NEW YORK STATE SENATE

THE STENOGRAPHIC RECORD

ALBANY, NEW YORK

April 27, 2021

3:14 p.m.

REGULAR SESSION

SENATOR ROXANNE J. PERSAUD, Acting President

ALEJANDRA N. PAULINO, ESQ., Secretary

P R O C E E D I N G S

ACTING PRESIDENT PERSAUD: 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 PERSAUD: 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 PERSAUD: Reading of the Journal.

THE SECRETARY: In Senate, Monday, April 26, 2021, the Senate met pursuant to adjournment. The Journal of Sunday, April 25, 2021, was read and approved. On motion, Senate adjourned.

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

Presentation of petitions.

Messages from the Assembly.

The Secretary will read.

THE SECRETARY: Senator Lanza moves

to discharge, from the Committee on Environmental Conservation, Assembly Bill Number 2000 and substitute it for the identical Senate Bill 5150, Third Reading Calendar 591.

ACTING PRESIDENT PERSAUD: The substitution is so ordered.

THE SECRETARY: Senator May moves to discharge, from the Committee on Rules, Assembly Bill Number 6966 and substitute it for the identical Senate Bill 6203, Third Reading Calendar 727.

ACTING PRESIDENT PERSAUD: The substitution is so ordered.

Messages from the Governor.

Reports of standing committees.

Reports of select committees.

Communications and reports from state officers.

Motions and resolutions.

Senator Gianaris.

SENATOR GIANARIS: Thank you, Madam President.

On behalf of Senator Kavanagh, on page 33 I offer the following amendments to Calendar Number 607, Senate Print 2903, and ask

that said bill retain its place on Third Reading Calendar.

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

SENATOR GIANARIS: On behalf of Senator Kennedy, I wish to call up Senate Print 2767, recalled from the Assembly, which is now at the desk.

ACTING PRESIDENT PERSAUD: The Secretary will read.

THE SECRETARY: Calendar Number 260, Senate Print 2767, by Senator Kennedy, an act to establish a Private Student Loan Refinance Task Force.

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

ACTING PRESIDENT PERSAUD: The Secretary will call the roll on reconsideration.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 60.

ACTING PRESIDENT PERSAUD: The bill is restored to its place on the Third Reading Calendar.

SENATOR GIANARIS: I offer the

following amendments.

ACTING PRESIDENT PERSAUD: The amendments are received.

SENATOR GIANARIS: Move to adopt the Resolution Calendar, with the exception of Resolutions 652, 657 and 667.

ACTING PRESIDENT PERSAUD: All in favor of adopting the Resolution Calendar, with the exception of Resolutions 652, 657, and 667, please signify by saying aye.

(Response of "Aye.")

ACTING PRESIDENT PERSAUD: Opposed, nay.

(No response.)

ACTING PRESIDENT PERSAUD: The Resolution Calendar is adopted.

Senator Gianaris.

SENATOR GIANARIS: Can we now take up Resolution 667, by Senator Mayer, read that resolution's title, and recognize Senator Mayer on the resolution.

ACTING PRESIDENT PERSAUD: The Secretary will read.

THE SECRETARY: Senate Resolution 667, by Senator Mayer, mourning the death of

Marla Offenbach Hurban, distinguished citizen and devoted member of her community.

ACTING PRESIDENT PERSAUD: Senator Mayer on the resolution.

SENATOR MAYER: Thank you, Madam President.

And it's really my honor, and with a great sense of sadness, that I speak about Marla Offenbach Hurban, who was a true leader in our community in the City of Yonkers -- in fact, a visionary leader on behalf of the children of Yonkers, as well as someone who brought intergenerational work into our not-for-profit sector.

I like to credit Marla Hurban for teaching all the parents of the children of Yonkers how to be an advocate. Every month she went to the Board of Education meetings as the president of either the entire Yonkers Council of PTAs or representing the schools where her children attended, and she would speak passionately and strongly about the need for funding for the Yonkers public schools. There wasn't a meeting that she didn't attend, she didn't get mad, she didn't pound her fist. She

made the case for kids at every meeting.

And then between meetings she would invite to her house the members of the Yonkers Council of PTAs, many of whom had never lobbied before. And she taught them how to lobby for money for the Yonkers public schools.

She was truly a leader in the public school community. I'd like to say she was one of the few people who sat down and really tried to understand the so-called formula, which no one can really explain very easily. Marla really worked at understanding it and explaining it.

She was absolutely adamant that people should understand what were the implications of not having enough money, not having enough sports and arts and music and guidance counselors and social workers for her kids and for every other kid.

She coined the phrase "Our children deserve better," which became the hallmark phrase for the children of Yonkers every year, including this year.

And then in her job at the Jewish Council of Yonkers, where she was head of intergenerational programming, she brought

together seniors with students in our public schools, mostly students of color, to allow them to be mentored by many retired teachers, retired professionals. And it was such a brilliant experience on both sides for both people.

She also did something that mattered greatly to me: She encouraged Holocaust survivors to come and speak to our students, who had very little knowledge and experience with the Holocaust, to hear firsthand how these survivors had survived at ages 8, 9, and 10, as they were then. It was a moving experience every time that I attended and every time that it happened.

Marla was passionate, empathetic and loving. She was a remarkable part of our community, a true leader. I know the leader and I both, as representatives of Yonkers -- as well as all my colleagues -- send our condolences to her daughter, Helaina, and her son, Joshua, her sister Dana and her brother-in-law Robert.

May her memory be a blessing.

Thank you.

ACTING PRESIDENT PERSAUD: The question is on the resolution. All in favor signify by saying aye.

(Response of "Aye.")

ACTING PRESIDENT PERSAUD: Opposed?

