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NEW YORK STATE SENATE

THE STENOGRAPHIC RECORD

ALBANY, NEW YORK

March 25, 2025

3:24 p.m.

REGULAR SESSION

SENATOR JEREMY COONEY, Acting President

ALEJANDRA N. PAULINO, ESQ., Secretary

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

2 ACTING PRESIDENT COONEY: 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 COONEY: 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 COONEY: The
14 reading of the Journal.

15 THE SECRETARY: In Senate, Monday,
16 March 24, 2025, the Senate met pursuant to
17 adjournment. The Journal of Friday, March 21,
18 2025, was read and approved. On motion, the
19 Senate adjourned.

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

22 Presentation of petitions.

23 Messages from the Assembly.

24 Messages from the Governor.

25 Reports of standing committees.

1 Reports of select committees.

2 Communications and reports from
3 state officers.

4 Motions and resolutions.

5 Senator Gianaris.

6 SENATOR GIANARIS: Good afternoon,
7 Mr. President.

8 I move to adopt the
9 Resolution Calendar, with the exceptions of
10 Resolutions 558 and 569.

11 ACTING PRESIDENT COONEY: All those
12 in favor of adopting the Resolution Calendar,
13 with the exception of Resolutions 558 and 569,
14 please signify by saying aye.

15 (Response of "Aye.")

16 ACTING PRESIDENT COONEY: Opposed,
17 nay.

18 (No response.)

19 ACTING PRESIDENT COONEY: The
20 Resolution Calendar is adopted.

21 Senator Gianaris.

22 SENATOR GIANARIS: Let's now begin
23 with Resolution 558, by Senator Baskin, read that
24 resolution's title, and recognize Senator Baskin.

25 ACTING PRESIDENT COONEY: The

1 Secretary will read.

2 THE SECRETARY: Resolution 558, by
3 Senator Baskin, commemorating the
4 100th Anniversary of "The Buffalo Criterion."

5 ACTING PRESIDENT COONEY: Senator
6 Baskin on the resolution.

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

9 And thank you, colleagues, for
10 hearing me out this afternoon as I rise with
11 great pleasure for the 100 years -- and
12 counting -- that the Black press has been a force
13 of change, truthfully reporting stories about
14 communities that were often met with indifference
15 by white-owned media or totally ignored.

16 And when I mention this 100 years of
17 Black press, the century-old history of its
18 storytelling, I am proud to say that Buffalo,
19 New York's own Buffalo Criterion newspaper is
20 celebrating a milestone this year as well.

21 For 100 years the Merriweather
22 family has owned and operated this weekly
23 publication, which informs and supports the
24 community with information spanning the world,
25 our state, and the City of Buffalo, founded in

1 1925 by the first Frank E. Merriweather, who was
2 a graduate of Tuskegee Institute who was forced
3 to get a degree in journalism because at that
4 time, as a Black man, he was not allowed to get a
5 degree without getting a degree or studying in
6 several areas.

7 He would later move to Buffalo,
8 New York, and in 1925 began the Criterion News.

9 I was honored last week to welcome
10 the Criterion's new owner, Frank E.
11 Merriweather III, his daughter Khadija
12 Merriweather, and her son Nehemiah Merriweather,
13 who traveled from Buffalo to join us in
14 celebrating Black Press Day.

15 And I want to thank the Merriweather
16 family for shining a light on the role that
17 Black America has played in this country and
18 throughout our city.

19 We are fortunate to have quality
20 Black-led media outlets that can communicate
21 critical information to residents, educating and
22 enlightening readers and listeners without the
23 threat of censorship or bias. The Buffalo
24 Criterion's 100th birthday is a story indeed
25 worth telling.

1 I want to wish The Buffalo Criterion
2 another 100 years of success. I want to thank
3 the Black Legislative Task Force for leading and
4 celebrating Black Press Day last week.

5 And for us all to remember that
6 telling stories, especially those that are often
7 untold, and uplifting the voice of the silenced
8 helps our country and our communities thrive.

9 Thank you, Mr. President.

10 ACTING PRESIDENT COONEY: Thank
11 you, Senator Baskin.

12 The question is on the resolution.
13 All in favor signify by saying aye.

14 (Response of "Aye.")

15 ACTING PRESIDENT COONEY: Opposed,
16 nay.

17 (No response.)

