

1 NEW YORK STATE SENATE

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4 THE STENOGRAPHIC RECORD

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9 ALBANY, NEW YORK

10 January 23, 2020

11 11:42 a.m.

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14 REGULAR SESSION

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19 SENATOR BRIAN A. BENJAMIN, Acting President

20 ALEJANDRA N. PAULINO, ESQ., Secretary

P R O C E E D I N G S

ACTING PRESIDENT BENJAMIN: The
Senate will come to order.

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

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

ACTING PRESIDENT BENJAMIN: In the
absence of clergy, let us bow our heads in a
moment of silent reflection or prayer.

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

ACTING PRESIDENT BENJAMIN: The
reading of the Journal.

THE SECRETARY: In Senate,
Wednesday, January 22, 2020, the Senate met
pursuant to adjournment. The Journal of Tuesday,
January 21, 2020, was read and approved. On
motion, Senate adjourned.

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

Presentation of petitions.

Messages from the Assembly.

Messages from the Governor.

Reports of standing committees.

1 Reports of select committees.

2 Communications and reports from
3 state officers.

4 Motions and resolutions.

5 Senator Gianaris.

6 SENATOR GIANARIS: Mr. President,
7 on page 7 I offer the following amendments to
8 Calendar Number 63, Senate 6725, and ask that
9 said bill retain its place on Third Reading
10 Calendar, on behalf of Senator Carlucci.

11 ACTING PRESIDENT BENJAMIN: The
12 amendments are received, and the bill shall
13 retain its place on the Third Reading Calendar.

14 Senator Gianaris.

15 SENATOR GIANARIS: Can we now take
16 up previously adopted Resolutions 2280 and 2401,
17 by Senator Tedisco, read them title only, and
18 recognize Senator Tedisco.

19 ACTING PRESIDENT BENJAMIN: The
20 Secretary will read.

21 THE SECRETARY: Senate Resolution
22 2280, by Senator Tedisco, congratulating the
23 Burnt Hills-Ballston Lake High School Boys Cross
24 Country Team and Head Coach Chip Button upon the
25 occasion of capturing the New York State

1 Federation Cross Country Championship.

2 Senate Resolution 2401, by
3 Senator Tedisco, congratulating the Burnt
4 Hills-Ballston Lake Girls Volleyball Team and
5 Head Coach Gary Bynon upon the occasion of
6 capturing the New York State Class A Championship
7 on November 24, 2019.

8 ACTING PRESIDENT BENJAMIN: Senator
9 Tedisco on the resolutions.

10 SENATOR TEDISCO: Thank you very
11 much, Mr. President and my colleagues.

12 Mr. President and my colleagues, I
13 know we're always very proud of our own Senate
14 districts, and I certainly am proud of the
15 49th Senatorial District. In fact, I often like
16 to say all good things emanate from the
17 49th Senatorial District.

18 (Laughter.)

19 SENATOR TEDISCO: And it just so
20 happens there are a couple of groups here today,
21 outstanding student-athletes from two outstanding
22 athletic teams from the Burnt Hills-Ballston Lake
23 High School, who really represent what I mean
24 about outstanding achievements and all good
25 things.

1 The first group I'd like to present
2 to you is an outstanding team for girls
3 volleyball in the Burnt Hills-Ballston Lake
4 School District. They and the second team I'm
5 going to present to you, which is the boys track
6 team -- cross country team, excuse me, both won
7 championships on the same weekend this past fall.

8 The Burnt Hills-Ballston Lake Girls
9 Varsity Volleyball Team and Head Coach Bynon won
10 the New York State Public High School Athletic
11 Association Class A title with a victory over
12 West Irondequoit High School on Sunday,
13 November 24, 2019, at the Cool Insuring Arena in
14 Glens Falls.

15 The Spartans finished the campaign
16 with an outstanding overall record of 31 wins and
17 only five losses. The team has won their 18th
18 consecutive regional championship this season and
19 their seventh state championship. Just an
20 outstanding season. I want to really
21 congratulate them.

