

1 NEW YORK STATE SENATE

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4 THE STENOGRAPHIC RECORD

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9 ALBANY, NEW YORK

10 May 20, 2019

11 3:34 p.m.

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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 recite the Pledge of Allegiance.

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

8 ACTING PRESIDENT BENJAMIN: Pastor
9 Guerschom Joseph, of Pool of Bethesda Ministries
10 in Spring Valley, will deliver today's
11 invocation.

12 Pastor Joseph.

13 PASTOR JOSEPH: I thank You for
14 every individual that has worked behind the
15 scenes, from the janitor to the administrative
16 assistant to security. Thank You for their
17 dedication.

18 I ask You that You would bless with
19 wisdom, courage, and compassion all these elected
20 officials as they prepare to do the work to keep
21 this great state great.

22 We ask You this in Your wonderful
23 name.

24 Amen, amen, and amen.

25 (Response of "Amen.")

1 ACTING PRESIDENT BENJAMIN: The
2 reading of the Journal.

3 Order in the chamber, please. Order
4 in the chamber.

5 The reading of the Journal.

6 THE SECRETARY: In Senate, Sunday,
7 May 19, 2019, the Senate met pursuant to
8 adjournment. The Journal of Saturday, May 18,
9 2019, was read and approved. On motion, Senate
10 adjourned.

11 ACTING PRESIDENT BENJAMIN: Without
12 objection, the Journal stands approved as read.

13 Presentation of petitions.

14 Messages from the Assembly.

15 The Secretary will read.

16 THE SECRETARY: On page 38,
17 Senator Myrie moves to discharge, from the
18 Committee on Elections, Assembly Bill Number 1641
19 and substitute it for the identical Senate Bill
20 3903, Third Reading Calendar 616.

21 ACTING PRESIDENT BENJAMIN: The
22 substitution is so ordered.

23 Messages from the Governor.

24 Reports of standing committees.

25 Reports of select committees.

1 Communications and reports from
2 state officers.

3 Motions and resolutions.

4 Senator Gianaris.

5 SENATOR GIANARIS: Mr. President,
6 on behalf of Senator Gaughran, I wish to call up
7 Senate Print 3337B, recalled from the Assembly,
8 which is now at the desk.

9 ACTING PRESIDENT BENJAMIN: The
10 Secretary will read.

11 THE SECRETARY: Calendar Number
12 305, Senate Print 3337B, by Senator Gaughran, an
13 act to amend the Civil Practice Law and Rules.

14 SENATOR GIANARIS: I move to
15 reconsider the vote by which this bill was
16 passed.

17 ACTING PRESIDENT BENJAMIN: The
18 Secretary will call the roll on reconsideration.

19 (The Secretary called the roll.)

20 THE SECRETARY: Ayes, 57.

21 ACTING PRESIDENT BENJAMIN: The
22 bill is restored to its place on the Third
23 Reading Calendar.

24 SENATOR GIANARIS: I offer the
25 following amendments.

1 ACTING PRESIDENT BENJAMIN: The
2 amendments are received.

3 SENATOR GIANARIS: On behalf of
4 Senator Kaplan, I wish to call up Senate
5 Print 2960A, recalled from the Assembly, which is
6 now at the desk.

7 ACTING PRESIDENT BENJAMIN: The
8 Secretary will read.

9 THE SECRETARY: Calendar Number
10 407, Senate Print 2960A, by Senator Kaplan, an
11 act to amend the Vehicle and Traffic Law.

12 SENATOR GIANARIS: Move to
13 reconsider the vote by which this bill was passed.

14 ACTING PRESIDENT BENJAMIN: The
15 Secretary will call the roll on reconsideration.

16 (The Secretary called the roll.)

17 THE SECRETARY: Ayes, 57.

18 ACTING PRESIDENT BENJAMIN: The
19 bill is restored to its place on the Third
20 Reading Calendar.

21 SENATOR GIANARIS: I offer the
22 following amendments.

23 ACTING PRESIDENT BENJAMIN: The
24 amendments are received.

25 SENATOR GIANARIS: On behalf of

1 Senator Brooks, I move to commit Senate Print
2 1645B, Calendar Number 688 on the order of second
3 report, to the Committee on Rules.

4 ACTING PRESIDENT BENJAMIN: So
5 ordered.

6 SENATOR GIANARIS: On behalf of
7 Senator Ramos, I move the following bill be
8 discharged from its respective committee and be
9 recommitted with instructions to strike the
10 enacting clause: Senate Bill 6143.

11 ACTING PRESIDENT BENJAMIN: It is
12 so ordered.

13 SENATOR GIANARIS: And,
14 Mr. President, amendments are offered to the
15 following Third Reading Calendar bills:

16 On page 19, Calendar 222, by Senator
17 Mayer, Senate Print 4007;

18 On page 23, Calendar Number 370, by
19 Senator Benjamin, Senate Print 211;

20 On page 32, Calendar Number 545, by
21 Senator Skoufis, Senate Print 1627A;

22 And on page 43, Calendar Number 672,
23 by Senator Gounardes, Senate Print 3674.

24 ACTING PRESIDENT BENJAMIN: The
25 amendments are received, and the bills shall

1 retain their place on the Third Reading Calendar.

2 Senator Gianaris.

3 SENATOR GIANARIS: Can we now
4 please take up previously adopted
5 Resolution 1466, by Senator Rivera, and read the
6 resolution in its entirety.

7 ACTING PRESIDENT BENJAMIN: The
8 Secretary will read.

9 THE SECRETARY: Senate Resolution
10 1466, by Senator Rivera, memorializing Governor
11 Andrew M. Cuomo to proclaim May 2019 as Stop the
12 Bleed Month in the State of New York.

13 "WHEREAS, The State of New York
14 takes great pride in recognizing official months
15 established to increase awareness of serious
16 issues that affect the lives of all New Yorkers;
17 and

18 "WHEREAS, This Legislative Body is
19 justly proud to memorialize Governor Andrew M.
20 Cuomo to proclaim May 2019 as Stop the Bleed
21 Month in the State of New York, in conjunction
22 with the observation of National Stop the Bleed
23 Month; and

24 "WHEREAS, Launched in October 2015
25 by the White House, Stop the Bleed is a national

1 awareness campaign and call to action, as
2 accidental injury is a leading cause of death in
3 New York and uncontrolled hemorrhage is a leading
4 cause of preventable traumatic death; and

5 "WHEREAS, May 2019, marks the first
6 ever National Stop the Bleed Month dedicated to
7 highlighting the importance of Stop the Bleed
8 training, and providing the public with
9 information and education through local fire,
10 EMS, and health care professionals; and

11 "WHEREAS, In rural settings, up to
12 80 percent of deaths occur in the pre-hospital
13 setting, commonly from either fatal injuries or
14 uncontrolled hemorrhage; and

15 "WHEREAS, Much like training of the
16 general public in CPR and use of automatic
17 defibrillators, bystanders can become heroic
18 lifesavers, and by improving public awareness
19 about how to stop severe bleeding, can make the
20 difference between life and death of an injured
21 person; and

22 "WHEREAS, The American College of
23 Surgeons Committee on Trauma has put significant
24 emphasis on the development and availability of
25 bleeding control training programs to enable the

1 public to respond to victims of a trauma event to
2 stop or slow life-threatening bleeding until
3 professional emergency responders arrive; and

4 "WHEREAS, Bleeding control training
5 programs should be available to the public and
6 bleeding control equipment should be readily
7 available in public and private locations so
8 people can easily and rapidly access equipment;
9 now, therefore, be it

10 "RESOLVED, That this Legislative
11 Body pause in its deliberations to memorialize
12 Governor Andrew M. Cuomo to proclaim May 2019 as
13 Stop the Bleed Month in the State of New York;
14 and be it further

15 "RESOLVED, That copies of this
16 resolution, suitably engrossed, be transmitted to
17 the Honorable Andrew M. Cuomo, Governor of the
18 State of New York, and the New York Chapter of
19 the American College of Surgeons."

20 ACTING PRESIDENT BENJAMIN: The
21 resolution was previously adopted on May 14th.

22 To our guests, I welcome you on
23 behalf of the Senate. We extend to you all the
24 privileges and courtesies of this house. Please
25 rise and be recognized.

1 (Standing ovation.)

2 ACTING PRESIDENT BENJAMIN: Senator
3 Gianaris.

4 SENATOR GIANARIS: Mr. President,
5 can we now take up Senate Privileged Resolution
6 1519, by Senator Carlucci, read it in its
7 entirety, and recognize Senator Carlucci, please.

8 ACTING PRESIDENT BENJAMIN: The
9 Secretary will read.

10 THE SECRETARY: Senate Resolution
11 1519, by Senator Carlucci, memorializing Governor
12 Andrew M. Cuomo to proclaim May 20, 2019, as
13 Haitian Unity Day in the State of New York, in
14 conjunction with the observance of Haitian
15 Heritage Month.

16 "WHEREAS, It is the sense of this
17 Legislative Body, in keeping with its
18 time-honored traditions, to recognize and pay
19 tribute to those organizations which foster
20 ethnic pride and enhance the profile of cultural
21 diversity which strengthens the fabric of the
22 communities of New York State; and

23 "WHEREAS, Attendant to such concern,
24 and in full accord with its long-standing
25 traditions, this Legislative Body is justly proud

1 to memorialize Governor Andrew M. Cuomo to
2 proclaim May 20, 2019, as Haitian Unity Day in
3 the State of New York, in conjunction with the
4 observance of Haitian Heritage Month; and

5 "WHEREAS, Haiti, located less than
6 700 miles from the United States of America, is
7 the second nation in the Western Hemisphere,
8 after the United States, to earn its
9 independence, and has, since 1803, stood as a
10 beacon of freedom as the first black-governed
11 republic in the world; and

12 "WHEREAS, Haiti is one of the
13 original members of the United Nations and
14 several of its specialized and related agencies,
15 as well as a member of the Organization of
16 American States (OAS); and

17 "WHEREAS, On August 22, 1791, Haiti
18 was the island nation where hundreds of thousands
19 of enslaved persons initiated the most successful
20 slave rebellion in history; under the military
21 leadership of Francois Toussaint L'Ouverture, the
22 grandson of an African chief, making the Haitian
23 revolution a major turning point in the history
24 of the world, with repercussions extending far
25 beyond the Caribbean nation; and

1 "WHEREAS, The contributions of
2 Jean-Jacques Dessalines, a former slave, led to
3 Haiti's declaration of independence in 1804;
4 Jean-Jacques Dessalines became the first ruler
5 over an independent Haiti; Jean-Jacques
6 Dessalines' actions left a legacy of Haitian
7 nationalism; the Haitian National anthem,
8 La Dessalinienne, is named after him to honor his
9 fervent efforts to protect the independence of
10 Haiti; and