18 ACTING PRESIDENT COONEY: The
19 resolution is adopted.

20 Senator Gianaris.

21 SENATOR GIANARIS: Next up,
22 Mr. President, is just previously adopted
23 Resolution 570, by Senator Ramos. Please read
24 that resolution's title and recognize
25 Senator Ramos.

1 ACTING PRESIDENT COONEY: The
2 Secretary will read.

3 THE SECRETARY: Resolution 570,
4 by Senator Ramos, commemorating the
5 114th Anniversary of the Triangle Shirtwaist
6 Factory Fire on March 25, 2025.

7 ACTING PRESIDENT COONEY: Senator
8 Ramos on the resolution.

9 SENATOR RAMOS: Thank you,
10 Mr. President.

11 I know many of you already know my
12 story. Both of my parents are formerly
13 undocumented immigrants from Columbia. My father
14 was a printing pressman, my mom was a seamstress.
15 And that makes today's resolution very special to
16 me and to many families like mine.

17 To my family, the history of the
18 Jewish, Italian and Irish immigrants who came to
19 New York at the start of the 20th century is more
20 than just something in textbooks -- it's our
21 story too. Our city, our state, and this entire
22 country were built by enslaved people, immigrants
23 and workers. That's a beautiful story in ways.
24 But it's also one with many dark chapters.

25 And one of the most painful parts of

1 that American history came on March 25, 1911,
2 when a fire raged at the Triangle Shirtwaist
3 Factory in Manhattan. One hundred forty-six of
4 the mostly Jewish and Italian immigrants who
5 worked at the factory died that day. Most of
6 them were immigrant women. They were
7 seamstresses, just like my mother.

8 Those workers did not have to die.
9 They were trapped in the flames because the doors
10 had been padlocked by anti-union employers.
11 There was no way to put the fire out because
12 water buckets were left empty, and the fire
13 department in New York City at the time didn't
14 have ladders that went all the way up to those
15 floors.

16 The factory owners had claimed their
17 building was fireproof when clearly it wasn't.
18 And worst of all, the owners allowed only one
19 exit.

20 Survivors were haunted for decades
21 by memories of people jumping out of the windows
22 and slamming against the locked doors.
23 Firefighters who showed up to battle the blaze
24 were crying in the streets.

25 But this tragedy wasn't all for

1 nothing. In the wake of this awful fire, unions
2 worked together with the people in this room back
3 then to press for meaningful reforms that helped
4 make workplaces safer. It was this Legislature
5 that delivered some measure of accountability
6 after the Triangle Shirtwaist fire.

7 Our predecessors knew we had the
8 power to give workers and their families a better
9 life. They showed that when big business
10 wouldn't stand up for the people, we would have
11 to step up and do the right thing.

12 Now, 114 years later, we see so much
13 of what we've won under attack by the current
14 presidential administration. The Trump
15 administration revised rules determining
16 eligibility for overtime pay, excluding
17 approximately 8.2 million workers, and resulting
18 in an annual loss of \$1.2 billion in earnings.

19 Just earlier this month, the current
20 presidential administration lowered the minimum
21 wage for federal contractors, impacting employees
22 such as janitors and food service workers. Led
23 by Elon Musk, DOGE executed the mass firing of
24 federal employees with nearly 25,000 workers
25 dismissed and later ordered to be rehired

1 following a court ruling.

2 Trump nominated individuals with
3 records of opposing labor protections to key
4 positions. They reduced the number of OSHA
5 inspectors to historic low levels and lessened
6 penalties for companies failing to report
7 violations.

8 President Trump issued executive
9 orders aimed at degrading the rights of
10 federal-sector employees and undermining union
11 activities. And in an unprecedented move, he
12 fired National Labor Relations Board member
13 Gwynne Wilcox, the first Black woman to serve on
14 the board, which was seen as an attack on workers
15 and the rule of law.

16 Mr. President, I can go on and on
17 with what the attack on workers looks like today.
18 And I plead to my colleagues that this year and
19 every year we continue to stand up for workers to
20 make sure that they're protected, that they're
21 bringing home a whole week's pay, and that we're
22 able to rebuild a middle class in this country
23 that is inclusive of every single type of
24 New Yorker that calls this great state home.

