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NEW YORK STATE SENATE

THE STENOGRAPHIC RECORD

ALBANY, NEW YORK

January 30, 2024

3:41 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: Rabbi  
9 Mordechai Schwab, of Yeshiva Rabbi Samson Raphael  
10 Hirsch, in Wesley Hills, New York, will deliver  
11 today's invocation.

12 Rabbi?

13 RABBI MORDECHAI SCHWAB: Good  
14 afternoon.

15 With permission from my father, who  
16 is with us here today, who came close to 90 years  
17 ago to this great country and to the United  
18 States of America -- as a German immigrant, age  
19 of one years old, he came to this great State of  
20 New York and was given the opportunity of life.

21 Thank you for all of those who serve  
22 here and those who have served here in the past,  
23 who have given that opportunity of life to so  
24 many others.

25 Thank you to the great

1 Senator Weber, for all you do for so many. A  
2 great, magnanimous, gracious, kind and wonderful  
3 person, who takes care of the details of all his  
4 constituents. And from all of those in  
5 Rockland County, for all that you do for each and  
6 every one of us, thank you. Thank you so much.

7 I stand here today with a feeling of  
8 reverence, awe, humility and great pride, and I  
9 would like to share with you why. It was 1948,  
10 and my grandfather, an immigrant as well, the  
11 Grand Rabbi of the German Jewry of  
12 Washington Heights, went into the Pennsylvania  
13 Station at 12:15 on a Wednesday in March, and  
14 there he went to see the great President Truman.

15 With reverence he said, This man was  
16 given the power by God to end World War II and  
17 the Holocaust, saving so many from suffering.  
18 And with great fervor he said {Hebrew}: "Blessed  
19 are You, God, King of the Universe, who has given  
20 to man from His glory."

21 Well, it's 75 years later. I stand  
22 here with awe, reverence, humility, and great  
23 pride in these hallowed halls. I say to each and  
24 every one of {Hebrew}: "Blessed are You, God,  
25 King of the Universe, who has given to man from

1 His honor."

2 For all you have done in the past  
3 and all you can continue to do in the future, to  
4 each and every one of you, thank you.

5 It was close to 44 years ago, we  
6 were sitting the synagogue on Shabbos morning.  
7 My father reached over to me and he said, Son, I  
8 want to teach you an important prayer. It's a  
9 prayer that I want you to say for the rest of  
10 your life every Shabbos, every Saturday morning.  
11 I want you to say it and I want your children to  
12 say it as well. It's the great prayer of  
13 {Hebrew}, the prayer that we say every Shabbos  
14 for the American government and those who serve  
15 in it.

16 Well, Father, it's 44 years later.  
17 And I still say that tefillah, that prayer, every  
18 single Shabbos. I say it and my children say it  
19 as well. And now, as you instructed me, I would  
20 like to call you up to this podium and stand  
21 beside me that we could say this prayer together  
22 again. And I would like to call up my sons to  
23 stand beside me as well, three generations  
24 together, praying for the welfare of the  
25 United States of America, for the New York State

1 Senators, for the great New York State and all  
2 those who serve this great country.

3 {Hebrew}, He who gives salvation to  
4 great Kings and dominion and power to lords. He  
5 who delivered the servant David from the enemy.  
6 He that has done so much. May He {Hebrew}, the  
7 Master of the World, bless, keep, preserve,  
8 rescue, exalt, magnify and lift higher and higher  
9 our government officials, our Senators, the  
10 United States of America, and all those that  
11 serve this great country.

12 {Hebrew}, the Kings of Kings, defend  
13 them, protect them, have mercy on them, and save  
14 them from all distress and harm. May the King of  
15 Kings, for His goodness' sake, take care of all  
16 our dignitaries and all who serve this great  
17 country. Please have mercy on them and put into  
18 their heart and the heart of all the counselors  
19 and attendees. Show mercy on them that they  
20 should show mercy to all their people and to  
21 humanity.

22 We ask the One above to allow us to  
23 dwell in safety and peace. And let us all say  
24 {Hebrew}. Let us say amen.

25 Thank you all for this great and

1 awesome opportunity.

2 ACTING PRESIDENT BAILEY: Reading  
3 of the Journal.

4 THE SECRETARY: In Senate, Monday,  
5 January 29, 2024, the Senate met pursuant to  
6 adjournment. The Journal of Sunday, January 28,  
7 2024, was read and approved. On motion, the  
8 Senate adjourned.

9 ACTING PRESIDENT BAILEY: Without  
10 objection, the Journal stands approved as read.

11 Presentation of petitions.

12 Messages from the Assembly.

13 The Secretary will read.

14 THE SECRETARY: Senator Cleare  
15 moves to discharge, from the Committee on Rules,  
16 Assembly Bill Number 8521 and substitute it for  
17 the identical Senate Bill 8062, Third Reading  
18 Calendar 50.

19 Senator Fernandez moves to  
20 discharge, from the Committee on Rules,  
21 Assembly Bill Number 8564 and substitute it for  
22 the identical Senate Bill 8021, Third Reading  
23 Calendar 175.

24 Senator Cleare moves to discharge,  
25 from the Committee on Rules, Assembly Bill

1 Number 8519 and substitute it for the identical  
2 Senate Bill 8046, Third Reading Calendar 185.

3 Senator Mannion moves to discharge,  
4 from the Committee on Rules, Assembly Bill  
5 Number 8486 and substitute it for the identical  
6 Senate Bill 8049, Third Reading Calendar 188.

7 ACTING PRESIDENT BAILEY: So  
8 ordered.

9 Messages from the Governor.  
10 Reports of standing committees.  
11 Reports of select committees.  
12 Communications and reports from  
13 state officers.

14 Motions and resolutions.

15 Senator Gianaris.

16 SENATOR GIANARIS: Good afternoon,  
17 Mr. President.

18 I move to adopt the  
19 Resolution Calendar, with the exception of  
20 Resolutions 1738 and 1740.

21 ACTING PRESIDENT BAILEY: All those  
22 in favor of adopting the Resolution Calendar,  
23 with the exception of Resolutions 1738  
24 {singing} --

25 (Laughter.)

1                   ACTING PRESIDENT BAILEY:    -- and  
2   1740, please signify by saying aye.

3                   (Response of "Aye.")

4                   ACTING PRESIDENT BAILEY:    Opposed,  
5   nay.

6                   (No response.)

7                   ACTING PRESIDENT BAILEY:    The  
8   Resolution Calendar is adopted.

9                   Senator Gianaris.

10                  SENATOR GIANARIS:    Let's begin with  
11   Resolution 1738, by Senator Serrano, read its  
12   title only, and recognize Senator Serrano.

13                  ACTING PRESIDENT BAILEY:    The  
14   Secretary will read.

15                  THE SECRETARY:    Senate Resolution  
16   1738, by Senator Serrano, congratulating the  
17   Cardinal Hayes High School Football Team upon the  
18   occasion of capturing the 2023 New York State  
19   Catholic High School Athletic Association  
20   Championship on December 2, 2023.

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

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

25                  It is a tremendous honor to rise and

1 recognize the outstanding achievement of the  
2 Cardinal Hayes High School Football Team on  
3 winning the 2023 New York State Catholic High  
4 School Championship. They are the state champs.

5 I am very proud and honored to  
6 represent them in my district, but I am also a  
7 proud alumni of Cardinal Hayes High School. And  
8 it's hard to believe it was 38 years ago, in  
9 1986, when I first set foot as a freshman in  
10 Cardinal Hayes. But it is amazing to see how  
11 this program, the football program, has moved.  
12 And to win this, it is a tremendous  
13 accomplishment.

14 I would like to thank Coach O'Neil  
15 and all of the coaching staff for this tremendous  
16 accomplishment, and of course colleague in the  
17 Assembly, Assemblymember Amanda Septimo, for  
18 carrying this resolution as well in the New York  
19 State Assembly.

20 What's more remarkable about this  
21 accomplishment is the adversity that this team  
22 has overcome: Inadequate training facilities,  
23 difficulties with their training room and weight  
24 room. So many different things that they  
25 overcame. Last year they did not have a winning

1 record; I believe they were 2 and 8. To then  
2 turn that around and win the championship this  
3 year is amazing.

4 I asked one of the players earlier  
5 today what was different, what changed from last  
6 year to this year. And he said it was the  
7 camaraderie. He said it was the cohesiveness of  
8 the team, working together prior to the season,  
9 building those relationships. And we see how  
10 that has transpired into this winning program  
11 that we can all be proud of.

12 And I think that's a valuable lesson  
13 for all of us, that actually endeavoring to build  
14 more cohesiveness is really the way to build  
15 strength and opportunity for people.

16 And it's also very, I think,  
17 profound to think about the neighborhood in which  
18 Cardinal Hayes represents, the South Bronx, where  
19 I've lived all my life. Where, for decades, sort  
20 of cast aside, people not believing in the Bronx  
21 in the way that it should be respected. And  
22 their accomplishment I think is indicative of the  
23 strength and resilience of the Bronx, of the  
24 South Bronx in particular, with this tremendous  
25 history, with these tremendous roots.

