

1 NEW YORK STATE SENATE

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4 THE STENOGRAPHIC RECORD

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8
9 ALBANY, NEW YORK

10 March 23, 2023

11 11:18 a.m.

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13
14 REGULAR SESSION

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18 SENATOR ROXANNE J. PERSAUD, Acting President

19 ALEJANDRA N. PAULINO, ESQ., Secretary

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

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

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

13 ACTING PRESIDENT PERSAUD: The
14 reading of the Journal.

15 THE SECRETARY: In Senate,
16 Wednesday, March 22, 2023, the Senate met
17 pursuant to adjournment. The Journal of Tuesday,
18 March 21, 2023, was read and approved. On
19 motion, the Senate adjourned.

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

22 Presentation of petitions.

23 Messages from the Assembly.

24 Messages from the Governor.

25 Reports of standing committees.

1 Reports of select committees.

2 Communications and reports from
3 state officers.

4 Motions and resolutions.

5 Senator Gianaris.

6 SENATOR GIANARIS: Thank you,
7 Madam President.

8 On behalf of Senator Cooney, on
9 page 26 I offer the following amendments to
10 Calendar Number 488, Senate Print 4742, and I ask
11 that the said bill retain its place on the
12 Third Reading Calendar.

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

16 Senator Gianaris.

17 SENATOR GIANARIS: At this time
18 we're going to take up previously adopted
19 Resolution 542, by Senator Ramos, and read its
20 title and recognize Senator Ramos.

21 ACTING PRESIDENT PERSAUD: The
22 Secretary will read.

23 THE SECRETARY: Senate Resolution
24 542, by Senator Ramos, commemorating the
25 112th Anniversary of the Triangle Shirtwaist

1 Factory Fire on March 25, 2023.

2 ACTING PRESIDENT PERSAUD: Senator
3 Ramos on the resolution.

4 SENATOR RAMOS: Thank you,
5 Madam President.

6 I know many of you already know my
7 story. Both of my parents were undocumented
8 immigrants from Colombia. My father was a
9 printing pressman, and my mother was an
10 undocumented seamstress.

11 To my family, the history of the
12 Jewish, Italian and Irish immigrants who came to
13 New York at the start of the 20th century is much
14 more than just in textbooks, it's actually our
15 story too.

16 Our city, our state, and this entire
17 country were built by workers, both enslaved
18 people and immigrants. It's a story with some
19 dark chapters. And one of the most painful parts
20 of that American history came on March 25, 1911,
21 when a fire raged at the Triangle Shirtwaist
22 Factory in Manhattan. One hundred forty-six of
23 the mostly Jewish and Italian immigrants who
24 worked at the factory died that day. Most of
25 them were immigrant women. They were

1 seamstresses just like my mama.

2 Those workers didn't have to die.
3 They were trapped in the flames because bosses
4 had padlocked the doors to keep union organizers
5 out. There was no way to put the fire out
6 because water buckets were left empty. The
7 factory owners had claimed their building was
8 fireproof when clearly it wasn't.

9 Worst of all, the owners allowed
10 only one exit. They said this was to prevent
11 stealing. Those owners were valuing their
12 merchandise and fabric scraps much more than
13 their workers.

14 Survivors were haunted for decades
15 by memories of people jumping out of the windows
16 and slamming against the locked doors.
17 Firefighters who showed up to battle the blaze
18 were crying in the streets. At the time, ladders
19 weren't long enough to reach the factory floor.

20 This fire destroyed dreams and new
21 families, and the people behind it weren't
22 punished. The factory owners were acquitted in a
23 quick trial after the blaze. Two years later,
24 they were at it again and fined for locking doors
25 at another factory. Time and time again, these

1 businessmen showed that they don't value human
2 life over their own profits.

3 But this tragedy wasn't all for
4 nothing. In the wake of the awful fire, unions
5 worked together with the people in this very same
6 room to press for meaningful reforms that helped
7 make workplaces safer. It was this body that
8 delivered some measure of accountability after
9 that tragic fire. Our predecessors knew that we
10 have the power to give workers and families a
11 better life. They showed that when big business
12 won't stand up for the people, we can do the
13 right thing.

14 So today, 112 years later, working
15 together with the unions, I ask that we pause,
16 take a moment, and honor the tragedy of those
17 lost workers. Over a century after the tragedy
18 at Triangle Shirtwaist Factory, sweatshops are
19 now Amazon warehouses and construction sites
20 where fatalities are up nearly 50 percent in
21 New York City. And yet, after record inflation,
22 wages are down.

23 That dark day shows us why we can
24 never forget the sacrifices our immigrant
25 families made to build our state, and we can't

1 just remember and mark the moment with
2 resolutions. The American dream started with the
3 working people, and it's up to us finally to make
4 that dream a reality.

5 Thank you, Madam President.

6 ACTING PRESIDENT PERSAUD: Thank
7 you, Senator.

8 Senator Gianaris.

9 SENATOR GIANARIS: Thank you,
10 Madam President.

11 Can we now move on to previously
12 adopted Resolution 502, by Senator Tedisco, read
13 its title, and recognize Senator Tedisco.

