

1 NEW YORK STATE SENATE

2
3
4 THE STENOGRAPHIC RECORD

5
6
7
8 ALBANY, NEW YORK

9 January 17, 2017

10 4:00 p.m.

11
12
13
14 REGULAR SESSION

15
16
17
18 SENATOR JOSEPH GRIFFO, Acting President

19 FRANCIS W. PATIENCE, Secretary

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

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

4 I ask all present to please rise
5 and join with me as we recite the Pledge of
6 Allegiance to our Flag.

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

9 ACTING PRESIDENT GRIFFO: In the
10 absence of clergy today, I ask all members to
11 please bow their head in a moment of silent
12 reflection and prayer.

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

15 ACTING PRESIDENT GRIFFO: The
16 reading of the Journal.

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

22 ACTING PRESIDENT GRIFFO: Without
23 objection, the Journal will stand approved as
24 read.

25 Presentation of petitions.

1 Messages from the Assembly.

2 Messages from the Governor.

3 Read the Assembly message.

4 THE SECRETARY: On page 5, Senator
5 Amedore moves to discharge, from the Committee
6 on Rules, Assembly Bill Number 373 and
7 substitute it for the identical Senate Bill 981,
8 Third Reading Calendar 14.

9 ACTING PRESIDENT GRIFFO: The
10 substitution is so ordered.

11 Messages from the Governor.

12 Reports of standing committees.

13 Reports of select committees.

14 Communications and reports of state
15 officers.

16 Motions and resolutions.

17 Senator DeFrancisco.

18 SENATOR DeFRANCISCO: In
19 consultation with Senator Klein,
20 Senator Flanagan hands up the following
21 committee assignments.

22 ACTING PRESIDENT GRIFFO: The
23 committee assignments are received and shall be
24 made a part of the official record.

25 Senator DeFrancisco.

1 SENATOR DeFRANCISCO: Next, in
2 consultation with Senator Klein,
3 Senator Flanagan hands up the following
4 Independent Democrat Conference committee
5 assignments.

6 ACTING PRESIDENT GRIFFO: The
7 assignments are received and will be made part
8 of the permanent record.

9 SENATOR DeFRANCISCO: I'd like to
10 now call an immediate meeting of the
11 Rules Committee in Room 332.

12 ACTING PRESIDENT GRIFFO: There
13 will be an immediate meeting of the
14 Rules Committee in Room 332.

15 The Senate will stand at ease.

16 (Whereupon, the Senate stood at
17 ease at 4:03 p.m.)

18 (Whereupon, the Senate reconvened
19 at 4:16 p.m.)

20 ACTING PRESIDENT GRIFFO: The
21 Senate will return to order.

22 Please can I have some order in the
23 house. Senate is now in session.

24 Senator DeFrancisco.

25 SENATOR DeFRANCISCO: It's my

1 understanding that there's a report from the
2 Rules Committee at the desk.

3 ACTING PRESIDENT GRIFFO: There is
4 a report of the Rules Committee at the desk, and
5 the Secretary will read.

6 THE SECRETARY: Senator Flanagan,
7 from the Committee on Rules, reports the
8 following bills:

9 Senate Print 362, by Senator Felder,
10 an act to amend the General City Law;

11 Senate 504, by Senator Díaz, an act
12 to amend the Penal Law;

13 Senate 804, by Senator Alcantara, an
14 act to amend the Mental Hygiene Law;

15 Senate 1195, by Senator Avella, an
16 act to amend the Volunteer Firefighters' Benefit
17 Law;

18 Senate 1196, by Senator Avella, an
19 act to amend the Environmental Conservation Law;

20 Senate 1411, by Senator Griffo, an
21 act to amend the Volunteer Firefighters' Benefit
22 Law;

23 Senate 1680, by Senator Tedisco, an
24 act to amend the Agriculture and Markets Law;

25 Senate 1859, by Senator DeFrancisco,

1 an act to amend the Insurance Law;

2 And Senate 1861, by Senator O'Mara,
3 an act to amend the Uniform Justice Court Act.

4 All bills reported direct to third
5 reading.

6 ACTING PRESIDENT GRIFFO: All in
7 favor of accepting the Committee on Rules report
8 signify by saying aye.

9 (Response of "Aye.")

10 ACTING PRESIDENT GRIFFO: Opposed?

11 (No response.)

12 ACTING PRESIDENT GRIFFO: The
13 committee report is accepted and before the
14 house.

15 Senator DeFrancisco.

16 SENATOR DeFRANCISCO: Move to
17 accept the report of the Rules Committee.

18 ACTING PRESIDENT GRIFFO: The
19 committee report has been accepted.

20 Senator DeFrancisco.

21 SENATOR DeFRANCISCO: Yes, can we
22 now go to the -- just call up Bill Number 362,
23 Print Number 362. That's Calendar Number -- it's
24 on the supplemental calendar, I assume.

25 ACTING PRESIDENT GRIFFO:

1 Supplemental Calendar Number 35.

2 SENATOR DeFRANCISCO: Calendar
3 Number 35, correct.

4 ACTING PRESIDENT GRIFFO: So the
5 Secretary will read Print Number 362, by
6 Senator Felder, Calendar Number 35. The
7 Secretary will read.

8 THE SECRETARY: Calendar Number 35,
9 by Senator Felder, Senate Print 362, an act to
10 amend the General City Law.

11 SENATOR GIANARIS: Lay it aside,
12 please.

13 ACTING PRESIDENT GRIFFO: Lay the
14 bill aside.

15 Senator DeFrancisco.

16 SENATOR DeFRANCISCO: Yes, can we
17 now take up the controversial reading of
18 Calendar Number 35.

19 ACTING PRESIDENT GRIFFO: The
20 Secretary will ring the bell for the
21 controversial reading.

22 The Secretary will read.

23 THE SECRETARY: Calendar Number 35,
24 by Senator Felder, Senate Print 362, an act to
25 amend the General City Law.

1 ACTING PRESIDENT GRIFFO: Senator
2 Krueger.

3 SENATOR KRUEGER: Thank you,
4 Mr. President. If the sponsor would please yield
5 for some questions.

6 ACTING PRESIDENT GRIFFO: Senator
7 Felder, do you yield?

8 SENATOR FELDER: Yes.

9 ACTING PRESIDENT GRIFFO: Senator
10 Felder yields.

11 SENATOR KRUEGER: Thank you.

12 So we have debated this bill in the
13 past, and there are -- I think there may only be
14 one change to this bill this year. Could the
15 Senator please explain how his bill has changed
16 from last year till this year?

17 SENATOR FELDER: Yeah. Last year's
18 bill applied to everyone in New York State. This
19 year's bill is only for New York City.

20 And last year we had a long
21 conversation about whether the sale of plastic
22 bags would be permitted at all, and the language
23 in the bill this year makes it clear that if
24 anyone wants to sell bags, they're allowed to.

25 SENATOR KRUEGER: I couldn't hear

1 the sponsor's last sentence, Mr. President. If
2 he could repeat the last sentence.

3 SENATOR FELDER: (Loudly.) Sure.
4 (Laughter.)

5 ACTING PRESIDENT GRIFFO: Senator
6 Felder, can you repeat that, please?

7 SENATOR FELDER: So the other part
8 of the change in the bill is that it was -- we
9 had a discussion about whether anyone would be
10 permitted to sell bags at all. So we clarified
11 the language so that there'd be no question that
12 if anyone wants to sell bags, they can sell bags.
13 If they want to sell whatever, they can sell
14 whatever. And that there would not be any
15 problem.

16 SENATOR KRUEGER: Through you,
17 Mr. President, if the sponsor would continue to
18 yield.

19 ACTING PRESIDENT GRIFFO: Senator
20 Felder, do you yield?

21 SENATOR FELDER: Yes.

22 ACTING PRESIDENT GRIFFO: The
23 Senator yields.

24 SENATOR KRUEGER: Thank you.
25 So this bill would override the City

1 of New York's local law but not override any of
2 the other localities in the state that have
3 passed similar laws; is that correct?

4 SENATOR FELDER: Can you clarify
5 the question?

6 SENATOR KRUEGER: Certainly.

7 So there are multiple localities
8 throughout New York State that have passed bills
9 identical or very similar to the bill that the
10 City of New York has passed through its
11 City Council and has been signed by its mayor.
12 This bill before us today wouldn't outlaw any of
13 the other localities in the State of New York's
14 local bills, it would only do away with the right
15 of the City of New York to have this local law
16 for itself. Is that correct?