11 "WHEREAS, Haiti's victory against
12 France redefined Napoleon's goals in the Western
13 Hemisphere and so set the stage for the Louisiana
14 Purchase, a single acquisition doubling the
15 United States' size, giving the United States its
16 heartland, control of the Mississippi River and
17 the important port city of New Orleans on the
18 Gulf of Mexico; the Louisiana Territory drew
19 immigrants from all over Europe, transforming and
20 strengthening the United States and the American
21 people; and

22 "WHEREAS, For many years preceding
23 the American Civil War, the Haitian Revolution
24 had a substantial influence over many of the
25 policies and laws in the United States that

1 related to slavery such as, in 1794 and 1800, the
2 federal government passage of anti-slave trade
3 laws to prevent the possible spread of the
4 Haitian slave revolt to the United States --
5 prohibiting citizens from equipping ships engaged
6 in slave trade commerce, barring Americans from
7 serving aboard such ships or from having any
8 interest in their voyages; and

9 "WHEREAS, In 1792, a number of
10 measures taken to prevent a slave rebellion in
11 the United States were so brutal and inhumane
12 that these acts drove and strengthened the
13 crusade of the abolitionists in the
14 United States, therefore having a profound
15 influence on the movement that led to the
16 Civil War; and

17 "WHEREAS, The Haitian Revolution
18 ignited a ground-breaking change in the history
19 of the modern world by enabling hundreds of
20 thousands of African slaves worldwide and tens of
21 thousands of free persons of color to find the
22 wherewithal to unite in the quest for individual
23 and collective liberty; and

24 "WHEREAS, Haitian people have
25 migrated to the United States since the 1700s,

1 resulting in approximately 200,000 Haitians
2 residing in the State of New York; and

3 "WHEREAS, Our state enjoys a great
4 legacy from the successors of freed Haitian
5 slaves who came to the United States, notably
6 Pierre Toussaint, the first layman now being
7 proposed by the Catholic Church to become a
8 saint, who arrived in New York in 1787, where he
9 turned his home into a shelter for orphans, a
10 credit bureau, an employment agency, and a safe
11 haven for priests; Toussaint was a benefactor of
12 the first New York City Catholic school for black
13 children at St. Vincent de Paul on Canal Street;
14 Toussaint also provided money to build a new
15 Roman Catholic church in New York, which became
16 old Saint Patrick's Cathedral on Mulberry Street;
17 and

18 "WHEREAS, In October of 1995,
19 Pope John Paul II, from the throne in the
20 sanctuary of New York's Saint Patrick's
21 Cathedral, publicly bestowed Pierre Toussaint
22 with the suffix 'Venerable,' which is the second
23 step towards becoming a saint in the Catholic
24 Church, because Pierre Toussaint transcends race
25 through his miracle and charitable acts as

1 evidence that he is not a man limited in range
2 and that his love for his neighbor is not
3 restricted to race or tribe; and

4 "WHEREAS, Many other notable
5 Haitians have made rich contributions to the
6 nation, such as the Tuskegee-trained Raymond
7 Cassagnol, who helped form the Haitian Air Force
8 in the United States; and

9 "WHEREAS, Jean Baptiste Point
10 Du Sable was born in Saint-Marc Haiti; Du Sable
11 became the first permanent resident of Chicago
12 and is known as the 'Father of Chicago'; Du Sable
13 was honored with the creation of the Du Sable
14 Museum of African American History in
15 Washington Park and also honored with the issue
16 of a Black Heritage Series 22-cent postage stamp
17 on February 20th, 1987; and

18 "WHEREAS, W.E.B. Du Bois was a civil
19 rights activist who helped advocate for equality
20 amongst African Americans; he also encouraged
21 social mobility by introducing African Americans
22 to higher education; W.E.B. Du Bois is the
23 founder of the NAACP, and he was also the first
24 African American to earn a doctorate degree, thus
25 setting a precedent for the development of the

1 black race in the United States; and

2 "WHEREAS, Jean-Michel Basquiat, born
3 in Brooklyn, New York, became famous for his
4 profound, thought-provoking artwork which
5 employed social commentary to discuss social
6 inequalities and promote social mobility and
7 equality; Basquiat's artwork has been
8 influential to many contemporary artists and
9 poets; Basquiat's legacy is universally
10 recognized as a catalyst for social change; and

11 "WHEREAS, John James Audubon, born
12 in Haiti, inspired one of the founders of the
13 Audubon Society in the late 1800s to name the
14 society after John James Audubon because of his
15 reputation and deep appreciation and concern for
16 the natural world; to this day, the name Audubon
17 remains synonymous with avian life, wildlife
18 protection, and environmental conservation the
19 world over; and

20 "WHEREAS, Haitian culture and
21 contributions have had a definite mark on not
22 only the progression of equality and independence
23 but also upon the development of eclectic
24 expressions of arts and literature; moreover, the
25 long-lasting influence that Haitian Americans

1 have on the United States can be seen through the
2 movements of a productive society; such
3 developments have been collectively centered to
4 push the populace forward; and

5 "WHEREAS, It is the practice of this
6 Legislative Body to recognize those important
7 days which remind us of the rich and diverse
8 heritage of our great state and nation; now,
9 therefore, be it

10 "RESOLVED, That this Legislative
11 Body pause in its deliberations to memorialize
12 Governor Andrew M. Cuomo to proclaim May 20,
13 2019, as Haitian Unity Day in the State of
14 New York, in conjunction with the observance of
15 Haitian Heritage Month, in honor of Haiti's
16 legacy of liberty and justice throughout the
17 world, and in honor of the significant and
18 countless contributions of New Yorkers of Haitian
19 descent who have enriched our nation and our
20 state; and be it further

21 "RESOLVED, That a copy of this
22 resolution, suitably engrossed, be transmitted to
23 the Honorable Andrew M. Cuomo, Governor of the
24 State of New York."

25 ACTING PRESIDENT BENJAMIN: Senator

1 Carlucci on the resolution.

2 SENATOR CARLUCCI: Well, thank you,
3 Mr. President.

4 And I want to thank you,
5 Mr. President, for allowing the Secretary to read
6 the entirety of that resolution. It's a long
7 resolution, so I thank you for that, but it tells
8 the history of the Haitian people.

9 And the history of the Haitian
10 experience has had a profound impact on the State
11 of New York and our entire nation. In fact, in
12 New York State we are so proud that this
13 tradition has continued in New York, where we
14 celebrate Haitian Unity Day in the Senate and in
15 the Assembly.

16 We have over 200,000 Haitians living
17 in New York State, which makes us one of the most
18 populated states for Haitian Americans in the
19 nation. And I'm particularly proud because in
20 Rockland County, in my district, we have one of
21 the largest Haitian populations in the nation.
22 In the Village of Spring Valley, over a quarter
23 of the population is of Haitian descent.

24 And we're fortunate today that we
25 have so many guests in the gallery. And on the

1 floor with us today, we have the trustee from the
2 Village of Spring Valley, Eudson Tyson François.

3 (Applause from the gallery.)

4 SENATOR CARLUCCI: We're so
5 fortunate to have our pastor, who we heard from
6 before, Pastor Joseph.

7 (Applause from the gallery.)

8 SENATOR CARLUCCI: And we're so
9 privileged today that we have the Consul General
10 from Haiti, who's with us today, who's always
11 working in Rockland County, throughout New York
12 State, helping Haitian residents, Gandy Thomas.

13 (Applause from the gallery.)

14 SENATOR CARLUCCI: We have with us
15 Monalisa Ferrari, Dr. Ferrari, who's with us as
16 well.

17 And our honoree this year,
18 Dr. Jacques Jiha, who is the commissioner of the
19 Department of Finance in New York City.

20 (Applause from the gallery.)

21 SENATOR CARLUCCI: His daughter is
22 with us as well, and some other very important
23 guests. So we're just filled with pride.

24 The Haitian American experience has
25 had a profound impact, whether it's the culture,

1 music, cuisine, medicine -- the list goes on and
2 on.

3 And in New York State right now, we
4 have over 5800 Haitians that are here under
5 temporary protective status, contributing to our
6 economy, working every day, helping our
7 community. In fact, as many of you know, I chair
8 the Mental Health and Developmental Disabilities
9 Committee, and we know that in Rockland County
10 that a large percentage of the direct care
11 workers are here under temporary protective
12 status of Haitian descent.

13 Unfortunately, temporary protective
14 status for Haitians will expire in January of
15 next year. That's something that we cannot allow
16 to happen. It will be devastating to the economy
17 of New York, it will be devastating to the fabric
18 of our society, and particularly for us in the
19 metropolitan region, it will devastate our
20 economy and the way of life that we've become
21 accustomed to.

22 So I make a pledge to do everything
23 that I can to push back against this policy, to
24 make sure we raise our voice wherever we can to
25 talk about the importance that the Haitian

1 American experience has had in our community, in
2 our state, in our nation.

3 I thank everyone for being here
4 today, and I thank you, Mr. President, for
5 allowing this resolution to be heard.

6 Thank you for joining us today, and
7 look forward to seeing everyone in the community.
8 We have so many guests -- our Haitian Nurses
9 Association --

10 (Applause from the gallery.)

11 SENATOR CARLUCCI: And thank you
12 for being with us today.

13 Thank you, Mr. President.

14 Please rise and be recognized.

15 Thank you.

16 (Standing ovation.)

17 ACTING PRESIDENT BENJAMIN: Senator
18 Comrie on the resolution.

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

21 I rise today to thank Senator
22 Carlucci for continuing to make this a tradition
23 in the Senate chambers, to allow the Senate
24 chambers and the entire state to understand the
25 Haitian experience.

1 I'm here today to celebrate not just
2 those folks joining us in the chamber today, but
3 the many Haitian communities across our state
4 that my colleagues and I are proud to represent.

5 Today we honor the courage and
6 strength of Haiti and her citizens who through
7 adversity and tragedy have shown the resolve and
8 the emboldened faith to persevere, to stand, to
9 be the beautiful, strong, proud country that we
10 know today.

11 As Senator Carlucci said earlier,
12 Haiti was the first Caribbean and black nation to
13 gain independence from French colonial rule back
14 in January 1804. And I know that as we continue
15 to celebrate the history of Haiti in everything
16 that we do, I'm honored to claim that my district
17 has the largest Haitian homeowner population in
18 the State of New York. We are home to many
19 amazing people in my district that are working in
20 civic groups, in political areas, in social work,
21 in almost every facet of life.

22 We have a proud and strong Haitian
23 American community. We have a great group,
24 Haitian Americans United for Progress, which is
25 based in Cambria Heights -- that was started by

1 Haitian Americans for the Haitian American
2 Diaspora, and then the entire Caribbean
3 Diaspora -- that works hard to help individuals
4 and families with all kinds of services,
5 everything from immigration to education to early
6 childcare.

7 In fact, as we know, they have not
8 just worked in Queens, but they've extended
9 themselves to also the Bronx, to Brooklyn, and
10 Long Island. In fact, as we work with so many
11 different groups around the city, there are
12 Haitian Americans that are playing major roles in
13 the city.