14 ACTING PRESIDENT PERSAUD: Sorry.
15 Resolution 542, by Senator Ramos, was previously
16 adopted on 3/15.

17 The Secretary will read.

18 THE SECRETARY: Senate Resolution
19 502, by Senator Tedisco, commemorating the
20 50th Anniversary of the Beagle School of
21 Saratoga Springs, New York.

22 ACTING PRESIDENT PERSAUD: Senator
23 Tedisco on the resolution.

24 SENATOR TEDISCO: Thank you,
25 Madam President.

1 Madam President and my colleagues,
2 the 44th State Senate District is blessed to have
3 many fine and outstanding academic institutions
4 for children of all ages, and one of those is the
5 Beagle School in the City of Saratoga Springs,
6 who are here today and celebrating their
7 50th anniversary this year.

8 The Beagle School is a private
9 preschool for children aged 2, 3 and 4 years, and
10 they follow the "Creative Curriculum" philosophy,
11 an unwavering belief that children this age learn
12 best when they are learning through play.

13 Their programs include Little
14 Explorers, a program for 2-year-olds; Voyagers, a
15 program for 3-year-olds; and Discoverers and
16 Beyond Beagle, a program for 4-year-olds.

17 As a former educator, I can assure
18 you milestones such as this one never occur
19 without outstanding leadership and supportive
20 parents, and we're fortunate to be joined by them
21 today. I'd like to introduce them to you,
22 Madam President.

23 Their director is here, Jessica
24 Todtenhagen; Board President Jennifer Taylor;
25 Teacher Anna Querrard; Board Member Audrey Moore

1 and her daughter Aislynn, who is a student also;
2 parent Mary English and her two sons, Freddy and
3 George, both of whom are current students; alumni
4 Patrick Ladd and alumni parent Deirdre Ladd.

5 Madam President, I would ask you,
6 with my colleagues, to join me in saluting them,
7 thanking them, and congratulating them on
8 50 years of outstanding educational development.

9 We know, myself as a previous
10 educator and some of those in the room, when you
11 start out early and give that foundation,
12 especially for young people who have
13 challenges -- you can't go back and repair that
14 type of thing or that type of development. So we
15 thank them for giving a great start to our young
16 children and, into the future, giving them the
17 gift of a tremendous foundation.

18 Thank you.

19 ACTING PRESIDENT PERSAUD: Thank
20 you, Senator.

21 To our guests, I welcome you on
22 behalf of the Senate. We extend to you the
23 privileges and courtesies of this house.

24 Please rise and be recognized.

25 (Standing ovation.)

1 ACTING PRESIDENT PERSAUD: The
2 resolution was previously adopted on March 9th.

3 Senator Gianaris.

4 SENATOR GIANARIS: The sponsors
5 would like to open these resolutions for
6 cosponsorship.

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

11 Senator Gianaris.

12 SENATOR GIANARIS: Please recognize
13 Senator Cooney for an introduction.

14 ACTING PRESIDENT PERSAUD: Senator
15 Cooney for an introduction.

16 SENATOR COONEY: Thank you,
17 Madam President.

18 I'm very proud to welcome members of
19 the Greater Rochester Chamber of Commerce, who
20 are in Albany today advocating on a wide variety
21 of issues related to economic growth and
22 prosperity in upstate New York.

23 The Rochester Chamber is led by CEO
24 and former Lieutenant Governor Bob Duffy, and
25 it's the voice of business for the Finger Lakes

1 region, representing 1300 member organizations.
2 They were recently reaccredited by the U.S.
3 Chamber of Commerce as a Five-Star Chamber, which
4 is a highest level of distinction bestowed to a
5 chamber of commerce, and held by fewer than
6 2 percent of chambers nationally.

7 I hope that we can welcome these
8 guests, including Goodwill of the Finger Lakes,
9 Pittsford Volunteer Ambulance, Fleet Feet
10 Rochester, Info Advantage, Linton Crystal, and
11 Buckingham Properties.

12 Thank you, Madam President.

13 ACTING PRESIDENT PERSAUD: Thank
14 you.

15 To our guests, I welcome you on
16 behalf of the Senate. We extend to you all of
17 the privileges and courtesies of this house.

18 Please rise and be recognized.

19 (Standing ovation.)

20 ACTING PRESIDENT PERSAUD: Senator
21 Gianaris.

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

24 ACTING PRESIDENT PERSAUD: The
25 Secretary will read.

1 THE SECRETARY: Calendar Number
2 186, Senate Print 440, by Senator Skoufis, an act
3 to amend the Executive 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: Senator
12 Ashby to explain his vote.

13 SENATOR ASHBY: Thank you,
14 Madam President.

15 I just wanted to take a moment to
16 thank the sponsor for bringing this bill to the
17 floor and share a few remarks regarding two of
18 the Tuskegee Airmen from our state, Herbert and
19 Richard Thorpe.

20 Richard unfortunately was killed in
21 a training accident in 1945, but his brother
22 Herbert just turned 100 this past January. He
23 trained as a pilot, a navigator and a bombardier.
24 For anybody who's in aviation, that's a
25 remarkable, remarkable achievement. And when he

1 returned home, he helped develop our modern air
2 traffic control system.