17 SENATOR FELDER: That is correct.

18 SENATOR KRUEGER: Through you,
19 Mr. President, if the sponsor would continue to
20 yield.

21 ACTING PRESIDENT GRIFFO: The
22 sponsor yields.

23 SENATOR FELDER: Yes.

24 SENATOR KRUEGER: Given the history
25 of the State of New York and even the

1 constitutional concept of home rule and the
2 precedents of this house -- the Senate to
3 recognize, through home rule, the locality's
4 right to legislate issues that affect the
5 locality only -- why should we override history,
6 precedent, perhaps the Constitution -- I think
7 that is still a debate -- and take an action
8 where this house overrides a local government's
9 law applying only to itself?

10 SENATOR FELDER: Are there any
11 other people that we're going to be hurting?

12 SENATOR KRUEGER: Through you,
13 Mr. President, is the sponsor asking me to yield
14 to a question?

15 ACTING PRESIDENT GRIFFO: It's a
16 rhetorical question, I believe.

17 SENATOR FELDER: Absolutely not.
18 I'm talking to myself. But I -- I -- I --

19 ACTING PRESIDENT GRIFFO: Senator
20 Felder.

21 SENATOR FELDER: -- I forgive you
22 for interrupting me.

23 But it sounds to me like you made
24 two points. One point was the original debate we
25 had last year about whether the bill that we're

1 presenting violates all the things you mentioned.
2 And now I think a second point that you made is
3 the -- whatever you want to call it, the applying
4 it only to New York City, not to the others.

5 And if that's what you asked, so on
6 the first count we spent a long time last year.
7 You said that we were in violation of preventing
8 localities from running their governments. And I
9 said that we would never do such a thing because
10 localities have the right to do what they feel is
11 best for the people they serve.

12 They do not have a right, they do
13 not have a right to violate state law. And under
14 state law, localities cannot do some things
15 without state permission, and one of them is to
16 impose a tax. And in New York City, Mayor de
17 Blasio intends to implement a nickel a bag tax in
18 less than a month from today, and it is a tax.
19 And I can spend some time debating whether I'm
20 right, and I'm sure you can spend some time
21 debating whether you're right, and it will be the
22 same discussion.

23 So I would just say on the second
24 note -- not about whether it's a fee or a tax or
25 whether we're taking away the rights of

1 localities, because I believe that argument is
2 really not about anything, that's about trying to
3 use something as an argument. Because we're not
4 taking away any rights of the localities. What
5 we're telling the localities is just the
6 opposite: You can't do whatever you want. You
7 just can't do whatever you want.

8 There's a state law on the books
9 that mandates stores to provide the opportunity
10 for people to recycle. And if we want to
11 encourage people to recycle -- and that's a good
12 thing -- we should do so. But you can't do
13 whatever you want. And New York City can't come
14 along and come up with this new creature.

15 SENATOR KRUEGER: Through you,
16 Mr. President, if the sponsor would continue to
17 yield.

18 ACTING PRESIDENT GRIFFO: Will the
19 sponsor yield?

20 SENATOR FELDER: Yes.

21 ACTING PRESIDENT GRIFFO: The
22 sponsor yields.

23 SENATOR KRUEGER: So to clarify,
24 the sponsor is proposing New York State pass a
25 law to stop New York City from something it did

1 through local law. So the sponsor is proposing
2 that we at the State of New York should supersede
3 local laws whenever we don't like them?

4 Because I'm gathering he doesn't
5 like this New York City law. He's interpreted it
6 to be a tax, which just to go on record, it is
7 not a tax because in fact he is correct, we don't
8 allow our localities to approve new taxes upon
9 themselves. That the Legislature holds for
10 itself.

11 So it's not a tax because the money
12 will not go to the government, and hence it's not
13 a tax or even legally a tax fee, because it's not
14 a fee going to the government. So -- but it is a
15 bill where we will be saying we don't like the
16 local law -- not we don't like the local law for
17 any other locality in the State of New York in
18 counties and cities throughout that have already
19 passed it, we just don't like the local law for
20 the City of New York. And so it's within our
21 power to pass this bill, we're going to do so.
22 Is that what this --

23 ACTING PRESIDENT GRIFFO: Is that
24 another perhaps rhetorical question, or is there
25 a direct question for him now?

1 SENATOR KRUEGER: No, I just -- I'm
2 just double-checking that I heard the Senator
3 correctly, that that's his position.

4 SENATOR FELDER: Well, I have to
5 tell you that I never had any patience in school
6 to listen to anybody, so you're no different. I
7 heard the first few sentences, and I wasn't
8 focused later. But I might be able to answer the
9 question anyway.

10 Again, on the first question, both
11 you and I can spend the next three hours and
12 you'll say it's a fee, I'll say it's a tax. And
13 maybe if we say it fast enough, I'll get you to
14 make a mistake and say it's a tax. So I don't
15 want to waste New Yorkers' time. That's an
16 argument, and we can argue it for a long time.

17 On the second point that you made
18 about sort of distinguishing between New York
19 City and other localities, I think for a change I
20 was pretty logical. And what we did here was say
21 there is a law going into effect February 15th.
22 To my understanding, any of the other localities
23 that have proposed similar legislation, at least
24 two or three that I know of, their implementation
25 is in 2018. 2018 is a long time from now. And

1 by that time there may be 30 others -- or some of
2 those that proposed it may decide they don't want
3 to do it anymore.

4 The reason I'm choosing New York
5 City is because less than a month from now, it's
6 happening. It's a question of a crisis. And
7 when a crisis comes up, I'm handling -- or we're
8 trying to propose legislation that will prevent
9 the city from violating state law.

10 SENATOR KRUEGER: Through you,
11 Mr. President. It's true we can debate forever,
12 but I think I'm just going to be on the bill.

13 ACTING PRESIDENT GRIFFO: Senator
14 Krueger on the bill.

15 SENATOR KRUEGER: Thank you.

16 SENATOR FELDER: I'm very
17 disappointed.

18 (Laughter.)

19 SENATOR KRUEGER: Thank you.

20 The State of New York recognizes
21 home rule rights of localities all the time.
22 It's very hard to find examples where the State
23 of New York's Legislature overrides local
24 government bills that have passed and been signed
25 into law by their executive. It's exceptionally

1 very hard to find, and I'm not sure we can find a
2 precedent, where local bills are passing in
3 various sections of our state -- counties,
4 cities. My city passed the bill, as have
5 hundreds of cities throughout the country,
6 including multiple cities and counties in our
7 state, and now we're being asked to supersede
8 local rights and say we know better what the
9 right environmental answer is for your locality,
10 and we're going to supersede and stop you from
11 doing something that you have broadly discussed,
12 held hearings on, held votes on, won the vote on,
13 and had signed into law through your local normal
14 process.

15 I think it's a precedent that I fear
16 we may be watching about to happen at the
17 national level on environmental law and is a
18 very, very dangerous precedent for the nation to
19 be applying superseding of our environmental laws
20 at the state level. And it is exceptionally
21 disturbing to me that now we would try to do the
22 same from the state level to selected
23 localities -- excuse me, selected locality, only
24 one locality here in the State of New York.

25 There are people who don't agree

1 with what the city or other cities in our state
2 or other cities throughout the country and world
3 have done by making it a little more expensive to
4 use plastic bags to change behavior and
5 discourage people from continuing a pattern of
6 behavior that costs us all, costs the environment
7 with increased environmental problems.

8 The science is very clear, and has
9 been documented by pretty much every
10 environmental organization I've ever heard of in
11 New York State, that the use of plastic bags
12 actually adds to the cost of local sanitation
13 departments, it increases the amount of waste
14 going into our waste stream. It's a particularly
15 problematic kind of waste because it easily ends
16 up in our water systems, on our streets, clogging
17 our sewers, choking animals in our water systems.

18 It's a particularly easy problem to
19 solve because there are easily accessible,
20 inexpensive alternatives to the use of plastic
21 bags.

22 Are there other kinds of pollution
23 we should be legislating against? Yes. And I
24 hope that we do. That is not a response to not
25 addressing the very real problem of plastic bag

1 pollution and the damage it is doing and the
2 extensive cost to our governments and our
3 waterways and our land where the plastic bags are
4 piling up and doing damage.

