

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 19, 2019

11 1:20 p.m.

12  
13  
14 REGULAR SESSION

15  
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18 SENATOR BRIAN A. BENJAMIN, Acting President

19 ALEJANDRA N. PAULINO, ESQ., Secretary

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

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

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

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

8 ACTING PRESIDENT BENJAMIN: 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, Tuesday,  
16 June 18, 2019, the Senate met pursuant to  
17 adjournment. The Journal of Monday, June 17,  
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 10,

1 Senator Hoylman moves to discharge, from the  
2 Committee on Rules, Assembly Bill Number 2785A  
3 and substitute it for the identical Senate Bill  
4 Number 3118A, Third Reading Calendar 293.

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

7 THE SECRETARY: On page 13,  
8 Senator Breslin moves to discharge, from the  
9 Committee on Rules, Assembly Bill Number 2969A  
10 and substitute it for the identical Senate Bill  
11 Number 2849A, Third Reading Calendar 462.

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

14 THE SECRETARY: On page 14,  
15 Senator Parker moves to discharge, from the  
16 Committee on Rules, Assembly Bill Number 1503 and  
17 substitute it for the identical Senate Bill  
18 Number 1607, Third Reading Calendar 526.

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

21 THE SECRETARY: On page 17,  
22 Senator Parker moves to discharge, from the  
23 Committee on Commerce, Economic Development and  
24 Small Business, Assembly Bill Number 2166 and  
25 substitute it for the identical Senate Bill

1 Number 4888, Third Reading Calendar 592.

2 ACTING PRESIDENT BENJAMIN: The  
3 substitution is so ordered.

4 THE SECRETARY: On page 25,  
5 Senator Comrie moves to discharge, from the  
6 Committee on Consumer Protection, Assembly Bill  
7 Number 2374 and substitute it for the identical  
8 Senate Bill Number 3582, Third Reading Calendar  
9 870.

10 ACTING PRESIDENT BENJAMIN: The  
11 substitution is so ordered.

12 THE SECRETARY: On page 37,  
13 Senator Breslin moves to discharge, from the  
14 Committee on Rules, Assembly Bill Number 7634A  
15 and substitute it for the identical Senate Bill  
16 Number 5616A, Third Reading Calendar 1161.

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

19 THE SECRETARY: On page 30,  
20 Senator Biaggi moves to discharge, from the  
21 Committee on Rules, Assembly Bill Number 4267A  
22 and substitute it for the identical Senate Bill  
23 Number 4281A, Third Reading Calendar 1063.

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

1                   Messages from the Governor.  
2                   Reports of standing committees.  
3                   Reports of select committees.  
4                   Communications and reports from  
5 state officers.

6                   Motions and resolutions.

7                   Senator Gianaris.

8                   SENATOR GIANARIS:    Good afternoon,  
9 Mr. President.

10                  Can we please begin by calling an  
11 immediate meeting of the Rules Committee in  
12 Room 332, and we'll simultaneously take up  
13 resolutions.

14                  ACTING PRESIDENT BENJAMIN:    There  
15 will be an immediate meeting of the  
16 Rules Committee in Room 332.

17                  Senator Gianaris.

18                  SENATOR GIANARIS:    Okay, now can we  
19 please take up previously adopted  
20 Resolution 1996, by Senator Montgomery, read that  
21 resolution's title only, and recognize  
22 Senator Montgomery.

23                  ACTING PRESIDENT BENJAMIN:    The  
24 Secretary will read.

25                  THE SECRETARY:    Senate Resolution

1 1996, by Senator Montgomery, commemorating the  
2 40th Anniversary of Black Veterans for Social  
3 Justice, Inc.

4 ACTING PRESIDENT BENJAMIN: Senator  
5 Montgomery on the resolution.

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

8 I rise today to pay tribute to a  
9 very, very special and important organization in  
10 the county -- in the Borough of Brooklyn, County  
11 of Kings -- and especially within the 25th Senate  
12 District. It is the 40th anniversary of Black  
13 Veterans for Social Justice.

14 Black Vets was founded way back in  
15 1979 by Job Mashariki, who himself was a veteran  
16 who saw the need for veterans, especially black  
17 veterans in the Borough of Brooklyn, who had no  
18 place to go, no organization that was especially  
19 serving the needs that they had at that time.  
20 Since then, over the 40 years, Black Vets has  
21 grown to be a significant organization serving  
22 especially black veterans, but all veterans,  
23 especially veterans of the Vietnam conflict, but  
24 also veterans of all conflicts.

25 And it has been able to do not only

1 services, connecting them with services that they  
2 need, but also providing some housing, and just  
3 absolutely has become, for that community, a  
4 place of refuge and a special place in that  
5 borough.

6                   So I am very, very honored to honor  
7 them today and to say how much I appreciate the  
8 fact that a group of veterans who saw their  
9 needs -- and especially a veteran in the name of  
10 Job Mashariki, who saw a need, had a dream, had a  
11 vision and worked to make it happen, and to this  
12 day is serving veterans in the Borough of  
13 Brooklyn.

14                   So on their 40th anniversary, I want  
15 to say to them a very special commendation.

16                   Thank you, Mr. President.

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

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

21                   As a veteran and as a black veteran,  
22 I salute the Black Veterans. I know Mr. Job  
23 Mashariki, a fine gentleman and an outstanding  
24 Brooklynite. The only thing that could be  
25 better, if he were from Queens. But he is from

1 Brooklyn, and I appreciate that.

2 And on the occasion of their  
3 40th anniversary, may they continue to serve all  
4 veterans, and that's what they do, serve all  
5 veterans.

6 Thank you very much for bringing  
7 this before the body.

8 Thank you, Mr. President.

9 ACTING PRESIDENT BENJAMIN: The  
10 resolution was adopted on June 18th.

11 Senator Biaggi.

12 SENATOR BIAGGI: Please take up  
13 previously adopted Resolution 1997, by  
14 Senator Montgomery, read that resolution by title  
15 only, and recognize Senator Montgomery on the  
16 resolution.

17 ACTING PRESIDENT BENJAMIN: The  
18 Secretary will read.

19 THE SECRETARY: Senate Resolution  
20 1997, by Senator Montgomery, congratulating  
21 Ronald A. Williams, Credentialed Alcoholism and  
22 Substance Abuse Counselor, upon the occasion of  
23 his retirement after 42 years of dedicated  
24 service to New York Therapeutic Communities,  
25 Inc., on June 26, 2019.



1                   ACTING PRESIDENT BENJAMIN:

2       Senator Montgomery on the resolution.

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

5                   I rise to once again thank a very  
6       special gentleman who has been, for me, for so  
7       many years an extremely important person to  
8       provide support and guidance as I've tried to  
9       deal with issues around criminal justice in  
10      particular.

11                  Ron Williams will be retiring this  
12      year. But when I first met him, he was at that  
13      point, I believe, the vice president of the  
14      organization Therapeutic Communities, Inc. In  
15      that capacity he was responsible for designing a  
16      program that we now know to be and that he  
17      referred to as Serendipity, as part of Stay'n  
18      Out. Meaning that that organization was going to  
19      address the needs of people who were returning  
20      from having been incarcerated, and they were  
21      going to be able to stay out of prison because  
22      organizations like Therapeutic Communities, like  
23      Serendipity, were going to be there specifically  
24      to help reorient people back into their  
25      community.

1                   It was Ron Williams who has  
2 developed this program, has shared the success of  
3 that program with people throughout our country,  
4 and in fact has had other people, other countries  
5 come to America or him going to other countries,  
6 having been invited, to show other people how to  
7 successfully build a program that meets the needs  
8 of people who were formerly incarcerated.

9                   So I am thankful to him for his  
10 contributions, not only to help me -- and I've  
11 met, through him, many people who have returned.  
12 I've had many discussions with them. And they  
13 now provide services in my district for men and  
14 for women as a residential program, Stay'n Out  
15 Serendipity I, Serendipity II.

16                  And I really, really think that  
17 unless we begin to tap into the significant  
18 experience of people like Ron Williams, we will  
19 miss an opportunity to build successful programs  
20 for people who are returning from having been  
21 incarcerated.

22                  So I am really very thankful to him.  
23 I know that he is going to be retiring, but he  
24 will not leave his job because he is so committed  
25 to making sure that we do this the right way.

1                   So thanks to Ron Williams, and thank  
2                   you, Mr. President, for allowing me to honor him  
3                   today.

4                   ACTING PRESIDENT BENJAMIN:    The  
5                   resolution was previously adopted on June 18th.

6                   Senator Biaggi.

7                   SENATOR BIAGGI:    At the request of  
8                   the sponsors, all of today's resolutions are open  
9                   for cosponsorship.

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

14                  Senator Biaggi.

15                  SENATOR BIAGGI:    The Senate will  
16                  stand at ease.

17                  ACTING PRESIDENT BENJAMIN:    The  
18                  Senate will stand at ease.

19                  (Whereupon, the Senate stood at ease  
20                  at 1:30 p.m.)

21                  (Whereupon, the Senate reconvened at  
22                  1:51 p.m.)

23                  ACTING PRESIDENT BENJAMIN:    The  
24                  Senate will return to order.

25                  Senator Gianaris.

1                   SENATOR GIANARIS:    Mr. President,  
2   at this time there will be an immediate joint  
3   meeting of the Committees on Corporations,  
4   Authorities and Commissions and Transportation in  
5   Room 332.

6                   ACTING PRESIDENT BENJAMIN:   There  
7   will be an immediate meeting of the joint  
8   Corporations, Authorities and Commissions and  
9   Transportation Committees in Room 332.

10                  SENATOR GIANARIS:   Can we now  
11   return to reports of standing committees.

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

14                  ACTING PRESIDENT BENJAMIN:   There  
15   is a report of the Rules Committee at the desk.

16                  The Secretary will read.

17                  THE SECRETARY:    Senator  
18   Stewart-Cousins, from the Committee on Rules,  
19   reports the following bills:

20                  Senate Print 934, by Senator O'Mara,  
21   an act in relation to authorizing state  
22   reimbursement to the Jasper-Troupsburg Central  
23   School District for the purchase of school buses;

24                  Senate Print 1681, by  
25   Senator Skoufis, an act to amend the

1 Real Property Tax Law;  
2 Senate Print 2000A, by  
3 Senator Hoylman, an act to amend the  
4 Environmental Conservation Law;  
5 Senate Print 2313, by  
6 Senator Skoufis, an act to amend the  
7 Real Property Tax Law and the Tax Law;  
8 Senate Print 2385, by  
9 Senator Parker, an act to amend the  
10 Environmental Conservation Law;  
11 Senate Print 3146, by Senator Myrie,  
12 an act to amend the Election Law;  
13 Senate Print 3168B, by Senator  
14 Gounardes, an act to amend the General Municipal  
15 Law and the Retirement and Social Security Law;  
16 Senate Print 3329, by  
17 Senator LaValle, an act to amend Chapter 399 of  
18 the Laws of 2008;  
19 Senate Print 3439A, by  
20 Senator Myrie, an act directing the  
21 Metropolitan Transportation Authority to rename  
22 certain subway stations;  
23 Senate Print 3457, by  
24 Senator Montgomery, an act to amend the  
25 Criminal Procedure Law;

1                   Senate Print 3801, by  
2   Senator Skoufis, an act to amend the Retirement  
3   and Social Security Law;

4                   Senate Print 3851, by  
5   Senator Sanders, an act to amend the  
6   General Business Law;

7                   Senate Print 3860, by Senator Lanza,  
8   an act to amend the Vehicle and Traffic Law;

9                   Senate Print 3909A, by  
10   Senator Kaminsky, an act to amend the  
11   Executive Law;

12                  Senate Print 3985B, by  
13   Senator Stavisky, an act to amend the  
14   Real Property Tax Law;

15                  Senate Print 4285A, by  
16   Senator Carlucci, an act to amend the  
17   Social Services Law;

18                  Senate Print 4440, by Senator  
19   Gianaris, an act to amend the Executive Law;

20                  Senate Print 4804B, by  
21   Senator Ranzenhofer, an act to amend the  
22   Local Finance Law;

23                  Senate Print 4865A, by  
24   Senator Hoylman, an act to amend the  
25   Real Property Actions and Proceedings Law;

1                   Senate Print 5348A, by  
2   Senator Kennedy, an act to amend the Vehicle and  
3   Traffic Law;

4                   Senate Print 5414C, by  
5   Senator Gounardes, an act to amend the  
6   Retirement and Social Security Law;

7                   Senate Print 5552, by  
8   Senator Persaud, an act to amend the  
9   Social Services Law;

10                  Senate Print 5612A, by  
11   Senator Harckham, an act to amend the  
12   Environmental Conservation Law;

13                  Senate Print 5714, by Senator  
14   O'Mara, an act to amend the Correction Law;

15                  Senate Print 5810, by  
16   Senator Montgomery, an act to amend the  
17   Social Services Law;

18                  Senate Print 5886A, by  
19   Senator Gaughran, an act to amend the  
20   Local Finance Law;

21                  Senate Print 5903A, by  
22   Senator Gounardes, an act to amend the  
23   General Municipal Law;

24                  Senate Print 6030, by Senator Mayer,  
25   an act to direct the Department of State to

1     conduct a study on the use of legal material in  
2     an electronic format and access to such legal  
3     materials;

4                 Senate Print 6113A, by  
5     Senator Carlucci, an act to amend the  
6     Public Authorities Law;

7                 Senate Print 6139, by  
8     Senator Addabbo, an act to amend the Racing,  
9     Pari-Mutuel Wagering and Breeding Law;

10                Senate Print 6253, by  
11    Senator Breslin, an act to authorize Church of  
12    God and Saints of Christ to file an application  
13    for certain real property tax exemptions in the  
14    City of Albany;

15                Senate Print 6255, by  
16    Senator LaValle, an act to authorize the Town of  
17    Brookhaven to extend the boundaries of the Rocky  
18    Point Fire District to include the Village of  
19    Shoreham;

20                Senate Print 6281A, by  
21    Senator Hoylman, an act to amend the Hudson River  
22    Park Act;

23                Senate Print 6285A, by Senator  
24    Ranzenhofer, an act to authorize the Town of  
25    Amherst, County of Erie, to alienate and



1       discontinue the use of certain parklands;

2                       Senate Print 6289A, by Senator May,  
3       an act to amend the Tax Law and the Alcoholic  
4       Beverage Control Law;

5                       Senate Print 6331, by  
6       Senator Parker, an act to amend the  
7       Public Authorities Law;

8                       Senate Print 6335, by  
9       Senator Hoylman, an act to amend the  
10      Civil Practice Law and Rules;

11                      Senate Print 6359, by  
12      Senator Addabbo, an act to amend the Racing,  
13      Pari-Mutuel Wagering and Breeding Law;

14                      Senate Print 6377A, by  
15      Senator Seward, an act to amend the Highway Law;

16                      Senate Print 6385, by  
17      Senator Hoylman, an act to amend Chapter 164 of  
18      the Laws of 2017;

19                      Senate Print 6395, by  
20      Senator Hoylman, an act to amend the  
21      Civil Practice Law and Rules;

22                      Senate Print 6409, by  
23      Senator Gaughran, an act to amend the  
24      Civil Practice Law and Rules;

25                      Senate Print 6410, by

1 Senator Kavanagh, an act to amend the  
2 Private Housing Finance Law;

3 Senate Print 6417, by  
4 Senator Gianaris, an act to amend the New York  
5 City Civil Court Act;

6 Senate Print 6418A, by  
7 Senator Parker, an act to amend the New York City  
8 Charter;

9 Senate Print 6421B, by  
10 Senator Myrie, an act to amend the Election Law;

11 Senate Print 6439, by  
12 Senator Krueger, an act to amend the  
13 Environmental Conservation Law;

14 Senate Print 6449, by  
15 Senator Comrie, an act to amend the Election Law;

16 Senate Print 6450, by  
17 Senator Comrie, an act to amend the Election Law;

18 Senate Print 6467, by Senator  
19 Brooks, an act to amend the Executive Law;

20 Senate Print 6469, by Senator Ramos,  
21 an act to amend the Labor Law;

22 Senate Print 6471, by  
23 Senator Hoylman, an act to amend the  
24 Civil Practice Law and Rules;

25 Senate Print 6472, by Senator

1     Persaud, an act to amend the Family Court Act;  
2             Senate Print 6475, by Senator  
3     Bailey, an act to amend the Family Court Act;  
4             Senate Print 6482A, by Senator  
5     Breslin, an act to amend the Insurance Law;  
6             Senate Print 6496, by  
7     Senator Kavanagh, an act to amend the  
8     Real Property Tax Law;  
9             Senate Print 6499, by  
10    Senator Comrie, an act to amend the  
11    Private Housing Finance Law;  
12             Senate Print 6508A, by  
13    Senator Comrie, an act to authorize the assessor  
14    of the County of Nassau to accept a retroactive  
15    application for exemption from real property  
16    taxes;  
17             Senate Print 6525B, by  
18    Senator Skoufis, an act to amend the Tax Law and  
19    the State Finance Law;  
20             Senate Print 6527, by Senator May,  
21    an act to amend the Executive Law;  
22             Senate Print 6533, by Senator  
23    Montgomery, an act to amend the Family Court Act;  
24             Senate Print 6534, by Senator  
25    Montgomery, an act to amend the Family Court Act;

1                   Senate Print 6535, by Senator  
2     Montgomery, an act to amend the Family Court Act;

3                   Senate Print 6536, by  
4     Senator Gianaris, an act to amend the  
5     Civil Practice Law and Rules;

6                   Senate Print 6541A, by Senator  
7     Hoylman, an act to amend the Navigation Law;

8                   Senate Print 6542, by  
9     Senator Benjamin, an act to amend the Tax Law;

10                  Senate Print 6550, by  
11     Senator Bailey, an act to amend the  
12     Criminal Procedure Law;

13                  Senate Print 6551, by  
14     Senator Kavanagh, an act to amend the  
15     Local Emergency Housing Rent Control Act;

16                  Senate Print 6553, by  
17     Senator Metzger, an act establishing the New York  
18     Task Force on Agricultural Investment;

19                  Senate Print 6555, by  
20     Senator Gounardes, an act to amend the  
21     Executive Law;

22                  Senate Print 6559, by  
23     Senator Thomas, an act authorizing the  
24     Commissioner of Education and the Chancellor of  
25     the Board of Regents, with the approval of the

1 Board of Regents, to appoint monitors to oversee  
2 the Hempstead Union Free School District;

3 Senate Print 6567, by  
4 Senator Harckham, an act requiring the payment of  
5 prevailing wages to affected employees of the  
6 Indian Point Nuclear Power Plant;

7 Senate Print 6568, by Senator  
8 Thomas, an act directing the Division of Criminal  
9 Justice Services to study the state of the police  
10 department in the Village of Hempstead;

11 Senate Print 6591, by Senator  
12 Harckham, an act to amend the Mental Hygiene Law;

13 Senate Print 6594, by Senator  
14 Biaggi, an act to amend the Executive Law; and

15 Senate Print 6595, by Senator  
16 Skoufis, an act to amend the Village Law.

17 All bills ordered direct to third  
18 reading.

19 SENATOR GIANARIS: Move to accept  
20 the report of the Rules Committee.

21 ACTING PRESIDENT BENJAMIN: All in  
22 favor of accepting the report of the  
23 Rules Committee signify by saying aye.

24 (Response of "Aye.")

25 ACTING PRESIDENT BENJAMIN:

1 Opposed, nay.

2 (No response.)

3 ACTING PRESIDENT BENJAMIN: The  
4 Rules Committee report is accepted.

5 Senator Gianaris.

6 SENATOR GIANARIS: Can we now take  
7 up the reading of the calendar.

8 ACTING PRESIDENT BENJAMIN: The  
9 Secretary will read.

10 THE SECRETARY: Calendar Number  
11 153, Senate Print 3292A, by Senator Ramos, an act  
12 to amend the Labor Law.

13 ACTING PRESIDENT BENJAMIN: Read  
14 the last section.

15 THE SECRETARY: Section 2. This  
16 act shall take effect on the 120th day after it  
17 shall have become a law.

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: Ayes, 60.

24 ACTING PRESIDENT BENJAMIN: The  
25 bill is passed.

1                   THE SECRETARY:    Calendar Number  
2   179, Senate Print 2827, by Senator May, an act to  
3   amend the Alcoholic Beverage Control Law.

4                   ACTING PRESIDENT BENJAMIN:   Read  
5   the last section.

6                   THE SECRETARY:    Section 2.   This  
7   act shall take effect on the 30th 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 179, voting in the negative:  
16   Senators Amedore and Lanza.

17                   Ayes, 58.   Nays, 2.

18                   ACTING PRESIDENT BENJAMIN:   The  
19   bill is passed.

20                   THE SECRETARY:    Calendar Number  
21   211, Senate Print 1411A, by Senator Parker, an  
22   act to amend the Civil Rights Law.

23                   ACTING PRESIDENT BENJAMIN:   Read  
24   the last section.

25                   THE SECRETARY:    Section 2.   This

1 act shall take effect immediately.

2 ACTING PRESIDENT BENJAMIN: Call  
3 the roll.

4 (The Secretary called the roll.)

5 ACTING PRESIDENT BENJAMIN:  
6 Announce the results.

7 THE SECRETARY: In relation to  
8 Calendar Number 211, those Senators voting in the  
9 negative are Senators Gallivan and Martinez.  
10 Also Senator Griffo.

11 Ayes, 57. Nays, 3.

12 ACTING PRESIDENT BENJAMIN: The  
13 bill is passed.

14 THE SECRETARY: Calendar Number  
15 293, Assembly Print Number 2785A, substituted  
16 earlier by Assemblymember Gottfried, an act to  
17 amend the Social Services Law.

18 ACTING PRESIDENT BENJAMIN: Read  
19 the last section.

20 THE SECRETARY: Section 3. This  
21 act shall take effect on the 120th day after it  
22 shall have become a law.

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   439, Senate Print 4519A, by Senator Skoufis, an  
8   act to amend the Public Service Law.

9                   ACTING PRESIDENT BENJAMIN:    Read  
10   the last section.

11                   SENATOR GIANARIS:   Lay it aside for  
12   the day, please.

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

15                   THE SECRETARY:    Calendar Number  
16   462, Assembly Print Number 2969A, substituted  
17   earlier by Assemblymember Peoples-Stokes, an act  
18   to amend the Insurance Law and the Public Health  
19   Law.

20                   SENATOR GRIFFO:    Lay it aside.

21                   ACTING PRESIDENT BENJAMIN:   Lay it  
22   aside.

23                   THE SECRETARY:    Calendar Number  
24   526, Assembly Print Number 1503, substituted  
25   earlier by Assemblymember Vanel, an act directing

1 the study of the future implementation of fifth  
2 and future generation wireless network system  
3 technology in the state.

4 ACTING PRESIDENT BENJAMIN: Read  
5 the last section.

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

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: In relation to  
14 Calendar Number 526, those Senators voting in the  
15 negative are Senators Akshar, Funke and Seward.

16 Ayes, 57. Nays, 3.

17 ACTING PRESIDENT BENJAMIN: The  
18 bill is passed.

19 THE SECRETARY: Calendar Number  
20 563, Senate Print 2575A, by Senator Bailey, an  
21 act to amend the Executive 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:    Senator  
5   Bailey to explain his vote.

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

8                   I just wanted to thank, first and  
9   foremost, Assemblyman Nick Perry for his work on  
10   this bill for many years, and we were able to get  
11   it to the floor of the Senate.

12                   This was in response to the tragic  
13   killing of an individual by the name of Jayson  
14   Tirado, where a bullet was fired and it was not  
15   reported by the officer that was on duty -- it  
16   was never reported by the officer that the  
17   firearm was discharged.

18                   This bill simply would require that  
19   within six hours, once a bullet is discharged,  
20   that the officer or peace officer that discharged  
21   the bullet would have to report that incident to  
22   their superior.  It's just a simple transparency  
23   measure that I think will continue to bring law  
24   enforcement and the community together.  And for  
25   that reason, Mr. President, I vote aye.

1                   ACTING PRESIDENT BENJAMIN:    Senator  
2   Bailey to be recorded in the affirmative.

3                   Announce the results.

4                   THE SECRETARY:    In relation to  
5   Calendar Number 563, those Senators voting in the  
6   negative are Senators Akshar, Amedore, Funke,  
7   Gallivan, Gaughran, Griffio, Helming, Jacobs,  
8   Jordan, Lanza, Martinez, O'Mara, Ortt,  
9   Ranzenhofer and Tedisco.   Also Senator Robach.  
10   Also Senator Ritchie.   Also Senators Little and  
11   Seward.

12                   Ayes, 41.   Nays, 19.

13                   ACTING PRESIDENT BENJAMIN:    The  
14   bill is passed.

15                   THE SECRETARY:    Calendar Number  
16   566, Senate Print 3443, by Senator Harckham, an  
17   act to amend the Real Property Tax Law.

18                   ACTING PRESIDENT BENJAMIN:    Read  
19   the last section.

20                   THE SECRETARY:    Section 2.   This  
21   act shall take effect January 1, 2021.

22                   ACTING PRESIDENT BENJAMIN:    Call  
23   the roll.

24                   (The Secretary called the roll.)

25                   ACTING PRESIDENT BENJAMIN:    Senator

1 Harckham to explain his vote.

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

4 Yesterday we spoke about the impacts  
5 of closing nuclear power plants. This is a  
6 measure to help alleviate that for communities.

7 The spent fuel rods have real value,  
8 whether they're in wet storage or dry storage.  
9 And similarly, that will be there forever. You  
10 know, that's the failure of federal policy to  
11 find a place for spent nuclear fuel.

12 So as the school districts, the  
13 towns and the villages lose the tax revenue, this  
14 will allow them to assess a real value which  
15 those rods do possess, and at least they will be  
16 able to gain some value to continue to support  
17 the school district and the activities of the  
18 towns and the villages.

19 I fully support -- I say aye, and I  
20 want to thank Assemblywoman Sandy Galef for  
21 bringing this to the attention.

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

24 Announce the results.

25 THE SECRETARY: In relation to

1 Calendar Number 566, those Senators voting in the  
2 negative are Senators Akshar, Amedore, Antonacci,  
3 Funke, Gallivan, Griffio, Helming, Jacobs, Jordan,  
4 O'Mara, Ortt, Ranzenhofer, Ritchie, Serino,  
5 Seward and Tedisco. Also Senator Robach.

6 Ayes, 43. Nays, 17.

7 ACTING PRESIDENT BENJAMIN: The  
8 bill is passed.

9 THE SECRETARY: Calendar Number  
10 592, Assembly Print Number 2166, substituted  
11 earlier by Assemblymember Bichotte, an act to  
12 amend the Economic Development Law.

13 ACTING PRESIDENT BENJAMIN: Read  
14 the last section.

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

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: Ayes, 60.

24 ACTING PRESIDENT BENJAMIN: The  
25 bill is passed.

1                   THE SECRETARY:    Calendar Number  
2   612, Senate Print 93, by Senator Kaminsky, an act  
3   to amend the Election Law.

4                   ACTING PRESIDENT BENJAMIN:   Read  
5   the last section.

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

8                   SENATOR BIAGGI:    Lay the bill aside  
9   for the day, please.

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

12                  THE SECRETARY:    Calendar Number  
13   646, Senate Print 5160, by Senator Kavanagh, an  
14   act to amend the Real Property Actions and  
15   Proceedings Law.

16                  ACTING PRESIDENT BENJAMIN:   Read  
17   the last section.

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

20                  ACTING PRESIDENT BENJAMIN:   Call  
21   the roll.

22                               (The Secretary called the roll.)

23                  ACTING PRESIDENT BENJAMIN:  
24   Senator Montgomery to explain her vote.   Senator  
25   Montgomery?   Senator Montgomery, to explain your

1 vote.

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

4 I'm going to -- there are a number  
5 of bills on today that I am happy to be  
6 sponsoring, and this really is a -- if I may  
7 speak on one of them, but with the intention of  
8 drawing -- of saying that they really are all  
9 related. And they're specifically relevant to  
10 what we have done years ago, and that is  
11 legislation to raise the age for young people who  
12 are in trouble.

13 So these bills fill in some of the  
14 gaps, and I will say briefly what they are meant  
15 to do.

16 One of these bills is specifically  
17 to allow for the courts to waive some of the fees  
18 that are associated with young people going to  
19 court. Another one of them is to make sure that  
20 we do not use shackles on young people who are in  
21 court if they're under 21. One of these bills is  
22 to make sure that young people are given their  
23 rights and explained their rights and that they  
24 are videotaped from the initial interrogation  
25 process.



1                   So if we -- if we -- that's what we  
2                   were talking about? What? I'm sorry, I'm  
3                   speaking on the wrong bill.

4                   (Laughter.)

5                   SENATOR MONTGOMERY:   Should I go  
6                   ahead and continue and then I won't have to speak  
7                   on my bill? We'll come back to my bill.

8                   Thank you. Sorry, Mr. President.

9                   ACTING PRESIDENT BENJAMIN:  
10                  Announce the results.

11                  THE SECRETARY:   In relation to  
12                  Calendar Number 646, those Senators voting in the  
13                  negative are Senators Amedore, Antonacci,  
14                  Flanagan, Funke, Gallivan, Griffio, Helming,  
15                  Jacobs, Jordan, Ranzenhofer, Ritchie, Serino and  
16                  Seward. Also Senator Tedisco, Senator Robach and  
17                  Senator Ortt. Also Senator Little.

18                  Ayes, 43. Nays, 17.

19                  ACTING PRESIDENT BENJAMIN:   The  
20                  bill is passed.

21                  THE SECRETARY:   Calendar Number  
22                  740, Senate Print 5446, by Senator Carlucci, an  
23                  act to amend the Social Services Law.

24                  ACTING PRESIDENT BENJAMIN:   Read  
25                  the last section.

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

3           ACTING PRESIDENT BENJAMIN:   Call  
4   the roll.

5           (The Secretary called the roll.)

6           ACTING PRESIDENT BENJAMIN:  
7   Announce the results.

8           THE SECRETARY:   In relation to  
9   Calendar Number 740, voting in the negative:  
10   Senator Martinez.

11           Ayes, 59.   Nays, 1.

12           ACTING PRESIDENT BENJAMIN:   The  
13   bill is passed.

14           THE SECRETARY:   Calendar Number  
15   758, Senate Print 3463, by Senator Rivera, an act  
16   to amend the Public Health Law and the Insurance  
17   Law.

18           SENATOR BIAGGI:   Lay it aside for  
19   the day.

20           ACTING PRESIDENT BENJAMIN:   The  
21   bill will be laid aside for the day.

22           THE SECRETARY:   Calendar Number  
23   847, Senate Print 5246A, by Senator Gounardes, an  
24   act to amend the General Municipal Law.

25           ACTING PRESIDENT BENJAMIN:   There

1 is a home-rule message at the desk.

2 Read the last section.

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

5 ACTING PRESIDENT BENJAMIN: Call  
6 the roll.

7 (The Secretary called the roll.)

8 ACTING PRESIDENT BENJAMIN:  
9 Announce the results.

10 THE SECRETARY: Ayes, 60.

11 ACTING PRESIDENT BENJAMIN: The  
12 bill is passed.

13 THE SECRETARY: Calendar Number  
14 870, Assembly Print Number 2374, substituted  
15 earlier by Assemblymember Dinowitz, an act to  
16 amend the General Business Law.

17 ACTING PRESIDENT BENJAMIN: Read  
18 the last section.

19 THE SECRETARY: Section 2. This  
20 act shall take effect on the 60th day after it  
21 shall have become a law.

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     920, Senate Print 3845, by Senator Helming, an  
7     act to authorize Brad Steve to receive certain  
8     service credit under Section 384-d of the  
9     Retirement and Social Security Law.

10                  ACTING PRESIDENT BENJAMIN:    There  
11     is a home-rule message at the desk.

12                  Read the last section.

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

15                  ACTING PRESIDENT BENJAMIN:    Call  
16     the roll.

17                  (The Secretary called the roll.)

18                  ACTING PRESIDENT BENJAMIN:  
19     Announce the results.

20                  THE SECRETARY:    Ayes, 60.

21                  ACTING PRESIDENT BENJAMIN:    The  
22     bill is passed.

23                  THE SECRETARY:    Calendar Number  
24     924, Senate Print 5205A, by Senator Gounardes, an  
25     act to amend the Civil Service Law.

1                   ACTING PRESIDENT BENJAMIN:    Read  
2   the last section.

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

5                   ACTING PRESIDENT BENJAMIN:    Call  
6   the roll.

7                   (The Secretary called the roll.)

8                   ACTING PRESIDENT BENJAMIN:  
9   Announce the results.

10                  THE SECRETARY:    In relation to  
11   Calendar Number 924, those Senators voting in the  
12   negative are Senators Akshar, Funke, Gallivan,  
13   Griffo, Helming, Jacobs, Lanza, LaValle, O'Mara,  
14   Ortt, Ranzenhofer, Ritchie, Robach, Serino and  
15   Seward.   Also Senator Little.

16                  Ayes, 44.   Nays, 16.

17                  ACTING PRESIDENT BENJAMIN:    The  
18   bill is passed.

19                  THE SECRETARY:    Calendar Number  
20   931, Senate Print 2613A, by Senator Harckham, an  
21   act to amend the Real Property Tax 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:    In relation to  
7   Calendar Number 931, those Senators voting in the  
8   negative are Senators Amedore, Funke, Gallivan,  
9   Griffo, Helming, Jacobs, Jordan, Lanza, Little,  
10   O'Mara, Ortt, Ranzenhofer, Robach, Seward and  
11   Tedisco.

12                   Ayes, 45.   Nays, 15.

13                   ACTING PRESIDENT BENJAMIN:    The  
14   bill is passed.

15                   THE SECRETARY:    Calendar Number  
16   945, Senate Print 5865A, by Senator Griffo, an  
17   act to authorize the Town of New Hartford, in the  
18   County of Oneida, to alienate certain parklands  
19   and to dedicate other lands as parklands.

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

22                   Read the last section.

23                   THE SECRETARY:    Section 7.   This  
24   act shall take effect immediately.

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: Ayes, 60.

6 ACTING PRESIDENT BENJAMIN: The  
7 bill is passed.

8 THE SECRETARY: Calendar Number  
9 946, Senate Print 5895, by Senator Gaughran, an  
10 act to amend the General Municipal Law.

11 ACTING PRESIDENT BENJAMIN: Read  
12 the last section.

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

15 ACTING PRESIDENT BENJAMIN: Call  
16 the roll.

17 (The Secretary called the roll.)

18 ACTING PRESIDENT BENJAMIN:

19 Announce the results.

20 THE SECRETARY: Ayes, 60.

21 ACTING PRESIDENT BENJAMIN: The  
22 bill is passed.

23 THE SECRETARY: Calendar Number  
24 976, Senate Print 6172, by Senator Martinez, an  
25 act to amend the Executive Law.

1                   ACTING PRESIDENT BENJAMIN:    Read  
2   the last section.

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

5                   ACTING PRESIDENT BENJAMIN:    Call  
6   the roll.

7                   (The Secretary called the roll.)

8                   ACTING PRESIDENT BENJAMIN:  
9   Announce the results.

10                  THE SECRETARY:    In relation to  
11   Calendar Number 976, voting in the negative:  
12   Senator Jordan.

13                  Ayes, 59.   Nays, 1.

14                  ACTING PRESIDENT BENJAMIN:    The  
15   bill is passed.

16                  THE SECRETARY:    Calendar Number  
17   1063, Assembly Print Number 4267A, substituted  
18   earlier by Assemblymember Hevesi, an act to amend  
19   the Real Property 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: Ayes, 60.

5 ACTING PRESIDENT BENJAMIN: The  
6 bill is passed.

7 THE SECRETARY: Calendar Number  
8 1064, Senate Print 4504A, by Senator Parker, an  
9 act to amend the Civil Practice Law and Rules.

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: In relation to  
20 Calendar Number 1064, those Senators voting in  
21 the negative are Senators Antonacci, Funke,  
22 Gallivan, Griffio, Helming, Jacobs, Jordan,  
23 LaValle, O'Mara, Ortt, Ranzenhofer and Serino.

24 Ayes, 48. Nays, 12.

25 ACTING PRESIDENT BENJAMIN: The

1 bill is passed.

2 THE SECRETARY: Calendar Number  
3 1161, Assembly Print Number 7634A, substituted  
4 earlier by Assemblymember McDonald, an act to  
5 amend Chapter 450 of the Laws of 2018.

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

8 Read 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, 60.

17 ACTING PRESIDENT BENJAMIN: The  
18 bill is passed.

19 THE SECRETARY: Calendar Number  
20 1240, Senate Print 2458A, by Senator Akshar, an  
21 act authorizing the Town of Hancock, County of  
22 Delaware, to alienate and convey certain parcels  
23 of land.

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

1                   Read the last section.

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

4                   ACTING PRESIDENT BENJAMIN:   Call  
5   the roll.

6                   (The Secretary called the roll.)

7                   ACTING PRESIDENT BENJAMIN:  
8   Announce the results.

9                   THE SECRETARY:    Ayes, 60.

10                  ACTING PRESIDENT BENJAMIN:   The  
11   bill is passed.

12                  THE SECRETARY:    Calendar Number  
13   1355, Senate Print 5974A, by Senator Carlucci, an  
14   act to amend the Election Law.

15                  ACTING PRESIDENT BENJAMIN:   Read  
16   the last section.

17                  THE SECRETARY:    Section 4.   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:    In relation to  
25   Calendar Number 1355, those Senators voting in

1 the negative are Senators Akshar, Amedore,  
2 Antonacci, Flanagan, Funke, Gallivan, Griffio,  
3 Helming, Jordan, Lanza, O'Mara, Ortt,  
4 Ranzenhofer, Ritchie, Robach, Serino, Seward and  
5 Tedisco. Also Senator Little.

6 Ayes, 41. Nays, 19.

7 ACTING PRESIDENT BENJAMIN: The  
8 bill is passed.

9 THE SECRETARY: Calendar Number  
10 1377, Senate Print 2371B, by Senator Kaminsky, an  
11 act to amend the Penal Law.

12 SENATOR GIANARIS: Lay it aside for  
13 the day.

14 ACTING PRESIDENT BENJAMIN: The  
15 bill will be laid aside for the day.

16 THE SECRETARY: Calendar Number  
17 1446, Senate Print 6320A, by Senator Bailey, an  
18 act to amend the Public Housing Law.

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   1450, Senate Print 6352, by Senator Kaplan, an  
8   act to amend the Civil Practice Law and Rules.

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

11          ACTING PRESIDENT BENJAMIN:    The  
12   bill will be laid aside for the day.

13          THE SECRETARY:    Calendar Number  
14   1500, Senate Print 4223, by Senator Harckham, an  
15   act to amend the General Municipal Law.

16          ACTING PRESIDENT BENJAMIN:    There  
17   is a home-rule message at the desk.

18          Read 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:  
25   Announce the results.

1                   THE SECRETARY:    In relation to  
2   Calendar Number 1500, those Senators voting in  
3   the negative are Senators Amedore, Antonacci,  
4   Flanagan, Funke, Gallivan, Griffo, Helming,  
5   Jacobs, Jordan, LaValle, O'Mara, Ortt,  
6   Ranzenhofer, Ritchie, Serino and Tedisco.

7                   Ayes, 44.   Nays, 16.

8                   ACTING PRESIDENT BENJAMIN:    The  
9   bill is passed.

10                  THE SECRETARY:    Calendar Number  
11   1523, Senate Print 6257A, by Senator Harckham, an  
12   act in relation to authorizing the comptroller of  
13   the Town of Mount Pleasant to refund fees.

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:    Ayes, 60.

24                  ACTING PRESIDENT BENJAMIN:    The  
25   bill is passed.

1           THE SECRETARY:   Calendar Number  
2   1547, Senate Print 4189A, by Senator Kennedy, an  
3   act to amend the Transportation Law.

4           ACTING PRESIDENT BENJAMIN:   Read  
5   the last section.

6           THE SECRETARY:   Section 2.   This  
7   act shall take effect on the 120th 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 1547, voting in the negative:  
16   Senator Amedore.

17           Ayes, 59.   Nays, 1.

18           ACTING PRESIDENT BENJAMIN:   The  
19   bill is passed.

20           THE SECRETARY:   Calendar Number  
21   1554, Senate Print 5157A, by Senator Breslin, an  
22   act to amend the Real Property Law.

23           ACTING PRESIDENT BENJAMIN:   Read  
24   the last section.

25           THE SECRETARY:   Section 2.   This

1 act shall take effect October 1, 2019.

2 ACTING PRESIDENT BENJAMIN: Call  
3 the roll.

4 (The Secretary called the roll.)

5 ACTING PRESIDENT BENJAMIN:  
6 Announce the results.

7 THE SECRETARY: Ayes, 60.

8 ACTING PRESIDENT BENJAMIN: The  
9 bill is passed.

10 THE SECRETARY: Calendar Number  
11 1589, Senate Print 6554, by Senator Metzger, an  
12 act to amend the Agriculture and Markets Law.

13 ACTING PRESIDENT BENJAMIN: Read  
14 the last section.

15 THE SECRETARY: Section 2. This  
16 act shall take effect on the 120th day after it  
17 shall have become a law.

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: Ayes, 60.

24 ACTING PRESIDENT BENJAMIN: The  
25 bill is passed.



1                   THE SECRETARY:    Calendar Number  
2   1635, Senate Print 6457A, by Senator Gianaris, an  
3   act to amend the Election Law.

4                   SENATOR GRIFFO:   Lay it aside.

5                   ACTING PRESIDENT BENJAMIN:   Lay it  
6   aside.

7                   THE SECRETARY:    Calendar Number  
8   1650, Senate Print 6524, by Senator Gounardes, an  
9   act to amend the Civil Service Law.

10                  SENATOR GIANARIS:   Lay the bill  
11   aside temporarily.

12                  ACTING PRESIDENT BENJAMIN:   Lay it  
13   aside temporarily.

14                  THE SECRETARY:    Calendar Number  
15   1654, Senate Print 6544A, by Senator Krueger, an  
16   act to amend the Financial Services Law.

17                  ACTING PRESIDENT BENJAMIN:   Read  
18   the last section.

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

21                  ACTING PRESIDENT BENJAMIN:   Call  
22   the roll.

23                  (The Secretary called the roll.)

24                  ACTING PRESIDENT BENJAMIN:  
25   Announce the results.

1 THE SECRETARY: Ayes, 61.

2 ACTING PRESIDENT BENJAMIN: The  
3 bill is passed.

4 THE SECRETARY: Calendar Number  
5 1656, Senate Print 6557, by Senator Gallivan, an  
6 act to amend the Environmental Conservation Law.

7 ACTING PRESIDENT BENJAMIN: Read  
8 the last section.

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

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 1657, Senate Print 6560, by Senator Persaud, an  
22 act to amend the Family Court Act and the  
23 Domestic Relations Law.

24 ACTING PRESIDENT BENJAMIN: Read  
25 the last section.

1           THE SECRETARY:   Section 6.  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  1659, Senate Print 6573, by Senator Hoylman, an  
13  act to amend the Penal Law.

14          ACTING PRESIDENT BENJAMIN:   Read  
15  the last section.

16          THE SECRETARY:   Section 4.  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  Hoylman to explain his vote.

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

25          This bill, which was introduced at

1 the request of the Governor, and the language of  
2 which has been negotiated between the Senate and  
3 the Assembly, would limit the extreme emotional  
4 disturbance defense to murder in the first  
5 degree, murder in the second degree, and  
6 aggravated murder.

7           The bill would provide that the  
8 defense is not available when the defendant  
9 killed the victim as a result of the discovery,  
10 knowledge or disclosure of the victim's sexual  
11 orientation, sex, gender, gender identity, gender  
12 expression, or sex assigned at birth. No  
13 longer -- once we pass this bill,  
14 Mr. President -- would a victim's sexual  
15 orientation or gender identity or expression be  
16 weaponized against them after their murder.

17           This bill is dedicated to the memory  
18 of Matthew Shepard and Islan Nettles, two proud  
19 members of the LGBT community who were murdered  
20 and whose sexual orientation and gender identity  
21 and expression was used against them.

22           I vote aye.

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

25           Announce the results.

1 THE SECRETARY: Ayes, 61.

2 ACTING PRESIDENT BENJAMIN: The  
3 bill is passed.

4 THE SECRETARY: Calendar Number  
5 1660, Senate Print 6574, by Senator Biaggi, an  
6 act to amend the Criminal Procedure Law and the  
7 Civil Practice Law and Rules.

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 1660, those Senators voting in  
19 the negative are Senators Akshar, Lanza and  
20 Ranzenhofer.

21 Ayes, 58. Nays, 3.

22 ACTING PRESIDENT BENJAMIN: The  
23 bill is passed.

24 THE SECRETARY: Calendar Number  
25 1661, Senate Print 6575, by Senator Sanders, an

1 act to amend the Executive Law.

2 SENATOR GRIFFO: Lay it aside.

3 ACTING PRESIDENT BENJAMIN: Lay it  
4 aside.

5 THE SECRETARY: Calendar Number  
6 1662, Senate Print 6576, by Senator Kavanagh, an  
7 act to amend a chapter of the Laws of 2019.

8 ACTING PRESIDENT BENJAMIN: Read  
9 the last section.

10 THE SECRETARY: Section 3. This  
11 act shall take effect on the same date and in the  
12 same manner as a chapter of the Laws of 2019.

13 ACTING PRESIDENT BENJAMIN: Call  
14 the roll.

15 (The Secretary called the roll.)

16 ACTING PRESIDENT BENJAMIN:  
17 Announce the results.

18 THE SECRETARY: Ayes, 61.

19 ACTING PRESIDENT BENJAMIN: The  
20 bill is passed.

21 THE SECRETARY: Calendar Number  
22 1663, Senate Print 6577, by Senator Biaggi, an  
23 act to amend the Executive Law.

24 SENATOR GIANARIS: Lay it aside  
25 temporarily.

1                   ACTING PRESIDENT BENJAMIN:   Lay it  
2     aside temporarily.

3                   THE SECRETARY:   Calendar Number  
4     1664, Senate Print 6578, by Senator Ramos, an act  
5     to amend the Labor Law.

6                   SENATOR GRIFFO:   Lay it aside.

7                   ACTING PRESIDENT BENJAMIN:   Lay it  
8     aside.

9                   THE SECRETARY:   Calendar Number  
10    1667, Senate Print 5294A, by Senator Ramos, an  
11    act to amend the Vehicle and Traffic Law.

12                  ACTING PRESIDENT BENJAMIN:   Read  
13    the last section.

14                  THE SECRETARY:   Section 9. This  
15    act shall take effect on the 180th day after it  
16    shall have become a law.

17                  ACTING PRESIDENT BENJAMIN:   Call  
18    the roll.

19                         (The Secretary called the roll.)

20                  ACTING PRESIDENT BENJAMIN:   Senator  
21    Ramos to explain her vote.

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

24                         I rise to explain why this bill is  
25    so important, twofold. One is legalizing e-bikes

1 really does protect our immigrant delivery  
2 workers.

3           New Yorkers love things done fast,  
4 quickly and well, and oftentimes nowadays  
5 restaurants are requiring our immigrant delivery  
6 workers to own e-bikes. And so by legalizing  
7 them we're ensuring that the crackdown,  
8 specifically by the NYPD, is finally put to rest.  
9 These folks have been stopped, ticketed \$500  
10 apiece, which is oftentimes much more than what  
11 they make in wages. Many times they have their  
12 bikes confiscated, which is obviously a very  
13 important tool of their trade.

14           But this also is about micromobility  
15 and allowing that e-bike and e-scooters both  
16 contribute, hopefully, to alternatives to cars in  
17 places where it makes sense. And that's why  
18 we're trusting that each local government will be  
19 able to make the right decisions for  
20 implementation for themselves.

21           So I want to thank my leader, Andrea  
22 Stewart-Cousins, and my colleagues, both on this  
23 side of the aisle and across, who have been so  
24 supportive of this measure. Thank you.

25           ACTING PRESIDENT BENJAMIN:



1 Senator Ramos to be recorded in the affirmative.

2 Announce the results.

3 THE SECRETARY: In relation to  
4 Calendar Number 1667, those Senators voting in  
5 the negative are Senators Akshar, Felder, Jacobs,  
6 LaValle and Little.

7 Ayes, 56. Nays, 5.

8 ACTING PRESIDENT BENJAMIN: The  
9 bill is passed.

10 THE SECRETARY: Calendar Number  
11 1668, Senate Print 6293A, by Senator Comrie, an  
12 act to authorize, for certain public works  
13 undertaken pursuant to project labor agreements.

14 ACTING PRESIDENT BENJAMIN: Read  
15 the last section.

16 THE SECRETARY: Section 14. 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 1668, voting in the negative:  
25 Senator LaValle.

1                   Ayes, 60.   Nays, 1.

2                   ACTING PRESIDENT BENJAMIN:    The  
3 bill is passed.

4                   THE SECRETARY:    Calendar Number  
5 1669, Senate Print 6372A, by Senator Comrie, an  
6 act establishing the "Gateway Development  
7 Commission Act."

8                   SENATOR GIANARIS:    Lay it aside  
9 temporarily.

10                  ACTING PRESIDENT BENJAMIN:    Lay it  
11 aside temporarily.

12                  THE SECRETARY:    Calendar Number  
13 1670, Senate Print 6532A, by Senator Kavanagh, an  
14 act to amend the Election Law.

15                  SENATOR GRIFFO:    Lay it aside.

16                  ACTING PRESIDENT BENJAMIN:    Lay it  
17 aside.

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

20                  SENATOR GIANARIS:    Can we now take  
21 up the reading of the supplemental calendar.

22                  ACTING PRESIDENT BENJAMIN:    The  
23 Secretary will read.

24                  THE SECRETARY:    Calendar Number  
25 1673, Senate Print 934, by Senator O'Mara, an act

1 in relation to authorizing state reimbursement to  
2 the Jasper-Troupsburg Central School District.

3 ACTING PRESIDENT BENJAMIN: Read  
4 the last section.

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

7 ACTING PRESIDENT BENJAMIN: Call  
8 the roll.

9 (The Secretary called the roll.)

10 ACTING PRESIDENT BENJAMIN:  
11 Announce the results.

12 THE SECRETARY: Ayes, 61.

13 ACTING PRESIDENT BENJAMIN: The  
14 bill is passed.

15 There is a substitution at the desk.

16 The Secretary will read.

17 THE SECRETARY: Senator Skoufis  
18 moves to discharge, from the Committee on Rules,  
19 Assembly Bill Number 7289 and substitute it for  
20 the identical Senate Bill 1681, Third Reading  
21 Calendar 1674.

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

24 The Secretary will read.

25 THE SECRETARY: Calendar Number

1 1674, Assembly Print Number 7289, by  
2 Assemblymember Barrett, an act to amend the  
3 Real Property Tax Law.

4 ACTING PRESIDENT BENJAMIN: Read  
5 the last section.

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

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, 61.

14 ACTING PRESIDENT BENJAMIN: The  
15 bill is passed.

16 THE SECRETARY: Calendar Number  
17 1675, Senate Print 2000A, by Senator Hoylman, an  
18 act to amend the Environmental Conservation Law.

19 ACTING PRESIDENT BENJAMIN: Read  
20 the last section.

21 THE SECRETARY: Section 4. This  
22 act shall take effect December 31, 2021.

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:   In relation to  
4   Calendar Number 1675, those Senators voting in  
5   the negative are Senators Amedore, Funke, Little,  
6   Ortt, Ranzenhofer and Robach.

7                   Ayes, 55.   Nays, 6.

8                   ACTING PRESIDENT BENJAMIN:   The  
9   bill is passed.

10                  THE SECRETARY:   Calendar Number  
11   1676, Senate Print 2313, by Senator Skoufis, an  
12   act to amend the Real Property Tax Law and the  
13   Tax Law.

14                  ACTING PRESIDENT BENJAMIN:   Read  
15   the last section.

16                  THE SECRETARY:   Section 3.   This  
17   act shall take effect on the first of January.

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:   Ayes, 61.

24                  ACTING PRESIDENT BENJAMIN:   The  
25   bill is passed.

1                   THE SECRETARY:   Calendar Number  
2   1677, Senate Print 2385, by Senator Parker, 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 first of January.

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, 61.

14                   ACTING PRESIDENT BENJAMIN:   The  
15   bill is passed.

16                   There is a substitution at the desk.

17                   The Secretary will read.

18                   THE SECRETARY:   Senator Myrie moves  
19   to discharge, from the Committee on Rules,  
20   Assembly Bill Number 1454 and substitute it for  
21   the identical Senate Bill Number 3146, Third  
22   Reading Calendar 1678.

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

25                   The Secretary will read.

1                   THE SECRETARY:   Calendar Number  
2   1678, Assembly Print Number 1454, by  
3   Assemblymember Buchwald, an act to amend the  
4   Election Law.

5                   ACTING PRESIDENT BENJAMIN:   Read  
6   the last section.

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

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, 61.

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 Gounardes  
20  moves to discharge, from the Committee on Rules,  
21  Assembly Bill Number 4079B and substitute it for  
22  the identical Senate Bill Number 3168B, Third  
23  Reading Calendar 1679.

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

1                   The Secretary will read.

2                   THE SECRETARY:   Calendar Number  
3   1679, Assembly Print Number 4079B, by  
4   Assemblymember Joyner, an act to amend the  
5   General Municipal Law and the Retirement and  
6   Social Security Law.

7                   ACTING PRESIDENT BENJAMIN:   Read  
8   the last section.

9                   THE SECRETARY:   Section 3.   This  
10   act shall take effect July 1, 2019.

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                   There is a substitution at the desk.

20                   The Secretary will read.

21                   THE SECRETARY:   Senator LaValle  
22   moves to discharge, from the Committee on Rules,  
23   Assembly Bill Number 5806 and substitute it for  
24   the identical Senate Bill Number 3329, Third  
25   Reading Calendar 1680.



1                   ACTING PRESIDENT BENJAMIN:    The  
2   substitution is so ordered.

3                   The Secretary will read.

4                   THE SECRETARY:    Calendar Number  
5   1680, Assembly Print Number 5806, by  
6   Assemblymember Palumbo, an act to amend the  
7   Chapter 399 of the Laws of 2008.

8                   ACTING PRESIDENT BENJAMIN:    There  
9   is a home-rule message at the desk.

10                  Read the last section.

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

14                  ACTING PRESIDENT BENJAMIN:    Call  
15   the roll.

16                  (The Secretary called the roll.)

17                  ACTING PRESIDENT BENJAMIN:  
18   Announce the results.

19                  THE SECRETARY:    Ayes, 61.

20                  ACTING PRESIDENT BENJAMIN:    The  
21   bill is passed.

22                  THE SECRETARY:    Calendar Number  
23   1681, Senate Print 3439A, by Senator Myrie, an  
24   act directing the Metropolitan Transportation  
25   Authority to rename certain subway stations.

1                   ACTING PRESIDENT BENJAMIN:    Read  
2   the last section.

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

5                   ACTING PRESIDENT BENJAMIN:    Call  
6   the roll.

7                   (The Secretary called the roll.)

8                   ACTING PRESIDENT BENJAMIN:  
9   Announce the results.

10                  THE SECRETARY:    Ayes, 61.

11                  ACTING PRESIDENT BENJAMIN:    The  
12   bill is passed.

13                  THE SECRETARY:    Calendar Number  
14   1682, Senate Print 3457, by Senator Montgomery,  
15   an act to amend the Criminal Procedure Law.

16                  ACTING PRESIDENT BENJAMIN:    Read  
17   the last section.

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

20                  ACTING PRESIDENT BENJAMIN:    Call  
21   the roll.

22                  (The Secretary called the roll.)

23                  ACTING PRESIDENT BENJAMIN:  
24   Senator Montgomery to explain her vote.

25                  SENATOR MONTGOMERY:    Yes, thank

1 you, Mr. President, on the -- finally on the  
2 right bill.

3 I want to first of all thank our  
4 Majority Leader for her consistent support on  
5 this issue, the larger issue being what do we do,  
6 how do we treat young people in our criminal  
7 justice, juvenile justice court system.

8 And so this is really an extension  
9 of the laws that we already passed in prior years  
10 to raise the age for young people in our state.  
11 So this one, along with several others that we  
12 will be passing today, looks to address issues  
13 related to what happens to young people when they  
14 go to court. And in this particular case it will  
15 allow the courts to allow us to waive the fees  
16 that are quite onerous when it comes to people  
17 who find themselves having to go to court before  
18 a judge.

19 And we will also be passing  
20 legislation that will require a videotaping of  
21 interrogations of young people. That was a very  
22 major issue in the Central Park 5. And if we had  
23 had that back at that time, we may have had a  
24 different outcome for those young people.

25 We're also going to be doing

1     legislation which will prevent young people from  
2     being shackled when they're in court. Unless  
3     it's absolutely necessary, we do not have to  
4     shackle them.

5                 We're also passing legislation today  
6     that will require a more definitive plan for  
7     young people who are going to be coming back to  
8     their community from having been away at a  
9     facility away from their home. So that there  
10    will be a plan for them, how do we address their  
11    lives going forward, help them putting back their  
12    lives in their community, in their schools, and  
13    with people who they should be able to  
14    reintegrate with, and their families.

15                So I'm very happy, thankful. I  
16    thank the central staff. They've been very, very  
17    significantly helpful in helping us to put  
18    together this program. And I am just only very  
19    happy that finally we will treat children as  
20    children in this criminal justice, juvenile  
21    justice system, and hopefully will help them get  
22    back on track but treat them with the dignity  
23    that they deserve and with the recognition that  
24    if we do this right, young people can turn their  
25    lives around, they do not have to end up going

1 further into the criminal justice system.

2 So with that, thank you,  
3 Mr. President. I vote aye on this. And I will  
4 be voting aye on all of those. And I thank my  
5 colleagues for also supporting this -- these  
6 bills that we have before us today. Thank you.  
7 I vote aye.

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

11 Announce the results.

12 THE SECRETARY: In relation to  
13 Calendar Number 1682, those Senators voting in  
14 the negative are Senators Akshar, Amedore,  
15 Antonacci, Flanagan, Funke, Gallivan, Griffio,  
16 Helming, Jacobs, Jordan, LaValle, Little, O'Mara,  
17 Ortt, Ranzenhofer, Ritchie, Robach, Serino,  
18 Seward and Tedisco. Also Senator Boyle.

19 Ayes, 40. Nays, 21.

20 ACTING PRESIDENT BENJAMIN: The  
21 bill is passed.

22 Sergeants, please make sure to keep  
23 the doors closed. Thank you.

24 There is a substitution at the desk.

25 The Secretary will read.

1                   THE SECRETARY:    Senator Skoufis  
2   moves to discharge, from the Committee on Rules,  
3   Assembly Bill Number 4436 and substitute it for  
4   the identical Senate Bill Number 3801, Third  
5   Reading Calendar 1683.

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

8                   The Secretary will read.

9                   THE SECRETARY:    Calendar Number  
10   1683, Assembly Print Number 4436, by  
11   Assemblymember Abbate, an act to amend the  
12   Retirement and Social Security 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:    Ayes, 61.

23                  ACTING PRESIDENT BENJAMIN:    The  
24   bill is passed.

25                  THE SECRETARY:    Calendar Number

1 1684, Senate Print 3851, by Senator Sanders, an  
2 act to amend the General Business Law.

3 SENATOR BRESLIN: Lay it aside for  
4 the day.

5 ACTING PRESIDENT BENJAMIN: The  
6 bill will be laid aside for the day.

7 THE SECRETARY: Calendar Number  
8 1685, Senate Print 3860, by Senator Lanza, an act  
9 to amend the Vehicle and Traffic 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, 61.

20 ACTING PRESIDENT BENJAMIN: The  
21 bill is passed.

22 THE SECRETARY: Calendar Number  
23 1686, Senate Print 3909A, by Senator Kaminsky, an  
24 act to amend the Executive Law.

25 ACTING PRESIDENT BENJAMIN: Read

1 the last section.

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

5 ACTING PRESIDENT BENJAMIN: Call  
6 the roll.

7 (The Secretary called the roll.)

8 ACTING PRESIDENT BENJAMIN:  
9 Announce the results.

10 THE SECRETARY: Ayes, 61.

11 ACTING PRESIDENT BENJAMIN: The  
12 bill is passed.

13 Calendar Number 1687 is high and  
14 will be laid aside for the day.

15 There is a substitution at the desk.

16 The Secretary will read.

17 THE SECRETARY: Senator Carlucci  
18 moves to discharge, from the Committee on Aging,  
19 Assembly Bill Number 4109B and substitute it for  
20 the identical Senate Bill Number 4285A, Third  
21 Reading Calendar 1688.

