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

ACTING PRESIDENT COONEY: The Senate will come to order.

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

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

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

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

ACTING PRESIDENT COONEY: Reading of the Journal.

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

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

Presentation of petitions.

Messages from the Assembly.

The Secretary will read.

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

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

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

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

ACTING PRESIDENT COONEY: So ordered.

Messages from the Governor.

Reports of standing committees.

Reports of select committees.

Communications and reports from state officers.

Motions and resolutions.

Senator Gianaris.

SENATOR GIANARIS: Good afternoon, Mr. President.

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

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

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

Majority Leader Stewart-Cousins.

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

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

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

(Laughter.)

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

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

the Council.

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

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

Senator Erik Bottcher.

(Standing ovation.)

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

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

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

(Laughter.)

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

(Laughter.)

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

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

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

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

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

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

Congratulations.

(Standing ovation.)

ACTING PRESIDENT COONEY: Thank you, Majority Leader.

Senator Gianaris.

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

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

(Response of "Aye.")

ACTING PRESIDENT COONEY: Opposed, nay.

(No response.)

ACTING PRESIDENT COONEY: The

Resolution Calendar is adopted.

Senator Gianaris.

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

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

The Secretary will read.

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

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

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

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

liberation of millions of African Americans; and

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

ACTING PRESIDENT COONEY: Senator Gianaris.

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

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

ACTING PRESIDENT COONEY: Senator Ramos for an introduction.

SENATOR RAMOS: Thank you,

Mr. President.

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

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

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

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

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

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

Bienvenido, Señor Consul.

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

Please rise and be recognized.

(Standing ovation.)

ACTING PRESIDENT COONEY: Senator Bailey on the privileged resolution.

SENATOR BAILEY: Thank you, Mr. President.

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

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

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

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

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

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

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

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

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

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

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

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

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

You see where we're going. It is

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

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

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

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

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

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

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

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

(Laughter.)

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

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

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

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

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

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

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

Every New Year's my family and many

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

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

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

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

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

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

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

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

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

American history.

Happy Black History Month, everybody.

ACTING PRESIDENT COONEY: Thank you, Senator Bailey.

Senator Baskin on the resolution.

SENATOR BASKIN: Thank you, Mr. President.

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

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

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

What's happening in the

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

while white families were built on generational wealth.

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

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

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

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

In closing, Mr. President, I believe

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

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

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

Thank you, Mr. President.

ACTING PRESIDENT COONEY: Thank you, Senator Baskin.

Senator Sanders on the resolution.

SENATOR SANDERS: Thank you, Mr. President.

I'm almost scared to go after Senator Baskin.

(Laughter.)

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

opportunity to speak.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Thank you.

ACTING PRESIDENT COONEY: Thank you, Senator Sanders.

Senator Scarcella-Spanton on the resolution.

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

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

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

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

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

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

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

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

residents.

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

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

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

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

Thank you.

ACTING PRESIDENT COONEY: Thank you, Senator.

Senator Brisport on the resolution.

SENATOR BRISPORT: Thank you, Mr. President.

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

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

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

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

Next, Claudia Jones, who was

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

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

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

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

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

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

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

Thank you.

ACTING PRESIDENT COONEY: Thank you, Senator Brisport.

Senator Parker on the resolution.

SENATOR PARKER: Thank you, Mr. President.

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

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

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

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

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

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

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

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

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

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

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

(Laughter.)

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(Laughter.)

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(Laughter.)

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

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

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

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

"For our people everywhere, then:

"For Shaka, Samory, and Nzingha and

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

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

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

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

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

And that's from Dr. Maulana Karenga.

And I thank you, Mr. President. Ashay.

ACTING PRESIDENT COONEY: Thank you, Senator Parker.

Senator Ramos on the resolution.

SENATOR RAMOS: Thank you, Mr. President.

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

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

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

day.

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

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

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

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

Black history too.

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

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

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

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

Thank you.

ACTING PRESIDENT COONEY: Thank you, Senator Ramos.

Senator May on the resolution.

SENATOR MAY: Thank you, Mr. President.

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

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

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

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

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

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

Thank you.

ACTING PRESIDENT COONEY: Thank you, Senator May.

Senator Cleare on the resolution.

SENATOR CLEARE: Thank you, Mr. President.

