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NEW YORK STATE SENATE

THE STENOGRAPHIC RECORD

ALBANY, NEW YORK

May 22, 2024

4:01 p.m.

REGULAR SESSION

SENATOR ROXANNE J. PERSAUD, Acting President

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

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

13 ACTING PRESIDENT PERSAUD: Reading  
14 of the Journal.

15 THE SECRETARY: In Senate, Tuesday,  
16 May 21, 2024, the Senate met pursuant to  
17 adjournment. The Journal of Monday, May 20,  
18 2024, was read and approved. On motion, the  
19 Senate adjourned.

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

22 Presentation of petitions.

23 Messages from the Assembly.

24 The Secretary will read.

25 THE SECRETARY: Senator Gianaris

1 moves to discharge, from the Committee on  
2 Agriculture, Assembly Bill Number 9254 and  
3 substitute it for the identical Senate Bill 8542,  
4 Third Reading Calendar 819.

5 Senator Persaud moves to discharge,  
6 from the Committee on Judiciary, Assembly Bill  
7 Number 9505 and substitute it for the identical  
8 Senate Bill 9015, Third Reading Calendar 831.

9 ACTING PRESIDENT PERSAUD: So  
10 ordered.

11 Messages from the Governor.

12 Reports of standing committees.

13 Reports of select committees.

14 Communications and reports from  
15 state officers.

16 Motions and resolutions.

17 Senator Gianaris.

18 SENATOR GIANARIS: Good afternoon,  
19 Madam President.

20 On behalf of Senator Hoylman-Sigal,  
21 I wish to call up Senate Print 2601A, recalled  
22 from the Assembly, which is now at the desk.

23 ACTING PRESIDENT PERSAUD: The  
24 Secretary will read.

25 THE SECRETARY: Calendar Number

1 124, Senate Print Number 2601A, by  
2 Senator Hoylman-Sigal, an act to amend the  
3 Banking Law.

4 SENATOR GIANARIS: Move to  
5 reconsider the vote by which the bill was passed.

6 ACTING PRESIDENT PERSAUD: Call the  
7 roll on reconsideration.

8 (The Secretary called the roll.)

9 THE SECRETARY: Ayes, 52.

10 ACTING PRESIDENT PERSAUD: The bill  
11 will be restored to its place on the Third  
12 Reading Calendar.

13 SENATOR GIANARIS: I offer the  
14 following amendments.

15 ACTING PRESIDENT PERSAUD: The  
16 amendments are received.

17 SENATOR GIANARIS: On behalf of  
18 Senator Hinchey, on page 90 I offer the following  
19 amendments to Calendar 1215, Senate Print 8703,  
20 and ask that said bill retain its place on the  
21 Third Reading Calendar.

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

25 Senator Gianaris.

1                   SENATOR GIANARIS:    And on behalf of  
2    Senator Cleare, I move to amend Senate Bill 6906B  
3    by striking out the amendments made on  
4    February 23rd and restoring it to its previous  
5    original print, 6906.

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

9                   SENATOR GIANARIS:    Thank you,  
10   Madam President.

11                   Please recognize Senator  
12   Scarcella-Spanton for an introduction.

13                   ACTING PRESIDENT PERSAUD:    Senator  
14   Scarcella-Spanton for an introduction.

15                   SENATOR SCARCELLA-SPANTON:    Thank  
16   you, Madam Speaker.

17                   I rise today to pay tribute to an  
18   extraordinary couple who work tirelessly for the  
19   Albanian children and community in my district  
20   and in Senator Fernandez's district as well.  
21   Today I get the opportunity to acknowledge  
22   Qemal and Kozeta Zylo, who established  
23   Alba Life Inc. more than 17 years ago.

24                   I recently had the opportunity to  
25   witness the dedication and passion of the

1 Alba Life School during their remarkable  
2 performance at their 16th anniversary of Kosovo's  
3 Independence celebration, an event that I hosted  
4 right here in the State Capitol.

5 Their commitment to preserving the  
6 Albanian language and culture is truly  
7 commendable and deserving of our utmost respect  
8 and admiration. I know that they not only do  
9 work in my district, but in schools in the Bronx  
10 as well, in Senator Fernandez's district.

11 Thank you very much to all of you at  
12 the Alba Life Inc. team for your extraordinary  
13 contributions. Their continued efforts to uphold  
14 Albanian traditions through their teachings,  
15 alongside their hard work and dedication to  
16 excellence is truly commendable, and I am lucky  
17 to consider you all friends.

18 Thank you so much.

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: Please recognize  
3 Senator Weik for an introduction.

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

6 SENATOR WEIK: Thank you,  
7 Madam President.

8 In Albany today is Roger Sampson,  
9 executive director of New York 811, a  
10 not-for-profit one-call center that is the  
11 communications link between utility companies and  
12 individuals who plan to dig in the five boroughs  
13 of New York City, Nassau and Suffolk counties on  
14 Long Island.

15 You all have probably noticed the  
16 signs "Call Before You Dig" that direct residents  
17 and contractors to call 811 before starting any  
18 major digging work.

19 This important safety organization  
20 is headquartered in my district in the Hamlet of  
21 Bohemia.

22 As we enter the prime season for  
23 digging, Roger is in Albany today to raise  
24 awareness to individuals and companies, ensuring  
25 that all digging activities are done safely.

1 New York 811 helps safeguard one of the most  
2 extensive, complicated and congested underground  
3 infrastructures in the nation, and we thank Roger  
4 and New York 811 for helping to keep New Yorkers  
5 safe.

6 Madam President, please recognize  
7 Roger Sampson of New York 811.

8 ACTING PRESIDENT PERSAUD: To our  
9 guest, I welcome you on behalf of the Senate. We  
10 extend to you the privileges and courtesies of  
11 this house.

12 Please continue standing and be  
13 recognized.

14 (Standing ovation.)

15 ACTING PRESIDENT PERSAUD: Senator  
16 Gianaris.

17 SENATOR GIANARIS: Can we now take  
18 up previously adopted Resolution 2351, by  
19 Senator Cleare, read that resolution's title, and  
20 recognize Senator Cleare.

21 ACTING PRESIDENT PERSAUD: The  
22 Secretary will read.

23 THE SECRETARY: Resolution 2351, by  
24 Senator Cleare, commemorating the  
25 30th anniversary of Mad Wednesdays and paying

1 tribute to its founder, Maria Davis, for her  
2 ceaseless dedication to HIV/AIDS prevention and  
3 awareness.

4 ACTING PRESIDENT PERSAUD: Senator  
5 Cleare on the resolution.

6 SENATOR CLEARE: Thank you,  
7 Madam President.

8 It is my great honor to speak about  
9 one of the great unsung heroes of all Harlem and  
10 New York City, Maria Davis. This resolution pays  
11 tribute to multiple aspects of the lifework of  
12 Maria Davis, including the 30th anniversary of  
13 New York's longest running showcase,  
14 Mad Wednesdays.

15 Mad Wednesdays was found by  
16 Maria Davis in Harlem over 30 years ago because  
17 she believed that there needed to be a showcase  
18 in the community for young up-and-coming talent  
19 that might otherwise be overlooked and never  
20 receive a chance.

21 Maria is a woman of color and  
22 promoter in a male-dominated profession, and an  
23 individual living with HIV and AIDS certainly  
24 knows about strength, resilience, and having the  
25 will to overcome all obstacles.

1                   In the early days of Mad Wednesdays,  
2                   Maria Davis featured individuals who would go on  
3                   to become legendary, such as Jay-Z and Lil' Kim.  
4                   Maria herself and Mad Wednesdays were in fact  
5                   featured on Jay-Z's debut album Reasonable Doubt,  
6                   and the song "22 Two's" featured Maria Davis  
7                   herself, as the rap lyrics for the song had  
8                   debuted originally at Mad Wednesdays.

9                   Maria has kept up the tradition of  
10                  Mad Wednesdays, going through many musical  
11                  cycles, generations, and even through the COVID  
12                  pandemic. In addition to her work as a music  
13                  promoter, she has been an essential figure and  
14                  ambassador in our Harlem community on the issues  
15                  of health, wellness and HIV and AIDS treatment,  
16                  prevention and awareness.

17                  So many in our community have been  
18                  able to turn to Mary Davis for support, for love,  
19                  acceptance and wise counsel. What Maria has  
20                  accomplished with her life in terms of top-level  
21                  music promotion and the public service she has  
22                  provided as a trusted community ambassador of  
23                  health and wellness has touched the lives of  
24                  millions of people. Thus it is only fitting that  
25                  we as a body recognize and celebrate her today.

1                   Thank you, Madam President. I  
2 proudly vote aye on this resolution.

3                   And I see you, Payton Rose, who is  
4 here, her partner.

5                   And I ask that the courtesies of  
6 this house be extended to Maria Davis on the  
7 30th anniversary of Mad Wednesdays.

8                   Thank you.

9                   ACTING PRESIDENT PERSAUD: To our  
10 guests, Maria Davis and your guests, I welcome  
11 you on behalf of the Senate. We extend to you  
12 the privileges and courtesies of this house.

13                   Please rise and be recognized.

14                   (Standing ovation.)

15                   ACTING PRESIDENT PERSAUD: Senator  
16 Gianaris.

17                   SENATOR GIANARIS: Let's move on to  
18 previously adopted Resolution 2377, by  
19 Senator Martinez, read that resolution's title  
20 and recognize Senator Martinez.

21                   ACTING PRESIDENT PERSAUD: The  
22 Secretary will read.

23                   THE SECRETARY: Resolution 2377, by  
24 Senator Martinez, memorializing Governor Kathy  
25 Hochul to proclaim May 24, 2024, as Long Island

1 Sound Day in the State of New York.

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

4 SENATOR MARTINEZ: Good afternoon,  
5 Madam President. Thank you.

6 Today, as we approach the unofficial  
7 start of the summer season, I rise in recognition  
8 and celebration of the Long Island Sound Day, an  
9 important commemoration of one of New York's  
10 greatest shared natural resources.

11 The Long Island Sound stretches from  
12 New York City to Southern Westchester County in  
13 the west, to Block Island Sound in the east, with  
14 Long Island and Connecticut forming the  
15 respective northern and southern shores. It's a  
16 marine sound and tidal estuary where saltwater  
17 from the Atlantic Ocean mixes with freshwater  
18 from inland waters.

