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NEW YORK STATE SENATE

THE STENOGRAPHIC RECORD

ALBANY, NEW YORK

February 4, 2026

3:48 p.m.

REGULAR SESSION

SENATOR JEREMY COONEY, Acting President

ALEJANDRA N. PAULINO, ESQ., Secretary

P R O C E E D I N G S

1 ACTING PRESIDENT COONEY: The
2 Senate will come to order.

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

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

7 ACTING PRESIDENT COONEY: In the
8 absence of clergy, let us please bow our heads in
9 a moment of silent reflection or prayer.

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

12 ACTING PRESIDENT COONEY: Reading
13 of the Journal.

14 THE SECRETARY: In Senate, Tuesday,
15 February 3, 2026, the Senate met pursuant to
16 adjournment. The Journal of Monday, February 2,
17 2026, was read and approved. On motion, the
18 Senate adjourned.

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

21 Presentation of petitions.

22 Messages from the Assembly.

23 The Secretary will read.

24 THE SECRETARY: Senator Fernandez
25 moves to discharge, from the Committee on Labor,

1 Assembly Bill Number 618 and substitute it for
2 the identical Senate Bill 496, Third Reading
3 Calendar 130.

4 Senator Jackson moves to discharge,
5 from the Committee on Rules, Assembly Bill
6 Number 9464 and substitute it for the identical
7 Senate Bill 8833, Third Reading Calendar 156.

8 Senator Addabbo moves to discharge,
9 from the Committee on Rules, Assembly Bill
10 Number 9433 and substitute it for the identical
11 Senate Bill 8886, Third Reading Calendar 158.

12 ACTING PRESIDENT COONEY: So
13 ordered.

14 Messages from the Governor.

15 Reports of standing committees.

16 Reports of select committees.

17 Communications and reports from
18 state officers.

19 Motions and resolutions.

20 Senator Gianaris.

21 SENATOR GIANARIS: Good afternoon,
22 Mr. President.

23 On behalf of Majority Leader
24 Stewart-Cousins, I hand up the following
25 conference assignments for the Majority, ask that

1 they be filed in the Journal, and ask that you
2 recognize Majority Leader Andrea Stewart-Cousins.

3 ACTING PRESIDENT COONEY: The
4 hand-up is received and shall be filed in the
5 Journal.

6 Majority Leader Stewart-Cousins.

7 SENATOR STEWART-COUSINS: Thank you
8 so much, Mr. President.

9 And I rise to welcome two new
10 Senators to our chamber. We are very, very
11 pleased to have them, and I wanted the body to
12 meet them before we start doing our work.

13 So I'd first like to introduce
14 Senator Erik Bottcher today. Thank you for
15 coming. He's a City Council -- he was, up until
16 an hour or two ago. He's a City --

17 (Laughter.)

18 SENATOR STEWART-COUSINS: But he
19 comes to the chamber with a lifetime of public
20 service shaped by lived experience, resilience,
21 and unwavering commitment to inclusion.

22 From growing up in a small town in
23 the Adirondacks to becoming a leader in New York
24 City, Erik served on the City Council for four
25 years after serving for 17 years as a staffer to

1 the Council.

2 Erik's dedicated his career to
3 lifting up communities that have too often been
4 left behind. He's been a trailblazer in the
5 LGBTQ+ community and a key voice in the historic
6 fight for marriage equality. He's consistently
7 focused on making government more responsive,
8 more compassionate, more effective for the people
9 it serves.

10 He'll be strong, principled and a
11 great addition to our conference, and we
12 certainly are glad to welcome you to the
13 State Senate.

14 Senator Erik Bottcher.

15 (Standing ovation.)

16 SENATOR STEWART-COUSINS: And wait,
17 wait, there's more. And so this is something I
18 don't normally -- when we have special elections
19 it's usually one at a time, but today we have
20 two.

21 So I'd like you to meet my other new
22 Senator, new to our chamber, Senator Jeremy
23 Zellner.

24 And I always say, Where -- how does
25 this happen, two Zellnors?

1 (Laughter.)

2 SENATOR STEWART-COUSINS: But this
3 is -- I know. I mean, I don't even have two
4 Smiths, but --

5 (Laughter.)

6 SENATOR STEWART-COUSINS: But this
7 is Jeremy Zellner, as opposed to Zellnor Myrie.

8 So that's something we're going
9 to -- everybody has to get used to.

10 But for -- in introducing our new
11 Senator, Senator Zellner has deep roots in
12 Western New York, a lifelong commitment to
13 working families and to strengthening working
14 families throughout New York State, certainly in
15 Western New York.

16 He was raised in a union household.
17 He understands firsthand the dignity of work and
18 the importance of economic fairness.

19 As chair of the Erie County
20 Democratic Party and as commissioner of the Board
21 of Elections, he's shown what it means to lead
22 with integrity, how to build consensus and to
23 protect our democracy. His experience and steady
24 leadership will make him an invaluable member of
25 this chamber.

1 Jeremy Zellner strengthens our
2 conference with his experience, his values, and
3 his strong connection to the people of
4 Western New York. We're proud to welcome
5 Senator Zellner to the State Senate, and we look
6 forward to your contributions and, again, the
7 value that you will bring to our conference, but
8 to the entire body and to the entire State of
9 New York.

10 Congratulations.

11 (Standing ovation.)

12 ACTING PRESIDENT COONEY: Thank
13 you, Majority Leader.

14 Senator Gianaris.

15 SENATOR GIANARIS: At this time,
16 Mr. President, I move to adopt the
17 Resolution Calendar.

18 ACTING PRESIDENT COONEY: All those
19 in favor of adopting the Resolution Calendar
20 please signify by saying aye.

21 (Response of "Aye.")

22 ACTING PRESIDENT COONEY: Opposed,
23 nay.

24 (No response.)

25 ACTING PRESIDENT COONEY: The

1 Resolution Calendar is adopted.

2 Senator Gianaris.

3 SENATOR GIANARIS: Now there's a
4 privileged resolution at the desk, by Majority
5 Leader Stewart-Cousins. Please take that up,
6 read it in its entirety, and recognize
7 Senator Bailey to speak on the resolution.

8 ACTING PRESIDENT COONEY: There is
9 a privileged resolution at the desk.

10 The Secretary will read.

11 THE SECRETARY: Resolution 1535, by
12 Senator Stewart-Cousins, memorializing
13 Governor Kathy Hochul to proclaim February 2026
14 as Black History Month in the State of New York.

15 "WHEREAS, Black History Month serves
16 as an opportunity to recognize and celebrate the
17 ingenuity, achievements, contributions, and
18 resilience of African Americans throughout
19 history; and

20 "WHEREAS, It is essential to
21 recognize some of the most integral parts of
22 Black history, including the struggles; and

23 "WHEREAS, The Civil War was a
24 defining moment in American history, fought over
25 the issue of slavery, leading to the eventual

1 liberation of millions of African Americans; and
2 "WHEREAS, The Emancipation
3 Proclamation, signed by President Abraham Lincoln
4 on January 1, 1863, declared that all enslaved
5 individuals in Confederate-held territories were
6 to be freed, marking a critical step toward the
7 abolition of slavery; and

8 "WHEREAS, The passage of the
9 13th Amendment to the United States Constitution
10 on December 6, 1865, formally abolished slavery
11 in the United States, securing the freedom of
12 African Americans and paving the way for future
13 civil rights advancements; and

14 "WHEREAS, In the face of
15 enslavement, segregation, and discrimination,
16 Black Americans built institutions, advanced
17 knowledge, preserved culture, and generated ideas
18 that have profoundly shaped the economic,
19 scientific, artistic, and moral foundations of
20 this nation; and

21 "WHEREAS, Black History Month was
22 originally established as Negro History Week in
23 1926 by Dr. Carter G. Woodson, a historian and
24 educator; the celebration was later expanded to a
25 month-long observance, recognized nationally each

1 February to honor the enduring and profound
2 impact of African Americans on the history,
3 culture, and progress of the United States; and

4 "WHEREAS, Black resilience has also
5 been a driving force in the progress and
6 expansion of democracy and civil rights in the
7 United States; the Civil Rights Movement stands
8 as one of the greatest testaments to Black
9 ingenuity and determination, as African Americans
10 organized visionary legal strategies, built
11 powerful grassroots coalitions, and employed
12 innovative forms of resistance that reshaped the
13 moral and political landscape of the
14 United States; and

15 "WHEREAS, The Civil Rights Movement
16 was propelled by the brilliance and determination
17 of leaders such as the Reverend Dr. Martin Luther
18 King, Jr., whose moral vision and strategic
19 nonviolent resistance galvanized a national
20 movement; Rosa Parks, whose courageous refusal to
21 surrender her seat ignited the Montgomery Bus
22 Boycott; John Lewis, whose unwavering commitment
23 to justice and leadership on the front lines of
24 the Freedom Rides and the Selma marches expanded
25 voting rights nationwide; Ella Baker, whose

1 visionary organizing models empowered grassroots
2 leadership and fueled the Civil Rights Movement;
3 Bayard Rustin, whose strategic mastery was
4 central to the success of the 1963 March on
5 Washington; A. Philip Randolph, whose pioneering
6 leadership in the labor movement and founding of
7 the Brotherhood of Sleeping Car Porters linked
8 economic justice to civil rights and helped lay
9 the groundwork for national civil rights
10 mobilization; and Fannie Lou Hamer, whose
11 fearless advocacy for voting rights expanded
12 democratic participation and inspired national
13 reform; and

14 "WHEREAS, Black ingenuity has always
15 been a defining force in shaping this nation,
16 exemplified by innovators such as Garrett Morgan,
17 who invented the three-position traffic signal
18 and the safety hood that saved countless lives;
19 Dr. Charles Drew, who revolutionized modern
20 medicine through his breakthroughs in blood
21 banking and plasma storage; George Washington
22 Carver, who developed hundreds of agricultural
23 innovations that transformed American farming;
24 Benjamin Banneker, who built one of the first
25 American clocks and contributed to the surveying

1 of Washington, D.C.; Madam C.J. Walker, the first
2 woman to become a self-made millionaire in the
3 United States, created a national hair-care
4 enterprise and one of the earliest networks of
5 Black women entrepreneurs; Lonnie Johnson, a NASA
6 engineer and prolific inventor known for the
7 Super Soaker and more than 100 patents; all of
8 these individuals and more embody the creativity,
9 brilliance, and transformative impact of
10 Black Americans throughout history; and

11 "WHEREAS, The creativity of
12 Black Americans is equally reflected in the
13 cultural, artistic, and musical contributions
14 that have shaped the nation, including the fact
15 that jazz, one of America's most influential and
16 enduring art forms, was created by Black
17 musicians, as seen in the work of Louis
18 Armstrong, whose music and talent transformed the
19 genre, and Duke Ellington, who redefined
20 orchestral composition and globalized Black
21 musical traditions; and

22 "WHEREAS, Across generations,
23 Black artists have shaped every major genre of
24 American music, from blues, gospel, and jazz to
25 rock, pop, R&B, and soul; Black musicians

1 continued to innovate, creating new musical
2 forms, including rap and hip-hop, which emerged
3 as transformative genres and global cultural
4 movements pioneered by visionaries such as
5 DJ Kool Herc, Grandmaster Flash, Afrika
6 Bambaataa, The Sugarhill Gang, Run-D.M.C.,
7 Public Enemy, and Queen Latifah, among others;
8 and

9 "WHEREAS, In literature, the voices
10 of Black authors and literary giants have long
11 served as a conscience for the nation, offering
12 narratives that challenge, inspire, and reveal
13 profound truths about American life, including
14 the work of Zora Neale Hurston, whose
15 anthropological and literary brilliance preserved
16 Black folklore and reshaped American literature;
17 James Baldwin, whose insightful essays, novels,
18 and moral clarity challenged the nation to
19 confront the realities of race, identity, and
20 democracy; Maya Angelou, whose poetry, memoirs,
21 and activism gave voice to the Black experience
22 and broadened the scope of American literature;
23 and Toni Morrison, who made literary history as
24 the first African American woman to win the
25 Nobel Prize in Literature in 1993; and

1 "WHEREAS, In recent decades,
2 Black Americans have continued to drive
3 innovation and shape the modern world, as
4 demonstrated by Robert L. Johnson, who became the
5 first Black male billionaire after founding Black
6 Entertainment Television (BET), transforming
7 representation in television and entertainment;
8 Sheila Johnson, a cofounder of BET and a
9 pioneering business leader in hospitality and
10 sports; Dr. Kizzmekia Corbett, whose scientific
11 expertise was central to the development of the
12 Moderna COVID-19 vaccine; and Rihanna, whose
13 Fenty brands revolutionized beauty and fashion
14 through inclusive design and became the youngest
15 self-made Black female billionaire; and

16 "WHEREAS, Black athletes have
17 transformed American sports and global athletics;
18 from Jesse Owens, whose four gold medals at the
19 1936 Olympics defied racism on the world stage,
20 to Jackie Robinson, who broke Major League
21 Baseball's color barrier in 1947, and boxing
22 champion Muhammad Ali, whose unmatched skill and
23 moral courage made him one of the most
24 influential and decorated athletes in history;
25 this legacy of excellence continues through

1 modern champions such as Serena Williams, one of
2 the most dominant tennis players of all time;
3 Simone Biles, the most decorated American gymnast
4 in history; and contemporary stars across
5 basketball, football, track, and beyond,
6 including LeBron James, Stephen Curry,
7 Gabby Thomas, and Sydney McLaughlin-Levrone, who
8 carry forward a tradition of athletic excellence,
9 cultural impact, and leadership on and off the
10 field; and

11 "WHEREAS, The legacy of trailblazers
12 in civil rights, politics, science, and space has
13 paved the way for new milestones in the arts,
14 global culture, and sports, demonstrating the
15 enduring impact of Black achievement across time;
16 and

17 "WHEREAS, Black History Month
18 affirms that Black history is American history,
19 and recognizes that the struggles, triumphs, and
20 contributions of Black Americans are deeply
21 rooted in the American dream and woven into the
22 very fabric of this nation's story; and

23 "WHEREAS, This Legislative Body
24 commends the African-American community for
25 preserving, for future generations, its

1 centuries-old traditions that benefit us all and
2 add to the color and beauty of the tapestry which
3 is our American society; now, therefore, be it

4 "RESOLVED, That this Legislative
5 Body pause in its deliberations to memorialize
6 Governor Kathy Hochul to proclaim February 2026
7 as Black History Month in the State of New York;
8 and be it further

9 "RESOLVED, That copies of this
10 resolution, suitably engrossed, be transmitted to
11 the Honorable Kathy Hochul, Governor of the State
12 of New York, and to the events commemorating
13 Black History Month throughout New York State."