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

24 The Secretary will read.

25 THE SECRETARY: Calendar Number



1 1688, Assembly Print Number 4109B, by  
2 Assemblymember Gunther, an act to amend the  
3 Social Services Law.

4 ACTING PRESIDENT BENJAMIN: Read  
5 the last section.

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

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, 61.

14 ACTING PRESIDENT BENJAMIN: The  
15 bill is passed.

16 THE SECRETARY: Calendar Number  
17 1689, Senate Print 4440, by Senator Gianaris, an  
18 act to amend the Executive Law.

19 ACTING PRESIDENT BENJAMIN: Read  
20 the last section.

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

23 ACTING PRESIDENT BENJAMIN: Call  
24 the roll.

25 (The Secretary called the roll.)

1           ACTING PRESIDENT BENJAMIN:

2   Announce the results.

3           THE SECRETARY:    Ayes, 61.

4           ACTING PRESIDENT BENJAMIN:    The  
5   bill is passed.

6           THE SECRETARY:    Calendar Number  
7   1690, Senate Print 4804B, by Senator Ranzenhofer,  
8   an act to amend the Local Finance Law.

9           ACTING PRESIDENT BENJAMIN:    There  
10   is a home-rule message at the desk.

11           Read 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, 61.

20           ACTING PRESIDENT BENJAMIN:    The  
21   bill is passed.

22           THE SECRETARY:    Calendar Number  
23   1691, Senate Print 4865A, by Senator Hoylman, an  
24   act to amend the Real Property Actions and  
25   Proceedings Law.

1                   ACTING PRESIDENT BENJAMIN:    Read  
2   the last section.

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

5                   ACTING PRESIDENT BENJAMIN:    Call  
6   the roll.

7                   (The Secretary called the roll.)

8                   ACTING PRESIDENT BENJAMIN:    Senator  
9   Hoylman to explain his vote.

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

12                  This legislation is about ensuring  
13   that predatory real estate speculators can't take  
14   advantage of families who inherit property after  
15   the death of a loved one by filing a partition  
16   action in court to force the sale of that  
17   property for a below-market value.

18                  There was a NY1 investigative piece  
19   that I saw that showed how predatory speculators  
20   operating in places like Brooklyn brought this  
21   issue to our attention.

22                  Under the current law, when a  
23   property has multiple owners holding the tenants  
24   as tenants in common, an owner can force a sale  
25   of the property by filing a partition action.

1 This legislation would make it such that  
2 co-owners would have the right of first refusal  
3 to buy out any co-owners such as real estate  
4 speculators seeking that partition and require  
5 the courts to prioritize partitions in kind,  
6 dividing the property, and ensure that  
7 court-ordered sales are done on the open market  
8 for fair market value.

9 I wanted to thank Senator  
10 Montgomery, Assemblymember Tremaine Wright, and  
11 our colleague across in the other house,  
12 Assemblymember Jeff Dinowitz, for supporting this  
13 legislation.

14 I vote aye.

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

17 Senator Montgomery to explain her  
18 vote.

19 SENATOR MONTGOMERY: Yes,  
20 Mr. President, I rise to just thank my colleague  
21 Senator Hoylman for this legislation. It  
22 certainly is a very serious issue for many of the  
23 homeowners in my district and I think across the  
24 city.

25 And as you know, we had a hearing

1 earlier in the year where a number of people came  
2 to talk about issues specifically relevant to  
3 homeowners and the issues around people being  
4 fraudulently fleeced out of their properties.  
5 And this was one of those ways that it's  
6 happened.

7                   So I want to thank you for this  
8 legislation. And I know that Senator Kavanagh  
9 was also at that hearing. A number of us heard  
10 from our -- people come to us to say please do  
11 something to make sure this doesn't happen to the  
12 properties that we inherited.

13                   So thank you, and I vote aye.

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

16                   Announce the results.

17                   THE SECRETARY: Ayes, 62.

18                   ACTING PRESIDENT BENJAMIN: The  
19 bill is passed.

20                   THE SECRETARY: Calendar Number  
21 1692, Senate Print 5348A, by Senator Kennedy, an  
22 act to amend the Vehicle and Traffic Law.

23                   SENATOR BRESLIN: Lay it aside  
24 temporarily.

25                   ACTING PRESIDENT BENJAMIN: Lay it

1     aside temporarily.

2                   THE SECRETARY:     Calendar 1693 is  
3     high and will be laid aside for the day.

4                   THE SECRETARY:     Calendar Number  
5     1694, Senate Print 5552, by Senator Persaud, an  
6     act to amend the Social Services Law.

7                   ACTING PRESIDENT BENJAMIN:     Read  
8     the last section.

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

11                   SENATOR O'MARA:     Call 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 1694, those Senators voting in  
17    the negative are Senators Akshar, Amedore,  
18    Antonacci, Flanagan, Funke, Gallivan, Griffio,  
19    Helming, Jacobs, Jordan, LaValle, O'Mara,  
20    Ranzenhofer, Ritchie, Robach, Serino, Seward and  
21    Tedisco.

22                   Ayes, 44.   Nays, 18.

23                   ACTING PRESIDENT BENJAMIN:     The  
24    bill is passed.

25                   THE SECRETARY:     Calendar Number

1 1695, Senate Print 5612A, by Senator Harckham, an  
2 act to amend the Environmental Conservation Law.

3 ACTING PRESIDENT BENJAMIN: Read  
4 the last section.

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

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: In relation to  
14 Calendar Number 1695, those Senators voting in  
15 the negative are Senators Akshar, Funke,  
16 Gallivan, Griffio, Jordan, Little, O'Mara, Ortt,  
17 Ranzenhofer, Ritchie and Robach.

18 Ayes, 51. Nays, 11.

19 ACTING PRESIDENT BENJAMIN: The  
20 bill is passed.

21 THE SECRETARY: Calendar Number  
22 1696, Senate Print 5714, by Senator O'Mara, an  
23 act to amend the Correction Law.

24 ACTING PRESIDENT BENJAMIN: Read  
25 the last section.

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

3           ACTING PRESIDENT BENJAMIN:    Call  
4   the roll.

5                   (The Secretary called the roll.)

6           ACTING PRESIDENT BENJAMIN:  
7   Announce the results.

8           THE SECRETARY:    Ayes, 62.

9           ACTING PRESIDENT BENJAMIN:    The  
10   bill is passed.

11           THE SECRETARY:    Calendar Number  
12   1697, Senate Print 5810, by Senator Montgomery,  
13   an act to amend the Social Services Law.

14           ACTING PRESIDENT BENJAMIN:    Read  
15   the last section.

16           THE SECRETARY:    Section 5.   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 1697, those Senators voting in  
25   the negative are Senators Akshar, Amedore,



1 Antonacci, Boyle, Funke, Gallivan, Griffo,  
2 Jacobs, Jordan, Lanza, LaValle, O'Mara, Ortt,  
3 Ranzenhofer, Ritchie, Robach, Serino, Seward and  
4 Tedisco.

5 Ayes, 43. Nays, 19.

6 ACTING PRESIDENT BENJAMIN: The  
7 bill is passed.

8 THE SECRETARY: Calendar Number  
9 1698, Senate Print 5886A, by Senator Gaughran, an  
10 act to amend the Local Finance Law.

11 ACTING PRESIDENT BENJAMIN: Read  
12 the last section.

13 THE SECRETARY: Section 2. This  
14 act shall take effect on the first of January.

15 ACTING PRESIDENT BENJAMIN: Call  
16 the roll.

17 (The Secretary called the roll.)

18 ACTING PRESIDENT BENJAMIN:  
19 Announce the results.

20 THE SECRETARY: Ayes, 62.

21 ACTING PRESIDENT BENJAMIN: The  
22 bill is passed.

23 THE SECRETARY: Calendar Number  
24 1699, Senate Print 5903A, by Senator Gounardes,  
25 an act to amend the General Municipal 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:    Ayes, 62.

12          ACTING PRESIDENT BENJAMIN:    The  
13   bill is passed.

14          There is a substitution at the desk.

15          The Secretary will read.

16          THE SECRETARY:    Senator Mayer moves  
17   to discharge, from the Committee on Finance,  
18   Assembly Bill Number 382 and substitute it for  
19   the identical Senate Bill Number 6030, Third  
20   Reading Calendar 1700.

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

23          The Secretary will read.

24          THE SECRETARY:    Calendar Number  
25   1700, Assembly Print Number 382, by

1 Assemblymember Lifton, an act to direct the  
2 Department of State to conduct a study on the use  
3 of legal material in an electronic format.

4 ACTING PRESIDENT BENJAMIN: Read  
5 the last section.

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

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: In relation to  
14 Calendar Number 1700, voting in the negative:  
15 Senator Akshar.

16 Ayes, 61. Nays, 1.

17 ACTING PRESIDENT BENJAMIN: The  
18 bill is passed.

19 There is a substitution at the desk.

20 The Secretary will read.

21 THE SECRETARY: Senator Carlucci  
22 moves to discharge, from the Committee on Rules,  
23 Assembly Bill Number 7587A and substitute it for  
24 the identical Senate Bill Number 6113A, Third  
25 Reading Calendar 1702.

1                   ACTING PRESIDENT BENJAMIN:    The  
2   substitution is so ordered.

3                   The Secretary will read.

4                   THE SECRETARY:    Calendar Number  
5   1702, Assembly Print Number 7587A, by  
6   Assemblymember Abinanti, an act to amend the  
7   Public Authorities Law.

8                   ACTING PRESIDENT BENJAMIN:    Read  
9   the last section.

10                  THE SECRETARY:    Section 5.  This  
11   act shall take effect on the 120th day after it  
12   shall have become a law.

13                  ACTING PRESIDENT BENJAMIN:    Call  
14   the roll.

15                  (The Secretary called the roll.)

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

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

20                  I want to thank my colleagues for  
21   supporting this legislation.  The Toll Payer  
22   Protection Act was born of a barrage of phone  
23   calls and emails and other complaints that I  
24   received in my office after the cashless tolling  
25   went into effect on the Tappan Zee Bridge.  We

1 saw residents were hit with what was supposed to  
2 be a \$5 toll was turning into a \$100 fine each  
3 time they went across. Many residents didn't  
4 even realize they had these outstanding fines  
5 until it was sent to collection.

6 The Toll Payer Protection Act puts  
7 in safeguards for toll payers, protects our data,  
8 puts a freeze on the time that bills can be sent  
9 to collection, allows us to get notified in a  
10 timely manner, we can sign up for texts, for  
11 email alerts, have a dispute system in place to  
12 make sure that consumers, that toll payers have  
13 recourse if they've been wrongly charged a toll  
14 and a fine.

15 This legislation will go a long way  
16 in protecting residents in our communities.  
17 Unfortunately, I've seen residents with thousands  
18 of dollars in tolls -- or fines, literally  
19 driving them into debt.

20 So I want to thank my colleagues for  
21 supporting this. I'm hopeful that the Governor  
22 will sign it into law and make it a reality in  
23 New York State.

24 Thank you, Mr. President.

25 ACTING PRESIDENT BENJAMIN: Senator

1 Carlucci to be recorded in the affirmative.

2 Announce the results.

3 THE SECRETARY: In relation to  
4 Calendar Number 1702, voting in the negative:  
5 Senator Ranzenhofer.

6 Ayes, 61. Nays, 1.

7 ACTING PRESIDENT BENJAMIN: The  
8 bill is passed.

9 THE SECRETARY: Calendar Number  
10 1703, Senate Print 6139, by Senator Addabbo, an  
11 act to amend the Racing, Pari-Mutuel Wagering and  
12 Breeding Law.

13 ACTING PRESIDENT BENJAMIN: Read  
14 the last section.

15 THE SECRETARY: Section 14. 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 1703, those Senators voting in  
24 the negative are Senators Flanagan, Griffo,  
25 Jordan, LaValle, Ortt, Ranzenhofer, Serino and

1 Seward. Also Senator Lanza.

2 Ayes, 53. Nays, 9.

3 ACTING PRESIDENT BENJAMIN: The  
4 bill is passed.

5 There is a substitution at the desk.

6 The Secretary will read.

7 THE SECRETARY: Senator Breslin  
8 moves to discharge, from the Committee on Rules,  
9 Assembly Bill Number 8112 and substitute it for  
10 the identical Senate Bill Number 6253, Third  
11 Reading Calendar 1704.

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

14 The Secretary will read.

15 THE SECRETARY: Calendar Number  
16 1704, Assembly Print Number 8112, by  
17 Assemblymember McDonald, an act to authorize  
18 Church of God and Saints of Christ to file an  
19 application for certain real property tax  
20 exemptions.

21 ACTING PRESIDENT BENJAMIN: Read  
22 the last section.

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

25 ACTING PRESIDENT BENJAMIN: Call

1 the roll.

2 (The Secretary called the roll.)

3 ACTING PRESIDENT BENJAMIN:

4 Announce the results.

5 THE SECRETARY: In relation to  
6 Calendar Number 1704, those Senators voting in  
7 the negative are Senators Akshar, Antonacci and  
8 O'Mara.

9 Ayes, 59. Nays, 3.

10 ACTING PRESIDENT BENJAMIN: The  
11 bill is passed.

12 THE SECRETARY: Calendar Number  
13 1705, Senate Print 6255, by Senator LaValle, an  
14 act to authorize the Town of Brookhaven to extend  
15 the boundaries of the Rocky Point Fire District.

16 ACTING PRESIDENT BENJAMIN: There  
17 is a home-rule message at the desk.

18 Read the last section.

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

21 ACTING PRESIDENT BENJAMIN: Call  
22 the roll.

23 (The Secretary called the roll.)

24 ACTING PRESIDENT BENJAMIN:

25 Announce the results.



1 THE SECRETARY: Ayes, 62.

2 ACTING PRESIDENT BENJAMIN: The  
3 bill is passed.

4 THE SECRETARY: Calendar Number  
5 1706, Senate Print 6281A, by Senator Hoylman, an  
6 act to amend the Hudson River Park Act.

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 Hoylman to explain his vote.

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

18 You know, I represent the Hudson  
19 River Park, along with Senators Jackson and  
20 Kavanagh. It runs from 59th Street down to the  
21 Battery. The park itself is insured by both the  
22 State of New York and the city. But Route 9A,  
23 which is the highway along the park and the  
24 bikeway, is left in a gray area.

25 There was a terrible incident there

1     that occurred in 2017, a terror attack that I  
2     think we're all too familiar with that killed  
3     eight people and injured 11 others along the  
4     bikeway. Following that attack, the Hudson River  
5     Park Trust annual insurance costs ballooned from  
6     about \$2 million to over \$3 million. They are  
7     not indemnified by the State of New York even  
8     though that bikeway is entirely 100 percent state  
9     property.

10                 The state should have the sole  
11     financial responsibility for the liabilities and  
12     insurance. And to minimize the costs of Hudson  
13     River Park's liability, the state's obligations  
14     to Route 9A should be met separately from any  
15     insurance policy held by the Hudson River Park  
16     Trust.

17                 Thank you to my colleagues for their  
18     support of this legislation. I vote aye.

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

21                 Announce the results.

22                 THE SECRETARY:     Ayes, 62.

23                 ACTING PRESIDENT BENJAMIN:     The  
24     bill is passed.

25                 THE SECRETARY:     Calendar Number

1 1707, Senate Print 6285A, by Senator Ranzenhofer,  
2 an act to authorize the Town of Amherst.

3 ACTING PRESIDENT BENJAMIN: There  
4 is not a home-rule message available at the desk.  
5 The bill will be laid aside for the day.

6 There is a substitution at the desk.

7 The Secretary will read.

8 THE SECRETARY: Senator May moves  
9 to discharge, from the Committee on Rules,  
10 Assembly Bill Number 7947A and substitute it for  
11 the identical Senate Bill 6289A, Third Reading  
12 Calendar 1708.

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

15 The Secretary will read.

16 THE SECRETARY: Calendar Number  
17 1708, Assembly Print Number 7947A, by  
18 Assemblymember Lupardo, an act to amend the  
19 Tax Law and the Alcoholic Beverage Control 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 Number 1708, those Senators voting in  
6 the negative are Senators Akshar, Amedore,  
7 Antonacci, Boyle, Flanagan, Funke, Gallivan,  
8 Helming, Jacobs, Jordan, Lanza, LaValle, O'Mara,  
9 Ortt, Ranzenhofer, Ritchie, Robach, Serino,  
10 Seward and Tedisco.

11 Ayes, 42. Nays, 20.

12 ACTING PRESIDENT BENJAMIN: The  
13 bill is passed.

14 THE SECRETARY: Calendar Number  
15 1709, Senate Print 6331, by Senator Parker, an  
16 act to amend the Public Authorities Law.

17 ACTING PRESIDENT BENJAMIN: Read  
18 the last section.

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

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, 62.

3 ACTING PRESIDENT BENJAMIN: The  
4 bill is passed.

5 THE SECRETARY: Calendar Number  
6 1710, Senate Print 6335, by Senator Hoylman, an  
7 act to amend the Civil Practice Law and Rules.

8 ACTING PRESIDENT BENJAMIN: Read  
9 the last section.

10 SENATOR BRESLIN: Lay it aside  
11 temporarily.

12 ACTING PRESIDENT BENJAMIN: Lay it  
13 aside temporarily.

14 THE SECRETARY: Calendar Number  
15 1711, Senate Print 6359, by Senator Addabbo, an  
16 act to amend the Racing, Pari-Mutuel Wagering and  
17 Breeding 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 Number 1711, voting in the negative:  
4     Senator LaValle.

5                 Ayes, 61.   Nays, 1.

6                 ACTING PRESIDENT BENJAMIN:     The  
7     bill is passed.

8                 THE SECRETARY:     Calendar Number  
9     1712, Senate Print 6377A, by Senator Seward, an  
10    act to amend the Highway Law.

11                ACTING PRESIDENT BENJAMIN:     Read  
12    the last section.

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

15                ACTING PRESIDENT BENJAMIN:     Call  
16    the roll.

17                (The Secretary called the roll.)

18                ACTING PRESIDENT BENJAMIN:  
19    Announce the results.

20                THE SECRETARY:     Ayes, 62.

21                ACTING PRESIDENT BENJAMIN:     The  
22    bill is passed.

23                There is a substitution at the desk.

24                The Secretary will read.

25                THE SECRETARY:     Senator Hoylman

1 moves to discharge, from the Committee on Rules,  
2 Assembly Bill Number 8189 and substitute it for  
3 the identical Senate Bill 6385, Third Reading  
4 Calendar 1713.

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

7 The Secretary will read.

8 THE SECRETARY: Calendar Number  
9 1713, Assembly Print Number 8189, by  
10 Assemblymember Dinowitz, an act to amend  
11 Chapter 164 of the Laws of 2017.

12 ACTING PRESIDENT BENJAMIN: Read  
13 the last section.

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

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: Ayes, 62.

22 ACTING PRESIDENT BENJAMIN: The  
23 bill is passed.

24 THE SECRETARY: Calendar Number  
25 1714, Senate Print 6395, by Senator Hoylman, an

1 act to amend the Civil Practice Law and Rules.

2 ACTING PRESIDENT BENJAMIN: Read  
3 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 1714, voting in the negative:  
13 Senator Ranzenhofer.

14 Ayes, 61. Nays, 1.

15 ACTING PRESIDENT BENJAMIN: The  
16 bill is passed.

17 THE SECRETARY: Calendar Number  
18 1715, Senate Print 6409, by Senator Gaughran, an  
19 act to amend the Civil Practice Law and Rules.

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: Ayes, 62.

5 ACTING PRESIDENT BENJAMIN: The  
6 bill is passed.

7 THE SECRETARY: Calendar Number  
8 1716, Senate Print 6410, by Senator Kavanagh, an  
9 act to amend the Private Housing Finance Law.

10 ACTING PRESIDENT BENJAMIN: Read  
11 the last section.

12 THE SECRETARY: Section 10. 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, 62.

20 ACTING PRESIDENT BENJAMIN: The  
21 bill is passed.

22 There is a substitution at the desk.

23 The Secretary will read.

24 THE SECRETARY: Senator Gianaris  
25 moves to discharge, from the Committee on Rules,

1 Assembly Bill Number 7525 and substitute it for  
2 the identical Senate Bill Number 6417, Third  
3 Reading Calendar 1717.

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

6 The Secretary will read.

7 THE SECRETARY: Calendar Number  
8 1717, Assembly Print Number 7525, by  
9 Assemblymember DenDekker, an act to amend the  
10 New York City Civil Court Act.

11 ACTING PRESIDENT BENJAMIN: Read  
12 the last section.

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

15 ACTING PRESIDENT BENJAMIN: Call  
16 the roll.

17 (The Secretary called the roll.)

18 ACTING PRESIDENT BENJAMIN:  
19 Announce the results.

20 THE SECRETARY: Ayes, 62.

21 ACTING PRESIDENT BENJAMIN: The  
22 bill is passed.

23 THE SECRETARY: Calendar Number  
24 1718, Senate Print 6418A, by Senator Parker, an  
25 act to amend the New York City Charter.

1                   ACTING PRESIDENT BENJAMIN:   Read  
2   the last section.

3                   THE SECRETARY:   Section 7.   This  
4   act shall take effect immediately.

5                   ACTING PRESIDENT BENJAMIN:   Call  
6   the roll.

7                   (The Secretary called the roll.)

8                   ACTING PRESIDENT BENJAMIN:  
9   Announce the results.

10                  THE SECRETARY:   In relation to  
11   Calendar Number 1718, those Senators voting in  
12   the negative are Senators Amedore, Gallivan,  
13   Helming, Jordan, Ranzenhofer, Jacobs, O'Mara,  
14   Ortt and Serino.

15                  Ayes, 53.   Nays, 9.

16                  ACTING PRESIDENT BENJAMIN:   The  
17   bill is passed.

18                  THE SECRETARY:   Calendar Number  
19   1719, Senate Print 6421B, by Senator Myrie, an  
20   act to amend the Election Law.

21                  ACTING PRESIDENT BENJAMIN:   Read  
22   the last section.

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

25                  ACTING PRESIDENT BENJAMIN:   Call

1 the roll.

2 (The Secretary called the roll.)

3 ACTING PRESIDENT BENJAMIN:

4 Announce the results.

5 THE SECRETARY: In relation to  
6 Calendar Number 1719, those Senators voting in  
7 the negative are Senators Akshar, Amedore,  
8 Antonacci, Boyle, Flanagan, Gallivan, Griffio,  
9 Helming, Jacobs, Jordan, Lanza, Little, O'Mara,  
10 Ortt, Ranzenhofer, Ritchie, Serino, Seward and  
11 Tedisco. Also Senator LaValle.

12 Ayes, 42. Nays, 20.

13 ACTING PRESIDENT BENJAMIN: The  
14 bill is passed.

15 There is a substitution at the desk.

16 The Secretary will read.

17 THE SECRETARY: Senator Krueger  
18 moves to discharge, from the Committee on Rules,  
19 Assembly Bill Number 8056 and substitute it for  
20 the identical Senate Bill 6439, Third Reading  
21 Calendar 1720.

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

24 The Secretary will read.

25 THE SECRETARY: Calendar Number

1 1720, Assembly Print Number 8056, by  
2 Assemblymember Epstein, an act to amend the  
3 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 first of April.

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, 62.

14 ACTING PRESIDENT BENJAMIN: The  
15 bill is passed.

16 There is a substitution at the desk.

17 The Secretary will read.

18 THE SECRETARY: Senator Comrie  
19 moves to discharge, from the Committee on Rules,  
20 Assembly Bill Number 3543 and substitute it for  
21 the identical Senate Bill Number 6449, Third  
22 Reading Calendar 1721.

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

25 The Secretary will read.

1                   THE SECRETARY:    Calendar Number  
2    1721, Assembly Print Number 3543, by  
3    Assemblymember Carroll, an act to amend the  
4    Election Law.

5                   ACTING PRESIDENT BENJAMIN:   Read  
6    the last section.

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

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, 62.

15                   ACTING PRESIDENT BENJAMIN:   The  
16   bill is passed.

17                   THE SECRETARY:    Calendar Number  
18   1722, Senate Print 6450, by Senator Comrie, an  
19   act to amend the Election Law.

20                   ACTING PRESIDENT BENJAMIN:   Read  
21   the last section.

22                   THE SECRETARY:    Section 2.   This  
23   act shall take effect on the 15th of December.

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, 62.  
5                   ACTING PRESIDENT BENJAMIN:    The  
6   bill is passed.  
7                   There is a substitution at the desk.  
8                   The Secretary will read.  
9                   THE SECRETARY:    Senator Brooks  
10   moves to discharge, from the Committee on Rules,  
11   Assembly Bill Number 8095A and substitute it for  
12   the identical Senate Bill Number 6467, Third  
13   Reading Calendar 1723.  
14                   ACTING PRESIDENT BENJAMIN:    The  
15   substitution is so ordered.  
16                   The Secretary will read.  
17                   THE SECRETARY:    Calendar Number  
18   1723, Assembly Print Number 8095A, by  
19   Assemblymember Barrett, an act to amend the  
20   Executive Law.  
21                   ACTING PRESIDENT BENJAMIN:    Read  
22   the last section.  
23                   THE SECRETARY:    Section 2.  This  
24   act shall take effect on the 60th day after it  
25   shall have become a law.

1                   ACTING PRESIDENT BENJAMIN:    Call  
2   the roll.

3                   (The Secretary called the roll.)

4                   ACTING PRESIDENT BENJAMIN:    Senator  
5   Ortt to explain his vote.

6                   SENATOR ORTT:    Yes, thank you,  
7   Mr. President.  I rise to explain my vote.

8                   This may be a veterans bill, but I  
9   do not believe it is a good or necessarily a  
10  needed veterans bill.

11                  There are already veterans county  
12  service officers, and I know there's another bill  
13  that will address them.  But there are already  
14  channels whereby a veteran who wants to challenge  
15  or try to get his discharge changed -- there  
16  are avenues and ways to do that.

17                  The fact of the matter is the  
18  majority of veterans who have less than honorable  
19  or dishonorable charges have them for a very good  
20  reason.  And I don't think we need to be creating  
21  separate boards here at the state level to try to  
22  tackle what is not only a federal issue, but in  
23  some cases we're expending resources and time on  
24  veterans who quite frankly have dishonorable or  
25  less than honorable discharges for very good



1 reasons, that the military and the Department of  
2 Defense has verified.

3 And we already have avenues -- if  
4 there are veterans who want to pursue changes or  
5 appeal, they can go through their county veteran  
6 service officers, they can go through the VA.  
7 There's already veterans groups that lobby the  
8 federal government -- the American Legion, the  
9 VFW -- that all have resources to try and assist  
10 veterans with these kinds of issues.

11 But I don't think this is a  
12 necessary bill or an area, quite frankly, that we  
13 need to be addressing here in the New York State  
14 Senate.

15 So while I often support my  
16 colleague across the aisle, chair of the Veterans  
17 Committee, as we try to assist veterans, I just  
18 don't believe this bill is necessary or certainly  
19 needed at this time, and I will be voting in the  
20 negative.

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

23 Announce the results.

24 THE SECRETARY: In relation to  
25 Calendar Number 1723, those Senators voting in

1 the negative are Senators Akshar, Amedore,  
2 Antonacci, Flanagan, Funke, Gallivan, Griffo,  
3 Jacobs, Jordan, Lanza, O'Mara, Ortt, Ranzenhofer,  
4 Robach, Serino, Seward and Tedisco. Also  
5 Senator LaValle. Also Senator Boyle.

6 Ayes, 43. Nays, 19.

7 ACTING PRESIDENT BENJAMIN: The  
8 bill is passed.

9 There is a substitution at the desk.

10 The Secretary will read.

11 THE SECRETARY: Senator Ramos moves  
12 to discharge, from the Committee on Rules,  
13 Assembly Bill Number 8035 and substitute it for  
14 the identical Senate Bill Number 6469, Third  
15 Reading Calendar 1724.

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

18 The Secretary will read.

19 THE SECRETARY: Calendar Number  
20 1724, Assembly Print 8035, by Assemblymember  
21 Fall, an act to amend the Labor 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:    In relation to  
7   Calendar Number 1724, those Senators voting in  
8   the negative are Senators Gallivan, Griffio,  
9   Jacobs and Ortt.

10                  Ayes, 58.   Nays, 4.

11                  ACTING PRESIDENT BENJAMIN:    The  
12   bill is passed.

13                  There is a substitution at the desk.

14                  The Secretary will read.

15                  THE SECRETARY:    Senator Hoylman  
16   moves to discharge, from the Committee on Rules,  
17   Assembly Bill Number 7600 and substitute it for  
18   the identical Senate Bill Number 6471, Third  
19   Reading Calendar 1725.

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

22                  The Secretary will read.

23                  THE SECRETARY:    Calendar Number  
24   1725, Assembly Print Number 7600, by  
25   Assemblymember Abinanti, an act to amend the

1 Civil Practice Law and Rules.

2 ACTING PRESIDENT BENJAMIN: Read  
3 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: Ayes, 62.

12 ACTING PRESIDENT BENJAMIN: The  
13 bill is passed.

14 There is a substitution at the desk.

15 The Secretary will read.

16 THE SECRETARY: Senator Persaud  
17 moves to discharge, from the Committee on Rules,  
18 Assembly Bill Number 7941 and substitute it for  
19 the identical Senate Bill Number 6472, Third  
20 Reading Calendar 1726.

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

23 The Secretary will read.

24 THE SECRETARY: Calendar Number  
25 1726, Assembly Print Number 7941, by

1 Assemblymember Jaffee, an act to amend the  
2 Family Court Act.

3 ACTING PRESIDENT BENJAMIN: Read  
4 the last section.

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

7 ACTING PRESIDENT BENJAMIN: Call  
8 the roll.

9 (The Secretary called the roll.)

10 ACTING PRESIDENT BENJAMIN:  
11 Announce the results.

12 THE SECRETARY: In relation to  
13 Calendar Number 1726, those Senators voting in  
14 the negative are Senators Akshar, Flanagan and  
15 Gallivan.

16 Ayes, 59. Nays, 3.

17 ACTING PRESIDENT BENJAMIN: The  
18 bill is passed.

19 THE SECRETARY: Calendar Number  
20 1727, Senate Print 6475, by Senator Bailey, an  
21 act to amend the Family Court Act.

22 ACTING PRESIDENT BENJAMIN: Read  
23 the last section.

24 THE SECRETARY: Section 3. This  
25 act shall take effect on the 90th day after it

1 shall have become a law.

2 ACTING PRESIDENT BENJAMIN: Call  
3 the roll.

4 (The Secretary called the roll.)

5 ACTING PRESIDENT BENJAMIN:  
6 Announce the results.

7 THE SECRETARY: In relation to  
8 Calendar Number 1727, those Senators voting in  
9 the negative are Senators Akshar, Amedore,  
10 Antonacci, Funke, Griffio, Jacobs, Jordan,  
11 LaValle, Little, O'Mara, Ortt, Ranzenhofer,  
12 Ritchie, Serino, Seward and Tedisco.

13 Ayes, 46. Nays, 16.

14 ACTING PRESIDENT BENJAMIN: The  
15 bill is passed.

16 Calendar 1728 is high and will be  
17 laid aside for the day.

18 THE SECRETARY: Calendar Number  
19 1729, Senate Print 6496, by Senator Kavanagh, an  
20 act to amend the Real Property Tax Law.

21 SENATOR BRESLIN: Lay it aside for  
22 the day.

23 ACTING PRESIDENT BENJAMIN: The  
24 bill will be laid aside for the day.

25 There is a substitution at the desk.

1                   The Secretary will read.

2                   THE SECRETARY:   Senator Comrie  
3 moves to discharge, from the Committee on  
4 Housing, Construction and Community Development,  
5 Assembly Bill Number 5175 and substitute it for  
6 the identical Senate Bill Number 6499, Third  
7 Reading Calendar 1730.

8                   ACTING PRESIDENT BENJAMIN:   The  
9 substitution is so ordered.

10                  The Secretary will read.

11                  THE SECRETARY:   Calendar Number  
12 1730, Assembly Print Number 5175, by  
13 Assemblymember Blake, an act to amend the  
14 Private Housing Finance Law.

15                  ACTING PRESIDENT BENJAMIN:   Read  
16 the last section.

17                  THE SECRETARY:   Section 5. This  
18 act shall take effect on the 60th 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, 62.

1                   ACTING PRESIDENT BENJAMIN:    The  
2 bill is passed.

3                   THE SECRETARY:    Calendar Number  
4 1731, Senate Print 6508A, by Senator Comrie, 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.

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 1731, those Senators voting in  
19 the negative are Senators Akshar, Antonacci and  
20 O'Mara.

21                                   Ayes, 59.  Nays, 3.

22                  ACTING PRESIDENT BENJAMIN:    The  
23 bill is passed.

24                  THE SECRETARY:    Calendar Number  
25 1732, Senate Print 6525B, by Senator Skoufis, an



1 act to amend the Tax Law and the State Finance  
2 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: In relation to  
13 Calendar Number 1732, voting in the negative:  
14 Senator Lanza --

15 SENATOR BRESLIN: Lay it aside  
16 temporarily.

17 ACTING PRESIDENT BENJAMIN: The  
18 bill will be laid aside temporarily.

19 There is a substitution at the desk.

20 The Secretary will read.

21 THE SECRETARY: Senator May moves  
22 to discharge, from the Committee on Rules,  
23 Assembly Bill Number 8096 and substitute it for  
24 the identical Senate Bill 6527, Third Reading  
25 Calendar 1733.

1                   ACTING PRESIDENT BENJAMIN:    The  
2   substitution is so ordered.

3                   The Secretary will read.

4                   THE SECRETARY:    Calendar Number  
5   1733, Assembly Print Number 8096, by  
6   Assemblymember Pheffer Amato, an act to amend the  
7   Executive Law.

8                   ACTING PRESIDENT BENJAMIN:    Read  
9   the last section.

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

13                  ACTING PRESIDENT BENJAMIN:    Call  
14   the roll.

15                  (The Secretary called the roll.)

16                  ACTING PRESIDENT BENJAMIN:  
17   Announce the results.

18                  THE SECRETARY:    In relation to  
19   Calendar Number 1733, those Senators voting in  
20   the negative are Senators Amedore, Antonacci,  
21   Boyle, Jacobs, Jordan, Lanza, O'Mara, Ortt,  
22   Ranzenhofer, Robach and Tedisco.

23                  Ayes, 51.  Nays, 11.

24                  ACTING PRESIDENT BENJAMIN:    The  
25   bill is passed.

1                   THE SECRETARY:    Calendar Number  
2   1734, Senate Print 6533, by Senator Montgomery,  
3   an act to amend the Family Court Act.

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:    In relation to  
14   Calendar Number 1734, those Senators voting in  
15   the negative are Senators Akshar, Gallivan,  
16   Helming, Jacobs, O'Mara, Ortt and Tedisco.

17                   Ayes, 55.   Nays, 7.

18                   ACTING PRESIDENT BENJAMIN:   The  
19   bill is passed.

20                   THE SECRETARY:    Calendar Number  
21   1735, Senate Print 6534, by Senator Montgomery,  
22   an act to amend the Family Court Act.

23                   ACTING PRESIDENT BENJAMIN:   Read  
24   the last section.

25                   THE SECRETARY:    Section 2.   This

1 act shall take effect immediately.

2 ACTING PRESIDENT BENJAMIN: Call  
3 the roll.

4 (The Secretary called the roll.)

5 ACTING PRESIDENT BENJAMIN:  
6 Announce the results.

7 THE SECRETARY: In relation to  
8 Calendar 1735, those Senators voting in the  
9 negative are Senators Akshar, Amedore, Antonacci,  
10 Flanagan, Funke, Gallivan, Griffio, Helming,  
11 Jordan, LaValle, Little, O'Mara, Ortt, Ritchie,  
12 Robach, Serino, Seward and Tedisco.

13 Ayes, 44. Nays, 18.

14 ACTING PRESIDENT BENJAMIN: The  
15 bill is passed.

16 There is a substitution at the desk.

17 The Secretary will read.

18 THE SECRETARY: Senator Montgomery  
19 moves to discharge, from the Committee on Rules,  
20 Assembly Bill Number 7940 and substitute it for  
21 the identical Senate Bill Number 6535, Third  
22 Reading Calendar 1736.

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

25 The Secretary will read.

1                   THE SECRETARY:    Calendar Number  
2   1736, Assembly Print Number 7940, by  
3   Assemblymember Jaffee, an act to amend the  
4   Family Court Act.

5                   ACTING PRESIDENT BENJAMIN:   Read  
6   the last section.

7                   THE SECRETARY:    Section 10.  This  
8   act shall take effect on the first day of  
9   January.

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 1736, those Senators voting in  
17   the negative are Senators Akshar, Amedore,  
18   Antonacci, Boyle, Funke, Gallivan, Griffio,  
19   Helming, Jacobs, Jordan, Lanza, Little, O'Mara,  
20   Ortt, Ranzenhofer, Ritchie, Robach and Tedisco.

21                  Ayes, 44.  Nays, 18.

22                  ACTING PRESIDENT BENJAMIN:   The  
23   bill is passed.

24                  THE SECRETARY:    Calendar Number  
25   1737, Senate Print 6536, by Senator Gianaris, an

1 act to amend the Civil Practice Law and Rules.

2 ACTING PRESIDENT BENJAMIN: Read  
3 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: Ayes, 62.

12 ACTING PRESIDENT BENJAMIN: The  
13 bill is passed.

14 THE SECRETARY: Calendar Number  
15 1739, Senate Print 6541A, by Senator Hoylman, an  
16 act to amend the Navigation Law.

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:  
25 Announce the results.

1                   THE SECRETARY:    In relation to  
2   Calendar Number 1739, those Senators voting in  
3   the negative are Senators Akshar, Amedore,  
4   Antonacci, Flanagan, Funke, Gallivan, Griffo,  
5   Helming, Jacobs, Jordan, Lanza, Little, O'Mara,  
6   Ortt, Ranzenhofer, Ritchie, Robach, Serino,  
7   Seward and Tedisco.

8                   Ayes, 42.   Nays, 20.

9                   ACTING PRESIDENT BENJAMIN:    The  
10   bill is passed.

11                   THE SECRETARY:    Calendar Number  
12   1740, Senate Print 6542, by Senator Benjamin, an  
13   act to amend the Tax Law.

14                   ACTING PRESIDENT BENJAMIN:    Read  
15   the last section.

16                   THE SECRETARY:    Section 7.   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:    Ayes, 62.

24                   ACTING PRESIDENT BENJAMIN:    The  
25   bill is passed.

1                   THE SECRETARY:   Calendar Number  
2   1741, Senate Print 6550, by Senator Bailey, an  
3   act to amend the Criminal Procedure Law.

4                   ACTING PRESIDENT BENJAMIN:   Read  
5   the last section.

6                   THE SECRETARY:   Section 3.   This  
7   act shall take effect on the same date and in the  
8   same manner as Section 1-a of Part WWW of  
9   Chapter 59 of the Laws of 2017.

10                  ACTING PRESIDENT BENJAMIN:   Call  
11   the roll.

12                  (The Secretary called the roll.)

13                  ACTING PRESIDENT BENJAMIN:  
14   Announce the results.

15                  THE SECRETARY:   Ayes, 62.

16                  ACTING PRESIDENT BENJAMIN:   The  
17   bill is passed.

18                  THE SECRETARY:   Calendar Number  
19   1742, Senate Print 6551, by Senator Kavanagh, an  
20   act to amend the Local Emergency Housing Rent  
21   Control Act.

22                  ACTING PRESIDENT BENJAMIN:   Read  
23   the last section.

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



1                   ACTING PRESIDENT BENJAMIN:    Call  
2   the roll.

3                   (The Secretary called the roll.)

4                   ACTING PRESIDENT BENJAMIN:  
5   Announce the results.

6                   THE SECRETARY:    Ayes, 62.

7                   ACTING PRESIDENT BENJAMIN:    The  
8   bill is passed.

9                   THE SECRETARY:    Calendar Number  
10   1743, Senate Print 6553, by Senator Metzger, an  
11   act establishing the New York Task Force on  
12   Agriculture Investment.

13                   ACTING PRESIDENT BENJAMIN:    Read  
14   the last section.

15                   THE SECRETARY:    Section 8.   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:    Ayes, 62.

23                   ACTING PRESIDENT BENJAMIN:    The  
24   bill is passed.

25                   THE SECRETARY:    Calendar Number

1 1744, Senate Print 6555, by Senator Gounardes, an  
2 act to amend the Executive Law.

3 ACTING PRESIDENT BENJAMIN: Read  
4 the last section.

5 THE SECRETARY: Section 3. 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, 62.

13 ACTING PRESIDENT BENJAMIN: The  
14 bill is passed.

15 THE SECRETARY: Calendar Number  
16 1745, Senate Print 6559, by Senator Thomas, an  
17 act authorizing the Commissioner of Education and  
18 the Chancellor of the Board of Regents, with the  
19 approval of the Board of Regents, to appoint  
20 monitors to oversee the Hempstead Union Free  
21 School District.

22 ACTING PRESIDENT BENJAMIN: Read  
23 the last section.

24 THE SECRETARY: Section 6. 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:    Senator  
5   Thomas to explain his vote.

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

8                   I rise to talk about this bill  
9   because it's a very important bill for my  
10   district. The school district was failing our  
11   students, and this bill should have been  
12   introduced a long time ago to protect them.

13                   For far too long, the residents of  
14   Hempstead have unfairly suffered from decades of  
15   corruption, infighting and mismanagement of the  
16   school system. The Hempstead School District has  
17   failed generations of students, with test scores  
18   and graduation rates among the lowest in New York  
19   State.

20                   The people that were entrusted to  
21   fix the problems chose to use their positions for  
22   personal gain instead. Time and time again,  
23   current leadership has proven that the students  
24   of Hempstead are not their first priority.

25                   Improvements have been made in the

1 last year, but they are too little, too late.  
2 The disturbing patterns of corruption and  
3 infighting are just as persistent as ever. If we  
4 don't take action now, we will continue to fail  
5 our students and the community at large.

6 We have heard the parents, students,  
7 community leaders and the residents of Hempstead.  
8 They are the reason I stand before you in support  
9 of this legislation. It's time that we stand up  
10 for the children of Hempstead and secure a better  
11 future for all.

12 I wouldn't be here without the  
13 guidance of Shelley Mayer, Senator Shelley Mayer,  
14 as well as Andrea Stewart-Cousins, Mike Gianaris,  
15 and Assemblywoman Taylor Raynor.

16 Thank you, Mr. President.

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

19 Announce the results.

20 THE SECRETARY: In relation to  
21 Calendar Number 1745, those Senators voting in  
22 the negative are Senators Akshar, Amedore,  
23 Antonacci, Flanagan, Funke, Gallivan, Griffo,  
24 Helming, Jacobs, Jordan, Little, O'Mara, Ortt,  
25 Ranzenhofer, Ritchie, Serino, Seward and Tedisco.

1 Also Senator Robach.

2 Ayes, 43. Nays, 19.

3 ACTING PRESIDENT BENJAMIN: The  
4 bill is passed.

5 THE SECRETARY: Calendar Number  
6 1746, Senate Print 6567, by Senator Harckham, an  
7 act requiring the payment of prevailing wages to  
8 affected employees of the Indian Point Nuclear  
9 Power Plant.

10 ACTING PRESIDENT BENJAMIN: Read  
11 the last section.

12 THE SECRETARY: Section 4. 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: In relation to  
20 Calendar Number 1746, those Senators voting in  
21 the negative are Senators Flanagan, Helming,  
22 O'Mara and Ranzenhofer. Also Senator Akshar.

23 Ayes, 57. Nays, 5.

24 ACTING PRESIDENT BENJAMIN: The  
25 bill is passed.

1                   THE SECRETARY:    Calendar Number  
2   1747, Senate Print 6568, by Senator Thomas, an  
3   act directing the Division of Criminal Justice  
4   Services to study the state of the police  
5   department in the Village of Hempstead.

6                   ACTING PRESIDENT BENJAMIN:   Read  
7   the last section.

8                   THE SECRETARY:    Section 5.   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   Senator Akshar to explain his vote.

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

17                  Between the earlier bill and this  
18   bill, I think we are setting an incredibly  
19   dangerous precedent.  And we are -- I mean, this  
20   is an exhibition of government overreach at its  
21   finest.  There are local governments in these  
22   respective communities, and the fact that state  
23   government is telling the Village of Hempstead or  
24   will tell, after this bill is passed, what they  
25   should or shouldn't do with their police

1 department, regardless of the issues that they're  
2 having internally -- and I'm aware of them -- is  
3 something that I do not think that state  
4 government should be doing.

5 Mr. President, I vote no.

6 ACTING PRESIDENT BENJAMIN:

7 Senator Akshar to be recorded in the negative.

8 Senator Thomas to explain his vote.

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

11 This bill was necessary. Just  
12 recently there were a number of arrests over  
13 corruption in the police department. Summer is  
14 coming up, and the crime rate is going to rise  
15 there in the Village of Hempstead. I had no  
16 other option but to ask the state for help, and  
17 that through an audit, a top to bottom review,  
18 and it's going to make recommendations to the  
19 Governor. And it's not going to force the  
20 village to do anything, it's just going to submit  
21 the report to the Governor. There's no issue  
22 here about local control.

23 I vote aye. Thank you.

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

1                   Announce the results.

2                   THE SECRETARY:   In relation to  
3   Calendar Number 1747, those Senators voting in  
4   the negative are Senators Akshar, Amedore,  
5   Antonacci, Flanagan, Funke, Griffio, Helming,  
6   Jordan, Lanza, O'Mara, Ortt, Ritchie, Robach,  
7   Serino and Seward.

8                   Ayes, 47.   Nays, 15.

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:   Senator Harckham  
14   moves to discharge, from the Committee on  
15   Alcoholism and Drug Abuse, Assembly Bill Number  
16   7347 and substitute it for the identical Senate  
17   Bill 6591, Third Reading Calendar 1748.

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

20                   The Secretary will read.

21                   THE SECRETARY:   Calendar Number  
22   1748, Assembly Print Number 7347, by  
23   Assemblymember Rosenthal, an act to amend the  
24   Mental Hygiene 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, 62.

10 ACTING PRESIDENT BENJAMIN: The  
11 bill is passed.

12 Calendar 1749 is high and will be  
13 laid aside for the day.

14 Calendar 1750 is high and will be  
15 laid aside for the day.

16 Senator Bailey, that completes the  
17 reading of the supplemental calendar.

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

20 Without objection, please restore  
21 Calendar Number 462, Senate Print 2849, by  
22 Senator Breslin, to the noncontroversial  
23 calendar, along with Calendar 1650, and take them  
24 up together.

25 ACTING PRESIDENT BENJAMIN: Without

1 objection, so ordered.

2 The Secretary will read.

3 THE SECRETARY: Calendar Number  
4 462, Assembly Print 2969A, substituted earlier by  
5 Assemblymember Peoples-Stokes, an act to amend  
6 the Insurance Law and the Public Health Law.

7 ACTING PRESIDENT BENJAMIN: Read  
8 the last section.

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

12 ACTING PRESIDENT BENJAMIN: Call  
13 the roll.

14 (The Secretary called the roll.)

15 ACTING PRESIDENT BENJAMIN: Senator  
16 Flanagan to explain his vote.

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

19 Before I explain my vote,  
20 Mr. President, you're doing a great job up there,  
21 smiling throughout the day. I know it's only  
22 3:30, but I'm sure you're going to be looking  
23 sharp 12 hours from now when you're still  
24 standing up there.

25 Thank you for giving me the

1 opportunity to explain my vote.

2 I recognize the gravity and the  
3 importance attached to this issue, and it's very  
4 clear that members care very deeply about this  
5 type of legislation and this piece of legislation  
6 in particular. It's got bipartisan support, and  
7 I'm not naive enough to think that there aren't  
8 going to be a significant number of votes in  
9 favor of this legislation.

10 What concerns me is not just this  
11 bill in isolation, but the totality of bills that  
12 have come before us in the last 10 days and  
13 throughout the course of the session involving  
14 healthcare and healthcare premiums and health  
15 insurance, the availability and the affordability  
16 and the access.

17 With regard to this bill, there is a  
18 carve-out for the unions. Which I don't really  
19 have a problem with. But there's a carve-out for  
20 the unions because that's what they've requested,  
21 at least I believe in large part because they  
22 thought the way the system worked now was inuring  
23 to their benefit in helping either mitigate or  
24 reduce healthcare costs for their members.

25 So by way of example -- and,

1 Mr. President, I promise I'll be brief -- I was  
2 reading about a company who came up with a drug  
3 for hep C, and the cost was about \$130,000. But  
4 the reality is that that saves people's lives and  
5 somebody's life in particular. There was an  
6 opportunity to have an equivalent made by another  
7 major pharmaceutical company at less than  
8 one-quarter of the cost. And yet if that  
9 opportunity had arisen under this bill, you  
10 couldn't make that amendment, you couldn't have  
11 that flexibility during a plan year.

12 My concern with that is that that  
13 creates issues for the affordability of health  
14 insurance. I want prescription drugs available;  
15 everyone does. And we want the ones that work  
16 and protect us and save our lives. I think the  
17 problem with this bill is that it hand-ties the  
18 companies that are involved in this.

19 And there are ways to regulate them.  
20 You can grandfather patients, you can follow a  
21 protocol that's consistent with how Medicare does  
22 it. I just don't think this is the way -- the  
23 right way or the appropriate way at this time.

24 I know the sponsor is  
25 extraordinarily well-intended. I just happen to

1 disagree with the approach. And it would be very  
2 easy for me to just stand up and vote and say  
3 yes, but I do think there are significant issues  
4 that have to be discussed even if it's just in  
5 the space of a couple of minutes.

6 If it's good for the unions, then it  
7 should be good for everybody else. Respectfully,  
8 and accordingly, I register my vote in the  
9 negative. Thank you.

10 ACTING PRESIDENT BENJAMIN: Senator  
11 Flanagan to be recorded in the negative.

12 Senator Seward to explain his vote.

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

15 I have no doubt at all that the  
16 sponsor of this bill, as well as the various  
17 cosponsors on both sides of the aisle of this  
18 legislation, are well-intended in terms of  
19 helping those New Yorkers who depend on their  
20 pharmaceutical services. And they're looking to  
21 protect those for them, those individuals.

22 But my concerns with the legislation  
23 pretty well mirror what Leader Flanagan has just  
24 described. The unions are carved out of this --  
25 and good for them. Because it's pretty apparent

1     that they are carved out and they've asked for  
2     that, I would assume, because it would have cost  
3     them more money in terms of delivering  
4     healthcare, health insurance and pharmaceutical  
5     services to their members.

6                 But these cost increases will be  
7     felt, however, by everybody else who is not  
8     carved out in this legislation. In addition to  
9     the cost factor, this also raises questions about  
10    fairness as it applies to the union workers  
11    themselves.

12                If this is enacted, all other  
13    insureds will have enhanced protections except  
14    for them, the union members. How is this fair to  
15    these men and women who, because of who they work  
16    for, their insurance coverage is different?

17                My concern also is -- and one of the  
18    reasons this was going to drive up costs is the  
19    drug companies, Big Pharma. The only check to a  
20    drugmaker raising prices has been the threat that  
21    a health plan will prefer an equally effective,  
22    less expensive drug on their drug formularies.  
23    There's currently no prohibition against how many  
24    times a drugmaker can raise the price of a drug  
25    during the calendar year. So while this

1     legislation will be preventing any midyear  
2     changes, a drugmaker could raise their prices at  
3     will.

4                 There is a better way to approach  
5     this issue. Senator Flanagan mentioned the  
6     Medicare model, which I think would have been a  
7     much, much better approach here. But for the  
8     reasons I've outlined, I am also voting no.

9                 ACTING PRESIDENT BENJAMIN: Senator  
10    Seward to be recorded in the negative.

11                Senator Breslin to explain his vote.

12                SENATOR BRESLIN: Thank you very  
13    much, Mr. President.

14                This an extremely important area,  
15    formularies. And formularies, for people that  
16    don't know, it's the collection of essentially  
17    drugs put together in a program, but then it gets  
18    complicated. Sometimes they're tiered, some are  
19    more expensive, less expensive, other drugs come  
20    in.

21                And we should get by the two -- the  
22    unions coming in the middle of a year. That we  
23    don't want to interfere with their collective  
24    bargaining, which has gone on for time  
25    immemorial, and we've excluded them.

1                   But getting back to the formularies,  
2   you know, we talk about Big Pharma, but a lot of  
3   these changes someone gets into -- they have a  
4   serious illness, and you look at the people  
5   supporting this bill: Lupus, Kidney, Cancer, all  
6   the major, major diseases. And because they want  
7   someone to choose the right doctor, the right  
8   plan, the right drugs, and they don't want a  
9   health plan, in concert with whomever -- with  
10  PBMs, with pharmacies -- we don't want that  
11  health plan moving you in the middle of a year,  
12  that contract you that first year, moving you to  
13  something else that by copays or others may be  
14  more expensive.

15                  But what does it do? You've heard  
16  it might drive up cost. I'd suggest to the  
17  contrary: This will drive down cost. Because we  
18  won't have those people who investigated what  
19  formulary to be in, expected it to be for that  
20  contract year, and then have it unilaterally  
21  changed. This will stop that.

22                  Because a lot of those patients,  
23  they might end up with a cheaper drug or a more  
24  expensive drug, but that drug may have an effect  
25  upon them that's negative and puts them back in



1 the hospital or further under a doctor's care.

2 We have to do one thing in this, is  
3 put P above P, and that's patient above profits.  
4 It's a simple bill. And there's so many people  
5 on both sides of this aisle who are participating  
6 in this, and they're participating in this  
7 because it's not a political issue, it's an issue  
8 of making sure we take care of patients and  
9 making sure we take care of patients through a  
10 process that favors them and not price and not  
11 profit.

12 So it is with a great deal of  
13 enthusiasm I invite everyone in this room on both  
14 sides of the aisle to come forward for that  
15 patient. It's a difficult process understanding  
16 first what doctor to get and what plan to be in  
17 and what tier the drugs are and how they figure  
18 out increases and decreases. We're going to make  
19 sure that the first contract year we take care of  
20 the patient, make sure they're satisfied with the  
21 direction we're going in, and conclude that year  
22 with a safer, better, and a healthier patient.

23 I vote aye.

24 ACTING PRESIDENT BENJAMIN:

25 Senator Breslin to be recorded in the

1 affirmative.

2 Senator Serino to explain her vote.

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

5 And I want to say thank you to  
6 Senator Breslin for sponsoring this very  
7 important legislation. I worked very hard on  
8 this for the past few years, and I just -- I  
9 think it's such a wonderful bill for our  
10 patients.

11 You know, when you think about  
12 people that are suffering from cancer, MS, lupus,  
13 or even mental health issues, they are choosing  
14 their insurance policy because they know it's  
15 covering this most of the time very costly  
16 medication that actually works for them.

17 So thank you again, Senator Breslin.  
18 I vote aye.

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

21 Announce the results.

22 THE SECRETARY: In relation to  
23 Calendar 462, those Senators voting in the  
24 negative are Senators Akshar, Flanagan, Gallivan,  
25 O'Mara, Ortt and Seward.

1                   Ayes, 56.   Nays, 6.

2                   ACTING PRESIDENT BENJAMIN:    The  
3 bill is passed.

4                   THE SECRETARY:    Calendar Number  
5 1650, Senate Print 6524, by Senator Gounardes, an  
6 act to amend the Civil Service Law.

7                   ACTING PRESIDENT BENJAMIN:    Read  
8 the last section.

9                   THE SECRETARY:    Section 4.   This  
10 act shall take effect on the 180th day after it  
11 shall have become a law.

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 1650, those Senators voting in the  
19 negative are Senators Gaughran and Kaplan.

20                  Ayes, 60.   Nays, 2.

21                  ACTING PRESIDENT BENJAMIN:    The  
22 bill is passed.

23                  Senator Bailey, that completes the  
24 reading of today's calendar.

25                  SENATOR BAILEY:    Thank you,

1 Mr. President. Can we go to the reading of  
2 controversial calendar, please.

3 ACTING PRESIDENT BENJAMIN: The  
4 Secretary will ring the bell.

5 The Secretary will read.

6 THE SECRETARY: Calendar Number  
7 1661, Senate Print 6575, by Senator Sanders, an  
8 act to amend the Executive Law.

9 ACTING PRESIDENT BENJAMIN: Senator  
10 Amedore -- Senator Little.

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

13 Would the sponsor yield for a few  
14 questions with regard to the bill?

15 ACTING PRESIDENT BENJAMIN: Does  
16 the sponsor yield?

17 SENATOR SANDERS: Absolutely.

18 ACTING PRESIDENT BENJAMIN: The  
19 sponsor yields.

20 SENATOR LITTLE: Thank you.

21 I've been involved with the women  
22 and minority program for a number of years and  
23 actually served on a task force which used to  
24 meet. And my records show it hasn't met since  
25 2011. And are you familiar with that? And is

1     there anything in this bill that would activate  
2     that again?

3                   SENATOR SANDERS:     {Inaudible.}

4                   SENATOR LITTLE:     A task force.

5     I've been involved with women and minority-owned  
6     businesses and served on a task force that was  
7     first formed, but I don't have any record of it  
8     meeting since 2011. I believe it was -- I had  
9     the date here, but I can't -- anyway, is there  
10    anything in this legislation that would refer to  
11    that task force or activate any kind of advisory  
12    group or just get back to having people involved  
13    and meeting on a regular basis to discuss how  
14    it's working in their districts and in this  
15    state?

16                   SENATOR SANDERS:     The short answer  
17    is no.

18                   Through you, Mr. President, the  
19    longer answer is that I'm aware of some of the  
20    great work that you did on the task force, and we  
21    are continuing it and will continue meeting even  
22    after this is passed.

23                   SENATOR LITTLE:     All right. We  
24    also --

25                   ACTING PRESIDENT BENJAMIN:     Senator

1 Little, do you want the sponsor to yield?

2 SENATOR LITTLE: Yeah, thank you,  
3 if the sponsor would yield for another question.

4 SENATOR SANDERS: Absolutely,  
5 Mr. President.

6 ACTING PRESIDENT BENJAMIN: The  
7 sponsor yields.

8 SENATOR LITTLE: We did hold some  
9 hearings around the state, and I believe that you  
10 attended, which I appreciated, a couple of those  
11 hearings. And some of the things that came up,  
12 one being the personal wealth -- can you tell me  
13 how this bill addresses the changes needed to the  
14 personal wealth?

15 SENATOR SANDERS: Through you,  
16 Mr. President. Personal net worth has been  
17 increased, as one of the things that you wanted  
18 on your committee. It has been increased. We've  
19 gone from 3.5 million to \$15 million. And I'm  
20 still looking in on it. I did learn a lot from  
21 going around the state with you and -- well, with  
22 you.

23 SENATOR LITTLE: Thank you. If the  
24 sponsor would continue to yield.

25 ACTING PRESIDENT BENJAMIN: Does

1 the sponsor yield?

2 SENATOR SANDERS: Absolutely.

3 ACTING PRESIDENT BENJAMIN: The  
4 sponsor yields.

5 SENATOR LITTLE: I did see in the  
6 bill that they take -- especially for big  
7 contracting companies, big manufacturing  
8 companies, they exempt any equipment that they  
9 are leasing from another company, even if it's a  
10 holding committee, and they're exempting that  
11 from their personal wealth. Is that correct?

12 SENATOR SANDERS: Yes, a holding  
13 company that exclusively leases machinery for the  
14 MWBE.

15 SENATOR LITTLE: Right. That --

16 ACTING PRESIDENT BENJAMIN: Senator  
17 Little, are you asking the sponsor to yield?

18 SENATOR LITTLE: Thank you. And  
19 just in comment to his answers, that is something  
20 that is going to be very helpful.

21 ACTING PRESIDENT BENJAMIN: So  
22 wait, I'm sorry. It's just -- so you ask the  
23 sponsor to yield, the sponsor yields, then you --  
24 okay. Does the sponsor yield?

25 SENATOR SANDERS: Yes, the sponsor

1 yields, sir.

2 ACTING PRESIDENT BENJAMIN: The  
3 sponsor yields.

4 SENATOR LITTLE: Okay, thank you.  
5 That part of it will be very helpful.

6 Another big thing that needed to be  
7 done -- and I don't see any additional staff or  
8 additional funding in this bill -- because we  
9 cannot get a business certified in good timing.  
10 It takes so long for the certification process.