19 It is estimated that the Long Island  
20 Sound generates more than \$9 billion annually for  
21 the regional economy through commercial and  
22 recreational activities. However, the ability of  
23 the sound to support these diverse uses depends  
24 on the quality of its water, which sustains a  
25 variety of marine life including zooplankton -- I

1 remember, while I was in school, learning about  
2 zooplankton -- bay scallops, clams, and several  
3 species of fish and birds.

4                   Its waters and coastal habitats are  
5 also home to sea turtles, multiple shark species,  
6 the American oystercatcher, our bald eagle, our  
7 falcons, and our ospreys.

8                   Due to conservation efforts, river  
9 otters and humpback whales now have returned to  
10 the Long Island Sound, which at one point had  
11 been gone. These achievements highlight the  
12 success of the environmental rehabilitation  
13 efforts being led by organizations like the  
14 Long Island Sound Study, a partnership of  
15 researchers, regulators, user groups and other  
16 concerned organizations and individuals committed  
17 to protecting and improving the health of the  
18 sound.

19                   This treasured landmark is a  
20 destination for both residents and visitors  
21 alike, offering natural, scenic and recreational  
22 opportunities that enhance the quality of life  
23 for our residents.

24                   By commemorating tomorrow, May 24th,  
25 as Long Island Sound Day, we celebrate the

1 ongoing commitment to cooperation between  
2 New York and Connecticut as well as with our  
3 federal and local stakeholders in protecting this  
4 beautiful coastal resource and ensuring its  
5 longevity for future generations.

6 Madam President, thank you.

7 ACTING PRESIDENT PERSAUD: Senator  
8 Martins on the resolution.

9 SENATOR MARTINS: Thank you,  
10 Madam President.

11 I too rise first of all to thank  
12 Senator Martinez for introducing this resolution.

13 I have the privilege of representing  
14 the Long Island Sound shore community from the  
15 Queens line through the Suffolk County line on  
16 the North Shore of Long Island.

17 Although we're asking the Governor  
18 to memorialize May 24th as Long Island Sound Day,  
19 and we understand that our colleagues in the  
20 State of Connecticut will be doing the same  
21 thing, I think we know and they know that the  
22 Long Island Sound belongs to us in New York  
23 State -- not only those of us on Long Island, in  
24 Nassau and Suffolk counties, Madam President, but  
25 also our colleagues who represent the North Shore

1 of Queens and the Queens community and the shore  
2 communities in Westchester and the Bronx, who  
3 also have a responsibility for the sound.

4           You know, over the years our  
5 communities have not fully appreciated the fact  
6 that we are on an island, we do have shore  
7 communities, and that we do fully utilize the  
8 sound. And the sound, as a result, fell into a  
9 little bit of neglect over the years. The  
10 nitrification of the sound, the impact on our  
11 fish and seafood, mostly oysters and shellfish,  
12 has been frankly an issue that has driven our  
13 towns -- the towns of North Hempstead,  
14 Oyster Bay, the City of Glen Cove -- to promote  
15 the wellness of the sound, to commit resources to  
16 doing so.

17           And, Madam President, I'm happy to  
18 say that the ecosystems on Long Island Sound, as  
19 a result of the efforts of our local communities,  
20 of our federal partners, and of course of our  
21 efforts here in New York State, have come back.  
22 It is a pristine place, for those of you who have  
23 spent time out on Long Island Sound. If you  
24 haven't, please do so, whether it's boating,  
25 fishing, or any recreational activities.

1                   It is a jewel for this state,  
2 something we should celebrate. And I'm happy to  
3 vote aye.

4                   Once again, thank you to  
5 Senator Martinez.

6                   And remember, folks, May 24th, this  
7 Friday, as you start your Memorial Day weekend,  
8 come down, visit us on Long Island, spend a  
9 little time on Long Island Sound.

10                  Thank you, Madam President.

11                  ACTING PRESIDENT PERSAUD: Thank  
12 you, Senator.

13                  Senator Palumbo on the resolution.

14                  SENATOR PALUMBO: Thank you,  
15 Madam President.

16                  And I thank Senator Martinez for  
17 bringing this resolution to the floor.

18                  Without being too redundant, the  
19 Long Island -- the beautiful Long Island Sound,  
20 based upon many efforts that our federal partners  
21 and that people in this building have done, has  
22 come a long way back. We had a huge lobster  
23 die-off, we have obviously issues with different  
24 algal blooms, scallops at certain points  
25 intermittently are dying off.

1                   But I rise to proudly recognize the  
2                   Friday before Memorial Day. And as my colleague  
3                   from Long Island just mentioned, and invited  
4                   everyone to come down, in my district I don't  
5                   need to invite anybody when it's summertime. So  
6                   come this Memorial Day weekend, the population in  
7                   the town where I live triples, and even more so  
8                   on the South Fork.

9                   So people understand the beauty of  
10                  the bucolic east end of Long Island and the  
11                  Long Island Sound. But more importantly, where I  
12                  live, this body of water is an economic engine  
13                  for those residents -- commercial fishing, oyster  
14                  farming, and the list goes on and on and on.

15                  And keep in mind the Long Island  
16                  Sound is 21 miles wide at its widest points, 113  
17                  miles long. There's 600 miles of coastline along  
18                  the Long Island Sound. And as mentioned by  
19                  Senator Martinez, \$9 billion worth of economy  
20                  every year. Five hundred thousand boats are  
21                  registered in the area of Long Island Sound, and  
22                  nearly 750,000 recreational fishermen utilize  
23                  this extraordinary resource. Not including, of  
24                  course, all those commercial fishermen who for  
25                  generations have made a living on the sound.

1                   So I proudly vote aye,  
2     Madam President, and I thank the sponsor again  
3     for bringing this to the floor. I look forward  
4     to not being able to make a left turn out of my  
5     driveway starting Friday.

6                   (Laughter.)

7                   SENATOR PALUMBO: But I am also  
8     going to be celebrating the Long Island Sound.

9                   Thank you, Madam President.

10                  ACTING PRESIDENT PERSAUD: Thank  
11     you, Senator.

12                  Senator Mayer on the resolution.

13                  SENATOR MAYER: Thank you,  
14     Madam President.

15                  Thank you, Senator Martinez and my  
16     colleagues, for all talking about this important  
17     day.

18                  I think we might have to change the  
19     name to the Long Island-Westchester Sound,  
20     ultimately, because almost all of my district  
21     abuts the sound. And like my colleagues, the  
22     sound is a source of not only recreation, parks  
23     and fun, but a tremendous economic driver for the  
24     entire south shore of Westchester.

25                  Last year I was proud to convene a

1 meeting of Assemblymembers and Senators, all  
2 representing portions where the sound hits their  
3 district -- from Westchester through the Bronx,  
4 parts of Queens that are indirectly affected, out  
5 to Long Island -- to see how we can work together  
6 to ensure and continue the improvement of the  
7 water in the sound, which we all agree has made  
8 tremendous strides.

9           So this bipartisan waterway, which  
10 affects all of us, I just encourage my  
11 colleagues: Please come to Playland, it opened  
12 on Friday. It is a beautiful place on the sound,  
13 the most historic park in all of New York State.  
14 Proud to have it in Rye.

15           But all of the sound is a joyful  
16 place that we are very proud of the quality of  
17 the water, the quality of the environment, and  
18 the quality of the fun and economic development  
19 it brings to our communities.

20           I vote aye. Thank you,  
21 Senator Martinez.

22           ACTING PRESIDENT PERSAUD: Thank  
23 you, Senator.

24           The resolution was adopted on  
25 May 14th.

1                   Senator Gianaris.

2                   SENATOR GIANARIS:    Thank you,  
3   Madam President.

4                   Let's move on to previously adopted  
5   Resolution 1840, by Senator Hinchey, read that  
6   resolution's title and recognize Senator Hinchey.

7                   ACTING PRESIDENT PERSAUD:    The  
8   Secretary will read.

9                   THE SECRETARY:    Resolution 1840, by  
10   Senator Hinchey, memorializing Governor Kathy  
11   Hochul to proclaim May 2024 as Lyme Disease  
12   Awareness Month in the State of New York.

13                  ACTING PRESIDENT PERSAUD:    Senator  
14   Hinchey on the resolution.

15                  SENATOR HINCHEY:    Thank you,  
16   Madam President.  I am proud to rise today to  
17   declare May 2024 Lyme Disease Awareness Month in  
18   the State of New York.

19                  New York State does a lot of things  
20   really well, but one of the things we don't do  
21   well is track data on Lyme cases, both Lyme  
22   disease and other tick-borne illnesses.  We know  
23   that New York State ranks as one of the highest  
24   states in the country as it pertains to  
25   tick-borne illnesses and Lyme disease, and yet

1 here at the state we only have data back through  
2 2020.

3 But what that data says -- I  
4 represent the Hudson Valley -- is that of our  
5 four counties, Columbia, Greene, Ulster and  
6 Dutchess, all four rank in the top 10 counties  
7 with the worst cases of Lyme disease, with Greene  
8 and Columbia ranking first and second and Ulster  
9 and Dutchess ranking fifth and sixth. I can tell  
10 you I'm sure those numbers have changed; Dutchess  
11 and Ulster are probably higher in that list  
12 today.

13 Personally, just this season alone,  
14 now that we've gotten a new puppy, we have had  
15 multiple ticks in our house that we find almost  
16 every day, because the findings of ticks has  
17 increased dramatically. This is caused by  
18 weather changing, it's caused by surroundings.  
19 Ticks are coming further up north, and we have  
20 many of them. And yet there's no real research  
21 done in how we can combat Lyme disease and other  
22 tick-borne illnesses.

23 Everyone in the Hudson Valley, but  
24 really probably across the state, knows someone  
25 who has been negatively impacted by a tick bite.

1 And we have a responsibility in this state not  
2 just to do more as it pertains to research, but  
3 to raise awareness of this so that fewer people  
4 are negatively impacted.

5 What the awareness month does for  
6 May is it encourages people to understand what  
7 they should do should they find a tick. If  
8 you're enjoying the great outdoors, of which we  
9 are so lucky to have here in New York so many  
10 incredible parks and pathways and fields, so many  
11 things to do outside -- but what you do is you  
12 come back home, put your clothes in a drier  
13 immediately. Check your pets. Make sure that  
14 you're wearing light-colored clothing if you go  
15 outside.