(No response.)

ACTING PRESIDENT PERSAUD: The resolution is adopted.

Senator Gianaris.

SENATOR GIANARIS: Can we now take up Resolution 657, by Senator Ryan, read that resolution's title, and recognize Senator Ryan.

ACTING PRESIDENT PERSAUD: The Secretary will read.

THE SECRETARY: Senate Resolution 657, by Senator Ryan, congratulating Mary Jean Jakubowski upon the occasion of her retirement after nearly 30 years of distinguished service to the Buffalo and Erie County Public Library.

ACTING PRESIDENT PERSAUD: Senator Ryan on the resolution.

SENATOR RYAN: Thank you, Madam President.

Mary Jean Jakubowski, she's a library systems director for the Buffalo and Erie County Public Library. She recently announced her plans to retire after 30 years with the system.

I've worked with Mary Jean for several years, as the Libraries chair in the Assembly and now the Libraries chair in the Senate, and I have to tell you, Madam President, that working with Mary Jean has been an absolute pleasure -- not only because of her profound commitment to improving and expanding library access throughout Buffalo and Erie County, or because of her fantastic work ethic and her capabilities as a leader and an innovator, but really the best part about working with Mary Jean was her unparalleled kindness. She's a great person and was terrific to work with.

She's an example of somebody who does the work every day for the right reasons, and it shows in all she's been able to achieve during her career at the library system, and she's done it with exceptional humility.

She started at the library system as a librarian. She was quickly recognized as a go-getter and someone with tremendous capability, and then she served in many, many different categories. She was the human resources officer, chief operating officer, and finally the systems director, or we would say the president of the

library system, for over a decade.

She's a visionary when it comes to libraries and how libraries serve people, and she's recognized both in Buffalo and throughout the state. I have meetings often with other library directors where they refer to Mary Jean Jakubowski as a rock star amongst her profession. But that's because she understands libraries as community anchors. She's worked always to expand existing programs, to constantly redefine how we view our libraries, but all the while recognizing a greater accessibility for everyone to use the library system.

And she was very successful at reaching those goals. She created the Downtown Reading Park. She created programs that offered sports equipments -- not just books, Madam Chair, but sports equipments to children. Library card amnesty. She helped build the Launch Pad Makerspace. She created the library-by-mail service for people who couldn't get out to the library. And she expanded access to the library by restoring the bookmobile -- that's the big truck that goes around the communities and offers you books right in your neighborhood. It also

travels with WiFi that people can tap into.

She created internet hotspots in every library in Buffalo and Erie County, not just inside the building but outside. And you'll see today Buffalo kids sitting on the stoops of libraries after they're closed so they can download their homework assignments from the internet. You go to the rural areas, the parking lots are full when the library's closed -- it's the same thing. It's so people of modest means can access the internet, and they do it through the library.

And she really shined during the pandemic. She offered the library up to so much different programming. This all happened when you couldn't come into the library. She figured out a way how to deliver the libraries into people's living rooms -- whether it was through backpack pickups, activity boxes, leaving books in boxes outside the library with people's names on it so they could pick it up. She figured out a way to get it done there during the pandemic.

And throughout her career, she's risen to every occasion. She's been an invaluable partner to me, an asset to Western

New York and New York State. And I'd be lying if I didn't say I was sad to see her go, but at the same time I will wish her well and wish her the absolute best in her retirement, and thank her once again for her service to Buffalo and to the Erie County library systems.

Thank you, Madam President.

ACTING PRESIDENT PERSAUD: Senator Kennedy on the resolution.

SENATOR KENNEDY: Thank you, Madam President. I too rise to honor Mary Jean Jakubowski for her nearly 30 years of service within the Buffalo and Erie County Public Library system.

I want to thank the chairman of the Libraries Committee, Senator Ryan, for bringing this important resolution to the floor to honor one of Buffalo's finest.

Mary Jean Jakubowski dedicated her life's work to helping others. And under her leadership, the library system has transformed into a true community-minded entity.

Most recently, Mary Jean has served as the library system director, overseeing 37 libraries, including nine of those in the City

of Buffalo, each with its own unique history and characteristics.

However, throughout her career she's taken on numerous roles, including COO, human resources officer, central library department head, and of course librarian.

She spearheaded various new initiatives, including the Downtown Reading Park, created the library-by-mail service, and helped to build the Launch Pad Makerspace, a space that removes financial and social barriers to creative thinkers by providing free public access to tools like computer programming, 3-D printing, media production and more.

Mary Jean understands the power a book can have on a child's life, the ability to transform time and space into a magical and unpredictable journey with the turn of a page. But she also understands the power of emerging technology and has worked tirelessly to incorporate its presence into the library system's footprint.

She's gone above and beyond to advocate for more than $20 million in grant funding in order to provide the most impactful

and efficient resources for our communities, from our youngest children to our oldest adults. Over the years Mary Jean has focused her time on integrating not only the stories of novelists into these libraries, but the stories of the history and the neighborhood that each of these branches serves.

She builds strong partnerships and believes in the power of education. She leads with heart and understands the importance of collaboration. Most importantly, she serves with compassion and inspires others to do the same.

And watching her do it all, her incredible family -- her husband, Lawrence, and her daughters, Katelyn and Kristen.

Mary Jean, as you enter this next chapter of your retirement -- and yes, Madam President, pun intended -- we thank you for your decades of service and congratulate you on a career that has truly made Western New York and New York State better for all people and all families. Cheers to a new beginning.

With that, Madam President, I vote aye.

ACTING PRESIDENT PERSAUD: The

question is on the resolution. All in favor signify by saying aye.

(Response of "Aye.")

ACTING PRESIDENT PERSAUD: Opposed?