1                   Again, I could go on and on for days  
2 talking about how proud I am of this team, all  
3 they've overcome, and how they've achieved this  
4 level of greatness through their perseverance and  
5 through their cohesiveness. I think it's a  
6 wonderful lesson for folks in the Bronx and  
7 throughout New York City, and throughout the  
8 state. They are the state champs.

9                   So it gives me great pleasure to  
10 bring forth this resolution. And I'm thankful to  
11 all of my colleagues here for supporting it. And  
12 again, with that, I will say, Up Hayes!

13                   (Response from gallery: "And All  
14 its Loyal Men!")

15                   SENATOR SERRANO: Thank you.

16                   ACTING PRESIDENT PERSAUD:  
17 Senator Bailey.

18                   SENATOR BAILEY: Thank you,  
19 Madam President.

20                   Thank you, Senator Serrano, for this  
21 great resolution. I am -- I'd like to think of  
22 myself as an honorary Hayesman. The best man at  
23 my wedding was a Hayesman. My best friend  
24 growing up from church is a Hayesman, Class of  
25 2000, where you've had in that class a true

1 World Champion, Willie Colon, and a number of  
2 other Division I players. There's been a rich  
3 tradition of great talent at Cardinal Hayes down  
4 on the Concourse.

5 But you've achieved something  
6 greater than beating them out on Thanksgiving,  
7 and it is the first inner-city school to win a  
8 state championship in football. I think that is  
9 something that we have never seen before. And we  
10 saw it come from the Bronx. We saw it come from  
11 resilient young men who would not be defeated.  
12 We saw it come from an institution who has seen  
13 the likes of Regis Philbin and Edward Caban walk  
14 through their halls. But they have never seen  
15 state champions until now. You young men have  
16 done something that nobody that has walked  
17 through the halls of your hallowed institution  
18 has ever done.

19 So when you look back at this season  
20 and when -- 10, 20, 30 years in the future, in  
21 whatever career you are succeeding in, I want you  
22 to realize that you are breaking barriers, that  
23 you have broken barriers. And let that be an  
24 inspiration to you in your future career  
25 endeavors, whether they be on the field of

1 competition or in the boardrooms or in the  
2 chambers of the New York State Senate or  
3 Assembly.

4                   Football is the ultimate team sport.  
5 They didn't let us play football at Bronx  
6 Science. We didn't have a team. They wouldn't  
7 even let us play flag football, for whatever  
8 reason.

9                   But the ultimate team sport took a  
10 lot of things like sacrifice. It took not just  
11 your on-the-field training, not just your  
12 off-season regimen, but it took you time to gel  
13 as a team, to recover from that season that you  
14 had last year, to do something that has been  
15 never done before.

16                   And so I salute you, not just as a  
17 through-and-through Bronxite, not just as an avid  
18 sports fan, not just as an honorary Hayesman, but  
19 as someone who is excited about the future being  
20 in your hands. Continue to harness the greatness  
21 that you have. And remember, life is the  
22 ultimate team sport. That you will encounter  
23 people upon the field of life that you may not  
24 agree with. And, much like you did this year,  
25 just run through.

1                   Congratulations to the  
2 Cardinal Hayes Football Team. And Marco, if I  
3 may, can I get an Up Hayes?

4                   (Response: "And All its Loyal  
5 Men!")

6                   SENATOR BAILEY: Thank you,  
7 Madam President.

8                   ACTING PRESIDENT PERSAUD: The  
9 question is on the resolution.

10                  All in favor signify by saying aye.

11                  (Response of "Aye.")

12                  ACTING PRESIDENT PERSAUD: Opposed,  
13 nay.

14                  (No response.)

15                  ACTING PRESIDENT PERSAUD: The  
16 resolution is adopted.

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

20                  Please rise and be recognized.

21                  (Standing ovation.)

22                  ACTING PRESIDENT PERSAUD: Senator  
23 Gianaris.

24                  SENATOR GIANARIS: At this time,  
25 Madam President, can we recognize Senator Mannion

1 for an introduction.

2 ACTING PRESIDENT PERSAUD: Senator  
3 Mannion for an introduction.

4 SENATOR MANNION: Thank you,  
5 Madam President.

6 I rise to welcome distinguished  
7 guests to our chamber. They are New Yorkers with  
8 incredible determination. Their hard work,  
9 training, and sportsmanship make them role models  
10 for all of us. They're fierce competitors. They  
11 are fast -- not just on the track, but in pursuit  
12 of their goals. They are strong -- not just in  
13 the weight room, but in their unwavering spirit.

14 These remarkable individuals are of  
15 course our very own Special Olympics athletes.

16 Their presence in this chamber isn't  
17 simply a visit, it's a testament to the  
18 transformative power of sports, and a symbol of  
19 New York's commitment to building a welcoming and  
20 just society.

21 Alongside these athletes are  
22 incredible coaches, volunteers, and someone  
23 whose dedication has empowered countless  
24 individuals, and that's Special Olympics New York  
25 President and CEO Stacey Hengsterman. There's no

1 bigger champion for inclusivity and unified  
2 sports than Stacey, and she deserves this body's  
3 respect and admiration.

4 To the athletes, families, coaches  
5 and Stacey, you represent more than just  
6 victories and medals. Special Olympics is not  
7 just a game or a competition, it is a force for  
8 good. I'm proud to know all of you, proud to  
9 advocate for our athletes. My wife and I are  
10 inspired by you. Next month we'll be cheering  
11 you on at the New York State Special Olympics  
12 Winter Games in Syracuse, New York.

13 You're all champions, every one of  
14 you. I'm proud to call you champions,  
15 competitors, and our friends.

16 And with that, Mr. President, I ask  
17 that you welcome these champions to the halls of  
18 the Senate chamber.

19 Thank you.

20 ACTING PRESIDENT BAILEY: To our  
21 guests, I welcome you on behalf of the Senate.

22 We extend to you all of the  
23 privileges and courtesies of this house.

24 Please rise and be recognized.

25 (Standing ovation.)

1                   ACTING PRESIDENT BAILEY:    Senator  
2    Gianaris.

3                   SENATOR GIANARIS:    Mr. President,  
4    can we now move to previously adopted  
5    Resolution 1461, by Senator Thomas, read its  
6    title, and recognize Senator Thomas.

7                   ACTING PRESIDENT BAILEY:    The  
8    Secretary will read.

9                   THE SECRETARY:    Senate Resolution  
10   1461, by Senator Thomas, memorializing  
11   Governor Kathy Hochul to proclaim January 26,  
12   2024, as Indian Republic Day in the State of  
13   New York.

14                  ACTING PRESIDENT BAILEY:    Senator  
15   Thomas on the resolution.

16                  SENATOR THOMAS:    Thank you,  
17   Mr. President.

18                  Namaste, everyone.

19                  I rise today to speak on a  
20   resolution commemorating the 75th Republic Day of  
21   India. I also take great pride in speaking on  
22   this, because I'm the first Indian American in  
23   this chamber, and I'm happy that Senator Cooney  
24   has also joined me in this chamber as a member as  
25   well. And we hope more Indian Americans make it

1 here.

2                   Seventy-five years ago, India  
3 adopted its constitution and laid the foundation  
4 for the largest democracy in the world. India's  
5 journey from colonial rule to a sovereign  
6 republic mirrors a struggle that the  
7 United States has also experienced in our own  
8 pursuit of a more perfect union. This is why the  
9 Indian constitution sounds similar to the U.S.  
10 Constitution, because it borrows some of the  
11 fundamental rights we hold sacred here.

12                   The constitution of India reflects  
13 the idea of inclusivity, the values of an  
14 inclusive India where every Indian is equal,  
15 irrespective of their religion, their language,  
16 their place of birth, their ethnicity or caste.

17                   This was no easy road. And I recall  
18 the words of the first Indian prime minister when  
19 he said: "Long years ago, they made a tryst with  
20 destiny," a destiny that has led to India  
21 transforming its economy, lifting people out of  
22 poverty, and becoming a major democracy in the  
23 region.

24                   India has achieved a lot in the past  
25 year. They have hosted the G20 summit, grown its

1 DDP, and even landed on the moon.

2 Today, to commemorate India Republic  
3 Day, we are joined by the Consul General of India  
4 to New York and the Deputy Consul General as  
5 well, both dedicated career diplomats who serve  
6 Indians around the world in different missions.

7 His Excellency Binaya Srikanta  
8 Pradhan just took up the new role after serving  
9 in Tanzania as the ambassador. And His  
10 Excellency Dr. Varun Jeph, the Deputy Consul  
11 General, is a medical doctor, but his passion for  
12 foreign service led him to serving in different  
13 capacities all around the world before being  
14 appointed here in New York.

15 Thank you for your service.

16 The deep history and achievements of  
17 the Indian community, including here in our own  
18 communities, serve as a living testament to the  
19 strength of our people.

20 But there is always more work to be  
21 done. And as we look towards the future, we must  
22 continue to work together to build a stronger and  
23 more prosperous Indian American community here in  
24 New York.

25 Jai Hind, and God bless America.

1                   ACTING PRESIDENT BAILEY:    Thank  
2    you, Senator Thomas.

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

6                   Please rise and be recognized.

7                   (Standing ovation.)

8                   ACTING PRESIDENT BAILEY:    The  
9    resolution was previously adopted on January 9th.  
10   Senator Gianaris.