16 Awareness month will make sure that  
17 we are starting to really combat the prevalence  
18 of ticks and tick-borne illnesses across the  
19 state.

20 I'm proud to sponsor this  
21 resolution, and I vote aye.

22 Thank you, Madam President.

23 ACTING PRESIDENT PERSAUD: Thank  
24 you, Senator.

25 Senator Mannion on the resolution.

1                   SENATOR MANNION:    Thank you,  
2    Madam President.

3                   Thank you to Senator Hinchey for  
4    bringing this resolution to the floor.

5                   You know, I think all of us have in  
6    some way been impacted by Lyme disease. We have  
7    a family member or a friend who has suffered from  
8    the symptoms of it.

9                   Often Lyme disease leaves no mark,  
10   there is no bull's-eye from the tick bite that  
11   occurs. It is difficult to diagnose. In fact,  
12   there is no definitive test to diagnose someone  
13   with Lyme disease. There is no vaccine for  
14   humans for Lyme disease. So the challenges are  
15   great. And also the symptoms of Lyme disease  
16   mimic many other diseases.

17                  So we have to make sure that we do  
18   things like we're doing today to shine a light on  
19   Lyme disease and other co-infectors, other  
20   viruses that are tick-borne -- I mean, viruses  
21   that are tick-borne, beyond the bacteria that  
22   causes Lyme disease.

23                  So I'm proud to say that near my  
24   district, Upstate Medical Center has a biovector  
25   lab which was designed just to take in ticks that

1 were found in the region and have them tested.  
2 But they've honestly taken on detection of ticks  
3 from around the world that get sent to them.

4 Finally I'd just like to say that we  
5 need to remove the stigma from people who have  
6 chronic Lyme disease, which dramatically impacts  
7 their ability to thrive, their ability to work,  
8 and their ability to be as active as they once  
9 were.

10 I thank you, Madam President, and I  
11 thank Senator Hinchey for bringing the  
12 resolution. I proudly vote aye.

13 ACTING PRESIDENT PERSAUD: Thank  
14 you, Senator.

15 The resolution was adopted on  
16 February 27th.

17 Senator Gianaris.

18 SENATOR GIANARIS: Next up is  
19 previously adopted Resolution 2068, by  
20 Senator Rolison. Please read its title and  
21 recognize Senator Rolison.

22 ACTING PRESIDENT PERSAUD: The  
23 Secretary will read.

24 THE SECRETARY: Resolution 2068, by  
25 Senator Rolison, congratulating the Our Lady of

1 Lourdes High School Girls Basketball Team upon  
2 the occasion of capturing the 2024 New York State  
3 Public High School Athletic Association  
4 Basketball Class AAA Championship on March 17,  
5 2024.

6 ACTING PRESIDENT PERSAUD: Senator  
7 Rolison on the resolution.

8 SENATOR ROLISON: Thank you,  
9 Madam President.

10 Today I was looking forward to  
11 congratulating in person Our Lady of Lourdes  
12 Girls Basketball Team, but because of school  
13 commitments they could not make the trip. That  
14 is more important than being up here.

15 So I wanted to read into the record  
16 this afternoon, Madam President, about our great  
17 Lady Warriors from Our Lady of Lourdes  
18 High School, which is in the Town of  
19 Poughkeepsie.

20 And as it was stated, they won the  
21 Class AAA State Championship held on Sunday,  
22 March 17, 2024, at Hudson Valley Community  
23 College. They had a record of 24 and 1. And  
24 they beat the Section III Liverpool High School  
25 champs in a very decisive victory with a final

1 score of 69-54. It was their first title since  
2 2004.

3 And, you know, we know that athletic  
4 competition helps to enhance both the moral and  
5 physical development of young athletes. It  
6 prepares them for the future by instilling in  
7 them the importance of teamwork, encouraging a  
8 standard of healthy living, and developing a  
9 sense of fair play and competition.

10 And this team really just lit the  
11 season on fire with how they played together,  
12 they overcame diversity, and they made it to the  
13 championship.

14 Their coach, Al Viani, and  
15 Assistant Coaches Jessica Paden and Wayne Neal,  
16 who I recently just saw a couple of weekends ago,  
17 just so excited for the Lady Warriors.

18 And as I said, it was their first  
19 title since 2004. Big defensive team, Simone  
20 Pelish, who was an outstanding player for the  
21 Lady Warriors, in that particular game had  
22 33 points to move them to the final spot and to  
23 get them to be state champions.

24 And Madam President, thank you for  
25 letting me read this into the record. I will be

1 presenting this resolution to the Lady Warriors  
2 in the very near future at the school. And I'll  
3 be voting aye.

4 Thank you, Madam President.

5 ACTING PRESIDENT PERSAUD: Thank  
6 you, Senator.

7 The resolution was adopted on  
8 April 3rd.

9 Senator Gianaris.

10 SENATOR GIANARIS: Madam President,  
11 the sponsors are opening all of the resolutions  
12 we took up today for sponsorship.

13 ACTING PRESIDENT PERSAUD: The  
14 resolutions are open for cosponsorship. Should  
15 you choose not to be a cosponsor, please notify  
16 the desk.

17 Senator Gianaris.

18 SENATOR GIANARIS: There's a report  
19 of the Finance Committee at the desk. Can we  
20 take that up now, please.

21 ACTING PRESIDENT PERSAUD: The  
22 Secretary will read.

23 THE SECRETARY: Senator Krueger,  
24 from the Committee on Finance, reports the  
25 following nominations:

1                   As Secretary of State, Walter T.  
2 Mosley;

3                   As executive director of the  
4 Dormitory Authority, Robert J. Rodriguez.

5                   SENATOR GIANARIS: I move to accept  
6 the report of the Finance Committee and ask that  
7 you recognize Senator Krueger.

8                   SENATOR KRUEGER: I thought we were  
9 missing a part.

10                  ACTING PRESIDENT PERSAUD: Senator  
11 Gianaris.

12                  SENATOR GIANARIS: I'm sorry,  
13 Senator Krueger, I apologize. I'm told we are  
14 redoing the order of business.

15                  We're going to take up the calendar  
16 first, and then we'll return for the nominees.

17                  ACTING PRESIDENT PERSAUD: The  
18 Secretary will read.

19                  THE SECRETARY: Calendar Number 86,  
20 Senate Print 2862A, by Senator Martinez, an act  
21 to amend the Real Property Tax Law.

22                  ACTING PRESIDENT PERSAUD: Read the  
23 last section.

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

1                   ACTING PRESIDENT PERSAUD:    Call the  
2    roll.

3                   (The Secretary called the roll.)

4                   ACTING PRESIDENT PERSAUD:    Announce  
5    the results.

6                   THE SECRETARY:     Ayes, 56.

7                   ACTING PRESIDENT PERSAUD:    The bill  
8    is passed.

9                   THE SECRETARY:     Calendar Number  
10   148, Senate Print 1979A, by Senator Cleare, an  
11   act in relation to requiring the Empire State  
12   Development Corporation to study the economic  
13   impact of optimizing and creating kitchen  
14   incubators in New York State.

15                  ACTING PRESIDENT PERSAUD:    Read the  
16   last section.

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

19                  ACTING PRESIDENT PERSAUD:    Call the  
20   roll.

21                  (The Secretary called the roll.)

22                  ACTING PRESIDENT PERSAUD:    Announce  
23   the results.

24                  THE SECRETARY:     Ayes, 56.

25                  ACTING PRESIDENT PERSAUD:    The bill

1 is passed.

2 THE SECRETARY: Calendar Number  
3 278, Senate Print 1936, by Senator Comrie, an act  
4 to amend the Public Authorities Law.

5 ACTING PRESIDENT PERSAUD: Read the  
6 last section.

7 THE SECRETARY: Section 4. 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, 56.

15 ACTING PRESIDENT PERSAUD: The bill  
16 is passed.

17 THE SECRETARY: Calendar Number  
18 353, Senate Print 7780A, by Senator Brouk, an act  
19 to amend the Public Health Law.

20 ACTING PRESIDENT PERSAUD: Read the  
21 last section.

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

25 ACTING PRESIDENT PERSAUD: Call the

1 roll.

2 (The Secretary called the roll.)

3 ACTING PRESIDENT PERSAUD: Senator  
4 Brouk to explain her vote.

5 SENATOR BROUK: Thank you,  
6 Madam President.

7 Today we move forward with our  
8 commitment to making our state a safer place to  
9 give birth by passing this bill to identify what  
10 makes a doula-friendly healthcare provider.

11 We already know that doulas who  
12 provide non-medical emotional, physical and  
13 informational support to birthing people before,  
14 during and after birth can significantly improve  
15 health outcomes for both the mother and the  
16 newborn baby.

17 This bill is going to help New York  
18 develop a standard for doula-friendly hospitals  
19 and healthcare facilities as a way to prioritize  
20 patient choice and patient satisfaction and of  
21 course to improve maternal and infant health.

22 This bill directly speaks to the  
23 challenges identified by the New York State Doula  
24 Pilot Program and feedback offered by community  
25 doulas through the Department of Health's Doula

1 Medicaid Services Benefit Stakeholder Meetings.

2 In particular, this legislation will  
3 expand the state's knowledge of the ways that  
4 doulas are and maybe are not welcome in the  
5 healthcare system. Because for doulas to save  
6 lives and improve outcomes, they need to be  
7 welcome in every corner of New York State as an  
8 integral part of every birthing care team.

9 A doula-friendly designation makes  
10 sense. It makes sense for hospitals and other  
11 care centers who are striving to provide quality  
12 care. It makes sense for doctors and nurses on  
13 the frontlines of working with patients. It  
14 makes sense for doulas themselves. And most  
15 importantly, it makes sense for birthing people  
16 and the babies throughout New York State.

17 We should all want doula-friendly  
18 hospital designation to be a gold standard for  
19 medical care here in New York, and I am grateful  
20 to this body for this continuing work to expand  
21 doula access.

22 I vote aye. Thank you.

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

25 Announce the results.

1 THE SECRETARY: Ayes, 58.

2 ACTING PRESIDENT PERSAUD: The bill  
3 is passed.

4 THE SECRETARY: Calendar Number  
5 458, Senate Print 4534, by Senator Harckham, an  
6 act to amend the Transportation Law.