(No response.)

ACTING PRESIDENT PERSAUD: The resolution is adopted.

Senator Gianaris.

SENATOR GIANARIS: Thank you, Madam President.

Now let's take up Resolution 652, by Senator Reichlin-Melnick, read that resolution's title only, and recognize Senator Reichlin-Melnick.

ACTING PRESIDENT PERSAUD: The Secretary will read.

THE SECRETARY: Senate Resolution 652, by Senator Reichlin-Melnick, honoring the life and heroic actions of Jared Lloyd, renowned volunteer firefighter, devoted father and distinguished member of his community.

ACTING PRESIDENT PERSAUD: Senator Reichlin-Melnick on the resolution.

SENATOR REICHLIN-MELNICK: Thank you, Madam President.

I rise today to recognize a hero, a hero from Rockland County named Jared Lloyd. Jared was a 35-year-old volunteer firefighter, father of two, 16-year veteran of the Columbian Engine Company No. 1 of Spring Valley, New York.

And on the night of Tuesday, March 23rd of this year, he paid the ultimate price saving lives. Because on that night on March 23rd, the Evergreen Court Adult Home facility in Spring Valley was engulfed in a terrible fire. This was a facility that cared for over a hundred of the most vulnerable people in the community. And it could have been an absolute catastrophe.

Jared was one of the first firefighters on the scene. Ultimately, more than 150 firefighters responded, multiple departments from multiple states. And he went into this building, and with his follow firefighters saved 112 residents of the facility. Only one person from that facility lost their life.

Tragically, Jared became trapped in that burning building. He radioed a mayday call to his fellow firefighters, and that was the last that they heard from him.

After the building collapsed, it took over 18 hours to find Jared's remains, but his firefighter brothers and sisters brought his remains out of that building once and for all. And they gave him a hero's funeral, because that is what he was and it was what he deserved.

He was a beloved father to Darius and Logan, his two children, one of whom turned six the day after this tragedy.

The Spring Valley community, the volunteer fire community of Rockland County and well beyond, was devastated by this loss.

I had the honor to attend his funeral at the Boulder Stadium in Rockland County, and there were thousands of volunteer firefighters there from all across the tristate area and beyond, paying honor and recognizing Jared Lloyd, who made the ultimate sacrifice and helped save over a hundred lives.

So on behalf of the community of Rockland and Spring Valley and the volunteer fire community, we mourn his loss, we celebrate his sacrifice, and we recognize and honor the incredible dedication that he showed to keeping people safe and saving lives.

Thank you.

ACTING PRESIDENT PERSAUD: The question is on the resolution. All in favor signify by saying aye.

(Response of "Aye.")

ACTING PRESIDENT PERSAUD: Opposed?

(No response.)

ACTING PRESIDENT PERSAUD: The resolution is adopted.

Senator Gianaris.

SENATOR GIANARIS: At the request of the sponsors, the resolutions that we just took up are open for cosponsorship.

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

Senator Gianaris.

SENATOR GIANARIS: There will be an immediate meeting of the Rules Committee in Room 332.

ACTING PRESIDENT PERSAUD: There will be an immediate meeting of the Rules Committee in Room 332.

SENATOR GIANARIS: The Senate

stands at ease.

ACTING PRESIDENT PERSAUD: The Senate stands at ease.

(Whereupon, the Senate stood at ease at 3:32 p.m.)

(Whereupon, the Senate reconvened at 3:40 p.m.)

ACTING PRESIDENT MAYER: The Senate will return to order.

Senator Gianaris.

SENATOR GIANARIS: Madam President, there's a report of the Rules Committee at the desk. Let's take that up, please.

ACTING PRESIDENT MAYER: The Secretary will read.

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

Senate Print 5742, by Senator Kaplan, an act to amend a chapter of the Laws of 2021; and

Senate Print 6362, by Senator Kavanagh, an act to amend Chapter 381 of the Laws of 2020.

All bills reported direct to third

reading.

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

ACTING PRESIDENT MAYER: All those in favor of accepting the report of the Rules Committee signify by saying aye.

(Response of "Aye.")

ACTING PRESIDENT MAYER: Opposed, nay.

(No response.)

ACTING PRESIDENT MAYER: The Rules Committee report is accepted.

Senator Gianaris.

SENATOR GIANARIS: Please take up the calendar.

ACTING PRESIDENT MAYER: The Secretary will read.

THE SECRETARY: Calendar Number 148, Senate Print 723A, by Senator Hoylman, an act to amend the Public Health Law.

ACTING PRESIDENT MAYER: Read the last section.

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

ACTING PRESIDENT MAYER: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT MAYER: Announce the results.

THE SECRETARY: Ayes, 62.

ACTING PRESIDENT MAYER: The bill is passed.

THE SECRETARY: Calendar Number 317, Senate Print 113, by Senator Kaplan, an act to amend the Business Corporation Law and the Limited Liability Company Law.

ACTING PRESIDENT MAYER: Read the last section.

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

ACTING PRESIDENT MAYER: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT MAYER: Announce the results.

THE SECRETARY: Ayes, 62.

ACTING PRESIDENT MAYER: The bill is passed.

THE SECRETARY: Calendar Number 380, Senate Print 4478A, by Senator Brouk, an act to amend the Public Health Law and the Environmental Conservation Law.

ACTING PRESIDENT MAYER: Read the last section.

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

ACTING PRESIDENT MAYER: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT MAYER: Senator Serino to explain her vote.

SENATOR SERINO: Thank you, Madam President. Nice to see you.

ACTING PRESIDENT MAYER: You too.

SENATOR SERINO: I'd like to thank the sponsor, Senator Brouk, for bringing this bill forward.