3 So I want to thank the sponsor for
4 bringing this and thank the Thorpe brothers for
5 their lasting contributions to our country.

6 Thank you.

7 ACTING PRESIDENT PERSAUD: Senator
8 Ashby to be recorded in the affirmative.

9 Senator Cleare to explain her vote.

10 SENATOR CLEARE: Thank you. Thank
11 you, Madam President.

12 I rise in strong support of this
13 bill, and I thank my colleague Senator Skoufis
14 for bringing this bill designating the fourth
15 Thursday in March as Tuskegee Airmen
16 Commemoration Day.

17 There is a strong and proud
18 connection between Harlem and the
19 Tuskegee Airmen, many of whom called Harlem home,
20 such as Dabney Montgomery.

21 A PFC in World War II, Montgomery
22 was honorably discharged from the U.S. Army with
23 a Good Conduct Medal, World War II Victory Medal,
24 Honorable Service Medal, Driver and Mechanic
25 Medal, and two Bronze Star Medals.

1 He went on to serve as Dr. Martin
2 Luther King's bodyguard and was an ardent
3 activist in the Civil Rights Movement. He was
4 known to have said: "When the laws of the state
5 conflict with the conscience of man, then the
6 laws of the state must be peaceably broken."

7 We named a portion of a street in
8 Harlem after him, due to his amazing and
9 inspiring life of service. He lived to 93. He
10 served our community on the Community Board and
11 in many other places, and I'm proud to have known
12 him.

13 Also, Wilfred DeFour, who served as
14 a chief official in the airmen's engineering
15 office and then worked 33 years for the U.S.
16 Postal Service while attending City College and
17 NYU's School of Commerce.

18 He also lived in Harlem. He lived
19 to be 100 years old.

20 Reginald Brewster, who noted how
21 much better he was treated in Europe than in the
22 United States. After the war, Brewster went to
23 Fordham University to study government and math,
24 and eventually got his Juris Doctorate from
25 Fordham and practiced law until he was 90.

1 It is a proud day for Harlem as we
2 pass this bill and remember those who contributed
3 so much to Harlem, to our city, to our state, to
4 the country and to the world.

5 Thank you. I vote aye.

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

8 Senator Webb to explain her vote.

9 SENATOR WEBB: Thank you,
10 Madam President.

11 I want to thank our colleague
12 Senator Skoufis for introducing this bill, and I
13 rise to explain my vote. I am honored to stand
14 here before you today to explain why this
15 legislation, this designation, this formal
16 designation is important, recognizing the fourth
17 Thursday in March as Tuskegee Airmen
18 Commemoration Day here in New York.

19 It is important that we take these
20 moments to recognize the rich legacy that we have
21 right here in this chamber. And so we gather
22 here to pay tribute to the brave men who
23 shattered racial barriers in the U.S. military
24 and beyond, and paved the way for future
25 generations.

1 Among those courageous individuals I
2 want to take this time and say the name of a
3 remarkable Tuskegee Airman and native Ithacan
4 whose contributions to this noble cause should
5 never be forgotten. And his name was Verdelle
6 Louis Payne. I'm just going to give you a quick
7 little piece about Mr. Payne.

8 He was born on October 1, 1919, and
9 lived on Cascadilla Street in Ithaca. He grew up
10 in a world where segregation and discrimination
11 were rampant, but he refused to be limited by
12 those societal constraints.

13 Mr. Payne was one of the first Black
14 licensed pilots from upstate New York. In 1943,
15 Mr. Payne joined the Tuskegee Airmen, where he
16 earned the rank of flight officer, serving in the
17 U.S. Army Air Force's 99th Fighter Squadron
18 during World War II.

19 Despite facing discrimination and
20 skepticism from some of their fellow servicemen,
21 these Tuskegee Airmen proved their bravery and
22 skill in the skies, completing over 15,000
23 missions and earning countless commendations for
24 their dedicated service.

25 There's a marker in the district at

1 212 Cascadilla Street that is the birthplace of
2 both not only Verdelle Louis Payne, but also
3 Roots author Alex Haley. And so recognizing
4 Mr. Payne's contributions, it also serves as a
5 reminder that we have a long way to go.

6 And so I hope that in taking this
7 time to recognize this important day that may we,
8 all of us here in this chamber, commit every day
9 to advancing and lifting up their legacy by
10 continuing to advance policies and practices that
11 are rooted in justice, human dignity, and
12 respect.

13 I vote aye, and I encourage my
14 colleagues to do the same.

15 Thank you so much.

16 ACTING PRESIDENT PERSAUD: Senator
17 Webb to be recorded in the affirmative.

18 Senator Comrie to explain his vote.

19 SENATOR COMRIE: Thank you,
20 Madam President.

21 I rise to also congratulate and
22 thank Senator Skoufis for putting this resolution
23 forward to commemorate the fourth Thursday of the
24 month as Tuskegee Airmen Day.