14 So as I do with all groups that we
15 celebrate in this chamber, I encourage Haitian
16 immigrants and Haitian Americans in today's
17 delegation to come back to Albany, to exercise
18 your rights to have your voices heard in
19 government -- as homeowners, entrepreneurs,
20 families, taxpayers and New Yorkers.

21 Thank you all for coming today.
22 Thank you all for celebrating with us. Thank you
23 all for showing the pride in Haiti and the pride
24 in yourselves. And as I see that you do
25 everything you can working to make the city a

1 better place, we want to celebrate you.
2 Congratulations for being here. I look forward
3 to your continued activism. And you can always
4 count on our support here in the Senate chambers.

5 Thank you, Mr. President.

6 (Applause from the gallery.)

7 ACTING PRESIDENT BENJAMIN: Senator
8 Sanders on the resolution.

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

11 To Senator Carlucci, well done as
12 usual, sir.

13 To all of the dignitaries, I thank
14 you.

15 Just a little bit of history,
16 Mr. President. Imagine for a moment that when
17 America seized its freedom from Britain, it was
18 forced to pay Britain for the honor of being
19 free. Imagine that. Imagine that billions of
20 dollars in today's money had to go out to pay
21 Britain for us to be free. We would say that
22 that was wrong and a great horror that had been
23 visited upon us.

24 That is what Haiti had to do to get
25 its freedom. Not simply to beat the Spanish, the

1 French, the English, the French again -- they
2 also had to end up paying these things.

3 So when we look at Haiti and say
4 that the country is not moving at the level,
5 perhaps if France gave the money back. If they
6 simply gave the money back, we would be in a
7 better place.

8 So even as we commend our incredible
9 Haitian compadres, even as we commend them, we
10 would be less than we should if we did not call
11 upon the French to do reparations, to make Haiti
12 whole, and that way we can move forward.

13 So on Haitian Flag Day, I want to
14 commend everyone for being here. I want to
15 commend you for what you have done. And in the
16 spirit of Toussaint, I ask you to continue
17 creating the opening, the incredible opening that
18 the Haitian people have always managed to do.

19 Thank you very much, Mr. President.

20 (Applause from the gallery.)

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

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

25 We have now gotten to the point in

1 the legislative session when everything has been
2 said, but not everybody has said it yet. And so
3 first let me begin by thanking -- adding my voice
4 to those who are thanking Senator Carlucci for
5 bringing forward this very important and timely
6 resolution.

7 We celebrate today Haitian Unity
8 Day, but in line with Dessalines, May 18th, which
9 is Haitian Flag Day.

10 And, you know, I'm really glad to
11 see my colleagues representing us. When I first
12 got here 16 years ago and I used to carry this
13 resolution, nobody had ever heard of it. And now
14 we have member after member recognizing this
15 important and this vital community.

16 And as you heard in the resolution
17 and you heard also from Senator Comrie, Haiti is
18 the first community in the Western Hemisphere to
19 gain their freedom from independence. There is
20 no U.S. without Haiti. Understand that. There
21 is no freedom, because nobody had done it before.
22 The first time that you actually see a nation say
23 we don't have to be a colony, that we can break
24 away in the Western Hemisphere is Haiti.

25 And so we as Americans have a vast

1 debt to give them because they taught us how to
2 fight for liberation, they taught us how to be
3 independent. And they taught us the
4 understanding of democracy and what it meant to
5 be a democracy.

6 And although we have a number of
7 very vital Haitian communities across the State
8 of New York, and particularly in New York City
9 and places like Spring Valley, I represent
10 Flatbush and East Flatbush and Canarsie, the
11 largest concentration of Haitian people outside
12 of Haiti in the world. There's a little bit
13 larger number in Florida for now, but a larger
14 concentration in Brooklyn.

15 And I've been just very proud and
16 honored to have an opportunity to represent that
17 community, to get to know them, to travel to
18 Haiti and go to places, not just Port-au-Prince
19 and Pétion-Ville, but to Cap-Haïtien, to
20 Saint-Marc, to Arcahaïe. It was great to -- I
21 want to really encourage folks to visit Haitian
22 communities and be part of the vitality of the
23 food, of the dancing.

24 You have to go to a Haitian church.
25 You have not -- you know, if you think you have a

1 relationship with God, it's going to change it
2 once you walk into a Haitian church. These are
3 people who fear God in a very serious way and
4 worship Him in a much more serious way.

5 And so I've been just very proud to
6 represent them, and am even more proud to call
7 Dr. Jacques Jiha, you know, a friend for a number
8 of years. He's somebody who, bar none, knows
9 more about the finances of this state and the
10 City of New York than anybody in the state, and
11 that's not exaggeration.

12 And so thank you very much, not
13 just, you know, for being a friend but for all
14 that you've done for the city, for the state and
15 the folks of our community.

16 We have a lot of work to do. And we
17 should take this opportunity not just to talk
18 about those accomplishments in the past, but then
19 to recommit ourselves as a body to make sure that
20 we both continue to connect and build this vital
21 community in our great state, but also to make
22 real people-to-people connections with Haiti.

23 To piggyback on the comments of my
24 colleague James Sanders, one of the things that
25 we really ought to be petitioning for, as I talk

1 to the chairman of the Banks Committee, is really
2 reaching out to the World Bank and the IMF to get
3 them to forgive the loans that they've been
4 forced to make even after the great earthquake in
5 2012.

6 Haiti's billion dollars' worth of
7 debt has not been resolved. The U.N., workers
8 from the U.N. started a cholera outbreak that
9 killed several hundreds of people that, again,
10 hasn't been atoned for, hasn't been paid for.

11 There's work that needs to be done
12 to work with Haiti. And I'm very -- I'm sad that
13 we have not taken that up in a more serious way.
14 And certainly I recommit myself to that at this
15 moment.

16 We also -- as I take my seat,
17 Mr. President -- boast here in the State of
18 New York the largest delegation of state
19 legislators of Haitian descent in the entire
20 country. Legislators mostly in the Assembly --
21 Assemblywoman Rodneyse Bichotte, Assemblywoman
22 Kimberly Jean-Pierre, Assemblywoman Frontus from
23 Coney Island, Assemblyman Clyde Vanel,
24 Assemblywoman Michaelle Solages, from Nassau
25 County. And more to come. And more to come.

1 And so we're proud to serve with
2 them and looking forward to really, again,
3 building our relationships both with these
4 communities here, but also with Haiti itself.

5 Thank you, Mr. President.

6 ACTING PRESIDENT BENJAMIN: Senator
7 Bailey on the resolution.

8 (Applause from the gallery.)

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

11 I find myself in the same position
12 as Senator Parker mentioned, where what else has
13 been said.

14 Senator Carlucci, thank you for
15 bringing this resolution to the floor.

16 I respect and appreciate my Haitian
17 brothers and sisters coming to Albany and
18 enjoying all that the Capitol can offer. But I'm
19 going to approach this from a personal
20 perspective, Mr. President, about Haitian
21 Americans in my life.

22 My best friend in college, Kwame
23 Baird, I was his best man at his wedding. His
24 wife, Cassandra Labbees, is of Haitian descent.
25 And when you got to meet Cassie, you met her

1 whole family, and they were an extremely
2 welcoming family. At one point, Mr. President --
3 I tell no lies here -- that on Facebook, you
4 know, the arbiter of everything, on Facebook I
5 had more family members of Cassandra's as friends
6 on Facebook than my own family. I don't know
7 what that says about my relationship with my
8 family. But what that tells you is that my
9 relationship with Cassandra's family is one that
10 was very welcoming, open and warm.

11 Now, her older brother, Edny
12 Labbees, Jr., he would have been 38 years old
13 this past May 9th. And that's the point of my
14 conversation, Mr. President. He was a great
15 friend to me. We applied to law school together
16 in 2009. And throughout the steps of applying to
17 law school, we would check, Hey, what school did
18 you get into, what school did you get into, where
19 are you applying, where are you applying?

20 Edny was much more concerned about
21 my well-being than his own. He was more
22 concerned about me making sure that I got into
23 law school than he got into it himself.

24 He graduated from American
25 University Law School, worked full-time as a

1 patent examiner in Washington, D.C., and passed
2 the bar on his very first try. Unfortunately, he
3 succumbed to cancer a couple of years ago.

4 But I take this time to remember his
5 legacy and what he's done and how he's inspired
6 me. And how he's inspired his niece and nephew,
7 Lana and Lennox Baird. Though they never got a
8 chance to meet him, his legacy will live on. And
9 those are my godchildren.

10 So as a godparent to amazing Haitian
11 godchildren, I appreciate all that the Haitian
12 community has done for the community, for the
13 State of New York, but most importantly my life.

14 Thank you, Mr. President.

15 (Applause from the gallery.)

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

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

20 The long list of things that make
21 Brooklyn the best borough in the State of
22 New York --

23 (Reaction from Senators.)

24 SENATOR MYRIE: -- includes that we
25 are home to the largest population of Haitian

1 Americans in the United States of America.

2 I have the honor of representing
3 over 12,000 Haitian Americans, and this is a
4 community that I grew up with, that I have been
5 proud to live with, and now have the honor of
6 representing.

7 The world's attention was on Haiti
8 when they were struck by natural disasters. And
9 I think that it is appropriate that our body take
10 the time to appreciate Haiti when they're not
11 going through a natural disaster issue, but to
12 recognize the greatness of the country and the
13 greatness of the Americans that serve right here
14 in the State of New York.

15 So I commend the sponsor of this
16 resolution. I commend the body for commemorating
17 Haitian Flag Day. And I look forward to standing
18 side by side with my Haitian American friends and
19 neighbors as we celebrate this country.

20 Thank you, Mr. President.

21 (Applause from the gallery.)

22 ACTING PRESIDENT BENJAMIN: Senator
23 Persaud on the resolution.

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

1 Senator Carlucci, thank you for this
2 resolution.

3 To my Haitian brothers and sisters,
4 thank you. Not often do we thank the Haitian
5 community for what they do.

6 But we're constantly hearing of
7 people saying what the Haitian community is
8 asking us for. Well, they're not asking us for
9 something that's not owed to them. Whenever they
10 are asking us for something, it's because they
11 deserve it. The Haitian community has
12 contributed so much, so much to this society, and
13 the little that we give back to them cannot
14 compensate for that.

15 So as you celebrate Haitian Unity,
16 Haitian Flag Day, I thank you for all of your
17 contributions and will continue to work to ensure
18 that the Haitian people receive what they
19 should -- not a handout, but what they are owed.

20 Thank you very much, Mr. President.

21 (Applause from the gallery.)

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

25 (Response of "Aye.")

1 ACTING PRESIDENT BENJAMIN:

2 Opposed?

3 (No response.)

4 ACTING PRESIDENT BENJAMIN: The
5 resolution is adopted.

6 Senator Gianaris.

7 SENATOR GIANARIS: Mr. President,
8 can we now move to previously adopted
9 Resolution 1399, by Senator Amedore, read its
10 title only, and recognize Senator Amedore.

