

1 NEW YORK STATE SENATE

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3
4 THE STENOGRAPHIC RECORD

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8
9 ALBANY, NEW YORK

10 February 26, 2024

11 3:21 p.m.

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13
14 REGULAR SESSION

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18 SENATOR ROXANNE J. PERSAUD, Acting President

19 ALEJANDRA N. PAULINO, ESQ., Secretary

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

2 ACTING PRESIDENT PERSAUD: The
3 Senate will come to order.

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

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

8 ACTING PRESIDENT PERSAUD: Rabbi
9 Mark Getman, of Temple Emanu-El of Canarsie, in
10 Brooklyn, New York, will deliver today's
11 invocation.

12 RABBI GETMAN: Almighty God, light
13 of truth, we call on Your spirit to guide all
14 elected leaders in New York State, from the
15 Governor's office to those gathered here today in
16 this legislative session, to all local villages,
17 towns, and all those in elected and appointed
18 positions throughout the state.

19 Instill in them the integrity,
20 empathy, and refusal to ignore injustice that
21 defined George Washington when he bid his
22 officers farewell in 1783, charging them to
23 establish rule of law upon immutable principles
24 of private morality.

25 Inspire them by the Roosevelts'

1 profound call for economic reform and basic
2 dignity when masses sought deliverance from
3 poverty's grip.

4 Equip leaders now to combat whatever
5 threatens residents' well-being or denies anyone
6 an equal chance to thrive, and to observe their
7 beliefs without prejudice or discrimination.

8 When some turn neighbor against
9 neighbor because of religious creed or ethnic
10 origin, ignite again Lady Liberty's light,
11 inviting all hurt, hungry and oppressed to
12 shelter here regardless of identity, background
13 or origin.

14 Just as FDR strengthened leaders to
15 overcome tyranny abroad, steel their resolve now
16 to defeat intolerances, threats from within.
17 Help them enact policies and forge partnerships
18 across faiths and across political affiliations,
19 to protect religious freedoms for all.

20 Where racism still casts its shadow
21 over hopes, and xenophobia and antisemitism rears
22 up to spread fear, compel leaders, as
23 Eleanor Roosevelt did, to follow the heart's
24 truth and do what you feel to be right, for
25 you'll be criticized anyway.

1 Make them tireless advocates,
2 bridging divides to affirm the equal claim to
3 life and liberty You intend for every child You
4 created, whatever their skin tone or background.

5 Thus, let freedom ring from
6 Buffalo's shores to Staten Island's heights:
7 Freedom of speech and worship. Freedom to walk
8 safely, unafraid of violence. Freedom from want
9 so none are denied education, shelter, housing or
10 care.

11 May You also lift up the brave men
12 and women, veterans of New York's greatest
13 military forces, our police forces, EMTs, firemen
14 and those who serve on the front lines, those who
15 have served and continue to serve our state and
16 nation, hazarding their lives in defense of
17 freedom.

18 From Revolutionary War patriots at
19 Saratoga to Civil War regiments marching to save
20 the Union, from the Fighting 69th forged on
21 Manhattan streets to the famed Rainbow Division,
22 troops who valiantly spilled their blood for
23 humanity in world wars, from troops rushing
24 without hesitation to help on 9/11 and, after, to
25 natural disasters in their own backyards, to

1 legions deployed now around the globe, their
2 selfless service echoes in these halls.

3 Bless them; heal their wounds, both
4 seen and unseen; comfort their families awaiting
5 their safe return. May their sacrifices remind
6 those here of the incredible blessings we enjoy,
7 and compel us to strengthen liberty's foundations
8 where generations of soldiers, sailors, air crews
9 fought fierce battles to secure our freedoms.

10 We ask that Lady Liberty's torch
11 blaze abright, summoning outcasts and proclaiming
12 Your desire for justice to dwell in our halls of
13 power even as it does in heaven.

14 As these elected representatives
15 begin their work today and this week, may they be
16 guided by wisdom, compassion, and a spirit of
17 selfless public service. Help them to put aside
18 differences and agendas, to help them find common
19 ground for the betterment of our state and all
20 its residents. Bless their efforts as they
21 allocate resources, they draft policies and make
22 decisions that impact so many. And may all that
23 transpires here be for the greater good.

24 May God bless the United States of
25 America, bless the State of New York, its

1 citizens, and everyone. Amen.

2 (Response of "Amen.")

3 ACTING PRESIDENT PERSAUD: Reading
4 of the Journal.

5 THE SECRETARY: In Senate, Sunday,
6 February 25, 2024, the Senate met pursuant to
7 adjournment. The Journal of Saturday,
8 February 24, 2024, was read and approved. On
9 motion, the Senate adjourned.

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

12 Presentation of petitions.

13 Messages from the Assembly.

14 Messages from the Governor.

15 Reports of standing committees.

16 Reports of select committees.

17 Communications and reports from
18 state officers.

19 Motions and resolutions.

20 Senator Gianaris.

21 SENATOR GIANARIS: Madam President,
22 good afternoon.

23 Amendments are offered to the
24 following Third Reading Calendar bills:

25 By Senator Thomas, on page 24,

1 Calendar 300, Senate Print 509;

2 By Senator Fernandez, on page 29,

3 Calendar 350, Senate Print 4555A;

4 By Senator Brouk, on page 29,

5 Calendar 353, Senate Print 7780;

6 And by Senator Sepúlveda, page 30,

7 Calendar 368, Senate Print 3318.

8 ACTING PRESIDENT PERSAUD: The
9 amendments are received, and the bills will
10 retain their place on the Third Reading Calendar.

11 Senator Gianaris.

12 SENATOR GIANARIS: Please recognize
13 Senator Lanza for a motion.

14 ACTING PRESIDENT PERSAUD: Senator
15 Lanza for a motion.

16 SENATOR LANZA: Thank you,
17 Senator Gianaris.

18 Madam President, on behalf of
19 Senator Tedisco, on page 34 I offer the following
20 amendments to Calendar 400, Senate Print 7547,
21 and ask that said bill retain its place on
22 Third Reading Calendar.

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

1 Senator Gianaris.

2 SENATOR GIANARIS: Please recognize
3 Senator Myrie for an introduction.

4 ACTING PRESIDENT PERSAUD: Senator
5 Myrie for an introduction.

6 SENATOR MYRIE: Thank you,
7 Madam President.

8 In the past I would have been an
9 unusual suspect for this introduction. You see I
10 have the red scarf on, introducing some
11 New Yorkers who care deeply about the
12 Adirondack Park here in this state.

13 A couple of years ago we were able
14 as a Legislature to pass in the budget the
15 Timbuctoo Summer Climate and Careers Institute.
16 And what that represented was giving kids from
17 New York City an opportunity to come upstate and
18 go to the Adirondack Park and see future career
19 paths in fighting climate, and to also experience
20 the Adirondack Park that belongs to them just
21 like it belongs to every single New Yorker.

22 So they are up here today, some from
23 my district, but from all over the City of
24 New York, having been alums of last year's
25 program and they're back here today advocating

1 for more. They are fighting for environmental
2 policies that protect our climate. They are
3 fighting for cleaner water, for protection of our
4 wilderness and for green job creation.

5 And so I'm really honored to present
6 and introduce them in this Senate chamber,
7 because just like the Adirondack Park, this is
8 their house as well. So if you could,
9 Madam President, extend to them all of the
10 courtesies of the house.

11 And thank you all for making the
12 trip up today.

13 ACTING PRESIDENT PERSAUD: To our
14 guests, I welcome you on behalf of the Senate.
15 We extend to you the privileges and courtesies of
16 this house. Please rise and be recognized.

17 (Standing ovation.)

18 ACTING PRESIDENT PERSAUD: Senator
19 Gianaris.

20 SENATOR GIANARIS: Next up, can you
21 please recognize Senator Hoylman-Sigal for an
22 introduction.

23 ACTING PRESIDENT PERSAUD: Senator
24 Hoylman-Sigal for an introduction.

25 SENATOR HOYLMAN-SIGAL: Thank you,

1 Madam President and Deputy Leader Gianaris.

2 I'm here today, Madam Speaker, to
3 announce a very special guest on my right from my
4 district on Manhattan's West Side, Dr. Sean M.
5 Decatur.

6 Dr. Decatur was selected in
7 December 2022 to serve as the president of the
8 American Museum of Natural History. He made
9 history as the museum's first Black leader.

10 Since this Legislature incorporated
11 it in 1869, the Museum of Natural History has
12 been one of our country's most celebrated
13 institutions, a cultural icon and a source of
14 fond childhood and -- speaking for myself --
15 adult memories.

16 The museum averages almost 5 million
17 visitors annually, many of whom come from abroad,
18 and I imagine some of our guests in the gallery
19 today have been there as well.

20 This year President Decatur oversaw
21 opening the new Gilder Center for Science,
22 Education, and Innovation, an architecturally
23 stunning new wing, Madam President, if you
24 haven't been, whose atrium recalls a granite
25 canyon cliff face. The wing is both spectacular

1 and functional, housing an insectarium, a
2 butterfly conservatory, new classrooms, a
3 laboratory, and a theater. And most importantly,
4 the new Gilder Center has welcomed 500,000 new
5 constituents of mine, in the form of Trinidadian
6 leaf-cutter ants. Quite a sight to behold.

7 President Decatur was born in
8 Cleveland and has spent much of his professional
9 life working in education. After getting his
10 doctorate at Stanford, he served in numerous
11 academic roles at Mount Holyoke College and
12 Oberlin, before his latest role as president of
13 Kenyon College in Ohio.

14 Let me just add and close on this.
15 Last October the Natural History Museum began to
16 overhaul its stewardship of a very difficult and
17 thorny issue. The museum has formerly held
18 12,000 human remains in its collection. It has
19 removed all of those human remains on public
20 display. This decision followed a recognition of
21 these remains' deeply troubled history. Some of
22 the bones belonged to enslaved New Yorkers and
23 Indigenous peoples. Many were acquired to serve
24 eugenicist turn-of-the-century research agendas.

25 So I want to commend Dr. Decatur for

1 his foresight and vision in leading the museum,
2 as well as welcoming him to this the Senate
3 floor.

4 And I urge you, Madam President, as
5 we say, to extend him every privilege of the
6 house. Thank you.

7 ACTING PRESIDENT PERSAUD:

8 Dr. Decatur, I welcome you on behalf of the
9 Senate, and we extend to you the privileges and
10 courtesies of this house.

11 Please rise and be recognized.

12 (Standing ovation.)

13 ACTING PRESIDENT PERSAUD: Senator
14 Gianaris.

15 SENATOR GIANARIS: Can we now take
16 up previously adopted Resolution 1642, by
17 Senator Sepúlveda, read its title, and recognize
18 Senator Sepúlveda.

19 ACTING PRESIDENT PERSAUD: The
20 Secretary will read.

21 THE SECRETARY: Resolution 1642, by
22 Senator Sepúlveda, commending Dr. Rafael A.
23 Lantigua for his exceptional achievements and
24 contributions to medicine and community service
25 in New York State.

1 ACTING PRESIDENT PERSAUD: Senator
2 Sepúlveda on the resolution.

3 SENATOR SEPÚLVEDA: Thank you,
4 Madam President, for allowing me to present this
5 resolution.

6 Since I've been an elected Senator
7 I've brought several people to this chamber,
8 people that I'm very proud to have worked with or
9 worked for or the achievements that they've done
10 for the State of New York. And today I am
11 extremely honored to present to us a great
12 American, a great figure here in New York State
13 and New York City, Dr. Rafael A. Lantigua, a
14 figure whose contributions to medicine and
15 community service has profoundly impacted
16 New York and beyond.

17 Dr. Lantigua has been celebrated by
18 several, including the Dominican President Luis
19 Abinader, Congressman Adriano Espaillat, and
20 every single mayor and governor over the last
21 20 years have all reached out for his counsel
22 because of his work in medicine and his
23 dedication to excellence.

24 His journey from La Universidad
25 Autonoma de Santo Domingo to Colombia University

1 highlights a commitment to advancing healthcare,
2 particularly for minority populations. Through
3 his research on the issue of aging and
4 Alzheimer's amongst Latinos, Dr. Lantigua has
5 addressed critical health disparities, enriching
6 both medical and public health facilities and
7 public health matters.

8 Beyond his commitment and his
9 medical achievements, Dr. Lantigua's involvement
10 in community service underscores his deep
11 commitment to advocacy and support. Recognized
12 by numerous awards for his service, especially to
13 the Latino and Dominican community in New York,
14 his work reflects a profound dedication to the
15 betterment of their lives.

16 Make no doubt that Dr. Lantigua is a
17 revered man in the Dominican community and the
18 Latino community for his role in helping some of
19 the poorest communities that exist in New York
20 State and the United States. He's a hero to many
21 here and in the Dominican Republic.

22 In recognition of his outstanding
23 contributions, we not only present Resolution
24 Number 1642, but also the prestigious
25 Presidential Volunteer Award Medal which was

1 issued by -- which will be issued by me on behalf
2 of President Biden.

3 This dual celebration and honor is
4 for Dr. Lantigua's exceptional service and his
5 significant role as a leader and advocate in our
6 community. Dr. Lantigua, on behalf of the State
7 of New York and a grateful nation, we thank you
8 for your unwavering dedication and impactful work
9 to the people in this state.

10 I am honored, I am extremely honored
11 to present you with this recognition.

12 And a quick note in Spanish.
13 (Previous remarks in Spanish.) Thank you.

14 ACTING PRESIDENT PERSAUD: Thank
15 you, Senator.

16 Senator Jackson on the resolution.

17 SENATOR JACKSON: Thank you,
18 Madam President.

19 I rise in order to congratulate
20 Dr. Rafael Lantigua for his service not only in
21 the Washington Heights and Inwood area, but the
22 entire city.