25 Thank you.

1 ACTING PRESIDENT COONEY: Thank
2 you, Senator Ramos.

3 Senator Stavisky on the resolution.

4 SENATOR STAVISKY: Yes, thank you,
5 Mr. President.

6 Thank you, Senator Ramos, for
7 speaking up for the working men and women in our
8 country as well as our state.

9 One of our former colleagues used to
10 get up every year on this resolution. And since
11 he's no longer here, I want to echo what
12 Senator Serph Maltese used to talk about, because
13 he was a close relative of somebody who perished
14 in that fire.

15 And this continued each year, and
16 I'm glad that we recognize the events of history
17 that have changed our lives in a positive way.

18 So thank you, Mr. President. And I
19 speak for Senator Maltese.

20 ACTING PRESIDENT COONEY: Thank
21 you, Senator Stavisky.

22 Senator Chris Ryan on the
23 resolution.

24 SENATOR CHRIS RYAN: Thank you.
25 Thank you, Mr. President.

1 You know, it's really important to
2 remember today about the 146 mostly young women
3 that lost their lives, that perished, burned to
4 death. And it's important to know that those
5 tragic deaths weren't in vain.

6 But I kind of think one of the
7 consequences of this fire -- if you remember, if
8 you've seen the poster, right, it says "A
9 Movement Born Out of Fire."

10 And what this tragic event did is it
11 sparked not only a movement of progressive ideas
12 and shaped some political ideologies, but also
13 shaped a lot of impactful and very meaningful
14 standards such as OSHA. The Triangle Shirtwaist
15 Factory fire paved the way for OSHA standards,
16 38 new labor laws, setting a precedent for state
17 and federal reforms.

18 And, you know, we just have to
19 remember that. And now we can't go backwards.
20 We have to continue to maintain those standards,
21 wage standards. As a labor leader, I've always
22 stuck up for labor, I'll always be labor. And we
23 have to remember that tragic events like this
24 have paved the way, and it's mindful that we
25 can't go back.

1 And just remember, going forward, a
2 lot of our rollbacks Senator Ramos talked about
3 with the NLRB -- we just have to maintain our
4 standards of living.

5 So thank you.

6 ACTING PRESIDENT COONEY: Thank
7 you, Senator Ryan.

8 The resolution was adopted today.
9 Senator Gianaris.

10 SENATOR GIANARIS: Mr. President,
11 let me remind my colleagues that the resolution
12 process should not be a vehicle to address policy
13 disputes outside the scope of the resolution
14 itself. So let's please keep our comments on the
15 issue that we are honoring and commemorating.

16 Next up is previously adopted
17 Resolution 512, by Senator Murray. Please read
18 that resolution's title and recognize
19 Senator Murray.

20 ACTING PRESIDENT COONEY: The
21 Secretary will read.

22 THE SECRETARY: Resolution 512, by
23 Senator Murry, congratulating Zariel Macchia upon
24 the occasion of capturing the 2025 New York State
25 Public High School Athletic Association

1 High School Indoor Track Championship in the
2 3,000-meter race.

3 ACTING PRESIDENT COONEY: Senator
4 Murray on the resolution.

5 SENATOR MURRAY: Thank you,
6 Mr. President. I'm very proud to sponsor this
7 resolution honoring one of the most impressive
8 high school athletes in New York State.

9 Earlier this month, William Floyd
10 High School Senior Zariel Macchia won her second
11 career indoor state title in the 3,000 meters,
12 setting a new national best time of 9 minutes,
13 21.73 seconds. Just so we know, 3,000 meters is
14 1.86 miles. So she ran that in under 10 minutes.

15 That's not all she did that day.
16 After her championship record-setting race in the
17 3,000 meters, she finished third in the 1,000
18 meters, just 3 milliseconds shy of second place.
19 She then ran the anchor leg for Suffolk County in
20 the 1500-meter relay race, which they won in
21 10 minutes and 2.06 seconds. I'm exhausted just
22 reading this.

23 Zariel has been a state champion
24 throughout her high school career. She won the
25 State Cross-Country Championship in '22 and '24;

1 was Cross-Country Federation Champion in 2023 and
2 2024, and is a three-time Gatorade Athlete of the
3 Year: 2022 and 2023 for cross-country, and in
4 2024 for track and field.

5 In addition to all of her athletic
6 achievements, Zariel is also heavily involved in
7 many other school and nonschool activities,
8 including the Science Honor Society.

9 After graduation, Zariel is going to
10 continue her track and field career at
11 Brigham Young University -- a university in the
12 Sweet 16, I might add. And I would not be
13 surprised at all to hear her name on the podium
14 at the 2028 Olympics in Los Angeles or even in
15 2032.

