

1 NEW YORK STATE SENATE

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4 THE STENOGRAPHIC RECORD

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9 ALBANY, NEW YORK

10 April 30, 2019

11 3:31 p.m.

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13
14 REGULAR SESSION

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18 SENATOR BRIAN A. BENJAMIN, Acting President

19 ALEJANDRA N. PAULINO, ESQ., Secretary

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

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

4 I ask everyone present to please
5 rise and repeat with me the Pledge of Allegiance.

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

8 ACTING PRESIDENT BENJAMIN: Giani
9 Kuldip Singh, from Guru Nanak Darbar, will
10 deliver today's invocation.

11 GIANA KULDIP SINGH: {Greeting in
12 Punjabi.} Good afternoon, and shalom. We are
13 honored to be here to start the Senate session by
14 saying a Sikh prayer.

15 We also thank Senator Kevin Thomas
16 for providing us this opportunity. Thank you.

17 Now I am going to say Sikh prayer.
18 {Praying in Punjabi.} Thanks.

19 ACTING PRESIDENT BENJAMIN: The
20 reading of the Journal.

21 THE SECRETARY: In Senate, Monday,
22 April 29, 2019, the Senate met pursuant to
23 adjournment. The Journal of Sunday, April 28,
24 2019, was read and approved. On motion, Senate
25 adjourned.

1 ACTING PRESIDENT BENJAMIN: Without
2 objection, the Journal stands approved as read.

3 Presentation of petitions.

4 Messages from the Assembly.

5 Messages from the Governor.

6 Reports of standing committees.

7 Reports of select committees.

8 Communications and reports from
9 state officers.

10 Motions and resolutions.

11 Senator Gianaris.

12 SENATOR GIANARIS: Mr. President,
13 on behalf of Senator Ramos, on page 13 I offer
14 the following amendments to Calendar Number 243,
15 Senate Print 3344, and ask that said bill retain
16 its place on Third Reading Calendar.

17 ACTING PRESIDENT BENJAMIN: The
18 amendments are received, and the bill shall
19 retain its place on the Third Reading Calendar.

20 SENATOR GIANARIS: Mr. President, I
21 now move to adopt the Resolution Calendar, with
22 the exception of Resolutions 1080, 1104, and
23 1179.

24 ACTING PRESIDENT BENJAMIN: All in
25 favor of adopting the Resolution Calendar, with

1 the exception of Resolutions 1080, 1104, and
2 1179, please signify by saying aye.

3 (Response of "Aye.")

4 ACTING PRESIDENT BENJAMIN:

5 Opposed, nay.

6 (No response.)

7 ACTING PRESIDENT BENJAMIN: The
8 Resolution Calendar is adopted.

9 Senator Gianaris.

10 SENATOR GIANARIS: Can we now take
11 up previously adopted Resolution 1026, by
12 Senator Little, read that resolution's title
13 only, and call on Senator Little.

14 ACTING PRESIDENT BENJAMIN: The
15 Secretary will read.

16 the SECRETARY: Senate Resolution
17 1026, by Senator Little, congratulating the
18 Plattsburgh State Women's Ice Hockey Team upon
19 the occasion of capturing the NCAA Division III
20 Women's Ice Hockey Championship.

21 ACTING PRESIDENT BENJAMIN: Senator
22 Little on the resolution.

23 SENATOR LITTLE: Thank you,
24 Mr. President.

25 I am very proud to present to this

1 body the Plattsburgh Women's Hockey Team, which
2 is here in the gallery. And they're here with
3 their coach Kevin Houle, as well as assistant
4 coaches.

5 Plattsburgh University is in my
6 district, obviously in Plattsburgh, New York,
7 known as the Cardinals. We are very proud of the
8 Women's Hockey Team and the tradition that they
9 have created of women's hockey in Plattsburgh.
10 They have now won their seventh national
11 championship. They have been to the Final Four
12 13 times, and this is the seventh national
13 championship that they have won for the Cardinals
14 of Plattsburgh State.

15 They won this by defeating Hamline
16 University in a 4-to-nothing victory on Saturday,
17 March 16, 2019, in St. Paul, Minnesota. Proudly
18 there were many family members, fellow students
19 and friends there to watch them. They ended
20 their year with 29 wins, two ties, and zero
21 losses, which is quite a record for a women's
22 hockey team.

23 We also have five seniors who are
24 completing their season and their career; we wish
25 them well as they graduate this year. And we

1 have nine freshmen who are on this team. So I
2 think that that tells us that this Plattsburgh
3 State College will be back here again winning the
4 national championship in women's hockey.

5 My sincere congratulations to them.
6 It doesn't come easy. When you are a student in
7 college, you have a heavy course load, you have a
8 lot of things going on, you have a lot of
9 demands, a lot of pressures. And yet you
10 travel -- and there's a lot of travel involved
11 with these teams. They travel and they represent
12 Plattsburgh in so many ways. And they show their
13 athletic skills and how good they are. And they
14 really are. Not just good hockey players, they
15 are very good women who have represented us.

16 I congratulate them and I thank them
17 for their tremendous effort and for certainly for
18 raising the banner of Plattsburgh and the
19 Cardinals on a national level. Thank you very
20 much.

21 And I would ask you to honor them
22 with the honors of the house.

23 ACTING PRESIDENT BENJAMIN: The
24 resolution was previously adopted on March 26th.

25 To our guests from Plattsburgh, I

1 welcome you on behalf of the Senate. We offer
2 you all the privileges and courtesies of this
3 house. Please rise and be recognized.

4 (Standing ovation.)

5 ACTING PRESIDENT BENJAMIN: Senator
6 Gianaris.

7 SENATOR GIANARIS: Mr. President,
8 Senator Little would like to open that resolution
9 for cosponsorship.

10 ACTING PRESIDENT BENJAMIN: The
11 resolution is open for cosponsorship. Should you
12 choose not to be a cosponsor of the resolution,
13 please notify the desk.

14 Senator Gianaris.

15 SENATOR GIANARIS: Can we please
16 now move to previously adopted Resolution 843, by
17 Senator Thomas, read that resolution in its
18 entirety, and recognize Senator Thomas.

19 ACTING PRESIDENT BENJAMIN: The
20 Secretary will read.

21 THE SECRETARY: Senate Resolution
22 843, by Senator Thomas, memorializing Governor
23 Andrew M. Cuomo to proclaim April 2019 as Sikh
24 Awareness Month in the State of New York.

25 "WHEREAS, It is the custom of this

1 Legislative Body to recognize official months
2 that are set aside to increase awareness of the
3 diverse cultures that make up the communities
4 throughout the State of New York; and

5 "WHEREAS, Attendant to such concern,
6 and in full accord with its long-standing
7 traditions, this Legislative Body is justly proud
8 to memorialize Governor Andrew M. Cuomo to
9 proclaim April 2019, as Sikh Awareness Month in
10 the State of New York; and

11 "WHEREAS, Sikhs have been living in
12 the United States for more than 100 years, and
13 during the early 20th century, thousands of Sikh
14 Americans worked on farms, in lumber mills and
15 mines, and on the Oregon, Pacific & Eastern
16 Railroad; and

17 "WHEREAS, Sikhism is the fifth
18 largest religion in the world and today, there
19 are more than 30 million Sikhs worldwide and an
20 estimated 500,000 Sikh Americans; and

21 "WHEREAS, Vaisakhi is one of the
22 most historically significant days of the year
23 for Sikhs and is celebrated on April 14, 2019;
24 and

25 "WHEREAS, 2019 is the 550th birthday

1 of the first of 10 gurus and founder of Sikhism,
2 Guru Nanak; this day is celebrated for Sikhs in
3 New York State and worldwide as Guru Nanak's
4 Gurpurab and is one of the most important dates
5 in the Sikh calendar; and

6 "WHEREAS, Sikh Americans pursue
7 diverse professions and make rich contributions
8 to the social, cultural, and economic vibrancy of
9 the United States, including service as members
10 of the United States Armed Forces and significant
11 contributions to our great nation in agriculture,
12 information technology, small businesses, the
13 hotel industry, trucking, medicine, and
14 technology; and

15 "WHEREAS, Sikh Americans
16 distinguished themselves by fostering respect
17 among all people through faith and service; and

18 "WHEREAS, The State of New York is
19 committed to educating citizens about the world's
20 religions, the value of religious diversity,
21 tolerance grounded in First Amendment principles,
22 a culture of mutual understanding, and the
23 diminution of violence; and

24 "WHEREAS, Today, the State of
25 New York seeks to further the diversity of its

1 community and afford all residents the
2 opportunity to better understand, recognize, and
3 appreciate the rich history and shared
4 experiences of Sikh Americans; now, therefore, be
5 it

6 "RESOLVED, That this Legislative
7 Body pause in its deliberations to memorialize
8 Governor Andrew M. Cuomo to proclaim April 2019,
9 as Sikh Awareness Month in the State of New York;
10 and be it further

11 "RESOLVED, That a copy of this
12 resolution, suitably engrossed, be transmitted to
13 the Honorable Andrew M. Cuomo, Governor of the
14 State of New York."