11 ACTING PRESIDENT BENJAMIN: The
12 Secretary will read.

13 THE SECRETARY: Senate Resolution
14 1399, by Senator Amedore, memorializing Governor
15 Andrew M. Cuomo to proclaim May 2019 as Cystic
16 Fibrosis Awareness Month in the State of
17 New York.

18 ACTING PRESIDENT BENJAMIN: Senator
19 Amedore on the resolution.

20 SENATOR AMEDORE: Thank you,
21 Mr. President, for allowing me to speak today on
22 this important resolution proclaiming May 2019 as
23 Cystic Fibrosis Awareness Month in the State of
24 New York.

25 We all know that cystic fibrosis is

1 a progressive genetic disease that causes
2 persistent lung infections and limits the
3 individual's ability to breathe over time,
4 leading to a difficult quality of life for those
5 who suffer from cystic fibrosis.

6 It's the most common genetic disease
7 in the United States. It has affected more than
8 30,000 children and adults throughout the
9 country. And in the State of New York, we have
10 1600 individuals who suffer with CF.

11 Throughout the good work of the
12 not-for-profit organizations like the Cystic
13 Fibrosis Foundation, great advancements have been
14 made. In the last 30 years the life expectancy
15 of a child with CF has more than doubled.

16 But there are still more than
17 10 million Americans who are symptomless carriers
18 of the defective CF gene, so raising awareness is
19 so important. More funding, more research, more
20 awareness, even more progress can be made. And
21 someday, one day, ultimately, a cure can be
22 found.

23 Here in New York we are very
24 fortunate to be the home of 23 accredited
25 treatment centers who do so much great-quality

1 work that offers a quality of life to those
2 children and adults who suffer from cystic
3 fibrosis.

4 In the gallery today we are joined
5 by a constituent, a family who has a 2-year-old
6 son, Emilie and Zeke McHale. They named their
7 son Kellen. I asked, "Why Kellen?" They said
8 the name means "mighty warrior."

9 He's a 2-year-old boy suffering with
10 CF, and he is fighting for a quality of life.
11 And I want to thank Emilie and Zeke McHale for
12 their great advocacy.

13 But they're also joined by others,
14 other advocates, other parents, other caregivers
15 and other healthcare providers to help fight this
16 the disease that so many Americans and
17 New Yorkers are bound by.

18 So I hope that their passion, their
19 love, and their advocacy, along with each and
20 every one of my colleagues, will someday find
21 those who are suffering with cystic fibrosis that
22 ray of hope and that cure.

23 So thank you, Mr. President, and I
24 thank all of my colleagues for supporting this
25 great resolution.

1 ACTING PRESIDENT BENJAMIN: The
2 resolution was previously adopted on May 7th.

3 To our guests who are here fighting
4 cystic fibrosis, I welcome you on behalf of the
5 Senate. We extend all of the privileges and
6 courtesies of this house to you. Please rise and
7 be recognized.

8 (Standing ovation.)

9 ACTING PRESIDENT BENJAMIN: Senator
10 Gianaris.

11 SENATOR GIANARIS: Mr. President,
12 the three resolutions we took up today are open
13 for cosponsorship.

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

18 Senator Gianaris.

19 SENATOR GIANARIS: At this time,
20 Mr. President, we will call an immediate meeting
21 of the Rules Committee in Room 332.

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

25 SENATOR GIANARIS: The Senate

1 stands at ease.

2 ACTING PRESIDENT BENJAMIN: The
3 Senate stands at ease.

4 (Whereupon, the Senate stood at ease
5 at 4:11 p.m.)

6 (Whereupon, the Senate reconvened at
7 4:28 p.m.)

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

10 Senator Gianaris.

11 SENATOR GIANARIS: Mr. President,
12 can we return to reports of standing committees.

13 I believe there's a report of the
14 Rules Committee at the desk.

15 ACTING PRESIDENT BENJAMIN: Reports
16 of standing committees.

17 There is a report of the Rules
18 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 1645B, by
24 Senator Brooks, an act to amend the General
25 Business Law;

1 Senate Print 297, by Senator
2 Gianaris, an act to amend the Banking Law;
3 Senate Print 2740A, by Senator
4 Addabbo, an act to amend the Tax Law and the
5 State Finance Law;
6 Senate Print 3665, by Senator
7 Gianaris, an act to amend the Labor Law;
8 Senate Print 4477A, by Senator
9 Kaplan, an act to amend the Executive Law;
10 Senate Print 5690, by Senator
11 Sanders, an act to amend the New York State Urban
12 Development Corporation Act, in relation to
13 evaluation and assistance to increase access to
14 childcare;
15 Senate Print 5819, by Senator
16 Metzger, an act to amend the Executive Law; and
17 Senate Print 5937, by Senator
18 Kaminsky, an act to amend Chapter 330 of the Laws
19 of 2014, amending the Environmental Conservation
20 Law.
21 All bills reported direct to third
22 reading.
23 ACTING PRESIDENT BENJAMIN: Senator
24 Gianaris.
25 SENATOR GIANARIS: Move to accept

1 the report of the Rules Committee.

2 ACTING PRESIDENT BENJAMIN: All in
3 favor of accepting the report of the Rules
4 Committee signify by saying aye.

5 (Response of "Aye.")

6 ACTING PRESIDENT BENJAMIN:
7 Opposed, nay.

8 (Response of "Nay.")

9 ACTING PRESIDENT BENJAMIN: The
10 Rules Committee report is accepted.

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

13 ACTING PRESIDENT BENJAMIN: The
14 Secretary will read.

15 THE SECRETARY: Calendar Number 69,
16 Senate Print 1143, by Senator Carlucci, an act to
17 amend the Social Services Law.

18 SENATOR GRIFFO: Lay it aside.

19 ACTING PRESIDENT BENJAMIN: Please
20 lay it aside.

21 THE SECRETARY: Calendar Number
22 146, Senate Print 3247A, by Senator Salazar, an
23 act to amend the Public Health Law.

24 SENATOR GRIFFO: Lay it aside.

25 ACTING PRESIDENT BENJAMIN: Lay it

1 aside.

2 THE SECRETARY: Calendar Number
3 230, Senate Print 3944A, by Senator Gounardes, an
4 act to amend the Retirement and Social Security
5 Law.

6 ACTING PRESIDENT BENJAMIN: Read
7 the last section.

8 THE SECRETARY: Section 4. 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, 60.

16 ACTING PRESIDENT BENJAMIN: The
17 bill is passed.

18 THE SECRETARY: Calendar Number
19 277, Senate Print 3971B, by Senator Savino, an
20 act creating a temporary state commission to
21 study and investigate how to regulate artificial
22 intelligence.

23 ACTING PRESIDENT BENJAMIN: Read
24 the last section.

25 THE SECRETARY: Section 6. 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 Savino to explain her vote.

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

9 I want to thank my colleagues for
10 moving this legislation through.

11 Increasingly, artificial
12 intelligence is changing the lives of New Yorkers
13 in many profound ways. Recent advancement in AI
14 has enabled automation of even the most complex
15 tasks, putting millions of jobs at risk of
16 becoming obsolete. According to a recent study,
17 AI startups in New York State raised over
18 \$1.1 billion in 2018, more than eight times the
19 funding levels from just five years ago.

20 Moreover, large corporations
21 continue to make massive investments in AI
22 development, with the aim to transforming
23 existing businesses. Currently New York State
24 has no laws that are designed to specifically
25 regulate this sector.

1 And I just want to remind people,
2 artificial intelligence mimics human thinking,
3 reasoning and decision making by following logic
4 and rules explicitly programmed by humans. AI
5 does what you tell it to do, but it doesn't learn
6 anything on its own.

7 Machine learning, on the other hand,
8 is able to use data and experiences to make
9 itself smarter over time. It's not separate from
10 artificial intelligence, but it elevates
11 artificial intelligence from a system that
12 follows instructions to one that actually knows
13 how to learn without the need for programming by
14 humans.

15 Automation, on the other hand, is
16 used for routine and redundant tasks. Automation
17 takes care of mundane chores as well as critical
18 functions, but in order for it to work, humans
19 need to decide what tasks need to be done, design
20 the technology to do the task. Automation isn't
21 smart. That's where smart artificial
22 intelligence comes in.

23 New York State is far behind in
24 establishing rules and regulations for artificial
25 intelligence. It is here, it is growing, and we

1 need to get a handle on it, as it is going to
2 affect every aspect of business, the economy and
3 our workforce.

4 And I look forward to the
5 implementation of this task force as we study how
6 to move New York State into the 21st century.

7 Thank you, Mr. President.

8 ACTING PRESIDENT BENJAMIN: Senator
9 Savino to be recorded in the affirmative.
10 Senator Antonacci to explain his
11 vote.

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

14 As a proud member of the Internet
15 and Technology Committee, I want to thank our
16 chair, Senator Savino, for bringing this bill to
17 the floor.

18 I also appreciate her willingness to
19 amend the bill, including extending the time
20 frames for this important commission to finish
21 its work.

22 And the work is important. If you
23 saw I, Robot, or Terminator, there is no doubt
24 that artificial intelligence is here and not
25 going anywhere. So let's hedge our bets.

1 This commission will have many
2 goals, including assessing artificial
3 intelligence, robotics and automation's impact on
4 employment and the regulatory scheme. It will
5 assess public sector applications. We have all
6 heard the stories of bots buying up concert
7 tickets, but it is artificial intelligence that
8 is so pervasive and powerful that this
9 commission, I hope, will educate and inform us
10 and, while not interfering with progress or
11 innovation, protect us from any illicit or
12 dangerous uses of artificial intelligence.

13 I vote aye.

14 ACTING PRESIDENT BENJAMIN: Senator
15 Antonacci to be recorded in the affirmative.

16 Announce the results.

17 THE SECRETARY: In relation to
18 Calendar 277, voting in the negative: Senator
19 Akshar.

20 Ayes, 59. Nays, 1.

21 ACTING PRESIDENT BENJAMIN: The
22 bill is passed.

23 Calendar Number 370 is high.

24 THE SECRETARY: Calendar Number
25 383, Senate Print 3738, by Senator LaValle, an

1 act authorizing the Town of East Hampton to
2 reduce the maximum speed limit along certain
3 designated streets in such town to not less than
4 20 miles per hour.

5 ACTING PRESIDENT BENJAMIN: There
6 is a home-rule message at the desk.

7 Read 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: In relation to
16 Calendar Number 383, Senator Skoufis voting in
17 the negative.

18 Ayes, 59. Nays, 1.

19 ACTING PRESIDENT BENJAMIN: The
20 bill is passed.

21 THE SECRETARY: Calendar Number
22 387, Senate Print 4173, by Senator Gaughran, an
23 act to amend the General Municipal 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 Gaughran to explain his vote.

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

10 Volunteer fire department members go
11 in every day to protect us, they go into harm's
12 way. But for years, unfortunately, many of them
13 have inhaled the carcinogens from furniture,
14 household products, even building materials that
15 burn.

