my father would say.

3 In time, Jeanneret became the voice
4 of both television and radio for the Sabres. It
5 was at that moment that everyone in the Buffalo
6 Sabres hockey universe realized that the world
7 was now right.

8 Rick Jeanneret's 51 years has been
9 quite a ride for us Sabres fans. As he retires,
10 I hope he knows that he has a permanent place in
11 the hearts of countless hockey fans, both in
12 Western New York and around the globe. I'd like
13 to thank Rick Jeanneret for a lifetime of
14 memories and for his selfless dedication to our
15 great city and our great state and to the hockey
16 world.

17 In his own words, to describe this
18 extraordinary and legendary NHL Hall of Famer
19 Rick Jeanneret: We're not worthy. We're not
20 worthy. We're not worthy.

21 I thank Senator Sean Ryan for
22 bringing this resolution to the floor. And with
23 that, Madam President, I vote aye.

24 ACTING PRESIDENT PERSAUD: Thank
25 you, Senator.

1 The resolution was adopted on 4/26.

2 Senator Liu.

3 SENATOR LIU: Madam President, at
4 the request of the sponsors, the resolutions are
5 open for cosponsorship.

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

10 Senator Liu.

11 SENATOR LIU: Madam President,
12 please take up the reading of the calendar.

13 ACTING PRESIDENT PERSAUD: The
14 Secretary will read.

15 THE SECRETARY: Calendar Number 93,
16 Senate Print 2279, by Senator Jordan, an act to
17 amend the State Law.

18 ACTING PRESIDENT PERSAUD: Read the
19 last section.

20 THE SECRETARY: Section 2. This
21 act shall take effect on the first of January.

22 ACTING PRESIDENT PERSAUD: Call the
23 roll.

24 (The Secretary called the roll.)

25 ACTING PRESIDENT PERSAUD: Senator

1 Jordan to explain her vote.

2 SENATOR JORDAN: Madam President, I
3 rise to explain my vote.

4 I was so excited to see this bill on
5 the active list. Last year the Senate passed
6 this bill unanimously, and I expect the same
7 results today.

8 Designating New York State a Purple
9 Heart state is in comparison a small way that we
10 can recognize and honor the sacrifices of those
11 who have been wounded or killed in combat and
12 awarded the Purple Heart -- sacrifices made for
13 each of us and our treasured and free American
14 way of life.

15 The Purple Heart is the oldest and
16 most revered and esteemed military decoration
17 awarded in the name of the president of the
18 United States to members of the United States
19 military who have been wounded or killed in
20 action. You can understand that it is not an
21 award that one seeks when entering the military.
22 Yet it has been awarded to almost 2 million
23 Americans.

24 The Purple Heart is a symbol of
25 heroism and courage, a prestigious award created

1 by General George Washington to honor and thank
2 brave soldiers who fought under his command for
3 America's independence.

4 Since 2019 I've led the grassroots
5 nonpartisan effort in my 43rd Senate District and
6 across our state to establish Purple Heart
7 communities, to recognize and honor the courage
8 and commitment of Purple Heart recipients.

9 Purple Heart communities publicly
10 recognize the service and sacrifice of these
11 incredible heroes and affirm a local community's
12 respect and recognition of these proud patriots.

13 Within my 43rd Senate district, of
14 the 60 towns, villages and cities, all 60 are now
15 Purple Heart communities. And all four
16 counties -- Saratoga, Rensselaer, Washington and
17 Columbia -- have successfully passed local
18 resolutions and have become Purple Heart
19 communities in counties and proudly display that
20 fact with signage when entering their
21 municipalities.

22 In addition, out of the 62 counties
23 in New York State, more than 40 are now
24 Purple Heart communities, and more are pending.

25 Furthermore, 18 other areas --

1 including buildings, trails and parts of
2 highways -- have been renamed with the Purple
3 Heart designation.

4 I'm proud to have led what has
5 become a statewide movement that's putting focus
6 where it belongs -- our incredible Purple Heart
7 recipients.

8 There's a quote I'd like to share
9 when speaking about the Purple Heart, a quote
10 from our nation's Founding Father, General and
11 President George Washington, who started the
12 Purple Heart. President Washington said: "The
13 willingness with which our young people are
14 likely to serve in any war, no matter how
15 justified, shall be directly proportional to how
16 they perceive the veterans of earlier wars were
17 treated and appreciated by their nation."

18 General Washington's words embody
19 why I believe the Purple Heart community is so
20 important, and that we must honor those that are
21 recipients and educate the next generation as to
22 the honor of those awarded the Purple Heart, so
23 that they too respect the recipients and consider
24 service to our nation and its timeless ideals.

25 And most importantly in this effort,

1 I want to recognize the courageous American
2 patriots who gave all for us, and those who live
3 with the wounds on our behalf.