14 ACTING PRESIDENT COONEY: Senator
15 Gianaris.

16 SENATOR GIANARIS: Mr. President,
17 before we continue with this resolution, we have
18 some important guests who have been patiently
19 waiting through the beginning of session.

20 So please recognize Senator Ramos
21 first for an introduction, and then
22 Senator Bailey on the resolution.

23 ACTING PRESIDENT COONEY: Senator
24 Ramos for an introduction.

25 SENATOR RAMOS: Thank you,

1 Mr. President.

2 It is my distinct honor today to
3 welcome to the floor the new Consul General of
4 Mexico in New York, Marcos Augusto Bucio Mújica
5 and his team: Juaenedi Vizcaino Silva, political
6 affairs advisor, and Francisco de la Parra, chief
7 of staff.

8 Consul Mújica has now been elected
9 president of the coalition of Latin American
10 Consuls in New York. Consul General Bucio brings
11 nearly three decades of distinguished service
12 from Mexico, with experience spanning the Federal
13 Electricity Commission, the Ministries of
14 Agriculture and Public Education, and the
15 Social Security Institute.

16 He previously served as
17 Consul General in El Paso, Texas, from 2016 to
18 2019.

19 His leadership is vital for
20 New York, and we're so thankful he's here. In
21 State Senate District 13 alone, Latinos comprise
22 more than 60 percent of the population, with the
23 Mexican community forming a substantial and
24 vibrant part of our neighborhoods like Corona,
25 Jackson Heights, and Elmhurst.

1 This year the Mexican Consulate is
2 celebrating its 200th year in New York, and
3 Consul General Bucio and his team have already
4 been an indispensable lifeline providing critical
5 resources and protection for our Mexican
6 community, given significant political turmoil,
7 particularly regarding immigration.

8 And so we deeply appreciate his and
9 his team's commitment to collaboration with our
10 local government. We are grateful for his
11 service and are delighted to have him and his
12 team with us in the Capitol today.

13 Bienvenido, Señor Consul.

14 ACTING PRESIDENT COONEY: To our
15 guests, I welcome you on behalf of the Senate.
16 We extend to you all of the privileges and
17 courtesies of the house.

18 Please rise and be recognized.

19 (Standing ovation.)

20 ACTING PRESIDENT COONEY: Senator
21 Bailey on the privileged resolution.

22 SENATOR BAILEY: Thank you,
23 Mr. President.

24 Yes, yes, it's Black History Month
25 once again. Thank you to our leader,

1 Black history in motion, the great Andrea
2 Stewart-Cousins, who is a part of Black history.

3 We're all parts of Black history.
4 And I'm honored to be able to speak on this
5 resolution.

6 A hundred years of celebrating
7 Black history. The first 50 were Negro History
8 Week, Black History Week. Since 1976 we've been
9 having a whole month. Plenty of progress, but a
10 lot more to be done, Mr. President.

11 I talk about the Black experience.
12 I talk about my family group chat, which is the
13 quintessential Black experience. So this version
14 this year, my Aunt Barbara is doing a daily
15 Black History Month question. And our family
16 group chat has people from ages of when you are
17 just getting your phone to ages well beyond.

18 But it's a good reminder that
19 there's so much about the rich history of
20 African-Americans that we do not know. It's
21 interesting that in my family, people named Tony,
22 Barbara, Esther, Gary, Stanley and Sherry had
23 children named Rasan, Yusef, Jamaal and Ashika.
24 The awakening of the Diaspora. And you've heard
25 me say it on this floor, I am so glad that God

1 made me Black. I love being Black. I love us.

2 I love everybody. I love us.

3 I love the growing up Black
4 experience. I love how Black folks rename songs.
5 For the record, "My Whole Life has Changed" is
6 not the name of the song. The song is called
7 "Differences," by Ginuwine.

8 For the record, here's another one.
9 "Don't You Remember" is not the name of the song
10 by Luther Vandross. It's called "Superstar."

11 "Annie, Are You Okay?" is not the
12 name of the song. It is called "Smooth
13 Criminal."

14 "How Does It Feel" -- by D'Angelo,
15 may he rest in peace -- is not the name of the
16 song. It's called "Untitled."

17 But if you say to your Alexa -- and
18 there are Black people that you know they are
19 saying this to their Alexa and they are getting
20 the songs wrong all the time. It is part of the
21 Black experience.

22 "Seven O'Clock on the Dot" is not
23 the name of the song, it's "Nice and Slow" by
24 Usher.

25 You see where we're going. It is

1 okay for us to laugh through the pain, the
2 collective pain that we have had as Black folks,
3 because when we get around each other there's
4 just something special.

5 I've talked about the power of media
6 and music. One of my favorite shows growing up,
7 a little bit before my time, but it was called
8 Good Times. And the theme song was "Keepin' your
9 head above water, makin' a wave when you can.
10 Temporary layoffs -- good times. Easy credit
11 ripoffs -- good times. Scratchin' and
12 survivin' -- good times."

13 Now, the good times was said in jest
14 in that song, but we have been able to make good
15 times out of bad times. They gave us lemons; we
16 made lemonade. That's Nas. We made a dollar out
17 of 15 cents. Pop told us about that.

18 I'm going to talk to you about food,
19 Mr. President. Soul food. Where does it come
20 from? What does it mean?

21 Soul food comes out of scarcity,
22 enterprise, creativity, survival and resilience.
23 I'm going to talk about my favorite food, collard
24 greens, in a minute. I'll talk to you about
25 oxtail.

1 Oxtail is now a delicacy. It is now
2 something that has sky-high prices. But in the
3 times of slavery it was literally cast away to
4 give to the enslaved Africans. And we made
5 something out of nothing. Good times.

6 Chicken was the only livestock that
7 enslaved individuals were allowed to own,
8 Mr. President. We made it our own. Good times.

9 Collard greens, my favorite food.
10 By the way, I'm top five, dead or alive, in
11 collard greens, ever. Ask about me.

12 (Laughter.)

13 SENATOR BAILEY: Whoever you've had
14 collard greens from, they made it a hot line; I
15 made it a hot song, Mr. President.

16 But collard greens, Mr. President.
17 In the times of slavery, it was one of the few
18 vegetables that enslaved individuals were allowed
19 to plant. And while collard greens do not come
20 from Africa originally -- by origin they come
21 from the Mediterranean -- the thing about collard
22 greens is that they are resilient.

23 Now, you know in slavery they
24 weren't allowing, they weren't letting us till
25 the soil. They weren't letting us fertilize the

1 soil. So the greens themselves, in order to be
2 able to grow in such a climate, in such a
3 depraved soil, had to be extraordinary. They had
4 to stand out.

5 And with those greens we took the
6 ham hocks that they threw at us, literally threw
7 at us. We took the pigs feet that they threw at
8 us, and the chitlins. I don't love chitlins
9 myself, but they gave us lemons and we made
10 lemonade. They gave us pieces of the pig and
11 pieces of things that nobody else wanted to eat,
12 and we were able to utilize it in a manner to
13 create delicacies, Mr. President.

14 So a couple of years ago they
15 said -- a supermarket chain that will remain
16 nameless said that collard greens are the new
17 kale. Collard greens are not new to anybody.
18 They are a staple of the Diaspora.

19 Now, food is a really important part
20 of the Black experience. Now, I've seen things
21 about their reimagining collard greens; I don't
22 know what that means. But sitting at the table
23 and breaking bread from people that were broken
24 means a big thing to me, Mr. President.

25 Every New Year's my family and many

1 other African-American families eat something
2 called Hoppin' John: Black-eyed peas and collard
3 greens. The black-eyed peas represent good luck,
4 and the collard greens represent the wealth. And
5 depending on if you eat pork or not, we throw
6 some pork in there. Some of our folks have no
7 pork on their fork now; I respect it. But I
8 still have a little bit of pork.

9 And that's what we do every
10 New Year's, that food at that table, that central
11 place. Big Momma's House, the kitchen. We bond
12 around meals, meals that are passed down through
13 generations.

14 Collard greens means a lot to me,
15 Mr. President, because it is the first thing that
16 I taught my daughters how to cook. At
17 Thanksgiving we'd buy the greens -- you know you
18 gotta wash them. And you know you gotta wash 'em
19 again. And you gotta wash 'em after that.

20 And after you wash them, you -- you
21 take -- you -- the process of taking the greens,
22 cleaning them and ripping them and turning them,
23 however it is that you do it -- and my daughters
24 and I -- and my son, we tried it this year with
25 him, he's almost two, and it didn't really work

1 out the way I planned it. But God's still
2 working on us.

3 But we were bonding through that
4 experience, that recipe that we have,
5 Mr. President.

6 As I close, everybody has a special
7 food, something that speaks to their soul.
8 Whether you're of African descent or not, you
9 have something that speaks to your soul. It is
10 often said that we're losing the recipes. It's a
11 colloquialism that we're saying because we're not
12 passing the things down. And the recipe that we
13 have to continue to have is the prosperity that
14 we have.

15 Pass the recipe down. It came from
16 the lineage. Respect the ancestors that traveled
17 on dirt roads while we travel on paved ones. We
18 came from nothing. We came from soil that they
19 wouldn't allow us to till. Now we've become some
20 of the greatest gardeners in the world.

21 So to my Black people, continue to
22 be the gardeners. May your blessings grow
23 bountiful. May your harvests be full. And may
24 we never forget how important Black history is.
25 Because, Mr. President, Black history is

1 American history.

2 Happy Black History Month,
3 everybody.

4 ACTING PRESIDENT COONEY: Thank
5 you, Senator Bailey.

6 Senator Baskin on the resolution.

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

9 Thank you to our esteemed leader and
10 my colleagues for bringing the celebration of
11 Black history before our honorable body in its
12 centennial year of being honored and celebrated
13 in the United States of America.

14 Every time America enters a moment
15 of fear, people say, We've never seen anything
16 like this before. But nine times out of 10,
17 whatever it is they're talking about, Black
18 Americans have seen it.

19 Long before today's headlines,
20 Black communities lived under mass arrest,
21 Black communities lived under family separation,
22 under government surveillance, medical betrayal,
23 voter suppression, and government-sanctioned
24 violence.

25 What's happening in the

1 United States today, Mr. President, may feel
2 shocking and unthinkable in modern-day society,
3 modern-day democracy, but what feels shocking to
4 some in our nation actually feels very, very
5 familiar to Black Americans -- because every
6 horrid headline in America today has a parallel
7 chapter in Black American history.

8 Last week we saw dozens of
9 protestors arrested in Manhattan for staging a
10 sit-in inside of a hotel where federal
11 immigration officers were staying. They were
12 detained, loaded into buses, and charged for
13 exercising their rights.

14 Black history tells us that this is
15 nothing new. During the Civil Rights Movement,
16 Black Americans participating in sit-ins at lunch
17 counters and in public spaces were routinely
18 arrested on bogus charges like loitering and
19 disturbing the peace.

20 Last month, the world watched as
21 Alex Pretti, a public servant who took care of
22 America's veterans as a nurse, was fatally shot
23 and murdered by federal officers.

24 Black history teaches us that in
25 1962, Roman Ducksworth, Jr., a military police

1 officer, was going to visit his wife and his
2 newborn baby at the hospital. He was ordered off
3 of the bus that he was on, and he was mistaken
4 for a Freedom Rider, and he was shot dead by
5 police.

6 Both men served this country. Both
7 were killed by those sworn to uphold the law.

8 Today there are public health
9 decisions being made without any scientific
10 justification restricting vaccines, crucial
11 cutting to resources that help the research of
12 HIV and cancer. Black history tells us that the
13 federal government deliberately withheld
14 treatment during the Tuskegee syphilis study,
15 allowing more than a hundred Black men to die so
16 that their suffering could be documented.

17 Today, reproductive rights are being
18 rolled back. Roe vs. Wade has been overturned.
19 Access to IVF is being threatened. Women in
20 low-income communities across our country are
21 losing access to care due to Medicaid cuts.

22 This is not new to Blacks. Black
23 history teaches us that in the 20th century
24 thousands of Black women were forcibly sterilized
25 without their consent in federally funded

1 hospitals. Fannie Lou Hamer was one of those
2 women, who in 1961 was given a hysterectomy
3 without her consent while undergoing surgery to
4 remove a fibroid. This procedure was so common
5 that it earned a disturbing nickname: A
6 Mississippi appendectomy.

7 On Sunday, 5-year-old Liam Conejo
8 Ramos and his father returned home to Minneapolis
9 12 days after they were detained by immigration
10 officers and held at an ICE facility in Texas.

11 Black history shows us that during
12 slavery, Black families lived every day under the
13 threat of having their children taken away from
14 them. Family separation was a standard and
15 deliberate practice of slave owners.

16 Though today we are happy that Liam
17 and his father are reunited and at home where
18 they belong, we remember the Black slaves who
19 never, ever got reunited with their families.

20 Under DOGE, the Veteran Affairs
21 Department cut 30,000 positions, many of them
22 held by veterans. Black history teaches us that
23 after World War II, Black veterans were denied
24 promises of the GI bill. They were locked out of
25 home ownership and higher education opportunities

1 while white families were built on generational
2 wealth.

3 Service at that time did not equal
4 protection, and it often does not equal
5 protection now.

6 Last week we saw a renewed effort to
7 restrict the right to vote under the guise of
8 election integrity. This is not new to Black
9 Americans. Black history teaches us that we for
10 generations have faced literacy tests and poll
11 taxes, used as a way to exclude Black voters from
12 their right to choose who represents them.