15 ACTING PRESIDENT BENJAMIN: Senator
16 Thomas on the resolution.

17 SENATOR THOMAS: Thank you,
18 Mr. President.

19 It's a new day here in Albany where
20 we get to celebrate this state's diversity. To
21 my Sikh brothers and sisters up in the gallery,
22 and to Giani Kuldip Singh, who led the opening
23 prayer, thank you for coming to Albany.

24 The reason why I introduced this
25 resolution is because there's little to no

1 information about the Sikh community and who they
2 are. Who are the Sikhs? These individuals come
3 from the Indian subcontinent and practice a faith
4 that is considered to be the fifth-largest in the
5 world, Sikhism. It is a religion founded more
6 than 500 years ago by Guru Nanak, who taught that
7 all paths lead to one God, men and women are
8 created equal, and through community service you
9 give back to everyone without asking for anything
10 in return.

11 You can identify a Sikh in public by
12 their articles of faith. Most noticeable is the
13 turban they wear and the beards they grow. This
14 is the Sikh way. Just two weeks ago the Sikh
15 community celebrated Vaisakhi, which is their
16 New Year. This is a day on which the Sikh
17 community gives thanks for all their blessings
18 and prays for future prosperity.

19 Their prosperity is New York's
20 prosperity, and it comes in the different roles
21 they play in our society. Sikhs are doctors,
22 they are lawyers, they are engineers, they are
23 teachers. They serve in our armed forces, they
24 serve in our law enforcement. They're also
25 entrepreneurs. And most importantly, they're our

1 neighbors and friends.

2 In New York, businessmen like
3 Chandeeep Singh work to make the dreams of
4 hundreds of families come true with the sale of a
5 home. Research scientists like Varan Singh work
6 to find the cure to cancer. Community leaders
7 like Harpreet Toor work tirelessly to promote the
8 Sikh culture through his TV show. And attorneys
9 like Manjit Kaur fight to represent a vulnerable
10 population in court.

11 These are individuals that make
12 New York great, who follow the Sikh faith and
13 contribute to our way of life that makes us a
14 better community and better people.

15 So let's all try to be like a Sikh
16 today and for the future, one who cultivates the
17 spiritual self while also serving the communities
18 around them.

19 Thank you.

20 ACTING PRESIDENT BENJAMIN: The
21 resolution was previously adopted on March 29th.

22 To our Sikh community here in
23 attendance today, I welcome you on behalf of the
24 Senate. We extend to you all of the courtesies
25 and privileges of this house. Please all rise

1 and be recognized.

2 (Standing ovation.)

3 ACTING PRESIDENT BENJAMIN: Senator
4 Gianaris.

5 SENATOR GIANARIS: At the request
6 of Senator Thomas, this resolution is open for
7 cosponsorship.

8 ACTING PRESIDENT BENJAMIN: The
9 resolution is open for cosponsorship. Should you
10 choose not to be a cosponsor of the resolution,
11 please notify the desk.

12 ACTING PRESIDENT BENJAMIN: Senator
13 Gianaris.

14 SENATOR GIANARIS: Can we now take
15 up Resolution 1104, by Senator Helming, read that
16 resolution in its entirety, and call on Senator
17 Helming.

18 ACTING PRESIDENT BENJAMIN: The
19 Secretary will read.

20 THE SECRETARY: Senate Resolution
21 1104, by Senator Helming, congratulating the
22 Lansing High School Boys Soccer Team upon the
23 occasion of capturing the New York State Public
24 High School Athletic Association Class C
25 Championship.

1 "WHEREAS, Individual and team
2 championships are highly sought after in high
3 school sports; this Legislative Body commends
4 rare athletic achievements and pays special
5 recognition to those who pursue such excellence
6 and become examples for the youth of this great
7 Empire State; and

8 "WHEREAS, Athletic competition
9 helps to enhance both the moral and physical
10 development of young athletes, preparing them for
11 the future by instilling in them the importance
12 of teamwork, encouraging a standard of healthy
13 living, and developing a sense of fair play and
14 competition; and

15 "WHEREAS, This Legislative Body is
16 justly proud to congratulate the Lansing High
17 School Boys Soccer Team upon the occasion of
18 capturing the New York State Public High School
19 Athletic Association Class C Championship; to the
20 praise and applause of their excited fans, the
21 Bobcats defeated Geneseo in a 3-0 victory at
22 Middletown High School on Sunday, November 11,
23 2018, to win the championship; and

24 "WHEREAS, Proudly donning the
25 school's colors of blue and gold, family,

1 friends, and the community at large loyally and
2 enthusiastically supported the Bobcats throughout
3 their journey as they ended their season with an
4 impressive 20-4-1 overall record; and

5 "WHEREAS, In a sport such as soccer,
6 which demands athletic prowess, speed and
7 agility, Head Coach Benjamin Parkes and his
8 expert coaching staff worked hard to hone the
9 skills of this championship team, teaching these
10 outstanding athletes lessons which will prove
11 invaluable both on and off the field; and

12 "WHEREAS, Coach Benjamin Parkes,
13 Assistant Coaches David Schlesinger and
14 Andrew Troisi, and all of the outstanding
15 athletes on the Lansing High School Boys Soccer
16 Team have clearly utilized dedication,
17 determination and teamwork in providing a lasting
18 contribution to the spirit of excellence which is
19 a tradition of their school; now, therefore, be
20 it

21 "RESOLVED, That this Legislative
22 Body pause in its deliberations to congratulate
23 the members of the Lansing High School Boys
24 Soccer Team: Sean O'Callaghan, Tomas Vence,
25 Morgan Somchanhmavong, Langston Hopkins,

1 Erik Goehler, Jack Collins, Ethan Zemanick,
2 Eli Bartholomew, Gill Richardson,
3 Jason Littlefair, Julian Tornusciolo, Mason
4 Edwards, Kyle Romeo, Aidan Burt, Ben Infante,
5 Alex Rose, Aidan Huslebosch, Kyle Reid,
6 Matt Weil, Joe Besemer, Ethan Burt, Sam Panzer,
7 Matthew Kirkwood, Phillip Linnik,
8 Tristan Lyndaker, Sean Wenzel, George Taylor and
9 Gavin Suwara; Head Coach Benjamin Parkes;
10 Assistant Coaches David Schlesinger and Andrew
11 Troisi; Team Managers Andrew Galvin and Kenton
12 Edwards; and Team Ball Boys Tyler Smith, Jackson
13 Tarbert, and Kaden Haslinger on their outstanding
14 season and overall team record; and be it further

15 "RESOLVED, That copies of this
16 resolution, suitably engrossed, be transmitted to
17 the members of the Lansing High School Boys
18 Soccer Team, Head Coach Benjamin Parkes,
19 Assistant Coaches David Schlesinger and
20 Andrew Troisi, Team Managers Andrew Galvin and
21 Kenton Edwards, and Team Ball Boys Tyler Smith,
22 Jackson Tarbert and Kaden Haslinger."