4 To all who served, sacrificed and
5 bore the terrible burden of combat, we say thank
6 you. The New York State Senate says thank you.
7 We now need the Assembly to say thank you by
8 passing this bill.

9 I vote aye, and I encourage all of
10 my Senate colleagues to do the same.

11 Thank you, Madam President.

12 ACTING PRESIDENT PERSAUD: Senator
13 Jordan to be recorded in the affirmative.

14 Announce the results.

15 THE SECRETARY: Ayes, 62.

16 ACTING PRESIDENT PERSAUD: The bill
17 is passed.

18 THE SECRETARY: Calendar Number 97,
19 Senate Print 4887A, by Senator Skoufis, an act to
20 amend the Alcoholic Beverage Control Law.

21 ACTING PRESIDENT PERSAUD: Read the
22 last section.

23 THE SECRETARY: Section 3. This
24 act shall take effect on the 30th day after it
25 shall have become a law.

1 ACTING PRESIDENT PERSAUD: Call the
2 roll.

3 (The Secretary called the roll.)

4 ACTING PRESIDENT PERSAUD: Announce
5 the results.

6 THE SECRETARY: Ayes, 62.

7 ACTING PRESIDENT PERSAUD: The bill
8 is passed.

9 THE SECRETARY: Calendar Number
10 128, Senate Print 51, by Senator Kaplan, an act
11 to amend the General Business Law.

12 ACTING PRESIDENT PERSAUD: Read the
13 last section.

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

17 ACTING PRESIDENT PERSAUD: Call the
18 roll.

19 (The Secretary called the roll.)

20 ACTING PRESIDENT PERSAUD: Announce
21 the results.

22 THE SECRETARY: In relation to
23 Calendar Number 128, those Senators voting in the
24 negative are Senators Borrello, Gallivan, Griffio,
25 Helming, Jordan, Lanza, Martucci, Oberacker,

1 O'Mara, Ortt, Rath, Ritchie, Stec and Tedisco.

2 Ayes, 48. Nays, 14.

3 ACTING PRESIDENT PERSAUD: The bill
4 is passed.

5 THE SECRETARY: Calendar Number
6 130, Senate Print 687, by Senator Hoylman, an act
7 to amend the General Business Law.

8 ACTING PRESIDENT PERSAUD: Read the
9 last section.

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

13 ACTING PRESIDENT PERSAUD: Call the
14 roll.

15 (The Secretary called the roll.)

16 ACTING PRESIDENT PERSAUD: Announce
17 the results.

18 THE SECRETARY: In relation to
19 Calendar 130, those Senators voting in the
20 negative are Senators Akshar, Borrello, Gallivan,
21 Griffo, Helming, Jordan, Lanza, Oberacker,
22 O'Mara, Ortt, Rath, Ritchie, Serino, Stec and
23 Tedisco.

24 Ayes, 47. Nays, 15.

25 ACTING PRESIDENT PERSAUD: The bill

1 is passed.

2 THE SECRETARY: Calendar Number
3 255, Senate Print 1341, by Senator Brooks, an act
4 to amend the Executive Law.

5 ACTING PRESIDENT PERSAUD: Read the
6 last section.

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

9 ACTING PRESIDENT PERSAUD: Call the
10 roll.

11 (The Secretary called the roll.)

12 ACTING PRESIDENT PERSAUD: Announce
13 the results.

14 THE SECRETARY: In relation to
15 Calendar number 255, voting in the negative:
16 Senator Brisport.

17 Ayes, 61. Nays, 1.

18 ACTING PRESIDENT PERSAUD: The bill
19 is passed.

20 THE SECRETARY: Calendar Number
21 260, Senate Print 4093, by Senator Sanders, an
22 act to amend the Executive Law.

23 ACTING PRESIDENT PERSAUD: Read the
24 last section.

25 THE SECRETARY: Section 2. This

1 act shall take effect immediately.

2 ACTING PRESIDENT PERSAUD: Call the
3 roll.

4 (The Secretary called the roll.)

5 ACTING PRESIDENT PERSAUD: Senator
6 Borrello to explain his vote.

7 SENATOR BORRELLO: Thank you,
8 Madam President.

9 I rise to first of all thank
10 Senator Sanders for his service to our nation and
11 also for bringing this forward.

12 Twenty-two a day. That's the number
13 of veterans who succumb to suicide on average in
14 the United States -- 22 every single day.

15 This recognizes the serious problem
16 that we have with veteran suicide. And I want to
17 also thank the many organizations that are so
18 focused on this: The Dwyer group, which has done
19 amazing work and is going to be expanded to all
20 62 counties thanks to the efforts of this
21 chamber. Western New York Heroes. And
22 Mission 22, who is directly focused on the 22
23 soldiers every day, veterans, who have taken
24 their lives.