11 What we would like to see, number  
12 one, is there any funding to increase staff?  
13 Number two is we were hoping to have regional  
14 offices. And it would not be necessary to set up  
15 a regional office, you could have a person  
16 dedicated to minority and women-owned businesses  
17 located in each Regional Economic Development  
18 Office, which already exists.

19 And that seems to be missing. Is  
20 that correct? I guess it has to be a question.

21 SENATOR SANDERS: Through you,  
22 Mr. President. The Senator is on her game today;  
23 she is very accurate in pointing these things  
24 out.

25 One of the things that we will do is



1 we need to get the information that you did  
2 before on the tour which we did.

3 And on the other issue, we tried not  
4 to -- through you, Mr. President, we tried not to  
5 do funding since we weren't at the budget  
6 process. But we absolutely will go back on this  
7 at the budget process and speak of the adequate  
8 funding, which I agree with you is -- was just  
9 inadequate to do what it needs to do. But we  
10 wanted to do it at the right time. And that is  
11 your answer.

12 SENATOR LITTLE: Thank you.

13 And if the sponsor would continue to  
14 yield.

15 ACTING PRESIDENT BENJAMIN: Does  
16 the sponsor yield?

17 SENATOR SANDERS: Absolutely.

18 ACTING PRESIDENT BENJAMIN: The  
19 sponsor yields.

20 SENATOR LITTLE: Thank you.

21 One position that is advocated in  
22 here is a statewide advocate for minority and  
23 women-owned businesses and procurement ombudsman  
24 appointed by the director. Can you tell me what  
25 that position is for and how it would operate?

1                   SENATOR SANDERS:    Through you,  
2   Mr. President.  Although it is currently an  
3   existing position, we are enhancing the position  
4   so that it can investigate any complaints and  
5   troubleshoot, to try not to just catch people  
6   doing stuff wrong, how do we troubleshoot and  
7   make sure that they do stuff right.

8                   SENATOR LITTLE:    Thank you.  And if  
9   I could comment on that, because even though --

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

12                  SENATOR LITTLE:    Well, I'm going  
13   back to questioning, so.

14                  The position has been there, but  
15   they are so short of staff that the position has  
16   never operated as an advocate.  And in this case  
17   they will be operating as an advocate.  How  
18   separate -- another question, if I may, to the  
19   sponsor.

20                  ACTING PRESIDENT BENJAMIN:    Does  
21   the sponsor yield?

22                  SENATOR SANDERS:    Absolutely,  
23   Mr. President.

24                  ACTING PRESIDENT BENJAMIN:    The  
25   sponsor yields.

1                   SENATOR LITTLE:   How independent  
2   would this position be, appointed by the  
3   director?  Because they are supposed to be  
4   advocating for the businesses, and they are also  
5   supposed to be taking complaints and problems  
6   from the businesses if they have a problem with  
7   the agency.

8                   SENATOR SANDERS:   Through you,  
9   Mr. President, it's a worthy question, my  
10  colleague.  This is a three-party agreement, and  
11  of course we are trying to make sure that all  
12  three parties have a say in it.

13                  SENATOR LITTLE:   Well, I'm certain  
14  that you are going to continue to be working on  
15  that.

16                  ACTING PRESIDENT BENJAMIN:   Senator  
17  Little, are you asking the sponsor to yield?

18                  SENATOR LITTLE:   Yes.

19                  ACTING PRESIDENT BENJAMIN:   Does  
20  the sponsor yield?

21                  SENATOR SANDERS:   Is it possible  
22  that I can yield for all questions, sir?  The  
23  sponsor yields.  If not, then let's continue.

24                  SENATOR LITTLE:   All right.  We can  
25  keep doing this.

1                   ACTING PRESIDENT BENJAMIN:    The  
2   sponsor yields for --

3                   SENATOR LITTLE:    Okay, thank you.

4                   The certification process takes too  
5   long.  There's nothing that I see that really  
6   pushes it along, although they do shorten some of  
7   the days when they are supposed to be reporting  
8   back.

9                   And I also look at that they -- a  
10   big problem with it is that by the time they get  
11   certified, it's almost time to start their  
12   recertification.  And I see that there is an  
13   answer in here for that.  Would you care to show  
14   us how you've changed that in here?

15                  SENATOR SANDERS:    Through you.  
16   Having learned from the panel that you have set  
17   up, you and others have set up, we have increased  
18   certification from three to five years.

19                  But we've also worked on a question  
20   of certification itself.  We're trying to bring  
21   it from 60 days, where it is supposed to be, down  
22   to 45 days.  So that will be a major step forward  
23   as this goes across.

24                  SENATOR LITTLE:    Thank you.  Having  
25   a five-year certification is really important and

1 will be very helpful.

2           The other thing that is very  
3 important that I'd like to ask a question about,  
4 if the sponsor will answer, the -- and I know he  
5 will -- is frequently in my district and in many  
6 rural areas in different parts of this state, we  
7 do not have enough certified minority and  
8 women-owned businesses. Therefore, as hard as  
9 they might try, rather than going to a  
10 metropolitan area far away and not creating work  
11 and jobs for the businesses locally, they need a  
12 waiver. Are there ways to improve the waiver  
13 process in here?

14           SENATOR SANDERS: We are still  
15 working on the question of waivers. But we have  
16 directed the ESD director to look at the  
17 demographics of particular areas and use that to  
18 make waivers.

19           SENATOR LITTLE: Thank you. And  
20 another question, if I may.

21           And if -- the problem is that the  
22 company, contractor, who's looking to get this  
23 position or hire somebody, has to -- or the  
24 agency -- has to pretend or find that they -- and  
25 prove that they can't find anyone, and they have

1 to get it from three companies that they can't  
2 come to the area or something.

3 And what's happened, we've heard, is  
4 they have a company in a metropolitan area that  
5 has told a North Country agency, Stop calling me.  
6 We're not coming up there. And that's good,  
7 because we really want local companies.

8 But I do see that one thing in here  
9 is that any waivers that are granted have to be  
10 listed on the website. So do you think that will  
11 help the process or hurt the process?

12 SENATOR SANDERS: When you and  
13 Senator Akshar and others took me to the North  
14 Country, to Watertown, I certainly heard these  
15 comments being made. So we're really taking that  
16 into account.

17 The director will be given a lot of  
18 flexibility to do waivers under these conditions,  
19 based on the sheer demographics of the situation  
20 and the availability, of course. We look forward  
21 to working with the Executive to have a realistic  
22 MWBE program.

23 SENATOR LITTLE: And I would ask,  
24 if I may, as you go forward and oversee the  
25 implementation of this piece of legislation, that

1 you would see that there is a clear, efficient  
2 process to get a waiver and to go forward.

3 And then we come to a very new part  
4 of the bill which I think -- well, there is  
5 another part, that the MWBE looking for  
6 certification has to have Tax and Finance release  
7 their tax returns, and the Labor Department has  
8 to release their employment terms.

9 Are you certain that this will all  
10 be kept confidential?

11 SENATOR SANDERS: We ensure that  
12 they will be kept confidential, but it is also an  
13 effort to streamline the process, to make sure  
14 that we're not -- that Oprah and others, or  
15 whoever they are, are not in a program that  
16 should benefit smaller people.

17 SENATOR LITTLE: Thank you.

18 And then the part that is really  
19 new -- and in my opinion is going to make this  
20 much more difficult for my areas and areas of the  
21 state that are rural, that do not have a large  
22 population -- is the workforce participation and  
23 the actual workforce program with goals that have  
24 to be reached for minority and women-owned  
25 businesses.

1                   SENATOR SANDERS:    We actually  
2    thought of areas like yours when we were creating  
3    this one and designed it so that in the event  
4    that the demographics and the availability was  
5    not there, that the director could give a waiver  
6    for those type of areas.  They'd have to base it  
7    on demographics, but it's designed to work and  
8    not to beat people up.

9                   SENATOR LITTLE:    Thank you.

10                  One other thing before-- and my  
11    probably last question before I talk on the  
12    bill --

13                  SENATOR SANDERS:    (Inaudible.)

14                  SENATOR LITTLE:    Unfortunately, we  
15    do have a lot of time.

16                  (Laughter.)

17                  SENATOR LITTLE:    -- is that every  
18    agency, every four years, is supposed to show  
19    their growth plan, how they are going to increase  
20    the number of minority and women-owned businesses  
21    that they contract with.

22                  The current statewide goal I believe  
23    is 30 percent.  My question is, how much growth  
24    are we expected and is there a threshold where we  
25    stop?



1           SENATOR SANDERS:    So of course the  
2 point of the growth plan is that every agency is  
3 not meeting its goal and there should be an idea  
4 of how we can get there.

5           One additional thing that both of us  
6 need to do is we need to encourage the Executive  
7 to create an advisory board that should be doing  
8 these things in the absence -- or to implement  
9 such an advisory board so that we would not have  
10 these questions every four or five years.

11          SENATOR LITTLE:    Or reactivate the  
12 task force.

13          SENATOR SANDERS:    Absolutely.

14          SENATOR LITTLE:    Okay, thank you.

15          ACTING PRESIDENT BENJAMIN:    Senator  
16 Gianaris.

17          SENATOR GIANARIS:   I'm sorry to  
18 interrupt the debate, but can you please call an  
19 immediate meeting of the Committee on Finance in  
20 Room 332.

21          ACTING PRESIDENT BENJAMIN:    There  
22 will be an immediate meeting of the Committee on  
23 Finance in Room 332.

24                 (Inaudible comment from Senator  
25 Sanders; laughter.)

1                   ACTING PRESIDENT BENJAMIN:    Senator  
2   Little.

3                   SENATOR LITTLE:    Thank you.   I do  
4   have just a couple more questions, because I  
5   really want to explain why this is such a  
6   difficulty in rural areas.

7                   Mainly, the agency itself has not  
8   really identified to my -- they have improved  
9   since the beginning, but there are so many  
10   reasons that they come back and deny someone for  
11   being a minority and women-owned business.  I had  
12   one where the female 50 percent owner of her  
13   father's company was denied because she didn't  
14   make as much money as the manager of the store  
15   made.  The manager of the store had been there  
16   for 30 years.  And she also shared in the  
17   profits, which was more economical to her and her  
18   income.  And that was a denial that we did get  
19   reversed.

20                  We had another one where the woman  
21   took over her father's asphalt excavation  
22   business, not a traditional women-owned business.  
23   She was denied because she didn't have a formal  
24   education in that type of work.  Which there  
25   isn't.  She had her education from working with

1 her father for a number of years; when he  
2 retired, she took over the business.

3           So in the interest of helping people  
4 get certified and getting more businesses in the  
5 North Country and rural areas -- and I think what  
6 the agency doesn't understand is that we have a  
7 lot of family-owned businesses that are passed on  
8 down from generation to generation.

9           I had another one that got denied  
10 and ended up contracting with a company in  
11 Buffalo, who was certified, gave them 5 -- they  
12 got 5 percent of the contract, and my company in  
13 the North Country did the work. That was the  
14 only way they could keep their employees  
15 employed.

16           So you can see where I'm coming  
17 from, that this is not an easy program in rural  
18 areas of the state.

19           So hopefully if you can think of a  
20 way to make it clearer how you get denied, why  
21 you get denied, what are the actual parameters of  
22 being a minority and women-owned business.

23           SENATOR SANDERS: Waivers, just to  
24 go with that one to begin, are going to be listed  
25 of why you were denied. And you'll have it

1 posted so you'll be able to see that.

2 I agree with you, transparency is  
3 something that we have to work for on all of  
4 this. By increasing the personal net worth, it  
5 should take more of these people in who were  
6 denied. But it is going to be a struggle and a  
7 battle to make sure that transparency, first  
8 things first, and making easier for people to be  
9 in while holding on to making sure that it  
10 withstands constitutional scrutiny.

11 Remember, there's -- we have to make  
12 sure that the program is justified and stays  
13 within certain parameters. But I believe that we  
14 can do more of what you're speaking of.

15 SENATOR LITTLE: Thank you very  
16 much. And Mr. President, on the bill.

17 ACTING PRESIDENT BENJAMIN: Senator  
18 Little on the bill.

19 SENATOR LITTLE: I first want to  
20 commend Senator Sanders, my hallmate, down the  
21 floor from me, for taking the interest that he  
22 has had in this program and actually coming to  
23 the North Country and spending time on our  
24 panels, asking good questions and listening to  
25 what we have.

1                   And I understand the purpose of this  
2     legislation, to help minority businesses, small  
3     business, and women-owned businesses get ahead  
4     and to get a start. But it has really not gotten  
5     off to a good start, and I do think that that  
6     committee, task force, advisory committee,  
7     whatever we call it, would be more helpful to the  
8     agency, as well as more staffing and more  
9     transparency. And certainly more parameters as  
10    to how to do what they are trying to do.

11                  The new additions to the program  
12    with the workforce participation, in my mind, is  
13    only going to make it more difficult for rural  
14    areas to do it.

15                  So while I appreciate the  
16    improvements here and the work that you've done  
17    here, I am going to be a no vote on this for now,  
18    and would love to work further and going along,  
19    getting back on that task force, and really being  
20    able to improve this program better than it is.  
21    But also with the acknowledgement that it has a  
22    lot of problems in rural areas.

23                  So thank you, Mr. President. And  
24    thank you, Senator.

25                  ACTING PRESIDENT BAILEY:     Senator

1 Amedore.

2 SENATOR AMEDORE: Thank you,  
3 Mr. President. Will the sponsor yield for a  
4 question?

5 ACTING PRESIDENT BAILEY: Does the  
6 sponsor yield?

7 SENATOR SANDERS: Absolutely.

8 ACTING PRESIDENT BAILEY: The  
9 sponsor yields.

10 SENATOR AMEDORE: Thank you,  
11 Senator Sanders. It's great that you have such a  
12 passionate interest in this very important topic  
13 and issue, because we all know that the workforce  
14 in the State of New York -- we should have, as a  
15 state, the best-trained, the best-educated, the  
16 most disciplined and dedicated workforce than any  
17 other state in the nation.

18 And we should be making sure that we  
19 have all opportunity out there available for a  
20 small business owner, a minority-owned business  
21 owner, to have access to bidding opportunities  
22 and contract opportunities, and to make sure that  
23 their small business is -- stays in business and  
24 is keeping their employees employed.

25 The question that I have for you,

1 Senator Sanders, is the workforce diversity  
2 goals. What are the workforce diversity goals  
3 currently in the old plan or legislation that we  
4 have -- that we live with now?

5 SENATOR SANDERS: Currently there  
6 are none. But we're proposing that these are set  
7 by the director based on census data.

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

11 ACTING PRESIDENT BAILEY: Will the  
12 sponsor yield?

13 SENATOR SANDERS: The sponsor  
14 yields --

15 ACTING PRESIDENT BAILEY: The  
16 sponsor yields.

17 SENATOR SANDERS: -- and will yield  
18 to all questions.

19 SENATOR AMEDORE: So you believe  
20 that there are no workforce diversity goals set  
21 in the program right now.

22 SENATOR SANDERS: There are no  
23 workforce diversity requirements. There is a  
24 30 percent goal, but not for the workforce, sir.  
25 This is the new part of the legislation.

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

3                   SENATOR SANDERS:    The sponsor  
4   yields.

5                   ACTING PRESIDENT BAILEY:    The  
6   sponsor yields.

7                   SENATOR AMEDORE:    So the 30 percent  
8   goal, what's the goal of 30 percent?  What's that  
9   definition or the idea that the agency wants to  
10  achieve or the state wants to achieve?  Thirty  
11  percent what?

12                  SENATOR SANDERS:    Thirty percent  
13  utilization of MWBEs in statewide contracts.

14                  SENATOR AMEDORE:    Through you,  
15  Mr. President, does the sponsor yield?

16                  ACTING PRESIDENT BAILEY:    Will the  
17  sponsor yield?

18                  SENATOR SANDERS:    The sponsor  
19  yields.

20                  ACTING PRESIDENT BAILEY:    The  
21  sponsor yields.

22                  SENATOR AMEDORE:    So if I was in  
23  the program and I had a workforce -- my employees  
24  had -- I had maybe 25 percent of my employees who  
25  meet the criteria of minority groups and have



1     that diversity, would then I be eligible or would  
2     I be able to meet that 30 percent threshold or  
3     goal?

4                   SENATOR SANDERS:     Well, right now  
5     it refers to the utilization of MWBEs in  
6     contracting.

7                   However, for your question of in the  
8     future, in terms of workforce, if you are at  
9     25 percent, I would personally commend you.   But  
10    if you were at 25 percent -- this is an  
11    aspirational goal.   It is not a quota, it is an  
12    aspirational goal.   It means that if -- you're  
13    making a good-faith direction there.   Now, if you  
14    were in an area where there's 100 percent and you  
15    only have 25, it may raise a question or two.  
16    But if you're in an area -- Watertown, let's  
17    say -- and you did 25 percent, I think that you  
18    deserve a medal, personally.

19                   SENATOR AMEDORE:     Through you,  
20    Mr. President, if the sponsor will continue to  
21    yield.

22                   ACTING PRESIDENT BAILEY:     Will the  
23    sponsor yield?

24                   SENATOR SANDERS:     The sponsor  
25    yields.

1                   ACTING PRESIDENT BAILEY:    The  
2   sponsor yields.

3                   SENATOR AMEDORE:    So in this  
4   proposed legislation before us, what's the  
5   aspirational goal now set in this bill?

6                   SENATOR SANDERS:    In the future,  
7   the director will set it, the aspirational goal,  
8   based on the demographics of the population,  
9   based on how many of whoever is in whatever part  
10   of town, sir.

11                  SENATOR AMEDORE:    Okay.   Through  
12   you, Mr. President --

13                  ACTING PRESIDENT BAILEY:   Will the  
14   sponsor yield?

15                  SENATOR SANDERS:    The sponsor  
16   yields.

17                  ACTING PRESIDENT BAILEY:   The  
18   sponsor yields.

19                  SENATOR AMEDORE:    So that's based  
20   on the region, that's based on what the director  
21   thinks the makeup of the workforce consists of in  
22   that specific region?

23                  SENATOR SANDERS:    It will be based  
24   on the census data, which is broken down by  
25   region and area, sir.

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

4                   ACTING PRESIDENT BAILEY:   Will the  
5   sponsor yield?

6                   SENATOR SANDERS:    The sponsor  
7   yields.

8                   ACTING PRESIDENT BAILEY:   The  
9   sponsor yields.

10                  SENATOR AMEDORE:    Have you had any  
11   constituents or companies or anyone in your  
12   district reach out to your Senate office that  
13   asked for help in kind of getting through the  
14   process or the minutiae or the red tape or the  
15   recertification or the certification process, to  
16   meet some of the requirements that the program  
17   currently offers or has?

18                  SENATOR SANDERS:    Through you,  
19   Mr. President, the sponsor must know the answer.  
20   I'm sorry, you must know the answer, because the  
21   answer is absolutely yes.

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

25                  ACTING PRESIDENT BAILEY:   Will the

1 sponsor continue to yield?

2 SENATOR SANDERS: The sponsor  
3 yields.

4 ACTING PRESIDENT BAILEY: The  
5 sponsor yields.

6 SENATOR AMEDORE: And it's probably  
7 a pretty often request that you have -- that you  
8 get, and probably all of our colleagues,  
9 Senator Sanders, in this chamber probably get a  
10 lot of the same inquiries from business owners in  
11 our districts. And the reason why is because  
12 they're frustrated or there's a lot of unknowns  
13 or there's a long, drawn-out process in trying to  
14 work. Maybe procure -- maybe lay out and follow  
15 through the requirements that the program has, to  
16 putting in a bid offer or a proposal, to maybe  
17 win a job or some work and then having to meet  
18 the requirements.

19 My question is, this new  
20 legislation, how will it ease that burden or all  
21 of those requests that we all get from our  
22 constituents who are so frustrated, who threaten  
23 to go out of business because they can't meet the  
24 current requirements? How does this help them?

25 SENATOR SANDERS: Through you,

1 Mr. President. I'm trying to figure out how --  
2 the best way to answer you and stay in this seat.

3 Senator Little pointed out that the  
4 agency -- and others have pointed out that the  
5 agency is totally underfunded. It cannot do its  
6 mission at the level that it should. We will  
7 have to tackle that later on in the budget  
8 process.

9 We can -- this legislation will do  
10 some things to streamline, move some things  
11 around. But you're not -- if you don't have  
12 enough people in there to do the paperwork, you  
13 just -- you could cut it down a couple of hours,  
14 a couple of days, but until you really tackle  
15 this one, you're not going to make the movement  
16 that all of us want.

17 SENATOR AMEDORE: Through you,  
18 Mr. President, if the sponsor will continue to  
19 yield.

20 ACTING PRESIDENT BAILEY: Will the  
21 sponsor yield?

22 SENATOR SANDERS: The sponsor  
23 yields.

24 ACTING PRESIDENT BAILEY: The  
25 sponsor yields.

1                   SENATOR AMEDORE:     So,  
2     Senator Sanders, it sounds like the best solution  
3     that the majority has right now and that the  
4     Governor and the Assembly has, is this bill that  
5     kind of sounds like there's a lot of just  
6     extension of the old program and requirements,  
7     and maybe a little bit of movement in maybe the  
8     personal income threshold.

9                   But it sounds like the aspirational  
10    goals might change and get a little bit more  
11    ambitious. But, you know, are there now new  
12    mandates that are added to the extension of the  
13    old program that this new law will implement?

14                  SENATOR SANDERS:     Through you,  
15    Mr. President. While it is true that in a  
16    three-way agreement you do not get everything  
17    that you wanted, that many things were proposed,  
18    some of which, of course, we learned from the  
19    task force that you had before -- many things  
20    were proposed, and these are some of the ones  
21    that came from it.

22                  I think that we would  
23    mischaracterize this as just a tweaking. This  
24    has been a major advance. There have been some  
25    incredible advancements here, but the work is far

1 from over. We have to do budget issues and we'll  
2 be back at that budget time, sir.

3 SENATOR AMEDORE: Mr. President, on  
4 the bill.

5 ACTING PRESIDENT BAILEY: Senator  
6 Amedore on the bill.

7 SENATOR AMEDORE: I want to first  
8 thank Senator Sanders for his time and his  
9 answers. And I appreciate his last answer that,  
10 you know, this is -- he believes and the majority  
11 believes that this has significant improvements  
12 and enhancements to a system that really is  
13 broken.

14 A program that should be one of the  
15 best programs that the State of New York can  
16 trumpet around the country, that we have  
17 opportunity for anyone in this great state,  
18 anyone who has the aspiration, the inspiration,  
19 the guts, the wherewithal to open up a business,  
20 to employ employees, to pay the high workers'  
21 comp, the unemployment insurance, the general  
22 liability insurance and everything else that goes  
23 along with what this state offers -- high taxes  
24 and high regulations that add to the burden of  
25 doing business in this state.

1                   But those individuals who want to  
2                   take on that mantle of I want to succeed in  
3                   New York -- just like the old song, if you can  
4                   make it in New York, you can make it anywhere.

5                   The minority business owners who are  
6                   in this MWBE program in upstate New York can't  
7                   make it in New York. The program has failed,  
8                   it's broken, and significant improvements need to  
9                   be made. And I appreciate Senator Sanders'  
10                  comments that he believes that they are -- there  
11                  are significant improvements.

12                 The unfortunate thing, though, is I  
13                 don't believe that to be the case. And here's  
14                 why. The same contractors' organizations, the  
15                 same associations, the same tradespeople that are  
16                 out there doing business and have to deal with  
17                 and cope with these requirements or mandates are  
18                 all coming back and saying: Are you kidding me?  
19                 This is the best that you possibly do? You're  
20                 moving the bar, yes, but you're making it even  
21                 harder for those in upstate New York. Whether  
22                 it's the disparity study, the workforce diversity  
23                 goals, whether you increase them in one region or  
24                 decrease them in the other, it's virtually  
25                 impossible to meet.



1                   Which then the result is -- it's  
2                   called failure. It's called debarment. And then  
3                   you take away opportunity.

4                   You know, when my grandparents came  
5                   to this country, they came with absolutely  
6                   nothing on the boat from Italy to America. And  
7                   they came through Ellis Island, and they migrated  
8                   up the Hudson River and into the little town or  
9                   city of Schenectady. And my grandparents had  
10                  16 -- my grandmother, great-grandmother, 16  
11                  children. Some of them never -- they didn't make  
12                  it, all, but 12 of them did. And they opened up  
13                  a little bakery shop, and they started making  
14                  bread. They're Italian. And they had to  
15                  struggle. And they opened up a little store on  
16                  the first floor of the two-story home that they  
17                  lived in on Front Street in the city of  
18                  Schenectady.

19                  And with my grandmother bundling up  
20                  the babies and putting the dough in the oven and  
21                  taking care of customers, they worked as hard as  
22                  they can. And my grandfather then having to go  
23                  and pick up the garbage from the city of  
24                  Schenectady to make extra money, and to then go  
25                  and to work at the family business -- they did

1 everything possible. And they followed the  
2 rules. All's they wanted was the opportunity as  
3 a minority group that came to this country.

4 And they were afforded that  
5 opportunity. And all's a person, whether it's a  
6 woman, whether it is someone who is of a minority  
7 group, whether it's black, whether it's Asian,  
8 whether it's -- whatever it may be, it doesn't  
9 matter. Those who don't have an opportunity to  
10 put in a contract or a proposal on a -- maybe  
11 it's an RFP or maybe it's a request of proposal  
12 for the services that that company can offer.  
13 What they want is a fair shot, and they deserve  
14 it.

15 But this program is not offering --  
16 it's making it too hard for them to succeed. The  
17 workforce in upstate New York is far different  
18 than the workforce in New York City. And I will  
19 say -- and I will commend Senator Sanders -- that  
20 the program works in New York City. It works  
21 pretty good. Where it doesn't work is the rest  
22 of the State of New York.

23 I wouldn't want to see the  
24 opportunity -- because this new law is going to  
25 either disbar people who fought so hard and they

1 waded through the process of getting certified  
2 that was too long and too costly. They no longer  
3 can meet the requirements because they moved the  
4 threshold or they mandated things that their  
5 payroll or their employee roster does not meet,  
6 then, the new criteria or requirements that will  
7 be set forth in the new rules and mandates.

8           Or then having and making a  
9 contractor or a small business owner have to go  
10 out and subcontract to another company to meet  
11 the criterias, which only takes away the  
12 opportunity of her or his employees.

13           There's a lot of work that needs to  
14 be done. Senator Sanders, I'd love to work with  
15 you on this. And I appreciate you taking the  
16 time of coming upstate and going to the hearings  
17 or the meetings that we had in upstate New York.  
18 I applaud you for that. And you always said that  
19 you want to be a good partner and you want to  
20 tackle this issue, and I believe you. You have  
21 the right intention and heart.

22           This bill, though, doesn't do it.  
23 This bill goes even farther than trying to give  
24 more opportunity. It limits more opportunity.  
25 It's going to make it harder for small

1 businesses, for people who deserve this  
2 opportunity to work and to succeed in New York  
3 State. It's going to put more onerous mandates  
4 and requirements that's going to then take away  
5 employees' opportunity to work hard and to put  
6 food on their own table.

7               With that, Mr. President, I can't  
8 support this bill. I just wish that this  
9 majority, that the Governor and the Assembly,  
10 would have listened to the men and women who are  
11 so frustrated in this state and who have cried  
12 out for help for years to change the program so  
13 that they can put their business model and plans  
14 to work and be successful because their great  
15 state has a good program.

16               But this isn't it. I'll be voting  
17 in the negative.

18               ACTING PRESIDENT BAILEY:    Senator  
19 Benjamin on the bill.

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

22               I rise as one of the formerly  
23 frustrated minority business owners that my good  
24 colleague Senator Amedore was talking about.  
25 However, we have a different perspective on this

1 bill. Respectfully, I want to just bring up this  
2 part about debarment that I heard a few times.  
3 That's just fundamentally not true as relates to  
4 this bill.

5           Actually, what the bill says is is  
6 that from a workforce diversity standpoint, there  
7 will be county goals and you do your best to meet  
8 the goal. There's nothing in here that says if  
9 you don't meet a certain goal that you will be  
10 debarred. So if there is some language about  
11 debarment that folks are aware of, they should  
12 let us know.

13           Let me just say a few things.  
14 Because, you know, one of the things that I think  
15 is important, as someone who used to be in a  
16 minority-owned business building affordable  
17 housing in the State of New York, it is really  
18 hard as a new minority-owned business to grow  
19 your business. Very simply, particularly when  
20 you're dealing with government agencies,  
21 typically government agencies tend to like to go  
22 with the good people who have been doing the work  
23 before. And in many industries you'll find that  
24 there are those tried and true -- in the case of  
25 what I was in -- developers who tend to get the

1 projects over and over and over and over again.

2           So much so that it makes it harder  
3 for minority-owned business to grow because,  
4 quite frankly, if you're someone with a lot of  
5 skills you might say to yourself: I can struggle  
6 over here with this minority-owned business, or I  
7 can take my talents as a lawyer or a  
8 businessperson or what have you and go work for  
9 the firm that gets all the business opportunities  
10 over and over again. It's a real issue.

11           There are a number of things that  
12 this bill aims to do. It doesn't do everything.  
13 But there are a number of things that it's built  
14 in to do that I think is very worthwhile.

15           Number one, I think the bill  
16 recognizes that there's no reason to have a  
17 Article 15-A -- in this case, MWBE  
18 reauthorization -- for five years and not allow  
19 someone to get certified for five years. Right  
20 now you're going to be certified for three years.  
21 There's no real reason for that. This bill looks  
22 to address that.

23           On this workforce diversity piece, I  
24 think it's very important to say we have  
25 aspirational goals. We want to have a diverse

1 workforce. That's something that we think is  
2 important because there are many folks,  
3 particularly minorities and women, who have been  
4 shut out of opportunities. And I think having an  
5 aspirational goal acknowledging that the city is  
6 different from parts of upstate, but having  
7 regionally based aspirational goals -- not forced  
8 goals, aspirational goals -- is a good thing. We  
9 should aspire to be a more diverse workforce.

10           Number three. It calls on all of  
11 our agencies, state agencies, to set up four-year  
12 growth plans. Why is that? We need to  
13 understand that in some industries it is hard to  
14 find minority and women-owned businesses, but how  
15 do we look to grow that? How do we say to  
16 ourselves, What opportunities could there be to  
17 try to attract diversity? Because we need to  
18 build capacity, right? We need -- one of the  
19 things we want to do is say there are some  
20 minority and women-owned businesses that probably  
21 need some capital, probably need an opportunity  
22 that's a small opportunity to grow to a bigger  
23 opportunity.

24           But you've got to be thoughtful  
25 about it. You can't just can't throw out RFPs

1 and not be mindful of where the industry is now,  
2 where the minority and women-owned businesses are  
3 now who can be a part of that. I think this is  
4 good business, and I think it's good for society.

5 Also, this bill has a bid preference  
6 that says, listen, if a minority and women-owned  
7 business is within 10 percent of a business -- in  
8 terms of bidding for opportunity of someone  
9 who -- a business that usually wins these  
10 opportunities, they get a good shot.

11 I think fairness, creating  
12 opportunities for other businesses to  
13 participate, matters. I think it is easy to  
14 forget that -- it's not -- and as Senator Amedore  
15 said, it's not easy to start a new business,  
16 particularly when the people who are doing well  
17 in the business that you are starting don't look  
18 like you. It's not easy to do.

19 And what we -- all we're trying to  
20 do as a state -- at least that's what I think  
21 we're trying to do, and I want to give credit to  
22 Senator Sanders who has fought so hard for this.  
23 I know Assemblymember Bichotte has put in a lot  
24 of time on this, working with Alphonso David in  
25 the Governor's office, et cetera.



1                   All we're trying to do is say, how  
2                   can we most fairly try to encourage and create  
3                   opportunities, acknowledging our past? I don't  
4                   want to go down that road of talking about our  
5                   past, but acknowledging that there are companies  
6                   and those of certain ethnicities who were shut  
7                   out of business opportunities. How do we try to  
8                   address that? That's what the disparity study is  
9                   for.

10                   The disparity study says, wait a  
11                   second, let's study and see are there groups who  
12                   have not been able to be a part of these job  
13                   opportunities, these businesses, these projects.  
14                   And so we do disparity studies. And the  
15                   disparity study, the last one -- if I'm wrong,  
16                   someone please correct me -- in 2016 said in four  
17                   industries there are disparities that we need to  
18                   look to address: Construction, goods and  
19                   services, construction-related services, and  
20                   professional services.

21                   So within that construct, within  
22                   those industries, we need to try to do more to  
23                   try to open up the door and open up opportunities  
24                   for businesses from minority and women-owned  
25                   individuals who have been historically shut out.

1 Historically shut out.

2           That's what we're trying to do here.  
3 We're not trying to -- we're not trying to burden  
4 businesses. As a matter of fact, we're trying to  
5 help businesses. I know a lot of businesses that  
6 like this bill.

7           Now, a point was made about New York  
8 City being -- it works in New York City but it  
9 doesn't work upstate. Let's figure that out.  
10 This thing says let's be aspirational. It asks  
11 for agencies to have a four-year plan. I don't  
12 understand what's so controversial about it. I  
13 don't understand what's so -- I'm trying to  
14 figure out what's the issue with that. Right?  
15 Understanding that there are different dynamics  
16 upstate, let's try to figure out how to do it.  
17 But the answer can't be let's just do nothing. I  
18 don't know if that -- I don't know if that is  
19 what's being suggested or recommended. I hope  
20 that's not what's being suggested or recommended,  
21 because that, in my opinion, would not be the  
22 right direction.

23           So, you know, I don't want to  
24 belabor the point. I just want to say that I  
25 think we as a state are doing the right thing

1 with this bill. Is it perfect? Absolutely not.  
2 Are there things we have to address next year  
3 with the budget? Absolutely. Could we go down  
4 this road and say, wait a minute, we've got to  
5 tweak this, let's change that, let's focus on --  
6 of course we could and should.

7 And I think it is important, as many  
8 of us have heard, and it's an important point to  
9 recognize, that New York City is not upstate. I  
10 think that is clear. That's why this language is  
11 the way it is.

12 But let's be clear, we do need to  
13 try to figure out how do we do this upstate.  
14 And, you know, maybe we need to be encouraging  
15 people to start their own companies. Maybe they  
16 would be encouraged if they knew there was  
17 opportunities and ways for them to get started.  
18 It's not easy to start your own company when you  
19 know you can work for someone else and get a  
20 salary. When you go to start your own company,  
21 you might not be able to pull it off. You don't  
22 see people like you, it's hard to do.

23 So let's just be thoughtful about  
24 this. I think we should be respectful of  
25 everyone's opinion on this. But let's be -- I

1 just want to be very clear, no one is being  
2 debarred as a result of this bill.

3 This bill is a good bill. I look  
4 forward to it passing. And I'll be happy to vote  
5 for it when the time comes.

6 Thank you, Mr. President.

7 ACTING PRESIDENT BAILEY: Senator  
8 Ranzenhofer.

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

11 ACTING PRESIDENT BAILEY: On the  
12 bill or --

13 SENATOR RANZENHOFER: This is on  
14 the bill.

15 ACTING PRESIDENT BAILEY: Senator  
16 Ranzenhofer on the bill.

17 SENATOR RANZENHOFER: So we're  
18 discussing the bill that has been around for  
19 about five days, but an issue that has been  
20 around for decades.

21 And one of the things that's  
22 encouraging, after listening to Senator Sanders  
23 and Senator Benjamin, is a recognition that there  
24 are geographical -- or geographic and demographic  
25 differences throughout the state and also an

1 acknowledgment that, you know, we're still  
2 dealing with the issue of waivers, which in and  
3 of itself is an acknowledgment that a good part  
4 of the program doesn't work.

5           So what we have in my area, and this  
6 was alluded to a little bit earlier, is we have  
7 companies just like the companies that come into  
8 all of our offices saying that we can just -- we  
9 cannot operate under the levels that are imposed  
10 right now. And what we are really doing, and  
11 we've done this on so many issues -- again, for  
12 an issue that's been around for such a long, long  
13 time -- is to defer to some other administrative  
14 agency or bureaucrat to set goals that we in the  
15 Legislature -- I believe we know what to do, and  
16 we really should be doing it.

17           There is a difference between  
18 upstate and downstate. And that should be  
19 addressed in this particular bill, and it is not.

20           I know the sponsor acknowledged the  
21 waiver issue. Well, why does somebody go out and  
22 get a waiver? Somebody gets a waiver because the  
23 program is not working in that part of the state  
24 in order to fill these -- whether you call them  
25 aspirational goals or goals that are set by the

1 department, they simply do not work.

2           There is a difference between  
3 New York City and the rest of the state. We deal  
4 with the issue of, as was mentioned earlier, of a  
5 company not being able to use their own employees  
6 and having to subcontract out work.

7           Now, if you'll bear with me for just  
8 a moment, I think it was Senator Benjamin that  
9 said that there were a lot of businesses that  
10 like this bill. Well, let me tell you who  
11 doesn't like this bill. Who doesn't like this  
12 bill are the very men and women from all parts of  
13 the state, all stripes, who have been dealing  
14 with this issue for many, many years, and these  
15 folks are saying that it doesn't work for them.

16           So who are these groups? Are these  
17 just a few groups from Senator Little's district  
18 or Senator Amedore's district? No. These are  
19 the American Institute of Architects in New York  
20 State. These are the Associated General  
21 Contractors of New York State. These are the  
22 Association of Electrical Contractors. These are  
23 the American Council of Engineering Companies in  
24 New York. These are the Building Contractors  
25 Association of New York. These are the Building

1 Contractors Association of Westchester and the  
2 Mid-Hudson Region. These are the Builders  
3 Exchange of Rochester, the Builders Exchange of  
4 the Southern Tier, the Building Industry  
5 Employers of New York State, the Construction  
6 Employers Association of Central New York, the  
7 Building and Construction Trades Council of  
8 Westchester and Putnam Counties, the Business  
9 Council of New York State, the Construction  
10 Contractors Association of Hudson Valley, the  
11 Fabricators and Erectors Association of Hudson  
12 Valley, SMACNA Southeastern New York, the  
13 Construction Exchange of Buffalo and Western  
14 New York, the Construction Industry Council of  
15 Westchester and the Hudson Valley; the Eastern  
16 Contractors Association, the Empire State  
17 Subcontractors Association, the General  
18 Contractors Association of New York, the Hudson  
19 Valley Building and Construction Trades Council,  
20 the Hudson Valley Building and Construction  
21 Labor-Management Alliance, the Hudson Valley  
22 Construction Industry Partnership, the  
23 Long Island Contractors Association, the National  
24 Fire Sprinkler Association, the New York Building  
25 Congress, the New York State Economic Development

1 Council, the New York State Association of  
2 Electrical Contractors, the New York State  
3 Council of Landscape Architects, the New York  
4 State Council of NECA Chapters, the Long Island  
5 Chapter of NECA, the Sheet Metal and  
6 Air-Conditioning Contractors National Association  
7 of Long Island, the Sheet Metal and  
8 Air-Conditioning Contractors National Association  
9 of New York State, UNICON Rochester, and  
10 Unshackle Upstate New York.

11               So there may be somebody that likes  
12 this, but I don't know who they are. We are  
13 passing a bill dealing with every -- dealing with  
14 contractors and subcontractors across this great  
15 and very broad and very diverse state. And we  
16 have nearly 40 associations, representing  
17 hundreds and hundreds of companies, representing  
18 thousands of the men and women that do this work  
19 every day, and what they are telling us,  
20 Senators, is that this bill, the bill that we're  
21 voting on right now, doesn't work for them. It  
22 doesn't work for them.

23               Now, conspicuously absent from the  
24 list are contractor associations from New York  
25 City. So I'm going to surmise that this works



1 for New York City. But when you're putting in a  
2 bill that applies to the entire state and you  
3 have nearly unanimous opposition from every  
4 single region of the state, I would think that  
5 would be reason for pause. That would be reason  
6 for a Senator from the Hudson Valley or  
7 Westchester or Long Island or Buffalo or  
8 Rochester or the Southern Tier -- our  
9 constituents are telling us, let's put the pause  
10 button on this.

11 This bill doesn't work. We have  
12 been aware of problems that are present in the  
13 MWBE system for years. This bill, which is  
14 trying to correct those problems, doesn't work.

15 So when I go back home -- and there  
16 are a lot of people in my district that do this  
17 hard work -- plumbing, electrical work. You  
18 know, work that I can't do, and I'm thankful that  
19 there are people that are able to do this type of  
20 work. It's not me. But when I see these people,  
21 you know, they're going to ask me, Well, Senator,  
22 weren't you aware that -- except from New York  
23 City -- but every single business, trade  
24 organization from across the entire state was in  
25 opposition to this bill? Do you not care? Do

1     you not give a hoot about what people in your  
2     region think?

3                     And I'm going to tell them I do  
4     care, I stood up on the floor of the Senate and I  
5     told them I cared, I'm trying to do something  
6     about it, I'm trying to fix a problem which we've  
7     known for years doesn't work. We've seen a bill  
8     for a few days which doesn't fix it. And I'm  
9     just hopeful -- I'm not as optimistic as some of  
10    my colleagues, with this bill moving forward,  
11    that there's a real interest in trying to address  
12    the problem when there's an opportunity to  
13    address the problem, which at least seems to  
14    me -- not that the recognition is not there, but  
15    the willingness to address those concerns from  
16    all four corners of the state is not being heard,  
17    is being ignored.

18                    And I think that's a sad situation.  
19    When we go back into our towns and villages and,  
20    you know, see our constituents in our hometown  
21    and tell them what happened on this day with this  
22    particular bill, trying to fix a concept which is  
23    a very good concept, an idea which has great  
24    merit -- but it's all in the details, and the  
25    details here just don't cut it.

1                   Thank you, Mr. President. I'll be  
2                   voting no when the bill comes up on the floor for  
3                   a vote.

4                   ACTING PRESIDENT BAILEY:  
5                   Senator Akshar.

6                   SENATOR AKSHAR:    Thank you,  
7                   Mr. President. Would the sponsor yield for a  
8                   couple of questions?

9                   ACTING PRESIDENT BAILEY:   Does the  
10                  sponsor yield?

11                  SENATOR SANDERS:    Absolutely.

12                  ACTING PRESIDENT BAILEY:   The  
13                  sponsor yields.

14                  SENATOR AKSHAR:    Senator, it was a  
15                  pleasure working with you on this particular  
16                  issue, and I look forward to having additional  
17                  conversations.

18                  Senator -- Mr. President, through  
19                  you. Senator, you discussed a three-way  
20                  agreement on this particular issue. Can you just  
21                  describe that three-way agreement? Specifically  
22                  my question to you is, what did the Senate get?  
23                  You must have brought something to that  
24                  conversation as part of that three-way agreement.  
25                  So what did you advocate for in this particular

1 piece of legislation on behalf of the State  
2 Senate?

3 SENATOR SANDERS: Through you,  
4 Mr. President. Love your question. Among the  
5 things that we sought to get out of this one was  
6 a lot on the issue of personal net worth, a lot  
7 of transparency. We felt that it was one of the  
8 major problems, that we needed far more  
9 transparency on this issue.

10 We achieved a lot on the terms of  
11 the issue of personal net worth. We achieved a  
12 heck of a lot on the issue of transparency. We  
13 are still working on many other issues, worthy  
14 issues.

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

18 ACTING PRESIDENT BAILEY: Will the  
19 sponsor yield?

20 SENATOR SANDERS: The sponsor  
21 yields.

22 ACTING PRESIDENT BAILEY: The  
23 sponsor yields.

24 SENATOR AKSHAR: I just want to  
25 talk a little bit about the latest disparity

1 study. What was the level of participation by  
2 those who work in this area in the recent -- the  
3 most recent disparity study?

4 SENATOR SANDERS: According to the  
5 disparity study, the availability was over  
6 50 percent for available prime contractors and  
7 subcontractors. We are going for a 30 percent  
8 goal.

9 SENATOR AKSHAR: Thank you,  
10 Mr. President. Through you, if the sponsor would  
11 continue to yield.

12 ACTING PRESIDENT BAILEY: Will the  
13 sponsor yield?

14 SENATOR SANDERS: The sponsor  
15 yields.

16 ACTING PRESIDENT BAILEY: The  
17 sponsor yields.

18 SENATOR AKSHAR: I'm sorry,  
19 Senator, I don't think I articulated my question  
20 well enough.

21 I'm interested in when the disparity  
22 study was commissioned and they went into the  
23 field -- I guess I'll ask two questions -- what  
24 tool was used to garner information from those  
25 that we were seeking to get information from?

1 How did we get the information from the folks  
2 that were responding to the disparity study? And  
3 then of all of the people who could have  
4 responded who work in this arena, what percentage  
5 of those businesses responded to the 2016  
6 disparity study?

7 SENATOR SANDERS: Through you,  
8 Mr. President. I can tell you that statistical  
9 and anecdotal evidence was sought and gotten. I  
10 will also have to tell you that your question  
11 should be put to the Mason Tillman organization  
12 that did the study. They are the specialists on  
13 the tools that they used.

14 I will tell you that they have done  
15 more than 100 of these disparity studies. I can  
16 tell that they have been taken to court three or  
17 four times, and I can tell you that they have  
18 never lost a court case.

19 SENATOR AKSHAR: Mr. President,  
20 through you, if the sponsor would continue to  
21 yield.

22 ACTING PRESIDENT BAILEY: Will the  
23 sponsor yield?

24 SENATOR SANDERS: Yes,  
25 Mr. President, absolutely.

1                   ACTING PRESIDENT BAILEY:    The  
2   sponsor yields.

3                   SENATOR AKSHAR:    Let me just  
4   address that 50 percent issue real quickly, if I  
5   may.  If the number in fact is 50 percent or  
6   53 percent, as you've discussed, why so many  
7   waivers?

8                   SENATOR SANDERS:    Well, the  
9   50 percent is not statewide, sir.  There are  
10   areas where there may be 70 percent.  There are  
11   areas that may be 20 percent.  There are areas --  
12   it would have to do with your area, sir.

13                  And I'd like to know why there are  
14   so many waivers myself, sir.

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

18                  ACTING PRESIDENT BAILEY:   Will the  
19   sponsor yield?

20                  SENATOR SANDERS:    The sponsor  
21   yields.

22                  ACTING PRESIDENT BAILEY:   The  
23   sponsor yields.

24                  SENATOR AKSHAR:    You and I have had  
25   this discussion.  I think you are -- you

1 appreciate what Tillman did in this particular  
2 study. Why do you suppose that Tillman wouldn't  
3 testify in front of the Senate last year?

4 SENATOR SANDERS: Through you,  
5 Mr. President. Usually when a study is done, the  
6 company that gets the study also gets a contract  
7 to defend the study. New York State, for  
8 whatever reason, did not do that, sir. They gave  
9 the contract to do the study, but they didn't get  
10 give a contract to defend the study.

11 SENATOR AKSHAR: Mr. President,  
12 through you, if the sponsor would continue to  
13 yield.

14 ACTING PRESIDENT BAILEY: Will the  
15 sponsor yield?

16 SENATOR SANDERS: The sponsor  
17 yields.

18 ACTING PRESIDENT BAILEY: The  
19 sponsor yields.

20 SENATOR AKSHAR: I just want to go  
21 back to that engagement piece. And I probably  
22 should have just offered the number.

23 So SurveyMonkey was used by Tillman  
24 to gather the information. And of all of the  
25 people who could have responded, just a little



1 over 6 percent of the folks that could have  
2 responded in this area responded. That's --  
3 we're basing our disparity study off of 6.2  
4 percent information garnered from those folks.

5 My question, I think moving  
6 forward -- because my understanding of this  
7 statute is that we will be requesting a new  
8 disparity study. What is going to be done to  
9 ensure that we get as much public input as we  
10 possibly can? We seriously understand this. I  
11 would much rather, and I'm sure you feel the same  
12 way, have 94 percent participation and have  
13 6 percent of the people not answer.

14 So what are we doing moving forward  
15 to ensure participation?

16 SENATOR SANDERS: Through you,  
17 Mr. President. To go back to your 6 percent, it  
18 may not be unusual throughout the nation to get  
19 that type of return, sir. People are busy,  
20 businesspeople are very much into running their  
21 business. It may not be accurate -- or let me  
22 get rid of the word "accurate" -- unusual.

23 However, this is the Empire State.  
24 And your second question is, I would argue, the  
25 best question. Even if they used that as a

1 survey and they did use other methodologies to  
2 get this information -- let's assume they did  
3 everything right for a moment. We should insist  
4 we must do everything in our power to ensure that  
5 even if they did everything right, by the book,  
6 let's say, that this is the Empire State and we  
7 want more going forward.

8                   To that, we're all going to have to  
9 work together here. We're going to have to  
10 figure out -- we're going to have to go across  
11 this divide here. We're going to have to figure  
12 out how upstate and downstate and around state,  
13 for that matter, can get all of the populations  
14 to come out and say, Hey, we're going to be  
15 involved in this one because otherwise we're  
16 going to pay for it.

17                   SENATOR AKSHAR: Mr. President,  
18 just on the bill for just a second.

19                   ACTING PRESIDENT BAILEY:  
20 Senator Akshar on the bill.

21                   SENATOR AKSHAR: You know -- no,  
22 I'm going to continue asking questions, Senator.

23                   You know, I don't necessarily think  
24 we're as divided as some may think on this  
25 particular issue. I think it's the consensus of

1 members of this house, both Republicans and  
2 Democrats, that it's a worthwhile program. And  
3 it's a program that we should do everything in  
4 our power to make the best.

5 But, you know, you mentioned that  
6 it's tough to get businesses to respond to things  
7 like that. They are busy. They're busy cutting  
8 through all the red tape that we create in this  
9 state. And, you know, I'm always fearful in this  
10 program that we haven't done enough to get rid of  
11 that bureaucratic red tape.

12 So, Mr. President, if the sponsor  
13 would continue to yield.

14 ACTING PRESIDENT BAILEY: Will the  
15 sponsor yield?

16 SENATOR SANDERS: He yields.

17 ACTING PRESIDENT BAILEY: The  
18 sponsor yields for a question.

19 SENATOR AKSHAR: The 2016 disparity  
20 study, what did that study say that the goal  
21 should be?

22 SENATOR SANDERS: The goal of the  
23 2016 disparity study, it was seen that 30 percent  
24 was a good aspirational statewide goal.

25 SENATOR AKSHAR: Mr. President,

1 through you, if the sponsor would continue to  
2 yield.

3 ACTING PRESIDENT BAILEY: Will the  
4 sponsor yield?

5 SENATOR SANDERS: The sponsor  
6 yields.

7 ACTING PRESIDENT BAILEY: The  
8 sponsor yields.

9 SENATOR AKSHAR: Did it say that  
10 that should be the goal on every contract? Did  
11 it talk about individual goals on separate  
12 contracts?

13 SENATOR SANDERS: Through you,  
14 Mr. President, no, this is statewide -- through  
15 you, Mr. President. I'm sorry, I'm speaking a  
16 little too quick here.

17 No, that's a statewide goal. And  
18 each contract should have its own aspirational  
19 goal, sir.

20 SENATOR AKSHAR: I'm sorry, one  
21 more time. Every contract, every contract  
22 separate of one another should have its own  
23 aspirational goal?

24 SENATOR SANDERS: Every contract  
25 has a goal set by its industry, sir.

1                   SENATOR AKSHAR:     Okay.

2     Mr. President, through you, if the sponsor would  
3     continue to yield.

4                   ACTING PRESIDENT BAILEY:     Will the  
5     sponsor yield?

6                   SENATOR SANDERS:     The sponsor  
7     yields.

8                   ACTING PRESIDENT BAILEY:     The  
9     sponsor yields.

10                  SENATOR AKSHAR:     So are we sure  
11     that that goal -- it sounds like that  
12     aspirational goal has been set statewide,  
13     correct, whether we're in the North Country, the  
14     Southern Tier where I'm from, or New York City  
15     where you're from. Am I -- is that a fair  
16     assessment?

17                  SENATOR SANDERS:     That is correct,  
18     it's a statewide aspirational goal.

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

22                  ACTING PRESIDENT BAILEY:     Will the  
23     sponsor yield?

24                  SENATOR SANDERS:     The sponsor does  
25     yield.

1                   Let me say that we also -- that  
2                   goal, it should be remembered that women are part  
3                   of the MWBE, and every part of our great state  
4                   has women. But he had a question.

5                   ACTING PRESIDENT BAILEY:    The  
6                   sponsor yields to Senator Akshar's question.

7                   SENATOR AKSHAR:    So in your  
8                   opinion, does it comply with the narrow tailoring  
9                   required by the Croson decision?

10                  SENATOR SANDERS:    Yes. Very much  
11                  so, sir. Through you, Mr. President, yes, very  
12                  much so.

13                  SENATOR AKSHAR:    Let me move, if I  
14                  may, Mr. President, if the sponsor would continue  
15                  to yield.

16                  ACTING PRESIDENT BAILEY:   Will the  
17                  sponsor yield?

18                  SENATOR SANDERS:    The sponsor  
19                  yields.

20                  ACTING PRESIDENT BAILEY:   The  
21                  sponsor yields.

22                  SENATOR AKSHAR:    Senator Sanders,  
23                  would you do me a favor and just explain to me  
24                  just quickly about the workforce diversity piece  
25                  of the statute? I just want to make sure I

1 understand exactly what we're trying to  
2 accomplish here.

3 SENATOR SANDERS: Absolutely. My  
4 favorite part, Mr. President.

5 Looking at the great State of  
6 New York and the labor force that we have and  
7 trying to ensure that all parts of New York are  
8 involved in the labor force, we are trying to  
9 ensure that in terms of contracting, in terms of  
10 construction contracts, this will apply to them.  
11 This will not apply to anything besides  
12 construction contracts.

13 But we are setting an aspirational  
14 goal of 30 percent. And we are looking -- and we  
15 believe that the people of New York, which come  
16 in every race, creed, color, gender, will be able  
17 to meet it or at least come close to it.

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

21 ACTING PRESIDENT BAILEY: Will the  
22 sponsor yield for a question?

23 SENATOR SANDERS: The sponsor  
24 yields.

25 ACTING PRESIDENT BAILEY: The

1 sponsor yields.

2 SENATOR AKSHAR: Driven by the  
3 census, I think you said to somebody else. Maybe  
4 Senator Amedore, when he was questioning you.

5 So does that mean if the census says  
6 in Binghamton that the diversity of the community  
7 in construction -- or excuse me, the diversity of  
8 the community is such -- let's use some numbers:  
9 25 percent African-American, 15 percent  
10 Asian-American, 30 percent Caucasian. Is that  
11 what the construction workforce in the Southern  
12 Tier needs to reflect?

13 I'm a general contractor, and I'm  
14 going to do work at the joint sewage treatment  
15 plant. And if I get that job, my workforce that  
16 I will be employing at the joint sewage treatment  
17 plant has to be made up that way.

18 SENATOR SANDERS: Through you,  
19 Mr. President. The director will set those  
20 goals, sir, for that particular area and that  
21 particular contract. The director will set it  
22 with the understanding that certain things are  
23 possible in certain areas and certain things are  
24 simply an aspiration.

25 SENATOR AKSHAR: Mr. President,



1 through you, if the sponsor would continue to  
2 yield.

3 ACTING PRESIDENT BAILEY: Will the  
4 sponsor yield for a question?

5 SENATOR SANDERS: The sponsor  
6 yields.

7 ACTING PRESIDENT BAILEY: The  
8 sponsor yields.

9 SENATOR AKSHAR: I'm in no way  
10 being argumentative about this particular piece.  
11 I'm just a little bit concerned about it. I  
12 think it's a very important piece of legislation,  
13 as you described.

14 I'm just concerned that we talked --  
15 you're talking about it, we're talking about  
16 aspirational goals. Senator Benjamin spoke  
17 eloquently about aspirational goals. But then  
18 there is the real-world reality, right, that  
19 we've set this 30 percent aspirational goal  
20 statewide. And, you know, I don't believe a  
21 hundred percent that in Staten Island it's  
22 incredibly easy to meet that 30 percent. Maybe  
23 in Brooklyn it's not. Certainly not in  
24 Binghamton or in the North Country.

25 I'm just concerned about this

1 particular piece that you say the director is  
2 going to set this -- these goals based on the  
3 census data. What happens if -- what happens if  
4 I as the owner of that general contracting firm,  
5 I can't attract Asian-Americans or Caucasians  
6 into my workforce? What happens to me as the  
7 general contractor in that situation?

8           SENATOR SANDERS: Through you,  
9 Mr. President. One of the things, one of the  
10 safeguards that we have put in this is the  
11 transparency, where you will see much more of  
12 this information on a monthly basis of who has  
13 applied for a waiver and who is granted a waiver.

14           So I think that the role of the  
15 Senate is not going to stop at this point,  
16 because the transparency will allow us to see  
17 what's going on and respond in an appropriate  
18 fashion.

19           Now, one of the key points to make a  
20 waiver -- to get a waiver is something called a  
21 good-faith effort. Good-faith effort. If one is  
22 making a good-faith effort, meaning that you  
23 have -- if you're trying to find people, you at  
24 least try to find people. If you've made that  
25 good faith effort, then all of those things

1 should be taken into account by the director.

2 And we as the Senate will get a  
3 chance to see on a monthly basis how this is  
4 going so that we can tweak this. We think this  
5 is an ongoing opportunity, an ongoing opportunity  
6 that we're going to have to watch this one.

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

10 ACTING PRESIDENT BAILEY: Will the  
11 sponsor yield?

12 SENATOR SANDERS: The sponsor  
13 yields.

14 ACTING PRESIDENT BAILEY: The  
15 sponsor yields.

16 SENATOR AKSHAR: Is there anything  
17 in the legislation that will -- as the general  
18 contractor, is the state going to help me? If I  
19 say, you know what, I want to do this work, I  
20 want to do my very best to ensure that I can hit  
21 those aspirational goals, but I'm struggling.  
22 I'm just having a hard time finding 30 percent of  
23 my workforce to be Caucasian. Is there anything  
24 in the legislation that will help me? Will the  
25 state come in and say, you know what, Akshar,

1     you're doing the right thing, we know you want to  
2     do the right thing, we want to help you?

3                 SENATOR SANDERS:     Through you,  
4     Mr. President, your short answer is not enough.  
5     Well, let me be clearer still. The answer is no,  
6     sir. That the -- the government is seen in that  
7     sense as neutral, where it is not putting its  
8     finger helping either side, but as an arbiter at  
9     the end.

10                SENATOR AKSHAR:     I'm on the bill,  
11     Mr. President.

12                ACTING PRESIDENT BAILEY:     Senator  
13     Akshar on the bill.

14                SENATOR AKSHAR:     I would just  
15     respectfully say to you, but the government has  
16     their fingers in this program when they want to  
17     penalize you. Right? They're very quick,  
18     government, state government is very quick to  
19     come down very hard on general contractors,  
20     subcontractors in this space if they're not  
21     following the rules.

22                I would just ask this moving  
23     forward. I am -- I'm going to vote no today. I  
24     think that we have -- we certainly have more work  
25     to do. I think it's a program that can be

1     incredibly beneficial. I would just ask you to  
2     think about that point I just made about, as we  
3     move forward, ensuring that government in this  
4     particular space is not only thought of as really  
5     dropping a hammer, right, and coming down hard on  
6     people who aren't fulfilling their obligations,  
7     but also doing their very best to help people.

8                     I smiled when you said we're trying  
9     to reduce the amount of time from 60 days to 45  
10    days. Because again, in reality, that's -- it's  
11    more like 10 months or a year, right, before  
12    people hear. That's terrible. It really is.  
13    It's terrible. We must do a better job.

14                    And as you're advocating moving  
15    forward -- and I'll continue to talk about it  
16    with you -- let's ensure when we come back here  
17    next year and we go through the budget process,  
18    that this state agency has what they need so  
19    people don't have to wait 10 months or 12 months,  
20    whether they're from Brooklyn or they're from  
21    Binghamton or Oswego, it doesn't matter. Let's  
22    do our very best to ensure that we hold the  
23    agency's feet to the fire and make sure they hold  
24    to that 45 days.

25                    Thank you, Mr. President.

1                   ACTING PRESIDENT BAILEY:

2       Senator Sanders on the bill.

3                   SENATOR SANDERS:     Thank you very  
4       much, Mr. President.

5                   I want to thank everybody who  
6       participated in this debate.   It was enlightening  
7       and -- and very warm over here on occasion.

8                   Senator Ranzenhofer was talking  
9       about these groups that he was mentioning, and I  
10      was listening to see if there were any MWBEs in  
11      those groups, and I failed to recognize any of  
12      those.

