

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 8, 2021

11 1:08 p.m.

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13  
14 REGULAR SESSION

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18 SENATOR BRIAN A. BENJAMIN, Acting President

19 ALEJANDRA N. PAULINO, ESQ., Secretary

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

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

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

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

8 ACTING PRESIDENT BENJAMIN: 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, Monday,  
16 June 7, 2021, the Senate met pursuant to  
17 adjournment. The Journal of Sunday, June 6,  
18 2021, was read and approved. On motion, the  
19 Senate 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: Senator Kaminsky

1 moves to discharge, from the Committee on Rules,  
2 Assembly Bill Number 5029A and substitute it for  
3 the identical Senate Bill 2936A, Third Reading  
4 Calendar 335.

5 Senator Sanders moves to discharge,  
6 from the Committee on Codes, Assembly Bill  
7 Number 2354 and substitute it for the identical  
8 Senate Bill 911, Third Reading Calendar 386.

9 Senator Skoufis moves to discharge,  
10 from the Committee on Investigations and  
11 Government Operations, Assembly Bill Number 5470  
12 and substitute it for the identical Senate Bill  
13 6017, Third Reading Calendar 679.

14 Senator Harckham moves to discharge,  
15 from the Committee on Rules, Assembly Bill  
16 Number 1005A and substitute it for the identical  
17 Senate Bill 5434A, Third Reading Calendar 844.

18 Senator Benjamin moves to discharge,  
19 from the Committee on Corporations, Authorities  
20 and Commissions, Assembly Bill Number 1237 and  
21 substitute it for the identical Senate Bill 1182,  
22 Third Reading Calendar 1070.

23 Senator Comrie moves to discharge,  
24 from the Committee on Investigations and  
25 Government Operations, Assembly Bill Number 1228A

1 and substitute it for the identical Senate Bill  
2 Number 1150A, Third Reading Calendar 1139.

3 Senator Comrie moves to discharge,  
4 from the Committee on Rules, Assembly Bill  
5 Number 7688 and substitute it for the identical  
6 Senate Bill 6312, Third Reading Calendar 1209.

7 Senator Kaplan moves to discharge,  
8 from the Committee on Rules, Assembly Bill  
9 Number 6500 and substitute it for the identical  
10 Senate Bill 3101, Third Reading Calendar 1373.

11 Senator Brisport moves to discharge,  
12 from the Committee on Rules, Assembly Bill  
13 Number 7576 and substitute it for the identical  
14 Senate Bill 7101, Third Reading Calendar 1473.

15 Senator Gaughran moves to discharge,  
16 from the Committee on Environmental Conservation,  
17 Assembly Bill Number 2140B and substitute it for  
18 the identical Senate Bill 966B, Third Reading  
19 Calendar 1482.

20 Senator Serino moves to discharge,  
21 from the Committee on Cities 2, Assembly Bill  
22 Number 5399 and substitute it for the identical  
23 Senate Bill 5300, Third Reading Calendar 1491.

24 Senator Parker moves to discharge,  
25 from the Committee on Rules, Assembly Bill Number

1 1953 and substitute it for the identical Senate  
2 Bill 2911, Third Reading Calendar 1527.

3 Senator Parker moves to discharge,  
4 from the Committee on Rules, Assembly Bill  
5 Number 3965 and substitute it for the identical  
6 Senate Bill 4421, Third Reading Calendar 1541.

7 Senator Brooks moves to discharge,  
8 from the Committee on Rules, Assembly Bill  
9 Number 6249A and substitute it for the identical  
10 Senate Bill 5245A, Third Reading Calendar 1548.

11 Senator Parker moves to discharge,  
12 from the Committee on Rules, Assembly Bill  
13 Number 7214A and substitute it for the identical  
14 Senate Bill 5868A, Third Reading Calendar 1552.

15 Senator Parker moves to discharge,  
16 from the Committee on Codes, Assembly Bill  
17 Number 3766 and substitute it for the identical  
18 Senate Bill 6269, Third Reading Calendar 1558.

19 Senator Kennedy moves to discharge,  
20 from the Committee on Rules, Assembly Bill  
21 Number 7192A and substitute it for the identical  
22 Senate Bill 6335A, Third Reading Calendar 1560.

23 Senator Gaughran moves to discharge,  
24 from the Committee on Rules, Assembly Bill  
25 Number 7176A and substitute it for the identical

1 Senate Bill 6415A, Third Reading Calendar 1561.

2 Senator Weik moves to discharge,  
3 from the Committee on Rules, Assembly Bill  
4 Number 7485A and substitute it for the identical  
5 Senate Bill 6437A, Third Reading Calendar 1562.

6 Senator Kavanagh moves to discharge,  
7 from the Committee on Rules, Assembly Bill  
8 Number 7671 and substitute it for the identical  
9 Senate Bill 7026, Third Reading Calendar 1584.

10 Senator Hinchey moves to discharge,  
11 from the Committee on Rules, Assembly Bill  
12 Number 2396A and substitute it for the identical  
13 Senate Bill 7028, Third Reading Calendar 1586.

14 Senator Bailey moves to discharge,  
15 from the Committee on Rules, Assembly Bill  
16 Number 7729 and substitute it for the identical  
17 Senate Bill 7073, Third Reading Calendar 1589.

18 Senator Persaud moves to discharge,  
19 from the Committee on Commerce, Economic  
20 Development and Small Business, Assembly Bill  
21 Number 3149 and substitute it for the identical  
22 Senate Bill 7109, Third Reading Calendar 1591.

23 Senator Brooks moves to discharge,  
24 from the Committee on Rules, Assembly Bill  
25 Number 7388B and substitute it for the identical

1 Senate Bill 7124A, Third Reading Calendar 1592.

2 Senator Persaud moves to discharge,  
3 from the Committee on Rules, Assembly Bill  
4 Number 7714 and substitute it for the identical  
5 Senate Bill 7133, Third Reading Calendar 1593.

6 And Senator Stavisky moves to  
7 discharge, from the Committee on Rules,  
8 Assembly Bill Number 7390 and substitute it for  
9 the identical Senate Bill 7151, Third Reading  
10 Calendar 1596.

11 ACTING PRESIDENT BENJAMIN: All  
12 substitutions so ordered.

13 Messages from the Governor.

14 Reports of standing committees.

15 Reports of select committees.

16 Communications and reports from  
17 state officers.

18 Motions and resolutions.

19 Senator Gianaris.

20 SENATOR GIANARIS: Good to have you  
21 back, Mr. President. Good afternoon.

22 ACTING PRESIDENT BENJAMIN: Good to  
23 be back.

24 SENATOR GIANARIS: Let's begin with  
25 moving to amend, on behalf of yourself,

1 Senate Bill 1163B by striking out the amendments  
2 made on June 1, 2021, and restoring it to its  
3 previous print number, 1163A.

4 ACTING PRESIDENT BENJAMIN: It is  
5 so ordered.

6 SENATOR GIANARIS: And on behalf of  
7 Senator Bailey, I wish to call up Senate Bill  
8 3374, recalled from the Assembly, which is now at  
9 the desk.

10 ACTING PRESIDENT BENJAMIN: The  
11 Secretary will read.

12 THE SECRETARY: Calendar Number  
13 440, Senate Print 3374, by Senator Bailey, an act  
14 to amend the Alcoholic Beverage Control Law.

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

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

19 (The Secretary called the roll.)

20 THE SECRETARY: Ayes, 57.

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

24 SENATOR GIANARIS: I offer the  
25 following amendments.



1                   ACTING PRESIDENT BENJAMIN:    The  
2   amendments are received.

3                   SENATOR GIANARIS:    Please recognize  
4   Senator Lanza.

5                   ACTING PRESIDENT BENJAMIN:    Senator  
6   Lanza.

7                   SENATOR LANZA:    Mr. President, on  
8   behalf of Senator Boyle, on page 44 I offer the  
9   following amendments to Calendar Number 1571,  
10   Senate Print Number 6730, and ask that said bill  
11   retain its place on Third Reading Calendar.

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

15                   Senator Gianaris.

16                   SENATOR GIANARIS:    I now move to  
17   adopt the Resolution Calendar, with the exception  
18   of Resolutions 1012 and 1196.

19                   ACTING PRESIDENT BENJAMIN:    All in  
20   favor of adopting the Resolution Calendar, with  
21   the exception of Resolutions 1012 and 1196,  
22   please signify by saying aye.

23                   (Response of "Aye.")

24                   ACTING PRESIDENT BENJAMIN:  
25   Opposed, nay.

1 (No response.)

2 ACTING PRESIDENT BENJAMIN: The  
3 Resolution Calendar is adopted.

4 Senator Gianaris.

5 SENATOR GIANARIS: Okay, let's  
6 begin -- we're going to simultaneously have a  
7 Rules Committee meeting while the resolutions are  
8 being adopted.

9 And so let's begin by taking up  
10 Resolution 1196, by Senator Kennedy, read its  
11 title only and recognize Senator Kennedy.

12 And please also call an immediate  
13 meeting of the Rules Committee in Room 332.

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

17 The Secretary will read.

18 THE SECRETARY: Senate Resolution  
19 1196, by Senator Kennedy, congratulating  
20 Richard Lipsitz upon the occasion of his  
21 retirement after many years of distinguished  
22 service as President of the Western New York Area  
23 Labor Federation, AFL-CIO.

24 ACTING PRESIDENT BENJAMIN: Senator  
25 Kennedy on the resolution.

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

3                   It's my personal honor to rise today  
4   to congratulate Richard Lipsitz, a dear friend,  
5   upon his retirement as president of the Western  
6   New York Area Labor Federation, capping an  
7   extraordinary career that bettered the lives of  
8   thousands and thousands of hardworking Western  
9   New Yorkers.

10                  Richard, known to his friends as  
11   Dick, is just the third ALF president, which was  
12   formed 20 years ago in 2001. He first took  
13   office in 2011, overseeing dozens and dozens of  
14   affiliated local, regional and national unions  
15   representing 130,000 workers across five separate  
16   labor councils, and he's helped to put Western  
17   New York Area Labor Federation at the center of  
18   the fight for the rights of workers all across  
19   New York State.

20                  When this body passed the New York  
21   Call Center Jobs Act, Richard Lipsitz was there  
22   on the front lines of the fight.

23                  When we restored devastating  
24   education cuts, Richard Lipsitz was there on the  
25   front lines of the fight.

1                   And just this year, when we finally  
2                   passed safe staffing, Richard Lipsitz was once  
3                   again leading the charge.

4                   If I listed all of his  
5                   accomplishments, Mr. President, we would be here  
6                   all day and all night. From his earliest days,  
7                   Dick was fighting for workers going all the way  
8                   back to 1973, when he helped to organize the  
9                   employees of George Washington University  
10                  Hospital in Washington, D.C. He later cut his  
11                  teeth organizing with major unions, including  
12                  SEIU and the Teamsters.

13                  Forty-eight years later, that work  
14                  has not stopped. Whether it's protecting  
15                  existing union jobs, like the recent strike at  
16                  General Motors, organizing a new union at  
17                  SPoT Coffee locations in Buffalo and  
18                  Western New York, or ensuring new businesses all  
19                  throughout Western New York are backed up and  
20                  making sure that the workers have someone  
21                  who's there for them at all times watching their  
22                  backs, it's hard to find a sector that has not  
23                  been impacted by Richard Lipsitz and his  
24                  extraordinary efforts to make sure that workers  
25                  get that fair shake.

1                   And he doesn't do it by imposing  
2       decrees upon local unions, he does it by bringing  
3       people together, by building consensus and  
4       bridging divides. That's the mark of true  
5       leadership, someone who understands the power of  
6       unity and solidarity. That's Richard Lipsitz.

7                   At the end of the day, what mattered  
8       most to him in his role as president was ensuring  
9       that the lives all around us are better off, that  
10      the living standards and working conditions of  
11      workers were upheld and protected.

12                  Beyond his role with the Area Labor  
13      Federation, Richard's most important job is  
14      husband to his wife Liz of 42 years, father to  
15      two daughters, Josie and Cassie, and grandfather  
16      to his two granddaughters.

17                  And because of his hard work there  
18      are thousands and thousands of families that will  
19      enjoy the retirement benefits they deserve, that  
20      will allow them to treasure their time with their  
21      own families.

22                  Lastly, I'd be remiss if I didn't  
23      note that the Area Labor Federation will be left  
24      in good hands. Because of Dick's leadership,  
25      because of him cultivating that environment of

1 leadership and bringing people together and  
2 making sure that the Area Labor Federation has  
3 bench strength, the Area Labor Federation  
4 recently made Peter DeJesus of 1199 SEIU the next  
5 in line. Not only is the AFL-CIO in good stead  
6 under his leadership, but Richard is staying on  
7 as president emeritus.

8 So we're very proud of that and very  
9 proud of his work. And we know that there is  
10 more work to do, and he will continue to be there  
11 for us in a different role, but certainly with  
12 his leadership and experience.

13 So to Richard Lipsitz, we hope he  
14 enjoys a well-deserved retirement and thank him  
15 for a lifetime of service to the cause of workers  
16 in Western New York and New York State and across  
17 the nation. We are all better off because of his  
18 efforts.

19 Mr. President, thank you very much.  
20 I vote aye.

21 ACTING PRESIDENT BENJAMIN: The  
22 question is on the resolution.

23 All in favor signify by saying aye.

24 (Response of "Aye.")

25 ACTING PRESIDENT BENJAMIN:

1 Opposed?

2 (No response.)

3 ACTING PRESIDENT BENJAMIN: The  
4 resolution is adopted.

5 Senator Serrano.

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

8 We will now move to Resolution  
9 Number 1012, by myself, Senator Serrano. We'll  
10 read the resolution's title, and I'll speak on  
11 the resolution.

12 ACTING PRESIDENT BENJAMIN: The  
13 Secretary will read.

14 THE SECRETARY: Senate Resolution  
15 1012, by Senator Serrano, mourning the death of  
16 Mary Eileen Fitzgerald, a dedicated Bronxite,  
17 pioneering and distinguished detective with the  
18 NYPD, and devoted member of the community.

19 ACTING PRESIDENT BENJAMIN: Senator  
20 Serrano on the resolution.

21 SENATOR SERRANO: Thank you,  
22 Mr. President.

23 I stand here to mourn the passing of  
24 Mary Fitzgerald. She passed away on May 19th at  
25 the age of 98. And she is my former Woman of

1 Distinction honoree.

2 She was born in the South Bronx in  
3 1923 to Irish immigrant parents, and in 1952 was  
4 sworn into the NYPD at a time when very few women  
5 were on the force. She was promoted to detective  
6 in 1959 and was tasked with protecting some of  
7 the 20th century's most iconic women, including  
8 First Lady Jackie Kennedy.

9 She retired in 1983 and lived out  
10 her long retirement on Roosevelt Island, also in  
11 my district, where she volunteered for various  
12 causes.

13 She was a true trailblazer in the  
14 NYPD and in her community, and I always enjoyed  
15 our conversations and hearing about growing up in  
16 the South Bronx in the 1930s and the legacy of  
17 immigration that the South Bronx has always  
18 maintained. And always grateful for her service  
19 over the years.

20 And with that, I ask all of my  
21 colleagues to join me in supporting this  
22 resolution memorializing Mary Fitzgerald.

23 Thank you.

24 ACTING PRESIDENT BENJAMIN: The  
25 question is on the resolution.



1 All in favor signify by saying aye.

2 (Response of "Aye.")

3 ACTING PRESIDENT BENJAMIN:

4 Opposed?

5 (No response.)

6 ACTING PRESIDENT BENJAMIN: The  
7 resolution is adopted.

8 Senator Serrano.

9 SENATOR SERRANO: Thank you.

10 May we stand at ease for a moment.

11 ACTING PRESIDENT BENJAMIN: The  
12 Senate will stand at ease.

13 (Whereupon, the Senate stood at ease  
14 at 1:23 p.m.)

15 (Whereupon, the Senate reconvened at  
16 1:29 p.m.)

17 ACTING PRESIDENT BENJAMIN: The  
18 Senate will return to order.

19 Senator Gianaris.

20 SENATOR GIANARIS: At this time,  
21 Mr. President, let's take up previously adopted  
22 Resolution 980, by Senator Thomas, read its title  
23 and recognize Senator Thomas.

24 ACTING PRESIDENT BENJAMIN: The  
25 Secretary will read.

1                   THE SECRETARY:     Senate Resolution  
2     980, by Senator Thomas, commemorating the  
3     50th Anniversary of the independence of the  
4     United Arab Emirates.

5                   ACTING PRESIDENT BENJAMIN:     Senator  
6     Thomas on the resolution.

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

9                   I am honored to stand and introduce  
10    this legislative resolution to commemorate the  
11    50th Independence Day of the United Arab Emirates  
12    by declaring December 2, 2021, as Emirati Day in  
13    New York State.

14                  My colleagues here know that I was  
15    born in Dubai, the UAE, and emigrated to New York  
16    with my family at the age of 10. That was back  
17    in 1995. At the time I left, the country that I  
18    know was modernizing and emerging as an economic  
19    and tourist hub in the region. Let's look back  
20    at how this nation emerged.

21                  Back on December 2, 1971, a union of  
22    six small gulf kingdoms announced their  
23    independence from Britain and became the United  
24    Arab Emirates. Later on Ras al-Khaimah, the  
25    seventh emirate, also joined this union.

1           The UAE has a rich history rooted in  
2     trade and tied to Islam, which came to the region  
3     in 8630. Today the UAE is a modern oil-exporting  
4     country with a highly diversified economy, with  
5     Dubai in particular developing into a global city  
6     and a hub for tourism, retail and finance, home  
7     to the world's tallest building, the Burj  
8     Khalifa, and the Palm Islands and other  
9     architectural wonders.

10           National Day, which is celebrated on  
11    December 2nd each year, commemorates the founding  
12    of the UAE. But this year it's a very different  
13    type of celebration because the country will be  
14    celebrating the 50th Independence Day.  
15    His Highness Sheikh Khalifa bin Zayed bin Sultan  
16    Al Nahyan, president of the UAE, proclaimed 2021  
17    as the Year of the 50th, which represents a  
18    defining moment in the country's history.

19           From business to trade to fashion  
20    education, New York State has always had strong  
21    ties to the UAE. New York remains one of the  
22    most popular destinations for Emirati students  
23    pursuing higher education. New York is one of  
24    the top five exporting states to the UAE,  
25    supporting thousands of American jobs annually.

1 I'm pleased to have the opportunity  
2 to recognize this important cultural event by  
3 declaring December 2, 2021, as Emirati Day here  
4 in the great State of New York, and  
5 congratulations to the UAE as well.

6 Thank you.

7 ACTING PRESIDENT BENJAMIN: The  
8 resolution was previously adopted on June 2nd.

9 Senator Gianaris.

10 SENATOR GIANARIS: At the request  
11 of the cosponsors, all the resolutions taken up  
12 today are open for cosponsorship.

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

17 Senator Gianaris.

18 SENATOR GIANARIS: I believe  
19 there's a report of the Rules Committee at the  
20 desk. Let's take that up.

21 ACTING PRESIDENT BENJAMIN: The  
22 Secretary will read.

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

1                   Senate Print 592, by Senator May, an  
2   act to amend the State Finance Law;

3                   Senate Print 600, by  
4   Senator Benjamin, an act to amend the  
5   Election Law;

6                   Senate Print 699B, by  
7   Senator Hoylman, an act to amend the  
8   Environmental Conservation Law;

9                   Senate Print 737A, by  
10   Senator Biaggi, an act to amend the  
11   General Business Law;

12                  Senate Print 924, by Senator Ramos,  
13   an act to amend the Social Services Law;

14                  Senate Print 979A, by  
15   Senator Gaughran, an act to amend the  
16   Real Property Law;

17                  Senate Print 1603, by  
18   Senator Gianaris, an act to amend the  
19   Public Housing Law;

20                  Senate Print 2025, by Senator May,  
21   an act to amend the Education Law;

22                  Senate Print 2045, by  
23   Senator Tedisco, an act to amend the County Law;

24                  Senate Print 2122A, by  
25   Senator Rivera, an act to amend the

1 Public Health Law;

2 Senate Print 2630, by  
3 Senator Sanders, an act to amend the  
4 Correction Law and the Executive Law;

5 Senate Print 2743, by Senator Ramos,  
6 an act to amend the Alcoholic Beverage  
7 Control Law;

8 Senate Print 2757B, by  
9 Senator Ramos, an act to amend the Vehicle and  
10 Traffic Law;

11 Senate Print 2999B, by  
12 Senator Harckham, an act to amend the  
13 Executive Law;

14 Senate Print 3080A, by  
15 Senator Salazar, an act directing the New York  
16 State Energy Research and Development Authority  
17 to establish a Ride Clean Rebate Program;

18 Senate Print 3152A, by  
19 Senator Comrie, an act to amend the Agriculture  
20 and Markets Law;

21 Senate Print 3687A, by  
22 Senator Felder, an act to amend the Vehicle and  
23 Traffic Law;

24 Senate Print 3764, by  
25 Senator Comrie, an act to amend the

1 General Business Law;

2 Senate Print 3789, by  
3 Senator Comrie, an act to amend the  
4 Public Service Law;

5 Senate Print 4060, by  
6 Senator Comrie, an act to amend the  
7 General Business Law;

8 Senate Print 4306A, by  
9 Senator Gianaris, an act to amend the  
10 Election Law;

11 Senate Print 4347A, by  
12 Senator Brouk, an act to amend the Education Law  
13 and the Social Services Law;

14 Senate Print 4367A, by  
15 Senator Mayer, an act to amend the  
16 Public Officers Law;

17 Senate Print 4432, by Senator May,  
18 an act to amend the Real Property Tax Law;

19 Senate Print 4467B, by  
20 Senator Mannion, an act to amend the  
21 Domestic Relations Law and the Family Court Act;

22 Senate Print 4486A, by  
23 Senator Harckham, an act to amend the  
24 Public Health Law and the Social Services Law;

25 Senate Print 4539, by

1 Senator Kaplan, an act to amend the General  
2 Municipal Law and the Public Buildings Law;

3 Senate Print 4849A, by  
4 Senator Reichlin-Melnick, an act to amend the  
5 Vehicle and Traffic Law;

6 Senate Print 5257C, by  
7 Senator Gianaris, an act to amend the  
8 Private Housing Finance Law;

9 Senate Print 5488A, by  
10 Senator Biaggi, an act to establish the  
11 Marshall Plan for Moms Interagency Task Force;

12 Senate Print 5517A, by  
13 Senator Kennedy, an act to amend the  
14 State Finance Law;

15 Senate Print 6654B, by  
16 Senator Harckham, an act to amend the Village Law  
17 and the Public Officers Law;

18 Senate Print 6664, by Senator May,  
19 an act to amend the Public Health Law;

20 Senate Print 6738, by  
21 Senator Jordan, an act to amend the Highway Law;

22 Senate Print 6777, by  
23 Senator Salazar, an act to amend the  
24 Executive Law;

25 Senate Print 6815, by



1 Senator Kavanagh, an act to amend the  
2 Education Law;

3 Senate Print 6822, by  
4 Senator Palumbo, an act in relation to granting  
5 Kevin Moriarty Tier IV status in the New York  
6 State Teachers' Retirement System;

7 Senate Print 6850A, by  
8 Senator Kennedy, an act to amend the Agriculture  
9 and Markets Law;

10 Senate Print 6875, by  
11 Senator Persaud, an act to amend the  
12 Social Services Law;

13 Senate Print 6877, by  
14 Senator Kavanagh, an act to amend the  
15 General Obligations Law;

16 Senate Print 6962, by Senator Ryan,  
17 an act to amend the Environmental Conservation  
18 Law;

19 Senate Print 7014, by  
20 Senator Addabbo, an act to amend the Racing,  
21 Pari-Mutuel Wagering and Breeding Law;

22 Senate Print 7075, by  
23 Senator Breslin, an act to amend the  
24 Insurance Law;

25 Senate Print 7083A, by

1 Senator Hinchey, an act to amend the Town Law;  
2 Senate Print 7106A, by  
3 Senator Mannion, an act to amend the  
4 Social Services Law;  
5 Senate Print 7136, by  
6 Senator Serino, an act to amend the Highway Law;  
7 Senate Print 7139, by  
8 Senator Palumbo, an act to amend the Highway Law;  
9 Senate Print 7145, by Senator Ryan,  
10 an act to amend the Public Service Law;  
11 Senate Print 5527, by  
12 Senator Brooks, an act to amend the  
13 Public Authorities Law;  
14 Senate Print 5722, by  
15 Senator Thomas, an act in relation to restricting  
16 certain practices from remote supervision by  
17 licensed pharmacists;  
18 Senate Print 5750, by  
19 Senator Palumbo, an act relating to authorizing  
20 the district superintendent of the  
21 Eastport-South Manor Central School District to  
22 adjust the improper apportionment of the school  
23 tax levy;  
24 Senate Print 5988B, by  
25 Senator Mattera, an act to amend the Vehicle and

1 Traffic Law;

2 Senate Print 6052B, by  
3 Senator Reichlin-Melnick, an act to amend  
4 Chapter 89 of the Laws of 2016;

5 Senate Print 6230, by  
6 Senator Sanders, an act to amend the  
7 General Municipal Law;

8 Senate Print 6234, by  
9 Senator Kennedy, an act to amend the Vehicle and  
10 Traffic Law;

11 Senate Print 6323, by  
12 Senator Gaughran, an act to amend the  
13 General Municipal Law;

14 Senate Print 6441, by  
15 Senator Breslin, an act to amend the  
16 Public Authorities Law;

17 Senate Print 6516A, by  
18 Senator Mannion, an act to amend the  
19 Education Law;

20 Senate Print 6537, by  
21 Senator Reichlin-Melnick, an act to amend the  
22 Education Law;

23 Senate Print 6542, by  
24 Senator Kaplan, an act relating to a review of  
25 reimbursement rates for ambulette transportation;

1                   Senate Print 6555A, by  
2     Senator Breslin, an act to amend the  
3     Real Property Tax Law;

4                   Senate Print 6562A, by  
5     Senator Jordan, an act to amend the Highway Law;

6                   Senate Print 6617, by  
7     Senator Gounardes, an act to amend the  
8     State Finance Law;

9                   Senate Print 7150, by  
10    Senator Gianaris, an act to amend Chapter 17 of  
11    the Laws of 2012;

12                  Senate Print 7163, by Senator Boyle,  
13    an act authorizing the West Babylon Church of God  
14    of Prophecy, Inc., to file an application for  
15    retroactive real property tax exemption;

16                  Senate Print 7179, by  
17    Senator Persaud, an act to amend the  
18    Family Court Act and the Executive Law;

19                  Senate Print 7190, by  
20    Senator Thomas, an act to amend the  
21    General Municipal Law;

22                  Senate Print 7191, by Senator Ryan,  
23    an act to amend the Election Law; and

24                  Senate Print 7197, by  
25    Senator Skoufis, an act to amend Chapter 704 of

1 the Laws of 1991.

2 All bills reported direct to third  
3 reading.

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

6 ACTING PRESIDENT BENJAMIN: All  
7 those in favor of accepting the report of the  
8 Rules Committee signify by saying aye.

9 (Response of "Aye.")

10 ACTING PRESIDENT BENJAMIN:  
11 Opposed, nay.

12 (No response.)