25 These folks have served our nation

1 bravely, and though they have survived battle and
2 so many ravages of war, they come home and they
3 cannot get over the scars of their service.

4 So again, I thank Senator Sanders
5 and I proudly vote aye. Thank you.

6 ACTING PRESIDENT PERSAUD: Senator
7 Borrello to be recorded in the affirmative.

8 Announce the results.

9 THE SECRETARY: Ayes, 62.

10 ACTING PRESIDENT PERSAUD: The bill
11 is passed.

12 THE SECRETARY: Calendar Number
13 261, Senate Print 4231, by Senator Stavisky, an
14 act to amend the Executive Law.

15 ACTING PRESIDENT PERSAUD: Read the
16 last section.

17 THE SECRETARY: Section 2. This
18 act shall take effect on the first of January.

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
3 364, Senate Print 1053A, by Senator Mayer, an act
4 to amend the Penal Law.

5 ACTING PRESIDENT PERSAUD: Read the
6 last section.

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

9 ACTING PRESIDENT PERSAUD: Call the
10 roll.

11 (The Secretary called the roll.)

12 ACTING PRESIDENT PERSAUD: Announce
13 the results.

14 THE SECRETARY: In relation to
15 Calendar Number 364, voting in the negative:
16 Senator Brisport.

17 Ayes, 61. Nays, 1.

18 ACTING PRESIDENT PERSAUD: The bill
19 is passed.

20 THE SECRETARY: Calendar Number
21 441, Senate Print 6239, by Senator Thomas, an act
22 to amend the Administrative Code of the City of
23 New York and the General Municipal Law.

24 ACTING PRESIDENT PERSAUD: Read the
25 last section.

1 THE SECRETARY: Section 3. This
2 act shall take effect on the 120th day after it
3 shall have become a law.

4 ACTING PRESIDENT PERSAUD: Call the
5 roll.

6 (The Secretary called the roll.)

7 ACTING PRESIDENT PERSAUD: Announce
8 the results.

9 THE SECRETARY: In relation to
10 Calendar 441, those Senators voting in the
11 negative are Senators Felder, Gounardes, Helming,
12 Jordan, Lanza, Martucci, Oberacker and O'Mara.

13 Ayes, 54. Nays, 8.

14 ACTING PRESIDENT PERSAUD: The bill
15 is passed.

16 THE SECRETARY: Calendar Number
17 452, Senate Print 532, by Senator Persaud, an act
18 to amend the Executive Law.

19 ACTING PRESIDENT PERSAUD: Read the
20 last section.

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

24 ACTING PRESIDENT PERSAUD: Call the
25 roll.

1 (The Secretary called the roll.)

2 ACTING PRESIDENT PERSAUD: Announce
3 the results.

4 THE SECRETARY: In relation to
5 Calendar 452, those Senators voting in the
6 negative are Senators Borrello, Boyle, Gallivan,
7 Griffo, Helming, Jordan, Martucci, Mattera,
8 Oberacker, O'Mara, Palumbo, Rath, Ritchie,
9 Serino, Stec, Tedisco and Weik.

10 Ayes, 45. Nays, 17.

11 ACTING PRESIDENT PERSAUD: The bill
12 is passed.

13 THE SECRETARY: Calendar Number
14 500, Senate Print 8073, by Senator Cleare, an act
15 to amend the Banking Law.

16 SENATOR LANZA: Lay it aside.

17 ACTING PRESIDENT PERSAUD: Lay it
18 aside.

19 THE SECRETARY: Calendar Number
20 607, Senate Print 3471, by Senator Kennedy, an
21 act to amend the Economic Development Law.

22 ACTING PRESIDENT PERSAUD: Read the
23 last section.

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

1 ACTING PRESIDENT PERSAUD: Call the
2 roll.

3 (The Secretary called the roll.)

4 ACTING PRESIDENT PERSAUD: Announce
5 the results.

6 THE SECRETARY: In relation to
7 Calendar Number 607, voting in the negative:
8 Senator Skoufis.

9 Ayes, 61. Nays, 1.

10 ACTING PRESIDENT PERSAUD: The bill
11 is passed.

12 THE SECRETARY: Calendar Number
13 631, Senate Print Number 4733A, by
14 Senator Reichlin-Melnick, an act to amend the
15 Vehicle and Traffic Law.

16 ACTING PRESIDENT PERSAUD: Read the
17 last section.

18 THE SECRETARY: Section 3. This
19 act shall take effect on the first of November.

20 ACTING PRESIDENT PERSAUD: Call the
21 roll.

22 (The Secretary called the roll.)

23 ACTING PRESIDENT PERSAUD: Senator
24 Borrello to explain his vote.

25 SENATOR BORRELLO: Thank you,

1 Madam President.

2 First of all, I'd like to thank the
3 sponsor for this bill. I think it's an
4 incredibly responsible thing for us to do.