And while I certainly share the intent -- to protect children from any potentially dangerous chemicals -- I'm a bit torn on this and just want to put on the record that I think the bill could benefit from some amendments

to ensure that it does not have unintended consequences that could hurt our kids down the road.

I'm especially concerned when it comes to Lyme and tick-borne diseases. And as you know, I'm always talking ticks. Integrated pest management approaches to reducing the number of ticks can really play an important role in protecting the health and safety of our children, who are especially prone to contracting Lyme and tick-borne diseases.

I would urge you to consider amendments to ensure any available tools to reduce the number of ticks can be utilized effectively.

And I would also encourage you to take a look at a bill that I sponsor, Senate Bill 3937, that would create a Lyme and tick-borne disease awareness program specifically for children's overnight and day camps. It's amazing, because my bill would also provide guidelines for tick removal and treatment at these facilities and, most importantly, establish rules for parent and guardian notification.

I can't tell you how many times that

we hear from parents whose child seems to display Lyme symptoms, but they were never alerted that a tick was found on them at a camp or a daycare or school. And being aware of ticks and the very real dangers they present has to become second nature for New Yorkers as the threat continues to rise.

As I said before, I think this bill has a laudable goal. But I just want to state for the record that I really don't want to see it have any unintended consequences, and I hope you'll consider some changes.

And I vote aye, Madam President. Thank you.

ACTING PRESIDENT MAYER: Senator Serino to be recorded in the affirmative.

Announce the results.

THE SECRETARY: In relation to Calendar 380, those Senators voting in the negative are Senators Akshar, Borrello, Boyle, Gallivan, Griffo, Jordan, Lanza, Mattera, Oberacker, O'Mara, Ortt, Palumbo, Rath, Ritchie, Stec and Tedisco.

Ayes, 46. Nays, 16.

ACTING PRESIDENT MAYER: The bill

is passed.

THE SECRETARY: Calendar Number 418, Senate Print 3396A, by Senator May, an act to amend the Agriculture and Markets Law.

ACTING PRESIDENT MAYER: Read the last section.

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

ACTING PRESIDENT MAYER: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT MAYER: Announce the results.

THE SECRETARY: Ayes, 62.

ACTING PRESIDENT MAYER: The bill is passed.

THE SECRETARY: Calendar Number 456, Senate Print 1341, by Senator Brooks, an act to amend the Executive Law.

ACTING PRESIDENT MAYER: Read the last section.

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

ACTING PRESIDENT MAYER: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT MAYER: Announce the results.

THE SECRETARY: In relation to Calendar 456, voting in the negative:

Senator Brisport.

Ayes, 61. Nays, 1.

ACTING PRESIDENT MAYER: The bill is passed.

THE SECRETARY: Calendar Number 494, Senate Print 859A, by Senator Gounardes, an act to amend the Labor Law.

ACTING PRESIDENT MAYER: Read the last section.

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

ACTING PRESIDENT MAYER: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT MAYER: Announce the results.

THE SECRETARY: In relation to Calendar 494, those Senators voting in the negative are Senators Borrello, Gallivan,

Helming, Jordan, Oberacker, O'Mara, Ortt, Rath, Serino and Tedisco.

Ayes, 52. Nays, 10.

ACTING PRESIDENT MAYER: The bill is passed.

THE SECRETARY: Calendar Number 496, Senate Print 3946, by Senator Mayer, an act to amend the Labor Law.

ACTING PRESIDENT MAYER: Read the last section.

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

ACTING PRESIDENT MAYER: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT MAYER: Announce the results.

THE SECRETARY: Ayes, 62.

ACTING PRESIDENT MAYER: The bill is passed.

THE SECRETARY: Calendar Number 570, Senate Print 2008B, by Senator Jackson, an act to amend the Insurance Law.

ACTING PRESIDENT MAYER: Read the

last section.

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

ACTING PRESIDENT MAYER: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT MAYER: Announce the results.

THE SECRETARY: In relation to Calendar 570, those Senators voting in the negative are Senators Borrello, Gallivan, Griffo, Oberacker, O'Mara, Ortt, Rath, Serino and Stec.

Ayes, 53. Nays, 9.

ACTING PRESIDENT MAYER: The bill is passed.

THE SECRETARY: Calendar Number 574, Senate Print 4111, by Senator Breslin, an act to amend the Insurance Law and the Public Health Law.

ACTING PRESIDENT MAYER: Read the last section.

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

ACTING PRESIDENT MAYER: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT MAYER: Announce the results.

THE SECRETARY: In relation to Calendar 574, those Senators voting in the negative are Senators Akshar, Borrello, Gallivan, Martucci, Oberacker, Ortt, Rath, Tedisco and Weik.

Ayes, 53. Nays, 9.

ACTING PRESIDENT MAYER: The bill is passed.

THE SECRETARY: Calendar Number 581, Senate Print 4102A, by Senator Savino, an act to amend the Education Law.

ACTING PRESIDENT MAYER: Read the last section.

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

ACTING PRESIDENT MAYER: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT MAYER: Announce

the results.

THE SECRETARY: Ayes, 62.

ACTING PRESIDENT MAYER: The bill is passed.

THE SECRETARY: Calendar Number 585, Senate Print 4095B, by Senator Sanders, an act to amend the Environmental Conservation Law.

ACTING PRESIDENT MAYER: Read the last section.

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

ACTING PRESIDENT MAYER: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT MAYER: Announce the results.

THE SECRETARY: In relation to Calendar 585, those Senators voting in the negative are Senators Akshar, Borrello, Gallivan, Griffo, Helming, Jordan, Lanza, Martucci, Oberacker, O'Mara, Ortt, Rath, Ritchie, Serino, Stec and Tedisco.