16 And many of our older firefighters,
17 they're people who have served 40, 50, even 60
18 years or more and unfortunately now have cancer.
19 And some of them are not eligible for disability
20 benefits under the program simply because the
21 paperwork from years ago just doesn't exist. But
22 we know that it is their going into these burning
23 fires that has caused their illness.

24 So today this legislation will cure
25 that injustice, and I vote in the affirmative,

1 Mr. President.

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

4 Senator Helming to explain her vote.

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

7 I want to start by thanking the
8 sponsor, Senator Gaughran. Thank you so much for
9 bringing this important legislation to the floor.

10 I fully support this bill and the
11 enhanced cancer disability benefits for all of
12 our volunteer firefighters. As Senator Gaughran
13 said, they stand at the ready 24 hours a day,
14 seven days a week. They're well trained, they're
15 prepared to perform fire suppression and other
16 emergency services. They have truly dedicated
17 their lives to serving our communities.

18 In return for their valuable
19 services, the State of New York and this body
20 should do everything we possibly can to support
21 our volunteers. The passage of this legislation
22 is a good first step.

23 However, it's unknown whether this
24 proposal will drive up the cost of insurance.
25 And like many of you here, I hear from my

1 volunteer fire departments all the time about the
2 rising cost of insurance, of equipment, and of so
3 many other things.

4 These rising costs and the potential
5 for an increase with this new requirement is a
6 concern, especially for the more than
7 75 volunteer fire departments from upstate
8 New York who are still reeling, reeling from
9 having \$500,000 cut from the State Budget. Every
10 single penny that they relied on to help them
11 with things like insurance costs, to help them
12 provide for necessary items to protect the
13 community and to protect themselves from cancer,
14 like washing machines and dryers for their
15 equipment -- every single penny was cut from the
16 State Budget.

17 So, Mr. President, I call on the
18 bill's sponsor and I call on the Senate Majority
19 to step up and provide the funding to cover any
20 costs associated with the enhanced cancer
21 disability benefit insurance --

22 ACTING PRESIDENT BENJAMIN: Senator
23 Helming, please stay germane to the bill at hand.

24 SENATOR HELMING: -- and to restore
25 the \$500,000 for the Finger Lakes law enforcement

1 and emergency management services.

2 I vote aye, Mr. President.

3 ACTING PRESIDENT BENJAMIN: Senator
4 Helming to be recorded in the affirmative.

5 Senator Brooks to explain his vote.

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

8 This is a very important bill for a
9 group of people that perform a tremendous service
10 to the State of New York. As the sponsor said,
11 this occupation -- paid or volunteer -- fighting
12 fires, is dangerous. We are seeing an increasing
13 number of members of the volunteer fire service
14 coming down with various forms of cancer.

15 This bill corrects an issue in the
16 earlier bill in terms of documentation. All
17 across this state, men and women volunteer their
18 time 24 hours a day to respond to fires and
19 incidents within the community. It is critical
20 that we protect them and their families from the
21 exposure that's there to cancer.

22 Mr. President, I vote aye.

23 ACTING PRESIDENT BENJAMIN: Senator
24 Brooks to be recorded in the affirmative.

25 Announce the results.

1 THE SECRETARY: Ayes, 60.

2 ACTING PRESIDENT BENJAMIN: The
3 bill is passed.

4 THE SECRETARY: Calendar Number
5 388, Senate Print 4570B, by Senator Gaughran, an
6 act authorizing the board of fire commissioners
7 of the East Northport Fire District to receive
8 retroactive real property tax-exempt status.

9 ACTING PRESIDENT BENJAMIN: Read
10 the last section.

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

13 ACTING PRESIDENT BENJAMIN: Call
14 the roll.

15 (The Secretary called the roll.)

16 ACTING PRESIDENT BENJAMIN:
17 Announce the results.

18 THE SECRETARY: In relation to
19 Calendar Number 388, those Senators voting in the
20 negative are Senators Akshar, Antonacci, Jacobs
21 and O'Mara.

22 Ayes, 56. Nays, 4.

23 ACTING PRESIDENT BENJAMIN: The
24 bill is passed.

25 THE SECRETARY: Calendar Number

1 426, Senate Print 2489, by Senator Addabbo, an
2 act to amend the Environmental Conservation Law.

3 ACTING PRESIDENT BENJAMIN: Read
4 the last section.

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

7 ACTING PRESIDENT BENJAMIN: Call
8 the roll.

9 (The Secretary called the roll.)

10 ACTING PRESIDENT BENJAMIN:
11 Announce the results.

12 THE SECRETARY: In relation to
13 Calendar Number 426, those Senators voting in the
14 negative are Senators Akshar, Griffo, Lanza, Ortt
15 and Ranzenhofer.

16 Ayes, 55. Nays, 5.

17 ACTING PRESIDENT BENJAMIN: The
18 bill is passed.

19 THE SECRETARY: Calendar Number
20 442, Senate Print 4449, by Senator Biaggi, an act
21 to amend Chapter 465 of the Laws of 1994.

22 ACTING PRESIDENT BENJAMIN: Read
23 the last section.

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

1 ACTING PRESIDENT BENJAMIN: Call
2 the roll.

3 (The Secretary called the roll.)

4 ACTING PRESIDENT BENJAMIN:
5 Announce the results.

6 THE SECRETARY: In relation to
7 Calendar Number 442, those Senators voting in the
8 negative are Senators Akshar, Flanagan and
9 Griffo.

10 Ayes, 57. Nays, 3.

11 ACTING PRESIDENT BENJAMIN: The
12 bill is passed.

13 THE SECRETARY: Calendar Number
14 451, Senate Print 4683, by Senator Kavanaugh, an
15 act to amend the Real Property Actions and
16 Proceedings Law and the Real Property Tax Law.

17 ACTING PRESIDENT BENJAMIN: Read
18 the last section.

19 THE SECRETARY: Section 3. 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:
25 Announce the results.

1 THE SECRETARY: Ayes, 60.

2 ACTING PRESIDENT BENJAMIN: The
3 bill is passed.

4 THE SECRETARY: Calendar Number
5 483, Senate Print 2975, by Senator Skoufis, an
6 act to amend the Executive Law.

7 ACTING PRESIDENT BENJAMIN: Read
8 the last section.

9 THE SECRETARY: Section 2. This
10 act shall take effect on the first of April.

11 ACTING PRESIDENT BENJAMIN: Call
12 the roll.

13 (The Secretary called the roll.)

14 ACTING PRESIDENT BENJAMIN:
15 Announce the results.

16 THE SECRETARY: Ayes, 60.

17 ACTING PRESIDENT BENJAMIN: The
18 bill is passed.

19 THE SECRETARY: Calendar Number
20 499, Senate Print 1665, by Senator Brooks, an act
21 to authorize the commissioner of general services
22 to transfer and convey certain unappropriated
23 state land to the village of Freeport.

24 ACTING PRESIDENT BENJAMIN: There
25 is a home-rule message at the desk.

1 Read the last section.

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

4 ACTING PRESIDENT BENJAMIN: Call
5 the roll.

6 (The Secretary called the roll.)

7 ACTING PRESIDENT BENJAMIN:
8 Announce the results.

9 THE SECRETARY: Ayes, 60.

10 ACTING PRESIDENT BENJAMIN: The
11 bill is passed.

12 THE SECRETARY: Calendar Number
13 593, Senate Print 5239, by Senator Kaplan, an act
14 authorizing the Empire State Development
15 Corporation to develop a public awareness
16 campaign promoting businesses located in New York
17 State.

18 ACTING PRESIDENT BENJAMIN: Read
19 the last section.

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

22 ACTING PRESIDENT BENJAMIN: Call
23 the roll.

24 (The Secretary called the roll.)

25 ACTING PRESIDENT BENJAMIN:

1 Announce the results.

2 THE SECRETARY: Ayes, 60.

3 ACTING PRESIDENT BENJAMIN: The
4 bill is passed.

5 THE SECRETARY: Calendar Number
6 594, Senate Print 439, by Senator Hoylman, an act
7 to amend the Executive Law.

8 ACTING PRESIDENT BENJAMIN: Read
9 the last section.

10 THE SECRETARY: Section 2. This
11 act shall take effect on the 90th day after it
12 shall have 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 which will
22 restrict the use of PFAS chemicals in
23 firefighting.

24 Now, this group of chemicals,
25 perfluoroalkyl and polyfluoroalkyl, are called

1 "forever chemicals," because once they enter the
2 water system, and more importantly your
3 bloodstream, they never leave. And they're
4 linked to a whole host of conditions, including
5 certain cancers, thyroid disease, decreased
6 fertility, hormonal changes, weakened immune
7 systems, increased risk of asthma and growth and
8 learning delays in children.

9 And our firefighters have been using
10 firefighting foam that contains this type of
11 chemical. It should be restricted, as this bill
12 does, and we should find alternatives as a
13 result.

14 I vote aye. Thank you,
15 Mr. President.

16 ACTING PRESIDENT BENJAMIN: Senator
17 Hoylman to be recorded in the affirmative.

18 Senator Skoufis to explain his vote.

19 SENATOR SKOUFIS: Thanks very much,
20 Mr. President.

21 I just want to express my gratitude
22 to the sponsor. You know, this is really a
23 raging issue in so many corners of this state,
24 including most recently -- again, for the second
25 time -- in the City of Newburgh, where there was

1 recently a spill from Stewart Airport into the
2 adjacent waterway.

3 And so, you know, it is high time
4 that we finally did something about this.
5 Firefighters don't need this chemical in their
6 foam. My understanding is that most firefighting
7 organizations actually support this bill because
8 this is poisoning our communities throughout the
9 state.

10 And I hope the Assembly and the
11 Governor join us in taking action. Thank you.

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

14 Announce the results.

15 THE SECRETARY: Ayes, 60.

16 ACTING PRESIDENT BENJAMIN: The
17 bill is passed.

18 THE SECRETARY: Calendar Number
19 598, Senate Print 1079, by Senator Persaud, an
20 act requiring the Department of Labor to produce
21 a report regarding summer youth employment
22 programs funded by state, federal and local
23 appropriations.

24 ACTING PRESIDENT BENJAMIN: Read
25 the last section.

1 THE SECRETARY: Section 3. 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:
7 Announce the results.

8 THE SECRETARY: In relation to
9 Calendar Number 598, voting in the negative:
10 Senator Akshar.

11 Ayes, 59. Nays, 1.

12 ACTING PRESIDENT BENJAMIN: The
13 bill is passed.

14 THE SECRETARY: Calendar Number
15 608, Senate Print 3922, by Senator Gounardes, an
16 act to amend the Retirement and Social Security
17 Law.

18 ACTING PRESIDENT BENJAMIN: Read
19 the last section.

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

22 ACTING PRESIDENT BENJAMIN: Call
23 the roll.

24 (The Secretary called the roll.)