5 Someone before we came in today
6 asked me whether it wasn't true that since
7 plastic bags take an exceptionally long time to
8 break down chemically, aren't they not an
9 environmental problem. And I told him I would
10 get him an answer, Senator from Staten Island who
11 will go nameless. And I was assured by
12 environmental experts that that argument is not
13 true, that the fact that the plastic bags are
14 there in our waste stream, clogging up sewers,
15 waters, not breaking down but continuing to be
16 made out of dangerous chemicals that then in fact
17 leak into our waste stream through production and
18 through the bags floating, so to speak, through
19 everywhere is a real environmental hazard its own
20 right. But thank you for that question.

21 The environmental organizations that
22 have written opposition are as broad as the
23 New York League of Conservation Voters,
24 Environmental Advocates. The New York State
25 Conference of Mayors and Municipal Officials has

1 weighed in in opposition to the bill,
2 highlighting that many communities throughout the
3 state are undertaking efforts to discourage the
4 use of single-use carryout bags.

5 In addition to the sheer volume of
6 these plastic bags that end up in our streets,
7 our parks, our landfills, one primary reason for
8 these efforts is the very limited market for
9 plastic bag recycling. And I believe we will
10 have another bill on the floor today about
11 supporting the recycling of the bags. I'm not
12 opposed to a model where people attempt to bring
13 their bags back, but in fact the recycling
14 options for them are extremely limited, as has
15 been documented, frankly, throughout this country
16 and throughout the world at this point.

17 We have three smokestacks from
18 Environmental Advocates. We have memos from the
19 mayor of the City of New York and the
20 City Council, the Citizens' Campaign for the
21 Environment, who's particularly concerned about
22 the impact on our waterways. We have opposition
23 from NRDC, Natural Resources Defense Council.
24 Ah, let's see. Going on, again, I said the three
25 smokestacks. We have -- California's just passed

1 an actual ban.

2 New York City explored going down
3 the road of a full ban and determined that there
4 was a way to do it without the ban that allowed
5 people the option of being able to use the bag
6 but would have a fee, not a tax -- does not come
7 to the government, stays with the store -- that
8 would discourage people from using the bags
9 because they would calculate, Oh, I can use
10 reusable bags, I can probably get the reusable
11 bags for nearly nothing or free. In the City of
12 New York, we're distributing free reusable bags I
13 think almost in every district every day of the
14 week.

15 They specifically put the bill
16 through with an exception for people who are
17 receiving SNAP or WIC, the lowest-income users of
18 food stores, recognizing that that nickel could
19 have an impact on the poorest New Yorkers. So
20 the City Council thought through why they were
21 making an exemption for people who use SNAP or
22 WIC.

23 And frankly, it's about the least
24 invasive model the City of New York could have
25 come up with to attempt to change people's

1 behavior and to voluntarily stop using these
2 bags. And what we know from the research in
3 other cities throughout the country who did
4 similar or exactly the same kinds of laws --
5 guess what? It changed people's behaviors. It
6 changed people's behaviors by 60, 70, 80 percent
7 of the population in one, two, and three years.
8 In Europe, it's pretty hard to even find a
9 plastic bag to go shopping with. People are
10 using all kinds of alternatives.

11 We can get there. It's not that
12 painful. But it's a huge win, far, far beyond
13 just the City of New York. Every community that
14 goes down this road can tell you from their own
15 experience it has been a huge win without
16 preventing people who choose to want to continue
17 to pay a nickel a plastic bag to do so. Or
18 people who choose to take the plastic bags they
19 own and bring them back to the store and use them
20 again, to do so. That will also be their right.

21 So New York City could have done
22 something more extreme. But they couldn't have
23 actually created a tax. And they've made it
24 clear that they want the right to control their
25 own destiny from a small but important

1 environmental change. And there's no negative
2 for the rest of us, but there's a huge win for
3 everyone every time we do something that changes
4 the behavior of our communities to be more
5 proactive about not creating damaging products to
6 our environment, our clean air, our clean water.

7 It's so clear to me that this is a
8 win/win for localities who make the decision to
9 go down this road that I find it fairly amazing
10 that here in the State of New York, where there's
11 so many critical issues we ought to be dealing
12 with, we're taking the time and energy to try to
13 override our local governments' desire to do the
14 right things for their people. And at a cost to
15 them, because the collection and disposal of
16 plastic bags are estimated to cost the City of
17 New York \$12.5 million to send to their
18 landfills, requiring over 700,000 garbage truck
19 trips just for the City of New York.

20 So for me, I say no more unfunded
21 mandates on localities, because in fact passing
22 this bill would be a new unfunded mandate for the
23 City of New York because it's overriding the
24 local law they've already passed.

25 Don't walk down the road of setting

1 the precedent of overriding local home rule,
2 which I know many people in this house, both
3 parties, both sides of the aisle, feel fairly
4 strongly about when it comes to their
5 communities.

6 And don't target the City of
7 New York among all other cities in the State of
8 New York for us to supersede and override their
9 local government.

10 I'm urging everyone to vote no,
11 Mr. President. Thank you.

12 ACTING PRESIDENT GRIFFO: Thank
13 you, Senator Krueger.

14 Senator Hoylman.

15 SENATOR HOYLMAN: Thank you,
16 Mr. President. On the bill.

17 ACTING PRESIDENT GRIFFO: Senator
18 Hoylman on the bill.

19 SENATOR HOYLMAN: I agree,
20 Mr. President, that you have to consider the
21 priorities of the chamber when one of the first
22 bills out of the gate this session is about
23 plastic carryout bags.

24 Let me just state the obvious. This
25 is the New York State Senate, not the New York

1 State City Council. If you want to run for
2 City Council, if you want to run for local
3 office, you should do it. I encourage our
4 friends on the other side of the aisle to do it.
5 I hear the pay is better.

6 (Laughter.)

7 SENATOR HOYLMAN: In the meantime,
8 this is a state office and we're supposed to be
9 considering state policies. And I do not think,
10 Mr. President, that a plastic bag law in New York
11 City is an appropriate subject matter.

12 And surely we have more important
13 things to do than to revisit a local law again
14 that has been passed, duly passed by an elected
15 legislature after a lengthy deliberation process.
16 Let me ask you, how many hearings have we had on
17 this version of this bill? Unless you consider
18 the bill-orama that just occurred in the other
19 room lasting about 10 minutes, zero.

20 And with all of the concern among
21 our constituents about transparency, ethics,
22 accountability, I think it's a shame that we
23 kick-start this session with a discussion on
24 plastic bags.

25 Second, who are we to trample on

1 grassroots democracy? Most of the people voting
2 for this bill don't represent New York City.
3 This is the nullification of the wishes of a
4 legislative body representing 8.5 million people.
5 We don't have the legitimacy, in my opinion,
6 Mr. President, to tell them what to do. And the
7 assertion that somehow our house is more
8 legitimate, that our decisions are more valid
9 than that of a local legislature, I find --

10 (Loud sneeze.)

11 SENATOR HOYLMAN: Bless you.

12 ACTING PRESIDENT GRIFFO: Bless
13 you.

14 SENATOR HOYLMAN: -- I find
15 breathtakingly arrogant. You know, people in
16 glass houses should not throw stones. And I
17 think, Mr. President, that applies to us.

18 And third, what happened to that
19 great Republican principle of local control, that
20 local leaders know best? And I'll tell you
21 what's happening to it all across this country.
22 Groups like the American Legislative Exchange
23 Council, funded by the biggest corporate
24 interests in America, and other right-wing
25 groups are using state legislatures like pawns to

1 preempt local laws just like this. And it's a
2 really disturbing trend. They've used the state
3 legislature to overturn LGBT rights in Charlotte,
4 North Carolina. They've used the state
5 legislature to overturn paid sick leave in
6 Milwaukee, Wisconsin, and Tempe, Arizona.
7 They're using the state legislature to overturn
8 an increase of the minimum wage in Birmingham,
9 Alabama and fracking bans in places like Denton,
10 Texas. And we should have none of it.

11 The New York State Senate shouldn't
12 be the pawn of the American Chemistry Council,
13 the U.S. Chamber of Commerce, the American
14 Petroleum Institute -- all corporate entities and
15 lobbying organizations that want you to vote for
16 this bill. That's why they're pumping hundreds
17 of millions of dollars across the country to
18 overturn plastic bag laws just like New York
19 City's.