23 And in fact, I've lived in
24 Washington Heights ever since 1975, when I
25 graduated from college, and Dr. Lantigua has been

1 a part of bringing the community together, and
2 especially when it comes to health and wellness.

3 And so I've known him to be directly
4 involved in improving the outcomes of the people
5 in our community -- but not only that, extending
6 that to all parts of New York City.

7 I'm here to say that I'm proud of
8 what he's done. I'm happy that he's still
9 involved in bringing the community together from
10 the point of unity and healthwise. And so I
11 thank my colleague Luis Sepúlveda for bringing
12 him up here so we can honor him today.

13 Congratulations.

14 Thank you.

15 ACTING PRESIDENT PERSAUD: Thank
16 you, Senator.

17 Senator Cleare on the resolution.

18 SENATOR CLEARE: Thank you,
19 Madam President.

20 I rise today also to thank
21 Dr. Lantigua for his work in the community,
22 underserved community, long before others were
23 paying attention -- all that he has done for the
24 Dominican community, and being a trusted voice
25 and a leader. Not just a medical professional,

1 but a leader, a true leader in our community.

2 I congratulate you on your award
3 today.

4 Thank you, Senator Sepúlveda, for
5 giving us this opportunity.

6 And I proudly vote aye.

7 ACTING PRESIDENT PERSAUD:

8 Dr. Lantigua, I welcome you on behalf of the
9 Senate. We extend to you the privileges and
10 courtesies of this house.

11 Please rise and be recognized.

12 (Standing ovation.)

13 ACTING PRESIDENT PERSAUD: The
14 resolution was adopted on January 30th.

15 Senator Gianaris.

16 SENATOR GIANARIS: Please take up
17 the reading -- oh, I'm sorry. Before we do that,
18 at the request of Senator Sepúlveda, that
19 resolution is open for cosponsorship.

20 ACTING PRESIDENT PERSAUD: The
21 resolution is open for cosponsorship. Should you
22 choose not to be a cosponsor on the resolution,
23 please notify the desk.

24 Senator Gianaris.

25 SENATOR GIANARIS: Now please take

1 up the reading of the calendar.

2 ACTING PRESIDENT PERSAUD: The
3 Secretary will read.

4 THE SECRETARY: Calendar Number 87,
5 Senate Print 4711, by Senator Martinez, an act to
6 amend the Volunteer Firefighters Benefit Law.

7 ACTING PRESIDENT PERSAUD: Read the
8 last section.

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

11 ACTING PRESIDENT PERSAUD: Call the
12 roll.

13 (The Secretary called the roll.)

14 ACTING PRESIDENT PERSAUD: Senator
15 Webb to explain her vote. (Pause.)

16 Announce the results.

17 THE SECRETARY: Ayes, 55.

18 ACTING PRESIDENT PERSAUD: The bill
19 is passed.

20 THE SECRETARY: Calendar Number
21 148, Senate Print 1979, by Senator Cleare, an act
22 in relation to requiring the Empire State
23 Development Corporation, in consultation with the
24 State University of New York, to study the
25 economic impact of optimizing kitchen incubators

1 in New York State.

2 ACTING PRESIDENT PERSAUD: Read the
3 last section.

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

6 ACTING PRESIDENT PERSAUD: Call the
7 roll.

8 (The Secretary called the roll.)

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

11 SENATOR CLEARE: Thank you,
12 Madam President.

13 The average cost of installing even
14 the simplest commercial kitchen can be upwards of
15 \$20,000, which is prohibitive for so many
16 entrepreneurs who have a unique product to bring
17 to the marketplace, particularly those in
18 low-income communities.

19 It is proven that shared commercial
20 kitchens are a viable solution to this challenge,
21 but we do not have nearly enough of them, and
22 access is not prioritized to those who need it
23 the most.

24 The purpose of this bill is to
25 require a study and action plan concerning the

1 transformative effects of locating small kitchen
2 incubators on public and private college
3 campuses, and in public housing developments. In
4 addition, Empire State Development is charged
5 with further developing comprehensive businesses
6 and advisory services to fully complement kitchen
7 incubator services.

8 To help ensure that start-ups have
9 every opportunity to succeed I believe that we
10 must be smart and target with our investments in
11 economic development, and this bill represents
12 the very best kind of concept: Utilizing
13 existing community partners and proven shared
14 resources to further the economic growth and
15 quality of life for all.

16 I proudly vote aye. Thank you.

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

19 Announce the results.

20 THE SECRETARY: In relation to
21 Calendar Number 148, voting in the negative:
22 Senator Skoufis.

23 Ayes, 55. Nays, 1.

24 ACTING PRESIDENT PERSAUD: The bill
25 is passed.

1 THE SECRETARY: Pardon me.

2 Ayes, 57. Nays, 1.

3 ACTING PRESIDENT PERSAUD: The bill
4 is passed.

5 THE SECRETARY: Calendar 161,
6 Senate Print 319, by Senator Salazar, an act to
7 amend the Public Health Law.

8 ACTING PRESIDENT PERSAUD: Read the
9 last section.

10 THE SECRETARY: Section 2. This
11 act shall take effect on the 180th day after it
12 shall have become a law.

13 ACTING PRESIDENT PERSAUD: Call the
14 roll.

15 (The Secretary called the roll.)

16 ACTING PRESIDENT PERSAUD: Announce
17 the results.

18 THE SECRETARY: In relation to
19 Calendar 161, those Senators voting in the
20 negative are Senators Ashby, Borrello, Gallivan,
21 Griffo, Helming, Lanza, Mattera, Murray,
22 Oberacker, Ortt, Rhoads, Rolison, Stec, Tedisco,
23 Weber and Weik.

24 Ayes, 42. Nays, 16.

25 ACTING PRESIDENT PERSAUD: The bill

1 is passed.

2 THE SECRETARY: Calendar Number
3 163, Senate Print 506, by Senator Thomas, an act
4 to amend the Social Services Law.

5 ACTING PRESIDENT PERSAUD: Read the
6 last section.

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

9 ACTING PRESIDENT PERSAUD: Call the
10 roll.

11 (The Secretary called the roll.)

12 ACTING PRESIDENT PERSAUD: Announce
13 the results.

14 THE SECRETARY: Ayes, 58.

15 ACTING PRESIDENT PERSAUD: The bill
16 is passed.

17 THE SECRETARY: Calendar Number
18 228, Senate Print 1195, by Senator Persaud, an
19 act to amend the Agriculture and Markets Law.

20 ACTING PRESIDENT PERSAUD: Read the
21 last section.

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

24 ACTING PRESIDENT PERSAUD: Call the
25 roll.

1 (The Secretary called the roll.)

2 ACTING PRESIDENT PERSAUD: Announce
3 the results.

4 THE SECRETARY: Ayes, 58.

5 ACTING PRESIDENT PERSAUD: The bill
6 is passed.

7 THE SECRETARY: Calendar Number
8 235, Senate Print 60, by Senator Harckham, an act
9 in relation to directing the State Board of Real
10 Property Tax Services to conduct a study on real
11 property tax saturation.

12 ACTING PRESIDENT PERSAUD: Read the
13 last section.

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

16 ACTING PRESIDENT PERSAUD: Call the
17 roll.

18 (The Secretary called the roll.)

19 ACTING PRESIDENT PERSAUD: Announce
20 the results.

21 THE SECRETARY: Ayes, 58.

22 ACTING PRESIDENT PERSAUD: The bill
23 is passed.

24 THE SECRETARY: Calendar Number
25 282, Senate Print 2872, by Senator Comrie, an act

1 to amend the Public Authorities Law.

2 ACTING PRESIDENT PERSAUD: Read the
3 last section.

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

6 ACTING PRESIDENT PERSAUD: Call the
7 roll.

8 (The Secretary called the roll.)

9 ACTING PRESIDENT PERSAUD: Announce
10 the results.

11 THE SECRETARY: In relation to
12 Calendar 282, voting in the negative are
13 Senators Helming and Tedisco.

14 Ayes, 56. Nays, 2.

15 ACTING PRESIDENT PERSAUD: The bill
16 is passed.

17 THE SECRETARY: Calendar Number
18 376, Senate Print 6585, by Senator Stavisky, an
19 act amending Chapter 548 of the Laws of 2004.

20 ACTING PRESIDENT PERSAUD: Read the
21 last section.

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

24 ACTING PRESIDENT PERSAUD: Call the
25 roll.

1 (The Secretary called the roll.)

2 ACTING PRESIDENT PERSAUD: Announce
3 the results.

4 THE SECRETARY: Ayes, 58.

5 ACTING PRESIDENT PERSAUD: The bill
6 is passed.

7 THE SECRETARY: Calendar Number
8 406, Senate Print 2315, by Senator Cleare, an act
9 in relation to naming a certain state facility
10 after Willie Mae Goodman.

11 ACTING PRESIDENT PERSAUD: Read the
12 last section.

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

15 ACTING PRESIDENT PERSAUD: Call the
16 roll.

17 (The Secretary called the roll.)

18 ACTING PRESIDENT PERSAUD: Senator
19 Brisport to explain his vote.

20 SENATOR BRISPORT: Thank you,
21 Madam President.

22 And thank you, Senator Cleare, for
23 introducing this bill.

24 I'm grateful we had the opportunity
25 to honor Ms. Willie Mae Goodman, who successfully

1 fought to protect not only her daughter Margaret
2 but countless other children from Willowbrook.
3 There are few stains on the history of our state
4 more terrible or more telling than that of the
5 infamous Willowbrook School. At Willowbrook,
6 disabled children were subjected to wretched,
7 often fatal conditions. They were treated as
8 subhuman and intentionally exposed to disease for
9 medical experimentation.

10 Parents who did not know the extent
11 of the horrors at Willowbrook trusted in our
12 state and unknowingly sent their children into
13 this nightmare. Many were deceived into
14 providing medical consent for the experiments
15 performed there.

16 It's tempting to imagine that once
17 the public began learning about the conditions at
18 Willowbrook it was promptly brought to an end --
19 but that is not what happened. By 1970
20 Ms. Goodman and other advocates were loudly
21 fighting against the state's plan to return their
22 loved ones to Willowbrook. By 1972 the
23 conditions at Willowbrook had been thoroughly
24 documented and exposed to the nation by advocates
25 and journalists. Yet it took another 15 years,

1 until 1987, for Willowbrook to finally be shut
2 down.

3 It's also worth remembering that the
4 end of Willowbrook did not end the horrors faced
5 by disabled New Yorkers. The same pervasive
6 erasure, othering, and deprioritization of
7 disabled people that gave rise to Willowbrook
8 also allowed for dehumanizing conditions in other
9 facilities. To this day, New York funds a
10 private institution that actively practices
11 aversive conditioning on disabled people, deemed
12 torture by the U.N. At this very moment they
13 have disabled people forcibly attached to an
14 electroshock device nine times more powerful than
15 a cattle prod, and our state is still subsidizing
16 this institution.

17 History will likely not remember the
18 righteous or compassionate things we say about
19 disability, but history will remember the horrors
20 that happened on our watch and what we do or fail
21 to do about them. Today we remember Ms. Willie
22 Mae Goodman, who chose to act.

23 Thank you.

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

1 Announce the results.

2 THE SECRETARY: Ayes, 58.

3 ACTING PRESIDENT PERSAUD: The bill
4 is passed.

5 THE SECRETARY: Calendar Number
6 407, Senate Print 8183, by Senator Mannion, an
7 act to amend Part Q of Chapter 59 of the Laws of
8 2016.

9 ACTING PRESIDENT PERSAUD: Read the
10 last section.

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

13 ACTING PRESIDENT PERSAUD: Call the
14 roll.

15 (The Secretary called the roll.)

16 ACTING PRESIDENT PERSAUD: Senator
17 Martins to explain his vote.

18 SENATOR MARTINS: Thank you,
19 Madam President.

20 You know, I rise to support the
21 bill. I compliment Senator Mannion on its
22 introduction. But I also rise with some concerns
23 about notification.

24 I would prefer, and I think we all
25 would prefer to see notification to each member

1 if there's a facility that's going to close in
2 your community, in your district. And although I
3 appreciate the fact that there's going to be
4 notification to the president pro tem, that
5 there's notification to employment through unions
6 and labor unions, I would like to know myself
7 that if there's a facility that's going to close
8 in my district, that we be made aware at the same
9 time and simultaneously.

10 So I just leave it as a suggestion,
11 Madam President, and I vote aye.

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

14 Announce the results.

15 THE SECRETARY: Ayes, 58.

16 ACTING PRESIDENT PERSAUD: The bill
17 is passed.

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

20 SENATOR GIANARIS: Thank you,
21 Madam President.

22 Please recognize Senator Comrie for
23 an introduction.

24 ACTING PRESIDENT PERSAUD: Senator
25 Comrie for an introduction.

1 SENATOR COMRIE: Thank you,
2 Madam President. Thank you.

3 I'm pleased to just announce and
4 recognize that we have a Scout troop from my
5 district -- Scout Troops 144B, 144G, and
6 Girl Scout Troop 4704 from Saint Albans.

7 The Presbyterian Church of
8 Saint Albans has been working with scouting for
9 many years. They've had many people that have
10 become Eagle Scouts from their troop. They've
11 been continuing to work with young people in our
12 community, the greater Saint Albans community.

13 We have -- they're here today to
14 tour the Capitol to learn about civics and
15 advocate also for the Adirondack Park, which
16 many of them have had the opportunity to visit.