11                  SENATOR GIANARIS:    Next up,  
12   Mr. President, previously adopted  
13   Resolution 1463, also by Senator Thomas. Please  
14   read its title and recognize Senator Thomas  
15   again.

16                  ACTING PRESIDENT BAILEY:    The  
17   Secretary will read.

18                  THE SECRETARY:    Senate Resolution  
19   1463, by Senator Thomas, memorializing Governor  
20   Kathy Hochul to proclaim January 27, 2024, as  
21   Holocaust Remembrance Day in the State of  
22   New York.

23                  ACTING PRESIDENT BAILEY:    Senator  
24   Thomas on the resolution.

25                  SENATOR THOMAS:    I want to start a

1 out with a quote from a survivor of Auschwitz.

2 "It happened; therefore it can happen again. It  
3 can happen anywhere."

4 Today we come together and commit to  
5 the millions of murdered souls and all survivors  
6 that it must never happen again.

7 January 27, 2024, marks the  
8 79th anniversary of the liberation of Auschwitz.  
9 We pay tribute to the 6 million Jews and millions  
10 of others murdered by the Nazi regime.

11 Over the years we have all seen  
12 images of the Nazi concentration camps and have  
13 heard anguished accounts from many survivors.  
14 Decades later, it remains almost impossible to  
15 come to terms with the nature and scale of this  
16 genocidal crime.

17 Honoring the victims and survivors  
18 begins with our renewed recognition of the value  
19 and dignity of each person. It demands from us  
20 the courage to protect the persecuted and speak  
21 out against bigotry and hatred.

22 The recent October 7th terrorist  
23 attacks serve as a painful reminder of hatred  
24 that still remains around the world. This  
25 anniversary is an opportunity to reflect on the

1 progress we have made confronting this terrible  
2 chapter in human history and the responsibility  
3 to combat hate speech, discrimination and  
4 violence in all forms.

5 In spite of this dark chapter in  
6 human history, the Jewish community has shown  
7 remarkable strength and courage. Their  
8 perseverance reminds us of the power and  
9 resiliency of the human spirit.

10 However, a recent rise in  
11 antisemitism rhetoric on college campuses and  
12 other forms of hate speech on social media have  
13 shown us that this legislative body has to do  
14 more to hold organizations accountable.

15 We must stand up to all forms of  
16 hate and bigotry across this state and choose  
17 community and understanding over division and  
18 hate. For all the victims, let us affirm that we  
19 will never forget.

20 Thank you, Mr. President.

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

23 SENATOR MAYER: Thank you,  
24 Mr. Speaker. I want to thank my colleague  
25 Senator Thomas for bringing this incredibly

1 important resolution to the floor, and for the  
2 opportunity to speak about it.

3           You know, in 2021 the Conference on  
4 Jewish Material Claims Against Germany started a  
5 campaign called "It Started With Words." And  
6 it's worth remembering this year, at this moment,  
7 that it started with words.

8           I've had the honor of working with  
9 the Westchester Jewish Community Services with  
10 Holocaust survivors in my district, who are  
11 funded by the Conference on Jewish Material  
12 Claims Against Germany, and able to live  
13 middle-class lives that they would not have been  
14 able to live.

15           But we are losing this generation of  
16 survivors. And it is more important now than  
17 ever, now than ever before, that we hear their  
18 stories and remember it started with words.

19           Let me quote Gideon Taylor,  
20 president of the Claims Conference: "The  
21 Holocaust started with words, hateful words that  
22 were yelled in the park, spat on the street, and  
23 roared in the classroom. These words alienated,  
24 belittled and shocked. But worse, these words  
25 gave birth to the horrific massacre of 6 million

1 Jews. The "It Started with Words" campaign will  
2 show, through firsthand survivor testimony, that  
3 the Holocaust didn't come out of nowhere, it  
4 literally started with words.

5 And another quote in line with this  
6 is from Holocaust survivor Charlotte Knobloch:  
7 "It began with words. They came before the acts,  
8 the murders, the crimes. I was four years old  
9 when I was in the courtyard of the house across  
10 the street. I wanted to play with the neighbor's  
11 children. I did that almost every day. But now  
12 the gate was suddenly locked. My friends looked  
13 at me silently. Before I could understand what  
14 was going on, the concierge's wife came in and  
15 started yelling at me: 'Jewish children are not  
16 allowed to play with our children.' I was four  
17 years old. I didn't even know what Jews were."

18 It started with words, Mr. Speaker.  
19 And now we must remember that words pose an  
20 incredible danger in our country and in this  
21 world. After October 7th and the acts that have  
22 occurred since then, in some of the speech that  
23 we have heard in our country, we have an  
24 obligation as elected officials of all faiths to  
25 stand up and speak out.

1                   We have to reaffirm our  
2                   responsibility to take action to ensure that the  
3                   history and the story of the Holocaust is told  
4                   and remembered to the next generation.

5                   And we must never forget. And we  
6                   will never let it happen again.

7                   Thank you, Mr. President.

8                   ACTING PRESIDENT BAILEY: Thank  
9                   you, Senator Mayer.

10                  Senator Canzoneri-Fitzpatrick on the  
11                  resolution.

12                  SENATOR CANZONERI-FITZPATRICK:  
13                  Thank you, Mr. President.

14                  Thank you to my colleague for  
15                  bringing this resolution to the floor.

16                  I had the distinct honor of going to  
17                  Israel this past September, just one month before  
18                  the horrific attack on October 7th. I had the  
19                  opportunity to visit Yad Vashem, the World  
20                  Holocaust Remembrance Center in Jerusalem. To  
21                  see the shoes of the many Holocaust victims and  
22                  to see the many physical reminders of that  
23                  tragic, tragic history is really powerful.

24                  There's a book of names where they  
25                  list all of the Holocaust survivors, and they

1 attempt to list everybody who died in the  
2 Holocaust, whether they were Jewish or not.

3           And I have to share the story of my  
4 dear friend Ellie Gross. Her maiden name was  
5 Berkowitz. She died in October of 2022 at the  
6 age of 93. She was just a teenager when she went  
7 to Auschwitz with her mother and her brother.  
8 She had the tattoo of the numbers on her arm and  
9 showed me that.

10           And she told me the story of how she  
11 felt that she killed her mother. And I said,  
12 "Ellie, how is that possible?" And she said that  
13 on the line into Auschwitz, there were two lines.  
14 And her brother, who was much younger than her,  
15 went on one line, and Ellie went on the other  
16 line. And her mother went with Ellie. And she  
17 said, "No, mommy, you go with my brother. He's  
18 so much younger."

19           What she didn't realize was that was  
20 the line to the gas chamber. And because Ellie  
21 was a little older and was able to work, she was  
22 put on a different line.

23           Ellie lived with that horror her  
24 entire life. And on today, the Holocaust  
25 Memorial Day, it's important that we remember

1 Ellie's story, because that's one of millions.

2 So today thank you for allowing me  
3 to share Ellie's story. She took her tragedy and  
4 wrote books about it, spoke often at schools, and  
5 shared her tragedy so that people would never  
6 forget.

7 And I believe that that's a story  
8 that we all need to share, so that we never let  
9 this repeat itself. By sharing these stories, we  
10 know that it was real and we know that it is  
11 something that we should never allow to continue.

12 Thank you, Mr. President.

13 ACTING PRESIDENT BAILEY: Senator  
14 Scarcella-Spanton on the resolution.

15 SENATOR SCARCELLA-SPANTON: Thank  
16 you, Mr. President.

17 And thank you, Senator Thomas, for  
18 your work in honoring the memories of the  
19 millions lost to the atrocities of the Holocaust  
20 through this resolution.

21 My Senate district, in particular  
22 the southern Brooklyn portion, is home to one of  
23 the largest number of Holocaust survivors in the  
24 State of New York. And it is critical that we  
25 reflect on the horrors that they and their loved

1 ones witnessed and experienced and vowed to never  
2 forget.

3 I am so proud that among these  
4 survivors we have organizations like the  
5 Holocaust Remembrance Association, led by my dear  
6 friend Mr. Sam Bykov; the American Association of  
7 Invalids and Veterans of World War II; the  
8 Association of East European Jewry; and many  
9 others who work day in and day out to make sure  
10 that their history is remembered, their stories  
11 are shared, and that survivors have the resources  
12 and services they need to thrive in our  
13 communities.

14 Just last year I was proud to host a  
15 celebration honoring many of my district's  
16 Holocaust survivors and World War II veterans,  
17 and it was a true privilege to hear their stories  
18 firsthand, especially as chair on the Committee  
19 for Veterans.

20 My district's Holocaust survivor  
21 population is so large and so strong in its  
22 resolve that we have the Holocaust Memorial Park  
23 in Sheepshead Bay, at which we gather throughout  
24 the year to truly ensure that these lives are  
25 never forgotten and that history never repeats

1       itself.

2                   Thank you to everyone continuing to  
3 do the work to memorialize this part of our  
4 collective history. And especially in light of  
5 the horrific terrorist attack on October 7th,  
6 it's more important than ever that we never  
7 forget.