16 Zariel is an impressive student
17 athlete who is a credit to her family, a credit
18 to her school, her community, the 3rd State
19 Senate District, and all of New York State.

20 We wish her all the best in the
21 future. Congratulations, Zariel.

22 ACTING PRESIDENT COONEY: Thank
23 you, Senator Murray.

24 The resolution was adopted on
25 March 18th.

1 Senator Gianaris.

2 SENATOR GIANARIS: Mr. President, I
3 have some motions here.

4 Amendments are offered to the
5 following Third Reading Calendar bills:

6 By Senator Scarcella-Spanton, on
7 page 8, Calendar 191, Senate Print 2068.

8 And by Senator Addabbo, on page 14,
9 Calendar 334, Senate Print 3579.

10 ACTING PRESIDENT COONEY: The
11 amendments are received, and the bills will
12 retain their place on the Third Reading Calendar.

13 Senator Gianaris.

14 SENATOR GIANARIS: On behalf of
15 Senator Skoufis, I wish to call up Senate Print
16 228, recalled from the Assembly, which is now at
17 the desk.

18 ACTING PRESIDENT COONEY: The
19 Secretary will read.

20 THE SECRETARY: Calendar Number
21 166, Senate Print 228, by Senator Skoufis, an act
22 to amend the Real Property Law.

23 SENATOR GIANARIS: Move to
24 reconsider the vote by which that bill was
25 passed.

1 ACTING PRESIDENT COONEY: The
2 Secretary will call the roll on reconsideration.

3 (The Secretary called the roll.)

4 THE SECRETARY: Ayes, 61.

5 ACTING PRESIDENT COONEY: The bill
6 is restored to its place on the Third Reading
7 Calendar.

8 SENATOR GIANARIS: I offer the
9 following amendments.

10 ACTING PRESIDENT COONEY: The
11 amendments are received.

12 SENATOR GIANARIS: Mr. President, I
13 should have mentioned it earlier, but today's
14 resolution sponsors would like to open them up
15 for cosponsorship.

16 ACTING PRESIDENT COONEY: The
17 resolutions are open for cosponsorship. Should
18 you choose not to be a cosponsor on the
19 resolutions, please notify the desk.

20 Senator Gianaris.

21 SENATOR GIANARIS: Please take up
22 the calendar.

23 ACTING PRESIDENT COONEY: The
24 Secretary will read.

25 THE SECRETARY: Calendar Number

1 186, Senate Print 2305, by Senator Krueger, an
2 act to amend the Civil Practice Law and Rules.

3 SENATOR LANZA: Lay it aside.

4 ACTING PRESIDENT COONEY: Lay it
5 aside.

6 THE SECRETARY: Calendar Number
7 200, Senate Print 2555, by Senator Comrie, an act
8 to amend the Public Authorities Law.

9 ACTING PRESIDENT COONEY: Read the
10 last section.

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

13 ACTING PRESIDENT COONEY: Call the
14 roll.

15 (The Secretary called the roll.)

16 ACTING PRESIDENT COONEY: Announce
17 the results.

18 THE SECRETARY: Ayes, 61.

19 ACTING PRESIDENT COONEY: The bill
20 is passed.

21 THE SECRETARY: Calendar Number
22 217, Senate Print 3198, by Senator Hoylman-Sigal,
23 an act in relation to requiring the Division of
24 Housing and Community Renewal to calculate the
25 period of rent reduction.

1 ACTING PRESIDENT COONEY: Read the
2 last section.

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

5 ACTING PRESIDENT COONEY: Call the
6 roll.

7 (The Secretary called the roll.)

8 ACTING PRESIDENT COONEY: Announce
9 the results.

10 THE SECRETARY: In relation to
11 Calendar 217, voting in the negative are
12 Senators Ashby, Borrello, Canzoneri-Fitzpatrick,
13 Chan, Gallivan, Griffio, Helming, Lanza, Martins,
14 Mattera, Murray, Oberacker, O'Mara, Ortt,
15 Palumbo, Rhoads, Rolison, Stec, Tedisco, Walczyk,
16 Weber and Weik.