23 ACTING PRESIDENT BENJAMIN: Senator
24 Helming on the resolution.

25 SENATOR HELMING: Thank you,

1 Mr. President.

2 I rise proudly today to congratulate
3 and acknowledge the Lansing Bobcats Boys Varsity
4 Soccer Team, led by Coach Benjie Parkes, on
5 capturing the 2018 New York State Class C Soccer
6 Championship.

7 Those of you who were in the Senate
8 last year, these guys may look familiar to you.
9 It's because they were also the 2017 champions.

10 And it's so great to have you back
11 here today. I can't wait until next year to be
12 talking about your three-peat.

13 Vince Lombardi once said "If we
14 chase perfection, we catch excellence." And that
15 is exactly what this Bobcats team did. They've
16 been supported throughout the system by the
17 entire school district, by the Lansing Boosters,
18 and the entire community.

19 As state champions you serve as role
20 models to your peers and will forever represent a
21 spirit of excellence in the Lansing community. I
22 wish you all continued success in the future,
23 both inside the classroom and out on the field.

24 On behalf of the entire Lansing
25 community, this chamber, and the entire State of

1 New York, I'd like to congratulate the entire
2 team and the coaching staff on an incredible
3 ending to a remarkable season.

4 Go, Bobcats!

5 ACTING PRESIDENT BENJAMIN: The
6 question is on the resolution. All in favor
7 signify by saying aye.

8 (Response of "Aye.")

9 ACTING PRESIDENT BENJAMIN:
10 Opposed?

11 (No response.)

12 ACTING PRESIDENT BENJAMIN: The
13 resolution is adopted.

14 To the Lansing High School Boys
15 Soccer Team, I welcome you on behalf of the
16 Senate. We extend to you all of the privileges
17 and courtesies of this house.

18 You've already risen, so please be
19 recognized.

20 (Standing ovation.)

21 ACTING PRESIDENT BENJAMIN: Senator
22 Gianaris.

23 SENATOR GIANARIS: Mr. President,
24 Senator Helming would like to open that
25 resolution for cosponsorship.

1 ACTING PRESIDENT BENJAMIN: The
2 resolution is open for cosponsorship. Should you
3 choose not to be a cosponsor of the resolution,
4 please notify the desk.

5 Senator Gianaris.

6 SENATOR GIANARIS: Can we now
7 please move to Resolution 1080, by Senator May,
8 read its title only, and call on Senator May.

9 ACTING PRESIDENT BENJAMIN: The
10 Secretary will read.

11 THE SECRETARY: Senate Resolution
12 1080, by Senator May, memorializing Governor
13 Andrew M. Cuomo to proclaim May 4, 2019, as
14 Firefighters' Appreciation Day in the State of
15 New York.

16 ACTING PRESIDENT BENJAMIN: Senator
17 May on the resolution.

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

20 This winter I had the pleasure of
21 spending an evening with the Volunteer
22 Firefighters and Women's Auxiliary of DeRuyter,
23 New York. We were honoring John Best, a
24 firefighter who had spent 50 years in service to
25 the community. But the room was full of men and

1 women of all ages who devote countless hours to
2 protect the safety and well-being of their small
3 town and surrounding rural area.

4 Volunteer firefighters exemplify the
5 best of America, with a generosity of spirit and
6 dedication to helping neighbors in their time of
7 need. In rural communities they are a
8 particularly crucial lifeline, but their
9 numbers are declining -- down 25 percent in
10 New York State since 1990. The Recruit New York
11 program has helped, but it is increasingly hard
12 to get people to volunteer their time for
13 training, preparedness, and emergency response.

14 More than ever, volunteer
15 firefighters deserve our support, recognition and
16 gratitude. I am proud to sponsor today's
17 resolution in honor of International Firefighter
18 Day.

19 Thank you.

20 ACTING PRESIDENT BENJAMIN: The
21 question is on the resolution. All in favor
22 signify by saying aye.

23 (Response of "Aye.")

24 ACTING PRESIDENT BENJAMIN:
25 Opposed?

1 (No response.)

2 ACTING PRESIDENT BENJAMIN: The
3 resolution is adopted.

4 Senator Gianaris.

5 SENATOR GIANARIS: Senator May
6 would like to open that resolution for
7 cosponsorship, Mr. President.

8 ACTING PRESIDENT BENJAMIN: The
9 resolution is open for cosponsorship. Should you
10 choose not to be a cosponsor of the resolution,
11 please notify the desk.

12 Senator Gianaris.

13 SENATOR GIANARIS: Can we please
14 take up Resolution 1179, by the great Senator
15 Harckham, read its title only, and recognize
16 Senator Harckham.

17 ACTING PRESIDENT BENJAMIN: The
18 Secretary will read.

19 THE SECRETARY: Senate Resolution
20 1179, by Senator Harckham, commending the Garden
21 Club of America upon the occasion of partnering
22 with the Great Healthy Yard Project to improve
23 overall water quality and produce healthy
24 backyards.

25 ACTING PRESIDENT BENJAMIN: Senator

1 Harckham on the resolution.

2 SENATOR HARCKHAM: Thank you,
3 Mr. President. I want to thank Senator Gianaris
4 for that great introduction as well. Thank you,
5 sir.

6 (Laughter.)

7 SENATOR HARCKHAM: Today we are
8 going to discuss and debate in this chamber a
9 series of bills that are designed to improve the
10 environment and protect the health and well-being
11 of all New Yorkers. So this is a timely
12 resolution we take up today.

13 The Garden Club of America has been
14 beautifying towns and communities all over
15 New York for the past hundred years, and today we
16 celebrate a milestone as they form a partnership
17 with an organization called the Great Healthy
18 Yard Project -- which actually was formed by a
19 former neighbor of mine, Dr. Diane Lewis, from
20 Katonah, New York -- that essentially says in
21 order to have a beautiful lawn and a beautiful
22 garden, you don't need synthetic fertilizers and
23 chemical pesticides and herbicides.

24 In fact, people's private lawns per
25 capita use 10 times more the amount of pesticide

1 and herbicide than our commercial farms do -- and
2 they use a heck of a lot.

3 So this unique program will be
4 rolled out statewide and then nationwide,
5 educating property owners that they can do the
6 right thing -- by using organic techniques like
7 composting and mulching, by overseeding, by using
8 beneficial plants and beneficial insects to
9 bolster the overall habitat, that they can have a
10 great lawn and protect our water source. The key
11 to all of this is protecting our water.

12 The U.S. Geological Survey did a
13 study and found that in over 90 percent of our
14 streams and rivers and lakes, you can find
15 pesticides. Over 50 percent of our private wells
16 contain elements of pesticides and herbicides.

17 So what we need to do both on the
18 regulatory side, we do it this end, but we thank
19 our partners out in the community who have found
20 solutions through education and knowledge.

21 So with that, we put forth this
22 resolution today. We thank Dr. Lewis and the
23 Great Healthy Yard Project, and we thank the
24 Garden club for all of their efforts to protect
25 the environment.

1 Thank you, Mr. President.

2 ACTING PRESIDENT BENJAMIN: The
3 question is on the resolution. All in favor
4 signify by saying aye.

5 (Response of "Aye.")

6 ACTING PRESIDENT BENJAMIN:
7 Opposed?

8 (No response.)

9 ACTING PRESIDENT BENJAMIN: The
10 resolution is adopted.

11 Senator Gianaris.

12 SENATOR GIANARIS: At the request
13 of Senator Harckham, that resolution is open for
14 cosponsorship.

15 ACTING PRESIDENT BENJAMIN: The
16 resolution is open for cosponsorship. Should you
17 choose not to be a cosponsor of the resolution,
18 please notify the desk.

19 Senator Gianaris.

20 SENATOR GIANARIS: At this point,
21 Mr. President, there will be an immediate meeting
22 of the Rules Committee in Room 332.