13                  Suffice it to say I could provide a  
14      list of all of those who like things and -- but  
15      it wouldn't answer the question, and the people  
16      deserve better than that.

17                  Senator Akshar was -- pointed out  
18      some very useful things.   We do need to figure  
19      out approved lists, approved lists of MWBEs and  
20      people of that nature.

21                  This is not finished.   It's nowhere  
22      near finished.   We have a lot more work to do.  
23      And regardless of how you vote today, I need your  
24      help.   I need your help in trying to figure out  
25      how to make this real for New York State.   And I

1 look forward to working with you. I look forward  
2 to hearing frank positions from you, and I would  
3 expect nothing less. And I've never received  
4 anything less than that, so I appreciate that.

5 I want to thank Senators Amedore and  
6 Ranzenhofer for their passion, incredible  
7 passion. I want to thank Senators Akshar and  
8 Little for their direction. They were bold  
9 enough to take me around the state, and other  
10 people.

11 I of course want to thank Senator  
12 Benjamin. He said it better than I could, so  
13 there's no need to say it again. You heard his  
14 position is mine.

15 I of course want to thank the task  
16 force members who put a lot of time -- past and  
17 present, who put a lot of time into this issue,  
18 who took it and went a long way.

19 I would be remiss if I did not thank  
20 my colleague in government, who I did not know  
21 was back there, but that's all right. No wonder  
22 I was -- I stood straighter and spoke better. I  
23 should have known that. I of course want to  
24 thank you, Jellisa, for being right there when I  
25 needed you. Shontell.

1                   But I mostly want to thank, of  
2                   course, our great leader, Senator Andrea  
3                   Stewart-Cousins, for deciding that we were going  
4                   to tackle not just an extension, but we're going  
5                   to tackle some of the issues in this program, a  
6                   magnificent idea that has to -- that deserves --  
7                   the people deserve for this to be the best that  
8                   it possibly can. And it can only get that way if  
9                   all of us work together and really just push this  
10                  thing, along with our great friends on the second  
11                  floor, and make sure that it goes in the  
12                  direction that it needs to go.

13                  So again, I want to thank everyone  
14                  for -- whatever failures that you see in this are  
15                  mine. Whatever victories are the people who  
16                  worked hard on this issue. So I do want to thank  
17                  everybody. And I want to say that we would be  
18                  remiss if I didn't thank you too, Mr. President.  
19                  And you guys will decide what to do from there.

20                  Thank you very much. I vote yes.

21                  ACTING PRESIDENT BAILEY:

22                  Senator Parker on the bill.

23                  SENATOR PARKER: Thank you,  
24                  Mr. President, on the bill.

25                  Let me first thank Senator James



1 Sanders for his intrepid leadership, leading the  
2 MWBE task force for many years -- since he's  
3 actually been here -- and we've been kind of  
4 building momentum to this day.

5 The reauthorization of 15-A is  
6 critically important for, you know, more than  
7 60 percent of the population of the entire state.  
8 Let's understand the root reason why we're doing  
9 this bill today. We have an expression now that  
10 I always find cute when I hear it, people use it,  
11 is that sometimes we have legislation and we call  
12 it a solution looking for a problem. Right?  
13 That's not this. Right?

14 This is not a solution looking for a  
15 problem. Let's be very clear. Racism exists in  
16 this state, and it has. Right? In the same way  
17 that we know that sexism exists in this state.  
18 And we know that access to full-time jobs at a  
19 living wage with benefits, we know access to  
20 business opportunities, we know access to  
21 contracts with the State of New York are not  
22 equally given out between every group of people  
23 in the State of New York. That's why 15-A was  
24 created.

25 So this is actually a solution to a

1 very real problem. So I want people to  
2 understand that this is -- when we talk about a  
3 disparity study, what we've gotten to is where  
4 the courts have said to us, yeah, we believe  
5 there's a problem and rhetorically we can always  
6 talk about problems, but you really need a study.  
7 And what that disparity study actually does is  
8 root in science and in facts and figures what we  
9 actually all know rhetorically, which is that  
10 racism exists in State of New York and sexism  
11 exists in State of New York.

12 African-Americans as we stand here  
13 represent approximately 16 percent of the  
14 20 million people who live in the State of  
15 New York. Latinos represent 19 percent of the  
16 state. Women, over 51 percent of the people in  
17 the State of New York.

18 And so you start talking about --  
19 you know, put all those groups together and we're  
20 quibbling over 30 percent? We're quibbling over  
21 30 percent. Women themselves, if you want to do  
22 it in a way that's either from an equity  
23 perspective or an equality perspective, should be  
24 at least getting 50 percent. And we're talking  
25 about 30 percent between women, blacks, Latinos,

1     Asians.

2                   And we're quibbling over 30 percent,  
3     people pushing back on 30 percent. And you find  
4     these populations, especially in 2019, in every  
5     reach of -- you know, of our state. And I've  
6     been around the state. You know, I've worked for  
7     the state comptroller, I've worked on campaigns,  
8     I've been literally to all 62 counties of the  
9     State of New York. Right? And I've never gone  
10    anywhere in the State of New York and not seen a  
11    woman, not seen somebody African-American, not  
12    seen somebody Latino. I just haven't.

13                  We all have diverse -- this state is  
14    very diverse. Even in the places that we think  
15    are not as diverse as others, they're still more  
16    diverse than what we see, frankly, in the  
17    United States. We are a paradigm of diversity  
18    here in the State of New York.

19                  And what we're saying here in the  
20    context of reauthorization of 15-A is two things.  
21    One, we know that inequality exists both on  
22    racial and gender equity, you know, levels.  
23    Right? And that, two, we need to correct that by  
24    creating more opportunity in our state. I don't  
25    think anybody here would say that, you know,

1 economic opportunity isn't the basis of the  
2 American dream. Right? And when we look at the  
3 State of New York, we have the third largest  
4 budget in the entire country, as I know all my  
5 colleagues know. Right? After the federal  
6 government and the State of California, this year  
7 our enacted budget was about \$175 billion. We're  
8 the ninth largest economy in the world.

9 And yet there are people who are  
10 hungry in this state. There are people who are  
11 not getting access to opportunity in this state.

12 Now, when we look at that  
13 \$175 billion budget, Mr. President, almost around  
14 35 billion of it is actually contracted out every  
15 single year. Right? So we're talking about, you  
16 know, everything from paper clips to large  
17 construction projects are being contracted out by  
18 the State of New York, by every single agency,  
19 including the State Senate.

20 And the question is, what are the  
21 rules by which we make that procurement? What  
22 are the rules by which we make sure that  
23 African-Americans, who are 16 percent of the  
24 population, Latinos, who are 19 percent of the  
25 population, women, who are 51 percent of the

1 population, get their fair share of the state  
2 contracts? And right now they're not getting  
3 their fair share.

4                   And so the reauthorization of this  
5 legislation is a beginning of a conversation to  
6 do that. We're not even there yet. Because  
7 frankly -- you know, in Brooklyn we use this  
8 expression "keeping it real." Can I keep it real  
9 withall? Let me keep it real. This legislation  
10 is a toothless tiger. It's a toothless tiger.  
11 Yeah, we want 30 percent. We want to see  
12 Binghamton get 30 percent. We want to see  
13 Rochester, we want to see the North Country get  
14 the 30 percent of women and minority business  
15 enterprises, you know, incorporated in the  
16 economic activity, particularly the economic  
17 activity the state is funding. Because by the  
18 way, those folks pay their taxes too. So that's  
19 their money. Right?

20                   But what do we say in this? Well,  
21 30 percent is aspirational. Do your best, your  
22 best -- you know, your best -- you know, you give  
23 a good-faith effort. Is that what we say,  
24 Pastor? Give it a good-faith effort to get to  
25 30 percent. But what happens if you don't get to

1 30 percent? Well, we'll give you a waiver.  
2 That's one of the things that we do. And we've  
3 given out -- even as my colleagues on the other  
4 side of the aisle indicated, we've given out  
5 probably more waivers than we've given out  
6 contracts.

7           And then the other thing that  
8 happens if you just don't do it, all we say is,  
9 well, okay, I want you to try more next time.  
10 We're really not penalizing anybody. Nobody's  
11 going to jail, nobody's getting heavily fined.  
12 You might lose your contract -- maybe, after a  
13 long and involved court process. Right? But the  
14 numbers of times that's happened in the state,  
15 you know, is so small it's not worth mentioning.

16           And so here we're just simply saying  
17 let there be some fairness. Let there be some  
18 equity in the way that public dollars that come  
19 from the taxpayers of the State of New York are  
20 spent in this state. That's all. Give an  
21 opportunity for blacks and Latinos and Asians and  
22 women to get an opportunity to do business with  
23 the state. How significant is that?

24           Some of you have heard of a  
25 businessman named Ross Perot, ran for president a

1     little while ago? Anybody know how Ross Perot  
2     made his first million dollars? Right here in  
3     the State of New York, processing Medicaid forms,  
4     made his first million. And now a  
5     multibillionaire. Right? I mean, the state is  
6     replete with stories of people who were -- you  
7     know, were floundering, were struggling, and got  
8     that opportunity to get a state contract, and  
9     that state contract broke the generational curse  
10    of poverty in their families.

11                 All other people are asking for is  
12    the same opportunity to break that generational  
13    curse of poverty in their families, to build  
14    their communities up. Because particularly as we  
15    talk about what's happening in the context of  
16    contracts, Mr. President, it's also happening in  
17    the context of employment. We haven't even had  
18    a -- with all the stuff that we've done that's  
19    been fabulous this year, we've had not one  
20    conversation on the floor of this body about  
21    labor-market discrimination.

22                 And in a place like Brooklyn that I  
23    represent, where over 50 percent of the  
24    African-American men -- this is the largest  
25    concentration of people of African descent in the

1 whole Western Hemisphere outside of Brazil, and  
2 50 percent of the African-American men are  
3 unemployed, functionally. That's when you don't  
4 look at, you know, who's willing and able to  
5 work, who's not going to school. Over 50 percent  
6 of them are unemployed.

7           And here we are in the shadow of  
8 Wall Street, the greatest concentration of wealth  
9 in the entire universe, maybe in the multiverse.  
10 And so -- yet people live in poverty. And so we  
11 say, let's give them a chance. Because again, if  
12 you start talking about creating full-time jobs  
13 at a living wage with benefits, that we know will  
14 lift people out of poverty, we know that people  
15 hire themselves.

16           And so this is not about petit  
17 bourgeois capitalism. This is really about  
18 creating a set of businesses that will hire other  
19 people. Because we know that when  
20 African-American businesses get a leg up and they  
21 get a contract, they hire other  
22 African-Americans. And Latinos hire other  
23 Latinos. We know women are more likely to give  
24 other women a chance to work when they own their  
25 own businesses. That's what this bill does.



1                   And I understand that people are  
2                   concerned about what's going to happen in their  
3                   various communities. And I'm saying that the  
4                   worst thing that can happen is that some other  
5                   people in your communities will get a chance.  
6                   People who currently don't have contracts will  
7                   have a chance to get contracts.

8                   Everybody in this room -- I don't  
9                   know anybody in this room, any of my colleagues,  
10                  who would not like to see a business in their  
11                  community get a contract from the state,  
12                  regardless of who that business belongs to.  
13                  Because those blacks and Latinos, those Asians  
14                  and those female entrepreneurs, you know, they  
15                  shop -- where y'all shop at upstate, Wegmans?  
16                  Somebody holler at me. So they shop in those  
17                  same stores. They go to Home Depot and Target  
18                  and Walmart. Like that economic opportunity is  
19                  there for everyone.

20                  And so you all should be voting yes  
21                  on this bill, because you should be saying I want  
22                  to see more contracts from the state come to  
23                  people in my community, and this bill gives them  
24                  that opportunity. And when we give everybody  
25                  opportunity, Mr. President, we rise and we allow

1 all boats to rise together.

2 Thank you.

3 ACTING PRESIDENT BAILEY: Senator  
4 Harckham on the bill.

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

7 First I want to thank  
8 Senator Sanders for his leadership on this, and a  
9 terrific bill. Not much to be said after what  
10 Senator Parker said.

11 I just want to say prior to coming  
12 to the Senate, I spent two years working for the  
13 Thruway on the Tappan Zee Bridge replacement  
14 contract, and these were the goals on a  
15 \$4 billion project. And they were made, they  
16 were met. And it wasn't necessarily easy; a lot  
17 of outreach needed to be done. But it was met  
18 because these goals were the policy of the  
19 Thruway, they were the policy of the Governor,  
20 they were the policy of this body, and it was our  
21 mission to implement this.

22 And this is doable. And so these  
23 were -- as we've heard, people in our community  
24 in the Hudson Valley, in New York State, the  
25 majority of the contractors and labor on that

1 project came from New York State. And as we  
2 heard, sometimes all a starting-out entrepreneur  
3 needs is that first contract to give them the  
4 leverage, to give them the experience, to give  
5 them the credit so they can access financing.

6 This is not something that we should  
7 be ashamed of. This is laudable. It creates  
8 more economic activity, as we've heard, for  
9 everybody. And these are goals that can be met,  
10 because we have met these goals. On extremely,  
11 extremely large projects, we have met these  
12 goals, we can meet these goals, and we should  
13 meet these goals.

14 I'll be voting aye.

15 ACTING PRESIDENT BAILEY: Senator  
16 Jackson on the bill.

17 SENATOR JACKSON: Thank you,  
18 Mr. President. Let me -- I rise in order to  
19 support the bill.

20 Senator James Sanders, Jr., our  
21 Senator, let me thank you for your leadership and  
22 all of the time and energy that you spent on this  
23 very important subject matter.

24 In fact, some of you may not know  
25 that in the City Council I chaired the Contracts

1 Committee for four years in which Senator James  
2 Sanders, Jr., myself, and others in the City  
3 Council pursued an MWBE program in New York City.  
4 Where a previous mayor had put an executive  
5 order, and we said no, we wanted a law in order  
6 to try to put in place a legal standard in order  
7 to help minority and women-owned businesses in  
8 New York City. And a disparity study took place,  
9 and in fact we introduced the law under a bill --  
10 and I forgot the bill number.

11 But it's important to know that we  
12 should do everything we can to bring about the  
13 type of diversity that we would like to see. And  
14 obviously some people feel that the goals and  
15 objectives I heard cannot be obtained in areas  
16 where there may not be so many minorities; in  
17 essence, people of color.

18 But as my colleagues indicated,  
19 clearly there are women all over the place. So  
20 hopefully if any contractor wants a job, they  
21 should take it with the opportunity of trying to  
22 obtain the goals and objectives of 30 percent.

23 But one of the things I say to you,  
24 which is very important in here, it also says --  
25 it says here, under 16 it says it provides for

1 punishment for fraud relating to minority and  
2 women-owned businesses. Because some people will  
3 try to rig the system and say, Okay, let me just  
4 put down my wife as the owner of the company, but  
5 she really doesn't own it, I own it. That's not  
6 right. That's committing fraud.

7 Or they say, Well, listen, I can  
8 make believe that I have more people of color or  
9 more women on this contract. And that's  
10 committing fraud.

11 So as they indicated, if in fact if  
12 you try your best to reach that goal and  
13 objective, you can always ask for a waiver,  
14 depending on the areas that -- in which you're  
15 at.

16 And so we just want people to do  
17 their best to bring about that diversity. And I  
18 say this to you, in looking at the staff that I  
19 have, in the city -- when I was in the City  
20 Council and now in the New York State Senate. My  
21 district is 45 percent Caucasian, 12 percent  
22 black, and about 40 percent Latinx. That's the  
23 diversity of my district. And quite frankly,  
24 when I look at it, I look at the qualifications  
25 of the individuals, and understanding that the

1 diversity is very important overall.

2 But with this -- this is the  
3 five-year extension -- I thank James Sanders,  
4 Jr., and all of the staff that worked on it, and  
5 I vote aye, Mr. President.

6 ACTING PRESIDENT BAILEY: Senator  
7 May on the bill.

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

10 And I want to thank Senator Sanders  
11 for his hard work on this bill and for including  
12 me in the process. I know firsthand how eager  
13 and open he was to hearing about upstate issues  
14 about how to make it as fair as possible to all  
15 the geographic regions in the state. And I  
16 applaud his insistence on setting our goals high,  
17 and our aspirations, making them noble.

18 As a woman I've had ample  
19 opportunity to see the operation of the Boys  
20 Club. I know that men gather in sports bars and  
21 on golf courses and in locker rooms, and they  
22 make deals. And there is almost never a woman in  
23 the room, let alone a person of color.

24 And so we don't have access to those  
25 deals. It's not because the men are evil or even

1 deliberately exclusionary, it's because they're  
2 thoughtless. And I think this bill requires to  
3 us be thoughtful.

4 Which is appropriate, because  
5 Senator Sanders is probably the most thoughtful  
6 person I've ever met, the most considerate person  
7 I've ever met. And so I feel like this is a very  
8 appropriate signature bill for you.

9 And I thank you very much, and I'm  
10 glad to vote aye.

11 ACTING PRESIDENT BAILEY: Are there  
12 any other Senators wishing to be heard?

13 Senator Ritchie on the bill.

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

16 I wasn't going to speak on the bill,  
17 but I feel like I should answer some of the  
18 questions that some of my colleagues have put  
19 forward, because I was on the task force.

20 And Senator Sanders, I want to start  
21 off by saying how much I appreciate the fact that  
22 you did come to the district, you did listen to  
23 the concerns, and I truly believe that you want  
24 to find some way to make this program work. And  
25 I can honestly tell you that I believe there's a

1 lot of merit in this program and I want to do  
2 what I can to help it succeed too.

3 But some of conversation for me has  
4 been a little concerning because I know in my  
5 district, yeah, there's 50 percent of the women  
6 there. And it makes it sound like when I have  
7 such significant problems in the North Country,  
8 it's because we're not doing anything.

9 I have held boot camp after boot  
10 camp. We have sent out invitations to the women  
11 in the district trying to encourage them to take  
12 part in this, what an opportunity it is. But  
13 when they don't, there's a real shortage there.  
14 When a company comes in -- and I can tell you  
15 more than just about any other issue, I've heard  
16 from people in my district saying that we believe  
17 in the program, we want to try, but when there's  
18 not enough businesses out there, what are we  
19 supposed to do?

20 So we've tried to encourage people  
21 to participate, but there still is not enough  
22 people taking part in the program. So in the  
23 meantime, when we have businesses who are out  
24 there looking in good-faith effort, they come  
25 back and they can't meet the goals -- which



1 really aren't goals, they really are pretty much  
2 set in stone -- they're told, Go back out and try  
3 again. So they go back out and try. These are  
4 people who are trying to do a job. They say this  
5 is, you know, what we can find now. Go out and  
6 try again.

7                   For some of them -- I think for me,  
8 which was really problematic, I represent a  
9 really economically challenged area. So at one  
10 of meetings we had with the MWBE working group,  
11 it came up a lot of times these companies have to  
12 hire outside the area. Well, I don't want them  
13 to hire outside the area, because we have one of  
14 the highest unemployment rates. So when I asked  
15 the question what do we do when there's not a  
16 company that would fit for them to hire, I was  
17 told, Well, you know what, in New York City  
18 there's one.

19                   Well, I represent the North Country  
20 where there's a big need. I'm sorry, I believe  
21 it's totally unacceptable that a company in my  
22 area would have to go to New York City to fill  
23 what they need as far as the quotas.

24                   So I'm just asking, from my point of  
25 view, just take into consideration those

1 companies who are really trying, who are trying  
2 to put people to work every day, who are making a  
3 good-faith effort and they just can't get there.

4 And to Senator Parker's comment  
5 about it's only a goal, you know, nobody's going  
6 to jail -- that's not exactly accurate. For a  
7 lot of these companies who are trying their best,  
8 they go out, they do the job, they come back and  
9 then they find out from the state: Oh, well,  
10 guess what, we're going to hire this amount, this  
11 percentage of what you've paid out on the job  
12 because you didn't meet the quota.

13 So sometimes that's a huge penalty.  
14 For one company, you know, it was \$100,000. And  
15 I honestly believe the majority of them are  
16 trying to do the right thing.

17 So Senator Sanders, I just want to  
18 say to you I appreciate that you're trying to do  
19 the right thing. I appreciate you're trying to  
20 address the issues in my district. But I'm going  
21 to vote no on this. Not that I don't support the  
22 program, and not that I don't think my colleagues  
23 support the program. We just want a way that  
24 makes it work in the North Country where we can  
25 keep people working in our own area.

1                   If I can encourage 30 percent and do  
2 anything to get to that goal in the North  
3 Country, I'm all in. But if we can't, there's  
4 got to be a real workaround so that people in my  
5 area get to work and they don't have to call a  
6 list from New York City.

7                   So with that, I pledge, you know,  
8 anything I can do to help make the program  
9 better. But, you know, we just have to be  
10 realistic about the goals and about the  
11 differences between where I live and where others  
12 live, and the fact that these companies who are  
13 trying to do the right thing, they are getting  
14 penalized. And for most of them, when they're  
15 calling, they're like, We're not going to take  
16 part in state contracts anymore, it's just too  
17 risky.

18                  So Mr. President, thank you for the  
19 opportunity. And I will be voting in the  
20 negative.

21                  ACTING PRESIDENT BAILEY:  
22 Senator Serino on the bill.

23                  SENATOR SERINO: Thank you,  
24 Mr. President. And I want to say thank you to  
25 Senator Sanders for sponsoring this very

1 important legislation.

2 And you can hear the passion in this  
3 room today, right, from every one of us. We  
4 fully believe in this program. And I can tell  
5 you, I want to see a robust MWBE program. I am a  
6 female business owner. But I can tell you, for  
7 the past four and a half years since being here,  
8 this is the program, the state-run program that  
9 I've received the most complaints on.

10 And it's great that we did the  
11 hearings, and I want to see us do more. I want  
12 to echo what Senator Ritchie said today, because  
13 she's spot on. And I think we heard so many of  
14 the complaints from a variety -- throughout the  
15 state of the things that we need to work on.  
16 Those are great suggestions that I think, if we  
17 work together, we can definitely implement them.

18 So that's basically it. I just  
19 want -- you know, we talked about New York City,  
20 how it works in New York City. We want to see it  
21 work statewide. And I think that is the problem,  
22 the ratios, the percentages. And those are  
23 things that we can work on together.

24 So I just want to say thank you once  
25 again. Thank you to this body. There's a lot

1 more women here now. I look forward to having a  
2 dialogue with everybody and really truly getting  
3 something done.

4 Because of the issues that were  
5 mentioned today, I'm going to be a no. It's not  
6 because I don't support the idea and the concept;  
7 I absolutely do. Firm believer. But I look  
8 forward to making it the best that it can be.

9 So thank you.

10 ACTING PRESIDENT BAILEY: Senator  
11 Liu on the bill.

12 SENATOR LIU: Thank you,  
13 Mr. President, for the opportunity to explain my  
14 vote here.

15 I am voting for this important bill.  
16 You know, I've heard a lot of the back and forth  
17 on this. And honestly, none of this, none of the  
18 arguments for or against are new. In fact,  
19 they've been going on for years, and in some  
20 cases decades. The idea that fulfilling some of  
21 the requirements of this law will be inconvenient  
22 or unfriendly to business or even impossible in  
23 some cases, those have all been heard before,  
24 even in New York City. There was a time in  
25 New York City when it was very difficult for

1 business to meet these diversity mandates.

2 So I remind us all why we have these  
3 goals -- or if you want to call them mandates,  
4 mandates -- in the first place. And that is that  
5 we have had a very long history where people,  
6 specifically minorities and women, simply did not  
7 get their fair share of contracts, contracts that  
8 taxpayers pay for.

9 And that's why we have to not only  
10 extend 15-A but enhance it in a way that will  
11 really bring us closer more quickly to the day  
12 where every business owner can have equal  
13 opportunity. And when we have that equal  
14 opportunity, as Senator Benjamin said before, we  
15 will start eradicating some of the disparities in  
16 employment opportunities that New Yorkers have.

17 Thank you very much, Mr. President.  
18 And I want to thank our sponsor, Senator Sanders,  
19 and our Assemblymember, Rodneyse Bichotte, who  
20 has been with us in this journey, for their great  
21 work. Thank you.

22 ACTING PRESIDENT BAILEY: Are there  
23 any other Senators wishing to be heard?

24 Seeing and hearing none, debate is  
25 closed.

1                   Senator Gianaris.

2                   SENATOR GIANARIS:    Okay,  
3   Mr. President, without objection can we return  
4   this bill to the noncontroversial calendar, as  
5   well as Calendars 1635 and 1670, and also remove  
6   the temporary lay-aside on Calendar 1692.

7                   ACTING PRESIDENT BAILEY:   Without  
8   objection, so ordered.

9                   SENATOR GIANARIS:    And let's take  
10   those up noncontroversial, please.

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

13                  The Secretary will read.

14                  THE SECRETARY:    Senator Sanders  
15   moves to discharge, from the Committee on Rules,  
16   Assembly Bill Number 8414 and substitute it for  
17   the identical Senate Bill Number 6575, Third  
18   Reading Calendar 1661.

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

21                  The Secretary will read.

22                  THE SECRETARY:    Calendar Number  
23   1661, Assembly Print Number 8414, by  
24   Assemblymember Bichotte, an act to amend the  
25   Executive Law.

1           ACTING PRESIDENT BAILEY:   Read the  
2   last section.

3           THE SECRETARY:   Section 16.  This  
4   act shall take effect on the 180th day after it  
5   shall have become a law.

6           ACTING PRESIDENT BAILEY:   Call the  
7   roll.

8           (The Secretary called the roll.)

9           ACTING PRESIDENT BAILEY:   Senator  
10   LaValle to explain his vote.

11          SENATOR LaVALLE:   Mr. President, I  
12   rise to explain my vote.

13                I'm going to support this measure,  
14   although there are some issues, some problems.  
15   There are issues such as this that move along  
16   like a tortoise, but we need to make progress.  
17   Equality is very important.  And I want to be  
18   recorded in the affirmative.

19          ACTING PRESIDENT BAILEY:   Senator  
20   LaValle recorded in the affirmative.

21                Announce the results.

22          THE SECRETARY:   In relation to  
23   Calendar Number 1661, those Senators voting in  
24   the negative are Senators Akshar, Amedore,  
25   Antonacci, Flanagan, Funke, Gallivan, Griffio,



1 Helming, Jacobs, Jordan, Little, O'Mara, Ortt,  
2 Ranzenhofer, Ritchie, Robach, Serino, Seward and  
3 Tedisco. Also Senator Lanza.

4 Ayes, 42. Nays, 20.

5 ACTING PRESIDENT BAILEY: The bill  
6 is passed.

7 THE SECRETARY: Calendar Number  
8 1635, Senate Print 6457A, by Senator Gianaris, an  
9 act to amend the Election Law.

10 ACTING PRESIDENT BAILEY: Read the  
11 last section.

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

14 ACTING PRESIDENT BAILEY: Call the  
15 roll.

16 (The Secretary called the roll.)

17 ACTING PRESIDENT BAILEY: Senator  
18 Gianaris to explain his vote.

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

21 We began the first day of  
22 legislative activity this year with a focus on  
23 improving election laws, making it easier for  
24 people to vote, including improving voter  
25 participation in New York. We passed early

1 voting, we consolidated the primaries -- which  
2 are coming up in less than a week, by the way --  
3 and we took steps towards same-day registration.

4           It's fitting, then, that as we  
5 conclude the session we once again focus on  
6 making it easier for people to vote and improving  
7 our dismal participation rates in New York, in  
8 this case by establishing automatic voter  
9 registration, which will help register the up to  
10 2 million New Yorkers who are voting-eligible,  
11 meaning they are 18 or over and are citizens of  
12 the state but are not registered to vote.

13           And so as we work hard to  
14 enfranchise more people, to make it easier for  
15 people to participate in our democracy, this  
16 measure will go a long way towards getting at  
17 those close to 2 million people who are not yet  
18 on the rolls. And so I'm hopeful that when this  
19 is fully enacted, we will no longer be among the  
20 worst in the country but among the best in terms  
21 of our participation and our electoral  
22 participation in terms of New Yorkers.

23           So I want to thank my colleagues.  
24 There was a lot of work put into this. But this  
25 is a pretty big day among many big days this year

1 for us. And I also want to thank the chair of  
2 our Election Committee, Senator Zellnor Myrie,  
3 who held a hearing on this issue to help shed  
4 light on it and get us to this point.

5 And so thank you to all my  
6 colleagues for supporting this important  
7 legislation. Hopefully we'll see it passed in  
8 the Assembly and signed into law in short order.

9 Thank you. I vote aye.

10 ACTING PRESIDENT BAILEY: Senator  
11 Gianaris to be recorded in the affirmative.

12 Senator Funke to explain his vote.

13 SENATOR FUNKE: Thank you,  
14 Mr. President. I was going to ask some questions  
15 on this, but in the interests of time today --  
16 we've got a lot to do, so let's keep moving. So  
17 I will explain my vote.

18 This is a bill that would provide  
19 for automatic voter registration. And of course,  
20 as Senator Gianaris said, we all want those  
21 eligible to vote to be registered to vote and  
22 active in the process. And I love the  
23 technology, but there is a proper and lawful way  
24 to do it. And this bill, to me, raises some  
25 security issues and constitutional concerns.

1                   For the first time in state history  
2   this bill will direct the State Board of  
3   Elections -- not the local board of elections --  
4   to register and enroll voters. The bill provides  
5   zero administrative relief for local boards of  
6   elections, because their duties don't change.  
7   However, it does present an unprecedented mandate  
8   on the state BOE.

9                   So here's what happens. Every time  
10   an individual has a contact with a list of state  
11   agencies, specific agencies, they will now  
12   automatically be registered to vote unless they  
13   affirmatively opt out -- no signature required,  
14   no party designation, presto, you're good to go.

15                  So putting aside this massive  
16   unfunded mandate, this bill has equally glaring  
17   concerns with regard to the State Constitution.  
18   Voters will now be able to register to vote  
19   without first providing a signature. And that  
20   makes it impossible for anybody to challenge the  
21   validity of the registration or to ensure that  
22   the person who shows up to vote is actually the  
23   person who registered.

24                  Your signature, when you register to  
25   vote, amounts to a legal oath sworn by the

1 individual registering that the information that  
2 they offer is true and that they actually are who  
3 they say that they are.

4 No signature means no oath.  
5 Therefore, an undocumented person, for example,  
6 who registers through a state agency and doesn't  
7 provide a signature can argue that they never  
8 swore the legal oath and therefore they never  
9 broke the law.

10 So there are enormous security  
11 concerns. This bill provides for electronic  
12 signatures instead of converting from a signed  
13 paper registration form. Have you ever signed on  
14 one of those pads with your index finger? They  
15 hardly look the same as your signature with a  
16 pen.

17 Under Article 2 of the State  
18 Constitution, Article 2 of the State  
19 Constitution, proper proofs and an affirmative  
20 act -- namely, filling out and personally signing  
21 a registration form -- is what's required.  
22 Automatic registration without a voter  
23 registration application is certainly  
24 constitutionally questionable at best.

25 This bill allows for the state board

1 to possibly receive multiple conflicting  
2 registrations, because every time you go to a  
3 state agency, they're going to get one of these  
4 things kicked back to them. You get a hunting  
5 license, they're going to get one.

6 The integrity of the election is  
7 just as important as the access to it. And  
8 that's why I'll be voting in the negative.

9 Thank you, Mr. President.

10 ACTING PRESIDENT BAILEY: Senator  
11 Funke to be recorded in the negative.

12 Senator Myrie to explain his vote.

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

15 I want to thank the sponsor of this  
16 bill, Senator Gianaris, for his leadership on  
17 this issue.

18 I'd like to thank the many advocates  
19 and nonpartisan organizations that have worked  
20 many years, who have worked throughout this  
21 country, in fact, to show that automatic voter  
22 registration is necessary for our democracy.

23 I think that we have taken many  
24 steps over this session to bring New York from  
25 worst to first. Right now we rank 47th in the

1 entire country in registration numbers.

2 Automatic voter registration is a study-proven  
3 way to increase participation in our democracy.

4 We saw last year that when voters  
5 engaged at a level unseen in many years, that  
6 that has very real policy consequences for the  
7 State of New York. Automatic voter registration  
8 will increase that participation. I think we  
9 will continue to see the policy impacts of that.

10 And I really want to thank everyone  
11 that has fought tirelessly over this effort. We  
12 hope that the Assembly will join us in passing  
13 this legislation and that the Governor will sign  
14 it into law so that we can expand and strengthen  
15 our democracy here in the State of New York.

16 I'll be voting in the affirmative.

17 ACTING PRESIDENT BAILEY: Senator  
18 Myrie to be recorded in the affirmative.

19 Announce the results.

20 THE SECRETARY: In relation to  
21 Calendar 1635, those Senators voting in the  
22 negative are Senators Akshar, Amedore, Antonacci,  
23 Flanagan, Funke, Gallivan, Griffo, Helming,  
24 Jacobs, Jordan, Lanza, LaValle, Little, O'Mara,  
25 Ortt, Ranzenhofer, Ritchie, Serino, Seward and

1 Tedisco.

2 Ayes, 42. Nays, 20.

3 ACTING PRESIDENT BAILEY: The bill  
4 is passed.

5 (Scattered applause.)

6 ACTING PRESIDENT BAILEY: Order in  
7 the chamber, please.

8 THE SECRETARY: Calendar Number  
9 1670, Senate Print 6532A, by Senator Kavanagh, an  
10 act to amend the Election Law.

11 ACTING PRESIDENT BAILEY: Read the  
12 last section.

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

15 ACTING PRESIDENT BAILEY: Call the  
16 roll.

17 (The Secretary called the roll.)

18 ACTING PRESIDENT BAILEY: Senator  
19 Kavanagh to explain his vote.

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

22 As our deputy leader just mentioned,  
23 we did begin the very first day of this session  
24 with an extraordinary package of legislation that  
25 was intended to send the message to New York



1 voters that we want them to be able to  
2 participate smoothly in our elections.

3 Today we take another big step  
4 forward, first of all with the automatic voter  
5 registration bill that we just passed, which is a  
6 really important reform that many of us have  
7 worked on for many years, and another one in this  
8 bill.

9 This -- I'd like to just begin by  
10 thanking Zellnor Myrie, our Election chair, and  
11 Chris Higgins, who worked a lot on this on the  
12 staff, and Assembly sponsor Jonathan Jacobson, of  
13 Newburgh, New York. This bill is also supported  
14 by Common Cause, Public Citizen, Citizens Union,  
15 the Center for Law and Justice at Medgar Evers  
16 College, and the Democratic Lawyers Council.

17 What this bill does is address a  
18 very unusual aspect of New York State's Election  
19 Law. Under our law currently, if one does not  
20 register by 25 days before the general election,  
21 one -- does not enroll in a party before that  
22 date, a party change or a party enrollment does  
23 not take effect until after the next general  
24 election, about 13 months later. We are unique  
25 in the United States at having a provision like

1     that.

2                   We've already taken a step as a sort  
3     of byproduct of moving the primary back to June,  
4     that the period during which you have to wait  
5     from registering until you can participate in a  
6     primary has already been shortened by virtue of  
7     that date being moved back three months. This  
8     bill will move that date up to Valentine's Day  
9     every year, February 14th. It will take what is  
10    currently a 13-month period during which your  
11    party change does not take effect and change it  
12    to a four-month period.

13                  The critical thing with this is that  
14    people already have a chance to be thinking about  
15    the primary election when they get to choose  
16    whether to join a party. In 2016 this became a  
17    big issue, first of all because many voters were  
18    inspired by candidates in the Democratic Party  
19    and wanted to join the Democratic Party and also  
20    to participate in that, but also in the  
21    Republican Party. Ivanka Trump and Eric Trump  
22    reportedly were unable to participate in the  
23    Republican primary in 2016 because they did not  
24    change their voter registration by October.

25                  This bill takes a logical step. It

1 is not what some advocates have pushed for,  
2 pushing it right up to the registration deadline,  
3 but it's a big step forward. And I'm glad we're  
4 taking it up today, and I'll be voting in the  
5 affirmative.

6 ACTING PRESIDENT BAILEY: Senator  
7 Kavanagh to be recorded in the affirmative.

8 Senator Funke to explain his vote.

9 SENATOR FUNKE: Thanks to Senator  
10 Kavanagh for his comments on this.

11 There are some other aspects of this  
12 bill that are equally important but troubling  
13 from my point of view.

14 This is a bill that would amend a  
15 section of the Election Law to provide that if a  
16 previously registered voter files a change of  
17 enrollment or a new enrollment by the 14th of  
18 February, that the change will take effect  
19 immediately. A change of enrollment made after  
20 that would then take effect seven days after the  
21 June primary.

22 And finally, this bill would also  
23 change the date the Board of Elections has to  
24 publish its list of registered voters from  
25 February 1st to the 21st of the month. Okay? So

1 bear with me here.

2 Right now an application to change  
3 your party enrollment only takes effect the day  
4 after the election of the next succeeding year.  
5 So this bill would dramatically reduce the time  
6 frame that a voter may change their party  
7 enrollment to be able to vote in that new party's  
8 primary. Again, bear with me for a minute.

9 This bill would, as a result, allow  
10 a registered Democrat to change their party  
11 enrollment to Republican -- which we would  
12 encourage you all to do -- for the primary and  
13 then switch back to being a registered Democrat  
14 for the general election. So what the bill does  
15 is allows for party shopping, political committee  
16 and party manipulation and potentially, if you  
17 peel it back a little bit, nefarious political  
18 takeovers.

19 Had this bill been in place last  
20 year, for example, I think there are many  
21 Republicans that could have taken advantage of  
22 the leniency in this bill to vote in the  
23 Democratic primary for Cynthia Nixon, hoping for  
24 a better shot in the general election for their  
25 Republican candidate, Mark Molinaro.

1           Next year, for example, many  
2 Democrats could register as Republicans, helping  
3 to vote against President Trump in a Republican  
4 primary, for the same reason.

5           Integrity of elections and the  
6 election process is critically important to all  
7 of us. Nefarious activities, including things  
8 like party shopping for illicit purposes, should  
9 not be condoned and certainly should not be  
10 encouraged by the law. And I am afraid that this  
11 bill would do just that.

12           And that's why I vote in the  
13 negative, Mr. President. Thank you.

14           ACTING PRESIDENT BAILEY:   Senator  
15 Funke to be recorded in the negative.

16           Senator May to explain her vote.

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

19           When we started this session,  
20 New York had not only some of the most  
21 restrictive but some of the most confusing and  
22 arcane election laws in the entire country. And  
23 the piece de resistance was our -- how hard we  
24 made it for people to change their registration  
25 in order to vote in a primary.

1                   I wish we had a shorter window where  
2 people could change their registration, but  
3 moving it to February 14th is a big step. And I  
4 want to thank Senator Kavanaugh for doing this,  
5 Senator Myrie for bringing it forward, and all of  
6 you for helping us make our election laws more  
7 sane, less confusing, and to help us get more  
8 voter participation in this state.

9                   Thank you. I vote aye.

10                  ACTING PRESIDENT BAILEY: Senator  
11 May to be recorded in the affirmative.

12                  Announce the results.

13                  THE SECRETARY: In relation to  
14 Calendar Number 1670, those Senators voting in  
15 the negative are Senators Akshar, Amedore,  
16 Antonacci, Boyle, Flanagan, Funke, Gallivan,  
17 Griffo, Helming, Jacobs, Jordan, Lanza, LaValle,  
18 Little, O'Mara, Ortt, Ranzenhofer, Ritchie,  
19 Robach, Serino, Seward and Tedisco.

20                  Ayes, 40. Nays, 22.

21                  ACTING PRESIDENT BAILEY: The bill  
22 is passed.

23                  THE SECRETARY: Calendar Number  
24 1692, Senate Print 5348A, by Senator Kennedy, an  
25 act to amend the Vehicle and Traffic Law.

1                   ACTING PRESIDENT BAILEY:   Read the  
2   last section.

3                   THE SECRETARY:   Section 10.  This  
4   act shall take effect on the 90th day after it  
5   shall have become a law.

6                   ACTING PRESIDENT BAILEY:   Call the  
7   roll.

8                   (The Secretary called the roll.)

9                   ACTING PRESIDENT BAILEY:   Senator  
10   Kennedy to explain his vote.

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

13                   First of all, let me thank our  
14   leader for bringing this to the floor today, my  
15   colleagues for their support for this commonsense  
16   law that is going to help families across our  
17   state.

18                   Our current justice system,  
19   Mr. President, criminalizes poverty in many ways.  
20   One way this occurs is by suspending an  
21   individual's driver's license for failure to pay  
22   a fine for minor traffic infractions, for failure  
23   to appear in court for those minor traffic  
24   infractions.

25                   Yes, driving is a privilege, but

1 driver's license suspension should be used to  
2 keep unsafe drivers off the road, not as a debt  
3 collection mechanism. This practice wastes  
4 taxpayer money and resources only to create a  
5 two-tiered system of justice where those with  
6 means are able to keep their driving privileges  
7 and those who can't afford it are plunged into  
8 even further debt.

9           There is also a devastating human  
10 cost. For example, in New Jersey 42 percent of  
11 drivers lost their job after their driving  
12 privilege was suspended. And in Arizona, drivers  
13 with suspended licenses lost an average of  
14 \$36,800 in annual income. Jobs are lost,  
15 families are devastated.

16           The impact of license suspension for  
17 failing to pay fines is particularly acute in  
18 rural communities. Because the public  
19 transportation options are extremely limited, if  
20 they exist at all, people who live in these areas  
21 rely on their cars and driver's licenses to get  
22 to work or court or to access basic healthcare.  
23 Unlike New York City, where there's a robust  
24 public transit system, in upstate New York a  
25 driver's license is a true necessity.



1           Through this bill we're addressing  
2     that injustice by offering a commonsense  
3     solution, a path toward repaying traffic fees  
4     without further penalizing drivers and sending  
5     them into the dark hole of debt.

6           In a recent two-year period,  
7     New York issued more than 1.5 million suspensions  
8     related to traffic debt. Without a driver's  
9     license, people can't go to work, school, or even  
10    access healthcare. These consequences compound  
11    and make it even less likely that the person can  
12    repay the original fine they incurred. In other  
13    words, we're kicking them while they're down.

14          And while a ticket for \$100 or \$200  
15    may not seem like a lot to some people, for  
16    others it can be financially devastating. Our  
17    current license suspension policy  
18    disproportionately impacts low-income people and  
19    people of color as well. Driver's license  
20    suspension rates in New York are nearly nine  
21    times higher in the 10 poor poorest communities  
22    compared to the 10 wealthiest.

23          Suspending a person's license for  
24    nonpayment accomplishes very little. It does not  
25    appear to encourage repayment, either. In the

1 majority of cases people whose licenses were  
2 suspended still did not pay the outstanding fine  
3 after having their license suspended for a year.

4 In fact, although we cannot predict  
5 exactly what will happen in New York, when West  
6 Palm Beach County, Florida, started allowing  
7 payment plans, it saw 32 times more revenue and  
8 reduced suspensions by 39 percent. In  
9 San Francisco, California, revenue from traffic  
10 violations increased by 244 percent.

11 My goal in introducing this bill is  
12 to get people out of this vicious cycle by  
13 allowing for responsible payment plans so an  
14 individual can pay off their fines. And this  
15 concept is not a radical proposal. In fact,  
16 Mississippi, Idaho, California, Washington, D.C.,  
17 and Virginia all have similar programs. There  
18 are at least half a dozen other states that are  
19 doing the same or considering doing the same.

20 What this bill doesn't do is change  
21 the reason for suspending a driver's license in  
22 the most egregious of situations. For example,  
23 you can still have your driver's license  
24 suspended for failure to pay child support, for  
25 driving while intoxicated, for vehicular

1 homicide. And quite frankly, in the  
2 Transportation Law there's about 25 pages of law  
3 outlined showing reasons for an individual who --  
4 reasons an individual can still have their  
5 driver's license suspended.

6           This does not keep dangerous drivers  
7 on the road. Drivers will continue to accumulate  
8 points for infractions which could still lead to  
9 suspension. This does not get drivers out of  
10 having to pay tickets. People who accumulate  
11 fees and fines will still have to pay back that  
12 money. And there are many different ways that  
13 the state and the court system will be able to  
14 reclaim those funds.

15           And it does not get people out of  
16 having to return to court. There are a variety  
17 of ways and tools to make sure that people appear  
18 before the court to pay their fines.

19           Thousands of people have traffic  
20 debt they simply cannot afford to pay. And with  
21 this payment plan that we're putting forward  
22 today, people will now have the ability to pay  
23 back their debt while also benefiting the state  
24 and municipalities who otherwise would not see  
25 this money.

1           I thank my colleagues for joining  
2           and supporting me in this proposal and the many  
3           advocates who have fought side by side with us in  
4           order to see this cross the finish line.

5           With that, Mr. President, I vote  
6           aye.

7           ACTING PRESIDENT BAILEY:    Senator  
8           Kennedy to be recorded in the affirmative.

9           Announce the results.

10          THE SECRETARY:    In relation to  
11          Calendar Number 1692, those Senators voting in  
12          the negative are Senators Akshar, Amedore,  
13          Antonacci, Flanagan, Funke, Gallivan, Griffio,  
14          Helming, Lanza, LaValle, Little, O'Mara, Ortt,  
15          Ranzenhofer, Ritchie, Robach, Serino, Seward and  
16          Tedisco.   Also Senators Boyle and Jordan.

17          Ayes, 41.   Nays, 21.

18          ACTING PRESIDENT BAILEY:    The bill  
19          is passed.

20          Senator Gianaris.

21          SENATOR GIANARIS:    Thank you,  
22          Mr. President.

23          If we could return to motions and  
24          resolutions for a moment, on behalf of  
25          Senator Sanders, on page number 2 I offer the

1 following amendments to Calendar Number 1684,  
2 Senate Print 3851, and ask that said bill retain  
3 its place on the Third Reading Calendar.

4 ACTING PRESIDENT BAILEY: The  
5 amendments are received, and the bill shall  
6 retain its place on the Third Reading Calendar.

7 SENATOR GIANARIS: On behalf  
8 Senator Rivera, I move to recommit Senate Print  
9 1028, Calendar Number 331 on the order of third  
10 reading, to the Committee on Rules, with  
11 instructions to said committee to strike out the  
12 enacting clause.

13 ACTING PRESIDENT BAILEY: It is so  
14 ordered.

15 SENATOR GIANARIS: At this point  
16 can we just stand at ease for a couple of  
17 minutes. We're just waiting for the bill sponsor  
18 on the next bill we're taking up to walk in the  
19 door.

20 ACTING PRESIDENT BAILEY: The  
21 Senate will temporarily stand at ease.

22 (Whereupon, the Senate stood at ease  
23 at 5:53 p.m.)

24 (Whereupon, the Senate reconvened at  
25 6:00 p.m.)

1           ACTING PRESIDENT BAILEY:    The  
2   Senate will come to order.

3           Senator Gianaris.

4           SENATOR GIANARIS:    Mr. President,  
5   can we remove the temporary lay-aside on Calendar  
6   1663, by Senator Biaggi, and take up that bill.

7           ACTING PRESIDENT BAILEY:    There is  
8   a substitution at the desk.

9           The Secretary will read.

10          THE SECRETARY:    Senator Biaggi  
11   moves to discharge, from the Committee on Rules,  
12   Assembly Bill Number 8421 and substitute it for  
13   the identical Senate Bill Number 6577, Third  
14   Reading Calendar 1663.

15          ACTING PRESIDENT BAILEY:    The  
16   substitution is so ordered.

17          The Secretary will read.

18          THE SECRETARY:    Calendar Number  
19   1663, Assembly Bill Number 8421, by  
20   Assemblymember Simotas, an act to amend the  
21   Executive Law.

22          ACTING PRESIDENT BAILEY:    Read the  
23   last section.

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

1                   ACTING PRESIDENT BAILEY:   Call the  
2 roll.

3                   (The Secretary called the roll.)

4                   ACTING PRESIDENT BAILEY:   Senator  
5 Biaggi to explain her vote.

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

8                   Today the New York State Senate will  
9 pass legislation that puts the safety of workers  
10 and survivors of sexual harassment and  
11 discrimination first.

12                  For the first time in decades,  
13 New York is expanding its protections for workers  
14 against sexual harassment, updating our laws for  
15 the 21st century. With this legislation we will  
16 eliminate, eliminate the severe or pervasive  
17 standard that has allowed a wide range of  
18 inappropriate behavior and sexual misconduct to  
19 be swept under the rug, and ensure that employers  
20 across all sectors are held accountable for  
21 addressing all forms of sexual harassment and  
22 discrimination in the workplace.

23                  Additionally, this bill extends the  
24 statute of limitations to three years, granting  
25 survivors of sexual harassment or discrimination

1 the necessary time to report complaints and seek  
2 the justice that they deserve.

3 Today's victory is a culmination of  
4 the blood, sweat and tears of courageous  
5 survivors, fierce advocates, and dedicated  
6 lawmakers, many of whom are with us today,  
7 including the Sexual Harassment Working Group,  
8 without whom this legislation would not even be  
9 before us today.

10 From the very beginning this process  
11 has been about getting our hands dirty and doing  
12 the necessary work to address the ways in which  
13 our current laws and systems silence victims of  
14 sexual harassment, even when that has meant  
15 engaging in difficult conversations and diving  
16 head first into territories previously deemed off  
17 limits.

18 I want to thank Majority Leader  
19 Andrea Stewart-Cousins for her unwavering support  
20 in moving this legislation forward, and my  
21 partner in the Assembly, Assemblywoman Aravella  
22 Simotas.

23 However, it is truly the work of the  
24 advocates and the members of the Sexual  
25 Harassment Working Group to whom I owe an



1     incredible amount of gratitude. It is because of  
2     their courage to share their survivor's stories,  
3     their resilience to overcome the obstacles placed  
4     before them, their strength to fight back when  
5     they were told no, and their selfless commitment  
6     to making New York a safer place for everyone,  
7     that New Yorkers today will now be better  
8     protected against sexual assault and harassment.

9                     Today's victory is not one in  
10    isolation. This is only the beginning of our  
11    journey towards building a truly harassment-free  
12    New York for all.

13                    Mr. President, I vote aye.

14                    ACTING PRESIDENT BAILEY:    Senator  
15    Biaggi to be recorded in the affirmative.

16                    Senator Gounardes to explain his  
17    vote.

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

20                    Inappropriate touching, asking to  
21    share a hotel room with coworkers, comments about  
22    someone's physical appearance, asking people to  
23    dress a certain way, forcibly kissing, groping,  
24    genital groping, forced touching and rubbing --  
25    these are all types of behaviors that have been

1 found by the courts in New York to be allowed and  
2 permissible under the current incredibly high bar  
3 of proving a sexual harassment case in New York  
4 State.

5 That should disgust all of us.  
6 We've lived in this culture where everyone gets  
7 one free touch, everyone gets one free comment,  
8 everyone gets one free pass. And today, this  
9 chamber, this Legislature is saying we put an end  
10 to that. By changing the incredibly, incredibly,  
11 incredibly arduous standard of severe or  
12 pervasive conduct, we are saying that we are  
13 going to be valuing the experiences of victims of  
14 sexual harassment.

15 And this legislation that we're  
16 passing today is incredibly important not just  
17 because of the substantive changes to the law  
18 that we're making, but because this is informed  
19 directly from the experiences and the stories of  
20 victims of sexual harassment and sexual assault  
21 across the state.

22 I want to commend the fierce  
23 advocacy of the Sexual Harassment Working Group,  
24 who's joined us here today, but all of the  
25 victims who have come forward and shared their

1 stories. I want to commend the leadership of  
2 Senator Biaggi; Senator Krueger, who held this  
3 bill before we got here to this chamber; Majority  
4 Leader Stewart-Cousins; and all of us here who  
5 have really allowed for the voices of victims to  
6 be heard for the first time in the halls of this  
7 Legislature in 27 years.

8           Today is just the first step of what  
9 should be a long journey to making sure that no  
10 one has to live or work in a workplace  
11 environment that does not value them as human  
12 beings with equality, dignity, and respect. And  
13 for those reasons among many others, I proudly  
14 vote aye.

15           ACTING PRESIDENT BAILEY:  
16 Senator Gounardes to be recorded in the  
17 affirmative.

18           Senator LaValle to explain his vote.

19           SENATOR LaVALLE: Thank you very  
20 much, Mr. President.

21           I thank many of the members who have  
22 been here -- and Senator Stavisky remembers that  
23 our committee, when I was chairman, held hearings  
24 on this matter and passed a bill a number of  
25 years ago.

1           From time to time society needs to  
2     take stock of what's going on. And I think that  
3     probably five years from now or X number of years  
4     from now there will be another bill dealing with  
5     sexual harassment. We need to constantly look at  
6     ourselves in a mirror and see who are we.

7           The women who are here today, thank  
8     you. Thank you for speaking up. Thank you for  
9     participating. This is very, very important.

10          We cannot have the kind of behavior  
11     that individuals don't seek permission, trespass  
12     on someone's space. And we're learning as a  
13     society, and we as a Legislature are responding  
14     appropriately by passing legislation that makes  
15     sure we remain a civil society.

16          I vote in the affirmative.

17          ACTING PRESIDENT BAILEY: Senator  
18     LaValle to be recorded in the affirmative.

19          Senator Krueger to explain her vote.

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

22          I am also humbled and honored that  
23     in our first session we are able to deliver this  
24     critically important piece of legislation on  
25     behalf of women some of us know and women and men

1 many of us will never know.

2           What I hope is that because of this  
3 legislation, as part of a much greater agenda of  
4 addressing the disturbing stories and patterns of  
5 harassment of people in the workplace, that even  
6 if we don't know the people, five years from now  
7 we can look back and say it's getting a bit  
8 better because now people understand you can't  
9 get away with it, and we are making it clearer to  
10 people what the ground rules are before they  
11 start.

12           Mr. President, I'm no longer a young  
13 woman, but for years and years, both in this  
14 Senate, in this town, and in the rest of my life  
15 I have heard the stories of young people who have  
16 been harassed and abused in their workplace and  
17 tell me that they couldn't afford to lose the  
18 job, they couldn't afford to come forward. They  
19 were convinced that they would never get a job in  
20 that field again, in this city of Albany again,  
21 that they would be both shunned and technically  
22 blacklisted from ever being able to work in  
23 fields that they were committed to.

24           It's perhaps most disturbing when  
25 you hear those stories taking place when people

1 are working for the public sector -- for  
2 government, for elected officials. We are  
3 elected to be models and to lead and to hope that  
4 people follow by our example. So when we violate  
5 the public's trust and individuals' trust, we  
6 have violated our entire purpose for being.

7           And when young people who decide to  
8 come and work in the Legislature, in the  
9 government, go through these experiences they  
10 don't just get harmed themselves, Mr. President,  
11 they go home and they tell their stories and say,  
12 Oh, no, if you're a good person, if you're a  
13 smart person, government isn't the place for you,  
14 stay away from them.

15           Nobody should have to be afraid when  
16 they go to work that they're going to face the  
17 kind of violations not just of their bodies but  
18 of their souls that comes with being abused and  
19 harassed and sexually attacked in their  
20 workplace.

21           So I know this isn't enough, but  
22 it's a huge victory. And I'm so proud of my  
23 colleagues and my new colleagues this year who  
24 took on the mantle of this responsibility and  
25 have done an extraordinary job getting us here.

1 And I also want to recognize the members of the  
2 Sexual Harassment Work Group who are with us  
3 today and who so boldly came forward, demanded we  
4 do better, demanded we have hearings, demanded we  
5 listen to their stories, and demanded that we  
6 listen to their analysis of what makes a piece of  
7 legislation good and what makes a piece of  
8 legislation make us feel good but not do  
9 anything.

10 So thank you, thank you. Thank the  
11 lead sponsors. I'm very, very proud that we're  
12 getting this done today.

13 Of course I vote yes, Mr. President.  
14 Thank you.

15 ACTING PRESIDENT BAILEY: Senator  
16 Krueger to be recorded in the affirmative.

17 I would ask that we keep the side  
18 conversations to a minimum.

19 Senator Liu to explain his vote.

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

22 Today we lift the yoke, we rip off  
23 the gag of people who have suffered harassment in  
24 the workplace, and other, for too long. I stand  
25 in support of this important bill. This in fact

1 is one of the pieces, I would say one of the most  
2 landmark pieces of legislation we're passing this  
3 session.

4 I want to thank Senator Biaggi for  
5 her incredible intellect, spirit and commitment.  
6 I want to thank all the Senators who have been  
7 steadfast in their support of this bill. And I  
8 echo Senator Biaggi's compliments and gratitude  
9 to the Sexual Harassment Working Group.

10 You know, I can never get that  
11 February hearing out of my head, to hear these  
12 individuals -- mostly women, but not only  
13 women -- who suffered harassment and suffered  
14 harassment at the hands of some of the people  
15 that were part of this chamber and in state  
16 government at large. As hard as it was for me to  
17 listen to it, I can only imagine how difficult,  
18 like insanely impossible it must have been for  
19 them to talk about what they had to go through.

20 Let's make sure that no more  
21 New Yorkers have to go through these kinds of --  
22 suffer through these ordeals again. I think that  
23 when we pass this legislation in the State of  
24 New York we can help -- we can help lead the rest  
25 of the way in the rest of the country as well.



1                   Mr. President, I vote yes. Thank  
2                   you.

3                   ACTING PRESIDENT BAILEY: Senator  
4                   Liu to be recorded in the affirmative.

5                   Senator Boyle to explain his vote.

6                   SENATOR BOYLE: Mr. President, to  
7                   explain my vote.

8                   I'd just like to thank Senator  
9                   Biaggi for her incredible leadership on this  
10                  issue, and my other colleagues for supporting  
11                  this package, and thank the Sexual Harassment  
12                  Working Group for their courage in coming  
13                  forward.

14                  In honor of my long-time friend  
15                  Elizabeth Crothers, I vote aye.

16                  ACTING PRESIDENT BAILEY: Senator  
17                  Boyle to be recorded in the affirmative.

18                  Senator Rivera to explain his vote.

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

21                  I have had the pleasure of serving  
22                  in this body for nine years. In that time,  
23                  although I was a little worried at the beginning  
24                  of my tenure whether I would have women in my  
25                  staff, since some of my campaign staff came on

1 board and I only had in my senior staff one  
2 woman, I have been incredibly blessed that, on  
3 average, 70 to 80 percent of my staff are women,  
4 Mr. President.

5           And it has been an educational  
6 experience, because these bright, young, amazing,  
7 powerful women that I've had the pleasure of  
8 having on my staff and my team have told me about  
9 the situations that they faced in their lives,  
10 whether it's been in other jobs, walking down the  
11 street, and in just their everyday realities.

12           And it just reminds me, every time  
13 that they tell me one of the terrible stories  
14 that they have had to endure, how much we have  
15 still left to do. And so this -- as was said  
16 earlier by some folks on this floor, it is some  
17 very important steps that we're taking.  
18 certainly not enough. But I am very proud that  
19 we are now in this body joined by more women,  
20 joined by amazing women like Alessandra Biaggi,  
21 who is -- who, as was stated earlier, led the  
22 effort to bring these hearings along, obviously  
23 with the great Sexual Harassment Working Group  
24 that was asking for these hearings, and she led  
25 the charge.

1                   But all of us are standing behind  
2 her and behind our leader -- again, the first  
3 woman to ever serve as the Majority Leader in  
4 this chamber, Mr. President.

5                   I believe that we have done much.  
6 It is not, as Senator Liu said, not only women  
7 that have suffered sexual harassment. But we  
8 need to do much for all people who are working.  
9 They need to be safe in the place where they  
10 work, in the place where they study, in the place  
11 where they live. And we need to do everything  
12 that we can in this body to make sure that's the  
13 case across the board and for every single  
14 person.

15                   So I'm very proud to be voting in  
16 the affirmative, Mr. President. Thank you.

17                   ACTING PRESIDENT BAILEY:  
18 Senator Rivera to be recorded in the affirmative.

19                   Senator Hoylman to explain his vote.

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

22                   And I wanted to thank the sponsors  
23 both in the Senate and the Assembly, Senator  
24 Biaggi and Assemblywoman Simotas.

25                   You know, the pace of change in this

1 chamber has become breathtaking over the last six  
2 months. And once again we're here with our  
3 leader, who has brought forward legislation,  
4 whether it's climate, supporting science, working  
5 people, housing, survivors. We have done  
6 incredible things.