20 We have to stand up for local
21 democracy. Especially where a legislature has
22 deliberated and passed laws, we should respect
23 them. And let me just tell you what the New York
24 City Council has done. They've had numerous
25 hearings over the course of two years, extensive

1 negotiations and compromise. They've had a
2 number of educational outreach events where
3 constituents were engaged and informed about the
4 issue.

5 And in a fell swoop, we're
6 attempting to overturn that. I think it's
7 shameful. If you want respect, you have to give
8 respect. And if we want respect from the people
9 of New York State, then we should start
10 respecting local government. It's the Uber law,
11 right? We want to give localities the right to
12 institute ride-sharing. Well, what about
13 allowing New York City to strengthen its
14 environmental laws?

15 Moreover, Mr. President, we're
16 repealing a law without a replacement, a law that
17 addresses a \$12.5 million annual cost to the City
18 of New York with no replacement, no better idea,
19 nothing. Repeal and delay. Sounds familiar?

20 So I urge my colleagues to vote no.

21 Thank you.

22 ACTING PRESIDENT GRIFFO: Thank
23 you, Senator Hoylman.

24 Senator Savino.

25 SENATOR SAVINO: Thank you,

1 Mr. President.

2 First, I want to thank Senator
3 Felder for bringing this bill back to the floor
4 as quickly as he did. And for those of you who
5 are new to the chamber, you might not be aware,
6 but we took up this bill at the end of session
7 last year.

8 Contrary to what's been suggested,
9 there has been hearings on this issue. In fact,
10 Senator Felder and I and some others participated
11 in a five-hour hearing on this bill last spring,
12 before he brought to the floor.

13 And it came to the floor, and there
14 was excessive debate about it. Some of the same
15 arguments, I would imagine, were presented then
16 that you heard today from those who got up to
17 speak. And those of us who opposed it then I'm
18 sure will continue to oppose it.

19 And we opposed it for a variety of
20 reasons. One, it's an inconsistent application
21 because it's not all bags, it's some bags in some
22 stores. And some people, but not all people.

23 It's not a tax, as it's been
24 described, because as Senator Krueger has said,
25 it can't be called a tax because they need taxing

1 authority from Albany and we wouldn't give it to
2 them. So it's really a fee.

3 But none of the money goes to
4 environmental causes. In fact, the stores get to
5 keep it, stores like supermarkets, like Stop
6 & Shop and Pathmark -- well, Pathmark doesn't
7 exist anymore -- pick a supermarket.
8 Supermarkets don't need this money. They don't
9 want this money. They don't want to be
10 responsible for keeping track of these bags.
11 They don't want the added requirements of it.

12 Not a nickel of these nickels goes
13 into environmental policy. It will do nothing to
14 reduce it. All it will do is take nickels out of
15 the pockets of hardworking constituents.

16 So I don't know anybody from the
17 American Chemistry Association or whoever these
18 people are, all the money they're spending trying
19 to overturn this. But I'll tell you who I have
20 heard from. I have heard from senior citizens in
21 my district who say: "Senator, you need to do
22 something about this plastic bag bill because I
23 can't afford to pay 5 cents a bag when I go to
24 the supermarket. I can't afford to take money
25 out of my pocket."

1 And I know some have said, Well,
2 we're only going to charge people who can afford
3 it, and we're going to encourage people to change
4 their behavior. But that's no guarantee.

5 Also, we're going to -- people who
6 are on public assistance won't have to pay that
7 5 cents. But yes, they'll only have to do that
8 at the supermarket. These bags, the 5-cent fee
9 is also going to be on bags that you get at
10 places like Macy's, like T.J. Maxx, like anywhere
11 you buy anything that can be put in a plastic
12 bag. So now are we going to require people to
13 take out their benefit card at Macy's to prove
14 that they don't have to pay that 5 cents? I
15 think it's offensive to do that to people.

16 And again, not a nickel of any of
17 these fees is going to go into environmental
18 policy. It's some bags in some stores, not all
19 bags in all stores. It's inconsistent, it's not
20 all people. It makes very little sense.

21 And now with respect to local
22 government, I represent the north and east shores
23 of Staten Island and parts of South Brooklyn.
24 There are seven City Council members who
25 represent my Senate district. Every single one

1 of them voted against this in the City Council.
2 So they sent me up here to vote for this bill up
3 here, because what they weren't able to
4 accomplish in the New York City Council they want
5 me to be able to deliver for them up here in
6 Albany. They thought it was bad policy for the
7 City of New York, they lost the fight there, but
8 they want us to win the fight here.

9 I'm in this fight with you, Senator
10 Felder. It's the right one, because it's not
11 good environmental policy. If we want good
12 environmental policy, we would ban these bags
13 outright or we would require something like we
14 did with the Bottle Bill, where the nickels would
15 go into a fund that would go into environmental
16 policy. We would require recycling. We would do
17 something about it. We're not doing that with
18 the way the city has proposed it.

19 And finally, we passed the bill at
20 the end of session. The Assembly didn't move it.
21 And the reason they didn't move it is because the
22 City of New York asked for time to come up with a
23 solution to the challenges that we raised in our
24 hearing and right here on this floor. And they
25 asked to -- they agreed to delay the

1 implementation from October to February, and they
2 asked for time to negotiate with the members of
3 the Senate and the Assembly to come up with a
4 solution.

5 And to date, they have not come up
6 with anything in any way, shape or form. They
7 have moved forward with the implementation, even
8 notifying stores of what will happen if they
9 don't do this. So they did not negotiate in good
10 faith. We cannot trust them. We need to move
11 this bill, we need to pass it, and we need to
12 hope that the Assembly does it as quickly as
13 well.

14 I vote in the affirmative. Thank
15 you, Mr. President.

16 ACTING PRESIDENT GRIFFO: Thank
17 you, Senator Savino.

18 Senator Sanders.

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

21 My friend Senator Felder has come up
22 with an interesting situation. And you can
23 actually make arguments on both sides on this
24 one.

25 I too am puzzled why the city didn't

1 put the money into an environmental fund, why
2 they didn't put it into affordable housing. I
3 mean, you could name a dozen worthy things that
4 they should have put the money into if we were
5 going to do this money.

6 I too have been sent by my
7 constituents, and some of my Councilpeople have
8 also got in touch with me and said that they are
9 in support of this bill. I actually called there
10 and said, What's going on? Why aren't we doing
11 it? Some are saying that they have an amendment
12 that they're going to propose to do exactly some
13 of the things that we mentioned -- environment,
14 housing, things of that nature.

15 I am also curious -- and perhaps
16 it's just a question of timing; my friend has not
17 been known to be the best in timing -- why
18 New York City would come out the door first. Why
19 would you lead with that as your first punch?
20 You may want to have it as your second or third
21 or something of that nature.

22 So those are things that are on my
23 mind and will weigh heavily as I vote.

24 Thank you, Mr. President.

25 ACTING PRESIDENT GRIFFO: Thank

1 you, Senator Sanders.

2 Senator Young.

3 SENATOR YOUNG: Thank you,
4 Mr. President.

5 I rise in strong support of this
6 legislation, and I want to commend Senator Felder
7 for his leadership on this issue, for looking out
8 for the little guys.

9 And this issue is so important in so
10 many ways. There's no question that these bags
11 should be recycled. I think everyone in this
12 chamber agrees with that. And we have
13 legislation that we are passing today to deal
14 with recycling. And I believe that there's more
15 that can be done.

16 But there is nothing, nothing in
17 Mayor de Blasio's bag tax that will encourage
18 people to recycle these plastic bags. Zero,
19 zippo, nothing. And all this does is intrude
20 into people's lives, create an even heavier
21 burden on families and small businesses.

22 And Senator Hoylman, what is
23 arrogant is when people interfere in people's
24 lives so deeply. What is shameful is the
25 additional burdens that this initiative, the bag

1 tax, would place on families. And we have to
2 remember that. We are here to protect people,
3 not intrude in their lives.

4 So I just want to say this is a
5 great bill. And I also want to say that this
6 Senate has an environmental record to be proud
7 of. We are leaders across the country. The
8 Environmental Protection Fund is something that
9 we have prioritized, we have prioritized clean
10 water, and we have prioritized recycling through
11 past legislation. Why not do an education
12 program for the public instead? Why not let the
13 public know how important it is to recycle,
14 rather than imposing another suffocating burden
15 on them?

16 So thank you, Senator Felder, for
17 your leadership for putting this important issue
18 forward. And I think we all in this chamber
19 should be voting yes on this bill.