13 ACTING PRESIDENT BENJAMIN: The  
14 Rules Committee report is accepted.

15 Senator Gianaris.

16 SENATOR GIANARIS: Let's take up  
17 the calendar, Mr. President.

18 ACTING PRESIDENT BENJAMIN: The  
19 Secretary will read.

20 THE SECRETARY: Calendar Number  
21 335, Assembly Bill 5029A, substituted earlier by  
22 Assemblymember Paulin, an act to amend the  
23 Environmental Conservation Law.

24 ACTING PRESIDENT BENJAMIN: Read  
25 the last section.

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

3                   ACTING PRESIDENT BENJAMIN:    Call  
4   the roll.

5                   (The Secretary called the roll.)

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

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

10                   This bill relates to public health.  
11   Combustion of this fuel oil creates soot,  
12   composed of toxic mixes of pollutants that are  
13   easily inhaled and can cause a range of serious  
14   diseases that affect infants, children and the  
15   elderly, including asthma, bronchitis, cancer,  
16   heart disease and pneumonia.

17                   What else do these illnesses have in  
18   common besides arising from the combustion of  
19   these fuel oils?  At least two things.  They are  
20   all dangerous comorbidities that lead to higher  
21   rates of complication and death from COVID-19, a  
22   disease that was more common and more deadly for  
23   New York's communities of color, who are more  
24   likely to be exposed to environmental pollutants  
25   and less likely to have access to consistent

1 primary care.

2 Under our current profit-driven  
3 healthcare system, getting treatment for these  
4 illnesses is very often prohibitively expensive  
5 for the very people most likely to be impacted.  
6 An inability to access care early can lead to  
7 worse health outcomes. New Yorkers often have to  
8 put off treatment of these illnesses because of  
9 cost -- because they weren't insured, hadn't  
10 reached their deductible, or weren't sure where  
11 they could receive care without getting a denial  
12 from their insurance company.

13 Far too often these delays mean that  
14 the illnesses caused by the combustion of this  
15 fuel oil become more serious or even deadly.  
16 Hand in hand with our profit-driven healthcare  
17 system, burning oil full of pollutants and  
18 carcinogens in our homes and offices is making  
19 people sicker, putting the most vulnerable among  
20 us at the highest risks, and creating long-term  
21 problems that will only get worse the longer we  
22 don't address them.

23 We need to pass the New York Health  
24 Act to stop this vicious cycle. I'm voting aye  
25 and urge my colleagues to join me in demanding

1 the New York Health Act.

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

4 Announce the results.

5 THE SECRETARY: In relation to  
6 Calendar 335, those Senators voting in the  
7 negative are Senators Akshar and Oberacker.

8 Ayes, 61. Nays, 2.

9 ACTING PRESIDENT BENJAMIN: The  
10 bill is passed.

11 THE SECRETARY: Calendar Number  
12 386, Assembly Bill 2354, substituted earlier by  
13 Assemblymember Dinowitz, an act to amend the  
14 Criminal Procedure 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: In relation to



1 Calendar 386, those Senators voting in the  
2 negative are Senators Borrello, Gallivan, Griffo,  
3 Helming, Jordan, Lanza, Martucci, Mattera,  
4 Oberacker, O'Mara, Rath, Serino, Stec and Weik.

5 Ayes, 49. Nays, 14.

6 ACTING PRESIDENT BENJAMIN: The  
7 bill is passed.

8 THE SECRETARY: Calendar Number  
9 515, Senate Print 4402B, by Senator Hoylman, an  
10 act to amend the Civil Rights Law, the Vehicle  
11 and Traffic Law and the Public Health Law.

12 ACTING PRESIDENT BENJAMIN: Read  
13 the last section.

14 THE SECRETARY: Section 12. 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 Jackson to explain his vote.

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

24 Can I ask for clarification? Is  
25 this regarding S4402?

1                   ACTING PRESIDENT BENJAMIN:    Yes,  
2    sir.

3                   SENATOR JACKSON:    Thank you.

4                   So my colleagues, I rise this  
5    afternoon to explain my support for  
6    Senator Hoylman's bill S4402.  The Gender  
7    Recognition Act is an important step we must take  
8    to make interacting with government easier for  
9    our trans and gender-nonbinary constituents.

10                  I've heard from several constituents  
11    about the urgent need for passing this bill,  
12    including my own deputy chief of staff, Chris  
13    Nickell, who is nonbinary.  It can be a scary  
14    experience for people whose gender doesn't match  
15    the sex on their state-issued government  
16    documents to present those documents for  
17    verification or services.  Just think about how  
18    many times you're asked to present your I.D. --  
19    to a car renter, to law enforcement, airport  
20    security, or even just to get into a secure  
21    building.

22                  These issues and concerns extend  
23    even further when the mismatch prevents someone  
24    from getting social services.

25                  By allowing the use of an "X" to

1 mark gender on state-issued I.D., by removing the  
2 necessity of medical verification for trans  
3 people to change their sex, by making it easier  
4 for parents to be listed as a parent or not as  
5 either a mother or father, all these changes will  
6 make life easier and safer for hundreds of  
7 thousands of New Yorkers.

8               Since June is Pride Month, let's do  
9 the right thing on this to bill for all trans and  
10 nonbinary New Yorkers like Chris. And I vote aye  
11 for those simple fixes to the way our government  
12 treats sex and gender.

13               Thank you, Mr. President.

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

16               Senator Brisport to explain his  
17 vote.

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

20               This bill takes important steps  
21 toward providing necessary rights and protections  
22 for people of all genders. All of us deserve  
23 care and respect, but transgender and  
24 gender-nonconforming people have been denied that  
25 care and respect for far too long.

1                   Recognition on official documents  
2     will go a long way to turning that tide. But as  
3     anti-trans legislation sweeps across the country,  
4     New York must set an example by radically  
5     addressing the unmet needs of our trans  
6     constituents.

7                   A major barrier to the well-being of  
8     transgender and gender-nonconforming New Yorkers  
9     is a shameful lack of access to comprehensive  
10    healthcare, especially gender-affirming care.  
11    Equality and justice across gender cannot be  
12    realized until people have access to the care  
13    they need regardless of their age, income,  
14    employment and immigration status.

15                  As it stands, gender-affirming  
16    healthcare is difficult to access and  
17    prohibitively expensive for a huge number of our  
18    trans siblings. Even when gender-affirming care  
19    is covered, insurance companies and payers place  
20    discriminatory requirements and restrictions in  
21    the way of necessary care, forcing people to jump  
22    through hoops, and even then often arbitrarily  
23    denying payment for services.

24                  The problem is so severe that  
25    GoFundMe even offers a how-to guide on

1 fundraising strategies for gender-affirming care.

2 We can't leave people's survival,  
3 dignity and well-being up to the whims of a  
4 crowd-funding website. The New York Health Act  
5 would cover comprehensive healthcare for all  
6 New Yorkers -- including providing for  
7 gender-affirming care -- free of cost, and it  
8 would mean that the insurance companies no longer  
9 get to place arbitrary burdens on doctors and  
10 patients to stay in-network or get authorization  
11 for the care they know they need.

12 We can and we must remove  
13 bureaucratic obstacles to the rights of trans and  
14 gender-nonconforming New Yorkers, like this bill  
15 aims to do. But until our low-income,  
16 undocumented, uninsured, and underinsured  
17 neighbors are able to access the care they need  
18 through the New York Health Act, we're not done  
19 yet.

20 I'm voting aye, and urge my  
21 colleagues to join me in demanding the New York  
22 Health Act.

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

25 Announce the results.

1                   THE SECRETARY:    In relation to  
2   Calendar 515, those Senators voting in the  
3   negative are Senators Akshar, Borrello, Boyle,  
4   Felder, Gallivan, Griffio, Helming, Jordan, Lanza,  
5   Oberacker, O'Mara, Ortt, Rath, Ritchie, Serino,  
6   Stec and Tedisco.

7                   Ayes, 46.   Nays, 17.

8                   ACTING PRESIDENT BENJAMIN:    The  
9   bill is passed.

10                  THE SECRETARY:    Calendar Number  
11   679, Assembly Bill 5470, substituted earlier by  
12   Assemblymember Englebright, an act to amend the  
13   Public Officers 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                  ACTING PRESIDENT BENJAMIN:    In  
24   relation to Calendar 679, those Senators voting  
25   in the negative are Senators Akshar, Gallivan,

1       Griffo, Helming, Lanza, Oberacker, O'Mara, Rath  
2       and Tedisco.

3                   Ayes, 54.   Nays, 9.

4                   ACTING PRESIDENT BENJAMIN:    The  
5       bill is passed.

6                   THE SECRETARY:    Calendar Number  
7       725, Assembly Bill 126A, substituted earlier by  
8       Assemblymember Gottfried, an act to amend the  
9       Public Health Law.   Calendar Number 725.

10                  SENATOR LANZA:    Lay it aside.

11                  ACTING PRESIDENT BENJAMIN:   Lay it  
12       aside.

13                  THE SECRETARY:    Calendar Number  
14       744, Senate Print 52A, by Senator Kaplan, an act  
15       relating to establishing the Nassau County and  
16       Queens County Border Task Force.

17                  ACTING PRESIDENT BENJAMIN:   Read  
18       the last section.

19                  THE SECRETARY:    Section 8.   This  
20       act shall take effect immediately.

21                  ACTING PRESIDENT BENJAMIN:   Call  
22       the roll.

23                       (The Secretary called the roll.)

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

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

3                   Attempting to reach emergency  
4   personnel at the border between Nassau County and  
5   Queens County has been a challenge for some  
6   callers. Dispatchers often do not recognize the  
7   location of the caller as within their  
8   jurisdiction and refer them to another  
9   jurisdiction.

10                  This confusion and uncertainty  
11   endangers citizens as they wait to be connected  
12   to the correct responder, something that they  
13   should not need to do in an emergency situation.

14                  I rise because I understand that,  
15   living in one of the wealthiest societies on  
16   earth, those who have never faced an emergency  
17   might assume that reliable systems exist to  
18   provide urgent assistance if they do have an  
19   emergency.

20                  People probably hear about  
21   situations like this, and their natural response  
22   is to think that this is an absurd. If someone  
23   is calling an emergency services dispatcher, it's  
24   because there's an emergency, because their life,  
25   safety or health is at risk if they don't receive



1 services right away.

2 In such a situation doesn't it seem  
3 ridiculous to quibble over something trivial like  
4 where the border between Queens and Nassau County  
5 is, or to direct a person with an emergency to a  
6 different operator, wasting crucial time in what  
7 could be a life-or-death situation? What kind of  
8 people are we if we let something like that  
9 happen? Isn't it inhumane to be so concerned  
10 with details like that when there are lives on  
11 the line?

12 But that is the exact situation that  
13 we found ourselves in when it comes to  
14 healthcare -- the same situation we found  
15 ourselves in for years. We let the insurance  
16 industry bureaucracy get more and more entrenched  
17 as people die waiting for authorization of a  
18 procedure or rationing their insulin because they  
19 can't afford more, or being unable to get to a  
20 hospital in time because they live in a  
21 low-income area where hospitals are underfunded  
22 and can't afford to stay open.

23 We've gotten accustomed to this, but  
24 we need to remind ourselves that it's not normal.  
25 There's a solution that gives us back some of the

1     humanity that we've lost by failing to care for  
2     each other's needs. Under the New York Health  
3     Act, we can get the care that we need when we  
4     need it.

5                     Just like someone who was in an  
6     accident on the Jericho Turnpike shouldn't have  
7     to wait to be connected to the correct responder  
8     when they make an emergency call, no one should  
9     have to leave the pharmacy without the medication  
10    they need to survive because the insurance  
11    industry hasn't approved it or explain to the  
12    hospital how they're going to pay for  
13    immunosuppressive drugs before they'll be  
14    approved for a life-saving transplant.

15                    I'm voting aye, and urge my  
16    colleagues to join me in demanding the New York  
17    Health Act.

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

20                    Announce the results.

21                    THE SECRETARY:    In relation to  
22    Calendar Number 744, voting in the negative:  
23    Senator Akshar.

24                    Ayes, 62.   Nays, 1.

25                    ACTING PRESIDENT BENJAMIN:    The

1 bill is passed.

2 THE SECRETARY: Calendar Number  
3 753, Senate Print 4614A, by Senator Kaplan, an  
4 act to authorize every governing body of an  
5 assessing unit and every local assessor in  
6 certain situations to accept a late application  
7 for certain tax exemptions.

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 753, voting in the negative:  
19 Senator Akshar.

20 Ayes, 62. Nays, 1.

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 Kaminsky

1 moves to discharge, from the Committee on Rules,  
2 Assembly Bill Number 2591A and substitute it for  
3 the identical Senate Bill 542A, Third Reading  
4 Calendar 775.

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

7 The Secretary will read.

8 THE SECRETARY: Calendar Number  
9 775, Assembly Bill Number 2591A, by  
10 Assemblymember Carroll, an act to amend the  
11 State Finance Law.

12 ACTING PRESIDENT BENJAMIN: Read  
13 the last section.

14 THE SECRETARY: Section 2. 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:  
21 Announce the results.

22 THE SECRETARY: In relation to  
23 Calendar 775, those Senators voting in the  
24 negative are Senators Akshar, Gallivan, Griffo,  
25 Jordan, Oberacker, O'Mara and Ortt.

1                   Ayes, 56.   Nays, 7.

2                   ACTING PRESIDENT BENJAMIN:    The  
3 bill is passed.

4                   THE SECRETARY:    Calendar Number  
5 819, Senate Print 6085, by Senator Skoufis, an  
6 act to amend the Real Property 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:    In relation to  
18 Calendar 819, those Senators voting in the  
19 negative are Senators Borrello, Griffo, Helming  
20 and Tedisco.

21                  Ayes, 59.   Nays, 4.

22                  ACTING PRESIDENT BENJAMIN:    The  
23 bill is passed.

24                  THE SECRETARY:    Calendar Number  
25 844, Assembly Bill 1005A, substituted earlier by

1 Assemblymember Paulin, an act to amend the  
2 Mental Hygiene 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 844, those Senators voting in the  
14 negative are Senators Akshar, Gallivan, Griffio,  
15 Helming, Jordan, Lanza, Oberacker, Ortt, Palumbo,  
16 Rath, Ritchie, Serino, Stec and Tedisco.

17 Ayes, 49. Nays, 14.

18 ACTING PRESIDENT BENJAMIN: The  
19 bill is passed.

20 THE SECRETARY: Calendar Number  
21 929, Senate Print 6397, by Senator Kaplan, an act  
22 to amend the Economic Development Law.

23 SENATOR GIANARIS: Lay it aside for  
24 the day.

25 ACTING PRESIDENT BENJAMIN: The

1 bill will be laid aside for the day.

2 THE SECRETARY: Calendar Number  
3 957, Senate Print 6401, by Senator Gaughran, an  
4 act to amend the General Municipal Law.

5 ACTING PRESIDENT BENJAMIN: Read  
6 the last section.

7 THE SECRETARY: Section 3. 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: Senator  
13 Brisport to explain his vote.

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

16 This legislation, for my colleagues,  
17 relates to traffic collisions that involve  
18 turtles and the ability of municipalities to post  
19 "Turtle Crossing" signs on local roads as a  
20 preventative measure.

21 When a turtle is involved in a  
22 traffic collision on Long Island, they can  
23 receive free healthcare from Sweetbriar Nature  
24 Center, a nonprofit wildlife rehabilitation  
25 center, and other animal rescues. The 12,000

1 New York human residents who are involved in  
2 traffic accidents each year, however, may not  
3 have such luck.

4 Taking care of our turtle families  
5 rises to the highest ideals of this legislative  
6 body. Turtles cannot vote. They cannot donate  
7 to our campaigns. They have no voice in Albany,  
8 so we must be their voice. But while we consider  
9 how best to care for turtles, our humane  
10 constituents are also dying.

11 Turtles are known for their slow  
12 pace, and the time needed to cross the road can  
13 be extraordinary. They need the protection of  
14 municipal street signs, just as New York  
15 residents need the protection of the New York  
16 Health Act. Local municipalities know where  
17 their turtle populations are, and are best suited  
18 to identify and locate signs, just as the  
19 New York Health Act divides New York State into  
20 regional bodies so each can manage their own  
21 healthcare needs.

22 But most importantly, all victims of  
23 automobile collisions need to be free from  
24 healthcare bills whether they cross the road  
25 slowly, quickly, or drive cars. S6401 will



1 provide that help to turtles. The New York  
2 Health Act would provide that help to all of us  
3 human New Yorkers.

4 I'm voting aye and urge my  
5 colleagues to join me in demanding the New York  
6 Health Act.

7 ACTING PRESIDENT BENJAMIN: Senator  
8 Brisport to be recorded in the affirmative.

9 Announce the results.

10 THE SECRETARY: In relation to  
11 Calendar Number 957, voting in the negative:  
12 Senator Akshar.

13 Ayes, 62. Nays, 1.

14 ACTING PRESIDENT BENJAMIN: The  
15 bill is passed.

16 THE SECRETARY: Calendar Number  
17 974, Senate Print 1232, by Senator Gianaris, an  
18 act to amend the Environmental Conservation 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 974, those Senators voting in the  
5   negative are Senators Akshar, Borrello, Griffo,  
6   Jordan, Oberacker, O'Mara, Rath and Stec.

7                   Ayes, 55.   Nays, 8.

8                   ACTING PRESIDENT BENJAMIN:   The  
9   bill is passed.

10                  THE SECRETARY:   Calendar Number  
11   978, Senate Print 4630B, by Senator Kaminsky, an  
12   act to amend the Environmental Conservation Law.

13                  SENATOR LANZA:   Lay it aside.

14                  ACTING PRESIDENT BENJAMIN:   Lay it  
15   aside.

16                  THE SECRETARY:   Calendar Number  
17   979, Senate Print 5116C, by Senator Harckham, an  
18   act to amend the Environmental Conservation Law.

19                  ACTING PRESIDENT BENJAMIN:   Read  
20   the last section.

21                  THE SECRETARY:   Section 12.   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:     Senator  
2 Harckham to explain his vote.

3                   SENATOR HARCKHAM:     Thank you very  
4 much, Mr. President.

5                   First, I want to thank the Majority  
6 Leader for bringing this to the floor and  
7 advancing this package.

8                   I want to thank Senator Kaminsky for  
9 chairing the committee and his leadership on this  
10 issue.

11                  I'd also like to thank environment  
12 counsel Chris Amato and my legislative director,  
13 Joelle Foskett, for their tireless work on this  
14 important issue.

15                  Wetlands are nature's filters. They  
16 absorb excess stormwater, they absorb nutrients  
17 that poison our waterways. And for too many of  
18 our communities, our wetlands have been denuded  
19 by overdevelopment and poor planning. And the  
20 structure in New York has been rather a patchwork  
21 of how we deal with our freshwater wetlands.

22                  And the federal government used to  
23 administer to the regulation of wetlands less  
24 than 12 acres, and the prior administration in  
25 Washington got out of the wetland-regulation

1 business.

2 So we stepped in as a state and we  
3 came up with a plan, working in collaboration  
4 with developers and with the Forestry Institute  
5 and with a number of environmental groups intent  
6 on protecting water quality, where we now have a  
7 system in place with this bill that will add a  
8 criteria that could allow DEC to get involved to  
9 regulate significant wetlands, but would also  
10 allow owners of property and developers to get an  
11 expedited review process, which they don't have  
12 now because of the antiquated system we have in  
13 New York.

14 I'm very proud of all the hard work  
15 and collaboration that went into this bill. It  
16 will be a win for clean water, it will be a win  
17 for property owners and the development  
18 community. And I'm glad colleagues are  
19 supportive, and I will be voting aye.

20 Thank you, Mr. President.

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

23 Announce the results.

24 THE SECRETARY: In relation to  
25 Calendar 979, those Senators voting in the

1 negative are Senators Akshar, Borrello, Gallivan,  
2 Griffo, Jordan, Oberacker, O'Mara, Ortt, Palumbo,  
3 Rath, Ritchie, Serino, Stec and Weik.

4 Ayes, 49. Nays, 14.

5 ACTING PRESIDENT BENJAMIN: The  
6 bill is passed.

7 THE SECRETARY: Calendar Number  
8 981, Senate Print 6172, by Senator Hoylman, an  
9 act to amend the Environmental Conservation Law.

10 ACTING PRESIDENT BENJAMIN: Read  
11 the last section.

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

15 ACTING PRESIDENT BENJAMIN: Call  
16 the roll.

17 (The Secretary called the roll.)

18 ACTING PRESIDENT BENJAMIN:  
19 Announce the results.

20 THE SECRETARY: In relation to  
21 Calendar Number 981, voting in the negative:  
22 Senator Oberacker --

23 ACTING PRESIDENT BENJAMIN: Oh, oh,  
24 oh, hold on.

25 Senator Brisport to explain his

1 vote.

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

4 A recent study by the United States  
5 Environmental Protection Agency determined that  
6 emission controls have been removed from over  
7 500,000 heavy-duty vehicles in the last decade,  
8 resulting in excess emissions of more than  
9 5,000 tons of nitrogen oxides and 5,000 tons of  
10 particulate matter.

11 EPA estimates that in New York, more  
12 than 13,000 heavy-duty vehicles have disabled or  
13 removed emission controls, resulting in excess  
14 emissions of over 13,000 tons of nitrogen oxides  
15 and over 100 tons of particulate matter.

16 This bill prohibits the tampering  
17 with devices for emission control systems on  
18 motor vehicles. We know this is necessary  
19 because there have been scandals in recent years  
20 where certain car manufacturers were involved in  
21 a major scandal where they cheated pollution  
22 emissions tests in order to boost their profits.

23 Transportation emissions from the  
24 combustion of diesel fuels results in particle  
25 pollutants that have been linked to lung and

1 heart disease. Low-income communities and  
2 communities of color face increased levels of  
3 vehicle pollution, as these communities are often  
4 intersected by heavily trafficked areas,  
5 transportation corridors, expressways, and routes  
6 populated by heavy-duty vehicles such as ports.

7 Requiring pollution control devices  
8 to be intact will help reduce this  
9 disproportionate emissions burden, thereby  
10 improving health outcomes. This bill recognizes  
11 that an ounce of prevention is worth a pound of  
12 cure and seeks to avoid adverse health outcomes  
13 for New York residents. This also underscores  
14 the necessity of preventative care, something  
15 that New York residents all too often can't  
16 afford or access under our for-profit healthcare  
17 system.

18 Just as we need to pass this bill  
19 before us today, we also need to pass the  
20 New York Health Act. I'm voting aye and urge my  
21 colleagues to join me in demanding the New York  
22 Health Act.

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

25 Announce the results.

1                   THE SECRETARY:    In relation to  
2   Calendar Number 981, voting in the negative:  
3   Senator Oberacker.

4                   Ayes, 62.   Nays, 1.

5                   ACTING PRESIDENT BENJAMIN:    The  
6   bill is passed.

7                   THE SECRETARY:    Calendar Number  
8   984, Senate Print 6532A, by Senator Kaminsky, an  
9   act to amend the Environmental Conservation 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:    Senator  
18   Palumbo to explain his vote.

19                  SENATOR PALUMBO:    Thank you,  
20   Mr. President, for allowing me to interrupt the  
21   proceedings for the purposes of explaining my  
22   vote.

23                  I certainly would like to commend  
24   the chairman of the Environmental Conservation  
25   Committee and sponsor.   This is a bill that I put



1 in in the Assembly last year. When I submitted  
2 it here, he called me, was kind enough to include  
3 me as a sponsor, and said, "We need to move  
4 this," being a fellow Long Islander.

5 This bill gives authority to  
6 Suffolk County to cultivate kelp in the  
7 aquaculture industry. We have a nitrogen problem  
8 on Long Island. In the Peconic Bay estuary,  
9 which are the Peconic Bays and Gardiner Bays, we  
10 basically have Miracle Grow with the extensive  
11 nitrogen, which creates to the -- to algal blooms  
12 flourishing, fish die-offs, and many other very  
13 significant and concerning environmental factors.

14 And it's essentially a crop that's  
15 usually grown on buoy lines. It's set in the  
16 fall, and they retrieve them in the spring. But  
17 this winter crop provides a complement to the  
18 oysters of Long Island that many of the  
19 leaseholders are currently farming. Kelp is  
20 enjoyed around the world and there is growing  
21 local interest by culinary experts, brewers and  
22 others looking to incorporate fresh, locally and  
23 sustainably grown aquaculture ingredients to  
24 their menus and recipes.

25 So this legislation is also

1 supported by the Long Island shellfish  
2 aquaculture community, by a wide group of  
3 ocean-health advocates, including the scientific  
4 community, and Stony Brook University School of  
5 Marine and Atmospheric Sciences. This also  
6 received unanimous support from the New York  
7 State Marine Resources Advisory Council.

8 So I thank you for allowing me the  
9 opportunity to speak. I'm proud to be a  
10 cosponsor on this bill, and I vote in the  
11 affirmative.

12 Thank you, Mr. President.

13 ACTING PRESIDENT BENJAMIN: Senator  
14 Palumbo to be recorded in the affirmative.

15 Senator Brisport to explain his  
16 vote.

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

19 As the bill's authors point out,  
20 kelp has significant health benefits and is a  
21 nutritious food with a growing market.

22 The lack of affordable, nutritious  
23 food is a problem for so many communities in  
24 New York, and this bill would help us change  
25 that. Because kelp contains large amounts of

1 iodine, it is also used to produce supplements  
2 for treating hypothyroidism, a condition  
3 affecting approximately one in every 300 people  
4 in the State of New York.

5 Hypothyroidism is a very serious and  
6 potentially life-threatening condition, since the  
7 thyroid glands produce the hormones regulating  
8 metabolism, mental functions and energy level.  
9 Yet kelp-based iodine supplements are rarely an  
10 adequate or even appropriate solution to this  
11 condition.

12 While a healthy diet is important,  
13 New Yorkers need preventative healthcare,  
14 affordable prescription drugs, and routine,  
15 stable access to medical service -- all things  
16 that they are often denied under the current  
17 system. Kelp can help, if it's paired with a  
18 single-payer healthcare system.

19 I'm voting aye, and I urge my  
20 colleagues to demand the New York Health Act.

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

23 Announce the results.

24 THE SECRETARY: Ayes, 63.

25 ACTING PRESIDENT BENJAMIN: The

1 bill is passed.

2 THE SECRETARY: Calendar Number  
3 1003, Senate Print 5724A, by Senator Thomas, an  
4 act to amend the Civil Practice Law and Rules.

5 ACTING PRESIDENT BENJAMIN: Read  
6 the last section.

7 THE SECRETARY: Section 7 --

8 SENATOR LANZA: Lay it aside.

9 ACTING PRESIDENT BENJAMIN: Lay it  
10 aside.

11 THE SECRETARY: Calendar Number  
12 1054, Senate Print 4413, by Senator May, an act  
13 to amend the Election Law.

14 SENATOR LANZA: Lay it aside.

15 ACTING PRESIDENT BENJAMIN: Lay it  
16 aside.

17 THE SECRETARY: Calendar Number  
18 1070, Assembly Bill 1237, substituted earlier by  
19 Assemblymember Paulin, an act to amend the  
20 Business Corporation 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, 63.

6 ACTING PRESIDENT BENJAMIN: The  
7 bill is passed.

8 THE SECRETARY: Calendar Number  
9 1139, Assembly Bill 1228A, substituted earlier by  
10 Assemblymember Paulin, an act to amend the  
11 Public Officers Law.

12 ACTING PRESIDENT BENJAMIN: Read  
13 the last section.

14 THE SECRETARY: Section 2. This  
15 act shall take effect on the 30th 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: Ayes, 63.