13 So when people approach me and say:
14 "Senator Baskin, how do we survive this moment?"
15 I tell them that Black history answers: We
16 already have. Black Americans endured slavery,
17 lynching, segregation, medical abuse, family
18 separation, voter suppression and
19 government-sanctioned violence. Sometimes we
20 endured it all at the same time.

21 And we did not survive these
22 circumstances because the system protected us.
23 We survived because we learned how to endure it
24 when the system would not protect us.

25 In closing, Mr. President, I believe

1 that this year, this centennial year of the
2 formal celebration of Black History Month in the
3 United States can be more than just reflections
4 or homage to the progress of Black culture in
5 this country.

6 This year I believe that Black
7 history must serve as a template for all
8 Americans. It should remind us that even in our
9 darkest hours of oppression, survival is
10 possible.

11 Now, with the privilege provided to
12 me by my ancestors, I proudly support this
13 resolution.

14 Thank you, Mr. President.

15 ACTING PRESIDENT COONEY: Thank
16 you, Senator Baskin.

17 Senator Sanders on the resolution.

18 SENATOR SANDERS: Thank you,
19 Mr. President.

20 I'm almost scared to go after
21 Senator Baskin.

22 (Laughter.)

23 SENATOR SANDERS: All of my
24 colleagues have spoken well here today. And I
25 want to thank the leader for allowing this

1 opportunity to speak.

2 What you're hearing is an attempt to
3 distill 400 years into three minutes or something
4 of that nature. It's of course impossible, but
5 it's a worthy try.

6 Especially when we're living in a
7 day where, as a historian by training, I'm really
8 worried about American history. I'm worried that
9 we are erasing American history. That there are
10 those who are attempting to take the history
11 books and rip whole -- not just pages, chapters
12 out of it. This is a great disservice to the
13 American people.

14 And I guess on a day like this we
15 take a moment to speak for America, for its
16 history, and highlight the contributions of the
17 Black people. But you cannot separate one from
18 the other. It's -- it's like trying to take your
19 heart out and keep a body alive. You can't do
20 it.

21 But allow me to make some small
22 contribution, and I will stop.

23 As a historian, I want to remind you
24 of a guy named Arturo Schomburg, Arturo
25 Schomburg. He lived -- he was born in

1 Puerto Rico, and as a youth he was told early
2 that there was no -- there's no such thing as
3 Black history. Blacks have no history. There's
4 nothing that you -- there's absolutely nothing
5 there worth talking about.

6 So he spent his life documenting the
7 Afro-Latino experience, the African-American
8 experience, and the African experience. He spent
9 his life gathering all of the materials, books
10 and manuscripts, all of the things that you can
11 imagine so that he could show to the world and to
12 himself and to his children and his children's
13 children's children that there was a history.

14 He was a major figure during the
15 Harlem Renaissance and he was an advocate of
16 Puerto Rico's and Cuba's freedom from Spain at
17 that time.

18 He spent all of his time grabbing
19 the artworks, the manuscripts, the rare books,
20 the slave narratives. He did it so well that he
21 turned over his collection to the New York City
22 Library, and it is the foundation of the
23 Schomburg Library, the Schomburg Center, arguably
24 the best library on African culture in the world,
25 or African-American culture in the world.

1 He has been honored in many
2 different ways. He was honored with a postage
3 stamp. This country put him on a postage stamp.

4 And he -- in fact let me give you an
5 insight. The Quran that Mayor Mamdani used
6 during his swearing-in was actually one that
7 Arturo Schomburg got. He was the one who grabbed
8 that Quran and put it into the library that was
9 used by the mayor in his swearing-in.

10 In 2002, Arturo Schomburg was listed
11 as the -- one of the hundred greatest
12 African-Americans. He defined himself as an
13 Afro-Boriki -- Borinqueño. Lord, I messed that
14 up. Work with me. Save me from myself. Thank
15 you. But that's how he defined himself, and
16 that's important for us to understand.

17 My last point that I want you to
18 remember about this incredible individual is what
19 was said about him. It is said that when he had
20 money, he bought books. When he had extra money,
21 he bought food. That was his commitment to this.
22 And I encourage future generations to have the
23 same commitment.

24 Some of the best writers and
25 historians on Black history have been white, just

1 incidentally. This is something we all can share
2 and move.

3 Having said that, I proudly, as --
4 let me channel my inner Baskin and say I -- on
5 behalf of my ancestors, I also proudly vote yes.

6 Thank you.

7 ACTING PRESIDENT COONEY: Thank
8 you, Senator Sanders.

9 Senator Scarcella-Spanton on the
10 resolution.

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

13 And thank you, of course, to
14 Leader Stewart-Cousins for bringing this
15 resolution to the floor.

16 Today I want to focus on the
17 Black New Yorkers who built, shaped and continue
18 to lead our communities. On Staten Island and
19 Coney Island, Black history is woven into our
20 neighborhoods, institutions, and movements.

21 Staten Island has a long and rich
22 history, including the presence of one of the
23 oldest continuously settled free black
24 communities in the United States, Sandy Grounds.
25 Founded in the 1800s by oyster fishermen who

1 built churches, schools and mutual aid networks.
2 These were the first free African-Americans to
3 purchase land on Staten Island.

4 And here on the island, Black
5 history is not only preserved, it's passed down.
6 We see this legacy through modern leaders like
7 Shawnae Dixon, who is a direct descendant of
8 Sandy grounds and whose work reflects the same
9 tradition of community stewardship.

10 Shawnae opened a hugely popular
11 restaurant on Staten Island. It has some of the
12 best soul food you would ever taste. It actually
13 is on the top 100 restaurants in the New York
14 Times. And she's created a soul food sanctuary,
15 providing a space for mentorship, advocacy and
16 like I said, some of the best food.

17 On Coney Island, local historians
18 preserve Black history not just through dates and
19 buildings, but through the voices of people who
20 lived it. Led by Charlie Denson, the oral
21 histories particularly document how Black
22 families and workers helped sustain Coney Island
23 through the so-called process of urban renewal,
24 beginning in the 1950s and proceeding out through
25 the '70s, which displaced many long-term

1 residents.

2 In response, Black community leaders
3 emerged as tenant organizers, youth advocates and
4 labor leaders, fighting to protect housing,
5 services and dignity.

6 I think of leaders like Brother Ron,
7 who was impacted by this renewal as a young boy,
8 but who still fights for the voices of
9 Coney Islanders every day and lives on the
10 West End in Coney Island.

11 Black History Month reminds us that
12 Black history is not just something we remember,
13 but something we live, rooted in the lives of
14 each and every one of our constituents.

15 I thank Leader Senator
16 Stewart-Cousins, a history-maker herself, for
17 bringing this resolution forward, and I proudly
18 vote aye. And I wish my constituents a very
19 happy Black History Month.

20 Thank you.

21 ACTING PRESIDENT COONEY: Thank
22 you, Senator.

23 Senator Brisport on the resolution.

24 SENATOR BRISPORT: Thank you,
25 Mr. President.

1 And thank you to Majority Leader
2 Andrea Stewart-Cousins for introducing this
3 resolution.

4 Today I want to read from the
5 blueprints left by the architects of our
6 liberation. These aren't just quotes, they are a
7 set of instructions for economic survival in
8 2026.

9 First, Chairman Fred Hampton, who
10 taught us that identity alone isn't a policy. He
11 said: "We're going to fight racism not with
12 racism, but with solidarity. We say you don't
13 fight capitalism with black capitalism, you fight
14 capitalism with socialism. We're going to fight
15 with all of us together, and we're going to have
16 democratic control of the things we need to
17 survive."

18 Hampton knew that Black faces in
19 high places doesn't change a system that thrives
20 on poverty. In 2026, economic justice isn't
21 about just more Black billionaires, it's about
22 collective ownership, it's about communities
23 having the power to decide how their
24 resources and labor are used.

25 Next, Claudia Jones, who was

1 deported from this country for her radical ideas.
2 She reminded us that the economy is felt most
3 sharply by those at the bottom. She wrote that
4 the liberation of the most oppressed --
5 Black women -- would mean the liberation of
6 everyone, because as workers, as Black people,
7 and as women, they face not equality but
8 super-exploitation.

9 Jones saw that our economy depends
10 on the super-exploitation of Black labor,
11 particularly Black women's labor. Today, when we
12 stand with nurses, when we advocate for higher
13 pay for childcare workers, we are continuing
14 Claudia's fight to ensure that those who do the
15 most work aren't the ones left with the least.

16 Finally, Kwame Ture warned us that
17 being liked is not the same as being free. He
18 said, "If a white man wants to lynch me, that's
19 his problem. If he's got the power to lynch me,
20 that's my problem. Racism is not a question of
21 attitude; it's a question of power."

22 That power to lynch wasn't just
23 physical, it was economic. It was the power to
24 redline neighborhoods and keep Black families
25 from building equity. It was the power to

1 exclude Black veterans from the GI Bill. It was
2 the power to build a banking system that charges
3 more to those who have the least.

4 When we talk about racism today, we
5 aren't just talking about attitudes or feelings,
6 we are talking about the power to deny a
7 generation the right to advance.

8 History isn't something that
9 happened, it's something we are making. All
10 power to the people.

11 Thank you.

12 ACTING PRESIDENT COONEY: Thank
13 you, Senator Brisport.

14 Senator Parker on the resolution.

15 SENATOR PARKER: Thank you,
16 Mr. President.

17 I rise today to add my voice with my
18 colleagues in celebrating African-American
19 History Month.

20 And let me also begin by thanking
21 our intrepid leader, Andrea Stewart-Cousins, who
22 is a history-maker within herself, being the
23 first African-American woman to lead this
24 illustrious body or any legislative body here in
25 the state.

1 A couple of points that I wanted
2 to -- just to make that I've made several times
3 before. And we've heard some very poignant and
4 good points from a lot of my colleagues.

5 But for me, one of the important
6 things to always remember is that
7 African-American history starts in Africa, not in
8 America. Right? And so we're not talking about
9 a hundred years of history, we're talking about a
10 hundred years of the celebration of understanding
11 and spending time that's dedicated towards
12 understanding the life and the legacy of people
13 of African descent.

14 But the history of African people
15 goes back to the beginning of time. And I've
16 talked about that in other times.

17 One of the things that's important
18 for us to understand is that African-American
19 history is not just American history, it's world
20 history. That without -- that -- that the people
21 that you see standing here all descend from
22 Africa.

23 And you find an archeological record
24 that says not only do you find the oldest
25 surviving humanoids on the continent of Africa,

1 but you find the first evidence of the most
2 common person, Homo sapiens sapiens, on the
3 continent of Africa.

4 And so that's a critical point in
5 terms of understanding. And so African-American
6 history comes out of a place in which it is the
7 history of the world.

8 And it's important to remember in
9 this place in this time because white supremacy
10 attempted and continues to attempt to not just
11 deny the history of African people, not just in
12 America but in the world, but to deny our very
13 humanity.

14 And connecting to Senator Brisport's
15 point -- which I never thought I would do on this
16 floor --

17 (Laughter.)

18 SENATOR PARKER: -- but -- that's
19 my guy, he's a Brooklyn guy. Right?

20 -- is that white supremacy begins
21 as an economic understanding. Right? And it
22 frankly doesn't even begin with people of African
23 descent, it actually -- you know, really -- if
24 you really want to go back, it starts earlier
25 than that. But in more recent times, look at the

1 relationship between Great Britain and Ireland.
2 That became the prototype of the relationship
3 that then became with African people.

4 And the development of racism was
5 really a social and economic and religious
6 justification for the exploitation of free labor
7 from Africa. That in the very beginning, no one
8 actually believed the things that they were
9 saying. Right? They were just saying it.
10 Right?

11 There's a book by Stephen Jay Gould
12 called The Mismeasure of Man that talks about
13 cranial capacity. Actually, the whole field and
14 discipline of anthropology actually becomes --
15 develops out of the need to create a scientific
16 physical justification for the exploitation of
17 African people and base it in science, literally.

18 In the same way that the field and
19 discipline of sociology comes out of one man,
20 W.E.B. Du Bois, who creates the first
21 sociological study with The Philadelphia Negro.

22 And so all of those things become
23 part of this archive and this understanding of
24 African people. And so it becomes important to
25 have this month, because it's been denied.

1 And one of the first things you see
2 in this whole movement politically is to erase
3 the existence of African people. We see it in
4 the federal administration that daily attacks
5 disproportionately people of African descent,
6 whether it's been our Attorney General or people
7 on the Federal Reserve.

8 And so this is not just something
9 that used to happen. And we understand that this
10 10,000-year-old history is a part of the history
11 of the world. You can't disconnect it from the
12 other parts of our history. You can't be
13 a doctor and like study Herodotus and not
14 understand that Herodotus gets his understanding
15 of medicine from ancient Egypt, from the
16 African people, the people of Kemet. Right? KMT
17 referring to the people of the black lands of
18 Kemet. Right?

19 And if you've -- if you've been to
20 Egypt, those Arab tall guys are not the people
21 who built the Pyramids. We'll come back on that.
22 We'll come back in another month and talk about
23 that.

24 But in 1926, Carter G. Woodson, the
25 second African-American to get a Ph.D. from

1 Harvard, right -- Du Bois being the first -- and
2 I think I said this last year, it was interesting
3 about -- I'll never forget this about Carter G.
4 Woodson, it's like he's the second Black person
5 to get a Ph.D. from Harvard and he's like a
6 schoolteacher. He's not like -- he ain't the
7 principal, he ain't the superintendent, like --
8 he's teaching like eighth grade. Right?

9 And he understands that there are
10 people who are in fact saying that African people
11 have not contributed anything in our society.
12 And so similar to the lore that you heard with
13 Arturo Schomburg, it is Carter G. Woodson who
14 then begins this trek to create this organization
15 of the study of Negro history and life.