Ayes, 46. Nays, 16.

ACTING PRESIDENT MAYER: The bill is passed.

THE SECRETARY: Calendar Number 591, Assembly Print Number 2000, substituted earlier by Assemblymember Cusick, an act to amend Chapter 306 of the Laws of 2011.

ACTING PRESIDENT MAYER: Read the last section.

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

ACTING PRESIDENT MAYER: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT MAYER: Announce the results.

THE SECRETARY: Ayes, 62.

ACTING PRESIDENT MAYER: The bill is passed.

THE SECRETARY: Calendar Number 596, Senate Print 5490A, by Senator Hinchey, an act to amend the Labor Law.

ACTING PRESIDENT MAYER: Read the last section.

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

ACTING PRESIDENT MAYER: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 62.

ACTING PRESIDENT MAYER: The bill is passed.

THE SECRETARY: Calendar Number 656, Senate Print 956, by Senator Gaughran, an act to amend the Public Health Law.

ACTING PRESIDENT MAYER: Read the last section.

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

ACTING PRESIDENT MAYER: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT MAYER: Senator Gaughran to explain his vote.

SENATOR GAUGHRAN: Thank you, Madam President.

MTBE, TCP, TCE, PFOA, PFAS, 1,4-dioxane. These are abbreviated names for compounds that on Long Island for decades have infiltrated our sole-source aquifer and threatened our drinking water.

Our water districts and authorities spend hundreds of millions of dollars building

expensive treatment systems to try to filter out these compounds so that we have safe drinking water. And in many cases they just give up, have to shut the well down, purchase land, build a new well at millions of dollars apiece.

And this is not just an issue for Long Island, it is an issue for the entire state.

And almost all of these chemicals and compounds that threaten our drinking water for decades are there because companies sold products to consumers with full knowledge that one day they would potentially get into our drinking water supply.

This Legislature took action last year to make sure that we amended the statute of limitations so that water entities around the state can sue the polluters. This Legislature has also provided hundreds of millions of dollars to these same public entities so that they can build treatment systems.

However, the polluters are now in court trying to settle many of these cases and in court asking the judges to reduce the amount of award that they have to pay by the exact amount of the state grants that this state has given

them.

So this legislation today will end that loophole. It will make sure that if there are any settlements or if there are any awards, they cannot offset the amount of the state grants that the people of New York are giving with their hard-earned tax dollars. And that way we will have hundreds of millions of dollars more available to take care of protecting our drinking water today and for future generations.

So Madam President, I vote in the affirmative. Thank you.

ACTING PRESIDENT MAYER: Senator Gaughran to be recorded in the affirmative.

Announce the results.

THE SECRETARY: Ayes, 62.

ACTING PRESIDENT MAYER: The bill is passed.

THE SECRETARY: Calendar Number 699, Senate Print 5950, by Senator Cooney, an act to amend the Public Authorities Law.

ACTING PRESIDENT MAYER: Read the last section.

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

ACTING PRESIDENT MAYER: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT MAYER: Announce the results.

THE SECRETARY: Ayes, 62.

ACTING PRESIDENT MAYER: The bill is passed.

THE SECRETARY: Calendar Number 701, Senate Print 6003, by Senator Kennedy, an act to amend the Public Authorities Law.

ACTING PRESIDENT MAYER: Read the last section.

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

ACTING PRESIDENT MAYER: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT MAYER: Announce the results.

THE SECRETARY: Ayes, 62.

ACTING PRESIDENT MAYER: The bill is passed.

THE SECRETARY: Calendar Number 724, Senate Print 1256A, by Senator Gianaris, an

act to amend the Public Health Law.

ACTING PRESIDENT MAYER: Read the last section.

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

ACTING PRESIDENT MAYER: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT MAYER: Announce the results.

THE SECRETARY: Ayes, 62.

ACTING PRESIDENT MAYER: The bill is passed.

THE SECRETARY: Calendar Number 725, Senate Print 1759, by Senator Skoufis, an act to amend the Public Health Law.

SENATOR LANZA: Lay it aside.

ACTING PRESIDENT MAYER: The bill is laid aside.

THE SECRETARY: Calendar Number 727, Assembly Print Number 6966, substituted earlier by Assemblymember Bronson, an act to amend the Public Health Law and the Social Services Law.

ACTING PRESIDENT MAYER: Read the last section.

THE SECRETARY: Section 3. This act shall take effect on the 45th day after it shall have become a law.

ACTING PRESIDENT MAYER: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT MAYER: Senator Serino to explain her vote.

SENATOR SERINO: Thank you, Madam President.

I'll be supporting this bill today in hopes that it helps families in the midst of a future emergency, but I want to make something really clear for anyone who may be watching.

To imply that this bill has done anything to help any of the thousands of families who have been impacted by COVID-19 in New York's nursing homes during this pandemic would be a lie.

A version of this bill was first introduced on September 2, 2020. No action was taken on it in 2020 despite the heartbreaking outreach from New Yorkers desperate to see their

loved ones.

The next version of this bill was introduced on January 6, 2021. It did not pass here in the Senate until February 22nd. It took over a week for it to pass in the Assembly on March 3rd.

At that time we made it clear that this bill would do nothing to help reunite families immediately thanks to the fact that it wouldn't take effect for 45 days till it got signed into law.

After it finally passed both houses, the Majority here in the Senate held on to the bill for about two weeks before finally sending it to the Governor for his signature. And now, more than 60 days after it first passed in the Senate -- longer than it would have taken for the bill to go into effect had it become law when it first passed -- we're taking up a chapter amendment to it?

Why? So you can negotiate changes with the same administration that's under investigation for their handling of nursing homes during this pandemic?