23 ACTING PRESIDENT BENJAMIN: The  
24 bill is passed.

25 THE SECRETARY: Calendar Number

1 1165, Senate Print 5909, by Senator Kaminsky, an  
2 act to amend the Insurance Law.

3 SENATOR LANZA: Lay it aside.

4 ACTING PRESIDENT BENJAMIN: Lay it  
5 aside.

6 THE SECRETARY: Calendar Number  
7 1179, Senate Print 6455C, by Senator Kaminsky, an  
8 act to amend Part B of Chapter 173 of the Laws of  
9 2013.

10 ACTING PRESIDENT BENJAMIN: Read  
11 the last section.

12 THE SECRETARY: Section 8. 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 1179, those Senators voting in  
21 the negative are Senators Akshar, Griffo, Ortt,  
22 Palumbo and Serino.

23 Ayes, 58. Nays, 5.

24 ACTING PRESIDENT BENJAMIN: The  
25 bill is passed.

1                   THE SECRETARY:     Calendar Number  
2     1192, Senate Print 3683B, by Senator Felder, an  
3     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 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, 63.

14                   ACTING PRESIDENT BENJAMIN:     The  
15     bill is passed.

16                   THE SECRETARY:     Calendar Number  
17     1209, Assembly Bill 7688, substituted earlier by  
18     Assemblymember Paulin, an act to amend the  
19     New York State Medical Care Facilities Finance  
20     Agency Act.

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, 63.

6 ACTING PRESIDENT BENJAMIN: The  
7 bill is passed.

8 THE SECRETARY: Calendar Number  
9 1262, Senate Print 6256A, by Senator Hinchey, an  
10 act to amend the Alcoholic Beverage Control Law.

11 ACTING PRESIDENT BENJAMIN: Read  
12 the last section.

13 THE SECRETARY: Section 4. This  
14 act shall take effect on the 90th 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: Senator  
20 Brisport to explain his vote.

21 SENATOR BRISPORT: Thank you,  
22 Mr. President.

23 COVID has been devastating for  
24 New Yorkers' livelihoods as much as for their  
25 health. Estimated job losses in the state due to



1 the pandemic range from 500,000 to 1 million.  
2 New York City lost 13.6 percent of its payroll  
3 jobs -- twice the national rate, and more than  
4 the next 14 largest U.S. cities.

5 Before the pandemic, New York  
6 breweries supported more than 20,000 jobs. For  
7 each one of those jobs, there are significant  
8 costs that are incurred paying for employees'  
9 healthcare.

10 The bill that's under review right  
11 now would support breweries in New York by  
12 allowing them to open immediately without waiting  
13 for certain licenses to be issued. Not waiting  
14 on licenses can be a big deal for small  
15 businesses. Having healthy employees without  
16 having to shoulder the cost of health insurance  
17 would go even further.

18 I vote aye and invite my colleagues  
19 to join me in demanding the New York Health Act.

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

22 Announce the results.

23 THE SECRETARY: Ayes, 63.

24 ACTING PRESIDENT BENJAMIN: The  
25 bill is passed.

1                   THE SECRETARY:     Calendar Number  
2     1264, Senate Print 396A, by Senator Oberacker, an  
3     act relating to legalizing, validating, ratifying  
4     and confirming a transportation contract of the  
5     Oneonta City School District.

6                   ACTING PRESIDENT BENJAMIN:     Read  
7     the last section.

8                   THE SECRETARY:     Section 3.   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:     Senator  
14     Brisport to explain his vote.

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

17                  Mistakes happen.   This bill  
18     recognizes that simple fact and would validate  
19     two transportation contracts for a school  
20     district notwithstanding a late filing of  
21     paperwork, so that the school district can get  
22     necessary transportation aid.

23                  I rise as a recent public  
24     schoolteacher because this bill acknowledges a  
25     mistake in certain paperwork is not a legitimate

1 reason to deny funding to a school district for a  
2 necessary expense. Some things are more  
3 important than the existing rules and procedures  
4 as they currently exist. We need to be able to  
5 get our children to their schools because  
6 education is a basic right.

7           The idea that an error in paperwork  
8 can lead to a denial of a necessity is all too  
9 familiar to the residents of New York. Our  
10 current healthcare system, with private insurance  
11 middlemen, creates situations like this every  
12 day. Much like the situation that led to this  
13 current legislation, it is very common today for  
14 someone to see an error in paperwork lead to the  
15 denial of their healthcare. I have seen  
16 firsthand what happens when a child's basic  
17 rights are denied.

18           I'm happy that the Legislature is  
19 acting on this bill today to clarify that  
20 children should not be denied basic rights with  
21 respect to the education, and I hope that the  
22 Legislature will similarly act with respect to  
23 healthcare. No child should live with a  
24 treatable illness because their family is  
25 struggling to pay a bill or to manage their care

1 across multiple providers and platforms. The  
2 fact that children and adults alike are denied  
3 healthcare because of errors in paperwork should  
4 be troubling to us all.

5 By passing the New York Health Act,  
6 we can drastically streamline the way healthcare  
7 is paid for and distributed in New York, taking  
8 the onus off the patient to grapple with the  
9 system designed to deny them essential care. We  
10 can recognize that providing basic rights is our  
11 guiding principle.

12 I vote aye and invite my colleagues  
13 to join me in demanding the New York Health Act.

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

16 Announce the results.

17 THE SECRETARY: Ayes, 63.

18 ACTING PRESIDENT BENJAMIN: The  
19 bill is passed.

20 THE SECRETARY: Calendar Number  
21 1349, Senate Print 5985B, by Senator Palumbo, an  
22 act to amend the authorizing the Town of  
23 Southampton, County of Suffolk, to alienate  
24 certain parcels of land used as parkland.

25 ACTING PRESIDENT BENJAMIN: There

1 is a home-rule message at the desk.

2 Read 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: Ayes, 63.

11 ACTING PRESIDENT BENJAMIN: The  
12 bill is passed.

13 THE SECRETARY: Calendar Number  
14 1373, Assembly Bill 6500, substituted earlier by  
15 Assemblymember Abbate, an act to amend the  
16 Retirement and Social Security Law.

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

19 Read the last section.

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

22 ACTING PRESIDENT BENJAMIN: Call  
23 the roll.

24 (The Secretary called the roll.)

25 ACTING PRESIDENT BENJAMIN:

1       Announce the results.

2                   THE SECRETARY:     Ayes, 63.

3                   ACTING PRESIDENT BENJAMIN:     The  
4       bill is passed.

5                   THE SECRETARY:     Calendar Number  
6       1382, Assembly Bill 5386A, substituted earlier by  
7       Assemblymember Lupardo, an act to amend the  
8       Agriculture and Markets 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:     Senator  
17      Hinchey to explain her vote.

18                   Oh.   Calendar 1382, Senator Hinchey.

19                   (Discussion off the record.)

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

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

24                   My daughter, who hated mushrooms as  
25      a child, has spent the last year working in

1 regenerative agriculture, and she discovered the  
2 astonishing richness, variety and importance of  
3 fungi and the underground mycelium they spring  
4 from. In short, she now loves mushrooms.

5 We are only beginning to understand  
6 the complexity of what goes on in healthy soil  
7 and how important it is to healthy ecosystems and  
8 a healthy planet. I want to thank Senator  
9 Hinchey for bringing this bill forward and my  
10 colleagues for supporting it, and I vote aye.

11 ACTING PRESIDENT BENJAMIN: Senator  
12 May to be recorded in the affirmative.

13 Senator Hinchey to explain her vote.

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

16 Agriculture is the only industry  
17 that can be carbon-negative. And our farmers are  
18 on the front lines in our fight against climate  
19 change in the middle of the climate crisis that  
20 we are all facing. And the partnerships between  
21 our environmental advocates on our environmental  
22 side and our agriculture side is one that needs  
23 to be strengthened. When we work together, we  
24 can solve these complex, very difficult problems.

25 And this soil health bill is

1 transformational in what it will mean for our  
2 fight against climate change. If we have a  
3 healthy soil, we are capturing more carbon, we  
4 have healthier food and we have a better economy.

5 So this bill is something that I'm  
6 incredibly passionate about. I thank everyone  
7 who has worked on this bill, my partner in the  
8 Assembly, Assemblywoman Lupardo, and all of the  
9 advocates across the industries, from our  
10 agriculture industry to our environmental  
11 industry, to make sure that this bill came to the  
12 floor and passed both houses today. It is  
13 something that we need to be focusing more on,  
14 and this is a real step that we will be working  
15 on now in our fight against climate change.

16 So thank you very much.

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

19 Just as a reminder, masks are still  
20 required in the chamber.

21 Announce the results.

22 THE SECRETARY: Ayes, 63.

23 ACTING PRESIDENT BENJAMIN: The  
24 bill is passed.

25 THE SECRETARY: Calendar Number



1 1473, Assembly Bill 7576, substituted earlier by  
2 Assemblymember Jean-Pierre, an act to amend the  
3 Education 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: In relation to  
14 Calendar 1473, those Senators voting in the  
15 negative are Senators Borrello, Jordan and Ortt.

16 Ayes, 60. Nays, 3.

17 ACTING PRESIDENT BENJAMIN: The  
18 bill is passed.

19 THE SECRETARY: Calendar Number  
20 1478, Senate Print 311, by Senator Liu, an act to  
21 amend Chapter 802 of the Laws of 1947.

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 1478, those Senators voting in the  
8   negative are Senators Akshar, Borrello, Boyle,  
9   Gallivan, Griffo, Helming, Jordan, Lanza,  
10   Martucci, Mattera, Oberacker, O'Mara, Ortt,  
11   Palumbo, Rath, Ritchie, Serino, Stec, Tedisco and  
12   Weik.

13                   Ayes, 43.   Nays, 20.

14                   ACTING PRESIDENT BENJAMIN:    The  
15   bill is passed.

16                   THE SECRETARY:    Calendar Number  
17   1481, Senate Print 951, by Senator Gaughran, an  
18   act to amend the Navigation 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:     Senator  
2     Gaughran to explain his vote.

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

5                   In 2020, New York had the highest  
6     fatal boating accidents recorded in nearly two  
7     decades: 31 people. That is an astonishing  
8     number.

9                   Since 2005, about 25 percent of all  
10    boating deaths resulted from actions of  
11    intoxicated boaters. That is intolerable. More  
12    people are getting out on the water, but they  
13    must do it safely. That means we must have a  
14    zero-tolerance policy for drunk boating.

15                  Today's bill will revoke a person's  
16    driver's license if they are convicted of drunk  
17    boating. Because if someone is reckless enough  
18    to operate a boat while intoxicated, they'll be  
19    reckless enough to drive drunk.

20                  This bill will act as a deterrent to  
21    those irresponsible enough to put lives at risk  
22    by getting behind the wheel of a boat or a car  
23    while intoxicated. Today's bill will keep our  
24    waterways and our roads safe.

25                  I vote in the affirmative,

1 Mr. President.

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

4 Announce the results.

5 THE SECRETARY: In relation to  
6 Calendar 1481, those Senators voting in the  
7 negative are Senators Akshar, Hinchey, Myrie,  
8 Savino and Serino.

9 Ayes, 58. Nays, 5.

10 ACTING PRESIDENT BENJAMIN: The  
11 bill is passed.

12 THE SECRETARY: Calendar Number  
13 1482, Assembly Print 2140B, substituted earlier  
14 by Assemblymember Griffin, an act to direct the  
15 Department of Environmental Conservation and  
16 other state departments and agencies to conduct a  
17 study on the quality of life and human health  
18 impacts at John F. Kennedy International Airport.

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:     Senator  
2     Brisport to explain his vote.

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

5                   I rise in defense of people like my  
6     brother, Mel. As a child I heard him coughing so  
7     often that it seemed like just a part of who he  
8     was. As an adult, I understand that Mel was  
9     struggling to breathe because of his asthma, and  
10    that it is no coincidence that it is so often  
11    black boys from the city like Mel who end up with  
12    asthma.

13                  People in transportation hubs across  
14    the state experience respiratory issues as a  
15    result of the poor air quality caused by planes,  
16    cars and buses. In New York State, 210 out of  
17    every 100,000 children experience respiratory  
18    issues, and the rates are even higher near  
19    transportation hubs.

20                  This bill is an important step into  
21    looking at the health impacts caused by some of  
22    our transportation centers. But what about the  
23    people in the Bronx or my home borough of  
24    Brooklyn who live near tens of intersecting bus  
25    routes and experience twice the statewide rates

1 of childhood asthma?

2 As we work to protect the health of  
3 future children, we cannot abandon those already  
4 living with asthma to a healthcare system  
5 designed to profit off of their struggle to  
6 breathe. We need to ensure that the people who  
7 are already impacted have the care they need to  
8 treat their respiratory issues.

9 I vote aye and invite my colleagues  
10 to join me in demanding the New York Health Act.

11 ACTING PRESIDENT BENJAMIN: Senator  
12 Brisport to be recorded in the affirmative.

13 Announce the results.

14 THE SECRETARY: In relation to  
15 Calendar 1482, those Senators voting in the  
16 negative are Senators Akshar, Borrello, Griffo,  
17 Jordan, Oberacker, O'Mara, Ortt, Rath, Serino and  
18 Stec.

19 Ayes, 53. Nays, 10.

20 ACTING PRESIDENT BENJAMIN: The  
21 bill is passed.

22 THE SECRETARY: Calendar Number  
23 1488, Senate Print 4981, by Senator Lanza, an act  
24 directing the Port Authority of New York to study  
25 the alignment of the Outerbridge Crossing.

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, 63.

11                  ACTING PRESIDENT BENJAMIN:    The  
12   bill is passed.

13                  THE SECRETARY:    Calendar Number  
14   1489, Senate Print 5027A, by Senator Kavanaugh, an  
15   act to amend the Environmental Conservation Law.

16                  ACTING PRESIDENT BENJAMIN:    Read  
17   the last section.

18                  THE SECRETARY:    Section 4.  This  
19   act shall take effect one year after it shall  
20   have become a law.

21                  ACTING PRESIDENT BENJAMIN:    Call  
22   the roll.

23                  (The Secretary called the roll.)

24                  ACTING PRESIDENT BENJAMIN:  
25   Announce the results.

1                   THE SECRETARY:    In relation to  
2   Calendar 1489, those Senators voting in the  
3   negative are Senators Akshar, Borrello, Felder,  
4   Griffo, Helming, Jordan, Oberacker, O'Mara and  
5   Rath.

6                   Ayes, 54.   Nays, 9.

7                   ACTING PRESIDENT BENJAMIN:    The  
8   bill is passed.

9                   THE SECRETARY:    Calendar Number  
10   1491, Assembly Bill 5399, substituted earlier by  
11   Assemblymember Jacobson, an act to amend the  
12   General City 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, 63.

23                   ACTING PRESIDENT BENJAMIN:    The  
24   bill is passed.

25                   THE SECRETARY:    Calendar Number



1 1493, Senate Print 5406, by Senator  
2 Reichlin-Melnick, an act in relation to  
3 authorizing Harvey Eilbaum to file a request for  
4 change of beneficiary with the New York State and  
5 Local Employees' Retirement System.

6 ACTING PRESIDENT BENJAMIN: Read  
7 the last section.

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

10 ACTING PRESIDENT BENJAMIN: Call  
11 the roll.

12 (The Secretary called the roll.)

13 ACTING PRESIDENT BENJAMIN:  
14 Announce the results.

15 THE SECRETARY: Ayes, 63.

16 ACTING PRESIDENT BENJAMIN: The  
17 bill is passed.

18 THE SECRETARY: Calendar Number  
19 1495, Senate Print 6223, by Senator  
20 Reichlin-Melnick, an act in relation to  
21 authorizing Thomas Collins to file a request for  
22 change of benefit coverage with the New York  
23 State Teachers' Retirement System.

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, 63.

9 ACTING PRESIDENT BENJAMIN: The  
10 bill is passed.

11 THE SECRETARY: Calendar Number  
12 1497, Senate Print 6331, by Senator Palumbo, an  
13 act to amend Chapter 1001 of the Laws of 1966.

14 ACTING PRESIDENT BENJAMIN: There  
15 is a home-rule message at the desk.

16 Read 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 1497, voting in the negative:

1 Senator Skoufis.

2 Ayes, 62. Nays, 1.

3 ACTING PRESIDENT BENJAMIN: The  
4 bill is passed.

5 THE SECRETARY: Calendar Number  
6 1522, Senate Print 760, by Senator Biaggi, an act  
7 to amend the Banking Law.

8 ACTING PRESIDENT BENJAMIN: Read  
9 the last section.

10 THE SECRETARY: Section 5. This  
11 act shall take effect on the 180th 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 1522, voting in the negative:  
20 Senator Serino.

21 Ayes, 62. Nays, 1.

22 ACTING PRESIDENT BENJAMIN: The  
23 bill is passed.

24 THE SECRETARY: Calendar Number  
25 1523, Senate Print 1019A, by Senator Kaminsky, an

1 act to amend the Education Law.

2 ACTING PRESIDENT BENJAMIN: Read  
3 the last section.

4 THE SECRETARY: Section 4. This  
5 act shall take effect on the first of July.

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, 63.

12 ACTING PRESIDENT BENJAMIN: The  
13 bill is passed.

14 THE SECRETARY: Calendar Number  
15 1524, Senate Print 1022A, by Senator Ramos, an  
16 act to amend the Workers' Compensation Law.

17 ACTING PRESIDENT BENJAMIN: Read  
18 the last section.

19 THE SECRETARY: Section 2. This  
20 act shall take effect on the 90th 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:     In relation to  
3     Calendar 1524, those Senators voting in the  
4     negative are Senators Akshar, Borrello, Boyle,  
5     Gallivan, Jordan, Lanza, Martucci, Oberacker,  
6     O'Mara, Ortt, Palumbo, Rath, Ritchie, Serino,  
7     Stec, Tedisco and Weik.

8                   Ayes, 46.   Nays, 17.

9                   ACTING PRESIDENT BENJAMIN:     The  
10    bill is passed.

11                   THE SECRETARY:     Calendar Number  
12    1525, Senate Print 1165, by Senator Kaminsky, an  
13    act to amend the General Municipal Law.

14                   ACTING PRESIDENT BENJAMIN:     Read  
15    the last section.

16                   THE SECRETARY:     Section 10.   This  
17    act shall take effect one year after it shall  
18    have become a law.

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 1525, voting in the negative:

1 Senator Ritchie.

2 Ayes, 62. Nays, 1.

3 ACTING PRESIDENT BENJAMIN: The  
4 bill is passed.

5 THE SECRETARY: Calendar Number  
6 1527, Assembly Bill 1953, substituted earlier by  
7 Assemblymember Cruz, an act to amend the  
8 Mental Hygiene Law.

9 ACTING PRESIDENT BENJAMIN: Read  
10 the last section.

11 THE SECRETARY: Section 2. This  
12 act shall take effect on the 90th 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, 63.

20 ACTING PRESIDENT BENJAMIN: The  
21 bill is passed.

22 THE SECRETARY: Calendar Number  
23 1528, Senate Print 3081, by Senator Salazar, an  
24 act to amend the General Business 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: Senator  
8 Salazar to explain her vote.

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

11 Every year there are reports of  
12 New Yorkers dying essentially due to drug  
13 shortages. We also know that many deaths due to  
14 drug shortages still go unreported. Most of  
15 these cases involve the price gouging of  
16 life-saving generic drugs that ordinarily would  
17 be inexpensive.

18 In many cases, drugs sold to  
19 hospitals by secondary distributors are marked up  
20 by 650 percent. In an extreme case reported by  
21 the Premier Healthcare Alliance, a vendor was  
22 offered a generic drug for high blood pressure --  
23 normally priced at \$25.90 per dose -- for \$1200  
24 per dose.

25 Too many Americans go without the

1 medicine that they need because drug companies  
2 constantly raise prices, extend patents  
3 unnecessarily, and focus on extracting as much  
4 profit as they can possibly get away with.  
5 Recent studies have found that Americans pay much  
6 more for the exact same medications than  
7 consumers in other countries do.

8           Since the beginning of the COVID-19  
9 pandemic last year, drug manufacturers have  
10 announced further price increases at an average  
11 cost of triple the rate of inflation for more  
12 than 500 different medications. And while  
13 New York's families are struggling to pay rent  
14 and healthcare bills, the pharmaceutical industry  
15 is raising prices on the medicines they need to  
16 survive.

17           We cannot allow the price gouging of  
18 medicine to continue. Passing the New York  
19 Health Act is the only action we can take in our  
20 state to make sure that medically necessary drugs  
21 are available to patients without a copay.

22           Nonetheless, in passing this bill  
23 today, we can take an important step to curb  
24 price gouging, to protect consumers and hopefully  
25 even save people's lives.



1 Mr. President, I vote aye.

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

4 Announce the results.

5 THE SECRETARY: Ayes, 63.

6 ACTING PRESIDENT BENJAMIN: The  
7 bill is passed.

8 THE SECRETARY: Calendar Number  
9 1529, Senate Print 3160A, by Senator Comrie, an  
10 act to amend the Public Authorities Law.

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, 63.

21 ACTING PRESIDENT BENJAMIN: The  
22 bill is passed.

23 THE SECRETARY: Calendar Number  
24 1530, Senate Print 3227, by Senator Persaud, an  
25 act to amend the Agriculture and Markets 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:  
9   Announce the results.

10                  THE SECRETARY:    In relation to  
11   Calendar 1530, those Senators voting in the  
12   negative are Senators Akshar and Helming.

13                  Ayes, 61.   Nays, 2.

14                  ACTING PRESIDENT BENJAMIN:    The  
15   bill is passed.

16                  THE SECRETARY:    Calendar Number  
17   1531, Senate Print 3345, by Senator Felder, an  
18   act to amend the Education 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:    Ayes, 63.

4                   ACTING PRESIDENT BENJAMIN:    The  
5   bill is passed.

6                   THE SECRETARY:    Calendar Number  
7   1532, Senate Print 3468A, by Senator Kennedy, an  
8   act to amend the Executive Law.

9                   ACTING PRESIDENT BENJAMIN:    Read  
10   the last section.

11                   THE SECRETARY:    Section 2.   This  
12   act shall take effect April 1, 2022.

13                   ACTING PRESIDENT BENJAMIN:    Call  
14   the roll.

15                   (The Secretary called the roll.)

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

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

20                   This legislation that I stand in  
21   support of today will create the Office of Racial  
22   Equity and Social Justice here in New York State,  
23   with the goal of improving opportunities and  
24   outcomes for all people in our great state.

25                   The Office of Racial Equity and

1 Social Justice will serve as the official state  
2 planning and coordinating office for changes in  
3 policy, practice and allocation of state  
4 resources so that race or social constructs do  
5 not predict an individual's success.

6 Local jurisdictions across the  
7 country such as Kings County, Washington, and  
8 Montgomery County, Maryland, have already  
9 established offices focusing on equity and social  
10 justice but we will be the first state in the  
11 nation to do so.

12 With this legislation we are putting  
13 the State of New York at the forefront of  
14 addressing systematic racism, inequality and  
15 disparities nationwide. This office will help us  
16 as policymakers fight against institutional  
17 racism and biases, to help us create a more  
18 equitable state for everyone in New York  
19 regardless of their race, gender, age, ethnicity,  
20 religious background, sexual orientation or  
21 socioeconomic status.

22 This office will help all  
23 departments and agencies create more inclusive  
24 policies and procedures and will ensure all state  
25 employees are educated about the values of equity

1 and social justice.

2 I'm proud to carry this legislation  
3 alongside a historic majority leader, my great  
4 friend Crystal Peoples-Stokes in the Assembly,  
5 and I want to give special thanks to Hazel Dukes,  
6 the president of the New York State chapter of  
7 the NAACP for her support of this legislation and  
8 tireless advocacy for equity and social justice.

9 I also want to recognize the  
10 extraordinary work of the Racial Equity  
11 Roundtable in Buffalo, who played a significant  
12 role in this bill moving forward here today.

13 And finally, Mr. President, I'd like  
14 to thank Majority Leader Andrea Stewart-Cousins  
15 for bringing this bill to the floor and her  
16 commitment to ensuring opportunities for all  
17 people in our state are equitable, regardless of  
18 where they come from or what they look like.

19 Creating an Office of Racial Equity  
20 and Social Justice demonstrates our commitment to  
21 our values and reaffirms who we are as  
22 New Yorkers. With that, Mr. President, I vote  
23 aye.

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

1                   Announce the results.

2                   THE SECRETARY:   In relation to  
3   Calendar 1532, those Senators voting in the  
4   negative are Senators Akshar, Borrello, Boyle,  
5   Gallivan, Griffo, Helming, Jordan, Lanza,  
6   Martucci, Mattera, Oberacker, O'Mara, Ortt,  
7   Palumbo, Rath, Ritchie, Serino, Stec, Tedisco and  
8   Weik.

9                   Ayes, 43.   Nays, 20.

10                  ACTING PRESIDENT BENJAMIN:   The  
11   bill is passed.

12                  THE SECRETARY:   Calendar Number  
13   1534, Senate Print Number 3759, by  
14   Senator Kaplan, an act to amend the  
15   Retirement and Social Security Law.

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

18                  Read 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, 63.

2 ACTING PRESIDENT BENJAMIN: The  
3 bill is passed.

4 THE SECRETARY: Calendar Number  
5 1535, Senate Print 4110A, by Senator Breslin, an  
6 act to amend the State Finance 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:  
16 Announce the results.

17 THE SECRETARY: Ayes, 63.

18 ACTING PRESIDENT BENJAMIN: The  
19 bill is passed.

20 THE SECRETARY: Calendar Number  
21 1536, Senate Print Number 4150B, by  
22 Senator Reichlin-Melnick, an act to amend the  
23 Public Health Law.

24 ACTING PRESIDENT BENJAMIN: Read  
25 the last section.

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

4                   ACTING PRESIDENT BENJAMIN:   Call  
5   the roll.

6                   (The Secretary called the roll.)

7                   ACTING PRESIDENT BENJAMIN:  
8   Announce the results.

9                   THE SECRETARY:    Ayes, 63.

10                  ACTING PRESIDENT BENJAMIN:   The  
11   bill is passed.

12                  THE SECRETARY:    Calendar Number  
13   1537, Senate Print 4254, by Senator Gianaris, an  
14   act to amend the Insurance Law.

15                  ACTING PRESIDENT BENJAMIN:   Read  
16   the last section.

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

20                  ACTING PRESIDENT BENJAMIN:   Call  
21   the roll.

22                  (The Secretary called the roll.)

23                  ACTING PRESIDENT BENJAMIN:  
24   Announce the results.

25                  THE SECRETARY:    In relation to



1 Calendar 1537, those Senators voting in the  
2 negative are Senators Borrello, Gallivan, Griffo,  
3 Helming, Jordan, Martucci, Mattera, Oberacker,  
4 O'Mara, Ortt, Palumbo, Rath, Serino and Stec.

5 Ayes, 49. Nays, 14.

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 Mayer moves  
11 to discharge, from the Committee on Rules,  
12 Assembly Bill Number 4742B and substitute it for  
13 the identical Senate Bill 4410C, Third Reading  
14 Calendar 1540.

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

17 The Secretary will read.

18 THE SECRETARY: Calendar Number  
19 1240, Assembly Print Number 4742B, by  
20 Assemblymember Woerner, an act to amend the  
21 Parks, Recreation and Historic Preservation Law.

22 ACTING PRESIDENT BENJAMIN: Read  
23 the last section.

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

1                   ACTING PRESIDENT BENJAMIN:    Call  
2   the roll.

3                   (The Secretary called the roll.)