16 And that then becomes what we know
17 now as -- it begins as Negro History Week, right,
18 as a time to reflect and study people of
19 African descent, and then morphs into
20 African-American History Month.

21 During that time, Carter G. Woodson
22 was really -- he wrote a book called
23 The Miseducation of the Negro. And this was like
24 one of his obsessions. He's just like if you --
25 he like -- if you can, you know -- you know, we

1 say the opposite. Right? James coming up.
2 Right? In the '80s we used to say free your mind
3 and your behind will follow. Right? And I'm
4 being polite on the floor. Right?

5 But he understood -- he said that
6 you didn't have to like create a physical slavery
7 for African people if you in fact could control
8 their minds. And he said if you educated them in
9 the right way, you don't have to tell them to go
10 to the back door, they will go to the back door
11 themselves. And if there is no back door, they
12 will make one for their own special use. Their
13 education makes it necessary.

14 And so this month was really a
15 beginning of a conversation that he was having
16 really in his own community to free them from the
17 mental shackles of not understanding their own
18 history and their own understandings. That
19 history and culture are inextricably linked.
20 History is the record of culture and culture is
21 the by-product of the historical developments of
22 people.

23 Let me just make this point about
24 why February, because I continually get
25 frustrated by people talking about why it's in

1 the shortest month and da-da-da-da. February was
2 chosen for two reasons. It's the same month that
3 Lincoln is born in and the same month that
4 Frederick Douglass was born in. Period.

5 Frederick Douglass was the most
6 important and most well-known person of
7 African descent of his time. Right? Like think
8 of somebody really important in
9 African-American -- you know, like Leroy Comrie,
10 and like the voice was bigger than that.

11 (Laughter.)

12 SENATOR PARKER: Right? Leroy, you
13 thought you were going to sit in the cut and
14 not -- (laughing). Right?

15 I mean, Du Bois was like a huge
16 figure in that time.

17 And the antecedents of what
18 Carter G. Woodson gave us is not just here in the
19 United States, but it has actually become a
20 global phenomenon. Right? That you will find
21 African-American History Month being celebrated
22 and observed in places like Canada, like the
23 United Kingdom, like Ireland. Right? Jamaica,
24 right? All celebrating, some form or another,
25 African-American History Month.

1 So this is a global understanding.
2 Right? And I think that's important for folks to
3 understand.

4 And Senator Sanders is absolutely
5 right that when we talk about Arturo Schomburg,
6 who recently had a birthday, right, it was
7 January 24, 18 -- I think I wrote it down -- 74.
8 Right?

9 Born in Puerto Rico of a Black
10 Caribbean mother from St. Croix and a German
11 father. Right? Suffers a lot of racism because
12 he's -- he feels typically he looks Black. So
13 even in Puerto Rico, he is -- he is experiencing
14 racism.

15 Comes here, does not move to the
16 Lower East Side where Puerto Ricans lived at --
17 you know, early in those days. Right? He moves
18 to Harlem. Right? That tells you something.
19 Becomes a Prince Hall Mason and a member of
20 Kappa Alpha Psi Fraternity, Inc. I'm just
21 saying.

22 And becomes somebody, as you heard
23 Senator Sanders indicate, who really is the
24 reason why we know as much as we know really
25 about the Black experience. Really, except for

1 his collection, there really isn't anybody else
2 who has that level of a collection at that time.

3 At that time people like Du Bois
4 would go to him because he was the one who had
5 the record. There was -- like there was no --
6 there was no -- no -- no Schomburg Center. He
7 was the Schomburg Center. Right? And so his
8 presence was important.

9 J.D. Rogers is another one, right,
10 who is really important in terms of bringing
11 forth this notion and understanding that
12 African-Americans did not arrive on the shores of
13 Jamestown, Virginia, in 1619 tabula rasa. Right?
14 Latin for "blank slate." Right?

15 But they came with cultural baggage.
16 They came with historical baggage. They brought
17 their history and their understanding. And many
18 of the things that we see now in our society have
19 come from them, including things that you heard
20 in the resolutions like jazz and hip-hop and, you
21 know, many of the foods you find in the South.

22 Jambalaya, you know, gumbo, you
23 know, many of these things come -- the fact
24 that anybody who's eaten the candy -- candy
25 Goobers, the word "goober" actually refers to

1 peanut, and it's a West African word. Right? So
2 you didn't even know you was talking West African
3 all these years when you've been in a movie
4 theater eating Goobers.

5 (Laughter.)

6 SENATOR PARKER: As I take my seat,
7 Mr. President, I want to remember this
8 hundredth year of African-American history by
9 reading you this Libation Statement. And it
10 goes:

11 "Our fathers and mothers came here,
12 lived, loved, struggled and built here. At this
13 place, their love and labor rose like the sun and
14 gave strength and meaning to the day.

15 "For them, then, who gave so much,
16 we give in return. On this same soil we will sow
17 our seeds, and liberation and a higher level of
18 human life. May our eyes be the eagle, our
19 strength be the elephant, and the boldness of our
20 life be like the lion.

21 "And may we remember and honor our
22 ancestors and the legacy they left for us as long
23 as the sun shines and the waters flow.

24 "For our people everywhere, then:

25 "For Shaka, Samory, and Nzingha and

1 all those others known and unknown who defended
2 our ancestral land, history and humanity from
3 alien invaders, we say on this hundred-year
4 anniversary: Ashay.

5 "For Garvey, Muhammad, Malcolm, and
6 King; Harriet, Fannie Lou, Sojourner, Bethune,
7 and Nat Turner and all the others who dared to
8 define, defend and develop our interests as a
9 people, we say on this hundred-year anniversary:
10 Ashay.

11 "For our children and the fuller,
12 freer lives they will live because we struggle,
13 we say, on this hundredth-year anniversary of
14 Black History Month: Ashay.

15 "For Kawalda and the Nguzo Saba, the
16 new system of views and values which gives
17 identity, purpose and direction to our lives, we
18 say, on this hundred-year anniversary of
19 Black History Month: Ashay.

20 "For the new world we struggle to
21 build, and for the continued struggle through
22 which we will inevitably rescue and reconstruct
23 our history and humanity in our own image and
24 according to our own needs, we say: Ashay."

25 And that's from Dr. Maulana Karenga.

1 And I thank you, Mr. President.

2 Ashay.

3 ACTING PRESIDENT COONEY: Thank
4 you, Senator Parker.

5 Senator Ramos on the resolution.

6 SENATOR RAMOS: Thank you,
7 Mr. President.

8 You know, every year during Black
9 History Month I usually rattle off the names of
10 athletes and artists and luminaries who have
11 called my district home. And that history
12 matters. Our neighborhoods are rich with
13 brilliance, resilience, and cultural power.

14 But this year I wanted to focus on
15 just one person whose life helps me understand
16 the struggle for Black freedom more deeply -- not
17 just through his fame or achievement, but through
18 his courage, conscience and unwavering commitment
19 to justice.

20 Harry Belafonte lived in
21 East Elmhurst for a time. He made his home in
22 the 13th District among Black families, Caribbean
23 families, immigrants, artists, and working people
24 who understood that freedom isn't abstract, it is
25 lived, it's fought for, and it's protected every

1 day.

2 Belafonte is often remembered for
3 his music, but his true legacy was his moral
4 courage. He was the son of Jamaican immigrants
5 shaped by the Black Diaspora, and he understood
6 that Black freedom in America was inseparable
7 from freedom across the Caribbean, Latin America,
8 Africa, and the world.

9 And he acted on that belief. He
10 funded the Civil Rights Movement. He organized
11 behind the scenes. He stood with workers and
12 freedom fighters. He used his voice not for
13 comfort but for conscience.

14 That legacy matters here. East
15 Elmhurst, Corona and LeFrak City are
16 neighborhoods shaped by Black Americans,
17 Caribbean New Yorkers, and immigrants from around
18 the world. Our communities know that democracy
19 is not something you inherit automatically, it's
20 something you have to defend.

21 And as a Latina representing
22 historic Black neighborhoods, I want to say this
23 plainly: We come in every shade. And we must
24 confront colorism and anti-Blackness within our
25 own communities. That work is part of

1 Black history too.

2 Harry Belafonte also understood that
3 history is not only carried only by the famous.
4 Across New York, Black people raise children as
5 domestic workers and caregivers, they teach in
6 our classrooms, they heal us in our hospitals,
7 they drive our buses and our taxis and our
8 trains. They have built our neighborhoods and
9 staffed our institutions. They've organized and
10 legislated and led, often without recognition.
11 They carry democracy on their backs every day.

12 Black New Yorkers fight for dignity
13 through daily acts of care, discipline and
14 perseverance. They expand freedom not only for
15 themselves but for all of us. And I know that
16 there are doors that have been only open to me
17 because Black people have walked through them
18 first.

19 So today I want to honor
20 Harry Belafonte, but we also honor the millions
21 whose names will never be read into this record
22 and whose labor, love and courage continue to
23 hold this state together. The only way to honor
24 that legacy is with responsibility and
25 remembrance in the laws we pass, the institutions

1 we strengthen, and the dignity we extend to every
2 Black New Yorker, known and unknown.

3 Thank you.

4 ACTING PRESIDENT COONEY: Thank
5 you, Senator Ramos.

6 Senator May on the resolution.

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

9 Last month I had the privilege to
10 witness a moment in Black history when
11 Sharon Owens became the first Black mayor of
12 Syracuse.

13 And almost at the same time, my own
14 public affairs director became the first
15 Black majority leader of the Onondaga County
16 Legislature: Nodesia Hernandez.

17 I have to say since Election Night
18 there has been a noticeable difference in
19 Syracuse. Everywhere I go, my Black neighbors
20 and friends and constituents seem to have a sense
21 of hopefulness and empowerment that is palpably
22 different from what you could feel even a few
23 months ago.

24 Representation matters. It matters
25 in our civic life, and it matters in the way we

1 depict our history, understand our history, write
2 our history, teach our history.

3 And I couldn't be more grateful to
4 vote aye on this resolution.

5 Thank you.

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

8 Senator Cleare on the resolution.

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

11 First of all, I want to thank our
12 Majority Leader for bringing this very important
13 resolution this year, especially on this
14 100th anniversary.

15 I don't want to be long. You know,
16 I always talk about Harlem that I represent, one
17 of the most historic Black communities in the
18 world, with the likes of Charles B. Rangel and
19 Hazel Dukes, Constance Baker Motley -- who sat in
20 this seat, the only other woman. I'm number two.
21 Malcolm X, Langston Hughes, Adam Clayton
22 Powell -- the list goes on. Percy Sutton,
23 David Dinkins.

24 But as I sit here today, my
25 colleagues have just said many of the things that

1 I feel. And -- but one thing I really want to
2 highlight is the importance of Black history,
3 yes, to Black people, but also to the world.

4 I thought about one of my earliest
5 viewings of Alex Haley's Roots. And one part
6 that stuck out to me the most was the insistence
7 that his ancestor, Kunta Kinte, give up his name.
8 "Give up your name." And he would not let it go.
9 "I am Kunta Kinte." He knew how important it was
10 to know who you are.

11 And they kept on fighting and
12 fighting and fighting, him and others. They
13 wanted to do that. Why? To dehumanize. To
14 really enslave a person, take everything who they
15 are. Take your name away. Make you say you're
16 somebody else.

17 That is why Black history was
18 important then and why it is important today.
19 That erasure is beyond disrespectful. It's evil.
20 It is evil to make people think they don't
21 matter, they didn't contribute anything, they're
22 worth nothing. They're beneath, they're
23 inferior.

24 So every year on Black History Month
25 I do extra celebrations especially for the

1 younger generations. The family of Alex Haley,
2 they met in secret and made sure those stories
3 were passed on. Made sure they never forgot who
4 they were. Carter G. Woodson said "Those who
5 have no record of what their forebears have
6 accomplished lose the inspiration which comes
7 from teaching of biography and history."

8 It is inspiring to know who you are.
9 It is inspiring to know the accomplishments of
10 your people, wherever you come from and whatever
11 race you are and whatever color you are. And
12 yes, it is evil to deny anyone their history.

13 So I proudly vote aye on this
14 resolution, and I proudly vote aye on all of the
15 things that we do to make sure that Black history
16 is respected. Black Americans paid a price like
17 no other -- like no other -- but still love this
18 country, still build this country, still serve
19 this country in every way, even here in this
20 chamber. We ought to be celebrated.

21 I proudly vote aye, Mr. President.

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

24 The question is on the resolution.

25 SENATOR COMRIE: Whoa, whoa, whoa.

1 ACTING PRESIDENT COONEY: Before we
2 get to that question, Senator Comrie will speak
3 on the resolution.

4 SENATOR COMRIE: Trying to get me
5 in trouble with my staff, hmm?

6 Today I rise to recognize
7 Black History Month and to honor the
8 extraordinary contributions of Black Americans to
9 the history, culture and progress of New York
10 State and this nation.

11 As has been said by so many of my
12 colleagues and the world, Black history is
13 American history. It's the story of resilience
14 in the face of injustice, of innovation born from
15 struggle, and leadership that has continually
16 expanded the promise of democracy.

17 From the fight for the end of
18 slavery to the Civil Rights Movement, today's
19 ongoing efforts for equality, opportunity and
20 Black excellence, in the face of folk that are
21 trying to erase history and eliminate the Black
22 presence in American history -- we have to
23 continue to fight.

24 Here in New York and especially in
25 Queens, Black communities have helped build some

1 of the most vibrant, diverse neighborhoods in the
2 world. In Southeast Queens and throughout this
3 state, Black New Yorkers -- African-American,
4 Caribbean and African immigrant communities
5 alike -- have strengthened our schools, created
6 small businesses, run houses of worship, and have
7 been major contributors to civic life.

8 Their contributions are deeply woven
9 into the fabric of our state. I'm proud of the
10 fact that I was able, since I've been here, to
11 pass a bill to create the 400-Year Commission so
12 that we can look into all of the history of
13 Black Americans throughout New York State. And
14 that commission is proudly working, and hopefully
15 we'll see some -- some results and some
16 information and more history about the struggles
17 of Black Americans while they were here and while
18 they came to New York.