20 ACTING PRESIDENT GRIFFO: Thank
21 you, Senator Young.

22 Senator Díaz.

23 SENATOR DÍAZ: Thank you,
24 Mr. President. How's your father?

25 ACTING PRESIDENT GRIFFO: Good.

1 SENATOR DÍAZ: Mr. President, on
2 the bill.

3 ACTING PRESIDENT GRIFFO: Senator
4 Díaz on the bill.

5 SENATOR DÍAZ: But before I say
6 anything, Mr. President, I want to make it clear
7 to everyone that I am not filibustering to stop
8 you guys from going to the Governor's to listen
9 to his presentation of the budget. The Governor
10 has taken the day to present the budget at 5 p.m.
11 to the Democratic Conference, then at 6:00 he
12 will present it to the Assembly, and at 7:00 he
13 has a press conference. So this is a very, very
14 nice way to divide and conquer. But I'm not --
15 to all of you who are going, I'm not
16 filibustering you.

17 But about the bill, it was said by
18 one of our colleagues that those that are voting
19 for this bill do not reside in the City of
20 New York, and that those who are voting in favor
21 of the bill don't live in the city, therefore you
22 are not supposed to be voting for this bill.
23 That's what I understood.

24 Before I came to the Senate, I used
25 to be a City Council member, making \$90,000 a

1 year --

2 (Laughter.)

3 SENATOR DÍAZ: -- and \$10,000 as
4 the chairman of the Aging Committee. So I was
5 making \$100,000 in 2002, and I left that to come
6 here to make \$79,000.

7 So before anybody says "Go back to
8 the City Council," I might go. I might go. I'm
9 planning to.

10 (Laughter.)

11 SENATOR DÍAZ: But I already lost
12 half a million dollars in the time that I'm here.

13 Mr. President, it was also said that
14 this is the New York State Senate, that we're
15 supposed to be dealing with other issues. Well,
16 I represent the 32nd Senatorial District in the
17 Bronx. A poor district. Many senior citizens,
18 many people that need a break.

19 When you take 5 cents away from a
20 senior citizen, when you take 5 cents away from a
21 poor person in our community to be given to a
22 merchant, that's an atrocity. That is something
23 that we are supposed -- we, we, we, the city
24 representatives here, are supposed to be
25 protecting the poor people that we represent. To

1 come here and listen to people that are supposed
2 to be representing poor people, senior citizens,
3 who tell other people that would like to protect
4 the poor that they don't live in the city, that
5 don't get involved -- I was not even going to
6 talk today, but I said no, I got to talk. I got
7 to talk.

8 Because this is wrong. It is wrong.
9 We represent senior citizens and many of us,
10 especially the legislators from the city -- not
11 Liz Krueger. She represents a very high class.
12 So I'm going to excuse Liz Krueger from that.
13 But I cannot excuse any other legislator from the
14 city that represents poor neighborhoods, that
15 represents black and Hispanic poor people, that
16 represents senior citizens, to come here and tell
17 other people, Let's vote to have our poor people
18 pay 5 cents, and you that don't live in the city,
19 don't get involved. Ha, ha, ha, ha. That is
20 wrong. That is wrong.

21 We're here -- and thank you,
22 Mr. Felder, for taking this, and thank you all of
23 you that put in this right away, in the start of
24 this session. Right away, put it in there right
25 away. Let's show that we care for our senior

1 citizens. Let's show that we care for our black
2 and Hispanic poor people in our neighborhoods.
3 Let's show -- let's show -- let's show everyone
4 that we have not sold out. We're not selling
5 out. We're here to represent you.

6 You know what the City Council is
7 doing? And I'm only -- I'm only -- everywhere
8 that I go, I'm only one voice. Everywhere that I
9 go, I'm always one voice. I don't go to see
10 who's following me or who doesn't follow me. I'm
11 always one voice. Like it or not like it, one
12 voice. Me, myself and I.

13 And you know what the City
14 Council -- the great City Council of New York,
15 you know, they take our taxi drivers, the black
16 and Hispanic taxi drivers, especially the
17 Hispanic ones, and they put some thousand
18 dollar -- if you pick a passenger from the 96th
19 down, 96th Street down, if you pick -- if you
20 pick a passenger there, you pay a thousand-dollar
21 fine the first time. The second time, \$3,000.
22 And the third time, \$10,000. So that's the great
23 City Council. That's the great New York City
24 Council protecting our community, our people.
25 Don't talk to me about the great City Council.

1 Right now I read the other day a
2 report in the New York Times -- by the way, I
3 read the New York Times.

4 (Laughter.)

5 SENATOR DÍAZ: I read a report in
6 the New York Times that they are paying some
7 senior centers more money to function than other
8 senior centers. So the senior centers in our
9 areas are paid about \$5 per client, and senior
10 centers in other areas are paid about \$50 per
11 client.

12 So all this is the great City
13 Council of New York, the great City Council of
14 the City of New York that you guys don't get
15 involved, you don't live there. Let our people
16 go to -- anywhere. But now, today, today,
17 Mr. Felder and all of you that don't live in the
18 city, please join Mr. Felder. Help us protect
19 our senior citizens in the City of New York.
20 Help us protect our black and Hispanic poor
21 residents.

22 By the way, help me protect my
23 constituents in the 32nd Senatorial District. I
24 need your help. I need you to help me protect --
25 in my district, I have 22 senior centers. In the

1 32nd Senatorial District, I have 22 senior
2 citizen centers. I need you, people that don't
3 live in the city, to help me out today by voting
4 in favor of Senator Felder's bill to protect
5 those senior centers that I represent, those
6 senior citizens that I represent.

7 I represent many, many poor people
8 in the 32nd Senatorial District. I need you to
9 help me protect those people. Five cents, 5
10 cents here, 5 cents there, 5 cents there -- you
11 know some of them, you know what they do, they
12 call it anti-borough, to leave. And then today
13 we're going to say, okay, let's put more -- let's
14 take 5 cents from you and give it to the grocery
15 store or to Macy or to all those merchants.

16 So the great New York City Council,
17 the laws that they pass, most of them are against
18 our own people. And today I hope, I hope that we
19 show that this Senate chamber, we take time to
20 protect the poor, we take time to protect the
21 needy, we take time to protect the senior
22 citizens. And let's send a message to everyone
23 that we take time starting the session. There
24 was a guy, there was a Jew guy, a Jew guy named
25 Simcha Felder that said "No more," and today we

1 are joining Simcha Felder in saying Unh-unh,
2 sorry for you guys, the poor and the needy has
3 voices in this chamber.

4 Thank you, Mr. President.

5 ACTING PRESIDENT GRIFFO: Thank
6 you, Senator Díaz.

7 Senator Croci.

8 SENATOR CROCI: Mr. President, on
9 the bill.

10 ACTING PRESIDENT GRIFFO: Senator
11 Croci on the bill.

12 SENATOR CROCI: Mr. President, I
13 find myself, oddly, in violent agreement with my
14 colleagues on the other side in two regards. One
15 is their deep concern and respect for home
16 rule -- which, as a former elected local elected,
17 I am committed to -- but also to find the least
18 intrusive way and support the least intrusive way
19 to get these plastic bags out of our refuse
20 cycle, out of our waste cycle.

21 Between New York City and the
22 Hamptons is a place called Long Island, in
23 Suffolk County, and there's what many on the
24 other side might call the drive-through area, is
25 the 3rd Senate District. And if we focus down a

1 little more, we get to a little municipality, the
2 third largest in the state, called the Town of
3 Islip. In the late 1990s, the Town of Islip
4 built a waste-to-energy facility which produces
5 \$3.4 million worth of power a year and burns
6 165,000 tons of our household municipal waste.
7 We do not have active landfills for household
8 municipal waste in the Town of Islip and haven't
9 since 2000.

10 If you look at the European model,
11 which was mentioned as well, blocks away from the
12 U.N. Conference on Climate Change is one of the
13 largest waste-to-energy facilities in all of
14 Europe, producing 52 megawatts of power a year.

15 So in the Town of Islip we take that
16 money that we get from taking our municipality
17 waste, converting it into power, and we pay down
18 the tax levy for our residents.

19 I am voting for this legislation,
20 first and foremost, because I do believe it's a
21 tax -- and as a former local elected official, it
22 would have been nice to willy-nilly been able to
23 decide when and when we did not have taxes, but
24 that is the prerogative of the State Legislature.
25 I agree with my colleagues on that

1 interpretation -- but also because I think we
2 need to be more three-dimensional in our energy
3 policy in this state and how we treat our
4 household municipal waste.