7 ACTING PRESIDENT PERSAUD: Read the  
8 last section.

9 THE SECRETARY: Section 2. This  
10 act shall take effect one year after it shall  
11 have become a law.

12 ACTING PRESIDENT PERSAUD: Call the  
13 roll.

14 (The Secretary called the roll.)

15 ACTING PRESIDENT PERSAUD: Senator  
16 Oberacker to explain his vote.

17 SENATOR OBERACKER: Thank you,  
18 Madam President.

19 As the ranking member on  
20 Transportation, I'd like to thank  
21 Senator Harckham for bringing this very important  
22 bill forward.

23 As I travel around the seven  
24 counties that I represent in the 51st Senate  
25 District, I can speak unequivocally that -- and I

1 know that the Senator had my best interest and my  
2 health in mind when he brought this forward, so  
3 Senator, thank you. As I travel around, fog  
4 lines are going to be and are extremely,  
5 extremely important.

6           And it just kind of harkens back to  
7 a conversation I had with my wife as I was coming  
8 back late at night, and she said to me, she says,  
9 "Do you have trouble staying awake?" And I said,  
10 "But for two things, the deer and the fog, I can  
11 stay awake very, very easily."

12           So again, Senator, thank you. It  
13 makes sense. Sometimes in Albany we get it  
14 right.

15           I proudly vote aye. Thank you.

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

18           Announce the results.

19           THE SECRETARY: Ayes, 58.

20           ACTING PRESIDENT PERSAUD: The bill  
21 is passed.

22           THE SECRETARY: Calendar Number  
23 546, Senate Print 2450, by Senator Krueger, an  
24 act to amend the Penal Law.

25           ACTING PRESIDENT PERSAUD: Read the

1 last section.

2 THE SECRETARY: Section 2. This  
3 act shall take effect on the first of November.

4 ACTING PRESIDENT PERSAUD: Call the  
5 roll.

6 (The Secretary called the roll.)

7 ACTING PRESIDENT PERSAUD: Senator  
8 Krueger to explain her vote.

9 ACTING PRESIDENT PERSAUD: Thank  
10 you, Madam President.

11 We've dealt with this bill before.  
12 I'm hoping this is the year we can get it through  
13 both houses at the same time.

14 We all understand that technology is  
15 changing everything about our lives. We talk  
16 about the impact of AI, we talk about internet,  
17 we talk about stolen IDs, fraudulent computer  
18 images. This is just a simple bill that I think  
19 is critically important.

20 People are being harassed through  
21 texts and emails. They're not asking for this  
22 information, they're not asking for information  
23 to be spread falsely about them. And it's  
24 incredibly damaging, particularly to young people  
25 who may find themselves being stalked, having

1 photo images of themselves spread around, being  
2 threatened by total strangers via email and texts  
3 and other now old forms of technology; forget the  
4 newer ones we still don't understand.

5 So this would actually increase the  
6 penalties for aggravated harassment in the second  
7 degree on these issues. And it's a law I believe  
8 is important because we've had some questions in  
9 court about whether we have the authority to go  
10 after these kinds of abuses.

11 So I'm going to thank my colleagues  
12 in advance for supporting me on this bill and  
13 hopefully, again, this will be the year.  
14 Sometimes we have struggles between one house or  
15 the other house. So let's hope we get it across  
16 the finish line.

17 I vote yes, Madam President. Thank  
18 you.

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

21 Announce the results.

22 THE SECRETARY: In relation to  
23 Calendar 546, voting in the negative are  
24 Senators Brisport and Salazar.

25 Ayes, 56. Nays, 2.

1                   ACTING PRESIDENT PERSAUD:    The bill  
2    is passed.

3                   THE SECRETARY:    Calendar Number  
4    819, Assembly Bill Number 9254, by  
5    Assemblymember Weprin, an act to amend  
6    Chapter 395 of the Laws of 2008.

7                   ACTING PRESIDENT PERSAUD:    Read the  
8    last section.

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

11                  ACTING PRESIDENT PERSAUD:    Call the  
12   roll.

13                  (The Secretary called the roll.)

14                  ACTING PRESIDENT PERSAUD:    Announce  
15   the results.

16                  THE SECRETARY:    Ayes, 58.

17                  ACTING PRESIDENT PERSAUD:    The bill  
18   is passed.

19                  THE SECRETARY:    Calendar Number  
20   831, Assembly Print Number 9505, by  
21   Assemblymember McMahon, an act to amend the  
22   Family Court Act.

23                  ACTING PRESIDENT PERSAUD:    Read the  
24   last section.

25                  THE SECRETARY:    Section 2.  This

1 act shall take effect immediately.

2 ACTING PRESIDENT PERSAUD: Call the  
3 roll.

4 (The Secretary called the roll.)

5 ACTING PRESIDENT PERSAUD: Announce  
6 the results.

7 THE SECRETARY: Ayes, 58.

8 ACTING PRESIDENT PERSAUD: The bill  
9 is passed.

10 THE SECRETARY: Calendar Number  
11 862, Senate Print 8881, by Senator Sanders, an  
12 act to amend the Executive Law.

13 ACTING PRESIDENT PERSAUD: Read the  
14 last section.

15 THE SECRETARY: Section 4. This  
16 act shall take effect on the 30th day after it  
17 shall have become a law.

18 ACTING PRESIDENT PERSAUD: Call the  
19 roll.

20 (The Secretary called the roll.)

21 ACTING PRESIDENT PERSAUD: Announce  
22 the results.

23 THE SECRETARY: Ayes, 58.

24 ACTING PRESIDENT PERSAUD: The bill  
25 is passed.

1                   THE SECRETARY:    Calendar Number  
2    978, Senate Print 2907, by Senator Persaud, an  
3    act to amend the Education Law.

4                   ACTING PRESIDENT PERSAUD:    Read the  
5    last section.

6                   THE SECRETARY:    Section 12.  This  
7    act shall take effect 18 months after it shall  
8    have become a law.

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   981, Senate Print 4447, by Senator Fernandez, an  
19   act to amend the Education 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 1012, Senate Print 6433, by Senator Mannion, an  
9 act to amend the Mental Hygiene Law.

10 ACTING PRESIDENT PERSAUD: Read the  
11 last section.

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

15 ACTING PRESIDENT PERSAUD: Call the  
16 roll.

17 (The Secretary called the roll.)

18 ACTING PRESIDENT PERSAUD: Announce  
19 the results.

20 THE SECRETARY: Ayes, 58.

21 ACTING PRESIDENT PERSAUD: The bill  
22 is passed.

23 THE SECRETARY: Calendar Number  
24 1017, Senate Print 4970, by Senator Jackson, an  
25 act in relation to directing the Division of

1 Housing and Community Renewal to study non-rental  
2 fees charged by landlords.

3 ACTING PRESIDENT PERSAUD: Read the  
4 last section.

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

7 ACTING PRESIDENT PERSAUD: Call the  
8 roll.

9 (The Secretary called the roll.)

10 ACTING PRESIDENT PERSAUD: Announce  
11 the results.

12 THE SECRETARY: In relation to  
13 Calendar 1017, those Senators voting in the  
14 negative are Senators Ashby, Borrello,  
15 Canzoneri-Fitzpatrick, Felder, Gallivan, Griffo,  
16 Lanza, Martins, Mattera, Murray, Oberacker,  
17 O'Mara, Ortt, Palumbo, Rhoads, Rolison, Stec,  
18 Tedisco and Weik. Also Senator Weber.

19 Ayes, 38. Nays, 20.

20 ACTING PRESIDENT PERSAUD: The bill  
21 is passed.

22 THE SECRETARY: Calendar Number  
23 1082, Senate Print 8739, by Senator Mattera, an  
24 act to amend the General Business Law.

25 ACTING PRESIDENT PERSAUD: Read the

1 last section.

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

5 ACTING PRESIDENT PERSAUD: Call the  
6 roll.

7 (The Secretary called the roll.)

8 ACTING PRESIDENT PERSAUD: Announce  
9 the results.

10 THE SECRETARY: Ayes, 59.

11 ACTING PRESIDENT PERSAUD: The bill  
12 is passed.

13 THE SECRETARY: Calendar Number  
14 1085, Senate Print 27, by Senator Stec,  
15 Concurrent Resolution of the Senate and Assembly  
16 proposing an amendment to Section 1 of Article 14  
17 of the Constitution.

18 ACTING PRESIDENT PERSAUD: Call the  
19 roll on the resolution.

20 (The Secretary called the roll.)

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

23 SENATOR STEC: Thank you,  
24 Madam President.

25 I want to thank the chamber for

1 their support again on this constitutional  
2 amendment. You've all heard me, probably more  
3 times that you'd care to, rant about the effect  
4 that prison closures have around the state,  
5 upstate in particular.

6 I've talked several times about my  
7 community, my very large Senate district, the  
8 impact that it has that when there's no plan, the  
9 state allows it to go fallow and it becomes a  
10 blight on the community.

11 Inside the Blue Line we have that  
12 added level of we need a constitutional amendment  
13 to move property. And this constitutional  
14 amendment will allow that process to take place.  
15 You all know how involved a constitutional  
16 amendment is. It's very difficult. We have to  
17 pass it in two different sessions.

18 But you've always supported it; I  
19 appreciate that. We've done it every one of the  
20 four years that I've been here, and I think  
21 Senator Little had it a year or two in advance of  
22 that.

23 We're hoping that this year the  
24 Assembly passes it as well. That's the holdup.  
25 But again, this is -- you know, these properties

1 don't age well when they sit fallow like this.  
2 This will allow -- if the state doesn't want it,  
3 no one wants it, it might have marketability in  
4 the private sector, but we can't sell it without  
5 this constitutional amendment.

6 So I vote in the affirmative. And I  
7 thank you and my colleagues, Madam President.

8 ACTING PRESIDENT PERSAUD: Senator  
9 Stec to be recorded in the affirmative.

10 Announce the results.

11 THE SECRETARY: Ayes, 59.

12 ACTING PRESIDENT PERSAUD: The bill  
13 is passed.

14 THE SECRETARY: Calendar Number  
15 1107, Senate Print 3196, by Senator Mannion, an  
16 act to amend the Mental Hygiene Law.

17 ACTING PRESIDENT PERSAUD: Read the  
18 last section.

19 THE SECRETARY: Section 4. This  
20 act shall take effect April 1, 2025.

21 ACTING PRESIDENT PERSAUD: Call the  
22 roll.

23 (The Secretary called the roll.)