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

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

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

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

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

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

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

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

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

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

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

I proudly vote aye, Mr. President.

ACTING PRESIDENT COONEY: Thank you, Senator Cleare.

The question is on the resolution.

SENATOR COMRIE: Whoa, whoa, whoa.

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

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

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

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

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

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

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

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

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

Honoring Black history means committing ourselves to policies that promote

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

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

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

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

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

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

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

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

Thank you, Mr. President.

ACTING PRESIDENT COONEY: Thank you, Senator Comrie.

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

(Response of "Aye.")

ACTING PRESIDENT COONEY: Opposed, nay.

(No response.)

ACTING PRESIDENT COONEY: The

resolution is adopted.

Senator Gianaris.

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

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

Senator Gianaris.

SENATOR GIANARIS: Please take up the calendar.

ACTING PRESIDENT COONEY: The Secretary will read.

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

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

ACTING PRESIDENT COONEY: Substitution so ordered.

The Secretary will read.

THE SECRETARY: Calendar Number 49,

Assembly Bill 9515, by Assemblymember Paulin --

SENATOR STEC: Lay it aside.

ACTING PRESIDENT COONEY: The bill will be laid aside.

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

ACTING PRESIDENT COONEY: Read the last section.

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

ACTING PRESIDENT COONEY: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT COONEY: Announce the results.

THE SECRETARY: Ayes, 62.

ACTING PRESIDENT COONEY: The bill is passed.

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

ACTING PRESIDENT COONEY: Read the last section.

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

ACTING PRESIDENT COONEY: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT COONEY: Announce the results.

THE SECRETARY: Ayes, 62.

ACTING PRESIDENT COONEY: The bill is passed.

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

ACTING PRESIDENT COONEY: Read the last section.

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

ACTING PRESIDENT COONEY: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT COONEY: Announce the results.

THE SECRETARY: Ayes, 62.

ACTING PRESIDENT COONEY: The bill

is passed.

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

ACTING PRESIDENT COONEY: Read the last section.

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

ACTING PRESIDENT COONEY: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT COONEY: Announce the results.

THE SECRETARY: Ayes, 62.

ACTING PRESIDENT COONEY: The bill is passed.

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

ACTING PRESIDENT COONEY: Read the last section.

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

ACTING PRESIDENT COONEY: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT COONEY: Announce the results.

THE SECRETARY: Ayes, 62.

ACTING PRESIDENT COONEY: The bill is passed.

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

ACTING PRESIDENT COONEY: Read the last section.

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

ACTING PRESIDENT COONEY: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT COONEY: Senator Walczyk to explain his vote.

SENATOR WALCZYK: Thank you, Mr. President.

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

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

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

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

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

Thank you, Mr. President.

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

Announce the results.

THE SECRETARY: In relation to

Calendar 137, voting in the negative:
Senator Walczyk.
Ayes, 61. Nays, 1.
ACTING PRESIDENT COONEY: The bill is passed.
THE SECRETARY: Calendar Number 138, Senate Print 1329, by Senator Parker, an act to amend the Public Service Law.
SENATOR LANZA: Lay it aside.
ACTING PRESIDENT COONEY: The bill will be laid aside.
THE SECRETARY: Calendar Number 141, Senate Print 1847, by Senator Comrie, an act to amend the Public Service Law.
SENATOR LANZA: Lay it aside.
ACTING PRESIDENT COONEY: The bill will be laid aside.
THE SECRETARY: Calendar Number 142, Senate Print 1896, by Senator Mayer, an act to amend the Public Service Law.
ACTING PRESIDENT COONEY: Read the last section.
THE SECRETARY: Section 3. This act shall take effect one year after it shall have become a law.

ACTING PRESIDENT COONEY: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT COONEY: Senator Mayer to explain her vote.

SENATOR MAYER: Thank you, Mr. President.

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

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

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

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

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

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

I proudly vote aye.

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

Senator Martins to explain his vote.

SENATOR MARTINS: Thank you, Mr. President.

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

But I do have concerns, because we

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

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

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

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

Thank you.

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

Senator Tedisco to explain his vote.

SENATOR TEDISCO: Thank you.

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

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

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

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

representatives.

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

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

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

You don't want to do that, because

you don't want a ratepayer protection act --

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

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

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

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

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

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

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

Senator Harckham to explain his vote.