5 And what this bill does is takes
6 someone's prior convictions on operating a
7 vehicle under the influence of alcohol and making
8 sure that that is allowed to be taken into
9 consideration by a judge if someone does it
10 again.

11 I think it's important to point out
12 that this is exactly what we've been asking for
13 for a long time, which is to give judges the
14 discretion to understand a person's prior record
15 when applying a sentence. This makes a lot of
16 sense here, but it makes a lot of sense
17 everywhere. Which is why judges' discretion is
18 so incredibly important -- a key component of our
19 criminal justice system that should apply not
20 just in this particular case, but in every
21 case that's being adjudicated in New York State.

22 So I'm voting aye. Thank you,
23 Madam President.

24 ACTING PRESIDENT PERSAUD: Senator
25 Borrello to be recorded in the affirmative.

1 Senator Reichlin-Melnick to explain
2 his vote.

3 SENATOR REICHLIN-MELNICK: Thank
4 you, Madam President. I rise to speak about
5 Bryan Johnson's Law.

6 On a warm night in June 2012,
7 Ossining resident Bryan Johnson went out for a
8 nighttime boat ride with his friends. Bryan and
9 several others on the boat decided to go for a
10 swim off the back of the boat, and at that point
11 the operator of the boat, who was under the
12 influence of alcohol, played what he thought was
13 a prank, speeding off and leaving Bryan and his
14 friends in the water. By the time the driver
15 came back, Bryan had drowned. He was just 26
16 years old.

17 Bryan was described by everybody who
18 knew him as generous, soft-spoken, with a kind
19 word for everyone and a willingness to help
20 anyone. Sometimes it takes a tragedy to make us
21 take commonsense actions that will make the world
22 safer in the future.

23 A year after Bryan's death, New York
24 State began to require a boating safety course to
25 operate a mechanically-propelled vessel. That

1 law phased in boating course requirements
2 starting with 18-year-olds. Now we need to close
3 an additional loophole that allows those
4 convicted of drunk driving offenses to escape
5 full accountability even if they've previously
6 been convicted of drunk boating offenses.

7 Under current law, a person could
8 face a DWI charge and be perceived as a
9 first-time offender despite having a history of
10 boating while intoxicated. When a defendant
11 demonstrates a pattern of reckless behavior, they
12 rightfully face much harsher penalties.

13 New York is home to many beautiful
14 rivers and lakes, and as the weather warms up, a
15 lot of folks are going to be eager to spend these
16 beautiful sunny days out on the water. So we
17 need to do all that we can to protect people.
18 And a vote in support of this bill today will
19 bring us one step closer to making Bryan
20 Johnson's Law a reality.

21 New York must demonstrate that we
22 take the crime of boating while intoxicated very
23 seriously. Drunk boaters must be held
24 accountable for their dangerous behavior. And
25 so I thank my colleagues in the Senate for

1 supporting this bill last year and supporting
2 this bill today.

3 My colleague in the Assembly,
4 Assemblywoman Sandy Galef, has introduced this
5 bill again this year, and I hope it will pass so
6 that Bryan Johnson's bill will become Bryan
7 Johnson's Law.

8 His death was a tragedy for his
9 family, his friends, and the entire community in
10 Ossining that I represent. Passing this law will
11 not heal the eternal ache that his family is
12 feeling or bring him back. But if it can save
13 other families from experiencing this same loss,
14 it will be worth it.

15 I vote aye.

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

19 Announce the results.

20 THE SECRETARY: Ayes, 62.

21 ACTING PRESIDENT PERSAUD: The bill
22 is passed.

23 THE SECRETARY: Calendar Number
24 638, Senate Print 7378A, by Senator Harckham, an
25 act to amend the Tax Law.

1 ACTING PRESIDENT PERSAUD: Read the
2 last section.

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

5 ACTING PRESIDENT PERSAUD: Call the
6 roll.

7 (The Secretary called the roll.)

8 ACTING PRESIDENT PERSAUD: Announce
9 the results.

10 THE SECRETARY: Ayes, 62.

11 ACTING PRESIDENT PERSAUD: The bill
12 is passed.

13 THE SECRETARY: Calendar Number
14 642, Senate Print 2728, by Senator Kaminsky, an
15 act to amend the General Municipal Law.

16 ACTING PRESIDENT PERSAUD: Read the
17 last section.

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

20 ACTING PRESIDENT PERSAUD: Call the
21 roll.

22 (The Secretary called the roll.)

23 ACTING PRESIDENT PERSAUD: Senator
24 Borrello to explain his vote.

25 SENATOR BORRELLO: Thank you,

1 Madam President.

2 I spent 10 years in county
3 government, and I can tell you that a lot of good
4 work is done there, especially when it comes to
5 economic development.