8                   Thank you.

9                   ACTING PRESIDENT BAILEY:    Senator  
10 Rhoads on the resolution.

11                   SENATOR RHOADS:    Thank you,  
12 Mr. President.

13                   And thank you, Senator Thomas, for  
14 bringing this resolution to the floor.

15                   It's so incredibly important that we  
16 rise today to remember what happened and to  
17 remember this example of man's inhumanity to  
18 their fellow man, the capacity for our fellow  
19 human beings to do unspeakable acts of evil to  
20 our fellow human beings.

21                   It's important not only to remember  
22 what happened, as Senator Mayer pointed out,  
23 because that generation, due to the passage of  
24 time, is fading away. But it's particularly  
25 important to pay attention to the acts that are

1 going on right in front of us today.

2           October 7th, again, you witnessed  
3 the capacity for man's inhumanity to man. We  
4 have all stood at Holocaust Remembrance  
5 ceremonies. We have all stood and uttered the  
6 words "Never again." But on October 7th there  
7 was probably no clearer message that never is  
8 now.

9           What we witnessed by terrorist  
10 organizations like Hamas indiscriminately killing  
11 civilians, taking families, tying them together  
12 and burning them, as its own Holocaust -- it's  
13 incredible to watch that and then turn around and  
14 see on college campuses, turn around and see in  
15 the streets of New York City and all across this  
16 state, turn around and see even from some  
17 members, that those actions were not only excused  
18 but celebrated, should be a stark reminder to us  
19 all how much work still needs to be done.

20           In plain view we have one of our own  
21 American hostages, who is still being held by  
22 Hamas, a young man by the name of Omer Neutra.  
23 The horror that that family continues to  
24 experience every single day. Imagine the parents  
25 who wake up each morning, go to bed each night,

1 not knowing where their son is, not knowing his  
2 condition, not even knowing whether he's alive or  
3 dead.

4                   Those are the actions, just like the  
5 Holocaust before, during and a little after  
6 World War II -- those are the actions that we  
7 need to remember.

8                   And so while it's incredibly fitting  
9 that we stand on the Senate floor today and we  
10 remember the Holocaust, let's not turn a blind  
11 eye to the fact that evil exists in this world  
12 today, that the battle of good versus evil is a  
13 battle that hasn't been won. It's a battle that  
14 we fight every single day. Evil very much exists  
15 in this world, and we saw it on October 7th.  
16 Let's not make excuses for it. Let's have the  
17 courage to stand up and recognize it for what it  
18 is.

19                   And let's rally together and use  
20 today as an opportunity to inspire us to fight  
21 against those horrors that still exist.  
22 Together, as one body, as one people. That's  
23 paying tribute to those who lost their lives in  
24 the Holocaust, to those who live with the ugly  
25 memories of what happened.

1                   And so again, Senator Thomas, I want  
2 to thank you for bringing up this resolution and  
3 providing us all the opportunity to refocus our  
4 energy to fight against the hate, to fight  
5 against the antisemitism, and to fight against  
6 the horrors that we still see today.

7                   Thank you, Mr. President.

8                   ACTING PRESIDENT BAILEY:    Senator  
9 Weber on the resolution.

10                  SENATOR WEBER:    Thank you,  
11 Mr. President.

12                  And thank you to Senator Thomas for  
13 this important resolution.

14                  You know, Saturday we commemorated  
15 International Holocaust Remembrance Day in memory  
16 of the 6 million Jews and millions of others  
17 murdered during the Holocaust by the Nazi regime.  
18 You know, "Never forget" and "Never again" need  
19 to be more than just slogans and catch phrases.  
20 Let me say that again. "Never forget" and "Never  
21 again" need to be more than just slogans and  
22 catch phrases.

23                  I proudly support this resolution.  
24 Thank you to the sponsor for this important  
25 resolution here today.

1 Thank you.

2 ACTING PRESIDENT BAILEY: Senator  
3 Comrie on the resolution.

4 SENATOR COMRIE: Thank you,  
5 Mr. President.

6 I rise to speak on Senator Thomas's  
7 resolution to recognize Holocaust Remembrance Day  
8 in New York.

9 I have the honor and privilege of  
10 representing a good deal of the Jewish community  
11 in Queens. On Sunday I was able to meet some  
12 Holocaust survivors. Listening to their stories,  
13 listening to what they had to endure. Some  
14 actually had to take bodies and bury them. Some  
15 went from camp to camp, losing family members  
16 along the way.

17 But they all had a resolution of  
18 spirit. They all had a positive attitude in  
19 life. But they all wanted us to never forget.  
20 They all wanted to be able to tell their stories  
21 and remind people and pass down what happened to  
22 them so that people could feel it.

23 Everybody in the room was moved to  
24 tears. Everybody in the room was moved to  
25 thought and compassion. Everybody in the room

1 wanted to hug them for being able to persevere  
2 and have the strength and energy to make sure  
3 that they were able to pass their stories along,  
4 talk about their family members that they lost,  
5 talk about the people that they understood did  
6 not survive -- and also understand that it was  
7 words and deeds and actions by other human beings  
8 that caused this tragedy.

9 I just want to remind people that,  
10 as other Senators have already said, this can  
11 happen again if we're not vigilant. The evil in  
12 the world can come back and dominate, just like  
13 the actions of October 7th. We need to make sure  
14 that we focus as legislators to eliminate hate,  
15 to tell the story so that people can understand  
16 it, to tell the stories of all the cultures so  
17 that people can appreciate and respect each  
18 other, so that people that have never understood  
19 or have any family members can understand every  
20 culture, so that we can reduce hate.

21 The Holocaust Remembrance resolution  
22 should be a call for all of us to make sure that  
23 happens, to make sure that we all can find a way  
24 to respect each other and to never let this type  
25 of thing happen again.

1 Thank you, Mr. President.

2 ACTING PRESIDENT BAILEY: Senator  
3 Stavisky on the resolution.

4 SENATOR STAVISKY: Thank you,  
5 Mr. President.

6 And thank you, Senator Thomas, for  
7 introducing this resolution.

8 Obviously, it's personal. My  
9 husband's grandparents were killed in the  
10 Holocaust. They never left Poland. And there  
11 are so many people here who are second-generation  
12 and third-generation survivors.

13 However, as a former social studies  
14 teacher, I know how important it is to teach  
15 about the Holocaust and other crimes that have  
16 been committed, because the current generation of  
17 survivors, they're not going to live forever and  
18 the numbers are dwindling.

19 And I'm not going to repeat what was  
20 said. However, number one, in response to some  
21 of the comments, let me say that I was proud that  
22 the chancellors of SUNY and CUNY, right after  
23 October 7th, spoke out emphatically about the  
24 issue of antisemitism on the college campuses.

25 There were others who were not so

1 forthcoming. But fortunately, we understand that  
2 there's an issue.

3           However, in Queens County, an area  
4 that I represent, we have two organizations that  
5 really have done a remarkable job in terms of  
6 helping us remember. One is the Queens Jewish  
7 Community Council, and the Senate has provided  
8 funding for them for one of their Holocaust  
9 survivor programs.

10           But the other is a really unusual  
11 group. They're based in Little Neck. They're  
12 called Commonpoint, and they have programs for  
13 Holocaust survivors. And several months ago I  
14 was privileged to visit one of the luncheons that  
15 they were organizing for the Holocaust survivors.  
16 And it was an upbeat, happy moment. But you have  
17 to understand what these people have been  
18 through. And to come to the United States and  
19 participate in community activities I think is  
20 remarkable.

21           And there's another organization  
22 that I really should mention, and that's  
23 Selfhelp, that was founded by Holocaust survivors  
24 with German reparation money. They have done  
25 extensive really on-the-ground help. They have

1 many housing units, particularly in Senator Liu's  
2 district in downtown Flushing, but really  
3 throughout the city. They provide programs for  
4 Holocaust survivors.

5 And it's these organizations that I  
6 really think are helping so much to tell the  
7 story and to help people and their  
8 first-generation survivors to deal.

9 And let us, again, never forget.

10 Thank you.

11 ACTING PRESIDENT BAILEY: Senator  
12 Hoylman-Sigal on the resolution.

13 SENATOR HOYLMAN-SIGAL: Thank you,  
14 Mr. President.

15 I wanted to thank Senator Thomas as  
16 well for this resolution, and for all of our  
17 colleagues for speaking so movingly about  
18 Holocaust Remembrance Day.

19 I wanted to recall the fact that our  
20 government was complicit in the years leading up  
21 to the Holocaust and even shortly thereafter.  
22 There was a Nazi rally in my district in 1937 at  
23 Madison Square Garden. There was a Hitler Youth  
24 camp on Long Island.

25 And of course we all know the

1 story -- I hope -- of the St. Louis, a ship  
2 filled with Jewish refugees from Europe that was  
3 repeatedly turned away by Western nations and  
4 ultimately sent back to Europe by the  
5 United States government after they were denied  
6 entry at the Port of Miami. Those refugees,  
7 seeking comfort and shelter from the  
8 United States, saw the lights of Miami blinking  
9 on the horizon but could not dock. Half of them  
10 were gassed or tortured or murdered in  
11 concentration camps.

12           And as we reflect on those horrific  
13 times, I join my colleagues in ascertaining how  
14 far in fact have we come, if at all. Because the  
15 treatment that we see in the media and among  
16 certain segments of our population, parts of our  
17 country, toward immigrants truly raises serious  
18 questions as to whether we have learned our  
19 lesson from that terrible time.