25 I was honored to have cosponsored a

1 bill, back when I was in the City Council in
2 2013, to name a portion of South Road in my
3 district as Tuskegee Airmen Way to honor the many
4 Tuskegee Airmen that lived in Queens and came
5 back after the war and truly created the
6 opportunity for so many of us to exist in peace
7 and harmony in Queens.

8 They came back after the war to face
9 prejudice, to face, if you look at articles about
10 what happened in Rosedale, burning crosses when
11 they first purchased homes -- to becoming the
12 first people to start civic associations, to
13 integrate PTAs, to do the things necessary so
14 that there could be a positive quality of life
15 for residents, minority residents, in
16 Southeast Queens.

17 The Tuskegee Airmen never stopped
18 serving, never stopped believing in community,
19 never stop believing in building, and never
20 stopped believing in creating opportunities to
21 bring other people along the way.

22 Those pilots, those ground crew and
23 personnel who were at first not even permitted to
24 serve in combat roles, became people that were
25 capable of operating and maintaining and flying

1 high-performance fighter planes. Proving their
2 mettle, they became escorts among bomber crews
3 and feared opponents among Germany's Luftwaffe,
4 who truly lost to them every time they came
5 against them.

6 They fought with honor and bravery,
7 overcoming adversity in service to a country that
8 once thought them to be incapable of flying. We
9 were able to create this opportunity to name a
10 part of South Jamaica in honoring them for their
11 role and doing everything that they've done for
12 this country.

13 I want to just also take a moment to
14 acknowledge certain Tuskegee Airmen that served
15 in a positive way throughout our entire country,
16 including Roscoe Brown, Mildred Carter,
17 Benjamin Davis and Harold Brown, who I had the
18 honor of meeting many times during my time in
19 service.

20 So I just wanted to take the
21 opportunity that we should all acknowledge the
22 opportunities that the Tuskegee Airmen have
23 brought to our country.

24 And thank you, Senator Skoufis, for
25 introducing this resolution.

1 ACTING PRESIDENT PERSAUD: Thank
2 you. Senator Comrie to be recorded in the
3 affirmative.

4 Senator Kennedy to explain his vote.

5 SENATOR KENNEDY: Thank you,
6 Madam President.

7 First of all, let me start by
8 thanking our colleague Senator Skoufis for
9 bringing this bill to the floor today.

10 I want to thank Majority Leader
11 Andrea Stewart-Cousins for her leadership in
12 helping to move this bill through the process.

13 I stand to simply honor those
14 courageous heroes, the Tuskegee Airmen, as we
15 pass this bill, commemorating what will be this
16 day, the fourth Thursday in March, as Tuskegee
17 Airmen Commemoration Day.

18 It is a wonderful thing to name a
19 day and to recognize them in perpetuity here in
20 the State of New York. We owe them so much more.
21 They gave everything they had, and many made the
22 ultimate sacrifice in the fight for a country
23 that they loved that in many ways did not love
24 them back.

25 And that was the Tuskegee Airmen,

1 heroes that went up into the sky, if you think
2 about that, in those machines, in the 1940s.
3 It's a scary thought. But they did it for love
4 of the country and love of community. And you
5 think about those courageous Black Americans that
6 overcame so much to get into those flying
7 machines, standing on the shoulders of their
8 fellow African-Americans that fought in every
9 single war in American history dating back to the
10 inception of this country. We have to remember
11 that as New Yorkers. We have to remember that as
12 Americans.

13 And, you know, I often tell the
14 story that our great Majority Leader
15 Stewart-Cousins tells about her own father, who
16 went off to war and came home and didn't even
17 qualify for the GI Bill.

18 Well, that was the Tuskegee Airmen
19 too, who, as my great fellow colleague
20 Chairman Comrie stated, came home to burning
21 crosses on the front lawn and hangings and
22 lynchings and despicable segregation and
23 despicable discrimination and horrific racism
24 that we still have to fight against today.

25 But we're reminded of the grace and

1 the beauty and the love of this great country by
2 those heroes like the Tuskegee Airmen that went
3 up into the sky. Just a few of which I had the
4 incredible honor -- that I'll never forget -- to
5 meet back in 2008 at the inauguration of the
6 first African-American president, Barack Obama.
7 After which the crowd, the masses that were
8 formed that day, were leaving the plaza and the
9 Washington Capitol, and you heard a whistle
10 blowing, loud and clear: "Make way, the Tuskegee
11 Airmen are coming through."

12 And everybody spread and moved out
13 of the way for these heroes to come through that
14 day. And it was one of those moments that I will
15 never forget. Just to be in their presence, just
16 to see these heroes come through and think about
17 the honor that they had that day, having faced
18 the discrimination in this country, but they
19 fought for this country, to see their greatest
20 dream come true: An African-American leader of
21 our great nation, Barack Obama.

22 So again, it's with tremendous honor
23 that I stand and recognize the Tuskegee Airmen as
24 we pass this bill. Again, thank you to
25 Senator Skoufis and Leader Stewart-Cousins for

1 bringing this to the floor. Hopefully we can get
2 this through and ultimately signed into law and
3 forever recognize those heroes that came before
4 us.