4                   ACTING PRESIDENT BENJAMIN:  
5   Announce the results.

6                   THE SECRETARY:    Ayes, 63.

7                   ACTING PRESIDENT BENJAMIN:    The  
8   bill is passed.

9                   THE SECRETARY:    Calendar Number  
10   1541, Assembly Print 3965, substituted earlier by  
11   Assemblymember Abinanti, an act to amend the  
12   Tax Law.

13                   ACTING PRESIDENT BENJAMIN:    Read  
14   the last section.

15                   THE SECRETARY:    Section 2.  This  
16   act shall take effect on the 60th 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, 63.

24                   ACTING PRESIDENT BENJAMIN:    The  
25   bill is passed.

1                   THE SECRETARY:     Calendar Number  
2     1542, Senate Print 4535, by Senator Gaughran, an  
3     act to amend the Public Authorities Law.

4                   ACTING PRESIDENT BENJAMIN:     Read  
5     the last section.

6                   THE SECRETARY:     Section 5.   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, 63.

14                   ACTING PRESIDENT BENJAMIN:     The  
15     bill is passed.

16                   THE SECRETARY:     Calendar Number  
17     1543, Senate Print 4687B, by Senator Mayer, an  
18     act to amend the Public Officers Law.

19                   ACTING PRESIDENT BENJAMIN:     Read  
20     the last section.

21                   THE SECRETARY:     Section 2.   This  
22     act shall take effect on the 60th 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 1543, those Senators voting in the  
6 negative are Senators Helming and Ortt.

7 Ayes, 61. Nays, 2.

8 ACTING PRESIDENT BENJAMIN: The  
9 bill is passed.

10 THE SECRETARY: Calendar Number  
11 1544, Senate Print 4697, by Senator Breslin, an  
12 act to amend the General Obligations Law.

13 ACTING PRESIDENT BENJAMIN: Read  
14 the last section.

15 THE SECRETARY: Section 3. 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, 63.

23 ACTING PRESIDENT BENJAMIN: The  
24 bill is passed.

25 THE SECRETARY: Calendar Number

1 1547, Senate Print 5199, by Senator Hinchey, 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: Ayes, 63.

13 ACTING PRESIDENT BENJAMIN: The  
14 bill is passed.

15 THE SECRETARY: Calendar Number  
16 1548, Assembly Bill 6249A, substituted earlier by  
17 Assemblymember Buttenschon, an act to amend the  
18 Education Law.

19 ACTING PRESIDENT BENJAMIN: Read  
20 the last section.

21 THE SECRETARY: Section 4. This  
22 act shall take effect July 1, 2022.

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, 63.

4                   ACTING PRESIDENT BENJAMIN:     The  
5     bill is passed.

6                   THE SECRETARY:     Calendar Number  
7     1549, Senate Print 5286, by Senator Parker, an  
8     act to amend the Social Services Law.

9                   ACTING PRESIDENT BENJAMIN:     Read  
10    the last section.

11                   THE SECRETARY:     Section 2. This  
12    act shall take effect on the 120th 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:     In relation to  
20    Calendar 1549, those Senators voting in the  
21    negative are Senators Akshar, Borrello, Helming,  
22    Martucci and Tedisco.

23                   Ayes, 58.   Nays, 5.

24                   ACTING PRESIDENT BENJAMIN:     The  
25    bill is passed.

1                   THE SECRETARY:     Calendar Number  
2     1550, Senate Print 5389, by Senator Parker, an  
3     act to amend the Real Property Tax Law.

4                   ACTING PRESIDENT BENJAMIN:     Read  
5     the last section.

6                   THE SECRETARY:     Section 3.   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 1550, those Senators voting in the  
15     negative are Senators Akshar, Cooney, Gaughran  
16     and Weik.

17                   Ayes, 59.   Nays, 4.

18                   ACTING PRESIDENT BENJAMIN:     The  
19     bill is passed.

20                   THE SECRETARY:     Calendar Number  
21     1552, Assembly Print 7214A, substituted earlier  
22     by Assemblymember De La Rosa, an act to amend the  
23     Public Service Law.

24                   ACTING PRESIDENT BENJAMIN:     Read  
25     the last section.

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

4           ACTING PRESIDENT BENJAMIN:    Call  
5   the roll.

6                   (The Secretary called the roll.)

7           ACTING PRESIDENT BENJAMIN:  
8   Announce the results.

9           THE SECRETARY:    Ayes, 63.

10          ACTING PRESIDENT BENJAMIN:    The  
11   bill is passed.

12          THE SECRETARY:    Calendar Number  
13   1553, Senate Print 5872, by Senator Savino, an  
14   act to amend the General Business Law and the  
15   Penal Law.

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 1553, voting in the negative:  
2 Senator Brisport.

3 Ayes, 62. Nays, 1.

4 ACTING PRESIDENT BENJAMIN: The  
5 bill is passed.

6 THE SECRETARY: Calendar Number  
7 1555, Senate Print 6156, by Senator Boyle, an act  
8 to amend the Highway Law.

9 ACTING PRESIDENT BENJAMIN: Read  
10 the last section.

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

13 ACTING PRESIDENT BENJAMIN: Call  
14 the roll.

15 (The Secretary called the roll.)

16 ACTING PRESIDENT BENJAMIN:  
17 Announce the results.

18 THE SECRETARY: In relation to  
19 Calendar Number 1555, voting in the negative:  
20 Senator Brisport.

21 Ayes, 62. Nays, 1.

22 ACTING PRESIDENT BENJAMIN: The  
23 bill is passed.

24 THE SECRETARY: Calendar Number  
25 1556, Senate Print 6194B, by Senator Brouk, an

1 act to amend the County Law.

2 ACTING PRESIDENT BENJAMIN: Read  
3 the last section.

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

6 ACTING PRESIDENT BENJAMIN: Call  
7 the roll.

8 (The Secretary called the roll.)

9 ACTING PRESIDENT BENJAMIN: Senator  
10 Brouk to explain her vote.

11 SENATOR BROUK: Thank you.

12 Today I rise to explain the  
13 importance of this bill that we're passing today.  
14 As chair of the Mental Health Committee, I have  
15 spent the better part of the past year talking to  
16 people about the increasing crisis of mental  
17 health in this state.

18 One of the key parts of that crisis  
19 is that we currently do not have a way for  
20 someone who is in a mental health crisis to call  
21 for help. The only choice we are giving to  
22 people who are in a substance abuse crisis, an  
23 overdose situation or other mental health crisis  
24 is that they call 911. And too often we have  
25 seen that they are not given an option that is

1 both compassionate and will care for them in the  
2 way that they need and give them the support that  
3 they need to get better.

4 That's why the passage of this bill  
5 is so crucial. "988" is going to be a short  
6 code, easy-to-remember number that anyone in a  
7 mental health crisis can either call or text when  
8 they know that they need that type of care. They  
9 can now call a number where there will be trained  
10 counselors and mental health professionals ready  
11 to help them deescalate this crisis and make sure  
12 they get to a cool, calm moment.

13 The reason it's so important that we  
14 pass this bill today is because New York State  
15 cannot delay another moment in building the  
16 necessary infrastructure, hiring the necessary  
17 employees, making sure that as of July 2022, when  
18 a federal mandate has called for this state to  
19 have 988 up and running, that New York State will  
20 be ready. And by passing this bill this year, we  
21 are allowing that to happen.

22 I'm grateful to the staff for  
23 helping us get to this point and for helping us  
24 put this important bill forward. And today as I  
25 cast my vote aye on this bill, I also do so in

1 remembrance of two Rochester men who lost their  
2 lives because we didn't act quick enough on  
3 passing something like a 988: And that's  
4 Tyshon Jones and Daniel Prude.

5 Thank you.

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

8 Announce the results.

9 THE SECRETARY: Ayes, 63.

10 ACTING PRESIDENT BENJAMIN: The  
11 bill is passed.

12 THE SECRETARY: Calendar Number  
13 1558, Assembly Print 3766, substituted earlier by  
14 Assemblymember Dickens, an act to amend the  
15 Social Services Law.

16 ACTING PRESIDENT BENJAMIN: Read  
17 the last section.

18 THE SECRETARY: Section 2. This  
19 act shall take effect June 30, 2022.

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, 63.

1                   ACTING PRESIDENT BENJAMIN:    The  
2 bill is passed.

3                   THE SECRETARY:    Calendar Number  
4 1559, Senate Print 6310B, by Senator Ryan, an act  
5 to amend the Real Property Tax Law.

6                   ACTING PRESIDENT BENJAMIN:    Read  
7 the last section.

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

10                  ACTING PRESIDENT BENJAMIN:    Call  
11 the roll.

12                  (The Secretary called the roll.)

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

15                  SENATOR RYAN:    Thank you very much  
16 for allowing me an opportunity to explain my  
17 vote.

18                  Way back in the Carter  
19 administration, interest rates were 12 to  
20 18 percent, and there was a problem getting  
21 people to pay their property taxes because they  
22 could take that money and put it into a  
23 certificate of deposit and make the spread.

24                  Things have changed a lot since  
25 then, and now interest rates are well below

1     3 percent, but the delinquency rate allowed to be  
2     charged by municipalities is still stuck in the  
3     Carter administration. We have a state law that  
4     mandates that every municipality charge no less  
5     than 12 percent interest on delinquent property  
6     taxes.

7                 What this does, it leads to the  
8     interest rates being greater than the principal  
9     originally owned, and it's leading to  
10    dispossessions of houses all over New York State.

11                We generously fund projects that we  
12    started, you know, during the last financial  
13    crisis to help keep people in their houses and we  
14    were afraid of the zombie homes -- but right now,  
15    more than 50 percent of what we call the HOPP  
16    money designed to prevent foreclosures is not  
17    going to mortgage foreclosures from banks, it's  
18    going to foreclosures from municipalities. It  
19    strips communities of generational wealth, and  
20    it's an all-around bad idea.

21                So this bill just does a little  
22    inversion. Under the current law, you have to  
23    charge at least 12 percent interest. Under this  
24    bill, it will be so you cannot charge more than  
25    7.5 percent interest. And we are hoping that

1 will make it so that people who get behind on  
2 their tax bills can catch up and not be subjected  
3 to unreasonable and unnecessary foreclosures,  
4 dispossession of their homes, but also  
5 sacrificing generational wealth that should stay  
6 in the community.

7 Thank you so much for giving me the  
8 opportunity to vote, and I cast my vote in the  
9 affirmative.

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

12 Announce the results.

13 THE SECRETARY: Ayes, 63.

14 ACTING PRESIDENT BENJAMIN: The  
15 bill is passed.

16 THE SECRETARY: Calendar Number  
17 1560, Assembly Print 7192A, substituted earlier  
18 by Assemblymember Lupardo, an act to amend the  
19 Vehicle and Traffic Law.

20 ACTING PRESIDENT BENJAMIN: Read  
21 the last section.

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

25 ACTING PRESIDENT BENJAMIN: Call

1 the roll.

2 (The Secretary called the roll.)

3 ACTING PRESIDENT BENJAMIN:

4 Announce the results.

5 THE SECRETARY: In relation to  
6 Calendar 1560, those Senators voting in the  
7 negative are Senators Felder, May and Skoufis.

8 Ayes, 60. Nays, 3.

9 ACTING PRESIDENT BENJAMIN: The  
10 bill is passed.

11 THE SECRETARY: Calendar Number  
12 1561, Assembly Print 7176A, substituted earlier  
13 by Assemblymember Jean-Pierre, an act to amend  
14 the Social Services 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, 63.

25 ACTING PRESIDENT BENJAMIN: The



1 bill is passed.

2 THE SECRETARY: Calendar Number  
3 1562, Assembly Bill 7485A, substituted earlier by  
4 Assemblymember Ramos, an act to amend Chapter 719  
5 of the Laws of 1982.

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, 63.

17 ACTING PRESIDENT BENJAMIN: The  
18 bill is passed.

19 THE SECRETARY: Calendar Number  
20 1563, Senate Print Number 6445A, by  
21 Senator Reichlin-Melnick, an act to amend the  
22 General Municipal Law.

23 ACTING PRESIDENT BENJAMIN: Read  
24 the last section.

25 THE SECRETARY: Section 4. 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, 63.

8 ACTING PRESIDENT BENJAMIN: The  
9 bill is passed.

10 THE SECRETARY: Calendar Number  
11 1564, Senate Print 6486B, by Senator Parker, an  
12 act to amend the Environmental Conservation Law.

13 SENATOR LANZA: Lay it aside.

14 ACTING PRESIDENT BENJAMIN: Lay it  
15 aside.

16 THE SECRETARY: Calendar Number  
17 1566, Senate Print 6548, by Senator Gallivan, an  
18 act to amend the Highway 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 1566, voting in the negative:  
5     Senator Brisport.

6                   Ayes, 62.   Nays, 1.

7                   ACTING PRESIDENT BENJAMIN:    The  
8     bill is passed.

9                   THE SECRETARY:     Calendar Number  
10    1567, Senate Print 6676A, by Senator Brouk, an  
11    act to amend the Real Property Tax Law.

12                  ACTING PRESIDENT BENJAMIN:    Read  
13    the last section.

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

16                  ACTING PRESIDENT BENJAMIN:    Call  
17    the roll.

18                  (The Secretary called the roll.)

19                  ACTING PRESIDENT BENJAMIN:    Senator  
20    Brouk to explain her vote.

21                  SENATOR BROUK:     Thank you,  
22    Mr. President, for allowing me to explain my vote  
23    on this bill that has a lot of local significance  
24    as well.

25                  Throughout COVID-19, so many of us

1 talked about our frontline workers, our essential  
2 workers, the first responders that answered when  
3 we needed help. Two of those groups include  
4 firefighters and ambulance personnel. In  
5 Monroe County, a number of our ambulance and  
6 firefighters are all volunteers. That means that  
7 they are putting their lives at risk every day,  
8 under strenuous physical circumstances, to serve  
9 us, our loved ones and our families and our  
10 neighborhoods.

11 Especially during COVID-19, when we  
12 dealt with a respiratory illness, these brave  
13 people ran into burning buildings to help us and  
14 save our lives. Meanwhile, our ambulance  
15 personnel have been on the front lines even when  
16 COVID-19 was at its height.

17 That's why this bill is a way that  
18 we can say thank you for the service that they  
19 are providing our communities. In Monroe County  
20 alone, we are seeing a decline in volunteer  
21 firefighters and volunteer ambulance personnel.  
22 This property tax break is a way to say thank you  
23 for the work that they're doing and to encourage  
24 more folks to enter this incredibly crucial line  
25 of work.

1 I'm grateful to have carried this  
2 legislation in the Senate, and I'm grateful to  
3 our local leaders who have brought this to our  
4 attention. And I'm grateful to our leadership in  
5 the Senate for passing it today and showing these  
6 essential workers that they are worth it and that  
7 they are valued.

8 For those reasons, I vote aye.  
9 Thank you.

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

12 Announce the results.

13 THE SECRETARY: Ayes, 63.

14 ACTING PRESIDENT BENJAMIN: The  
15 bill is passed.

16 THE SECRETARY: Calendar Number  
17 1569, Senate Print 6702, by Senator Rath, an act  
18 to incorporate the East Amherst Fire Department  
19 Benevolent Association.

20 ACTING PRESIDENT BENJAMIN: Read  
21 the last section.

22 THE SECRETARY: Section 8. 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, 63.

5 ACTING PRESIDENT BENJAMIN: The  
6 bill is passed.

7 THE SECRETARY: Calendar Number  
8 1570, Senate Print 6708, by Senator Parker, an  
9 act to amend the Labor Law.

10 ACTING PRESIDENT BENJAMIN: Read  
11 the last section.

12 THE SECRETARY: Section 2. This  
13 act shall take effect January 1, 2022.

14 ACTING PRESIDENT BENJAMIN: Call  
15 the roll.

16 (The Secretary called the roll.)

17 ACTING PRESIDENT BENJAMIN:

18 Announce the results.

19 ACTING PRESIDENT BENJAMIN: In  
20 relation to Calendar 1570, those Senators voting  
21 in the negative are Senators Akshar, Borrello,  
22 Boyle, Gallivan, Griffio, Helming, Jordan, Lanza,  
23 Mattera, Oberacker, O'Mara, Ortt, Ritchie, Stec  
24 and Tedisco.

25 Ayes, 48. Nays, 15.

1                   ACTING PRESIDENT BENJAMIN:    The  
2 bill is passed.

3                   Calendar Number 1571 is high and  
4 will be laid aside for the day.

5                   THE SECRETARY:    Calendar Number  
6 1572, Senate Print 6744, by Senator Salazar, an  
7 act to amend the Education 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:  
16 Announce the results.

17                  THE SECRETARY:    In relation to  
18 Calendar 1572, those Senators voting in the  
19 negative are Senators Akshar, Borrello, Lanza,  
20 Martucci, Mattera, Oberacker, O'Mara, Ortt,  
21 Palumbo and Weik.

22                  Ayes, 53.  Nays, 10.

23                  ACTING PRESIDENT BENJAMIN:    The  
24 bill is passed.

25                  THE SECRETARY:    Calendar Number

1 1573, Senate Print 6781A, by Senator Kavanagh, an  
2 act to amend the Alcoholic Beverage Control 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: Ayes, 63.

13 ACTING PRESIDENT BENJAMIN: The  
14 bill is passed.

15 THE SECRETARY: Calendar Number  
16 1574, Senate Print 6799, by Senator Oberacker, an  
17 act to amend the Highway Law.

18 ACTING PRESIDENT BENJAMIN: Read  
19 the last section.

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

22 ACTING PRESIDENT BENJAMIN: Call  
23 the roll.

24 (The Secretary called the roll.)

25 ACTING PRESIDENT BENJAMIN:



1 Announce the results.

2 THE SECRETARY: In relation to  
3 Calendar Number 1574, voting in the negative:  
4 Senator Brisport.

5 Ayes, 62. Nays, 1.

6 ACTING PRESIDENT BENJAMIN: The  
7 bill is passed.

8 THE SECRETARY: Calendar Number  
9 1575, Senate Print 6825, by Senator Mayer, an act  
10 to amend the Education Law.

11 ACTING PRESIDENT BENJAMIN: Read  
12 the last section.

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

16 ACTING PRESIDENT BENJAMIN: Call  
17 the roll.

18 (The Secretary called the roll.)

19 ACTING PRESIDENT BENJAMIN:  
20 Announce the results.

21 THE SECRETARY: Ayes, 63.

22 ACTING PRESIDENT BENJAMIN: The  
23 bill is passed.

24 THE SECRETARY: Calendar Number  
25 1576, Senate Print 6839, by Senator Kaminsky, an

1 act to amend the Vehicle and Traffic Law.

2 ACTING PRESIDENT BENJAMIN: Read  
3 the last section.

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

6 Read 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: In relation to  
15 Calendar 1576, those Senators voting in the  
16 negative are Senators Lanza and Skoufis.

17 Ayes 61. Nays, 2.

18 ACTING PRESIDENT BENJAMIN: The  
19 bill is passed.

20 THE SECRETARY: Calendar Number  
21 1579, Senate Print 6893, by Senator Liu, an act  
22 to amend Chapter 602 of the Laws of 1980.

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, 63.

8 ACTING PRESIDENT BENJAMIN: The  
9 bill is passed.

10 THE SECRETARY: Calendar Number  
11 1580, Senate Print 6959A, by Senator Cooney, an  
12 act in relation to certain credits for any future  
13 application for a license to sell alcohol.

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, 63.

24 ACTING PRESIDENT BENJAMIN: The  
25 bill is passed.

1                   THE SECRETARY:     Calendar Number  
2     1581, Senate Print Number 6961A, by  
3     Senator Reichlin-Melnick, an act in relation to  
4     authorizing the Cong Yeshiva Zera Yakov, Inc., to  
5     file an application for a real property tax  
6     exemption.

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 1581, voting in the negative:  
18    Senator Akshar.

19                  Ayes, 62.   Nays, 1.

20                  ACTING PRESIDENT BENJAMIN:     The  
21    bill is passed.

22                  THE SECRETARY:     Calendar Number  
23    1582, Senate Print 6976, by Senator Gounardes, an  
24    act to amend the Retirement and Social Security  
25    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:    Senator  
10   Brisport to explain his vote.

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

13                   It should be the right of all  
14   workers to retire with dignity.  It should be the  
15   right of workers to have healthcare.  Retirement  
16   and pension programs provide a necessary safety  
17   net for workers and their families.  We should  
18   continue to expand these programs.

19                   However, we must go beyond just  
20   expanding these programs in this instance.  
21   Healthcare is a human right.  That is why our  
22   public-sector safety net should be expanded to  
23   all New Yorkers.

24                   I'm voting aye and urge my  
25   colleagues to join me in demanding the New York

1 Health Act.

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

4 Announce the results.

5 THE SECRETARY: Ayes, 63.

6 ACTING PRESIDENT BENJAMIN: The  
7 bill is passed.

8 THE SECRETARY: Calendar Number  
9 1583, Senate Print 7010C, by Senator Kaminsky, an  
10 act to amend the Environmental Conservation Law.

11 ACTING PRESIDENT BENJAMIN: Read  
12 the last section.

13 THE SECRETARY: Section 5. 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, 63.

21 ACTING PRESIDENT BENJAMIN: The  
22 bill is passed.

23 THE SECRETARY: Calendar Number  
24 1584, Assembly Print 7671, substituted earlier by  
25 Assemblymember Pheffer Amato, an act to amend the

1 Private Housing Finance 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: Ayes, 63.

12 ACTING PRESIDENT BENJAMIN: The  
13 bill is passed.

14 THE SECRETARY: Calendar Number  
15 1585, Senate Print 7027, by Senator Parker, an  
16 act in relation to maintaining the continued  
17 viability of the state's existing large-scale  
18 renewable energy resources.

19 ACTING PRESIDENT BENJAMIN: Read  
20 the last section.

21 THE SECRETARY: Section 4. 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 1585, those Senators voting in the  
5     negative are Senators Akshar and Ortt.

6                   Ayes, 61.   Nays, 2.

7                   ACTING PRESIDENT BENJAMIN:     The  
8     bill is passed.

9                   THE SECRETARY:     Calendar Number  
10    1586, Assembly Bill 2396A, substituted earlier by  
11    Assemblymember Woerner, an act to amend the  
12    Public Service Law.

13                  SENATOR LANZA:     Lay it aside.

14                  ACTING PRESIDENT BENJAMIN:     Lay it  
15    aside.

16                  THE SECRETARY:     Calendar Number  
17    1589, Assembly Print 7729, substituted earlier by  
18    Assemblymember Peoples-Stokes, an act to amend  
19    the Executive 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, 63.

5 ACTING PRESIDENT BENJAMIN: The  
6 bill is passed.

7 THE SECRETARY: Calendar Number  
8 1590, Senate Print 7089, by Senator Liu, an act  
9 to amend Chapter 188 of the Laws of 1978.

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, 63.

20 ACTING PRESIDENT BENJAMIN: The  
21 bill is passed.

22 THE SECRETARY: Calendar Number  
23 1591, Assembly Print 3149, substituted earlier by  
24 Assemblymember Hevesi, an act to amend the  
25 Social Services Law.

1                   ACTING PRESIDENT BENJAMIN:    Read  
2   the last section.

3                   THE SECRETARY:    Section 2.  This  
4   act shall take effect on the 90th day after it  
5   shall 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 1591, those Senators voting in the  
13  negative are Senators Akshar, Borrello, Boyle,  
14  Griffo, Jordan, Oberacker, O'Mara, Ortt, Rath,  
15  Serino, Stec, Tedisco and Weik.

16                   Ayes, 50.  Nays, 13.

17                   ACTING PRESIDENT BENJAMIN:    The  
18  bill is passed.

19                   THE SECRETARY:    Calendar Number  
20  1592, Assembly Print 7388B, substituted earlier  
21  by Assemblymember Barrett, an act to amend the  
22  Real Property Tax 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: Ayes, 63.

8 ACTING PRESIDENT BENJAMIN: The  
9 bill is passed.

10 THE SECRETARY: Calendar Number  
11 1593, Assembly Bill 7714, substituted earlier by  
12 Assemblymember Hunter, an act to amend the Social  
13 Services Law.

14 ACTING PRESIDENT BENJAMIN: Read  
15 the last section.

16 THE SECRETARY: Section 3. This  
17 act shall take effect June 30, 2021.

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, 63.

24 ACTING PRESIDENT BENJAMIN: The  
25 bill is passed.

1                   THE SECRETARY:     Calendar Number  
2     1595, Senate Print 7149, by Senator Krueger, an  
3     act to amend the Private Housing Finance Law.

4                   ACTING PRESIDENT BENJAMIN:     Read  
5     the last section.

6                   THE SECRETARY:     Section 4.   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, 63.

14                   ACTING PRESIDENT BENJAMIN:     The  
15     bill is passed.

16                   THE SECRETARY:     Calendar Number  
17     1596, Assembly Print 7390, substituted earlier by  
18     Assemblymember Williams, an act to amend the  
19     Executive 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, 63.

5 ACTING PRESIDENT BENJAMIN: The  
6 bill is passed.

7 THE SECRETARY: Calendar Number  
8 1597, Senate Print 7155, by Senator  
9 Reichlin-Melnick, an act in relation to  
10 authorizing NYSARC, Inc., Rockland County Chapter  
11 to file with the Town of Clarkstown assessor an  
12 application for certain real property tax  
13 exemptions.

14 ACTING PRESIDENT BENJAMIN: Read  
15 the last section.

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

18 ACTING PRESIDENT BENJAMIN: Call  
19 the roll.

20 (The Secretary called the roll.)

21 ACTING PRESIDENT BENJAMIN:

22 Announce the results.

23 THE SECRETARY: In relation to  
24 Calendar 1597, those Senators voting in the  
25 negative are Senators Akshar and O'Mara.

1                   Ayes, 61.   Nays, 2.

2                   ACTING PRESIDENT BENJAMIN:    The  
3 bill is passed.

4                   THE SECRETARY:    Calendar Number  
5 1598, Senate Print 7156, by Senator  
6 Reichlin-Melnick, an act to authorize the  
7 assessor of the Town of Clarkstown, County of  
8 Rockland, to accept from the Nyack Union Free  
9 School District an application for exemption from  
10 real property taxes.

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:    In relation to  
21 Calendar 1598, those Senators voting in the  
22 negative are Senators Akshar and O'Mara.

23                  Ayes, 61.   Nays, 2.

24                  ACTING PRESIDENT BENJAMIN:    The  
25 bill is passed.

1                   THE SECRETARY:     Calendar Number  
2     1599, Senate Print 7157, by Senator Parker, an  
3     act to amend the Public Service Law and the  
4     General Business Law.

5                   ACTING PRESIDENT BENJAMIN:     Read  
6     the last section.

7                   THE SECRETARY:     Section 6.   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:     Senator  
13    Brisport to explain his vote.

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

16                   This bill recognizes that our  
17    safety, our physical dignity is more important  
18    than a private profit, that it is wrong to keep  
19    people trapped in an abusive relationship just so  
20    a company can make a profit.

21                   You have no doubt heard from your  
22    own constituents who have remained in violent  
23    marriages, often with children in the home,  
24    because their choices were to stay or go without  
25    health insurance.   We have heard of abusive

1 husbands manipulating their spouses with the  
2 health insurance, threatening to cut it off for  
3 them or their kids.