7                   And I want to thank Senator Biaggi  
8 for being so persistent and courageous, along  
9 with all of the survivors who testified at those  
10 hearings and brought us to tears, but also  
11 brought us to the place where we are today, where  
12 we are turning a page in the history of Albany,  
13 which has been rather dark for so many years, and  
14 writing a new chapter where women and men feel  
15 secure in the workplace.

16                   So thank you, Senator Biaggi. Thank  
17 you, Leader Stewart-Cousins. I vote aye.

18                   ACTING PRESIDENT BAILEY: Senator  
19 Hoylman to be recorded in the affirmative.

20                   Senator Carlucci to explain his  
21 vote.

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

24                   I want to add my voice to the  
25 gratitude to Senator Biaggi for having the

1 fortitude to push this legislation forward and to  
2 the Survivor Work Group for the work that you've  
3 done to share the darkest times with the whole  
4 world to see. And because of that, we're making  
5 a difference to root out sexual harassment  
6 wherever it exists.

7 So I'm so thankful to everyone  
8 that's made this possible. To all the survivors  
9 that have come forward to share these stories and  
10 do it with such courage, I thank you.

11 And I support this legislation.  
12 I'll be voting aye. Thank you, Mr. President.

13 ACTING PRESIDENT BAILEY: Senator  
14 Carlucci to be recorded in the affirmative.

15 Senator Ramos to explain her vote.

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

18 After 27 years of silence from our  
19 state government on this issue, it's really  
20 commendable that Senator Biaggi, Senator Salazar,  
21 Senator Skoufis and the rest of us who were able  
22 to participate really took the time and effort to  
23 listen to people who had undergone such horrific  
24 and sometime even tragic experiences at the hands  
25 of their employers.

1                   I rise really as Labor chair to say  
2     that we as a Majority really are actively looking  
3     to make workplaces across the state as safe and  
4     as great as they can be. So this package of  
5     bills, this great omnibus bill that  
6     Senator Biaggi has put forth really does  
7     encompass landmark changes that are needed at the  
8     workplace in order for women and men and all  
9     people, including nonbinary people, to feel that  
10    they can give their best in their work, because  
11    ultimately that's exactly what we want. We want  
12    people to reach their full potential and ensure  
13    that they're safe where they actually end up  
14    spending most of their day.

15                   Thank you, Mr. President.

16                   ACTING PRESIDENT BAILEY:

17    Senator Ramos to be recorded in the affirmative.

18                   Are there any other Senators wishing  
19    to be heard?

20                   Senator Salazar to explain her vote.

21                   SENATOR SALAZAR: Thank you,  
22    Mr. President.

23                   I want to begin by thanking the  
24    Sexual Harassment Working Group for all of the  
25    work that they have done for years to get us to

1     this point, including the work that survivors  
2     have done, taking traumatic experiences that they  
3     have had and using it to benefit future workers  
4     and trying to prevent this from happening to  
5     anyone else.

6                     I absolutely want to thank Senator  
7     Biaggi for championing this. We held two  
8     legislative hearings on sexual harassment in the  
9     workforce in this session, and the first one in  
10    February was the first legislative hearing on  
11    this issue that had been held almost in my entire  
12    lifetime.

13                    The testimony that we heard at both  
14    of those hearings was absolutely harrowing,  
15    particularly for me to hear of examples of actual  
16    incidents of sexual harassment in the workplace  
17    that were deemed insufficient to meet the current  
18    standard, the severe or pervasive standard for  
19    actionable harassment under the law.

20                    What we heard in those hearings  
21    demanded decisive action from us. It demanded  
22    trauma-informed responses to harassment. It  
23    demanded that we begin with our own policy in the  
24    Legislature. And that is what we are doing  
25    today. We're responding decisively by passing

1     this gold-standard legislation.

2                   It's only the beginning, but I am  
3     very proud to be voting in the affirmative.

4                   Thank you.

5                   ACTING PRESIDENT BAILEY:     Senator  
6     Salazar to be recorded in the affirmative.

7                   Senator Stavisky to explain her  
8     vote.

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

11                   And thank you to all of our  
12    colleagues here.  You've done a remarkable job.  
13    And to Senator Biaggi, let me say this is why you  
14    were elected, to do this kind of groundbreaking  
15    future help for everybody.

16                   I thank the advocates also, but I  
17    want to add one other name, and that is  
18    Assemblywoman Aravella Simotas, who has really  
19    been doing this for years.  And I think we have  
20    to recognize and thank her as well.  She has been  
21    there for years trying to raise our consciousness  
22    level.  And I think this is a perfect example of  
23    how the Assembly and the Senate can work together  
24    for progressive legislation, and we thank you.

25                   And obviously we thank our leader,



1 Senator Stewart-Cousins, who has also been there  
2 in the trenches.

3 At one time there were very few  
4 women in the Senate, and today we have many more.  
5 And I think this demonstrates the need to elect  
6 more women legislators from both sides of the  
7 aisle.

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

10 ACTING PRESIDENT BAILEY: Senator  
11 Stavisky to be recorded in the affirmative.

12 Senator Skoufis to explain his vote.

13 SENATOR SKOUFIS: Thanks very much,  
14 Mr. President. I'll be brief.

15 And I want to express my gratitude  
16 to the four sets of individuals that have gotten  
17 us to this point. The working group, of course,  
18 who were courageous in leading the way from  
19 outside this chamber and these sets of houses in  
20 Albany. Senator Biaggi, who really came in here  
21 with a mandate to address this issue and fought  
22 every single day to bring this package to the  
23 floor. Assemblywoman Simotas -- who I had the  
24 privilege of working with in the Assembly and  
25 admiring when I served in that chamber -- joined

1 Senator Biaggi in being so relentless. And the  
2 Majority Leader.

3           These are the sets of individuals  
4 that literally millions of New Yorkers who, for  
5 whatever reason, whatever justifiable reason,  
6 could not lend their voice to this fight, could  
7 not lend their voice to this issue. These are  
8 the individuals that have brought us here, and  
9 they thank us, whether they can lend that voice  
10 now or not. Thank you, working group and the  
11 others.

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

14           Are there any other Senators that  
15 are wishing to be heard?

16           Seeing and hearing none, we will  
17 close with Majority Leader Andrea  
18 Stewart-Cousins.

19           SENATOR STEWART-COUSINS: Thank  
20 you, Mr. President.

21           I am first of all just very, very  
22 grateful for the working group, who started this  
23 journey long before we began as the Majority and  
24 made sure that we were able to keep our promise.  
25 It was a promise that I made as the new leader at

1 the beginning of the year. And because of the  
2 robust, smart and conscious people who you  
3 elected to serve with me in this chamber, we are  
4 at this moment today.

5 I know how hard it was. When I  
6 walked into the meeting and said what I knew, the  
7 reaction was so difficult. It still is. I say  
8 this on purpose, because people often think that  
9 these things are kind of by the way and that the  
10 wounds and scars aren't there long after what has  
11 occurred has passed from what one would think is  
12 recent memory, and then suddenly a word, an  
13 incident, and it all floods back. And that's why  
14 it was important that we do this thing.

15 And that's why it was important that  
16 we have someone like Senator Biaggi take the lead  
17 on this, along with Senator Salazar and Senator  
18 Skoufis. These three were in my office as soon  
19 as they had their roles, they were in my office  
20 saying, When are we going to do this?

21 And when they began the hearings and  
22 took the testimony, it wasn't enough, because  
23 they wanted to capture the voices that couldn't  
24 be here in Albany, and so they did it again.

25 And as a woman myself and a woman

1 who grew up at a time where you could practically  
2 say anything and it was okay, hearing some of  
3 these things at this juncture was beyond anything  
4 that anybody should have to experience, much less  
5 carry with them.

6 I apologize to everyone who has been  
7 subjected to the harassment, the abuse, the  
8 insensitivity, the ugliness of being marginalized  
9 and being thought it was perfectly okay to do  
10 whatever. But because of the great work of  
11 Senator Biaggi, the working group, my colleagues  
12 in the Senate and all of us here, I think we can  
13 say it's just not an empty apology, but it is a  
14 strong show of intolerance for anything like this  
15 to ever, ever go forward unaddressed.

16 Thank you. Thank you, Senator  
17 Biaggi -- Senator Biaggi and I have a habit of  
18 hugging after every good thing. We're usually  
19 celebrating somebody else's good thing, but this  
20 is going to be Senator Biaggi's hug for her good  
21 thing.

22 So, Mr. President, I vote aye.

23 ACTING PRESIDENT BAILEY: Majority  
24 Leader Stewart-Cousins in the affirmative.

25 Announce the results.

1 THE SECRETARY: Ayes, 62.

2 ACTING PRESIDENT BAILEY: The bill  
3 is passed.

4 (Extended standing ovation.)

5 ACTING PRESIDENT BAILEY: Senator  
6 Gianaris.

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

9 Can we now take up, off the  
10 controversial calendar, Calendar Number 1664, by  
11 Senator Ramos.

12 ACTING PRESIDENT BAILEY: The  
13 Secretary will ring the bell.

14 There is a substitution at the desk.

15 The Secretary will read.

16 THE SECRETARY: Senator Ramos moves  
17 to discharge, from the Committee on Rules,  
18 Assembly Bill Number 8419 and substitute it for  
19 the identical Senate Bill Number 6578, Third  
20 Reading Calendar 1664.

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

23 The Secretary will read.

24 THE SECRETARY: Calendar Number  
25 1664, Assembly Print Number 8419, by

1 Assemblymember Nolan, an act to amend the  
2 Labor Law.

3 ACTING PRESIDENT BAILEY: Senator  
4 Ortt.

5 SENATOR ORTT: Thank you,  
6 Mr. President. Through you, will the sponsor  
7 yield to a few questions?

8 ACTING PRESIDENT BAILEY: Will the  
9 sponsor yield?

10 SENATOR RAMOS: Absolutely.

11 ACTING PRESIDENT BAILEY: The  
12 sponsor yields.

13 SENATOR ORTT: Through you,  
14 Mr. President. This is a significant piece of  
15 legislation, one that has the potential to have  
16 very, very significant and long and far-reaching  
17 economic impacts on agriculture and the farming  
18 industry.

19 I was wondering if the sponsor could  
20 tell me how many farms are in her district.

21 SENATOR RAMOS: Mr. President, I  
22 agree that this is a very important piece of  
23 legislation that is going to impact many, many  
24 lives. It's why I sponsored the bill and why, as  
25 Labor chair, I want to effectuate change and

1 ensure that the state law finally recognizes the  
2 farmworkers in New York State.

3 Being from northwestern Queens  
4 County, I can count on my hand the number of  
5 rooftop apiaries that are in my district, which  
6 are many fewer than your beautiful district,  
7 Senator Ortt. But nevertheless, that does not  
8 make me foreign to farmland.

9 SENATOR ORTT: Through you,  
10 Mr. President. Will the sponsor continue to  
11 yield?

12 ACTING PRESIDENT BAILEY: Will the  
13 sponsor yield?

14 SENATOR RAMOS: Yes.

15 ACTING PRESIDENT BAILEY: The  
16 sponsor yields.

17 SENATOR ORTT: Is the sponsor --  
18 through you, Mr. President, is the sponsor aware  
19 of a report that came out a short time ago and it  
20 outlined the state of agriculture in New York  
21 State, particularly between the years of 2012 and  
22 2017? Is the sponsor aware of the percentage of  
23 farms nationally that closed their doors or  
24 contracted?

25 SENATOR RAMOS: Mr. President, I am

1 aware of the report.

2 SENATOR ORTT: Through you,  
3 Mr. President, will the sponsor continue to  
4 yield.

5 ACTING PRESIDENT BAILEY: Will the  
6 sponsor yield?

7 SENATOR RAMOS: Yes.

8 ACTING PRESIDENT BAILEY: The  
9 sponsor yields.

10 SENATOR ORTT: Through you,  
11 Mr. President. So the sponsor is aware of the  
12 report. Is she aware that the national average  
13 for closures of farms was 3 percent? So  
14 basically 3 percent of farms nationally went out  
15 of business between 2012 and 2017.

16 SENATOR RAMOS: Okay. Yes.

17 SENATOR ORTT: Through you,  
18 Mr. President, will the sponsor continue to  
19 yield?

20 ACTING PRESIDENT BAILEY: Will the  
21 sponsor yield?

22 SENATOR RAMOS: Yes.

23 ACTING PRESIDENT BAILEY: The  
24 sponsor yields.

25 SENATOR ORTT: So the sponsor is



1     aware of that. So she must be aware, then, that  
2     the state rate of farm closure was 9 percent,  
3     which is triple the national average.

4             This bill deals with not only  
5     collective bargaining but wages and overtime pay.  
6     Is it the sponsor's anticipation that farmworkers  
7     will make less money or more money as a result of  
8     this legislation?

9             SENATOR RAMOS: Mr. President, my  
10    bill is not a wage bill. However, there is a  
11    provision calling for overtime pay which we have  
12    negotiated with all stakeholders, including the  
13    Farm Bureau. Which is why the bill was amended  
14    from its original 40 hours of overtime pay to 60,  
15    including a wage board that will analyze and  
16    determine whether that number can be scaled back.

17            So in that respect, it is -- that's  
18    the wage portion of the bill. And so by my  
19    calculations, it's equally important that our  
20    workers are able to rest, so that therefore being  
21    more productive. Because we know that when  
22    workers are treated better, they work better as  
23    well.

24            But presumably -- it's hard to  
25    calculate whether some farmworkers will be making

1 more or less money.

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

5 ACTING PRESIDENT BAILEY: Will the  
6 sponsor yield?

7 SENATOR RAMOS: Yes.

8 ACTING PRESIDENT BAILEY: The  
9 sponsor yields.

10 SENATOR ORTT: So while we're on  
11 reports, Mr. President, there were two other  
12 reports, one from Farm Credit East, which  
13 estimated that this would add -- this bill, this  
14 legislation, admittedly the previous version of  
15 it -- but would add about \$300 million to  
16 farmers' bottom lines.

17 The Fiscal Policy Institute, on sort  
18 of the other end of the spectrum, anticipated a  
19 9 percent increase in labor costs, in cost for  
20 farmers. So taking either report, regardless of  
21 whether this is a wage bill or not, would it be  
22 fair in the sponsor's opinion to say that this is  
23 estimated by a lot of economists and people who  
24 study this -- that this will add costs to the  
25 bottom line of farmers?

1                   SENATOR RAMOS:   Mr. President,  
2   that's true.  That is actually exactly why we  
3   took into account, into this new version of the  
4   bill, the one that we're actually debating today,  
5   we took into account the peculiarities or what  
6   makes the agriculture industry unique.

7                   We know that it's not like office  
8   work, it's not a 9:00 to 5:00 job, it largely  
9   relies on the weather and many other variables.  
10   These are all things that we took into  
11   consideration.

12                  SENATOR ORTT:    Through you,  
13   Mr. President, will the sponsor continue to  
14   yield?

15                  ACTING PRESIDENT BAILEY:   Will the  
16   sponsor yield?

17                  SENATOR RAMOS:    Yes.

18                  ACTING PRESIDENT BAILEY:   The  
19   sponsor yields.

20                  SENATOR ORTT:    Through you,  
21   Mr. President.  The sponsor mentioned this wage  
22   board.  Would the sponsor be able to elaborate --  
23   who is on this wage board?  Who makes it up?

24                  SENATOR RAMOS:    I'm sorry, can you  
25   repeat the question?

1                   SENATOR ORTT:    Through you,  
2   Mr. President, yes, I can repeat that.  There is  
3   a wage board, she referenced a board.  Can she  
4   tell me, tell the Senate, who makes up this  
5   board?

6                   SENATOR RAMOS:   So the board would  
7   be a panel made up of three people, one appointed  
8   by the Farm Bureau, one appointed by the AFL-CIO,  
9   representing the workers, and the other one  
10   appointed by the Department of Labor, in  
11   consultation with the Department of Agriculture  
12   and Markets.

13                  SENATOR ORTT:    Through you,  
14   Mr. President, would the sponsor continue to  
15   yield?

16                  ACTING PRESIDENT BAILEY:   Does the  
17   sponsor yield?

18                  SENATOR RAMOS:    Yes.

19                  ACTING PRESIDENT BAILEY:   The  
20   sponsor yields.

21                  SENATOR ORTT:    Can the sponsor  
22   explain why the Department of Ag & Markets was  
23   not the designated -- or does not have a  
24   designated spot, seeing as they are the agency  
25   tasked with overseeing agriculture and markets?

1                   SENATOR RAMOS:    I'm so sorry, is  
2   he -- are you able to --

3                   SENATOR ORTT:    I will project.

4                   SENATOR RAMOS:    Yes.

5                   SENATOR ORTT:    Through you,  
6   Mr. President.

7                   SENATOR RAMOS:    {Inaudible.}

8                   SENATOR ORTT:    I don't know about  
9   that.  I'm going to use my Niagara County voice,  
10   how's that?

11                   Can the sponsor maybe explain or  
12   articulate why there is not a standing position  
13   for the Department of Agriculture & Markets,  
14   seeing as that is the agency tasked with  
15   overseeing agriculture and markets and obviously  
16   farms?

17                   SENATOR RAMOS:    We were looking on  
18   the wage board to make sure that the third person  
19   is someone who represents our state government  
20   and, again, is both Department of Labor-approved  
21   and Ag & Markets-approved, so that they are able  
22   to be hopefully as impartial as possible.  Being  
23   that the other two parties are representative of  
24   both the employer and the employees.

25                   SENATOR ORTT:    Through you,

1 Mr. President, will the sponsor continue to  
2 yield?

3 ACTING PRESIDENT BAILEY: Will the  
4 sponsor yield?

5 SENATOR RAMOS: Yes.

6 ACTING PRESIDENT BAILEY: The  
7 sponsor yields.

8 SENATOR ORTT: Through you,  
9 Mr. President. The reason I asked that question,  
10 and a concern that I think I share amongst many,  
11 including farmers and many of my, I agree,  
12 impartiality would be key, given the other two  
13 members. However, the Department of Labor  
14 earlier this year came out in support of this  
15 legislation. Which is unusual for an executive  
16 agency to take a stand on legislation before this  
17 body or the other house.

18 So I question just how impartial the  
19 Department of Labor will end up being.

20 SENATOR RAMOS: Well, the  
21 Department of Labor, like the Department of Ag &  
22 Markets, is a part of the executive branch of our  
23 state government. That's just how it is.

24 SENATOR ORTT: Through you,  
25 Mr. President, will the sponsor continue to

1 yield?

2 ACTING PRESIDENT BAILEY: Will the  
3 sponsor yield?

4 SENATOR RAMOS: Yes.

5 ACTING PRESIDENT BAILEY: The  
6 sponsor yields.

7 SENATOR ORTT: Can the sponsor tell  
8 me what is -- so we've identified who is on the  
9 board. Can she tell me what the function or the  
10 mission of this board or this group of three will  
11 be tasked with doing?

12 SENATOR RAMOS: The purpose of the  
13 wage board is largely to analyze how our economy,  
14 how our agricultural economy specifically is  
15 doing in a certain year, depending on whether the  
16 weather was good or not, and whether the 60 hours  
17 can be scaled back towards parity with the rest  
18 of the workers in New York State.

19 SENATOR ORTT: Through you,  
20 Mr. President, will the sponsor continue to  
21 yield?

22 ACTING PRESIDENT BAILEY: Does the  
23 sponsor yield?

24 SENATOR RAMOS: Yes.

25 ACTING PRESIDENT BAILEY: The

1 sponsor yields.

2 SENATOR ORTT: Is there any  
3 opportunity for this board to look at going  
4 higher than 60? Or will it exclusively be tasked  
5 with looking to see if it can go lower than 60?

6 SENATOR RAMOS: Mr. President, the  
7 wage board is specifically tasked with looking at  
8 the number retroactively. We are not looking for  
9 workers to do more work at less pay.

10 SENATOR ORTT: Through you,  
11 Mr. President, will the sponsor continue to  
12 yield?

13 ACTING PRESIDENT BAILEY: Will the  
14 sponsor yield?

15 SENATOR RAMOS: Yes.

16 ACTING PRESIDENT BAILEY: The  
17 sponsor yields.

18 SENATOR ORTT: So this board will  
19 make recommendations? And if that's true, to  
20 whom will they be making recommendations to?

21 SENATOR RAMOS: So the wage board's  
22 conclusions will be the determining factor as to  
23 whether those hours will be scaled back or not.  
24 They are not making a recommendation, they are  
25 making a decision.



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

4                   ACTING PRESIDENT BAILEY:   Will the  
5   sponsor yield?

6                   SENATOR RAMOS:   Yes.

7                   ACTING PRESIDENT BAILEY:   The  
8   sponsor yields.

9                   SENATOR ORTT:    Through you,  
10   Mr. President.  That's what I was afraid of.  But  
11   I'm glad the sponsor was able to clarify that for  
12   me.

13                   Can this board -- does it have to be  
14   unanimous?  Is it a simple majority, two to one?  
15   Does there need to be a quorum?  What are the  
16   criteria for the board meeting and making that  
17   decision?

18                   SENATOR RAMOS:   Thank you,  
19   Mr. President.  And sorry for the delay.

20                   The wage board would be able to make  
21   these decisions two to one, by majority.

22                   SENATOR ORTT:    By simple majority,  
23   thank you.

24                   Through you, Mr. President, will the  
25   sponsor continue to yield?

1                   ACTING PRESIDENT BAILEY:   Will the  
2 sponsor yield?

3                   SENATOR RAMOS:    Yes.

4                   ACTING PRESIDENT BAILEY:   The  
5 sponsor yields.

6                   SENATOR ORTT:    Can this board --  
7 what would constitute a quorum?  Do all three  
8 members need to be present for them to actually  
9 meet and conduct business, or is it a quorum of  
10 less than the full complement?

11                  SENATOR RAMOS:    Mr. President, only  
12 two-thirds of the board would need to be present.

13                  SENATOR ORTT:    Through you,  
14 Mr. President, will the sponsor continue to  
15 yield?

16                  ACTING PRESIDENT BAILEY:   Will the  
17 sponsor yield?

18                  SENATOR RAMOS:    Yes.

19                  ACTING PRESIDENT BAILEY:   The  
20 sponsor yields.

21                  SENATOR ORTT:    Through you,  
22 Mr. President.  On that, why doesn't the bill --  
23 if we're kicking -- the original bill -- not this  
24 bill, but the original bill had a 40-hour week  
25 and then it was overtime or time and a half,

1 anything over 40 hours.

2           This bill starts at 60, but then  
3 it -- it essentially, by the sponsor's own  
4 admission, is not a wage bill because those  
5 determinations are punted or are left to a board,  
6 a board of three. Why wouldn't we want -- if  
7 we're going to give this board such power to make  
8 a decision -- not to make a recommendation, but  
9 this is a decision-making body -- why wouldn't we  
10 want to make that unanimous or, at the very  
11 minimum, want to make all those present -- if  
12 you're going to have impartiality, what if you  
13 only have the two members who are on the same  
14 page that are there? Why wouldn't we want to  
15 have all three be on the same page, unanimous  
16 decision, or at least all three present to have a  
17 quorum?

18           SENATOR RAMOS: In negotiations,  
19 Mr. President -- and I speak based on my personal  
20 experience in union organizing -- it's much  
21 easier to come to a decision when we're not  
22 aiming for unanimity. We are -- what we're  
23 looking for is for conflict resolution of sorts.  
24 And so if two-thirds agree, well, then that is  
25 the majority. And they are the decision-making

1 body.

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

5 ACTING PRESIDENT BAILEY: Will the  
6 sponsor yield?

7 SENATOR RAMOS: Yes.

8 ACTING PRESIDENT BAILEY: The  
9 sponsor yields.

10 SENATOR ORTT: Through you,  
11 Mr. President. Can the sponsor -- are there any  
12 states that surround New York -- you know,  
13 whether it's Vermont, Massachusetts, Connecticut,  
14 New Jersey, Pennsylvania, Ohio, any states that  
15 sort of surround us or border us that have a  
16 similar law or similar provisions regarding their  
17 agriculture industry?

18 SENATOR RAMOS: Mr. President, to  
19 our knowledge, New Jersey grants their  
20 farmworkers the right to collectively bargain.  
21 It's presently unclear to us whether they have a  
22 similar mechanism.

23 SENATOR ORTT: Through you,  
24 Mr. President, will the sponsor continue to  
25 yield.

1                   ACTING PRESIDENT BAILEY:   Does the  
2 sponsor yield?

3                   SENATOR RAMOS:    Yes.

4                   ACTING PRESIDENT BAILEY:   The  
5 sponsor yields.

6                   SENATOR ORTT:    Through you,  
7 Mr. President. I guess just for fun, to some  
8 extent, is the sponsor -- can she tell me or is  
9 she aware of how many hours have been put in by  
10 the staff here, let's say this week?

11                  SENATOR RAMOS:    This week.  
12 Mr. President, I cannot imagine. I mean, just  
13 calculating the hours that we've put in as  
14 members -- our staff usually works at least twice  
15 as hard, if anybody's staff is as great as mine.  
16 We work around the clock, especially when we're  
17 up here in Albany and when we're back in our  
18 district. We all know how hard the work of the  
19 people is. But we do it because we love public  
20 service.

21                  SENATOR ORTT:    Through you,  
22 Mr. President, would the sponsor continue to  
23 yield?

24                  ACTING PRESIDENT BAILEY:   Will the  
25 sponsor yield?

1                   SENATOR RAMOS:    Yes.

2                   ACTING PRESIDENT BAILEY:    The  
3   sponsor yields.

4                   SENATOR ORTT:    Through you,  
5   Mr. President, does the sponsor -- I'm sure --  
6   does she pay her staff or does any of the staff  
7   here, to her knowledge, get paid overtime?

8                   SENATOR RAMOS:    Mr. President, my  
9   staff, which is the only staff that I can really  
10   speak for, does not make overtime pay.   But  
11   everybody is paid a living wage.

12                  SENATOR ORTT:    Through you,  
13   Mr. President, on the bill.

14                  ACTING PRESIDENT BAILEY:    Senator  
15   Ortt on the bill.

16                  SENATOR ORTT:    Through you,  
17   Mr. President.   I would like to thank the sponsor  
18   for her answers, her forthrightness.

19                  It's no secret that I feel this is a  
20   harmful piece of legislation.   When I toured  
21   farms across not just my district but across,  
22   I'll say, Western New York into the Finger  
23   Lakes -- I represent 1,188 farms in my district.  
24   And no matter where I was in the state, when I  
25   talked to farmers, I heard the same thing over

1 and over again.

2           It sort of reminded me of when I was  
3 on the Opioid and Heroin Task Force. No matter  
4 where I was in the state, no matter who I was  
5 talking to, it was like the same hearing over and  
6 over again, because the issues were the same if  
7 you were on Long Island and you were a parent who  
8 had lost a child or you were in the North Country  
9 and you were a parent who had lost a child. Or  
10 you were an addict in Western New York.

11           Well, if you're a farmer on  
12 Long Island or a farmer in the Finger Lakes or a  
13 farmer in Western New York or even a farmer in  
14 Queens, I suppose, the issues regarding farming  
15 are the same. The challenges regarding  
16 farming are the same.

17           I talked about, earlier, 9 percent  
18 of New York farms between 2012 and 2017 went out  
19 of business before this bill, which absolutely  
20 will increase costs on farmers. Many of these  
21 farms are operating at a net negative or at  
22 break-even today, in some cases -- in many cases  
23 through no fault of their own, particularly in  
24 the dairy sector.

25           Unlike other businesses, when you

1 pass costs on to farms, they cannot pass those  
2 through to consumers because they don't set their  
3 prices. They are price takers. So when we  
4 raised minimum wage at fast food restaurants, as  
5 much as I didn't support that, I'm not going to  
6 drive to Ohio to get my hamburger. I'm just  
7 going to pay that extra whatever it is at the  
8 drive-in. But for Wegmans or the stores here in  
9 New York that buy from our farms, if the price of  
10 milk is this, that's what they're paying for the  
11 price of milk. They're not going to pay more.  
12 In fact, in some cases the farmers can't even  
13 charge more, and if they do, they're just going  
14 to buy from a farm in California or a farm in  
15 Mexico, where the food standards are lower. Or  
16 in other countries.

17 In other countries, the safety  
18 standards regarding our food are not as good as  
19 they are in New York. I think we would all  
20 acknowledge that. So if you're importing more  
21 food from other places with lower safety  
22 standards, that's bad for our consumers, that's  
23 bad for our residents.

24 It's also bad for our farmers.  
25 Because every farmer I talked to, the employees



1     they had, they were like an extended part of  
2     their family. These were not folks that they  
3     looked at as performing some kind of indentured  
4     servitude. These were people who come here  
5     mostly on visas, undocumented federal programs,  
6     or they came here from other countries to find a  
7     better life, because they could never get this  
8     opportunity where they came from to make the kind  
9     of money that they can make here, sometimes in  
10    six months, five months. Because as we all know,  
11    our growing season in New York is not great  
12    compared to other states.

13                 And so many of the farmers that I  
14    spoke to said, you know, my employees, they love  
15    being here. They love coming here and getting as  
16    many hours as they can. They are signing up for  
17    that. And like any business -- and farms are  
18    businesses. Right? They want to feed people,  
19    but it's probably nice if they can make a profit  
20    or break even so they can continue to feed  
21    people.

22                 And many of the farms in my district  
23    are small family-owned farms that have been in  
24    these families for generations, and they are  
25    going to cap hours. Now, they're going to cap it

1 at 60 because that's the threshold today.

2 But there are people in this room --  
3 and the sponsor is probably not one, because  
4 she's a new member. But there are other members  
5 in this room, senior members, even more senior  
6 than me -- I've only been here for five years,  
7 which seems like an eternity sometimes. But in  
8 those five years I've seen and been a part of the  
9 creation of boards. Boards, whatever you want to  
10 call them. Some kind of board that's comprised  
11 of people, unelected, that we assign to do  
12 something that we don't want to do. And we kick  
13 the ball to them.

14 I suspect the sponsor -- and I don't  
15 know this, but I suspect she would have been fine  
16 with her original bill. I suspect this wage  
17 board will lower the threshold at some point,  
18 because that's why it's created. It is actually  
19 stated in the legislation. They can't go up,  
20 they can only go down.

21 So my experience is -- especially in  
22 government -- when you create something, it does  
23 what it's supposed to do. And this board is  
24 clearly intended to try to get those 60 hours  
25 down to 50 or 45 or even 40.

1                   And our farms are not competing  
2     against farms in -- it's not between Niagara  
3     County and Finger Lakes or Finger Lakes and  
4     Long Island. They're competing against farms  
5     globally, folks, globally. You can't do things  
6     in a vacuum. We continue to put regulations on  
7     business in a vacuum. We think we can do it in  
8     New York State and we'll lead the way. Most  
9     states do not have these kinds of -- this kind of  
10    framework, if they require time and a half or  
11    overtime at all.

12                  What this is going to do is exactly  
13    what we've done with other sectors. It's going  
14    to turn our number-one economic driver in  
15    New York State -- number one. We give more money  
16    to the film industry than we do our farms, but  
17    this is the number-one economic driver. But not  
18    for long, because it's going to make them less  
19    competitive.

20                  And if they're less competitive and  
21    they're capping hours, it's actually, believe it  
22    or not, bad for farmworkers. Because the  
23    farmworkers will go elsewhere. They'll go to  
24    other states where they can get more hours, where  
25    they can get more take-home pay. Because it's

1 all about take-home pay. Which in many cases the  
2 farmworkers that I spoke to sent that money back  
3 to their families. And they lived on that money  
4 when they weren't here working the farms, if they  
5 were especially on a seasonal farm.

6 Dairy would be a different story,  
7 because those are 24/7 all year long.

8 But the fact of the matter is when  
9 our farms are struggling -- and they are already  
10 struggling. Minimum wage continues to kick in.  
11 This bill will be a pile-on to minimum wage. The  
12 dairy sector in New York State, if you have any  
13 dairy farms -- and there are people on both sides  
14 of the aisle that have dairy farms in their  
15 district. There are people on both sides of the  
16 aisle that have many farms in their district.  
17 This is bad for your constituents. It's bad for  
18 your local economy.

19 This, in my view -- I remember when  
20 the Majority took office and they said, We are  
21 here to represent the whole state. This bill, I  
22 am sorry today, folks, says very differently.  
23 There are people that I represent that when they  
24 see a bill like this being pushed by I'm sure a  
25 well intentioned legislator who represents four

1 farms, according to the USDA -- four -- on an  
2 upstate economic driver, they are going to see  
3 this as an attack from New York City on the rest  
4 of the state, and particularly upstate. That is  
5 how it will be viewed. And that's, quite  
6 frankly, how I view it. This is harmful.

7 I know that there are people here  
8 who believe this is about fairness, about  
9 justice. Those are powerful words. They're also  
10 very big words and very impossible to sort of  
11 talk about what that really means, because -- I  
12 remember when I was a mayor we would talk about  
13 public safety. You can't put a price on public  
14 safety, right? We all know that. But you know  
15 what we do every day here in this chamber? We  
16 put a price on public safety. Because we have to  
17 decide what the people of New York can afford to  
18 pay for public safety.

19 And we have to decide what our  
20 farmers can afford to pay. And we are putting  
21 burdens on them that are going to drive many of  
22 them out of business. That is a reality. And  
23 that breaks my heart, because my district, in  
24 many of my communities, that is all they have  
25 when you talk about economic development. They

1 don't have big movie studios and anyone else  
2 coming in to shoot films. They grow crops. They  
3 milk cows. But they'll be doing less of that,  
4 they'll be doing less of that. And the workers  
5 who work there, there will be less of them.  
6 We're going to have more farms close.

7           This is a sad day for upstate  
8 New York. It's a sad day for agriculture in  
9 New York. And it's hardly justice to me if the  
10 people you're purporting to help are getting less  
11 take-home money and there's less of them working  
12 in this state. That isn't justice under any  
13 measure. It may be well-intentioned, but the  
14 practical realities are far different.

15           So, Mr. President, for those reasons  
16 I encourage my colleagues to vote no. And if you  
17 are voting yes, you'd better think really hard,  
18 you'd better think really hard about that yes  
19 vote, how you're going to explain that to your  
20 farmers and, quite frankly, your farmworkers and  
21 maybe the supervisors and people who pay taxes in  
22 some of these rural agriculture communities.

23           And if you don't represent those  
24 communities, maybe you don't care. I'd like to  
25 think that everyone in this room does care. I

1 don't represent the MTA, but I care if those  
2 people are riding safely and get to work on time.  
3 Everyone in this room should care about where we  
4 get our food from. We're going to be importing  
5 more food, it's going to be less -- lower safety  
6 standards. So it's bad for consumers, bad for  
7 farmers, and I don't think it's good for  
8 farmworkers. But yet we're going to pass it  
9 anyways.

10 So Mr. President, I vote in the  
11 negative.

12 ACTING PRESIDENT BAILEY: Senator  
13 Antonacci.

14 SENATOR ANTONACCI: Thank you,  
15 Mr. President. Will the sponsor yield for some  
16 questions?

17 SENATOR RAMOS: Absolutely.

18 ACTING PRESIDENT BAILEY: Does the  
19 sponsor yield? The sponsor yields.

20 SENATOR ANTONACCI: Through you,  
21 Mr. President. Could the sponsor tell me, would  
22 the commissioner of agriculture be prohibited  
23 from putting himself or an immediate designee on  
24 the wage board?

25 SENATOR RAMOS: Commissioner Ball

1 or the commissioner of Agriculture & Markets  
2 would be prohibited from joining the board, but  
3 he has a say in who the third person on the board  
4 would be.

5 SENATOR ANTONACCI: Will the  
6 sponsor continue to yield?

7 ACTING PRESIDENT BAILEY: Will the  
8 sponsor yield?

9 SENATOR RAMOS: Yes.

10 ACTING PRESIDENT BAILEY: The  
11 sponsor yields.

12 SENATOR ANTONACCI: Does that  
13 person have to be someone that doesn't work for  
14 the Department of Agriculture?

15 SENATOR RAMOS: I'm sorry, can you  
16 repeat that?

17 SENATOR ANTONACCI: Absolutely.  
18 Would that person have to be someone that is not  
19 working for the Department of Agriculture?

20 SENATOR RAMOS: There's nothing in  
21 the bill, Mr. President, that says the person  
22 cannot be from the Department of Agriculture and  
23 Markets.

24 SENATOR ANTONACCI: Will the  
25 sponsor continue to yield?



1                   ACTING PRESIDENT BAILEY:   Does the  
2 sponsor yield?

3                   SENATOR RAMOS:    Yes.

4                   ACTING PRESIDENT BAILEY:   The  
5 sponsor yields.

6                   SENATOR ANTONACCI:   My colleague  
7 Senator Ortt talked about perhaps the decision of  
8 the board going one way versus another. I guess  
9 my question centers on you may not be happy as  
10 the sponsor, this side of the aisle may not be  
11 happy in the way we see this bill, but what is  
12 the mechanism for appealing the wage order or --  
13 of the board? Is there an appeal process?

14                  SENATOR RAMOS:    There is not an  
15 appeal process laid out in the bill,  
16 Mr. President.

17                  But the bill does mandate the wage  
18 board to hold at least three public hearings in  
19 order to help arrive at their decision.

20                  SENATOR ANTONACCI:   Will the  
21 sponsor continue to yield?

22                  ACTING PRESIDENT BAILEY:   Does the  
23 sponsor yield?

24                  SENATOR RAMOS:    Yes.

25                  ACTING PRESIDENT BAILEY:   The

1 sponsor yields.

2 SENATOR ANTONACCI: Senator, I'm  
3 concerned about competition and many other  
4 regulatory schemes that surround New York State.  
5 For instance, in Pennsylvania the milk industry,  
6 dairy industry has minimum pricing. I'm sure  
7 you're familiar with federal order pricing  
8 regarding milk. So I'm concerned about  
9 competition.

10 Will the wage board be able to look  
11 at factors like states competing with our  
12 agriculture industry in setting the wage that  
13 they're going to be setting and the amount of  
14 hours?

15 SENATOR RAMOS: Yes, Mr. President.

16 SENATOR ANTONACCI: Will the  
17 sponsor continue to yield?

18 ACTING PRESIDENT BAILEY: Does the  
19 sponsor yield?

20 SENATOR RAMOS: Yes.

21 ACTING PRESIDENT BAILEY: The  
22 sponsor yields.

23 SENATOR ANTONACCI: Along those  
24 lines of using that information, I know that  
25 there's an arbitration clause under this bill.

1 Will the arbiter also be using those same factors  
2 in setting whatever decision the arbiter might be  
3 able to set?

4 SENATOR RAMOS: Absolutely,  
5 Mr. President. Everyone involved is able to  
6 utilize any of these economic indicators to come  
7 to their determination.

8 SENATOR ANTONACCI: Okay, thank  
9 you. Will the sponsor keep in mind?

10 ACTING PRESIDENT BAILEY: Will the  
11 sponsor yield?

12 SENATOR RAMOS: Yes.

13 ACTING PRESIDENT BAILEY: The  
14 sponsor yields.

15 SENATOR ANTONACCI: With regard to  
16 the 60 hours per week and then the mandatory day  
17 off, is that at the option of the employee, the  
18 day off?

19 SENATOR RAMOS: Every employee is  
20 mandated a day off. A worker can decide to work  
21 on their day off voluntarily.

22 SENATOR ANTONACCI: Will the  
23 sponsor continue to yield?

24 ACTING PRESIDENT BAILEY: Does the  
25 sponsor yield?

1                   SENATOR RAMOS:    Yes.

2                   ACTING PRESIDENT BAILEY:    The  
3    sponsor yields.

4                   SENATOR ANTONACCI:    So if Farmer A  
5    has employed Worker B and gets to the six days of  
6    work and then Worker B decides to go down the  
7    street to another farmer, does that second farmer  
8    have an obligation to verify whether or not that  
9    employee has had a day off?

10                  SENATOR RAMOS:    No, Mr. President.  
11    Because by definition in that hypothetical  
12    situation, the worker has decided to work on  
13    their day off from the first farmer voluntarily.

14                  SENATOR ANTONACCI:    Will the  
15    sponsor continue to yield?

16                  ACTING PRESIDENT BAILEY:    Does the  
17    sponsor yield?

18                  SENATOR RAMOS:    Yes.

19                  ACTING PRESIDENT BAILEY:    The  
20    sponsor yields.

21                  SENATOR ANTONACCI:    Okay.  So if  
22    the worker goes to a completely different farm,  
23    that worker at his or her option can work.  But  
24    if that worker chooses to stay at the current  
25    employ, the farmer in question would be

1 prohibited from paying anything but time and a  
2 half, is that correct?

3 SENATOR RAMOS: This is correct,  
4 Mr. President. The goal of the bill is to  
5 empower the worker.

6 SENATOR ANTONACCI: Will the  
7 sponsor continue to yield?

8 ACTING PRESIDENT BAILEY: Does the  
9 sponsor yield?

10 SENATOR RAMOS: Yes.

11 ACTING PRESIDENT BAILEY: The  
12 sponsor yields.

13 SENATOR ANTONACCI: Was any  
14 analysis done by the sponsor or the sponsor's  
15 team in relation to competing agricultural  
16 products and import and export of products from  
17 other states?

18 SENATOR RAMOS: Yes, Mr. President.

19 SENATOR ANTONACCI: Will the  
20 sponsor continue to yield?

21 ACTING PRESIDENT BAILEY: Will the  
22 sponsor yield?

23 SENATOR RAMOS: Yes.

24 ACTING PRESIDENT BAILEY: The  
25 sponsor yields.

1                   SENATOR ANTONACCI:    Could you tell  
2   me how that report or that information changed  
3   this bill, didn't change this bill, or was  
4   factored into the current bill?

5                   SENATOR RAMOS:    As noted earlier,  
6   the first version of this bill spoke to overtime  
7   pay after 40 hours in one week.  And given our  
8   analysis and my personal experience traveling  
9   across this state to more than a dozen farms with  
10  both the advocates and the Farm Bureau, I  
11  utilized all of that information to determine  
12  that we needed to move the goalpost from 40 hours  
13  to 60 and provide for this mechanism to work our  
14  way back, when and if applicable.

15                  SENATOR ANTONACCI:   Will the  
16  sponsor continue to yield?

17                  ACTING PRESIDENT BAILEY:   Will the  
18  sponsor yield?

19                  SENATOR RAMOS:    Yes.

20                  ACTING PRESIDENT BAILEY:   The  
21  sponsor yields.

22                  SENATOR ANTONACCI:   Thank you for  
23  that answer, Senator Ramos.

24                  But the wage board can move that  
25  goal line, is that a fair statement?

1                   SENATOR RAMOS:    The wage board,  
2   Mr. President, is able to work retroactively.  
3   The whole point is for them to look at economic  
4   indicators and determine whether the overtime pay  
5   threshold can be moved from 60 hours closer to  
6   40, for parity with every other worker in this  
7   state.

8                   SENATOR ANTONACCI:    Okay.  Will the  
9   sponsor continue to yield?

10                  ACTING PRESIDENT BAILEY:   Does the  
11   sponsor yield?

12                  SENATOR RAMOS:    Yes.

13                  ACTING PRESIDENT BAILEY:   The  
14   sponsor yields.

15                  SENATOR ANTONACCI:    Are there any  
16   employees that are not part of the one day off --  
17   I have to admit I'm little confused on whether or  
18   not dairy workers or those caring for live  
19   animals are mandated to have one day off.

20                  SENATOR RAMOS:    Mr. President,  
21   every single worker deserves a day off.

22                  SENATOR ANTONACCI:    Mr. President,  
23   will the sponsor continue to yield?

24                  ACTING PRESIDENT BAILEY:   Does the  
25   sponsor yield?

1                   SENATOR RAMOS:    Yes.

2                   ACTING PRESIDENT BAILEY:    The  
3 sponsor yields.

4                   SENATOR ANTONACCI:    No, I  
5 appreciate the sponsor's passion, but does the  
6 bill require a day off for every industry that is  
7 involved in agriculture?

8                   SENATOR RAMOS:    Yes, Mr. President.

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

11                   ACTING PRESIDENT BAILEY:  
12 Senator LaValle.

13                   SENATOR LaVALLE:    Thank you,  
14 Mr. President.  I rise --

15                   ACTING PRESIDENT BAILEY:    Senator  
16 LaValle, are you on the bill or asking the  
17 sponsor to yield?

18                   SENATOR LaVALLE:    No.  I want to  
19 speak on the bill.

20                   ACTING PRESIDENT BAILEY:  
21 Senator LaValle on the bill.

22                   SENATOR LaVALLE:    Thank you.

23                   I rise in great pain.  I've thought  
24 about this very day, lost sleep because I don't  
25 think the sponsor realizes that this bill has



1 enormous potential for changing the face of  
2 agriculture in our state.

3           Let's look at the typical farm  
4 personality. In many cases -- and it gets less  
5 and less -- an individual or individuals  
6 inherited the farm from their parents. In  
7 Suffolk County we have a protection, agriculture  
8 protection statute both at a state level and a  
9 local level to preserve what we have. And many  
10 of the parcels are not being transferred to  
11 younger family members.

12           I meet with young people, the Young  
13 Farmers Association down on Long Island, and some  
14 of them are very, very excited about following in  
15 their parents' footsteps. The face of  
16 agriculture is changing in Suffolk County. It  
17 was mostly vegetable farming when I started;  
18 there are now vineyards, we grow hops. There  
19 used to be the cabbage auction. No more. And  
20 things have changed.

21           This legislation will have a great  
22 potential for people leaving and selling their  
23 development rights to someone who will grow  
24 houses rather than produce. There's still --  
25 it's a funny, funny thing. During the pumpkin

1 season, people from your district, Senator  
2 Rozic --

3 SENATOR RAMOS: Ramos.

4 SENATOR LaVALLE: Ramos, I'm sorry.  
5 Ramos. -- come out to the First Senate District  
6 to buy pumpkins, as you're gesturing that you do.

7 So everyone kind of shrugs their  
8 shoulders and says, Who would have known pumpkins  
9 would have been so popular.

10 I would say in my case now we add a  
11 new dimension, because people might be selling  
12 their farms, they can't farm and we're going to  
13 be, as I said, growing houses. We need to  
14 consider the personality of the farmer who works  
15 really hard -- I mean, really, these people work  
16 hard. They get up early in the morning and  
17 they're out there, you know, working till late at  
18 night.

19 What are we going to do? We're  
20 going to -- whatever little they make, we're  
21 going to take that away? And I talk about the  
22 farm -- farmer personality, because that's the  
23 way they think. And I am very disappointed in  
24 the state association, the Farm Bureau, because  
25 this is a bad day on their watch to have this

1 bill come before us.

2           This is not a new bill. This bill  
3 has been out there for a number of years. I  
4 would hope that my colleagues from Long Island  
5 will vote against this bill because it will  
6 change people's lives on the East End, it will  
7 change -- it will be hurtful to people. Hurtful.  
8 Hurtful. And I don't think that's why we come to  
9 our jobs. We want to help people, not hurt them.  
10 This bill will hurt people.

11           I would hope -- it doesn't happen  
12 very often that a bill fails, because we think we  
13 always have our ducks in line. But we are  
14 hurting people, changing people's lives. So I  
15 would hope my colleagues think about their vote  
16 and vote in the negative.

17           ACTING PRESIDENT BAILEY: Senator  
18 Savino.

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

21           ACTING PRESIDENT BAILEY: On the  
22 bill?

23           SENATOR SAVINO: On the bill.

24           ACTING PRESIDENT BAILEY: On the  
25 bill.

1                   SENATOR SAVINO:     Thank you,  
2     Mr. President.   First I want to talk a bit  
3     about -- I heard the words "fairness" and  
4     "justice."   And that's what we're here trying to  
5     figure out.   But we're also addressing something  
6     else.   It's called history.   In this historic  
7     chamber, where so much history has happened,  
8     starting with a man who I reference all the  
9     time -- he's an idol of mine, I think one of the  
10    most important figures to working men and women,  
11    a former member of this body, Franklin Delano  
12    Roosevelt.   Who went on to become the president  
13    of the United States and a little more than  
14    84 years ago signed into law a piece of  
15    legislation in Washington known as the National  
16    Labor Relations Act, recognizing that workers had  
17    a civil right, a constitutional right to  
18    organize, to band together so that they could  
19    improve their working conditions, they could  
20    unionize, they could have a voice in the  
21    workplace, they could have dignity.

22                   But in an effort to get that bill  
23    passed, he had to do a little log rolling.  
24    That's what happens in politics, right?   He had  
25    to find a way to get the support of southern

1 Dixiecrats, Democrats, who couldn't fathom the  
2 ideal that you could grant the rights of workers,  
3 the constitutional right to organize -- or even  
4 the right to be declared an employee under labor  
5 law, and all the rights that are inherent in that  
6 title to farmworkers or domestic workers. They  
7 couldn't imagine that you could grant those  
8 rights to those people. Because after all, who  
9 were they? They were largely black women and  
10 black men and later on became minorities of all  
11 walks of life. They just couldn't imagine it.

12           And that was the compromise that was  
13 made in Washington, and that was a compromise  
14 that was adopted here when the state Employee  
15 Relations Act was adopted and we deliberately  
16 omitted domestic workers and farmworkers from the  
17 definition of employee.

18           We've done a lot of wonderful things  
19 for working men and women in this state. We were  
20 the first to pass child labor laws. We were  
21 first to recognize a woman's right to vote.

22           We were the first state to correct  
23 that injustice against domestic workers when 10  
24 years ago, in this chamber, in this historic body  
25 with some of you, we passed the first Domestic

1 Workers Bill of Rights in the nation, recognizing  
2 that domestic workers should be treated as  
3 employees and should be granted rights, including  
4 a day of rest, and asking the Department of Labor  
5 to study whether or not they should have  
6 collective bargaining rights. Recognizing their  
7 humanity as workers, because they take care of  
8 people in our lives.

9 But we have yet to have done  
10 anything on farmworkers. When we get elected, we  
11 had all come here with our own experiences. I  
12 grew up in New York City. So what do I know  
13 about farms? Nothing. I've chaired the Labor  
14 Committee. I know a lot about workers. I know a  
15 lot about labor rights. When I was chair of the  
16 Labor Committee, I, like Senator Ramos and  
17 others, decided maybe I should learn something  
18 about the farming industry. And so I went and I  
19 visited farms. I visited dairy farms, I visited  
20 agricultural farms, and I learned how hard this  
21 industry is. And I watched farmers -- you're  
22 right, Senator Ortt. I watched them, they get up  
23 at 4 o'clock in the morning, and some of their  
24 kids do too. And after they work the farm, then  
25 they go to school and they come home and they

1 work the farm again. I've seen it firsthand.

2 I went to dairy farms -- and by the  
3 way, in case you've never visited a dairy farm,  
4 dairy cows have very long tongues. And if you  
5 turn your back on them, they will lick you. And  
6 you have not lived until you've been licked by a  
7 dairy cow. It's an experience.

8 The farming industry, the  
9 agricultural business is the bedrock of our  
10 state, and it is suffering. But that doesn't  
11 mean we should ignore the plight of the workforce  
12 simply because we have ignored the plight of the  
13 industry.

14 You're right, we spend more on the  
15 film tax credit than anything we give to the  
16 agricultural industry. We can fix that. We can  
17 fix that. We can do that through the budget  
18 process. That doesn't mean that we should ignore  
19 the plight of the workforce.

20 I listened to the farmers when they  
21 came to the hearings that we had. They care  
22 about their workers. They are their family.  
23 They want to do more for them. They're  
24 struggling. We can help them do that. But that  
25 doesn't mean we should ignore the plight of the

1 workers. They should be entitled to be treated  
2 like every other worker, with the constitutional  
3 right to organize, whether they choose to  
4 exercise it or not.

5           It has been said that success has  
6 many parents and failure is an orphan. So if  
7 there is success here today, we deserve to  
8 recognize many of the parents of the farm  
9 laborers fair labor practices, because it has a  
10 lot of parents. Of course there's today's  
11 parent, the mother of this bill, and that is  
12 Senator Jessica Ramos. Senator Jen Metzger  
13 participated in this as the chair of the  
14 Agricultural Committee. Senator Rachel May, who  
15 represents upstate New York. Senator Monica  
16 Martinez, who represents Suffolk County.

17           But there are a lot of other  
18 legislators who have carried this bill in the  
19 past, and I'm going to name a few of them. You  
20 might be surprised by some of the people who have  
21 carried the Farmworkers Bill of Rights. No less  
22 than Senator John Flanagan, in the past. Olga  
23 Mendez -- it was the last bill that she carried  
24 before she left office. Carl Marcellino. Neil  
25 Breslin. Joe Robach.



1                   George Onorato. It broke his heart  
2     that we couldn't pass the bill. In fact, it  
3     failed on the bill floor three times in one night  
4     10 years ago when we were in the majority. He  
5     had a staff member, Alyssa Talanker. She cried  
6     as if it was her own personal failing.

7                   Even Pedro Espada --

8                   (Laughter.)

9                   SENATOR SAVINO: -- scandal-scarred  
10    as he was, was determined to do right by  
11    farmworkers.

12                  I myself carried the bill. In fact,  
13    four years ago -- I'm sorry, five years ago we  
14    were on the verge of passing a piece of  
15    legislation that was a compromise bill. Looked  
16    very similar to the bill we're working on today,  
17    and it fell apart at the last minute.

18                  Former Senator Marisol Alcantara.  
19    Her staff member Josh Jones, who right now is  
20    dealing with cancer, he visited farms all over  
21    the state.

22                  When Senator Shelley Mayer was  
23    majority counsel, she helped try to move this  
24    bill through. So many people have tried to move  
25    this bill through, to get justice for

1 farmworkers.

2                   From the labor movement, former  
3 president of the AFL-CIO Denis Hughes. Mario  
4 Cilento, the current president of the AFL-CIO.  
5 Mike Neidl, who has worked so hard to help draft  
6 this bill. Richie Winston, I see him up there in  
7 the chamber. Richard Witt and the Farm Labor  
8 Religion Coalition. The Hudson Valley Labor  
9 Federation. The Catholic Conference and Cardinal  
10 Dolan -- and every cardinal before him. The  
11 Kennedy family, who could forget them. Kerry  
12 Kennedy would come here every week and lobby on  
13 behalf of this bill. In fact, her mother, Ethel  
14 Kennedy, called every member of the Senate a few  
15 years ago to try and get us to pass a piece of  
16 legislation. And Kerry's daughters Michaela,  
17 Mariah, and Cara Cuomo.

18                   The New York Civil Liberties Union.  
19 Where would we be right now had it not been for  
20 Donna Lieberman bringing that lawsuit that  
21 brought us to where we are today?

22                   And of course there's an individual  
23 who every day thinks about the plight of  
24 farmworkers and every day figures out how he's  
25 going to write about it: Michael Aronson, the

1 Daily News editorial board. He has been  
2 relentless on this issue.

3 This bill has come before us many  
4 times before, and we've never been able to pass  
5 it. It's failed on the floor a few times. I  
6 think we're going to get it done this time. But  
7 you're right, we need to do more for farmers. We  
8 cannot just simply pass this cost upon them and  
9 these new obligations. We should give them the  
10 same care and attention that we provide to the  
11 film industry. They deserve it. They are  
12 competing against states that make it very  
13 difficult for them. We recognize that.

14 And finally I want to say that we  
15 would not be here tonight also had it not been  
16 for a person who every year has been fighting for  
17 this. She has never, ever, ever given up. And  
18 that is Assemblywoman Cathy Nolan. Never gave up  
19 on the farmworkers.

20 And so today again, in this chamber,  
21 we will make history. And history is sometimes  
22 messy. But it's always necessary when you're  
23 talking about fairness and justice and equality.

24 I vote aye, Mr. President.

25 ACTING PRESIDENT BAILEY: Senator

1 Akshar.

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

4 I'm on the bill. I appreciate your  
5 indulgence.

6 ACTING PRESIDENT BAILEY:  
7 Senator Akshar on the bill.

8 SENATOR AKSHAR: I think if there  
9 were ever a political bill, this is it. I really  
10 do. You know, I was disappointed in the car wash  
11 bill. I was disappointed in the Green Light  
12 bill.

13 But, you know, Mr. President, I rise  
14 to apologize. I do. I rise to say I'm sorry to  
15 every farmer and every farmworker throughout this  
16 great state. You know why I say I'm sorry?  
17 Because neither the farmer nor the farmworker  
18 wants this bill. This is terrible public policy.  
19 This is a travesty.

20 And we talk about history. I'm  
21 afraid that this is the death knell for farmers  
22 across this great state. In the last five years,  
23 20 percent of our dairy industry has gone down  
24 the tubes. Suicide amongst farmers, up  
25 30 percent. Farm Net now offering mental health

1 first aid training. They say we're in the midst  
2 of the worst farm depression and recession since  
3 the 1980s. And I am convinced that this  
4 particular bill is being driven by politicians  
5 looking to score political points, or looking to  
6 put a feather in their political cap, with  
7 absolutely no regard for people like I know back  
8 at home. Like Scott and Laura Glezen, who have  
9 over a million dollars in payroll annually. Like  
10 Judy Whittaker and Scott Whittaker, a half a  
11 million dollars in payroll annually. These  
12 people care deeply, deeply about the people who  
13 work for them, like their own family, like their  
14 own family. They bust their ass. They work 18  
15 hours a day, subzero conditions, hot conditions.  
16 They care a great deal about their employees.

17 And I think we haven't given people  
18 like Scott and Laura and Judy and Scott just  
19 enough regard about how this is going to affect  
20 them.

21 The wage board. Let me be clear  
22 about the wage board. It's a fraud and it's a  
23 farce, just like the fast food industry wage  
24 board that we had. The fix was in long before  
25 they ever came up with their number. And my fear

1 is that the fix is in again.

2 I'll close on this. I think the  
3 Farm Bureau at large has done a gross disservice  
4 to the people that they're supposed to represent.  
5 They were incredibly late to the dance on this.  
6 Today is the 19th of June, and now is the memo of  
7 opposition. They ran around here and had rallies  
8 and, you know, everything was great. And now,  
9 you know, shortly before this bill comes out, the  
10 memo of opposition comes out. From my estimate,  
11 I would say that they failed to properly  
12 represent the hardworking men and women in the  
13 agriculture industry.

14 And Senator Savino, you're right, we  
15 have to do more for agriculture. We do. You  
16 know what? As elected officials we can't  
17 pontificate about how great agriculture is and  
18 how important it is to the people of this great  
19 state and then really turn our back on them. We  
20 give them a pittance in terms of the state's  
21 budget. We need to do much better.

22 You know, the chairwoman of the  
23 Agriculture Committee has a bill to reduce  
24 suicide amongst farmers. I think it's a great  
25 bill. But then we advance a piece of policy like

1 this that I'm afraid is going to affect that  
2 30 percent of people that I talk about.

3 Mr. President, I'll vote no when  
4 it's time. Thank you.

5 ACTING PRESIDENT BAILEY: Senator  
6 Ranzenhofer.

7 SENATOR RANZENHOFER: Thank you,  
8 Mr. President. If the sponsor would rise for a  
9 couple of questions.

10 SENATOR RAMOS: Absolutely.

11 ACTING PRESIDENT BAILEY: Will the  
12 sponsor yield? The sponsor yields.

13 SENATOR RANZENHOFER: Thank you  
14 very much.

15 So one of the first comments that  
16 the sponsor made when discussing the bill with  
17 Senator Ortt is that this bill was negotiated  
18 with the assistance of the Farm Bureau. But the  
19 Farm Bureau has come out in opposition to your  
20 bill. So how was it that this was negotiated  
21 with the Farm Bureau if they're not in favor of  
22 the legislation that you're advancing today?

23 SENATOR RAMOS: Absolutely.  
24 Mr. President, we tried our best to include all  
25 the stakeholders that are involved in this bill,

1 different worker organizations and different  
2 farmer organizations -- the vegetable growers  
3 also were at the table with us, and including  
4 some of my fellow legislators.

5           The idea was to come to a compromise  
6 on what the bill should look like. And we made  
7 determinations and agreed on some and disagreed  
8 on others. And ultimately I feel that they have  
9 outlined in their memo of opposition the  
10 provisions that they feel strongly against.

11           But at the end of the day, this is a  
12 bill for workers, and I feel confident that we're  
13 doing what's best for them.

14           SENATOR RANZENHOFER: If the  
15 sponsor will continue to yield.

16           ACTING PRESIDENT BAILEY: Will the  
17 sponsor yield?

18           SENATOR RAMOS: Yes.

19           ACTING PRESIDENT BAILEY: The  
20 sponsor yields.

21           SENATOR RANZENHOFER: So obviously  
22 other states have had bills such as this -- let  
23 me just mention California -- and many of those  
24 states have implemented those bills over a number  
25 of years. There's been a slow rollout of the



1 bills.