5 Thank you, Madam President. I vote
6 aye.

7 ACTING PRESIDENT PERSAUD: Senator
8 Kennedy to be recorded in the affirmative.

9 Senator Bailey to explain his vote.

10 SENATOR BAILEY: Thank you,
11 Madam President.

12 Thank you, Senator Skoufis, for
13 introducing this really important bill.

14 As a juxtaposition, once upon a time
15 there was something called the Tuskegee
16 Experiment, right, when they literally
17 experimented on black people because they thought
18 we were subhuman. And they gave us certain
19 diseases because they wanted to see how that
20 played out in time. So they used to experiment
21 on us.

22 But one of the greatest experiments
23 that clearly worked was these Black airmen, the
24 Tuskegee Airmen, that proved that we were not
25 inferior, that we were not subhuman, that we were

1 not undeserving -- that, in fact, we would rise
2 to the occasion, not just in the sky as pilots,
3 but we would rise to the occasion in this great
4 country.

5 And I can tell you that growing up
6 and just hearing the story and the legend of the
7 Tuskegee Airmen -- and when the movie came out
8 about the Tuskegee Airmen, as a kid I was
9 excited.

10 But speaking to my aunts and uncles
11 and my dad and my mom, when the story of the
12 Tuskegee Airmen first came out in the fifties and
13 sixties and seventies when they were growing up,
14 it was nothing short of remarkable for them.
15 Because they got to see people that looked like
16 them doing things that were never done before --
17 not because the folks didn't want to do it, and
18 not because they couldn't do it, because they
19 were prevented from doing so.

20 And so I'm just eternally grateful
21 that this day, that Tuskegee Airmen Commemoration
22 Day, is something that some kid in this great
23 State of New York is going to see one day,
24 they're going to read something about it, and
25 then they're going to understand that the

1 possible is within them because of the great
2 airmen that blazed the trail for us.

3 I vote aye, Madam President.

4 And thank you for introducing this
5 bill, Senator Skoufis.

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

8 Senator Griffio to explain his vote.

9 SENATOR GRIFFIO: Thank you,
10 Madam President.

11 You know, we've talked about the
12 legendary nature of these individuals and the
13 honor that we have to be in their presence. And
14 I want to thank the sponsor and all my colleagues
15 today for calling attention to this.

16 I'm very fortunate, as you heard
17 Senator Ashby before talk about Mr. Herbert
18 Thorpe. He is a resident in my district, a
19 remarkable and exceptional individual who all of
20 us together this year celebrated on his
21 100th birthday in January when we passed a
22 resolution to recognize him and I had the fortune
23 of nominating and placing him into our Senate
24 Veterans Hall of Fame.

25 Just an extraordinary individual

1 who's had an extraordinary life, who grew up in
2 Brooklyn, started in Brooklyn, and then came to
3 work for the Air Force Research Lab after his
4 service. So he continued not only in that -- as
5 a living legend, but as someone who contributed
6 to our nation but then came back and continued
7 that service in a civilian role, but also in so
8 many -- in a variety of different ways to serve
9 our community and to make a difference in our
10 community.

11 So we are fortunate that when he
12 took the job, he remained in the community and
13 raised his family there. And he has had just an
14 extraordinary influence.

15 So I'm proud today that we can still
16 talk to him and have the opportunity to learn
17 from his experiences and to hear the stories that
18 he recounts. Just a humble man and an
19 extraordinary man.

20 So I pay tribute again to all of
21 those who served, but particularly to Mr. Herbert
22 Thorpe, who celebrated his 100th birthday just a
23 couple of months ago and is doing well. So God
24 bless him, and thank you all very much.

25 ACTING PRESIDENT PERSAUD: Senator

1 Griffo to be recorded in the affirmative.

2 Senator Borrello to explain his
3 vote.

4 SENATOR BORRELLO: Thank you,
5 Madam President.

6 You know, the Tuskegee Airmen are
7 actually all across New York State, and I want to
8 speak of one in particular, in Jamestown.

9 John Phillip Elias was born in
10 Jamestown, New York. He was the son of John Q.
11 Elias and Louise Mitchell Elias. He attended
12 Love School and Jamestown High School. He was
13 drafted into the U.S. Army Air Corps in 1943. He
14 became a Tuskegee Airman and served in Italy and
15 the Pacific Theater during World War II as a
16 mechanic and a flyer of the P-51s, the famous
17 iconic P-51s, the P-51 Mustang fighter.

18 He earned numerous awards and
19 medals, and after a long career and dangerous
20 missions in World War II, he went back to a full
21 life in Jamestown.

22 My only regret is that this is I
23 believe the third or fourth year in a row now
24 where we have brought this bill forth and somehow
25 it has not moved into the other house and been

1 signed by the Governor, which I think is tragic.
2 So while we still have many alive that we can
3 still honor, every year that goes by,
4 unfortunately we will lose more.

5 So it's my hope, as I'm sure it's
6 the hope of this entire chamber, that this will
7 finally move forward and finally be recognized
8 officially, the brave service of the
9 Tuskegee Airmen, particularly those from New York
10 State.