4 Every place our social safety net  
5 fails is a vacuum where violence festers. People  
6 don't stay in abusive marriages because of their  
7 Spectrum packages. They do stay because their  
8 abusive husband is the only source of healthcare  
9 for them and their kids.

10 As we vote for this bill, we are  
11 making a choice and saying that the phone  
12 company's profits are not as important as your  
13 safety. The cable company's bottom line is worth  
14 less than your life. I think you would have a  
15 hard time saying otherwise.

16 And yet every day we choose to  
17 maintain the American health system, we are  
18 making the opposite choice. We are saying that  
19 your lives are less important than Aetna's  
20 quarterly profits. Endure violence in your own  
21 home so that United can exceed its growth  
22 targets.

23 We cannot throw up our hands and  
24 pretend we don't have a choice. There is a  
25 better way -- the only way -- and that is



1 publicly funded health insurance via the New York  
2 Health Act.

3 I am voting aye, and urge my  
4 colleagues to join me in demanding the New York  
5 Health Act.

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

8 Announce the results.

9 THE SECRETARY: Ayes, 63.

10 ACTING PRESIDENT BENJAMIN: The  
11 bill is passed.

12 THE SECRETARY: Calendar Number  
13 1600, Senate Print 7159, by Senator Gounardes, an  
14 act to amend the Administrative Code of the City  
15 of New York.

16 ACTING PRESIDENT BENJAMIN: Read  
17 the last section.

18 THE SECRETARY: Section 5. This  
19 act shall take effect July 1, 2021.

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, 63.

1                   ACTING PRESIDENT BENJAMIN:    The  
2 bill is passed.

3                   THE SECRETARY:    Calendar Number  
4 1601, Senate Print 7160, by Senator Gounardes, an  
5 act to amend the Real Property Tax Law.

6                   ACTING PRESIDENT BENJAMIN:    Read  
7 the last section.

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

10                  ACTING PRESIDENT BENJAMIN:    Call  
11 the roll.

12                  (The Secretary called the roll.)

13                  ACTING PRESIDENT BENJAMIN:  
14 Announce the results.

15                  THE SECRETARY:    Ayes, 63.

16                  ACTING PRESIDENT BENJAMIN:    The  
17 bill is passed.

18                  THE SECRETARY:    Calendar Number  
19 1606, Senate Print 7177, by Senator Krueger, an  
20 act to amend the Workers' Compensation 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, 63.

6 ACTING PRESIDENT BENJAMIN: The  
7 bill is passed.

8 THE SECRETARY: Calendar Number  
9 1608, Senate Print 7185, by Senator May, an act  
10 to amend the Public Authorities Law.

11 ACTING PRESIDENT BENJAMIN: Read  
12 the last section.

13 THE SECRETARY: Section 5. 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: In relation to  
21 Calendar Number 1608, voting in the negative:  
22 Senator Ortt.

23 Ayes, 62. Nays, 1.

24 ACTING PRESIDENT BENJAMIN: The  
25 bill is passed.

1 THE SECRETARY: Calendar Number  
2 1609, Senate Print 7186, by Senator Brooks, an  
3 act to amend the General Municipal Law.

4 ACTING PRESIDENT BENJAMIN: Read  
5 the last section.

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

9 ACTING PRESIDENT BENJAMIN: Call  
10 the roll.

11 (The Secretary called the roll.)

12 ACTING PRESIDENT BENJAMIN:  
13 Announce the results.

14 THE SECRETARY: In relation to  
15 Calendar 1609, those Senators voting in the  
16 egative are Senators Brisport and Skoufis.

17 Ayes, 61. Nays, 2.

18 ACTING PRESIDENT BENJAMIN: The  
19 bill is passed.

20 THE SECRETARY: Calendar Number  
21 1611, Senate Print 7189, by Senator Mayer, an act  
22 to amend the Education Law.

23 ACTING PRESIDENT BENJAMIN: Read  
24 the last section.

25 THE SECRETARY: Section 8. This

1 act shall take effect on the same date and in the  
2 same manner as a chapter of the Laws of 2021.

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, 63.

9 ACTING PRESIDENT BENJAMIN: The  
10 bill is passed.

11 THE SECRETARY: Calendar Number  
12 1612, Senate Print 7194, by Senator Rivera, an  
13 act to amend the State Finance Law.

14 ACTING PRESIDENT BENJAMIN: Read  
15 the last section.

16 THE SECRETARY: Section 6. 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 Rivera to explain his vote.

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

25 This is a fantastic bill that I am

1       incredibly happy to be able to pass today on the  
2       floor of the Senate, Mr. President.

3               As we all know, the opioid crisis  
4       has struck around the country, and in many  
5       instances you've had people who were victims of a  
6       system that pushed prescription drugs on them,  
7       pain medication on them that became highly  
8       addictive. We have seen the scourge of this  
9       around the country, certainly in the State of  
10      New York.

11             And so now that we are in a position  
12      to understand that private corporations, for  
13      profit, cause damages in communities all across  
14      the state and all across the country, we want to  
15      make sure we hold those companies accountable.  
16      And our Attorney General, Letitia James -- not  
17      only the first woman to be in that position, the  
18      first Black woman to be in that position, and  
19      somebody who's doing an amazing job -- is  
20      negotiating along with other states to hold those  
21      companies accountable. And eventually there will  
22      be an agreement that is reached with those  
23      companies and a settlement that will be reached  
24      with these companies.

25             And when this money is there, we

1 want to make sure, Mr. President, that that money  
2 gets to the places that can help us to actually  
3 repair the harm that has been caused by these  
4 private companies, who again -- for profit,  
5 Mr. President -- caused pain and deaths across  
6 the entire country.

7           And so to make sure that this money  
8 is not used for other purposes, doesn't -- as  
9 many times happens, settlements go into the  
10 General Fund and are used for whatever purpose,  
11 to cover whatever different thing that the  
12 Governor might have an interest in at that  
13 particular moment. We want to make certain that  
14 this money is utilized to repair the harm that  
15 has been caused by these companies.

16           And so the bill that we are passing  
17 today, Mr. President, will make sure and  
18 guarantee that that is the case, that when this  
19 settlement is reached that it actually goes  
20 directly to the purposes of repairing that harm.  
21 To increase harm reduction services, to increase  
22 treatment, to increase beds for folks who have  
23 substance abuse issues.

24           That is the reason why we need to  
25 pass this bill today, Mr. President. And I'm

1       incredibly proud to have worked along with the  
2       Attorney General and her staff to make sure this  
3       happens.

4                       And just quickly as I finish,  
5       Mr. President, I just want to give a special  
6       shout out to a particular staffer in my office, a  
7       brilliant knucklehead by the name of Jay Baez.  
8       He is a young man who joined my staff a few years  
9       ago and always told me -- he started as one of my  
10      schedulers, and he was somebody who always  
11      expressed an interest in doing something for  
12      policy. He has now risen to become my policy  
13      director.

14                     Not only that, Mr. President, a  
15      brilliant, brilliant young man who worked  
16      tirelessly with the Attorney General's office to  
17      make sure we got this right.

18                     I'm incredibly proud to vote for  
19      this today. I'm incredibly proud to be able to  
20      mention that Jay is a big part of this.

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

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

25                     Senator Akshar to explain his vote.



1                   SENATOR AKSHAR:    Mr. President,  
2    thank you.

3                   It must be something in the water,  
4    because this is like the second or third or  
5    fourth time in the last 30 days that  
6    Senator Rivera and I have agreed on a particular  
7    matter.

8                   You know, addiction is an insidious  
9    disease. It has claimed far too many lives in  
10   every corner of this state, and it has impacted  
11   New Yorkers regardless of race, regardless of zip  
12   code, regardless of your income level. And I've  
13   said this many times, that it is my opinion that  
14   it is the state's really fundamental obligation,  
15   and we have a moral obligation to take care of  
16   those that are suffering, invest in their issue  
17   to ensure that we can get them the help that they  
18   so desperately need.

19                  And it is incumbent upon all of us,  
20   regardless of our politics, to ensure that every  
21   dollar of any settlement that this state may  
22   enter into actually gets into the hands of  
23   community-based providers who are providing these  
24   life-saving services.

25                  I think about VOICES Recovery back

1 at home in Binghamton. This year a very, very  
2 tough budget year. They had to lay staff off  
3 because there just simply weren't the dollars.  
4 And if you look back at McKinsey and this  
5 settlement, the truth is -- to Senator Rivera's  
6 point -- that McKinsey, Purdue Pharma took  
7 advantage of Americans, they took advantage of  
8 New Yorkers for 20 years.

9 And the Attorney General got this  
10 settlement, got this agreement in which they were  
11 held accountable financially. Our friend Senator  
12 Harckham described that as blood money. That's  
13 exactly what that was.

14 The unfortunate part, though, is  
15 that this Executive swept \$21 million of that  
16 settlement. And who knows what it's going to be  
17 spent on -- filling a pothole, building a bridge,  
18 planting a tree? I have no idea. What I do know  
19 is that it didn't get to where it needed to be.

20 So, Senator Rivera, I stood in this  
21 very place, you and I had a very spirited debate  
22 around the budget process, and you told me that  
23 day that we were going to continue to look into  
24 this issue. I believed you, but I also submitted  
25 my own bill, very similar to this.

1                   But my mother raised me right. It  
2                   doesn't matter who gets the credit. What matters  
3                   is that we're here today and we in fact are  
4                   advancing a bill that would put all future  
5                   settlements into a lockbox and ensure that that  
6                   money gets into the hands of these dedicated  
7                   community-based providers that are saving lives.

8                   So, Senator Rivera, you describe it  
9                   as a fantastic bill. I second that. This is  
10                  exactly what we are supposed to be doing.

11                  So, Mr. President, I proudly vote  
12                  aye.

13                  ACTING PRESIDENT BENJAMIN:    Senator  
14                  Akshar to be recorded in the affirmative.

15                  Announce the results.

16                  THE SECRETARY:    Ayes, 63.

17                  ACTING PRESIDENT BENJAMIN:    The  
18                  bill is passed.

19                  THE SECRETARY:    Calendar Number  
20                  1613, Senate Print 7196, by Senator Myrie, an act  
21                  to amend the General Business Law.

22                  ACTING PRESIDENT BENJAMIN:    Read  
23                  the last section.

24                  THE SECRETARY:    Section 4. 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   Brisport to explain his vote.

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

8                   Look, y'all, my constituents are  
9   dying, all of our constituents are dying.  
10   They're dying because of the gun violence.  
11   They're dying because of COVID. They're dying  
12   because of homelessness. But increasingly, what  
13   I've seen compounding is that they are dying from  
14   lack of access to healthcare. And if we don't  
15   address this now, their deaths will be upon us.

16                   Downstairs in the food court there's  
17   a woman who works there who has suffered from  
18   cancer in her jaw whose colleagues are currently  
19   doing a GoFundMe to raise money so she can pay  
20   for the surgery that her insurance does not  
21   cover. She has likely served food to legislators  
22   who do not support her right to universal  
23   healthcare.

24                   So I know you're all probably tired  
25   of hearing my voice at this point, but I don't

1 know what else to do when my constituents are  
2 dying and we are not voting on the bill which I  
3 know could save so many of them, the New York  
4 Health Act.

5 I'm voting aye on this bill, and I  
6 urge my colleagues to join me in demanding the  
7 New York Health Act.

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

10 Announce the results.

11 THE SECRETARY: In relation to  
12 Calendar 1613, those Senators voting in the  
13 negative are Senators Akshar, Borrello, Boyle,  
14 Gallivan, Griffo, Helming, Jordan, Lanza,  
15 Martucci, Mattera, Oberacker, O'Mara, Ortt,  
16 Palumbo, Rath, Ritchie, Serino, Stec, Tedisco and  
17 Weik.

18 Ayes, 43. Nays, 20.

19 ACTING PRESIDENT BENJAMIN: The  
20 bill is passed.

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

23 SENATOR GIANARIS: Can we now take  
24 up the supplemental calendar, please.

25 ACTING PRESIDENT BENJAMIN: The

1 Secretary will read.

2 THE SECRETARY: Calendar Number  
3 1617, Senate Print 699B, by Senator Hoylman, an  
4 act to amend the Environmental Conservation Law.

5 SENATOR LANZA: Lay it aside.

6 ACTING PRESIDENT BENJAMIN: Lay it  
7 aside.

8 THE SECRETARY: Calendar Number  
9 1624, Senate Print 2122A, by Senator Rivera, an  
10 act to amend the Public Health Law.

11 ACTING PRESIDENT BENJAMIN: Read  
12 the last section.

13 THE SECRETARY: Section 2. This  
14 act shall take effect one year after it shall  
15 have become a law.

16 ACTING PRESIDENT BENJAMIN: Call  
17 the roll.

18 (The Secretary called the roll.)

19 ACTING PRESIDENT BENJAMIN: Senator  
20 Jackson to explain his vote.

21 SENATOR JACKSON: Thank you,  
22 Mr. President. Is this regarding S2122?

23 ACTING PRESIDENT BENJAMIN: Yes,  
24 sir.

25 SENATOR JACKSON: Thank you,

1 Mr. President.

2 So I rise to explain my support for  
3 Senator Rivera's bill S2122. The bill before us  
4 today builds on important grassroots work done in  
5 Community Education Council 6 in my district --  
6 my chief of staff, Johanna Garcia, and another  
7 member, Cory Frye, who were both members of the  
8 CEC 6 -- and other parent leaders throughout  
9 New York.

10 Several years ago parents demanded a  
11 better response from the Department of Education  
12 to the crisis of lead in school water. The  
13 community demanded DOE to disclose testing  
14 methodologies contrasting proper public health  
15 experts' testing methods. DOE would flush the  
16 water for a long period of time before testing  
17 it. But parent activists demanded lead results  
18 without flushing, because kids don't flush the  
19 water when they drink it, they just go to a water  
20 fountain, they turn it on and they drink it.

21 CEC 6 pushed the DOE to stop  
22 cherry-picking when they tested water and for  
23 centralized results from these tests. Comparing  
24 this crisis to the water crisis started in Flint,  
25 Michigan, parent activists highlighted testimony

1 of medical doctors in the community who reported  
2 that the Department of Education thresholds for  
3 triggering remediation were too high and would  
4 lead to developmental impact in children.

5 Supporting this bill is a  
6 no-brainer, Mr. President. By expanding water  
7 testing in schools, increasing testing frequency,  
8 removing testing exemptions and lowering the lead  
9 levels, our state will provide our children with  
10 drinking water in schools that is truly safe and  
11 free of lead contamination.

12 I vote aye in support of this bill  
13 because our children have the right to clean  
14 water in their schools.

15 Thank you, Mr. President.

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

18 Senator Rivera to explain his vote.

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

21 It's great to speak after  
22 Senator Jackson, because I think that he, in the  
23 great loud way that he always does, explained it  
24 very well. At the end of the day, Mr. President,  
25 this is about making sure that we test schools



1 all across the state for lead.

2 We don't have to go over all  
3 obviously the damages that lead can cause to a  
4 young person's mind, to a young child's mind.  
5 And so making sure that we test it, we test it  
6 often, is the way to make sure that we can  
7 identify the places that it needs to be  
8 remediated.

9 And I will also say, Mr. President,  
10 that I'm very glad to say that this is one -- I  
11 believe another one that that brilliant  
12 knucklehead that I mentioned earlier was very  
13 busy with. Because I don't think, Mr. President,  
14 that I've ever had a bill that has as many  
15 support memos as this one does.

16 So I'm very proud to be voting in  
17 the affirmative, Mr. President. Thank you.

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

20 Announce the results.

21 THE SECRETARY: Ayes, 63.

22 ACTING PRESIDENT BENJAMIN: The  
23 bill is passed.

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

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

3                   We're going to stand at ease  
4   momentarily because we're waiting for our  
5   Judiciary chair to arrive for the nominations.

6                   ACTING PRESIDENT BENJAMIN:    The  
7   Senate will stand at ease.

8                   (Whereupon, the Senate stood at ease  
9   at 3:13 p.m.)

10                  (Whereupon, the Senate reconvened at  
11   3:19 p.m.)

12                  ACTING PRESIDENT BENJAMIN:    The  
13   Senate will return to order.

14                  Senator Gianaris.

15                  SENATOR GIANARIS:    Mr. President,  
16   there's a report of the Judiciary Committee at  
17   the desk. Please take it up and recognize  
18   Senator Hoylman on that report.

19                  ACTING PRESIDENT BENJAMIN:    The  
20   Secretary will read.

21                  THE SECRETARY:    Senator Hoylman,  
22   from the Committee on Judiciary, offers the  
23   following nominations.

24                  As Associate Judges of the Court of  
25   Appeals: Madeline Singas and Anthony Cannataro.

1                   As judges of the Court of Claims:  
2     Damaris E. Torrent; Rhonda Ziomaida Tomlinson;  
3     Philippe Solages; Ramon E. Rivera; Gary Francis  
4     Miret; Honorable Linda Kelly Mejias; Honorable  
5     Debra L. Givens; and Alicia Gerez.

6                   ACTING PRESIDENT BENJAMIN:     Senator  
7     Hoylman.

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

10                  I move the nominations to the floor.  
11                  Please recognize any Senator wishing  
12     to speak on said nominations.

13                  ACTING PRESIDENT BENJAMIN:     Senator  
14     Jackson on the nominations.

15                  SENATOR JACKSON:     Mr. President,  
16     what nomination are we referring to?

17                  ACTING PRESIDENT BENJAMIN:     All the  
18     judicial nominations that were just recognized by  
19     Senator Hoylman.

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

22                  So I rise this afternoon to explain  
23     my support for the nomination of Justice Anthony  
24     Cannataro to the Court of Appeals.

25                  First of all, let me congratulate

1 the Majority counsel and our Senate leader for  
2 moving the process of confirming the nomination  
3 of Justice Cannataro along with such civility  
4 that I believe speaks well of the New York State  
5 Senate.

6 The decision concerning  
7 Justice Cannataro's nomination was an easy one  
8 for me to make. As some of you know,  
9 Justice Cannataro has been a continuing legal  
10 education instructor on many vital topics,  
11 including ethics, LGBT, custody law, child  
12 welfare law, and municipal litigation. He is the  
13 citywide administrative judge for the Civil Court  
14 of the City of New York, and he has held several  
15 judicial offices, being first elected to the  
16 Civil Court in 2011 and the Supreme Court in  
17 2007.

18 Before serving on the bench,  
19 Justice Cannataro served as a law clerk to the  
20 Supreme Court in New York County and assistant  
21 corporation counsel in the Tort Division of the  
22 City Law Department.

23 In addition, he is cochair of the  
24 Richard C. Failla LGBTQ Commission of the State  
25 Courts and serves on other judicial committees.

1                   Given the background, I'm happy to  
2                   vote for Justice Cannataro based on his resume,  
3                   professional conduct, because we have known each  
4                   other for quite some time now and he's a  
5                   constituent of mine. And I know him to be a good  
6                   person, an honorable man, and one of good moral  
7                   character. There is absolutely no doubt in my  
8                   mind that Justice Cannataro is qualified to sit  
9                   on the highest court in the State of New York.

10                  Moreover, he seems to have the  
11                  comportment and the temperament that makes for a  
12                  good judge. He is humble, personally decent, and  
13                  respectful of different points of view.

14                  Therefore, Mr. President, I vote yes  
15                  to confirm Justice Anthony Cannataro.

16                  ACTING PRESIDENT BENJAMIN:

17                  Senator --

18                  SENATOR JACKSON: Mr. President --

19                  ACTING PRESIDENT BENJAMIN: Oh,  
20                  sorry.

21                  SENATOR JACKSON: -- I have a  
22                  statement regarding the other Supreme Court  
23                  nominee. Do I continue or wait?

24                  ACTING PRESIDENT BENJAMIN:

25                  Continue, please.

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

3                   So I take this vote today to confirm  
4   nominees for the highest court in the State of  
5   New York very seriously.

6                   Having been before the Court of  
7   Appeals on three different times in the Campaign  
8   for Fiscal Equity lawsuit as a plaintiff myself  
9   during CFE, to cast a vote on these nominations  
10   as a State Senator is a full-circle moment for  
11   me.

12                  I rise to explain my no vote for  
13   Madeline Singas' nomination to the Court of  
14   Appeals.

15                  During District Attorney Singas'  
16   career as a prosecutor, she has too often sided  
17   with destructive criminal justice policies that  
18   have disproportionately harmed Black and Brown  
19   communities.

20                  It would be a mistake to appoint a  
21   prosecutor with no appellate legal experience who  
22   has shown nothing but antagonism toward reforms  
23   we've made to our unjust criminal justice system.  
24   It is well documented that she opposed the  
25   historic bail reform legislation we passed in

1       2019.

2                   District Attorney Singas has  
3       consistently advocated for increased punishment,  
4       even for nonviolent offenses. Her refusal to  
5       press charges against eight police officers who  
6       were caught on video physically assaulting fellow  
7       Nassau County resident Akbar Rogers troubles me.  
8       As a man of principle and as a legislator of  
9       conscience committed to dismantling systemic  
10      racism rooted within our criminal justice system,  
11      I cannot ignore District Attorney Singas' record  
12      on harm to communities like mine.

13                  I vote no, Mr. President, on  
14      District Attorney Singas' nomination. I do not  
15      believe that she is the right fit to serve on our  
16      state's highest court.

17                  Thank you.

18                  ACTING PRESIDENT BENJAMIN:     Senator  
19      Gaughran on the nominations.

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

22                  First I would like to offer my  
23      congratulations to all of the nominees and to  
24      thank them for their willingness to provide  
25      service to this great state. In particular,

1     though, I would like to rise in support of the  
2     nomination of Madeline Singas to the Court of  
3     Appeals.

4                     I know our district attorneys across  
5     this state face many difficulties, and every day  
6     they have to make life-changing decisions. They  
7     have the unique power to revoke somebody's  
8     liberties, and they also have the tremendous  
9     responsibility of being a voice for the  
10    voiceless.

11                    And that's who Madeline Singas is.  
12    And in Nassau County we have one of the best  
13    attorneys in the State of New York. She has been  
14    a lifelong voice for the voiceless.

15                    Madeline Singas is a career public  
16    servant who has worked long and hard to  
17    effectuate change. She's spent almost her entire  
18    career championing equity for all, especially  
19    furthering the rights of the disenfranchised. A  
20    daughter of immigrants, Madeline Singas  
21    understands the difficulties facing those who  
22    come to our nation to seek a better life. And as  
23    a mother and as a prosecutor, she has been a  
24    fierce advocate for women's rights.

25                    From her work in the Domestic



1 Violence Bureau, it was this day-to-day  
2 commitment to work and to public service that  
3 brought Madeline Singas to Nassau County, where  
4 she created the Special Victims Bureau, a unit  
5 committed to helping all, because she has been  
6 fighting her whole life.

7 So today I have the true honor of  
8 casting my vote in favor of Madeline Singas to  
9 the Court of Appeals, where I am confident she  
10 will be a fair and impartial judge.

11 Mr. President, I vote in the  
12 affirmative.

13 ACTING PRESIDENT BENJAMIN: Senator  
14 Rivera on the nominations.

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

17 I rise to speak on two nominations  
18 that are before us, one for Madeline Singas for  
19 the Court of Appeals, and one for Rhonda Ziomaida  
20 Tomlinson, Esquire, for the Court of Claims. I  
21 will speak on the latter very quickly. And this  
22 is actually in relationship to both of these  
23 nominations.

24 We have to certainly consider who  
25 the people are as individuals. And from

1 everything that I've heard certainly about  
2 Ms. Singas -- or let's say District Attorney  
3 Singas, she seems to be a very wonderful person,  
4 wonderful mother, et cetera.

5 My goal as a legislator, however,  
6 and the responsibility that I believe we all have  
7 is to make a determination about whether we  
8 should agree with an appointment from the  
9 Governor based on what her actions have actually  
10 been while in office, what her actions have been  
11 professionally, Mr. President.

12 And I believe that in both cases  
13 there have been actions which, to my view,  
14 disqualify both of these individuals from serving  
15 either in the Court of Claims or in the Court of  
16 Appeals.

17 In the case of Ms. Tomlinson, when  
18 she served as an administrative law judge for  
19 Rikers, there's many reports that she was  
20 actually encouraging folks to find technical  
21 violations to make sure that people stayed in  
22 Rikers, as opposed to figuring out how these  
23 folks could be actually bailed out.

24 But most specifically for  
25 Ms. Singas, there's just a few instances that

1 I'll mention. Earlier today there was a  
2 Judiciary meeting in which she was asked directly  
3 whether she -- and this is a recent report of  
4 a -- a recent article, I should say, that talks  
5 about a report which she edited, which she  
6 admitted that she had done so. And although  
7 certainly it happened many years ago and she  
8 could not remember every single page in this  
9 report, it was made clear by one of my  
10 colleagues -- as was made clear by one of my  
11 colleagues, there was an acknowledgement of this  
12 editing, and then some of the sections that were  
13 edited out of this report had information that  
14 was ultimately used to exonerate the three people  
15 who were found -- who were convicted earlier in  
16 Ms. Singas' career.

17 That is not in question. These  
18 folks were convicted. They were later  
19 exonerated. And the information that was edited  
20 out of this report, which she admitted today she  
21 edited, was information that was used to  
22 exonerate. That is incredibly problematic,  
23 Mr. President.

24 And then if we consider what we've  
25 done in the last couple of years in trying to

1 change our criminal justice system to one that is  
2 not purely punitive -- and we certainly have had  
3 a lot of debates, both privately and publicly and  
4 on the floor of this Senate about changing the  
5 criminal justice system -- there's instances in  
6 which she has not only expressed resistance to  
7 some of the changes that we've done but, as has  
8 also been reported and has not been -- it has not  
9 been -- she has not denied that this has  
10 occurred, senior attorneys in her office are  
11 actually teaching district attorneys around the  
12 state, after we passed our bail reform, how to  
13 make sure that we could keep those pesky  
14 criminals still in prison and make sure that  
15 we're not -- that folks that were not eligible  
16 for bail would still -- we can figure out how to  
17 teach you how to work around the system. This  
18 was something that was reported at the time after  
19 we approved our changes.

20 So bottom line, again, she might be  
21 a wonderful person, and I know that there are --  
22 that there are some communities which feel that  
23 they have not had representation at this level  
24 and that they are seeking to do so, and I'm proud  
25 for them. And she certainly has been somebody

1     who has been -- who has achieved a lot, and I do  
2     not question her professional achievements.

3                     However, I do think that at this  
4     moment we should ask ourselves not only whether  
5     she is a good mom or whether she is for a  
6     particular ethnic community, but more importantly  
7     what are her actions, what are her stances, and  
8     ultimately what do we think -- we have to judge  
9     what her potential actions might be as a Court of  
10    Appeals judge.

11                    And I believe that every action that  
12    I've seen her take tells me that this is not  
13    someone that we should appoint. So I will be  
14    voting in the negative.

15                    Thank you, Mr. President.

16                    ACTING PRESIDENT BENJAMIN:     Senator  
17    Biaggi on the nominations.

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

20                    I rise today to explain my  
21    opposition to District Attorney Madeline Singas's  
22    nomination to the New York State Court of  
23    Appeals.

24                    In a moment I believe when our state  
25    and our country really are experiencing not only

1     this unprecedented and long overdue racial  
2     justice reckoning, but our judiciary across this  
3     country is experiencing a national reckoning.  
4     And I think it's extremely harmful to appoint a  
5     judge who shown an active resistance to a  
6     criminal equitable legal system -- equitable  
7     criminal legal system, excuse me.