24 ACTING PRESIDENT PERSAUD: Announce  
25 the results.

1 THE SECRETARY: Ayes, 59.

2 ACTING PRESIDENT PERSAUD: The bill  
3 is passed.

4 THE SECRETARY: Calendar Number  
5 1108, Senate Print 3354, by Senator Skoufis, an  
6 act to amend the Executive 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: Announce  
15 the results.

16 THE SECRETARY: In relation to  
17 Calendar 1108, those Senators voting in the  
18 negative are Senators Borrello, Helming, Murray,  
19 O'Mara, Ortt and Weik.

20 Ayes, 53. Nays, 6.

21 ACTING PRESIDENT PERSAUD: The bill  
22 is passed.

23 THE SECRETARY: Calendar Number  
24 1113, Senate Print 5801A, by Senator Liu, an act  
25 to amend the Public Officers Law.

1                   ACTING PRESIDENT PERSAUD:    Read the  
2    last section.

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

5                   ACTING PRESIDENT PERSAUD:    Call the  
6    roll.

7                   (The Secretary called the roll.)

8                   ACTING PRESIDENT PERSAUD:    Announce  
9    the results.

10                  THE SECRETARY:    In relation to  
11    Calendar 1113, those Senators voting in the  
12    negative are Senators Borrello,  
13    Canzoneri-Fitzpatrick and Rhoads.

14                  Ayes, 56.  Nays, 3.

15                  ACTING PRESIDENT PERSAUD:    The bill  
16    is passed.

17                  THE SECRETARY:    Calendar Number  
18    1136, Senate Print 8336, by Senator Borrello, an  
19    act to amend the Parks, Recreation and Historic  
20    Preservation Law.

21                  ACTING PRESIDENT PERSAUD:    Read the  
22    last section.

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

25                  ACTING PRESIDENT PERSAUD:    Call the

1 roll.

2 (The Secretary called the roll.)

3 ACTING PRESIDENT PERSAUD: Announce  
4 the results.

5 THE SECRETARY: In relation to  
6 Calendar 1136, voting in the negative:  
7 Senator Skoufis.

8 Ayes, 58. Nays, 1.

9 ACTING PRESIDENT PERSAUD: The bill  
10 is passed.

11 THE SECRETARY: Calendar Number  
12 1143, Senate Print 1687A, by Senator Hinchey, an  
13 act to amend the Executive Law.

14 ACTING PRESIDENT PERSAUD: Read the  
15 last section.

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

18 ACTING PRESIDENT PERSAUD: Call the  
19 roll.

20 (The Secretary called the roll.)

21 ACTING PRESIDENT PERSAUD: Announce  
22 the results.

23 THE SECRETARY: Ayes, 59.

24 ACTING PRESIDENT PERSAUD: The bill  
25 is passed.

1 THE SECRETARY: Calendar Number  
2 1146, Senate Print 1148, by Senator Krueger, an  
3 act to amend the Election Law.

4 ACTING PRESIDENT PERSAUD: Read the  
5 last section.

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

8 ACTING PRESIDENT PERSAUD: Call the  
9 roll.

10 (The Secretary called the roll.)

11 ACTING PRESIDENT PERSAUD: Announce  
12 the results.

13 THE SECRETARY: In relation to  
14 Calendar 1146, those Senators voting in the  
15 negative are Senators Gallivan, Helming,  
16 Oberacker and Skoufis.

17 Ayes, 55. Nays, 4.

18 ACTING PRESIDENT PERSAUD: The bill  
19 is passed.

20 THE SECRETARY: Calendar Number  
21 1148, Senate Print 2298, by Senator Mayer, an act  
22 to amend the Election Law.

23 ACTING PRESIDENT PERSAUD: Read the  
24 last section.

25 THE SECRETARY: Section 2. This

1 act shall take effect on the 90th day after it  
2 shall have become a law.

3 ACTING PRESIDENT PERSAUD: Call the  
4 roll.

5 (The Secretary called the roll.)

6 ACTING PRESIDENT PERSAUD: Announce  
7 the results.

8 THE SECRETARY: In relation to  
9 Calendar Number 1148, voting in the negative:  
10 Senator Lanza.

11 Ayes, 58. Nays, 1.

12 ACTING PRESIDENT PERSAUD: The bill  
13 is passed.

14 THE SECRETARY: Calendar Number  
15 1161, Senate Print 9276, by Senator Gianaris, an  
16 act to amend the Criminal Procedure Law.

17 SENATOR LANZA: Lay it aside.

18 ACTING PRESIDENT PERSAUD: Lay it  
19 aside.

20 THE SECRETARY: Calendar Number  
21 1196, Senate Print 5361A, by Senator Mannion, an  
22 act granting retroactive membership with Tier IV  
23 status in the New York State Teachers' Retirement  
24 System to Peter Guarino.

25 ACTING PRESIDENT PERSAUD: Read the

1 last section.

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

4 ACTING PRESIDENT PERSAUD: Call the  
5 roll.

6 (The Secretary called the roll.)

7 ACTING PRESIDENT PERSAUD: Announce  
8 the results.

9 THE SECRETARY: Ayes, 59.

10 ACTING PRESIDENT PERSAUD: The bill  
11 is passed.

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

14 SENATOR GIANARIS: Madam President,  
15 I believe there is still a report of the  
16 Finance Committee at the desk. Let's take that  
17 up again.

18 ACTING PRESIDENT PERSAUD: The  
19 Secretary will read.

20 THE SECRETARY: Senator Krueger,  
21 from the Committee on Finance, reports the  
22 following nominations:

23 Walter T. Mosley, as Secretary of  
24 State;

25 Robert J. Rodriguez, as

1 Executive Director of the Dormitory Authority.

2 SENATOR GIANARIS: I move to accept  
3 the report of the Finance Committee, and please  
4 recognize Senator Krueger.

5 ACTING PRESIDENT PERSAUD: All  
6 those in favor of accepting the Finance Committee  
7 report signify by saying aye.

8 (Response of "Aye.")

9 ACTING PRESIDENT PERSAUD: Opposed,  
10 nay.

11 (No response.)

12 ACTING PRESIDENT PERSAUD: The  
13 report of the Finance Committee is accepted.  
14 Senator Krueger.

15 SENATOR KRUEGER: Thank you very  
16 much, Madam President.

17 So we know that it's the time of  
18 year when nominees start to come to us from the  
19 Governor, and we have two more important  
20 positions today that have moved through their  
21 appropriate committees. Both Walter Mosley --  
22 who's here with his wife Julie, his daughter  
23 Allyson, his son Sebastien, his mother Marilyn,  
24 and his father Walter. I got it right?  
25 Excellent.

1                   And who -- also with Robert  
2 Rodriguez, who I think is not here with family  
3 today. Thank you.

4                   So those of us who have served in  
5 the Senate or even those of us who may have  
6 served in the Assembly earlier and then come to  
7 the Senate can say that we know both of these men  
8 from their past public service as  
9 Assemblymembers.

10                   I'm not really going to speak in  
11 detail about them because we have other members  
12 who want to. But the fact is taking on  
13 responsibilities for both DASNY and also for the  
14 Secretary of State office are critical positions.

15                   And as legislators, we actually deal  
16 with these agencies all the time. We often make  
17 complaints to these agencies all the time. And I  
18 know, from knowing both of them and having spoken  
19 to them before the committee meetings and then  
20 through the interview process, that both men do  
21 understand that they are taking on positions  
22 where there are frustrations out there in the  
23 public, and frustrations sometimes among  
24 legislators that we need to make sure their  
25 agencies are getting things done.

1                   And I believe that both men know  
2 exactly what they're walking into, having been  
3 legislators before, on the other side of the desk  
4 perhaps. And I'm very pleased that they both  
5 want to continue in public service for the State  
6 of New York and use the skills they have already  
7 fine-tuned in their previous careers in and out  
8 of government to take on these responsibilities.

9                   And with that, I do certainly hope  
10 that all of my colleagues will support them in  
11 the vote this afternoon. They certainly had more  
12 than enough votes to move through the committee  
13 process.

14                   Thank you, Madam President.

15                   ACTING PRESIDENT PERSAUD: Thank  
16 you, Senator.

17                   Senator Comrie on the nominations.

18                   SENATOR COMRIE: Thank you,  
19 Madam President.

20                   I rise today to support the  
21 nominations of both Robert Rodriguez and  
22 Walter Mosley to their positions in DASNY and as  
23 Secretary of State.

24                   They both have been young men who  
25 have been clearly focused on making sure that

1 this state is a better place, doing things in  
2 their previous capacities to ensure that minority  
3 needs were focused on, that they are continuing  
4 to now serve in positions that are very important  
5 to many of us.

6 I still have DASNY projects that  
7 haven't been done yet, so you'll be hearing from  
8 all of us a lot.

9 (Laughter.)

10 SENATOR COMRIE: And for the  
11 Secretary, we have a lot of projects that have  
12 been done and need to be forwarded. And I look  
13 forward to working with you, Walter. You've  
14 always been -- both of you have always been great  
15 communicators, people that like to get along with  
16 people, people that understand the need to have  
17 an argument to get things done or in order to  
18 find the right way to get things done.

19 So I appreciate both of your  
20 temperaments. I appreciate your service and your  
21 continued commitment to public service. And I  
22 want to thank the Governor for finding two young  
23 men that we can all work with.

24 Thank you, Madam President.

25 ACTING PRESIDENT PERSAUD: Thank

1 you, Senator.

2 Senator Serrano on the nominations.

3 SENATOR SERRANO: Thank you very  
4 much, Madam President.

5 And I'd like to congratulate the two  
6 nominees and thank the Governor for putting forth  
7 two tremendous individuals. I have had the  
8 pleasure of knowing both for many, many years.  
9 And Mr. Mosley, to you and your family, it's  
10 always been a pleasure to know you.

11 And Robert Rodriguez, where do I  
12 begin? I could say that I've known him for a  
13 thousand years, because -- but then that would  
14 make me sound really old, so I'm not going to do  
15 that.

16 (Laughter.)

17 SENATOR SERRANO: But known him for  
18 quite a while.

19 And both came up through similar  
20 paths, both Hayesmen from Cardinal Hayes  
21 High School -- different years, but did come up  
22 through that. And knew him back when he was on  
23 the community board in East Harlem and then as an  
24 Assemblymember, my counterpart as State Senator,  
25 representing East Harlem.