19 While we celebrate these
20 achievements, Black History Month also reminds us
21 of the work that remains. Persistent inequities
22 in housing, healthcare, education and economic
23 opportunity demand our attention and our action.

24 Honoring Black history means
25 committing ourselves to policies that promote

1 fairness, dignity and equal opportunity for all.
2 As members of this esteemed body we have a
3 responsibility to ensure that the lessons of
4 history inform the laws we pass and the future we
5 build together.

6 Which is why one of the bills that
7 I've been trying to get passed for a couple of
8 years now is a bill to teach Black history in
9 schools throughout our state.

10 What happened in Buffalo a few years
11 ago would have never happened if there was a
12 Black history curriculum throughout our entire
13 state, so that people could understand the
14 African-American presence in our state. It
15 should never have happened, and we should all be
16 ashamed that we do not have a Black history
17 curriculum in every school in New York State.
18 That we don't have a cultural curriculum in every
19 school in New York State.

20 In this state, where we have such a
21 diverse population, it's incredulous to me that
22 we cannot get that done. And I hope that we get
23 that done this year.

24 So I want to thank the leader. I
25 want to thank her for continuing to make sure

1 that this is a major part of our yearly efforts
2 to talk about black history.

3 I want to thank all of my colleagues
4 who spoke today to talk about different aspects
5 of Black history, because we have a
6 responsibility to ensure that the lessons of
7 history are never forgotten. That we also create
8 more laws to help inform the public, to help
9 remind people of the past, and to help people
10 build a stronger future.

11 So I'm proud to support this
12 resolution not only as a time of reflection, but
13 as a renewed commitment to justice, inclusion and
14 progress for all New Yorkers.

15 Thank you, Mr. President.

16 ACTING PRESIDENT COONEY: Thank
17 you, Senator Comrie.

18 The question is now on the
19 resolution. All those in favor please signify by
20 saying aye.

21 (Response of "Aye.")

22 ACTING PRESIDENT COONEY: Opposed,
23 nay.

24 (No response.)

25 ACTING PRESIDENT COONEY: The

1 resolution is adopted.

2 Senator Gianaris.

3 SENATOR GIANARIS: Mr. President,
4 the leader would like to open this resolution for
5 cosponsorship.

6 ACTING PRESIDENT COONEY: The
7 resolution is open for cosponsorship. Should you
8 choose not to be a cosponsor, please notify the
9 desk.

10 Senator Gianaris.

11 SENATOR GIANARIS: Please take up
12 the calendar.

13 ACTING PRESIDENT COONEY: The
14 Secretary will read.

15 There's a substitution at the desk.
16 The Secretary will read.

17 THE SECRETARY: Senator Rivera
18 moves to discharge, from the Committee on Rules,
19 Assembly Bill Number 9515 and substitute it for
20 the identical Senate Bill 8835, Third Reading
21 Calendar 49.

22 ACTING PRESIDENT COONEY:
23 Substitution so ordered.

24 The Secretary will read.

25 THE SECRETARY: Calendar Number 49,

1 Assembly Bill 9515, by Assemblymember Paulin --

2 SENATOR STEC: Lay it aside.

3 ACTING PRESIDENT COONEY: The bill
4 will be laid aside.

5 THE SECRETARY: Calendar Number 87,
6 Senate Print 8809, by Senator Addabbo, an act to
7 amend the Civil Practice Law and Rules.

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, 62.

18 ACTING PRESIDENT COONEY: The bill
19 is passed.

20 THE SECRETARY: Calendar Number
21 118, Senate Print 373, by Senator Gianaris, an
22 act to amend the Urban Development Corporation
23 Act.

24 ACTING PRESIDENT COONEY: Read the
25 last section.

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

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, 62.

9 ACTING PRESIDENT COONEY: The bill
10 is passed.

11 THE SECRETARY: Calendar Number
12 128, Senate Print 3029, by Senator Stavisky, an
13 act to amend the Education Law.

14 ACTING PRESIDENT COONEY: Read the
15 last section.

16 THE SECRETARY: Section 4. This
17 act shall take effect two years after it shall
18 have become a law.

19 ACTING PRESIDENT COONEY: Call the
20 roll.

21 (The Secretary called the roll.)

22 ACTING PRESIDENT COONEY: Announce
23 the results.

24 THE SECRETARY: Ayes, 62.

25 ACTING PRESIDENT COONEY: The bill

1 is passed.

2 THE SECRETARY: Calendar Number
3 130, Assembly Bill Number 618, by
4 Assemblymember Shimsky, an act to amend the
5 Labor Law.

6 ACTING PRESIDENT COONEY: Read the
7 last section.

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

10 ACTING PRESIDENT COONEY: Call the
11 roll.

12 (The Secretary called the roll.)

13 ACTING PRESIDENT COONEY: Announce
14 the results.

15 THE SECRETARY: Ayes, 62.

16 ACTING PRESIDENT COONEY: The bill
17 is passed.

18 THE SECRETARY: Calendar Number
19 136, Senate Print 1012A, by Senator Brouk, an act
20 to amend the Public Service Law.

21 ACTING PRESIDENT COONEY: Read the
22 last section.

23 THE SECRETARY: Section 3. This
24 act shall take effect on the 90th day after it
25 shall have become a law.

1 ACTING PRESIDENT COONEY: Call the
2 roll.

3 (The Secretary called the roll.)

4 ACTING PRESIDENT COONEY: Announce
5 the results.

6 THE SECRETARY: Ayes, 62.

7 ACTING PRESIDENT COONEY: The bill
8 is passed.

9 THE SECRETARY: Calendar Number
10 137, Senate Print 1327, by Senator Parker, an act
11 to amend the Public Service Law.

12 ACTING PRESIDENT COONEY: Read the
13 last section.

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

17 ACTING PRESIDENT COONEY: Call the
18 roll.

19 (The Secretary called the roll.)

20 ACTING PRESIDENT COONEY: Senator
21 Walczyk to explain his vote.

22 SENATOR WALCZYK: Thank you,
23 Mr. President.

24 Today we're going to take up a
25 number of bills in the energy sector that are

1 pretending to help the problem on another day.
2 I'm sure, as is the tradition of the Majority,
3 they'll bring us a number of energy bills that
4 actually make the problem worse.

5 Utility companies already have
6 payment plans. Everybody knows this. And this
7 bill mandates what they already do.

8 Utility companies are now holding a
9 \$1.8 billion bag in arrears payments. People
10 have either chosen not to pay their utility bill
11 or, more often, could not afford to pay their
12 utility bill in the State of New York. And
13 there's nothing that will make the energy bills
14 more affordable in this bill or the others that
15 are offered here today, nothing that will reduce
16 the cost of energy in New York.

17 So voting for this bill doesn't
18 really hurt; it's doing something that is already
19 done. But it certainly doesn't help. And I will
20 be voting no.

21 Thank you, Mr. President.

22 ACTING PRESIDENT COONEY: Senator
23 Walczyk to be recorded in the negative.

24 Announce the results.

25 THE SECRETARY: In relation to

1 Calendar 137, voting in the negative:

2 Senator Walczyk.

3 Ayes, 61. Nays, 1.

4 ACTING PRESIDENT COONEY: The bill
5 is passed.

6 THE SECRETARY: Calendar Number
7 138, Senate Print 1329, by Senator Parker, an act
8 to amend the Public Service Law.

9 SENATOR LANZA: Lay it aside.

10 ACTING PRESIDENT COONEY: The bill
11 will be laid aside.

12 THE SECRETARY: Calendar Number
13 141, Senate Print 1847, by Senator Comrie, an act
14 to amend the Public Service Law.

15 SENATOR LANZA: Lay it aside.

16 ACTING PRESIDENT COONEY: The bill
17 will be laid aside.

18 THE SECRETARY: Calendar Number
19 142, Senate Print 1896, by Senator Mayer, an act
20 to amend the Public Service Law.

21 ACTING PRESIDENT COONEY: Read the
22 last section.

23 THE SECRETARY: Section 3. This
24 act shall take effect one year after it shall
25 have become a law.

1 ACTING PRESIDENT COONEY: Call the
2 roll.

3 (The Secretary called the roll.)

4 ACTING PRESIDENT COONEY: Senator
5 Mayer to explain her vote.

6 SENATOR MAYER: Thank you,
7 Mr. President.

8 You know, before the word
9 "affordability" became the political word of the
10 hour, this house, and particularly this Majority,
11 has passed a number of consequential bills to
12 transform the way utility rates are set and the
13 way people deal with their utility bills.

14 Contrary to the assertions of some
15 of my colleagues, our constituents are at wit's
16 end with their utility bills, and they have been
17 for several years. And as a result, my
18 colleagues have put together a package, lead by
19 our Majority Leader, to truly change the way
20 these bills are set and to transform the process
21 at the Public Service Commission -- which, I
22 would add, is absolutely impossible to navigate.

23 This bill that we're voting on here,
24 and which we have passed multiple times, changes
25 the process by which the return on equity is

1 determined for utility companies. It cannot be
2 that the utility companies' return on equity is
3 four times greater than the rate of inflation,
4 because our constituents are paying bills based
5 on what they earn and what they can do.

6 And yet utility companies are paying
7 rates based on a process that was set
8 40 years ago and has not been changed.

9 It's time for a radical
10 transformation of the rate-setting process. This
11 bill is part of a package that does that. We owe
12 it to every one of our constituents to change the
13 way these rates are set and the way utilities
14 operate and put ratepayers first and shareholders
15 second.

16 I proudly vote aye.

17 ACTING PRESIDENT COONEY: Senator
18 Mayer to be recorded in the affirmative.

19 Senator Martins to explain his vote.

20 SENATOR MARTINS: Thank you,
21 Mr. President.

22 You know, I'll be voting yes on this
23 bill, and I thank the sponsor for -- for the
24 bill.

25 But I do have concerns, because we

1 all -- all -- have heard from our constituents
2 time and again at the increase in utility bills,
3 the increase in energy. Heating homes has become
4 incredibly unaffordable.

5 And less about process, less about
6 bills, less about how bills are calculated, more
7 about policies. And the policies that have been
8 passed on the floor of this chamber, whether it's
9 the CLCPA, whether it is adding and tacking on
10 costs for each and every one of our ratepayers,
11 there comes a point where those costs are
12 reflected in those bills.

13 So let's be honest about where those
14 costs are coming from. Let's be honest about the
15 increasing costs to our constituents. As their
16 increased costs are absorbed each and every month
17 when their utility bills come home, that's a
18 direct reflection of the policies that are passed
19 on this floor.

20 Madam President, I'll be voting yes
21 on this bill, but I am certainly aware of where
22 those costs are coming from, and they're the
23 policies that have been passed in this chamber
24 over time.

25 Thank you.

1 ACTING PRESIDENT PERSAUD: Senator
2 Martins to be recorded in the affirmative.

3 Senator Tedisco to explain his vote.

4 SENATOR TEDISCO: Thank you.

5 You know, what I'm seeing here is a
6 tremendous amount of hypocrisy. Yeah, we're
7 getting the same calls that you're all getting
8 about energy costs. And I presume, when you get
9 called by your constituents, you say, Well, I'm
10 not responsible for those rate increases.

11 But the Governor sent the message
12 over here of who should be appointed to the
13 Public Service commissioners. You ratified that.
14 You put them in there.

15 Now when they call you, you don't
16 mention that to them. What you say to them is
17 that -- those darn public service commissioners,
18 those faceless bureaucrats are increasing your
19 rates, we have to do something about it. You got
20 a whole set of bills here which is doing nothing
21 about it.

22 Do you want to do something about
23 it? They are not elected officials. They are
24 not the public servants that are put here to
25 protect their energy costs. You are their

1 representatives.

2 How about we bring the bill to the
3 floor which I have pending which says when they
4 make a decision -- which they always do -- to
5 make the rates go up, we ratify it here in the
6 New York State Senate as public servants. We
7 look at it, we research it, we say no, that's too
8 high, send it back and give us a recommendation
9 that makes sense or really show us why you want
10 to increase rates 5, 10, 15, 20 percent.

11 But you don't want to be those
12 representatives. You want to say: Another rate
13 increase? I'm going to condemn those Public
14 Service commissioners. Which the Governor sends
15 to you, you've appointed, and now you point to
16 them and blame.

17 That's hypocritical. You want to
18 protect the energy costs for your constituents
19 which you and I represent? Don't send them to a
20 faceless bureaucrat. Look at the information
21 they give to you, evaluate it, and stand up for
22 your constituents. Pass a bill that says "We
23 ratify any rate increase that the Public Service
24 sends to us."

25 You don't want to do that, because

1 you don't want a ratepayer protection act --

2 ACTING PRESIDENT PERSAUD: Senator
3 Tedisco, your time is up.

4 SENATOR TEDISCO: -- you want taxes
5 to go up all over.

6 ACTING PRESIDENT PERSAUD: Senator
7 Tedisco, how do you vote?

8 SENATOR TEDISCO: And this is
9 basically a tax on the people of New York State.

10 ACTING PRESIDENT PERSAUD: Senator
11 Tedisco, how do you vote?

12 SENATOR TEDISCO: Thank you. I'm
13 going to be voting no on this.

14 ACTING PRESIDENT PERSAUD: Senator
15 Tedisco to be recorded in the negative.

16 Senator Harckham to explain his
17 vote.

18 SENATOR HARCKHAM: Thank you,
19 Madam President.

20 First, I'd like to thank
21 Senator Mayer for this bill.

22 And before I comment on the bill,
23 just to respond to a private personal point of
24 privilege about what a prior speaker said, which
25 is the CLCPA is not responsible for the increase

1 in utility rates. If you speak to utility
2 executives in a moment of candor, they will tell
3 you it's probably at most 5 to 7 percent.

4 And a lot of the upgrades that we're
5 making to our grid we need to make whether we
6 build another solar panel or not. Our grid is
7 old and insufficient, and those upgrades need to
8 be made. A kilowatt of solar energy is far
9 cheaper than a kilowatt of natural gas and
10 nuclear, and that's just a simple fact.