23 ACTING PRESIDENT BENJAMIN: There
24 will be an immediate meeting of the
25 Rules Committee in Room 332.

1 SENATOR GIANARIS: And the Senate
2 will stand at ease.

3 ACTING PRESIDENT BENJAMIN: The
4 Senate will stand at ease.

5 (Whereupon, the Senate stood at ease
6 at 3:57 p.m.)

7 (Whereupon, the Senate reconvened at
8 4:10 p.m.)

9 ACTING PRESIDENT BENJAMIN: The
10 Senate will return to order.

11 ACTING PRESIDENT BENJAMIN: The
12 Senate will return to order.

13 Senator Gianaris.

14 SENATOR GIANARIS: Thank you,
15 Mr. President. Is there a report of the Rules
16 Committee at the desk?

17 ACTING PRESIDENT BENJAMIN: There
18 is a report of the Rules Committee at the desk.

19 The Secretary will read.

20 THE SECRETARY: Senator
21 Stewart-Cousins, from the Committee on Rules,
22 reports the following bills:

23 Senate Print 354A, by Senator
24 Kaminsky, an act to amend the Environmental
25 Conservation Law;

1 Senate Print 752, by Senator
2 Montgomery, an act to amend the Tax Law;
3 Senate Print 3558A, by Senator
4 Kennedy, an act to amend the Vehicle and Traffic
5 Law;
6 Senate Print 4385, by Senator
7 Parker, an act to amend the Vehicle and Traffic
8 Law and the Education Law;
9 Senate Print 5098, by Senator
10 Martinez, an act to amend the Environmental
11 Conservation Law;
12 Senate Print 5343, by Senator
13 Kaminsky, an act to amend the Environmental
14 Conservation Law; and
15 Senate Print 5349, by Senator
16 Kaminsky, an act to amend the Environmental
17 Conservation Law.
18 All bills ordered direct to third
19 reading.
20 SENATOR GIANARIS: Move to accept
21 the Rules Committee report.
22 ACTING PRESIDENT BENJAMIN: All
23 those in favor of accepting the report of the
24 Rules Committee signify by saying aye.
25 (Response of "Aye.")

1 ACTING PRESIDENT BENJAMIN:

2 Opposed?

3 (No response.)

4 ACTING PRESIDENT BENJAMIN: The
5 report is accepted.

6 Senator Gianaris.

7 SENATOR GIANARIS: Can we now take
8 up the reading of today's calendar.

9 ACTING PRESIDENT BENJAMIN: There's
10 a substitution at the desk.

11 The Secretary will read.

12 THE SECRETARY: On page 6, Senator
13 Serrano moves to discharge, from the Committee on
14 Environmental Conservation, Assembly Bill Number
15 1779 and substitute it for the identical Senate
16 Bill Number 181, Third Reading Calendar 74.

17 ACTING PRESIDENT BENJAMIN: The
18 substitution is so ordered.

19 The Secretary will read.

20 THE SECRETARY: Calendar Number 74,
21 Assembly Print 1779, by Assemblymember
22 Peoples-Stokes, an act to amend the Environmental
23 Conservation Law.

24 ACTING PRESIDENT BENJAMIN: Read
25 the last section.

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

3 ACTING PRESIDENT BENJAMIN: Call
4 the roll.

5 (The Secretary called the roll.)

6 ACTING PRESIDENT BENJAMIN: Senator
7 Serrano to explain his vote.

8 SENATOR SERRANO: Thank you very
9 much, Mr. President.

10 I would like to thank my colleagues
11 for supporting this legislation, which would
12 create a list of environmental hotspots. And
13 this is so important in communities like mine in
14 the South Bronx, where we have some of the
15 highest instances of asthma and other
16 health-related issues because of pollution in the
17 environment.

18 And this list will bring together
19 data that's readily available on pollution, on
20 other toxic materials in the environment, to help
21 us understand where there are these clusters,
22 these environmental hotspots. And we can use
23 that information for future siting to ensure that
24 we are handling communities that have been
25 historically overburdened by these polluting

1 facilities in a way that brings about
2 environmental justice.

3 And I'm very grateful to all my
4 colleagues for supporting this.

5 Thank you.

6 ACTING PRESIDENT BENJAMIN: Senator
7 Serrano to be recorded in the affirmative.

8 Announce the results.

9 THE SECRETARY: In relation to
10 Calendar Number 74, those Senators voting
11 recorded in the negative are Senators Amedore,
12 Antonacci, Jordan, Seward and Tedisco.

13 Ayes, 56. Nays, 5.

14 ACTING PRESIDENT BENJAMIN: The
15 bill is passed.

16 There is a substitution at the desk.

17 The Secretary will read.

18 THE SECRETARY: On page 6,
19 Senator Sanders moves to discharge, from the
20 Committee on Environmental Conservation,
21 Assembly Bill Number 2501A and substitute it for
22 the identical Senate Bill 2139B, Third Reading
23 Calendar 75.

24 ACTING PRESIDENT BENJAMIN: The
25 substitution is so ordered.

1 The Secretary will read.

2 THE SECRETARY: Calendar Number 75,
3 Assembly Print Number 2501A, by Assemblymember
4 Englebright, an act to amend the Environmental
5 Conservation Law.

6 ACTING PRESIDENT BENJAMIN: Read
7 the last section.

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

10 ACTING PRESIDENT BENJAMIN: Call
11 the roll.

12 (The Secretary called the roll.)

13 ACTING PRESIDENT BENJAMIN:
14 Announce the results.

15 THE SECRETARY: Ayes, 61.

16 ACTING PRESIDENT BENJAMIN: The
17 bill is passed.

18 THE SECRETARY: Calendar Number
19 140, Senate Print 2072, by Senator Carlucci,
20 Concurrent Resolution of the Senate and Assembly
21 proposing an amendment to Article I of the
22 Constitution.

23 ACTING PRESIDENT BENJAMIN: Call
24 the roll.

25 (The Secretary called the roll.)

1 ACTING PRESIDENT BENJAMIN: Senator
2 Sepúlveda to explain his vote.

3 SENATOR SEPÚLVEDA: Thank you,
4 Mr. President, for allowing me to explain my
5 vote.

6 I want to thank my colleague
7 Senator Carlucci for introducing what is an
8 important piece of legislation that provides all
9 in our state with clean air and water,
10 necessities that we deserve.

11 The water contamination crisis that
12 we had in Flint, Michigan, is an indication of
13 how important this legislation is. Five years
14 ago, water from the Flint River began flowing
15 through the city pipes and into the homes of
16 residents. The improperly treated water caused
17 old pipes to corrode and caused buildup of lead
18 in the drinking water of almost 100,000 people.
19 The water was cloudy, foul-smelling and had a
20 metallic taste.

21 There were reports of high blood
22 levels found in children, which is extremely
23 dangerous and causes irreversible health
24 problems. As you know, exposure to lead can
25 cause severe learning disabilities, behavioral

1 problems, and mental disabilities. Flint was
2 forced to resort to bottled water because it was
3 the safest choice.

4 This proposed constitutional
5 amendment would follow models taken from states
6 that have constitutional protections in place to
7 ensure access to clean air and clean water. We
8 need to ensure that our state's water and our air
9 quality are not harming our residents and
10 providing harmful effects on our children.

11 I vote affirmatively.

12 ACTING PRESIDENT BENJAMIN: Senator
13 Sepúlveda to be recorded in the affirmative.

14 Senator Carlucci to explain his
15 vote.

16 SENATOR CARLUCCI: Thank you,
17 Mr. President.

18 I want to thank my colleagues for
19 supporting this important legislation to enshrine
20 in our state's constitution the right to clean
21 air, clean water, and a healthful environment.

22 You know, in our state constitution
23 there's nearly 20,000 words in this constitution,
24 yet you won't find anything dealing with the
25 protection of water, with the protection of clean

1 air. Yet there are protections for the right to
2 assemble, the right to get a divorce, even the
3 right to play bingo -- but yet not a single
4 protection in our right to clean air, clean water
5 and a healthful environment.