17 Ayes, 39. Nays, 22.

18 ACTING PRESIDENT COONEY: The bill
19 is passed.

20 THE SECRETARY: Calendar Number
21 296, Senate Print 2437, by Senator Krueger, an
22 act to amend the Election Law.

23 ACTING PRESIDENT COONEY: 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 COONEY: Call the
4 roll.

5 (The Secretary called the roll.)

6 ACTING PRESIDENT COONEY: Announce
7 the results.

8 THE SECRETARY: In relation to
9 Calendar Number 296, voting in the negative:
10 Senator Walczyk.

11 Ayes, 60. Nays, 1.

12 ACTING PRESIDENT COONEY: The bill
13 is passed.

14 THE SECRETARY: Calendar Number
15 361, Senate Print 2551, by Senator Myrie, an act
16 to amend the Penal Law.

17 ACTING PRESIDENT COONEY: Read the
18 last section.

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

21 ACTING PRESIDENT COONEY: Call the
22 roll.

23 (The Secretary called the roll.)

24 ACTING PRESIDENT COONEY: Announce
25 the results.

1 THE SECRETARY: In relation to
2 Calendar 361, voting in the negative are
3 Senators Borrello, Canzoneri-Fitzpatrick, Chan,
4 Gallivan, Griffio, Helming, Lanza, Martins,
5 Mattera, Murray, Oberacker, O'Mara, Ortt, Rhoads,
6 Rolison, Stec, Tedisco, Walczyk, Weber and Weik.

7 Ayes, 41. Nays, 20.

8 ACTING PRESIDENT COONEY: The bill
9 is passed.

10 THE SECRETARY: Calendar Number
11 416, Senate Print 3632, by Senator Fernandez, an
12 act to amend the Mental Hygiene Law.

13 ACTING PRESIDENT COONEY: Read the
14 last section.

15 THE SECRETARY: Section 2. This
16 act shall take effect on the 180th day after it
17 shall have become a law.

18 ACTING PRESIDENT COONEY: Call the
19 roll.

20 (The Secretary called the roll.)

21 ACTING PRESIDENT COONEY: Announce
22 the results.

23 THE SECRETARY: Ayes, 61.

24 ACTING PRESIDENT COONEY: The bill
25 is passed.

1 THE SECRETARY: Calendar Number
2 421, Senate Print 4964, by Senator Bailey, an act
3 to amend the Insurance Law.

4 ACTING PRESIDENT COONEY: Read the
5 last section.

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

8 ACTING PRESIDENT COONEY: Call the
9 roll.

10 (The Secretary called the roll.)

11 ACTING PRESIDENT COONEY: Announce
12 the results.

13 THE SECRETARY: Ayes, 61.

14 ACTING PRESIDENT COONEY: The bill
15 is passed.

16 THE SECRETARY: Calendar Number
17 429, Senate Print 3569, by Senator Cleare, an act
18 to amend the Public Housing Law.

19 ACTING PRESIDENT COONEY: Read the
20 last section.

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

23 ACTING PRESIDENT COONEY: Call the
24 roll.

25 (The Secretary called the roll.)

1 ACTING PRESIDENT COONEY: If
2 members could indicate their votes, please.

3 Announce the results.

4 THE SECRETARY: In relation to
5 Calendar 429, voting in the negative are
6 Senators Ashby, Borrello, Canzoneri-Fitzpatrick,
7 Chan, Gallivan, Griffio, Helming, Lanza, Martins,
8 Mattera, Murray, Oberacker, O'Mara, Ortt,
9 Palumbo, Rhoads, Scarcella-Spanton, Stec,
10 Tedisco, Walczyk, Weber and Weik.

11 Ayes, 39. Nays, 22.

12 ACTING PRESIDENT COONEY: The bill
13 is passed.

14 THE SECRETARY: Calendar Number
15 459, Senate Print 5275, by Senator Bailey, an act
16 to amend the Education Law.

17 ACTING PRESIDENT COONEY: Read the
18 last section.

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

21 ACTING PRESIDENT COONEY: Call the
22 roll.

23 (The Secretary called the roll.)

24 ACTING PRESIDENT COONEY: Announce
25 the results.

1 THE SECRETARY: Ayes, 61.

2 ACTING PRESIDENT COONEY: The bill
3 is passed.

4 THE SECRETARY: Calendar Number
5 461, Senate Print 3571, by Senator Cleare, an act
6 in relation to naming a certain state facility
7 after Willie Mae "Goody" Goodman.