8                 Throughout D.A. Singas's long career  
9     as a prosecutor, what has occurred to me is that  
10    she has sided with harmful criminal justice  
11    policies. And let me give you an example.  
12    Earlier today I had the opportunity to question  
13    D.A. Singas directly during the Senate Judiciary  
14    meeting. I asked D.A. Singas about a police  
15    report she had worked on that contained  
16    information crucial to the exoneration of three  
17    innocent men in another case in Queens.

18                Why is this important? Because  
19    somebody who does not have experience on the  
20    judiciary, you have to look at their other  
21    experience. And her other experience is as a  
22    prosecutor in the Queens D.A.'s office.

23                Okay. After confirming that she was  
24    involved in redacting the report, she would not  
25    speak to whether she knew that the redacted

1 information could have helped with an  
2 exoneration. If she redacted the report, we can  
3 only assume that she was aware of the evidence in  
4 it that would have exonerated three innocent men.

5 Instead, Gary Johnson, George Bell  
6 and Rohan Bolt spent 24 years in prison.

7 One of the most basic  
8 responsibilities of any lawyer, and most  
9 especially prosecutors, is to speak up when they  
10 know that something is wrong. Through her  
11 career, she has sided with tough-on-crime  
12 policies, opposed bail reform, and supported  
13 policies that increased incarceratory punishment.

14 The New York State Court of Appeals,  
15 our state's highest court, is entrusted with  
16 issuing decisions that shape the fundamental  
17 rights of all New Yorkers. And I cannot in good  
18 faith vote in favor of D.A. Singas's nomination.  
19 I believe her past support of her for maintaining  
20 harmful criminal justice policies renders her  
21 unfit to serve on the Court of Appeals.

22 And so today I vote nay and  
23 encourage my colleagues to do the same.

24 Thank you very much.

25 ACTING PRESIDENT BENJAMIN: Senator

1 Kaminsky on the nominations.

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

4 I rise to speak in favor of nominee  
5 District Attorney Madeline Singas for the Court  
6 of Appeals.

7 And I have a bit of a different  
8 perspective from which to evaluate District  
9 Attorney Singas's ability to serve on the court,  
10 because she was my first boss when I served as an  
11 assistant district attorney in Queens. And as  
12 the deputy bureau chief of the Domestic Violence  
13 Bureau, I learned a lot from Madeline Singas.  
14 And the important things I learned were it's not  
15 about winning and losing, it's about justice and  
16 fairness.

17 There's never a question with  
18 Madeline Singas about what to do when there's  
19 information you either can or cannot turn over.  
20 The answer is always turn it over. There's never  
21 a question about what to do when you could sneak  
22 that extra advantage in the case. The answer is  
23 you don't do it, you play fair.

24 That's always how Madeline Singas  
25 has acted, and that's why she's enjoyed the



1     respect of her peers, the people for whom she's  
2     worked, defense attorneys on the other side of  
3     the aisle, and the bar and the judiciary across  
4     counties, whether that is Queens or in Nassau.

5             Madeline has achieved tremendous  
6     heights based on her tenacious approach, her hard  
7     work, but above all her ability to level set, be  
8     fair with everyone she comes into contact with.  
9     That's enabled both the Nassau DA's office to be  
10    one of the most forward-looking offices, but also  
11    to keep Nassau County as safe as possible  
12    throughout lot of different turbulence.

13            So I have no question whatsoever  
14    that Madeline Singas will be a good judge, a fair  
15    judge, that she will not be bringing baggage with  
16    her. She will evaluate everything fairly,  
17    afresh, and follow the facts and the law wherever  
18    they dictate, regardless of who that may help or  
19    harm.

20            So, Mr. President, I rise to  
21    announce my vote in support of Madeline Singas  
22    and this excellent slate of judges that were put  
23    forward today, including Alicia Gerez from my  
24    city of Long Beach, who is going to do us proud  
25    as a Court of Claims judge, and I

1 enthusiastically vote in the affirmative.

2 Thank you.

3 ACTING PRESIDENT BENJAMIN: Senator  
4 Thomas on the nominations.

5 SENATOR THOMAS: Thank you,  
6 Mr. President. I rise in support of the  
7 nomination of D.A. Madeline Singas.

8 There's been a lot said about her  
9 during these couple of weeks since the nomination  
10 came out. I know her as a fair individual, a  
11 good human being, a good district attorney.  
12 Listen, she's had a very tough job. Her  
13 number-one priority was to the County of Nassau  
14 as their top law enforcement officer.

15 The district attorney has some very  
16 important roles in Nassau County, and that is to  
17 protect our constituents. And she's done that in  
18 a very, very effective way.

19 With a tough job comes certain  
20 criticisms. But she has been as progressive as  
21 she can be in a county such as Nassau. She has  
22 enacted reforms that would allow individuals to  
23 have a second chance. During our judicial  
24 hearing I asked her straight out whether she had  
25 anything to do with the rise in incarcerations in

1 Nassau, and she responded by saying no. The  
2 reforms she put in place gave individuals a  
3 second chance and actually lowered the  
4 incarcerations.

5 Now, her being a judge in the top  
6 court here in New York has nothing to do with her  
7 role as a prosecutor. We need to look to see  
8 whether she can do a great job. And she can.

9 She's going to be fair, she's going  
10 to be effective. She's got a great head on her  
11 shoulders. And I am proud to vote yes on her  
12 confirmation.

13 Thank you.

14 ACTING PRESIDENT BENJAMIN: The  
15 question is on the nominations. All in favor --

16 Senator Lanza.

17 SENATOR LANZA: Mr. President, I  
18 request a slow roll call on this vote. I ask  
19 that five members stand in support of that  
20 request. And I see that five of our members are  
21 standing, supporting that request.

22 Now, I know during these COVID times  
23 the protocol in place here in the chamber does  
24 not allow us to do a lot of things that we would  
25 normally be able to do. And the Majority has

1       been, led by the leader and Senator Gianaris,  
2       extremely accommodating in allowing us to work  
3       around the protocol here.

4                       So what I would ask of the Majority,  
5       of you, Mr. President, Senator Gianaris, is that  
6       you allow this slow roll call to be recorded in  
7       the same way we've done it with respect to other  
8       matters, by having paper being filed by each  
9       member recording the individual members' votes up  
10      or down.

11                     ACTING PRESIDENT BENJAMIN:    Senator  
12      Lanza, a slow roll call is not in order on a  
13      nomination.

14                     Senator Gianaris.

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

17                     As you point out, the specific  
18      procedure that Senator Lanza is seeking is not  
19      provided for in the rules.

20                     I think what we are prepared to do  
21      is, as we did on yesterday's nominations, anyone  
22      that wishes to record their vote in the negative,  
23      please record it with the desk or with the  
24      Majority or Minority counsel staff, and it will  
25      be in the Journal for public information.

1                   ACTING PRESIDENT BENJAMIN:    It is  
2   so ordered.

3                   The question is on the nominations.  
4                   All in favor signify by saying aye.  
5                   Senator Lanza.

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

8                   Just so I understand, so will each  
9   member of this chamber's votes, either in the  
10   affirmative or negative, be recorded on the  
11   Journal?

12                  ACTING PRESIDENT BENJAMIN:    Senator  
13   Gianaris.

14                  SENATOR GIANARIS:    Mr. President,  
15   we're not here to have a debate on the procedure.

16                  But the procedure is exactly the  
17   same as we used yesterday.  Negative votes will  
18   be recorded in the Journal, and anyone wishing to  
19   be recorded in the negative please let the floor  
20   counsel staff know or the desk know.

21                  ACTING PRESIDENT BENJAMIN:  
22   Senator Serino.

23                  SENATOR SERINO:    Thank you,  
24   Mr. President.  I would like to explain my vote.

25                  My no vote on all and any of the

1 candidates has nothing to do with their  
2 qualifications but everything to do with the  
3 Governor that is under investigation for  
4 impeachment. He should not be allowed to appoint  
5 anyone.

6 And I know that the majority of our  
7 body, both sides, have actually asked for him to  
8 resign. So we should not be bringing these  
9 appointees forward. So I am a no vote.

10 Thank you.

11 ACTING PRESIDENT BENJAMIN: Senator  
12 Borrello on the nominations.

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

15 I agree that this is a process  
16 that's extremely flawed. We were handed these  
17 resumes, which were mostly whitewashed and  
18 redacted, and asked to vote on them in a very  
19 short period of time.

20 So I am also going to be recorded as  
21 a no on all of them, despite the fact that I feel  
22 that there are some very qualified people that  
23 have been nominated. It's the process that is  
24 flawed. It is not transparent. We need more  
25 time to do our own investigation, to vet these

1 candidates, because this is certainly not being  
2 done for us by this Governor, who is so steeped  
3 in controversy. He's actually nominating people  
4 that could potentially be jurors if we ever do  
5 have an impeachment trial here in this chamber.

6 So while I have confidence in many  
7 of the nominees, I lack confidence in the process  
8 and certainly lack confidence in this Governor to  
9 put forth honest nominations.

10 I will be recorded in the "no."  
11 Thank you, Mr. President.

12 ACTING PRESIDENT BENJAMIN: Senator  
13 Rath on the nominations.

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

16 I will also be recorded in the  
17 negative over objections to the process.

18 We in the State Senate are members  
19 of a deliberative body, a body that should take  
20 its time, put in its due diligence and do the  
21 work necessary and make decisions accordingly.  
22 We have not had the chance to do the work  
23 necessary to make a decision.

24 Although I am not questioning at all  
25 the qualifications of any one of these judicial

1 nominees -- in fact, many of them are very  
2 qualified -- this process is broken. And with a  
3 broken process, with a clear conscience I cannot  
4 vote in favor, so I will be in the negative on  
5 all of them.

6 Thank you, Mr. President.

7 ACTING PRESIDENT BENJAMIN: Senator  
8 Stec on the nominations.

9 SENATOR STEC: Thank you,  
10 Mr. President. I rise to explain my vote on  
11 these nominations.

12 I too will be voting in the negative  
13 on this slate. My concerns are regarding  
14 process. We are living in unusual times. We are  
15 all in unusual times. Everyone in this room is  
16 wearing a mask. We're in a hundred-year  
17 pandemic. All of our procedures are out of the  
18 norm. All of our procedures are unique this  
19 year. And with less than 20 percent of the body  
20 present in this room, it's impossible to do a  
21 true fast roll call vote.

22 And so for those reasons -- we are  
23 looking at a Governor that is now in a position  
24 where he is looking at a potential impeachment,  
25 and he is in a position to appoint people that



1 will serve as jurors. So this whole situation is  
2 unprecedented.

3 And I don't think it's an  
4 unreasonable request at all for our conference to  
5 ask for a slow roll call vote on this. So for  
6 all those reasons and the process and getting to  
7 pick your own jury, I will be voting against this  
8 slate of nominees.

9 Thank you.

10 ACTING PRESIDENT BENJAMIN: Senator  
11 Griffo on the nominations.

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

14 It's challenging, obviously, under  
15 these circumstances, and I appreciate the flow of  
16 the chamber. I will also be casting a vote in  
17 the negative. And I am concerned for the reasons  
18 that you've heard my colleagues say.

19 At a time when there are so many  
20 clouds of uncertainty, to be making these type of  
21 nominations where they could be putting the  
22 judiciary in a situation where they have to be  
23 judging the individual that was appointing the  
24 appointing officer is very problematic.

25 But beyond that, it's the process

1       itself. And we've talked about that in the past  
2       here on both sides of the aisle. To think that  
3       we are confirming candidates to the highest court  
4       in the State of New York on the same day as they  
5       appear just does not make a lot of sense.

6               And it's something that I have long  
7       expressed my concerns and frustrations over, and  
8       yet it continues again today, that the Executive  
9       just puts these nominations before this body in  
10      the remaining days of session, and as a result  
11      we're making votes and decisions on very  
12      significant positions in our government.

13             When you talk about the balance of  
14      power between the Executive, the Judiciary and  
15      the Legislature, three coequal branches of  
16      government, these appointments for our  
17      consideration under advice and consent are  
18      crucial.

19             So for those reasons and the way the  
20      Court of Appeals was put together today, I will  
21      be casting a negative for all of the nominees,  
22      not as a reflection on their capacity or talents,  
23      but on the process and the situation and the  
24      circumstances that currently exist.

25             Thank you, Mr. President.

1                   ACTING PRESIDENT BENJAMIN:     Senator  
2     O'Mara on the nominations.

3                   SENATOR O'MARA:     Thank you,  
4     Mr. President.

5                   I rise again today to vote nay on  
6     these nominations to be appointed to the Court of  
7     Claims and to the highest Court in New York  
8     State, the Court of Appeals -- two of which of  
9     these judges are to be to be appointed to the  
10    Court of Appeals for 14-year terms.

11                  These names were just submitted to  
12    the Legislature, the Senate last week. There has  
13    not been ample time to investigate and to vet  
14    these candidates' lengthy histories, lengthy  
15    resumes that they have submitted. There's no  
16    doubt there's qualified candidates here, but this  
17    process is just plain wrong.

18                  And to not even have a recorded vote  
19    in this chamber appointing two justices to the  
20    highest court of the state for 14-year terms --  
21    it's not even clear from the way this vote is  
22    being taken as to whether there's even a majority  
23    of votes to approve these appointments.

24                  We need a full showing of the votes  
25    of the members of this chamber to show to the

1 people of New York State that these justices are  
2 being appointed by a majority of the New York  
3 State Senate. There is no evidence or proof of  
4 that under this process that we're following here  
5 today.

6 And I object to that, and therefore  
7 I vote no to every one of these appointments.

8 ACTING PRESIDENT BENJAMIN: Senator  
9 Boyle on the nominations.

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

12 As the ranking Minority member on  
13 the Judiciary Committee, I had the opportunity to  
14 listen to all the nominees today. And really  
15 impressive resumes and backgrounds. Good people.

16 My problem, as with my colleagues on  
17 this side of the aisle, is with the process. To  
18 give you some idea of how crazy this is, the  
19 question I had asked the two Court of Appeals  
20 nominees was to ask them if they could be  
21 impartial, because they were being nominated by  
22 someone who may be sitting in this chamber -- may  
23 be sitting in this chamber a few months from now  
24 with an impeachment trial. And they will  
25 potentially be jurors on the trial of the guy who

1 nominated them.

2 Is that a bad process or is that a  
3 bad process? It doesn't get worse than that.

4 It's unfortunate that we had to do  
5 this at this late hour. We should have had more  
6 time. I personally think that these nominees  
7 should not have been put forward by the sitting  
8 Governor. We could have waited on some of these,  
9 and it would have been a much better process with  
10 more vetting.

11 For that, Mr. President, I'm going  
12 to vote nay on all the nominees except for  
13 Madeline Singas, the district attorney of  
14 Nassau County, who I have the greatest respect  
15 for. Thank you.

16 ACTING PRESIDENT BENJAMIN: Senator  
17 Gianaris.

18 SENATOR GIANARIS: Mr. President,  
19 in consultation with our counsel at the top, and  
20 in consideration of the request, both the ayes  
21 and the nays will be recorded in the Journal.

22 It will be treated the way that  
23 noncontroversial votes are treated. If someone's  
24 in the bank and they're not absent, they will be  
25 considered an aye. If someone's indicating to

1 the desk or the floor counsel that they are a no,  
2 that will be recorded as well.

3 ACTING PRESIDENT BENJAMIN: Senator  
4 Lanza.

5 SENATOR LANZA: Mr. President, I  
6 just want to say I know it's difficult, these are  
7 very trying times, and the protocol under which  
8 we are operating has made this perhaps one of the  
9 most different sessions in recent history.

10 I want to thank the Majority and  
11 thank Senator Gianaris for that accommodation.  
12 And by unanimous consent, obviously, we accept.

13 ACTING PRESIDENT BENJAMIN: So  
14 ordered.

15 Senator Helming on the nominations.

16 SENATOR HELMING: Thank you,  
17 Mr. President. I rise to explain my vote on the  
18 appointments to the Court of Appeals and the  
19 Court of Claims.

20 I will be voting no to all  
21 appointments. As some of my colleagues have  
22 said, this is a flawed process. It's not a  
23 transparent process at all.

24 This week we have voted on a number  
25 of pieces of legislation that mandate that local

1 governments take certain actions to become more  
2 transparent, to make sure that the public has  
3 more opportunity to view what's going on and to  
4 weigh in.

5 And I truly believe that the  
6 New York State Senate should lead by example, and  
7 we're not doing that.

8 So as I said, I will be voting no  
9 because it's a rushed process, it's not  
10 transparent, and also because I just think that  
11 it's plain wrong, that the way the process works,  
12 the appointments will be made, finalized by the  
13 Governor, and then you know what, a few weeks  
14 later we may see that these same people are asked  
15 to take a position on impeaching the Governor.

16 So for those reasons and others, I  
17 vote no.

18 ACTING PRESIDENT BENJAMIN: The  
19 question is on the nominations.

20 All in favor say aye.

21 (Response of "Aye.")

22 ACTING PRESIDENT BENJAMIN:

23 Opposed?

24 (Response of "Nay.")

25 ACTING PRESIDENT BENJAMIN: The

1 nominees are confirmed.

2 Senator Gianaris.

3 SENATOR GIANARIS: Okay. Thank  
4 you, Mr. President.

5 Now let's go on to the controversial  
6 calendar. I know we have a number of bills that  
7 are up for debate, beginning with Calendar 1165.

8 ACTING PRESIDENT BENJAMIN: The  
9 Secretary will ring the bell.

10 The Secretary will read.

11 THE SECRETARY: Calendar Number  
12 1165, Senate Print 5909, by Senator Kaminsky, an  
13 act to amend the Insurance Law.

14 ACTING PRESIDENT BENJAMIN: Senator  
15 Lanza, why do you rise?

16 SENATOR LANZA: Mr. President, I  
17 believe there's an amendment at the desk. I  
18 waive the reading of that amendment and ask that  
19 Senator Borrello be recognized and heard.

20 ACTING PRESIDENT BENJAMIN: Thank  
21 you, Senator Lanza.

22 Upon review of the amendment, in  
23 accordance with Rule 6, Section 4B, I rule it  
24 nongermane and out of order at this time.

25 SENATOR LANZA: Accordingly,



1 Mr. President, I appeal the chair's ruling and  
2 ask that Senator Borrello be recognized.

3 ACTING PRESIDENT BENJAMIN: The  
4 appeal has been made and recognized, and  
5 Senator Borrello may be heard.

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

8 Today I rise to appeal the ruling of  
9 the chair. This amendment is germane because the  
10 bill-in-chief deals with the insurance laws, and  
11 the Governor's used his extraordinary powers in  
12 this pandemic, using his executive orders, to  
13 amend these insurance laws several times. So it  
14 is germane, in my opinion.

15 You know, we are certainly in  
16 extraordinary times, as we just witnessed. But  
17 back on March 3rd of 2020, more than 15 months  
18 ago, I stood on the floor of this chamber and I  
19 said that any Legislature that would cede this  
20 much power to the Executive will be very  
21 reluctant to take it away.

22 And here we are more than 15 months  
23 later dealing with the fallout of that day. And  
24 there was some hope back on March 5th of 2021  
25 when the Majority told us they were going to

1       repeal the Governor's executive authority. And  
2       what have we seen since then, in the three months  
3       that have passed? More chaos. A Governor that  
4       has been so embroiled in scandal that he is now  
5       using the executive authority granted by this  
6       body as a foil, a political foil against us and  
7       against the people of New York State.

8                       I'm fielding calls right now from  
9       angry parents about this ridiculous mask mandate  
10      that he's been flip-flopping on. Superintendents  
11      that don't know what they're supposed to do.  
12      Stories of children literally passing out because  
13      during the height of this pandemic they didn't  
14      have to wear a mask, and now they do. For what  
15      reason? What science? What justification?

16                     Today we have an amendment, the  
17      47th time that myself and my colleagues have  
18      presented this amendment to truly repeal the  
19      Governor's executive powers.

20                     This pandemic has been unusual, but  
21      what has been more unusual is the fact that we've  
22      let something that's supposed to be used for a  
23      natural disaster to extend for nearly a year and  
24      a half, with no end in sight.

25                     Until we do this, until we end the

1 state of emergency, there is no end in sight for  
2 this ridiculous and archaic one-man rule in  
3 New York State.

4 You know, yesterday we did a press  
5 conference and I made a reference to the Governor  
6 and the way he's acting being like a scene out of  
7 the Game of Thrones. Well, ladies and gentlemen,  
8 today's the day. We need to dethrone the Mad  
9 King and pass this amendment.

10 Thank you, Mr. President.

11 ACTING PRESIDENT BENJAMIN: Thank  
12 you, Senator Borrello.

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

16 Those in favor of overruling the  
17 chair signify by saying aye.

18 SENATOR LANZA: Request a show of  
19 hands.

20 SENATOR GIANARIS: Mr. President,  
21 we have agreed to waive the showing of hands and  
22 record each member of the Minority in the  
23 affirmative.

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

1                   Announce the results.

2                   THE SECRETARY:    Ayes, 20.

3                   ACTING PRESIDENT BENJAMIN:    The  
4   ruling of the chair stands, and the bill-in-chief  
5   is before the house.

6                   Are there any other Senators wishing  
7   to be heard?

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

10                  Read the last section.

11                  THE SECRETARY:    Section 4.   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, 63.

19                  ACTING PRESIDENT BENJAMIN:    The  
20   bill is passed.

21                  The Secretary will read.

22                  THE SECRETARY:    Calendar Number  
23   725, Assembly Print Number 126A, by  
24   Assemblymember Gottfried, an act to amend the  
25   Public Health Law.

1                   ACTING PRESIDENT BENJAMIN:     Senator  
2     Borrello.

3                   SENATOR BORRELLO:     Yes, thank you,  
4     Mr. President.   Would the sponsor yield for some  
5     questions.

6                   ACTING PRESIDENT BENJAMIN:     Does  
7     the sponsor yield?

8                   SENATOR SKOUFIS:     Yes.

9                   ACTING PRESIDENT BENJAMIN:     The  
10    sponsor yields.

11                  SENATOR BORRELLO:     Yes, thank you.  
12    Through you, Mr. President.   Senator Skoufis,  
13    thank you very much.   Appreciate it.

14                  So I understand the purpose here to  
15    try and identify potential contaminants.   And I  
16    think we all want to know that our water is safe.  
17    But I'm just curious, out of this list of  
18    contaminants that you presented, how many of them  
19    have been confirmed to be actually dangerous by  
20    either the EPA or the DEC?

21                  SENATOR SKOUFIS:     Through you,  
22    Mr. President, I appreciate the question.

23                  And when we are dealing with  
24    contaminants and how to regulate contaminants,  
25    I'm a big believer in following the science and

1 following the scientists. And in this case this  
2 bill deals with 40 particular contaminants. And  
3 I break it into two different categories. The  
4 first category are 13 contaminants that are on  
5 the EPA's Third Unregulated Contaminant  
6 Monitoring Rule, UCMR 3. The next category are  
7 27 PFAS contaminants that will be listed in the  
8 forthcoming UCMR 5.

9 And so all 40 of these contaminants  
10 are -- you know, we're not just pulling these out  
11 of the sky and guessing, oh, well, this one's  
12 harmful, this one's not harmful. All 40 of these  
13 are listed by the EPA as emerging contaminants.

14 And furthermore -- through you,  
15 Mr. President -- you know, I will note that it is  
16 the -- if you'll bear with me, the Agency for  
17 Toxic Substances and Disease Registry that states  
18 that PFAS exposure has a whole host of  
19 potentially dangerous issues associated with  
20 them, including increased cholesterol levels,  
21 decreased vaccine response in children, changes  
22 in liver enzymes, increased risk of high blood  
23 pressure, especially in pregnant women, small  
24 decreases in infant birth weights and increased  
25 risk of kidney and testicular cancer as

1 carcinogens.

2 And so for all these reasons, these  
3 40 emerging contaminants ought to be tested in  
4 New York State's water systems, and that's what  
5 we look to do in this bill.

6 SENATOR BORRELLO: Thank you,  
7 Mr. President. Will the sponsor continue to  
8 yield.

9 ACTING PRESIDENT BENJAMIN: Does  
10 the sponsor yield?

11 SENATOR SKOUFIS: Yes.

12 ACTING PRESIDENT BENJAMIN: The  
13 sponsor yields.

14 SENATOR BORRELLO: So you mentioned  
15 PFAS as a class. Are you familiar with the  
16 recent decision in Vermont about the regulating  
17 and the ability to regulate PFAS as a class?

18 SENATOR SKOUFIS: Through you,  
19 Mr. President, please enlighten me.

20 SENATOR BORRELLO: (Laughing.) I  
21 guess briefly on the bill to enlighten the  
22 Senator.

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

25 SENATOR BORRELLO: So the Vermont

1 Agency of Natural Resources issued a decision  
2 late last year concluding that it's currently not  
3 feasible to regulate PFAS as a class based on  
4 available peer reviewed literature and available  
5 toxicological data.

6 So what does that mean? That means  
7 that we are trying to hit a moving target that  
8 ultimately will result in having to identify and  
9 mitigate something that they actually cannot  
10 determine is going to be able to be able to be  
11 identified and mitigated.

12 We're making our local governments  
13 and those folks that are in charge of our water  
14 supplies try to hit a moving target that, as you  
15 said, the science can't really prove can be  
16 identified properly.

17 So with that said, could I ask the  
18 sponsor to yield for another question.

19 ACTING PRESIDENT BENJAMIN: Does  
20 the sponsor yield?

21 SENATOR SKOUFIS: Yes,  
22 Mr. President. But if I may first make a comment  
23 in response and be on the bill for a moment.

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



1                   SENATOR SKOUFIS:    So just briefly  
2     in response, there are a couple of issues raised  
3     there.

4                   First, yes, my colleague is  
5     absolutely correct, in that the PFAS family is  
6     expansive, it's extensive, and the 40 chemicals  
7     that we're looking for here, including the  
8     27 PFAS chemicals on the UCMR 5, is the tip of  
9     the iceberg.

10                  However, these 40 have been  
11     identified. We talk about, well, we can't  
12     identify all of them. These 40 have been  
13     identified. They have been classified as  
14     potentially dangerous -- in some cases, very  
15     dangerous for New Yorkers and all people. And  
16     importantly, though, all 40 of these can be  
17     tested for.

18                  So obviously, you know, we're not  
19     going to require testing of PFAS chemicals if  
20     there is no approved test to identify those  
21     chemicals. All 40 of these in fact can be tested  
22     with seven EPA-approved tests.

23                  And furthermore, through you,  
24     Mr. President, I'll just note cost was raised.  
25     And certainly as someone who comes from a town

1 board and has been at this in Albany for a number  
2 of years, I'm sensitive to costs that we push  
3 onto local governments.

4 I will just note that the UCMR 3,  
5 the 13 contaminants that if you have water  
6 systems with more than 10,000 customers, you're  
7 already testing for, but the UCMR 3 tests, we're  
8 talking \$50 to about \$400 per sample per testing  
9 method. We're not talking tens, hundreds of  
10 thousands of dollars. We're talking literally  
11 dollars in the hundreds range to make sure that a  
12 water system's drinking water is safe.

13 And the other 27 PFAS chemicals,  
14 we're talking 300 to 600 dollars for a test  
15 sample.

16 So no one is breaking the bank under  
17 this bill. And this is a negligible cost to make  
18 sure that New York's water systems are safe.