11 But I want to speak on
12 Senator Mayer's bill for a minute, on the equity
13 portion. Because utilities are the only sector
14 in our economy where we guarantee somebody a
15 monopoly and then we guarantee them almost a
16 double-digit return on equity.

17 One would think just having a
18 monopoly enough would allow them to compete and
19 succeed, but now they also get a guaranteed
20 return on equity -- 8, 9 percent. None of our
21 constituents have any investment vehicles where
22 they can get an 8 or 9 percent return.

23 Last year -- not to pick on Con Ed,
24 but I will -- the last two years they have
25 averaged over \$2 billion in profits because of

1 this formula, \$2 billion in profits at the
2 expense of our ratepayers. And it's time for the
3 shareholders to absorb some of these costs, not
4 our constituents time after time.

5 So I thank Senator Mayer for this
6 bill. I'll be voting aye.

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

9 Announce the results.

10 THE SECRETARY: In relation to
11 Calendar 142, voting in the negative are
12 Senators Ashby, Borrello, O'Mara, Ortt, Palumbo,
13 Stec, Tedisco, Walczyk and Weik.

14 Ayes, 53. Nays, 9.

15 ACTING PRESIDENT PERSAUD: The bill
16 is passed.

17 THE SECRETARY: Calendar Number
18 143, Senate Print 5553C, by Senator Comrie, an
19 act to amend the Public Service Law.

20 ACTING PRESIDENT PERSAUD: Read the
21 last section.

22 THE SECRETARY: Section 3. This
23 act shall take effect on the 60th 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: Announce
4 the results.

5 THE SECRETARY: In relation to
6 Calendar 143, voting in the negative:
7 Senator Borrello.

8 Ayes, 61. Nays, 1.

9 ACTING PRESIDENT PERSAUD: The bill
10 is passed.

11 THE SECRETARY: Calendar Number
12 144, Senate Print 5593, by Senator Mayer, an act
13 to amend the Public Service Law.

14 ACTING PRESIDENT PERSAUD: Read the
15 last section.

16 THE SECRETARY: Section 5. This
17 act shall take effect one year after it shall
18 have become a law.

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: In relation to
25 Calendar 144, voting in the negative are

1 Senators Ashby, Borrello, Canzoneri-Fitzpatrick,
2 Chan, Gallivan, Helming, Murray, Oberacker,
3 O'Mara, Ortt, Palumbo, Rhoads, Rolison, Stec,
4 Tedisco, Walczyk, Weber and Weik.

5 Ayes, 44. Nays, 18.

6 ACTING PRESIDENT PERSAUD: The bill
7 is passed.

8 THE SECRETARY: Calendar Number
9 146, Senate Print 7165A, by Senator Hinchey, an
10 act to amend the Public Service Law.

11 ACTING PRESIDENT PERSAUD: Read the
12 last section.

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

15 ACTING PRESIDENT PERSAUD: Call the
16 roll.

17 (The Secretary called the roll.)

18 ACTING PRESIDENT PERSAUD: Announce
19 the results.

20 THE SECRETARY: In relation to
21 Calendar 146, voting in the negative are
22 Senators Ashby, Borrello, Canzoneri-Fitzpatrick,
23 Chan, Gallivan, Griffio, Helming, Lanza, Martins,
24 Mattera, Murray, O'Mara, Ortt, Palumbo, Rhoads,
25 Stec, Tedisco, Walczyk, Weber and Weik.

1 Ayes, 42. Nays, 20.

2 ACTING PRESIDENT PERSAUD: The bill
3 is passed.

4 THE SECRETARY: Calendar Number
5 147, Senate Print 7328A, by Senator Hinchey, an
6 act to amend the Public Service Law.

7 ACTING PRESIDENT PERSAUD: Read the
8 last section.

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

11 ACTING PRESIDENT PERSAUD: Call the
12 roll.

13 (The Secretary called the roll.)

14 ACTING PRESIDENT PERSAUD: Senator
15 Hinchey to explain her vote.

16 SENATOR HINCHEY: Thank you,
17 Madam President.

18 I was incredibly pleased earlier to
19 hear my colleague talk about the need to change
20 the PSC commissioner structure and the PSC,
21 because that's actually exactly what this bill
22 does. And so if that's actually something that
23 they wanted to do, they would be voting in favor
24 of it.

25 Our bill does three very simple

1 things. The first is it actually codifies in
2 statute affordability as part of the mandate of
3 the PSC. The PSC's mandate talks about public
4 safety, it talks about performance, but it
5 doesn't actually talk about affordability.

6 We are putting in statute that in
7 rate cases the PSC actually has to take into
8 account affordability for the first time.

9 The second thing our bill does is it
10 adds a consumer advocate to the board of
11 commissioners of the PSC. That's a second
12 consumer advocate to make sure that in these rate
13 cases they're actually looking out for the
14 consumer. That's great.

15 The third thing this bill does is it
16 actually implements effectively a two-year
17 lobbying ban. Oftentimes we see people who want
18 to become PSC commissioners or who previous
19 governors have put on the PSC in the past who
20 come from the exact companies that they are then
21 regulating through rate cases.

22 Our bill says, in the same way we
23 all have here in this chamber and in the
24 Legislature a two-year lobbying ban, you cannot
25 join the PSC for two years if you come from one

1 of those industries.

2 Pretty simple bill. Three important
3 things that actually does exactly what our
4 colleagues were talking about, and now that's
5 what our bill is doing.

6 Thank you to all my colleagues who
7 are voting for this bill. I encourage our other
8 colleagues to do that. And I vote aye.

9 Thank you, Madam President.

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

12 Announce the results.

13 THE SECRETARY: In relation to
14 Calendar 147, voting in the negative are
15 Senators Ashby, Borrello, Canzoneri-Fitzpatrick,
16 Chan, Gallivan, Griffo, Helming, Martins,
17 Mattera, Murray, Oberacker, O'Mara, Ortt, Rhoads,
18 Rolison, Stec, Tedisco, Walczyk, Weber and Weik.

19 Ayes, 42. Nays, 20.

20 ACTING PRESIDENT PERSAUD: The bill
21 is passed.

22 THE SECRETARY: Calendar Number
23 148, Senate Print 7693, by Senator Mayer, an act
24 to amend the Public Service Law.

25 ACTING PRESIDENT PERSAUD: Read the

1 last section.

2 THE SECRETARY: Section 2. This
3 act shall take effect on the 180th 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: In relation to
11 Calendar 148, voting in the negative are
12 Senators Borrello and O'Mara.

13 Ayes, 60. Nays, 2.

14 ACTING PRESIDENT PERSAUD: The bill
15 is passed.

16 THE SECRETARY: Calendar Number
17 156, Assembly Bill Number 9464, by
18 Assemblymember Bronson, an act to amend the
19 Labor Law.

20 ACTING PRESIDENT PERSAUD: Read the
21 last section.

22 THE SECRETARY: Section 3. This
23 act shall take effect on the same date and in the
24 same manner as a chapter of the Laws of 2025.

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 156, voting in the negative are
7 Senators Helming and Walczyk.

8 Ayes, 60. Nays, 2.

9 ACTING PRESIDENT PERSAUD: The bill
10 is passed.

11 THE SECRETARY: Calendar Number
12 157, Senate Print 8836, by Senator Serrano, an
13 act to amend the Environmental Conservation Law.

14 ACTING PRESIDENT PERSAUD: Read the
15 last section.

16 THE SECRETARY: Section 2. This
17 act shall take effect on the same date and in the
18 same manner as a chapter of the Laws of 2025.

19 ACTING PRESIDENT PERSAUD: Call the
20 roll.

21 (The Secretary called the roll.)

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

24 SENATOR MARTINS: Thank you,
25 Madam President.

1 You know, this is a chapter
2 amendment on a bill that was passed last year,
3 Senate 1069.

4 1069 did not allow and would not
5 allow gas or oil drilling on state forests,
6 reforestation areas, and wildlife management
7 areas. It's a great bill.

8 Unfortunately, Madam President, I
9 was not here that day, I was excused, and so I
10 wasn't able to vote yes on that bill that was
11 sponsored by my friend and colleague
12 Senator Serrano.

13 But this bill, Madam President, this
14 bill does something different. This bill
15 actually says if you already have a lease in
16 place that allows you to drill on state
17 forestland, reforestation areas, and wildlife
18 management areas, then you can just go ahead and
19 do it. You can continue to do it, and you can
20 transfer it.

21 So let's think about that for a
22 second. I know that everyone who voted for the
23 original bill and wanted to see that activity
24 stopped in these areas for sure would also want
25 to vote against this bill, which would allow

1 people to continue to do the very thing that the
2 original bill said we shouldn't be doing.
3 Because if we voted as a body not to do that
4 originally, then to be consistent we certainly
5 would want to not allow it to continue,
6 Madam President.

7 So I'm curious. It's a chapter
8 amendment. I have to assume that someone made it
9 a requirement in order to sign it into law. I
10 think we all understand who that someone is. But
11 it's wrong. It's wrong.

12 Let's preserve our forests. Let's
13 preserve our natural parks and forests and
14 wildlife management areas and reforestation
15 areas. Because, Madam President, I know that all
16 of us here in the room believe in the old proverb
17 we don't inherit the land from our parents, we
18 borrow it from our children.

19 I vote no.

20 ACTING PRESIDENT PERSAUD: Senator
21 Martins to be recorded in the negative.

22 Announce the results.

23 THE SECRETARY: In relation to
24 Calendar 157, voting in the negative are
25 Senators Martins, Oberacker, O'Mara and Ortt.

1 Ayes, 58. Nays, 4.

2 ACTING PRESIDENT PERSAUD: The bill
3 is passed.

4 THE SECRETARY: Calendar Number
5 158, Assembly Bill Number 9433, by
6 Assemblymember Woerner, an act to amend the
7 General Municipal Law.

8 ACTING PRESIDENT PERSAUD: Read the
9 last section.

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

12 ACTING PRESIDENT PERSAUD: Call the
13 roll.

14 (The Secretary called the roll.)

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

17 SENATOR BORRELLO: Thank you,
18 Madam President.

19 I don't have an issue with trying to
20 provide ways for many of these not-for-profits
21 that are struggling from being able to garner
22 some new revenue. What I oppose is the fact of
23 the fundamentally unfair position we're in right
24 now where the Seneca Nation still does not have a
25 compact with the State of New York.

1 That something like this may very
2 well have a negative impact because of the lack
3 of controls in place with a system like this, and
4 the fact that they will be very much like a
5 gaming machine inside of a club, with no real
6 protections from making sure that minors aren't
7 using it and so forth.

8 So we've spent some time on this. I
9 wish this was a better way to do this, to provide
10 revenue to some of these struggling
11 not-for-profit clubs, fire halls and so forth.
12 But the big picture is we've really ignored, and
13 the Governor has ignored, the responsibility of
14 negotiating and signing a fair compact for the
15 Seneca Nation.

16 So I'll be voting no. Thank you.

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

19 Announce the results.

20 THE SECRETARY: In relation to
21 Calendar 158, voting in the negative are
22 Senators Borrello, Ortt and Skoufis.

23 Ayes, 59. Nays, 3.

24 ACTING PRESIDENT PERSAUD: The bill
25 is passed.

1 THE SECRETARY: Calendar Number
2 166, Senate Print 555, by Senator Krueger, an act
3 to amend the Public Health Law.

4 ACTING PRESIDENT PERSAUD: Read the
5 last section.

6 THE SECRETARY: Section 3. 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: Ayes, 62.

14 ACTING PRESIDENT PERSAUD: The bill
15 is passed.

16 THE SECRETARY: Calendar Number
17 189, Senate Print 8406, by Senator Sanders, an
18 act to amend the Banking Law.

19 ACTING PRESIDENT PERSAUD: Read the
20 last section.

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

23 ACTING PRESIDENT PERSAUD: Call the
24 roll.

25 (The Secretary called the roll.)

1 ACTING PRESIDENT PERSAUD: Announce
2 the results.

3 THE SECRETARY: In relation to
4 Calendar 189, voting in the negative:
5 Senator Walczyk.

6 Ayes, 61. Nays, 1.

7 ACTING PRESIDENT PERSAUD: The bill
8 is passed.

9 THE SECRETARY: Calendar Number
10 191, Senate Print 681, by Senator Martinez, an
11 act to amend the Labor Law.

12 ACTING PRESIDENT PERSAUD: Read the
13 last section.

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

16 ACTING PRESIDENT PERSAUD: Call the
17 roll.

18 (The Secretary called the roll.)

19 ACTING PRESIDENT PERSAUD: Announce
20 the results.

21 THE SECRETARY: In relation to
22 Calendar 191, voting in the negative are
23 Senators Fahy, Helming, Oberacker, O'Mara,
24 Rhoads, Skoufis, Walczyk, Weber and Weik. Also
25 Senator Tedisco.

1 Ayes, 52. Nays, 10.

2 ACTING PRESIDENT PERSAUD: The bill
3 is passed.

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

6 SENATOR GIANARIS: Let's take up
7 the controversial calendar, please.

8 ACTING PRESIDENT PERSAUD: The
9 Secretary will ring the bell.

10 The Secretary will read.

11 THE SECRETARY: Calendar Number 49,
12 Assembly Bill 9515, by Assemblymember Paulin, an
13 act to amend the Public Health Law.

14 ACTING PRESIDENT PERSAUD: Senator
15 Borrello, why do you rise?

16 SENATOR BORRELLO: Madam President,
17 good afternoon.

18 ACTING PRESIDENT PERSAUD: Good
19 afternoon.

20 SENATOR BORRELLO: Would the
21 sponsor yield for a question.

22 ACTING PRESIDENT PERSAUD: Will the
23 sponsor yield?

24 SENATOR RIVERA: Yes,
25 Madam President.

1 ACTING PRESIDENT PERSAUD: The
2 sponsor yields.

3 SENATOR BORRELLO: Thank you.
4 Through you, Madam President.

5 I realize that this is making
6 changes to the assisted suicide, slash, Medical
7 Aid in Dying bill the Governor has yet to sign.
8 But I have some questions on some of the new
9 language.