17 We have Julie London, chaperone and
18 Troop 144 parent; Gianfranco Gateau, Troop 144B
19 chaperone and assistant scoutmaster; Diane Reid,
20 Troop 144 committee chairperson; Deidra Byrd,
21 chaperone and Troop 144B and Troop 144G Parent
22 Troop Committee; Patrick Tomlinson, who's not
23 here; Bridgett Buckery-Smith, Troop 144B
24 committee member; Teka Hutchinson, Troop 4704
25 Girl Scout leader and chaperone; Vanessa

1 Williams, Girl Scout leader and chaperone; and
2 Leroy Hendricks, Sr., and Kimberly Hendricks,
3 chaperones and parents.

4 And we also have Scouts -- I won't
5 say all their names because we're already past
6 time, but I just wanted to recognize you, thank
7 you for coming to the Capitol, thank you for
8 consistently bringing Scouts to the Capitol so
9 that they can learn about government. Hopefully
10 you will enjoy your entire visit here and come
11 back often to advocate for the things that you're
12 concerned about.

13 So Madam President, Mr. Leader,
14 thank you for allowing me to say a few words to
15 introduce. If you don't mind, give them a
16 standing ovation for the opportunity to come here
17 today.

18 Thank you.

19 ACTING PRESIDENT PERSAUD: To our
20 guests, I welcome you on behalf of the Senate.
21 We extend to you the privileges and courtesies of
22 this house.

23 Please rise and be recognized.

24 (Standing ovation.)

25 ACTING PRESIDENT PERSAUD: Senator

1 Gianaris.

2 SENATOR GIANARIS: Madam President,
3 there will be an immediate meeting of the
4 Rules Committee in Room 332.

5 ACTING PRESIDENT PERSAUD: There
6 will be an immediate meeting of the
7 Rules Committee in Room 332.

8 SENATOR GIANARIS: The Senate will
9 stand at ease.

10 ACTING PRESIDENT PERSAUD: The
11 Senate will stand at ease.

12 (Whereupon, the Senate stood at ease
13 at 3:52 p.m.)

14 (Whereupon, the Senate reconvened at
15 4:17 p.m.)

16 ACTING PRESIDENT PERSAUD: The
17 Senate will return to order.

18 Senator Gianaris.

19 SENATOR GIANARIS: Madam President,
20 there's a report of the Rules Committee at the
21 desk. Can we take that up, please.

22 ACTING PRESIDENT PERSAUD: The
23 Secretary will read.

24 THE SECRETARY: Senator
25 Stewart-Cousins, from the Committee on Rules,

1 reports the following bills:

2 Senate Print 8638, by Senator Myrie,
3 an act to amend the Civil Practice Law and Rules;

4 Senate Print 8639, Senate
5 Redistricting Bill, an act to amend the
6 State Law.

7 Both bills reported direct to third
8 reading.

9 SENATOR GIANARIS: Move to accept
10 the report of the Rules Committee.

11 ACTING PRESIDENT PERSAUD: All
12 those in favor of accepting the Rules Committee
13 report, signify by saying aye.

14 (Response of "Aye.")

15 ACTING PRESIDENT PERSAUD: Opposed,
16 nay.

17 (Response of "Nay.")

18 ACTING PRESIDENT PERSAUD: The
19 report of the Rules Committee is accepted.

20 Senator Gianaris.

21 SENATOR GIANARIS: Can we now take
22 up the reading of the supplemental calendar.

23 ACTING PRESIDENT PERSAUD: The
24 Secretary will read.

25 THE SECRETARY: Calendar Number

1 465, Senate Print 8638, by Senator Myrie, an act
2 to amend the Civil Practice Law and Rules.

3 SENATOR LANZA: Lay it aside.

4 ACTING PRESIDENT PERSAUD: Lay it
5 aside.

6 THE SECRETARY: Calendar Number
7 466, Senate Print 8639, Senate Redistricting
8 Bill, an act to amend the State Law.

9 SENATOR LANZA: Lay it aside.

10 ACTING PRESIDENT PERSAUD: Lay it
11 aside.

12 Senator Gianaris.

13 SENATOR GIANARIS: Can we now take
14 up the reading of the controversial calendar,
15 beginning with Calendar 466.

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

18 The Secretary will read.

19 THE SECRETARY: Calendar Number
20 466, Senate Print 8639, Senate Redistricting
21 Bill, an act to amend the State Law.

22 ACTING PRESIDENT PERSAUD: Read the
23 last section.

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

1 ACTING PRESIDENT PERSAUD: Call the
2 roll.

3 (The Secretary called the roll.)

4 ACTING PRESIDENT PERSAUD: Senator
5 Gianaris to explain his vote.

6 SENATOR GIANARIS: Thank you,
7 Madam President.

8 As everyone in here knows, we are
9 considering the map that was sent to us, the
10 congressional map sent to us by the Independent
11 Redistricting Commission.

12 I do want to state at the outset
13 that I do appreciate the service of the various
14 commissioners who did their best to come up with
15 a map that they thought was best.

16 Unfortunately, I will be voting in
17 the negative. I think there are numerous
18 problems with the map that was sent to us that
19 run afoul of the constitutional guidelines that
20 exist in our State Constitution.

21 Most notably, there are half a dozen
22 county cuts, places where counties were divided
23 newly in this new map from the existing
24 districts. Those six counties were cut eight
25 different ways in order to draw this map.

1 One of the issues the Constitution
2 highlights is that the maps should not be drawn
3 specifically to protect incumbents. And I think
4 in the map before us there are again numerous
5 instances on a bipartisan basis where it was
6 clear that the intention of the map is simply to
7 protect incumbents of both parties.

8 And there were a number of instances
9 where communities of interest were not properly
10 protected in the drawing of the map that's before
11 us.

12 So I will be voting in the negative
13 and look forward to working with my colleagues in
14 the Assembly to come up with a better product
15 that will better serve the people of this state.

16 Thank you, Madam President.

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

19 Senator Borrello to explain his
20 vote.

21 SENATOR BORRELLO: Thank you,
22 Madam President.

23 You know, I hear a lot in this house
24 about protecting democracy and the will of the
25 people. And the reality is the people did speak.

1 They spoke in a constitutional amendment that
2 they wanted to eliminate this behind-closed-doors
3 way of drawing redistricting maps.

4 And it was created, the IRC, with
5 that. And that was the people speaking, saying
6 let's change this process, let's make it a more
7 honest and open process.

8 But despite that, once my colleagues
9 on the other side of the aisle took over, they
10 decided to undermine that IRC. They started by
11 trying to defund the IRC at the beginning. They
12 sought to change the Constitution again, to
13 change the parameters, how the IRC members were
14 actually assigned, and going toward a more
15 political, behind-closed-doors process. Changing
16 the two-thirds vote to a simple majority. The
17 list goes on and on.

18 All along, trying to undermine the
19 will of the people that said we are going to
20 eliminate this behind-closed-doors, partisan
21 gerrymandering.

22 Despite all of that, we did end up
23 having a map that was obviously split last time.
24 And once again, we sent a bill to the Governor
25 asking -- the Democrats asked if we could just

1 draw the lines ourselves, because we don't trust
2 the people on the IRC, we don't trust the people
3 of New York State, the people that said this is
4 the process that we want. We don't trust them.
5 You know better than they do. That's the
6 problem.

7 So you can sit here and point out
8 what you don't like about these maps, but this is
9 the process that the people of New York State
10 chose. This is the open, transparent process
11 that they asked for. But we're going to continue
12 to undermine the IRC.

13 So with that being said, what were
14 the results? There were 10 members of this
15 commission, 10 commissioners. Nine to one, they
16 voted to support this map -- nine to one. Find
17 10 people that want to go out to dinner and try
18 to find 10 people that all want to go to the same
19 place with the same food. Find nine of those 10.
20 That's a difficult thing to do. But a process
21 like this, a difficult process, nine to one voted
22 to support these maps.

23 Because the reality is we don't
24 really care what the people think. We care what
25 the political outcome is at the end. And that's

1 what this is about. It's taking it away from the
2 people, taking away the choices that they made.
3 The constitutional amendment -- which, by the
4 way, is not an easy thing to do, to change the
5 Constitution. But the people of New York did so
6 and created this process.

7 And we are once again going to
8 undermine this process, say we don't trust you,
9 the people that brought us here, the people that
10 vote for us, we don't trust you to do the right
11 thing. We're going to tell you what your will
12 is.

13 That's wrong. That's why I am
14 supporting these maps.

15 Thank you.

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

18 Senator Martins to explain his vote.

19 SENATOR MARTINS: Thank you,
20 Madam President.

21 You know, I rise to support these
22 maps.

23 Madam President, you may remember
24 members of the -- my colleagues here in the
25 Senate may remember, but I served on the

1 Independent Redistricting Commission before
2 resigning to run for the Senate. And so I had
3 the opportunity to participate in this process.
4 And I call on each and every one of us to
5 remember what this process is about.

6 In case anyone has forgotten,
7 Madam President, the members of the Independent
8 Redistricting Commission were appointed by the
9 legislative leaders, not only here in the Senate,
10 but down the hall in the Assembly. The chair of
11 the Independent Redistricting Commission,
12 Ken Jenkins, was appointed by the Majority Leader
13 of this house. The vice chair was appointed by
14 the minority leader of the Assembly --
15 Charlie Nesbitt.

16 Each side has staff. Each side has
17 consultants, demographers, attorneys versed in
18 federal and state election law. They have access
19 to consultants that helped in drawing these maps.
20 And the idea that you have members of the
21 commission, 10 members that were able to achieve
22 a nine-one consensus to move these maps,
23 Madam President, is something that body should be
24 celebrating.

25 And I rise to thank not only Chair

1 Jenkins but Vice Chair Nesbitt for the incredible
2 job that they did in building that consensus
3 around these maps. That's what this is about.

4 I urge my colleagues to support
5 these maps and the process that led to these maps
6 being approved. Because these lines aren't drawn
7 haphazardly. You don't have 10 people just
8 sitting around a table with Magic Markers and
9 pens trying to draw these maps. These maps are
10 drawn meticulously, they're drawn in conformance
11 with law. They're drawn, I think, with all of
12 the best intentions.

13 And the idea that we had nine
14 members of a 10-member commission, consultants on
15 both sides of the aisle or all sides of the
16 aisle -- the representative from the Working
17 Families Party and the representative from the
18 Conservative Party all voting in favor of these
19 maps should tell us something. They were able to
20 reach consensus on these maps. And again, that's
21 something we should celebrate. The Constitution
22 worked. The process worked.

23 Now, I know there are members in
24 this chamber who are going to be running for
25 office, have already declared for Congress. This

1 should be good news for all of us. You've got
2 great maps to run on. Congratulations.

3 But Madam President, we should all,
4 as a body, understand -- and I hope we all do
5 understand -- that this is about fairness,
6 process, and our responsibility to the residents
7 and citizens of this great state to make sure
8 that we move forward with the process that has
9 actually worked. Against perhaps all odds, since
10 it is a 10-member board.

11 Let's celebrate the fact that we got
12 a nine-one result. Let's celebrate the fact that
13 the demographers and the consultants on both
14 sides of that divide came together, and they all
15 agreed on these maps.

16 Madam President, far from voting no,
17 I'm going to vote yes. I'm going to urge
18 everyone to. I'm going to remind everyone that
19 we have a Constitution that we've all sworn to
20 uphold. This is part of that Constitution. And
21 I'd rather have these maps prepared by
22 non-politicians, Madam President, and have them
23 supplied to us in a nonpartisan way, which has
24 been done. The IRC did their job. They provided
25 maps where there was consensus.

1 And I urge all of us here in this
2 chamber to do our jobs as well. Let's support
3 these maps, Madam President. I vote aye.

4 ACTING PRESIDENT PERSAUD: Senator
5 Martins to be recorded in the affirmative.

6 Announce the results.

7 THE SECRETARY: In relation to
8 Calendar 466, those Senators voting in the
9 negative are Senators Addabbo, Bailey, Breslin,
10 Brisport, Brouk, Chu, Cleare, Comrie, Cooney,
11 Fernandez, Gianaris, Gonzalez, Harckham, Hinchey,
12 Hoylman-Sigal, Jackson, Kavanagh, Kennedy,
13 Krueger, Liu, Mannion, Martinez, May, Mayer,
14 Myrie, Parker, Persaud, Ramos, Rivera, Ryan,
15 Salazar, Sanders, Scarcella-Spanton, Sepúlveda,
16 Serrano, Skoufis, Stavisky, Stewart-Cousins,
17 Thomas and Webb.

18 Ayes, 17. Nays, 40.

19 ACTING PRESIDENT PERSAUD: The bill
20 is defeated.

21 Senator Gianaris.

22 SENATOR GIANARIS: Okay, let's move
23 on to Calendar 465, please.

24 ACTING PRESIDENT PERSAUD: The
25 Secretary will read.

1 THE SECRETARY: Calendar Number
2 465, Senate Print 8638, by Senator Myrie, an act
3 to amend the Civil Practice Law and Rules.

4 ACTING PRESIDENT PERSAUD: Senator
5 Lanza, why do you rise?

6 SENATOR LANZA: Madam President,
7 would the sponsor yield to some questions? In
8 fact, Madam President, would the sponsor offer an
9 explanation of the bill?

10 ACTING PRESIDENT PERSAUD: Does the
11 sponsor yield? And will the sponsor offer an
12 explanation?

13 SENATOR MYRIE: Through you,
14 Madam President, yes and yes.

15 So why don't we start with the
16 New York Constitution itself, in Article 3,
17 Section 5. It starts: "An apportionment by the
18 Legislature, or other body, shall be subject to
19 review by the Supreme Court at the suit of any
20 citizen under such reasonable regulations as the
21 Legislature may prescribe."