2                   Why did the sponsor feel that it was  
3 necessary to have a very, very short time frame  
4 for the implementation of this bill when other  
5 states which have adopted legislation like this  
6 have taken a more prudent approach and rolled it  
7 out over a number of years?

8                   SENATOR RAMOS:   Mr. President, time  
9 is relative and subjective. It is not my belief  
10 that we have given farmers too short of a period  
11 of time to adapt. They have been aware of this  
12 bill, of this proposal for two decades now. And  
13 I believe that that's why we were able to include  
14 everybody in conversations. And I'm sure that as  
15 prepared as farmers are, given all of the  
16 variables in their work, that they've begun to  
17 start thinking about what accommodations they  
18 need to make for the Farmworker Labor Practices  
19 Act to become a reality.

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

22                   ACTING PRESIDENT BAILEY:   Will the  
23 sponsor yield?

24                   SENATOR RAMOS:   Yes.

25                   ACTING PRESIDENT BAILEY:   The

1 sponsor yields.

2 SENATOR RANZENHOFER: So if it's  
3 the sponsor's contention that farmers have been  
4 aware of this for two decades, when was the  
5 language dealing with the wage board inserted?

6 SENATOR RAMOS: The language with  
7 the wage board is part of the latest version of  
8 the bill, which was submitted -- I guess Sunday?  
9 On Sunday.

10 And again, this part of the bill was  
11 something that we had talked over and talked  
12 through with representatives of the farmers  
13 themselves.

14 SENATOR RANZENHOFER: If the  
15 sponsor will continue to yield.

16 ACTING PRESIDENT BAILEY: Will the  
17 sponsor yield for a question?

18 SENATOR RAMOS: Yes.

19 ACTING PRESIDENT BAILEY: The  
20 sponsor yields.

21 SENATOR RANZENHOFER: So it sounds  
22 to me, and correct me if I'm wrong, that it's the  
23 sponsor's contention that while farmers have had  
24 two decades to germinate and think about this  
25 bill, that the 72 hours since the language was

1 inserted, that was sufficient time for them to  
2 think about and see how they were going to adjust  
3 to this. So on the one hand, it would be  
4 appropriate to have two decades to work on this  
5 issue, and on the other hand it's 72 hours, you  
6 feel that's sufficient.

7 SENATOR RAMOS: Mr. President, for  
8 those 20 years that we're talking about, the bill  
9 stated 40 hours. And now it's 60 hours. So it's  
10 presumably much easier to make any accommodations  
11 that are necessary in order to abide by the new  
12 law.

13 SENATOR RANZENHOFER: If the  
14 sponsor will continue to yield.

15 ACTING PRESIDENT BAILEY: Will the  
16 sponsor yield?

17 SENATOR RAMOS: Yes.

18 ACTING PRESIDENT BAILEY: The  
19 sponsor yields.

20 SENATOR RANZENHOFER: So it's the  
21 purpose of this bill, as was stated by you and by  
22 Senator Savino, that this is a bill to help  
23 farmworkers. And you were gracious enough to  
24 visit my district, and I actually have a lot of  
25 farmworkers that live in my district. As opposed

1 to you and some of the other members, I have  
2 thousands of farmworkers that live in my district  
3 who I interact with, they're part of the  
4 communities that I represent. And you had the  
5 opportunity to meet with maybe 200, 300, 350 of  
6 them.

7                   And what they've told to me, and I  
8 believe they told you, is that they were not  
9 looking for a limit on their ability to earn  
10 income. They -- there are some that are here all  
11 year round, and there are some that are here for  
12 a short period of time. And I know because I was  
13 there, but they told you what they told me, and  
14 that is that they want to make and they want to  
15 earn as much money as they can. Would that be a  
16 fair statement?

17                   SENATOR RAMOS: Mr. President, yes,  
18 that is true. In fact, of the 200 farmworkers  
19 that I met in Senator Ranzenhofer's district,  
20 most were H-2A visa workers, meaning that they  
21 are migrant workers coming from other  
22 countries -- in that case, primarily Mexico and  
23 Guatemala.

24                   H-2A visa workers barely make up  
25 10 percent of the overall farm workforce and

1       therefore are not necessarily very representative  
2       of the general labor market.

3                 SENATOR RANZENHOFER:     If the  
4       sponsor will continue to yield.

5                 ACTING PRESIDENT BAILEY:     Will the  
6       sponsor yield?

7                 SENATOR RAMOS:     Yes.

8                 ACTING PRESIDENT BAILEY:     The  
9       sponsor yields.

10                SENATOR RANZENHOFER:     In my  
11       district we have more than H-2A workers who were  
12       there at the rally -- or not the rally, but at  
13       the forum, whatever you want to call it.  And  
14       wouldn't it be fair to say that all the workers  
15       wanted the opportunity at their choice to be able  
16       to earn as much money as they can?

17                SENATOR RAMOS:     Absolutely,  
18       Mr. President.

19                Unfortunately, NAFTA and -- like  
20       free-trade agreements do, wreak havoc in other  
21       countries and ultimately result in either  
22       immigration or forced to participate in migrant  
23       worker programs.

24                And that's exactly what has happened  
25       here.  Many of these farmworkers who come to

1 New York with H-2A visas have knowledge about the  
2 agricultural industry because they used to be  
3 farmers in their own country. But unfortunately,  
4 all of the product dumping and everything that  
5 has happened has forced them into this economic  
6 reality.

7 So of course they want to come to  
8 our country and work as many hours as possible.  
9 That doesn't mean that it's healthy.

10 SENATOR RANZENHOFER: So if the  
11 sponsor will continue to yield.

12 ACTING PRESIDENT BAILEY: Does the  
13 sponsor yield?

14 SENATOR RAMOS: Yes.

15 ACTING PRESIDENT BAILEY: The  
16 sponsor yields.

17 SENATOR RANZENHOFER: So is it your  
18 position, then, that we in government know  
19 better, that we should tell a farmworker who is  
20 an adult and can make their own decision that we  
21 know best, it's not healthy for you to work more  
22 than 60 hours a week over what they want to do?  
23 Is that the sponsor's position?

24 SENATOR RAMOS: Mr. President, I  
25 believe that the government's role is to ensure

1     that no human being is exploited in any way. Our  
2     job is to think about the general welfare and the  
3     public good.

4                     So as Labor chair and as a State  
5     Senator, thinking about state issues as it  
6     pertains to labor specifically, yes, I believe  
7     that it is our role to think about how we can  
8     improve health outcomes, how we can improve  
9     employment conditions for every worker in New  
10    York State.

11                    SENATOR RANZENHOFER:    If the  
12    sponsor will continue to yield.

13                    ACTING PRESIDENT BAILEY:   Will the  
14    sponsor yield?

15                    SENATOR RAMOS:    Yes.

16                    ACTING PRESIDENT BAILEY:   The  
17    sponsor yields.

18                    SENATOR RANZENHOFER:    And under  
19    your bill, nevertheless, with this concern a  
20    farmworker can still work a hundred hours a week.  
21    There's nothing which prevents -- you know,  
22    stated -- with you stating those objections, the  
23    bill actually doesn't say that you can't work a  
24    hundred hours a week. Is that a fair statement?

25                    SENATOR RAMOS:    That is correct.

1 In New York State there is no labor law that  
2 really limits the amount of hours that a worker  
3 can put into a job. What it does is regulate at  
4 what point overtime pay would have to kick in.

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

7 ACTING PRESIDENT BAILEY: Will the  
8 sponsor yield?

9 SENATOR RAMOS: Yes.

10 ACTING PRESIDENT BAILEY: The  
11 sponsor yields.

12 SENATOR RANZENHOFER: And I think  
13 if it's -- correct me if I'm wrong, but the  
14 sponsor learned that when you insert an  
15 artificial barrier, whether it be 40, 50, 60, 70,  
16 that that is the maximum number of hours that  
17 that employee will be allowed to work at that  
18 farm. Would that be a fair statement?

19 SENATOR RAMOS: Mr. President, that  
20 is not necessarily true. I did meet farmers in  
21 my travels who suggested that at 60 hours, and  
22 depending on the sector, too, because not all  
23 sectors actually relate to those 60 hours,  
24 necessarily. But there are farmers that are  
25 willing and able to pay overtime pay after



1 60 hours.

2 SENATOR RANZENHOFER: If the  
3 sponsor will continue to yield.

4 ACTING PRESIDENT BAILEY: Will the  
5 sponsor yield?

6 SENATOR RAMOS: Yes.

7 ACTING PRESIDENT BAILEY: The  
8 sponsor yields.

9 SENATOR RANZENHOFER: So let me ask  
10 you a question. Under the Labor Law, there are  
11 certain exemptions for different workers, and one  
12 of them is farm laborers. Is that correct?

13 SENATOR RAMOS: That's correct.

14 SENATOR RANZENHOFER: Okay. If the  
15 sponsor will yield. And another exempt class is  
16 taxi --

17 ACTING PRESIDENT BAILEY: Will the  
18 sponsor yield?

19 SENATOR RAMOS: Yes.

20 ACTING PRESIDENT BAILEY: The  
21 sponsor yields.

22 SENATOR RANZENHOFER: Another  
23 exempt class is taxicab drivers, is that correct?

24 SENATOR RAMOS: Not to our  
25 knowledge, Mr. President.

1                   SENATOR RANZENHOFER:    If the  
2 sponsor will continue to yield.

3                   ACTING PRESIDENT BAILEY:   Will the  
4 sponsor yield?

5                   SENATOR RAMOS:    Yes.

6                   ACTING PRESIDENT BAILEY:   The  
7 sponsor yields.

8                   SENATOR RANZENHOFER:    So under  
9 New York's minimum wage and overtime laws, which  
10 by New York Labor Law Article 19, Section 650,  
11 there are designated classes of employees that  
12 are not included that are granted overtime  
13 exceptions.

14                   And the first one that's listed here  
15 is people that are employed as babysitters. Then  
16 farm laborers are included. Then bona fide  
17 administrative or professional employees are  
18 included. Then outside salespersons are  
19 included. Then taxicab drivers are included.  
20 And actually, the last class that's listed is  
21 federal, state or municipal government workers.

22                   So why did the sponsor not seek to  
23 protect people that live in your district and  
24 other people in the five boroughs of Manhattan,  
25 taxicab drivers? I don't have a lot of taxicab

1 drivers in my district. But why is it that the  
2 sponsor was not concerned with people that live  
3 in her district but people that live in other  
4 people's districts?

5 SENATOR RAMOS: Mr. President, I am  
6 concerned with every worker in New York State,  
7 particularly as labor chair, but also as a  
8 New Yorker.

9 And look, we've been moving through  
10 the different industries who have beared the  
11 brunt of exploitative practices. We passed a car  
12 washers bill earlier. Some years ago, the  
13 domestic workers were able to champion their own  
14 bill of rights. This is high time that  
15 farmworkers receive their justice too.

16 And in the future, believe you me,  
17 we will be talking about the other industries as  
18 well. It's important that we bring labor  
19 practices out of the last century and into this  
20 one.

21 SENATOR RANZENHOFER: If the  
22 sponsor will continue to yield.

23 ACTING PRESIDENT BAILEY: Will the  
24 sponsor yield?

25 SENATOR RAMOS: Yes.

1                   ACTING PRESIDENT BAILEY:    The  
2   sponsor yields.

3                   SENATOR RANZENHOFER:    So under your  
4   bill, if a -- no matter how many hours a person  
5   that works on a farm has worked, if they work on  
6   a Sunday, which would be designated as their day  
7   off, even if they've only worked 20 hours in the  
8   week, they would have to be paid time and a half  
9   on the Sunday that's their day off?

10                  SENATOR RAMOS:    Yes, that's  
11   correct.

12                  SENATOR RANZENHOFER:   And even  
13   though you -- if the sponsor will continue to  
14   yield.

15                  ACTING PRESIDENT BAILEY:   Will the  
16   sponsor yield?

17                  SENATOR RAMOS:    Yes.

18                  ACTING PRESIDENT BAILEY:   The  
19   sponsor yields.

20                  SENATOR RANZENHOFER:   Not on the  
21   bill, but just as a preface, that -- again, I've  
22   been representing my district for 11 years and  
23   have talked to many farmers and many farmworkers  
24   over a long period of time. And the -- so I just  
25   want to make sure, because you had mentioned that

1 you did meet some farmers that would be willing  
2 to pay overtime.

3 I know that Senator Ortt mentioned  
4 he had -- I think it was 1100 farms. I've got  
5 hundreds and hundreds and hundreds of farms in my  
6 district, and I just have to share with you that  
7 the people that are able to do that -- not  
8 whether they want to do it, that they're able to  
9 do it -- are very, very small.

10 But the point that I want to make is  
11 that so if we assume -- and I think it's a fair  
12 assumption that at least in my district and many  
13 of my colleagues' districts, that they're not  
14 going to pay overtime because they can't afford  
15 it and will go out of business.

16 Aren't what you really are doing now  
17 is you're cramming that 60 hours a week --  
18 instead of being spread over seven days, which  
19 might make it easier for the farmworker to  
20 manage, you're now cramming it into six days,  
21 where they'll be working six 10-hour days, as  
22 opposed to being able to spread it over seven  
23 days? Would that be a fair statement?

24 SENATOR RAMOS: Yes.

25 SENATOR RANZENHOFER: And can you

1 tell me why --

2 ACTING PRESIDENT BAILEY: Does the  
3 sponsor --

4 ACTING PRESIDENT BAILEY: If the  
5 sponsor would yield.

6 ACTING PRESIDENT BAILEY: Will the  
7 sponsor yield?

8 SENATOR RAMOS: Yes.

9 ACTING PRESIDENT BAILEY: The  
10 sponsor yields.

11 SENATOR RANZENHOFER: Thank you.  
12 Thank you.

13 So one of the things I think that  
14 you learned on your at least visit to my  
15 district, and I presume some of the other visits  
16 and forums that you had, is that many of these  
17 farms are family farms. And a family farm, at  
18 least in today's day and age where there are  
19 fewer farmers, are really extended families. So  
20 they're parents, they're children, spouses. But  
21 it also extends to brothers and sisters and  
22 nieces and nephews. I mean, that's the typical  
23 makeup of farms in my district.

24 So why is it that you limited your  
25 definition of family farms to only the immediate

1 family of parents, spouses and children, which  
2 doesn't really reflect reality in the way that  
3 most farms are actually operated in the State of  
4 New York?

5 SENATOR RAMOS: Yes, Mr. President,  
6 we support expansive interpretation of that  
7 provision. And the Department of Labor can weigh  
8 in and determine how that is applied.

9 SENATOR RANZENHOFER: If the  
10 sponsor will --

11 SENATOR RAMOS: That being said, if  
12 I may, there are family farms and then there are  
13 family farms.

14 It's true that most farms in  
15 New York are not large farms. That being said,  
16 the farms that I visited in Senator Ranzenhofer's  
17 district are some of the biggest farms that I  
18 visited. Even though it's family-owned, they  
19 very much have huge acreage and hundreds and  
20 hundreds of employees.

21 So "family farms" is a relative  
22 term.

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

25 ACTING PRESIDENT BAILEY: Will the

1 sponsor yield?

2 SENATOR RAMOS: Yes.

3 ACTING PRESIDENT BAILEY: The  
4 sponsor yields.

5 SENATOR RANZENHOFER: And at the  
6 same time, most of the farms are actually much  
7 smaller operations.

8 So I know that you said that this  
9 can be dealt with at a later date, but you've  
10 introduced a bill, we have a bill in front of us.  
11 And knowing that a vast majority of these farms  
12 are really extended-family farms -- or extended  
13 families that are operating these farms, why did  
14 you decide to limit -- in the vote that we are  
15 taking today on your bill, why did you decide to  
16 limit it to just the immediate family when in  
17 reality, I think throughout most of the state,  
18 most of these farms are extended-family farms?

19 SENATOR RAMOS: Mr. President, that  
20 provision comes from a compromise in us working  
21 with the other parts of government in delivering  
22 a bill that we believe works.

23 SENATOR RANZENHOFER: If the  
24 sponsor will yield.

25 ACTING PRESIDENT BAILEY: Does the



1 sponsor yield?

2 SENATOR RAMOS: Yes.

3 ACTING PRESIDENT BAILEY: The  
4 sponsor yields.

5 SENATOR RANZENHOFER: So I don't  
6 really understand that rationale. Can you please  
7 elaborate? I don't know what that means. What's  
8 the rationale behind limiting it to immediate  
9 family?

10 SENATOR RAMOS: Again, this is a  
11 compromise that we arrived at with the other  
12 house, with the Assembly and the Executive. This  
13 is a bill that we are putting forth with our best  
14 ideas, and that provision can be revisited by the  
15 Department of Labor.

16 SENATOR RANZENHOFER: If the  
17 sponsor will continue to yield.

18 ACTING PRESIDENT BAILEY: Will the  
19 sponsor yield?

20 SENATOR RAMOS: Yes.

21 ACTING PRESIDENT BAILEY: The  
22 sponsor yields.

23 SENATOR RANZENHOFER: So there's  
24 been some conversation about the wage board. And  
25 over the last couple of days we've dealt with

1 certain bills. Last night we dealt with the  
2 climate bill, where we designated certain  
3 authority to different working groups and  
4 subcommittees. And I think earlier today when I  
5 was taking to Senator Sanders, we designated some  
6 responsibility to another group.

7               Why would it be that right now, you  
8 know, this is a collective body of 213 members,  
9 Assemblymembers and Senators. So why -- how is  
10 it in the best interests of the public that  
11 decisions, important decisions concerning how we  
12 are affecting the lives of the residents of the  
13 State of New York, how is it better that we --  
14 and I'm going to use the word "abrogate" --  
15 abrogate our responsibility to make important  
16 decisions, as was done in this bill, the decision  
17 to go from 40 to 60 -- how is it better to  
18 abrogate that responsibility, making a decision  
19 like that from a collective body of legislators  
20 from all over the state, to two people? That  
21 would be two-thirds of the wage board.

22               SENATOR RAMOS: Mr. President, I  
23 don't believe in negotiating wages without  
24 workers at the table, ever.

25               So for us to say that even though in

1 a representative democracy of course we would be  
2 elected members for each of our designated  
3 geographies, really the negotiation and the  
4 economic indicators that need to be taken into  
5 consideration have to come from the experts  
6 themselves, being the business owner and the  
7 worker. And so this is actually a much more fair  
8 way to assess whether it's appropriate to scale  
9 back the hours of overtime pay without putting  
10 politically elected leaders' influence in play.

11 SENATOR RANZENHOFER: If the  
12 sponsor will continue to yield.

13 ACTING PRESIDENT BAILEY: Will the  
14 sponsor yield?

15 SENATOR RAMOS: Yes.

16 ACTING PRESIDENT BAILEY: The  
17 sponsor yields.

18 SENATOR RANZENHOFER: So why did --  
19 because very often administrative or appointed  
20 boards report back to the Legislature. Why did  
21 you, as sponsor, feel it was a better or more  
22 appropriate system to delegate or abrogate this  
23 responsibility to people that are not elected,  
24 rather than having them report back to us for us  
25 to make that decision?

1                   And then the second part of the  
2                   question: So if that's the case, why did -- why  
3                   was the decision made to only allow the number of  
4                   hours to go down as opposed to allowing the  
5                   numbers to go up, if it truly is a fact that you  
6                   believe that it's better for someone who is an  
7                   expert to be able to make that decision?

8                   SENATOR RAMOS: Mr. President, I  
9                   don't believe that a worker's wage should be  
10                  determined by the winds of politics at the time.  
11                  I think that they should be determined by  
12                  whatever the conditions of that particular  
13                  industry's economy is at the time.

14                  That is why I don't believe that any  
15                  of us should have a say as to whether the wages  
16                  should -- sorry, the threshold for overtime pay  
17                  should be moved.

18                  In essence, the idea is to ensure  
19                  that the workers are achieving a level of rest  
20                  and also ensuring that their pay is being  
21                  compensated appropriately. Or their work,  
22                  rather.

23                  SENATOR RANZENHOFER: If the  
24                  sponsor will continue to yield.

25                  ACTING PRESIDENT BAILEY: Will the

1 sponsor yield?

2 SENATOR RAMOS: Yes.

3 ACTING PRESIDENT BAILEY: The  
4 sponsor yields.

5 SENATOR RANZENHOFER: So under that  
6 line of reasoning, if you don't think it's  
7 appropriate for a legislative body to do  
8 something like that, would it also be your  
9 position that it's inappropriate for a  
10 legislative body to set a minimum wage?

11 SENATOR RAMOS: Mr. President,  
12 minimum wages currently are set by wage boards  
13 and ultimately put forth to us as a body for  
14 consideration. Or, you know, the Governor can  
15 also flex his powers and ensure that it becomes  
16 the law of the land.

17 SENATOR RANZENHOFER: If the  
18 sponsor will continue to yield.

19 ACTING PRESIDENT BAILEY: Does the  
20 sponsor yield?

21 SENATOR RAMOS: Yes.

22 ACTING PRESIDENT BAILEY: The  
23 sponsor yields.

24 SENATOR RANZENHOFER: So is the  
25 sponsor aware that this body set a minimum wage a

1     few years ago? And does the sponsor feel that it  
2     was inappropriate for us as legislators, being a  
3     political body, to do that?

4                 SENATOR RAMOS:    No, I don't believe  
5     that it's inappropriate for a minimum wage to be  
6     set by a legislative body.

7                 SENATOR RANZENHOFER:   And just --  
8     if the sponsor would continue to yield.

9                 ACTING PRESIDENT BAILEY:   Does the  
10    sponsor yield?

11                SENATOR RAMOS:    Yes.

12                ACTING PRESIDENT BAILEY:   The  
13    sponsor yields.

14                SENATOR RANZENHOFER:   In talking  
15    about the collective bargaining aspects of this,  
16    can the sponsor tell me the rationale behind the  
17    secret ballot portion of the bill, as opposed  
18    to -- or actually a lack of a secret ballot which  
19    would protect, actually, workers and employers?

20                SENATOR RAMOS:    Mr. President,  
21    traditionally in union organizing we've  
22    experienced places where employers have  
23    essentially coerced workers into rooms to watch  
24    anti-union propaganda while they're getting paid  
25    for it.

1                   Employers have much more capital on  
2 hand than employees to campaign against the  
3 organizing of workers. And the concept of card  
4 check neutrality, which is what this bill  
5 upholds, recognizes that upon every worker  
6 signing a card and saying that they are indeed  
7 interested in being a member of a union, that the  
8 farmer will have to recognize them as a  
9 collective bargaining unit.

10                   SENATOR RANZENHOFER: If the  
11 sponsor will yield.

12                   ACTING PRESIDENT BAILEY: Does the  
13 sponsor yield for a question?

14                   SENATOR RAMOS: Yes.

15                   ACTING PRESIDENT BAILEY: The  
16 sponsor yields.

17                   SENATOR RANZENHOFER: And does the  
18 sponsor feel that there would be any pressure  
19 whatsoever from the union organizer that the  
20 worker might want to be protected from?

21                   SENATOR RAMOS: I'm sorry, can you  
22 repeat the question?

23                   SENATOR RANZENHOFER: Sure. Does  
24 the sponsor feel, do you feel that there might be  
25 any pressure from the union organizer on the

1 person who -- on the employee, the farmworker, so  
2 that the farmworker should be protected from  
3 influence from somebody trying to organize if  
4 they don't want to join a union?

5 SENATOR RAMOS: Perhaps,  
6 Mr. President. The idea is for organizers to  
7 educate workers as to their rights. And in this  
8 particular industry where English is not very  
9 often the workers' first language, whether it be  
10 Spanish or Mixteco or, you know, Jamaican patois  
11 or Haitian Creole, which is what our H-2A visa  
12 workers speak -- the fact of the matter is that  
13 they need to understand what their rights are as  
14 employees or not. And more often than not, that  
15 is not information that comes from the employer,  
16 it comes from people who do the work of  
17 advocating for these workers and ensuring that  
18 they can stand up for themselves.

19 SENATOR RANZENHOFER: If the  
20 sponsor will yield.

21 ACTING PRESIDENT BAILEY: Will the  
22 sponsor yield?

23 SENATOR RAMOS: Yes.

24 ACTING PRESIDENT BAILEY: The  
25 sponsor yields.



1                   SENATOR RANZENHOFER:    Did the  
2    sponsor take into consideration the fact that  
3    many if not most farmworkers receive money for  
4    housing and utilities and health insurance and  
5    retirement accounts?  Is that taken into account  
6    in establishing how much a worker can make?

7                   SENATOR RAMOS:    Mr. President, that  
8    is taken into account.  But I would like to note  
9    that most farmworkers do not receive any of those  
10   benefits.  H-2A visa workers do receive lodging  
11   because it is the law.

12                  SENATOR RANZENHOFER:   And if the  
13   sponsor will yield for one more question.

14                  ACTING PRESIDENT BAILEY:   Will the  
15   sponsor yield?

16                  SENATOR RAMOS:    Yes.

17                  ACTING PRESIDENT BAILEY:   The  
18   sponsor yields.

19                  SENATOR RANZENHOFER:    So if the  
20   sponsor is aware that some don't receive and some  
21   do receive, how is that distinguished in the bill  
22   in terms of how much a farmworker can make for  
23   those that receive benefits and those that don't?

24                  SENATOR RAMOS:    Mr. President, it's  
25   not distinguished in the bill.  What the bill

1 does do as it pertains to housing is expand the  
2 code to cover more workers.

3 SENATOR RANZENHOFER: On the bill.

4 ACTING PRESIDENT BAILEY: Senator  
5 Ranzenhofer on the bill.

6 SENATOR RANZENHOFER: First of all,  
7 I'd just like to thank the sponsor for answering  
8 some of the questions and also for taking the  
9 time to visit my district and to speak with some  
10 of the farmworkers there.

11 I'm also a little bit disappointed,  
12 or maybe a lot disappointed, that there was not a  
13 more formal hearing in my district. In fact,  
14 there wasn't a hearing anywhere near my district,  
15 which I think would have been helpful as we move  
16 forward with this bill.

17 The thing that most concerns me when  
18 we are talking about this particular bill is that  
19 I think a lot of people have heard a lot of  
20 information about what's important to the  
21 farmworkers, because that is the stated purpose  
22 of this bill, is to help farmworkers. Because we  
23 know it doesn't help farmers.

24 But what I really believe is that  
25 while a lot of information was gathered and you

1 heard a lot of information, that you really did  
2 not listen to the farmworkers who are supposedly  
3 the beneficiaries of this bill. And there's a  
4 very clear distinction between hearing and  
5 listening. Hearing that means that you take in  
6 the information and, okay, I heard what you had  
7 to say. But listening means then crafting a bill  
8 which addresses those concerns.

9 And this particular bill really does  
10 not address the most important concern that was  
11 raised by my constituents, being both farmers and  
12 farmworkers, and that is that this will then  
13 limit the amount of money that they can earn to  
14 support their family and put food on the table.

15 So one of the things that happened  
16 as we were travelling around -- and actually I  
17 think this sheet of paper was given to me at a  
18 forum that we held when Senator Ramos was in my  
19 district. It was held before the tour of the  
20 farm, and we had a very interesting conversation.  
21 But I got a lot of these sheets throughout my  
22 travels throughout the district of what it would  
23 mean to my family. Okay? A worker would say,  
24 This is what it means to my family. This is what  
25 I would make right now, this is what I can make

1 right now, but if we impose this legislation,  
2 this is what I will be able to make.

3           And there -- I don't want to say  
4 there were hundreds of those, but there were  
5 certainly dozens of these farmworkers that came  
6 up to me and told me this is their story, this is  
7 what happens to them when you limit the number of  
8 hours that you can work. And some of the people  
9 are actually happy, you know, some of the people  
10 want to work, you know, 50 hours, some of the  
11 people want to work 60 hours, and that's all well  
12 and good. But there are a lot of workers,  
13 whether they be H-2A workers or other workers  
14 that live in my district, that want to work more.  
15 Because in my community, many people do work two  
16 or three jobs. And they'll work 30 hours at one  
17 job, they'll work 20 hours at another job, and  
18 they'll work 20 hours at another job. And  
19 they're allowed to do that. And they have to do  
20 that because very often they can't get a  
21 full-time job at one particular place.

22           But people at my district work hard,  
23 and they like to work hard, because they have a  
24 real incentive. And that is they want to provide  
25 for their families. Under the existing structure

1     that we have right now, a farmworker is able to  
2     do that by working at one employer. They can  
3     work at one place, it's easier for them, they go  
4     to one place and they work as many hours as they  
5     want, and they can make as much money as they  
6     want, whether they're here for a few months or  
7     they're here all year round.

8                 So now you've disrupted their lives  
9     because they're going to be limited to the number  
10    of hours that they can work for one employer. So  
11    what you've done now, and what this bill does, is  
12    say, Well, okay, I'm still going to work more,  
13    but now you've inconvenienced me, you've  
14    inconvenienced my family. Now I have to go out  
15    and look for another job to see how can I make up  
16    for the money that I've lost as a result of this  
17    bill.

18                And that, for me, is what this boils  
19    down to, is you are not -- you are putting  
20    government over the individual to be able to make  
21    the choice of how many hours do I as a farmworker  
22    want to make. I know what my health is, I know  
23    what I want to do, I know what's best for my  
24    family, but now somebody else is coming in and  
25    saying, Well, no, I know better. So instead of

1 being able to work 70 hours a week for Farm ABC,  
2 they now have to work 60 hours, if they're able  
3 to get the 60 hours and now I've got to go  
4 somewhere else to try to make that extra money.

5 It's disruptive to their lives.  
6 Farmworkers do not feel that it's fair to them.  
7 In my community they feel that somebody has come  
8 out -- come in from another community and really  
9 done something that they don't want done.

10 The farmers, they have their own  
11 position. They have their own position. They  
12 don't like this, and we've discussed that and we  
13 all know the arguments of why farmers don't like  
14 it.

15 But farmworkers don't like this  
16 bill. And they don't like this bill because it  
17 takes money out of their family and it makes it  
18 more inconvenient and harder for them to support  
19 their family.

20 So I appreciate the opportunity,  
21 again, for the sponsor to engage in some dialogue  
22 on this bill and look forward to hearing the rest  
23 of the debate and then casting my vote.

24 I hope that some of the other people  
25 in this chamber have not just heard what we've

1 had to say but have actually listened to what we  
2 have to say. Because I can tell you I don't  
3 think my district is unlike others in this  
4 chamber where someone comes into your community,  
5 to your district, and says this is how I want you  
6 to lead your life -- not leaving it to you to  
7 make that decision, not leaving it to your family  
8 to be able to make important decisions like that  
9 for them and their families.

10 Thank you, Mr. President.

11 ACTING PRESIDENT BAILEY:

12 Senator Rivera on the bill.

13 SENATOR RIVERA: Thank you,  
14 Mr. President. On the bill.

15 First I thank -- I want to just say,  
16 Mr. President, that I'm thankful that there is --  
17 there's people that are here to explain to a  
18 Senator what she actually meant. I'm glad that  
19 people are here to tell us the difference, to  
20 explain or should I say manplain to one of our  
21 colleagues the difference between hearing and  
22 listening, et cetera. I'm glad that we have  
23 that, Mr. President.

24 I actually want to thank and give a  
25 lot of credit to the listening and the hearing

1     that Senator Ramos did. Because the fact is,  
2     Mr. President, that she did the work. She went  
3     around the state listening and hearing very  
4     closely, and recognizing that the piece of  
5     legislation that we have before us is not perfect  
6     for anyone. It is certainly not perfect for  
7     farmers, and it is not perfect for farmworkers.  
8     It is not perfect for those of us that care about  
9     workers' rights. It is not perfect for those of  
10    us who also care about the income of farmers or  
11    stability of farmers. So it is not a perfect  
12    bill.

13                 But what it does, Mr. President, is  
14    it reaches a compromise because we start with the  
15    concept not of the good actors -- now, I heard  
16    one of my colleagues talking about how some of  
17    these workers are kind of members of the family  
18    of the farmers. And I had the opportunity --  
19    certainly not to travel as much or do as much  
20    work as Senator Ramos, because she outpaced all  
21    of us in this regard. But I talked with farmers  
22    who did tell me about that, tell me about how  
23    certain members of their workforce are like  
24    members of their family.

25                 And I would tell you, Mr. President,



1 and every one of my colleagues, those are not the  
2 folks I'm concerned about. What I'm concerned  
3 about are the bad actors who treat their workers  
4 worse than some of the cattle that they might  
5 have on their own farm.

6 And so there's a compromise that  
7 needs to be reached here. We have to remember  
8 the history. And she is no longer here at this  
9 moment, Mr. President, but Senator Diane Savino  
10 gave us a history lesson of where this came from,  
11 how were these class of workers completely left  
12 out of protections which are basic to every  
13 single person in every single type of work,  
14 Mr. President. There's a history here that we  
15 can't ignore.

16 And so what we're trying to do is  
17 we're trying to protect those workers while also  
18 recognizing -- and I listened and heard as the  
19 sponsor more than a few times laid out the fact  
20 that she recognizes that farm work is different  
21 than other types of work. It is not office work.  
22 She said it over and over again because she  
23 recognizes it because she saw it as she traveled  
24 around the state.

25 And you would remember that the

1 original bill had 40 hours and she -- as she has  
2 pointed out -- also moved up to 60 in a  
3 recognition -- oh, don't worry, dude. Go  
4 ahead and time me. I'm going to be done in a  
5 couple of minutes. It's all good. But yeah, we  
6 that do that. We should time each other. I got  
7 no problem, Lanza.

8                   So bottom line, ladies and  
9 gentlemen, this is about protecting workers but  
10 it is with the recognition that there are bad  
11 actors out there. We want to make sure that we  
12 have a compromise bill that can also take into  
13 account the difference between office work, the  
14 work that we might do in this chamber, the work  
15 that workers might do all around the country or  
16 the state, and the work that is done on the  
17 fields. We have that. We want to make sure that  
18 we stop exploitation. And we need to do it in a  
19 compromise bill. And it is a difficult balance  
20 to strike.

21                   But I sincerely thank the sponsor as  
22 well as Senator Metzger, who worked very closely  
23 with her on this. And the fact is that the work  
24 was done, the compromise has been reached. It is  
25 not perfect, Mr. President, but it is certainly

1 something that is going to be historic. Which is  
2 something that we've been doing all of this  
3 session.

4 So I will be voting in the  
5 affirmative. Thank you, Mr. President.

6 Oh, how long? How long?

7 SENATOR LANZA: Great job.

8 SENATOR RIVERA: Thank you.

9 ACTING PRESIDENT BAILEY: Senator  
10 O'Mara.

11 SENATOR O'MARA: Thank you,  
12 Mr. President. Will the sponsor yield for a  
13 couple of questions?

14 SENATOR RAMOS: Absolutely.

15 ACTING PRESIDENT BAILEY: Will the  
16 sponsor yield? The sponsor yields.

17 SENATOR O'MARA: Pertaining to the  
18 one day of rest a week, the 24-hour rule, the day  
19 off, that worker, farm laborer, can choose to  
20 work on that day off if they so choose, the  
21 seventh day of the week, and the farm employer is  
22 required to pay time and a half, at least,  
23 overtime wages, correct?

24 SENATOR RAMOS: That is correct.  
25 And now that they'll have driver's licenses,

1 they'll also be able to choose to go to church,  
2 visit relatives, and just enjoy the New York  
3 countryside.

4 SENATOR O'MARA: That would be  
5 great. But they can already use their foreign  
6 license from the country they came from.

7 ACTING PRESIDENT BAILEY: Senator  
8 O'Mara, are you the sponsor to yield?

9 SENATOR O'MARA: Mr. President,  
10 will the sponsor yield?

11 ACTING PRESIDENT BAILEY: Does the  
12 sponsor yield?

13 SENATOR RAMOS: Yes.

14 SENATOR O'MARA: So if that -- you  
15 know, we have the old adage in agriculture that  
16 you've got to make hay while the sun is shining.  
17 So agriculture is very weather-dependent. And  
18 say given during the course of a week a  
19 farmworker, because of the weather, is only able  
20 to work four or five hours a day for those six  
21 days and has therefore only worked 24 to 30 hours  
22 in that week, they haven't reached the 60-hour  
23 threshold. They still cannot choose to work on  
24 their day off without the farmer having to pay  
25 them time and a half, correct?

1                   SENATOR RAMOS:    Correct.  But there  
2   is a provision in the bill that states that if  
3   the worker wasn't able to work that day because  
4   of inclement weather, that can count as their day  
5   of rest.

6                   SENATOR O'MARA:   But if they work  
7   any hour -- through you, Mr. President.

8                   ACTING PRESIDENT BAILEY:  Does the  
9   sponsor yield?

10                  SENATOR RAMOS:    Yes.

11                  SENATOR O'MARA:   But the way I read  
12   it, if they work any hours during that day before  
13   getting rained out or frozen out or whatever,  
14   that does not count as their day off, right?

15                  SENATOR RAMOS:    Yes, Mr. President.

16                  SENATOR O'MARA:   Okay.  So through  
17   you, Mr. President, if the sponsor will yield.

18                  ACTING PRESIDENT BAILEY:  Does the  
19   sponsor yield for a question?

20                  SENATOR RAMOS:    Yes.

21                  ACTING PRESIDENT BAILEY:  The  
22   sponsor yields.

23                  SENATOR O'MARA:   So the farm  
24   laborer that gets rained out or whatever for a  
25   number of days that week comes to his boss on the

1 seventh day and says, Jeez, boss, I only got  
2 30 hours of work this week, I really need to work  
3 today. And the farm boss is going to say, Well,  
4 I'd love to have you work, Charlie, but I can't  
5 afford to pay you time and a half, so you can't  
6 work here today.

7 Is that correct, under this law?

8 SENATOR RAMOS: Mr. President, if  
9 they already had, under that scenario, their  
10 24 hours of rest, well, then they've already  
11 complied with that and it's not about overtime  
12 pay.

13 SENATOR O'MARA: Through you,  
14 Mr. President. That was not my scenario. My  
15 scenario was they worked for six days, partial  
16 days, only accumulated a total of 24 to 30 hours  
17 in that week, now they can't work the seventh day  
18 without getting paid time and a half.

19 SENATOR RAMOS: That is correct.  
20 And so what I added was that if within those  
21 hours there was 24 consecutive hours off, then  
22 that would count as their day off.

23 SENATOR O'MARA: Okay. Through  
24 you, Mr. President.

25 ACTING PRESIDENT BAILEY: Are you

1 asking if the sponsor -- will the sponsor yield?

2 SENATOR O'MARA: Will the sponsor  
3 yield?

4 SENATOR RAMOS: Yes.

5 ACTING PRESIDENT BAILEY: The  
6 sponsor yields.

7 SENATOR O'MARA: I guess I can see  
8 that happening under certain circumstances. But  
9 if it doesn't happen that way and the farmer says  
10 I'm not going to pay you overtime on Day 7, that  
11 farm laborer doesn't get to work that day to get  
12 paid. At least at that farm.

13 SENATOR RAMOS: That's correct.

14 SENATOR O'MARA: Now, let's go to  
15 the -- through you, Mr. President --

16 ACTING PRESIDENT BAILEY: Senator  
17 O'Mara, are you asking the sponsor to yield?

18 SENATOR O'MARA: -- if the sponsor  
19 will still yield.

20 ACTING PRESIDENT BAILEY: Will the  
21 sponsor yield?

22 SENATOR RAMOS: Yes.

23 ACTING PRESIDENT BAILEY: The  
24 sponsor yields.

25 SENATOR O'MARA: The prior Senator

1 had mentioned housing costs for farm laborers --  
2 or housing being provided and other amenities or  
3 benefits. Under this bill that you have, is  
4 there anything that would preclude the farmer  
5 from charging the farm laborer for that housing  
6 or other benefits?

7 SENATOR RAMOS: No, Mr. President,  
8 the bill does not address that.

9 SENATOR O'MARA: Through you,  
10 Mr. President, if the sponsor will yield.

11 ACTING PRESIDENT BAILEY: Will the  
12 sponsor yield?

13 SENATOR RAMOS: Yes.

14 ACTING PRESIDENT BAILEY: The  
15 sponsor yields.

16 SENATOR O'MARA: Let's talk about  
17 the wage board for a minute. The wage board is  
18 made up of three individuals. Who appoints those  
19 three individuals?

20 SENATOR RAMOS: Again, just like  
21 the first time this question was asked, the  
22 Farm Bureau or the employers would determine who  
23 their representative is. That's one person. The  
24 other person would be determined by the AFL-CIO,  
25 the workers. And the third person would be



1 determined by the Commissioner of Labor, in  
2 consultation with the Commissioner of Agriculture  
3 and Markets.

4 SENATOR O'MARA: Through you,  
5 Mr. President, if the sponsor will yield.

6 ACTING PRESIDENT BAILEY: Will the  
7 sponsor yield?

8 SENATOR RAMOS: Yes.

9 ACTING PRESIDENT BAILEY: The  
10 sponsor yields.

11 SENATOR O'MARA: So the Legislature  
12 has no role of confirming any one of the three  
13 members to this commission.

14 SENATOR RAMOS: That is correct,  
15 Mr. President.

16 SENATOR O'MARA: Through you,  
17 Mr. President, if the sponsor will yield.

18 ACTING PRESIDENT BAILEY: Will the  
19 sponsor yield?

20 SENATOR RAMOS: Yes.

21 ACTING PRESIDENT BAILEY: The  
22 sponsor yields.

23 SENATOR O'MARA: Under the wage  
24 board section, as I read it, the wage board has  
25 to meet by March 1st of 2020.

1                   SENATOR RAMOS:    That is correct,  
2   Mr. President.

3                   SENATOR O'MARA:   Through you,  
4   Mr. President.

5                   ACTING PRESIDENT BAILEY:   Will the  
6   sponsor yield for another question?

7                   SENATOR RAMOS:    Yes.

8                   ACTING PRESIDENT BAILEY:   The  
9   sponsor yields.

10                  SENATOR O'MARA:   This law takes  
11   effect January 1, 2020, so two months before that  
12   date, correct?

13                  SENATOR RAMOS:    That is correct,  
14   Mr. President.

15                  SENATOR O'MARA:   Through you,  
16   Mr. President, if the sponsor will yield.

17                  ACTING PRESIDENT BAILEY:   Will the  
18   sponsor yield?

19                  SENATOR RAMOS:    Yes.

20                  ACTING PRESIDENT BAILEY:   The  
21   Senator yields.

22                  SENATOR O'MARA:   The wage board is  
23   required to hold public hearings no later than  
24   the first one being 45 days after the wage board  
25   is convened, correct?

1                   SENATOR RAMOS:   That is correct,  
2   Mr. President.

3                   SENATOR O'MARA:   And they have to  
4   report -- through you, Mr. President, if the  
5   sponsor will yield.

6                   ACTING PRESIDENT BAILEY:   Will the  
7   sponsor yield?

8                   SENATOR RAMOS:   Yes.

9                   ACTING PRESIDENT BAILEY:   The  
10   sponsor yields.

11                  SENATOR O'MARA:   And the wage board  
12   has to do a report by December 31, 2020, but if  
13   they get their work done earlier, they could  
14   report earlier, correct?

15                  SENATOR RAMOS:   If they so choose,  
16   Mr. President.

17                  SENATOR O'MARA:   And then --  
18   through you, Mr. President.

19                  ACTING PRESIDENT BAILEY:   Will the  
20   sponsor yield?

21                  SENATOR RAMOS:   Yes.

22                  ACTING PRESIDENT BAILEY:   The  
23   sponsor yields.

24                  SENATOR O'MARA:   When the wage  
25   board reports back to the Commissioner of Labor,

1 the Commissioner of Labor shall immediately  
2 implement the recommendations of that wage board;  
3 correct?

4 SENATOR RAMOS: Mr. President,  
5 nowhere in the bill does it say immediately.

6 SENATOR O'MARA: Through you,  
7 Mr. President.

8 ACTING PRESIDENT BAILEY: Will the  
9 sponsor yield for a question?

10 SENATOR RAMOS: Yes.

11 ACTING PRESIDENT BAILEY: The  
12 sponsor yields.

13 SENATOR O'MARA: The language does  
14 state that the commissioner shall comply with the  
15 report, though, correct? Even though it doesn't  
16 say immediately.

17 SENATOR RAMOS: Okay. Was that a  
18 question or statement? I'm sorry, I don't know  
19 what that was.

20 ACTING PRESIDENT BAILEY:  
21 {Inaudible.}

22 SENATOR O'MARA: It was a question.  
23 So the commissioner is required to follow the  
24 recommendations of the wage board once they're  
25 received, although it doesn't say immediately.

1                   SENATOR RAMOS:    That is correct,  
2   Mr. President.

3                   SENATOR O'MARA:    So in essence,  
4   since this board -- through you, Mr. President,  
5   if the sponsor will yield.

6                   ACTING PRESIDENT BAILEY:   Will the  
7   sponsor yield?

8                   SENATOR RAMOS:    Yes.

9                   ACTING PRESIDENT BAILEY:   The  
10   sponsor yields.

11                   SENATOR O'MARA:    This wage board,  
12   if it's appointed timely -- which is a long shot  
13   around here -- and it has to meet by March 1,  
14   2020 and it has to have public hearings in 45  
15   days from when they were first appointed. So  
16   45 days, if they're there on January 1st, would  
17   be about the middle of February. They could have  
18   completed their work and issued a report by the  
19   end of February to the Commissioner of Labor if  
20   they do this very quickly, correct?

21                   SENATOR RAMOS:    If they choose,  
22   Mr. President.

23                   SENATOR O'MARA:    And in that  
24   case -- through you, Mr. President, will the  
25   sponsor yield?

1                   ACTING PRESIDENT BAILEY:   Will the  
2 sponsor yield?

3                   SENATOR RAMOS:    Yes.

4                   ACTING PRESIDENT BAILEY:   The  
5 sponsor yields.

6                   SENATOR HELMING:   Then the  
7 commissioner of Labor, around late February,  
8 under this timing scenario, could completely undo  
9 what's set forth in this law that we're doing  
10 here now.  It could lower the 60 hours to  
11 40 hours; correct?

12                  SENATOR RAMOS:    I'm so sorry, if  
13 the Senator could repeat his question.

14                  SENATOR O'MARA:   Gladly.

15                  ACTING PRESIDENT BAILEY:   Please  
16 repeat your question.

17                  SENATOR O'MARA:   So if they do  
18 their report expeditiously and they issue a  
19 report by the end of February 2020 that goes to  
20 the commissioner, and the commissioner has to  
21 follow those recommendations -- albeit not  
22 immediately, but if he chooses to do so, or she  
23 chooses to do so -- and the wage board recommends  
24 that the hours should be 40 hours rather than 60  
25 before overtime kicks in, that would go into

1 effect, say, in March of 2020.

2 SENATOR RAMOS: I believe that the  
3 board would have to determine when the new  
4 threshold would have to go into effect based on  
5 the indicators that they've analyzed.

6 But again, this would be a very  
7 unprecedented thing. The way wage boards have  
8 traditionally worked, they've provided very  
9 thorough analysis and made recommendations that  
10 are smart and responsible.

11 SENATOR O'MARA: Through you,  
12 Mr. President.

13 ACTING PRESIDENT BAILEY: Will the  
14 sponsor yield for a question?

15 SENATOR RAMOS: Sure.

16 ACTING PRESIDENT BAILEY: The  
17 sponsor yields.

18 SENATOR O'MARA: I would certainly  
19 agree with you that that's certainly the way  
20 things usually work around here, because nothing  
21 gets done timely. But under the scenario I've  
22 laid out, it could happen and the wage board  
23 could recommend that the threshold is 40 hours  
24 for overtime before the end of February in 2020.

25 SENATOR RAMOS: They could,

1 Mr. President.

2 SENATOR O'MARA: Now -- if the  
3 sponsor will yield.

4 ACTING PRESIDENT BAILEY: Will the  
5 sponsor yield?

6 SENATOR RAMOS: Yes.

7 ACTING PRESIDENT BAILEY: The  
8 sponsor yields.

9 SENATOR O'MARA: Now, Section 6 on  
10 page 11 indicates that the wage board shall  
11 consider existing overtime rates in similarly  
12 situated industries in New York State.

13 Can the sponsor tell us what your  
14 intent is and what other similarly situated  
15 industries are in New York State?

16 SENATOR RAMOS: Mr. President, the  
17 purpose of the board is to determine exactly  
18 that.

19 SENATOR O'MARA: Through you,  
20 Mr. President.

21 ACTING PRESIDENT BAILEY: Will the  
22 sponsor yield for a question?

23 SENATOR RAMOS: Yes.

24 ACTING PRESIDENT BAILEY: The  
25 sponsor yields.



1                   SENATOR O'MARA:    Can you provide me  
2   any examples of similarly situated industries in  
3   New York State?

4                   SENATOR RAMOS:    We needed a  
5   mechanism, Mr. President, recognizing how unique  
6   the farm industry is, and that's why we've  
7   decided to proceed this way.

8                   SENATOR O'MARA:    Through you,  
9   Mr. President.

10                  ACTING PRESIDENT BAILEY:   Will the  
11   sponsor yield for a question?

12                  SENATOR RAMOS:    Yes.

13                  ACTING PRESIDENT BAILEY:   The  
14   sponsor yields.

15                  SENATOR O'MARA:    So is it your  
16   opinion, then, that the farming and agricultural  
17   industry in New York is so unique that there are  
18   not other similarly situated industries in  
19   New York State?

20                  SENATOR RAMOS:    Mr. President,  
21   yeah, I believe that farm work is very different  
22   than a lot of other work.  I mean, maybe it's  
23   comparable, especially as -- in regards to the  
24   toll it takes on your body physically, to  
25   construction work, somewhat.  But it's a

1 different industry with different -- much more  
2 wealthier employers and in that way is not really  
3 comparable to the agricultural industry.

4 SENATOR O'MARA: Through you,  
5 Mr. President.

6 ACTING PRESIDENT BAILEY: Will the  
7 sponsor yield for a question?

8 SENATOR RAMOS: Yes.

9 ACTING PRESIDENT BAILEY: The  
10 sponsor yields.

11 SENATOR O'MARA: Senator, that is  
12 my point, that farming is unique, that it doesn't  
13 line up with any other similar industries, and  
14 that's why it's been treated differently for as  
15 long as it has and why it's been treated  
16 specially. And the uniqueness and the burdens to  
17 the farmer, the farm owner and the industry  
18 dictates that sometimes normal hours don't fit in  
19 the farming schedule. Would you agree?

20 SENATOR RAMOS: Mr. President, I  
21 would beg to differ.

22 I would say that the reason that  
23 farmworkers were carved out of the New York State  
24 Constitution and aren't afforded many labor  
25 rights in comparison to other workers is because

1 when our constitution was written, most  
2 farmworkers were black. So I would argue that  
3 the reason why these workers have been carved out  
4 traditionally, and even in the New Deal, I would  
5 argue, when there was still a lot of  
6 sharecroppers, is because of racism.

7 SENATOR O'MARA: If the sponsor  
8 will yield.

9 ACTING PRESIDENT BAILEY: Will the  
10 sponsor yield for a question?

11 SENATOR RAMOS: Yes.

12 SENATOR O'MARA: On the wage board  
13 recommendations, can the wage board come back and  
14 recommend less than 40 hours requiring overtime  
15 to be paid to the farm laborer?

16 SENATOR RAMOS: Mr. President, that  
17 is not outlined in the bill. So in theory, yes,  
18 it's possible, but not probable.

19 SENATOR O'MARA: On the bill,  
20 Mr. President.

21 ACTING PRESIDENT BAILEY: Senator  
22 O'Mara on the bill.

23 SENATOR O'MARA: Mr. President,  
24 this legislation is nothing more than a sham, an  
25 affront to cover up changing an entire industry

1 through a wage board set up by this body that we  
2 have no control over, no say over, no ability to  
3 check and change what they come up with. We are  
4 stuck with what the wage board comes up with.  
5 And as these boards are put together, we know  
6 that the deck is stacked against business and  
7 against that farm owner.

8           This is another example of us  
9 passing the buck here and not making the tough  
10 decisions ourself. You know, two years ago the  
11 Legislature passed a legislative pay commission  
12 because we didn't have the balls to pass a raise  
13 for ourself. And we're living with the result of  
14 that now.

15           Then this year we created two more  
16 commissions, one for congestion pricing or a  
17 commuter tax on taxpayers in New York City that  
18 will put burdens on New York City workers and  
19 residents -- to what level, we don't know. But  
20 we know from track records it will not be good.

21           We have set forth another commission  
22 to set up taxpayer-financed campaigns because  
23 this body didn't have the guts to make the  
24 decision of what that should be or not be. We  
25 will pay the price for that at well over

1     \$200 million a year.

2                   Now we pass the buck because we  
3     can't make a tough choice on how to treat  
4     farmworkers the way they've traditionally  
5     operated the farm industry in New York State -- I  
6     would argue the most important industry in  
7     New York State, the most basic and necessary  
8     industry in New York State. And we stand today  
9     taking action that will crush, potentially, this  
10    industry in New York State.

11                   Thank you, Mr. President.

12                   ACTING PRESIDENT BAILEY:     Senator  
13     Ritchie.

14                   SENATOR RICHIE:     Thank you,  
15     Mr. President. Would the sponsor yield for a few  
16     questions?

17                   ACTING PRESIDENT BAILEY:     Does the  
18     sponsor yield?

19                   SENATOR RAMOS:     Yes.

20                   ACTING PRESIDENT BAILEY:     The  
21     sponsor yields.

22                   SENATOR RITCHIE:     Senator Ramos, can  
23     you --

24                   SENATOR RAMOS:     Rah-mos.

25                   SENATOR RITCHIE:     -- Rah-mos, can

1     you once again explain to me the wage board? It  
2     is a representative of the AFL-CIO, Farm Bureau,  
3     and someone who is picked by the Department of  
4     Labor?

5                 SENATOR RAMOS:     Mr. President, by  
6     the Commissioner of Labor in consultation with  
7     the Commissioner of Agriculture and Markets.

8                 SENATOR RITCHIE:     Will the sponsor  
9     continue to yield?

10                ACTING PRESIDENT BAILEY:     Will the  
11     sponsor yield?

12                SENATOR RAMOS:     Yes.

13                ACTING PRESIDENT BAILEY:     The  
14     sponsor yields.

15                SENATOR RITCHIE:     Earlier the  
16     question was asked why the Commissioner of Ag &  
17     Markets was not picked given his familiarity with  
18     the ag industry. Could you explain why the  
19     Commissioner of Ag & Markets wasn't the designee  
20     instead of the Department of Labor?

21                SENATOR RAMOS:     Mr. President,  
22     the -- by law, the Department of Labor has to be  
23     the -- has to provide oversight by the wage  
24     board. But this is exactly why we wanted to make  
25     sure that we worked into the bill that it would

1 be done in consultation with the Commissioner of  
2 Ag & Markets.

3 SENATOR RITCHIE: Will the sponsor  
4 continue to yield?

5 ACTING PRESIDENT BAILEY: Will the  
6 sponsor yield?

7 SENATOR RAMOS: Yes.

8 ACTING PRESIDENT BAILEY: The  
9 sponsor yields.

10 SENATOR RITCHIE: Can you explain  
11 why you wouldn't have added a fourth member or  
12 even a fifth member, if you were afraid of a tie,  
13 by including the commissioner of Ag & Markets?

14 SENATOR RAMOS: Mr. President, the  
15 whole idea behind having an odd number on a panel  
16 is to be able to arrive at a decision. So even  
17 if you think about a five-person panel, if each  
18 commissioner is giving two people, well, then  
19 you're just exponentially growing the panel to  
20 many more parties that might not necessarily be  
21 the environment that's most conducive to a  
22 decision.

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

25 ACTING PRESIDENT BAILEY: Will the

1 sponsor yield?

2 SENATOR RAMOS: Yes.

3 ACTING PRESIDENT BAILEY: The  
4 sponsor yields.

5 SENATOR RITCHIE: Do you not think  
6 it's problematic, though, that -- earlier you  
7 said a quorum is two out of a three and that the  
8 Labor Department has already come out and said  
9 they support this bill, that technically somebody  
10 who's on record as supporting the bill and also  
11 the AFL-CIO representative would be the only two  
12 that may have -- that may vote?

13 SENATOR RAMOS: No, Mr. President.  
14 Because again, the Farm Bureau is also on the  
15 board, and the commissioner of Ag & Markets is  
16 able to consult with the Department of Labor  
17 commissioner to determine who their pick is.

18 SENATOR RITCHIE: If the sponsor  
19 would continue to yield.

20 ACTING PRESIDENT BAILEY: Does the  
21 sponsor yield?

22 SENATOR RAMOS: Yes.

23 ACTING PRESIDENT BAILEY: The  
24 sponsor yields.

25 SENATOR RITCHIE: But to clarify,



1 the representative from the AFL-CIO and the  
2 representative from the Department of Labor can  
3 act separately and make a decision, since it only  
4 takes two out of three, to agree with the wage  
5 board decision.

6 SENATOR RAMOS: Mr. President, not  
7 necessarily. Because the Department of Labor  
8 person will have been chosen in consultation with  
9 the Commissioner of Ag & Markets.

10 SENATOR RITCHIE: If the sponsor  
11 would continue to yield.

12 ACTING PRESIDENT BAILEY: Does the  
13 sponsor yield?

14 SENATOR RAMOS: Yes.

15 ACTING PRESIDENT BAILEY: The  
16 sponsor yields.

17 SENATOR RITCHIE: I'm assuming,  
18 since the representative from the Department of  
19 Labor is the lead, and only in consultation with  
20 Ag & Markets, if there's a disagreement between  
21 the two, the Department of Labor is going to take  
22 precedence and she -- and the department has  
23 already come out in support of this bill.

24 SENATOR RAMOS: Okay,  
25 Mr. President.

1                   SENATOR RITCHIE:    If the sponsor  
2 would continue to yield.

3                   ACTING PRESIDENT BAILEY:   Will the  
4 sponsor yield?

5                   SENATOR RAMOS:    Yes.

6                   ACTING PRESIDENT BAILEY:   The  
7 sponsor yields.

8                   SENATOR RITCHIE:   Do you not see  
9 that as the deck being stacked against them?

10                  SENATOR RAMOS:    No, Mr. President.

11                  SENATOR RITCHIE:   If the sponsor  
12 yield would continue to yield.

13                  ACTING PRESIDENT BAILEY:   Will the  
14 sponsor yield?

15                  SENATOR RAMOS:    Yes.

16                  ACTING PRESIDENT BAILEY:   The  
17 sponsor yields.

18                  SENATOR RITCHIE:   If you were  
19 representing one of your labor groups and you  
20 came in and you saw that two out of three votes  
21 would make the decision and two parties had  
22 already come out in support of what you were  
23 against, would you not think the deck was stacked  
24 against you at that point?

25                  SENATOR RAMOS:    Mr. President, I

1 believe the entire economy is rigged in favor of  
2 rich people and employers and big business in  
3 general. So yes, I would want to make sure that  
4 if a wage board is to protect a class of workers,  
5 that the workers' best interests will be  
6 represented on said board.

7 SENATOR RITCHIE: If the sponsor  
8 would continue to yield.

9 ACTING PRESIDENT BAILEY: Will the  
10 sponsor yield?

11 SENATOR RAMOS: Yes.

12 ACTING PRESIDENT BAILEY: The  
13 sponsor yields.

14 SENATOR RITCHIE: I certainly  
15 appreciate your sentiment. And I'm certainly not  
16 here advocating for mistreatment of workers. I  
17 have, in 2017, 2,657 farms in my district. And I  
18 am neighbors with a lot of them. And there's bad  
19 actors like there are in every profession. But  
20 I've never been to a farm that I've talked with a  
21 worker, even candidly, where there's been an  
22 issue.

23 So I understand where you're coming  
24 from, but I'm looking to make sure that our farms  
25 have an equal footing, that this is a fair

1 process. And given the fact that the Department  
2 of Labor has already said they supported this  
3 bill, AFL-CIO is the other member, and Farm  
4 Bureau is the odd man out, it looks like the  
5 decision's already been made because it's already  
6 two to one.

7 So do you believe this process is  
8 fair?

9 SENATOR RAMOS: Mr. President, I  
10 do. Because the decisionmakers are basing their  
11 analysis on real economic indicators. And these  
12 are the very same people, the very same  
13 stakeholders that were -- that came to the table  
14 in order to produce this bill. I mean, you  
15 yourselves across the aisle said that the  
16 Farm Bureau only released their memo of  
17 opposition until this morning. So would then, by  
18 that definition, you feel that they're not an  
19 accurate representation of farmers?

