NEW YORK STATE SENATE

THE STENOGRAPHIC RECORD

ALBANY, NEW YORK

March 23, 2023

11:18 a.m.

REGULAR SESSION

SENATOR ROXANNE J. PERSAUD, Acting President

ALEJANDRA N. PAULINO, ESQ., Secretary

P R O C E E D I N G S

ACTING PRESIDENT PERSAUD: The Senate will come to order.

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

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

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

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

ACTING PRESIDENT PERSAUD: The reading of the Journal.

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

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

Presentation of petitions.

Messages from the Assembly.

Messages from the Governor.

Reports of standing committees.

Reports of select committees.

Communications and reports from state officers.

Motions and resolutions.

Senator Gianaris.

SENATOR GIANARIS: Thank you, Madam President.

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

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

Senator Gianaris.

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

ACTING PRESIDENT PERSAUD: The Secretary will read.

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

Factory Fire on March 25, 2023.

ACTING PRESIDENT PERSAUD: Senator Ramos on the resolution.

SENATOR RAMOS: Thank you, Madam President.

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

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

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

seamstresses just like my mama.

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

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

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

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

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

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

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

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

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

Thank you, Madam President.

ACTING PRESIDENT PERSAUD: Thank you, Senator.

Senator Gianaris.

SENATOR GIANARIS: Thank you, Madam President.

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

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

The Secretary will read.

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

ACTING PRESIDENT PERSAUD: Senator Tedisco on the resolution.

SENATOR TEDISCO: Thank you, Madam President.

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

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

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

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

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

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

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

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

Thank you.

ACTING PRESIDENT PERSAUD: Thank you, Senator.

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

Please rise and be recognized.

(Standing ovation.)

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

Senator Gianaris.

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

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

Senator Gianaris.

SENATOR GIANARIS: Please recognize Senator Cooney for an introduction.

ACTING PRESIDENT PERSAUD: Senator Cooney for an introduction.

SENATOR COONEY: Thank you, Madam President.

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

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

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

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

Thank you, Madam President.

ACTING PRESIDENT PERSAUD: Thank you.

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

Please rise and be recognized.

(Standing ovation.)

ACTING PRESIDENT PERSAUD: Senator Gianaris.

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

ACTING PRESIDENT PERSAUD: The Secretary will read.

THE SECRETARY: Calendar Number 186, Senate Print 440, by Senator Skoufis, an act to amend the Executive Law.

ACTING PRESIDENT PERSAUD: Read the last section.

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

ACTING PRESIDENT PERSAUD: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT PERSAUD: Senator Ashby to explain his vote.

SENATOR ASHBY: Thank you, Madam President.

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

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

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

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

Thank you.

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

Senator Cleare to explain her vote.

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

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

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

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

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

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

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

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

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

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

Thank you. I vote aye.

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

Senator Webb to explain her vote.

SENATOR WEBB: Thank you, Madam President.

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

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

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

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

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

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

There's a marker in the district at

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

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

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

Thank you so much.

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

Senator Comrie to explain his vote.

SENATOR COMRIE: Thank you, Madam President.

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

I was honored to have cosponsored a

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

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

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

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

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

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

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

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

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

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

Senator Kennedy to explain his vote.

SENATOR KENNEDY: Thank you, Madam President.

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

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

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

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

And that was the Tuskegee Airmen,

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

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

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

But we're reminded of the grace and

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

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

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

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

Thank you, Madam President. I vote aye.

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

Senator Bailey to explain his vote.

SENATOR BAILEY: Thank you, Madam President.

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

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

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

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

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

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

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

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

I vote aye, Madam President.

And thank you for introducing this bill, Senator Skoufis.

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

Senator Griffo to explain his vote.

SENATOR GRIFFO: Thank you, Madam President.

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

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

Just an extraordinary individual

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

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

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

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

ACTING PRESIDENT PERSAUD: Senator

Griffo to be recorded in the affirmative.

Senator Borrello to explain his vote.

SENATOR BORRELLO: Thank you, Madam President.

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

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

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

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

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

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

Thank you.

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

Senator Skoufis to explain his vote.

SENATOR SKOUFIS: Thanks very much, Madam President.