10 First of all, it requires now that
11 essentially a recorded video testimony for
12 someone who's going to be utilizing these suicide
13 drugs, and it has to be kept on record. But the
14 question is, who are these records being kept by
15 and for how long?

16 SENATOR RIVERA: Through you,
17 Madam President.

18 First of all, as -- although I
19 certainly am looking forward to the conversation
20 I'll have with my colleague, I must just strongly
21 object to the notion that this should be just
22 referred to -- this is an important piece of
23 legislation, Madam President, because it makes us
24 the 13th state in the nation where an individual
25 who has -- who is in pain, who is fully of sound

1 mind but who considers -- who is seriously ill
2 and at the end of their life, could choose to, on
3 their own terms and with full dignity, choose to
4 bring that life to an end.

5 And so as we talk about it, I just
6 would like to just point that out, that it is an
7 important bill.

8 And as it relates to this
9 particular -- to this particular issue, as far as
10 who keeps those records -- one second,
11 Madam President.

12 Through you, Madam President. First
13 of all, a small correction to my colleague's
14 statement. It is not only a video, but it can
15 also be a recording.

16 And the physician who is the
17 attending physician would be responsible for
18 maintaining this record, much like any other
19 medical record that they are responsible for
20 maintaining in the case of caring for anybody
21 else.

22 SENATOR BORRELLO: Madam President,
23 will the sponsor continue to yield?

24 ACTING PRESIDENT PERSAUD: Will the
25 sponsor yield?

1 SENATOR RIVERA: I will.

2 ACTING PRESIDENT PERSAUD: The
3 sponsor yields.

4 SENATOR BORRELLO: Thank you.

5 Through you, Madam President. So
6 would this be then part of a Department of Health
7 audit of that physician to ensure?

8 And how long -- the second part of
9 my question was how long would that record be
10 kept, have to be required to be kept for?

11 SENATOR RIVERA: Through you,
12 Madam President.

13 First of all, the -- as far as how
14 long the records should be kept, the records
15 would have the same standards as any other
16 medical record. As if you go to a dentist or you
17 go to a podiatrist, that physician keeps those
18 records for the length of their practice. And
19 they would probably maintain those records even
20 after they've stopped practicing.

21 But the -- the -- I will say,
22 through you, Madam President, if I may ask my
23 colleague to clarify, the first part of the
24 question referred to something that he referred
25 to as a Department of Health audit. I'm not sure

1 what that was in reference to.

2 ACTING PRESIDENT PERSAUD: Senator,
3 can you clarify?

4 SENATOR BORRELLO: Yes, thank you,
5 Madam President. It's my understanding the
6 Department of Health could audit those records
7 from the -- for a doctor.

8 In other words, the Department of
9 Health has certain I guess audit authority. And
10 would they be auditing those records to ensure
11 that that recording is there as part of that --
12 ensuring the maintenance of that recording?

13 SENATOR RIVERA: Through you,
14 Madam President. I would argue that certainly
15 the Department of Health has the authority to --
16 I'm not sure we'd call it an audit, but there
17 is -- certainly the Department of Health would
18 have the authority to determine any medical
19 practitioner's -- what -- you know, to be able to
20 look into any medical practitioner's practice, if
21 you will, to determine whether they are following
22 the law and whether they're being -- and whether
23 they're being ethical in the way that they
24 conduct themselves.

25 So I'm not sure that this would be

1 any different from any other medical procedure.
2 There would be -- the Department of Health would
3 have the authority to be able to look into any
4 practitioner's records to determine whether
5 they're following the law and whether they're
6 acting ethically.

7 SENATOR BORRELLO: Thank you.

8 Madam President, will the sponsor
9 continue to yield?

10 ACTING PRESIDENT PERSAUD: Does the
11 sponsor yield?

12 SENATOR RIVERA: Yes,
13 Madam President.

14 ACTING PRESIDENT PERSAUD: The
15 Senator yields.

16 SENATOR BORRELLO: One of the most
17 troubling parts of this bill for me is the fact
18 that we are allowing people to walk into a
19 pharmacy and just pick up and walk out with
20 deadly drugs that are designed to end someone's
21 life. I'm very concerned about the chain of
22 custody of those deadly drugs.

23 Does this bill -- do these
24 modifications in this bill do anything to address
25 the chain of custody of these deadly drugs?

1 SENATOR RIVERA: Through you,
2 Madam President. First of all, it is incorrect
3 to say that somebody could just waltz into a CVS
4 and get suicide drugs. Wrong statement,
5 completely.

6 This bill establishes -- even before
7 the chapter amendments that we were discussing
8 before, establishes a very clear set of
9 guidelines and safeguards so that the person who
10 is choosing to take this action is -- we've
11 established that that person is fully in their
12 right mind, has -- has been not only -- not only
13 has the condition been determined by an
14 attending, but also a consulting physician that
15 the person's -- that the condition is terminal.

16 Furthermore, the folks who are
17 witnesses have to have no connection -- and
18 there's a very specific and lengthy list,
19 Madam President, of standards that have to be
20 fulfilled by the witnesses to determine that they
21 are -- that they have no connection to the
22 person, so they would not benefit from the
23 person's -- from the person's passing away.

24 Then there has to be a five-day
25 waiting period. There has to be -- and the

1 person can then -- has to, as we established
2 earlier, either leave a recorded either an audio
3 or a video message to be able to go through this
4 process.

5 So I just want to make sure that
6 we -- that we go through all of this. Because
7 over and over again the person -- the folks who
8 object to this bill seem to be discussing a bill
9 that we're not actually discussing. Whether it's
10 the bill that we passed last year or whether it's
11 the chapter amendments in front of us, they seem
12 to be talking about a bill that doesn't exist.

13 I believe that this is a bill that,
14 yes, goes farther than other -- than other bills
15 in other states -- because I'm sure that's the
16 argument my colleague will make. But unlike the
17 argument that my colleague will make, it goes far
18 beyond the safeguards that have been established
19 in other states or other countries. And these
20 safeguards have been negotiated, have been
21 established so that we can be assured that
22 there's not going to be a situation in which
23 somebody takes advantage of someone else, or
24 whether somebody can just waltz into a CVS and
25 pick up drugs and then -- as was suggested by my

1 colleague.

2 So just -- I just wanted to correct
3 that, to say that for the record. There is a
4 process that is lengthy, that is well-established
5 with all sorts of safeguards so that ultimately
6 the person that makes this decision does it in a
7 very specific way and after much consideration
8 with themselves and their family.

9 And ultimately we want to make sure
10 that they can make this decision and that -- so
11 that they can pass away with dignity and in their
12 own -- in their own time frame.

13 SENATOR BORRELLO: Madam President,
14 will the sponsor continue to yield.

15 ACTING PRESIDENT PERSAUD: Does the
16 sponsor yield?

17 SENATOR RIVERA: Yes,
18 Madam President.

19 ACTING PRESIDENT PERSAUD: The
20 sponsor yields.

21 SENATOR BORRELLO: So I didn't hear
22 an answer to my question.

23 Yes, once you go through the process
24 there's no denying that someone will walk in with
25 a script, or maybe it was sent electronically,

1 and walk out with those deadly drugs. That's all
2 I was saying.

3 Because the problem is after that
4 moment, this bill, unless I missed something,
5 doesn't address the chain of custody. Who --
6 once those drugs are gone, once they're in
7 somebody's home or wherever they might be, in a
8 hospice, wherever it might be, how are we
9 ensuring that those drugs were actually utilized
10 for the purpose of ending someone's life? When
11 someone expires or when someone passes away, who
12 is checking to make sure that they passed away
13 because they took those drugs? That's what I'm
14 talking about.

15 And what happens if they didn't? Is
16 anybody going to go out there and get those drugs
17 back that can end someone's life? That's what
18 they are designed to do.

19 SENATOR RIVERA: Madam President,
20 through you. I'll refer my colleague to page 11
21 of the bill, Section 2899, which reads in part as
22 follows: Safe disposal of unused medication. A
23 person who has custody or control of any unused
24 medication prescribed under this article after
25 the death of the qualified individual shall

1 personally deliver the unused medicine for
2 disposal to the nearest qualified facility that
3 properly -- disposes properly, I should say --
4 disposes of controlled substances, or shall
5 dispose of it by lawful means in accordance with
6 the regulation made by the commissioner,
7 regulations made by or guidelines of the
8 commissioner of education or guidelines of the
9 federal Drug Enforcement Administration-approved
10 take-back program. And it goes on to describe
11 what a qualified facility is, et cetera.

12 So in other words, Madam President,
13 it is right in the bill. There is a legal
14 requirement that the person -- that there is
15 the -- that the person who has custody or control
16 over this unused medication -- in this case, very
17 likely the physician -- would be responsible for
18 actually disposing of it in the ways that are
19 prescribed here in the bill in this section.

20 SENATOR BORRELLO: Madam President,
21 will the sponsor continue to yield.

22 ACTING PRESIDENT PERSAUD: Does the
23 sponsor yield?

24 SENATOR RIVERA: Yes,
25 Madam President.

1 ACTING PRESIDENT PERSAUD: The
2 sponsor yields.

3 SENATOR BORRELLO: I'm going to
4 have to say you're incorrect. That is not a
5 physician that is going to actually be
6 administering that drug. In fact, that's not a
7 requirement in the bill.

8 And I would appreciate that,
9 actually, if that was the case, because then you
10 could actually say, under penalty of potentially
11 malpractice, you would lose your license if you
12 didn't properly handle those drugs.

13 But that's not what this bill does.
14 What it says is, hey, you've got to take it
15 somewhere to make sure it's properly disposed of.
16 But there's no one essentially to check.

17 So how are we going to ensure that
18 someone who is issued these deadly drugs, who may
19 have died of natural causes, you know, before the
20 drugs were administered, that those drugs are not
21 in the wrong hands?

22 Again, if there was a physician --
23 if this was required to be in a hospice or in a
24 hospital or in a controlled environment with a
25 medical professional, then you might be right.

1 But that is not required by this bill.

2 SENATOR RIVERA: Madam President,
3 through you, I will correct my colleague.

4 At no time did I say that the person
5 who would be administering the medications would
6 be a physician. This is one of the -- one of the
7 important parts of this bill. The person has to
8 be able to do it themselves.

9 What I said -- and I repeat from the
10 Section 2899, on page 11, a person who has
11 custody or control of any unused medication
12 prescribed under this article after the death of
13 a qualified individual shall personally deliver
14 the unused medication, et cetera, et cetera,
15 et cetera.

16 So I am not referring,
17 Madam President, to the -- to the actual
18 providing of the -- of the -- of the drugs to the
19 individual. That is something that they must do
20 themselves.

21 Instead, we're talking about the
22 folks who are, and I repeat again, who has
23 custody -- a person who has custody or control of
24 any unused medication prescribed under this
25 article, et cetera, et cetera, et cetera.

1 SENATOR BORRELLO: Madam President,
2 will the sponsor continue to yield?

3 ACTING PRESIDENT PERSAUD: Will the
4 sponsor yield?

5 SENATOR RIVERA: Yes,
6 Madam President.

7 ACTING PRESIDENT PERSAUD: The
8 sponsor yields.

9 SENATOR BORRELLO: Okay. So we
10 know that it's not necessarily a doctor that is
11 responsible for the custody of that drug. We
12 just clarified that.

13 What is the penalty of someone who
14 does not actually turn in those deadly drugs to
15 somewhere to be properly disposed of? Is there a
16 penalty in this bill?

17 SENATOR RIVERA: Through you,
18 Madam President. In the bill itself there's no
19 specific -- there's no specific penalty, thank
20 you. There's no specific penalty that is
21 different from any other public health law in a
22 similar situation.

23 So there are other instances in
24 which a physician would be responsible for doing
25 something and there are -- in that instance there

1 are penalties that that person could incur. So
2 this bill does not create new penalties.
3 Instead, it refers -- it would be in reference
4 to any -- to penalties that already exist in
5 Public Health Law for other similar situations.

6 SENATOR BORRELLO: Madam President,
7 will the sponsor continue to yield?

8 ACTING PRESIDENT PERSAUD: Does the
9 sponsor yield?

10 SENATOR RIVERA: I do.

11 ACTING PRESIDENT PERSAUD: The
12 sponsor yields.

13 SENATOR BORRELLO: It's very common
14 practice for insurance companies, life insurance
15 companies to not pay out for suicide.

16 How does this bill protect
17 someone -- will they be able to get a life
18 insurance payout should they choose to commit
19 suicide? I think that's a real issue. So how is
20 that addressed? Because I'm told that somehow
21 the underlying bill would address that issue, but
22 I'm really not clear how that would work.

23 SENATOR RIVERA: Madam President,
24 through you, if the -- if my colleague could
25 repeat the question from the beginning.

1 SENATOR BORRELLO: So life
2 insurance companies often will not pay out for
3 someone who's committed suicide. That's a very
4 common practice for a life insurance company.

5 However, the underlying bill I was
6 told addressed that, that somehow those folks
7 would be guaranteed a payout if they commit
8 suicide through this new law.

9 How is that -- what -- in what part
10 of the structure does that actually mandate life
11 insurance companies?

12 SENATOR RIVERA: Through you,
13 Madam President. I'll refer my colleague to
14 again page 11, but a little bit further up in the
15 bill. Section 2 -- no, 3, subsection A: A
16 person and such person's beneficiaries shall not
17 be denied benefits under a life insurance policy
18 for actions taken in accordance with this
19 article.

20 SENATOR BORRELLO: Madam President,
21 will the sponsor continue to yield?

22 ACTING PRESIDENT PERSAUD: Does the
23 sponsor yield?

24 SENATOR RIVERA: Yes.

25 ACTING PRESIDENT PERSAUD: The

1 sponsor yields.

2 SENATOR BORRELLO: So how is that
3 being enforced with the life insurance company?
4 How is -- what is the state's role in ensuring
5 that that is enforced?