22 That is what we're doing here today.
23 We are prescribing a regulation for these types
24 of lawsuits, exactly as prescribed by the
25 New York State Constitution.

1 But we are also comporting with
2 precedent in the law already. In the John R.
3 Lewis Voting Rights Act we limit where certain
4 suits can be brought in a similar fashion. And
5 that is similar to the federal Voting Rights Act,
6 where if you wanted to challenge your designation
7 as a preclearance jurisdiction, you couldn't go
8 to any court, you have to go to one court, the
9 D.C. Circuit. And that was to develop expertise
10 in that court and for there to be unity in how
11 these topics were addressed.

12 Additionally, last year we passed --
13 and was signed by the Governor -- a law that
14 would limit challenges to constitutionality of
15 election laws in a similar fashion in certain
16 jurisdictions.

17 So this is an attempt for us to
18 fulfill our constitutional duty and to bring some
19 clarity to the process when bringing lawsuits.

20 SENATOR LANZA: Madam President,
21 would the sponsor yield.

22 ACTING PRESIDENT PERSAUD: Does the
23 sponsor yield?

24 SENATOR MYRIE: Yes.

25 ACTING PRESIDENT PERSAUD: The

1 sponsor yields.

2 SENATOR LANZA: Through you,
3 Madam President. So is it your contention that
4 Article III, Section 5, when it speaks to
5 "reasonable manner," includes limiting to only
6 four courts in the entire State of New York for
7 challenges to political electoral maps?

8 SENATOR MYRIE: Through you,
9 Madam President, it is my contention that this is
10 a wholly constitutional exercise of our power.

11 SENATOR LANZA: Will the sponsor
12 yield?

13 ACTING PRESIDENT PERSAUD: Does the
14 sponsor yield?

15 SENATOR MYRIE: Yes.

16 ACTING PRESIDENT PERSAUD: The
17 sponsor yields.

18 SENATOR LANZA: Through you,
19 Madam President. So the sponsor -- so you're not
20 trying to amend the Constitution, you believe
21 this is consistent with the Constitution.

22 SENATOR MYRIE: Through you,
23 Madam President, that's right.

24 SENATOR LANZA: Would the sponsor
25 yield.

1 ACTING PRESIDENT PERSAUD: Does the
2 sponsor yield?

3 SENATOR MYRIE: Yes.

4 ACTING PRESIDENT PERSAUD: The
5 sponsor yields.

6 SENATOR LANZA: Through you,
7 Madam President. Would the sponsor agree that
8 legal challenges to political district maps
9 invoke constitutional matters?

10 SENATOR MYRIE: Through you,
11 Madam President, that may or may not be the case,
12 depending -- I think it's very fact-dependent on
13 whether they implicate constitutional matters.

14 But as I have mentioned, I believe
15 that this bill, as our current statutes on the
16 books limiting jurisdictions for certain types of
17 challenges, are constitutional and consistent
18 with the principle of having courts develop
19 expertise and allowing as much access to the
20 courts as possible, given the time-sensitive
21 nature of these particular challenges.

22 SENATOR LANZA: Would the sponsor
23 yield?

24 ACTING PRESIDENT PERSAUD: Does the
25 sponsor yield?

1 SENATOR MYRIE: Yes.

2 ACTING PRESIDENT PERSAUD: The
3 sponsor yields.

4 SENATOR LANZA: Through you,
5 Madam President, so let me put it another way.

6 Would you agree that legal
7 challenges to political district maps invoke
8 civil rights?

9 SENATOR MYRIE: Through you,
10 Madam President, they may.

11 SENATOR LANZA: Will the sponsor
12 yield?

13 ACTING PRESIDENT PERSAUD: Does the
14 sponsor yield?

15 SENATOR MYRIE: Yes.

16 ACTING PRESIDENT PERSAUD: The
17 sponsor yields.

18 SENATOR LANZA: Through you,
19 Madam President, certainly the sponsor would
20 agree that legal challenges to political district
21 maps invoke voting rights.

22 SENATOR MYRIE: Through you,
23 Madam President, they may.

24 SENATOR LANZA: Would the sponsor
25 yield?

1 ACTING PRESIDENT PERSAUD: Does the
2 sponsor yield?

3 SENATOR MYRIE: Yes.

4 ACTING PRESIDENT PERSAUD: The
5 sponsor yields.

6 SENATOR LANZA: Through you,
7 Madam President. Could the sponsor tell us what
8 we all mean when we speak of communities of
9 interest in the context of district maps?

10 (Pause.)

11 SENATOR MYRIE: Through you,
12 Madam President. Thank you for your patience,
13 Senator Lanza.

14 I think it is a mix in part of a,
15 you know, court determining what communities of
16 interest are, but also the data that is collected
17 on demographics and economics. This is something
18 that is not unfamiliar in the political and
19 electoral space, but if it -- I think I see where
20 you're going, Senator Lanza -- in having to
21 determine what is a community of interest, that's
22 certainly within the province of a particular
23 court.

24 And what we are prescribing here is
25 not shutting out people's ability to have that

1 community of interest be heard or be litigated,
2 but rather to bring some uniformity to the
3 process so that the decisions can be made as
4 correctly and expeditiously as possible.

5 SENATOR LANZA: Would the sponsor
6 yield?

7 ACTING PRESIDENT PERSAUD: Does the
8 sponsor yield?

9 SENATOR MYRIE: Yes.

10 ACTING PRESIDENT PERSAUD: The
11 sponsor yields.

12 SENATOR LANZA: Would the sponsor
13 agree that a court in Franklin County might have
14 a better idea about communities of interest
15 within that county than, let's say, New York
16 County courts?

17 SENATOR MYRIE: Through you,
18 Madam President, that may be the case. But as I
19 mentioned at the outset of this, and it's the
20 reason why I wanted to ground this debate in
21 that, the Voting Rights Act passed in the late
22 sixties and early seventies specifically, by
23 regulation and by statute, required that certain
24 types of challenges go specifically to one court,
25 no matter where in the country that challenge was

1 coming from.

2 And what undergirds that principle
3 is that certain courts have the ability to hear
4 matters even if it's outside of their
5 geographical -- a typical geographical
6 jurisdiction.

7 And in this case, as you mention in
8 your line of questioning, where the implications
9 can be on voting rights and civil rights,
10 et cetera, I think it is important for
11 New Yorkers to have the comfort and the
12 predictability to know that should they want to
13 challenge redistricting statewide apportionment,
14 that they have specific places to go, and that
15 those specific places develop the expertise to
16 deal with these matters in a timely fashion.

17 SENATOR LANZA: Will the sponsor
18 yield?

19 ACTING PRESIDENT PERSAUD: Does the
20 sponsor yield?

21 SENATOR MYRIE: Yes.

22 ACTING PRESIDENT PERSAUD: The
23 sponsor yields.

24 SENATOR LANZA: Through you,
25 Madam President, could the sponsor remind us how

1 many counties there are in the State of New York?

2 SENATOR MYRIE: Through you,
3 Madam President, 62, if I'm not mistaken.

4 SENATOR LANZA: Will the sponsor
5 yield?

6 ACTING PRESIDENT PERSAUD: Does the
7 sponsor yield?

8 SENATOR MYRIE: Yes.

9 ACTING PRESIDENT PERSAUD: The
10 sponsor yields.

11 SENATOR LANZA: Through you,
12 Madam President. It's my understanding that if
13 this becomes law, a person in the State of
14 New York who wishes to challenge district maps
15 would be relegated to bringing that action in
16 only four of the 62 counties in New York. Is
17 that true?

18 SENATOR MYRIE: Through you,
19 Madam President, that would be true, depending on
20 where they live. All four wouldn't be available
21 to them. It would depend on which judicial
22 district they live in.

23 SENATOR LANZA: Will the --

24 SENATOR MYRIE: Or departments,
25 rather.

1 SENATOR LANZA: I apologize.

2 Will the sponsor yield?

3 ACTING PRESIDENT PERSAUD: Does the
4 sponsor yield?

5 SENATOR MYRIE: Yes.

6 ACTING PRESIDENT PERSAUD: The
7 sponsor yields.

8 SENATOR LANZA: Through you,
9 Madam President. It's my understanding that the
10 first draft of this legislation allowed for only
11 one county, Albany County. Is that correct?

12 SENATOR MYRIE: Through you,
13 Madam President, that's correct.

14 SENATOR LANZA: Will the sponsor
15 yield?

16 ACTING PRESIDENT PERSAUD: Does the
17 sponsor yield?

18 SENATOR MYRIE: Yes.

19 ACTING PRESIDENT PERSAUD: The
20 sponsor yields.

21 SENATOR LANZA: Through you,
22 Madam President. Why does this second iteration
23 expand from that one county to now four counties?

24 SENATOR MYRIE: Through you,
25 Madam President, it comports with what's already

1 in the law, in the John R. Lewis Voting Rights
2 Act, as well as legislation that was passed last
3 year.

4 And so we -- in an effort to be
5 uniform in our approach to these types of issues,
6 we decided to expand it.

7 SENATOR LANZA: Would the sponsor
8 yield?

9 ACTING PRESIDENT PERSAUD: Does the
10 sponsor yield?

11 SENATOR MYRIE: Yes.

12 ACTING PRESIDENT PERSAUD: The
13 sponsor yields.

14 SENATOR LANZA: Through you, Madam
15 President, where in the John R. Lewis Act does it
16 say that such actions can only be brought in
17 Albany, Westchester, New York and Erie County?

18 SENATOR MYRIE: Through you,
19 Madam President, I don't have the sections in
20 front of me, but it's specifically relating to
21 preclearance, as was the federal Voting Rights
22 Act in funneling challenges to preclearance
23 jurisdiction designation to one court.

24 In the John R. Lewis Voting Rights
25 Act here in New York, if you want to challenge

1 your preclearance designation, you have to bring
2 it in these courts in a similar fashion. It's
3 Article 17 of the Election Law.

4 SENATOR LANZA: Will the sponsor
5 yield?

6 ACTING PRESIDENT PERSAUD: Does the
7 sponsor yield?

8 SENATOR MYRIE: Yes.

9 ACTING PRESIDENT PERSAUD: The
10 sponsor yields.

11 SENATOR LANZA: And I -- through
12 you, Madam President, you may have answered this
13 question just a moment ago. Why these four
14 counties?

15 SENATOR MYRIE: Through you,
16 Madam President, at the risk of repeating myself,
17 it comports with what's already on the books in
18 several other election law cases.

19 SENATOR LANZA: Will the sponsor
20 yield?

21 ACTING PRESIDENT PERSAUD: Does the
22 sponsor yield?

23 SENATOR MYRIE: Yes.

24 ACTING PRESIDENT PERSAUD: The
25 sponsor yields.

1 SENATOR LANZA: Through you,
2 Madam President. If that's the case, why did the
3 first version only include Albany?

4 SENATOR MYRIE: Through you,
5 Madam President, it is an iterative process
6 just like every other piece of legislation that
7 goes through changes. That was the same process
8 here.

9 SENATOR LANZA: Will the sponsor
10 yield?

11 ACTING PRESIDENT PERSAUD: Does the
12 sponsor yield?

13 SENATOR MYRIE: Yes.

14 ACTING PRESIDENT PERSAUD: The
15 sponsor yields.

16 SENATOR LANZA: Through you,
17 Madam President, I thought it had nothing to do
18 with a process but that it was mandated by the
19 John R. Lewis --

20 SENATOR MYRIE: Through you,
21 Madam President, respectfully, that is not what I
22 said. I have been saying repeatedly that this
23 matches the framework that we have laid out both
24 in the John R. Lewis Act, in the bill that was
25 passed and signed last year, and relative to the

1 federal Voting Rights Act. I did not say that
2 they matched exactly, but the intent and the
3 principle guiding it were similar to all of those
4 cases.

5 SENATOR LANZA: Will the sponsor
6 yield?

7 ACTING PRESIDENT PERSAUD: Does the
8 sponsor yield?

9 SENATOR MYRIE: Yes.

10 ACTING PRESIDENT PERSAUD: The
11 sponsor yields.

12 SENATOR LANZA: Through you, Madam
13 President. So just to be clear, the John R.
14 Lewis Act does not specifically select Albany,
15 Westchester, New York and Erie County. Or does
16 it?

17 SENATOR MYRIE: Through you,
18 Madam President, it does in the preclearance
19 context, just to be clear. Those same exact
20 counties. But only insofar as you are
21 challenging your designation as a preclearance
22 jurisdiction.

23 SENATOR LANZA: Would the sponsor
24 yield.

25 ACTING PRESIDENT PERSAUD: Does the

1 sponsor yield?

2 SENATOR MYRIE: Yes.

3 ACTING PRESIDENT PERSAUD: The
4 sponsor yields.

5 SENATOR LANZA: Through you,
6 Madam President. So this legislation would
7 expand aspects of the John R. Lewis Act to a
8 wholly new area.

9 SENATOR MYRIE: Through you,
10 Madam President, it would not. Most obviously,
11 because it is a separate bill. But more
12 specifically because the John R. Lewis Voting
13 Rights Act, the teeth of that, the focus of that
14 is preclearance and local electoral actions, but
15 it very obviously does not include statewide
16 apportionment or redistricting. Whereas this
17 implicates statewide apportionment as the bill
18 passed last year that implicated statewide
19 constitutionality of specific election laws.

20 SENATOR LANZA: Would the sponsor
21 yield?

22 ACTING PRESIDENT PERSAUD: Does the
23 sponsor yield?

24 SENATOR MYRIE: Yes.

25 ACTING PRESIDENT PERSAUD: The

1 sponsor yields.

2 SENATOR LANZA: Through you,
3 Madam President. If you know, Senator Myrie,
4 could you remind this body how many judicial
5 departments there are in the State of New York?