1           He was a wonderful colleague to work  
2 with, someone who cared deeply about history, who  
3 cared deeply about East Harlem and its place in  
4 the cultural fabric of the City of New York. And  
5 it was really wonderful to have had that  
6 opportunity to work with you.

7           Your years as Secretary of State  
8 have been tremendous as well. And I congratulate  
9 you and look forward to your work in this new  
10 chapter within your life.

11           So congratulations, both.

12           ACTING PRESIDENT PERSAUD: Thank  
13 you, Senator.

14           Senator Bailey on the nominations.

15           SENATOR BAILEY: Thank you,  
16 Madam President.

17           Congratulations to the nominees. It  
18 is an excellent choice -- choices by the Governor  
19 to nominate these two gentleman, who quite  
20 frankly could be doing other things. And I spoke  
21 about that with one of her other nominees. I  
22 think the bellwether test about great public  
23 servants is great public servants are people who  
24 do public service because they love to do it, as  
25 opposed to have to do it.

1                   Both of these gentlemen could be  
2 doing other things that are more lucrative in  
3 many other ways, but they're choosing to serve  
4 us, which is a testament to who they are and  
5 their dedication to not just their respective  
6 previous districts but to the people of the great  
7 State of New York.

8                   And, you know, I was a former staff  
9 member, and I'll often talk about how  
10 Shelley Mayer is one of my favorite people in the  
11 world because she treated me the same when I was  
12 a staff member as she does when I was a member.

13                   And that's the same for these two  
14 gentlemen. You can tell a lot about people from  
15 how they treat people that they don't have to  
16 treat in a certain way. And both of these  
17 gentlemen treated me with the utmost respect  
18 regardless of what my title was or what.

19                   And I think that attitude, that  
20 mentality, that thought process, that dedication,  
21 that care, that trust that they have will serve  
22 our state very well.

23                   And so to both of you, Mr. President  
24 and Mr. Secretary of State, I congratulate you  
25 both, I thank you both and look forward to

1 working with you both very much in the future.

2 Congratulations to you and your families.

3 Thank you, Madam President. I vote  
4 aye.

5 ACTING PRESIDENT PERSAUD: Thank  
6 you.

7 Senator Murray on the nominations.

8 SENATOR MURRAY: Thank you,  
9 Madam President.

10 First, I'll start by saying  
11 congratulations to both nominees.

12 But I will say, once again, we are  
13 in the process of voting for multiple candidates  
14 with one up or down vote. Now, earlier in the  
15 year we've taken votes on judgeships and  
16 different commissioners and board member  
17 positions on different agencies, and I voted no  
18 on those.

19 Last week we had two nominees, and I  
20 voted yes. And someone said to me, Well, what  
21 was the difference?

22 Well, the earlier no votes were not  
23 a protest. While I don't think the system is  
24 good when we're doing it this way, they weren't  
25 protest votes. It was because they were

1 candidates that I simply didn't think should be  
2 confirmed, and that's why I voted no.

3 Last week the candidates I thought  
4 were terrific. They were very good and will do a  
5 great job for New York, so I voted yes. I  
6 think that's the case this week too.

7 I've had the honor and privilege of  
8 working with both of these gentlemen in the  
9 Assembly. Recently, Secretary Rodriguez and I  
10 have worked together on a living shores project  
11 in Patchogue and started working on another  
12 project in Mastic Beach. And he's just been a  
13 pleasure to work with. I think he's going to do  
14 a great job with the Dormitory Authority.

15 And former Assemblyman Mosley, I  
16 look forward to working with him. On the floor,  
17 he was always very passionate in the Assembly.  
18 He cares about public service. I think he is the  
19 perfect choice for this position, and I hope and  
20 look forward to working with him too on this  
21 project in Mastic Beach.

22 But both of those gentlemen are  
23 great. They will be just -- they will do a great  
24 job for the State of New York and the people of  
25 New York, and so I'm pleased to vote aye to both.

1 Thank you.

2 ACTING PRESIDENT PERSAUD: Thank  
3 you, Senator.

4 Senator Mayer on the nominations.

5 SENATOR MAYER: Thank you,  
6 Madam President.

7 I also rise, like so many of my  
8 colleagues, to support both of these nominees,  
9 both of whom I have known since we served  
10 together in the Assembly.

11 Robert Rodriguez I knew before he  
12 was a community activist, which always gets high  
13 marks around here before you get into public  
14 service.

15 I would like to say that with both  
16 nominees, I have personally raised the need for  
17 the people who hold these positions to be  
18 extremely responsive to everyone in this chamber  
19 and in the Assembly. We all really need their  
20 help.

21 My experience with Robert Rodriguez  
22 as Secretary of State is that he's jumped in to  
23 help me on issues of hearing aids -- people don't  
24 realize what the Secretary of State's office  
25 does -- on issues of coastal management. There's

1 a range of issues, and I look forward to working  
2 with Walter Mosley in as equally a vibrant and  
3 strong way. And I have his assurance that he  
4 will be as responsive to the needs of us as  
5 individual members.

6 And I would say the same for DASNY.  
7 We need a president of DASNY who responds to us,  
8 who knows that we come in the best of goodwill to  
9 try to resolve problems. And with both of these  
10 men I am very confident they will do these jobs  
11 in a way that makes the state proud and is  
12 responsive to the needs of our constituents.

13 So I proudly vote aye on both.

14 Thank you, Madam President.

15 ACTING PRESIDENT PERSAUD: Thank  
16 you, Senator.

17 Senator Ryan on the nominations.

18 SENATOR RYAN: Thank you,  
19 Madam President.

20 It's my pleasure to rise and support  
21 these two wonderful nominees who are committed  
22 and dedicated public servants. And I know  
23 they're going to do a great job.

24 Thank you, Robert, for the work that  
25 you have done traveling the state, really helping

1 to upgrade the Department of State. And I know  
2 you're going to do a great job at DASNY.

3 And to Walter and Julie and to the  
4 rest of your family, what a great honor to be  
5 nominated by the Governor for this position. And  
6 I'll say one thing I know for sure, is good  
7 things come out of the New York State Assembly.

8 (Laughter.)

9 SENATOR RYAN: I vote aye.

10 ACTING PRESIDENT PERSAUD: Senator  
11 Liu on the nominations.

12 SENATOR LIU: Madam President,  
13 thank you for recognizing me.

14 I very rarely speak about the people  
15 we're about to confirm. I can say that Walter  
16 Mosley, he's all right. And Robert Rodriguez,  
17 he's all right too.

18 And with that -- oh, maybe I'll just  
19 say just a little bit more.

20 I want to say that Walter is the  
21 proud son of a fiery leader in Brooklyn,  
22 Marilyn Mosley. She should be super proud. And  
23 he's also the proud father of an Asian-American  
24 daughter. And I've known Walter for many, many  
25 years. He's going to do us proud as Secretary of

1 State.

2 And Robert Rodriguez, a lot's been  
3 said about him already. Just don't forget,  
4 Old-Timers Day, 111th Street, stickball. Maybe  
5 you want to come a little early to get some  
6 practice swings in.

7 (Laughter.)

8 SENATOR LIU: Thank you,  
9 Madam President.

10 ACTING PRESIDENT PERSAUD: Thank  
11 you, Senator.

12 Call the roll on the nominations.

13 (The Secretary called the roll.)

14 THE SECRETARY: Ayes, 59.

15 Oh, excuse me. In relation to the  
16 nominations, voting in the negative:  
17 Senator Ortt.

18 Ayes, 58. Nays, 1.

19 ACTING PRESIDENT PERSAUD: The  
20 nominees are confirmed.

21 Senator Gianaris.

22 SENATOR GIANARIS: Let's give them  
23 a round of applause, shall we?

24 (Standing ovation.)

25 ACTING PRESIDENT PERSAUD: Senator

1 Gianaris.

2 SENATOR GIANARIS: Now let's take  
3 up the controversial calendar, please.

4 ACTING PRESIDENT PERSAUD: The  
5 Secretary will ring the bell.

6 The Secretary will read.

7 THE SECRETARY: Calendar Number  
8 1161, Senate Print 9276, by Senator Gianaris, an  
9 act to amend the Criminal Procedure Law.

10 ACTING PRESIDENT PERSAUD: Senator  
11 Lanza, why do you rise?

12 SENATOR LANZA: Madam President, I  
13 believe there's an amendment at the desk. I  
14 waive the reading of that amendment and ask that  
15 you recognize Senator Palumbo.

16 ACTING PRESIDENT PERSAUD: Thank  
17 you, Senator.

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

21 SENATOR LANZA: Madam President,  
22 accordingly, I appeal the ruling of the chair and  
23 ask that Senator Palumbo be heard on that appeal.

24 ACTING PRESIDENT PERSAUD: The  
25 appeal has been made and recognized, and Senator

1 Palumbo may be heard.

2 Senator Palumbo.

3 SENATOR PALUMBO: Thank you,  
4 Madam President.

5 So in the past few weeks we've seen  
6 some decisions from the Court of Appeals, one of  
7 course in particular that has turned the rules of  
8 evidence on its head. And I can say with respect  
9 to the bill-in-chief, this is something that was  
10 clearly done in response to the Harvey Weinstein  
11 decision. And the intent of this bill, myself  
12 and I think I speak for my conference,  
13 unequivocally is supported by our conference.

14 Now, the reason why we have a  
15 hostile amendment on this bill is to strike and  
16 replace simply based upon the language of that  
17 bill. And we have to get into this a little  
18 deeper to understand the nuance of this, because  
19 the decision was based upon admission of prior  
20 bad acts under a case from 1901 called People v.  
21 Molineux. And so under the Molineux Rule, as  
22 it's called, you can sometimes bring in prior  
23 evidence to prove certain conduct -- to prove  
24 motive, intent, absence of mistake or accident,  
25 the identity of the perpetrator, or a common

1 scheme where there's almost a signature aspect to  
2 the crime.

3 So in the Weinstein case, what I  
4 would submit, evidence was admitted that is  
5 classic Molineux. His defense was -- and again,  
6 you all know what I did for a living for many  
7 years. His defense was that these were sexual  
8 favors for professional favors. Consent.

9 And the witnesses were brought in to  
10 establish that no, this is a pattern of conduct  
11 that Harvey Weinstein engaged in, and he would  
12 assault and rape women. And this is the  
13 so-called acquaintance rape which was addressed  
14 in the decision.