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

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

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

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

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

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

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

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

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

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

Thank you, Madam President. I vote yes.

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

Announce the results.

THE SECRETARY: Ayes, 59.

ACTING PRESIDENT PERSAUD: The bill is passed.

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

ACTING PRESIDENT PERSAUD: Read the

last section.

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

ACTING PRESIDENT PERSAUD: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT PERSAUD: Senator Harckham to explain his vote.

SENATOR HARCKHAM: Thank you very much, Madam President.

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

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

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

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

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

Thank you, Madam President.

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

Announce the results.

THE SECRETARY: Ayes, 59.

ACTING PRESIDENT PERSAUD: The bill is passed.

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

ACTING PRESIDENT PERSAUD: Read the last section.

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

ACTING PRESIDENT PERSAUD: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT PERSAUD: Senator Murray to explain his vote.

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

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

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

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

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

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

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

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

Thank you.

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

Senator Hinchey to explain her vote.

SENATOR HINCHEY: Thank you, Madam President.

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

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

continues to lead the way.

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

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

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

they cannot afford that bill today.

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

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

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

Thank you very much.

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

Announce the results.

THE SECRETARY: Ayes, 59.

ACTING PRESIDENT PERSAUD: The bill is passed.

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

ACTING PRESIDENT PERSAUD: Read the last section.

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

ACTING PRESIDENT PERSAUD: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT PERSAUD: Announce the results.

THE SECRETARY: Ayes, 59.

ACTING PRESIDENT PERSAUD: The bill is passed.

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

ACTING PRESIDENT PERSAUD: Read the last section.

THE SECRETARY: Section 7. This

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

ACTING PRESIDENT PERSAUD: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT PERSAUD: Announce the results.

THE SECRETARY: Ayes, 59.

ACTING PRESIDENT PERSAUD: The bill is passed.

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

ACTING PRESIDENT PERSAUD: Call the roll on the resolution.

(The Secretary called the roll.)

ACTING PRESIDENT PERSAUD: Announce the results.

THE SECRETARY: Ayes, 59.

ACTING PRESIDENT PERSAUD: The bill is passed.

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

act to amend the Correction Law.

ACTING PRESIDENT PERSAUD: Read the last section.

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

ACTING PRESIDENT PERSAUD: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT PERSAUD: Senator Webb to explain her vote.

SENATOR WEBB: Thank you, Madam President.

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

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

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

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

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

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

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

Thank you.

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

Announce the results.

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

Ayes, 56. Nays, 3.

ACTING PRESIDENT PERSAUD: The bill is passed.

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

ACTING PRESIDENT PERSAUD: Read the last section.

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

ACTING PRESIDENT PERSAUD: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT PERSAUD: Announce the results.

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

Ayes, 48. Nays, 11.

ACTING PRESIDENT PERSAUD: The bill

is passed.

THE SECRETARY: Calendar Number 516, Senate Print 5036, by Senator May, an act to amend the Education Law.

ACTING PRESIDENT PERSAUD: Read the last section.

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

ACTING PRESIDENT PERSAUD: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT PERSAUD: Announce the results.

THE SECRETARY: In relation to Calendar 516, those Senators voting in the negative are Senators Lanza and Walczyk.

Ayes, 57. Nays, 2.

ACTING PRESIDENT PERSAUD: The bill is passed.

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

ACTING PRESIDENT PERSAUD: Read the last section.

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

ACTING PRESIDENT PERSAUD: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT PERSAUD: Announce the results.

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

Ayes, 42. Nays, 17.

ACTING PRESIDENT PERSAUD: The bill is passed.

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

ACTING PRESIDENT PERSAUD: Read the last section.

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

ACTING PRESIDENT PERSAUD: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT PERSAUD: Announce the results.

THE SECRETARY: In relation to Calendar 526, those Senators voting in the negative are Senators Borrello, Griffo, Helming, Martins, Mattera, Murray, Oberacker, O'Mara, Ortt, Rhoads, Stec, Tedisco, Walczyk, Weber and Weik.

Ayes, 44. Nays, 15.

ACTING PRESIDENT PERSAUD: The bill is passed.

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

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

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

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

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

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