8 ACTING PRESIDENT COONEY: Read the
9 last section.

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

12 ACTING PRESIDENT COONEY: Call the
13 roll.

14 (The Secretary called the roll.)

15 ACTING PRESIDENT COONEY: Announce
16 the results.

17 THE SECRETARY: Ayes, 61.

18 ACTING PRESIDENT COONEY: The bill
19 is passed.

20 THE SECRETARY: Calendar Number
21 462, Senate Print 4775, by Senator C. Ryan, an
22 act to amend the Mental Hygiene Law.

23 ACTING PRESIDENT COONEY: Read the
24 last section.

25 THE SECRETARY: Section 2. This

1 act shall take effect on the 120th day after it
2 shall have become a law.

3 ACTING PRESIDENT COONEY: Call the
4 roll.

5 (The Secretary called the roll.)

6 ACTING PRESIDENT COONEY: Announce
7 the results.

8 THE SECRETARY: Ayes, 61.

9 ACTING PRESIDENT COONEY: The bill
10 is passed.

11 THE SECRETARY: Calendar Number
12 474, Senate Print 3443, by Senator Harckham, an
13 act to amend the Executive Law.

14 ACTING PRESIDENT COONEY: Read the
15 last section.

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

18 ACTING PRESIDENT COONEY: Call the
19 roll.

20 (The Secretary called the roll.)

21 ACTING PRESIDENT COONEY: Announce
22 the results.

23 THE SECRETARY: Ayes, 61.

24 ACTING PRESIDENT COONEY: The bill
25 is passed.

1 SENATOR GIANARIS: Mr. President, I
2 think Senator Fahy wanted to explain her vote on
3 that bill, if we could make the accommodation and
4 give her two minutes to do so.

5 ACTING PRESIDENT COONEY: Senator
6 Fahy to explain her vote.

7 SENATOR FAHY: Thank you.

8 I rise today in support of this bill
9 designating March 25th as the National Medal of
10 Honor Day -- or as the State Medal of Honor Day.

11 I'm proud to support this. It's now
12 more important than ever that we honor our
13 veterans and particularly those who have been
14 Medal of Honor awardees.

15 Just today we had a press event to
16 honor one of our local legendary Medal of Honor
17 winners, and that is Sergeant Henry Johnson. He
18 served in World War I, and it took almost a
19 century of work, a lot through the efforts of
20 Senator Schumer, actually, in the last couple of
21 decades, and to honor and right a wrong on when
22 he had not even been given a Purple Heart.

23 We also learned -- part of the
24 reason we held that is today we learned that
25 there was a sudden disappearance of the website

1 giving the story of Sergeant Henry Johnson,
2 because a military base in Louisiana had been
3 named after him in 2001 after the National
4 Defense Authorization Act had brought together a
5 bipartisan effort to rename some of the military
6 bases.

7 Just a brief thing about -- a brief
8 background on Sergeant Henry Johnson. In 1918,
9 in World War I, he was awarded this Medal of
10 Honor because of holding off over a dozen
11 German -- a German raiding party. And it was
12 rather miraculous in terms of who he helped to
13 save. It was part of the 369th Infantry
14 Regiment. He received France's highest medal of
15 Honor at that time in 1918 for his bravery, but,
16 again, it took almost a hundred years for him to
17 be recognized in this country.

18 He was also seriously wounded, with
19 21 injuries. And I just want to make sure that
20 we have it in the record today because there is
21 such a serious concern that there may be an
22 effort underway to erase or downplay his
23 extraordinary heroism at a time when he had to
24 serve in a Black military infantry unit referred
25 to as the "Harlem Hellfighters."

1 And we want to make sure that there
2 will be no rewriting of history given all the
3 wrongs that took decades to right. And hope that
4 we will see his history continue to be honored.

5 Thank you again.

6 ACTING PRESIDENT COONEY: Senator
7 Fahy to be recorded in the affirmative.

8 Senator Scarcella-Spanton to explain
9 her vote.

10 SENATOR SCARCELLA-SPANTON: Thank
11 you, Mr. President.

12 And thank you, Senator Harckham, for
13 introducing this bill that ensures New York
14 recognizes this important day.

15 Today we're recognizing Medal of
16 Honor Day here in New York State, a day to honor
17 the extraordinary bravery and sacrifice of our
18 nation's most decorated heroes. The Medal of
19 Honor is our nation's highest military award,
20 presented for acts of valor above and beyond the
21 call of duty.