25 ACTING PRESIDENT BENJAMIN:

1 Announce the results.

2 THE SECRETARY: Ayes, 60.

3 ACTING PRESIDENT BENJAMIN: The
4 bill is passed.

5 THE SECRETARY: Calendar Number
6 616, Assembly Print 1641, substituted earlier by
7 Assemblymember Seawright, an act to amend the
8 Election Law.

9 ACTING PRESIDENT BENJAMIN: Read
10 the last section.

11 THE SECRETARY: Section 3. This
12 act shall take effect December 15, 2019.

13 ACTING PRESIDENT BENJAMIN: Call
14 the roll.

15 (The Secretary called the roll.)

16 ACTING PRESIDENT BENJAMIN:
17 Announce the results.

18 THE SECRETARY: In relation to
19 Calendar Number 1616, voting in the negative:
20 Senator Ritchie.

21 Ayes, 59. Nays, 1.

22 ACTING PRESIDENT BENJAMIN: The
23 bill is passed.

24 THE SECRETARY: Calendar Number
25 638, Senate Print 3969A, by Senator Kennedy, an

1 act to amend the Workers' Compensation Law.

2 ACTING PRESIDENT BENJAMIN: Read
3 the last section.

4 THE SECRETARY: Section 2. This
5 act shall take effect on the same date and in the
6 same manner as Section 1 of Part CC of Chapter 55
7 of the Laws of 2019.

8 ACTING PRESIDENT BENJAMIN: Call
9 the roll.

10 (The Secretary called the roll.)

11 ACTING PRESIDENT BENJAMIN:
12 Announce the results.

13 THE SECRETARY: Ayes, 60.

14 ACTING PRESIDENT BENJAMIN: The
15 bill is passed.

16 THE SECRETARY: Calendar Number
17 642, Senate Print 5421, by Senator Ramos, an act
18 to amend the Workers' Compensation Law.

19 ACTING PRESIDENT BENJAMIN: Read
20 the last section.

21 THE SECRETARY: Section 3. This
22 act shall take effect on the same date and in the
23 same manner as Part CC of Chapter 55 of the Laws
24 of 2019.

25 ACTING PRESIDENT BENJAMIN: Call

1 the roll.

2 (The Secretary called the roll.)

3 ACTING PRESIDENT BENJAMIN:

4 Announce the results.

5 THE SECRETARY: In relation to
6 Calendar Number 642, those Senators voting in the
7 negative are Senators Jacobs, Lanza, Ortt and
8 Ritchie.

9 Ayes, 56. Nays, 4.

10 ACTING PRESIDENT BENJAMIN: The
11 bill is passed.

12 THE SECRETARY: Calendar Number
13 661, Senate Print 643, by Senator Breslin, an act
14 to amend the Insurance Law and the Vehicle and
15 Traffic Law.

16 ACTING PRESIDENT BENJAMIN: Read
17 the last section.

18 THE SECRETARY: Section 9. This
19 act shall take effect on the 270th day after it
20 shall have become a law.

21 ACTING PRESIDENT BENJAMIN: Call
22 the roll.

23 (The Secretary called the roll.)

24 ACTING PRESIDENT BENJAMIN:

25 Announce the results.

1 THE SECRETARY: Ayes, 60.

2 ACTING PRESIDENT BENJAMIN: The
3 bill is passed.

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

6 SENATOR GIANARIS: Can we now take
7 up the reading of the supplemental calendar,
8 please.

9 ACTING PRESIDENT BENJAMIN: The
10 Secretary will read.

11 THE SECRETARY: Calendar Number
12 688, Senate Print 1645B, by Senator Brooks, an
13 act to amend the General Business Law.

14 SENATOR GRIFFO: Lay it aside.

15 ACTING PRESIDENT BENJAMIN: Lay it
16 aside.

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

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

21 Can we now take up the controversial
22 bills from the active-list calendar for the day.

23 ACTING PRESIDENT BENJAMIN: The
24 Secretary will ring the bell.

25 The Secretary will read.

1 THE SECRETARY: Calendar Number 69,
2 Senate Print 1143, by Senator Carlucci, an act to
3 amend the Social Services Law.

4 ACTING PRESIDENT BENJAMIN: Senator
5 Ranzenhofer.

6 SENATOR RANZENHOFER: Thank you,
7 Mr. President. If the sponsor will yield for a
8 few questions.

9 ACTING PRESIDENT BENJAMIN: Does
10 the sponsor yield?

11 SENATOR CARLUCCI: Yes.

12 ACTING PRESIDENT BENJAMIN: The
13 sponsor yields.

14 SENATOR RANZENHOFER: So, Senator
15 Carlucci, thank you for agreeing to answer a few
16 questions. Through you, Mr. President.

17 So my understanding of the bill and
18 the state of the law right now is that anybody
19 who witnesses an incident involving a
20 developmentally disabled person, right now all of
21 those people have to report. Is that correct?

22 SENATOR CARLUCCI: That is correct.

23 However, the Justice Center has put
24 out regulations in June of 2017 saying that if
25 someone knows that the report has been filed and

1 they have been listed as a part of that report,
2 they do not need to report it as well.

3 So there have been guidelines issued
4 by the Justice Center. The purpose of this
5 legislation is to enshrine it into state law to
6 make sure there's clarity for the six agencies
7 that the Justice Center oversees.

8 SENATOR RANZENHOFER: Thank you.
9 Through you, Mr. President.

10 ACTING PRESIDENT BENJAMIN: Does
11 the sponsor yield?

12 SENATOR CARLUCCI: Yes.

13 ACTING PRESIDENT BENJAMIN: The
14 sponsor yields.

15 SENATOR RANZENHOFER: So where we
16 are right now and where we're going is right now
17 everybody has to report if you witnessed an
18 incident. And now in this bill, should it pass,
19 you are carving out people that will no longer
20 have to report an incident involving the
21 developmentally disabled. And that would be if
22 they are listed in the report as a witness and,
23 secondly, if they know that somebody else has
24 already filed a report. Would that be a fair
25 statement?

1 SENATOR CARLUCCI: Yes, that would
2 be fair.

3 However, this is more than just
4 people with developmental disabilities. This is
5 any vulnerable person under the jurisdiction of
6 the six state agencies that have oversight over
7 vulnerable persons. And they would be reported
8 to the vulnerable person's central registry.

9 So just one thing I want to clarify
10 is that technically right now there are
11 regulations under OMH, OPWDD that have this
12 requirement in place, but all six agencies are
13 not mirroring that requirement or that
14 recommendation that was put out by the Justice
15 Center in 2017.

16 So what we want to do is clarify
17 that, make it crystal-clear, so every employee
18 knows and understands their responsibility when
19 reporting to the central registry for vulnerable
20 persons.

21 SENATOR RANZENHOFER: Thank you.
22 Mr. President, on the bill.

23 ACTING PRESIDENT BENJAMIN: Senator
24 Ranzenhofer on the bill.

25 SENATOR RANZENHOFER: First of all,

1 thank you to the sponsor for explaining where we
2 are and where this bill is trying to take us.

3 I understand there's a discrepancy
4 right now between some of the agencies, that some
5 favor greater reporting and some favor less
6 reporting. And right now, under this bill, we
7 would be creating exceptions for the mandated
8 reporting requirement not just for
9 developmentally disabled, but for vulnerable
10 individuals.

11 In my view, this chips away at the
12 law's intended purpose of trying to protect
13 vulnerable individuals and those with
14 developmental disabilities. There's no
15 indication that simply because your name is
16 listed as a witness or that you know somebody
17 else has already filed a report -- that doesn't
18 necessarily mean that your viewpoint is going to
19 be different, that you may have seen something
20 else, you may have seen it in a different way.

21 And I know in the sponsor's memo it
22 specifically talks about the reporting
23 requirements that we have in place right now have
24 led to a higher rate of vigilance and
25 observation. And basically what that means is

1 under the existing laws right now, that we have
2 greater protections, we have greater vigilance,
3 we have greater observation, we have greater
4 protections for our most vulnerable.

5 So in my view, when you're dealing
6 with reporting requirements, if you have to weigh
7 what do you want to do, do you want to have more
8 protections and greater vigilance for those with
9 developmental disabilities or anybody who is
10 disabled or vulnerable in any sense, versus
11 dealing with the fact that there might be some
12 duplicity, that two people may have filed a
13 report. In my view, I would come down on
14 protecting the vulnerable, protecting the
15 developmentally disabled.

16 I think that the law that we have
17 right now protects that community. And for that
18 reason, when this chips away at those
19 protections, I will be voting in the negative.

20 So thank you, Mr. President.

21 ACTING PRESIDENT BENJAMIN: Are
22 there any other Senators wishing to be heard?

23 Senator Lanza.

24 SENATOR LANZA: Thank you,
25 Mr. President. On the bill.

1 ACTING PRESIDENT BENJAMIN: Senator
2 Lanza on the bill.

3 SENATOR LANZA: Mr. President, I
4 want to associate myself with the remarks of my
5 colleague Senator Ranzenhofer.

6 You know, I happen to believe that
7 the present law, as it relates to the reporting
8 for incidents regarding special needs
9 populations, doesn't go far enough. We don't
10 need less reporting when it comes to assaults or
11 incidents or injuries or any incidents that occur
12 to our vulnerable populations, we need more
13 reporting. In fact, I carry legislation, I have
14 for a number of years, that would increase
15 requirements for reporting.

16 And I happen to disagree with the
17 advisory that was put out by the Justice Center.
18 Clearly the Justice Center is looking to do less
19 work. They are charged with the responsibility,
20 a very important one, to make sure that, you
21 know, consistent with their title, that there is
22 justice with respect to a population who is
23 perhaps the least heard, the least seen, and
24 perhaps the least cared for in our state. And
25 again, when it comes to this group of people, we

1 ought to be more vigilant.

2 You know, I understand duplicity may
3 be an issue. But as Senator Ranzenhofer said,
4 that's a very small price to pay to make sure
5 that we get it right when it comes to people with
6 special needs. You know, maybe there are five
7 witnesses to an incident that occurred with
8 respect to a person with developmental
9 disabilities or some other special need. And as
10 we know, each witness may have seen a different
11 part of the picture. I want to hear from all
12 five of those witnesses. I want to make sure
13 that we get the entire picture, when it comes to
14 things happening to a population that needs our
15 voice perhaps more than any other group of people
16 in the State of New York.

17 So I understand the sponsor is
18 looking to sort of cut red tape. I respect that.
19 Duplicity, I respect that as well. But that's a
20 very small price to pay to make sure that we get
21 it right when it comes to things that occur.
22 We're not talking about good things that occur,
23 but we're talking about assaults and other
24 injustices that occur to this population.

25 So when it comes time to vote,

1 Mr. President, I'm going to be voting in the
2 negative.

3 ACTING PRESIDENT BENJAMIN: Senator
4 Serino.

5 SENATOR SERINO: Thank you,
6 Mr. President. On the bill.

7 ACTING PRESIDENT BENJAMIN: Senator
8 Serino on the bill.

9 SENATOR SERINO: I also carry a
10 bill that would expand mandated reporting.

11 You know, the light is being shined
12 on child sexual abuse right now. We should be
13 doing more and more for mandated reporting. And,
14 you know, I know you talk about administrative
15 costs, but these are our kids that we're talking
16 about.