11 Thank you.

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

14 Senator Skoufis to explain his vote.

15 SENATOR SKOUFIS: Thanks very much,
16 Madam President.

17 And I want to thank all my
18 colleagues who have spoken so eloquently and
19 captured why this bill is -- this commemoration
20 is important.

21 And we sometimes liberally use the
22 word "hero." There are fewer than -- just fewer
23 than a thousand Tuskegee Airmen. We're not
24 talking thousands or tens of thousands. There
25 were fewer than 1,000 Tuskegee Airmen. And in

1 general society, of course, we all know -- and as
2 Senator Kennedy remarked, even to this day Black
3 Americans were heinously discriminated against.

4 But these Tuskegee Airmen, while
5 serving, were discriminated against and harassed
6 and abused. While serving to protect this
7 country. While serving to protect the very
8 people who were discriminating against them.
9 These were, in every sense of the word, heroes.

10 And Senator Borrello has I think
11 spoken on this bill each of the last three or
12 four times it has come up in this chamber, and I
13 want to thank him. It is a shame that we're
14 still here needing to debate this and remark on
15 this, and it's not signed into law yet.

16 There are, with every year that
17 passes, fewer and fewer Tuskegee Airmen that are
18 still with us. There are fewer than 10 left. Of
19 the almost 1,000, fewer than 10 left. One
20 estimate I saw from this year had the number at
21 three left.

22 A number of Tuskegee Airmen settled
23 around West Point in Orange County, and that's
24 how I've grown to really develop this affinity
25 for this group. I've met, while they were alive

1 a number of years ago, met a number of them.

2 It would be a shame if that number
3 drops to zero and we're still talking about this
4 commemoration. It would be wonderful if we can
5 get this done while there are still a small
6 handful of Tuskegee Airmen with us.

7 And so Senator Borrello, every year
8 he's spoken, has implored the other house to
9 finally move this bill. I join him and really
10 implore the Assembly to finally move this bill
11 while there are still three Tuskegee Airmen with
12 us. And let's commemorate them and all those who
13 have left us to date.

14 Thank you, Madam President. I vote
15 yes.

16 ACTING PRESIDENT PERSAUD: Senator
17 Skoufis to be recorded in the affirmative.

18 Announce the results.

19 THE SECRETARY: Ayes, 59.

20 ACTING PRESIDENT PERSAUD: The bill
21 is passed.

22 THE SECRETARY: Calendar Number
23 188, Senate Print 1181, by Senator Harckham, an
24 act to amend the Executive Law.

25 ACTING PRESIDENT PERSAUD: Read the

1 last section.

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

4 ACTING PRESIDENT PERSAUD: Call the
5 roll.

6 (The Secretary called the roll.)

7 ACTING PRESIDENT PERSAUD: Senator
8 Harckham to explain his vote.

9 SENATOR HARCKHAM: Thank you very
10 much, Madam President.

11 I really enjoyed the prior
12 discussion and comments from all colleagues about
13 the heroes, the Tuskegee Airmen. And this bill
14 commemorates another group of American heroes, a
15 very small band of Americans who have changed the
16 course of American history; those are the less
17 than 4,000 Americans who have won the
18 Congressional Medal of Honor.

19 This started back during the
20 Civil War, and these are Americans who are
21 ordinary Americans who did extraordinary things,
22 changed the outcomes of battles and changed the
23 outcomes of history.

24 And so there is a National Day of
25 Commemoration, and this body some years ago did

1 pass a day, National Medal of Honor Day, which I
2 concur with the spirit of, but it was not aligned
3 with the national holiday. And so a number of
4 veterans groups have come to us and asked us to
5 align the two.

6 And so in the spirit of honoring
7 American heroes here today, on this bill I will
8 be voting aye and encourage colleagues to as
9 well.

10 Thank you, Madam President.

11 ACTING PRESIDENT PERSAUD: Senator
12 Harckham to be recorded in the affirmative.

13 Announce the results.

14 THE SECRETARY: Ayes, 59.

15 ACTING PRESIDENT PERSAUD: The bill
16 is passed.

17 THE SECRETARY: Calendar Number
18 231, Senate Print 1851, by Senator Hinchey, an
19 act to amend the Public Service Law.

20 ACTING PRESIDENT PERSAUD: Read the
21 last section.

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

24 ACTING PRESIDENT PERSAUD: Call the
25 roll.

1 (The Secretary called the roll.)

2 ACTING PRESIDENT PERSAUD: Senator
3 Murray to explain his vote.

4 SENATOR MURRAY: Thank you,
5 Madam President, to explain my vote.

6 First I want to thank the sponsor.
7 We had a conversation before the bill came up.

8 This is an important issue that is
9 affecting ratepayers in different parts of the
10 state but, interestingly enough, in different
11 ways.