19 SENATOR BORRELLO: I guess before  
20 you go on to the question, on the bill.

21 ACTING PRESIDENT BENJAMIN: Senator  
22 Borrello on the bill.

23 SENATOR BORRELLO: Well, I  
24 understand that the testing may be negligible in  
25 your opinion. But having just recently dealt

1 with this in my district, it's not the testing,  
2 it's the mitigation for something that is  
3 inherently unproven to be a true contaminant. We  
4 had a situation where it was millions of dollars  
5 and people went without water for a significant  
6 amount of time for a particular chemical that is  
7 not on the list for the EPA or the DEC as an  
8 actual proven contaminant.

9 So we can point to a lot of things  
10 that we feel would be a contaminant in our air,  
11 our water, our ground, but we have to actually  
12 have some due diligence.

13 And with that, I will ask if the --  
14 on that same note, I will ask if the sponsor will  
15 yield.

16 ACTING PRESIDENT BENJAMIN: Does  
17 the sponsor yield?

18 SENATOR SKOUFIS: Yes.

19 ACTING PRESIDENT BENJAMIN: The  
20 sponsor yields.

21 SENATOR BORRELLO: So through you,  
22 Mr. President.

23 The current Drinking Water Quality  
24 Council is already required to review emergent  
25 contaminants, are they not? Isn't this

1       legislation duplicative?

2                   SENATOR SKOUFIS:    Through you,  
3       Mr. President, the answer to the first part of  
4       your question is yes, they exist.

5                   The reason -- the answer to the  
6       second part of your question is no, it's not  
7       duplicative, because the Department of Health and  
8       this council have completely dropped the ball and  
9       have been derelict in their responsibilities on  
10      this issue.

11                  SENATOR BORRELLO:   Mr. President,  
12      will the sponsor continue to yield.

13                  ACTING PRESIDENT BENJAMIN:   Does  
14      the sponsor yield?

15                  SENATOR SKOUFIS:    Yes.

16                  ACTING PRESIDENT BENJAMIN:   The  
17      sponsor yields.

18                  SENATOR BORRELLO:    Through you,  
19      Mr. President. Well, I understand your concern,  
20      but if you're concerned about the Drinking Water  
21      Quality Council being administered under the  
22      Department of Health, how is DOH possibly going  
23      to issue regulations for up to 4,000 different  
24      chemistries in this class for the PFAS? I mean,  
25      you're already saying that they've dropped the

1 ball. Now you're basically burdening them with  
2 something even further.

3 You know, right now this has got to  
4 be enforced by the Department of Health no matter  
5 what. So isn't this going to be an even further  
6 burden?

7 SENATOR SKOUFIS: Through you,  
8 Mr. President. So this bill mandates  
9 implementation. It does not have some open-ended  
10 actionable requirement here. In fact, we amended  
11 the bill to try and accommodate the work that  
12 would be necessary for implementation at the  
13 Department of Health.

14 And so the DOH will have 90 days  
15 upon enactment of this bill. And it's not to  
16 promulgate regulations and implement this  
17 legislation and add these emerging contaminants,  
18 the 4,000 that were mentioned. No. We're  
19 looking at 40 here. And I think that even for  
20 the Department of Health, they have the  
21 wherewithal and the capacity to implement 40 new  
22 contaminants and add them to their emerging list.

23 SENATOR BORRELLO: Mr. President,  
24 will the sponsor continue to yield.

25 ACTING PRESIDENT BENJAMIN: Does

1 the sponsor yield?

2 SENATOR SKOUFIS: Yes.

3 ACTING PRESIDENT BENJAMIN: The  
4 sponsor yields.

5 SENATOR BORRELLO: All right.  
6 Well, in that case, does the DEC or the EPA have  
7 any data indicating the presence of these  
8 40 contaminants in our state's drinking water?

9 SENATOR SKOUFIS: Through you,  
10 Mr. President, that's an excellent question. And  
11 no, this was raised on the previous debate on the  
12 first version of this bill.

13 And what I can tell you is that  
14 again, referring back to those two categories  
15 that are within the bill, the 13 and the 27, all  
16 13 in that first category have been found  
17 someplace in some water system in New York State.  
18 And so -- and the 27 are on a forthcoming EPA  
19 list. And so those haven't hit the stream of  
20 testing yet throughout the country.

21 But on the list that exists, all 13,  
22 found in New York.

23 And so this is not some  
24 hypothetical. These are real chemicals. They're  
25 found throughout the state, throughout the

1 country. And it's important to know where they  
2 are so we can best protect people's drinking  
3 water.

4 SENATOR BORRELLO: Mr. President,  
5 on the bill.

6 ACTING PRESIDENT BENJAMIN: Senator  
7 Borrello on the bill.

8 SENATOR BORRELLO: First of all,  
9 thank you, Senator Skoufis, for the engagement  
10 today.

11 You know, we all want safe water,  
12 there's no question of that. But we have a  
13 process here. And I would say that the New York  
14 State Department of Environmental Conservation  
15 and all the other commissions and agencies have  
16 created the highest standard in the nation when  
17 it comes to the safety of our water. And they  
18 have experts. And they have a due diligence  
19 process. And they look at these things  
20 methodically.

21 And with the consultation with the  
22 EPA, we do have in New York, and really in the  
23 United States of America, probably the safest  
24 drinking water in the world.

25 But then you get politics involved.

1 And the politics here is that we're going to try  
2 and put the cart before the horse. That we're  
3 going to send our local water suppliers, which  
4 are usually, in my area, small municipalities,  
5 out to chase after so-called contaminants that we  
6 really can't prove are actually going to cause  
7 harm. We can't produce an actual impacted  
8 victim. But yet we're going to spend millions of  
9 dollars -- and actually, in some cases, put  
10 people at risk of not having clean water -- in  
11 order to put forth this political agenda.

12 But there's also -- there's  
13 something in this bill that does trouble me, and  
14 we see this in a lot of the bills here that pass  
15 in this chamber, and that's the right of personal  
16 action. We're going to allow people to sue.  
17 We're going to allow the vultures out there to  
18 sue our water suppliers for things that we can't  
19 actually prove harm anyone.

20 So what does that mean? Well, that  
21 means that the taxpayers and the ratepayers are  
22 going to pay. They're going to pay to settle  
23 lawsuits for things that we cannot really point  
24 to as truly causing harm.

25 So we want clean water. We want



1 clean air. But we also want people to be able to  
2 afford those things. And by putting this bill  
3 forth today, basically overruling the DEC and the  
4 process that we have to ensure these contaminants  
5 are actually proven to be harmful, we are  
6 basically putting the trial lawyers in charge  
7 once again. And that's going to be costly to the  
8 people who supply the most basic of all of our  
9 needs, and that's water.

10 So I'll be voting no, Mr. President.  
11 Thank you.

12 ACTING PRESIDENT BENJAMIN: Are  
13 there any other Senators wishing to be heard?

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

16 Read 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: Senator  
23 Skoufis to explain his vote.

24 SENATOR SKOUFIS: Thank you very  
25 much, Mr. President.

1                   And I appreciate my colleagues for  
2                   considering their support of this legislation.

3                   You know, water is something that we  
4                   take for granted when things are going well. We  
5                   use it to cook, we use it to bathe, we obviously  
6                   use it to drink. Then you have Hoosick Falls  
7                   happen. Then you have the City of Newburgh  
8                   happen. Most recently you have many wells in  
9                   Rockland County found with PFAS. And now  
10                  suddenly that natural resource that we all depend  
11                  on, day in and day out of our lives, we no longer  
12                  take for granted.

13                  The challenge is those situations  
14                  where you think everything is okay but in fact  
15                  things are not. And that's why testing is so  
16                  crucial, that's why this bill is so necessary, to  
17                  make sure that all New Yorkers -- regardless of  
18                  the size of their water system, regardless of  
19                  which emerging contaminants list is coming out of  
20                  the EPA -- we have testing in place so that both  
21                  the constituents of ours as well as the  
22                  communities who can do something about this have  
23                  the wherewithal and the knowledge to act.

24                  And so this bill creates a safer and  
25                  healthier New York State and makes sure that we

1 have far fewer Hoosick Falls and City of  
2 Newburghs and so on and so on.

3 Thank you very much, Mr. President.

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

6 Announce the results.

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

11 Ayes, 54. Nays, 9.

12 ACTING PRESIDENT BENJAMIN: The  
13 bill is passed.

14 Senator Gianaris.

15 SENATOR GIANARIS: Thank you.

16 The next bill we're taking up is  
17 Calendar 1617, please, Mr. President.

18 ACTING PRESIDENT BENJAMIN: The  
19 Secretary will read.

20 THE SECRETARY: Calendar Number  
21 1617, Senate Print 699B, by Senator Hoylman, an  
22 act to amend the Environmental Conservation Law.

23 ACTING PRESIDENT BENJAMIN: Senator  
24 Stec.

25 SENATOR STEC: Mr. President, will

1 the sponsor please yield.

2 ACTING PRESIDENT BENJAMIN:

3 Sponsor, do you yield?

4 SENATOR HOYLMAN: Yes.

5 ACTING PRESIDENT BENJAMIN: The  
6 sponsor yields.

7 SENATOR STEC: Good afternoon,  
8 Senator Hoylman, how are you?

9 SENATOR HOYLMAN: Well, thank you.

10 SENATOR STEC: Through you,  
11 Mr. President, if the sponsor would yield, I have  
12 just a few questions I'd like to ask.

13 The first question would be does the  
14 Department of Environmental Conservation Law  
15 currently as staffed have the resources to  
16 implement the terms of this legislation?

17 SENATOR HOYLMAN: Yes. Through  
18 you, Mr. President, thank you. Thank you to my  
19 colleague for this question.

20 Let me just start off by saying what  
21 this bill does, if I could indulge you. This  
22 bill provides targeted, science-based  
23 restrictions on the use of pesticides called  
24 neonicotinoids, and then requires the New York  
25 City -- apropos to your question -- Department of

1 Environmental Conservation, directs them to study  
2 and identify practicable and feasible  
3 alternatives to such pesticides.

4 And the reason we need to focus on  
5 neonicotinoids -- or neonics, which is a little  
6 easier to say -- through this legislation, which  
7 by the way is called the Birds and the Bees  
8 Protection Act. I never thought we'd be talking  
9 about the birds and the bees here on the floor of  
10 the Senate.

11 But neonics are everywhere. They're  
12 persistent, they're toxic, they're 48 times more  
13 harmful to insects than any other insecticide  
14 that has been used by mankind. They broadly  
15 contaminate water, soil and plants, and they kill  
16 bees. A study showed recently from Cornell that  
17 this has had an enormous impact on bee colonies.  
18 Forty percent of New York beekeepers have --  
19 excuse me, New York beekeepers have lost more  
20 than 40 percent of their bee colonies nearly  
21 every year for the last decade.

22 And they also kill birds. If a bird  
23 ingests one seed that's been coated with  
24 neonicotinoids, it will kill them.

25 So it is a persistent and enormous

1     problem. That's why Canada, that's why Europe  
2     have banned completely neonicotinoid use. But we  
3     here are providing a targeted, science-based  
4     restriction on their uses because of a report  
5     published by Cornell University in 2020 that  
6     suggested that neonicotinoids pose the greatest  
7     threat to pollinators while providing little to  
8     no benefit to users, or that are easily  
9     replicable with safer alternatives.

10                 That said, does DEC have the  
11     resources to do what this bill sets out to do,  
12     which would require them to look for acceptable  
13     alternatives by 2024, in this "safe harbor"  
14     provision and determine if there were  
15     unreasonable costs associated with them banning  
16     neonicotinoids? Yes. They can survey the  
17     literature, they can speak to scientists within  
18     their own department, and they can also look to  
19     uses for alternatives in other jurisdictions such  
20     as have been used in Canada and Europe.

21                 SENATOR STEC:     Thank you.

22                 Mr. President, through you.

23                 So does the DEC --

24                 ACTING PRESIDENT BENJAMIN:     Are you  
25     asking the sponsor to yield?

1                   SENATOR STEC:    Do you yield?  I'm  
2   sorry.

3                   SENATOR HOYLMAN:    I do,  
4   Mr. President.

5                   ACTING PRESIDENT BENJAMIN:  The  
6   sponsor yields.

7                   SENATOR STEC:    I'm sorry.  Thank  
8   you, Mr. President.

9                   Does the DEC -- in the meantime,  
10   before 2024, what would the condition of the use  
11   of neonics be in the industry in New York State?  
12   Would they be allowed or not allowed during this  
13   study period?

14                  SENATOR HOYLMAN:    They would not  
15   be -- they would not be -- the ban on the sale,  
16   distribution and purchase of neonicotinoid-  
17   treated seeds -- by the way, it's only for a  
18   select group of seeds, for corn, soybean and  
19   wheat crops, the only seeds that are going to be  
20   banned for the sale.  That would begin in 2024.

21                  And then at that point there's a  
22   safe-harbor provision that keeps the prohibition  
23   from taking effect if the department determines  
24   that there are no acceptable alternatives that  
25   exist that would not result in unreasonable costs

1 to farmers.

2 SENATOR STEC: Mr. President, if  
3 the sponsor would please yield.

4 ACTING PRESIDENT BENJAMIN: Will  
5 the sponsor yield?

6 SENATOR HOYLMAN: I do. Thank you,  
7 Mr. President.

8 ACTING PRESIDENT BENJAMIN: The  
9 sponsor yields.

10 SENATOR STEC: To that point,  
11 though, does the bill define "unreasonable"? I  
12 mean, everyone -- it's all in the eye of the  
13 beholder. Does the bill define "unreasonable"?  
14 And specifically, does it factor in the added  
15 cost for getting nontreated -- now we're asking  
16 for specialty seeds that -- I mean, New York is a  
17 big ag state but it isn't the Midwest. So now  
18 we're going to be expecting seed providers to,  
19 what, make a New York blend for us? That could  
20 be more expensive. Certainly other pesticide  
21 uses are going to have to increase. Yields are  
22 going to go down. We're going to be using more  
23 acreage.

24 So now while the seeds are going to  
25 be more expensive, we're going to be using more



1 acreage, we're going to be having lower yields.  
2 So there's other costs that are going to factor  
3 in.

4 So does that all get factored into  
5 what falls under "unreasonable"?

6 SENATOR HOYLMAN: Yes. So the  
7 question -- through you, Mr. President, the  
8 question whether unreasonable cost is defined, it  
9 is that -- unreasonable cost is determined in  
10 consultation with the Department of Ag & Markets,  
11 after having a public hearing.

12 Obviously unreasonable costs is a --  
13 could be a moving target. But we need to  
14 determine that at the time that the agency makes  
15 that determination, so they would seek  
16 consultation with the Department of Ag & Markets  
17 and have a hearing in connection with that  
18 determination.

19 SENATOR STEC: Mr. President,  
20 through you, if the sponsor would yield.

21 ACTING PRESIDENT BENJAMIN: Does  
22 the sponsor yield?

23 SENATOR HOYLMAN: I do.

24 ACTING PRESIDENT BENJAMIN: The  
25 sponsor yields.

1                   SENATOR STEC:   All right, thank  
2   you.

3                   Now, has this -- you mentioned the  
4   Cornell report a couple of times. Has that been  
5   officially peer-reviewed?

6                   And furthermore, it's my  
7   understanding that the Biden EPA is currently  
8   studying this. I mean, I'm sure you get a little  
9   nervous about New York, you know, standing out so  
10   far that we put ourselves in an awkward position  
11   where we're hurting our farms, you know,  
12   needlessly compared to our neighboring states.

13                  So part two of the question about  
14   the peer-reviewed part is, wouldn't it be wise to  
15   wait for the Biden EPA to come up with something  
16   so it's a level playing field and we don't hazard  
17   our New York farms against the rest of the  
18   industry in the country?

19                  SENATOR HOYLMAN:   Well, this  
20   important study by Cornell, obviously one of  
21   New York's finest institutions, is based on  
22   peer-reviewed data.

23                  And I think it's important that  
24   New York act and not wait for the federal  
25   government, given the enormous destructive power

1 of neonicotinoids, the fact that it's been  
2 showing up in state water testing. Thirty  
3 percent of Long Island groundwater samples are  
4 indicating a very high probability that these  
5 pesticides are causing ecosystem-wide damage here  
6 in New York.

7 It is a crisis that needs to be  
8 averted now.

9 SENATOR STEC: Thank you.

10 Mr. President, if the sponsor would  
11 continue to yield.

12 ACTING PRESIDENT BENJAMIN: Does  
13 the sponsor yield?

14 SENATOR HOYLMAN: Yes.

15 ACTING PRESIDENT BENJAMIN: The  
16 sponsor yields.

17 SENATOR STEC: I want to follow up,  
18 because I heard you say that the Cornell report  
19 was generated using other peer-reviewed material.  
20 But I didn't hear you answer my question if the  
21 Cornell report itself has been peer-reviewed.

22 SENATOR HOYLMAN: Through you,  
23 Mr. President, the Cornell study is a summary of  
24 hundreds of peer-reviewed studies, so it  
25 therefore stands on its own in that regard.

1                   SENATOR STEC:    Mr. President, if  
2                   the sponsor would yield for just a couple more  
3                   quick questions.

4                   ACTING PRESIDENT BENJAMIN:   Does  
5                   the sponsor yield?

6                   SENATOR HOYLMAN:    I do.

7                   ACTING PRESIDENT BENJAMIN:   The  
8                   sponsor yields.

9                   SENATOR STEC:    You said earlier  
10                  that this was limited to a handful of seeds.   So  
11                  specifically, if you could list those again.

12                  And I want to make crystal-clear,  
13                  does that have any application, then, in the  
14                  forest industry?  Are there any forest products  
15                  that are going to be caught up in this ban?

16                  And for time's sake, if I could, so  
17                  what would the procedure be if our future DEC  
18                  determines through a public hearing process that  
19                  this isn't a good -- we're not heading down the  
20                  right path, it's too expensive, it's not  
21                  reasonable?  How do we unring this bell if  
22                  there's been damage done to the ag industry  
23                  because we just increased the price of their  
24                  seeds tenfold?

25                  SENATOR HOYLMAN:    Through you,

1 Mr. President. Let's be clear that this is a  
2 targeted, science-based restriction on the use of  
3 these pesticides containing neonicotinoids, which  
4 are linked, again, to massive losses of bees and  
5 other pollinators, pollinators that farmers need.

6 And we've seen the impact on those  
7 pollinators. It is really undercutting the  
8 future of New York State agriculture to not  
9 address this problem now.

10 These pesticides, Mr. President,  
11 only came about in the 1990s. It's not like  
12 farmers have been using these for that many years  
13 to begin with.

14 But in terms of will it have a --  
15 what is their other application, let's be clear,  
16 we are talking about only several types of seeds.  
17 This would be -- as I said earlier, it would only  
18 affect the family of soy, wheat and corn as  
19 seeds.

20 And in terms of forestry products, I  
21 do want to point out, Mr. President, that this  
22 legislation would also ban the direct application  
23 of pesticides containing neonicotinoids on  
24 outdoor ornamental plants and turf starting in  
25 2023. So that's the direct application of

1       neonicotinoids on these outdoor ornamental  
2       plants.

3               The reason this is important is  
4       because the pesticide runs off into the ground,  
5       and it impacts the soil and the groundwater.  
6       Which is why we are talking about seeds for those  
7       three types of crops, and ornamental plants as it  
8       pertains to direct application.

9               SENATOR STEC:   All right, thank  
10       you.

11              Mr. President, if the sponsor would  
12       continue to yield.

13              ACTING PRESIDENT BENJAMIN:   Does  
14       the sponsor yield?

15              SENATOR HOYLMAN:   I do.

16              ACTING PRESIDENT BENJAMIN:   The  
17       sponsor yields.

18              SENATOR STEC:   I apologize, I'm not  
19       familiar with your district, but hopefully it  
20       won't surprise you to know that my district has a  
21       awful lot of agriculture going on, from  
22       Washington County all the way to the Canadian  
23       border. I've talked to a lot of farmers.  
24       Farmers tell me that like a -- a good analogy  
25       might be antibiotics. You know, that you don't

1 want to become overreliant, you want to have as  
2 many available to you so that you don't have the  
3 body become resistant to one type of antibiotic.  
4 And they make that akin to pesticides, that the  
5 more that are legal and regulated gives them more  
6 flexibility so that you don't start to develop a  
7 resistance to that. And so they would prefer a  
8 diversified pesticide offering to them.

9 Do you think that eliminating a  
10 class of pesticides will benefit farmers in that  
11 regard?

12 SENATOR HOYLMAN: Well, I think --  
13 through you, Mr. President, I do think that we've  
14 seen overuse of neonicotinoids, a blanket usage  
15 of them as -- on treated seeds. And that is  
16 creating the analogy that you raise, that our  
17 colleague raises about resistance.

18 I think that I would agree that we  
19 need to look for alternatives, because we see  
20 that the current product being used,  
21 neonicotinoid, is devastating to pollinators --  
22 namely, bees. And we've seen that colonies  
23 decline, and we've seen colony collapse as a  
24 phenomenon, not just in different parts of the  
25 world but here in New York State.

1                   And that's why we have such strong  
2                   support from a wide range of environmental  
3                   organizations, including Audubon, Catskill, Earth  
4                   Justice, Friends of the Earth, NRDC, Sierra Club  
5                   and more, because of their dangers.

6                   So this is meant to prompt the  
7                   market, Mr. President, to disrupt the market, for  
8                   New York State to say to the private market: You  
9                   have to find some cost-effective alternatives,  
10                  because this isn't working for our environment  
11                  and you're undermining one of the key components  
12                  of our agricultural industry, which is the  
13                  pollinators themselves. Which we rely on, both  
14                  bees and colonies that are kept by keepers, but  
15                  also wild bees, which borrow in the ground, where  
16                  these seeds are so dangerous due to that runoff I  
17                  mentioned earlier.

18                 SENATOR STEC:    Mr. President, if  
19                  the sponsor would continue to yield.

20                 ACTING PRESIDENT BENJAMIN:   Does  
21                  the sponsor yield?

22                 SENATOR HOYLMAN:    I do.

23                 ACTING PRESIDENT BENJAMIN:   The  
24                  sponsor yields.

25                 SENATOR STEC:    I certainly



1 appreciate that a lot of environmental groups are  
2 supportive of this. Are there any farm  
3 organizations in New York State -- or anywhere in  
4 the country, for that matter -- that are in  
5 support of this legislation? Is the New York  
6 State Farm Bureau supportive? I mean, they have  
7 an interest in a healthy pollinator population.  
8 They know better than all of us how the birds and  
9 the bees work.

10 SENATOR HOYLMAN: Through you,  
11 Mr. President, we have -- if you notice, this is  
12 a B print, which means B as in --

13 (Laughter.)

14 SENATOR HOYLMAN: -- "bee." And  
15 because of that B print, we have had many  
16 conversations with the Farm Bureau and made  
17 significant amendments to the legislation to  
18 address their concerns.

19 SENATOR STEC: Mr. President,  
20 through you, if the sponsor would yield.

21 ACTING PRESIDENT BENJAMIN: The  
22 sponsor yields.

23 SENATOR STEC: All right, in the  
24 interests of time I'll take that last answer as  
25 no, the Farm Bureau is not in support.

1                   But I just -- to wrap up, do we have  
2 estimates on what this will do? Like I said  
3 before, the seed manufacturers are going to have  
4 to say, All right, we've got to shut down and  
5 make the New York version of the corn seed that  
6 they want to buy, because they have special  
7 restrictions on us.

8                   You know, a changeover like that in  
9 a small market is going to add to cost. Do we  
10 have any estimates, do you have any estimates for  
11 soy, wheat and corn, what it will do to the cost  
12 of seed and to the yields of those three crops in  
13 New York State?

14                  SENATOR HOYLMAN: Through you,  
15 Mr. President. Well, you know, that's part of  
16 what the Cornell University report looked at, was  
17 cost-benefit analysis to show that while on the  
18 one hand neonicotinoids provide the greatest  
19 threat to pollinators, they provide little to no  
20 benefit to users or they are easily replaceable.  
21 There are many organic farmers that use no  
22 treated seeds.

23                  But we are allowing the market to  
24 emerge, and that's what's I think creative about  
25 this bill, is that we're telling the good folks

1     who treat -- who create insecticides that, you  
2     know, this is an opportunity for you to come up  
3     with something that's safer for pollinators,  
4     safer for our food products, more productive for  
5     the industry, because we want to preserve those  
6     pollinators, and frankly healthier for the  
7     environment and our children's future overall.

8                     SENATOR STEC:     Mr. President, if I  
9     can go on the bill, please.

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

12                    SENATOR STEC:     All right, thank  
13     you. I appreciate my colleague's time in  
14     answering my questions.

15                    I think it's clear from my line of  
16     questioning I have a lot of concerns. The  
17     farmers that I represent in the six counties of  
18     Northern New York that I represent are very  
19     concerned about this.

20                    I'm concerned that we're moving  
21     forward with legislation that the Farm Bureau is  
22     saying is not a good idea.

23                    I'm concerned about what it's going  
24     to do -- I'm concerned about making our  
25     agriculture community a guinea pig or a canary,

1     if you will, in the mine with the rest of this  
2     country. There's not another state that's  
3     regulating these neonics in this way, and I think  
4     we're putting an awful lot of burden on our small  
5     family farms by doing something that's  
6     experimental -- and well-intentioned, but, you  
7     know, certainly -- again, I think the farmers  
8     should be listened to and should be heard when we  
9     craft legislation so that we don't in Albany, in  
10    places that don't represent a lot of farms, say  
11    "We know best how to operate your farm," and have  
12    that roll down to the good folks that are growing  
13    our food and dealing with, you know, everything  
14    that Mother Nature throws at them and Albany.

15                 So for that reason, I'll be opposed  
16    to this legislation and encourage my colleagues  
17    to vote in the negative.

18                 ACTING PRESIDENT BENJAMIN:     Senator  
19    Borrello.

20                 SENATOR BORRELLO:     Thank you,  
21    Mr. President. Will the sponsor yield for some  
22    questions.

23                 ACTING PRESIDENT BENJAMIN:     Does  
24    the sponsor yield?

25                 SENATOR HOYLMAN:     Yes.

1                   ACTING PRESIDENT BENJAMIN:    The  
2    sponsor yields.

3                   SENATOR BORRELLO:    Thank you.

4                   Senator Hoylman, appreciate this.

5                   First of all, I know in the borough  
6    of Manhattan there's probably not a lot of  
7    farmers, but I appreciate your interest in this  
8    issue. And unfortunately I think it's horribly  
9    misguided, and that's why the Farm Bureau and  
10   some of the others are against this.

11                  But you mentioned the Cornell  
12   report. I'm just curious, do you -- this report,  
13   did it actually do a risk analysis to understand  
14   the risk that farmers undertake when choosing  
15   whether or not to use treated seeds?

16                  SENATOR HOYLMAN:    Through you,  
17   Mr. President. Yes, they did a cost-benefit  
18   analysis.

19                  SENATOR BORRELLO:    Mr. President,  
20   will the sponsor continue to yield.

21                  ACTING PRESIDENT BENJAMIN:   Will  
22   the sponsor yield?

23                  SENATOR HOYLMAN:    Yes.

24                  SENATOR BORRELLO:    No, this is  
25   on --

1                   ACTING PRESIDENT BENJAMIN:    The  
2   sponsor yields.

3                   SENATOR BORRELLO:    Thank you.  I'm  
4   sorry.

5                   -- risk analysis.  According to  
6   what I've read, there's really no risk analysis  
7   done as to the -- what the impact will be on our  
8   farmers.  Could you speak to that in that Cornell  
9   study?

