

1 NEW YORK STATE SENATE

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3
4 THE STENOGRAPHIC RECORD

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8
9 ALBANY, NEW YORK

10 June 3, 2019

11 1:53 p.m.

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13
14 REGULAR SESSION

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17
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: In the
9 absence of clergy, let us bow our heads in a
10 moment of silent reflection or prayer.

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

13 ACTING PRESIDENT BENJAMIN: The
14 reading of the Journal.

15 THE SECRETARY: In Senate, Sunday,
16 June 2, 2019, the Senate met pursuant to
17 adjournment. The Journal of Saturday, June 1,
18 2019, was read and approved. On motion, Senate
19 adjourned.

20 ACTING PRESIDENT BENJAMIN: Without
21 objection, the Journal stands approved as read.

22 Presentation of petitions.

23 Messages from the Assembly.

24 The Secretary will read.

25 THE SECRETARY: On page 53,

1 Senator Biaggi moves to discharge, from the
2 Committee on Social Services, Assembly Bill
3 Number 1283 and substitute it for the identical
4 Senate Bill 3465, Third Reading Calendar 724.

5 ACTING PRESIDENT BENJAMIN: The
6 substitution is so ordered.

7 THE SECRETARY: On page 58,
8 Senator Kaplan moves to discharge, from the
9 Committee on Codes, Assembly Bill Number 3985 and
10 substitute it for the identical Senate Bill 2508,
11 Third Reading Calendar 805.

12 ACTING PRESIDENT BENJAMIN: The
13 substitution is so ordered.

14 Messages from the Governor.

15 Reports of standing committees.

16 Reports of select committees.

17 Communications and reports from
18 state officers.

19 Motions and resolutions.

20 Senator Gianaris.

21 SENATOR GIANARIS: Mr. President,
22 on behalf of Senator Hoylman, I move that the
23 following bills be discharged from their
24 respective committees and recommitted with
25 instructions to strike the enacting clauses:

1 Senate Bills 3349 and 5688.

2 ACTING PRESIDENT BENJAMIN: It is
3 so ordered.

4 SENATOR GIANARIS: And,
5 Mr. President, I also offer amendments to the
6 follow Third Reading Calendar bills:

7 By Senator Benjamin, page 35,
8 Calendar Number 370, Senate Print 211B;

9 By Senator Thomas, page 42,
10 Calendar Number 547, Senate Print 2829;

11 By Senator May, page 49,
12 Calendar Number 652, Senate Print 4812A;

13 By Senator Comrie, page 52,
14 Calendar Number 711, Senate Print 3045A;

15 By Senator Benjamin, page 56,
16 Calendar Number 784, Senate Print 5666;

17 And by Senator Stavisky, page 59,
18 Calendar Number 834, Senate Print 2655.

19 ACTING PRESIDENT BENJAMIN: The
20 amendments are received, and the bills shall
21 retain their place on the Third Reading Calendar.

22 SENATOR GIANARIS: Can we now take
23 up the reading of the calendar.

24 ACTING PRESIDENT BENJAMIN: The
25 Secretary will read.

1 THE SECRETARY: Calendar Number 73,
2 Senate Print 1475A, by Senator Hoylman, an act to
3 amend the General Business Law.

4 ACTING PRESIDENT BENJAMIN: Read
5 the last section.

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

9 ACTING PRESIDENT BENJAMIN: Call
10 the roll.

11 (The Secretary called the roll.)

12 ACTING PRESIDENT BENJAMIN:
13 Announce the results.

14 THE SECRETARY: Ayes, 55.

15 ACTING PRESIDENT BENJAMIN: The
16 bill is passed.

17 THE SECRETARY: Calendar Number
18 210, Senate Print 1054A, by Senator Persaud, an
19 act to amend the Penal Law.

20 ACTING PRESIDENT BENJAMIN: Read
21 the last section.

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

24 ACTING PRESIDENT BENJAMIN: Call
25 the roll.

1 (The Secretary called the roll.)

2 ACTING PRESIDENT BENJAMIN:

3 Announce the results.

4 THE SECRETARY: In relation to
5 Calendar 210, those Senators voting in the
6 negative are Senators Little and Ranzenhofer.

7 Ayes, 53. Nays, 2.

8 ACTING PRESIDENT BENJAMIN: The
9 bill is passed.

10 THE SECRETARY: Calendar Number
11 222, Senate Print 4007A, by Senator Mayer, an act
12 to amend the Education Law.

13 ACTING PRESIDENT BENJAMIN: Read
14 the last section.

15 THE SECRETARY: Section 5. This
16 act shall take effect on June 1, 2020.

17 ACTING PRESIDENT BENJAMIN: Call
18 the roll.

19 (The Secretary called the roll.)

20 ACTING PRESIDENT BENJAMIN:

21 Announce the results.

22 THE SECRETARY: Ayes, 55.

23 ACTING PRESIDENT BENJAMIN: The
24 bill is passed.

25 THE SECRETARY: Calendar Number

1 268, Senate Print 547, by Senator Akshar, an act
2 to amend the Public Officers Law.

3 ACTING PRESIDENT BENJAMIN: Read
4 the last section.

5 THE SECRETARY: Section 2. This act
6 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: Ayes, 55.

13 ACTING PRESIDENT BENJAMIN: The
14 bill is passed.

15 THE SECRETARY: Calendar Number
16 350, Senate Print 3917A, by Senator Stavisky, an
17 act to amend the General Municipal Law.

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: Senator

1 Little to explain her vote.

2 SENATOR LITTLE: Thank you,
3 Mr. President. I just wanted to explain why I'm
4 a no vote on this bill.

5 We had a previous bill this year
6 where we increased the number of bingo games
7 senior citizens could have in residential
8 facilities as well as assisted living and all,
9 and this reduces the number, again, from where we
10 had it. So I supported the increase, and
11 therefore I don't support the decrease of the
12 increase.

13 So thank you. I vote no.

14 ACTING PRESIDENT BENJAMIN: Senator
15 Little to be recorded in the negative.

16 Senator Stavisky to explain her
17 vote.

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

20 The reason the bill was amended from
21 twice a week to once a week was at the request of
22 the Assembly.

23 I happen to think there should be
24 three or four times a week -- yeah -- because
25 these are not gambling institutions, these are

1 senior centers and religious institutions. And
2 in the one that I have described on many
3 occasions, the winner of a bingo game gets a
4 little cookie -- hardly \$150 a year worth of
5 prize.

6 However, the Assembly requested
7 that, and that's why I did it.

8 I vote aye.

9 ACTING PRESIDENT BENJAMIN: Senator
10 Stavisky to be recorded in the affirmative.

11 Announce the results.

12 THE SECRETARY: In relation to
13 Calendar Number 350, those Senators voting in the
14 negative are Senators Akshar, Amedore, Funke,
15 Jordan, Little, O'Mara, Ritchie, Robach and
16 Tedisco.

17 Ayes, 46. Nays, 9.

18 ACTING PRESIDENT BENJAMIN: The
19 bill is passed.

20 THE SECRETARY: Calendar Number
21 393, Senate Print 2475, by Senator Sanders, an
22 act to amend the Penal Law and the Education Law.

23 ACTING PRESIDENT BENJAMIN: Read
24 the last section.

25 THE SECRETARY: Section 13. This

1 act shall take effect on the 180th day after it
2 shall have become a law.

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: Ayes, 55.

9 ACTING PRESIDENT BENJAMIN: The
10 bill is passed.

11 THE SECRETARY: Calendar Number
12 474, Senate Print 2908, by Senator Griffo, an act
13 to amend the Education Law.

14 ACTING PRESIDENT BENJAMIN: Read
15 the last section.

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

18 ACTING PRESIDENT BENJAMIN: Call
19 the roll.

20 (The Secretary called the roll.)

21 ACTING PRESIDENT BENJAMIN:
22 Announce the results.

23 THE SECRETARY: In relation to
24 Calendar Number 474, those Senators voting in the
25 negative are Senators Brooks and Thomas.

1 Ayes, 53. Nays, 2.

2 ACTING PRESIDENT BENJAMIN: The
3 bill is passed.

4 THE SECRETARY: Calendar Number
5 478, Senate Print 4873A, by Senator Stavisky, an
6 act in relation to directing the Board of
7 Trustees of the State University of New York and
8 the City University of New York.

9 ACTING PRESIDENT BENJAMIN: Read
10 the last section.

11 THE SECRETARY: Section 3. 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 478, those Senators voting in the
20 negative are Senators Antonacci and Lanza.

21 Ayes, 53. Nays, 2.

22 ACTING PRESIDENT BENJAMIN: The
23 bill is passed.

24 THE SECRETARY: Calendar Number
25 511, Senate Print 4835, by Senator Carlucci, an

1 act to amend the Mental Hygiene Law.

2 ACTING PRESIDENT BENJAMIN: Read
3 the last section.

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

6 ACTING PRESIDENT BENJAMIN: Call
7 the roll.

8 (The Secretary called the roll.)

9 ACTING PRESIDENT BENJAMIN:
10 Announce the results.

11 THE SECRETARY: Ayes, 55.

12 ACTING PRESIDENT BENJAMIN: The
13 bill is passed.

14 THE SECRETARY: Calendar Number
15 513, Senate Print 289, by Senator Ortt, an act
16 relating to authorizing the Village of Lewiston
17 to reduce the speed limit on certain public
18 roadways.

19 ACTING PRESIDENT BENJAMIN: There
20 is a home-rule message at the desk.

21 Read the last section.

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

24 ACTING PRESIDENT BENJAMIN: Call
25 the roll.

1 (The Secretary called the roll.)

2 ACTING PRESIDENT BENJAMIN:

3 Announce the results.

4 THE SECRETARY: Ayes, 55.

5 ACTING PRESIDENT BENJAMIN: The
6 bill is passed.

7 THE SECRETARY: Calendar Number
8 551, Senate Print 4777, by Senator Kaminsky, an
9 act to amend the General Business Law.

10 ACTING PRESIDENT BENJAMIN: Read
11 the last section.

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

15 ACTING PRESIDENT BENJAMIN: Call
16 the roll.

17 (The Secretary called the roll.)

18 ACTING PRESIDENT BENJAMIN: Senator
19 Kaminsky to explain his vote.

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

22 I'm proud today to sponsor the
23 Nuisance Call Act. Many of us are plagued by a
24 slew of calls we don't want to receive. Everyone
25 in this room and everyone in this state is

1 unfortunately touched by this.

2 And one way which it happens is from
3 live telemarketers, a scourge where people are
4 calling on the phone, sometimes resulting in
5 scams, trying to get people to purchase items or
6 get items they may not and certainly do not
7 need.

8 What this bill does, it says right
9 at the moment that you tell someone you want them
10 to hang up, they have to hang up the call and put
11 you on a Do Not Call list in the future and
12 cannot give your contact information to any other
13 telemarketer.

14 We have a long way to go in our
15 state to ending the scourge of robocalls and
16 telemarketing calls, and certainly for the
17 telemarketing calls, this is our first real step
18 at doing something concrete to help the consumer
19 and the average New Yorker.

20 Thank you, Mr. President. I vote in
21 the affirmative.

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

24 Announce the results.

25 THE SECRETARY: Ayes, 55.

1 ACTING PRESIDENT BENJAMIN: The
2 bill is passed.

3 THE SECRETARY: Calendar Number
4 565, Senate Print 2435A, by Senator Thomas, an
5 act to authorize the assessor of the County of
6 Nassau to accept a retroactive application for
7 exemption from real property taxes from the First
8 Reformed Church of Jamaica.

9 SENATOR GIANARIS: Lay it aside for
10 the day, please.

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

13 THE SECRETARY: Calendar Number
14 619, Senate Print 1471A, by Senator Hoylman, an
15 act to amend the Public Health Law.

16 ACTING PRESIDENT BENJAMIN: Read
17 the last section.

18 THE SECRETARY: Section 2. This
19 act shall take effect one year after it shall
20 have become a law.

21 ACTING PRESIDENT BENJAMIN: Call
22 the roll.

23 (The Secretary called the roll.)

24 ACTING PRESIDENT BENJAMIN: Senator
25 Hoylman to explain his vote.

1 SENATOR HOYLMAN: Thank you,
2 Mr. President.

3 With the passage of this bill, I
4 hope that something momentous happens, which is
5 hospital food is about to get a little bit
6 better.

7 This bill would require hospitals to
8 offer plant-based food options as an alternative
9 required for every meal or snack offered in food
10 service to a patient.

11 The reason that we're pushing
12 forward with this is that a lot of patients in
13 hospitals are captive, and they can choose
14 nothing else but that mystery meat that sometimes
15 hospitals serve. They may be vegan, like some of
16 our colleagues here, they may be vegetarian.
17 They should have the option for plant-based food.

18 It's also healthier, as this bill is
19 supported by physicians across the country, it's
20 supported by the American Medical Association,
21 and other states, including California, have
22 passed similar legislation.

23 And finally, it's simply better for
24 the environment. We know that there's less
25 carbon emissions from vegan and vegetarian

1 options. As a result of this legislation, we'll
2 take a good step in that direction too.

3 I vote aye. Thank you,
4 Mr. President.

5 ACTING PRESIDENT BENJAMIN: Senator
6 Hoylman to be recorded in the affirmative.

7 Announce the results.

8 THE SECRETARY: In relation to
9 Calendar Number 619, those Senators voting in the
10 negative are Senators Akshar, Amedore, Antonacci,
11 Flanagan, Funke, Gallivan, Griffio, Helming,
12 Jacobs, Jordan, O'Mara, Ortt, Ritchie, Robach,
13 Serino and Tedisco.

14 Ayes, 40. Nays, 16.

15 ACTING PRESIDENT BENJAMIN: The
16 bill is passed.

17 THE SECRETARY: Calendar Number
18 637, Senate Print 3821, by Senator Savino, an act
19 to amend the Workers' Compensation Law.

20 ACTING PRESIDENT BENJAMIN: Read
21 the last section.

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

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 637, those Senators voting in the
7 negative are Senators Akshar, Antonacci, Griffo,
8 Helming, Jacobs, Jordan and Ortt.

9 Ayes, 49. Nays, 7.

10 ACTING PRESIDENT BENJAMIN: The
11 bill is passed.

12 THE SECRETARY: Calendar Number
13 695, Senate Print 4469A, by Senator Stavisky, an
14 act to amend the Education Law.

15 ACTING PRESIDENT BENJAMIN: Read
16 the last section.

17 THE SECRETARY: Section 3. This
18 act shall take effect on the 146th day after it
19 shall have become a law.

20 ACTING PRESIDENT BENJAMIN: Call
21 the roll.

22 (The Secretary called the roll.)

23 ACTING PRESIDENT BENJAMIN:

24 Announce the results.

25 THE SECRETARY: Ayes, 56.

1 ACTING PRESIDENT BENJAMIN: The
2 bill is passed.

3 THE SECRETARY: Calendar Number
4 724, Assembly Print 1283, substituted earlier by
5 Assemblymember Hunter, an act to amend the
6 Social Services Law.

7 ACTING PRESIDENT BENJAMIN: Read
8 the last section.

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

11 ACTING PRESIDENT BENJAMIN: Call
12 the roll.

13 (The Secretary called the roll.)

14 ACTING PRESIDENT BENJAMIN: Senator
15 Serino to explain her vote.

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

18 I'd like to thank the sponsor of
19 this bill.

20 Sex trafficking is a huge issue, and
21 I don't know really how -- where people are. I
22 also carry two bills that would build on this
23 important progress. One would create a similar
24 awareness program, but it's for commercial truck
25 drivers, who we know have the potential to play a

1 major role in preventing and reporting
2 trafficking.

3 Perhaps more importantly, I carry a
4 bill that would allow for consecutive sentencing
5 for heinous sex crimes. Too often sex
6 traffickers commit a litany of sex crimes, often
7 further abusing the victims themselves. Passing
8 bills like this would go a long way to crack down
9 on these terrible crimes and perhaps even deter
10 them.

11 And we need to crack down on the
12 traffickers if we want to actually put an end to
13 the problem. So I urge this body to build on
14 this legislation by also passing these bills.

15 Thank you, and I vote aye.

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

18 Announce the results.

19 THE SECRETARY: Ayes, 56.

20 ACTING PRESIDENT BENJAMIN: The
21 bill is passed.

22 THE SECRETARY: Calendar Number
23 757, Senate Print 3419, by Senator Montgomery, an
24 act to amend the Public Health Law and the
25 Domestic Relations Law.

1 ACTING PRESIDENT BENJAMIN: Read
2 the last section.

3 THE SECRETARY: Section 10. This
4 act shall take effect January 15, 2020.

5 ACTING PRESIDENT BENJAMIN: Call
6 the roll.

7 (The Secretary called the roll.)

8 ACTING PRESIDENT BENJAMIN: Senator
9 Montgomery to explain her vote.

10 SENATOR MONTGOMERY: Yes, thank
11 you, Mr. President.

12 I want to thank the leader and the
13 staff on our side for helping to make this
14 possible. This is an historic moment in the
15 State of New York where we will, for the first
16 time, allow for the adoptees in the State of
17 New York to receive a certified copy of their own
18 original birth certificate.

19 Currently, for those people who have
20 never had an option to do that, opportunity to do
21 that -- and for, going forward, anyone who
22 reaches the age of 18 will now have that
23 opportunity.

24 I want to thank the many, many
25 hundreds of adoptees in the State of New York and

1 across the country for active participation and
2 working over 20 years to make this day happen.

3 And today we have joining us on the
4 floor Annette O'Connell and her son Brenden,
5 who -- Annette represents the New York State
6 Adoptee Rights Coalition. And we also have with
7 her Claudia D'Arcy, who is representing the
8 Adoptive and Foster Family Coalition of New York.
9 And they just represent only two organizations of
10 hundreds that have weighed in on this bill.