6 One of the biggest challenges we
7 face, quite frankly, when we're trying to attract
8 a new business or improve a business or retain a
9 business -- which has been our biggest problem
10 here in New York State as they flee -- is our
11 ability to actually give them the incentives that
12 gives New York at least a level playing field
13 with surrounding states, which is very important
14 where I live because my district shares about a
15 hundred-mile border with the State of
16 Pennsylvania.

17 So what this bill proposes to do is
18 essentially take away, under the guise of
19 improving accountability -- but just take away
20 the ability for our local governments, that are
21 on the front lines of economic development, to be
22 able to properly and effectively continue to do
23 economic development.

24 And what it may return us to is to
25 the old days, when it was all political patronage

1 and pork barrel politics. That's not what we
2 want. We want good policy. And there's no
3 better way to do it than ensuring that local
4 governments, the people that are in many cases
5 the part-timers, the people that are a county
6 legislator as well as sitting on an IDA board,
7 the business owners that sit on those IDA boards,
8 the people that understand business and can
9 really effectively administer those incentives --
10 they should be the ones. Not here in Albany, not
11 so far away from where the things are actually
12 happening.

13 So I'm opposed to this bill, and I
14 would strongly encourage my colleagues to be the
15 same.

16 Thank you.

17 ACTING PRESIDENT PERSAUD: Senator
18 Borrello to be recorded in the negative.

19 Announce the results.

20 THE SECRETARY: In relation to
21 Calendar 642, those Senators voting in the
22 negative are Senators Borrello, Gallivan, Griffo,
23 Jordan, Lanza, Martucci, Oberacker, O'Mara, Ortt,
24 Rath, Ritchie, Serino, Stec and Tedisco.

25 Ayes, 48. Nays, 14.

1 ACTING PRESIDENT PERSAUD: The bill
2 is passed.

3 THE SECRETARY: Calendar Number
4 643, Senate Print 3220, by Senator Tedisco, an
5 act allowing for the creation of a joint police
6 department for the Towns of Webb and Inlet.

7 ACTING PRESIDENT PERSAUD: Read the
8 last section.

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

11 ACTING PRESIDENT PERSAUD: Call the
12 roll.

13 (The Secretary called the roll.)

14 ACTING PRESIDENT PERSAUD: Announce
15 the results.

16 THE SECRETARY: Ayes, 62.

17 ACTING PRESIDENT PERSAUD: The bill
18 is passed.

19 THE SECRETARY: Calendar Number
20 662, Senate Print 7744, by Senator Breslin, an
21 act to amend the Insurance Law.

22 SENATOR LIU: Lay it aside for the
23 day, please.

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

1 THE SECRETARY: Calendar Number
2 671, Senate Print 4243A, by Senator Gaughran, an
3 act to amend the Education Law.

4 ACTING PRESIDENT PERSAUD: Read the
5 last section.

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

8 ACTING PRESIDENT PERSAUD: Call the
9 roll.

10 (The Secretary called the roll.)

11 ACTING PRESIDENT PERSAUD: Announce
12 the results.

13 THE SECRETARY: In relation to
14 Calendar 671, those Senators voting in the
15 negative are Senators Jordan, Oberacker, Serino
16 and Tedisco.

17 Ayes, 58. Nays, 4.

18 ACTING PRESIDENT PERSAUD: The bill
19 is passed.

20 Senator Liu, that completes the
21 reading of today's calendar.

22 SENATOR LIU: Madam President,
23 please go to the reading of the controversial
24 calendar.

25 ACTING PRESIDENT PERSAUD: The

1 Secretary will ring the bell.

2 The Secretary will read.

3 THE SECRETARY: Calendar Number
4 500, Senate Print 8073, by Senator Cleare, an act
5 to amend the Banking Law.

6 ACTING PRESIDENT PERSAUD: Senator
7 Borrello.

8 SENATOR BORRELLO: Thank you,
9 Madam President.

10 As the ranking member of the Banks
11 Committee, I have some concerns and some
12 questions. So will the sponsor yield for a
13 question?

14 ACTING PRESIDENT PERSAUD: Will the
15 sponsor yield?

16 SENATOR CLEARE: The sponsor
17 yields.

18 ACTING PRESIDENT PERSAUD: The
19 sponsor yields.

20 SENATOR BORRELLO: Thank you so
21 much, Senator Cleare. Appreciate it.

22 My first question is, you know, this
23 is obviously about investments and who can invest
24 in what kind of things in New York State. So
25 will this bill apply to all banks and all

1 financial institutions that could potentially
2 invest in private prisons?

3 SENATOR CLEARE: Banks that are
4 chartered by New York State, yes.

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

7 ACTING PRESIDENT PERSAUD: Will the
8 sponsor yield?

9 SENATOR CLEARE: Yes.

10 ACTING PRESIDENT PERSAUD: The
11 sponsor yields.

12 SENATOR BORRELLO: So just to be
13 clear, only state-chartered banks. Because most
14 banks in New York State are actually federally
15 chartered, and of course we have investment
16 companies -- New York State is the investment
17 capital of the United States, perhaps the world.