12 So I thank the sponsor. This is an
13 important bill, of bringing some clarity to the
14 billing issue.

15 But on the issue of smart meters, in
16 our conversation I found it very interesting that
17 in Senator Hinchey's area the ratepayers are
18 hearing one story -- that it would cost too much
19 or raise your rates to install the smart
20 meters -- whereas on Long Island we're getting
21 calls from our customers and ratepayers who are
22 saying, Well, they're pushing this on us because
23 they say it will drop our rates. But yet they're
24 also penalizing those that decide they don't want
25 to have the smart meters installed.

1 So in addition to the billing issue
2 and the monthly and the estimations that are
3 being done and really messing up the billing
4 issue, we also have the issue of the smart
5 meters.

6 So as we address this today, this is
7 very important. I hope we'll continue the
8 conversation regarding the smart meters and
9 installation and the penalties that are being
10 imposed on the ratepayers.

11 So I thank the sponsor for this
12 bill, and I support it.

13 Thank you.

14 ACTING PRESIDENT PERSAUD: Senator
15 Murray to be recorded in the affirmative.

16 Senator Hinchey to explain her vote.

17 SENATOR HINCHEY: Thank you,
18 Madam President.

19 And I appreciate my colleague's
20 comments on this bill.

21 There is a lot of work to be done
22 still in the utility space, and that's something
23 I know that everyone in this body is committed
24 to. And I wanted to give credit too to
25 Senator Parker, who has done a lot of work and

1 continues to lead the way.

2 This bill is a really important
3 bill, as a number of years ago the PSC told our
4 utility companies across the state that they had
5 to send their customers a bill every month, so
6 that way people could actually budget and plan
7 and make sure that while paying for this utility,
8 paying for their heat, they could also manage the
9 rest of their finances and their life, as opposed
10 to having a bill every other month.

11 And what some utility companies did
12 was instead of actually reading the meters every
13 month, as was expected in that decision by the
14 PSC, they implemented something called estimated
15 billing, which then would provide someone an
16 accurate bill one month and a quote, unquote,
17 estimated bill the next month.

18 And what we have found is that
19 estimated bill often is not actually estimated on
20 any fact. People were getting bills that were
21 astronomically higher than they owed, and their
22 accounts were being overdrafted. They never
23 actually owed the amount of money they were being
24 billed. And even though they may get a credit
25 back later on, it doesn't change the fact that

1 they cannot afford that bill today.

2 And so what we have done -- and I
3 want to commend many people in my community,
4 especially in Ulster County and specifically
5 Tyrone Wilson, the human rights commissioner, for
6 bringing this issue to our attention last summer.

7 What this bill does is it eliminates
8 the practice of estimated billing and actually
9 now requires our utilities to provide accurate
10 meter readings and accurate bills every month so
11 that people can actually only pay what they owe.
12 Something pretty simple, but something that is
13 profoundly important to people across the state
14 and especially in our community.

15 And so while we will continue to
16 review the practices and the policies of many of
17 our utility companies to ensure that people are
18 not being overcharged and that we are actually
19 providing them the service that they deserve,
20 this is an important step forward, and I thank my
21 colleagues for the support on this bill.

22 Thank you very much.

23 ACTING PRESIDENT PERSAUD: Senator
24 Hinchey to be recorded in the affirmative.

25 Announce the results.

1 THE SECRETARY: Ayes, 59.

2 ACTING PRESIDENT PERSAUD: The bill
3 is passed.

4 THE SECRETARY: Calendar Number
5 302, Senate Print 1180, by Senator Harckham, an
6 act to amend Chapter 668 of the Laws of 1977.

7 ACTING PRESIDENT PERSAUD: Read the
8 last section.

9 THE SECRETARY: Section 2. 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, 59.

17 ACTING PRESIDENT PERSAUD: The bill
18 is passed.

19 THE SECRETARY: Calendar Number
20 480, Senate Print 4435, by Senator Fernandez, an
21 act to amend the Insurance Law and the
22 Public Health Law.

23 ACTING PRESIDENT PERSAUD: Read the
24 last section.

25 THE SECRETARY: Section 7. This

1 act shall take effect on the 180th day after it
2 shall have become a law.

3 ACTING PRESIDENT PERSAUD: Call the
4 roll.

5 (The Secretary called the roll.)

6 ACTING PRESIDENT PERSAUD: Announce
7 the results.

8 THE SECRETARY: Ayes, 59.

9 ACTING PRESIDENT PERSAUD: The bill
10 is passed.

11 THE SECRETARY: Calendar Number
12 502, Senate Print 4597, by Senator Martinez,
13 Concurrent Resolution of the Senate and Assembly
14 proposing an amendment to Section 5 of Article 8
15 of the Constitution.

16 ACTING PRESIDENT PERSAUD: Call the
17 roll on the resolution.

18 (The Secretary called the roll.)

19 ACTING PRESIDENT PERSAUD: Announce
20 the results.

21 THE SECRETARY: Ayes, 59.

22 ACTING PRESIDENT PERSAUD: The bill
23 is passed.

24 THE SECRETARY: Calendar Number
25 505, Senate Print 1522, by Senator Persaud, an

1 act to amend the Correction Law.

2 ACTING PRESIDENT PERSAUD: Read the
3 last section.

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

6 ACTING PRESIDENT PERSAUD: Call the
7 roll.

8 (The Secretary called the roll.)