11 And today we join nine other states
12 who already allow for access directly for those
13 people who have been adopted years and years ago,
14 who will now have access to their birth
15 certificate. It will make it possible for people
16 to learn about themselves, their health history,
17 their lineage, and where they come from in the
18 world and who they are. This really is for
19 people who have been adopted and who now would
20 like to know, Who am I? And that question will
21 now be able to be answered.

22 So, Mr. President, I thank my
23 colleagues for agreeing to support this. We have
24 over 30 of us who are on this legislation. So
25 there are many, many of us in this room who

1 support that, including a couple of my colleagues
2 from the other side, so to speak, if you will.
3 I'm not saying they're part of the other side
4 today, because this is -- today this is both
5 sides saying we want adoptees to have this
6 information.

7 So thank you, Mr. President. And
8 certainly, and without question, I vote aye.

9 ACTING PRESIDENT BENJAMIN: Senator
10 Montgomery to be recorded in the affirmative.

11 Senator Savino to explain her vote.

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

14 I want to thank Senator Montgomery
15 and Senator Lanza, who's been carrying this bill
16 for several years now, for working on this and
17 finally getting this bill passed.

18 Senator Montgomery talked about the
19 importance of people knowing who they are. You
20 know, and every one of us came to this chamber
21 with a history. I've talked about this many
22 times. I started my career as a caseworker
23 working with children who were placed in the
24 foster care system.

25 Many children who are adopted today

1 started their path to adoption in the foster care
2 system. Most of the cases I dealt with were
3 kinship, so you knew who your parents were, you
4 knew who your family was. But some of them
5 didn't; they came through what we call
6 traditional foster care.

7 And I guess it was somewhat ironic,
8 but just last Friday I received a phone call from
9 a young woman who was on my caseload in the
10 mid-1990s. She was adopted by her aunt, but in
11 her home there were other children who were
12 adopted out of the foster care system, and one of
13 them is what she calls her brother. He's now
14 30 years old. He was adopted at the age of three
15 after a failed attempt to reunify the family.

16 And all he remembers of his
17 mother -- by the way, his adoptive parents have
18 now passed on too. All he remembers of his
19 mother is her name was Cookie. He remembers
20 going to the agency to see her, but he has no
21 idea who she is. And he is now attempting to
22 find out who he is and get his birth certificate
23 from the New York Family Agency. The passage of
24 this bill in both houses and the signing of it
25 will allow Robert to find out who he really is

1 and who Cookie really was.

2 So I want to thank Senator Lanza and
3 Senator Montgomery and everyone for helping make
4 Robert's dream come true.

5 Thank you, Mr. President.

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

8 Senator Lanza to explain his vote.

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

11 I first want to associate myself
12 with the remarks of my colleagues Senator Savino
13 and Senator Montgomery. And in particular, I
14 want to thank Senator Montgomery for getting this
15 done here.

16 I wrote this bill about 10 years
17 ago. I've never understood -- and I've listened
18 to both sides on the issue, and I've never
19 understood the opposition. And I've heard from
20 various groups that talked about privacy issues
21 and other concerns. And it just never made sense
22 to me for one simple fact: This birth
23 certificate belongs to you.

24 And for all those who came to me
25 through the years and said, We shouldn't do this,

1 I've always offered the following idea. Well, if
2 you think it's a bad idea, why don't we pass a
3 law that says no one can have their birth
4 certificate? And of course could you imagine the
5 outcry if we were to do something like this?

6 Year in and year out, we were able
7 to get support in this chamber, on both sides of
8 the aisle. And Senator Montgomery and I have
9 been working together for a long time. We
10 couldn't get it across the finish line in the
11 Assembly. My understanding is the Governor has
12 weighed in and has convinced the Assembly, and it
13 looks like it may happen there.

14 And so this truly is -- as Senator
15 Montgomery said, this really is an important day
16 in the State of New York.

17 Could you imagine, for all those of
18 you who are not adopted, for all of you who have
19 children, could you imagine -- and it really is,
20 I think Senator Montgomery said it's a civil
21 right. And I've been saying that for a long time
22 as well. Could you imagine if someone told you
23 you can't have your birth certificate? It really
24 is outrageous. And it does speak to who you are.
25 And it has, I think ramifications with respect to

1 your health and all.

2 And just one quick anecdote, like
3 Senator Savino. I have a childhood friend, both
4 he and his brother were adopted in Florida more
5 than 53 years ago. And he had always wondered
6 and -- but was never able to do anything about
7 it. But because of a change in another state,
8 about six months ago he found his birth mother.
9 And lo and behold -- remember, he was adopted in
10 Florida. Lo and behold, she lives about 20 miles
11 from Staten Island, over in New Jersey. They've
12 reunited and it's become a source of miraculous
13 joy for both of them.

14 This is a good bill, and I'm glad
15 that it seems that this will finally become the
16 law in the State of New York. Long overdue.

17 Thank you, Mr. President. I vote
18 aye.

19 ACTING PRESIDENT BENJAMIN: Senator
20 Lanza to be recorded in the affirmative.

21 Senator Skoufis to explain his vote.

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

24 I want to thank Senators Montgomery
25 and Lanza for getting us here, and I especially

1 want to thank my constituent, Annette O'Connell,
2 from Woodbury in Orange County for really pouring
3 her heart and her soul into this effort in
4 getting us to this special day.

5 She and others have fought for what
6 many may consider here an adoptee right, but I
7 know for those adoptees this is a basic human
8 right, a fundamental right, an American right, to
9 see your own birth certificate. This is about
10 basic access to information that you are entitled
11 to, and I'm very glad today that the Senate is
12 finally making that mark.

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

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

17 Announce the results.

18 THE SECRETARY: In relation to
19 Calendar Number 757, those Senators voting in the
20 negative are Senators Antonacci, Brooks, Jordan,
21 Martinez, O'Mara and Ortt.

22 Ayes, 53. Nays, 6.

23 ACTING PRESIDENT BENJAMIN: The
24 bill is passed.

25 THE SECRETARY: Calendar Number

1 805, Assembly Print Number 3985, substituted
2 earlier by Assemblymember Weprin, an act to amend
3 the Penal Law.

4 ACTING PRESIDENT BENJAMIN: Read
5 the last section.

6 THE SECRETARY: Section 3. This
7 act shall take effect on the first of November.

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, 59.

14 ACTING PRESIDENT BENJAMIN: The
15 bill is passed.

16 THE SECRETARY: Calendar Number
17 807, Senate Print 2662, by Senator Savino, an act
18 to amend the Penal Law.

19 ACTING PRESIDENT BENJAMIN: Read
20 the last section.

21 THE SECRETARY: Section 3. This
22 act shall take effect on the 180th day after it
23 shall have become a law.

24 ACTING PRESIDENT BENJAMIN: Call
25 the roll.

1 (The Secretary called the roll.)

2 ACTING PRESIDENT BENJAMIN:

3 Announce the results.

4 THE SECRETARY: Ayes, 59.

5 ACTING PRESIDENT BENJAMIN: The
6 bill is passed.

7 THE SECRETARY: Calendar Number
8 813, Senate Print 5517, by Senator Bailey, an act
9 to amend the Criminal Procedure Law.

10 ACTING PRESIDENT BENJAMIN: Read
11 the last section.

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

14 ACTING PRESIDENT BENJAMIN: Call
15 the roll.

16 (The Secretary called the roll.)

17 ACTING PRESIDENT BENJAMIN:

18 Announce the results.

19 THE SECRETARY: Ayes, 59.

20 ACTING PRESIDENT BENJAMIN: The
21 bill is passed.

22 THE SECRETARY: Calendar Number
23 832, Senate Print 5410, by Senator Sanders, an
24 act to amend the Education Law.

25 ACTING PRESIDENT BENJAMIN: Read

1 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: In relation to
11 Calendar Number 832, those Senators voting in the
12 negative are Senators Antonacci, Flanagan,
13 Jacobs, Jordan, O'Mara and Ortt.

14 Ayes, 53. Nays, 6.

15 ACTING PRESIDENT BENJAMIN: The
16 bill is passed.

17 THE SECRETARY: Calendar Number
18 852, Senate Print 584, by Senator Kennedy, an act
19 to amend the New York State Urban Development
20 Corporation Act.

21 ACTING PRESIDENT BENJAMIN: Read
22 the last section.

23 SENATOR GALLIVAN: Lay it aside.

24 ACTING PRESIDENT BENJAMIN: Lay it
25 aside.

1 THE SECRETARY: Calendar Number
2 860, Senate Print 4024B, by Senator Harckham, an
3 act to amend the Tax Law.

4 ACTING PRESIDENT BENJAMIN: Read
5 the last section.

6 THE SECRETARY: Section 5. This
7 act shall take effect July 1, 2019.

8 ACTING PRESIDENT BENJAMIN: Call
9 the roll.

10 (The Secretary called the roll.)

11 ACTING PRESIDENT BENJAMIN: Oh,
12 Senator Harckham to explain his vote.

13 SENATOR HARCKHAM: Thank you,
14 Mr. President. That was close.

15 For those of us who represent
16 suburban communities, some rural communities,
17 even some of our urban communities, the STAR
18 program is a credit that property and homeowners
19 rely on as a credit and a rebate against their
20 school taxes.

21 Unfortunately, in many ways the STAR
22 program is broken. One of the largest categories
23 of complaints I get in our office, or requests
24 for help, are STAR complaints going back two,
25 three years. We have complaints of checks not

1 received from 2016.

2 So basically the STAR Bill of Rights
3 gives homeowners a reasonable expectation that
4 their claims will be handled promptly, reasonably
5 and responsibly, and creates the office of a STAR
6 ombudsman to do just that, rather than people
7 calling an anonymous phone number, getting
8 different people each time, and not having a case
9 number.

10 So I thank colleagues for their
11 support, and with that I vote yea.

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

14 Senator Seward to explain his vote.

15 SENATOR SEWARD: Yes,
16 Mr. President, I'm going to support this piece of
17 legislation, because with all of the changes that
18 have been made in the STAR program, particularly
19 in the budget that was enacted earlier this year,
20 it's very confusing for homeowners and taxpayers,
21 most of which have no idea about these changes
22 yet.

23 And certainly we need to have the
24 Tax and Finance Department do a full court press
25 in terms of notifying taxpayers of the changes,

1 alerting them of what they need to do to maintain
2 benefits under the STAR program.

3 So I'm going to support this bill
4 because I think the STAR ombudsman is a good step
5 in the right direction.

6 However, as a footnote to that, I've
7 got to say I was here when we developed the STAR
8 program. I think it's one of the best things
9 that this Legislature has ever done in terms of
10 helping homeowners with their school tax. I like
11 the way that we developed STAR to begin with. In
12 other words, homeowners would actually get a
13 break on the school taxes that they had to pay to
14 their local school district, and that was the end
15 of it in terms of complication. They got a break
16 on their school taxes that they paid.

17 And since then, there's been this
18 shift to these checks. And as Senator Harckham
19 pointed out, there are a lot of problems with the
20 issuance of those checks, particularly in a
21 timely manner to help people have the resources
22 to pay their school taxes.

23 So I believe that some of the
24 changes that have been made over the years have
25 been detrimental to the STAR program. And

1 certainly, at this juncture, no question we do
2 need to have a STAR ombudsman -- unfortunately,
3 in my estimation.

4 But I am going to support the bill.

5 ACTING PRESIDENT BENJAMIN: Senator
6 Seward to be recorded in the affirmative.

7 Announce the results.

8 THE SECRETARY: In relation to
9 Calendar Number 860, those Senators voting in the
10 negative are Senators Akshar, Antonacci,
11 Flanagan, O'Mara and Ortt.

12 Ayes, 55. Nays, 5.

13 ACTING PRESIDENT BENJAMIN: The
14 bill is passed.

15 THE SECRETARY: Calendar Number
16 865, Senate Print 4974, by Senator Metzger, an
17 act to amend the Agriculture and Markets Law and
18 the Environmental Conservation Law.

19 ACTING PRESIDENT BENJAMIN: Read
20 the last section.

21 THE SECRETARY: Section 4. This
22 act shall take effect on the 120th day after it
23 shall have become a law.

24 ACTING PRESIDENT BENJAMIN: Call
25 the roll.

1 (The Secretary called the roll.)

2 ACTING PRESIDENT BENJAMIN: Senator
3 Metzger to explain her vote.

4 SENATOR METZGER: Thank you,
5 Mr. President.

6 We all need to do our part to
7 reduce, reuse and recycle. And New York's dairy
8 farmers have been doing that, large and small,
9 reusing hundreds of thousands of tires to hold
10 down tarps over their silage.

11 In 2017, the Department of
12 Environmental Conservation determined that the
13 tires are collecting water and creating breeding
14 grounds for mosquitoes. And the department has
15 required that farmers have to either drill holes
16 in the tires, cut them in half, or find some
17 other system.

18 The cost of meeting these new
19 requirements is a serious burden on our dairy
20 industry, on our dairy farmers, who are already
21 in crisis due to the low cost of milk prices. We
22 are losing dairy farms at an alarming rate,
23 particularly our small farms.

24 So this law is intended to help them
25 implement this regulation and reduce the cost to

1 them and the pain that that incurs. The bill
2 instructs the Commissioner of Ag & Markets and
3 the Commissioner of Environmental Conservation to
4 develop a plan to remove the used tires from
5 farms at no cost to the farmers.

6 I am very proud to sponsor and
7 introduce this legislation, and I vote aye.

8 Thank you very much.

9 ACTING PRESIDENT BENJAMIN: Senator
10 Metzger to be recorded in the affirmative.

11 Announce the results.

12 THE SECRETARY: Ayes, 60.

13 ACTING PRESIDENT BENJAMIN: The
14 bill is passed.

15 THE SECRETARY: Calendar Number
16 867, Senate Print 5300, by Senator Rivera, an act
17 to amend the Tax Law.

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
6 869, Senate Print 2834, by Senator Savino, an act
7 to amend the General Business Law.

8 ACTING PRESIDENT BENJAMIN: Read
9 the last section.

10 THE SECRETARY: Section 4. This
11 act shall take effect one year after it shall
12 have become a law.

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 869, voting in the negative:
20 Senator Akshar.

21 Ayes, 59. Nays, 1.

22 ACTING PRESIDENT BENJAMIN: The
23 bill is passed.

24 THE SECRETARY: Calendar Number
25 877, Senate Print 4894, by Senator Parker, an act

1 to amend the Mental Hygiene Law and the
2 Real Property Actions and Proceedings Law.

3 ACTING PRESIDENT BENJAMIN: Read
4 the last section.

5 THE SECRETARY: Section 5. 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: Ayes, 60.

13 ACTING PRESIDENT BENJAMIN: The
14 bill is passed.

15 THE SECRETARY: Calendar Number
16 878, Senate Print 5637A, by Senator Carlucci, an
17 act to create a temporary commission relating to
18 the Office of Mental Health housing programs.

19 ACTING PRESIDENT BENJAMIN: Read
20 the last section.

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

23 ACTING PRESIDENT BENJAMIN: Call
24 the roll.

25 (The Secretary called the roll.)

1 ACTING PRESIDENT BENJAMIN:

2 Announce the results.

3 THE SECRETARY: Ayes, 60.

4 ACTING PRESIDENT BENJAMIN: The
5 bill is passed.

6 THE SECRETARY: Calendar Number
7 882, Senate Print 3224, by Senator Sanders, an
8 act to amend the Administrative Code of the City
9 of New York.

10 ACTING PRESIDENT BENJAMIN: Read
11 the last section.

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

14 ACTING PRESIDENT BENJAMIN: Call
15 the roll.

16 (The Secretary called the roll.)

17 ACTING PRESIDENT BENJAMIN:
18 Announce the results.

19 THE SECRETARY: Ayes, 60.

20 ACTING PRESIDENT BENJAMIN: The
21 bill is passed.

22 THE SECRETARY: Calendar Number
23 886, Senate Print 2155, by Senator Gianaris, an
24 act to amend the Public Service Law.

25 ACTING PRESIDENT BENJAMIN: Read

1 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: Senator
9 Metzger to explain her vote.

10 SENATOR METZGER: Yes, I want to
11 thank Senator Gianaris for introducing this
12 legislation.

13 As someone who has spent many years
14 prior to becoming a Senator in rate cases,
15 fighting for fair rates and fighting against
16 unnecessary charges to our residents and small
17 businesses, I think it's extremely important that
18 we do have a commissioner that has a background
19 in consumer advocacy. That's much needed.

20 Right now it's a very unlevel
21 playing field. Only large industrial customers
22 can afford, you know, high-priced attorneys to
23 defend their interests, and small businesses and
24 residents are really at a disadvantage.

25 So I'm very pleased to vote aye on

1 this legislation. Thank you.

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

4 Announce the results.

5 THE SECRETARY: In relation to
6 Calendar 886, those Senators voting in the
7 negative are Senators Amedore, Antonacci, Boyle,
8 Flanagan, Funke, Griffo, Jacobs, Jordan, LaValle,
9 Little, O'Mara, Ortt, Ritchie and Seward. Also
10 Senator Ranzenhofer and Senator Robach.

11 Ayes, 44. Nays, 16.

12 ACTING PRESIDENT BENJAMIN: The
13 bill is passed.

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

16 SENATOR GIANARIS: Mr. President,
17 at this time we're going to simultaneously call a
18 meeting of the Rules Committee in Room 332 and
19 proceed to the reading of the controversial
20 calendar.

21 So if you could please do both of
22 those things at the same time, we'd move
23 expeditiously through the day. Thank you.