6 SENATOR MYRIE: Through you,
7 Madam President, I hope I don't embarrass my law
8 school professors here. Four departments.

9 SENATOR LANZA: Would the sponsor
10 yield.

11 ACTING PRESIDENT PERSAUD: Does the
12 sponsor yield?

13 SENATOR MYRIE: Yes.

14 ACTING PRESIDENT PERSAUD: The
15 sponsor yields.

16 SENATOR LANZA: Through you,
17 Madam President, I'm thinking about the
18 13 judicial districts that New York State is
19 divided into, and my question concerns that.

20 Why not -- and I'll get to the
21 rationale for doing this. But through you,
22 Madam President, why not -- if we're going to
23 limit it to a certain number of courts, why not
24 use what is already before us in New York State,
25 which is that we have 13 judicial districts? Why

1 not, if we're going to limit it, limit it to 13
2 and not four?

3 SENATOR MYRIE: Through you,
4 Madam President. So I think for a couple of
5 reasons.

6 One, it is almost certain that these
7 will be challenged, they will be appealed. The
8 lawsuits, that is, they will be appealed. So
9 they're going to end up in the appellate courts
10 anyways. So I think it -- for purposes of
11 efficiency, it makes sense to go directly to that
12 appellate court.

13 I would also point again to the
14 federal analogue here, that it would have been
15 incredibly easy for the federal apparatus to say,
16 Bring the challenges wherever you live and
17 wherever the federal courts are in your
18 jurisdiction. But they did not.

19 And they did that for a specific
20 reason. I think it is the same principle that we
21 are trying to abide by here, and that is to make
22 this as simple and clean for New Yorkers trying
23 to vindicate their rights in this space as
24 possible, and to also develop some expertise on
25 the appellate level on these particular issues.

1 SENATOR LANZA: Would the sponsor
2 yield?

3 ACTING PRESIDENT PERSAUD: Does the
4 sponsor yield?

5 SENATOR MYRIE: Yes.

6 ACTING PRESIDENT PERSAUD: The
7 sponsor yields.

8 SENATOR LANZA: Senator Myrie,
9 staying with the judicial districts we have in
10 the State of New York, it's something I'm very
11 familiar with. I'm very proud that one of the
12 accomplishments I've been able to achieve here in
13 this body is the creation of the 13th Judicial
14 District, which embodies Staten Island. It's
15 really changed things for the better.

16 Would you agree that the rationale
17 or the justification for having 13 judicial
18 districts throughout New York State is that it is
19 important for people who seek justice in our
20 courts that they appear before justices that they
21 elected?

22 SENATOR MYRIE: I'm -- forgive me,
23 Madam President. Just repeat the question?

24 SENATOR LANZA: Yes.

25 So would the sponsor -- through you,

1 Madam President -- agree that the justification
2 for having 13 judicial districts in the State of
3 New York is that it is important for people who
4 find themselves in a courtroom, who seek justice,
5 that they are before justices that are from
6 within their community that were elected by that
7 community in our democratic process?

8 SENATOR MYRIE: Through you,
9 Madam President. I don't disagree. I think that
10 is important. I think there's a notable
11 difference here, though.

12 When we talk about redistricting,
13 and certainly statewide apportionment, what
14 happens in one corner of the state affects every
15 other corner. This is a special type of
16 litigation that in other contexts requires, you
17 know, setting aside the entire court calendar.
18 It requires pushing it up to the top of the
19 court's business.

20 And why is that? It's because we
21 pay special attention when it implicates
22 statewide electoral rights and people's ability
23 to exercise the franchise.

24 And that's what we're attempting to
25 do here, again, as we have done in the past, is

1 to, when it implicates statewide apportionment,
2 and where one change here affects a change over
3 there, I think it's appropriate that the
4 appellate courts be the courts of jurisdiction to
5 deal with these issues.

6 SENATOR LANZA: Will the sponsor
7 yield?

8 ACTING PRESIDENT PERSAUD: Does the
9 sponsor yield?

10 SENATOR MYRIE: Yes.

11 ACTING PRESIDENT PERSAUD: The
12 sponsor yields.

13 SENATOR LANZA: Through you,
14 Madam President. So as my colleague knows, as an
15 attorney, there are very few simple matters that
16 come before our courts in the State of New York.
17 In fact I would argue there are many which are
18 far more complex and complicated than the issue
19 before us. So is it the -- and those are handled
20 on a daily basis quite efficiently and
21 effectively throughout New York State.

22 Through you, Madam President, is it
23 the sponsor's contention that justices in
24 Onondaga, Delaware, Steuben, Allegany, Clinton,
25 Franklin, Essex -- that justices there, duly

1 elected by the people in those communities, lack
2 the ability to have an expertise on matters such
3 as these when they come before their court?

4 SENATOR MYRIE: Through you,
5 Madam President, that is not at all my
6 implication. I'm sure all of them are very fine
7 jurists and have worked very hard to get there
8 and are representative of what the people elected
9 them to do.

10 I would return back to the precedent
11 that is already in our laws. This is not
12 something that is meant to offend judges that are
13 not in that particular jurisdiction. But it is,
14 as I have mentioned, to build some unity and
15 consistency in the process such that no
16 plaintiff, regardless of party or particular
17 interest, can game the system in order to get a
18 more favorable outcome.

19 Here, everyone gets to play by the
20 same rules. And I think it introduces some
21 consistency into the process should you want to
22 vindicate your rights in litigation.

23 SENATOR LANZA: Will the sponsor
24 yield?

25 ACTING PRESIDENT PERSAUD: Does the

1 sponsor yield?

2 SENATOR MYRIE: Yes.

3 ACTING PRESIDENT PERSAUD: The
4 sponsor yields.

5 SENATOR LANZA: Through you,
6 Madam President. I'm glad my colleague mentioned
7 regardless of party. Is it just a coincidence
8 that each of these counties are places where the
9 judges are elected overwhelmingly as Democrats?

10 SENATOR MYRIE: Through you,
11 Madam President, just as my colleague mentioned,
12 all of the judges in all of the jurisdictions you
13 mentioned, I wouldn't cast any aspersion on any
14 of the judges elected in any of these counties
15 who have gone through the same processes as the
16 justices that you just mentioned.

17 SENATOR LANZA: Will the sponsor
18 yield?

19 ACTING PRESIDENT PERSAUD: Does the
20 sponsor yield?

21 SENATOR MYRIE: Yes.

22 ACTING PRESIDENT PERSAUD: The
23 sponsor yields.

24 SENATOR LANZA: I'm not suggesting
25 you're casting aspersions.

1 But through you, Madam President, I
2 would ask, then, why not a single county which
3 is -- that is Republican in terms of the election
4 of justices, why not a single one of those is
5 included in the list of places where a party who
6 feels aggrieved, who believes their
7 constitutional rights are being violated, can go?

8 SENATOR MYRIE: Through you,
9 Madam President -- through you, Madam President,
10 the counties selected here, again, match what has
11 been selected in the past. So this isn't in
12 response to any particular action, but these are
13 also population centers within those departments.

14 And I would note that the department
15 itself, the panels, the appellate panels that
16 make up the individuals that you would have to go
17 before, come from all over and aren't necessarily
18 from that particular county.

19 SENATOR LANZA: Will the sponsor
20 yield?

21 ACTING PRESIDENT PERSAUD: Does the
22 sponsor yield?

23 SENATOR MYRIE: Yes.

24 ACTING PRESIDENT PERSAUD: The
25 sponsor yields.

1 SENATOR LANZA: Through you,
2 Madam President. If it's so important to limit
3 in the State of New York to only four counties
4 these type of constitutional challenges, based on
5 the notion that we need courts that could develop
6 expertise to handle such challenges, why not do
7 the same when it comes to -- and I'm not
8 suggesting we do this; in fact, I would oppose
9 it -- do the same when it comes to
10 First Amendment rights? Those are very
11 important.

12 SENATOR MYRIE: Through you,
13 Madam President, I'm just going to ask my friend
14 to further clarify what you mean there.

15 SENATOR LANZA: Yeah. Through you,
16 Madam President. So if the rationale for doing
17 this is that these constitutional challenges that
18 would invariably be brought are so important that
19 the 13 judicial districts are not up to the job,
20 the 62 counties are not up to the job, only
21 Albany County, Westchester County, New York
22 County, and Erie County judges are up to the job,
23 because we need justices that can have a special
24 expertise. If that's the case when it comes to
25 matters as important as the First Amendment --

1 and I won't go through the entire Bill of
2 Rights -- why not apply the same there?

3 SENATOR MYRIE: Through you,
4 Madam President, I think my colleague's quarrel
5 is not with this bill but with our judicial
6 system writ large.

7 We have specialty courts in the
8 system -- in fact, in New York County there is a
9 whole commercial part, as you know,
10 Senator Lanza, because that happens to be the
11 financial capital of the world and it makes sense
12 to develop that type of expertise and have that
13 be done in that particular court.

14 I would never pit any of our rights
15 against each other -- First, Second, Third,
16 Fourth, Fifth Amendment. But our precedents have
17 allotted different sensitivities to both,
18 sometimes because one right implicates not just
19 the individual, but the collective. And here we
20 are talking about our democracy. We are talking
21 about a fundamental right, one that impacts not
22 just the individual but inherently impacts
23 communities writ large.

24 And that's why it's important to
25 introduce, I think, some unity and predictability

1 into that system and why that is treated
2 differently than perhaps some other potential
3 infringements on individual rights.

4 SENATOR LANZA: Will the sponsor
5 yield?

6 ACTING PRESIDENT PERSAUD: Does the
7 sponsor yield?

8 SENATOR MYRIE: Yes.

9 ACTING PRESIDENT PERSAUD: The
10 sponsor yields.

11 SENATOR LANZA: Through you,
12 Madam President. I would argue that freedom of
13 religion, freedom of press, freedom of speech,
14 freedom to assemble -- and we know the rest --
15 are as fundamental as any right being discussed
16 here.

17 And so I won't belabor the point,
18 but it just doesn't make sense to me,
19 Madam President, that somehow when it comes to
20 this, we mysteriously need a specialization that
21 only can exist in four counties that happen to be
22 overwhelmingly Democrat counties.

23 And so I would ask this, through
24 you, Madam President --

25 ACTING PRESIDENT PERSAUD: Will the

1 sponsor yield?

2 SENATOR MYRIE: Yes.

3 ACTING PRESIDENT PERSAUD: The
4 sponsor yields.

5 SENATOR LANZA: So -- through you,
6 Madam President -- I would imagine that what is
7 being argued here is that these four counties
8 need to be the only places where you could bring
9 this action because they either have or will
10 develop an expertise in these matters.

11 Which, by the way -- through you,
12 Madam President -- these matters come up every
13 10 years or so. Sometimes more than once every
14 10 years. So when these matters come before
15 Albany County, Westchester County, New York
16 County, Erie County, they're no different,
17 they're in no better position, or worse, than any
18 other county in the State of New York. By the
19 time they develop this expertise, it will not be
20 needed for another 10 years.

21 And so if Albany County can get up
22 to speed this year, this month, maybe this
23 week -- if they can get up to speed, so can every
24 other county in the State of New York.

25 So again, through you,

1 Madam President, can the sponsor tell us why only
2 four counties in New York are up to the job?

3 SENATOR MYRIE: Through you,
4 Madam President, I think what my colleague is
5 suggesting is that the intent of this bill is to
6 cabin all conversation and litigation for some
7 nefarious purpose.

8 But what I've tried to reiterate is
9 that this is not an uncommon approach. This is
10 something that has already been done by this body
11 and that has been done by our partners on the
12 federal level as well, and that in other areas of
13 the law is also present.

14 And so I don't want there to be any
15 confusion about our intent on this bill. One, it
16 is to, as the Constitution, the State
17 Constitution outlines, to promulgate and
18 prescribe a reasonable regulation for lawsuits.
19 That is clear in the Constitution. That is what
20 we're trying to exercise today. And in our
21 judgment, in the Legislature's judgment, we
22 believe that this particular framework, as used
23 in the past and used in other areas, will provide
24 the best opportunity for these lawsuits to
25 proceed in a way that makes sense for most

1 New Yorkers.

2 SENATOR LANZA: Will the sponsor
3 yield?

4 ACTING PRESIDENT PERSAUD: Does the
5 sponsor yield?

6 SENATOR MYRIE: Yes.

7 ACTING PRESIDENT PERSAUD: The
8 sponsor yields.

9 SENATOR LANZA: Through you,
10 Madam President. You know, just very quickly,
11 I've listened for a number of years now about the
12 many things that were done in this body by this
13 Legislature that were so wrong that they needed
14 to be changed. So I don't think that things that
15 were done in the past are necessarily prologue or
16 a guide to what needs to be done here.

17 And the point remains that this has
18 never been done. This is a bill of first
19 impression, if you will.

20 And so through you, Madam President,
21 I just return to the question, is it the
22 sponsor's contention that judges in Franklin
23 County are unable to develop the same expertise
24 than judges that sit in Albany County?

25 SENATOR MYRIE: Through you,

1 Madam President. I'm from Kings County. I
2 happen to think it is one of the better counties
3 in the state.

4 (Laughter.)

5 SENATOR MYRIE: But it is not one
6 of the counties selected in this bill.

7 I do not feel affronted, offended.
8 I don't think that the judges in Kings County are
9 not capable or smart enough to handle this. This
10 is what we have arrived at as I believe the best
11 solution to what is potentially a forum-shopping
12 problem.

13 So I hear my colleague in saying
14 that there are many other capable jurists across
15 the state to handle this. I don't disagree with
16 that. But we have made a policy choice that is
17 consistent with the laws already on the books --
18 not just things that we -- you know, not just
19 that past is prologue, but that it is the law
20 that's on the books right now and is a principle
21 that has been upheld on the federal level as
22 well.