22 But they're a part of this
23 outstanding dual group of wonderful student
24 athletes and teams who are here today. The
25 second group of students, both -- as we passed

1 resolutions for both of these teams -- is the
2 Burnt Hills-Ballston Lake Boys Varsity Cross
3 Country Team.

4 Now, as you look up there, you may
5 recognize some of them and their coaches because
6 they've been here quite a lot. In fact, last
7 year I quoted Pat Riley, who was another
8 outstanding athlete from Schenectady, who coined
9 the term three-peat. Well, last year they had a
10 three-peat, the third championship in a row. But
11 now they've got their own copyright this year,
12 and they can call it a four-peat. They've won
13 their fourth state championship in a row.

14 And they've been here,
15 Mr. President, so many times I think they may
16 have better attendance than some of the members
17 in the room today.

18 (Laughter.)

19 SENATOR TEDISCO: I'm not sure
20 about that, but they've been here quite often.

21 The Burnt Hills-Ballston Lake Boys
22 Varsity Cross Country Team, led by their coach
23 Chip Button, captured their fourth straight
24 New York Public High School Athletic Association
25 Class B Cross Country Championship, and for good

1 measure also won the New York State Federation
2 Championship at Bowdoin Park in Wappingers Falls
3 on Saturday, November 23, 2019.

4 The Spartans finished with an
5 impressive Suburban Council dual meet record of
6 14 and 1. And I told them somebody sprained
7 their ankle on that day, and that's why that
8 happened, because they'd probably be perfect.

9 You did? Okay. Walk more gingerly
10 next time, okay?

11 (Laughter.)

12 SENATOR TEDISCO: The team has now
13 won their 21st Section 2 championship locally,
14 their ninth state championship, and their second
15 Federation title, which is some outstanding
16 achievements. And for the second straight year,
17 these young men represented New York State well
18 with another Top 20 finish at the Nike
19 Cross Country National Championship in Portland,
20 Oregon.

21 You know, Mr. President and my
22 colleagues, school districts with excellent
23 programs like this, outstanding academic
24 students, outstanding athletic students,
25 outstanding teams, student athletes, don't happen

1 by chance. They have outstanding coaches,
2 teachers, administrators, and they also have
3 outstanding athletic directors which lead many of
4 these teams. And Joe Scalise is the athletic
5 director who I would want to make mention of also
6 today.

7 But let me also say athletics is
8 important. It was very important to me. I
9 talked to them about what it means to be part of
10 a team. And I think they've learned some great
11 lessons that we understand here to a certain
12 extent, that all of our lives are part of a
13 team -- whether it's our family, whether it's our
14 education, working at projects, whether it's
15 becoming state legislators, Democrats and
16 Republicans trying to work together for the best
17 quality of life for our constituents, or whatever
18 job you have -- to be a part of that is to be a
19 part of a team, to know your role.

20 They know their role to so much
21 successfulness that the team has achieved
22 unbelievable goals. And that's a great lesson.

23 But a big part of it also is the
24 academics. And I just want to point out this,
25 great achievements athletically. The Boys

1 Cross Country Team boasts a team grade average of
2 93.4 percent, while the Girls Volleyball Team
3 produced a team grade point average -- are you
4 ready for this -- of 97.3 percent. So these are
5 not only outstanding athletes, outstanding team
6 members, they're outstanding in the field of
7 academics.

8 And I'm pretty sure they'll go on --
9 this may be great successes for them, but I'm
10 pretty sure they'll have even bigger and better
11 successes in the future, because they've learned
12 tremendous lessons in the classroom,
13 academically, and with outstanding coaches and
14 leaders as parts of a team.

15 So, Mr. President and my colleagues,
16 I wish you would welcome them, congratulate them,
17 and offer them all the cordialities of this
18 august Senate body.

19 Thank you.

20 ACTING PRESIDENT BENJAMIN: To our
21 Girls Volleyball Team and our Boys Cross Country
22 Team, I welcome you on behalf of the Senate. We
23 congratulate you. We extend all the privileges
24 and courtesies of this house.

25 Please rise and be recognized.

1 (Standing ovation.)