SENATOR HARCKHAM: Thank you, Madam President.

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

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

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

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

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

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

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

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

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

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

Announce the results.

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

Ayes, 53. Nays, 9.

ACTING PRESIDENT PERSAUD: The bill is passed.

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

ACTING PRESIDENT PERSAUD: Read the last section.

THE SECRETARY: Section 3. This act shall take effect on the 60th day after it shall have become a law.

ACTING PRESIDENT PERSAUD: Call the

roll.

(The Secretary called the roll.)

ACTING PRESIDENT PERSAUD: Announce the results.

THE SECRETARY: In relation to Calendar 143, voting in the negative:

Senator Borrello.

Ayes, 61. Nays, 1.

ACTING PRESIDENT PERSAUD: The bill is passed.

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

ACTING PRESIDENT PERSAUD: Read the last section.

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

ACTING PRESIDENT PERSAUD: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT PERSAUD: Announce the results.

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

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

Ayes, 44. Nays, 18.

ACTING PRESIDENT PERSAUD: The bill is passed.

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

ACTING PRESIDENT PERSAUD: Read the last section.

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

ACTING PRESIDENT PERSAUD: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT PERSAUD: Announce the results.

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

Ayes, 42. Nays, 20.

ACTING PRESIDENT PERSAUD: The bill is passed.

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

ACTING PRESIDENT PERSAUD: Read the last section.

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

ACTING PRESIDENT PERSAUD: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT PERSAUD: Senator Hinchey to explain her vote.

SENATOR HINCHEY: Thank you, Madam President.

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

Our bill does three very simple

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

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

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

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

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

of those industries.

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

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

Thank you, Madam President.

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

Announce the results.

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

Ayes, 42. Nays, 20.

ACTING PRESIDENT PERSAUD: The bill is passed.

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

ACTING PRESIDENT PERSAUD: Read the

last section.

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

ACTING PRESIDENT PERSAUD: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT PERSAUD: Announce the results.

THE SECRETARY: In relation to Calendar 148, voting in the negative are Senators Borrello and O'Mara.

Ayes, 60. Nays, 2.

ACTING PRESIDENT PERSAUD: The bill is passed.

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

ACTING PRESIDENT PERSAUD: Read the last section.

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

ACTING PRESIDENT PERSAUD: Call the

roll.

(The Secretary called the roll.)

ACTING PRESIDENT PERSAUD: Announce the results.

THE SECRETARY: In relation to Calendar 156, voting in the negative are Senators Helming and Walczyk.

Ayes, 60. Nays, 2.

ACTING PRESIDENT PERSAUD: The bill is passed.

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

ACTING PRESIDENT PERSAUD: Read the last section.

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

ACTING PRESIDENT PERSAUD: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT PERSAUD: Senator Martins to explain his vote.

SENATOR MARTINS: Thank you, Madam President.

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

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

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

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

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

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

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

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

I vote no.

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

Announce the results.

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

Ayes, 58. Nays, 4.

ACTING PRESIDENT PERSAUD: The bill is passed.

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

ACTING PRESIDENT PERSAUD: Read the last section.

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

ACTING PRESIDENT PERSAUD: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT PERSAUD: Senator Borrello to explain his vote.

SENATOR BORRELLO: Thank you, Madam President.

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

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

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

So I'll be voting no. Thank you.

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

Announce the results.

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

Ayes, 59. Nays, 3.

ACTING PRESIDENT PERSAUD: The bill is passed.

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

ACTING PRESIDENT PERSAUD: Read the last section.

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

ACTING PRESIDENT PERSAUD: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT PERSAUD: Announce the results.

THE SECRETARY: Ayes, 62.

ACTING PRESIDENT PERSAUD: The bill is passed.

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

ACTING PRESIDENT PERSAUD: Read the last section.

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

ACTING PRESIDENT PERSAUD: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT PERSAUD: Announce the results.

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

Ayes, 61. Nays, 1.

ACTING PRESIDENT PERSAUD: The bill is passed.

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

ACTING PRESIDENT PERSAUD: Read the last section.

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

ACTING PRESIDENT PERSAUD: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT PERSAUD: Announce the results.

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

Ayes, 52. Nays, 10.