18 So this only applies to
19 state-chartered banks, is that correct?

20 SENATOR CLEARE: Yes.

21 SENATOR BORRELLO: Okay, thank you
22 for that clarification.

23 Madam President, will the sponsor
24 continue to yield?

25 ACTING PRESIDENT PERSAUD: Will the

1 sponsor yield?

2 SENATOR CLEARE: Yes.

3 ACTING PRESIDENT PERSAUD: The
4 sponsor yields.

5 SENATOR BORRELLO: So isn't the
6 intention of this bill to have basically a
7 direct impact on how other states are doing
8 business with contractors and the federal
9 government? I mean, it's really not about
10 New York State, we're trying to impact things --
11 because in New York State we no longer allow
12 private prisons. Private prisons are outlawed.

13 So isn't this really trying to
14 affect the financial decisions made by
15 New York-based state-chartered banks and how they
16 do business in other states.

17 SENATOR CLEARE: Yes, it's about --
18 we banned private prisons in New York State in
19 2007, and we don't want any loopholes. We don't
20 want anybody investing in private banking -- I
21 mean, I'm sorry, private prisons.

22 SENATOR BORRELLO: Thank you.

23 Madam President, will the sponsor
24 continue to yield?

25 SENATOR CLEARE: Yes.

1 ACTING PRESIDENT PERSAUD: Will the
2 sponsor yield?

3 SENATOR CLEARE: Yes.

4 ACTING PRESIDENT PERSAUD: The
5 sponsor yields.

6 SENATOR BORRELLO: So then the sole
7 purpose of this is to -- because New York State,
8 as you've mentioned, does not allow for private
9 prisons. The sole purpose of this is to impact
10 the operation and the I guess the construction
11 and operation of private prisons in other states.

12 So what's that based on? Why is
13 that -- what's the basis for that?

14 SENATOR CLEARE: Well, for one, you
15 know, in my community advocacy and public career
16 I have had to help constituents in my district
17 who have been in private prisons. They are
18 poorly run, they are unsafe for both the workers
19 and the inmates.

20 The experience is horrible. It's a
21 horrible experience. And I think that they are
22 just -- these private prisons allow for lobbying
23 of elected officials to increase incarceration.
24 And I don't think prisons should be for-profit.
25 They're there for correction and for

1 rehabilitation.

2 Oh, there it is. Private prisons
3 are an inherently problematic industry as they
4 make money through incarceration. The purpose of
5 prisons is ultimately, like I said, correction
6 and rehabilitation, not profit. Better said.

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

9 ACTING PRESIDENT PERSAUD: Will the
10 sponsor yield?

11 SENATOR CLEARE: Yes.

12 ACTING PRESIDENT PERSAUD: The
13 sponsor yields.

14 SENATOR BORRELLO: So you brought
15 something up that actually brought up a question
16 in my mind. You said that in the case of a
17 private prison that elected officials could be
18 lobbied to increase incarceration.

19 I mean, just -- could you please
20 explain that?

21 SENATOR CLEARE: They are lobbied
22 to create ways to increase incarceration. We
23 have had -- historically, there have been cases
24 and maybe not just elected officials, but judges
25 who have been corrupt and sentencing young people

1 to these private prisons for some sort of a
2 kickback.

3 And we don't want to encourage that
4 kind of behavior. We want to make sure that our
5 prisons are there to rehabilitate and to provide
6 a corrective course and to stop recidivism. But
7 we don't want people incarcerated because there's
8 profit involved.

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

11 SENATOR CLEARE: Yes.

12 ACTING PRESIDENT PERSAUD: The
13 sponsor yields.

14 SENATOR BORRELLO: Sorry, one more.

15 SENATOR CLEARE: No, don't be
16 sorry. I feel left out.

17 SENATOR BORRELLO: No, and I
18 appreciate that. But you made I think a pretty
19 serious accusation that judges are taking bribes
20 to encourage people to be sentenced to prison
21 directly so that it can be -- a profit can be
22 generated from the companies that operate the
23 prison.

24 Have we had cases of that? Has that
25 occurred in other parts of the United States? Or

1 do we have any evidence of that?

2 SENATOR CLEARE: Yes. There was a
3 case -- let me just -- hold on one minute.

4 It's the kids for cash scandal, but
5 I'm trying to find it for you. And yes, it does
6 occur.

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

9 ACTING PRESIDENT PERSAUD: Will the
10 sponsor yield?

11 SENATOR CLEARE: Yes.

12 SENATOR BORRELLO: So I will --
13 I'll take your word on that.

14 SENATOR CLEARE: I'll send it to
15 you too.

16 SENATOR BORRELLO: Please do.
17 Appreciate that.

18 But, you know, the biggest issue
19 here is that the vast majority of financial
20 institutions in New York State -- banks,
21 investment firms, people that would actually be
22 in -- the companies that would actually be
23 investing in these private prisons are not
24 state-chartered banks. And in fact
25 state-chartered banks are our community banks.