2 ACTING PRESIDENT BENJAMIN: The
3 resolutions were previously adopted on
4 January 14th.

5 Senator Gianaris.

6 SENATOR GIANARIS: Mr. President,
7 at the request of Senator Tedisco, those
8 resolutions are open for cosponsorship.

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

13 Senator Gianaris.

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

16 ACTING PRESIDENT BENJAMIN: The
17 Secretary will read.

18 THE SECRETARY: Calendar Number 72,
19 by Senator Breslin, Senate Bill Number 3736, an
20 act to amend the Insurance 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, 55.

6 ACTING PRESIDENT BENJAMIN: The
7 bill is passed.

8 THE SECRETARY: Calendar Number 89,
9 by Senator Jackson, Senate Print 7165, an act to
10 amend the Energy Law.

11 ACTING PRESIDENT BENJAMIN: Read
12 the last section.

13 THE SECRETARY: Section 2. This
14 act shall take effect on the same date and in the
15 same manner as a chapter of the Laws of 2019.

16 ACTING PRESIDENT BENJAMIN: Call
17 the roll.

18 (The Secretary called the roll.)

19 ACTING PRESIDENT BENJAMIN:

20 Announce the results.

21 THE SECRETARY: In relation to
22 Calendar Number 89, those Senators voting in the
23 negative are Senators Akshar, Amedore, Borrello,
24 Flanagan, Helming, Jordan, Lanza, O'Mara, Ortt,
25 Ranzenhofer, Robach, Serino and Tedisco. Also

1 Senator Gallivan and Senator Funke.

2 Ayes, 42. Nays, 15.

3 ACTING PRESIDENT BENJAMIN: The
4 bill is passed.

5 THE SECRETARY: Calendar Number 91,
6 by Senator Hoylman, Senate Print 7167, an act to
7 amend the General Business Law.

8 ACTING PRESIDENT BENJAMIN: Read
9 the last section.

10 THE SECRETARY: Section 5. This
11 act shall take effect immediately.

12 ACTING PRESIDENT BENJAMIN: Call
13 the roll.

14 (The Secretary called the roll.)

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

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

19 This is a chapter amendment, but I
20 just wanted to take this opportunity to mention
21 the fact of polyfluoroalkyl substances, or PFAS
22 chemicals. They're referred to as "forever
23 chemicals" because they don't break down easily,
24 and once they enter your bloodstream or a water,
25 they're basically there forever.

1 They're the main ingredient of the
2 substance called Teflon, which we know is from
3 nonstick pans, and they're part of a group of
4 tens of thousands of unregulated synthetic
5 chemicals.

6 And I mention it because there's a
7 film out in theaters now called Dark Waters.
8 It's about a lawyer named Rob Bilott, who I spoke
9 to about this very legislation, who's played by
10 Mark Ruffalo in the film. And he discovered
11 about a decade ago that the DuPont Corporation
12 poisoned an entire town in Parkersburg,
13 West Virginia, with these types of chemicals,
14 through direct contact and contaminated water.

15 And New York State, Mr. President,
16 has had its own run-in with PFAS and PFOA
17 chemicals: The Hoosick Falls contamination I
18 think we all remember, and it's certainly now
19 still an issue, as it is a state Superfund site;
20 and of course Newburgh, where firefighting foam
21 leaked into the water system and has resulted in
22 a great problem for that community.

23 So through this legislation we're
24 going to restrict the use of PFAS chemicals in
25 firefighting foam. Better for the firefighters,

1 better for the local communities.

2 I vote aye. Thank you.

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

5 Announce the results.

6 THE SECRETARY: Ayes, 59.

7 ACTING PRESIDENT BENJAMIN: The
8 bill is passed.

9 THE SECRETARY: Calendar Number 95,
10 by Senator Brooks, Senate Print 7171, an act to
11 amend the Executive Law.

12 ACTING PRESIDENT BENJAMIN: Read
13 the last section.

14 THE SECRETARY: Section 2. This
15 act shall take effect on the same date and in the
16 same manner as a chapter of the Laws of 2019.