15 Now, going to germaneness, my bill,  
16 9445, is simply a codification of People v.  
17 Molineux. It is exactly -- this has been law for  
18 over a hundred years. And what that does is that  
19 allows -- the prosecutor must provide that  
20 evidence and proof that it goes to any of those  
21 factors, as I said.

22 And then the court must then, after  
23 finding that not only is that evidence relevant,  
24 but that evidence goes to some of those specific  
25 items -- and that, more importantly, there's a

1 balancing test of probative value of that  
2 evidence toward what they're looking to achieve  
3 versus its prejudicial effect on the defendant,  
4 which is critical.

5 Because you're not allowed in the  
6 State of New York to bring in evidence to prove  
7 what's called propensity. Meaning because this  
8 defendant has committed a bunch of other crimes,  
9 they probably did this. That's not how it works.  
10 In our system of justice we have a fair system,  
11 and we have due process rights. And you can't  
12 say this individual committed several robberies  
13 over the course of many years and therefore,  
14 jury, he probably did this one too. That's not  
15 how it works. That's called propensity evidence.

16 So my bill is just a simple  
17 codification of Molineux, which we know is  
18 constitutional without question. It's been law,  
19 it's been tested for over 100 years -- 123 years  
20 that's been the law in this state.

21 And now here's the wrinkle. The  
22 underlying bill, the bill-in-chief, is  
23 essentially an adoption of the bill that was  
24 Assemblywoman Paulin's for -- it's been around I  
25 believe for several years, a few years at

1 least -- that is a codification, a New York  
2 version of the Federal Rules of Evidence  
3 Section 413.

4 Now, I know this is a bit nuanced,  
5 Madam President, but this is a very serious  
6 issue. And obviously we want to get this right.  
7 Because quite frankly, if we don't pass a  
8 constitutional statute, we're doing nothing for  
9 victims of sexual assault and rape to fix this  
10 gaping hole in our rules of -- in our criminal  
11 justice as a whole in New York State.

12 Now, Rule 413, "Similar Crimes in  
13 Sexual Assault Cases: (a) Permitted Uses" --  
14 this is the actual rule of evidence -- "In a  
15 criminal case in which a defendant is accused of  
16 sexual assault, the court may admit evidence that  
17 the defendant committed any other sexual assault.  
18 This evidence may be considered on any matter to  
19 which it is relevant." That's the federal rule.

20 The bill-in-chief actually says --  
21 and this is at line 7, Section 1: "In a criminal  
22 proceeding in which a defendant is accused of a  
23 sexual offense, the court may admit evidence that  
24 the defendant committed any other sexual offense.  
25 Such evidence may be considered on any matter to

1 which it is relevant, including to prove that the  
2 defendant acted in conformity therewith" -- which  
3 I believe in my humble opinion is okay -- "or had  
4 a propensity to engage in similar wrongful acts."

5           Nowhere in that federal rule is the  
6 word "propensity" in the statute. In fact, we've  
7 had a little bit of interaction with -- you know,  
8 on social media and in the media. And just this  
9 morning I was reading that a law school professor  
10 at Albany Law, Professor Vin Bonventre, agreed  
11 that there were constitutional challenges that  
12 would likely be met with this new statute, and I  
13 quote: "'We're going to tell you about the  
14 evidence that he's committed this before'" -- as  
15 I just explained. "'That's so terribly unfair,'  
16 Bonventre said. 'I think the Court of Appeals  
17 would, and I think it should, throw that out as a  
18 matter of basic fundamental constitutional  
19 fairness.'"

20           So, Madam President, the reason why  
21 this is not only germane, it's essentially the  
22 exact same rule that we're looking to implement  
23 into law -- but I would suggest to yourself and  
24 my colleagues that my version is unequivocally  
25 constitutional. We know that for a fact. This

1 one may not be. We don't know. I pray that it  
2 is constitutional. But in the event that it is  
3 not, as I mentioned earlier, we will be doing  
4 nothing to protect those victims that we're all  
5 seeking to protect with this actual bill right  
6 now.

7                   So for those reasons, Madam  
8 President, I think the germaneness is quite  
9 obvious. But more importantly, this is simply  
10 going to codify a pretty restrictive law. And  
11 this is another important thing to consider, that  
12 the Federal Rules of Evidence are a floor.  
13 Right? When we have federal law comes down,  
14 that's a floor of rights. You can extend more.

15                   And that's the thing. As a  
16 practitioner for so many years in this state,  
17 speaking of myself, that the rules with respect  
18 to this type of evidence have been expanded  
19 actually in favor of the accused, that you can't  
20 bring in propensity evidence, as I said, to just  
21 say, Well, they did it before, they probably did  
22 this. That's not how it works. And it's a very,  
23 very limited circumstance where you can bring in  
24 a prior bad act to prove that someone is not --  
25 that their conduct is consistent with prior acts.

1                   So, Madam President, for those  
2 reasons I respectfully request that my colleagues  
3 and yourself vote to strike and replace, just a  
4 simple fix, because this is too important an  
5 issue for us to get it wrong.

6                   Thank you.

7                   ACTING PRESIDENT PERSAUD:    Thank  
8 you, Senator.

9                   I wish to remind the house that the  
10 vote is on the procedures of the house and the  
11 ruling of the chair.

12                   Those in favor of overruling the  
13 chair, signify by saying aye.

14                   (Response of "Aye.")

15                   SENATOR LANZA:    Show of hands.

16                   ACTING PRESIDENT PERSAUD:    A show  
17 of hands has been requested and so ordered.

18                   Announce the results.

19                   THE SECRETARY:    Ayes, 20.

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

23                   Senator Palumbo.

24                   SENATOR PALUMBO:    Thank you,  
25 Madam President.    Just on the bill, please.

1                   ACTING PRESIDENT PERSAUD:    Senator  
2 Palumbo on the bill.

3                   SENATOR PALUMBO:    Well, thank you,  
4 Madam President. I do appreciate it. And I'm  
5 sure you were listening very intently as to my  
6 comments with respect to the constitutionality of  
7 this particular bill, of which I'm very  
8 concerned.

9                   But I think it's important for us to  
10 talk a little bit about how we got here and why  
11 we're now putting forward a bill that I believe  
12 is rushed, I believe this is a scramble -- sadly,  
13 for political reasons, not the right reasons.  
14 And we got here because we now have a Court of  
15 Appeals and a Chief Judge who's legislating from  
16 the bench.

17                   And now this was forecast, quite  
18 obviously, as you may recall -- and I'm sure you  
19 do. And for those of my colleagues that I had to  
20 sue to deal with the Hector LaSalle, I'm sure  
21 you're all over that. But we had a confirmation  
22 process where we saw constitutional gymnastics  
23 and in fact a violation of the Constitution to  
24 not confirm Justice LaSalle and to confirm  
25 someone who we know is not only a progressive

1 activist, but let's keep in mind in the  
2 Harkenrider v. Hochul case, he dissented when it  
3 came to congressional maps and said, and I quote:  
4 "It is important to pay close attention to the  
5 wording of the Constitution. It does not  
6 prohibit the creation or maintenance of districts  
7 that are highly partisan in one direction or the  
8 other."

9                   So we all recall, because we were  
10 here, those of us that lived through it, that my  
11 colleagues said that's the guy for me. So we got  
12 Rowan Wilson on the bench for political reasons.  
13 And it was also forecast that when it came to  
14 sexual assault and rape, he was an ideologue. He  
15 did not recall victims or think of victims.

16                   Because in People v. Regan only a  
17 few weeks before his confirmation hearing, he  
18 dismissed a rape case for a 48-month pretrial  
19 delay, no prejudice to the defendant. There's a  
20 case, there were Taranovich factors -- I won't  
21 get in the weeds, but the bottom line is the  
22 Taranovich case said that you can take into  
23 account certain factors, but there is no statute  
24 of limitations on rape. And he basically created  
25 a new standard and dismissed a rape conviction.

1                   And here we stand again with a  
2 sexual assault case before us, or I should say  
3 legislation to deal with another dismissal of a  
4 rape conviction.

5                   So, Madam President, this bill, at  
6 line 9, the fact that it allows evidence to  
7 prove, quote, a propensity to engage in similar  
8 wrongful acts, is extremely problematic. And I  
9 have very significant concerns because there is  
10 no question that this statute is going to be  
11 challenged. We have very capable lawyers on both  
12 sides in the State of New York.

13                   And I think it's quite obvious what  
14 this Court of Appeals is going to do when they  
15 get an opportunity to decide on a statute  
16 allowing prior bad acts to be admitted to show  
17 propensity.

18                   So this is a very nuanced thing, and  
19 this is something that we need to fix. But we  
20 need to fix it right. Because when you look at  
21 the conduct of this Chief Judge -- we have a  
22 redistricting case, we have a judge recuse  
23 themselves -- by the way, those judges are  
24 confirmed by this body, for those who don't  
25 remember -- and then we have a judge who has

1 previously ruled on that same issue in favor of  
2 or similar to the outcome that the Chief Judge  
3 wants, that person gets vouched in -- not  
4 confirmed by the Senate, by the way -- and  
5 they're making decisions in the highest court of  
6 the land in the State of New York.

7           And what happens? It goes, and  
8 strikingly, surprisingly, the Chief Judge is in  
9 the majority of a decision that threw those maps  
10 out. Which I think was the intent of putting him  
11 on the bench.

12           But now we just have the snowball  
13 effect of a disaster, where he's now vouching in  
14 two other judges. And just a quick comment on  
15 that. One of the judges that was vouched in --  
16 again, not confirmed -- Judge Barros, ruled on a  
17 Molineux issue in the People v. Telfair case,  
18 where a defendant was caught with a gun in a  
19 pillowcase on a plane and he said, "Oh, that's my  
20 girlfriend's gun." The detectives believed his  
21 story, never charged him.

22           Shortly after that, he's caught with  
23 another gun. "It's my girlfriend's gun."  
24 Ultimately pled guilty to criminal possession of  
25 a weapon as a misdemeanor. So it wasn't his

1 girlfriend's gun, it was his.

2 Fast forward to New York, and here  
3 we are, Mr. Telfair is charged with another gun  
4 possession, and guess what he says? I know, it's  
5 rhetorical. "It's my girlfriend's gun."