6 Look, we could either pay now or
7 we'll be paying the cost later. And this
8 constitutional amendment is about enshrining
9 those rights so that generations to come, they
10 will be inheriting an environment that's healthy.
11 There's a saying: Discipline weighs ounces,
12 regret weighs tons. And that's what we have to
13 do. We have to get real about what climate
14 change is doing to our communities. And that if
15 we don't start today by making sure that this is
16 the first thing that we have to consider -- not
17 the profits, not the ease of doing business, but
18 the realities of what does this mean to our
19 environment, what does this mean to our most
20 precious asset, our air, our water -- then we're
21 fooling ourselves.

22 So this is a step in the direction
23 to make sure that as we learn more, as laws do
24 change -- as they will -- that we have a
25 backstop, we have a protection in our

1 constitution to something that we know is so
2 fundamental to the health of our community, to
3 our survival as human beings. We need to step
4 up, protect it, and the best place to do that is
5 in our State Constitution. Particularly in a
6 time when the federal government unfortunately is
7 withdrawing us from the Paris agreement, is
8 slashing funding to the EPA, this is a way for us
9 to stand up, protect these rights, and make sure
10 that New York is showing us a way forward,
11 showing other states a way forward on how to
12 protect our environment.

13 So I will be supporting this
14 legislation. I want to thank my colleagues for
15 doing the same.

16 Thank you, Mr. President.

17 ACTING PRESIDENT BENJAMIN: Senator
18 Carlucci to be recorded in the affirmative.

19 Announce the results.

20 THE SECRETARY: In relation to
21 Calendar Number 140, those Senators voting in the
22 negative are Senators Amedore, Antonacci,
23 Flanagan, Funke, Gallivan, Griffo, Helming,
24 Jacobs, Jordan, Little, O'Mara, Ortt,
25 Ranzenhofer, Ritchie, Serino, Seward and Tedisco.

1 Ayes, 44. Nays, 17.

2 ACTING PRESIDENT BENJAMIN: The
3 resolution is adopted.

4 THE SECRETARY: Calendar Number
5 307, Senate Print 25A, by Senator Hoylman, an act
6 to amend the Environmental Conservation Law.

7 ACTING PRESIDENT BENJAMIN: Read
8 the last section.

9 THE SECRETARY: Section 4. This
10 act shall take effect on the first of January
11 next succeeding the date on which it shall have
12 become a law.

13 ACTING PRESIDENT BENJAMIN: Call
14 the roll.

15 (The Secretary called the roll.)

16 ACTING PRESIDENT BENJAMIN: Senator
17 Hoylman to explain his vote.

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

20 I wanted to thank my colleagues for
21 their support of this legislation that would
22 establish a bird-friendly building council to
23 promulgate the use of designs that are
24 bird-friendly and bird-friendly building
25 materials and design features in buildings.

1 The reason this is important,
2 Mr. President, is that the latest statistics show
3 that up to 1 billion birds a year die from
4 strikes of buildings here in the United States.
5 And in my district alone we have many
6 skyscrapers, and in New York up to 90,000 birds a
7 year die from strikes with those buildings.

8 The reason, of course, is that many
9 of the buildings are sheathed in glass. And
10 birds, just like humans, can't see glass. And
11 worse, if there is a reflection of any sort or
12 they see through the building, they think they
13 can fly through it. And sometimes that happens
14 to us too. I don't know how many times you've
15 hit your head in the shower, but I have more than
16 a few times.

17 What we have to do, Mr. President,
18 is to establish guidelines that would promote
19 design that will stop this from happening. Other
20 states and cities have taken the lead, including
21 Toronto; Oakland, California; Minnesota, and
22 New York City. Statistics are showing that
23 collision deaths have been reduced up to
24 90 percent.

25 In my district, where the Javits

1 Center is located, the design change of 760,000
2 square feet for an exhibition hall -- it used to
3 be one of the most deadly buildings for birds in
4 New York City, but renovations that occurred in
5 the last few years that incorporated
6 bird-friendly design principles have reduced bird
7 collisions by 95 percent.

8 So I want to thank my colleagues for
9 their support. We can do better to protect our
10 fine feathered friends.

11 I vote aye.

12 ACTING PRESIDENT BENJAMIN: Senator
13 Hoylman to be recorded in the affirmative.

14 Senator Akshar to explain his vote.

15 SENATOR AKSHAR: Mr. President,
16 thank you.

17 While I certainly care about birds,
18 I would suggest to everybody in this house that
19 maybe we put forth a new act, maybe we should
20 call it the taxpayer-friendly policy act. Before
21 we focus on birds, I would suggest that we put
22 forth the taxpayers first and we figure out a way
23 to make their life a little bit easier.

24 We've had a million-plus people
25 leave this state, and we're focused on birds and

1 not the hardworking taxpayers of the State of
2 New York. I'm proudly voting no because we're
3 not putting taxpayers first.

4 ACTING PRESIDENT BENJAMIN: Senator
5 Akshar to be recorded in the negative.

6 Announce the results.

7 THE SECRETARY: In relation to
8 Calendar Number 307, those Senators voting in the
9 negative are Senators Akshar, Amedore, Antonacci,
10 Flanagan, Funke, Gallivan, Helming, Jordan,
11 Lanza, Little, O'Mara, Ortt, Ranzenhofer,
12 Ritchie, Robach, Serino and Tedisco.

13 Ayes, 44. Nays, 17.

14 ACTING PRESIDENT BENJAMIN: The
15 bill is passed.

16 THE SECRETARY: Calendar Number
17 428, Senate Print 2767, by Senator Comrie, an act
18 to amend the Agriculture and Markets Law.

19 ACTING PRESIDENT BENJAMIN: Read
20 the last section.

21 THE SECRETARY: Section 10. This
22 act shall take effect immediately.

23 ACTING PRESIDENT BENJAMIN: Call
24 the roll.

25 (The Secretary called the roll.)

1 ACTING PRESIDENT BENJAMIN:

2 Announce the results.

3 THE SECRETARY: Ayes, 61.

4 ACTING PRESIDENT BENJAMIN: The
5 bill is passed.

6 THE SECRETARY: Calendar Number
7 429, Senate Print 3829, by Senator Metzger, an
8 act to amend the Agriculture and Markets Law.

9 ACTING PRESIDENT BENJAMIN: Read
10 the last section.

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

14 ACTING PRESIDENT BENJAMIN: Call
15 the roll.

16 (The Secretary called the roll.)

17 ACTING PRESIDENT BENJAMIN: Senator
18 Metzger to explain her vote.

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

21 I want to thank my colleagues for
22 supporting this legislation to create standards
23 for labeling of food products. If they say that
24 they are locally made and locally grown, they
25 have to be locally made and locally grown.

1 This is so important to New York's
2 farmers to making sure that they are getting the
3 full benefit of the local food movement. It's
4 very important to the environment. We want to
5 reduce the miles that our food travels to get to
6 our dinner table. And this is going to make sure
7 that when you go and buy a jar of tomato sauce
8 that says it's locally made, those tomatoes are
9 going to come from New York farms.

10 Thank you very much.

11 ACTING PRESIDENT BENJAMIN: Senator
12 Metzger to be recorded in the affirmative.

13 Announce the results.

14 THE SECRETARY: Ayes, 61.

15 ACTING PRESIDENT BENJAMIN: The
16 bill is passed.

17 THE SECRETARY: Calendar Number
18 445, Senate Print 4046, by Senator Parker, an act
19 to amend the Environmental Conservation Law.

20 ACTING PRESIDENT BENJAMIN: Read
21 the last section.

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

24 ACTING PRESIDENT BENJAMIN: Call
25 the roll.

1 (The Secretary called the roll.)