24 ACTING PRESIDENT BENJAMIN: There
25 will be an immediate meeting of the Rules

1 Committee in Room 332.

2 Moving to the controversial
3 calendar, the Secretary will ring the bell.

4 The Secretary will read.

5 THE SECRETARY: Calendar Number
6 852, Senate Print 584, by Senator Kennedy, an act
7 to amend the New York State Urban Development
8 Corporation Act.

9 ACTING PRESIDENT BENJAMIN: Senator
10 Antonacci.

11 SENATOR ANTONACCI: Thank you,
12 Mr. President. I was wondering if the sponsor
13 would yield for a few questions on this bill.

14 ACTING PRESIDENT BENJAMIN: Will
15 the sponsor yield?

16 SENATOR KENNEDY: Yes,
17 Mr. President, I'll yield.

18 ACTING PRESIDENT BENJAMIN: The
19 sponsor yields.

20 SENATOR ANTONACCI: I'd like to
21 thank the sponsor for yielding. Through you,
22 Mr. President. Subparagraph I says that the
23 businesses or not-for-profits that participate in
24 this program must also participate in the Pride
25 of New York program. It is my understanding that

1 that program is being phased out or has been
2 phased out by the Department of Agriculture.

3 And if that's correct, will this
4 affect this statute? And will those businesses
5 be able to still participate in any loans or
6 grants?

7 SENATOR KENNEDY: Through you,
8 Mr. President. First of all, let me thank my
9 colleague for the question. Let me start by
10 explaining this bill, the Food Retail
11 Establishment Subsidization for Healthy
12 Communities, otherwise known as the FRESH Act.

13 It's a very important bill because
14 of the food deserts that are being recognized
15 across this state. And quite frankly, it's a
16 problem that is nationwide, with 23.5 million
17 Americans living in food deserts where they don't
18 have access to healthy foods and fresh foods.
19 According to the USDA research from 2009, there's
20 roughly 2.5 million Americans that live more than
21 a mile away from a supermarket and do not own a
22 car.

23 Back in my district, there are
24 several food deserts, both in the City of
25 Lackawanna as well as the City of Buffalo, where

1 at least a third of the population lives more
2 than a mile away from a supermarket or a large
3 grocery store with access to those food options,
4 both fresh and healthy food.

5 It's worth noting that these are not
6 just confined to my district in Western New York,
7 but also Senator Jacobs' district, where there
8 are food deserts, as well as Senator
9 Ranzenhofer's district. And that's just on the
10 map that I had seen recently. But these are all
11 across the state and not confined to one
12 particular area or the other.

13 These communities are often
14 underserved, low-income, and at risk for diabetes
15 and obesity. The gap in access to proper
16 nutrition is just unacceptable. New Yorkers all
17 across the state deserve that access to fresh
18 foods regardless of zip code or socioeconomic
19 status.

20 And through this FRESH Act, we're
21 incentivizing opportunities for supermarkets to
22 put down roots in urban areas and rural areas
23 that currently lack sufficient access to healthy
24 food. In turn, we're not only requiring them to
25 provide nutritional, locally sourced products,

1 but we're also requesting that they create local
2 jobs for the surrounding community by hiring
3 people from that area to work there.

4 And through this legislation we're
5 attempting to right the wrongs and close the
6 current gaps that exist by providing the kind of
7 accessibility to healthy food options that
8 everyone rightfully deserves.

9 As far as the Pride of New York
10 program that is built into this legislation, that
11 was actually proposed years ago that
12 unfortunately my colleagues, when they were in
13 the majority, failed to bring this to the floor.
14 There were a number of options that were put
15 forward, including a fund that has since been
16 entirely eradicated of its funding.

17 The Pride of New York program is
18 actually being phased out and phased into the
19 New York State Grown and Certified program.
20 However, the Pride of New York program actually
21 still currently exists. As it's phased out and
22 the New York State Grown and Certified program
23 takes place, this bill will in fact take that
24 into consideration as we pass it through both
25 houses.

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

4 ACTING PRESIDENT BENJAMIN: Does
5 the sponsor yield?

6 SENATOR KENNEDY: Yes,
7 Mr. President.

8 ACTING PRESIDENT BENJAMIN: The
9 sponsor yields.

10 SENATOR ANTONACCI: Thank you.
11 The sponsor mentioned jobs and jobs
12 within the local community. I note that the bill
13 says that "must hire residents living within a
14 20-mile radius of such retail food
15 establishment." Is this a black-and-white litmus
16 test? Is there going to be a ratio? Is it one
17 individual that has to be hired within 20 miles?
18 What are the parameters of that hiring program?

19 SENATOR KENNEDY: Through you,
20 Mr. President, that is to be determined through
21 Empire State Development, that will promulgate
22 this program.

23 Through other programs similar to
24 this that have since been exhausted, the New York
25 Healthy Food and Healthy Communities Fund, there

1 were 500 full-time jobs created across the state,
2 nearly a thousand construction jobs created
3 across the state. And of the \$30 million of that
4 fund that has since been exhausted, \$10 million
5 of it leveraged nearly \$200 million in further
6 investment from the private sector as well.

7 SENATOR ANTONACCI: Through you,
8 Mr. President, will the sponsor continue to
9 yield?

10 ACTING PRESIDENT BENJAMIN: Does
11 the sponsor yield?

12 SENATOR KENNEDY: Yes.

13 ACTING PRESIDENT BENJAMIN: The
14 sponsor yields.

15 SENATOR ANTONACCI: Thank you.

16 Looking at the bill, there's a
17 portion, line 9, that says that "as determined by
18 the corporation" -- which I assume is Empire
19 State Development Corporation, or Urban
20 Development. What is the definition of
21 underserved areas, and will the department have
22 complete and utter discretion on how they
23 determine where a grocery store may receive a
24 grant, loan, or other state aid?

25 SENATOR KENNEDY: Through you,

1 Mr. President, "underserved area" is defined in
2 this legislation to include a low- and
3 moderate-income census tract, an area with
4 below-average supermarket density, those having
5 customers with more than 50 percent living in
6 low-income census tracts, and have significant
7 barriers to access -- such as travel distance --
8 as determined by Empire State Development.

9 For example, in my district a food
10 desert that exists, an underserved community, the
11 First Ward of Lackawanna is a perfect example.
12 It is probably the most beautiful community I can
13 think of, and not due to the infrastructure or
14 the housing but the people. It is a mix, a
15 multicultural, extraordinarily diverse district
16 where various languages, ethnicities,
17 religions -- and they're confined to a specific
18 area, which is over a mile away from the nearest
19 bus route, or at least it was up until about a
20 year ago, till that was fixed -- but about two
21 miles away from a nearest grocery store with
22 access to fresh food.

23 Which means anyone in this
24 community, and it is defined in the underserved
25 census tract -- anyone in this community, to get

1 that fresh food, would have to walk or find
2 transportation over a bridge, over railroad
3 tracks, about two miles away to the closest plaza
4 at Abbott Road, where they would have that
5 access.

6 But it's not just during the nice
7 weather like we have here today, this sunny
8 weather in June, but during the most inclement
9 weather, off of Lake Erie, with the wind blowing
10 sometimes in excess of 40 or 50 miles an hour,
11 with wind chills below zero degrees, where folks
12 that don't have access to fresh food -- fresh
13 fruits and vegetables, dairy products home-grown
14 here in the State of New York -- would
15 unfortunately be relegated to going to the local
16 corner store.

17 And we know, by various studies and
18 just simple math, that these corner stores do not
19 provide for the fresh fruits and vegetables to
20 feed in a healthy way the communities that they
21 should serve.

22 And so these communities have been
23 really put up against a wall as it pertains to
24 providing for their families and giving their
25 families the resources necessary.

1 So what this will do, this bill will
2 ultimately incentivize retailers that give those
3 fresh food options to locate into food deserts.

4 SENATOR ANTONACCI: Mr. President,
5 will the sponsor continue to yield?

6 ACTING PRESIDENT BENJAMIN: Does
7 the sponsor yield?

8 SENATOR KENNEDY: Yes.

9 ACTING PRESIDENT BENJAMIN: The
10 sponsor yields.

11 SENATOR ANTONACCI: Following up on
12 the sponsor's comments and as well as the
13 language in the bill, will there be any other
14 areas that the corporation will be able to use in
15 making its determination of whether or not to
16 award state assistance?

17 SENATOR KENNEDY: The underserved
18 areas, as defined and as this law demonstrates,
19 will include lower-to-moderate-income census
20 tracts, areas of below-average supermarket
21 density, or having a supermarket customer base
22 with more than 50 percent living in low-income
23 census tracts or other areas demonstrated to have
24 significant access limitations due to travel
25 distance, as determined by the corporation -- in

1 this case, ESD -- and food retail establishments
2 shall include supermarkets and other grocery
3 retailers that operate on a self-service basis
4 and sell a minimum percentage of produce, meat,
5 poultry, seafood, baked goods, and/or dairy
6 products, that participate in the Pride of
7 New York program and that accept payment from
8 electronic benefit transfer through the
9 Supplemental Nutrition Assistance Program and
10 through the Special Supplemental Nutrition
11 Assistance Program for women, infants and
12 children, and do not charge a membership fee, and
13 hire residents living within a 20-mile radius of
14 that establishment.

15 Other than that, they will not
16 qualify.

17 SENATOR ANTONACCI: Thank you.

18 Will the sponsor continue to yield?

19 ACTING PRESIDENT BENJAMIN: Does
20 the sponsor yield?

21 SENATOR KENNEDY: Yes.

22 ACTING PRESIDENT BENJAMIN: The
23 sponsor yields.

24 SENATOR ANTONACCI: So there is no
25 physical mile limitation or distance limitation

1 built into this bill. And if not -- with the way
2 I'm reading it, there's not -- this will be
3 completely up to ESD's discretion in terms of how
4 closely to place competing food establishments?

5 SENATOR KENNEDY: Mr. President,
6 through you, if my colleague could elaborate on
7 his question.

8 SENATOR ANTONACCI: Yes,
9 Mr. President, through you. If you have a food
10 desert that is determined by ESD, is it based on
11 just the census tract? So let's say you have a
12 census tract that qualifies under the bill.
13 Could you put two competing grocery markets
14 within blocks of each other?

15 SENATOR KENNEDY: Through you,
16 Mr. President, I suppose potentially you could.

17 However, that would have to be
18 determined by Empire State Development if that
19 was in the best interests of the community and
20 whether or not that was necessary and a necessary
21 utilization of this incentive in order to provide
22 healthy food options for the underserved
23 population within that census tract.

24 SENATOR ANTONACCI: Last question,
25 Mr. President, through you, if the sponsor will

1 yield.

2 ACTING PRESIDENT BENJAMIN: Does
3 the sponsor yield?

4 SENATOR KENNEDY: Yes.

5 ACTING PRESIDENT BENJAMIN: The
6 sponsor yields.

7 SENATOR ANTONACCI: What kind of
8 oversight of the food retail establishments is
9 built into this bill or any of the existing
10 programs to make sure that, you know, the
11 establishments that receive this subsidy actually
12 provide the benefits so intended?

13 SENATOR KENNEDY: Through you,
14 Mr. President. Once again, Empire State
15 Development will promulgate this legislation into
16 action in the community. And it will be up to
17 the discretion of Empire State Development. But
18 this will be a tool in their toolbox in order to
19 allow for the incentivization of businesses that
20 otherwise would not provide service in these
21 underserved communities to do so.

22 SENATOR ANTONACCI: On the bill,
23 Mr. President.

24 ACTING PRESIDENT BENJAMIN: Senator
25 Antonacci on the bill.

1 SENATOR ANTONACCI: First I'd like
2 to thank Senator Kennedy for his patience and his
3 answers to the questions. I believe that
4 Senator Kennedy's heart is in the right place.

5 Unfortunately, I have a proverbial
6 war story as to why I believe this bill should
7 not be passed by this house today. Back in
8 Syracuse, New York, we had a business called
9 Nojaim Brothers that was established in 1919 on
10 the city's Near West Side -- a neighborhood that
11 would benefit from this bill, a neighborhood that
12 would be in these census tracts so targeted by
13 the sponsor.

14 A couple of years ago, 0.7 miles
15 away, the State of New York, amongst other
16 localities, gave a competing business almost
17 \$2.5 million -- 0.7 miles away -- under the
18 alleged theory that there was a food desert.

19 Not only did Nojaim Brothers go out
20 of business within a year and a half, but another
21 competing grocery store, Tops, went out of
22 business very shortly thereafter, and recently
23 Save-A-Lot, within two miles of the subsidized
24 business, went out.

25 So we have four businesses within a

1 three-mile radius of each other allegedly
2 competing within a food desert that have all --
3 well, three out of four have received state and
4 local grants, and two out of the three are now
5 out of business.

6 I think the bill is
7 well-intentioned, but I do not think it's the
8 right place for this Legislature to start having
9 businesses compete against each other. I think
10 there are other ways to assist our less fortunate
11 that have food needs, especially -- we all
12 believe in fresh produce, and we certainly want
13 to help our farmers.

14 But I think technology is going to
15 help pave the way. Amazon, for example, is
16 delivering just about anything. Should we be
17 looking at pilot programs with Amazon? Should we
18 change the parameters of the EBT card? I think
19 there are many other ways we could spend our
20 money rather than on this bill.

21 But I thank the sponsor for his
22 indulgence.

23 I'll be voting no on the bill.

24 Thank you, Mr. President.

25 ACTING PRESIDENT BENJAMIN: Are

1 there any other Senators wishing to be heard?

2 Ah, Senator Lanza.

3 SENATOR LANZA: Thank you,
4 Mr. President. Mr. President, would the sponsor
5 yield for a few questions?

6 ACTING PRESIDENT BENJAMIN: Does
7 the sponsor yield?

8 SENATOR KENNEDY: Yes,
9 Mr. President.

10 ACTING PRESIDENT BENJAMIN: The
11 sponsor yields.

12 SENATOR LANZA: Thank you,
13 Mr. President. And I thank the sponsor.

14 Through you, Mr. President. Could
15 the sponsor tell us the form in which these
16 incentives will be provided? Will it be tax
17 breaks, will it be funds provided to the store
18 owners?

19 SENATOR KENNEDY: Through you,
20 Mr. President, that is to be determined through
21 Empire State Development.

22 SENATOR LANZA: Mr. President,
23 would the sponsor continue to yield?

24 ACTING PRESIDENT BENJAMIN: Does
25 the sponsor yield?

1 SENATOR KENNEDY: Yes.

2 ACTING PRESIDENT BENJAMIN: The
3 sponsor yields.

4 SENATOR LANZA: Through you,
5 Mr. President. The sponsor talked about the fact
6 that presently people are left to rely upon
7 small -- I think you described -- corner stores.
8 These mom-and-pop stores, would they be eligible
9 to partake in this program?

10 SENATOR KENNEDY: Through you,
11 Mr. President, if in fact these are considered
12 supermarkets and a grocery retailer that operate
13 on a self-service basis, sell a minimum
14 percentage of produce -- meat, poultry, seafood
15 baked goods -- if they qualify within the
16 confines of the bill as determined by Empire
17 State Development, certainly.

18 SENATOR LANZA: Would the sponsor
19 continue to yield.

20 ACTING PRESIDENT BENJAMIN: Does
21 the sponsor yield?

22 SENATOR KENNEDY: Yes.

23 ACTING PRESIDENT BENJAMIN: The
24 sponsor yields.

25 SENATOR LANZA: Through you,

1 Mr. President. Assuming they didn't -- let's say
2 we're talking about very small grocery stores,
3 bodegas, you know, typical small-business-owned
4 locations that sell groceries but maybe not at
5 the level that this bill encompasses -- what
6 would be the -- what does the sponsor believe the
7 effect of this legislation on a big box store
8 moving in on that mom-and-pop store be?

9 SENATOR KENNEDY: Through you,
10 Mr. President. First of all, if there is a
11 mom-and-pop store, a minimart or a corner store
12 that is already selling fresh fruit and
13 vegetables to a particular census tract, a
14 particular community, then that community, that
15 census tract, wouldn't fit under this bill.

16 We're talking about food deserts
17 specifically, and defined by the federal farm
18 bill, an area in the United States with limited
19 access to affordable and nutritious food,
20 particularly such an area composed of
21 predominantly lower-income neighborhoods and
22 communities.

23 And the United States Department of
24 Agriculture talks about limited access of at
25 least 500 people or 33 percent of that census

1 tract residing more than a mile from a
2 supermarket or a large grocery store.

3 And for a rural tract -- because
4 this is not confined to just urban areas, and we
5 know that there are food deserts all across the
6 state, all across geographic disparities -- the
7 distance is 10 miles in rural tracts.

8 As far as what is best for a
9 particular community, that will be determined,
10 once we pass this bill, through consultation with
11 Empire State Development and the community, along
12 with the retailer that wants to potentially move
13 into that community, whether or not they qualify,
14 whether or not they'd fit this bill, whether or
15 not they'd actually provide the access to healthy
16 foods that the community rightfully deserves.

17 SENATOR LANZA: Mr. President,
18 would the sponsor yield?

19 ACTING PRESIDENT BENJAMIN: Does
20 the sponsor yield?

21 SENATOR KENNEDY: Yes.

22 ACTING PRESIDENT BENJAMIN: The
23 sponsor yields.

24 SENATOR LANZA: Through you,
25 Mr. President, I appreciate that.

1 And I agree, by the way, anything
2 that would afford greater access throughout
3 communities in New York makes a lot of sense to
4 me. I'm just trying to understand how this would
5 impact what the sponsor described as the fact
6 that right now there are a lot of communities
7 that rely on these small corner stores that may
8 not provide food commensurate with whatever this
9 bill is going to require. And so I'm just trying
10 to understand the impact on these mom-and-pop
11 stores.

12 So consistent with that -- through
13 you, Mr. President -- let's say there were three
14 large supermarkets or box stores that would like
15 to be part of this program. Which one would be
16 chosen, and why? And how, and who would do it?