This is just one of the many

examples of all the hypocrisy of this body, an example of all the ways this body refuses to make these vulnerable residents and their loved ones the top priority that they should be.

It's bad enough you've blocked every attempt we've put forward to launch a full review of the state's handling of the COVID crisis in these facilities. And now you want to string the families along, pretending you're doing something to help them when in fact you're still putting them at the very bottom of your priority list. It's not right. New Yorkers deserve better.

We're not going to stop pushing for the answers, accountabilities, and better policies nursing home residents, dedicated staff and their loved ones deserve.

Thank you, Madam President.

ACTING PRESIDENT MAYER: Senator Serino to be recorded in the affirmative.

Announce the results.

THE SECRETARY: Ayes, 62.

ACTING PRESIDENT MAYER: The bill is passed.

THE SECRETARY: Calendar Number 728, Senate Print 6204, by Senator Rivera, an act

to amend the Public Health Law.

SENATOR LANZA: Lay it aside.

ACTING PRESIDENT MAYER: The bill is laid aside.

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

SENATOR GIANARIS: Let's move on to the controversial calendar, please.

ACTING PRESIDENT MAYER: The Secretary will ring the bell.

The Secretary will read.

SENATOR GIANARIS: Starting with Calendar 728, please.

THE SECRETARY: Calendar Number 728, Senate Print 6204, by Senator Rivera, an act to amend the Public Health Law.

ACTING PRESIDENT MAYER: Senator Lanza.

SENATOR LANZA: Madam President, I believe there's an amendment at the desk. I waive the reading of that amendment and ask that Senator Stec be recognized and heard.

ACTING PRESIDENT MAYER: Thank you, Senator Lanza.

Upon review of the amendment, in

accordance with Rule 6, Section 4B, I rule it nongermane and out of order at this time.

SENATOR LANZA: Accordingly, Madam President, I appeal the ruling of the chair and ask that Senator Stec be recognized.

ACTING PRESIDENT MAYER: The appeal has been made and recognized, and Senator Stec may be heard.

SENATOR STEC: Thank you, Madam President.

I rise to appeal the ruling of the chair. The amendment before us is germane because the bill-in-chief deals largely with the Public Health Law and Governor Cuomo has, on numerous occasions over the last year, issued many executive orders superseding, altering and terminating various portions of the Public Health Law.

Back on March 5, seven and a half weeks ago, in this chamber we debated a bill that was purported to rescind Governor Cuomo's emergency authorities at the height of a lot of controversy swirling around him, people frustrated with the pandemic and what was going on, and this chamber said it was time to do

something about it.

They rolled out a bill, and the bill was debated and it was reported that we were going to rescind his authorities. However, that is exactly not what happened. And that was the heart of the debate, was we were actually extending his authority.

And I recall standing right here on March 5th and I said, after listening to all this debate, that in two weeks after the Governor signs this bill, we'll know who was right. We'll know whether or not indeed his powers were rescinded or if they were extended.

Now here it is March -- or, excuse me, April 27th. And had we done nothing on March 5th, had we done nothing on March 5th, his emergency authorities would have sunsetted three days from now on April 30th.

But we didn't. As a matter of fact, the bill that was passed in this chamber and the Assembly and signed into law, not only did it eliminate the sunset of April 30th, it extended it as long as the Governor thinks that there's still an emergency. So in other words, indefinitely.

Now, additionally, in the last seven and a half weeks I don't think anyone in the State of New York believes that his emergency powers have been rescinded. We're still subject to curfews and who you can shop with and how many people can be in your home for a gathering and whether or not people can go to a high school graduation. All these things are still being controlled by one person.

And our Constitution in the State of New York was not set up to be run as a monarchy. It was not set up to be so that we're here to just debate and talk about issues and be ignored by the Executive.

Every day, every session day we've been here this year, this is the 38th time that my side of the aisle, our conference, has put this amendment in front of the house so that we can reestablish -- give you all the opportunity to reestablish ourselves as a coequal branch of government, to be a check on this Executive. And the 37 previous times the Senate has failed to do that.

Now, it is being reported this afternoon in local media that the Majority is set

to agree to take action and rescind three executive orders that the Governor has in place, and that the Assembly is expected to follow our lead.

And that's welcome news. And it's my understanding -- we haven't seen any details yet, but it's my understanding, our understanding that one of these is the food mandate that you can't buy alcohol without also ordering food. Which of course is absolutely nonsensical. COVID isn't afraid of cheeseburgers. COVID doesn't know whether there's food present or not. It's an arbitrary and nonscientific executive order that is crushing thousands of local businesses, has caused tens of thousands of people in New York State to lose their jobs. It should have been scratched long ago. It should have been scratched at the beginning of the year on day one when we moved a hostile amendment to strip him of these powers.

If the legislation on March 5th did what you all said it was going to do, maybe it would have ended on March 5th. But here we are April 27th -- three days before the executive orders would have ended and sunset due to last

year's legislation -- and we're talking about it again today.

So we welcome your side of the aisle from -- to coming over and being willing to start moving to eliminate three of his executive orders. That's a good first step to reestablishing ourselves as a coequal branch of government. But it does not go far enough. It is not nearly enough to restore our constitutional obligation.

And for those reasons, on behalf of my colleagues and all New Yorkers who sent us here to serve in the Legislature and be a check on the Executive, I urge you to reconsider, Madam President, your ruling and vote that this amendment is germane so that we can get back to work and be a coequal branch of government and a check on this Governor.

Thank you.

ACTING PRESIDENT MAYER: Thank you, Senator.

I want to remind the house that the vote is on the procedures of the house and the ruling of the chair.

Those in favor of overruling the

chair signify by saying aye.

SENATOR LANZA: Request a show of hands.