2 ACTING PRESIDENT BENJAMIN:

3 Announce the results.

4 THE SECRETARY: Ayes, 61.

5 ACTING PRESIDENT BENJAMIN: The
6 bill is passed.

7 THE SECRETARY: Calendar Number
8 452, Senate Print 4742A, by Senator Parker, an
9 act to amend the Real Property Law.

10 ACTING PRESIDENT BENJAMIN: Read
11 the last section.

12 THE SECRETARY: Section 2. This
13 act shall take effect on the 60th day after it
14 shall have become a law.

15 ACTING PRESIDENT BENJAMIN: Call
16 the roll.

17 (The Secretary called the roll.)

18 ACTING PRESIDENT BENJAMIN:

19 Announce the results.

20 THE SECRETARY: In relation to
21 Calendar Number 452, those Senators voting in the
22 negative are Senators Akshar, Amedore, Antonacci,
23 Flanagan, Funke, Gallivan, Griffo, Jordan, Lanza,
24 LaValle, Little, O'Mara, Ortt, Ranzenhofer,
25 Ritchie, Robach, Serino, Seward and Tedisco.

1 Ayes, 42. Nays, 19.

2 ACTING PRESIDENT BENJAMIN: The
3 bill is passed.

4 THE SECRETARY: Calendar Number
5 457, Senate Print 501B, by Senator Kaminsky, an
6 act to amend the Environmental Conservation Law.

7 ACTING PRESIDENT BENJAMIN: Read
8 the last section.

9 THE SECRETARY: Section 3. This
10 act shall take effect on March 1, 2020.

11 ACTING PRESIDENT BENJAMIN: Call
12 the roll.

13 (The Secretary called the roll.)

14 ACTING PRESIDENT BENJAMIN: Senator
15 Boyle to explain his vote.

16 SENATOR BOYLE: Thank you,
17 Mr. President, to explain my vote.

18 This bill has been a long time
19 coming. I want to commend Senator Kaminsky for
20 his leadership in bringing this bill to the
21 floor, and the Majority for bringing the bill to
22 the floor. We've been far too long in not
23 protecting our children from toxic chemicals.
24 It's a makes-sense piece of legislation.

25 And I'd like to particularly thank

1 some of the greatest advocates, Kathy Curtis and
2 Bobbi Wilding of Clean & Healthy New York for
3 their tireless advocacy, along with many other
4 advocates. We're finally today protecting
5 children in New York State.

6 Thank you. I vote in favor.

7 ACTING PRESIDENT BENJAMIN: Senator
8 Boyle to be recorded in the affirmative.

9 Senator Little to explain her vote.

10 SENATOR LITTLE: Thank you,
11 Mr. President. I would like to explain my vote.

12 Certainly I would like to see that
13 all children's toys, clothing, et cetera are safe
14 for them to have around them and be playing with.

15 However, I think that this is an
16 issue that needs to be dealt with at the federal
17 level, to say that a Mattel, a Fisher Price, all
18 of these toys, that you could not sell those toys
19 in New York State because you may have one of
20 these many, many chemicals that could be in those
21 toys.

22 Usually the consumer directs that
23 they won't buy toys with that kind of chemical in
24 them, and pretty soon they don't use them to
25 produce them. And many of these companies have

1 already done that.

2 But what I would like to see is all
3 of these positions in support of the bill go to
4 the federal government and have this done on a
5 national level, not just state by state.

6 Therefore I support the idea, but
7 not on the state level. I vote no.

8 ACTING PRESIDENT BENJAMIN: Senator
9 Little to be recorded in the negative.

10 Senator Hoylman to explain his vote.

11 SENATOR HOYLMAN: Thank you,
12 Mr. President.

13 I wanted to thank the Senate
14 sponsor, Senator Kaminsky, for his leadership. I
15 once carried a version of this bill when our
16 conference was in the minority, and it was sad
17 that for over a decade it never moved,
18 notwithstanding Senator Boyle's efforts to pass
19 it.

20 It is interesting that there's no
21 debate on the legislation today even though it
22 was blocked for so many years.

23 I do think it's important also to
24 point out the dangers that are in these products
25 that are lining the shelves. Parents don't know

1 which products are safe and which aren't. And
2 this is, at the end of the day, not just putting
3 taxpayers ahead of anyone else, but protecting
4 the most precious resource we have in our
5 society, which is our kids.

6 So I proudly vote aye. Senator
7 Kaminsky, thank you.

8 ACTING PRESIDENT BENJAMIN: Senator
9 Hoylman to be recorded in the affirmative.

10 Senator Kavanagh to explain his
11 vote.

12 SENATOR KAVANAGH: Thank you,
13 Mr. President.

14 I also just rise to thank the
15 sponsor and the chair of our Environmental
16 Conservation Committee, who really has led the
17 way in taking huge steps forward to protect the
18 residents of New York from some extremely
19 dangerous substances.

20 In this case, you know, I've joined
21 Senator Boyle and many other Senators and
22 Assemblymembers standing in front of, you know,
23 inflated rubber ducks and in many other events to
24 get across this notion that scientists and
25 environmental advocates and many parents have

1 known for a long time, which is that things that
2 we think of as benign, things that we think of as
3 designed for use by our children, are in fact
4 very dangerous.

5 There are dozens and dozens of
6 highly toxic chemicals, of carcinogens, of
7 endocrine disrupters that routinely are put in
8 consumer products that expose our children to
9 those chemicals. It is a simple fact that the
10 federal government has utterly failed,
11 statutorily and from a regulatory perspective, to
12 protect United States citizens from this.

13 States -- not only New York, but
14 other states are stepping up. Hopefully this is
15 not the last time we step up in New York to
16 protect people from exposure to these chemicals.

17 But it's a huge step forward we're
18 taking today, and again I thank the sponsor and
19 all the people that have worked to get this done,
20 and I vote in the affirmative.

21 ACTING PRESIDENT BENJAMIN: Senator
22 Kavanagh to be recorded in the affirmative.

23 Seeing and hearing no other
24 Senators, Senator Kaminsky to close.

25 SENATOR KAMINSKY: Thank you very

1 much, Mr. President.

2 I rise today as the proud sponsor of
3 the Child Safe Products Act, a bill that's been a
4 long time coming and I'm glad we're finally going
5 to do.

6 As a parent, I think we all agree
7 that we would do anything to help our children
8 become the best they can be and to reach their
9 full potential. But the idea of harming one of
10 our children is inconceivable, something so
11 unnatural and so instinctively against our
12 nature, we would never seek to do that.

13 But every day, every moment right
14 now, just a few blocks from here and a few blocks
15 from where anyone's listening to this in the
16 State of New York, we're putting parents in that
17 position. Because they're walking into stores,
18 whether it's buying furniture, apparel, and
19 especially toys, not knowing the difference
20 between one product or another because they're
21 not given that information.

22 Right now you can buy a little toy
23 train that has cadmium in it, cadmium that's
24 known to be much more dangerous than lead on a
25 child's development. Jewelry containing lead in

1 it. Toys that have -- or personal care products
2 that actually have asbestos in them right now can
3 be purchased on shelves. Costumes a child can
4 wear that contain antimony and cadmium in them.

5 And so what this bill will do, first
6 and foremost, is one about disclosure and one
7 about knowledge and transparency. It's far and
8 away most chemicals will fall into the category
9 of companies must disclose either to a national
10 clearinghouse, like could be done in any other
11 state so they don't have to do anything
12 New York-specific, or to the DEC directly, saying
13 what is contained in their product. That is the
14 majority of how this bill will interact with
15 consumers.

16 And that's important. As a previous
17 Senator brought up, let parents make a decision
18 and then let the market sort itself out with only
19 wanting healthy products to be on our shelves.
20 But those most dangerous chemicals, the ones that
21 we know without question are harmful --
22 carcinogens, flame retardants, cadmium, lead,
23 mercury -- these chemicals, by 2023, will be
24 banned. You cannot produce a child's product
25 with them in it and sell it in the State of

1 New York. And it's about time.

2 There's absolutely ways to make the
3 same products in a safe manner, and they have
4 until 2023 to figure out how to do that. And I
5 think that's plenty of time.