23 SENATOR LANZA: Would the sponsor
24 yield?

25 ACTING PRESIDENT PERSAUD: Does the

1 sponsor yield?

2 SENATOR MYRIE: Yes.

3 ACTING PRESIDENT PERSAUD: The
4 sponsor yields.

5 SENATOR LANZA: Through you,
6 Madam President. You know, I agree with the
7 forum shopping. But it strikes me that this
8 legislation is nothing more than statutory,
9 mandatory forum shopping. And in fact the
10 shopping is done. You've made your purchase.
11 You've selected four counties. The rest be
12 damned. And that is my objection to this
13 legislation.

14 Through you, Madam President. You
15 live in Brooklyn, I live in Staten Island, a
16 couple of miles from New York County. It might
17 be fine for you and fine for me.

18 But if you live in Franklin County
19 and your constitutional rights have been violated
20 and you seek redress in our courts, you have to
21 go more than 150 miles to find that justice. So
22 why does the sponsor believe that that is okay?

23 SENATOR MYRIE: Through you,
24 Madam President. I believe it's okay for all of
25 the reasons that I have outlined in support of

1 this bill.

2 But I would note that that works the
3 other way as well. And we have seen it happen
4 where other courts that are across the state are
5 very far from voters who are also trying to
6 vindicate their rights and who also have had to
7 travel a hundred or so miles.

8 We're hoping that once this is
9 passed and hopefully signed into law, that voters
10 now will know that there are only four places
11 that you would have to go to should you want to
12 do this, and it wouldn't be something sprung on
13 you as a voter, as some -- you know, a
14 nonspecified court in the state. But that you
15 would have predictability in knowing exactly
16 where you would go and hopefully have enough time
17 to plan to vindicate your rights.

18 SENATOR LANZA: Would the sponsor
19 yield?

20 ACTING PRESIDENT PERSAUD: Does the
21 sponsor yield?

22 SENATOR MYRIE: Yes.

23 ACTING PRESIDENT PERSAUD: The
24 sponsor yields.

25 SENATOR LANZA: Through you,

1 Madam President. If this becomes law, they're
2 going to know it. It doesn't mean they're going
3 to like it. And it doesn't mean it's right.

4 I just keep coming back to that
5 person who lives in the middle of the state,
6 Cortland County. Constitutional rights are
7 violated, and they've got to figure out a way to
8 get 150 miles to a court when there's probably a
9 pretty good courthouse with pretty good judges
10 that they elected that come from their community
11 a couple of minutes away.

12 And so through you, Madam President,
13 I would ask the sponsor: Don't you believe that
14 that is a violation of due process rights that we
15 have in this country?

16 SENATOR MYRIE: Through you,
17 Madam President. In that hypothetical I don't
18 think that there is a violation of due process,
19 and I don't think that this bill in its entirety
20 is violative of our due process laws, because you
21 still do have the opportunity to vindicate your
22 rights.

23 We are just, as we have done in
24 other areas of the law, and which has been done
25 in the past, are focusing where that vindication

1 can take place. But this is not an infringement
2 or an eradication of your ability to vindicate
3 those rights.

4 SENATOR LANZA: Will the sponsor
5 yield?

6 ACTING PRESIDENT PERSAUD: Does the
7 sponsor yield?

8 SENATOR MYRIE: Yes.

9 ACTING PRESIDENT PERSAUD: The
10 sponsor yields.

11 SENATOR LANZA: Through you,
12 Madam President. And I know the answer to this
13 question. I know how my colleague will answer
14 it. And so it's more rhetorical than not. But
15 would it be okay for a person who lives in
16 New York City whose voting rights are violated --
17 they're a citizen, they're registered, they live
18 within the district, they show up to the polling
19 place, and for whatever reason they're told to go
20 home, you can't vote. I don't like the way you
21 look.

22 If that happens, does the sponsor
23 believe that it would be okay, consistent with
24 due process rights, that that person would have
25 to go -- which one haven't I spoke about? Seneca

1 County. Would it be all right to the sponsor,
2 would it be consistent with due process, would it
3 be consistent with our Constitution that such a
4 person would need to find a way to get to
5 Seneca County in order to find justice?

6 SENATOR MYRIE: Through you,
7 Madam President, it would not be okay. And
8 that's not the current process.

9 If someone has had that exact
10 hypothetical happen, they would not have to go to
11 a court somewhere far. But we have processes
12 already in place for them to have those rights
13 hopefully vindicated locally. That is a
14 different -- that is an individual infringement,
15 as opposed to what the Constitution references in
16 Article III, Section 5, about apportionment and
17 statewide apportionment and the impact that that
18 has not just to the individual voter but to
19 voters writ large.

20 SENATOR LANZA: Will the sponsor
21 yield --

22 ACTING PRESIDENT PERSAUD: Senator
23 Lanza, before you continue, I'd just like to
24 remind you of the time, that you've passed the
25 30-minute mark.

1 SENATOR GIANARIS: Madam President,
2 if we can let him finish his line of questioning.

3 ACTING PRESIDENT PERSAUD: Yes.
4 No, I was just reminding him.

5 SENATOR LANZA: Thank you,
6 Madam President.

7 ACTING PRESIDENT PERSAUD: You're
8 welcome.

9 SENATOR LANZA: Just a couple more.

10 ACTING PRESIDENT PERSAUD: Does the
11 sponsor yield?

12 SENATOR MYRIE: Yes.

13 ACTING PRESIDENT PERSAUD: The
14 sponsor yields.

15 SENATOR LANZA: Through you,
16 Madam President. So as I suspected, because I
17 know my colleague, he agrees that that would not
18 be all right.

19 But it is not different. It's not
20 different. In fact, it's the same thing. We're
21 talking about virtually the same rights, the
22 right to vote. We all agree that unlawful
23 gerrymandering violates a person's rights when it
24 comes to the electoral process.

25 And so I will just make the point --

1 through you, Madam President -- if that is not
2 all right, then clearly this isn't either.

3 And through you, Madam President --
4 and I know I've been beating around this one for
5 a while. Is it the sponsor's contention that
6 judges in the other counties could not do the
7 job? And if -- if not, then why shouldn't they
8 be allowed to do the job they were elected to do?

9 SENATOR MYRIE: Through you,
10 Madam President, that is not my contention.

11 And it is my hope that every jurist
12 that puts on the robes and serves the public in
13 that way will have the opportunity to continue to
14 do so after this bill is signed into law.

15 SENATOR LANZA: Would the sponsor
16 yield?

17 ACTING PRESIDENT PERSAUD: Does the
18 sponsor yield?

19 SENATOR MYRIE: Yes.

20 ACTING PRESIDENT PERSAUD: The
21 sponsor yields.

22 SENATOR LANZA: Through you,
23 Madam President.

24 We can't get around the clear
25 rationale. I mean, it's in the sponsor's

1 justification memo. Clearly what is being
2 alleged here on the floor of the New York State
3 Senate is that judges in the other counties can't
4 do the job, that this requires a special
5 expertise that can only happen in four counties
6 in New York that happen to be Democratically
7 elected counties, that only they can develop an
8 expertise that will only be needed today and not
9 again for 10 years.

10 And if that's the case -- and I've
11 tried to go through hypotheticals and examples to
12 demonstrate why that is so wrong, why that is so
13 unconstitutional, why that is so violative of due
14 process rights that we take, I think, too much
15 for granted in this state. You know, I just --
16 through you, Madam President, would it be all
17 right -- so we talk about expertise.

18 I look at certain counties and it
19 seems to me -- like New York County, it seems to
20 me that they haven't quite developed an expertise
21 when it comes to keeping the streets safe. It's
22 my perspective, when I look out the window from
23 Staten Island -- I don't see Russia, but I see
24 New York County. And it seems to me that there
25 is a lacking of expertise. Maybe I'm wrong.

1 Maybe it's something else -- yeah, he is far too
2 young for that (laughing).

3 So why not -- if that's what we
4 need, why not say anyone arrested for committing
5 a crime, accused of committing a crime, why not
6 say let's have them all prosecuted in
7 Staten Island? I think we do a fine job on
8 Staten Island. I think we have a great expertise
9 there. I think we're very efficient. Why not do
10 it that way?

11 SENATOR MYRIE: Through you,
12 Madam President. I appreciate my colleague's
13 hypotheticals, hypotheticals that are not related
14 to voting rights or apportionment.

15 I would argue that this is different
16 in kind, particularly because we have seen this
17 before in our laws in what the Department of
18 Justice has done on the federal Voting Rights
19 Act, on requiring that the D.C. Circuit be the
20 place where those challenges take place.

21 I think it's in line with all of the
22 things that we have mentioned, both our statutes,
23 our precedent, and what we have seen on the
24 federal level.

25 SENATOR LANZA: Through you,

1 Madam President, thank you.

2 On the bill, quickly.

3 ACTING PRESIDENT PERSAUD: Senator
4 Lanza on the bill.

5 SENATOR LANZA: Through you,
6 Madam President. First, I want to thank my
7 esteemed colleague for the discussion. We
8 obviously come from a different perspective here
9 and have opposing viewpoints with respect to this
10 legislation. But I always enjoy speaking to and
11 discussing these matters, especially when it
12 comes to constitutional matters, with my good
13 friend Senator Myrie.

14 Madam President, I oppose this
15 legislation because, contrary to what my good
16 friend just said, this is not different than all
17 the other constitutional rights that we are
18 afforded here in America, in New York. It's not
19 different.

20 I agree with him when he said these
21 maps and the issues surrounding them strike at
22 the heart of our republic and our democracy and
23 what is just and what is not. And so too all the
24 other protections in our Constitution. No less,
25 no more. First Amendment and beyond.

1 And it just seems suspicious to
2 those of us in the political world that when it
3 comes to this issue, this constitutional right
4 that has repercussions with respect not only to
5 constitutional rights and the people in New York,
6 their rights, their voting rights, but also
7 involves the rights of the electeds and who's in
8 power and who is not -- that all of a sudden,
9 when it overflows into that arena, when it comes
10 down to who's going to win an election and who's
11 going to lose an election, now we need special
12 courts. We don't like what happened the last
13 time around, even though this is one of the
14 courts -- a different composition. I won't get
15 into that.

16 But it's not different,
17 Madam President. Constitutional rights are
18 constitutional rights are constitutional rights.
19 And we have 13 judicial districts in New York for
20 a reason. It is another fundamental right that
21 we believe in America that when we bring a
22 grievance before a court, that it's going to be a
23 court familiar with us, with our community, that
24 it's going to be a court that was put in place by
25 that very same community.

1 And this just throws that out the
2 window. I believe this is unconstitutional, and
3 it will be found so. I really believe that. And
4 I really wish my colleagues would rethink the
5 idea that only justices in these four counties
6 somehow know the law better than any other
7 justices in every other county. It's absurd. It
8 really is.

9 Madam President, I'll be voting no
10 when the time comes.

11 ACTING PRESIDENT PERSAUD: Thank
12 you, Senator.

13 Senator Borrello.

14 SENATOR BORRELLO: Thank you,
15 Madam President. On the bill.

16 ACTING PRESIDENT PERSAUD: Senator
17 Borrello on the bill.

18 SENATOR BORRELLO: You know, I
19 think Senator Lanza summed it up nicely about the
20 constitutional issue here. The First Amendment
21 really is what's at issue here, the First
22 Amendment of the United States Constitution,
23 which supersedes the State Constitution.

24 The First Amendment says, among
25 other things, that you have the right to petition

1 your government. There's no limitation on that.
2 There's no convenient place to go. Expertise, no
3 expertise, you have the right to petition your
4 government.

5 It's in dictatorships where you're
6 limited as to where you can go. That is not this
7 area.

8 You know, what's funny about this is
9 that what we do here most often in this chamber
10 is provide more opportunities for people to
11 petition their government. How many bills have
12 we voted on that include a private right of
13 action? A lot of them. We're making it easier
14 for people to petition the court, easier to bring
15 lawsuits.

16 But not today. Today we're going to
17 go from 62 counties to four, all of which just
18 happen to be blue counties. That's egregious.
19 It's bold. It's also shameful.

20 Why are we doing this now? Because
21 maybe you got spanked a little bit in 2022 and
22 you don't like that. So we're going to change
23 the rules of the game. I get it; you have that
24 right to do so. But not in violation of the
25 United States Constitution. Not in violation of

1 the First Amendment. Not so egregious that the
2 people of New York State will be limited as to
3 where they can receive justice.

4 I hear a lot about justice from my
5 friends on the other side of the aisle. We want
6 to make sure that people get justice, every
7 person gets justice. But not today. Today, only
8 four places you can get justice in New York
9 State.

10 That's wrong, and I'm voting no.

11 Thank you, Madam President.

12 ACTING PRESIDENT PERSAUD: Thank
13 you, Senator.

14 Senator Stec.

15 SENATOR STEC: Thank you,
16 Madam President. Would the sponsor please rise?

17 ACTING PRESIDENT PERSAUD: Will the
18 sponsor yield?

19 SENATOR MYRIE: Yes.

20 ACTING PRESIDENT PERSAUD: The
21 sponsor yields.

22 SENATOR STEC: Thank you,
23 Madam President. Through you.

24 For the sponsor, did I hear you
25 correctly that previously in debate you said that

1 you were from Kings County and as the sponsor of
2 this bill you are not offended that Kings County
3 was not one of the venues, the four venues that
4 we've been talking about?