6 SENATOR RIVERA: Through you,
7 Madam President. It would be my sense -- I'm
8 certainly not an expert in insurance. They're my
9 favorite, though, as you know.

10 (Laughter.)

11 SENATOR RIVERA: I've told you many
12 times how they're my favorite.

13 But it would seem to me that in a
14 situation where there is a -- where there is a
15 benefit that is -- that the insurance company is
16 obligated by the contractual agreement of the --
17 of the -- of the insurance product to provide,
18 and they're denying it, then there would probably
19 be a legal process by which the family would seek
20 the benefits that they were -- that they were
21 guaranteed under the initial agreement.

22 So it would likely -- since it's
23 very clear in the bill that this is not a
24 suicide, it is medical aid in dying, and a
25 person -- and I will repeat again, Section 3,

1 Subsection A -- or 3A: A person and such
2 person's beneficiaries shall not be denied
3 benefits under a life insurance company for
4 actions taken in accordance with this article.

5 So it would -- I would -- I gather
6 that there would probably be legal action that
7 the -- that these folks would have to take
8 against the insurance company for saying that
9 they'll not provide the benefits based on the
10 action that the individual took.

11 SENATOR BORRELLO: Madam President,
12 will the sponsor continue to yield?

13 ACTING PRESIDENT PERSAUD: Does the
14 sponsor yield?

15 SENATOR RIVERA: Yes,
16 Madam President.

17 ACTING PRESIDENT PERSAUD: The
18 sponsor yields.

19 SENATOR BORRELLO: So there's no
20 real clear delineation as to how this will
21 happen. Therefore, it will require the folk,
22 the -- the survivors, the beneficiaries, to then
23 probably enact legal action, to have to spend
24 money to try to collect that.

25 Because it's my understanding that

1 the cause of death that would be listed most
2 likely on the death certificate would be the
3 disease with which they are suffering and not the
4 fact that the cause of death was suicide drugs,
5 isn't that correct?

6 SENATOR RIVERA: Through you,
7 Madam President. First of all, it is -- it is
8 not in the same -- it is not a suicide in the way
9 that someone sadly or tragically taking their own
10 life early is. That is a suicide if someone
11 takes that action.

12 This is not what this is. We keep
13 referring to it that way, but that is not what
14 this is. Right? This is an individual who has
15 been in pain for a long time, has an attending
16 physician and a consulting physician determining
17 that they are going to die from this condition.

18 They have had a conversation with
19 both of those physicians. They've had a
20 conversation with a medical practitioner that is
21 either a psychologist or a psychotherapist. They
22 have recorded or -- either in video or audio
23 form, that they have made this decision on their
24 own accord. Through all those things.

25 So first of all, that is a very

1 different thing than somebody who is suffering in
2 immense pain. That is a mental issue, as opposed
3 to this. I know that we try to -- we all try
4 to -- that you all try to conflate it. It is
5 not. This is a different situation, a very
6 different situation with a lot of safeguards that
7 go in there.

8 But regardless, this bill would
9 establish that that action that was taken is not
10 to be considered the same as a -- as a suicide.
11 Number one.

12 As far as the legal action that
13 would be taken, we would actually -- not only
14 would they seek -- could they seek legal -- legal
15 recourse; as stated in the bill specifically,
16 they cannot be denied benefits based on that
17 action.

18 But further, we could certainly talk
19 to the agency that regulates that -- that
20 insurance company, because they would be taking
21 an adverse action against one of their enrollees,
22 completely against the law that would be passed.

23 So again, the -- the fact that
24 there's no -- that there's not a play-by-play
25 here of what would happen in a situation like

1 this, it ignores the fact that in a situation
2 currently, if there is someone who has a flood
3 insurance product and something happens and they
4 are not going to -- and the company argues that
5 they are not going to pay off for whatever
6 reason, then there's a process that's already
7 established in law where they can go and fight
8 it, and sometimes they win, sometimes they don't.

9 So very similarly, this is what
10 we're talking about. So in this -- in that
11 particular instance, since your question is about
12 life insurance, I will read it one more time into
13 the record: A person or such person's -- and
14 such person's beneficiaries shall not be denied
15 benefits under a life insurance policy for
16 actions taken in accordance with this article.

17 SENATOR BORRELLO: Madam President,
18 on the bill.

19 ACTING PRESIDENT PERSAUD: Senator
20 Borrello on the bill.

21 SENATOR BORRELLO: Thank you,
22 Senator Rivera.

23 Let me reiterate what I said when we
24 first debated this bill. I have known many
25 people, including very close family members and

1 friends, who have had terminal illnesses and have
2 died a death that quite frankly wasn't dignified.
3 So I understand the purpose of this.

4 I just don't agree with the method
5 or even the fact, quite frankly, that the
6 government should be involved in this. I will
7 never agree with that. So there's no amount of
8 changes to this bill that makes it better, in my
9 opinion.

10 That being said, I have a lot of --
11 I still have a lot of concerns that even folks
12 that are in favor of allowing people to end their
13 life prematurely should still also have concerns
14 about.

15 The chain of custody that we
16 discussed. Despite what my colleague said, the
17 bottom line is you will be issued drugs that can
18 end someone's life. And there is no one, not a
19 single person, not a pharmacist, not a doctor,
20 not a member of law enforcement, not a government
21 bureaucrat -- no one is going to make sure that
22 these drugs were actually taken by the person who
23 they were prescribed to.

24 Now, we're not talking about cold
25 medicine here, we're talking about life-ending

1 drugs.

2 You know, when someone's going
3 through a terminal illness, the family members
4 suffer as well. And I can't imagine having
5 life-ending drugs in the homes of someone whose
6 child is about to lose their parent. Maybe
7 they're thinking of suicide. Maybe these pills
8 would make it that much easier for them to do so.

9 And as far as ensuring that we know
10 someone actually who is ill, terminally ill, took
11 that medication themselves, well, I can tell
12 you -- because I have unfortunately close
13 personal experience with the disease ALS -- that
14 when you're at the end of your life, you're not
15 physically able to put a pill in your mouth. How
16 are we going to ensure that that person was not
17 murdered by having someone else give them those
18 drugs? Even if it was a compassionate thing that
19 they were trying to do.

20 We cannot prove that, because we're
21 not doing this in a controlled environment, it's
22 being administered by a healthcare professional,
23 and no one will be there when it happens. That's
24 the problem with this bill.

25 You know, after this bill passed

1 last year I had a meeting, I was requested a
2 meeting by some self-advocates, people with
3 developmental disabilities, at the
4 Resource Center in my district. I went there
5 thinking we're going to have some doughnuts and
6 coffee and chat like we always do.

7 No. This time they turned into
8 political self-advocates. They asked me about
9 this bill. They are frightened about the results
10 of this bill because in other countries, in other
11 areas, people with developmental disabilities are
12 being allowed to end their life.

13 This is the slippery slope we are
14 on, folks. Make no mistake about it. It's
15 happening in Canada, it's happening elsewhere.
16 It's a very slippery slope. It's devaluing life.

17 Those self-advocates, those people
18 who every day spend their life with horrible
19 disabilities, that have a good quality of life,
20 are worried that their friends, people that they
21 know, may one day decide to choose to end their
22 life even though really it doesn't qualify.

23 And the last thing I'll say is this.
24 Right now doctors are telling someone that they
25 only have six months to live or less. Those

1 physicians are only right 20 percent of time.

2 Twenty percent.

3 I will bet you every single person
4 in this room knows somebody that was told that
5 they have six months or less to live that are
6 still alive today, that live much longer than
7 six months. That were there for their children,
8 their grandchildren, their parents. And they
9 would have ended that life prematurely with this
10 bill. They would -- they'd take themselves away
11 from their family prematurely.

12 This is not the role of government,
13 folks. It's not. I'm going to be voting no once
14 again.

15 Thank you.

16 ACTING PRESIDENT PERSAUD: Thank
17 you, Senator.

18 Are there any other Senators wishing
19 to be heard?

20 Seeing and hearing none, debate is
21 closed.

22 Senator Gianaris.

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

1 Can we take it up that way, please.

2 ACTING PRESIDENT PERSAUD: The
3 Secretary will read. Read the last section.

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

6 ACTING PRESIDENT PERSAUD: Call the
7 roll.

8 (The Secretary called the roll.)

9 ACTING PRESIDENT PERSAUD: Senator
10 Rivera to explain his vote.

11 SENATOR RIVERA: Thank you,
12 Madam President.

13 I want to thank the -- first of all,
14 our colleague who's not here, Senator Brad
15 Hoylman-Sigal, who is the person that got this
16 over the finish line in the Senate. And
17 certainly my colleague in the Assembly,
18 Amy Paulin, who carried it over there.

19 But ultimately I want to thank all
20 of the advocates who have been coming up here for
21 so many years. Because this ultimately,
22 Madam President, is about an individual choosing
23 how they go out.

24 And we're not talking about just any
25 individual under any circumstance. We're talking

1 about someone who in Section -- on page 4,
2 Section 4, no person shall qualify for medical
3 aid in dying under this article solely because of
4 age or disability. We're not talking about
5 somebody who's just very old or a disabled
6 person.

7 No, we're talking about someone who
8 is 18 years or older, someone who has a diagnosed
9 life condition, a condition that will take their
10 life. An attending physician and a consulting
11 physician are making the determination that this
12 person has less than six months to live.

13 Then that person making the
14 determination about their quality of life --
15 they're the ones who decide. They're the ones
16 who live with that pain every single day, and
17 they want to be able to say, I -- I want to
18 actually end my life on my own terms.

19 And they do so clearly,
20 Madam President. The chapter amendments that we
21 have before us not only create a waiting period,
22 so somebody has the time to talk with their
23 family, talk with themselves, talk with their
24 faith leaders, et cetera.

25 We have an in-person evaluation that

1 has to happen for an attending and a consulting
2 physician. We have mental health evaluations
3 that are separate from the attending or
4 consulting physician. We have the effective date
5 so that there will be a period of six months
6 after this bill is signed into law for
7 regulations to be created.

8 The residency requirement, the
9 witnesses and interpreters, the records of
10 request -- all of these things are added
11 safeguards. Because at the core of it, of course
12 all of us are concerned about creating a
13 situation in which somebody would take advantage
14 of any type of bill to actually say that somebody
15 who is elderly or disabled should pass away.
16 That is never what this bill has been about.

17 It has always been about creating a
18 set of conditions where someone on their own can
19 make a decision about what their life needs to
20 be. And many times, Madam President, with their
21 family there with them. There's many times when
22 we have heard of individuals who sit next to
23 their family members as they have passed away
24 after a long and long, protracted, painful life.
25 Or a painful illness.

1 In this case the decision can be
2 made by someone to say: On Saturday at 4 p.m.,
3 surrounded by my family and friends, I will end
4 my life on my own terms. That can happen. And
5 it will happen with the bill that we're passing
6 today and that the Governor will sign.

7 So I thank the advocates for
8 bringing it to us. I thank my colleagues for
9 voting for it. And I am very much proud to be
10 the sponsor of the chapter amendment to make sure
11 that it's a reality.

12 Thank you, Madam President. I vote
13 in the affirmative.

14 ACTING PRESIDENT PERSAUD: Senator
15 Rivera to be recorded in the affirmative.

16 Senator Weber to explain his vote.

17 SENATOR WEBER: Thank you,
18 Madam President.

19 I rise today not in anger but in
20 sorrow. Sorrow for where we're headed as a state
21 if we allow the proposed assisted suicide bill to
22 become law.

23 I'm still very concerned with the
24 dangerous road that we continue to head down
25 today. I fear a road towards euthanasia being

1 legalized, just as I was just concerned --
2 equally concerned last year.

3 Supporters of this bill claim that
4 it is -- that it is compassion. But compassion
5 without transparency is not mercy, it is neglect
6 and coercion cloaked in kindness. Thousands of
7 my constituents have contacted my office to
8 oppose this dangerous and reckless legislation.

9 This bill abandons the vulnerable,
10 our seniors, those living with disabilities, and
11 those in their darkest moments.

12 In fact, we've received more calls
13 on this bill than any other issue since I've
14 taken office three years ago. This bill may be
15 well-intentioned, but the minor changes to this
16 bill that were debated in this chamber today and
17 several months ago do little to address the
18 opposition of the overwhelming majority of my
19 constituents and me as their representative in
20 this chamber.

21 I will once again be voting no, and
22 encourage all my colleagues from across the
23 aisle -- whom we had many last time -- to do the
24 same. Let's protect the sanctity of life
25 together.

1 I vote no.

2 ACTING PRESIDENT PERSAUD: Senator
3 Weber to be recorded in the negative.

4 Announce the results.

5 THE SECRETARY: In relation to
6 Calendar 49, voting in the negative are
7 Senators Ashby, Baskin, Borrello, Bynoe,
8 Canzoneri-Fitzpatrick, Chan, Cleare, Gallivan,
9 Griffo, Helming, Lanza, Martinez, Martins,
10 Mattera, Murray, Oberacker, O'Mara, Ortt,
11 Palumbo, Persaud, Rhoads, Rolison, Stec, Sutton,
12 Tedisco, Walczyk, Weber and Weik.

13 Ayes, 34. Nays, 28.

14 ACTING PRESIDENT PERSAUD: The bill
15 is passed.

16 Senator Gianaris.

17 SENATOR GIANARIS: Madam President,
18 with respect to Calendars 138 and 141, we will be
19 laying those aside for the day.

20 ACTING PRESIDENT PERSAUD:
21 Calendars 138 and 141 will be laid aside for the
22 day.

23 SENATOR GIANARIS: And with that,
24 is there any further business at the desk?

25 ACTING PRESIDENT PERSAUD: There is

1 no further business at the desk.

2 SENATOR GIANARIS: I move to
3 adjourn until tomorrow, Thursday, February 5th,
4 at 11:00 a.m.

5 ACTING PRESIDENT PERSAUD: On
6 motion, the Senate stands adjourned until
7 Thursday, February 5th, at 11:00 a.m.

8 Senate is adjourned.

9 (Whereupon, at 5:54 p.m., the Senate
10 adjourned.)

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