17 SENATOR KENNEDY: Through you,
18 Mr. President, that would be a wonderful problem
19 to have if there are three retailers that are
20 trying to go into a food desert to bring healthy
21 food options to that community. That would
22 actually be a great issue to deal with for
23 Empire State Development, and they'd have choices
24 to make.

25 That being said, a part of the bill

1 takes into consideration supermarket density. So
2 we won't take one after another after another --
3 again, unless it makes sense for the community.
4 But if you get a retailer that comes into a
5 community, provides healthy food options for that
6 community and it resolves a food desert problem,
7 then in fact this bill has done its job.

8 SENATOR LANZA: On the bill,
9 Mr. President.

10 ACTING PRESIDENT BENJAMIN: Senator
11 Lanza on the bill.

12 SENATOR LANZA: Mr. President, I
13 thank the sponsor for yielding to questions.

14 And I agree, that would be a good
15 problem. I believe in the marketplace,
16 especially free markets. And when businesses
17 want to come into a community and bring their
18 services and their goods, that's a good thing,
19 typically, for communities. And when you have
20 more than one vying for that competition, that's
21 even better.

22 The question I had, I'm not sure I
23 really got an answer, was that if we were to take
24 a community that would be classified as a food
25 desert under this legislation, which is only

1 being served by a few small businesses that don't
2 meet the standards as required in this new law,
3 and you had three or four big box or large
4 supermarkets who want to enter the community, I'm
5 just wondering how this will all work, who is
6 going to choose the winner, who is going to
7 decide the loser, and what is the impact?

8 Is anything going to be done for the
9 small business that has perhaps operated there
10 for a lifetime? Because we know as new business
11 is brought in, where the bar is raised -- where
12 the bar is lowered, where we provide incentives,
13 sometimes we have unanticipated consequences.

14 So these are just questions I have.
15 I understand where the sponsor and what the
16 sponsor is attempting to solve, and I think it is
17 a real problem. I'm torn, because on the one
18 hand I love providing incentives for businesses,
19 especially in the form of tax cuts. I think we
20 ought to be doing a lot more of that throughout
21 the state.

22 Part of the problem, I think,
23 Mr. President, in our state is we have too many
24 regulations that really form an obstacle that
25 many businesses cannot overcome, or provide a

1 disincentive, really, in many communities across
2 the state. And you couple that with the tax
3 burden that businesses and families face in the
4 State of New York, which just increased with
5 passage of the last budget, it's difficult for
6 new businesses, it's difficult for existing
7 businesses to operate in the State of New York.

8 So I think therein lies a large part
9 of the problem. And perhaps as Senator Antonacci
10 suggested, there may be a more direct way, a more
11 targeted, more surgical way to accomplish these
12 goals. Chiefly, let's lower taxes for everyone.
13 Let's take a look at regulations which perhaps
14 were well-intended when enacted but which are
15 really preventing businesses from thriving here
16 in the State of New York.

17 So I have a lot of concerns. And as
18 I said, I'm torn, because I like providing -- I
19 think it's important to provide incentives for
20 business. But I also am very cautious whenever
21 we pass legislation that hands over the reins of
22 the market to government bureaucrats. And that
23 is why I asked the questions that I did -- who is
24 going to do this, how is it going to happen.

25 The bill doesn't really spell out

1 precisely how that's going to happen, so it's
2 sort of a player to be named later. We're going
3 to pass this legislation, and then some
4 bureaucrat is going to figure out how this all
5 works. And what I've learned in the State of New
6 York is that government bureaucrats are always a
7 lot worse than the free market when it comes to
8 providing services and goods and a good
9 marketplace for the people of the State of
10 New York.

11 So again, I thank the sponsor. I
12 think anything we can do to increase
13 opportunities in the marketplace is a good thing.
14 I think this bill -- this bill may get us a part
15 of the way there, but again, we don't know what's
16 going to happen because we really -- we have a
17 piece of legislation, but we don't have the
18 details as to how it's going to work.

19 And so I reserve my vote until it's
20 time to vote.

21 Thank you, Mr. President.

22 (Laughter.)

23 ACTING PRESIDENT BENJAMIN: Senator
24 Tedisco.

25 SENATOR TEDISCO: Thank you,

1 Mr. President. I'd like to speak on the bill.

2 ACTING PRESIDENT BENJAMIN: Senator
3 Tedisco on the bill.

4 SENATOR TEDISCO: I'm going to
5 sound the probably the most important cautionary
6 note on this piece of legislation. And it really
7 should be illustrated for those individuals who
8 are new to the New York State Legislature.
9 Because for those of us who have been here for a
10 while, we know when a question is asked, like the
11 good Senator over there, to the sponsor of a bill
12 and you hear the scariest words you can possibly
13 hear about an answer to the question as to who's
14 going to have oversight of this bill, who's going
15 to implement the guidelines and regulations.

16 The sponsor gives, first of all, a
17 nice title for the bill, which is giving a nice
18 response of what the goal of the bill is. Then
19 the sponsor says you as elected officials will
20 take no responsibility for what really comes out
21 at the end of how this bill is implemented.
22 Because it's going to be implemented by the
23 Empire State Development. The scariest words are
24 "promulgated and given guidelines and
25 regulations" by this agency. When you hear that

1 word "promulgated," you know you're taken out of
2 the equation.

3 And whatever these faceless
4 bureaucrats do, they're not elected officials.
5 They're not accountable to the people who are
6 going to answer to what the outcome is really
7 going to be. And it may be the outcome that the
8 good Senator from Syracuse pointed out.

9 But when they call you -- and this
10 is what the outcome is going be for those people
11 who are new here. Not all the time, but a great
12 number of times they're going to call you on the
13 phone, either those small businesses or those
14 individuals or those groups, and they say: Why
15 did you do that, Senator Kennedy? Why did you do
16 that, Senator Tedisco?

17 And you're going to look at the bill
18 and say, I didn't do that. That's not what I
19 voted for on the floor of the Senate or the
20 Assembly, it was those darn Empire State
21 Development bureaucrats who did that. And then
22 you're going to blame it on them when the bill
23 does nothing in the sense of what was discussed
24 and debated and given for a reason that would be
25 helpful to our community.

1 Now, that has happened over and over
2 and over and over again in this Legislature. I
3 know because I get the calls over and over and
4 over from small businesses, and I get to tell
5 them I voted against that bill, probably.
6 Because anytime I see that term "promulgated" by
7 somebody who has no responsibility -- they don't
8 go before the electorate. We take an oath of
9 office to get elected to represent them, not to
10 pass on to faceless bureaucrats to say this is
11 how it's going to be implemented.

12 And you know what they say to me? I
13 don't care what you think, because my job is not
14 given to me by the people you represent. I'm
15 appointed, or I'm hired by somebody.

16 Now, what's the real answer to that?
17 The real answer to that is for us to take
18 responsibility, to have an answer to that
19 question that the Senator asked from Syracuse
20 about who was going to have oversight, what the
21 regulations are, what the guidelines are, how we
22 going to protect that we get the good outcome
23 that Senator Kennedy talked about.

24 Or here's the second part of it --
25 and this makes all the sense in the world to me.

1 Okay, we're going to let an agency or another
2 group that are not elected officials, that are
3 not really accountable, that we can blame after
4 if you voted for this bill. But once they
5 promulgate and put those regulations and
6 guidelines forth, why shouldn't it come back to
7 us for ratification?

8 Because you know what's going to
9 happen when it comes back to us for ratification?
10 You and I are going to go out to those
11 businesses, those groups, those organizations,
12 those people that we represent and we're going to
13 say, What do you think of this, what kind of
14 impact it's going to have on you? Then we're
15 going to go back and we're going to say, we're
16 not going to ratify that, I think you need an
17 adjustment like this. Or the majority will say
18 they were fine, I think they passed the mustard
19 {sic}, I'm not that concerned, there's not that
20 many people involved.

21 But when you pass the buck, you give
22 a good name to a bill, you tell everybody this is
23 what the outcome is going to be, then you say,
24 but I'm not really going to be responsible for
25 that outcome because there's an agency or an

1 organization who is going to promulgate the
2 regulations and the guidelines.

3 And the regulations and the
4 guidelines mean everything when you put a bill
5 like this out, because it can destroy a
6 community, it can destroy a group, it can destroy
7 small businesses. But if you're responsible,
8 you're going to be very concerned about those
9 guidelines and regulations, because you and I
10 took an oath of office to make sure we did what's
11 in the best interests of the constituents we
12 represent. Passing the buck to bureaucrats who
13 are not accountable to my constituents is not a
14 good idea.

15 Thank you, Mr. President.

16 ACTING PRESIDENT BENJAMIN: Senator
17 Ranzenhofer.

18 SENATOR RANZENHOFER: Thank you,
19 Mr. President. Will the sponsor yield for a few
20 questions?

21 ACTING PRESIDENT BENJAMIN: Does
22 the sponsor yield?

23 SENATOR KENNEDY: Yes,
24 Mr. President.

25 ACTING PRESIDENT BENJAMIN: The

1 sponsor yields.

2 SENATOR RANZENHOFER: Through you,
3 Mr. President. Can the sponsor tell me that --
4 how this comports with the IDA Reform Act? You
5 remember a couple of years ago we both voted for
6 the IDA Reform Act, which essentially eliminated
7 public funding for retail establishments.

8 So how does this comport where we're
9 going to be giving money for retail
10 establishments -- how does that comport with that
11 ban of giving money to retail establishments?

12 SENATOR KENNEDY: Through you,
13 Mr. President, it rectifies the situation so that
14 Empire State Development has flexibility in
15 granting specific incentives to a retail business
16 that will provide a specific healthy food option
17 in food deserts that exist across the State of
18 New York.

19 SENATOR RANZENHOFER: If the
20 sponsor will continue to yield.

21 ACTING PRESIDENT BENJAMIN: Does
22 the sponsor yield?

23 SENATOR KENNEDY: Yes.

24 ACTING PRESIDENT BENJAMIN: The
25 sponsor yields.

1 SENATOR RANZENHOFER: So would a
2 multi-billion-dollar corporation like a Wegmans
3 be able to get money through this -- you know,
4 taxpayer dollars through this state program to do
5 this?

6 SENATOR KENNEDY: Through you,
7 Mr. President, I would be thrilled if Wegmans or
8 another very well respected retailer decides to
9 set up shop in a food desert and provide healthy
10 food options to a particular community if in fact
11 this bill is passed and this is the bill that
12 gets them -- whoever that retailer may be -- to
13 actually make that investment.

14 That being said, Mr. President, in
15 my district and in the particular area that I
16 mentioned earlier, the City of Lackawanna, the
17 First Ward of Lackawanna, I've reached out to
18 about half a dozen different retailers to do just
19 what it is that you suggested, to move in and
20 provide this healthy food option, and we have not
21 gotten the response that we desired.

22 Because for whatever reason, whether
23 it's retail redlining because of the way a
24 particular community looks or the socioeconomic
25 status of a particular community may be, the fact

1 of the matter is there are food deserts that
2 exist, and they're all across the state in urban
3 communities, in suburban communities, in rural
4 communities, that this bill will help to rectify.
5 It will provide healthy food options in
6 particular to areas that need it the most.

7 And if I could just give one further
8 statistic, there's about 1.7 million New Yorkers
9 that lacked access to stores with these healthy
10 food options based upon that 2009 study. I would
11 argue that that number has only increased.

12 SENATOR RANZENHOFER:
13 Mr. President, if the sponsor will continue to
14 yield.

15 ACTING PRESIDENT BENJAMIN: Does
16 the sponsor yield?

17 SENATOR KENNEDY: Yes.

18 ACTING PRESIDENT BENJAMIN: The
19 sponsor yields.

20 SENATOR RANZENHOFER: So I'll take
21 those remarks as a yes, that we will be giving
22 taxpayer dollars to multi-billion-dollar
23 corporations to come in. If that's one of the --
24 if that's one of the results of the bill, then
25 fine. But the question then is, is there a limit

1 to the amount of money that we can give to these
2 multi-billion-dollar companies that come in and
3 provide a good service to our community?

4 SENATOR KENNEDY: Through you,
5 Mr. President, I appreciate my colleague's
6 concern about this Legislature potentially
7 enacting legislation that would give
8 multi-billion-dollar companies incentives.

9 That being said, again, this bill is
10 rooted in bringing healthy, sustainable food
11 options to communities that don't have those
12 healthy, sustainable food options. At the same
13 time, it helps incentivize businesses that are
14 doing business in the State of New York as well.

15 So we're helping communities that
16 are in food deserts, we're helping underserved,
17 oftentimes impoverished communities get access to
18 healthy food options. And we're helping the
19 farmers -- including in your community,
20 Senator -- to grow the products that will be sold
21 in these food deserts when they're hopefully no
22 longer food deserts.

23 SENATOR RANZENHOFER: Will the
24 sponsor continue to yield?

25 ACTING PRESIDENT BENJAMIN: Does

1 the sponsor yield?

2 SENATOR KENNEDY: Yes,
3 Mr. President.

4 ACTING PRESIDENT BENJAMIN: The
5 sponsor yields.

6 SENATOR RANZENHOFER: Can you tell
7 me what the impact of this legislation is going
8 to be -- and I think Senator Lanza was addressing
9 this point -- what the impact will be on the
10 existing corner and convenience stores that
11 currently exist in these communities?

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

14 Once again, no one will be cut out
15 of potentially attaining these incentives if in
16 fact the result is providing healthy food options
17 in these food deserts. Whether they're small
18 mom-and-pop shops that would qualify, small
19 businesses, or whether they are larger
20 corporations -- as you mentioned, Wegmans,
21 well-respected -- if these companies, small or
22 large businesses, decide to set up shop and
23 provide healthy food options that don't exist
24 today, then they would qualify.

25 Again, Empire State Development,

1 that is working to put together economic
2 incentives across the state, also has to take
3 into consideration the food deserts. This bill
4 will ensure that they do that as they're making
5 decisions.

6 SENATOR RANZENHOFER: If the
7 sponsor will continue to yield.

8 SENATOR KENNEDY: Yes.

9 ACTING PRESIDENT BENJAMIN: The
10 sponsor yields.

11 SENATOR RANZENHOFER: Can you
12 explain to me how the UDC will be interacting
13 with Empire State Development?

14 SENATOR KENNEDY: Mr. President,
15 could you -- could the sponsor repeat the
16 question?

17 SENATOR RANZENHOFER: Yes, can --
18 Mr. President, through you, can the sponsor tell
19 me how the UDC will interact with Empire State in
20 this program?

21 SENATOR KENNEDY: Well --
22 Mr. President, through you -- this program will
23 be put in place. Once it's put in place,
24 Empire State Development will take a look at the
25 census tracts across the state that have already

1 been defined as food deserts and within those
2 communities, if there is a retailer that would
3 like to locate into those particular census
4 tracts that fit the language requirements within
5 this bill, then in fact they would qualify.

6 And Empire State Development would
7 work with the community and any other
8 organization that may be impacted.

9 SENATOR RANZENHOFER: If the
10 sponsor will continue to yield.

11 ACTING PRESIDENT BENJAMIN: Does
12 the sponsor yield?

13 SENATOR KENNEDY: Yes.

14 ACTING PRESIDENT BENJAMIN: The
15 sponsor yields.

16 SENATOR RANZENHOFER: I think the
17 proposed legislation talks about the Urban
18 Development Corporation as the organization being
19 the one authorized to take all the actions to
20 implement the bill. And you keep on talking
21 about Empire State Development.

22 So I'm wondering how Empire State
23 Development will interact with the Urban
24 Development Corporation.

25 SENATOR KENNEDY: Through you,

1 Mr. President, the -- my colleague should be
2 aware that the UDC and the ESD will perform the
3 same function, under the same umbrella.

4 SENATOR RANZENHOFER: So if the
5 sponsor would continue to yield.

6 ACTING PRESIDENT BENJAMIN: Does
7 the sponsor yield?

8 SENATOR KENNEDY: Yes,
9 Mr. President.

10 ACTING PRESIDENT BENJAMIN: The
11 sponsor yields.

12 SENATOR RANZENHOFER: Will the
13 organizations be working together? Or who will
14 have the ultimate authority over implementing the
15 legislation?

16 SENATOR KENNEDY: Through you,
17 Mr. President, it is the same organization.

18 SENATOR RANZENHOFER: And if the
19 sponsor will continue to yield.

20 ACTING PRESIDENT BENJAMIN: Does
21 the sponsor yield?

22 SENATOR KENNEDY: Yes.

23 ACTING PRESIDENT BENJAMIN: The
24 sponsor yields.

25 SENATOR RANZENHOFER: Would

1 enclosed farmers' markets be eligible for this
2 program?

3 SENATOR KENNEDY: Through you,
4 Mr. President, could the Senator repeat his
5 question?

6 SENATOR RANZENHOFER: Sure. Would
7 enclosed farmers' markets be included in this
8 legislation as being eligible for the program?

9 SENATOR KENNEDY: If these farmers'
10 markets -- again, this would be, through you,
11 Mr. President, a great issue to have. If we have
12 buy-in from farmers' markets, retailers -- large
13 and small -- and they want to move into a food
14 desert because of this legislation, then we have
15 in fact done our job.

16 The fact of the matter is there are
17 millions of people that are in food deserts, not
18 only across this state but across this nation,
19 that are oftentimes living in poverty, that don't
20 have access to transportation to get to healthy
21 fruits and vegetables. Unfortunately, it's led
22 to a skyrocketing increase in childhood diabetes
23 and childhood obesity.