20           In the Jewish religion, welcoming  
21 the stranger is a tenet of faith. I hope that we  
22 in this body and elsewhere take that to heart as  
23 we consider the tens of thousands of asylum  
24 seekers seeking their own refuge, comfort and  
25 security in the State of New York.

1                   And thank you to my colleagues. Let  
2 us never forget. And let us always remember our  
3 responsibility to welcome the stranger.

4                   I vote aye.

5                   ACTING PRESIDENT BAILEY:    Senator  
6 Fernandez on the resolution.

7                   SENATOR FERNANDEZ:    Thank you,  
8 Mr. President.

9                   I appreciate this resolution for the  
10 fact that we're doing the simple thing of talking  
11 about it, recognizing it, and addressing the  
12 wrongs of the past.

13                   I had the privilege this fall to  
14 visit Dachau Concentration Camp in Munich,  
15 Germany. And I was there, on the grounds where  
16 it happened, the grounds that the SS started to  
17 train, that soon turned into one of the biggest  
18 concentration camps, that soon turned into an  
19 extermination camp.

20                   And I'm almost shaking now  
21 remembering the feeling that I had walking those  
22 grounds. Seeing the gates where it says "Work  
23 Sets You Free." Being in the intake room.  
24 Walking past the rows and rows and rows of  
25 barracks where they brutally held Jewish people

1 to ultimately wait for their demise.

2 And it was walking through those gas  
3 chambers that I broke down to just think that  
4 this was something real that happened.

5 And the only gleam of light at that  
6 time was seeing the many students on the grounds,  
7 the buses of classrooms coming to see themselves  
8 and learn themselves what had happened.

9 And I'm grateful that Germany has  
10 taken those steps to mandate that this be  
11 something we speak about, that we learn about,  
12 and that we almost make a promise to never  
13 repeat. And it should be a promise.

14 And it's something that we should  
15 continue to do here to make sure our young  
16 people, growing up, have the experience, the  
17 education, and the knowledge of what had happened  
18 to never allow these things to happen again.

19 So I really appreciate this  
20 resolution. And I thank you, Senator Thomas, and  
21 this conference and this body for speaking about  
22 it, addressing it, and never forgetting.

23 Thank you.

24 ACTING PRESIDENT BAILEY: The  
25 resolution was adopted January 9th.

1                   Senator Gianaris.

2                   SENATOR GIANARIS:   Next up,  
3                   Mr. President, is previously adopted  
4                   Resolution 1516, by Senator Persaud.  Read that  
5                   resolution's title and recognize Senator Persaud.

6                   ACTING PRESIDENT BAILEY:   The  
7                   Secretary will read.

8                   THE SECRETARY:   Resolution 1516, by  
9                   Senator Persaud, recognizing February 1, 2024, as  
10                  World Hijab Day.

11                  ACTING PRESIDENT BAILEY:   Senator  
12                  Persaud on the resolution.

13                  SENATOR PERSAUD:   Thank you,  
14                  Mr. President.

15                  Well, what a thing to follow as we  
16                  are speaking about tolerance.  I rise to speak  
17                  about World Hijab Day.

18                  I remember the first year in this  
19                  chamber when I spoke on World Hijab Day, and it  
20                  was not necessarily welcome.  I remember some of  
21                  my colleagues taking offense to me talking about  
22                  women wearing a hijab.

23                  I speak on this resolution in  
24                  solidarity with those who wish to show their  
25                  pride in their religion.  That's all.  As we

1 speak about tolerance, I want us all to remember  
2 that someone wearing a hijab is also a human  
3 being and also a person that we should tolerate.

4 We should not look on someone  
5 wearing a hijab in a negative way if they have  
6 not done anything to us. Women choose to wear  
7 hijabs to show their modesty and to show their  
8 commitment to their God. We all strive to show  
9 our commitment to our God in our own way. Some  
10 of us in this chamber, every Tuesday morning at  
11 8 o'clock, we sit together to show our commitment  
12 to our God. And that's -- this is what these  
13 women do when they wear their hijab.

14 So I remember also speaking to Nazma  
15 Khan, an immigrant from Bengal -- from Bengali --  
16 from Bangladesh, I'm sorry, who started the  
17 conversation, who started the World Hijab Day.  
18 And she started it because she wanted to have a  
19 conversation to show people what wearing a hijab  
20 meant to her. Because when she came into this  
21 country, she was ridiculed, she was tormented  
22 just because she chose to cover her hair and part  
23 of her face.

24 And she wanted people to have that  
25 conversation, the same way we're having that

1 tough conversation. She wanted people to  
2 understand what it means. She wanted no other  
3 person to be ridiculed the way she was ridiculed.

4 Today, across the world, over  
5 190 countries are talking about World Hijab Day,  
6 are coming together in solidarity with women who  
7 choose to wear a hijab.

8 I ask everyone, when you see someone  
9 wearing a hijab, don't look down upon them. In  
10 the spirit of humanity, in the spirit of  
11 tolerance that we all speak of, let us do the  
12 same to a woman who walks by you wearing a hijab.

13 The first year I did the resolution,  
14 again, I wore a hijab, a covering on my head --  
15 it wasn't a hijab -- just to show that the young  
16 women, some of whom live in my district, and some  
17 of whom are afraid to walk around because they  
18 have a hijab on, they're always looking behind  
19 them -- I wanted to show them that I stand with  
20 them wearing their hijab. Because it's their  
21 choice. If it's their choice, it's their choice.  
22 I have nothing against them deciding to exercise  
23 their choice.

24 So today, World Hijab Day is truly  
25 celebrated. Let us always remember that if we're

1 intolérant to one, we're intolérant to all. The  
2 tolerance we seek is also the tolerance we must  
3 show to others.

4                   And I hope that I have no one who  
5 will call me again to talk about why did I come  
6 to the floor to speak about World Hijab Day. I  
7 am speaking about it because those young women in  
8 my district who wear a hijab every day, who are  
9 afraid to walk by some people, should not have to  
10 go through that.

11                   So to all the young women in Senate  
12 District 19 and beyond who choose to wear a  
13 hijab, Senator Roxanne Persaud stands with you  
14 and says: Do you.

15                   Thank you, Mr. Speaker.

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

18                   Senator Chu on the resolution.

19                   SENATOR CHU: Thank you,  
20 Mr. President, for allowing me to speak on this  
21 important resolution.

22                   First, I would like to thank my  
23 colleague Senator Persaud for introducing this  
24 important resolution, which recognizes and  
25 celebrate the millions of Muslim individuals and

1 sisters who wear a hijab around the world.

2 The district that I represent is  
3 home to many diverse Muslim communities. These  
4 families came from countries like West Pakistan,  
5 Yemen, Bangladesh, Pakistan, Egypt and many more.  
6 As there are over half a million Muslims in  
7 New York State, it is imperative that we continue  
8 to respect and acknowledge days like these in  
9 this chamber. For many Muslim women, a hijab is  
10 not just a piece of cloth. To wear one is a  
11 deeply personal choice of empowerment, and it  
12 represents a commitment to oneself and faith.

13 World Hijab Day was created to build  
14 bridges of understanding, awareness and education  
15 about the hijab and the experience of Muslim  
16 women and girls. However, it is unfortunate that  
17 we continue to see concerning numbers of reported  
18 hate crimes and incidents of Islamophobia  
19 targeting women wearing hijabs and traditional  
20 clothing even in mosques.

21 Hate has no place in New York, and  
22 we must stand firm in our values, that no matter  
23 your region, skin color, language you speak, you  
24 can be proud of who you are. We must work every  
25 day to build a society that one can practice

1 faith, go to houses of worship, and go about life  
2 safely.

3 As we push back on discrimination  
4 and Islamophobia, we must uplift and empower  
5 women and Muslim women. I proudly vote aye on  
6 this resolution and would like to dedicate this  
7 to all the Muslim women and young girls in my  
8 district and throughout the State of New York.  
9 Be proud of yourself, my sisters who wear a  
10 hijab.

11 Thank you, Mr. President.

12 ACTING PRESIDENT BAILEY: The  
13 resolution was previously adopted on January 9th.  
14 Senator Gianaris.

15 SENATOR GIANARIS: And now,  
16 Mr. President, Resolution 1740, by  
17 Senator Brisport. Read its title and recognize  
18 Senator Brisport.

19 ACTING PRESIDENT BAILEY: The  
20 Secretary will read.

21 THE SECRETARY: Senate Resolution  
22 1740, by Senator Brisport, mourning the death of  
23 Viola Plummer, distinguished citizen and devoted  
24 member of her community.

25 ACTING PRESIDENT BAILEY: Senator

1       Brisport on the resolution.

2                       SENATOR BRISPORT:     Thank you,  
3       Mr. President.

4                       Ms. Viola Plummer was a leader in  
5       the movement for Black Liberation whose  
6       contributions and accomplishments are too vast to  
7       fit adequately in a single resolution.  Among  
8       them include serving as the chief of staff to  
9       Assemblymembers and City Councilmembers Charles  
10      and Inez Barron, cofounding the December 12th  
11      Movement, and opening Sistas' Place, a cultural  
12      landmark in Bed-Stuy, Brooklyn, that has provided  
13      a nurturing space for art, activism and  
14      community.