22 As the chair of the Veterans
23 Committee, it is a privilege to be able to speak
24 on this legislation. My husband, who deployed
25 with the 4th ID to Afghanistan, deployed with

1 Captain Flo Groberg, a Medal of Honor recipient
2 and Fort Carson soldier. In 2012 Flo rushed in,
3 risking his own life to stop a suicide bomber --
4 an act of unimaginable bravery.

5 His history is a reminder that
6 behind every Medal of Honor recipient is a human
7 being with a story that must be told.

8 Today we honor them all, and I
9 proudly vote aye.

10 ACTING PRESIDENT COONEY: Senator
11 Scarcella-Spanton to be recorded in the
12 affirmative.

13 The bill is passed.

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

16 SENATOR GIANARIS: Let's take up
17 the controversial calendar, please.

18 ACTING PRESIDENT COONEY: The
19 Secretary will ring the bell.

20 The Secretary will read.

21 THE SECRETARY: Calendar Number
22 186, Senate Print 2305, by Senator Krueger, an
23 act to amend the Civil Practice Law and Rules.

24 ACTING PRESIDENT COONEY: Senator
25 Lanza, why do you rise?

1 SENATOR LANZA: Mr. President, I
2 believe there is an amendment at the desk. I
3 waive the reading of that amendment and ask that
4 you recognize Senator Canzoneri-Fitzpatrick.

5 ACTING PRESIDENT COONEY: Thank
6 you, Senator Lanza.

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

10 SENATOR LANZA: Accordingly,
11 Mr. President, I appeal the ruling of the chair
12 and ask that you recognize Senator
13 Canzoneri-Fitzpatrick to be heard on that appeal.

14 ACTING PRESIDENT COONEY: The
15 appeal has been made and recognized, and we
16 recognize Senator Canzoneri-Fitzpatrick to be
17 heard.

18 SENATOR CANZONERI-FITZPATRICK:
19 Thank you, Mr. President.

20 The amendment at the desk is germane
21 to the bill-in-chief because they both deal with
22 court system and evidentiary procedure.

23 The amendment would repeal the
24 changes to discovery law passed in 2019. We have
25 seen disastrous implications that these so-called

1 criminal justice reforms have made in our
2 communities since these laws have been passed.

3 Bail reform created a revolving door
4 system to our criminal justice system, and
5 discovery reform has placed undue burdens on our
6 district attorneys and prosecutors. And it has
7 created a system where defense attorneys
8 capitalize on technicalities to allow cases to be
9 dismissed.

10 We have had some disastrous,
11 disturbing statistics. Discovery -- prior to
12 when discovery reform was passed in 2019,
13 conviction rates for domestic violence cases was
14 approximately 31 percent, and today it's down to
15 6 percent. What do we tell those victims, that
16 their crime is something that we can't prosecute
17 due to a technicality?

18 Three out of five domestic violence
19 cases in New York City are dismissed, and overall
20 there has been a 455 percent increase in forced
21 dismissals since 2019.

22 While the average New Yorker might
23 be shocked at the increase of criminal charges
24 being dropped and cases being dismissed, members
25 of our conference, law enforcement and our DAs

1 have raised these concerns. We raised them
2 before this legislation was passed, and we
3 unfortunately cannot get the attention of the
4 Legislature to change these rules. It's
5 certainly been a priority that I've discussed.

6 And therefore, Mr. President, I
7 strongly urge that you rule that this amendment
8 is germane and ask for a vote in favor of this
9 amendment.

10 Thank you.

11 ACTING PRESIDENT COONEY: Thank
12 you, Senator.

13 I want to remind the house that the
14 vote is on the procedures of the house and the
15 ruling of the chair.

16 Those in favor of overruling the
17 chair, signify by saying aye.

18 (Response of "Aye.")

19 SENATOR LANZA: Show of hands.

20 ACTING PRESIDENT COONEY: A show of
21 hands has been requested and so ordered.

22 Announce the results.

23 THE SECRETARY: Ayes, 22.

24 ACTING PRESIDENT COONEY: The
25 ruling of the chair stands, and the bill-in-chief

1 is before the house.

2 Read the last section.

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

5 ACTING PRESIDENT COONEY: Call the
6 roll.

7 (The Secretary called the roll.)