20 SENATOR RITCHIE: If the sponsor  
21 would continue to yield.

22 ACTING PRESIDENT BAILEY: Will the  
23 sponsor yield?

24 SENATOR RAMOS: Yes.

25 ACTING PRESIDENT BAILEY: The

1 sponsor yields.

2 SENATOR RITCHIE: You just  
3 referenced the economic viability of this whole  
4 situation. So I would ask, does the sponsor  
5 realize that 2,000 farms in New York State in the  
6 last five years have closed their doors, 500 of  
7 which were dairy, which is triple the average?

8 SENATOR RAMOS: Yes, Mr. President.

9 SENATOR RITCHIE: Will the sponsor  
10 continue to yield?

11 ACTING PRESIDENT BAILEY: Will the  
12 sponsor yield?

13 SENATOR RAMOS: Yes.

14 ACTING PRESIDENT BAILEY: The  
15 sponsor yields.

16 SENATOR RITCHIE: Does the  
17 sponsor -- what does the sponsor think the reason  
18 for that is?

19 SENATOR RAMOS: Well,  
20 Mr. President, quite frankly I believe that there  
21 is a huge decrease in consumer -- in the  
22 consumption of milk. I understand from the dairy  
23 farms that I visited that a lot of the milk that  
24 we produce ends up going towards cottage cheese  
25 and yogurt and cheeses and things like that.

1 Those are becoming much more so the dairy  
2 products.

3 But even though there are fewer  
4 farms, the farms that produce dairy actually have  
5 been growing. They have -- there might be fewer  
6 farms, but there are more cows on them.

7 SENATOR RITCHIE: If the sponsor  
8 would continue to yield.

9 ACTING PRESIDENT BAILEY: Will the  
10 sponsor yield?

11 SENATOR RAMOS: Yes.

12 ACTING PRESIDENT BAILEY: The  
13 sponsor yields.

14 SENATOR RITCHIE: And I would say  
15 that most of those farms have closed their doors  
16 because they couldn't survive financially because  
17 the price of milk has been under the production  
18 cost for almost -- well, since almost 2010 now.  
19 So for many of those farms, they wanted to  
20 continue to operate, but financially it was not  
21 feasible.

22 So do you believe that this bill is  
23 going to continue to make that situation worse?

24 SENATOR RAMOS: Mr. President, I  
25 have great sympathy for the plight of farmers and

1 I really do believe that the federal government,  
2 and especially this current administration,  
3 hasn't done much to help our farmers.

4 But that, to me, is not an excuse to  
5 continue exploiting human beings, as the state  
6 has been up until today.

7 SENATOR RITCHIE: If the sponsor  
8 would continue to yield.

9 ACTING PRESIDENT BAILEY: Will the  
10 sponsor yield?

11 SENATOR RAMOS: Yes.

12 ACTING PRESIDENT BAILEY: The  
13 sponsor yields.

14 SENATOR RITCHIE: Well, first, I  
15 guess for the record, I'd like to disagree with  
16 you that we're exploiting the workers. Once  
17 again, I'm sure there are cases, and those cases  
18 should actually be taken care of.

19 But for all the farms that are in my  
20 district that I visited, the farmworkers there  
21 are happy. They want to work as many hours as  
22 they can. And this is concerning for them as  
23 much as for the farmers themselves.

24 Would the sponsor continue to yield?

25 ACTING PRESIDENT BAILEY: Does the

1 sponsor yield?

2 SENATOR RAMOS: Yes, but I'd like  
3 to respond to her point, if that's okay.

4 ACTING PRESIDENT BAILEY: Senator  
5 Ramos to respond.

6 SENATOR RAMOS: The whole entire  
7 purpose of this bill is to make sure that there  
8 is no confusion as to how a farmworker should be  
9 treated.

10 Look, in my travels and in the three  
11 public hearings that we held, I too only came  
12 across farmers who say that they've been doing  
13 the right thing by their own volition. All I'm  
14 saying is that it shouldn't be left up to the  
15 farmworker's luck to come across a good employer.

16 SENATOR RITCHIE: If the sponsor  
17 would continue to yield.

18 ACTING PRESIDENT BAILEY: Will the  
19 sponsor yield?

20 SENATOR RAMOS: Yes.

21 ACTING PRESIDENT BAILEY: The  
22 sponsor yields.

23 SENATOR RITCHIE: Senator, I know  
24 that you're certainly concerned about suicide.  
25 There's been your bill and a number of bills that



1 have been passed. Do you know that for our  
2 farmers it's the highest rate of suicide, five  
3 times the average of the general public?

4 SENATOR RAMOS: Yes, Mr. President.

5 SENATOR RITCHIE: Will the sponsor  
6 continue to yield?

7 ACTING PRESIDENT BAILEY: Will the  
8 sponsor yield?

9 SENATOR RAMOS: Yes.

10 ACTING PRESIDENT BAILEY: The  
11 sponsor yields.

12 SENATOR RITCHIE: Would the Senator  
13 care to guess what the reason is for that?

14 SENATOR RAMOS: I would imagine,  
15 Mr. President, that they're worried about the  
16 economics of their farm. And again, I have  
17 sympathy for that. And I do believe that our  
18 federal government has not necessarily treated  
19 our agricultural industry in the right way.

20 But nevertheless, that is not an  
21 excuse to ensure that you're making as much  
22 profit as possible at the expense and sacrifice  
23 of workers who also need to provide for their  
24 families.

25 SENATOR RITCHIE: If the sponsor

1 would continue to yield.

2 ACTING PRESIDENT BAILEY: Will the  
3 sponsor yield?

4 SENATOR RAMOS: Yes.

5 ACTING PRESIDENT BAILEY: The  
6 sponsor yields.

7 SENATOR RITCHIE: Could you just  
8 clarify on the day of rest? And I -- for the  
9 record, once again I want to say that I certainly  
10 support that. It's something that I've always  
11 supported. And any of the farm meetings that  
12 I've had, they've always been in support of a day  
13 of rest and, for any farm that I've been to,  
14 allow that.

15 But could you just explain to me, on  
16 the day of rest, if the farmworker volunteers to  
17 work, is it mandated that they receive overtime?

18 SENATOR RAMOS: Mr. President, yes.  
19 As previously discussed in another Senator's  
20 question, yes, they would be paid time and a half  
21 if they volunteer to work on their day off. And  
22 the day off would be defined as 24 hours of  
23 consecutive rest.

24 SENATOR RITCHIE: If the sponsor  
25 would continue to yield.

1                   ACTING PRESIDENT BAILEY:   Will the  
2 sponsor yield?

3                   SENATOR RAMOS:    Yes.

4                   ACTING PRESIDENT BAILEY:   The  
5 Senator yields.

6                   SENATOR RITCHIE:   Would you assume  
7 that this is going to hurt the bottom line for  
8 the farm that's already struggling, perhaps  
9 putting another farm or many farms out of  
10 business? But at the same time, could it  
11 actually harm the farmworker that you're trying  
12 to protect? Because if a farmer is not -- is  
13 just making it as it is and they have an  
14 opportunity to have somebody work on the day that  
15 was supposed to be their day of rest for time and  
16 a half or ask somebody else to work, that  
17 farmworker is not going to be the one that's  
18 called to work that day, would you assume that?

19                  SENATOR RAMOS:    No, Mr. President.  
20 In fact, one of the main complaints that I heard  
21 from farmers in my travels is that we have a  
22 labor shortage when it comes to farm work. And  
23 so what I think will be a huge benefit of this  
24 bill is that it will be much more attractive to  
25 work on a farm because they'll know that their

1 working conditions will be better.

2 SENATOR RITCHIE: Will the sponsor  
3 continue to yield?

4 ACTING PRESIDENT BAILEY: Will the  
5 sponsor yield?

6 SENATOR RITCHIE: I'm almost --

7 SENATOR RAMOS: Yes.

8 SENATOR RITCHIE: I'll wrap up here  
9 in a moment.

10 ACTING PRESIDENT BAILEY: The  
11 sponsor yields.

12 SENATOR RITCHIE: Just a question  
13 on the 60-hour work week. At the beginning of  
14 the discussion you referenced the fact that  
15 Farm Bureau was on board with that. I assume  
16 they were on board because they thought it was  
17 going to be 60 hours, but now after the  
18 discussion with Senator O'Mara it looks like by  
19 February the agreement could now be back to the  
20 40 hours a week which was the original bill. Is  
21 that correct?

22 SENATOR RAMOS: It's correct that  
23 the 40 hours was in the original bill,  
24 Mr. President.

25 But based on Senator O'Mara's

1 hypothetical assertion, it's improbable based on  
2 precedence that we will automatically go to  
3 40 hours, given the economic indicators of the  
4 agricultural industry. That is certainly not  
5 responsible.

6 SENATOR RITCHIE: Would the sponsor  
7 yield for one last question?

8 ACTING PRESIDENT BAILEY: Will the  
9 sponsor yield?

10 SENATOR RAMOS: Yes.

11 ACTING PRESIDENT BAILEY: The  
12 sponsor yields.

13 SENATOR RITCHIE: I guess the big  
14 question for me is I certainly understand and  
15 it's laudable that you want to protect the  
16 farmworkers. At the same time, we've got to  
17 protect our farms. What's going to happen if the  
18 trend continues and the rest of our farms across  
19 New York State have to close their doors?  
20 What's -- what's going to happen?

21 SENATOR RAMOS: Mr. President, I  
22 don't believe that farms across the state will  
23 have to close their doors. This to me sounds  
24 very much like when business owners complain that  
25 they'll have to close their doors when the

1 minimum wage rises. In fact, when the minimum  
2 wage rose across -- outside of New York City, in  
3 Long Island and upstate, we heard the very same  
4 argument. But that's certainly not a reason why,  
5 in all of the hearings and from all of the  
6 farmers who testified, a reason that was cited.

7 SENATOR RITCHIE: On the bill.

8 ACTING PRESIDENT BAILEY: Senator  
9 Ritchie on the bill.

10 SENATOR RITCHIE: I certainly want  
11 to thank the Senator for the answers to my  
12 questions.

13 I do disagree with her when she says  
14 that she doesn't believe any farms are going to  
15 close. I actually heard the same thing when it  
16 came to the fast food workers. And we had a  
17 little bit of this discussion a few weeks ago  
18 about kiosks and how no one's lost any jobs.

19 Well, I can tell you in my district,  
20 the very next week that the fast food wage went  
21 into effect, the McDonald's closed. And the  
22 McDonald's closed because they couldn't afford to  
23 pay the new wage and to invest in a drive-through  
24 which they needed.

25 And I'm sure some people in here are

1 chuckling to themselves, Who cares about 60  
2 McDonald's workers? I do. Every single job in  
3 my district counts. Sixty jobs at McDonald's,  
4 those people -- they counted on that. And that's  
5 exactly what was said was going to happen. And I  
6 can give you the information. This is not just a  
7 story, this is exactly what happened.

8                   And pretty much every week since  
9 then, when I run into somebody who works at a  
10 fast food restaurant, they tell me, You know  
11 what, my hours were cut. My hours were cut  
12 because they can't afford it, they're not calling  
13 me in.

14                   So whether we want to agree or not  
15 that this is going to have an effect on our  
16 family farm, yes, I think we should watch out for  
17 the farmworkers. I believe they should have a  
18 day of rest like our farmers have, for the last,  
19 you know, number of years.

20                   But I also believe it's  
21 irresponsible if we don't watch out for our  
22 family farms. Because whether anyone thinks it's  
23 going to happen or not, the fact that we've lost  
24 2,000 farms in the last five years and the fact  
25 that every farmer that I talk to, whether they're

1 big, medium or small, they're teetering on the  
2 brink of disaster right now. You can ask  
3 Farm Credit or anyone that deals with our  
4 farmers; they can't take much more.

5 So for that reason, Mr. President, I  
6 vote no.

7 ACTING PRESIDENT BAILEY: Senator  
8 Gianaris.

9 SENATOR GIANARIS: Thank you.

10 Mr. President, recognizing the  
11 importance of this issue and wanting to have  
12 everyone heard, but also recognizing the lateness  
13 of the hour, can you please recognize Senator  
14 Griffo for a comment.

15 ACTING PRESIDENT BAILEY: Senator  
16 Griffo.

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

19 I do agree this is a significant  
20 issue and very important issue, as you can  
21 understand and appreciate and witnessed here in  
22 the debate. But in accordance with the Senate  
23 rules, we have reached a two-hour limit here.  
24 Upon consultation, though, with the Majority, we  
25 have agreed to extend the opportunity to continue



1 to be heard.

2 We have several speakers that still  
3 will remain on the list. I ask just that we  
4 continue to be mindful of that and be concise,  
5 and we will continue.

6 And thank you for the opportunity to  
7 continue this important debate on this  
8 significant issue.

9 ACTING PRESIDENT BAILEY: Thank  
10 you, Senator Griffo.

11 Senator Helming.

12 SENATOR HELMING: Thank you,  
13 Mr. President. On the bill.

14 ACTING PRESIDENT BAILEY:  
15 Senator Helming on the bill.

16 SENATOR HELMING: I appreciate the  
17 fact that the sponsor of this legislation, as  
18 well as the Senate chair of the Agricultural  
19 Committee, recognize that the Farmworkers Fair  
20 Labor Practices Act, as originally introduced,  
21 was anything but fair to our farmworkers and our  
22 farmers.

23 And while I commend the attempts to  
24 balance the needs of our farmers and their  
25 employees, the amended version before us still

1 falls short.

2 I represent a very large  
3 geographical area. It's comprised of hundreds of  
4 farms and thousands of acres of farmland. In  
5 fact, I live in the heart of an agricultural  
6 community. My home was once the main home for a  
7 dairy farm. The dairy farm still surrounds my  
8 home. My neighbors are farmers and farmworkers.

9 The people back home refer to this  
10 bill as the Farmworkers Flee New York Act. They  
11 see this as just one more Albany-driven  
12 job-killing regulation that's unrealistic for our  
13 small and large farms.

14 The farmers and farmworkers that  
15 I've heard from believe this bill is an example  
16 of what happens when New York City, a place that  
17 enjoys farm markets but has very few farms --  
18 tries to legislate business that they don't  
19 understand.

20 Based on some of the comments that  
21 I've heard this evening, I would offer that it  
22 takes more than a few trips to farms and three  
23 public hearings -- none of which were held in the  
24 Finger Lakes, Western New York, North Country or  
25 the Southern Tier -- to understand the daily toil

1 or how weather and other variables impact  
2 day-to-day work.

3           Since January, farmers have shared  
4 with me their concerns about the potential impact  
5 of this bill. Many of them have summarized that  
6 this may be a good time to exit farmers, but  
7 their concern is about their employers, who they  
8 view as extended family members.

9           Already farms in my district have  
10 stopped planting crops and instead they've  
11 planted the "For Sale" signs. So this means  
12 there will be repercussions in terms of loss of  
13 jobs and also loss of valuable ag soils, as these  
14 properties will most likely be sold for  
15 development.

16           One family I visited with, they've  
17 been in the ag business for eight generations.  
18 It was sad to hear that their son, the next  
19 generation, has left New York State for more  
20 business-friendly pastures in North Carolina --  
21 again, taking jobs with him.

22           This devastating bill impacts the  
23 entire industry and especially our small family  
24 farms and their employees. It directly affects  
25 upstate's top job creator. And so this amended

1 bill, in my opinion, is not a compromise at all.  
2 When lawmakers fail to listen and legislate  
3 anyway to claim victory, it's not a good day for  
4 our farmers or our farmworkers. Hundreds,  
5 hundreds of farmworkers spoke at a recent --  
6 showed up at a recent rally here in Albany and  
7 were against this legislation.

8               Organizations from across the state  
9 who represent agriculture and tourism, the number  
10 one and two economic drivers in the state, stand  
11 united against this job-killing proposal. These  
12 19 -- and I repeat, 19 -- organizations opposed  
13 to this legislation include the Farm Bureau, the  
14 New York State Vegetable Growers Association, the  
15 Northeast Dairy Producers Association, the  
16 New York Apple Association, Agri-Mark Dairy  
17 Cooperative, Upstate Niagara Cooperative, Cayuga  
18 Marketing Ingredients, Empire State Council of  
19 Agricultural Organizations, New York State  
20 Horticultural Society, New York Wine Industry,  
21 New York Wine Grape Growers, the Long Island Wine  
22 Council, Agricultural Affiliates, Northeast  
23 Agribusiness, Empire State Forest Products,  
24 New York Association of Ag Educators, and the  
25 New York Thoroughbred Breeders.

1                   These organizations came to the  
2 table, and they were willing to compromise. But  
3 in the end, it is clear that a compromise that  
4 valued and appreciated the very different  
5 businesses of our farms, one that runs on  
6 patterns of weather, on the collaborative sweat  
7 of farmers standing shoulder to shoulder with  
8 their employees, was not achieved.

9                   This is anything but fair or good  
10 for upstate. We have already watched politicians  
11 kill tens of thousands of potential downstate job  
12 opportunities. Upstate lawmakers, well, we're a  
13 different crop. We like jobs and we believe that  
14 this legislation is bad. It's another nail in  
15 the coffin for upstate's economy.

16                   I stand with the farmers and the  
17 farmworkers opposed to this legislation, and all  
18 19 of those organizations, and I will be voting  
19 no.

20                   ACTING PRESIDENT BAILEY:    Senator  
21 Jordan.

22                   SENATOR JORDAN:    Mr. President and  
23 my colleagues, I rise to speak on the bill.

24                   ACTING PRESIDENT BAILEY:    Senator  
25 Jordan on the bill.

1                   SENATOR JORDAN:    I've been proud to  
2   serve on the Agricultural Committee in which  
3   considerable effort was put in to support and  
4   advance legislation to grow our agricultural  
5   industry, provide relief for our farm families,  
6   and to feed New York New York-grown food.

7                   My 43rd Senate District is home to  
8   many hardworking family farmers. In fact,  
9   400,000 acres of farmland are in the 43rd Senate  
10   District. Family farmers work hard, from sunup  
11   to sundown, and do an incredible job growing the  
12   award-winning nutritious crops that feed  
13   New York's families.

14                  However, despite their incredible  
15   pride, work ethic and productivity, our family  
16   farmers face challenges as never before. A  
17   bitter crop of high taxes, rising labor and  
18   energy costs, more mandates and government red  
19   tape conspire against farmers, making it  
20   extremely difficult for many to stay in business.

21                  Sadly, 20 percent of New York's  
22   dairy farms have closed in the last five years.  
23   That's a tragedy, a tragedy that this bill will  
24   compound. Especially when you consider that  
25   agriculture is the number-one industry in

1 New York State. We are losing not just a vital  
2 part of our economy but an important and  
3 cherished way of life.

4 This bill before us, advanced by the  
5 Senate Democratic Majority, would add to the  
6 challenges already faced by farmers. An earlier  
7 independent study by Farm Credit East, also  
8 mentioned by Senator Ortt earlier, estimated that  
9 this legislation's costly labor mandates would  
10 add \$299 million in expenses onto the backs of  
11 farmers, reducing net farm income by 23 percent.

12 While the bill was recently amended,  
13 there are still numerous concerns with this  
14 legislation. The specific concerns were shared  
15 with all of us by Grow NY Farms, a nonpartisan,  
16 independent, broad-based coalition representing  
17 the agricultural interests of New Yorkers. And I  
18 was going to list all of those that signed their  
19 memo of opposition, but Senator Helming already  
20 did.

21 This list, this list of signatures  
22 should mean something to all of us. My  
23 colleagues Senator Ranzenhofer already -- and  
24 Senator Ortt, Senator LaValle, all those that  
25 spoke before me have pointed out the troubling

1 issues brought out in the Grow NY Farms  
2 opposition memo. They are real problems.

3           Given all of these concerns  
4 discussed by all before me, and all of the  
5 unanswered questions at the very time so many of  
6 New York's family farmers are struggling, this  
7 bill, with its new mandates and additional costs  
8 that will drive more family farms out of  
9 business -- which is why I call it the Farm  
10 Foreclosure Bill -- isn't something I can  
11 support. Just remember, no New York farms, no  
12 farm jobs, no New York food.

13           I encourage my colleagues to vote no  
14 on this damaging bill -- and I was going to say  
15 "of epic proportions," but I've changed it to "of  
16 locust proportions." Think about it.

17           I will be voting no. I encourage my  
18 colleagues to vote no. Thank you, Mr. President.

19           ACTING PRESIDENT BAILEY: Senator  
20 Jacobs.

21           SENATOR JACOBS: Thank you,  
22 Mr. President. On the bill. I'll be brief.

23           ACTING PRESIDENT BAILEY: Senator  
24 Jacobs on the bill.

25           SENATOR JACOBS: I'll be brief, and



1 I want to appreciate the opportunity that was  
2 afforded to extend some more time to talk on this  
3 important issue. But then again, as was  
4 mentioned, this is the number-one economic driver  
5 in our state, so we should talk about it, and as  
6 long as it's needed. And I certainly hope some  
7 here may reconsider where they're going to go on  
8 a vote.

9               Recently in my district I met with a  
10 number of farmers, around seven farm owners.  
11 Always amazing people to meet with. I always  
12 feel bad when I meet with them during the day;  
13 unless it's torrentially downpouring, I know that  
14 they would rather -- or feel the need to be  
15 working on their farm versus talking to me, and  
16 so I thank them for their time. And we talked a  
17 lot about the challenges that they face in an  
18 industry that's ever-changing.

19               And when you reflect on meeting with  
20 farmers and farm owners, you think about things,  
21 terminology like a way of life and heritage,  
22 tradition, commitment to pass on tradition. And  
23 I think we had a very interesting hearing  
24 recently on suicide and talked about the epic --  
25 epidemic level of suicide of our farmers. And

1 some of the discussion that happened was this  
2 feeling of obligation of farmers who were  
3 bequeathed this farm from their parents and  
4 grandparents, and the obligations to continue  
5 that tradition. And this is really being  
6 threatened ever more with what we're talking  
7 about tonight.

8                   When talking with these farmers --  
9 by the way, of the seven farmers I met with on  
10 this occasion, two of them were women who owned  
11 farms, and the one woman was 12th generation on  
12 that farm. Twelfth generation.

13                   But when I talked to them and  
14 brought up -- unfortunately, the topic of the day  
15 was this bill. And these farmers were not just  
16 concerned, they were not just annoyed, they were  
17 petrified. They were petrified at the prospect  
18 of what this bill, and what was in it, would do.  
19 And that considering the challenges that they  
20 already were facing, that this was existential,  
21 that this may be it, that this may be the last  
22 straw for the survival of a farm that had been in  
23 existence in one case for 12 generations.

24                   You know, when you talk about a  
25 debate like this, or any debate, usually you have

1 one side for and one side against. Here it would  
2 be the employer and the employee. The odd thing  
3 here is when I've talked to employees, they're  
4 against it too. Both the employees and the  
5 employers are against it. The employer, the farm  
6 owners, don't want it because it's going to make  
7 it -- they are not going to be competitive, and  
8 the workers are not going to be able to work as  
9 much as they want or have hindrances to do what  
10 they wanted.

11 So obviously it's outside interests  
12 and outside forces that are driving this debate,  
13 and that's really something that's really  
14 frustrating.

15 We talked tonight that this bill was  
16 a compromise. I don't think it's much of a  
17 compromise, going from -- to the 60 hours,  
18 because of the constraints that are on it. And  
19 there were talks that there was adjustments done,  
20 understanding that farming is different. But  
21 really not. We had the description of it could  
22 rain all week and very little hours, and yet you  
23 still have to pay overtime for working the final  
24 day on a Sunday if it's sunny out.

25 But the other concern I have is this

1 wage board and the odd way it's set up. And the  
2 fact that certain people can be on it and we  
3 don't need a quorum and the two people that kind  
4 of control it have already dictated they are for  
5 the 40-hour work week, not the 60 hour.

6 My concern is this is not a  
7 compromise, this is just one delay step towards  
8 the ultimate goal of the 40-hour week so the  
9 overtime can be triggered there. Which will most  
10 definitely be the death knell to the farms in our  
11 region -- in our state, rather.

12 So it's for all those reasons that I  
13 beg and I plead with my colleagues to postpone  
14 this decision, take more time, be more thoughtful  
15 so we don't make irreparable damage to this  
16 sector which is so part of our heritage, our  
17 economy, and our way of life.

18 With that, I vote no. Thank you,  
19 Mr. President.

20 ACTING PRESIDENT BAILEY: At this  
21 time the debate is closed.

22 The Secretary will ring the bell.

23 Read the last section.

24 THE SECRETARY: Section 25. This  
25 act shall take effect January 1, 2020.

1                   ACTING PRESIDENT BAILEY:   Call the  
2   roll.

3                   (The Secretary called the roll.)

4                   ACTING PRESIDENT BAILEY:   Order in  
5   the chamber, please.   Order in the chamber,  
6   please.

7                   Senator Metzger to explain her vote.

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

10                  Farmworkers have been historically  
11   without the rights that other workers in our  
12   state and our country have long enjoyed,  
13   including the most basic right to collective  
14   bargaining.   This is a wrong that we are finally  
15   righting today.

16                  But getting here has been neither  
17   simple nor straightforward.   The conditions of  
18   farming, the very nature of farming is uniquely  
19   different from other sectors of the economy.  
20   Farmworkers' and farmers' livelihood is dependent  
21   on conditions that are mostly beyond their  
22   control.   The weather dictates the hours they  
23   need to work.   Much of farming is seasonal.   An  
24   entire year's income is based on a short period  
25   when the crops are harvested.   In the market,

1 they are price-takers with little control over  
2 their costs.

3 We're very fortunate in New York  
4 that most of our farms are family-owned and small  
5 and midsized, and they produce a great diversity  
6 of products. But they also face great challenges  
7 to surviving, and we have been losing farms year  
8 after year.

9 So our great challenge was to reach  
10 agreement on legislation that protects the rights  
11 of farmworkers and ensures that they, like every  
12 other worker, can live a life with dignity while  
13 also taking into account the realities of  
14 farming. And I have always believed that it's  
15 possible to achieve this.

16 I asked my colleague and the sponsor  
17 of this legislation, Senator Ramos, to hold  
18 public hearings in farmers' communities so that  
19 we could hear directly from the farming  
20 community. This has never, ever been done in all  
21 of the years this legislation has been before  
22 this body. And Senator Ramos went beyond that.  
23 She organized roundtables, she visited farm  
24 tours, she went the distance to try to collect as  
25 much information as she could.

1                   From my perspective, it wasn't just  
2                   about collecting this information, it was about  
3                   taking what made sense into account and making  
4                   sure that that informed this house's position on  
5                   this legislation. This legislation did in fact  
6                   address the two great concerns of the farming  
7                   community: Setting a threshold for overtime,  
8                   60 hours, that takes into account the nature of  
9                   farming; and including a no-strike provision  
10                  while also making sure that farmworkers have  
11                  robust collective bargaining and other  
12                  protections that they deserve.

13                 In the end, some compromises were  
14                 made that I do not agree with. But I support  
15                 this legislation because I believe it goes a long  
16                 way to giving farmworkers the protections they  
17                 deserve and taking into account the realities of  
18                 farming. And importantly, it has come a long way  
19                 from where it was originally, because I believe  
20                 that that original legislation did not take into  
21                 account those realities.

22                 I am very committed, as Agriculture  
23                 chair and as someone who lives among farmers in a  
24                 farming region in the Rondout Valley, to work  
25                 with our farmers to make sure that the remaining

1 concerns they have with this legislation are  
2 addressed.

3           And I will commit to and want to  
4 work with my colleagues to make sure that they --  
5 that we as a body will support policies that  
6 support our farmers and make sure that farming  
7 can continue to thrive and remain viable. And,  
8 you know, it is our most important industry in  
9 New York State and it is the only game in town in  
10 many of the communities in rural New York. It's  
11 important for maintaining our long-term food  
12 security, it's important for protecting our  
13 environment, and it's important to protecting our  
14 heritage.

15           So I look forward to working with  
16 all of you, and I support this legislation.

17           Thank you.

18           ACTING PRESIDENT BAILEY:    Senator  
19 Metzger to be recorded in the affirmative.

20           Senator Gianaris.

21           SENATOR GIANARIS:    Mr. President,  
22 just so everyone knows, there are a number of  
23 Senators who wish to explain their vote on this.  
24 I would ask you to enforce our two-minute rule.  
25 We're trying to get through this evening as



1 expeditiously as possible. Thank you.

2 ACTING PRESIDENT BAILEY: The  
3 two-minute rule is in effect.

4 Senator Sanders to explain his vote.

5 SENATOR SANDERS: It's a false  
6 dichotomy. I've heard -- I've spent the time  
7 listening, and it seems that we're fighting  
8 things that don't need to be fought. Let me try  
9 to explain.

10 I heard that we are spending more on  
11 film tax credits than on farming. I think that's  
12 a shame. We should do something about it. We  
13 should have done something about it long ago.

14 Sustainable farming needs  
15 sustainable farms. There's no question about  
16 that. I would argue that it is the middleman  
17 that's really the problem here. That if we're --  
18 the agricultural businesses that are really doing  
19 stuff, we need to look at this.

20 Senator Savino spoke of history.  
21 Let me tell you of mine. I know about this  
22 farming business. I'm the son of a sharecropper.  
23 My father was taken out of school in the  
24 third grade so he could help make some other  
25 people rich. I feel deeply about this, and it's

1 an issue I can't move away from. We -- my family  
2 fled the South. We are refugees. We got out of  
3 there as quick as we could.

4 I think that the solution, however,  
5 is going to be in Harlem, of all places, where  
6 Harlem created the chair of Agriculture years ago  
7 in the federal -- it turned out to be a black  
8 eye, a fellow named Adam Clayton Powell. He did  
9 something, became chair of Agriculture. Harlem,  
10 agriculture? He created food stamps, one of the  
11 smartest systems that has ever been devised.  
12 Great for the farmer. Great for people who eat.  
13 It's one of the smartest things.

14 Why can't we be this smart? Why  
15 must this be a problem that can't be solved or  
16 must be solved with a big winner and a big loser?  
17 Why can't we figure out some way that everybody  
18 could learn and eat and that the farmworkers can  
19 get a decent pay?

20 Sir -- Mr. President, I'm trying to  
21 respect it. I'm voting yes, but I'm urging us,  
22 can we be smart instead of stupid? Why don't we  
23 all win?

24 ACTING PRESIDENT BAILEY: Senator  
25 Sanders to be recorded in the affirmative.

1                   Senator Funke to explain his vote.

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

4                   You know, to walk in someone else's  
5                   shoes is something that we do in this body each  
6                   and every day. But not one set, you have to walk  
7                   in two sets of shoes. And if you don't, then you  
8                   have a personal agenda.

9                   I may be one of the only people here  
10                  that has a tremendous respect for farmworkers and  
11                  farmers because I'm probably one of the few that  
12                  grew up on a family farm picking vegetables. My  
13                  brothers and I knew the meaning of hard work,  
14                  what it took to plant and hoe and pick. And  
15                  sell. I'll never regret it. We saw too much  
16                  rain and not enough rain. And we saw it wipe out  
17                  all the investment and the hard work and any  
18                  profit that went with it. The weather. What can  
19                  you do?

20                  I can remember driving a truck to  
21                  Orleans County from Genesee County to buy fruit  
22                  to resell at our roadside stand, and trading  
23                  stories with those who worked in the orchards  
24                  there. We traded stories about what was rougher,  
25                  picking apples or picking up potatoes like I did.

1                   So I get it. And I didn't get a  
2 choice whether to work my dad's farm or not. I  
3 knew the rules going in. My father thought it  
4 was family fun.

5                   Agriculture is our top economic  
6 engine in upstate New York, but this bill takes  
7 direct aim at the future viability of that  
8 industry. Not one farmer, not one worker I spoke  
9 to was in favor of this bill. And the  
10 Agriculture chair would have known that if she  
11 had taken my suggestion and actually held a  
12 hearing up in Western New York, in the Finger  
13 Lakes. In Wayne County, the height of apple  
14 country in this state.

15                  You know who was in favor? People  
16 who have never picked an ear of corn, never  
17 picked an apple, never milked a cow.

18                  High taxes and regulations have  
19 already decimated the manufacturing base upstate.  
20 Now you're taking aim at farmers. And what's  
21 next?

22                  This has been a historically bad  
23 session for upstate New York. Passing this farm  
24 labor bill really is the icing on the cake for  
25 us. I vote no.

1                   ACTING PRESIDENT BAILEY:    Senator  
2   Funke to be recorded in the negative.

3                   Senator Montgomery to explain her  
4   vote.

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

7                   I just want to especially compliment  
8   Senator Ramos.  And as she is speaking, I'm  
9   reminded that today is Juneteenth.  And  
10   Juneteenth represents a day on the calendar when  
11   African-Americans, black people, found out that  
12   the emancipation had freed them from slavery.  
13   These were people in Texas, and they had been  
14   held for over a year beyond the time that the  
15   emancipation was actually signed so that they  
16   could gather the crops.  It wasn't convenient for  
17   the farmers.

18                  And so following that, there  
19   proceeded to be a whole series of events that  
20   defined America at that time.  And one of them  
21   was convict leasing, which was a horrible thing  
22   for black people in this country, and followed by  
23   the black codes and followed by Jim Crow.  And  
24   followed by the Civil Rights Movement.  And I'm  
25   thinking about all of that because I think how

1     difficult it is, no matter how awful the system  
2     is, it -- change is hard. And so that by the  
3     time we got to the Civil Rights Movement and I  
4     guess, before that, Brown v. Board of Education  
5     of Topeka, it took the Army, the national Army,  
6     the president calling in the army for nine  
7     children to be accepted into the high school, a  
8     high school, black children into a white high  
9     school. And for one man to get into Alabama,  
10    James Meredith, it took the Army.

11                 ACTING PRESIDENT BAILEY:     Senator  
12    Montgomery, we're approaching the two minutes.

13                 SENATOR MONTGOMERY:     So let me just  
14    say it is very, very hard when you're doing  
15    change. This is a change in how we treat people  
16    who work on the farms. And yes, we know we want  
17    to preserve the farmers, we want to protect them,  
18    they make up a huge industry in the State of  
19    New York. But yet we have to make this change.

20                 You have brought us to this point --

21                 ACTING PRESIDENT BAILEY:     Senator  
22    Montgomery.

23                 SENATOR MONTGOMERY:     -- and I know  
24    how hard it is. And I just want to say, for us,  
25    we're crossing this difficult boundary, this

1       difficult river --

2                   ACTING PRESIDENT BAILEY:     Senator  
3       Montgomery, how do you vote?

4                   SENATOR MONTGOMERY:     -- we're going  
5       to do the right thing tonight.

6                   And I say again, thanks to our  
7       leader.  Thanks to this young woman who has  
8       brought us -- to Senator Ramos, who has brought  
9       us to this point, thank you.  I shall never  
10      forget this moment, like I don't forget the other  
11      moments.  I vote aye.

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

15                  Senator Amedore to explain his vote.

16                  SENATOR AMEDORE:     Thank you,  
17      Mr. President, I rise to explain my vote.

18                  And I want to thank Senator Ramos  
19      for recognizing our number-one industry in  
20      New York State.  Our agricultural industry is a  
21      very unique industry.  Those are the -- it's  
22      unique.

23                  The 46th Senate District consists of  
24      five counties -- some whole, some partial.  And  
25      in that five-county area, I represent nearly 1800

1 farms. I can tell you that there's no harder  
2 worker, no more -- no one who is a more dedicated  
3 employer than a farmer and a farmworker. And we  
4 owe them a great debt of gratitude for the hard  
5 work that they have done. They love to farm.  
6 They love to be involved in this industry.

7           This bill tonight goes far deep in  
8 trying to help the farmworker. Matter of fact,  
9 it's not going to. You see, a coin has two  
10 sides. That's what makes a coin. You can't have  
11 one side and the coin be valuable, you need both  
12 sides of the coin. Our farm needs both sides of  
13 the coin. It needs the employer, who is able to  
14 pay the employee. The employee needs the job to  
15 earn the wage. And they want to work at it.

16           Today, tonight, this coin is only  
17 one-sided, because it goes against the employer  
18 that can pay the employee. And unfortunately, we  
19 are not listening to the great outcry of this  
20 industry.

21           ACTING PRESIDENT BAILEY:   Senator  
22 Amedore.

23           SENATOR AMEDORE:   The employees do  
24 not want it, nor do the employers.

25           And I will not support this bill.



1 I'll vote no.

2 ACTING PRESIDENT BAILEY: Senator  
3 Amedore to be recorded in the negative.

4 Senator Harckham to explain his  
5 vote.

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

8 I want to thank Senator Ramos for an  
9 extraordinary job and her diligence,  
10 Senator Metzger, and all Senators who  
11 participated in this.

12 We were up at a public hearing in  
13 Sullivan County with Senator Jackson, Senator Liu  
14 and others, and a farmer from my district. And  
15 yes, I have probably not nearly as many farms as  
16 some folks have, but I have a great deal of  
17 agriculture in my district. And a farmer was  
18 speaking of the very economic challenges that  
19 have been discussed tonight.

20 And after enumerating the economic  
21 challenges, he stressed the need to pass this  
22 bill, because this is about human rights, this is  
23 about civil rights, this is about labor rights.  
24 And because there are market inequities that are  
25 putting pressure on our farmers, that does not

1 mean we try to balance the fiscal equation on the  
2 backs of the people doing the labor.

3 Our farmers are in trouble, without  
4 question. They face competition from California  
5 that has three seasons, they face competition  
6 from Canada that has price supports, they face  
7 competition from around the world where we can  
8 fly produce into our markets within 12 hours.  
9 Those are the geopolitical forces that are  
10 punishing our farmers, and we don't balance the  
11 equation on the civil rights, the human rights or  
12 the workers.

13 And I look forward to working with  
14 my colleagues. I heard good things about tax  
15 credits and other incentives that we need to be  
16 investing in our farmers so that they compete on  
17 a level playing field, or a nearly level playing  
18 field. But we don't do it on the backs of the  
19 folks who are doing the work.

20 I will vote aye.

21 ACTING PRESIDENT BAILEY: Senator  
22 Harckham to be recorded in the affirmative.

23 Senator Sepúlveda to explain his  
24 vote.

25 SENATOR SEPÚLVEDA: Thank you,

1 Mr. President, for allowing me to explain my  
2 vote, with my captain over here next to me.

3           You know, the inconsistency in what  
4 I've been hearing today in these discussions is  
5 palpable. So two nights ago we passed a bill  
6 here called the Green Light Bill that economists,  
7 people that know a lot more about the economy  
8 than I do, have said would be a great economic  
9 propeller for upstate New York. In fact, one of  
10 my colleagues here used as an example to support  
11 her argument against this bill an organization  
12 called the New York State Vegetable Growers  
13 Association, the same organization that said that  
14 the Green Light Bill would be a wonderful  
15 economic boost for upstate New York.

16           Real simple, let me tell you about  
17 my history with farmworkers. I come, my family  
18 comes from Puerto Rico. People there are  
19 natural-born citizens, for those of us who don't  
20 know it. They were, in the '50s, flown, under  
21 the promise of a panacea, to work in farms in  
22 Hawaii and in Brentwood, in Long Island, in  
23 eastern Long Island. And when they got there,  
24 the exploitation that they suffered was  
25 incredible, was inhuman.

1                   Look at California, the history of  
2 farmworkers there, with Cesar Chavez. Again, the  
3 farmworker was exploited. And it seems like  
4 whenever you have a movement to level the playing  
5 field and give them dignity, it's always "let's  
6 protect the farmer at the expense of those at the  
7 lowest economic strata," and that is the  
8 farmworker. It happens time and time again.

9                   Now look, farmers are suffering  
10 today, obviously. And I love farmers, especially  
11 in an area where they produce the wines. I love  
12 going there. But let's be real. The issue here  
13 with farms is federal policy. Right now you have  
14 federal policy where our leader is taxing other  
15 countries' farm industry, agricultural industry,  
16 and not expecting retaliation. And they are  
17 retaliating. And the federal government is  
18 giving billions and billions of dollars in  
19 subsidies to the big agricultural companies and  
20 forgetting about the little farms like you have  
21 in upstate New York.

22                   ACTING PRESIDENT BAILEY:    Senator  
23 Sepúlveda, how do you vote?

24                   SENATOR SEPÚLVEDA:    Three things we  
25 gave up. We agreed to no striking as a --

1                   ACTING PRESIDENT BAILEY:    Senator  
2   Sepúlveda, I am sorry, I apologize, but the  
3   two-minute limit has been reached.  How do you  
4   vote, Senator Sepúlveda?

5                   SENATOR SEPÚLVEDA:    I vote in the  
6   affirmative.

7                   ACTING PRESIDENT BAILEY:    Senator  
8   Sepúlveda in the affirmative.

9                   Senator Skoufis to explain his vote.

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

12                  When this bill would come up in the  
13   Assembly, one of my colleagues, a Democrat from  
14   Staten Island, Matt Titone, who is now a judge,  
15   would get up and explain that a yes vote on this  
16   bill and you'd be accused, as a New York City  
17   member, of imposing your will on the Suffolk  
18   County and upstate farms in New York; a no vote,  
19   and you'd be accused of being a racist.  And for  
20   those interested, he would be the only New York  
21   City Democrat to vote against this bill when it  
22   came up.

23                  But it belies the point that this is  
24   a difficult vote.  Because on one hand, you do  
25   have thousands of farms that are closing, that

1 are going bankrupt throughout this state in  
2 recent years. And then, on the other hand, you  
3 do have this very apparent problem that  
4 farmworkers are denied some very basic  
5 protections in this state.

6 I want to compliment Senator Ramos  
7 and Senator Metzger. I caught a glimpse of the  
8 dozens if not hundreds of hours that they put  
9 into this bill to get to this point, here in  
10 Albany and throughout the state.

11 And in large part what we have here  
12 is a reflection of really worthwhile compromise.  
13 And it even includes a benefit or two, some long  
14 sought-after by farmers, such as the elimination  
15 of unemployment insurance for H-2A workers, the  
16 unnecessary unemployment insurance that's paid.

17 I will say this is not -- this vote  
18 is not without some discomfort. I am concerned  
19 about this wage board. But I will be watching it  
20 like a hawk, because in statute, their  
21 decision-making must be driven by the agriculture  
22 sector's economic indicators, and we all know  
23 where those indicators are pointing.

24 That wage board should not be  
25 lowering to 60 --

1                   ACTING PRESIDENT BAILEY:    Senator  
2   Skoufis, how do you vote?

3                   SENATOR SKOUFIS:    I vote yes.   I  
4   compliment my colleagues Senators Ramos and  
5   Metzger.   Thank you.

6                   ACTING PRESIDENT BAILEY:    Senator  
7   Skoufis to be recorded in the affirmative.

8                   Senator Gallivan to explain his  
9   vote.

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

12                  Just as agriculture is the state's  
13   top industry, agriculture is the number-one  
14   industry in my district.   As a matter of fact, in  
15   one of the four counties I represent, Wyoming  
16   County, there's more cows than people.   And  
17   little Wyoming County is number one in dairy  
18   output in the state.

19                  And all of this, statewide and in my  
20   district, these farmers have been accomplishing  
21   this despite the impediments that we put in front  
22   of them.   But you look at what's happened over  
23   the last five years, we've heard of the number of  
24   farms that have closed.   A number of them, in my  
25   district included, have closed because of

1 New York's impediments, because of the increase  
2 in the minimum wage. And now we have a bill that  
3 imposes even more mandates and costs on farmers.

4           The farm families that I  
5 represent -- and I've met with -- have great  
6 respect for the people who they employ. Like all  
7 small businesses, they value their employees'  
8 commitment, work ethic, and the partnership it  
9 takes to get the job done.

10           The agriculture workers in my  
11 district that I represent, their jobs are  
12 competitive, and they're provided with many, many  
13 benefits.

14           Neither is asking for this  
15 legislation. In every case, they've spoken  
16 against it.

17           The bill isn't necessary. It  
18 doesn't accurately reflect the needs of  
19 farmworkers or the needs of farm families. And  
20 at a time when New York State continues to be one  
21 of the worst places in the country to do  
22 business, we should not be imposing more  
23 obstacles or unworkable mandates on our farms.  
24 The result will be devastating. More farms will  
25 join the 2,000 that have already closed in



1 New York State, and jobs will be lost.

2 For these reasons, I vote no.

3 ACTING PRESIDENT BAILEY: Senator  
4 Gullivan to be recorded in the negative.

5 Senator Jackson to explain his vote.

6 SENATOR JACKSON: Mr. President, I  
7 rise in order to explain my support for this  
8 bill. I'm a member of the Labor Committee, which  
9 Jessica Ramos chairs, and I thank you, Jessica,  
10 for your steadfastness in working on this.

11 But let me be quite frank to you.  
12 It's shameful that New York State farmworkers  
13 still work under Jim Crow-era policies that do  
14 not guarantee them basic rights to a day of rest,  
15 overtime pay, decent housing, and the ability to  
16 form a union. And as someone that has been a  
17 labor organizer for a labor union for two decades  
18 myself, I truly believe in the rights of all  
19 workers to collectively bargain over the  
20 conditions of their employment.

21 I say to you that I had a chance to  
22 attend a hearing up in Sullivan County with  
23 Jessica Ramos and Jen Metzger, and Rachel May did  
24 one in SUNY Morrisville. And I heard the farmers  
25 loud and clear. The primary issue they talked

1 about is the overtime. That was the primary  
2 issue. And I said loud and clear, no one wants  
3 you to close your farm.

4 And I say to all of you that we need  
5 to working collectively as colleagues to help  
6 farmers, but we need to finally address the needs  
7 of their workers. This legislation will finally  
8 extend basic human rights to the farmworkers to  
9 guarantee them something that Mario Cuomo's task  
10 force first raised this issue over 27 years ago.  
11 Farmers put food on our table. They are  
12 essential to our collective well-being. Now this  
13 body, the New York State Senate, is finally  
14 passing a farmworkers' bill which has been  
15 pending for decades.

16 Congratulations to my colleagues who  
17 are voting yes. Mr. President, I vote  
18 respectfully yes to the farmworkers.

19 ACTING PRESIDENT BAILEY: Senator  
20 Jackson under two minutes, yes.

21 (Laughter.)

22 ACTING PRESIDENT BAILEY: Senator  
23 Seward to explain his vote.

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

1                   You know, early in this session,  
2                   through the words and deeds of some in this  
3                   chamber, New York State lost the opportunity to  
4                   bring Amazon to New York State and with it 25,000  
5                   new jobs. Now here we are in the closing hours  
6                   of the session, and through this bill that's  
7                   before us, the supporters of this bill are  
8                   killing off existing jobs and businesses by going  
9                   after our state's number-one industry,  
10                  agriculture.

11                  This bill will be another crushing  
12                  blow for an already struggling sector of our  
13                  economy, and that is agriculture. You know, high  
14                  energy costs, low milk prices, never-ending  
15                  regulations, property taxes, the list goes on.  
16                  And these are just some of the obstacles our  
17                  farmers deal with every single day.

18                  And what has the Majority in this  
19                  house done this year to help? Nothing. The  
20                  Majority has only made it more expensive for  
21                  farmers to do their job, deliver food to our  
22                  tables, and this bill will make matters much,  
23                  much worse. Ultimately farmworkers who you say  
24                  will be protected will wind up on the  
25                  unemployment line or earning less money, costing

1 all New Yorkers.

2           You know, long work days are a way  
3 of life on the farm. There's no such thing as a  
4 40-hour work week. The crops need to be  
5 harvested, dairy cows need to be milked. And  
6 it's unfair to force our farmers, who have to  
7 deal with changing weather conditions and many  
8 other conditions that are beyond their control,  
9 it's unfair to make them follow the very  
10 constricting and crushing guidelines included in  
11 this bill.

12           New York farmers face already strict  
13 regulations and are subject to regular  
14 inspections by state and federal authorities.

15           Farming is a unique business and  
16 must be treated as such --

17           ACTING PRESIDENT BAILEY:   Senator  
18 Seward. Senator Seward, how do you vote?

19           SENATOR SEWARD:   Plain and simple,  
20 this bill will plow more family farms under.

21           ACTING PRESIDENT BAILEY:   Senator  
22 Seward, how do you vote?

23           SENATOR SEWARD:   I vote no.

24           ACTING PRESIDENT BAILEY:   Senator  
25 Seward to be recorded in the negative.

1                   Senator May to explain her vote.

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

4                   A few weeks ago the state appellate  
5                   court ruled that farmworkers must be allowed to  
6                   organize. This bill is not optional, this bill  
7                   is necessary.

8                   I've talked to a lot of farmers in  
9                   my district, and they were terrified. They were  
10                  terrified of a 40-hour week. They were terrified  
11                  of the right to strike by their workers. But  
12                  this bill they say they can live with.

13                  And I see this bill as a remarkable  
14                  achievement by Senator Ramos, Senator Metzger,  
15                  everyone who has worked on it, bringing together  
16                  so many voices and making this a decision that  
17                  really hears and listens to the farmers and all  
18                  of the voices.

19                  I believe it is the best compromise  
20                  we could have reached to honor our farmers and to  
21                  recognize the undeniable rights of the workers  
22                  who put our food on our tables, and I vote aye.

23                  ACTING PRESIDENT BAILEY:    Senator  
24                  May to be recorded in the affirmative.

25                  Senator Boyle to explain his vote.

1                   SENATOR BOYLE:   Mr. President, to  
2 explain my vote.

3                   Unlike my upstate colleagues, I  
4 represent one farm. It's the best farm in the  
5 State of New York, but it's just one.

6                   When I first came to Albany many  
7 years ago, I started to learn about this and the  
8 unjust position that farmworkers are put in, not  
9 having labor rights. I was shocked at that. Who  
10 came up with the idea of exempting them?

11                  I have always supported this  
12 legislation. I've been a cosponsor, I support  
13 labor rights for farmworkers, I support a day  
14 off, I support overtime pay. Who wouldn't? And  
15 I went to the hearing down on Long Island. And  
16 as many of us, we listened to compromises.  
17 Right? Someone on the panel asked, What about  
18 overtime after 60 hours? And the workers were  
19 shaking their heads and the farmers were shaking  
20 their heads, and I was like, Okay, we got a  
21 compromise, that sounds -- I think there's a  
22 compromise here.

23                  Came back up here and I heard there  
24 was a compromise. Great. I've been a supporter  
25 of this bill for many years, and there's a

1     compromise. Just very, very recently I heard  
2     about this new provision, though, on the wage  
3     board. It worries me. Once again, we're  
4     abdicated our duties and responsibilities as  
5     legislators to an unseen, unknown body.

6                 If we want to change this law, we  
7     should bring it back here. Senator Ramos, I give  
8     you the greatest credit for working on this bill.  
9     Take out the wage board, and you have my vote.

10                But I have to vote no on this one.

11                ACTING PRESIDENT BAILEY: Senator  
12     Boyle to be recorded in the negative.

13                Senator Serino to explain her vote.

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

16                I think my colleagues really covered  
17     a lot about the concerns that we have for our  
18     farmers. To those that are losing their farms,  
19     it's devastating. But there's another component  
20     to this. In the Hudson Valley we've seen a  
21     renewed interest in young people buying farms.  
22     In fact, over the summer we have our Dutchess  
23     County Fair, and we have an Ag Day where our  
24     elected officials get together with their  
25     farmers. There were so many young people there

1 that were moving back to the Hudson Valley to  
2 take over their family farms. You're going to  
3 rob them of the opportunity to continue this  
4 important tradition.

5 Public hearings are great, but the  
6 farmers and workers in my community don't have a  
7 day to dedicate to sit in a hearing room to beg  
8 you not to make these changes, only for you to do  
9 it anyway. Too many of them will find out about  
10 these drastic changes after this passes tonight  
11 because they are busy trying to keep their heads  
12 above water. Albany lives in a bubble, and this  
13 is just another perfect example.

14 Thank you. I vote no.

15 ACTING PRESIDENT BAILEY: Senator  
16 Serino to be recorded in the negative.

17 Senator Tedisco to explain his vote.

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

20 Mr. President and my colleagues, you  
21 probably know, if you've been here for a while  
22 like me -- and it's a very real source of pride  
23 for myself and you. I wish I had brought it with  
24 me. And for those new members here, it's a  
25 little silver plate. And when you first come



1 here, if you show your support for farmers and  
2 farmworkers and show an understanding of the  
3 importance of our agriculture, you'll get that  
4 little plate on a plaque. And you put that  
5 plaque on your wall.

6                   When that plate gets full over the  
7 years, you know you've been helping farmers and  
8 the Farm Bureau. When it gets full, you get the  
9 little plate -- they don't give you another  
10 plaque -- and you put that -- I put my plates --  
11 if you go to the offices, you'll see it right in  
12 front of my plaque on the shelves. That  
13 designation, which is such a source of pride for  
14 me, is the Circle of Friends.

15                   I'm going to vote no today because I  
16 want to keep up my record as being a Circle of  
17 Friends for the Farm Bureau, farmers, and get  
18 that designation. But there's going to be a new  
19 designation today. It's for those people who  
20 vote yes. You are now going to be the Circle of  
21 Enemies for farms in New York State. And that's  
22 a designation you don't really want to have.

23                   Mr. President, I'm going to be  
24 voting no.

25                   ACTING PRESIDENT BAILEY:     Senator

1 Tedisco in the negative.

2 Senator Benjamin to explain his  
3 vote.

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

6 Very simply, farmworkers deserve the  
7 same labor rights as everyone else. To me, it's  
8 very simple.

9 But I want to spend my time talking  
10 about two people really quickly, because I know I  
11 only have two minutes. One, I want to talk about  
12 the leadership of Jessica Ramos. Jessica Ramos  
13 has come to the Senate and she has been  
14 lion-focused on making sure that those who are  
15 marginalized get the support. And that is why an  
16 intern from her office almost blocked me from  
17 getting to her because she was so concerned about  
18 making sure that Jessica was protected. And she  
19 talked to me about how Jessica represents  
20 something for her family. And I was just so  
21 proud to know that I could be a colleague with  
22 someone who inspires so many young people to be  
23 the greatest.

24 And I also want to give credit to  
25 Jen Metzger. Senator Metzger has taken a very

1 hard vote. She's showing enormous political  
2 courage because she's doing what's right. She's  
3 putting policy over politics.

4 And for that, I tip my hat to both  
5 Jessica Ramos and to Jen Metzger, and I proudly  
6 vote aye.

7 ACTING PRESIDENT BAILEY: Senator  
8 Benjamin to be recorded in the affirmative.

9 Senator Antonacci to explain his  
10 vote.

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

13 I too would like to thank the  
14 sponsor for traveling up to upstate New York. I  
15 know that she did not phone her duties in.

16 But you know, I've been here six  
17 months now, and you never hear about solving a  
18 problem with good, old-fashioned capitalism or  
19 the free market. Bad words.

20 But I'm a proud UAW -- I'm the proud  
21 son of a UAW member of 42 years. We lost 4,000  
22 jobs in Syracuse, New York -- not because of the  
23 union, and I certainly believe in the right to  
24 organize. But I think here we have government  
25 intervention, and I think it's just a little bit

1 too much.

2 As an attorney, I represented dairy  
3 processors for almost 25 years. I understand the  
4 competitive disadvantage of our agricultural  
5 market. I understand how tough it is to compete  
6 with places like Canada and even Pennsylvania to  
7 our south. I think that this is an overreach.

8 My number-one problem with this bill  
9 is the wage board. I don't think it's going to  
10 do what is intended by the sponsor and this  
11 legislation. So I will be in the negative.

12 Thank you.

13 ACTING PRESIDENT BAILEY: Senator  
14 Antonacci to be recorded in the negative.

15 Senator Stavisky to explain her  
16 vote.

17 SENATOR STAVISKY: There's  
18 confusion between Stavisky and Kaminsky.

19 I too want to thank Senator Ramos  
20 for her leadership and for taking charge of this  
21 issue. She and Senator Metzger -- and Senator  
22 Metzger I think has done an outstanding job also  
23 as chair of the Agriculture Committee. But  
24 together, there was a number of hearings, and I  
25 attended the one in Smithtown. And I sat there

1 and said to myself, This is the new Senate.  
2 These are the folks who are going to lead us in  
3 the 21st century, and we can be very proud of  
4 what so many of our new members have done.

5 We said it earlier, but to  
6 Senator Metzger and Senator Ramos, we thank you  
7 for what you did. And that Smithtown hearing was  
8 extremely interesting. We sat there and listened  
9 to both the Farm Bureau, the farm owners and the  
10 workers, and I'm delighted that we have an  
11 agreement this evening. So congratulations.

12 Thank you.

13 ACTING PRESIDENT BAILEY: Senator  
14 Stavisky to be recorded in the affirmative.

15 Are there any other Senators wishing  
16 to be heard?

17 Seeing and hearing none, Senator  
18 Ramos to close.

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

21 I find it completely and utterly  
22 serendipitous that we're voting on the  
23 Farmworkers Fair Labor Practices Act on  
24 Juneteenth. As was mentioned previously, it's a  
25 celebration, a commemoration of when the Union

1 Army marched into Texas to let the last group of  
2 slaves know that they were indeed free. It took  
3 six months.

4 And today we're letting farmworkers  
5 know in New York State that they're finally  
6 recognized as human beings under the Labor Law,  
7 and they are entitled to the very same  
8 protections and benefits that every other worker  
9 in New York is given.

10 I'm trying my best not to get too  
11 emotional in understanding how historic of a  
12 moment this is for all of us. I think that we  
13 did our best in addressing the concerns that were  
14 presented before us at the hearings. We heard  
15 about the 60 hours being a magic number for  
16 overtime pay. We heard how a strike provision  
17 would really hurt the agricultural industry,  
18 particularly during harvest time, which is why  
19 I'm guessing my colleagues from across the aisle  
20 didn't bring it up during debate.

21 But nevertheless, I think that what  
22 we're doing is putting more money -- and time --  
23 in the pockets of workers. And I really do  
24 believe that in creating more disposable income,  
25 we are decentralizing wealth and helping people

1 really contribute to the economy in a greater  
2 way. And like I mentioned before, now that  
3 they'll be able to drive around, these won't be  
4 such isolated places anymore.

5 I want to thank a series of people,  
6 and of course every single one of my colleagues,  
7 even those who are voting no today.

8 But I want to thank Andrea  
9 Stewart-Cousins, our Majority Leader, and her  
10 team, namely Shontell Smith, Eric Katz, Lonnie  
11 Threatte, Elizabeth Robins, and Andrew Goldston,  
12 my good friend of many years, for helping us  
13 usher this bill through.

14 My team, who as you can imagine and  
15 many of you know, for a Queens girl who doesn't  
16 drive, getting around upstate where the MTA does  
17 not exist isn't exactly easy. So to my  
18 legislature director, Samantha Acevedo, who's  
19 behind me; Tarik Coles -- and I'm going to get in  
20 trouble because I'm not going to get to mention  
21 everyone, in the interests of time -- but Laura  
22 Rubio, Julia Arredondo. My entire staff helped  
23 me travel across the counties, across the many  
24 regions in New York where we visited more than a  
25 dozen farms in many of the Republican districts

1 represented in this State Senate. So I'm very  
2 thankful to them.

3 I'm thankful to the leadership of  
4 the AFL-CIO -- Mario Cilento, Mike Neidl. I'm  
5 deeply appreciative to the other Queens half of  
6 this equation, Assemblywoman Cathy Nolan. But I  
7 also want to thank Reverend Witt and José Chapa  
8 from the Rural & Migrant Ministry. The New York  
9 Civil Liberties Union.

10 I want to thank my partners in  
11 justice, Senators Metzger, May, Martinez, and the  
12 prime cosponsor of this bill, Senator Jackson.  
13 Uncle Bob, I love you. You're even taking video  
14 right now, aren't you?

15 (Laughter.)

16 SENATOR RAMOS: I want to thank  
17 Senator Ranzenhofer for being the only Republican  
18 to invite me to his district. And I want to  
19 thank Senator Boyle for being the only Republican  
20 to come to a hearing. That really did, I think,  
21 make a difference. Despite us having a few RSVPs  
22 at the other hearings, unfortunately those  
23 Senators never showed up.

24 And so with that -- some other folks  
25 being the Hispanic Federation; Kerry Kennedy, who



1 has been amazing throughout this whole struggle  
2 for parity, for justice. And I know Michael  
3 Aronson from the Daily News is also up in the  
4 gallery, who has helped us really garner public  
5 discourse and understand how dire it is that we  
6 pass this bill.