SENATOR GIANARIS: Madam President, we have agreed to waive the showing of hands and record each member of the Minority in the affirmative.

I can also confirm for Senator Stec the reports are true.

(Laughter.)

ACTING PRESIDENT MAYER: Without objection, so ordered.

Announce the results.

THE SECRETARY: Ayes, 20.

ACTING PRESIDENT MAYER: The ruling of the chair stands, and the bill-in-chief is before the house.

Are there any other Senators wishing to be heard?

Seeing none, debate is closed. The Secretary will ring the bell.

Read the last section.

THE SECRETARY: Section 3. This act shall take effect on the same date and in the same manner as a chapter of the Laws of 2021.

ACTING PRESIDENT MAYER: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT MAYER: Announce the results.

THE SECRETARY: Ayes, 62.

ACTING PRESIDENT MAYER: The bill is passed.

THE SECRETARY: Calendar Number 725, Senate Print 1759, by Senator Skoufis, an act to amend the Public Health Law.

ACTING PRESIDENT MAYER: Senator Oberacker.

SENATOR OBERACKER: Yes, I rise -- thank you, Madam President. I was wondering if I could ask the sponsor some questions on the bill.

ACTING PRESIDENT MAYER: Senator Gianaris.

SENATOR GIANARIS: Senator Rivera will be handling the debate for our side, Madam President.

ACTING PRESIDENT MAYER: Senator Rivera, do you yield?

SENATOR RIVERA: I'm ba-ack.

And yes, I do yield,

Madam President.

ACTING PRESIDENT MAYER: The Senator yields.

SENATOR OBERACKER: Thank you, Madam President.

And thank you, Senator Rivera, for allowing me this.

My question, my first question is concerning the list of substances that are listed in the bill. And I was wondering how were they arrived at or how was it calculated to bring those list of substances onto the bill?

SENATOR RIVERA: Through you, Madam President. These are our list of chemicals that were included in the U.S. Environmental Protection Agency's Third Unregulated Contaminant Monitoring Rule.

So between 2013 and 2015, there were -- utilities have to be tested for different chemicals. This bill would add a number of them.

I will not read all of them into the record, Madam President, not only because they are complicated but because I am sure that the transcription would just show me doing gobbledygook. So let's just say that when you're

talking about different chemicals which cause our human -- carcinogens that can cause injuries to kidney and liver, that may cause allergy or asthma symptoms, can affect bone growth, may lead to increased cholesterol levels, increased risk of high blood pressure, et cetera, et cetera, et cetera. This is a -- it's a comprehensive list that I believe is necessary to be added to Section 1112 of the -- which is the emergent contaminant monitoring section of the law in the state, again, to make sure that New Yorkers can be protected from all of these different chemicals and their potential impacts on the body.

SENATOR OBERACKER: Madam President, would Senator Rivera continue to yield.

ACTING PRESIDENT MAYER: Senator Rivera, do you continue to yield?

SENATOR RIVERA: Yes, Madam President.

ACTING PRESIDENT MAYER: The Senator yields.

SENATOR OBERACKER: Thank you.

So does the DEC or the federal EPA

have any data indicating the presence of any or all of these substances in state drinking water?

SENATOR RIVERA: Through you, Madam President. Adding these chemicals to the list is precisely about making sure that if they are found in different drinking water, that they are -- that because of these contaminants, as I said earlier, can have all these different impacts, we can make sure to actually remediate the drinking water in these different wells or different potable drinking systems around the state.

So while I'm hoping that we never find any of them -- but since we know that if we do, they can have all the different effects that I talked about earlier, I would hope that anyone -- that everyone would want these to be added to the list of potential chemicals that should be tested for.

So even though, Madam President, I am not familiar with every single potable drinking water system across the state, I would hope that any and all of them -- which by the way would be -- is already required to be tested every three years, that none of this -- none of

these chemicals will be found. But again, we need to add them to the list to make sure that if they are found, they can be remediated.

SENATOR OBERACKER: Through you, Madam President, would Senator Rivera continue to yield.

ACTING PRESIDENT MAYER: Senator Rivera, do you yield?

SENATOR RIVERA: Yes, Madam President.

ACTING PRESIDENT MAYER: The Senator yields.

SENATOR OBERACKER: Thank you.

So basically we're going to be testing for things that we haven't found yet. And with that, I have a question of -- who's going to bear the costs of the testing that would required for the emerging contaminants identified by this legislation?

SENATOR RIVERA: Through you, Madam President, if the system is -- serves 10,000 people or less, that would be a system -- the EPA establishes that if a system serves less than 10,000 people, it is paid for by the Environmental Protection Agency.

If it is larger than 10,000 people, then the cost would go to the locality. But I will tell you, Madam President, that the cost is from $50 to $470 per sample per testing method, on average.

So in the absolute worst case scenario, Madam President, that would be every three years. And this is, again, testing drinking water, so the actual stuff that our body needs to function, that we have to put in our body every day, for chemicals that can cause cancer, that can cause asthma, that can cause all sorts of things.

So the cost at the worst-case scenario, Madam President, every three years would be $11,000. At the very, very, very top. But that is, again, in the worst-case scenario.

So the cost for large systems, meaning larger systems that serve more than 10,000 people, by the systems themselves. And less than 10,000, by the Environmental Protection Agency.

SENATOR OBERACKER: Through you, Madam President, would Senator Rivera continue to yield.

ACTING PRESIDENT MAYER: Senator Rivera, do you continue to yield?

SENATOR RIVERA: I do, Madam President.

ACTING PRESIDENT MAYER: The Senator yields.

SENATOR OBERACKER: Thank you.

So there's an acronym -- and I was wondering, and this may not be a fair question to Senator Rivera, but I would like to know, what does PPM stand for or define?