5 SENATOR MYRIE: Through you,
6 Madam President, I believe that's what I said.

7 SENATOR STEC: I just wanted to
8 make sure I heard Kings.

9 Thank you, Madam President. If the
10 sponsor would continue to yield.

11 ACTING PRESIDENT PERSAUD: Does the
12 sponsor yield?

13 SENATOR MYRIE: Yes.

14 ACTING PRESIDENT PERSAUD: The
15 sponsor yields.

16 SENATOR STEC: All right. So my
17 Senate district is in the North Country, as you
18 know: Clinton, Franklin, St. Lawrence, Essex,
19 Warren, Washington County. I can guarantee you
20 the people of those six counties will be
21 offended, especially when you have to drive four
22 and a half hours, for some of them, to get to
23 Albany. An electric vehicle in the winter, that
24 could be a daunting task, but that's a little
25 tangential.

1 My question is, what happens if one
2 of my constituents goes and files a case,
3 attempts to file a case in their home
4 Supreme Court concerning maps? Does the court
5 just throw it out? What is the process when they
6 walk into Franklin County or Clinton County and
7 say, I want to challenge these maps that affect
8 my lines?

9 SENATOR MYRIE: Through you,
10 Madam President, what I believe would happen
11 there is that the defendant in that case,
12 whomever that might be, would move to dismiss it
13 because it's in the improper venue.

14 SENATOR STEC: If the sponsor would
15 continue to yield.

16 ACTING PRESIDENT PERSAUD: Does the
17 sponsor yield?

18 SENATOR MYRIE: Yes.

19 ACTING PRESIDENT PERSAUD: The
20 sponsor yields.

21 SENATOR STEC: Thank you. Through
22 you, Madam President.

23 So several times in previous debate
24 you cited and you used the word "precedents," and
25 you pointed out precedents of the district, the

1 D.C. Circuit Court, you pointed out the
2 precedents of the John R. Lewis Voting Rights Act
3 of last year.

4 Now, the D.C. Circuit Court, the
5 interesting thing about that is it is not part of
6 any state. The District of Columbia is
7 independent of the 50 states. It has a special
8 status as a neutral ground. It was done so
9 intentionally. And that is why it has
10 jurisdiction over some of these voting rights
11 challenges.

12 So my question is, does New York
13 State have a similar kind of no man's land that's
14 been carved out that would be akin to a D.C.
15 Circuit Court?

16 SENATOR MYRIE: Through you,
17 Madam President, we do not have the D.C. Circuit
18 in New York State.

19 SENATOR STEC: Through you,
20 Madam President, if the sponsor would continue to
21 yield.

22 ACTING PRESIDENT PERSAUD: Does the
23 sponsor yield?

24 SENATOR MYRIE: Yes.

25 ACTING PRESIDENT PERSAUD: The

1 sponsor yields.

2 SENATOR STEC: Thank you.

3 So would you agree that the D.C.
4 Circuit Court is a special creature because it
5 doesn't fall under -- or doesn't have a dog in
6 the fight that any of the 50 states that it
7 serves in these kinds of questions -- does
8 that -- does that make sense to you?

9 SENATOR MYRIE: Through you,
10 Madam President, I would respectfully disagree.

11 SENATOR STEC: Madam President,
12 would the sponsor continue to yield?

13 ACTING PRESIDENT PERSAUD: Does the
14 sponsor yield?

15 SENATOR MYRIE: Yes.

16 ACTING PRESIDENT PERSAUD: The
17 sponsor yields.

18 SENATOR STEC: You mentioned again
19 as precedent the John R. Lewis Voting Rights Act
20 that we voted on in this chamber last year, in
21 2023. Correct?

22 SENATOR MYRIE: '22.

23 SENATOR STEC: We voted on that --

24 SENATOR MYRIE: Through you,
25 Madam President, 2022.

1 SENATOR STEC: All right. And,
2 Madam President, will the sponsor yield?

3 ACTING PRESIDENT PERSAUD: Will the
4 sponsor yield?

5 SENATOR MYRIE: Yes.

6 ACTING PRESIDENT PERSAUD: The
7 sponsor yields.

8 SENATOR STEC: Were you the sponsor
9 of that legislation?

10 SENATOR MYRIE: Through you,
11 Madam President, I was.

12 SENATOR STEC: All right,
13 Madam President, if the sponsor would continue to
14 yield.

15 ACTING PRESIDENT PERSAUD: Does the
16 sponsor yield?

17 SENATOR MYRIE: Yes.

18 ACTING PRESIDENT PERSAUD: The
19 sponsor yields.

20 SENATOR STEC: Now, this
21 Voting Rights Act that we took up in 2022, the
22 redistricting and those court cases were -- I
23 mean, the maps and the special master and the
24 appellate process, the Steuben County case, that
25 had already occurred before we voted on the

1 John R. Lewis Voting Rights Act, correct?

2 SENATOR MYRIE: (No response.)

3 SENATOR STEC: I mean, the maps
4 were thrown out in April.

5 SENATOR MYRIE: Through you,
6 Madam President, I think -- I was just trying to
7 recall the timeline there.

8 But I would note again that the
9 John R. Lewis Voting Rights Act did not and does
10 not deal with statewide redistricting or
11 apportionment, whereas this bill does.

12 SENATOR STEC: But election law.
13 Madam President, through you. But election -- it
14 deals with election law.

15 SENATOR MYRIE: Through you,
16 Madam President, yes, it does.

17 SENATOR STEC: Through you,
18 Madam President, if the sponsor would continue to
19 yield.

20 ACTING PRESIDENT PERSAUD: Does the
21 sponsor yield?

22 SENATOR MYRIE: Yes.

23 ACTING PRESIDENT PERSAUD: The
24 sponsor yields.

25 SENATOR STEC: If I could be more

1 clear, because this is an important point I'm
2 trying to make.

3 The John R. Lewis Voting Rights Act
4 dealt with what jurisdictions -- similar to this
5 issue, dealt with what jurisdictions, what
6 counties, Supreme Courts, could hear election law
7 cases; correct?

8 SENATOR MYRIE: Through you,
9 Madam President, not exactly.

10 This is what I was trying to clarify
11 with Senator Lanza earlier. Only in the
12 preclearance context.

13 SENATOR STEC: Madam President,
14 would the sponsor continue to yield.

15 ACTING PRESIDENT PERSAUD: Does the
16 sponsor yield?

17 SENATOR MYRIE: Yes.

18 ACTING PRESIDENT PERSAUD: The
19 sponsor yields.

20 SENATOR STEC: Back to the
21 timeline, though. We did vote on the Voting
22 Rights Act after the maps were thrown out.

23 SENATOR MYRIE: Through you,
24 Madam President, yes.

25 SENATOR STEC: Okay, thank you.

1 Madam President, if the sponsor
2 would continue to yield.

3 ACTING PRESIDENT PERSAUD: Does the
4 sponsor yield?

5 SENATOR MYRIE: Yes.

6 ACTING PRESIDENT PERSAUD: The
7 sponsor yields.

8 SENATOR STEC: Would you agree that
9 it's either very coincidental or would it be
10 suspicious to think that in 2022, in dealing with
11 other election law cases and establishing four
12 jurisdictions, blue-jurisdiction County Supreme
13 Courts, dealing with election law cases, that was
14 voted on, debated and voted on in this chamber
15 after -- in parallel and after the redistricting
16 maps were thrown out that -- but admitted it
17 failed to address the jurisdictions that we're
18 talking about here today with the maps -- that
19 that was legislation that was put in place to
20 create a precedent so that these maps that we
21 could be talking about in today's legislation,
22 and you could point to that as we set precedent.
23 Well, we set precedent -- we could have done this
24 then.

25 Do you follow what I'm saying?

1 SENATOR MYRIE: Through you,
2 Madam President, I think I'm following. And I
3 think what you're implying is that we passed the
4 John R. Lewis Voting Rights Act as a political
5 scheme to set up precedent in response to what
6 has happened.

7 And while I appreciate this
8 exchange, the John R. Lewis Voting Rights Act was
9 introduced in 2020. And we have been working on
10 that bill for years. It just happened to pass
11 after the maps were struck down.

12 SENATOR STEC: Madam President, if
13 the sponsor would continue to yield.

14 ACTING PRESIDENT PERSAUD: Does the
15 sponsor yield?

16 SENATOR MYRIE: Yes.

17 ACTING PRESIDENT PERSAUD: The
18 sponsor yields.

19 SENATOR STEC: Thank you,
20 Madam President. Through you.

21 So -- but again, it was amended --
22 it could have been amended again. It could have
23 been amended to anticipate -- ah, we've got a map
24 issue here, you know, that's also election law
25 stuff, why don't we include it. And why wasn't

1 it -- why weren't the maps included in the John
2 R. Lewis Voting Rights Act?

3 SENATOR MYRIE: Through you,
4 Madam President, just to clarify, you're asking
5 why the John R. Lewis --

6 SENATOR STEC: You sponsored both.
7 Why the two separate ones?

8 SENATOR MYRIE: Because one was not
9 dealing with maps at all. And this is dealing
10 specifically with maps.

11 The John R. Lewis Voting Rights Act
12 vindicates a number of voting rights, not just in
13 the redistricting context, although in some cases
14 it might on the local level, as it pertains to
15 at-large districts versus not-at-large districts.

16 But that had nothing to do with
17 statewide apportionment. And it was never,
18 never -- to be absolutely clear -- my intent or
19 any of my colleagues who voted to support that
20 bill, to support it for political reasons. This
21 was to protect the voting rights of New Yorkers
22 who thus far had not had them properly protected.

23 And in the absence of federal
24 protection, in the absence of a stronger Section
25 V in the federal Voting Rights Act, we found it

1 appropriate to come up with a New York version of
2 that. That if you are familiar with voting
3 rights acts -- not just in this state, not just
4 the federal one, but across the country -- they
5 do not focus on maps or redistricting.

6 Whereas this is specifically
7 addressing a constitutional right that a private
8 citizen has, and the Legislature's right to
9 prescribe regulations around how they vindicate
10 that right.

11 SENATOR STEC: Thank you,
12 Madam President. If the sponsor will continue to
13 yield, please.

14 ACTING PRESIDENT PERSAUD: Does the
15 sponsor yield?

16 SENATOR MYRIE: Yes.

17 ACTING PRESIDENT PERSAUD: The
18 sponsor yields.

19 SENATOR STEC: Earlier today -- in
20 fact, the bill immediately before this two-bill
21 supplemental calendar, part of the justification
22 for throwing out the maps that we were just
23 provided in a nine-to-one vote by the Independent
24 Redistricting Commission was that there was
25 concern about these maps and the people that drew

1 and approved these maps not being familiar with
2 the specific ins and outs, demographics and -- of
3 communities, and that they thought the -- I'm
4 paraphrasing another member, but that the -- that
5 the Independent Redistricting Commission didn't
6 factor in very local factors in the maps.

7 In this -- in this bill, though,
8 however -- again, let's say that you've got
9 somebody in the North Country that doesn't like
10 the way that the North Country's divvied up.
11 Senator Walczyk and I split St. Lawrence County,
12 and the independent master that drew the
13 Senate line drew it right between the towns of
14 Clifton and Fine.

15 Anyone that lives within 50 miles of
16 the towns of Clifton and Fine knows that they're
17 viewed as one community, Clifton and Fine. I
18 mean, the buzz is that, you know, they should be
19 one town. That was a -- you know, an anomaly
20 that I wouldn't expect somebody from Pennsylvania
21 to know.

22 How are we getting better
23 treatment -- I mean, and let's say that that was
24 an issue in St. Lawrence County and somebody that
25 lived in Clifton and Fine wanted to bring an

1 action on these maps? And now, instead of going
2 to St. Lawrence county Supreme Court, that
3 person's got to drive four and a half hours,
4 perhaps through the snow in the winter, with an
5 electric vehicle -- maybe he makes it, maybe he
6 doesn't -- to get to Albany.

7 How is that any different than the
8 justification in the previous bill about
9 rejecting the maps?

10 SENATOR MYRIE: Through you,
11 Madam President, I'm not sure I'm following
12 entirely on the connection to the previous bill.

13 But I think on the substance of what
14 you're communicating and whether or not a
15 particular voter is going to have the chance to
16 be vindicated in front of someone who, as my
17 colleague referenced, knows them, knows the
18 community -- imagine a scenario in which they did
19 go to the St. Lawrence Supreme Court and then
20 they appealed. Where would they have to go?
21 They've have to come to Albany.

22 These are, as you know and as all of
23 us in this chamber know, these issues are almost
24 certain to be appealed and will almost certainly
25 end up in appellate court. So why not, on the

1 first instance, allow for it to be in the
2 appellate court for them to develop that
3 expertise for everyone to be aware of that going
4 into the litigation, such that if there are
5 hardships with traveling, which I emphasize with,
6 or any other obstacles to them being able to get
7 to the courthouse, that you can plan for that
8 because you know where the suits will be brought.

9 SENATOR STEC: Madam President, if
10 the sponsor will yield for just a couple more
11 questions.

12 ACTING PRESIDENT PERSAUD: Will the
13 sponsor yield?

14 SENATOR MYRIE: Yes.

15 ACTING PRESIDENT PERSAUD: The
16 sponsor yields.

17 SENATOR STEC: Okay. You know, I
18 mean, certainly I can understand that one of my
19 constituents is going to say, Hey, I want to go
20 into the court over which I have a vote of who
21 sits in that Supreme Court, not somebody else's
22 vote.

23 Is it a coincidence -- I think it's
24 a coincidence -- or I think it's interesting that
25 a two-bill supplemental calendar today -- that

1 this and the maps are the two bills on the
2 supplemental calendar. You know, obviously the
3 other one was to reject a nine-to-one set of
4 maps. I mean, this seems like an example of
5 anticipatory defensive legislation. Is it?