17 So for those purposes, I will be
18 voting no as well.

19 ACTING PRESIDENT BENJAMIN: Are
20 there any other Senators wishing to be heard?

21 Seeing and hearing none, debate is
22 closed.

23 The Secretary will ring the bell.

24 Read the last section.

25 THE SECRETARY: Section 2. 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 Carlucci to explain his vote.

7 SENATOR CARLUCCI: Thank you,
8 Mr. President. I just wanted to explain my vote
9 and clarify some of the things that have been
10 said.

11 When the Justice Center for People
12 with Special Needs was created six years ago, the
13 goal was to root out abuse, neglect, malfeasance
14 wherever it exists to protect our most vulnerable
15 populations. Six years have passed, and it's our
16 job to respond to what's working and what's not
17 working.

18 And we're talking about tens of
19 thousands of duplicative reports that have been
20 filed. And some information that was said about
21 if someone has witnessed an incident, we want to
22 make sure we can question them and ask them.
23 What this legislation does is still requires
24 anybody that's witnessed an incident to be put on
25 that report so they can be questioned at some

1 further time.

2 We need to make sure that when we're
3 fighting neglect, when we're fighting abuse, that
4 we're as focused as possible. The Justice Center
5 has put out those regulations, and now there's
6 not clarity within the workforce because all of
7 the state agencies that have oversight over
8 vulnerable persons are not all on the same page.

9 Let's pass this legislation. Let's
10 cut out the bureaucratic red tape. And let's
11 make sure that the Justice Center can focus on
12 rooting out malfeasance, rooting out abuse,
13 neglect, and make sure that people are actually
14 protected.

15 We've got to continue to adjust.
16 Just because it's been done that way for six
17 years doesn't mean it's the right way or the best
18 way.

19 Mr. President, I'll be voting in the
20 affirmative. Thank you.

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

23 Announce the results.

24 THE SECRETARY: In relation to
25 Calendar 69, those Senators voting in the

1 negative are Senators Akshar, Amedore, Antonacci,
2 Boyle, Flanagan, Gallivan, Griffo, Helming,
3 Jacobs, Jordan, Lanza, Little, O'Mara, Ortt,
4 Ranzenhofer, Ritchie, Robach, Serino, Seward and
5 Tedisco.

6 Ayes, 40. Nays, 20.

7 ACTING PRESIDENT BENJAMIN: The
8 bill is passed.

9 The Secretary will read.

10 THE SECRETARY: Calendar Number
11 146, Senate Print 3247A, by Senator Salazar, an
12 act to amend the Public Health Law.

13 ACTING PRESIDENT BENJAMIN: Senator
14 Ranzenhofer.

15 SENATOR RANZENHOFER:
16 Mr. President, if the sponsor will yield for a
17 question.

18 ACTING PRESIDENT BENJAMIN: Does
19 the sponsor yield?

20 SENATOR SALAZAR: Yes,
21 Mr. President.

22 ACTING PRESIDENT BENJAMIN: The
23 sponsor yields.

24 SENATOR RANZENHOFER: Thank you.
25 If the sponsor could explain --

1 well, first of all let me just back up and say
2 that this type of legislation is sorely needed
3 and very good. I've been involved in the EpiPen
4 issue for many, many years, and the more people
5 that can carry them the better.

6 So here under this bill my
7 understanding is that we are now allowing law
8 enforcement and firefighters to carry them. And
9 my question for the sponsor is, why are we
10 exempting firefighters and law enforcement from
11 New York City in this A print? In the original
12 print they were in, and now they're out.

13 SENATOR SALAZAR: Mr. President,
14 the Fire Department of New York City requested
15 this exemption because dedicated EMTs are already
16 part of the forces that the bill otherwise
17 applies to outside of New York City. And so it
18 would be superfluous to expand authorization in
19 New York City.

20 SENATOR RANZENHOFER: Thank you.

21 ACTING PRESIDENT BENJAMIN: Are
22 there any other Senators wishing to be heard?

23 Seeing and hearing none, debate is
24 closed.

25 The Secretary will ring the bell.

1 Read the last section.

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

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: Ayes, 60.

11 ACTING PRESIDENT BENJAMIN: The
12 bill is passed.

13 Senator Gianaris, that completes the
14 reading of the controversial calendar.

15 SENATOR GIANARIS: Can we now move
16 to the one bill that was laid aside off of the
17 supplemental calendar.

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

20 The Secretary will read.

21 THE SECRETARY: Calendar Number
22 688, Senate Print 1645B, by Senator Brooks, an
23 act to amend the General Business Law.

24 ACTING PRESIDENT BENJAMIN: Senator
25 Amedore.

1 SENATOR AMEDORE: Mr. President,
2 will the sponsor yield for a question?

3 ACTING PRESIDENT BENJAMIN: Does
4 the sponsor yield?

5 SENATOR BROOKS: Yes,
6 Mr. President.

7 ACTING PRESIDENT BENJAMIN: The
8 sponsor yields.

9 SENATOR AMEDORE: Thank you,
10 Senator Brooks. Through you, Mr. President.

11 Can the sponsor tell me what the
12 current law is right now in the state regarding
13 sprinklers in new homes?

14 SENATOR BROOKS: The current law --
15 through you, Mr. President. The current law with
16 regards to sprinklers in private homes does not
17 require the installation of sprinklers.

18 SENATOR AMEDORE: Mr. President,
19 I'm having a hard time hearing across -- can
20 he --

21 ACTING PRESIDENT BENJAMIN: Senator
22 Brooks, can you repeat your answer, please.

23 SENATOR BROOKS: The current law as
24 it applies to sprinklers in private homes does
25 not require the installation of sprinklers nor

1 providing the potential buyer of estimated fees
2 for the installation of sprinklers.

3 SENATOR AMEDORE: Mr. President,
4 will the sponsor continue to yield?

5 ACTING PRESIDENT BENJAMIN: Does
6 the sponsor yield?

7 SENATOR BROOKS: Yes.

8 ACTING PRESIDENT BENJAMIN: The
9 sponsor yields.

10 SENATOR AMEDORE: Mr. President,
11 through you. Is the sponsor aware of
12 Chapter Number 201 of the Laws of 2014 that
13 established the disclosure requirements for
14 builders of new homes to disclose fire sprinkling
15 system information?

16 SENATOR BROOKS: A question,
17 Mr. President. Is that a federal law or state
18 law?

19 SENATOR AMEDORE: Through you,
20 Mr. President, state law.

21 SENATOR BROOKS: No, Mr. President.

22 SENATOR AMEDORE: Through you,
23 Mr. President, will the sponsor continue to
24 yield?

25 ACTING PRESIDENT BENJAMIN: Does

1 the sponsor yield?

2 SENATOR BROOKS: Yes,
3 Mr. President.

4 ACTING PRESIDENT BENJAMIN: The
5 sponsor yields.

6 SENATOR AMEDORE: The proposed bill
7 here talks about having a cost estimate being
8 provided to the prospective buyer of the home
9 being constructed or wants to purchase a new
10 home, a single-family or a two-family dwelling.
11 Would that cost estimate have to be provided on a
12 certified or licensed letterhead from a fire
13 sprinkling company?

14 SENATOR BROOKS: Through you,
15 Mr. President, the cost estimate would be
16 provided by the contractor building the building.

17 I would add that in most cases in
18 this state, the building that is being done are
19 basically models based on different homes, so
20 they can prepare the cost for the first model of
21 the home and that would suffice in the other
22 areas.

23 There's no requirement that it be
24 provided on stationery from a licensed sprinkler
25 company.

1 SENATOR AMEDORE: Through you,
2 Mr. President, will the sponsor continue to
3 yield?

4 ACTING PRESIDENT BENJAMIN: Does
5 the sponsor yield?

6 SENATOR BROOKS: Yes,
7 Mr. President.

8 ACTING PRESIDENT BENJAMIN: The
9 sponsor yields.

10 SENATOR AMEDORE: Through you,
11 Mr. President, how would the builders or small
12 sole proprietor remodeling company who wants to
13 build a home and builds it on speculation or a
14 model home, puts it for sale and a prospective
15 buyer comes in and tries to negotiate the
16 purchase of it, how would that small business
17 owner handle this new proposed law?

18 SENATOR BROOKS: Mr. President, the
19 bill recognizes that there are some spec
20 buildings being done, and those homes would be
21 excluded because the home is already constructed.

22 The objective of this bill is to get
23 both the consumers and the construction companies
24 in part to recognize the significant advantage of
25 the use of sprinklers in the homes in this state.

1 In that particular case, if the
2 individual wanted to install a sprinkler system,
3 unfortunately the house would have to be
4 retrofitted, and that's an expensive proposition.

5 The concept is that we make these
6 cost estimates before the construction is done.
7 That contractor could be aware -- would know the
8 cost and make people aware beforehand if it's
9 done. If it's a spec building, it's not going to
10 be there.

11 But we have an opportunity under
12 this bill to save lives and protect property by
13 the installation of more sprinkler systems than
14 we see now in this state.

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

18 ACTING PRESIDENT BENJAMIN: Does
19 the sponsor yield?

20 SENATOR BROOKS: Yes,
21 Mr. President.

22 ACTING PRESIDENT BENJAMIN: The
23 sponsor yields.

24 SENATOR AMEDORE: So if the
25 sponsor -- through you, Mr. President. If the

1 sponsor could go through with me, just so that I
2 can understand the process, if a builder or a
3 small business owner -- I think what I'm hearing
4 or what you're saying is they would have to build
5 into the cost of the home already a cost to
6 install a sprinkling system, which could cost
7 8,000, 10,000, 20,000 -- it all depends on the
8 situation, where they're going to build it. If
9 there's enough water pressure coming from the
10 water source, a municipal system. Or if it's a
11 rural build and it's on a well, it may not have
12 the pressure.

13 How would then a builder have to
14 kind of figure or guess what a cost would be that
15 the state now is mandating they have to provide?

16 SENATOR BROOKS: The builder would
17 have to address -- I'm making the assumption, as
18 an example, it was done off a well. They would
19 have to determine the equipment required to
20 generate the needed pressure to maintain the
21 system and any other adjustments that had to be
22 made to the system if it wasn't a public water
23 supply system.

24 In terms of the construction of the
25 house itself, they have designed the house, they

1 understand what adjustments would be made in the
2 installation of the sprinkler system. The cost
3 estimate is given before construction begins.
4 And the homeowner would have to make the decision
5 whether they wanted to install the system or not
6 at the time they ordered or purchased the house.