24 And we have to -- I believe that
25 this legislative body has a duty and an

1 obligation to do whatever we can -- and in fact
2 this legislation does open the door to
3 incentivizing investment in those communities
4 where food deserts exist. Whether it's a
5 farmers' market that complies with the law and
6 fits underneath the auspices of this law or
7 whether it's a small mom-and-pop shop or whether
8 it's a larger corporation, the intent of the bill
9 is to gain investment into these communities that
10 are desperate for that investment.

11 SENATOR RANZENHOFER: And one final
12 question, if the sponsor will yield.

13 ACTING PRESIDENT BENJAMIN: Does
14 the sponsor yield?

15 SENATOR KENNEDY: Yes,
16 Mr. President.

17 ACTING PRESIDENT BENJAMIN: The
18 sponsor yields.

19 SENATOR RANZENHOFER: So right now
20 there are communities and there are different
21 organizations that try to figure out the proper
22 number of grocery stores, supermarkets, farmers'
23 markets that are appropriate for a community of a
24 certain size. Are those same modalities going to
25 be followed by ESD and UDC in trying to figure

1 out what is figured out in other communities
2 right now?

3 SENATOR KENNEDY: Through you,
4 Mr. President, could the sponsor repeat his
5 question?

6 SENATOR RANZENHOFER: Yes.

7 ACTING PRESIDENT BENJAMIN: Can you
8 point your mic towards you so it's --

9 SENATOR RANZENHOFER: How would you
10 like me to put it?

11 ACTING PRESIDENT BENJAMIN: Just
12 push it down.

13 SENATOR RANZENHOFER: All right.
14 How's that, better? Thank you.

15 SENATOR KRUEGER: You're too tall.

16 SENATOR RANZENHOFER: I'm too tall?
17 Well, we can get a higher mic, so --

18 (Laughter.)

19 SENATOR RANZENHOFER:
20 Mr. President, through you, if the sponsor will
21 yield.

22 ACTING PRESIDENT BENJAMIN: Does
23 the sponsor yield?

24 SENATOR KENNEDY: Yes,
25 Mr. President.

1 ACTING PRESIDENT BENJAMIN: The
2 sponsor yields.

3 SENATOR RANZENHOFER: So one final
4 question. Right now in different communities,
5 whether it be the city of Buffalo, the city of
6 Syracuse, the town of Amherst, there is -- you
7 know, there are a certain number of supermarkets,
8 it could be all types of supermarkets -- it could
9 be a big supermarket, could be a Walmart, could
10 be a Wegmans, could be a convenience store, could
11 be a corner store -- and there's a method and a
12 modality of trying to determine how those all fit
13 in.

14 Is there going to be some formula or
15 some method that you are aware of at this point
16 in time that is going to be utilized to try to
17 figure out where to place food establishments so
18 as not to put others out of business, so as to
19 provide greatest access -- so for instance, if
20 it's in a census tract which qualifies but it's
21 next to another census tract which doesn't
22 qualify but has a food establishment there -- I
23 mean, what's the mechanism, what's the modality
24 for figuring out what the location is, so as to
25 provide the greatest benefit, which I think

1 everybody wants to accomplish, and at the same
2 time not to do harm to an existing business which
3 is currently providing food, perhaps even healthy
4 food and fresh food, but not quite to the level
5 that is necessary?

6 SENATOR KENNEDY: Through you,
7 Mr. President, the question is dealing with who
8 will qualify. Food retail establishments defined
9 within the legislation include supermarkets,
10 grocery retailers -- that could be any size of a
11 grocery store retailer -- that sell meat,
12 poultry, produce, seafood, baked goods, dairy
13 products, participate in the Pride of New York
14 program, accept EBT and SNAP and WIC, and hire
15 individuals within 20 miles of that particular
16 vicinity.

17 Depending on the census tract,
18 depending on the business, and depending on the
19 need of the community, Empire State Development,
20 through this legislation, will be empowered to
21 make decisions with the community on what will
22 benefit that community the most and eradicate
23 these food deserts across the state.

24 Different opportunities that have
25 existed in the past have been wildly successful,

1 that have run out of money. And actually there's
2 safeguards in this legislation by bringing Empire
3 State Development to the table, by allowing them
4 to put in place clawback provisions within the
5 contract signed with that retailer.

6 So there are many different options
7 that exist. But once again, what we are doing is
8 we are empowering ESD to help eradicate food
9 deserts in the State of New York. Right now,
10 following the status quo simply isn't working.
11 And this legislation is imperative that we move
12 the ball forward, we give communities that are
13 underserved, that don't have access to fresh,
14 healthy food options, the ability to have those
15 options once and for all. And finally.

16 SENATOR RANZENHOFER: Perhaps my
17 microphone was not working. I understand the --

18 ACTING PRESIDENT BENJAMIN: Senator
19 Ranzenhofer, are you on the bill or are you
20 asking a question?

21 SENATOR RANZENHOFER: I'm going to
22 be asking a question in a moment.

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

25 SENATOR RANZENHOFER: No, not on

1 the bill. If the sponsor will yield.

2 ACTING PRESIDENT BENJAMIN: Does
3 the sponsor yield?

4 SENATOR KENNEDY: Yes.

5 ACTING PRESIDENT BENJAMIN: The
6 sponsor yields.

7 SENATOR RANZENHOFER: Perhaps the
8 microphone wasn't working. My question was not
9 who qualifies -- and I understand the background
10 and the theory behind the program. My question
11 is, is there a mechanism that somebody can look
12 at and say, okay, this is the way the program
13 works?

14 Now, you had referenced that this is
15 wildly successful in other parts of the country.
16 You had referenced the need. So is there -- you
17 know, for instance, let's say a company wants to
18 be engaged in this program. Is there somewhere
19 that someone can go and say, okay, these are the
20 parameters that it works that are used in a
21 community? Or is this something that is just
22 discretionary -- perhaps arbitrary, perhaps not?

23 But the basic question is, is there
24 somewhere that someone can look at, because it's
25 not in the four corners of the bill, and say,

1 okay, this is the way the program works, this is
2 the way it looks, this is what we need to do to
3 qualify for the program?

4 That's as simply as I can put it,
5 what I'm trying to get at.

6 SENATOR KENNEDY: Through you,
7 Mr. President. First and foremost, I appreciate
8 my colleague's questions.

9 Let me tell you what I was
10 referencing when I said that this was wildly
11 successful in the past: An aberration of this
12 that no longer exists, the New York Healthy Food
13 and Healthy Communities Fund, with \$30 million in
14 financing to develop healthy food across the
15 state. Five hundred full-time jobs were created,
16 nearly a thousand construction jobs, as I've
17 mentioned earlier, \$10 million invested of the
18 \$30 million fund that is no longer, that has
19 leveraged nearly \$200 million in investment.

20 I would argue that's wildly
21 successful. While it's not perfect and it wasn't
22 perfect -- and as mentioned by Senator Antonacci
23 as well as, there have been businesses that
24 utilized that program that didn't pan out.
25 That's why it's important that Empire State

1 Development, with the reins on this legislation
2 and ultimately, yes, if you want to use the word
3 discretion to put forward this initiative into
4 the community, could build in clawback provisions
5 to get incentives back if in fact these
6 businesses go belly up.

7 But they also have discretion in
8 actually putting forward these incentives in the
9 first place. And looking back at both the
10 positives and the negatives of that initial
11 investment that happened years ago, they can take
12 that into consideration as they're moving these
13 initiatives forward into these food deserts.

14 And I've stated it two or three
15 times throughout the course of this debate with a
16 couple of my colleagues that Empire State
17 Development will ultimately have the discretion
18 to put forward these incentives and these grants,
19 given the funding that ESD currently has within
20 its auspices already -- unless, of course, by the
21 time this is enacted next year in April we put
22 further funding toward it in the budget.

23 SENATOR RANZENHOFER:
24 Mr. President, I do have a few more questions if
25 the sponsor will continue to yield.

1 ACTING PRESIDENT BENJAMIN: Does
2 the sponsor yield?

3 SENATOR KENNEDY: I will yield
4 despite the fact that my colleague is going back
5 on his commitment to only ask one more question.

6 ACTING PRESIDENT BENJAMIN: The
7 sponsor yields.

8 SENATOR RANZENHOFER: Thank you.
9 Only because of the answers.

10 So if I may, was there any money
11 allocated in this year's budget for this program?

12 SENATOR KENNEDY: Through you,
13 Mr. President, there was no money allocated in
14 this year's budget for this program because this
15 program doesn't exist until today.

16 SENATOR RANZENHOFER: And assuming
17 that this passes and the program gets up and
18 running, how much of an allocation will be
19 included in next year's budget in order to make
20 the program successful?

21 SENATOR KENNEDY: Is that another
22 question, Mr. President?

23 ACTING PRESIDENT BENJAMIN: Yes, it
24 is. Do you yield?

25 SENATOR KENNEDY: Yes, I'll yield.

1 Depending on the decisions that will
2 be made throughout the course of the next budget
3 process in 2020, there could be a separate
4 allocation of funds for Empire State Development
5 specifically focused on this bill and on the
6 language within this bill. And quite frankly,
7 it's something that I'll be advocating on. I
8 think the more we can work to eradicate these
9 food deserts -- again, as I already mentioned, we
10 have a duty and an obligation to get after these
11 food deserts and do our best to get rid of them.

12 That being said, though, as the bill
13 is written, up and until next year -- and it will
14 be up to Empire State Development using the
15 resources that are allocated through Empire State
16 Development. And we know that those numbers are
17 robust, that they can find resources, depending
18 on the community that they're working to serve,
19 in order to implement this program.

20 SENATOR RANZENHOFER:
21 Mr. President, if the sponsor will yield.

22 ACTING PRESIDENT BENJAMIN: Does
23 the sponsor yield?

24 SENATOR KENNEDY: Yes.

25 ACTING PRESIDENT BENJAMIN: The

1 sponsor yields.

2 SENATOR RANZENHOFER: So there's no
3 funding right now. And I understand that,
4 because the program is being debated right now.
5 So how much of a state allocation would you be
6 requesting as a Senator that would be necessary
7 on a statewide basis to make this a successful
8 program?

9 SENATOR KENNEDY: Through you,
10 Mr. President, once we pass this bill and once
11 the budget cycle begins, we will certainly
12 address any funding gap that may exist.

13 SENATOR RANZENHOFER:
14 Mr. President, if the sponsor will continue to
15 yield.

16 ACTING PRESIDENT BENJAMIN: Does
17 the sponsor yield?

18 SENATOR KENNEDY: Yes.

19 ACTING PRESIDENT BENJAMIN: The
20 sponsor yields.

21 SENATOR RANZENHOFER: Yes. Does
22 the sponsor have any historical information in
23 terms of how much money is needed to make a
24 program like this work in the State of New York?

25 SENATOR KENNEDY: Through you,

1 Mr. President, the New York Healthy Food and
2 Healthy Communities Fund had \$30 million
3 allocated to it. That \$30 million no longer
4 exists. It has been zeroed out. There were many
5 different opportunities and investments that
6 happened through that program across this state
7 in both Democratic and Republican districts. I
8 can certainly provide that list to my colleague
9 if he's interested.

10 SENATOR RANZENHOFER:

11 Mr. President, a final question.

12 ACTING PRESIDENT BENJAMIN: Does
13 the sponsor yield?

14 SENATOR KENNEDY: Yes,
15 Mr. President.

16 ACTING PRESIDENT BENJAMIN: The
17 sponsor yields.

18 SENATOR RANZENHOFER: So would it
19 be your thought, based on the Healthy New York
20 program, that we would need an investment of at
21 least \$30 million to make this an effective
22 program across the state?

23 SENATOR KENNEDY: Through you,
24 Mr. President, it is a separate bill from the
25 New York Healthy Food and Healthy Communities

1 Fund. This bill specifically focuses on ESD,
2 given the resources that they currently have.

3 And it will be up to ESD to
4 determine within the confines of the budget
5 allocation that they've been given in this budget
6 cycle, to find the resources necessary in the
7 various pools of funding available to them to
8 enact this legislation in the various food
9 deserts across the state to allow for healthy
10 fruits and vegetables to be provided in these
11 communities.

12 That being said, if in fact there is
13 a further need as determined between now and the
14 next budget cycle, we will certainly take that
15 into consideration.

16 SENATOR RANZENHOFER:
17 Mr. President, one more final question?

18 (Laughter.)

19 ACTING PRESIDENT BENJAMIN: Does
20 the sponsor yield?

21 SENATOR KENNEDY: For one more
22 final answer, yes, Mr. President.

23 ACTING PRESIDENT BENJAMIN: The
24 sponsor yields.

25 SENATOR RANZENHOFER: So it is your

1 understanding that with the passage of this
2 year's budget, with the allocation to UDC and
3 ESDC, that they are going to be using funds that
4 are allocated in this year's budget to get this
5 program up and running?

6 SENATOR KENNEDY: Through you,
7 Mr. President, yes.

8 SENATOR RANZENHOFER:
9 Mr. President, I'd just like to thank the sponsor
10 for the answers that he provided.

11 ACTING PRESIDENT BENJAMIN: Senator
12 Ranzenhofer on the bill.

13 SENATOR RANZENHOFER: I'm done.
14 Thank you. I already thanked him. Thank you.

15 ACTING PRESIDENT BENJAMIN: Are
16 there any other Senators wishing to be heard?

17 Seeing and hearing none, the debate
18 is closed.

19 Senator Gianaris.

20 SENATOR GIANARIS: Mr. President,
21 without objection, can we please return this bill
22 to the noncontroversial calendar.

23 ACTING PRESIDENT BENJAMIN: Without
24 objection, so ordered.

25 Read the last section.

1 THE SECRETARY: Section 4. This
2 act shall take effect on the first of April.

3 ACTING PRESIDENT BENJAMIN: Call
4 the roll.

5 (The Secretary called the roll.)

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

8 SENATOR KENNEDY: Yes,
9 Mr. President. First of all, let me first of all
10 thank you for your indulgence, thank my
11 colleagues for their support of this bill, my
12 colleagues for their questions. And certainly to
13 the leader, Andrea Stewart-Cousins, for making
14 this a priority as we are addressing the lack of
15 healthy food options throughout the State of
16 New York and hopefully demonstrating to the rest
17 of the nation how it's done.

18 It is so important that we give
19 individuals -- regardless of zip code, regardless
20 of socioeconomic status, regardless of
21 demographics -- all across this state
22 accessibility to fruits and vegetables. We have
23 to do everything in our power to eradicate these
24 food deserts. The work we have to get to that
25 point is immense.

1 By bringing in Empire State
2 Development and bringing in the ability for
3 New York State to actually invest in retailers
4 that are willing to go into these communities
5 that don't have access to these healthy options,
6 ultimately we are satisfying a goal that I think
7 is far too long in the making.

8 And with that, I'm very proud of
9 this legislation, the work that we've done with
10 the local communities, with my colleagues in
11 advancing it. And I would ask my colleagues to
12 support this legislation in making a real
13 difference in the lifestyles, the ability for
14 individuals to gain access to healthier
15 lifestyles on a daily basis, once again,
16 regardless of where they live.

17 Mr. President, I vote aye.

18 ACTING PRESIDENT BENJAMIN: Senator
19 Kennedy to be recorded in the affirmative.

20 Senator Montgomery to explain her
21 vote.

22 SENATOR MONTGOMERY: Yes, thank
23 you, Mr. President.

24 I rise to thank Senator Kennedy for
25 this legislation. It's certainly satisfies a

1 very important issue in my own district, as it
2 does, I'm sure, for many of us in this room who
3 represent food deserts for sure. I'm thinking
4 about specifically Red Hook, who is also
5 represented by Assemblymember Ortiz, who is
6 carrying this bill in the Assembly; Farragut,
7 Bedford-Stuyvesant, parts of Bedford-Stuyvesant
8 in my district, certainly Ocean Hill and some
9 other areas.

10 And let me just say it's been many,
11 many, many, many years that these have been
12 communities that are food deserts for sure and
13 communities with the highest rates of indicated
14 diseases like obesity, for instance,
15 hypertension, and other food-related health
16 issues.

17 I'm very happy that there is in this
18 legislation an opportunity for not-for-profit
19 organizations that do sponsor farmers' markets.
20 Because for many, many people that I represent,
21 the farmers' markets is where they get their
22 fresh produce. And it's also where communities
23 connect directly with farmers in our state.

24 And so this bill really is very
25 important. And I want to say once again, for

1 Senator Kennedy, I think you've thought it
2 through. And you mentioned Wegmans. We finally,
3 after many, many, many years, will be getting a
4 Wegmans in Brooklyn. I'm just very excited about
5 it. And I hope -- they were not able -- we were
6 not able to access this legislation on their
7 behalf, but I believe that this bill will help us
8 increase and improve access to fresh, healthy
9 food in parts of my district.

10 So Mr. President, with that, I want
11 to thank Senator Kennedy again, and I vote aye.

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

14 Senator Rivera to explain his vote.

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

17 Through you, Mr. President, I had
18 the sense -- from listening to some of the
19 debate, I had the sense that maybe Senator
20 Kennedy was just a terrible person for suggesting
21 such a thing. And so I was like, I'm not sure if
22 this is the right bill that they're discussing.
23 So I went to the bill, Mr. President, and then I
24 heard the discussion and I heard Senator Kennedy
25 just explain over and over and over again that

1 perhaps there's certain places in the state --
2 and certainly the ones in my district, the ones
3 in Senator Montgomery's district -- where you
4 have food deserts and people who own businesses
5 who are looking to bring resources, fresh fruits
6 and vegetables and good resources that people can
7 bring to those parts of our state.

8 And the idea -- and again, I have to
9 check once and once and once and again. And it
10 just basically just creates the ability for
11 certain entities to be able to seek state money
12 for -- to be able to develop, you know, access to
13 fruits and vegetables, fresh fruits and
14 vegetables, in places that currently do not have
15 them.