6 SENATOR MYRIE: Through you,
7 Madam President, this bill is an attempt to
8 introduce predictability into the system, to have
9 courts develop an expertise and to allow for
10 individuals to have their rights vindicated in
11 the way that is similar to the New York Voting
12 Rights Act and to the federal Voting Rights Act.

13 SENATOR STEC: Thank you,
14 Madam President. On the bill.

15 Thank you, Senator Myrie.
16 Appreciate it.

17 Look, we all know what happened two
18 years ago; a judge in Steuben County threw out
19 the maps. And his decision, his decision was so
20 well-written -- allow me to be a little cynical
21 about whether or not our judiciary has any
22 political leanings. But a judge in Steuben
23 County, not one of the four counties that would
24 be afforded the ability to hear these kinds of
25 cases in the future, wrote a decision that was so

1 bulletproof that the Court of Appeals had to
2 agree with him -- that the Appellate Division had
3 to agree with him first, and that the Court of
4 Appeals, seven justices all appointed by
5 Democratic Governors, they couldn't -- they
6 couldn't throw it out.

7 And so, number one, there's an
8 example of not one of our experts in one of the,
9 you know, cosmopolitan jurisdictions was able to
10 write a case that, you know, the Court of Appeals
11 couldn't overturn -- until some gymnastics a
12 couple of years later.

13 You know, this just -- it -- as a
14 nonattorney listening to this and watching this,
15 this just smells to me that the Majority is
16 expecting a court challenge because it just threw
17 out a nine-to-one recommended map from an
18 Independent Redistricting Commission. Their work
19 product largely mirrors what an outsider drew
20 last year. You all appointed people to that, we
21 appointed people to that, and it was nine to one.
22 The Working Families and the Conservative Party
23 and Democrat and Republican appointed members,
24 nine out of 10 of them agreed on that.

25 And the Majority didn't like it, for

1 whatever reason. That's your prerogative. I
2 think I know the reasons, but I'll spare the
3 chamber, you know, talking too much politics.

4 But so now we've picked four
5 Democratic jurisdictions -- dark, dark, dark
6 blue. You're not going to get that Steuben
7 independent "I'll look at this, write it" -- and
8 again, was he political? I don't know. He had
9 seven Democratic judges, a majority of them, and
10 the Court of Appeals agreed with him.

11 This smells like venue shopping. We
12 are going to preemptively decide who gets the
13 first bite at the apple. Because again, not an
14 attorney, but everyone knows that first case,
15 that first decision, that's the one that's really
16 hard. You've got to have a reason to depart from
17 that.

18 And so, again, I firmly believe,
19 like I did with what we did two years ago with
20 the Voting Rights Act and selecting four venues
21 then, that this is highly unconstitutional.

22 I'll be voting in the negative.

23 ACTING PRESIDENT PERSAUD: Okay,
24 thank you.

25 Senator Tedisco on the bill.

1 SENATOR TEDISCO: On the bill,
2 Madam President.

3 We have a tremendous amount of
4 discussion and debate on this floor, and
5 rightfully so, because it concerns all of us,
6 both affiliations, Democrat, Republican, as it
7 relates to diversity and equity.

8 And what we're doing today with this
9 bill -- and I presume it's going to pass, because
10 nothing comes onto this floor that doesn't pass
11 with the majority we have, supermajority. It
12 strikes of hypocrisy to a great extent. Not only
13 for political affiliation, but geographic
14 hypocrisy. Here we are, we talk about diversity
15 and equity. But when it comes to disagreements,
16 important disagreements on election law -- fair
17 elections, fair election districts -- we don't
18 want to have diversity or equity. We want to
19 have four counties, of the 62, who are controlled
20 by Democratic judges, Democratic courts,
21 Democratic judiciaries. And we want to forget
22 about all the other affiliations in all the other
23 counties.

24 In that instance, we don't need
25 diversity and we don't need equity, it seems

1 here. And that kind of strikes me of hypocrisy.
2 If you really want diversity and equity, you'd
3 have it in every area, in every concern, in every
4 policy across the state. But not so much in
5 this. It seems that a supermajority isn't good
6 enough for you. You want to do the redistricting
7 over again, the one that was entirely
8 unconstitutional. And the sponsor says the
9 purpose of this is to stop judge -- shopping for
10 judges and judiciaries.

11 This is the ultimate, if this bill
12 passes, judiciary and judge and court shopping.
13 This is one-stop shopping. You'll be all done
14 for the rest of our lives, and so will the
15 19.5 million people in New York who want to
16 support diversity and equity. Because there will
17 be no diversity and no equity as it relates to
18 concerns about election law.

19 You're going to four counties of one
20 affiliation of the regions you pick of the state.
21 You know, in a grocery store they have packers.
22 All the packers are going to be packing a bias in
23 decisions on behalf of your side of the aisle.
24 That's pretty clear.

25 So when we scream out here -- and we

1 know how important it is, all that diversity, all
2 that equity in a whole variety of different
3 ways -- not so much with something as important
4 as giving the people of New York State, the
5 19.5 million people, fair elections, fair
6 decisions about election law and fair election
7 districts.

8 I mean, there's a variety of things
9 you can do to win elections. To cheat with our
10 judiciary is not one of the better things, I
11 think. It doesn't do justice for you as public
12 servants of the oath of office you took, of
13 asking your constituents and telling them, we're
14 not only elected officials, we're not only
15 Senators and Assemblypeople, we're
16 representatives. We heard what you said with
17 that amendment. You want an outside, bipartisan
18 commission of five Democrats, five Republicans.

19 Ah, didn't work so well for you. So
20 now you change the courts. The commission came
21 back, bipartisan -- 97 percent of the appointed
22 individuals who came and made the congressional
23 districts last time came out of this commission,
24 which your constituents voted for across the
25 state, and mine did.

1 So when you stand up and talk about
2 diversity and equity, I think your constituents
3 are watching you now and saying, eh, not so much.
4 Because the hypocrisy is going to be seen after
5 this bill passes and we all leave this Capitol
6 tonight.

7 Thank you, Madam Speaker -- Madam
8 President.

9 ACTING PRESIDENT PERSAUD: Thank
10 you, Senator.

11 Are there any other Senators wishing
12 to be heard?

13 Seeing and hearing none, debate is
14 closed. The Secretary will ring the bell.

15 Read the last section.

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

18 ACTING PRESIDENT PERSAUD: Call the
19 roll.

20 (The Secretary called the roll.)

21 ACTING PRESIDENT PERSAUD: Senator
22 Ryan to explain his vote.

23 SENATOR RYAN: Thank you,
24 Madam President.

25 Just a few quick points about

1 Erie County. We've heard a lot about Erie County
2 in this debate. I heard Erie County referred to
3 as cosmopolitan. We think highly of ourselves in
4 Erie County, but we do not self-describe as
5 cosmopolitan.

6 (Laughter.)

7 SENATOR RYAN: I've also heard
8 Erie County referred to as a blue county. I wish
9 it was a blue county. It is a purple county. We
10 have Republican legislators, we have Democratic
11 legislators, and we go back and forth -- county
12 executive, comptroller, sheriff and DA -- between
13 Republicans and Democrats. So far from a blue
14 county.

15 But we should also note that
16 Erie County sits in the Eighth Judicial District,
17 which compromises eight counties the size of
18 Rhode Island. So when people will see a judge in
19 Erie County, you're seeing a judge who is elected
20 by voters of eight counties. And the judge could
21 come from any of those eight counties. Counties,
22 I might remind you, that are far less
23 cosmopolitan than Erie County might be accused of
24 being.

25 And we should also note in the

1 Eighth Judicial District -- once again, the size
2 of Rhode Island -- there is a Commercial Part.
3 And if you have a commercial litigation in any of
4 the areas the size of Rhode Island, you have to
5 go to Erie County to have that case heard. So
6 it's a quite common practice to have litigants
7 from different areas of judicial districts have
8 to go to one area to have a case heard.

9 That's all I have. Just a small
10 clarification of the purple Erie County.

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

13 Senator Skoufis to explain his vote.

14 SENATOR SKOUFIS: Thank you very
15 much, Madam President.

16 And I certainly rise in support of
17 the bill, and I'll be voting for it.

18 But I do want to respond to an
19 identical argument we heard on a comparable bill
20 last year, which is this hypothetical that, you
21 know, I think in this case folks in Cortland
22 County or Herkimer County will have to drive
23 150 miles, it abridges their constitutional
24 rights taking away the court of jurisdiction in
25 their area.

1 And again, if we're being honest
2 here, or being transparent, we all know in this
3 chamber how these lawsuits work. And in the past
4 two years we've had two redistricting lawsuits.
5 We've had one from the Democratic side and more
6 recently we've had the Harkenrider lawsuit
7 originally. And I assure you Mr. Harkenrider
8 didn't open up the New York Post one morning, saw
9 what was going on and said, I need to file a
10 lawsuit, and ran down the street to the nearest
11 lawyer and then ran down the street again to the
12 nearest state Supreme Court to file that lawsuit.

13 And similarly, Mr. Hoffmann didn't
14 open up the New York Times and do the same thing
15 in Albany County.

16 What happens is party officials,
17 they reverse-engineer these things and they look
18 for a plaintiff. I guarantee you neither
19 Mr. Harkenrider nor Mr. Hoffmann spent a single
20 day in court either filing the lawsuit or sitting
21 through any of the hearings.

22 And so this suggestion that we're
23 abridging anyone's rights because they are not
24 able to hop down the street and file a
25 redistricting lawsuit in New York State if this

1 bill becomes law is, quite frankly, laughable.

2 I vote aye.

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

5 Senator Rhoads to explain his vote.

6 SENATOR RHOADS: Thank you so much,
7 Madam President.

8 While I appreciate the lecture,
9 equal justice means equal access to justice. And
10 that's exactly what's being denied. Because when
11 we're talking about somebody having to travel
12 four and a half hours to get to the same
13 courthouse that someone lives 10 minutes away
14 from, that is not equal access to justice.

15 The reason why we have Supreme
16 Courts in every county is so that people do not
17 have to travel too far to get equal access to
18 justice. And that's exactly what's being denied
19 here.

20 And the rationale that somehow we
21 are trying to introduce predictability into the
22 system is not a justification for denying equal
23 access to justice. Who are we trying to seek
24 predictability for? It's not for the public.
25 It's for the politicians.

1 And if you look at the venues that
2 you've chosen, the predictability that you're
3 looking for is predictability for the
4 Democratic Party. So that you're sure, when
5 there's a case in one of your four preselected
6 venues, you know the outcome.

7 That's wrong. It's wrong and you
8 know it. It's unconstitutional and you know it.

9 So I proudly vote in the negative,
10 Madam President, and I would urge my colleagues
11 to do so.

12 ACTING PRESIDENT PERSAUD: Senator
13 Rhoads to be recorded in the negative.

14 Senator Bailey to explain his vote.

15 SENATOR BAILEY: Thank you,
16 Madam President.

17 Thank you, Senator Myrie, for
18 introducing this bill and for your masterful
19 debate on this process.

20 When you practice in certain courts,
21 there are certain parts that you go to. There is
22 a medical malpractice part. We shouldn't
23 eliminate that. There is a Court of Small Claims
24 for certain dollar amounts under a certain
25 amount. You shouldn't -- we should not eliminate

1 that.

2 Civil Court has a certain dollar
3 amount. We shouldn't eliminate that. There is a
4 specialization in areas of law that we need, that
5 we require that we have, and this is along those
6 same lines. I see no concerns, I see no
7 constitutional concerns. There is no deprivation
8 of rights, moreover, than saying, Hey, I need --
9 every court should be at 851 Grand Concourse.
10 No, we should -- we can go down the block to
11 criminal court.

12 We can't have every court in one
13 court building even within the same jurisdiction
14 within the same county.

15 I think this provides an appropriate
16 remedy to modernize what we are attempting to do
17 in making things, quite frankly, as Senator Myrie
18 put it in the debate, being more responsive and
19 being more specialized in a very specialized area
20 of law.

21 We all know that if you have a will
22 and trust that you need to do, you're not going
23 to call 1-800-whatever-it-is plaintiff attorney,
24 right? You're going to go to a wills and trusts
25 attorney.

1 We need to do the same thing. And I
2 proudly vote aye on this, Madam President.

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

5 Senator Stec to explain his vote.

6 SENATOR STEC: Extremely briefly.

7 I just want to apologize to my
8 colleague for calling your county cosmopolitan.

9 (Laughter.)

10 ACTING PRESIDENT PERSAUD: Thank
11 you, Senator Stec.

12 Senator Stec to be recorded in the
13 negative.

14 Announce the results.

15 THE SECRETARY: In relation to
16 Calendar 465, those Senators voting in the
17 negative are Senators Ashby, Borrello, Gallivan,
18 Griffo, Helming, Lanza, Martins, Mattera, Murray,
19 Oberacker, Ortt, Rhoads, Rolison,
20 Scarcella-Spanton, Stec, Tedisco, Weber and Weik.

21 Ayes, 39. Nays, 18.

22 ACTING PRESIDENT PERSAUD: The bill
23 is passed.

24 Senator Gianaris, that completes the
25 reading of the controversial calendar.

1 SENATOR GIANARIS: Thank you,
2 Madam President. Is there any further business
3 at the desk?

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

6 SENATOR GIANARIS: I want to remind
7 the members of the Majority Conference to not
8 drift too far away tonight in case we need you
9 back.

10 But with that, I move to adjourn
11 until Tuesday, February 27th, at 3:00 p.m.

12 ACTING PRESIDENT PERSAUD: On
13 motion, the Senate stands adjourned until
14 Tuesday, February 27th, at 3:00 p.m.

15 (Whereupon, at 5:42 p.m., the Senate
16 adjourned.)

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