7                   You know, Cesar Chavez and Dolores  
8 Huerta 50 years ago -- more than 50 years ago  
9 started this national movement to recognize  
10 workers -- who were mainly black, mainly  
11 Mexican -- whether it was through sharecropping  
12 or the braceros program. And I'm not going to  
13 get into a history lesson, but recognizing the  
14 humanity and the dignity of all work is very,  
15 very important.

16                   And I'm at a loss for words tonight,  
17 because just so much work went into this bill.  
18 And not just on my behalf, but from many other  
19 Senators and many other activists and people.  
20 And tonight I just want to dedicate my vote in  
21 the affirmative to the greatest farmer I have  
22 ever known, who is my grandfather, Jorge Julio  
23 Londoño, a coffee farmer from Colombia.

24                   Thank you.

25                   ACTING PRESIDENT BAILEY:     Senator

1 Ramos to be recorded in the affirmative.

2 Senator Flanagan to explain his  
3 vote.

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

6 I listened intently to the debate  
7 and to the comments from all of my colleagues,  
8 including extolling the virtues of a number of  
9 the members of the Majority.

10 Senator Patty Ritchie chaired the  
11 Agriculture Committee for eight years. Senator  
12 Rob Ortt is the ranking Republican on that  
13 committee right now. I'll match their talent,  
14 their experience, their stick-to-it-iveness and  
15 their knowledge on these issues with anybody,  
16 Democratic or Republican, Assembly or Senate.

17 For many, many years, since we're  
18 bringing up history -- many, many years -- the  
19 New York State Senate Republican Conference  
20 promoted agriculture far more than anyone else.  
21 Virtually every single year we would see budget  
22 cuts, we would see one-house budgets, the  
23 Assembly would do nothing. The Senate would put  
24 all the money back in and promote programs  
25 involving agriculture.

1                   So there's been a lot of work done  
2     in recognition. And I have to say the only area  
3     in state government, in my opinion, where the  
4     rate of return is higher than with libraries --  
5     every dollar we put into libraries, the return is  
6     exponential. But it pales in comparison to what  
7     we put into agriculture and what we get back. In  
8     reality, what we invest in terms of state tax  
9     dollars is really a pittance. And yet, God,  
10    these people produce and make all of our lives  
11    better every single day.

12                  I don't know exactly how many farms  
13    I have in my district because if I have -- I  
14    don't have a lot. Maybe a handful. But I have  
15    traveled, and I have listened to my colleagues,  
16    having made some visits -- I made some visits.  
17    It doesn't make me a savant, it doesn't make me  
18    an expert, it doesn't make me anything special.  
19    I was treated graciously and courteously and  
20    every place I went, I was like, Man, these people  
21    work hard. You just meet them, you shake their  
22    hands, you look at them -- they are the  
23    hardest-working group of people I've ever met.  
24    And by that I'm meaning the farmers and the  
25    farmers' employees. Everybody, without

1 exception.

2           Now, Senator Savino, I did not have  
3 the luxury of having a cow lick the back of my  
4 head or whatever happened to you. But I did  
5 visit a dairy farm with Senator Ritchie in her  
6 district. I'm still in awe that these cows ate  
7 110 pounds of food a day and drank 50 gallons of  
8 water. I distinctly remember visiting and the  
9 learning from that experience. But listening  
10 very, very carefully to my colleagues.

11           Now, Senator Savino mentioned my  
12 name. I was the sponsor of the farmworkers bill.  
13 One of my colleagues said to me, "It might be a  
14 good idea if you took this bill." Whoa. Man,  
15 did I learn a lot. And at the time, here was the  
16 order: Day of rest, overtime, and collective  
17 bargaining. Day of rest was the easiest and yet  
18 it was almost insurmountable in and of itself.

19           So that was the order at the time.  
20 Again, day of rest, overtime, collective  
21 bargaining. And I actually tried to work to  
22 potentially get something done. And at that time  
23 we came close to a day of rest. We didn't come  
24 close to overtime, we didn't come close to  
25 collective bargaining.

1                   And I do know the last time the  
2 Democrats were in charge, they didn't do a bill  
3 like this. They didn't do it because they didn't  
4 have the votes. Just didn't have the votes.  
5 That shows you how tough the issue was then and  
6 how tough it is now.

7                   So I had a good education, even  
8 though I have a handful of farms in my district.

9                   The real thing I want to focus on --  
10 and I truly want to compliment my colleagues who  
11 asked very pertinent, very probing questions as  
12 representatives of their districts, and they did  
13 a superb job. And by the way, it's not isolated  
14 to tonight or last week or a year ago. It's  
15 career-long for the people who are involved.

16                  I want to talk about the wage board.  
17 And this is something I actually feel like I know  
18 as much about as anybody in this room. I was  
19 intimately involved -- along with a lot of  
20 people, but I was intimately involved in the wage  
21 board involving the minimum wage.

22                  A wage board scares the hell out of  
23 me. It scares the hell out of me because I saw  
24 exactly what happened on minimum wage. The  
25 Governor put together the fast food wage board

1 {snapping fingers} like that. They came up with  
2 a decision lickety-split.

3 I didn't like this decision. A lot  
4 of people didn't like the decision. And it  
5 foisted public policy in areas of the state that  
6 created some dialogue on the minimum wage. But  
7 here's the real point. When we negotiated  
8 minimum wage, to be clear, part of that agreement  
9 was that the actions previously taken by the wage  
10 board were to go away. They were to go away, and  
11 nothing else was to happen until -- on any action  
12 by a wage board until the minimum wage was fully  
13 implemented.

14 Ladies and gentlemen, that didn't  
15 happen. They broke their word, and that  
16 commitment was not met. And that was big. That  
17 was big. Because it separated two classes of  
18 workers here in the State of New York. I  
19 remember coming back to my colleagues in our  
20 conference and these questions were raised, and I  
21 couldn't say to them, yes, the administration  
22 kept their word. Yes, the wage board rescinded  
23 the actions that they had previously taken based  
24 on an agreement.

25 I have grave concerns and tremendous

1 apprehension that the people in this -- not the  
2 people in this room. I don't have to agree with  
3 anyone in terms of everything or anything that  
4 they advocate. But that wage board, they can do  
5 whatever the heck they want. And the way this is  
6 structured I think that is exactly, exactly what  
7 is going to happen. And in that respect, I do  
8 not believe that that will be in the best  
9 interests of the people that many of my  
10 colleagues represent.

11               You know, when I listen to somebody  
12 like a Mike Ranzenhofer or a Patty Ritchie or a  
13 Diane Savino or Senator Ramos, if things are  
14 going well in each your respective districts,  
15 that's good for me. That's good for the people I  
16 represent. I'm looking at Shelley Mayer. If  
17 things are going well in the educational area in  
18 your district, that's good for me and for  
19 everyone else.

20               So we all take these things  
21 seriously. My overarching concern is with this  
22 wage board. I think they have the great  
23 potential to act ultra-virus and come up with  
24 public policy that will be deleterious and  
25 detrimental, not only in the short term but the

1 long term.

2 Mr. President, thank you for the  
3 indulgence. I vote no.

4 ACTING PRESIDENT BAILEY: Senator  
5 Flanagan to be recorded in the negative.

6 Majority Leader Andrea  
7 Stewart-Cousins to close.

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

10 Once again we stand here doing  
11 something that, as my good colleague Senator  
12 Flanagan said, we've been trying to do for a  
13 mighty long time. The charge of making sure that  
14 people had respect and dignity at work, overtime,  
15 making sure that the farmworkers and the farmers  
16 and the farms thrive has been begged by so many  
17 for so long, coming year after year to this  
18 chamber, asking if you can't do everything,  
19 please do something.

20 And as people tried year after  
21 year -- and again, we look up in the gallery, the  
22 same faces for decades who came and said, Please,  
23 how about a bathroom? How about a day off?  
24 Those same things that Senator Flanagan  
25 mentioned, today we are still talking about in



1     this chamber. And that's why we have to act.  
2     That's why something has to -- you know, we can't  
3     keep having the same conversations, knowing that  
4     there's something we could do.

5                     And that's why I was so happy when  
6     Senator Ramos, who has a big background in labor,  
7     joined Senator Metzger, who understands  
8     agriculture, and decided that it was really,  
9     really imperative to engage in this issue so that  
10    we don't keep the treadmill continually recycling  
11    the same issues.

12                    And I told her she had to travel  
13    wide and talk to a lot of people and figure out a  
14    little bit more. And she was so excited. And  
15    you know how sometimes you get you think that  
16    somebody has already figured out the answer  
17    because they already know certain things? I  
18    didn't know because she was new whether or not  
19    she was this person who had already kind of  
20    figured it out and was just going to go through  
21    the motions. But that's not who she is. She  
22    decided that she was just going to throw herself  
23    into making this make sense.

24                    And here we are. Here we are.  
25    We've moved the ball forward. We have decided

1     that as we find ways to support our farms and our  
2     farmers, we can also find ways to support the  
3     people who work the farm.

4             And we don't want to go through the  
5     history, but we know the history. There were  
6     certain people who never deserved to get paid,  
7     never deserved to have rest, never deserved to be  
8     able to enjoy the fruits of their labor. We know  
9     that history. But this is a history-making  
10    chamber, and we came to make some different  
11    history. And that's what we're doing.

12            And I understand why one would be  
13    concerned about, you know, things that are  
14    different and changed. And whether you're  
15    worried about wage boards and how that works, and  
16    we have spent so much time -- and I give credit  
17    also to the AFL-CIO, who came to the table.  
18    Because, you know, they wanted a lot of different  
19    things. And so there was movement everywhere,  
20    movement everywhere to get to this place.

21            And because we're at this place, I  
22    think you all know by now, we don't just do  
23    something and walk away. We don't have a -- this  
24    is not, you know, Farm Day and then we won't  
25    visit it again. We will pay attention, because

1 we understand farms equal food and we understand  
2 that food is our sustenance, that's what makes it  
3 all go. Nobody is trying not to support farms.  
4 Nobody is trying not to support farmworkers.

5 And I know that my colleagues across  
6 the aisle will work with us to make sure that  
7 this moment of change is a change that will be  
8 impactful in a positive way. And as we work  
9 together, we will make sure to do more to protect  
10 our farms and our farmers and, yes, the  
11 farmworkers.

12 So I want to thank Ms. Ramos. I  
13 want to thank Senator Metzger, who will never let  
14 us ignore agriculture and farming. And I want to  
15 thank my colleagues again who are changing,  
16 changing things for the better for the people of  
17 New York and the way they grow food and how the  
18 people who grow them get to work.

19 I vote aye.

20 ACTING PRESIDENT BAILEY: Majority  
21 Leader Stewart-Cousins to be recorded in the  
22 affirmative.

23 Announce the results.

24 THE SECRETARY: In relation to  
25 Calendar Number 1664, those Senators voting in

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

6 Ayes, 40. Nays, 22.

7 ACTING PRESIDENT BAILEY: The bill  
8 is passed.

9 (Cheers; extended standing ovation.)

10 ACTING PRESIDENT BAILEY: Senator  
11 Gianaris, that completes the reading of the  
12 controversial calendar.

13 Order in the chamber, please.

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

16 Mr. President, I believe there are a  
17 series of privileged resolutions at the desk.  
18 Can we please take them up.

19 ACTING PRESIDENT BAILEY: The  
20 Secretary will read.

21 THE SECRETARY: Senate Resolution  
22 2139, by Senator Stewart-Cousins --

23 ACTING PRESIDENT BAILEY: Excuse  
24 me. Some order in the chamber, please.

25 THE SECRETARY: Senate Resolution

1     2139, by Senator Stewart-Cousins, establishing a  
2     plan setting forth an itemized list of grantees  
3     for certain appropriations for the 2019-2020  
4     state fiscal year for additional grants-in-aid to  
5     certain school districts, public libraries, and  
6     not-for-profit instruction.

7             ACTING PRESIDENT BAILEY:     The  
8     question is on the resolution. All those in  
9     favor signify by saying aye.

10            (Response of "Aye.")

11            ACTING PRESIDENT BAILEY:     Opposed,  
12     nay.

13            (No response.)

14            ACTING PRESIDENT BAILEY:     The  
15     resolution is adopted.

16            The Secretary will read.

17            THE SECRETARY:     Senate Resolution  
18     Number 2140, by Senator Stewart-Cousins,  
19     establishing a plan setting forth an itemized  
20     list of grantees for a certain appropriation for  
21     the 2019-2020 state fiscal year for the Office  
22     for New Americans for additional expenses and  
23     services related to programs which assist  
24     non-citizens.

25            ACTING PRESIDENT BAILEY:     The

1 question is on the resolution. All those in  
2 favor signify by saying aye.

3 (Response of "Aye.")

4 ACTING PRESIDENT BAILEY: Opposed,  
5 nay.

6 (Response of "Nay.")

7 ACTING PRESIDENT BAILEY: The  
8 resolution is adopted.

9 The Secretary will read.

10 THE SECRETARY: Senate Resolution  
11 2141, by Senator Stewart-Cousins, establishing a  
12 plan setting forth an itemized list of grantees  
13 for a certain appropriation for the 2019-2020  
14 state fiscal year for grants-in-aid for drug,  
15 violence, and crime control and prevention  
16 programs.

17 ACTING PRESIDENT BAILEY: The  
18 question is on the resolution. All those in  
19 favor signify by saying aye.

20 (Response of "Aye.")

21 ACTING PRESIDENT BAILEY: Opposed,  
22 nay.

23 (Response of "Nay.")

24 ACTING PRESIDENT BAILEY: The  
25 resolution is adopted.

1                   THE SECRETARY:   Senate Resolution  
2   Number 2142, by Senator Stewart-Cousins,  
3   establishing a plan setting forth a methodology  
4   for allocating certain appropriations for the  
5   2019-2020 state fiscal year for services and  
6   expenses related to women's health issues.

7                   ACTING PRESIDENT BAILEY:   The  
8   question is on the resolution. All in favor  
9   signify by saying aye.

10                   (Response of "Aye.")

11                   ACTING PRESIDENT BAILEY:   Opposed,  
12   nay.

13                   (Response of "Nay.")

14                   ACTING PRESIDENT BAILEY:   The  
15   resolution is adopted.

16                   THE SECRETARY:   Senate Resolution  
17   Number 2143, by Senator Stewart-Cousins,  
18   establishing a plan setting forth a methodology  
19   for allocating certain appropriations for the  
20   2019-2020 state fiscal year for services and  
21   expenses related to public health programs.

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

25                   (Response of "Aye.")

1                   ACTING PRESIDENT BAILEY:   Opposed,  
2   nay.

3                   (Response of "Nay.")

4                   ACTING PRESIDENT BAILEY:   The  
5   resolution is adopted.

6                   THE SECRETARY:   Senate Resolution  
7   Number 2144, by Senator Stewart-Cousins, amending  
8   Senate Resolution 5912 of 2018 establishing a  
9   plan setting forth an itemized list of grantees  
10   for the New York State Economic Development  
11   Assistance Program.

12                  ACTING PRESIDENT BAILEY:   The  
13   question is on the resolution. All those in  
14   favor signify by saying aye.

15                  (Response of "Aye.")

16                  ACTING PRESIDENT BAILEY:   Opposed,  
17   nay.

18                  (Response of "Nay.")

19                  ACTING PRESIDENT BAILEY:   The  
20   resolution is adopted.

21                  Senator Gianaris.

22                  SENATOR GIANARIS:   Okay,  
23   Mr. President, at this time we're going to break  
24   for respective party conferences.

25                  So there will be an immediate



1 Democratic Conference in Room 332, but I do want  
2 to notify everyone that there will be a  
3 Rules Committee meeting at 11:00 p.m. in  
4 Room 332.

5 So please make those announcements,  
6 and recognize Senator Griffo for an announcement  
7 on his side of the aisle.

8 ACTING PRESIDENT BAILEY: There  
9 will be an immediate meeting of the  
10 Democratic Conference in Room 332, followed by a  
11 Rules Committee meeting at 11:00 p.m.

12 Senator Griffo.

13 SENATOR GRIFFO: Mr. President,  
14 there will be an immediate meeting of the  
15 Republican Conference in Room 315.

16 ACTING PRESIDENT BAILEY: Immediate  
17 meeting of the Republican Conference in Room 315.

18 Senator Gianaris.

19 SENATOR GIANARIS: The Senate  
20 stands at ease.

21 ACTING PRESIDENT BAILEY: The  
22 Senate stands at ease.

23 (Whereupon, the Senate stood at ease  
24 at 9:58 p.m.)

25 (Whereupon, the Senate reconvened at

1 11:23 p.m.)

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

4 Senator Gianaris.

5 SENATOR GIANARIS: Mr. President,  
6 can we return to reports of standing committees.

7 I believe there's a report of the  
8 Rules Committee at the desk.

9 ACTING PRESIDENT BENJAMIN: There  
10 is a report of the Rules Committee at the desk.

11 The Secretary will read.

12 THE SECRETARY: Senator  
13 Stewart-Cousins, from the Committee on Rules,  
14 reports the following bills:

15 Senate Print 1073A, by Senator  
16 Rivera, an act to amend the Public Health Law;

17 Senate Print 1733, by  
18 Senator Jacobs, an act to amend the General  
19 Municipal Law;

20 Senate Print 1765, by Senator Ortt,  
21 an act to amend the Tax Law;

22 Senate Print 1944A, by Senator  
23 Little, an act to amend the Real Property Law;

24 Senate Print 2080, by Senator Ortt,  
25 an act to amend the Tax Law;

1                   Senate Print 2503, by  
2     Senator Helming, an act to amend the Tax Law and  
3     the Social Services Law;

4                   Senate Print 2634, by  
5     Senator Krueger, an act to amend the  
6     Public Housing Law;

7                   Senate Print 2682, by Senator Mayer,  
8     an act related to establishing the Flood  
9     Mitigation and Prevention Task Force;

10                  Senate Print 2826, by Senator Ortt,  
11     an act to amend the Tax Law;

12                  Senate Print 2836C, by  
13     Senator Savino, an act to amend the  
14     Domestic Relations Law and the Family Court Act;

15                  Senate Print 3191, by Senator  
16     Kennedy, an act to amend the Labor Law;

17                  Senate Print 3659, by  
18     Senator Gounardes, an act to amend the  
19     Retirement and Social Security Law;

20                  Senate Print 3686B, by Senator  
21     Biaggi, an act to amend the Banking Law;

22                  Senate Print 3759, by  
23     Senator Kennedy, an act to authorize the widow of  
24     William James Middlebrooks to file a retirement  
25     option election form;

1                   Senate Print 3887A, by  
2   Senator Stavisky, an act to amend the  
3   Executive Law;

4                   Senate Print 4040A, by  
5   Senator LaValle, an act to amend the Town Law and  
6   the Tax Law;

7                   Senate Print 4083A, by  
8   Senator Gounardes, an act to amend the Town Law;

9                   Senate Print 4423, by  
10   Senator Robach, an act to amend the Public Health  
11   Law, the Tax Law, and the State Finance Law;

12                   Senate Print 4629A, by  
13   Senator Breslin, an act to amend the  
14   Real Property Law;

15                   Senate Print 4637A, by  
16   Senator Montgomery, an act to amend the  
17   Public Health Law;

18                   Senate Print 4827B, by Senator  
19   Thomas, an act to amend the Civil Practice Law  
20   and Rules and the Judiciary Law;

21                   Senate Print 5073A, by  
22   Senator Mayer, an act to amend the Education Law;

23                   Senate Print 5150B, by Senator  
24   Harckham, an act to amend the Public Health Law;

25                   Senate Print 5180A, by

1 Senator Mayer, an act to amend the Election Law;  
2 Senate Print 5211A, by  
3 Senator Breslin, an act to amend the Lien Law;  
4 Senate Print 5254A, by  
5 Senator Breslin, an act to amend the  
6 Real Property Tax Law;  
7 Senate Print 5484B, by  
8 Senator O'Mara, an act to amend the Highway Law;  
9 Senate Print 5667A, by  
10 Senator Thomas, an act to authorize the assessor  
11 of the County of Nassau to accept an application  
12 for exemption from real property taxes;  
13 Senate Print 5698A, by Senator May,  
14 an act to amend the County Law and the Tax Law;  
15 Senate Print 5828A, by Senator  
16 Serino, an act to amend the Executive Law;  
17 Senate Print 5898D, by  
18 Senator Gaughran, an act to amend the Retirement  
19 and Social Security Law;  
20 Senate Print 5918A, by  
21 Senator Comrie, an act to amend the Tax Law;  
22 Senate Print 5958, by Senator May,  
23 an act to amend the Elder Law;  
24 Senate Print 6012A, by  
25 Senator Kennedy, an act to amend the Vehicle and

1 Traffic Law;  
2 Senate Print 6013, by  
3 Senator Kennedy, an act to amend the Penal Law;  
4 Senate Print 6081, by  
5 Senator Hoylman, an act to amend the  
6 General Obligations Law;  
7 Senate Print 6212A, by Senator  
8 Kennedy, an act to amend the Insurance Law;  
9 Senate Print 6213A, by  
10 Senator Jordan, an act to amend the Highway Law;  
11 Senate Print 6219A, by  
12 Senator Benjamin, an act to amend the  
13 Real Property Tax Law;  
14 Senate Print 6265A, by  
15 Senator Gianaris, an act to amend the Labor Law;  
16 Senate Print 6301, by  
17 Senator Sanders, an act to amend the Public  
18 Authorities Law;  
19 Senate Print 6306, by  
20 Senator Little, an act to amend the County Law;  
21 Senate Print 6324, by  
22 Senator Gounardes, an act to amend the  
23 Real Property Tax Law;  
24 Senate Print 6326, by  
25 Senator Parker, an act to amend the Public

1 Service Law;

2 Senate Print 6345, by Senator  
3 Ritchie, an act to amend the Public Officers Law;

4 Senate Print 6367, by Senator  
5 Gounardes, an act to amend Chapter 504 of the  
6 Laws of 2009;

7 Senate Print 6412, by Senator  
8 Kavanagh, an act to amend the Public Housing Law;  
9 Senate Print 6420, by Senator  
10 Seward, an act relating to the miscalculation of  
11 benefits paid to Katherine Sweeney;

12 Senate Print 6442, by  
13 Senator Addabbo, an act to amend the Chapter 239  
14 of the Laws of 1995;

15 Senate Print 6444, by  
16 Senator Thomas, an act to amend the County Law  
17 and the New York City Charter;

18 Senate Print 6511, by  
19 Senator Parker, an act to amend the Real Property  
20 Tax Law;

21 Senate Print 6552, by  
22 Senator Skoufis, an act to amend the  
23 Civil Practice Law and Rules;

24 Senate Print 6566, by Senator  
25 Kavanagh, an act to amend the Hudson Park Act;

1                   Senate Print 6588B, by Senator  
2     Brooks, an act authorizing the Commissioner of  
3     Education to appoint a monitor to oversee the  
4     Wyandanch Union Free School District; and

5                   Senate Print 6593, by Senator  
6     Gallivan, an act to amend the County Law.

7                   All bills ordered direct to third  
8     reading.

9                   SENATOR GIANARIS:    Move to accept  
10    the report of the Rules Committee.

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

14                  (Response of "Aye.")

15                  ACTING PRESIDENT BENJAMIN:  
16    Opposed, nay.

17                  (No response.)

18                  ACTING PRESIDENT BENJAMIN:   The  
19    Rules Committee report is accepted.

20                  SENATOR GIANARIS:    Mr. President,  
21    can we please take up the reading of Supplemental  
22    Calendar 59B.

23                  ACTING PRESIDENT BENJAMIN:   The  
24    Secretary will read.

25                  THE SECRETARY:       Calendar Number



1 1751, Senate Print 1073A, by Senator Rivera, an  
2 act to amend the Public Health Law.

3 ACTING PRESIDENT BENJAMIN: Read  
4 the last section.

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

7 ACTING PRESIDENT BENJAMIN: Call  
8 the roll.

9 (The Secretary called the roll.)

10 ACTING PRESIDENT BENJAMIN:  
11 Announce the results.

12 THE SECRETARY: In relation to  
13 Calendar Number 1751, those recorded in the  
14 negative are Senators Amedore, Antonacci, Boyle,  
15 Flanagan, Funke, Gallivan, Griffio, Helming,  
16 Jordan, Lanza, LaValle, Little, O'Mara, Ortt,  
17 Ranzenhofer, Ritchie, Robach and Seward.

18 Ayes, 44. Nays, 18.

19 ACTING PRESIDENT BENJAMIN: The  
20 bill is passed.

21 THE SECRETARY: Calendar Number  
22 1752, Senate Print 1733, by Senator Jacobs, an  
23 act to amend the General Municipal Law.

24 ACTING PRESIDENT BENJAMIN: Read  
25 the last section.

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

3 ACTING PRESIDENT BENJAMIN: Call  
4 the roll.

5 (The Secretary called the roll.)

6 ACTING PRESIDENT BENJAMIN:  
7 Announce the results.

8 THE SECRETARY: Ayes, 62.

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: Senator Ortt moves  
14 to discharge, from the Committee on Rules,  
15 Assembly Bill Number 2163 and substitute it for  
16 the identical Senate Bill 1765, Third Reading  
17 Calendar 1753.

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

20 The Secretary will read.

21 THE SECRETARY: Calendar Number  
22 1753, Assembly Print Number 2163, by  
23 Assemblymember Morinello, an act to amend the  
24 Tax Law.

25 ACTING PRESIDENT BENJAMIN: Read

1 the last section.

2 THE SECRETARY: Section 2. This  
3 act shall take effect on the first day of the  
4 month next succeeding the date on which it shall  
5 have become a law.

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 1753, those Senators voting in  
13 the negative are Senators Antonacci, Brooks,  
14 Gaughran, Harckham, Helming, Jacobs, Kaplan,  
15 Lanza, Martinez, Metzger, Serino, Skoufis and  
16 Thomas.

17 Ayes, 49. Nays, 13.

18 ACTING PRESIDENT BENJAMIN: The  
19 bill is passed.

20 There is a substitution at the desk.

21 The Secretary will read.

22 THE SECRETARY: Senator Little  
23 moves to discharge, from the Committee on Rules,  
24 Assembly Bill Number 1569A and substitute it for  
25 the identical Senate Bill 1944A, Third Reading

1 Calendar 1754.

2 ACTING PRESIDENT BENJAMIN: The  
3 substitution is so ordered.

4 The Secretary will read.

5 THE SECRETARY: Calendar Number  
6 1754, Assembly Print Number 1569A, by  
7 Assemblymember Jones, an act to amend the Real  
8 Property Law.

9 ACTING PRESIDENT BENJAMIN: Read  
10 the last section.

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

13 ACTING PRESIDENT BENJAMIN: Call  
14 the roll.

15 (The Secretary called the roll.)

16 ACTING PRESIDENT BENJAMIN:  
17 Announce the results.

18 THE SECRETARY: Ayes, 62.

19 ACTING PRESIDENT BENJAMIN: The  
20 bill is passed.

21 There is a substitution at the desk.

22 The Secretary will read.

23 THE SECRETARY: Senator Ortt moves  
24 to discharge, from the Committee on Rules,  
25 Assembly Bill Number 2236 and substitute it for

1 the identical Senate Bill 2080, Third Reading  
2 Calendar 1755.

3 ACTING PRESIDENT BENJAMIN: The  
4 substitution is so ordered.

5 The Secretary will read.

6 THE SECRETARY: Calendar Number  
7 1755, Assembly Print Number 2236, by  
8 Assemblymember Norris, an act to amend the  
9 Tax 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: In relation to  
20 Calendar Number 1755, those Senators voting in  
21 the negative are Senators Antonacci, Brooks,  
22 Gaughran, Griffio, Harckham, Helming, Jacobs,  
23 Kaplan, Lanza, Martinez, Metzger, O'Mara, Serino,  
24 Skoufis, Tedisco and Thomas.

25 Ayes, 46. Nays, 16.

1                   ACTING PRESIDENT BENJAMIN:    The  
2 bill is passed.

3                   There is a substitution at the desk.

4                   The Secretary will read.

5                   THE SECRETARY:    Senator Helming  
6 moves to discharge, from the Committee on Rules,  
7 Assembly Bill Number 2456 and substitute it for  
8 the identical Senate Bill 2503, Third Reading  
9 Calendar 1756.

10                  ACTING PRESIDENT BENJAMIN:   The  
11 substitution is so ordered.

12                  The Secretary will read.

13                  THE SECRETARY:    Calendar Number  
14 1756, Assembly Print Number 2456, by  
15 Assemblymember Solages, an act to amend the  
16 Tax Law and the Social Services Law.

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:  
25 Announce the results.

1                   THE SECRETARY:   In relation to  
2   Calendar Number 1756, voting in the negative:  
3   Senator Antonacci.

4                   Ayes, 61.   Nays, 1.

5                   ACTING PRESIDENT BENJAMIN:   The  
6   bill is passed.

7                   THE SECRETARY:   Calendar Number  
8   1757, Senate Print 2634, by Senator Krueger, an  
9   act to amend the Public Housing Law.

10                  ACTING PRESIDENT BENJAMIN:   Read  
11   the last section.

12                  THE SECRETARY:   Section 5.   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:   In relation to  
20   Calendar Number 1757, those Senators voting in  
21   the negative are Senators Akshar, Amedore,  
22   Antonacci, Griffio, Helming, Jacobs, Jordan,  
23   Kennedy, Lanza, LaValle, Martinez, O'Mara, Ortt,  
24   Ranzenhofer, Serino and Tedisco.

25                  Ayes, 46.   Nays, 16.

1                   ACTING PRESIDENT BENJAMIN:    The  
2 bill is passed.

3                   There is a substitution at the desk.

4                   The Secretary will read.

5                   THE SECRETARY:    Senator Mayer moves  
6 discharge, from the Committee on Rules, Assembly  
7 Bill Number 7456A and substitute it for the  
8 identical Senate Bill Number 2682, Third Reading  
9 Calendar 1758.

10                  ACTING PRESIDENT BENJAMIN:   The  
11 substitution is so ordered.

12                  The Secretary will read.

13                  THE SECRETARY:    Calendar Number  
14 1758, Assembly Print Number 7456A, by  
15 Assemblymember Otis, an act relating to  
16 establishing the Flood Mitigation and Prevention  
17 Task Force.

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 Number 1758, voting in the negative:  
4     Senator Akshar.

5                   Ayes, 61.   Nays, 1.

6                   ACTING PRESIDENT BENJAMIN:     The  
7     bill is passed.

8                   There is a substitution at the desk.

9                   The Secretary will read.

10                  THE SECRETARY:     Senator Ortt moves  
11     to discharge, from the Committee on Rules,  
12     Assembly Bill Number 3271 and substitute it for  
13     the identical Senate Bill Number 2826, Third  
14     Reading Calendar 1759.

15                  ACTING PRESIDENT BENJAMIN:     The  
16     substitution is so ordered.

17                  The Secretary will read.

18                  THE SECRETARY:     Calendar Number  
19     1759, Assembly Print Number 3271, by  
20     Assemblymember Morinello, an act to amend the  
21     Tax Law.

22                  ACTING PRESIDENT BENJAMIN:     Read  
23     the last section.

24                  THE SECRETARY:     Section 2.   This  
25     act shall take effect on the first day of the

1 month next succeeding the date on which it shall  
2 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: In relation to  
9 Calendar Number 1759, those Senators voting in  
10 the negative are Senators Antonacci, Brooks,  
11 Gaughran, Harckham, Helming, Jacobs, Kaplan,  
12 Lanza, LaValle, Martinez, Metzger, O'Mara,  
13 Skoufis, Tedisco and Thomas.

14 Ayes, 47. Nays, 15.

15 ACTING PRESIDENT BENJAMIN: The  
16 bill is passed.

17 THE SECRETARY: Calendar Number  
18 1760, Senate Print 2836C, by Senator Savino, an  
19 act to amend the Domestic Relations Law and the  
20 Family Court Act.

21 ACTING PRESIDENT BENJAMIN: Read  
22 the last section.

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

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, 62.

7                   ACTING PRESIDENT BENJAMIN:    The  
8   bill is passed.

9                   THE SECRETARY:    Calendar Number  
10   1761, Senate Print 3191, by Senator Kennedy, an  
11   act to amend the Labor Law.

12                   ACTING PRESIDENT BENJAMIN:    Read  
13   the last section.

14                   THE SECRETARY:    Section 2.   This  
15   act shall take effect on the 90th day after it  
16   shall have become a law.

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 1761, those Senators voting in  
24   the negative are Senators Akshar, Amedore,  
25   Antonacci, Flanagan, Gallivan, Griffo, Helming,

1     Jacobs, Jordan, Lanza, LaValle, Little, O'Mara,  
2     Ortt, Ranzenhofer, Serino, Seward and Tedisco.  
3     Also Senator Ritchie and Senator Funke.

4                     Ayes, 42.   Nays, 20.

5                     ACTING PRESIDENT BENJAMIN:    The  
6     bill is passed.

7                     There is a substitution at the desk.

8                     The Secretary will read.

9                     THE SECRETARY:    Senator Gounardes  
10    moves to discharge, from the Committee on Rules,  
11    Assembly Bill Number 5940 and substitute it for  
12    the identical Senate Bill 3659, Third Reading  
13    Calendar 1762.

14                    ACTING PRESIDENT BENJAMIN:    The  
15    substitution is so ordered.

16                    The Secretary will read.

17                    THE SECRETARY:    Calendar Number  
18    1762, Assembly Print Number 5940, by  
19    Assemblymember Abbate, an act to amend the  
20    Retirement and Social Security Law.

21                    ACTING PRESIDENT BENJAMIN:    Read  
22    the last section.

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

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: Ayes, 62.

6 ACTING PRESIDENT BENJAMIN: The  
7 bill is passed.

8 THE SECRETARY: Calendar Number  
9 1763, Senate Print 3686B, by Senator Biaggi, an  
10 act to amend the Banking Law.

11 ACTING PRESIDENT BENJAMIN: Read  
12 the last section.

13 THE SECRETARY: Section 5. This  
14 act shall take effect on the 180th 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: Ayes, 62.

22 ACTING PRESIDENT BENJAMIN: The  
23 bill is passed.

24 THE SECRETARY: Calendar Number  
25 1764, Senate Print 3759, by Senator Kennedy, an

1 act to authorize the widow of William James  
2 Middlebrooks to file a retirement option election  
3 form.

4 ACTING PRESIDENT BENJAMIN: Read  
5 the last section.

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

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, 62.

14 ACTING PRESIDENT BENJAMIN: The  
15 bill is passed.

16 THE SECRETARY: Calendar Number  
17 1765, Senate Print 3887A, by Senator Stavisky, an  
18 act to amend the Executive Law.

19 ACTING PRESIDENT BENJAMIN: Read  
20 the last section.

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

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:   In relation to  
4   Calendar Number 1765, those Senators voting in  
5   the negative are Senators Akshar, Amedore,  
6   Antonacci, Boyle, Flanagan, Funke, Griffio,  
7   Helming, Jacobs, Jordan, Lanza, LaValle, Little,  
8   O'Mara, Ortt, Ranzenhofer and Tedisco.  Also  
9   Senator Gallivan.  Also Senator Serino.

10                  Ayes, 43.  Nays, 19.

11                  ACTING PRESIDENT BENJAMIN:   The  
12   bill is passed.

13                  There is a substitution at the desk.

14                  The Secretary will read.

15                  THE SECRETARY:   Senator LaValle  
16   moves to discharge, from the Committee on Rules,  
17   Assembly Bill Number 4941B and substitute it for  
18   the identical Senate Bill Number 4040A, Third  
19   Reading Calendar 1766.

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

22                  The Secretary will read.

23                  THE SECRETARY:   Calendar Number  
24   1766, Assembly Print Number 4941B, by  
25   Assemblymember Thiele, an act to amend the

1 Town Law and the Tax Law.

2 ACTING PRESIDENT BENJAMIN: Read  
3 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 1766, those Senators voting in  
13 the negative are Senators Akshar, Amedore,  
14 Antonacci, Brooks, Gaughran, Helming, Jacobs,  
15 Jordan, Kaplan, Kennedy, Lanza, Martinez, O'Mara,  
16 Ranzenhofer, Serino, Skoufis, Tedisco and Thomas.

17 Ayes, 44. Nays, 18.

18 ACTING PRESIDENT BENJAMIN: The  
19 bill is passed.

20 There is a substitution at the desk.

21 The Secretary will read.

22 THE SECRETARY: Senator Gounardes  
23 moves to discharge, from the Committee on Rules,  
24 Assembly Bill Number 5821A and substitute it for  
25 the identical Senate Bill Number 4083A, Third



1 Reading Calendar 1767.

2 ACTING PRESIDENT BENJAMIN: The  
3 substitution is so ordered.

4 The Secretary will read.

5 THE SECRETARY: Calendar Number  
6 1767, Assembly Print Number 5821A, by  
7 Assemblymember Abbate, an act to amend the  
8 Town Law.

9 ACTING PRESIDENT BENJAMIN: Read  
10 the last section.

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

13 ACTING PRESIDENT BENJAMIN: Call  
14 the roll.

15 (The Secretary called the roll.)

16 ACTING PRESIDENT BENJAMIN:  
17 Announce the results.

18 THE SECRETARY: In relation to  
19 Calendar Number 1767, those Senators voting in  
20 the negative are Senators Antonacci, Griffo and  
21 Lanza.

22 Ayes, 59. Nays, 3.

23 ACTING PRESIDENT BENJAMIN: The  
24 bill is passed.

25 There is a substitution at the desk.

1                   The Secretary will read.

2                   THE SECRETARY:    Senator Robach  
3 moves to discharge, from the Committee on Rules,  
4 Assembly Bill Number 4481 and substitute it for  
5 the identical Senate Bill Number 4423, Third  
6 Reading Calendar 1768.

7                   ACTING PRESIDENT BENJAMIN:    The  
8 substitution is so ordered.

9                   The Secretary will read.

10                  THE SECRETARY:    Calendar Number  
11 1768, Assembly Print Number 4481, by  
12 Assemblymember Cusick, an act to amend the  
13 Public Health 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:    Ayes, 62.

24                  ACTING PRESIDENT BENJAMIN:    The  
25 bill is passed.

1                   THE SECRETARY:   Calendar Number  
2   1769, Senate Print 4629A, by Senator Breslin, an  
3   act to amend the Real Property Law.

4                   ACTING PRESIDENT BENJAMIN:   Read  
5   the last section.

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

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, 62.

14                   ACTING PRESIDENT BENJAMIN:   The  
15   bill is passed.

16                   There is a substitution at the desk.

17                   The Secretary will read.

18                   THE SECRETARY:   Senator Montgomery  
19   moves to discharge, from the Committee on Rules,  
20   Assembly Bill Number 2957A and substitute it for  
21   the identical Senate Bill Number 4637A, Third  
22   Reading Calendar 1770.

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

25                   The Secretary will read.

1                   THE SECRETARY:    Calendar Number  
2   1770, Assembly Print Number 2957A, by  
3   Assemblymember Richardson, an act to amend the  
4   Public Health Law.

5                   ACTING PRESIDENT BENJAMIN:   Order  
6   in the chamber, please.

7                   Read the last section.

8                   THE SECRETARY:    Section 3.  This  
9   act shall take effect on the 180th day after it  
10  shall 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, 62.

17                  ACTING PRESIDENT BENJAMIN:   The  
18  bill is passed.

19                  THE SECRETARY:    Calendar Number  
20  1771, Senate Print 4827B, by Senator Thomas, an  
21  act to amend the Civil Practice Law and Rules and  
22  the Judiciary Law.

23                  SENATOR GIANARIS:   Lay it aside for  
24  the day, please.

25                  ACTING PRESIDENT BENJAMIN:   Lay it

1     aside for the day.

2                   THE SECRETARY:     Calendar Number  
3     1772, Senate Print 5073A, by Senator Mayer, an  
4     act to amend the Education Law.

5                   ACTING PRESIDENT BENJAMIN:     Read  
6     the last section.

7                   THE SECRETARY:     Section 2.     This  
8     act shall take effect July 1, 2020.

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 1772, those Senators voting in  
16    the negative are Senators Akshar, Antonacci,  
17    Boyle, Flanagan, Griffo, Jordan, Lanza, LaValle,  
18    O'Mara, Ortt, Ritchie, Serino, Seward and  
19    Tedisco.     Also Senator Funke.

20                   Ayes, 47.     Nays, 15.

21                   ACTING PRESIDENT BENJAMIN:     The  
22    bill is passed.

23                   THE SECRETARY:     Calendar Number  
24    1773, Senate Print 5150B, by Senator Harckham, an  
25    act to amend the Public Health Law.

1                   SENATOR GIANARIS:   Lay it aside for  
2     the day, please.

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

5                   There is a substitution at the desk.

6                   The Secretary will read.

7                   THE SECRETARY:   Senator Mayer moves  
8     to discharge, from the Committee on Elections,  
9     Assembly Bill Number 5219 and substitute it for  
10    the identical Senate Bill Number 5180A, Third  
11    Reading Calendar 1774.

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

14                  The Secretary will read.

15                  THE SECRETARY:   Calendar Number  
16    1774, Assembly Print Number 5219, by  
17    Assemblymember Galef, an act to amend the  
18    Election Law.

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:   In relation to  
4   Calendar Number 1774, voting in the negative:  
5   Senator Helming.

6           Ayes, 61.   Nays, 1.

7           ACTING PRESIDENT BENJAMIN:   The  
8   bill is passed.

9           THE SECRETARY:   Calendar Number  
10   1775, Senate Print 5211A, by Senator Breslin, an  
11   act to amend the Lien Law.

12          ACTING PRESIDENT BENJAMIN:   Read  
13   the last section.

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

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:   Ayes, 62.

22          ACTING PRESIDENT BENJAMIN:   The  
23   bill is passed.

24          There is a substitution at the desk.

25          The Secretary will read.

1                   THE SECRETARY:    Senator Breslin  
2   moves to discharge, from the Committee on Rules,  
3   Assembly Bill Number 8091 and substitute it for  
4   the identical Senate Bill Number 5254A, Third  
5   Reading Calendar 1776.

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

8                   The Secretary will read.

9                   THE SECRETARY:    Calendar Number  
10   1776, Assembly Print Number 8091, by  
11   Assemblymember Magnarelli, an act to amend the  
12   Real Property Tax Law.

13                  SENATOR GRIFFO:    Lay it aside.

14                  SENATOR GIANARIS:   Lay it aside for  
15   the day.

16                  ACTING PRESIDENT BENJAMIN:   Lay it  
17   aside for the day.

18                  Calendar 1777 is high and will be  
19   laid aside for the day.

20                  THE SECRETARY:    Calendar Number  
21   1778, Senate Print 5667A, by Senator Thomas, an  
22   act to authorize the assessor of the County of  
23   Nassau to accept an application for exemption  
24   from real property taxes.

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 1778, those Senators voting in  
11 the negative are Senators Akshar, Amedore,  
12 Antonacci and O'Mara.

13 Ayes, 58. Nays, 4.

14 ACTING PRESIDENT BENJAMIN: The  
15 bill is passed.

16 THE SECRETARY: Calendar Number  
17 1779, Senate Print 5698A, by Senator May, an act  
18 to amend the County Law and the Tax Law.

19 ACTING PRESIDENT BENJAMIN: Read  
20 the last section.

21 THE SECRETARY: Section 3. 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:   In relation to  
4   Calendar Number 1779, those Senators voting in  
5   the negative are Senators Akshar, Antonacci,  
6   Helming, Jacobs, Jordan, Lanza, Martinez, O'Mara,  
7   Ortt, Serino and Tedisco. Also Senator Amedore.

8                   Ayes, 50. Nays, 12.

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:   Senator Serino  
14   moves to discharge, from the Committee on Rules,  
15   Assembly Bill Number 6571A and substitute it for  
16   the identical Senate Bill Number 5828A, Third  
17   Reading Calendar 1780.

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

20                   The Secretary will read.

21                   THE SECRETARY:   Calendar Number  
22   1780, Assembly Print Number 6571A, by  
23   Assemblymember Galef, an act to amend the  
24   Executive 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, 62.

10 ACTING PRESIDENT BENJAMIN: The  
11 bill is passed.

12 THE SECRETARY: Calendar Number  
13 1781, Senate Print 5918A, by Senator Comrie, an  
14 act to amend the Tax Law.

15 ACTING PRESIDENT BENJAMIN: Read  
16 the last section.

17 THE SECRETARY: Section 2. 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: In relation to  
25 Calendar Number 1781, voting in the negative:

1 Senator LaValle.

2 Ayes, 61. Nays, 1.

3 ACTING PRESIDENT BENJAMIN: The  
4 bill is passed.

5 There is a substitution at the desk.

6 The Secretary will read.

7 THE SECRETARY: Senator May moves  
8 to discharge, from the Committee on Rules,  
9 Assembly Bill Number 7593 and substitute it for  
10 the identical Senate Bill Number 5958, Third  
11 Reading Calendar 1782.

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

14 The Secretary will read.

15 THE SECRETARY: Calendar Number  
16 1782, Assembly Print Number 7593, by  
17 Assemblymember Bronson, an act to amend the  
18 Elder Law.

19 ACTING PRESIDENT BENJAMIN: Read  
20 the last section.

21 THE SECRETARY: Section 2. 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: In relation to  
5 Calendar Number 1782, voting in the negative:  
6 Senator LaValle.

7 Ayes, 61. Nays, 1.

8 ACTING PRESIDENT BENJAMIN: The  
9 bill is passed.

10 THE SECRETARY: Calendar Number  
11 1783, Senate Print 6012A, by Senator Kennedy, an  
12 act to amend the Vehicle and Traffic Law.

13 ACTING PRESIDENT BENJAMIN: Read  
14 the last section.

15 THE SECRETARY: Section 2. This  
16 act shall take effect one year after it shall  
17 have become a law.

18 ACTING PRESIDENT BENJAMIN: Call  
19 the roll.

20 (The Secretary called the roll.)

21 ACTING PRESIDENT BENJAMIN: Senator  
22 Kennedy to explain his vote.

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

25 I appreciate the support of my

1 colleagues that has been shown for this important  
2 legislation that closes a major loophole and  
3 protects some of our most visible public  
4 employees.

5           Many riders of mass transit know  
6 that it's a felony to assault a transit worker.  
7 It's posted in buses and on trains across the  
8 state. But several incidents have revealed a  
9 significant gap in the law, including an attack  
10 on an MTA plumber at a subway station last year.  
11 The employee in question is a maintenance  
12 supervisor, and when he was assaulted, the law  
13 did not apply to his attacker.

14           It's wrong, and it needs to be  
15 fixed. This is an easy fix for us here tonight.  
16 This legislation amends the Penal Law and adds  
17 supervisory employees of a transit system to the  
18 list of individuals protected under assault in  
19 the second degree.

20           This provides these individuals with  
21 the same protections offered to train and bus  
22 operators, ticket inspectors, conductors, signal  
23 persons, station agents, station cleaners and  
24 terminal cleaners.

25           Whether one works for the NFTA in

1 Buffalo, the Centro in Syracuse, or the MTA in  
2 New York, they deserve to be able to do their job  
3 without worrying about their safety.

4 It's the right thing to do --

5 ACTING PRESIDENT BENJAMIN: Order  
6 in the chamber, please.

7 SENATOR KENNEDY: -- and I want to  
8 thank my colleagues for their support here  
9 tonight.

10 ACTING PRESIDENT BENJAMIN: Order  
11 in the chamber, please.

12 Senator Kennedy, continue.

13 SENATOR KENNEDY: Mr. President, I  
14 thank Leader Stewart-Cousins for bringing this to  
15 the floor, and I vote aye.

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

18 Announce the results.

19 THE SECRETARY: In relation to  
20 Calendar Number 1783, those Senators voting in  
21 the negative are Senators Antonacci, Boyle,  
22 Flanagan, Funke, Gallivan, Griffo, Helming,  
23 Jacobs, LaValle, O'Mara, Ortt, Ranzenhofer,  
24 Ritchie, Serino, Seward and Tedisco.

25 Ayes, 46. Nays, 16.

1                   ACTING PRESIDENT BENJAMIN:    The  
2 bill is passed.

3                   THE SECRETARY:    Calendar Number  
4 1784, Senate Print 6013, by Senator Kennedy, an  
5 act to amend the Penal Law.

6                   ACTING PRESIDENT BENJAMIN:    Read  
7 the last section.

8                   THE SECRETARY:    Section 2.  This  
9 act shall take effect on the 90th day after it  
10 shall 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:    In relation to  
17 Calendar Number 1784, those Senators voting in  
18 the negative are Senators Little and Montgomery.

19                   Ayes, 60.  Nays, 2.

20                   ACTING PRESIDENT BENJAMIN:    The  
21 bill is passed.

22                   THE SECRETARY:    Calendar Number  
23 1785, Senate Print 6081, by Senator Hoylman, an  
24 act to amend the General Obligations Law.

25                   ACTING PRESIDENT BENJAMIN:    Read



1 the last section.

2 THE SECRETARY: Section 2. This  
3 act shall take effect on the 31st of January.

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 1785, those Senators voting in  
11 the negative are Senators Amedore, Antonacci,  
12 Boyle, Breslin, Funke, Gallivan, Gaughran,  
13 Griffo, Helming, Jacobs, Lanza, LaValle, O'Mara,  
14 Ortt, Ranzenhofer, Ritchie, Robach, Serino and  
15 Tedisco.

16 Ayes, 43. Nays, 19.

17 ACTING PRESIDENT BENJAMIN: The  
18 bill is passed.

19 There is a substitution at the desk.

20 The Secretary will read.

21 THE SECRETARY: Senator Kennedy  
22 moves to discharge, from the Committee on Rules,  
23 Assembly Bill Number 670A and substitute it for  
24 the identical Senate Bill Number 6212A, Third  
25 Reading Calendar 1786.

1                   ACTING PRESIDENT BENJAMIN:    The  
2   substitution is so ordered.

3                   The Secretary will read.

4                   THE SECRETARY:    Calendar Number  
5   1786, Assembly Print Number 670A, by  
6   Assemblymember Bronson, an act to amend the  
7   Insurance Law.

8                   ACTING PRESIDENT BENJAMIN:   Read  
9   the last section.

10                  THE SECRETARY:    Section 8.  This  
11   act shall take effect on the first of January.

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, 62.

18                  ACTING PRESIDENT BENJAMIN:   The  
19   bill is passed.

20                  THE SECRETARY:    Calendar Number  
21   1787, Senate Print 6213A, by Senator Jordan, an  
22   act to amend the Highway Law.

23                  ACTING PRESIDENT BENJAMIN:   Read  
24   the last section.

25                  THE SECRETARY:    Section 3.  This

1 act shall take effect immediately.

2 ACTING PRESIDENT BENJAMIN: Call  
3 the roll.

4 (The Secretary called the roll.)

5 ACTING PRESIDENT BENJAMIN:  
6 Announce the results.

7 THE SECRETARY: Ayes, 62.

8 ACTING PRESIDENT BENJAMIN: The  
9 bill is passed.

10 THE SECRETARY: Calendar Number  
11 1790, Senate Print 6301, by Senator Sanders, an  
12 act to amend the Public Authorities 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: Ayes, 62.

23 ACTING PRESIDENT BENJAMIN: The  
24 bill is passed.

25 There is a substitution at the desk.

1                   The Secretary will read.

2                   THE SECRETARY:   Senator Little  
3 moves to discharge, from the Committee on Rules,  
4 Assembly Bill Number 8109 and substitute it for  
5 the identical Senate Bill Number 6306, Third  
6 Reading Calendar 1791.

7                   ACTING PRESIDENT BENJAMIN:  
8 Substitution so ordered.

9                   The Secretary will read.

10                  THE SECRETARY:   Calendar Number  
11 1791, Assembly Print Number 8109, by  
12 Assemblymember Woerner, an act to amend the  
13 County 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:   Ayes, 62.

24                  ACTING PRESIDENT BENJAMIN:   The  
25 bill is passed.

1                   There is a substitution at the desk.

2                   The Secretary will read.

3                   THE SECRETARY:    Senator Gounardes  
4 moves to discharge, from the Committee on Rules,  
5 Assembly Bill Number 8138 and substitute it for  
6 the identical Senate Bill Number 6324, Third  
7 Reading Calendar 1792.

8                   ACTING PRESIDENT BENJAMIN:    The  
9 substitution is so ordered.

10                  The Secretary will read.

11                  THE SECRETARY:    Calendar Number  
12 1792, Assembly Print Number 8138, by  
13 Assemblymember Weprin, an act to amend the  
14 Real Property Tax Law.

15                  ACTING PRESIDENT BENJAMIN:    Read  
16 the last section.

17                  THE SECRETARY:    Section 2.   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, 62.

25                  ACTING PRESIDENT BENJAMIN:    The

1 bill is passed.

2 THE SECRETARY: Calendar Number  
3 1793, Senate Print 6326, by Senator Parker, an  
4 act to amend the Public Service Law.

5 ACTING PRESIDENT BENJAMIN: Read  
6 the last section.

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

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, 62.

15 ACTING PRESIDENT BENJAMIN: The  
16 bill is passed.

17 THE SECRETARY: Calendar Number  
18 1794, Senate Print 6345, by Senator Ritchie, an  
19 act to amend the Public Officers 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: Ayes, 62.

5 ACTING PRESIDENT BENJAMIN: The  
6 bill is passed.

7 THE SECRETARY: Senator Gianaris.

8 SENATOR GIANARIS: Mr. President,  
9 pursuant to Rule 5, without objection, I move  
10 that we stay in session past the hour of  
11 midnight.

12 ACTING PRESIDENT BENJAMIN: Without  
13 objection, so ordered.

14 The Secretary will read.

15 THE SECRETARY: Calendar Number  
16 1795, Senate Print 6367, by Senator Gounardes, an  
17 act to amend Chapter 504 of the Laws of 2009.

18 ACTING PRESIDENT BENJAMIN: Read  
19 the last section.

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

22 ACTING PRESIDENT BENJAMIN: Call  
23 the roll.

24 (The Secretary called the roll.)

25 ACTING PRESIDENT BENJAMIN:

1 Announce the results.

2 THE SECRETARY: Ayes, 62.

3 ACTING PRESIDENT BENJAMIN: The  
4 bill is passed.

5 THE SECRETARY: Calendar Number  
6 1796, Senate Print 6412, by Senator Kavanaugh, an  
7 act to amend the Public Housing Law.

8 SENATOR GIANARIS: Lay it aside for  
9 the day.

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

12 THE SECRETARY: Calendar Number  
13 1797, Senate Print 6420, by Senator Seward, an  
14 act relating to the miscalculation of benefits  
15 paid to Katherine Sweeney.

16 ACTING PRESIDENT BENJAMIN: Read  
17 the last section.

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

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: In relation to



1 Calendar Number 1797, recorded in the negative:  
2 Senator Skoufis.

3 Ayes, 61. Nays, 1.

4 ACTING PRESIDENT BENJAMIN: The  
5 bill is passed.

6 THE SECRETARY: Calendar Number  
7 1798, Senate Print 6442, by Senator Addabbo, an  
8 act to amend Chapter 239 of the Laws of 1995.

9 ACTING PRESIDENT BENJAMIN: There  
10 is a home-rule message at the desk.

11 Read 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, 62.

20 ACTING PRESIDENT BENJAMIN: The  
21 bill is passed.

22 THE SECRETARY: Calendar Number  
23 1799, Senate Print 6444, by Senator Thomas, an  
24 act to amend the County Law and the New York City  
25 Charter.

1                   ACTING PRESIDENT BENJAMIN:    Read  
2   the last section.

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

5                   ACTING PRESIDENT BENJAMIN:    Call  
6   the roll.

7                   (The Secretary called the roll.)

8                   ACTING PRESIDENT BENJAMIN:  
9   Announce the results.

10                  THE SECRETARY:    In relation to  
11   Calendar Number 1799, those Senators voting in  
12   the negative are Senators Amedore, Antonacci,  
13   Boyle, Flanagan, Funke, Gallivan, Griffio,  
14   Helming, Jacobs, Jordan, Lanza, LaValle, O'Mara,  
15   Ortt, Ranzenhofer, Ritchie, Robach, Serino,  
16   Seward and Tedisco.

17                  Ayes, 42.   Nays, 20.

18                  ACTING PRESIDENT BENJAMIN:    The  
19   bill is passed.

20                  THE SECRETARY:    Calendar Number  
21   1800, Senate Print 6511, by Senator Parker, an  
22   act to amend the Real Property Tax Law.

23                  ACTING PRESIDENT BENJAMIN:    Read  
24   the last section.

25                  THE SECRETARY:    Section 3.   This

1 act shall take effect immediately.

2 ACTING PRESIDENT BENJAMIN: Call  
3 the roll.

4 (The Secretary called the roll.)

5 ACTING PRESIDENT BENJAMIN:  
6 Announce the results.

7 THE SECRETARY: In relation to  
8 Calendar 1800, those Senators voting in the  
9 negative are Senators Bailey, Gaughran and  
10 Martinez.

11 Ayes, 59. Nays, 3.

12 ACTING PRESIDENT BENJAMIN: The  
13 bill is passed.

14 THE SECRETARY: Calendar Number  
15 1801, Senate Print 6552, by Senator Skoufis, an  
16 act to amend the Civil Practice Law and Rules.

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:  
25 Announce the results.

1                   THE SECRETARY:   In relation to  
2   Calendar Number 1801, those Senators voting in  
3   the negative are Senators Antonacci, Amedore,  
4   Boyle, Breslin, Flanagan, Funke, Gallivan,  
5   Griffo, Jacobs, Jordan, LaValle, O'Mara, Ortt,  
6   Ranzenhofer, Ritchie, Robach, Serino, Seward and  
7   Tedisco.

8                   Ayes, 43.   Nays, 19.

9                   ACTING PRESIDENT BENJAMIN:   The  
10   bill is passed.

11                  THE SECRETARY:   Calendar Number  
12   1802, Senate Print 6566, by Senator Kavanagh, an  
13   act to amend the Hudson River Park Act.

14                  ACTING PRESIDENT BENJAMIN:   Read  
15   the last section.

16                  THE SECRETARY:   Section 4.   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 1802, voting in the negative:  
25   Senator May.

1                   Ayes, 61.   Nays, 1.

2                   ACTING PRESIDENT BENJAMIN:    The  
3 bill is passed.

4                   Calendar Number 1803 is high and  
5 will be laid aside for the day.

6                   Calendar Number 1804 is high and  
7 will be laid aside for the day.

8                   Calendar Number 1805 is high and  
9 will be laid aside for the day.

10                  Senator Gianaris, that completes the  
11 reading of the supplemental calendar.

12                  SENATOR GIANARIS:    Mr. President, I  
13 wish I was high, but it may have to wait another  
14 year to get to that point, it sounds like.

15                  (Laughter.)

16                  SENATOR GIANARIS:    If we could  
17 return to motions.

18                  On behalf of Senator Kavanagh, I  
19 move that the following bill be discharged from  
20 its respective committee and recommitted with  
21 instructions to strike the enacting clause:  
22 Senate Bill 6565.

23                  ACTING PRESIDENT BENJAMIN:    It is  
24 so ordered.

25                  SENATOR GIANARIS:    There were also

1 some bills we had earlier laid aside temporarily,  
2 and I'd like to lay them aside for the day.  
3 Calendar Numbers 1669, 1710 and 1732, please lay  
4 aside those bills for the day.

5 ACTING PRESIDENT BENJAMIN: There  
6 is a substitution at the desk. Could we do that  
7 before we lay it aside?

8 The Secretary will read.

9 THE SECRETARY: Senator Comrie  
10 moves to discharge, from the Committee on Rules,  
11 Assembly Bill Number 8126A and substitute it for  
12 the identical Senate Bill Number 6372A, Third  
13 Reading Calendar 1669.

14 ACTING PRESIDENT BENJAMIN: The  
15 substitution is so ordered.

16 The bills will be laid aside for the  
17 day.

18 Senator Gianaris.

19 SENATOR GIANARIS: Is there any  
20 further business at the desk?

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

23 SENATOR GIANARIS: In that case I  
24 move that we adjourn until tomorrow, Thursday,  
25 June 20th, at 12:00 noon.

1                   There will be a Democratic  
2 conference at 10:00 a.m. tomorrow.

3                   ACTING PRESIDENT BENJAMIN:    On  
4 motion, and without objection, the Senate stands  
5 adjourned until Thursday, June 20th, at  
6 12:00 noon.

7                   There will be a Democratic  
8 conference at 10:00 a.m.

9                   (Whereupon, at 12:08 a.m., the  
10 Senate adjourned.)

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