5 There are better ways to do it.
6 We've been doing it in Long Island and in that
7 municipality for many years, and I think if the
8 City Council or any other municipality wants to
9 deal with two big problems right away, waste and
10 energy, this is a way of doing it. As a matter
11 of fact, in Paris, the excess steam heat they use
12 to heat some of the museums in Paris.

13 So there are a lot of things that
14 are not contemplated in the laws that are being
15 proposed to do a laudable thing, which is protect
16 the environment. But we should not be passing
17 down a cost to people who can least afford it
18 when there are other ways, less intrusive ways,
19 of doing it.

20 So I'll be voting for Senator
21 Felder's legislation, and I commend him for
22 bringing it to the floor. Thank you,
23 Mr. President.

24 ACTING PRESIDENT GRIFFO: Thank
25 you, Senator Croci.

1 Senator Squadron.

2 SENATOR SQUADRON: Thank you very
3 much, Mr. President. And I thank my colleagues
4 for their words. I thank Senator Hoylman
5 especially for I think really boiling this issue
6 down.

7 Let's be clear, this is about city
8 legislation in a city in our state -- a big city,
9 a city a lot of us represent, but a city a lot of
10 us also don't represent. And, you know, there's
11 kind of a pattern and a history here, frankly in
12 this house more than in the other house, of from
13 time to time having strong opinions about what
14 one city, but only one city in our state -- or
15 locality, per Senator Croci -- is allowed or not
16 allowed to do.

17 It's true when that city wants to do
18 something about traffic; it's true on property
19 taxes, not just in that city, that the state
20 controls it; it's true about housing.

21 And you know, it's a strange thing.
22 Because if I were to stand up here and start
23 talking about what the City of Jamestown should
24 and shouldn't do, that would certainly appall
25 Senator Young, who represents the City of

1 Jamestown, and I bet it would appall a lot of my
2 other colleagues. Because you know what, it
3 really wouldn't be appropriate. If they were
4 operating within state law -- there's a question
5 of semantics here -- under the law, there's no
6 way this is a tax. Whatever the semantics are,
7 and I understand the semantics here, it's just
8 not. So we're not talking about a city or a
9 locality operating outside of the law.

10 We're talking about a local city
11 that wants to do something, has a duly elected
12 legislature to do it, and this body, people who
13 don't represent that community, are saying
14 different.

15 There are people in this house who
16 do represent that community who disagree. That's
17 a different question. That's not the reason this
18 bill is going to pass. It's not the reason it
19 was brought to the floor so early in session.

20 If I were to stand up here and talk
21 about the Town of Islip's policy for reducing
22 municipal waste is crazy in terms of one of the
23 details, and I want to pass a law to change it,
24 and boy am I going to vote to do that, I think
25 Senator Croci would be offended. I hope he would

1 be as offended. As someone who advocates for his
2 district, I'm sure he would be.

3 You know, it just doesn't make sense
4 for us, just because the State Constitution
5 allows it, to constantly undermine the duly
6 elected representatives in our cities and towns
7 across this state. It doesn't. This bill
8 passed, whether you agree with it or disagree
9 with it. If you don't represent New York City,
10 trust and respect its legislature. I would do
11 the same for the City of Jamestown, I would do
12 the same for the Town of Islip, I would do the
13 same for the city of Niagara Falls, the City of
14 Plattsburgh, the City of Riverhead, towns and
15 cities throughout.

16 We spend too much time in Albany
17 telling local governments that they can't do
18 certain things. Let them innovate, let them make
19 a decision. I don't think we should pass this
20 bill.

21 Thank you, Mr. President.

22 ACTING PRESIDENT GRIFFO: Senator
23 Hamilton.

24 SENATOR HAMILTON: Yes,
25 Mr. President. I rise to speak on the bill also.

1 And I have to agree with my
2 colleague Senator Squadron. It seems, for some
3 reason, we only have home rule when it doesn't
4 apply to the City of New York. Half the
5 population of this state comes from the City of
6 New York. And for some reason now, elected
7 officials, the City Council members now, don't
8 know what they're doing.

9 You have 51 City Council members in
10 New York City. A vote was taken, a vote was
11 passed, and now what we have is called forum
12 shopping. Whereas if you just -- if you lose in
13 New York City, we're going to sort of forum shop
14 and come to the state and overrule the City of
15 New York.

16 I have a problem with that. Not
17 with the bill itself, but I have a problem with
18 forum shopping that every time we speak about
19 home rule in this chamber, it never applies to
20 New York City. And as Senator Squadron said, I
21 would never interfere with another Senator in
22 this chamber if the body from that Senator's
23 district voted on a particular issue.

24 But for some reason, since I've been
25 in this chamber, when it comes down to affecting

1 the 8 million people in New York City, people
2 from the County of Hamilton, with 4,000, have an
3 opinion on what's happening with 8 million people
4 in New York City.

5 And New York City is a distinct
6 place. I respect the City Council members in
7 New York City, as I do the Senators in this
8 chamber. And if the federal government were to
9 overrule us all the time in what we did, we'd be
10 up in the arms. We would be up in arms in this
11 chamber if the federal government felt that what
12 we voted on here wasn't appropriate or that we
13 didn't know what we were doing.

14 So for this chamber to say that the
15 City Council in New York City does not know what
16 they are doing, to me, I find a little offensive.

17 So the bill itself, I have no
18 problem with the bill. But I do have a problem
19 with this chamber telling the population of
20 New York City, You always don't know what you're
21 doing.

22 And so a classic case again, we're
23 going to supersede the will of half the
24 population of this state, we're going to forum
25 shop again. And when we lose in New York City,

1 we'll just come to the State Senate and say, you
2 know what, those people in New York State, they
3 don't know what they're talking about. They're
4 not bright. You know, there's a lot of crime
5 down there. They don't know what they're doing.
6 You know, we are the voice of reason in this
7 chamber and New York City needs our help, needs
8 our brain power to make sure they can see the
9 light.

10 I don't know what light it is, but
11 maybe it's a light that they believe that we
12 should be seeing.

13 So at this point in time, because of
14 this chamber continuously neglecting home rule in
15 New York City, I cannot vote on this bill.

16 Thank you.

17 ACTING PRESIDENT GRIFFO: Senator
18 Lanza.

19 SENATOR LANZA: Mr. President, on
20 the bill.

21 I rise as someone who does live in
22 New York City and who does represent the people
23 of New York City. I'm sure some of my colleagues
24 lament that fact, but you can help yourselves out
25 and just join my secession bill.

1 (Laughter.)

2 SENATOR LANZA: I rise to address
3 some of the points that have been made.

4 And I first want to thank Senator
5 Felder for bringing forth the right priority to
6 begin this session, a priority which speaks for,
7 as Senator Díaz said, the people back home. That
8 we recognize their plight. They're sick of being
9 nickel-and-dimed to death. And you know what
10 else they're sick of, Mr. President? They're
11 sick of having their intelligence insulted.

12 The bag tax is not about the
13 environment. That is a lie, and we all know
14 that. It is a tax. Maybe the people of
15 Staten Island and Brooklyn are a little
16 different, but when I go home and say, "From now
17 on, every time you shop at the supermarket or
18 Target or Kohl's or Macy's and you make a
19 purchase, they're going to charge a fee and
20 you're going to get nothing in return for that
21 fee" -- where I come from, we call that a tax.

22 In response to the proposal that
23 this is not a state issue, I suggest that people
24 refer to the State Constitution. Taxes are a
25 state matter.

1 And in terms of not telling people
2 back home what to do, or not, or usurping the
3 local municipality's right to govern, I have news
4 for you all. Every single statewide law we pass
5 here in this body tells people everywhere in the
6 state what they can or cannot do. That is our
7 responsibility. That is what we call a state
8 law. A state law affects and has jurisdiction,
9 in most cases, over every municipality in this
10 state, including New York City.

11 And I want to understand, I'm trying
12 to understand the logic from a certain Senator
13 from Manhattan, who shall also remain nameless,
14 this environmental argument which says plastic
15 bags -- and if I quote you wrong, let me know --
16 plastic bags destroy the land, they clog the
17 waterways, they choke animals, they bring on all
18 manner of environmental apocalypse.