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, 59.

23 ACTING PRESIDENT BENJAMIN: The
24 bill is passed.

25 THE SECRETARY: Calendar Number 97,

1 by Senator Rivera, Senate Print 7173, an act to
2 amend the Public Health Law.

3 ACTING PRESIDENT BENJAMIN: Read
4 the last section.

5 THE SECRETARY: This act shall take
6 effect on the same date and in the same manner as
7 a chapter of the Laws of 2019.

8 ACTING PRESIDENT BENJAMIN: Call
9 the roll.

10 (The Secretary called the roll.)

11 ACTING PRESIDENT BENJAMIN:
12 Announce the results.

13 THE SECRETARY: Ayes, 59.

14 ACTING PRESIDENT BENJAMIN: The
15 bill is passed.

16 THE SECRETARY: Calendar Number
17 102, by Senator Comrie, Senate Print 7178, an act
18 to amend the Election Law.

19 ACTING PRESIDENT BENJAMIN: Read
20 the last section.

21 THE SECRETARY: Section 2. This
22 act shall take effect on the same date and in the
23 same manner as a chapter of the Laws of 2019.

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 102, those Senators voting in the
6 negative are Senators Akshar, Amedore, Borrello,
7 Boyle, Flanagan, Funke, Gallivan, Griffio,
8 Helming, Jordan, Lanza, LaValle, Little, O'Mara,
9 Ortt, Ranzenhofer, Ritchie, Robach, Serino and
10 Tedisco.

11 Ayes, 39. Nays, 20.

12 ACTING PRESIDENT BENJAMIN: The
13 bill is passed.

14 THE SECRETARY: Calendar Number
15 104, by Senator Kaplan, Senate Print 7180, an act
16 to amend a chapter of the Laws of 2019.

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: Ayes, 59.

2 ACTING PRESIDENT BENJAMIN: The
3 bill is passed.

4 THE SECRETARY: Calendar Number
5 119, by Senator Krueger, Senate Print 7195, an
6 act to amend a chapter of the Laws of 2019.

7 ACTING PRESIDENT BENJAMIN: Read
8 the last section.

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

11 ACTING PRESIDENT BENJAMIN: Call
12 the roll.

13 (The Secretary called the roll.)

14 ACTING PRESIDENT BENJAMIN:
15 Announce the results.

16 THE SECRETARY: In relation to
17 Calendar Number 119, Senator Akshar in the
18 negative.

19 Ayes, 58. Nays, 1.

20 ACTING PRESIDENT BENJAMIN: The
21 bill is passed.

22 THE SECRETARY: Calendar Number
23 121, by Senator Metzger, Senate Print 7197, an
24 act to amend the Labor Law.

25 ACTING PRESIDENT BENJAMIN: Read

1 the last section.

2 THE SECRETARY: Section 2. This
3 act shall take effect on the same date and in the
4 same manner as a chapter of the Laws of 2019.

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 121, those Senators voting in the
12 negative are Senators Akshar, Amedore, Borrello,
13 Funke, Gallivan, Helming, Jordan, Lanza, O'Mara
14 and Ortt.

15 Ayes, 49. Nays, 10.

16 ACTING PRESIDENT BENJAMIN: The
17 bill is passed.

18 THE SECRETARY: Calendar Number
19 168, by Senator Salazar, Senate Print 6391, an
20 act to repeal Section 206-b of the Labor 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, 59.

6 ACTING PRESIDENT BENJAMIN: The
7 bill is passed.

8 Senator Gianaris, that completes the
9 reading of today's calendar.

10 SENATOR GIANARIS: Is there any
11 further business at the desk?

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

14 SENATOR GIANARIS: I move to
15 adjourn until Monday, January 27th, at 3:00 p.m.,
16 intervening days being legislative days.

17 ACTING PRESIDENT BENJAMIN: On
18 motion, the Senate stands adjourned until Monday,
19 January 27, at 3:00 p.m., intervening days being
20 legislative days.

21 (Whereupon, at 12:00 p.m., the
22 Senate adjourned.)

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