6 So what does the prosecution do?  
7 They bring in classic Molineux, where they said  
8 this is not a mistake, this wasn't an accident,  
9 the gun -- I believe it was multiple guns were in  
10 the vehicle because he knew they were there. He  
11 possessed those guns knowingly and voluntarily.

12 And Judge Barros actually -- and  
13 ironically, the majority decision in the  
14 Second Department was written by none other than  
15 our friend Hector LaSalle. But Judge Barros  
16 dissented and said that was too far and issued a  
17 similar decision to Weinstein that she would have  
18 dismissed the case because it was inadmissible,  
19 or vacated the conviction because of inadmissible  
20 Molineux-type evidence.

21 So, Madam President, we have a judge  
22 willing to do anything to basically -- I mean,  
23 you could call it stacking the court. I call it  
24 manipulating the vote. He's got an idea in his  
25 head as to how he wants an outcome to end up, and

1 then cherry-picks around the state different  
2 judges that will agree with him.

3           Because just -- by the way, that  
4 vouching-in rule I believe was exercised about  
5 five times prior to last year in the history of  
6 the State of New York. Now we see it on a  
7 regular basis. And remarkably, we're getting  
8 outrageous results and actually someone who's  
9 legislating from the bench when they should  
10 actually be just deciding the law in accordance  
11 with precedent and case law.

12           So, Madam President, I pray that  
13 this is constitutional, because we need to do  
14 something now to fix what's broken. We have  
15 other issues with pretrial delay. This isn't  
16 going to be the end of it because of the bench  
17 that I'm afraid my colleagues wanted and all  
18 voted for.

19           But regarding this issue at hand, I  
20 do support this. I pray that it's constitutional  
21 because we need to fix this and fix it right.

22           Thank you very much,  
23 Madam President.

24           ACTING PRESIDENT PERSAUD: Thank  
25 you, Senator.

1                   Are there any other Senators wishing  
2                   to be heard?

3                   Senator Martins.

4                   SENATOR MARTINS:    I'll explain my  
5                   vote.

6                   ACTING PRESIDENT PERSAUD:    Are  
7                   there any other Senators wishing to be heard?

8                   Seeing and hearing none, debate is  
9                   closed.

10                  Senator Gianaris.

11                  SENATOR GIANARIS:    Madam President,  
12                  we've agreed to restore this to the  
13                  noncontroversial calendar.

14                  ACTING PRESIDENT PERSAUD:    The bill  
15                  will be restored to the noncontroversial  
16                  calendar.

17                  Read the last section.

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

20                  ACTING PRESIDENT PERSAUD:    Call the  
21                  roll.

22                  (The Secretary called the roll.)

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

25                  SENATOR MARTINS:    Thank you,

1 Madam President.

2           You know, I'm struck by the fact  
3 that the decision of the Court of Appeals was a  
4 4-3 decision, that there are three justices of  
5 the Court of Appeals that actually got it right,  
6 that decided this case keeping the best interests  
7 of New Yorkers and of the victims of these crimes  
8 first and foremost. And yet although two Court  
9 of Appeals justices recused themselves, the chief  
10 justice chose to bring up two justices who sided  
11 with him and another judge and in a 4-3 decision  
12 forced this body and this Legislature to consider  
13 a piece of legislation that will protect the  
14 victims of sexual crimes in New York.

15           Now, this body appointed this judge  
16 not too long ago, the chief judge. And at the  
17 time we had a discussion in this body about the  
18 need to have a law-and-order judge and not a  
19 judge that was an activist judge that would be  
20 pro-criminal but someone who would actually  
21 prioritize the victims, the law, and the  
22 residents of this state.

23           So, Madam President, I rise to  
24 support this bill, but I must lament the fact  
25 that we are even here and need this. Because if

1 we had appointed a appropriate judge just a few  
2 months ago, the decision of this Court of Appeals  
3 would not require us to be here debating a bill.

4 I expect that this bill is going to  
5 pass unanimously. I do. But I do think it's  
6 also important that we all take a moment to  
7 understand the consequences of votes that take  
8 place on this floor when it comes to justices or  
9 judges of the Court of Appeals and the politics  
10 behind those.

11 Madam President, there is even a  
12 quote, there's a quote that was made to the  
13 New York Post on April 23rd. It was that "Rowan  
14 Wilson is among the highest legal intellects I  
15 have ever encountered and has an approach to  
16 decision-making that reflects the best of what  
17 our society deserves." The best of what our  
18 society deserves.

19 Madam President, I believe  
20 New Yorkers deserve better. The women of  
21 New York deserve better. I vote aye, but I think  
22 it's important that we recognize what happened  
23 here on this floor and avoid it happening again.

24 Thank you.

25 ACTING PRESIDENT PERSAUD: Senator

1 Martins to be recorded in the affirmative.

2 Senator Gianaris to explain his vote  
3 and to close.

4 SENATOR GIANARIS: Thank you,  
5 Madam President. And thanks to my colleagues for  
6 the discussion on this bill.

7 What we're doing today is dealing  
8 with an ongoing injustice in our criminal legal  
9 system. For the last 123 years, evidence of  
10 prior bad acts in all cases, but particularly in  
11 sexual offenses, were not admissible in most  
12 cases, with some exceptions.

13 For 300 years, including  
14 three-quarters of the last century, the sexual  
15 history of female victims in these cases was let  
16 in. And it was often the main defense for  
17 someone charged to put the woman's character on  
18 trial. No restrictions to talking about how  
19 often she would engage in sexual activity -- not  
20 crimes, by the way, just consensual sexual  
21 activity.

22 Okay, you say thank God we now have  
23 rape shield laws, so we don't do that anymore.  
24 Or do we? In 2024, as we sit here today,  
25 New York State law -- which we should fix, by the

1 way -- allows evidence to be admitted against the  
2 complainant of a sexual offense if they were  
3 convicted of a crime of prostitution in the last  
4 three years.

5 Now, I ask you, what the hell does  
6 that have to do with whether somebody was raped  
7 or assaulted two or three years later? And I  
8 don't see any of you sponsoring that bill if  
9 you're so concerned about not letting in previous  
10 acts that are unrelated to the current situation.

11 You also can let in prior history  
12 with the defendant. So if someone had an ongoing  
13 consensual relationship with someone, but then at  
14 some point it turned to nonconsensual, you can  
15 admit all of that prior history to make the case  
16 that the victim is not credible.

17 And so we have a system right now  
18 that victimizes the victims again. And so I do  
19 think it's fair to say let us balance the scales  
20 of justice as it relates to these offenses only,  
21 because these are very unique.

22 These cases often involve -- more so  
23 than in any other crime -- involve one person's  
24 word against another. This is activity that  
25 takes place behind closed doors. And a jury is

1 often left with shrugging its shoulders, not  
2 knowing who to believe.

3 Oftentimes it doesn't even get that  
4 far because prosecutors don't bring the cases.  
5 This is in fact the most undercharged set of  
6 crimes that we have in our system.

7 And so I do think that the same way  
8 the federal government and 16 other states have  
9 been doing for about three decades in this  
10 country, we can say for this specific set of  
11 crimes it is illustrative to the jury who to  
12 believe in a situation like that where you don't  
13 have much more evidence about consent.

14 It's been the case federally for  
15 30 years. I don't know what courses  
16 Senator Palumbo is taking to keep up with his CLE  
17 credits, but maybe he wants to take some on this  
18 issue, because that rule has been challenged  
19 constitutionally multiple times in multiple  
20 circuits throughout the country, always upheld as  
21 constitutional. And in fact those decisions use  
22 the very word "propensity" to describe what the  
23 federal rule allows.

24 The key in those cases is that there  
25 is language that allows a judge to weigh the

1 probative value versus the prejudicial effect and  
2 to reject the evidence if the prejudice outweighs  
3 the probative value. That is exactly the  
4 language we have in this bill.

5           The last thing I would say, because  
6 my political colleagues across the aisle decided  
7 to try and turn this into a discussion that we  
8 had months ago about our Court of Appeals -- to  
9 be clear, the Court of Appeals interpreted the  
10 law as it exists. You may not like the law as it  
11 exists. I apparently don't, because I'm putting  
12 this bill forward to change the law. We never  
13 had a statute on this question in New York. This  
14 has all been based on case law that flowed from a  
15 123-year-old case.

16           And so what we're doing now is  
17 giving some clarity statutorily as to what we  
18 want to allow and what we don't want to allow in  
19 these cases in New York.

20           So let's not sit there and try and,  
21 you know, bring up old grudges on this. Because  
22 in fact the bill on the hostile amendment that  
23 was proposed by the other side is exactly the  
24 standard that exists now. All Senator Palumbo  
25 did was take the Molineux standard that this

1 case law has been talking about for 123 years and  
2 put it on a piece of paper and put it forward as  
3 a bill.

4 It would change absolutely nothing.  
5 And so if a court finds that the current state of  
6 common law required this outcome, they would  
7 exactly find the same outcome if this bill were  
8 to be enacted.

9 So let's for once try and focus on  
10 the right priorities. For me, that is making  
11 sure that victims of sexual assaults and sexual  
12 offenses in our state are treated respectfully,  
13 get to tell their stories, and we balance the  
14 scales of justice as it relates to these cases in  
15 New York.

16 Thank you, Madam President. I vote  
17 yes.

18 ACTING PRESIDENT PERSAUD: Senator  
19 Gianaris to be recorded in the affirmative.

20 Announce the results.

21 THE SECRETARY: In relation to  
22 Calendar 1161, those Senators voting in the  
23 negative are Senators Brisport, Gonzalez, Rivera  
24 and Salazar.

25 Ayes, 55. Nays, 4.

1                   ACTING PRESIDENT PERSAUD:    The bill  
2    is passed.

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

5                   SENATOR GIANARIS:    Thank you,  
6    Madam President.

7                   Returning to motions for a moment.

8                   On behalf of Senator Sanders, on  
9    page 46, I offer the following amendments to  
10   Calendar Number 577, Senate 1731C, and ask that  
11   said bill retain its place on the Third Reading  
12   Calendar.

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

16                  Senator Gianaris.

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

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

21                  SENATOR GIANARIS:    I move to  
22   adjourn until tomorrow, Thursday, May 23rd, at  
23   11:00 a.m.

24                  ACTING PRESIDENT PERSAUD:    On  
25   motion, the Senate stands adjourned until

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Thursday, May 23rd, at 11:00 a.m.  
(Whereupon, at 5:25 p.m., the Senate  
adjourned.)