1 So with that being said, I'm
2 reminded of the fact that the Bank of New York,
3 which used to invest in private prisons, actually
4 stopped doing so because of advocacy, strong
5 advocacy of folks like yourself.

6 So wouldn't the better path be to
7 engage those folks that are depositors, people
8 that have mortgages and do business with these
9 banks, to organize, if private prisons are as bad
10 as you say, and just encourage them to actually
11 divest?

12 Because getting the Bank of New York
13 to divest from private prisons is much more
14 significant than a local community bank that's
15 likely a state-chartered bank. Wouldn't that be
16 a better path?

17 SENATOR CLEARE: Both are good
18 paths. But I think we have to make sure that
19 it's clear that we don't support private prisons,
20 and use the tools that we have in our hands right
21 now. And I think we need to prohibit our banks
22 from investing in them.

23 SENATOR BORRELLO: Madam President,
24 on the bill.

25 ACTING PRESIDENT PERSAUD: Senator

1 Borrello on the bill.

2 SENATOR BORRELLO: Senator Cleare,
3 I don't know if that was your first debate or
4 not, but --

5 SENATOR CLEARE: It was.

6 SENATOR BORRELLO: Thank you very
7 much. I appreciate the engagement and indulgence
8 today. Thank you.

9 As I've said many times in the
10 Banks Committee, what we do in the Banks
11 Committee is -- and the Legislature in general --
12 only impacts state-chartered banks. These are
13 our community banks.

14 So in the end, I can't find much
15 evidence of any investment in private prisons by
16 our state-chartered banks.

17 But this actually sets a bad
18 precedent. What we're saying is to every
19 financial institution in New York, but
20 particularly those that are state-chartered
21 banks, that we are going to tell you what you can
22 and cannot invest in.

23 And I understand that Senator
24 Cleare's experience is very different from mine
25 and others. But the facts, the data, doesn't

1 support the fact that private prisons are any
2 less good, quite frankly, than
3 government-operated prisons. The data just isn't
4 there.

5 There's always anecdotal evidence.
6 We can find that in any situation, anecdotal
7 evidence of a certain situation. But
8 holistically, on a broad scale, they are not
9 operated more poorly. And in fact they have an
10 incentive, because they are making profit, to
11 make sure that they are -- they do remain the
12 contractors to provide that service.

13 But that being said, I'm not going
14 to dispute that issue at that granular level.
15 But just to say that here in New York, we have
16 lost our state-chartered banks in large
17 numbers -- I believe 40 percent, just in the last
18 decade or so. It's very easy, quite frankly, for
19 them to become either a federally chartered bank
20 or get out of the business in New York
21 altogether, which is what many unfortunately have
22 chosen to do.

23 And what does that do? That reduces
24 the small community banks that give loans to
25 people that otherwise would not be able to get a

1 loan, that take those risks because they're the
2 people in the community, the people that are on
3 the board, the people in management. They know
4 the community.

5 So every time we put another nail in
6 the coffin of our state-chartered banks, we're
7 putting another nail in the coffin of
8 New Yorkers, particularly New Yorkers on a lower
9 income level, to be able to do things like buy a
10 car, own a home, send their kids to college. And
11 this is just another example of setting a bad
12 precedent with bad financial decisions.

13 Thank you, Madam President.

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

16 Seeing none, debate is closed.

17 The Secretary will ring the bell.

18 Read the last section.

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

21 ACTING PRESIDENT PERSAUD: Call the
22 roll.

23 (The Secretary called the roll.)

24 ACTING PRESIDENT PERSAUD: Senator
25 Cleare to explain her vote.

1 SENATOR CLEARE: Thank you.

2 This bill sets a very clear moral
3 and policy principle which follows upon the fact
4 that we already prohibit the operation of private
5 prisons in New York State, per Section 121 of the
6 Correction Law.

7 Senate Bill 8073 extends this
8 principle further by prohibiting any
9 state-chartered banking institution from
10 providing financing or investing in the stock,
11 securities or other obligations of an entity that
12 owns or operates a private correctional facility.

13 New York has been wise enough to ban
14 the very existence of private prisons in the
15 state, and thus it is extraordinarily logical to
16 prohibit banks chartered by the very same state
17 from investing in an activity that we have
18 declared as not only prohibited but morally
19 outrageous.

20 As we stand here today, over
21 115,000 people in this country are in private
22 prisons, and the number being detained by ICE
23 only adds to this alarming figure.