16 I think that's a great idea. And I
17 think that having access to state money is a --
18 and we can certainly have a conversation about
19 the agency that manages it. However, the idea
20 that we would create economic opportunity by also
21 creating opportunity for access for fresh fruits
22 and vegetables and other things that will make
23 communities healthier, I think that's a great
24 idea.

25 So Senator Kennedy -- through you,

1 Mr. President -- I do not believe that you're a
2 terrible person. The opposite is true; I believe
3 you're a great person with a great piece of
4 legislation. I vote in the affirmative.

5 Thank you, Mr. President.

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

8 Senator Lanza to explain his vote.

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

11 First of all -- this only happens
12 once in a while -- I agree with Senator Rivera.
13 I don't think Senator Kennedy is a bad person
14 either.

15 You know, but it's a little strange
16 to suggest that debating ideas and talking about
17 a bill and asking questions about how it will
18 impact the people of the State of New York that
19 we represent somehow implies personal feelings
20 towards a member or not. You know, that's the
21 whole idea of this floor and why we attend. If
22 not, we should just all go home, maybe we could
23 just phone in our votes.

24 Debate is a good thing. Asking
25 questions about legislation is what we are

1 supposed to do.

2 You know, first let me say, with
3 respect to the merits of this, there's absolutely
4 no disagreement between myself and I think anyone
5 in this body and Senator Kennedy with respect to
6 the problem. And I want to thank Senator Kennedy
7 for bringing attention and focus to this issue,
8 which is real. Anything we could do,
9 Mr. President, in this state to create greater
10 access to markets is what we ought to be doing.

11 Now, we can debate for a long time
12 what is hindering that. And I in particular
13 agree with Senator Kennedy that anything -- if
14 anyone -- if this legislation or anything else
15 allows or incentivizes more retailers to bring
16 good food, healthy food, nutritious food into
17 more communities, that's a great thing.

18 Here's the problem I have with the
19 legislation and why I'm not going to support it
20 at this time. And it's based on what we've
21 discussed. First of all, to have the Empire
22 State Development Corp. be the arbiter with
23 respect to the details of this program is greatly
24 disturbing to me.

25 You know, I've been paying attention

1 for a number of years. They've been around for a
2 number of years. I don't recall a single
3 Democrat or Republican singing their praise.
4 Someone ought to tell me or point out one success
5 story that we can all agree they have
6 accomplished in the State of New York. And it
7 would come as a surprise to me, because I listen
8 to my colleagues, and I don't know of any. But I
9 think they've come under great criticism in a
10 bipartisan way.

11 I would trust -- and I do trust
12 Senator Kennedy and this body to provide the
13 details. I would rather that this legislation
14 say, Hey, we're going to identify those areas
15 that are in need, and this is what the program is
16 going to do. If you can meet that need, here's
17 what you're going to get. I'm all for that. And
18 as I said, I know that Senator Kennedy would do a
19 better job than ESDC at accomplishing that.

20 And so sadly, because this is an
21 important goal and I hope this does even one
22 small thing in meeting the need -- but I'm
23 doubtful, given the ambiguity of the legislation
24 in terms of how this program will actually work.
25 Again, I'd rather that Senator Kennedy and this

1 legislative body come up with the details, maybe
2 in the way of an RFP or something else, a tax
3 incentive, available to everyone. I think we
4 would do a better job. I know Senator Kennedy
5 would do a better job than ESD.

6 So sadly, Mr. President, I'm going
7 to vote in the negative.

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

10 Senator Krueger to explain her vote.

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

13 I get up to support Senator
14 Kennedy's bill, although I have to say Senator
15 Lanza has some pretty good points. It's very
16 hard to find anything that I think ESDC has done
17 well either. But I support this bill because
18 it's so crucial that we do a model in the State
19 of New York.

20 Back in the early 1990s, I worked
21 with an organization, Community Food Resource
22 Center, that did research on food deserts in
23 New York City. And we worked with the City
24 Council to change some zoning and to try to
25 increase loans to food stores to locate in poor

1 communities.

2 And what I learned at that time was
3 it was not just by accident that there were
4 sometimes food deserts, but that there were those
5 in the food industry themselves who wanted to
6 make sure that stores that sold healthy foods,
7 fruits and vegetables, more nutritious foods,
8 weren't allowed to open up or remain open in
9 locations where poor people lived because they
10 actually had their own stores in these
11 communities that weren't providing healthy fresh
12 foods and vegetables. They had their own stores
13 in these communities where they were charging
14 radically more than other stores and supermarkets
15 would charge, and that they were trapped in this
16 game with some disturbed -- excuse me, some
17 disturbing wholesalers who were setting this
18 whole thing up.

19 And so it was clear then, and it's
20 still clear today, we as the State of New York
21 need to make some investments to make sure that
22 there are healthy food stores in all communities,
23 particularly underserved communities, poor
24 communities. There are models -- another
25 Senator, in questioning, said are there any

1 models. There are fabulous models out there.
2 Pennsylvania has had The Food Trust organization
3 for years and has probably done the best job of
4 expanding targeted food stores. And so there are
5 even handbooks on their website how to do it
6 right.

7 So we could actually do it right in
8 this state, and it would be a great victory for
9 all of our communities. And let's not forget
10 creating more food stores in poor communities has
11 been shown to not reduce the number of food
12 stores, but to actually expand the number of food
13 stores. And food stores create real jobs.
14 They're not online, they're real jobs in our
15 communities, bricks-and-mortar stores, there are
16 truck deliveries with truckers delivering food.
17 Our agriculture grows when there's more
18 opportunity to buy food. And of course in the
19 poorest communities it means SNAP can be used for
20 healthier foods, which is also a critical win.

21 So yes, I want to hold the State of
22 New York's feet to the fire when this becomes law
23 to make sure we do it right, because we can.

24 But I want to thank Senator Kennedy
25 for not ignoring a very real issue for so many

1 particularly poor underserved communities in the
2 State of New York. I proudly vote yes.

3 Thank you, Mr. President.

4 ACTING PRESIDENT BENJAMIN: Senator
5 Krueger to be recorded in the affirmative.

6 Senator May to explain her vote.

7 SENATOR MAY: Thank you,
8 Mr. President. And I want to thank Senator
9 Kennedy for bringing this bill.

10 Senator Antonacci brought up an
11 unfortunate circumstance that did happen in
12 Syracuse. I think it was more nuanced than just
13 a two-way competition. But it's possible that
14 that actually would have been improved if we'd
15 had some coordination and equitable support for
16 the development of grocery stores in Syracuse.

17 As it is now, 30 percent of
18 households in Syracuse have no car. And public
19 transportation is wholly inadequate. Even the
20 sidewalks aren't systematically cleared of snow.
21 So getting to a grocery is very difficult for
22 many, many families in Syracuse. So this has the
23 potential to make real difference for people
24 there.

25 Meanwhile, I think we need to

1 remember that those of us who drive cars out to
2 the Wegmans or other big supermarkets are being
3 subsidized all the time for our use of those cars
4 in the form of road maintenance and policing, in
5 the form of subsidies for fossil fuels and for
6 climate change that we are all -- our children
7 are subsidizing on our behalf.

8 And so I think it only is reasonable
9 to take steps to make sure that this kind of
10 healthy food is available to the people who have
11 no access and have no access because the
12 so-called free market is setting up winners and
13 losers in our society all the time that don't
14 deserve to have -- or the losers, anyway, don't
15 deserve to lose.

16 So I thank Senator Kennedy for this
17 bill, and I proudly vote yes.

18 ACTING PRESIDENT BENJAMIN: Senator
19 May to be recorded in the affirmative.

20 Senator Comrie to explain his vote.

21 SENATOR COMRIE: Thank you,
22 Mr. President. I also rise to support Senator
23 Kennedy's bill.

24 Back when -- about 12 years ago, we
25 addressed this issue in New York City, in the

1 City Council, and we realized that the creation
2 of food alternatives lifts the bar for everybody.
3 It creates more responsible delis, it creates
4 more responsible local stores that are trying to
5 stay competitive. It creates an opportunity for
6 everyone that is selling product to understand
7 that there will be more product available, more
8 fresh product available.

9 We created fresh fruit carts in the
10 city to try to deal with food deserts, and they
11 were successful for a while. But what happened
12 was all of the stores got better. All of the
13 bodegas got better. All of the food markets got
14 better. And it came to the point where the food
15 carts were no longer necessary because all of the
16 stores got better and delivered fresher fruit and
17 fresher product to the communities.

18 I would hope that there's
19 competition in the food deserts by multiple large
20 box retailers to try to deliver food in food
21 deserts. Because the food deserts are in black
22 and brown communities. The food deserts are in
23 impoverished communities such as Syracuse, where
24 you can't get transportation. The food deserts
25 are in the places where people most need to find

1 healthy alternatives so that they -- well, I was
2 going to say something about myself, but I'm
3 going to leave that alone.

4 (Laughter.)

5 SENATOR COMRIE: But it's important
6 that we create healthy alternatives for people.

7 So I want to applaud Senator Kennedy
8 for this legislation. I want to applaud all of
9 us for trying to continue to think about
10 incentives also for businesses in the state. And
11 I hope that we do more of both. It's important
12 that we incentivize businesses that want to
13 locate in New York State, that want to do right.
14 It's important that we try to come up with
15 healthy food options to make sure that every
16 resident in New York State can live a healthier
17 life.

18 And as I want to just continue to
19 emphasize to Senator Kennedy and to all of us,
20 it's important that we as legislators try to do
21 everything we can to benefit the residents of
22 New York State.

23 I vote aye.

24 ACTING PRESIDENT BENJAMIN: Senator
25 Comrie to be recorded in the affirmative.

1 Senator Bailey to explain his vote.

2 SENATOR BAILEY: Thank you,
3 Mr. President.

4 Let me be clear. It's very
5 important that we incentivize healthy eating. As
6 you know, I reside in the Bronx, New York, which
7 has been rated No. 62 out of 62 counties by the
8 Robert Wood Johnson Foundation in so many health
9 metrics.

10 And if you think about what food is,
11 it is a path to well-being. And so many people
12 in the Borough of the Bronx are not on that path,
13 Mr. President.

14 When I was in law school, I watched
15 a video called "Bodega Down Bronx," and it talked
16 about how food gets from certain locations to
17 bodegas and what people in urban communities
18 believe is fresh fruit. It saddened me one day
19 when I watching this video that this young girl
20 picked up a fruit pie, a grape fruit pie, and she
21 said, "This is what I eat. This is grapes."

22 Those are not grapes. It's
23 processed food. But if you live in an area where
24 you are conditioned to believe that and you don't
25 have the ability or the access to go elsewhere,

1 what else are your options? Your options are to
2 eat this processed food or literally starve,
3 Mr. President. We eat food to live.

4 Why is it that in certain chains the
5 price for food is higher in certain communities
6 in certain zip codes but it's lower in other ones
7 for the same exact item? Poverty has so many
8 taxes on it. And we cannot afford to not promote
9 growth, as Senator Comrie said. Promote that we
10 have competition in these communities.

11 So I'm not the biggest fan of the
12 big box stores, but if you want to -- if Trader
13 Joe's wants to battle Whole Foods and they want
14 to battle Wegmans and Fairway and you all want to
15 pay people the right wages and you want to feed
16 people the right thing in my district, have at
17 that. We have to have more so that we can do
18 better, Mr. President.

19 And Senator Kennedy, I applaud you.
20 Thank you for bringing this what I believe to be
21 commonsense bill to the floor.

22 I vote aye, Mr. President.

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

25 Senator Sepúlveda to explain his

1 vote.

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

5 I think Senators Bailey and Rivera
6 have stolen some of my thunder. But anyone who's
7 opposed to this bill for whatever reason, I
8 invite you to come and spend a week, a month, I
9 should say, and eat the foods that we see in our
10 communities that we represent, come and enjoy an
11 entree of processed food and meats that are laden
12 with fat and laden with a lot of unhealthy stuff
13 that don't go into richer neighborhoods. Foods
14 that are stale, fruits that are old, terrible
15 things that you see in these communities that
16 they call food, which I wouldn't feed to my
17 animals.

18 You know, I can tell you that if you
19 look at the Bronx, for example, we have the
20 highest diabetic rate, we have the highest rate
21 of obesity amongst children, and we have the
22 highest rate of asthma. We have the highest rate
23 of a lot of things that are bad in terms of
24 health. And so we need to do whatever we can to
25 change that.

1 Now, 75 percent of the problems that
2 we have medically, all of us as individuals, is
3 premised on the kind of food that we eat. And
4 I'll give you an example. Myself, I became a
5 vegan two years ago. I lost 37 pounds. I
6 also -- my cholesterol level was 205. Today I am
7 at 128. My triglycerides two years ago predicted
8 I was going to have a heart attack -- and I know
9 some members in this chamber wouldn't mind if I
10 had one anyway.

11 (Laughter.)

12 SENATOR SEPÚLVEDA: But the reality
13 is that as a result of eating good food, all my
14 biological metrics, all of them have improved to
15 the point where I'm like a 25-year-old.

16 And this is what I'd like to see in
17 my community, to see the children getting fresh
18 food, eliminating processed foods completely, to
19 see children getting vegetables that you want to
20 eat, to see the children getting stuff that are
21 high quality, low fat, high protein and high good
22 stuff. I want to see that throughout my
23 community, and you won't see that.

24 So thank you, Senator Kennedy. This
25 is a wonderful bill that I think can be

1 transformative in the kind of community that I
2 represent. And so we needed this, and let's
3 continue to do more. Rather than object to a
4 bill because we don't like the agency that's
5 running it, let's give it a try. Let's see how
6 we can do this, and let's see if we can work to
7 improve the diets of the communities that we
8 represent.

9 I vote affirmatively.

10 ACTING PRESIDENT BENJAMIN: Senator
11 Sepúlveda to be recorded in the affirmative.

12 Announce the results.

13 THE SECRETARY: In relation to
14 Calendar Number 852, those Senators voting in the
15 negative are Senators Akshar, Antonacci, Boyle,
16 Flanagan, Griffio, Jordan, Lanza, Serino, Seward,
17 Skoufis and Tedisco. Also Senator Ranzenhofer.

18 Ayes, 49. Nays, 12.

19 ACTING PRESIDENT BENJAMIN: The
20 bill is passed.

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

23 SENATOR GIANARIS: Mr. President,
24 if we can please return to reports of standing
25 committees. I believe there's a report of the

1 Rules Committee at the desk.

2 ACTING PRESIDENT BENJAMIN: Reports
3 of standing committees.

4 There is a report of the Rules
5 Committee at the desk.

6 The Secretary will read.

7 THE SECRETARY: Senator
8 Stewart-Cousins, from the Committee on Rules,
9 reports the following bills:

10 Senate Print 202, by Senator Ortt,
11 an act relating to authorizing the City of
12 Niagara Falls, County of Niagara, to reduce the
13 speed limit in downtown Niagara Falls;

14 Senate Print 245A, by
15 Senator Kennedy, an act to amend the
16 Social Services Law;

17 Senate Print 496, by Senator Rivera,
18 an act to amend the Election Law;

19 Senate Print 1084A, by
20 Senator Persaud, an act to amend the
21 Administrative Code of the City of New York;

22 Senate Print 1085A, by
23 Senator Persaud, an act to amend the Agriculture
24 and Markets Law;

25 Senate Print 1342A, by Senator

1 Rivera, an act to amend the Public Health Law;
2 Senate Print 1548, by Senator
3 Kennedy, an act to amend the Highway Law;
4 Senate Print 1590, by Senator
5 Sanders, an act to amend the Election Law;
6 Senate Print 1718, by Senator
7 Carlucci, an act to amend the Election Law;
8 Senate Print 1732, by
9 Senator Jacobs, an act to amend the
10 General Municipal Law;
11 Senate Print 1769, by
12 Senator Sepúlveda, an act to amend the
13 General Business Law;
14 Senate Print 2088, by
15 Senator Sanders, an act to amend the Banking Law
16 and the Penal Law;
17 Senate Print 2311, by Senator
18 Kavanagh, an act to amend the Election Law;
19 Senate Print 2490, by
20 Senator Addabbo, an act to amend the
21 Environmental Conservation Law;
22 Senate Print 2922, by Senator
23 Stavisky, an act to amend the Education Law;
24 Senate Print 2923, by Senator
25 Stavisky, an act to amend the Insurance Law;

1 Senate Print 3082, by
2 Senator Carlucci, an act to amend the Parks,
3 Recreation and Historic Preservation Law;

4 Senate Print 3204, by
5 Senator Comrie, an act establishing the 400 Years
6 of African-American History Commission;

7 Senate Print 3392, by Senator May,
8 an act to amend the Environmental Conservation
9 Law;

10 Senate Print 4070B, by
11 Senator Biaggi, an act to amend the Education
12 Law;

13 Senate Print 4294, by Senator May,
14 an act to amend Chapter 264 of the Laws of 2009;

15 Senate Print 4468, by
16 Senator Addabbo, an act authorizing
17 Jonathan Grossman to apply for a recalculation of
18 his retirement benefits;

19 Senate Print 4479, by
20 Senator Comrie, an act to amend the New York
21 State Urban Development Corporation Act;

22 Senate Print 4699, by Senator Ramos,
23 an act in relation to requiring the Commissioner
24 of Health to conduct a study relating to the
25 number of emergency room beds;

1 Senate Print 4808, by Senator
2 Harckham, an act to amend the Insurance Law;

3 Senate Print 4876, by
4 Senator Metzger, an act to amend the
5 Environmental Conservation Law;

6 Senate Print 4956, by
7 Senator Benjamin, an act to amend the
8 Business Corporation Law and the Not-For-Profit
9 Corporation Law;

10 Senate Print 5021, by
11 Senator Metzger, an act to amend the
12 Environmental Conservation Law;

13 Senate Print 5071, by Senator
14 Skoufis, an act to amend the Education Law;

15 Senate Print 5097, by
16 Senator Gaughran, an act granting retroactive
17 membership with Tier II status in the New York
18 State Teachers' Retirement System to Lori Cohen;

19 Senate Print 5193A, by
20 Senator O'Mara, an act to amend Chapter 210 of
21 the Laws of 2009;

22 Senate Print 5408, by
23 Senator Martinez, an act to amend the
24 Environmental Conservation Law;

25 Senate Print 5532B, by

1 Senator Gianaris, an act to amend the
2 Agriculture and Markets Law; and

3 Senate Print 6185, by Senator May,
4 an act to amend the Transportation Law.

5 All bills ordered direct to third
6 reading.

7 SENATOR GIANARIS: Move to accept
8 the report of the Rules Committee.

9 ACTING PRESIDENT BENJAMIN: All in
10 favor of accepting the report of the Rules
11 Committee signify by saying aye.

12 (Response of "Aye.")