ACTING PRESIDENT PERSAUD: The bill is passed.

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

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

ACTING PRESIDENT PERSAUD: The Secretary will ring the bell.

The Secretary will read.

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

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

SENATOR BORRELLO: Madam President, good afternoon.

ACTING PRESIDENT PERSAUD: Good afternoon.

SENATOR BORRELLO: Would the sponsor yield for a question.

ACTING PRESIDENT PERSAUD: Will the sponsor yield?

SENATOR RIVERA: Yes, Madam President.

ACTING PRESIDENT PERSAUD: The sponsor yields.

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

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

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

SENATOR RIVERA: Through you, Madam President.

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

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

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

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

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

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

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

ACTING PRESIDENT PERSAUD: Will the sponsor yield?

SENATOR RIVERA: I will.

ACTING PRESIDENT PERSAUD: The sponsor yields.

SENATOR BORRELLO: Thank you.

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

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

SENATOR RIVERA: Through you, Madam President.

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

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

what that was in reference to.

ACTING PRESIDENT PERSAUD: Senator, can you clarify?

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

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

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

So I'm not sure that this would be

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

SENATOR BORRELLO: Thank you.

Madam President, will the sponsor continue to yield?

ACTING PRESIDENT PERSAUD: Does the sponsor yield?

SENATOR RIVERA: Yes, Madam President.

ACTING PRESIDENT PERSAUD: The Senator yields.

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

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

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

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

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

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

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

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

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

colleague.

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

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

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

ACTING PRESIDENT PERSAUD: Does the sponsor yield?

SENATOR RIVERA: Yes, Madam President.

ACTING PRESIDENT PERSAUD: The sponsor yields.

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

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

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

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

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

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

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

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

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

ACTING PRESIDENT PERSAUD: Does the sponsor yield?

SENATOR RIVERA: Yes, Madam President.

ACTING PRESIDENT PERSAUD: The sponsor yields.

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

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

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

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

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

But that is not required by this bill.

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

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

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

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

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

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

ACTING PRESIDENT PERSAUD: Will the sponsor yield?

SENATOR RIVERA: Yes, Madam President.

ACTING PRESIDENT PERSAUD: The sponsor yields.

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

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

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

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

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

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

ACTING PRESIDENT PERSAUD: Does the sponsor yield?

SENATOR RIVERA: I do.

ACTING PRESIDENT PERSAUD: The sponsor yields.

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

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

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

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

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

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

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

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

ACTING PRESIDENT PERSAUD: Does the sponsor yield?

SENATOR RIVERA: Yes.

ACTING PRESIDENT PERSAUD: The

sponsor yields.

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

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

(Laughter.)

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

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

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

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

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

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

ACTING PRESIDENT PERSAUD: Does the sponsor yield?

SENATOR RIVERA: Yes, Madam President.

ACTING PRESIDENT PERSAUD: The sponsor yields.

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

Because it's my understanding that

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

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

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

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

So first of all, that is a very

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

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

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

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

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

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

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

SENATOR BORRELLO: Madam President, on the bill.

ACTING PRESIDENT PERSAUD: Senator Borrello on the bill.

SENATOR BORRELLO: Thank you, Senator Rivera.

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

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

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

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

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

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

drugs.

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

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

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

You know, after this bill passed

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

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

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

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

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

physicians are only right 20 percent of time. Twenty percent.

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

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

Thank you.

ACTING PRESIDENT PERSAUD: Thank you, Senator.

Are there any other Senators wishing to be heard?

Seeing and hearing none, debate is closed.

Senator Gianaris.

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

Can we take it up that way, please.

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

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

ACTING PRESIDENT PERSAUD: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT PERSAUD: Senator Rivera to explain his vote.

SENATOR RIVERA: Thank you, Madam President.

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

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

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

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

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

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

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

We have an in-person evaluation that

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

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

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

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

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

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

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

Senator Weber to explain his vote.

SENATOR WEBER: Thank you, Madam President.

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

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

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

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

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

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

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

I vote no.

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

Announce the results.

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

Ayes, 34. Nays, 28.

ACTING PRESIDENT PERSAUD: The bill is passed.

Senator Gianaris.

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

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

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

ACTING PRESIDENT PERSAUD: There is

no further business at the desk.

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

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

Senate is adjourned.

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