6 We as a Senate are taking a major
7 step forward today protecting our most
8 vulnerable, making sure that there is more
9 knowledge in a very important sphere and actually
10 doing something while our federal government is
11 not. I agree that uniform federal standard would
12 work much better. But we stand here today
13 without being able to name really a single
14 harmful chemical that the federal government has
15 banned and say cannot be in a child's product,
16 chemicals that study after study show to be very
17 problematic if not downright detrimental to the
18 health of children.

19 I know when my 10-month-old son puts
20 a toy in his mouth that that is going to matter
21 to his or her future depending on what chemical
22 is in that toy. It's about time we stepped up
23 and did something about this, and I'm proud to be
24 part of a Senate that's doing it, proud to be
25 part of a Senate run by Andrea Stewart-Cousins,

1 who made this a priority, and proud to finally
2 get something done for the children of New York
3 today.

4 Thank you, Mr. President. I vote in
5 the affirmative.

6 ACTING PRESIDENT BENJAMIN: Senator
7 Kaminsky to be recorded in the affirmative.

8 Announce the results.

9 THE SECRETARY: In relation to
10 Calendar Number 457, those Senators voting in the
11 negative are Senators Amedore, Antonacci,
12 Flanagan, Gallivan, Helming, Jordan, Little,
13 O'Mara and Ortt.

14 Ayes, 53. Nays, 9.

15 ACTING PRESIDENT BENJAMIN: The
16 bill is passed.

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

19 SENATOR GIANARIS: Mr. President,
20 can we now take up the supplemental calendar.

21 ACTING PRESIDENT BENJAMIN: The
22 Secretary will read.

23 THE SECRETARY: Calendar Number
24 485, Senate Print 354A, by Senator Kaminsky, an
25 act to amend the Environmental Conservation Law.

1 SENATOR GIANARIS: Lay it aside
2 temporarily, please.

3 ACTING PRESIDENT BENJAMIN: Please
4 lay it aside temporarily.

5 ACTING PRESIDENT BENJAMIN:
6 Calendar Number 486, Senate Print 752, by
7 Senator Montgomery, an act to amend the Tax Law.

8 ACTING PRESIDENT BENJAMIN: Read
9 the last section.

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

12 ACTING PRESIDENT BENJAMIN: Call
13 the roll.

14 (The Secretary called the roll.)

15 ACTING PRESIDENT BENJAMIN: Senator
16 Montgomery to explain her vote.

17 SENATOR MONTGOMERY: Yes, thank
18 you, Mr. President.

19 This is really an environmental
20 bill, although it amends the Tax Law in the State
21 of New York. This would just simply allow an
22 increase in the tax credit allowance for people
23 who are looking to retrofit their properties with
24 solar energy technology.

25 It's a personal income tax credit,

1 and therefore it provides for citizens in the
2 State of New York who are looking to make sure
3 they are able to afford new technology which
4 would be a reliance on renewable clean energy for
5 their energy sources, but they can't quite afford
6 to do it, this provides an incentive that the
7 state gives them to make that happen.

8 And so I am very happy because we
9 know that solar energy technology has absolutely
10 many, many benefits to homeowners, to the
11 society. It includes reducing the reliance on
12 fossil fuel for provision of their electric
13 consumption. It allows consumers to receive
14 rebates from different government programs. It
15 reduces the reliance on foreign oil. And it
16 establishes a net metering possibility, whereby
17 citizens can put back energy into the grid as
18 they reduce the cost of energy to their own
19 families.

20 So this is a very good bill. It's
21 an important step -- a small step, though very
22 important -- in the direction of New York State's
23 own interest and goal to create a greener and a
24 cleaner environment in the State of New York.

25 So Mr. President, thank you. I vote

1 aye.

2 ACTING PRESIDENT BENJAMIN: Senator
3 Montgomery to be recorded in the affirmative.

4 Senator Lanza to explain his vote.

5 SENATOR LANZA: Thank you,
6 Mr. President.

7 Finally. I've been waiting four
8 months for this moment, a tax cut for someone in
9 the State of New York. This is a good bill. I
10 thank you, Senator Montgomery. I vote aye.

11 ACTING PRESIDENT BENJAMIN: Senator
12 Lanza to be recorded in the affirmative.

13 Announce the results.

14 THE SECRETARY: In relation to
15 Calendar Number 486, Senator Akshar in the
16 negative.

17 Ayes, 61. Nays, 1.

18 ACTING PRESIDENT BENJAMIN: The
19 bill is passed.

20 THE SECRETARY: Calendar Number
21 487, Senate Print 3558A, by Senator Kennedy, an
22 act to amend the Vehicle and Traffic Law.

23 ACTING PRESIDENT BENJAMIN: Read
24 the last section.

25 THE SECRETARY: Section 2. This

1 act shall take effect --

2 SENATOR GIANARIS: Lay the bill
3 aside for the day.

4 ACTING PRESIDENT BENJAMIN: Lay it
5 aside for the day.

6 THE SECRETARY: Calendar Number
7 488, Senate Print 4385, by Senator Parker, an act
8 to amend the Vehicle and Traffic Law and the
9 Education Law.

10 SENATOR GIANARIS: Lay it aside for
11 the day.

12 ACTING PRESIDENT BENJAMIN: Lay it
13 aside for the day.

14 THE SECRETARY: Calendar Number
15 489, Senate Print 5098, by Senator Martinez, an
16 act to amend the Environmental Conservation Law.

17 ACTING PRESIDENT BENJAMIN: Read
18 the last section.

19 THE SECRETARY: Section 6. This
20 act shall take effect immediately.

21 ACTING PRESIDENT BENJAMIN: Call
22 the roll.

23 (The Secretary called the roll.)

24 ACTING PRESIDENT BENJAMIN: Senator
25 Martinez to explain her vote.

1 SENATOR MARTINEZ: Good afternoon,
2 Mr. President. Thank you.

3 I am proud to stand here today as
4 the sponsor of this bill that would protect
5 vulnerable at-risk species in the State of
6 New York.

7 This bill was actually inspired by
8 the most recent classification of two subspecies
9 of giraffes by the International Union for
10 Conservation of Nature, where the population has
11 plummeted by 40 percent between 1985 and 2016,
12 leaving less than 100,000 of them remaining
13 today.

14 Our nation and global community is
15 home to an array of remarkable plants and
16 animals, but however some of these species have
17 fallen victim not only to climate change but also
18 to loss of habitat.

19 By classifying certain species as
20 vulnerable and prohibiting the sale or possession
21 of anything made in whole or in part of a
22 vulnerable species in New York, we are taking
23 another step in the right direction when it comes
24 to safeguarding at-risk species.

25 Protecting endangered vulnerable

1 animals is a priority of this state's
2 Legislature, considering the federal government
3 has failed to classify some of our species as
4 endangered, despite ample evidence and petitions
5 for change. New York will continue to be the
6 leader in protecting our environment, and for
7 this reason I proudly vote in the affirmative.

8 ACTING PRESIDENT BENJAMIN: Senator
9 Martinez to be recorded in the affirmative.

10 Announce the results.

11 THE SECRETARY: In relation to
12 Calendar Number 489, those Senators voting in the
13 negative are Senators Akshar, Amedore, Gallivan,
14 Jacobs, Jordan, Little, O'Mara, Ortt,
15 Ranzenhofer, Lanza, Ritchie and Seward. Also
16 Senator Helming. Also Senator Griffo.

17 Ayes, 48. Nays, 14.

18 ACTING PRESIDENT BENJAMIN: The
19 bill is passed.

20 THE SECRETARY: Calendar Number
21 490, Senate Print 5343, by Senator Kaminsky, an
22 act to amend the Environmental Conservation Law.

23 ACTING PRESIDENT BENJAMIN: Read
24 the last section.

25 THE SECRETARY: Section 4. This

1 act shall take effect immediately.

2 ACTING PRESIDENT BENJAMIN: Call
3 the roll.

4 (The Secretary called the roll.)