19 SENATOR KRUEGER: I didn't say
20 "apocalypse."

21 SENATOR LANZA: I'm ad-libbing.
22 (Laughter.)

23 SENATOR KRUEGER: It's a good word,
24 but I did not use it.

25 SENATOR LANZA: It sounded like you

1 were describing an environmental apocalypse to be
2 brought on by plastic bags.

3 All that's okay. You can destroy
4 the land -- because that's what the bag tax is
5 saying -- you can clog waterways, you can choke
6 animals, and you can bring on the environmental
7 apocalypse, as long as you pay a nickel. That is
8 ridiculous. And it is absurd, it really is. And
9 the people back home, they know as much.

10 And one last point, I find it hard
11 to be lectured by some of my friends from
12 Manhattan about the environment, especially when
13 if comes to the landfills. Let's not forget, the
14 people I represent in my Staten Island, we
15 suffered through one of the worst environmental
16 disasters in the history of the State of New
17 York, perpetrated, perpetrated by the people in
18 the City Council and by the people of Manhattan
19 and by some of the very so-called environmental
20 groups that are being quoted today who are
21 opposed to this bill who said we should keep the
22 Fresh Kills Landfill open. So I'm not going to
23 be lectured about the environment from people who
24 perpetrated that environmental crime and who
25 sued, who sued to keep that landfill open.

1 This is a great bill because it
2 speaks for the best interests of the people we
3 represent back home. And I want to thank Senator
4 Felder, and I want to encourage my colleagues to
5 vote in favor his bill.

6 I vote aye.

7 ACTING PRESIDENT GRIFFO: Thank
8 you, Senator Lanza.

9 Senator Parker.

10 SENATOR PARKER: Thank you,
11 Mr. President. On the bill.

12 ACTING PRESIDENT GRIFFO: Senator
13 Parker on the bill.

14 SENATOR PARKER: First let me thank
15 Senator Felder for his leadership on this issue
16 and for raising this important bill, both about
17 two things, both about home rule but also about
18 environmental justice.

19 I think most of my colleagues, with
20 all due respect, are missing the point. This
21 bill is not about a tax. This bill is not about
22 money. This bill, with all due respect to
23 Senator Díaz, is not about poor people or
24 communities of color from a financial
25 perspective.

1 This is about protecting our most
2 important physical resource, which is this
3 planet. And we are -- speaking of apocalypses,
4 Senator Lanza, that we are in the midst of
5 creating our own environmental apocalypse right
6 now.

7 And you're absolutely right. I
8 think to the degree that the City Council has
9 made a mistake with this bill is because the
10 bill, frankly, is a half-measure. They really
11 should have been, according to Senator Savino,
12 all plastic bags under all circumstances. And
13 frankly, 5 cents is not enough. It should have
14 been 10 cents.

15 This is not about a tax or a fee or
16 a way to collect more money for environmental
17 purposes or anything else. This is simply to
18 create a deterrent for people to use plastic bags
19 without banning them. And what we have found,
20 through both the survey research as well as
21 actual implementation in places like California
22 and Washington, D.C., is that in fact plastic bag
23 taxes actually do work in terms of significantly
24 reducing the number of plastic bags that
25 communities use.

1 And this is most important in black
2 and Latino communities, which are more burdened
3 by environmental racism and in which we find the
4 most power plants and brownfields and nuclear
5 waste and all kinds of other things.

6 And so I rise to oppose this bill,
7 not because it's a bad bill, but I think that we
8 are really missing the point. That we really
9 ought to be looking at an opportunity to go all
10 the way in terms of protecting this planet. And
11 we really need to, as Senator Lanza is
12 indicating, not try to reproduce the horrors of
13 things like the Arthur Kill Landfill that we saw
14 in Staten Island. But we need to be looking at
15 our landfills. We need to be doing surveys, we
16 need to be seeing what are the things that
17 New Yorker are putting in these landfills. We
18 ought to be looking at waste mitigation and see
19 what we can take out of these landfills, like
20 plastics bag -- which, frankly, never break down,
21 like ever. And then we need to be, in fact,
22 figuring out recycling, which we can build a
23 whole new green economy on in the State of
24 New York, and/or replacing it with other things.

25 And so although I'm opposing this

1 bill, I'm really standing here to pledge myself
2 to the members of this body to work with you in
3 order to figure out some real alternatives to
4 saving our precious resource, which is this
5 planet, and particularly the environment of the
6 great State of New York.

7 Thank you.

8 ACTING PRESIDENT GRIFFO: Senator
9 Helming.

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

12 I rise as someone who does not
13 reside in New York City. I rise as a Senator who
14 represents the Finger Lakes region -- pristine,
15 clean, freshwater lakes, prime agricultural
16 soils, and three of the largest landfills in the
17 northeastern United States.

18 And when I hear about speaking only
19 if you're from New York City, I just want to take
20 a minute to explain that in my region we take
21 waste from most of the communities represented
22 here. Downstate waste comes up into our
23 landfills.

24 In addition to being the Senator who
25 represents this district, I also rise as someone

1 who has worked in the waste industry for almost
2 ten years, auditing landfills, transfer stations
3 and recycling centers.

4 I want you to know that I will be
5 voting in the affirmative today. I wholly
6 support recycling efforts. I love hearing about
7 discussions, future discussions about statewide
8 waste management. But I'll be voting in the
9 affirmative because, based on my experience, a
10 nickel tax doesn't change personal behaviors. I
11 don't see that happening here. There are better
12 ways to address recycling without further
13 burdening our citizens and our hardworking
14 business owners.

15 Thank you.

16 ACTING PRESIDENT GRIFFO: Thank
17 you, Senator Helming.

18 Seeing and hearing no other Senator
19 that wishes to be heard, debate is closed and the
20 Secretary will ring the bell.

21 Read the last section.

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

24 ACTING PRESIDENT GRIFFO: The
25 Secretary will call the roll.

1 (The Secretary called the roll.)

2 ACTING PRESIDENT GRIFFO: I want to
3 remind members who will be explaining votes that
4 they have a two-minute explanation rule, with the
5 exception of the sponsor.

6 Senator Stavisky to explain her
7 vote.

8 SENATOR STAVISKY: Thank you,
9 Mr. President.

10 I am on record as saying that I do
11 not like the City Council bill. For one thing,
12 the money is going back to the retailer, not to
13 any environmental fund or to the state.

14 Secondly, it is a regressive tax,
15 not based on ability to pay. And I don't know
16 about other people in the chamber, but when I go
17 to the supermarket, I never come out with only
18 one bag. This is not a 5-cent tax, this is a tax
19 on multiple bags, often double-bagged. So this
20 is quite an expensive tax.

21 ACTING PRESIDENT GRIFFO: Excuse
22 me, Senator Stavisky.

23 SENATOR STAVISKY: And I vote in
24 the affirmative.

25 ACTING PRESIDENT GRIFFO: Excuse

1 me. No, Senator Stavisky, I'm sorry, I just
2 wanted to get some order in the house for you.
3 So you can continue.

4 SENATOR STAVISKY: And I vote aye.
5 (Laughter.)

6 ACTING PRESIDENT GRIFFO: Thank
7 you. Senator Stavisky to be recorded in the
8 affirmative.

9 Is there any other individual that
10 would like to explain their vote?

11 (No response.)

12 ACTING PRESIDENT GRIFFO: Okay, I
13 will allow Senator Felder to close with an
14 explanation.

15 SENATOR FELDER: Thank you very
16 much, Mr. President.

17 In no specific order, I'd also like
18 to address some of the comments made.

19 The reason we're -- I'm sorry?

20 ACTING PRESIDENT GRIFFO: Continue,
21 please.

22 SENATOR FELDER: I'm sorry. The
23 reason we're taking this up at this time is
24 because the average New Yorker is sick and tired
25 of being lied to, lied to by Mayor de Blasio and

1 the City Council, who told us at the end of last
2 session that they want a delay in order to be
3 able to come back with a solution. And if we had
4 not brought it up, it would have just happened.

5 Well, New Yorkers don't like to be
6 dictated to, they don't like to be imposed on,
7 and, as some of the sponsors, they don't like
8 being irritated. With all the problems that
9 New York City residents face, with all the
10 problems, including homelessness, the issues of
11 terrorism, housing shortages, there's nothing
12 else that's more important in New York City than
13 taxing its people a nickel over and over and over
14 again.