7 SENATOR AMEDORE: Through you,
8 Mr. President, if the sponsor would continue to
9 yield.

10 ACTING PRESIDENT BENJAMIN: Does
11 the sponsor yield?

12 SENATOR BROOKS: Yes,
13 Mr. President.

14 ACTING PRESIDENT BENJAMIN: The
15 sponsor yields.

16 SENATOR AMEDORE: So what if
17 there's not adequate water pressure or supply
18 from the municipality, or the municipality hadn't
19 approved such a system, then what would happen?

20 SENATOR BROOKS: They'd have to
21 look at options. It may be possible that in some
22 areas of the state you can't put in a sprinkler
23 system.

24 The objective here, again, is to
25 give people an opportunity to install safety

1 equipment in their home that will save lives.

2 Anyone in this state who's served as a
3 firefighter and has been at the scene of a fire
4 where a life was lost knows how critically
5 important consideration of this equipment is.

6 SENATOR AMEDORE: Mr. President, on
7 the bill.

8 ACTING PRESIDENT BENJAMIN: Senator
9 Amedore on the bill.

10 SENATOR AMEDORE: I would agree
11 with the sponsor that it's critically important
12 that a consumer or a homeowner, someone
13 who's spending a lot of money making the largest
14 investment in any one purchase they could
15 possibly make maybe in their lifetime, would want
16 to have or should have the option and the
17 information available to them that what would
18 protect their home in case of a catastrophe, of a
19 fire, smoke or a fire that could damage, that
20 could put their loved ones in that beautiful
21 abode that they just purchased and raising their
22 families, put them in harm's way -- having the
23 option of choosing a fire suppressant system they
24 should have.

25 And not only should they have, but

1 also the brave men and women who respond to the
2 call. And if the structure is on fire, they're
3 responding to that home that is on fire, and that
4 if there was a sprinkling system installed, maybe
5 it would not be as bad or as dangerous for those
6 firefighters, so it could also bring safety to
7 them. And I would support that.

8 But that's not what that bill really
9 does here. I asked the sponsor of the bill if he
10 knew what the current law is. And obviously he
11 may not be that familiar with it, because why
12 would he, he or any of my colleagues? You're not
13 in the building business. You're not in the
14 construction world.

15 But the State of New York right now
16 already has a law that educates every single
17 homeowner or prospective buyer that walks into
18 any sales office, building site, speculative lot,
19 rural, suburban or urban area, and that requires
20 the seller of that property or the contractor or
21 the builder or the small sole proprietor
22 remodeler, if they're going to transfer title of
23 that home that they're going to construct with a
24 buyer, that they have to provide the necessary
25 option or the information that affords that buyer

1 the option to purchase the fire sprinkling
2 system.

3 As a matter of fact, back in 2014 it
4 established the disclosure requirements for
5 builders regarding automatic fire sprinkling
6 information. Section 759A of the General
7 Business Law requires builders of one- and
8 two-family residences, prior to entering into
9 contract for construction, to provide the buyer
10 with the written materials prepared by the Office
11 of Fire Prevention and Control, the experts.

12 The builder is not an expert in how
13 fires start, but the Office of Fire Prevention
14 and Control are -- our peers, those experts who
15 fight fires, who examine and study this on how to
16 bring safety to the firefighting force and
17 volunteers and paid members of the fire
18 departments. Which this information that's
19 already prepared by the Office of Fire Prevention
20 and Control details the benefits and the costs
21 associated with the installation and maintenance
22 of the automatic fire sprinkling system.

23 The written material would detail
24 the benefits to the buyer. The buyer then would
25 have a choice, as they do right now in law, that

1 the seller would have to provide the option. And
2 most of -- all of the sellers would have to
3 provide the cost of what that fire sprinkling
4 system costs to install, whether it's a retrofit,
5 whether it's in an urban area, whether it's in a
6 suburban area, whether it's in a rural area.

7 Whether the municipality has the
8 adequate pressure or supply, which most today in
9 upstate New York -- or in the great Northeast,
10 unfortunately -- does not. Because water main
11 systems are grossly inadequate with the size and
12 capacity and flow, because we have old
13 infrastructure.

14 So now we're putting the onus back
15 on -- typical New York State government at its
16 finest right here, this law, this proposed law.
17 Because what it's doing is it's putting the onus,
18 Mr. President, on the small business owner. If
19 they don't provide an estimate with the cost, the
20 cost of the sprinkling system, but they're
21 providing all of the information or the benefits
22 of it, how much is the cost? Does the cost
23 include profit? Does the cost include sales tax?
24 Does the cost already -- does it need to be
25 figured into cost of the price of the home?

1 And if the buyer says no, I don't
2 want to, does the builder have to give a credit?
3 Or does he automatically have to inflate his
4 costs and his selling price?

5 You want to talk about affordability
6 problem or issue, which I know this chamber is
7 going to talk about -- affordable housing -- this
8 bill does nothing to help affordable housing,
9 workforce development housing, workforce housing
10 that will help struggling young men and women,
11 first-time homebuyers who want to buy a brand-new
12 home, live in the American dream. No, it's going
13 make it even more expensive.

14 We should give the option to the
15 homeowner, as we do right now in state law. And
16 as every seller who builds a new home has the
17 ability to say, If you want a sprinkling system
18 in that home, it's going to cost X. The buyer
19 would then have a choice: Yes, I want to do it.
20 Fine, they write up the document.

21 There's nothing in state law that
22 says that a builder or a small business owner
23 would have to require the estimate numbers. They
24 could be just made-up numbers. But if you don't
25 require the numbers or provide the numbers, then

1 what? I can tell you then what. The then-what
2 is {knocking on desk} the knock on the door from
3 another state agency or department, and they fine
4 you. Where's the disclosure? Where is the
5 documentation, where is it, that you didn't
6 provide? Did you provide that young customer the
7 necessary estimate for them to see, for them to
8 understand? They don't understand what all of
9 the nuts and bolts and pipes and collar ties and
10 apparatus of a dry system or a wet system, a fire
11 suppressant system, entails. No, they want to
12 know one thing: Can I afford it or not?

13 And yes, I believe that we should
14 have the right tools, the right construction
15 codes in state law that provide safety for our
16 enforcement -- our fire departments. But,
17 Mr. President, this law is one of those laws
18 that's again indicative to the great reputation
19 that we have in this state, put more burden on
20 businesses. Because that's what this is going to
21 do. It's going to be penal -- and I haven't even
22 seen what the penal aspect of this law is other
23 than knowing, being in business for many years,
24 what New York State does when you do get fined.

25 And I hate to see this become --

1 this law become one of those other mandates that
2 say -- an unfunded mandate to a new homebuyer,
3 but another mandate says hmm, if you don't do it,
4 you're going to pay the price. We drive people
5 out of the state.

6 The intention is good, and I applaud
7 Senator Brooks for bringing this. I have spoken
8 to many fire departments and commissioners of
9 fire districts for many years on this, this
10 issue. And the best solution that we have right
11 now in the State of New York is what we did in
12 2014. Mr. President, we should keep it as such.
13 The option is already there, to every prospective
14 homebuyer of one- or two-family homes throughout
15 the State of New York.

16 Because this is another mandate on
17 small businesses that's going to penalize them
18 and not going to do one bit of good to bring
19 safety and to give someone more opportunity to
20 purchase the sprinkling system, because we
21 already have this in law. Because it won't do
22 anything for the firefighters or the homebuyers
23 but burden the builders and small business
24 owners, I vote in the negative.

25 ACTING PRESIDENT BENJAMIN: Are

1 there any other Senators wishing to be heard?

2 Seeing and hearing none, the debate
3 is closed.

4 The Secretary will ring the bell.

5 Read the last section.

6 THE SECRETARY: Section 2. This
7 act shall take effect on the first of September.

8 ACTING PRESIDENT BENJAMIN: Call
9 the roll.

10 (The Secretary called the roll.)

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

13 SENATOR BROOKS: Thank you,
14 Mr. President.

15 This bill saves lives. I don't
16 know, other than perhaps Senator Boyle, if any of
17 you have ever crawled around in the bedrooms of a
18 burning house in search of a body. If you've
19 pulled up in front of a house in the middle of
20 the night as the chief and see the house fully
21 involved and have to wonder whether people got
22 out. Pull a fire truck out on the ramp a mile
23 from the firehouse, and you can see the flames.
24 Explain to a family why the fire spread through
25 the house with excessive damage because they

1 didn't have a simple sprinkler system in place.

2 We have homes in this state now
3 where the change of the construction and the
4 materials that we have in this house accelerate
5 the spread of fire.

6 This isn't a bill about trying to
7 punish somebody for not getting a quote. This is
8 a bill to inform people how much the cost would
9 be to take that extra step to save the lives of
10 their family.

11 The bill is about saving lives. The
12 firefighters in this state all support a bill
13 like this. It makes a difference. Time is of
14 the essence. When you get to a home, you've got
15 to make an assessment of what's happening in that
16 house -- whether people are in it or not, how
17 rapidly the fire is spreading. If you've got a
18 system that can be installed in a house that
19 contains that spread of fire in a single room, it
20 saves money, it saves lives, it limits the
21 exposure of the firefighters of this state.

22 We just passed legislation a moment
23 ago extending the cancer coverage for
24 firefighters. But we question, we question the
25 wisdom of putting in place a safety system that

1 will prevent the spread of fire, to reduce the
2 damages, to save lives. We just come up with,
3 oh, maybe there's not public water. Maybe we
4 need to put a pump in. Somebody has to find out
5 the cost.

6 Yeah, they've got to find out the
7 cost. But people should know the cost. It makes
8 a difference. This bill protects the people in
9 this state. This bill protects the firefighters
10 in this state. This bill will reduce the cost of
11 insurance in this state because it's going to
12 reduce and limit the damages in a home.

13 Mr. President, I vote aye.

14 (Scattered applause.)

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

17 Announce the results.

18 THE SECRETARY: In relation to
19 Calendar Number 688, those Senators voting in the
20 negative are Senators Akshar, Amedore, Antonacci,
21 Flanagan, Gallivan, Griffio, Helming, Jordan,
22 Lanza, Little, O'Mara, Ortt, Ranzenhofer,
23 Ritchie, Robach, Serino, Seward and Tedisco.

24 Ayes, 42. Nays, 18.

25 ACTING PRESIDENT BENJAMIN: The

1 bill is passed.

2 (Scattered applause.)

3 ACTING PRESIDENT BENJAMIN: Senator
4 Gianaris, that completes the reading of the
5 controversial supplemental calendar.

6 SENATOR GIANARIS: Mr. President,
7 let me remind my Majority colleagues there will
8 be a conference of the Majority immediately
9 following session in Room 332.

10 And with that, is there any further
11 business at the desk?

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

14 SENATOR GIANARIS: I move to
15 adjourn until tomorrow, Tuesday, May 21st, at
16 3:00 p.m.

17 ACTING PRESIDENT BENJAMIN: There
18 will be a Majority Conference meeting in
19 Room 332.

20 On motion, the Senate stands
21 adjourned until Tuesday, May 21st, at 3:00 p.m.

22 (Whereupon, at 5:31 p.m., the Senate
23 adjourned.)

24

25