13 ACTING PRESIDENT BENJAMIN:
14 Opposed, nay.

15 (No response.)

16 ACTING PRESIDENT BENJAMIN: The
17 Rules Committee report is accepted.

18 SENATOR GIANARIS: Mr. President,
19 if we can now move back to motions.

20 On behalf of Senator Gounardes, on
21 page 61 I offer the following amendments to
22 Calendar Number 847, Senate Print 5246, and ask
23 that said bill retain its place on the
24 Third Reading Calendar.

25 ACTING PRESIDENT BENJAMIN: The

1 amendments are received, and the bill shall
2 retain its place on the Third Reading Calendar.

3 SENATOR GIANARIS: On behalf of
4 Senator Benjamin, on page 3 I offer the following
5 amendments to Calendar 1144, Senate Print 4956,
6 and ask that said bill retain its place on
7 Third Reading Calendar.

8 ACTING PRESIDENT BENJAMIN: The
9 amendments are received, and the bill shall
10 retain its place on the Third Reading Calendar.

11 SENATOR GIANARIS: Can you
12 recognize Senator Gallivan, please.

13 ACTING PRESIDENT BENJAMIN: Senator
14 Gallivan.

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

17 On behalf of Senator Antonacci, on
18 page 55 I offer the following amendments to
19 Calendar Number 761, Senate Print Number 4471,
20 and ask that said bill retain its place on the
21 Third Reading Calendar.

22 ACTING PRESIDENT BENJAMIN: The
23 amendments are received, and the bill shall
24 retain its place on the Third Reading Calendar.

25 Senator Gianaris.

1 SENATOR GIANARIS: Mr. President,
2 remaining with motions and resolutions, can we
3 now take up as a group previously adopted
4 Resolutions 1614, 1615, 1617, and 1618, read
5 their titles only, and recognize Senator Addabbo
6 on the resolutions.

7 ACTING PRESIDENT BENJAMIN: The
8 Secretary will read.

9 THE SECRETARY: Senate Resolution
10 1614, by Senator Addabbo, commemorating the
11 40th Anniversary of the American Italian Heritage
12 Association.

13 Senate Resolution 1615, by
14 Senator Addabbo, commending Joe Girardi upon the
15 occasion of being selected as an honoree for this
16 year's Italian American Day on June 3, 2019.

17 Senate Resolution 1617, by
18 Senator Addabbo, commending Ricky Byrd upon the
19 occasion of being selected as an honoree for this
20 year's Italian American Day on June 3, 2019.

21 Senate Resolution 1618, by
22 Senator Addabbo, memorializing Governor Andrew M.
23 Cuomo to proclaim June 3, 2019, as Italian
24 American Day in the State of New York.

25 ACTING PRESIDENT BENJAMIN: Senator

1 Addabbo on the resolutions.

2 SENATOR ADDABBO: Thank you,
3 Mr. President.

4 Good afternoon, everyone.

5 Today we are all Italian. We join
6 the 3 million Italians in our state. I want to
7 thank this body and the Governor for
8 acknowledging Italian Heritage Day on this first
9 Monday in June.

10 The Conference of Italian American
11 Legislators, I want to thank them all, because
12 they really did phenomenal work.

13 One of the best things we do this
14 year is not only promote the positive influences
15 of Italian Americans, but we hand out
16 scholarships for students throughout the state.
17 And this year we handed out four scholarships,
18 each totaling \$3,500. The scholarship winners
19 for this year are Logan Tyler Meda, in Senator
20 Carlucci's district; Mia Lily Cutrona, from
21 Senator Lanza's district; Jared William Welch,
22 from Senator Akshar's district; and Jason
23 Carretta, from Senator Lanza's district.

24 We congratulate all the scholarship
25 winners, and we wish them well in their future

1 endeavors.

2 This year also we have three
3 honorees for our Festa. You are all invited at
4 6:30 tonight to the Italian Festa. It's a great
5 segue from the previous debate that we spoke
6 about food, because us Italians are all about
7 food. So you'll have good food at the Festa.

8 This year we have three honorees.
9 Our first honoree is Ricky Byrd. Ricky Byrd is a
10 member of the Rock and Roll Hall of Fame. The
11 man played guitar with Paul McCartney on the
12 stage at the Rock and Roll Hall of Fame. He
13 thinks this is a big deal.

14 Ricky is an original member of the
15 Blackhearts. If you've ever heard of Joan Jett &
16 the Blackhearts, that's Ricky Byrd.

17 And we honor him today not only for
18 his induction into the Rock and Roll Hall of
19 Fame, but Ricky was the founder of the Rockers in
20 Recovery, treating industry musicians for their
21 addictions. And he always applauded us for the
22 work we did on the opioid addiction. Ricky,
23 thank you for your work. Really appreciate it.

24 We're also honoring Mario Cilento,
25 president of the New York State AFL-CIO, for his

1 dedicated work for our dedicated workers
2 throughout the state.

3 And last but not least, World
4 Series, Major League Baseball, world champion
5 catcher -- this is hard to do as a Met fan, I'm
6 sorry -- but we are honoring Joe Girardi, the
7 third of this year's honorees. Again, everyone
8 is welcome to the Festa at 6:30.

9 We are also acknowledging through
10 the resolutions today the American Italian
11 Heritage Association. They are celebrating their
12 40th anniversary, 10th anniversary of the museum
13 located in Albany, and the fifth anniversary of
14 its Cultural Center. And we have its members
15 standing before us today as well. We
16 congratulate them.

17 I want to thank you all for being
18 honored and for your service to our state. Thank
19 you all.

20 My colleagues, thank you so much for
21 your time today. Thank you, Mr. President.

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

1 recognized.

2 (Standing ovation.)

3 ACTING PRESIDENT BENJAMIN: The
4 resolution was previously adopted on May 30th.

5 Senator Gianaris.

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

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

13 Senator Gianaris.

14 SENATOR GIANARIS: Can we now take
15 up the reading of the supplemental calendar.

16 ACTING PRESIDENT BENJAMIN: The
17 Secretary will read.

18 THE SECRETARY: Calendar Number
19 1019, Senate Print 202, by Senator Ortt, an act
20 relating to authorizing the City of Niagara
21 Falls, County of Niagara, to reduce the speed
22 limit in downtown Niagara Falls.

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

25 Read 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:
7 Announce the results.

8 THE SECRETARY: Ayes, 61.

9 ACTING PRESIDENT BENJAMIN: The
10 bill is passed.

11 There is a substitution at the desk.

12 The Secretary will read.

13 THE SECRETARY: On page 1,
14 Senator Kennedy moves to discharge, from the
15 Committee on Finance, Assembly Bill Number 580
16 and substitute it for the identical Senate Bill
17 245A, Third Reading Calendar 1119.

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

20 The Secretary will read.

21 THE SECRETARY: Calendar Number
22 1119, Assembly Print Number 580, by
23 Assemblymember Jaffee, an act to amend the
24 Social Services Law.

25 ACTING PRESIDENT BENJAMIN: Read

1 the last section.

2 THE SECRETARY: Section 2. 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: In relation to
10 Calendar Number 1119, voting in the negative:
11 Senator Helming.

12 Ayes, 60. Nays, 1.

13 ACTING PRESIDENT BENJAMIN: The
14 bill is passed.

15 THE SECRETARY: Calendar Number
16 1120, Senate Print 496, by Senator Rivera, an act
17 to amend the Election Law.

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: In relation to
3 Calendar 1120, those Senators voting in the
4 negative are Senators Akshar, Amedore, Antonacci,
5 Boyle, Flanagan, Gallivan, Griffo, Jacobs,
6 Jordan, Lanza, LaValle, Little, O'Mara, Ritchie,
7 Robach, Serino, Seward and Tedisco.

8 Ayes, 43. Nays, 18.

9 ACTING PRESIDENT BENJAMIN: The
10 bill is passed.

11 THE SECRETARY: Calendar Number
12 1122, Senate Print 1085A, by Senator Persaud, an
13 act to amend the Agriculture and Markets Law.

14 ACTING PRESIDENT BENJAMIN: Read
15 the last section.

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

18 ACTING PRESIDENT BENJAMIN: Call
19 the roll.

20 (The Secretary called the roll.)

21 ACTING PRESIDENT BENJAMIN:
22 Announce the results.

23 THE SECRETARY: In relation to
24 Calendar Number 1122, those Senators voting in
25 the negative are Senators Akshar, Amedore,

1 Antonacci, Helming, Jacobs and Little.

2 Ayes, 55. Nays, 6.

3 ACTING PRESIDENT BENJAMIN: The
4 bill is passed.

5 THE SECRETARY: Calendar Number
6 1123, Senate Print 1342A, by Senator Rivera, an
7 act to amend the Public Health Law.

8 ACTING PRESIDENT BENJAMIN: Read
9 the last section.

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

12 ACTING PRESIDENT BENJAMIN: Call
13 the roll.

14 (The Secretary called the roll.)

15 ACTING PRESIDENT BENJAMIN:
16 Announce the results.

17 THE SECRETARY: In relation to
18 Calendar Number 1123, voting in the negative:
19 Senator Lanza.

20 Ayes, 60. Nays, 1.

21 ACTING PRESIDENT BENJAMIN: The
22 bill is passed.

23 THE SECRETARY: Calendar Number
24 1124, Senate Print 1548, by Senator Kennedy, an
25 act to amend the Highway Law.

1 ACTING PRESIDENT BENJAMIN: There
2 is a home-rule message at the desk.

3 Read the last section.

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

6 ACTING PRESIDENT BENJAMIN: Call
7 the roll.

8 (The Secretary called the roll.)

9 ACTING PRESIDENT BENJAMIN:
10 Announce the results.

11 THE SECRETARY: In relation to
12 Calendar Number 1124, recorded in the negative:
13 Senator Funke.

14 Ayes, 60. Nays, 1.

15 ACTING PRESIDENT BENJAMIN: The
16 bill is passed.

17 There is a substitution at the desk.

18 The Secretary will read.

19 THE SECRETARY: Senator Sanders
20 moves to discharge, from the Committee on
21 Finance, Assembly Bill Number 163 and substitute
22 it for the identical Senate Bill 1590,
23 Third Reading Calendar 1125.

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

1 The Secretary will read.

2 THE SECRETARY: Calendar Number
3 1125, Assembly Print Number 163, by
4 Assemblymember Rosenthal, an act to amend the
5 Election Law.

6 ACTING PRESIDENT BENJAMIN: Read
7 the last section.

8 THE SECRETARY: Section 2. This
9 act shall take effect January 1, 2021.

10 ACTING PRESIDENT BENJAMIN: Call
11 the roll.

12 (The Secretary called the roll.)

13 ACTING PRESIDENT BENJAMIN: Senator
14 Akshar to explain his vote.

15 SENATOR AKSHAR: Mr. President,
16 thank you very much for your indulgence to
17 explain my vote.

18 The sponsor and I had the good
19 fortune of having a discussion about this bill
20 last year on several occasions. Sadly, we
21 couldn't move it.

22 From my perspective, the sample
23 ballot online is not problematic so long as there
24 is an appropriate framework surrounding that
25 particular posting of the sample ballot being put

1 online -- and, of course, putting the appropriate
2 safeguards in place.

3 In this particular bill, in the
4 bill-in-chief, there's no specific language that
5 differentiates between the actual ballot that is
6 accepted in the voting machine and the sample
7 ballot that's being put online. One could
8 potentially print off the sample ballot that is
9 online and then use that very same ballot on
10 Election Day.

11 And I think what exacerbates that
12 particular issue that I speak of is the bill that
13 we passed on the 22nd of May that Senator Myrie
14 sponsored where we've removed the perforation and
15 the tab on the ballot. And by doing so, we did
16 away with ballot accountability in that
17 particular piece of legislation. So my fear is
18 that the bill-in-chief, along with the bill that
19 we passed on the 22nd of May, is going to
20 encourage fraud in the system.

21 The goal is always to encourage
22 participation, and I think we've done that in
23 many different ways with the voting reforms that
24 we've passed. But we should never do that, that
25 goal should never be achieved at the expense of

1 ballot integrity. And I think that that's what's
2 going to happen here.

3 Mr. President, I vote no.

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

6 Announce the results.

7 THE SECRETARY: In relation to
8 Calendar Number 1125, those Senators voting in
9 the negative are Senators Akshar, Amedore,
10 Antonacci, Boyle, Flanagan, Funke, Gallivan,
11 Griffo, Helming, Jacobs, Jordan, LaValle, Little,
12 O'Mara, Ortt, Ranzenhofer, Ritchie, Robach,
13 Serino, Seward and Tedisco.

14 Ayes, 40. Nays, 21.

15 ACTING PRESIDENT BENJAMIN: The
16 bill is passed.

17 There is a substitution at the desk.

18 The Secretary will read.

19 THE SECRETARY: Senator Carlucci
20 moves to discharge, from the Committee on
21 Elections, Assembly Bill Number 1565 and
22 substitute it for the identical Senate Bill 1718,
23 Third Reading Calendar 1126.

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

1 The Secretary will read.

2 THE SECRETARY: Calendar Number
3 1126, Assembly Print Number 1565, by
4 Assemblymember Galef, an act to amend the
5 Election Law.

6 ACTING PRESIDENT BENJAMIN: Read
7 the last section.

8 THE SECRETARY: Section 3. This
9 act shall take effect one year after it shall
10 have become a law.

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, 61.

17 ACTING PRESIDENT BENJAMIN: The
18 bill is passed.

19 THE SECRETARY: Calendar Number
20 1127, Senate Print 1732, by Senator Jacobs, an
21 act to amend the General Municipal Law.

22 ACTING PRESIDENT BENJAMIN: Read
23 the last section.

24 THE SECRETARY: Section 2. 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: Ayes, 60. Nays, 1.
7 Senator Antonacci recorded in the negative.

8 ACTING PRESIDENT BENJAMIN: The
9 bill is passed.

10 THE SECRETARY: Calendar Number
11 1128, Senate Print 1769, by Senator Sepúlveda, an
12 act to amend the General Business Law.

13 ACTING PRESIDENT BENJAMIN: Read
14 the last section.

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

17 ACTING PRESIDENT BENJAMIN: Call
18 the roll.

19 (The Secretary called the roll.)

20 ACTING PRESIDENT BENJAMIN:
21 Announce the results.

22 THE SECRETARY: In relation to
23 Calendar Number 1128, those Senators voting in
24 the negative are Senators Amedore, Flanagan,
25 Gallivan, Jacobs, Jordan, Lanza, Little, Serino

1 and Tedisco --

2 ACTING PRESIDENT BENJAMIN: Senator
3 Little to explain her vote.

4 SENATOR LITTLE: Thank you,
5 Mr. President.

6 Certainly no one wants to see
7 someone held against their will for a long period
8 of time. But when you limit it to one hour of --
9 in order to have the police come and to actually
10 apprehend someone who has been found shoplifting
11 in a store, that's not always possible in my
12 area. So it may take longer than that, and it
13 should, you know, be allowed.

14 So you certainly wouldn't let the
15 person go just because the police were taking so
16 long to come. We don't have police departments
17 in every single town. We rely on the State
18 Police, the sheriff's department, and it does
19 take time, unfortunately.

20 So I vote no.

21 ACTING PRESIDENT BENJAMIN: Senator
22 Little to be recorded in the negative.

23 Announce the results.

24 THE SECRETARY: In relation to
25 Calendar Number 1128, those Senators voting in

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

5 Ayes, 43. Nays, 18.

6 ACTING PRESIDENT BENJAMIN: The
7 bill is passed.

8 THE SECRETARY: Calendar Number
9 1129, Senate Print 2088, by Senator Sanders, an
10 act to amend the Banking Law and the Penal Law.

11 ACTING PRESIDENT BENJAMIN: Read
12 the last section.

13 THE SECRETARY: Section 11. This
14 act shall take effect on the 30th day after it
15 shall have become a law.

16 ACTING PRESIDENT BENJAMIN: Call
17 the roll.

18 (The Secretary called the roll.)

19 ACTING PRESIDENT BENJAMIN:
20 Announce the results.

21 THE SECRETARY: In relation to
22 Calendar Number 1129, those Senators voting in
23 the negative are Senators Amedore, Antonacci,
24 Boyle, Flanagan, Funke, Gallivan, Griffio,
25 Helming, Jacobs, Jordan, LaValle, O'Mara, Ortt,

1 Ranzenhofer, Ritchie, Robach, Seward and Tedisco.

2 Ayes, 43. Nays, 18.

3 ACTING PRESIDENT BENJAMIN: The
4 bill is passed.

5 THE SECRETARY: Calendar Number
6 1130, Senate Print 2311, by Senator Kavanagh, an
7 act to amend the Election Law.

8 ACTING PRESIDENT BENJAMIN: Read
9 the last section.

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

12 ACTING PRESIDENT BENJAMIN: Call
13 the roll.

14 (The Secretary called the roll.)