15                      She passed away on Martin Luther  
16      King Day this year, and she embodied his vision  
17      with every fiber of her being.

18                      I met Ms. Viola Plummer about three  
19      and a half years ago.  I hadn't taken office yet,  
20      and I was still working as a middle school  
21      teacher.  I was at a reparations rally at the  
22      African Burial Ground in Manhattan, and I felt  
23      someone wrap their arm around mine and pull me in  
24      close to them.  And I turned to see Ms. Plummer  
25      grinning at me, telling me she was excited to

1 work together and that we needed to talk about  
2 organizing together as soon as possible.

3 So that's who Ms. Plummer was, a  
4 constant community organizer. She had already  
5 given so much of her life fighting on the front  
6 lines for Black Liberation, healthcare and  
7 housing. But there she was, still in the streets  
8 with her people and seizing the moment to bring  
9 another young Black man deeper into the cause.

10 She cofounded the December 12th  
11 Movement in 1987, the year I was born. And  
12 because of her and the December 12th Movement,  
13 this body was able to pass a reparations task  
14 force last year. Through the December 12th  
15 Movement she built a community with decades of  
16 collective wisdom on issues like reparations that  
17 will continue to be a guiding light and a driving  
18 force.

19 Her legacy lives on in the work of  
20 the December 12th Movement and in all the  
21 extraordinary ways she has made life better for  
22 our community.

23 I do, however, feel a desperately  
24 heavy heart about one aspect of her legacy that  
25 we in this body have not yet seen through. It is

1 a tragedy that she did not live to see us pass  
2 the New York Health Act, which she so  
3 passionately fought for.

4 But Ms. Plummer proved again and  
5 again throughout her life that when we refuse to  
6 give up, and when we embrace the courage of our  
7 convictions, we can move the world forward. I  
8 hope we honor her and that unshakable force of  
9 will and love by bringing the New York Health Act  
10 across the finish line.

11 As they say in the December 12th  
12 Movement: Straight ahead.

13 ACTING PRESIDENT BAILEY: Senator  
14 Brisport to be recorded in the affirmative.

15 The question is on the resolution.  
16 All in favor signify by saying aye.

17 (Response of "Aye.")

18 ACTING PRESIDENT BAILEY: Opposed,  
19 nay.

20 (No response.)

21 ACTING PRESIDENT BAILEY: The  
22 resolution is adopted.

23 Senator Gianaris.

24 SENATOR GIANARIS: At the request  
25 of the various sponsors of these resolutions,

1 they are all open for cosponsorship.

2 ACTING PRESIDENT BAILEY: These  
3 resolutions are all open for cosponsorship.  
4 Should you choose not to be a cosponsor on the  
5 resolutions, please notify the desk.

6 Senator Gianaris.

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

9 ACTING PRESIDENT BAILEY: The  
10 Secretary will read.

11 THE SECRETARY: Calendar Number 50,  
12 Assembly Bill 8521, by Assemblymember Dinowitz,  
13 an act to amend the State Technology Law.

14 ACTING PRESIDENT BAILEY: Read the  
15 last section.

16 THE SECRETARY: Section 2. This  
17 act shall take effect on the same date and in the  
18 same manner as a chapter of the Laws of 2023.

19 ACTING PRESIDENT BAILEY: Call the  
20 roll.

21 (The Secretary called the roll.)

22 ACTING PRESIDENT BAILEY: Announce  
23 the results.

24 THE SECRETARY: In relation to  
25 Calendar 50, voting in the negative are

1 Senators Lanza and Weber.

2 Ayes, 60. Nays, 2.

3 ACTING PRESIDENT BAILEY: The bill  
4 is passed.

5 THE SECRETARY: Calendar Number 77,  
6 Senate Print 604, by Senator Skoufis, an act to  
7 amend the Public Health Law.

8 SENATOR LANZA: Lay it aside.

9 ACTING PRESIDENT BAILEY: Lay it  
10 aside.

11 THE SECRETARY: Calendar Number 78,  
12 Senate Print 966, by Senator Rivera, an act to  
13 amend the Elder Law.

14 ACTING PRESIDENT BAILEY: Read the  
15 last section.

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

18 ACTING PRESIDENT BAILEY: Call the  
19 roll.

20 (The Secretary called the roll.)

21 ACTING PRESIDENT BAILEY: Announce  
22 the results.

23 THE SECRETARY: Ayes, 62.

24 ACTING PRESIDENT BAILEY: The bill  
25 is passed.

1                   THE SECRETARY:    Calendar Number 80,  
2   Senate Print 4786A, by Senator Rivera, an act to  
3   amend the Public Health Law.

4                   SENATOR LANZA:    Lay it aside.

5                   ACTING PRESIDENT BAILEY:   Lay it  
6   aside.

7                   THE SECRETARY:    Calendar Number 91,  
8   Senate Print 504A, by Senator Rivera, an act to  
9   amend the Insurance Law.

10                  ACTING PRESIDENT BAILEY:   Read the  
11   last section.

12                  THE SECRETARY:    Section 4.  This  
13   act shall take effect January 1, 2025.

14                  ACTING PRESIDENT BAILEY:   Call the  
15   roll.

16                  (The Secretary called the roll.)

17                  ACTING PRESIDENT BAILEY:   Announce  
18   the results.

19                  THE SECRETARY:    In relation to  
20   Calendar 91, voting in the negative:  
21   Senator Gallivan.

22                  Ayes, 61.  Nays, 1.

23                  ACTING PRESIDENT BAILEY:   The bill  
24   is passed.

25                  THE SECRETARY:    Calendar Number 92,

1 Senate Print 1267, by Senator Breslin, an act to  
2 amend the Insurance Law and the Public Health  
3 Law.

4 ACTING PRESIDENT BAILEY: Read the  
5 last section.

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

8 ACTING PRESIDENT BAILEY: Call the  
9 roll.

10 (The Secretary called the roll.)

11 ACTING PRESIDENT BAILEY: Announce  
12 the results.

13 THE SECRETARY: In relation to  
14 Calendar 92, voting in the negative are  
15 Senators Borrello and Oberacker.

16 Ayes, 60. Nays, 2.

17 ACTING PRESIDENT BAILEY: The bill  
18 is passed.

19 THE SECRETARY: Calendar Number 94,  
20 Senate Print 6738A, by Senator Myrie, an act to  
21 amend the Insurance Law.

22 ACTING PRESIDENT BAILEY: Read the  
23 last section.

24 THE SECRETARY: Section 4. This  
25 act shall take effect on the 150th day after it

1 shall have become a law.

2 ACTING PRESIDENT BAILEY: Call the  
3 roll.

4 (The Secretary called the roll.)

5 ACTING PRESIDENT BAILEY: Announce  
6 the results.

7 THE SECRETARY: In relation to  
8 Calendar 94, voting in the negative are  
9 Senators Borrello, Martins, Oberacker and Weik.  
10 Also Senator Stec.

11 Ayes, 57. Nays, 5.

12 ACTING PRESIDENT BAILEY: The bill  
13 is passed.

14 THE SECRETARY: Calendar Number  
15 112, Senate Print 3518, by Senator Fernandez, an  
16 act to amend the General Business Law.

17 ACTING PRESIDENT BAILEY: Read the  
18 last section.

19 THE SECRETARY: Section 3. This  
20 act shall take effect on the 180th day after it  
21 shall have become a law.

22 ACTING PRESIDENT BAILEY: Call the  
23 roll.

24 (The Secretary called the roll.)

25 ACTING PRESIDENT BAILEY: Senator

1       Fernandez to explain her vote.

2                       SENATOR FERNANDEZ:     Thank you,  
3       Mr. President.

4                       This bill would add transparency --  
5       and that word alone we should all love. We want  
6       to know what's happening, when it's happening, so  
7       wrong things don't happen. And this bill would  
8       address the pharmaceutical companies' procedure  
9       of paying to delay generic drugs from coming to  
10      the market.

11                      So my bill would notify the  
12      Attorney General's office when these situations  
13      happen so we see the atrocities, sometimes, of  
14      what they're doing to keep drug prices high for  
15      their profit and not helping the needing  
16      constituent, consumer, obtain needed drugs for  
17      their health.

18                      So I thank this body for bringing  
19      this bill to the floor. And let's always fight  
20      for transparency so we can catch the wrongdoings  
21      and the unethical practices.

22                      Thank you.

23                      ACTING PRESIDENT BAILEY:     Senator  
24      Fernandez to be recorded in the affirmative.

25                      Announce the results.

1                   THE SECRETARY:    In relation to  
2   Calendar 112, those Senators voting in the  
3   negative are Senators Ashby, Borrello,  
4   Canzoneri-Fitzpatrick, Gallivan, Griffo, Mattera,  
5   Palumbo, Rhoads, Stec, Tedisco and Weik.

6                   Ayes, 51.   Nays, 11.

7                   ACTING PRESIDENT BAILEY:    The bill  
8   is passed.

9                   THE SECRETARY:    Calendar Number  
10   174, Senate Print 8020, by Senator Hinchey, an  
11   act to amend the Public Authorities Law.