SENATOR RIVERA: Through you, Madam President, if the Senator can repeat the acronym.

SENATOR OBERACKER: Sure. PPM, Peter, Peter, Mark.

SENATOR RIVERA: Peter, Peter, Mark.

That would be -- Madam President, I believe that would be parts per million. I thought for a second it was RPM, and I thought that we were going to have a completely different conversation. But it is -- PPM would be parts per million, Madam President.

SENATOR OBERACKER: Madam

President, would Senator Rivera continue to yield.

ACTING PRESIDENT MAYER: Senator Rivera, do you continue to yield?

SENATOR RIVERA: Yes, Madam President.

ACTING PRESIDENT MAYER: The Senator yields.

SENATOR OBERACKER: Senator, you are correct. And thank you for answering that question.

My next question would be, would the Senator have a rough idea of what a million gallons would encompass as far as potential area, you know, size, depth, those type of things. If you had to make a guess, what would the dimensions be of a container that would hold a million gallons?

SENATOR RIVERA: Through you, Madam President. This room, maybe? I have no -- I sincerely have no clue. I am not a spatial engineer. So I would say a crapload of space. For the record, Madam President, through you.

(Laughter.)

SENATOR OBERACKER: Madam

President, on the bill.

ACTING PRESIDENT MAYER: Senator Oberacker on the bill.

SENATOR OBERACKER: First and foremost, I would like to thank Senator Rivera for stepping in and giving the answers to this bill.

And just as an after-note, to give the dimensions of a container that would hold a million gallons of, say, water you're looking at approximately an area of 267 feet by 350 feet by 10 feet deep.

So parts per million, as Senator Rivera so adequately explained, you would have one gallon of any type of chemical or ingredient into those size dimensions to get one part per million.

One of the things I'm keenly aware of as a food scientist is the way the words have an effect on the public. So a word like bicarbonate of soda has a very scary connotation to it, yet each and every one of us has baking soda in our homes.

Sodium carbonate would be another chemical-sounding name. And again, that would be

a -- defined as potash in its common terms.

And then most importantly, dihydrogen monoxide, which sounds like this insidious type of ingredient -- and that's the chemical name for water.

So I think we can all agree that when we speak about chemicals, that it's how it's presented and how it's worded that has a true effect on the public that we represent.

And again, I would like to appreciate Senator Rivera's answers on that. And I believe he really does care about the safety and the quality, you know, of our drinking water, as I do and as I'm sure all of us here do.

However, instituting repetitive testing requirements along with imposing unnecessary costly mandates on our local municipalities accomplishes really very little, especially when there is no known existence of many of these contaminants here in New York.

As a former town supervisor for a small town in Otsego County, the Town of Maryland, being in charge of our water system, I can speak unequivocally that any of the chemicals that were listed in the bill have a zero chance

of showing up in our water system, yet we're going to have to test for them. And especially when, again, there is no known existence of any of these contaminants in New York.

If the state feels these tests are important, great. Put the money in the budget, hold our local municipalities harmless, and mandate that the state conduct the tests.

Absent these changes, I, Madam President, will be voting in the negative.

Thank you.

ACTING PRESIDENT MAYER: Are there any other Senators wishing to be heard?

Seeing and hearing none, debate is closed. The Secretary will ring the bell.

Read the last section.

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

ACTING PRESIDENT MAYER: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT MAYER: Senator Rivera to explain his vote.

SENATOR RIVERA: Thank you, Madam President.

First of all I'd like to thank Senator Skoufis, who is on baby duty today, doing something very important, so obviously that is why he's not here.

But I had the pleasure of debating it. Thank you, Senator Oberacker, for bringing this stuff up. I just wanted to say a couple of quick things, Madam President.

First of all, this is related to Section 1112 of the emergent contaminant monitoring system that we have in the State of New York, is already in state law. Every single potable drinking water system across the state has to test every three years. As I said, the ones that are smaller, serving less than 10,000 people, can get federal money to pay for this, are responsible for doing it themselves.

And it would seem to me that we should be -- that obviously we're responsible if we are a governmental system for making sure that our people can, you know, have water in them that's not contaminated. And we're talking about things that, again, cause potential cancer, may damage fertility of an unborn child, can lead to enlarged thyroids, et cetera, et cetera,

et cetera.

It is true that in some of these instances we might not have evidence that any of this is in the water, but that is why you test. And I believe that adding all of this is wise, is necessary, and I'm glad that we're able to move this bill today.

So thank you, Senator Skoufis, for introducing it, and I vote in the affirmative.

Thank you, Madam President.

ACTING PRESIDENT MAYER: Senator Rivera to be recorded in the affirmative.

Announce the results.

THE SECRETARY: In relation to Calendar 725, those Senators voting in the negative are Senator Akshar, Borrello, Gallivan, Griffo, Oberacker, O'Mara, Ortt, Rath, Ritchie and Stec.

Ayes, 52. Nays, 10.

ACTING PRESIDENT MAYER: The bill is passed.

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

SENATOR GIANARIS: Thank you, Madam President.

An announcement that following session there will be a virtual meeting of the Judiciary Committee via Zoom.

ACTING PRESIDENT MAYER: Following session there will be an immediate virtual meeting of the Judiciary Committee via Zoom.

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

ACTING PRESIDENT MAYER: There is no further business at the desk.

SENATOR GIANARIS: Move to adjourn until tomorrow, Wednesday, April 28th, at 11:00 a.m.

ACTING PRESIDENT MAYER: On motion, the Senate stands adjourned until Wednesday, April 28th, at 11:00 a.m.

(Whereupon, at 4:15 p.m., the Senate adjourned.)