5 ACTING PRESIDENT BENJAMIN: Senator
6 Kaminsky to explain his vote.

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

9 I certainly realize that taking the
10 step of wholly banning an insecticide or
11 pesticide is a significant step, something that
12 we should not do lightly. But when I read the
13 literature and spoke to doctors and experts who
14 have studied the long-term impacts of the
15 chlorpyrifos, I was shocked and stunned that this
16 is something that is permitted and that is still
17 impacting both people and animals and our
18 agriculture today.

19 Studies have shown that chlorpyrifos
20 used about 20 years ago is leading to early onset
21 Parkinson's disease in those who are young
22 adults, to tremors, to IQ deficiencies and to a
23 number of other things.

24 And when you trace back the history
25 of chlorpyrifos, it's not surprising because it

1 was invented as a military nerve agent in
2 World War II. It was then converted into an
3 insecticide, a highly lethal one, but it is
4 admittedly something that had to be used as a
5 measure of last resort.

6 Now, why that's troubling is it's
7 also being used in cases that are not authorized.
8 So we heard from people who told us it's
9 important for the spotted lantern fly. Then you
10 learn from the DEC that the spotted lantern fly
11 is not an approved use for chlorpyrifos. You
12 hear that it is not supposed to be sprayed on
13 flowers, and yet pollinators like bees are dying
14 and found with chlorpyrifos in their systems,
15 which means it's being spread throughout the air.

16 We want to have the most robust
17 agricultural production we can in our state, and
18 we can do that without the cost of producing
19 toxins within the products that we're able to put
20 out there.

21 And so with that said,
22 Mr. President, taking this step today of within
23 the course of the next few years banning
24 chlorpyrifos is an important step. The EPA
25 almost took it a few years ago. They backed

1 away. We'll be the second state after Hawaii.
2 We will not be the last. It's time that we're
3 able to move on without putting these toxins in
4 our environment.

5 I vote in the affirmative. Thank
6 you.

7 ACTING PRESIDENT BENJAMIN: Senator
8 Kaminsky to be recorded in the affirmative.

9 Senator May to explain her vote.

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

12 In 1995, 12 people died in a
13 terrorist attack in a Tokyo subway, and the
14 weapon of choice was sarin gas, which is also
15 known as chlorpyrifos. This is a very toxic
16 substance.

17 But I have been lobbied hard on both
18 sides about this issue because I have apple
19 growers in my district, I have some major apple
20 orchards. And for them, this is at this moment
21 the only thing they have to deal with a borer
22 that can kill their trees.

23 We worked -- with my colleague
24 Senator Metzger, we worked pretty hard to address
25 their concerns, to delay the ban for a couple of

1 years so that they can find substitutes. But I
2 am voting in favor of this bill, partly because
3 if it kills the pollinators, no matter how
4 healthy your trees are, you aren't going to have
5 apples anyway.

6 And so in looking at the whole
7 system that is our farmland and our waterways and
8 the air we breathe, it is very important, I
9 think, that we get toxins like this out of those
10 systems.

11 So I applaud Senator Kaminsky for
12 bringing this bill and for allowing us to make
13 some modifications of it to help our farmers.

14 And I vote aye. Thank you.

15 ACTING PRESIDENT BENJAMIN: Senator
16 May to be recorded in the affirmative.

17 Senator Serrano to explain his vote.

18 SENATOR SERRANO: Thank you very
19 much, Mr. President.

20 And I would like to thank Senator
21 Kaminsky for bringing this bill forward today. I
22 feel that it's a very important bill, now and for
23 the future. As the parent of two young children,
24 I care very deeply about the chemicals that are
25 in our food, in our environment. And this is one

1 that I think has proven to be very problematic.

2 And my hope, as a way to protect our
3 environment, to protect farmers, to protect
4 people who work on farms, is that we move to more
5 greener, more sustainable methods of being able
6 to eradicate pests from crops to create a safer
7 environment and a way that we can feel that
8 inspires confidence in the foods that we eat and
9 in the techniques that are used in cultivating
10 these foods.

11 I vote yes. Thank you.

12 ACTING PRESIDENT BENJAMIN: Senator
13 Serrano to be recorded in the affirmative.

14 Announce the results.

15 THE SECRETARY: In relation to
16 Calendar Number 490, those Senators voting in the
17 negative are Senators Akshar, Amedore, Antonacci,
18 Flanagan, Funke, Gallivan, Griffo, Helming,
19 Jacobs, Jordan, O'Mara, Ortt, Ranzenhofer,
20 Ritchie, Serino, Seward and Tedisco. Also
21 Senator Little.

22 Ayes, 44. Nays, 18.

23 ACTING PRESIDENT BENJAMIN: The
24 bill is passed.

25 THE SECRETARY: Calendar Number

1 491, Senate Print 5349, by Senator Kaminsky, an
2 act to amend the Environmental Conservation Law.

3 ACTING PRESIDENT BENJAMIN: Read
4 the 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 2019.

8 ACTING PRESIDENT BENJAMIN: Call
9 the roll.

10 (The Secretary called the roll.)

11 ACTING PRESIDENT BENJAMIN: Senator
12 Kaminsky to explain his vote.

13 SENATOR KAMINSKY: Thank you.

14 I just want to take this very brief
15 opportunity to thank Senator Boyle, Senator
16 Hoylman, and Senator Kavanaugh for working over
17 the years on the toxic toy bill. Without their
18 work, this moment wouldn't have been possible,
19 and I want to thank them for their efforts and,
20 you know, really appreciate the work they put in
21 to get us here today.

22 ACTING PRESIDENT BENJAMIN: Senator
23 Kaminsky to be recorded in the affirmative.

24 Announce the results.

25 THE SECRETARY: In relation to

1 Calendar Number 491, those Senators voting in the
2 negative are Senators Amedore, Flanagan,
3 Gallivan, Jordan and Ortt.

4 Ayes, 57. Nays, 5.

5 ACTING PRESIDENT BENJAMIN: The
6 bill is passed.

7 Senator Gianaris.

8 SENATOR GIANARIS: Mr. President,
9 now can we remove the temporary lay-aside on
10 Calendar 485 and take that bill up.

11 ACTING PRESIDENT BENJAMIN: There
12 is a substitution at the desk.

13 The Secretary will read.

14 THE SECRETARY: Senator Kaminsky
15 moves to discharge, from the Committee on Rules,
16 Assembly Bill Number 2286 and substitute it for
17 the identical Senate Bill 354A, Third Reading
18 Calendar 485.

19 ACTING PRESIDENT BENJAMIN: The
20 substitution is so ordered.

21 The Secretary will read.

22 THE SECRETARY: Calendar Number
23 485, Assembly Print 2286, by Assemblymember
24 Hunter, an act to amend the Environmental
25 Conservation Law.

1 ACTING PRESIDENT BENJAMIN: Read
2 the last section.

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

5 ACTING PRESIDENT BENJAMIN: Call
6 the roll.

7 (The Secretary called the roll.)

8 ACTING PRESIDENT BENJAMIN:
9 Announce the results.

10 THE SECRETARY: In relation to
11 Calendar Number 485, those Senators voting in the
12 negative are Senators Akshar, Amedore, Lanza and
13 Serino.

14 Ayes, 58. Nays, 4.

15 ACTING PRESIDENT BENJAMIN: The
16 bill is passed.

17 Senator Gianaris, that completes the
18 reading of the supplemental calendar.

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

21 ACTING PRESIDENT BENJAMIN: There
22 is no further business at the desk.

23 SENATOR GIANARIS: Let me remind
24 members of the Majority there is a briefing on
25 housing issues in the Majority Conference Room

1 immediately following session.

2 And with that, I move to adjourn
3 until tomorrow, Wednesday, May 1st, at 11:00 a.m.

4 ACTING PRESIDENT BENJAMIN: There
5 is a meeting of the Majority Conference in
6 Room 332.

7 On motion, the Senate stands
8 adjourned until Wednesday, May 1st, at 11:00 a.m.

9 (Whereupon, at 4:50 p.m., the Senate
10 adjourned.)

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