8 ACTING PRESIDENT COONEY: Senator
9 Palumbo to explain his vote.

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

12 With respect to the bill-in-chief,
13 confessions of judgment are used often in private
14 lending. This is something that lawyers use all
15 the time in exchange for not having to sue
16 someone in the event there's a nonpayment.

17 So for example, if someone loans
18 \$50,000 for the purposes of an investment,
19 starting a new business -- usually the parties
20 will know each other -- the lawyers will draft a
21 promissory note and then ultimately have that
22 person sign a confession of judgment, which is
23 good for three years.

24 This bill bans every confession of
25 judgment under \$5 million. So this deals

1 actually with the little guy. It's completely
2 counterintuitive to what I believe the sponsor is
3 trying to achieve. Because now you have the
4 inability for someone to just simply file a
5 confession of judgment and then go after their
6 assets in exchange for that note. The lender
7 isn't going to lend the money.

8 So if I need \$50,000 to start my new
9 business, to get it going, that I promise to pay
10 back, I'm just not going to give it to you,
11 because I'm not going to sue you in Supreme Court
12 for a failure to pay, go through thousands and
13 thousands of dollars in legal fees and years of
14 time and expense to get to trial to finally get
15 the judgment so I can get my money back.

16 So this is a very useful tool. And
17 again, it's a confession of judgment. This is an
18 agreement between the parties. This isn't a
19 judgment that is imposed by somebody, this is a
20 deal that we're injecting ourselves into the
21 middle of it.

22 This is not a very good bill. In
23 fact, it's completely counter to what I -- as I
24 mentioned, I believe the sponsor is trying to
25 achieve.

1 As a result, I'm voting in the
2 negative, and I urge my colleagues to do the
3 same.

4 ACTING PRESIDENT COONEY: Senator
5 Palumbo to be recorded in the negative.

6 Senator Krueger to explain her vote.

7 SENATOR KRUEGER: Thank you very
8 much.

9 I appreciate my colleague's response
10 on the bill. I have to disagree.

11 This is a law that would make our
12 practices in New York consistent with most states
13 in the country. The concept that a private
14 individual or a small business would go into some
15 kind of deal where then whoever they owed money
16 to could go to a court, get a confession of
17 judgment -- without even letting me know, giving
18 me an opportunity to have my day in court to say
19 none of this is valid -- is an opportunity for
20 consumers and small businesses to be ripped off
21 by those with larger assets than them, and
22 lawyers.

23 And frankly, we should not allow
24 this. This is good consumer protection law that
25 most states are following. And we already

1 changed our law for larger companies a few years
2 ago, and out-of-state companies. And we should
3 have the same rights for the consumers and small
4 businesses in our state.

5 And I ask my colleagues to vote yes.

6 Thank you, Mr. President.

7 ACTING PRESIDENT COONEY: Senator
8 Krueger to be recorded in the affirmative.

9 Senator Sanders to explain his vote.

10 SENATOR SANDERS: I want to
11 congratulate Senator Krueger for this.

12 The confessions of judgment have
13 been misused, as documented in the Wall Street
14 Journal, I believe, of roughly a year and a half
15 ago -- have been terribly misused.

16 And I am very grateful that she is
17 moving and that we will see some end to this
18 abuse. I proudly join her in this.

19 Thank you, sir.

20 ACTING PRESIDENT COONEY: Senator
21 Sanders to be recorded in the affirmative.

22 Announce the results.

23 THE SECRETARY: In relation to
24 Calendar 186, voting in the negative are
25 Senators Ashby, Borrello, Canzoneri-Fitzpatrick,

1 Chan, Gallivan, Griffio, Helming, Lanza, Martins,
2 Mattera, Murray, Oberacker, O'Mara, Ortt,
3 Palumbo, Rhoads, Rolison, Stec, Tedisco, Walczyk,
4 Weber and Weik.

5 Ayes, 39. Nays, 22.

6 ACTING PRESIDENT COONEY: The bill
7 is passed.

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

10 SENATOR GIANARIS: Mr. President,
11 is there any further business at the desk?

12 ACTING PRESIDENT COONEY: There is
13 no further business at the desk.

14 SENATOR GIANARIS: I move to
15 adjourn until tomorrow, Wednesday, March 26th, at
16 3:00 p.m.

17 ACTING PRESIDENT COONEY: On
18 motion, the Senate stands adjourned until
19 Wednesday, March 26th, at 3:00 p.m.

20 (Whereupon, at 3:59 p.m., the Senate
21 adjourned.)

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