15 And when one of my colleagues gets
16 up and says "shameful" -- let me just get it
17 right -- "arrogant," I'll add. Shameful,
18 arrogant. I'll tell you what's shameful and
19 arrogant. The people in the outer boroughs --
20 this is a tale of two cities. There are
21 districts in Manhattan that the average income
22 annually is very, very high. That's what many of
23 you like to talk about, taxing the 1 percent, not
24 the 99 percent. Because you can get your
25 groceries delivered, or some of them can have

1 their groceries picked up by their chauffeurs,
2 their nannies, or somebody else and pay for it.

3 But people in my district and people
4 in Senator Díaz's district and other districts,
5 they go to the grocery with a shopping cart and
6 they schlep their groceries home. And they need
7 those bags, because contrary to what people
8 say -- you want to encourage people to do the
9 right thing? -- we reuse the bags more often and
10 more times than everybody.

11 So the bags, you want to encourage
12 them to do something positive, encourage them to
13 recycle it. Why doesn't Mayor de Blasio take
14 part of the \$5 million that was spent for
15 security on the ball dropping on New Year's Eve
16 and give people back a nickel if they don't take
17 a bag, give them back a dime if they don't take a
18 bag? No, no, no. We know better. We're going
19 to tax you. We're going to say, every time you
20 take a bag, we're going to charge you.

21 Well, my constituents and I think
22 the average New Yorker is sick and tired of being
23 told by the better people, the elite, what's good
24 for us. We are not interested.

25 So I say to my constituents and to

1 the average person -- and when I talk about the
2 average person, my mother is not average. She is
3 the best mother, by any means. I don't talk to
4 her about plastic bags. But that's how I think
5 about the average person in New York -- doesn't
6 want anything, just don't bother me. Let me try
7 to do what I have to do without being irritated,
8 without being picked on, without being driven out
9 of our minds, and just let us do our thing.

10 If you want to do something right,
11 do it in a positive way. Encourage recycling,
12 educate recycling. And give people something
13 back to encourage good behavior, don't punish
14 them.

15 I vote aye.

16 ACTING PRESIDENT GRIFFO: Senator
17 Felder to be recorded in the affirmative.

18 Announce the results.

19 THE SECRETARY: In relation to
20 Calendar 35, those recorded in the negative are
21 Senators Alcantara, Breslin, Carlucci, Dilan,
22 Hamilton, Hoylman, Kaminsky, Kennedy, Krueger,
23 Latimer, Montgomery, Parker, Rivera, Serrano,
24 Squadron, and Stewart-Cousins. Also Senator
25 Sanders. Also Senator Bailey.

1 Ayes, 42. Nays, 18.

2 ACTING PRESIDENT GRIFFO: The bill
3 is passed.

4 Senator DeFrancisco.

5 SENATOR DeFRANCISCO: Can we now
6 take up, from the supplemental calendar, Calendar
7 Number 39, Senate Bill 1196.

8 ACTING PRESIDENT GRIFFO: On
9 Supplemental Senate Calendar 3A, we will take up
10 Calendar 39. The Secretary will read.

11 THE SECRETARY: Calendar Number 39,
12 by Senator Avella, Senate Print 1196, an act to
13 amend the Environmental Conservation Law.

14 ACTING PRESIDENT GRIFFO: Read the
15 last section.

16 THE SECRETARY: Section 2. This
17 act shall take effect on the 120th day.

18 ACTING PRESIDENT GRIFFO: Call the
19 roll.

20 (The Secretary called the roll.)

21 ACTING PRESIDENT GRIFFO: Announce
22 the results.

23 THE SECRETARY: In relation to
24 Calendar 39, those recorded in the negative are
25 Senators Akshar, Amedore, DeFrancisco, Griffio and

1 Helming.

2 Ayes, 55. Nays, 5.

3 ACTING PRESIDENT GRIFFO: The bill
4 is passed.

5 Senator DeFrancisco.

6 SENATOR DeFRANCISCO: Now can we go
7 to the active list and do the noncontroversial
8 reading, please.

9 ACTING PRESIDENT GRIFFO: We will
10 take up today's active list, noncontroversial,
11 and the Secretary will read.

12 THE SECRETARY: Calendar Number 3,
13 by Senator Murphy, Senate Print 964, an act to
14 amend the Highway Law.

15 ACTING PRESIDENT GRIFFO: Read the
16 last section.

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

19 ACTING PRESIDENT GRIFFO: Call the
20 roll.

21 (The Secretary called the roll.)

22 THE SECRETARY: Ayes, 60.

23 ACTING PRESIDENT GRIFFO: The bill
24 is passed.

25 THE SECRETARY: Calendar Number 5,

1 by Senator Avella, Senate Print 972, an act to
2 amend the Social Services Law.

3 ACTING PRESIDENT GRIFFO: Read the
4 last section.

5 THE SECRETARY: Section 3. This
6 act shall take effect on the same date and in the
7 same manner as a chapter of the Laws of 2016.

8 ACTING PRESIDENT GRIFFO: Call the
9 roll.

10 (The Secretary called the roll.)

11 THE SECRETARY: Ayes, 60.

12 ACTING PRESIDENT GRIFFO: The bill
13 is passed.

14 THE SECRETARY: Calendar Number 8,
15 by Senator Lanza, Senate Print 975, an act to
16 amend the Arts and Cultural Affairs Law.

17 ACTING PRESIDENT GRIFFO: Read the
18 last section.

19 THE SECRETARY: Section 2. This
20 act shall take effect on the same date and in the
21 same manner as a chapter of the Laws of 2016.

22 ACTING PRESIDENT GRIFFO: Call the
23 roll.

24 (The Secretary called the roll.)

25 THE SECRETARY: Ayes, 60.

1 ACTING PRESIDENT GRIFFO: The bill
2 is passed.

3 THE SECRETARY: Calendar Number 11,
4 by Senator Ranzenhofer, Senate Print 978, an act
5 to amend the Public Authorities Law.

6 ACTING PRESIDENT GRIFFO: Read the
7 last section.

8 THE SECRETARY: Section 3. This
9 act shall take effect on the same date and in the
10 same manner as Chapter 431 of the Laws of 2016.

11 ACTING PRESIDENT GRIFFO: Call the
12 roll.

13 (The Secretary called the roll.)

14 THE SECRETARY: Ayes, 60.

15 ACTING PRESIDENT GRIFFO: The bill
16 is passed.

17 THE SECRETARY: Calendar Number 14,
18 substituted earlier by Member of the Assembly
19 Rosenthal, Assembly Print 373, an act to amend
20 the Mental Hygiene Law.

21 ACTING PRESIDENT GRIFFO: Read the
22 last section.

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

25 ACTING PRESIDENT GRIFFO: Call the

1 roll.

2 (The Secretary called the roll.)

3 THE SECRETARY: Ayes, 60.

4 ACTING PRESIDENT GRIFFO: The bill
5 is passed.

6 THE SECRETARY: Calendar Number 16,
7 by Senator LaValle, Senate Print 983, an act to
8 amend the Vehicle and Traffic Law.

9 ACTING PRESIDENT GRIFFO: Read the
10 last section.

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

13 ACTING PRESIDENT GRIFFO: Call the
14 roll.

15 (The Secretary called the roll.)

16 THE SECRETARY: Ayes, 60.

17 ACTING PRESIDENT GRIFFO: The bill
18 is passed.

19 The Secretary will continue.

20 THE SECRETARY: Calendar Number 25,
21 by Senator Lanza, Senate Print 1214, an act to
22 amend the General Municipal Law.

23 SENATOR DeFRANCISCO: Lay the bill
24 aside for the day, please.

25 ACTING PRESIDENT GRIFFO: The bill

1 will be laid aside for the day.

2 That completes the noncontroversial
3 reading of today's active-list calendar,
4 Senator DeFrancisco.

5 SENATOR DeFRANCISCO: First,
6 members should be reminded that the
7 Social Services Committee will be meeting
8 immediately following session in Room 123.

9 And then is there any further
10 business?

11 ACTING PRESIDENT GRIFFO: There
12 will be a Social Services Committee meeting in
13 Room 123.

14 There is no further business before
15 the desk.

16 SENATOR DeFRANCISCO: In that case,
17 I move to adjourn until Wednesday, January 18th,
18 at 11:00 a.m.

19 ACTING PRESIDENT GRIFFO: On
20 motion, the Senate stands adjourned until
21 Wednesday, January 18th, at 11:00 a.m.

22 The Senate stands adjourned.

23 (Whereupon, at 5:36 p.m., the Senate
24 adjourned.)

25