12                   ACTING PRESIDENT BAILEY:    Read the  
13   last section.

14                   THE SECRETARY:    Section 7.   This  
15   act shall take effect on the same date and in the  
16   same manner as a chapter of the Laws of 2023.

17                   ACTING PRESIDENT BAILEY:    Call the  
18   roll.

19                   (The Secretary called the roll.)

20                   ACTING PRESIDENT BAILEY:    Announce  
21   the results.

22                   THE SECRETARY:    In relation to  
23   Calendar 174, those Senators voting in the  
24   negative are Senators Borrello,  
25   Canzoneri-Fitzpatrick, Gallivan, Griffo, Helming,

1       Mattera, Murray, Oberacker, O'Mara, Ortt, Rhoads,  
2       Stec, Tedisco, Weber and Weik.

3                       Ayes, 47. Nays, 15.

4                       ACTING PRESIDENT BAILEY:    The bill  
5       is passed.

6                       THE SECRETARY:     Calendar Number  
7       175, Assembly Bill Number 8564, by  
8       Assemblymember Otis, an act to amend the  
9       State Technology Law.

10                      ACTING PRESIDENT BAILEY:    Read the  
11       last section.

12                      THE SECRETARY:     Section 2. This  
13       act shall take effect on the same date and in the  
14       same manner as a chapter of the Laws of 2023.

15                      ACTING PRESIDENT BAILEY:    Call the  
16       roll.

17                      (The Secretary called the roll.)

18                      ACTING PRESIDENT BAILEY:    Announce  
19       the results.

20                      THE SECRETARY:     Ayes, 62.

21                      ACTING PRESIDENT BAILEY:    The bill  
22       is passed.

23                      THE SECRETARY:     Calendar Number  
24       185, Assembly Bill Number 8519, by  
25       Assemblymember Kim, an act to amend the

1 Elder Law.

2 ACTING PRESIDENT BAILEY: Read the  
3 last section.

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

6 ACTING PRESIDENT BAILEY: Call the  
7 roll.

8 (The Secretary called the roll.)

9 ACTING PRESIDENT BAILEY: Announce  
10 the results.

11 THE SECRETARY: Ayes, 62.

12 ACTING PRESIDENT BAILEY: The bill  
13 is passed.

14 THE SECRETARY: Calendar Number  
15 187, Senate Print 8048, by Senator Hinchey, an  
16 act to amend the Emergency Tenant Protection Act  
17 of 1974.

18 ACTING PRESIDENT BAILEY: Read the  
19 last section.

20 THE SECRETARY: Section 2. This  
21 act shall take effect on the same date and in the  
22 same manner as a chapter of the Laws of 2023.

23 ACTING PRESIDENT BAILEY: Call the  
24 roll.

25 (The Secretary called the roll.)

1                   ACTING PRESIDENT BAILEY:    Announce  
2   the results.

3                   THE SECRETARY:    In relation to  
4   Calendar 187, those Senators voting in the  
5   negative are Senators Ashby, Borrello,  
6   Canzoneri-Fitzpatrick, Felder, Gallivan, Griffo,  
7   Helming, Lanza, Martins, Mattera, Murray,  
8   Oberacker, O'Mara, Ortt, Palumbo, Rhoads,  
9   Rolison, Stec, Tedisco, Weber and Weik.

10                   Ayes, 41.   Nays, 21.

11                   ACTING PRESIDENT BAILEY:    The bill  
12   is passed.

13                   THE SECRETARY:    Calendar Number  
14   188, Assembly Bill Number 8486, by  
15   Assemblymember Hevesi, an act to amend the  
16   Social Services Law.

17                   ACTING PRESIDENT BAILEY:    Read the  
18   last section.

19                   THE SECRETARY:    Section 2.   This  
20   act shall take effect on the same date and in the  
21   same manner as a chapter of the Laws of 2023.

22                   ACTING PRESIDENT BAILEY:    Call the  
23   roll.

24                   (The Secretary called the roll.)

25                   ACTING PRESIDENT BAILEY:    Announce

1 the results.

2 THE SECRETARY: Ayes, 62.

3 ACTING PRESIDENT BAILEY: The bill  
4 is passed.

5 THE SECRETARY: Calendar Number  
6 189, Senate Print 8051, by Senator Harckham, an  
7 act to amend the Vehicle and Traffic Law.

8 ACTING PRESIDENT BAILEY: Read the  
9 last section.

10 THE SECRETARY: Section 3. This  
11 act shall take effect on the same date and in the  
12 same manner as a chapter of the Laws of 2023.

13 ACTING PRESIDENT BAILEY: Call the  
14 roll.

15 (The Secretary called the roll.)

16 ACTING PRESIDENT BAILEY: Announce  
17 the results.

18 THE SECRETARY: Ayes, 62.

19 ACTING PRESIDENT BAILEY: The bill  
20 is passed.

21 THE SECRETARY: Calendar Number  
22 196, Senate Print 8072, by Senator Bailey, an act  
23 to amend the Education Law.

24 ACTING PRESIDENT BAILEY: Read the  
25 last section.

1 THE SECRETARY: Section 2. This  
2 act shall take effect on the same date and in the  
3 same manner as a chapter of the Laws of 2023.

4 ACTING PRESIDENT BAILEY: Call the  
5 roll.

6 (The Secretary called the roll.)

7 ACTING PRESIDENT BAILEY: Announce  
8 the results.

9 THE SECRETARY: Ayes, 62.

10 ACTING PRESIDENT BAILEY: The bill  
11 is passed.

12 Senator Gianaris, that completes the  
13 reading of the noncontroversial calendar.

14 SENATOR GIANARIS: On to the  
15 controversial calendar, Mr. President.

16 ACTING PRESIDENT BAILEY: The  
17 Secretary will ring the bell.

18 The Secretary will read.

19 THE SECRETARY: Calendar Number 77,  
20 Senate Print 604, by Senator Skoufis, an act to  
21 amend the Public Health Law.

22 ACTING PRESIDENT BAILEY: Senator  
23 Lanza, why do you rise?

24 SENATOR LANZA: Mr. President, I  
25 believe there's an amendment at the desk. I

1 waive the reading of that amendment and ask that  
2 you recognize Senator Murray.

3 ACTING PRESIDENT BAILEY: Thank  
4 you, Senator Lanza.

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

8 SENATOR LANZA: Accordingly,  
9 Mr. President, I appeal the ruling of the chair  
10 and ask that Senator Murray be heard.

11 ACTING PRESIDENT BAILEY: The  
12 appeal has been made and recognized, and  
13 Senator Murray may be heard.

14 SENATOR MURRAY: Thank you,  
15 Mr. President. I rise to appeal the ruling of  
16 the chair.

17 The proposed amendment is germane to  
18 the bill at hand because the bill at hand relates  
19 to the importation of drugs by creating a  
20 prescription drug importation program, and the  
21 proposed amendment would add xylazine to the list  
22 of Schedule 1 controlled substances under the  
23 Public Health Law, which would help to combat the  
24 illegal importation and distribution of this  
25 dangerous drug.

1 Xylazine is primarily a horse and  
2 large animal tranquilizer that can also be used  
3 off-label for smaller animals, but certainly is  
4 not fit for human use or consumption. It's also  
5 known as Tranq on the streets, and it's been  
6 labeled an emerging threat by the White House's  
7 Office of National Drug Policy.

8 This threat continues to increase as  
9 more and more illegal opioids and synthetic  
10 opioids seized by law enforcement contain  
11 xylazine. This incredibly dangerous drug, which  
12 can cause dramatic drops in blood pressure,  
13 slowed breathing, slowed heart rate, and necrotic  
14 skin ulcers at the point of injection -- which  
15 can lead, actually, to amputation. And unlike  
16 opioids, the effect of this drug cannot be  
17 reversed by opioid antagonists like naloxone.

18 The fentanyl crisis is already  
19 killing thousands of New Yorkers, and now, at  
20 continually increasing rates, we're seeing  
21 xylazine mixed in. They're using xylazine to cut  
22 the fentanyl, making an already dangerous  
23 situation much, much worse.

24 According to the New York State  
25 Department of Health, overdose deaths involving

1 xylazine have risen nearly 20 times from 2015 to  
2 2020. In fact, per the Suffolk County DA's  
3 office, in 2023 in Suffolk County alone there  
4 were over 400 overdose deaths. The toxicology  
5 report stated that 15 percent of those deaths  
6 showed the presence of xylazine.

7 This drug is particularly dangerous  
8 for those who are already suffering from  
9 substance abuse. They are unknowingly taking the  
10 fentanyl and now xylazine, completely unaware  
11 that the already harmful street drug that they  
12 are taking has been laced with this deadly  
13 substance.

14 Now, while this drug poses a serious  
15 health threat to those who take it and is being  
16 found in illegal street drugs at higher rates, it  
17 is not classified as a controlled substance in  
18 the Public Health Law, limiting the ability of  
19 law enforcement to tackle this emerging threat.

20 Now, this amendment is essential to  
21 protect New Yorkers, especially those that are  
22 struggling with substance abuse from xylazine, by  
23 allowing for serious criminal penalties for those  
24 who are manufacturing or distributing this drug.  
25 Now, unless we treat this dangerous drug the same

1 way that we treat all street drugs that are  
2 killing vulnerable New Yorkers, we will never be  
3 able to reverse the alarming trend of  
4 xylazine-involved overdose deaths.