15 ACTING PRESIDENT BENJAMIN:
16 Announce the results.

17 THE SECRETARY: In relation to
18 Calendar Number 1130, those Senators voting in
19 the negative are Senators Amedore, Flanagan,
20 Gallivan, Griffo, Helming, Jacobs, Jordan,
21 O'Mara, Ortt, Ranzenhofer, Ritchie, Robach,
22 Serino, Seward and Tedisco.

23 Ayes, 46. Nays, 15.

24 ACTING PRESIDENT BENJAMIN: The
25 bill is passed.

1 THE SECRETARY: Calendar Number
2 1131, Senate Print 2490, by Senator Addabbo, an
3 act to amend the Environmental Conservation Law.

4 ACTING PRESIDENT BENJAMIN: Read
5 the last section.

6 THE SECRETARY: Section 2. This
7 act shall take effect on the 90th day after it
8 shall have become a law.

9 ACTING PRESIDENT BENJAMIN: Call
10 the roll.

11 (The Secretary called the roll.)

12 ACTING PRESIDENT BENJAMIN:
13 Announce the results.

14 THE SECRETARY: In relation to
15 Calendar Number 1131, those Senators voting in
16 the negative are Senators Amedore, Antonacci,
17 Flanagan, Gallivan, Griffio, Jordan, O'Mara, Ortt
18 and Robach.

19 Ayes, 52. Nays, 9.

20 ACTING PRESIDENT BENJAMIN: The
21 bill is passed.

22 THE SECRETARY: Calendar Number
23 1132, Senate Print 2922, by Senator Stavisky, an
24 act to amend the Education Law.

25 ACTING PRESIDENT BENJAMIN: Read

1 the last section.

2 THE SECRETARY: Section 2. 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, 61.

10 ACTING PRESIDENT BENJAMIN: The
11 bill is passed.

12 THE SECRETARY: Calendar Number
13 1133, Senate Print 2923, by Senator Stavisky, an
14 act to amend the Insurance Law.

15 ACTING PRESIDENT BENJAMIN: Read
16 the last section.

17 THE SECRETARY: Section 2. This
18 act shall take effect on the 90th day after it
19 shall have become a law.

20 ACTING PRESIDENT BENJAMIN: Call
21 the roll.

22 (The Secretary called the roll.)

23 ACTING PRESIDENT BENJAMIN:
24 Announce the results.

25 THE SECRETARY: Ayes, 60. Nays, 1.

1 Senator Helming recorded in the negative.

2 ACTING PRESIDENT BENJAMIN: The
3 bill is passed.

4 THE SECRETARY: Calendar Number
5 1134, Senate Print 3082, by Senator Carlucci, an
6 act to amend the Parks, Recreation and Historic
7 Preservation Law.

8 ACTING PRESIDENT BENJAMIN: Read
9 the last section.

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

12 ACTING PRESIDENT BENJAMIN: Call
13 the roll.

14 (The Secretary called the roll.)

15 ACTING PRESIDENT BENJAMIN:
16 Announce the results.

17 THE SECRETARY: Ayes, 61.

18 ACTING PRESIDENT BENJAMIN: The
19 bill is passed.

20 THE SECRETARY: Calendar Number
21 1135, Senate Print 3204, by Senator Comrie, an
22 act establishing the 400 Years of
23 African-American History Commission.

24 ACTING PRESIDENT BENJAMIN: Read
25 the last section.

1 THE SECRETARY: Section 7. 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: Ayes, 61.

9 ACTING PRESIDENT BENJAMIN: The
10 bill is passed.

11 THE SECRETARY: Calendar Number
12 1136, Senate Print 3392, by Senator May, an act
13 to amend the Environmental Conservation Law.

14 ACTING PRESIDENT BENJAMIN: Read
15 the last section.

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

18 ACTING PRESIDENT BENJAMIN: Call
19 the roll.

20 (The Secretary called the roll.)

21 ACTING PRESIDENT BENJAMIN: Senator
22 May to explain her vote.

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

25 I want to thank my colleagues and

1 the Majority Leader for supporting this important
2 bill, and the advocates who have worked so hard
3 to raise awareness about this issue.

4 New York State has wisely banned
5 fracking, largely to protect our land, water and
6 air from harmful environmental impacts. But we
7 unaccountably exempt fracking waste and other
8 waste from oil and gas extraction from our
9 hazardous waste regulations. Over 600,000 tons
10 of solid waste and 23,000 barrels of liquid waste
11 from fracking in Pennsylvania have made their way
12 into our state, possibly containing benzene,
13 formaldehyde, and other carcinogens, as well as
14 radioactive elements.

15 The hazardous waste loophole must
16 finally be closed for the safety of all
17 New Yorkers and our natural resources. And it
18 gives me great pride to sponsor this legislation
19 and see it finally pass in the Senate for the
20 first time. Thank you.

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

23 Announce the results.

24 THE SECRETARY: In relation to
25 Calendar 1136, those Senators voting in the

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

5 Ayes, 44. Nays, 17.

6 ACTING PRESIDENT BENJAMIN: The
7 bill is passed.

8 THE SECRETARY: Calendar Number
9 1137, Senate Print 4070B, by Senator Biaggi, an
10 act to amend the Education Law.

11 ACTING PRESIDENT BENJAMIN: Read
12 the last section.

13 THE SECRETARY: Section 3. This
14 act shall take effect on the first of July.

15 ACTING PRESIDENT BENJAMIN: Call
16 the roll.

17 (The Secretary called the roll.)

18 ACTING PRESIDENT BENJAMIN: Senator
19 Biaggi to explain her vote.

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

22 I want to first begin by thanking
23 our leader, Senator Andrea Stewart-Cousins, for
24 bringing this bill to the floor.

25 As many people in this chamber

1 probably already know, this bill has been pending
2 in New York State for seven years. And it's
3 because of the work of this conference, our
4 leader, and Erin Merryn, who is the creator
5 behind this bill's name's origin, Erin's Law, and
6 her national leadership in fighting for sexual
7 abuse victims and for policies like this one to
8 make sure that abuse does not continue.

9 I also want to thank Gary Greenberg,
10 because he is an instrumental part of this
11 legislation as well, and he has been tireless in
12 this body as well as in the Assembly.

13 This bill is incredibly essential to
14 me as a human being and as a State Senator
15 because as you all have already heard me speak in
16 this chamber about, I am a child sexual abuse
17 survivor. And had I had education or knowledge
18 at any step of the way, I would have been able to
19 prevent years and years and years of what the
20 trauma from that event had caused for me in my
21 life.

22 I know how important it is for
23 children to have the tools that they need to
24 protect themselves and to stop abuse and to
25 report it early and to reduce the harm, and that

1 is exactly what this bill has done.

2 This bill has passed in 36 other
3 states. It is actually right now on the
4 Governor's desk in New Jersey. So I hope that
5 New York can be the 37th state that passes Erin's
6 Law, and I am a proud aye vote, Mr. President.

7 Thank you very much.

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

10 Senator Savino to explain her vote.

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

13 I want to thank Senator Biaggi for
14 taking up this bill. As she pointed out, it has
15 been passed in this body now seven times; this
16 will be eighth time I will be voting on this
17 bill. And those of you who have been here on
18 this journey, you know that it was carried by her
19 predecessor Senator Klein.

20 We met Erin Merryn about nine years
21 ago, and she was a very courageous young woman
22 who told her story about what happened to her.
23 And along the way, as this bill was moved through
24 the Senate now for the eighth time, it has failed
25 to move once in the New York State Assembly.

1 And that very same courageous young
2 woman has gone around the country -- and you just
3 heard it said, 36 states have now adopted a
4 commonsense curriculum in their school system to
5 alert teachers and young people, children, about
6 the dangers of sexual assault and what is
7 something that they should be aware of.

8 So I am really hopeful that this
9 time is the charm and that the sharing of
10 personal experiences will be the impetus that
11 gets the Assembly to finally pass this bill.
12 Using the argument that it's an unfunded mandate
13 or that it's too expensive is just an outdated
14 argument we can no longer listen to.

15 Erin Merryn's Law should be the law
16 in all 50 states. She's moved it in 36 other
17 states. We need to become the 37th state.

18 I proudly vote again in favor of
19 Erin Merryn's Law. Thank you, Mr. President.

20 ACTING PRESIDENT BENJAMIN: Senator
21 Savino to be recorded in the affirmative.

22 Senator Serino to explain her vote.

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

25 I want to thank the sponsor for

1 carrying this very important bill.

2 I've always said we need to do all
3 we can to actually prevent child sex abuse, and
4 providing thorough, effective training is
5 critically important. But I think we can and
6 must do more to put an end to child sex abuse.

7 I carry a bill, S1257, that would
8 close a loophole in our law that leaves far too
9 many children vulnerable to abuse. Under current
10 law, mandated reporters only need to report cases
11 of abuse that happened at the hands of family
12 members. And I'm going to say that again.
13 Mandated reporters only need to report cases of
14 sexual abuse at the hands of family members.

15 This is an unfortunate truth many
16 parents are unaware of. My bill would close this
17 loophole and require anyone working with
18 children, whether it's voluntary or paid, to
19 report suspected cases of abuse directly to the
20 police.

21 While this bill will go a long way
22 in improving training and reporting, if we don't
23 close this loophole, the state is leaving far too
24 many vulnerable.

25 In my district I had two young boys

1 that were abused by an adult. They reported it
2 to someone. And because it was not a family
3 situation, it never got reported to the
4 organization. So in fact last year they came up
5 here and they told their story to our members,
6 and we passed the bill unanimously. So I'm
7 urging you to pass it again now.

8 And thank you, Mr. President. I
9 vote aye.

10 ACTING PRESIDENT BENJAMIN: Senator
11 Serino to be recorded in the affirmative.

12 Senator Mayer to explain her vote.

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

15 And first I want to commend my
16 colleagues, especially Senator Biaggi for her
17 personal bravery in telling her story; for all my
18 colleagues who have voted for this bill before,
19 and especially, as others have said, for Erin
20 Merryn, who through her personal bravery and
21 taking a story of challenge and making it one of
22 passion has managed to convince legislatures
23 throughout this country to adopt this very
24 important piece of legislation.

25 You know, I know, having served in

1 the Assembly, that there are many legislators who
2 are reluctant to tell the State Education
3 Department and the Regents how to carry out
4 curriculum in schools. But frankly there comes a
5 time, and this is one of those issues, when we
6 simply need to do our job and insist that all
7 students -- as this bill does -- between
8 kindergarten and eighth grade shall receive
9 instruction designed to prevent child sexual
10 exploitation and child sexual abuse.

11 We cannot sit on the sidelines and
12 wait for our friends across the way to adopt the
13 necessary curriculum. It is our job -- in fact,
14 it is our responsibility -- to insist that every
15 child have this education, which will be a
16 meaningful opportunity for them to have power
17 over their lives.

18 So I'm proud of my colleagues. I
19 thank them for their leadership and their
20 personal courage. I'll be voting in the
21 affirmative.

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

24 Announce the results.

25 THE SECRETARY: Ayes, 61.

1 ACTING PRESIDENT BENJAMIN: The
2 bill is passed.

3 THE SECRETARY: Calendar Number
4 1138, Senate Print 4294, by Senator May, an act
5 to amend Chapter 264 of the Laws of 2009.

6 ACTING PRESIDENT BENJAMIN: Read
7 the last section.

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

10 ACTING PRESIDENT BENJAMIN: Call
11 the roll.

12 (The Secretary called the roll.)

13 ACTING PRESIDENT BENJAMIN:
14 Announce the results.

15 THE SECRETARY: In relation to
16 Calendar Number 1138, those Senators voting in
17 the negative are Senators Antonacci and Lanza.

18 Ayes, 59. Nays, 2.

19 ACTING PRESIDENT BENJAMIN: The
20 bill is passed.

21 THE SECRETARY: Calendar Number
22 1140, Senate Print 4479, by Senator Comrie, an
23 act to amend the New York State Urban Development
24 Corporation Act.

25 ACTING PRESIDENT BENJAMIN: Read

1 the last section.

2 THE SECRETARY: Section 2. 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, 61.

10 ACTING PRESIDENT BENJAMIN: The
11 bill is passed.

12 THE SECRETARY: Calendar Number
13 1141, Senate Print 4699, by Senator Ramos, an act
14 in relation to requiring the Commissioner of
15 Health to conduct a study relating to the number
16 of emergency room beds.

17 ACTING PRESIDENT BENJAMIN: Read
18 the last section.

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

21 ACTING PRESIDENT BENJAMIN: Call
22 the roll.

23 (The Secretary called the roll.)

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

1 SENATOR RAMOS: Thank you,
2 Mr. President.

3 I rise to explain my vote, but more
4 so the importance of this bill, especially for
5 communities like mine.

6 My Senate district doesn't have a
7 hospital in it, and so with entire neighborhoods
8 that are deprived of the access to healthcare
9 that we should all have, making sure that there's
10 a study by the Department of Health that ensures
11 that people, all people have doctors and
12 emergency rooms near their homes, in their
13 vicinity, is quite, quite critical.

14 Unfortunately, in the East Elmhurst
15 neighborhood of my district in particular, we
16 have lost neighbors in ambulances due to traffic
17 and due to just how far away they are from the
18 closest hospitals to our district.

19 So I'm looking forward to seeing
20 this report and seeing how we can ensure that
21 there's guaranteed healthcare and that there's
22 healthcare close to home for every New Yorker.

23 Thank you.

24 ACTING PRESIDENT BENJAMIN: Senator
25 Ramos to be recorded in the affirmative.

1 Announce the results.

2 THE SECRETARY: In relation to
3 Calendar Number 1141, those Senators voting in
4 the negative are Senators Amedore, Antonacci,
5 Flanagan, Griffio, Helming, Jordan, O'Mara, Ortt,
6 Ranzenhofer, Robach and Serino.

7 Ayes, 50. Nays, 11.

8 ACTING PRESIDENT BENJAMIN: The
9 bill is passed.

10 There is a substitution at the desk.

11 The Secretary will read.

12 THE SECRETARY: Senator Harckham
13 moves to discharge, from the Committee on
14 Insurance, Assembly Bill Number 2904 and
15 substitute it for the identical Senate Bill
16 Number 4808, Third Reading Calendar 1142.

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

19 The Secretary will read.

20 THE SECRETARY: Calendar Number
21 1142, Assembly Print Number 2904, by
22 Assemblymember Quart, an act to amend the
23 Insurance Law.

24 ACTING PRESIDENT BENJAMIN: Read
25 the last section.

1 THE SECRETARY: Section 4. This
2 act shall take effect on the 60th day after it
3 shall have become a law.

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, 61.

10 ACTING PRESIDENT BENJAMIN: The
11 bill is passed.

12 THE SECRETARY: Calendar Number
13 1146, Senate Print 5071, by Senator Skoufis, an
14 act to amend the Education Law.

15 ACTING PRESIDENT BENJAMIN: Read
16 the last section.

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

19 ACTING PRESIDENT BENJAMIN: Call
20 the roll.

21 (The Secretary called the roll.)

22 ACTING PRESIDENT BENJAMIN:
23 Announce the results.

24 THE SECRETARY: Ayes, 61.

25 ACTING PRESIDENT BENJAMIN: The

1 bill is passed.

2 THE SECRETARY: Calendar Number
3 1147, Senate Print 5097, by Senator Gaughran, an
4 act granting retroactive membership with Tier II
5 status in the New York State Teachers' Retirement
6 System to Lori Cohen.

7 ACTING PRESIDENT BENJAMIN: Read
8 the last section.

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

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, 61.

17 ACTING PRESIDENT BENJAMIN: The
18 bill is passed.

19 THE SECRETARY: Calendar Number
20 1148, Senate Print 5193A, by Senator O'Mara, an
21 act to amend Chapter 210 of the Laws of 2009.

22 ACTING PRESIDENT BENJAMIN: Read
23 the last section.

24 THE SECRETARY: Section 2. 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 1148, those Senators voting in
8 the negative are Senators Antonacci and Lanza.

9 Ayes, 59. Nays, 2.

10 ACTING PRESIDENT BENJAMIN: The
11 bill is passed.

12 Senator Gianaris, that completes the
13 reading of the supplemental calendar.

14 SENATOR GIANARIS: Thank you,
15 Mr. President.

16 Can you please recognize Senator
17 Gallivan for an introduction.

18 ACTING PRESIDENT BENJAMIN: Senator
19 Gallivan for an introduction.

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

22 I'd like to start by thanking
23 Senator Addabbo for his earlier resolution where
24 we have Festa tonight and we've honored a number
25 of Italian Americans, including our very own

1 Senator Griffo.

2 But I'd like everybody to welcome
3 Senator Griffo's mother Betty Griffo, his wife
4 Lorraine, and cousin Nora.

5 Thank you, Mr. President.

6 ACTING PRESIDENT BENJAMIN: Please
7 rise.

8 (Standing ovation.)

9 ACTING PRESIDENT BENJAMIN: Senator
10 Gianaris.

11 SENATOR GIANARIS: A nice way to
12 end today's proceedings, Mr. President.

13 Is there any further business at the
14 desk?

15 ACTING PRESIDENT BENJAMIN: There
16 is no further business at the desk.

17 SENATOR GIANARIS: In that case, I
18 move to adjourn until tomorrow, Tuesday,
19 June 4th, at 1:00 p.m.

20 ACTING PRESIDENT BENJAMIN: On
21 motion, the Senate stands adjourned until
22 Tuesday, June 4th, at 1:00 p.m.

23 (Whereupon, at 4:21 p.m., the Senate
24 adjourned.)

25