9 ACTING PRESIDENT PERSAUD: Senator
10 Webb to explain her vote.

11 SENATOR WEBB: Thank you,
12 Madam President.

13 I first want to thank you,
14 Madam President, for bringing this bill to
15 Women's Issues. As the chair of that committee
16 here in the Senate, I was proud to move this
17 legislation through our committee to allow it to
18 come before the full Senate for consideration.

19 This legislations builds upon
20 actions we have taken here in New York to address
21 menstrual equity by breaking down barriers and
22 stigmas regarding menstruation, which is a
23 natural process within our reproductive system.

24 Menstruation is a healthy biological
25 process and it is not shameful or dirty. We no

1 longer tax menstrual products. We have made them
2 free in public schools, correctional facilities,
3 and homeless shelters because menstruating people
4 should not have to worry about whether or not
5 they can afford products to manage their periods.
6 And yes, I'm saying the word "period."

7 This bill will further advance
8 menstrual equity by removing terms from our laws
9 that perpetuate the stigma. We all know that
10 words are powerful, and words like "feminine
11 hygiene" and "sanitary products" that have been
12 used for years to describe menstrual products,
13 implies that one's period is shameful rather than
14 a healthy and normal action of the human body.

15 No one should feel embarrassed by
16 their body, and this bill further removes the
17 stigma. And again, I want to commemorate and
18 extend my appreciation to Senator Persaud for
19 bringing this bill to the floor.

20 I proudly vote aye, and I encourage
21 my colleagues to do the same.

22 Thank you.

23 ACTING PRESIDENT PERSAUD: Senator
24 Webb to be recorded in the affirmative.

25 Announce the results.

1 THE SECRETARY: In relation to
2 Calendar 505, those Senators voting in the
3 negative are Senators Lanza, O'Mara and Ortt.

4 Ayes, 56. Nays, 3.

5 ACTING PRESIDENT PERSAUD: The bill
6 is passed.

7 THE SECRETARY: Calendar Number
8 510, Senate Print 4886, by Senator Gianaris, an
9 act to amend the Environmental Conservation Law.

10 ACTING PRESIDENT PERSAUD: Read the
11 last section.

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

14 ACTING PRESIDENT PERSAUD: Call the
15 roll.

16 (The Secretary called the roll.)

17 ACTING PRESIDENT PERSAUD: Announce
18 the results.

19 THE SECRETARY: In relation to
20 Calendar 510, those Senators voting in the
21 negative are Senators Ashby, Borrello, Griffio,
22 Oberacker, O'Mara, Ortt, Palumbo, Rolison, Stec,
23 Tedisco and Walczyk.

24 Ayes, 48. Nays, 11.

25 ACTING PRESIDENT PERSAUD: The bill

1 is passed.

2 THE SECRETARY: Calendar Number
3 516, Senate Print 5036, by Senator May, an act to
4 amend the Education 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 516, those Senators voting in the
16 negative are Senators Lanza and Walczyk.

17 Ayes, 57. Nays, 2.

18 ACTING PRESIDENT PERSAUD: The bill
19 is passed.

20 THE SECRETARY: Calendar Number
21 517, Senate Print 1398, by Senator Liu, an act to
22 amend the Administrative Code of the City of
23 New York.

24 ACTING PRESIDENT PERSAUD: Read the
25 last section.

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

3 ACTING PRESIDENT PERSAUD: Call the
4 roll.

5 (The Secretary called the roll.)

6 ACTING PRESIDENT PERSAUD: Announce
7 the results.

8 THE SECRETARY: In relation to
9 Calendar 517, those Senators voting in the
10 negative are Senators Ashby, Borrello, Griffo,
11 Martins, Mattera, Murray, Oberacker, O'Mara,
12 Ortt, Palumbo, Rhoads, Rolison, Stec, Tedisco,
13 Walczyk, Weber and Weik.

14 Ayes, 42. Nays, 17.

15 ACTING PRESIDENT PERSAUD: The bill
16 is passed.

17 THE SECRETARY: Calendar Number
18 526, Senate Print 5399, by Senator Hoylman-Sigal,
19 an act to amend the Public Health Law.

20 ACTING PRESIDENT PERSAUD: Read the
21 last section.

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

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 526, those Senators voting in the
6 negative are Senators Borrello, Griffo, Helming,
7 Martins, Mattera, Murray, Oberacker, O'Mara,
8 Ortt, Rhoads, Stec, Tedisco, Walczyk, Weber and
9 Weik.

10 Ayes, 44. Nays, 15.

11 ACTING PRESIDENT PERSAUD: The bill
12 is passed.

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

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

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

19 SENATOR GIANARIS: I move to
20 adjourn until Monday, March 27th, at 3:00 p.m.,
21 with the intervening days being legislative days.

22 ACTING PRESIDENT PERSAUD: On
23 motion, the Senate stands adjourned until Monday,
24 March 27th, at 3:00 p.m., intervening days being
25 legislative days.

1 (Whereupon, at 12:01 p.m., the
2 Senate adjourned.)
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