5 For these reasons, I strongly urge  
6 you, Mr. President, to reconsider your ruling.

7 ACTING PRESIDENT BAILEY: Thank  
8 you, Senator Murray.

9 I want to remind the house that this  
10 vote is on the procedures of the house and the  
11 ruling of the chair. Those in favor of  
12 overruling the chair, signify by saying aye.

13 SENATOR LANZA: Request a show of  
14 hands.

15 ACTING PRESIDENT BAILEY: A show of  
16 hands has been requested and so ordered.

17 Announce the results.

18 THE SECRETARY: Ayes, 20.

19 ACTING PRESIDENT BAILEY: The  
20 ruling of the chair stands, and the bill-in-chief  
21 is before the house.

22 Senator Gianaris.

23 SENATOR GIANARIS: Mr. President,  
24 we've agreed to return this bill to the  
25 noncontroversial calendar.

1                   Please take it up that way.

2                   ACTING PRESIDENT BAILEY:    The bill  
3 will be returned to the noncontroversial  
4 calendar.

5                   Read the last section.

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

8                   ACTING PRESIDENT BAILEY:    Call the  
9 roll.

10                  (The Secretary called the roll.)

11                  ACTING PRESIDENT BAILEY:    Announce  
12 the results.

13                  THE SECRETARY:    In relation to  
14 Calendar 77, those Senators voting in the  
15 negative are Senators Borrello, Gallivan, Lanza,  
16 Oberacker and Stec.

17                  Ayes, 57.  Nays, 5.

18                  ACTING PRESIDENT BAILEY:    The bill  
19 is passed.

20                  THE SECRETARY:    Calendar Number 80,  
21 Senate Print 4786A, by Senator Rivera, an act to  
22 amend the Public Health Law.

23                  ACTING PRESIDENT BAILEY:    Senator  
24 Lanza, why do you rise?

25                  SENATOR LANZA:    Mr. President, I

1 believe there's an amendment at the desk. I  
2 waive the reading of that amendment and ask that  
3 you recognize Senator Rhoads.

4 ACTING PRESIDENT BAILEY: Thank  
5 you, Senator Lanza.

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

9 SENATOR LANZA: Accordingly,  
10 Mr. President, I appeal the ruling of the chair  
11 and ask that Senator Rhoads be heard on the  
12 appeal.

13 ACTING PRESIDENT BAILEY: The  
14 appeal has been made and recognized, and  
15 Senator Rhoads may be heard.

16 SENATOR RHOADS: Thank you,  
17 Mr. President. Mr. President, I rise to appeal  
18 the ruling of the chair.

19 The proposed amendment is germane to  
20 the bill at hand because the bill at hand relates  
21 to the manufacture of drugs by expanding  
22 New York's role in the manufacturing of drugs,  
23 and the proposed amendment targets those who  
24 illegally manufacture, sell and distribute  
25 synthetic opioids.

1 Ladies and gentlemen, we all know  
2 that there's an opioid crisis. We talk about in  
3 committees, we talk about it on the floor, we see  
4 it in the newspaper every day, we see it in our  
5 own communities. Opioids are taking over our  
6 communities, and we have an obligation to do  
7 something to stop it. And so the amendment that  
8 I offer today, which is in accordance with my  
9 bill, 7816, aims to do just that.

10 The statistics back up the fact that  
11 we have a tremendous problem. Fentanyl, for  
12 example, is 50 to 100 times more powerful than  
13 morphine, and highly addictive. Between 2010 and  
14 2020, the number of opioid deaths has tripled.  
15 From 2019 to 2021 here in the State of New York  
16 there's been an increase in opioid deaths of  
17 70 percent. In 2021 alone, fentanyl took the  
18 lives of 5,000 New Yorkers. In the 12 months  
19 ending in July of 2022: 100,000 fentanyl deaths  
20 nationwide.

21 This is something that we cannot  
22 ignore. Yet that is something that we continue  
23 to do.

24 The amendment that I'm offering  
25 today would address what I think is one of the

1 unintended failures of bail reform. The issue  
2 that you see with prosecutors is that they are  
3 unable to request bail for someone who is a  
4 merchant of death, who can possess up to 8 ounces  
5 of fentanyl and, unless they happen to kill  
6 somebody, will simply be released on an  
7 appearance ticket to go back out into the  
8 community and continue to sell.

9           And to give you some idea of  
10 perspective, most of us have these in our  
11 pockets. This is a penny. One regular  
12 Lincoln-head cent. The amount of fentanyl that  
13 it takes to kill you is an amount that would just  
14 cover the nose of Abraham Lincoln on this penny.

15           Eight ounces of fentanyl, which is  
16 the amount that you must have on you in order to  
17 be bail-eligible, is enough -- for those Met fans  
18 who happen to be here in the audience -- is  
19 enough to fill Citi Field twice, kill everyone  
20 inside of it, and then kill another 25,000 people  
21 who are sitting in the parking lot.

22           Even the most ardent supporter of  
23 bail reform, Mr. President, could not have  
24 anticipated and would not support the idea that  
25 someone who possesses that quantity of fentanyl,

1 a quantity of fentanyl that is enough to kill  
2 113,000 of our fellow New Yorkers, does not  
3 present a danger to their fellow New Yorkers -- a  
4 danger to their fellow New Yorkers that  
5 prosecutors and judges are unable to protect  
6 against because they must release them back out  
7 into the community where they have the  
8 opportunity to do it again.

9 We must do more to protect  
10 New Yorkers from these vicious drug dealers. And  
11 it's time we give law enforcement agencies the  
12 tools that they need to combat the illicit sale  
13 of these deadly drugs.

14 This particular amendment,  
15 Mr. President, would amend the Criminal Procedure  
16 Law to allow bail on Class A-2 felonies for the  
17 criminal sale of controlled substances, criminal  
18 possession of controlled substances like LSD,  
19 methamphetamines, fentanyl, nitazene and other  
20 dangerous narcotics.

21 It is a commonsense step that I  
22 think we should all be able to get behind,  
23 because the ultimate goal is to protect each and  
24 every one of the citizens that we represent, to  
25 protect the kids that are actually purchasing

1 drugs that are laced with these deadly chemicals  
2 at the hands of merchants of death who  
3 indiscriminantly put them out there into our  
4 community.

5 We have a responsibility to protect  
6 them. And the easiest way that we can protect  
7 them is by giving the sworn individuals who have  
8 a responsibility to protect us -- our police, our  
9 prosecutors and our judges -- the ability to use  
10 their discretion to hold those individuals in  
11 jail pending trial so that they can't go out and  
12 repeat their criminal activity and potentially  
13 kill more individuals.

14 So, Mr. President, I ask you to  
15 reconsider your decision. But if you don't,  
16 Mr. President, I ask the fellow members of my  
17 chamber to allow this amendment to take place to  
18 overrule the decision of the chair and allow this  
19 important amendment to become part of 4786A, and  
20 work together to protect our fellow New Yorkers.

21 Mr. President, thank you.

22 ACTING PRESIDENT BAILEY: Thank  
23 you, Senator Rhoads.

24 I'd like to remind the house that  
25 once again this vote is on the procedures of the

1 house and the ruling of the chair.

2 Those in favor of overruling the  
3 chair, signify by saying aye.

4 (Response of "Aye.")

5 SENATOR LANZA: Request a show of  
6 hands.

7 ACTING PRESIDENT BAILEY: A show of  
8 hands has been requested and so ordered.

9 Announce the results.

10 THE SECRETARY: Ayes, 20.

11 ACTING PRESIDENT BAILEY: The  
12 ruling of the chair stands, and the bill-in-chief  
13 is before the house.

14 Senator Gianaris.

15 SENATOR GIANARIS: Mr. President,  
16 we've also agreed to restore this to the  
17 noncontroversial calendar.

18 ACTING PRESIDENT BAILEY: The bill  
19 will be restored to the noncontroversial  
20 calendar.

21 Read the last section.

22 THE SECRETARY: Section 4. This  
23 act shall take effect on the first of January.

24 ACTING PRESIDENT BAILEY: Call the  
25 roll.

1 (The Secretary called the roll.)

2 ACTING PRESIDENT BAILEY: Announce  
3 the results.

4 THE SECRETARY: In relation to  
5 Calendar Number 80, those Senators voting in the  
6 negative are Senators Ashby, Gallivan, Helming,  
7 Lanza, Oberacker, O'Mara, Ortt, Palumbo, Stec and  
8 Weik.

9 Ayes, 52. Nays, 10.

10 ACTING PRESIDENT BAILEY: The bill  
11 is passed.

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

14 ACTING PRESIDENT BAILEY: Is there  
15 any further business at the desk?

16 ACTING PRESIDENT BAILEY: There is  
17 no further business at the desk.

18 SENATOR GIANARIS: Move to adjourn  
19 until tomorrow, Wednesday, January 31st, at  
20 12:00 noon.

21 ACTING PRESIDENT BAILEY: On  
22 motion, the Senate stands adjourned until  
23 Wednesday, January 31st, at 12:00 p.m.

24 (Whereupon, at 4:58 p.m., the Senate  
25 adjourned.)