24 In my public service career and
25 community advocacy, I have helped numerous

1 constituents who had family members in private
2 prisons, and the experience was horrible. It's
3 often difficult and sometimes impossible to make
4 contact with the facilities and get information
5 on relatives, set up visits, or perform any kind
6 of wellness check. There's virtually no
7 accountability, no care, compassion -- and often
8 no one answers the phone.

9 Given the fact that private prisons
10 pose glaring moral and ethical conflicts and are
11 filled with lax safety standards for incarcerated
12 individuals and employees, this bill makes
13 complete sense. New York banks should not be
14 allowed to profit from institutions that the
15 state itself deems impermissible to even exist.
16 Prisons should be for correction, not for profit,
17 plain and simple.

18 Thank you.

19 ACTING PRESIDENT PERSAUD: Senator
20 Cleare to be recorded in the affirmative.

21 Announce the results.

22 THE SECRETARY: In relation to
23 Calendar 500, those Senators voting in the
24 negative are Senators Akshar, Borrello, Boyle,
25 Gallivan, Griffo, Helming, Jordan, Lanza,

1 Martucci, Mattera, Oberacker, O'Mara, Ortt,
2 Palumbo, Rath, Ritchie, Serino, Stec, Tedisco and
3 Weik.

4 Ayes, 42. Nays, 20.

5 ACTING PRESIDENT PERSAUD: The bill
6 is passed.

7 Senator Liu, that completes the
8 reading of the controversial calendar.

9 SENATOR LIU: Madam President,
10 there's a report of the Finance Committee at the
11 desk.

12 Please take that up and recognize
13 Senator Krueger on the report.

14 ACTING PRESIDENT PERSAUD: The
15 Secretary will read.

16 THE SECRETARY: Senator Krueger,
17 from the Committee on Finance, reports the
18 following nomination:

19 As Welfare Inspector General,
20 Lucy Lang.

21 ACTING PRESIDENT PERSAUD: Senator
22 Krueger.

23 SENATOR KRUEGER: Thank you very
24 much, Madam President.

25 I don't believe we have our

1 confirmee with us, so I do not plan to use a lot
2 of time here, just to say that Lucy Lang, who is
3 already functioning as the Inspector General for
4 the State of New York, is now being confirmed --
5 with our support -- to the Welfare Inspector
6 General position as well, and that she came
7 through multiple committees and had the support
8 of the committees.

9 Some of us know Lucy from when she
10 was a Manhattan ADA who actually ran for the DA
11 slot, I guess about a year ago now, and that she
12 has a long history of working on many complex
13 issues.

14 I was personally very glad to hear
15 her talk about the experience, as the Welfare
16 Inspector General, finding vendors and companies
17 who are exploiting our programs and actually
18 taking money away from the people who deserve and
19 need this money, low-income New Yorkers, and,
20 rather, exploit situations to take advantage and
21 even steal the money from the government and from
22 the low-income New Yorkers.

23 And so that she does have a very
24 broad understanding of how fraud and abuse can
25 take place, but is most likely to take place in

1 these programs with vendor participation.

2 And she answered all of our
3 questions, and I believe that people felt
4 confidence in her to continue her mission. She
5 also talked about the new problems with
6 Department of Labor fraud and abuse growing out
7 of the large numbers of people applying and new
8 benefits which had different rules to them during
9 COVID.

10 So, you know, the job of government
11 is to continue to make sure we self-police
12 ourselves and that we are all following our laws,
13 and inspector generals play very important
14 positions. And I believe that we have confidence
15 that Lucy Lang will do exactly that in her second
16 or third position -- I think she's also the IG of
17 one other agency already, but we have confidence
18 in her handling this additional position as well.

19 So I do nominate her. Thank you,
20 Madam President.

21 ACTING PRESIDENT PERSAUD: The
22 question is on the nomination.

23 Call the roll.

24 (The Secretary called the roll.)

25 ACTING PRESIDENT PERSAUD: Announce

1 the results.

2 THE SECRETARY: In relation to the
3 nomination of Welfare Inspector General Lucy
4 Lang, those Senators voting in the negative are
5 Senators Oberacker, Stec and Tedisco.

6 ACTING PRESIDENT PERSAUD: The
7 nomination is confirmed.

8 Senator Liu.

9 SENATOR LIU: Madam President, is
10 there any further business at the desk?

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

13 SENATOR LIU: Then I move to
14 adjourn until Monday, May 2nd, at 3:00 p.m., the
15 intervening days being legislative days.

16 ACTING PRESIDENT PERSAUD: On
17 motion, the Senate stands adjourned until Monday,
18 May 2nd, at 3:00 p.m., intervening days being
19 legislative days.

20 (Whereupon, at 1:28 p.m., the Senate
21 adjourned.)

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