10                  SENATOR HOYLMAN:    Well, through  
11   you, Mr. President, the approach that we see  
12   here, according to the report they say, quote:  
13   In contrast to neonicotinoid applications in  
14   fruit and vegetable crops, routine use of  
15   neonicotinoid -- and everyone has to say that  
16   five times fast --

17                  (Laughter.)

18                  SENATOR HOYLMAN:    -- neonicotinoid-  
19   treated seeds does not consistently increase net  
20   income for New York field corn or soybean  
21   producers.  That's on page 21 of the report.

22                  They also go on to say while seed  
23   treatments benefit farmers where there is high  
24   early season pest pressure, these benefits are  
25   limited to a small proportion of the fields.

1                   So this supports the bill's  
2       restriction of certain neonic-treated seeds -- as  
3       we said, corn, soybean and wheat crops. This is  
4       extremely tailored to a certain class of seeds  
5       for New York State's agricultural uses.

6                   SENATOR BORRELLO:     Mr. President,  
7       will the sponsor continue to yield.

8                   ACTING PRESIDENT BENJAMIN:     Will  
9       the sponsor yield?

10                  SENATOR HOYLMAN:     Yes.

11                  ACTING PRESIDENT BENJAMIN:     The  
12       sponsor yields.

13                  SENATOR BORRELLO:     Thank you.  
14       Through you, Mr. President.

15                  Well, what about neonics that need  
16       to be applied to manage our forests and the pests  
17       in our forests? What will happen there?

18                  SENATOR HOYLMAN:     Well, this bans  
19       the -- through you, Mr. President. This has no  
20       application to forests. The only direct  
21       application that this bill would ban would be on  
22       outdoor ornamental plants and turf starting in  
23       2023.

24                  SENATOR BORRELLO:     Mr. President,  
25       will the sponsor continue to yield.

1                   ACTING PRESIDENT BENJAMIN:   Does  
2   the sponsor yield?

3                   SENATOR HOYLMAN:    I do.

4                   ACTING PRESIDENT BENJAMIN:   The  
5   sponsor yields.

6                   SENATOR BORRELLO:   Well, sir, by  
7   the reading of -- by me reading the bill, it does  
8   not seem that it's going to actually apply to  
9   forests.  I guess I'm -- you know, there is this  
10   application for ornamental trees, but how  
11   specifically would that speak to -- you know, to  
12   these neonics?  And again, we can say what we  
13   want here, but I'm talking about when this is  
14   enforced and this becomes an issue, how are we  
15   guaranteed that we will be able to use proper  
16   pest management on our forests and fields?

17                  SENATOR HOYLMAN:   Through you,  
18   Mr. President.  I'm having a hard time  
19   understanding the Senator, maybe because of his  
20   mask.  But are you saying "in forest," or  
21   "enforced"?

22                  SENATOR BORRELLO:   Both.  So  
23   enforced, when it's being enforced in our forests  
24   and our fields.

25                  SENATOR HOYLMAN:   Okay.  It's



1 not -- let's be clear, this is not -- through  
2 you, Mr. President, not -- we are not discussing  
3 neonicotinoids in the context of use in forests.

4 SENATOR BORRELLO: Thank you,  
5 Mr. President. Would the sponsor continue to  
6 yield.

7 SENATOR HOYLMAN: Yes.

8 ACTING PRESIDENT BENJAMIN: The  
9 sponsor yields.

10 SENATOR BORRELLO: So are you  
11 familiar with actually how these seeds are used,  
12 how farmers use them and the process that they go  
13 through to ensure that they're used to minimize  
14 the impact on our pollinators?

15 SENATOR HOYLMAN: Through you,  
16 Mr. President, yes.

17 SENATOR BORRELLO: Mr. President,  
18 will the sponsor continue to yield.

19 ACTING PRESIDENT BENJAMIN: Does  
20 the sponsor yield?

21 SENATOR BORRELLO: So they're  
22 already using the proper due diligence and best  
23 practices. You said you were familiar with it.

24 Do you feel that this is a flawed  
25 practice at the Farm Bureau and those folks that

1       actually are in the business of ensuring they  
2       minimize the impact? Because pollinators are  
3       incredibly important to our farmers, as you  
4       mentioned. Is their process flawed and somehow  
5       this bill -- you know better than the farmers  
6       about how they could be used?

7                   SENATOR HOYLMAN: Through you,  
8       Mr. President. I don't pretend to know anything  
9       better than farmers. I will tell you that  
10      through my entire childhood I baled hay every  
11      summer and lived amongst farms, so I know  
12      something about the hard work that New York's  
13      farmers undertake.

14                   But I'll say that the use of treated  
15      seeds, generally speaking, is inconsistent,  
16      Mr. President, with the fundamental tenet of  
17      integrated pest management, which stresses that  
18      the use of pesticides should only be in response  
19      to an actual pest infestation, not as a  
20      prophylactic measure.

21                   SENATOR BORRELLO: Mr. President,  
22      will the sponsor continue to yield.

23                   ACTING PRESIDENT BENJAMIN: Does  
24      the sponsor yield?

25                   SENATOR HOYLMAN: Yes.

1                   ACTING PRESIDENT BENJAMIN:    The  
2    sponsor yields.

3                   SENATOR BORRELLO:    So you believe  
4    we should use pesticides after the crops are  
5    destroyed instead of before?

6                   SENATOR HOYLMAN:    I'm sorry, would  
7    you repeat that?

8                   SENATOR BORRELLO:    Yes.  You said  
9    not to use it in a prophylactic manner.  But  
10   that's the whole point, isn't it?  We're not  
11   going to wait until after the crops are destroyed  
12   to use a pesticide, are we?

13                  SENATOR HOYLMAN:    Through you,  
14   Mr. President, no.  No one thinks that.

15                  But an integrated pest management is  
16   one that gets in front of the problem.  Not in  
17   response to an actual -- actual infestation, not  
18   prophylactically, which is what coated seeds, the  
19   approach using neonicotinoids on coated seeds  
20   would point to.

21                  SENATOR BORRELLO:    Mr. President,  
22   will the sponsor continue to yield.

23                  ACTING PRESIDENT BENJAMIN:   Does  
24   the sponsor yield?

25                  SENATOR HOYLMAN:    Yes.

1                   ACTING PRESIDENT BENJAMIN:    The  
2    sponsor yields.

3                   SENATOR BORRELLO:    Through you,  
4    Mr. President.   So neonicotinoid pesticides were  
5    developed to replace older, less safe products  
6    for farmers and foresters.   Could you tell me  
7    what products will be used in place of the  
8    treated seeds now, if we're going to ban them?  
9    And are they any better?

10                  SENATOR HOYLMAN:    Through you,  
11   Mr. President.   Well, we don't know for sure.  
12   That's part of what this safe harbor would  
13   determine, if there were acceptable alternatives  
14   that were cost-effective.

15                  But there are a number of pesticides  
16   less problematic than neonicotinoids, because  
17   they are not systemic in plants and not as  
18   persistent in the environment.   Pyrethroid  
19   pesticides is one that Cornell has identified as  
20   a potential.

21                  Again, we're going to jump-start the  
22   market with this legislation and ensure that  
23   alternatives do come to market before 2024.

24                  SENATOR BORRELLO:    Mr. President,  
25   will the sponsor continue to yield.

1                   ACTING PRESIDENT BENJAMIN:    Will  
2   the sponsor yield?

3                   SENATOR HOYLMAN:     I do.

4                   ACTING PRESIDENT BENJAMIN:    The  
5   sponsor yields.

6                   SENATOR BORRELLO:     So if there  
7   was -- you mentioned the Cornell study  
8   previously.  If there was a study that  
9   contradicted that, should we take that into  
10  consideration as part of this?

11                  SENATOR HOYLMAN:     Through you,  
12  Mr. President, I think it would depend on if it  
13  came from a reputable independent entity that  
14  used peer-reviewed journals and data, as the  
15  Cornell report does.

16                  SENATOR BORRELLO:     Mr. President,  
17  will the sponsor continue to yield.

18                  ACTING PRESIDENT BENJAMIN:   Does  
19  the sponsor yield?

20                  SENATOR HOYLMAN:     I do.

21                  ACTING PRESIDENT BENJAMIN:    The  
22  sponsor yields.

23                  SENATOR BORRELLO:     Well, in fact  
24  through the EPA we have something called the  
25  Growing Matters coalition, which has pointed out

1 numerous flaws in the study that you're citing  
2 from Cornell -- including, as I mentioned before,  
3 the risk assessment, but also just some basic  
4 flaws in how this calculus was made to determine  
5 the impact on our pollinators.

6 So I would think that to rely on one  
7 study -- and I realize you said peer-reviewed,  
8 but we determined earlier with Senator Stec that  
9 it was not itself peer-reviewed, even though  
10 there are peer-reviewed studies within the  
11 study -- that we would have a tremendous reason  
12 not to really do something that's going to  
13 ultimately dramatically harm our agriculture  
14 industry in New York State. Wouldn't you agree?

15 SENATOR HOYLMAN: Through you,  
16 Mr. President. Look, the Cornell study of the  
17 economic value of the neonicotinoid use was based  
18 on data from over 5,000 field trials. It was  
19 based on 400 peer-reviewed scientific studies on  
20 the toxicity of neonics. And I think it is  
21 widely hailed as a report that points toward the  
22 way of how we can address this growing problem of  
23 neonicotinoids.

24 We've had beekeepers in this state  
25 who have seen their hives diminish, and the

1 connection to neonicotinoids has been proven time  
2 and time again. So we have to act now.

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

5 ACTING PRESIDENT BENJAMIN: Does  
6 the sponsor yield?

7 SENATOR HOYLMAN: Yes.

8 ACTING PRESIDENT BENJAMIN: The  
9 sponsor yields.

10 SENATOR BORRELLO: I heard you  
11 comment that you feel that this is going to be a  
12 disrupter to the market, that somehow New York  
13 State's crops are going to somehow set a new  
14 standard and make the industry that creates these  
15 seeds, you know, modify them.

16 Do you have any idea what percentage  
17 or what fraction that New York's corn and  
18 soybeans are of the entire U.S. market?

19 SENATOR HOYLMAN: Through you,  
20 Mr. President, I don't have that information.  
21 But I'm happy to hear it.

22 SENATOR BORRELLO: Sure.  
23 Mr. President, I guess briefly on the bill.

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

1                   SENATOR BORRELLO:    Thank you.

2                   Well, New York State accounts for  
3                   1/90th of the entire market, so a small fraction.

4                   I've been in business a long time.  
5                   I actually was in the manufacturing business for  
6                   a long time, and I can tell you that nobody is  
7                   going to be changing what they do for 1/90th of  
8                   the entire market. That's number one.

9                   Number two, we are now putting  
10                  farmers at further risk. Because the only  
11                  disruption that's going to occur in the market is  
12                  the disruption to our food supply chain. We  
13                  learned how fragile it was here in New York State  
14                  during the pandemic when folks down in New York  
15                  City and the food banks, people that had  
16                  food-insecurity issues, couldn't get food because  
17                  of the disruption in the supply chain from the  
18                  farms in upstate New York.

19                  We're losing our farms at a record  
20                  level, and now we're going to put them in a  
21                  position where they cannot protect their crops  
22                  and in turn create the food that our folks so  
23                  desperately need here in New York State.

24                  And since there's not going to be  
25                  any change to the seeds -- I think we can all



1     agree on that, there is not going to be any  
2     market disruption -- what's going to happen is  
3     our competitors in places like Pennsylvania and  
4     Ohio, right on our border, are going to be  
5     supplying the food at the expense of New York.  
6     And they'll be using those new neonicotinoids, we  
7     can be assured of that.

8                     So with that being said, I think  
9     we -- I just have to ask one more time, do you  
10    believe --

11                    ACTING PRESIDENT BENJAMIN:    Are you  
12    asking the sponsor to yield for a question?

13                    SENATOR BORRELLO:    Yes, sir.  Will  
14    the sponsor continue to yield?

15                    ACTING PRESIDENT BENJAMIN:    Does  
16    the sponsor yield?

17                    SENATOR HOYLMAN:    I do.

18                    ACTING PRESIDENT BENJAMIN:    The  
19    sponsor yields.

20                    SENATOR BORRELLO:    So I'm going to  
21    ask it, do you understand how this seed industry  
22    actually works?

23                    SENATOR HOYLMAN:    Through you,  
24    Mr. President.  Yes.  I will admit, though, as a  
25    legislator and not a farmer, we do rely on the

1 advice, consultation and understanding of others.  
2 That's why we've spoken to farmers, that's why  
3 we've amended the legislation, and that's why,  
4 frankly, there is no food chain disruption.

5 That is almost ludicrous to suggest,  
6 as we've seen in places like Canada, where  
7 neonicotinoids are banned outright, in Europe,  
8 where neonicotinoids are banned outright. There  
9 is no disruption to the food chain. They have  
10 found alternatives. They have in some cases not  
11 used neonicotinoids or any alternatives; that's  
12 organic farming.

13 So all due consideration,  
14 Mr. President, to my colleague -- who's on the  
15 same side of the aisle. I used to say  
16 differently, the other side of the aisle --

17 (Laughter.)

18 SENATOR HOYLMAN: -- the fears of  
19 moving to a neonicotinoid-free farming with corn,  
20 soybean and wheat crops are way overblown.

21 SENATOR BORRELLO: Mr. President,  
22 on the bill.

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

25 SENATOR BORRELLO: Senator Hoylman,

1       thank you for the engagement.

2                       I know that the Senator has said he  
3       has spoken to farmers. I don't think he's spoken  
4       to any farmers that I am aware of that are  
5       supporting this. The Farm Bureau, which  
6       represents the majority, the vast majority of  
7       farmers in the state, are vehemently opposed to  
8       this.

9                       But, you know, he brings up Canada  
10      and Europe. Well, the United States is the  
11      breadbasket of the world in so many ways, and we  
12      supply corn and soybeans to many European  
13      nations. And I believe we certainly export -- we  
14      did at some point, unless there's restrictions,  
15      tariff restrictions -- into Canada. And New York  
16      State is a part of that because of where we are  
17      geographically located.

18                      So we have seen so many things that  
19      have harmed our farmers in New York State. The  
20      pandemic certainly was a part of that, but even  
21      before that. The impact of everything, the  
22      harmful things that have happened in this chamber  
23      and in this State Legislature. And they have  
24      persisted, they have been resilient. And here we  
25      are, we're presenting them with one more

1 challenge. And how are they going to have to  
2 face this challenge? Because they are resilient.  
3 What they're going to do is they're going to turn  
4 to pesticides that are going to be far more  
5 harmful to our environment, far more harmful to  
6 the ecological balance.

7                   Because of neonicotinoids, and  
8 particularly these treated seeds, our farmers use  
9 ounces -- ounces of pesticides, versus gallons,  
10 per acre. So we're going to send them back to  
11 that. We're going to send them -- because  
12 they're going to have to survive, and that's how  
13 they're going to have to survive.

14                   So what are we going to do next?  
15 Well, then we're going to try and ban that.

16                   And the reality is our pollinators  
17 are certainly at risk. I understand that, I've  
18 spoken to many folks that are beekeepers. I  
19 understand. But there are a lot of factors  
20 involved.

21                   It's not -- in fact, this is at the  
22 bottom of the list, quite frankly. The health of  
23 our hives really depends on a number of things:  
24 Hive management, number one. Parasites.  
25 Disease. Loss of habitat. Which we are doing,

1 by the way -- every time we tear down our forests  
2 and fields and take away our productive farmland  
3 to put up these ridiculous renewable energy  
4 projects, that's probably doing more harm to the  
5 habitat of our pollinators than anything else.  
6 Not to mention the millions of birds that are  
7 slaughtered by these wind turbines.

8                   So what are we going to do? We're  
9 going to change the seeds. I don't think that's  
10 the answer.

11                   So the research has shown time and  
12 time again that these pesticides can actually be  
13 adjusted, that there are proper times to apply  
14 them so that we minimize the impact on birds and  
15 bees. Banning them, being the only state in the  
16 United States to ban them is going to create such  
17 a tremendous burden that it's going to have a  
18 negative impact even on our birds and bees.

19                   This is the problem that we have  
20 here in Albany. Instead of talking to the people  
21 that are actually in the business, that are the  
22 boots on the ground -- literally, in our  
23 agriculture industry -- we sit in our conference  
24 rooms in Albany and New York City and decide what  
25 we think is good for somebody after never

1       actually setting foot in their business or on  
2       their property.

3                       That's the fundamental problem we  
4       have here in Albany. And that's the fundamental  
5       problem with this bill. We are going to harm our  
6       agriculture industry. That's why they don't  
7       support it. And to sit here with suits on in  
8       this nice air-conditioned chamber and decide what  
9       a farmer should be doing is ridiculous. And  
10      that's what we're doing today.

11                      So I'll be voting no. Thank you,  
12      Mr. President.

13                      ACTING PRESIDENT BENJAMIN: Are  
14      there any other Senators wishing to be heard?

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

17                      Read the last section.

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

21                      ACTING PRESIDENT BENJAMIN: Call  
22      the roll.

23                      (The Secretary called the roll.)

24                      ACTING PRESIDENT BENJAMIN:  
25      Announce the results.

1                   THE SECRETARY:    In relation to  
2   Calendar 617, those Senators voting in the  
3   negative are Senators Akshar, Borrello, Gallivan,  
4   Griffo, Helming, Jordan, Lanza, Mannion,  
5   Martucci, Mattera, Oberacker, O'Mara, Ortt,  
6   Palumbo, Rath, Ritchie, Serino, Stec, Tedisco and  
7   Weik.

8                   Ayes, 43.   Nays, 20.

9                   ACTING PRESIDENT BENJAMIN:    The  
10  bill is passed.

11                  Senator Kaminsky.

12                  SENATOR KAMINSKY:    We are now  
13  picking up Calendar 978 for debate, please.

14                  And I ask that you recognize  
15  Senator Stec.

16                  ACTING PRESIDENT BENJAMIN:    The  
17  Secretary will read.

18                  THE SECRETARY:    Calendar Number  
19  978, Senate Print 4630B, by Senator Kaminsky, an  
20  act to amend the Environmental Conservation Law.

21                  ACTING PRESIDENT BENJAMIN:    Senator  
22  Stec.

23                  SENATOR STEC:    Thank you,  
24  Mr. President.  If the sponsor would please yield  
25  and perhaps provide an explanation.

1                   ACTING PRESIDENT BENJAMIN:    Does  
2   the sponsor yield?

3                   SENATOR KAMINSKY:    Yes.

4                   ACTING PRESIDENT BENJAMIN:    The  
5   sponsor yields.

6                   Please provide an explanation.

7                   SENATOR STEC:    If the sponsor would  
8   care to explain the legislation, please.

9                   SENATOR KAMINSKY:    Yes, thank you,  
10   Mr. President. Through you, this bill would ban  
11   the added use of certain flame retardants in  
12   mattresses, furniture and electronic enclosures.  
13   It would take effect for certain products on  
14   January 1, 2024.

15                  SENATOR STEC:    Thank you,  
16   Mr. President. If the sponsor would yield for a  
17   few questions.

18                  SENATOR KAMINSKY:    Yes.

19                  ACTING PRESIDENT BENJAMIN:    Does  
20   the sponsor yield?

21                  SENATOR KAMINSKY:    Yes.

22                  ACTING PRESIDENT BENJAMIN:    The  
23   sponsor yields.

24                  SENATOR STEC:    Thank you. Through  
25   you, Mr. President.



1                   Senator, if I could -- certainly I  
2     think everyone in the room appreciates the work  
3     and the risk that our firefighters take for us  
4     every day, and I think we all want to accommodate  
5     them. And I note that there are many groups of  
6     firefighters that have expressed their support  
7     for the legislation.

8                   However, there's a part of it that I  
9     wanted to explore a little bit with you that is  
10    unique to New York and a little concerning that I  
11    think merits a little questioning, and that is  
12    the ban on electronics.

13                  If you could, I guess my first  
14    question would be have any other states banned  
15    electronics -- the use of flame retardants in  
16    electronics?

17                  SENATOR KAMINSKY: Through you,  
18    Mr. President, I think it's important to take  
19    just a bit of a step back here and understand  
20    what these flame-retardant chemicals do.

21                  They are endocrine disrupters. They  
22    cause cancer. They cause cancer in the  
23    population of firefighters, who contract cancer  
24    at a far higher rate than the rest of the  
25    population. And they also harm children, result

1 in IQ loss and other developmental disabilities.

2 We've had testimony and comments  
3 from medical professionals. You know, on the one  
4 hand you'll hear this from the chemical  
5 companies; on the other hand, that from another  
6 group. The science is clear. It's not a he  
7 said, she said, or she said, she said, it is  
8 clear that studies show that flame retardants do  
9 not do really anything to prevent fires, but it  
10 is very clear what they do to the human body.  
11 And so it's important that we attack these  
12 chemicals wherever they are.

13 The direct answer to your question,  
14 Senator Stec, which I appreciate, is no other  
15 state does this, but the entire European Union  
16 does this. So with respect -- and we are on the  
17 same timeline really that they are.

18 So it's important to note that the  
19 major companies we're talking to already have to  
20 comply if they sell an item overseas. Many  
21 electronic companies don't even use some of these  
22 chemicals. So if you ask Sony, for example, in  
23 their televisions they don't use any of these  
24 chemicals. Apple has told us they don't have a  
25 problem with what's contained in this bill.

1                   And to the extent companies are  
2                   using these dangerous products, they have years,  
3                   literally, to figure out how to build their  
4                   products without these dangerous, harmful  
5                   chemicals.

6                   SENATOR STEC:    Thank you,  
7                   Mr. President.   If the sponsor would continue to  
8                   yield.

9                   ACTING PRESIDENT BENJAMIN:   Does  
10                  the sponsor yield?

11                  SENATOR KAMINSKY:    Yes.

12                  ACTING PRESIDENT BENJAMIN:   The  
13                  sponsor yields.

14                  SENATOR STEC:    Through you,  
15                  Mr. President.   I appreciate that.

16                  A couple-part question, just  
17                  circling back to your mention that the European  
18                  Union has banned these.   It's my understanding,  
19                  and correct me if I'm wrong, that this was done  
20                  recently and that about a year ago litigation was  
21                  filed in Europe to put the kibosh on that.  
22                  That's part one of the question.

23                  Part two would be -- you mentioned  
24                  the sale in New York, so the -- granted, New York  
25                  does not manufacture much of anything anymore,

1 especially electronics. So this would affect  
2 U.S. companies selling into New York? Or would  
3 this be a ban on all electronics made anywhere in  
4 the world not using these materials in products  
5 that are sold in New York?

6 SENATOR KAMINSKY: Through you,  
7 Mr. President. So for the record, I think kibosh  
8 is a universal word, not just a European Union  
9 word. I think it's widely understood.

10 But the law went into effect in  
11 March of this year. There hasn't been anything  
12 stopping it, it's moving forward. And I think  
13 that we should do the same here, in light of the  
14 ability of these products, both when they burn  
15 but also just when they are existing in a room or  
16 whether a child handles it or breathes in the  
17 air, in light of the particles they give off,  
18 they are unsafe and should not be contained in  
19 any household.

20 SENATOR STEC: Through you,  
21 Mr. President. My second part of my question, if  
22 the sponsor would yield, was what about where  
23 these products originated. If they're made in  
24 China and sold in New York, can they have this --  
25 what does the origin of the manufacturing have to

1 do with what's being sold in New York?

2 SENATOR KAMINSKY: Through you,  
3 Mr. President, it does not. They cannot be sold  
4 in New York if they contain these chemicals.

5 SENATOR STEC: All right, thank  
6 you. Mr. President, if the sponsor would  
7 continue to yield, please.

8 ACTING PRESIDENT BENJAMIN: Does  
9 the sponsor yield?

10 SENATOR KAMINSKY: Yes.

11 ACTING PRESIDENT BENJAMIN: The  
12 sponsor yields.

13 SENATOR STEC: So through you,  
14 Mr. President, so the bill excludes appliances  
15 but not other electronics. Can you explain what  
16 we're doing there, or how did we evolve so the  
17 bill reads that way?

18 SENATOR KAMINSKY: Through you,  
19 Mr. President, it matches the language of the  
20 European Union.

21 We obviously try to be as consistent  
22 as we can so that the business community has  
23 level ground to play on. And it may come to a  
24 point where we think that appliances are giving  
25 off enough of these chemicals that it warrants

1 regulation, but we figure this is a good place to  
2 start and we'll take it from here, and at least  
3 major manufacturers will be on an even playing  
4 field whether they sell in Europe or here.

5 SENATOR STEC: Thank you,  
6 Mr. President. Through you, if the sponsor would  
7 yield.

8 SENATOR KAMINSKY: Yes.

9 ACTING PRESIDENT BENJAMIN: Does  
10 the sponsor yield?

11 The sponsor yields.

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

14 So -- but it's my understanding that  
15 in your legislation, "appliance" is not defined.  
16 And as the bill doesn't define "appliances," the  
17 term will likely have to be defined by I would  
18 assume DEC. And would that create confusion  
19 amongst all the thousands of electronic products  
20 made around the world as to who is and isn't  
21 included or excluded in the term "appliance"?

22 SENATOR KAMINSKY: One moment.

23 Through you, Mr. President, this  
24 also matches the language in the European Union.

25 We have not had any problems with

1 companies that we've talked to, and we've talked  
2 to many, knowing what an appliance is or is not.  
3 And the regulations, we think, will be  
4 interpreted fairly clearly along those lines.

5 SENATOR STEC: All right.

6 Mr. President, if the sponsor would continue to  
7 yield.

8 SENATOR KAMINSKY: Yes.

9 ACTING PRESIDENT BENJAMIN: The  
10 sponsor yields.

11 SENATOR STEC: Thank you,  
12 Mr. President. Through you. So is exercise  
13 equipment included specifically, like a Peloton  
14 or a NordicTrack? Treadmills, they have screens;  
15 these would have to conform with this. Are they  
16 captured under this bill?

17 SENATOR KAMINSKY: There's a size  
18 limitation on the screen. But many of those  
19 products that you are mentioning don't use those  
20 chemicals.

21 So I know -- the chemical lobby has  
22 sometimes said to people, Oop, you know, you pass  
23 this bill, someone's going to come take away your  
24 Peloton. As a proud Peloton rider -- and I'll be  
25 proud to put my output up against most of you,

1       although not Senator Liu --

2                       (Laughter.)

3                       SENATOR KAMINSKY:    -- I just think  
4       these are scare tactics.  Many of those products  
5       don't have these chemicals in them at all.  And,  
6       you know, they -- all the companies are on clear  
7       notice that if they have a screen big enough,  
8       they cannot contain these chemicals.

9                       If they already do, which we think  
10      is few and far between, they have a few years to  
11      get them out of their products.  No one's coming  
12      into anybody's home taking their products,  
13      causing a problem.  There's a lot of scare  
14      tactics involved in this line of debate.

15                      SENATOR STEC:    Well, I appreciate  
16      that.

17                      Mr. President, if the sponsor would  
18      continue to yield.

19                      SENATOR KAMINSKY:   And just one  
20      more thing to add, Mr. President.

21                      You know, Peloton, for example, is  
22      sold in the European Union.  I know this because  
23      some of my favorite Peloton instructors are  
24      broadcasting classes from the European Union.  
25      And so they already have to comply with this



1       anyway.

2                   SENATOR STEC:    Mr. President,  
3       through you, the bill limits this --

4                   ACTING PRESIDENT BENJAMIN:    Are you  
5       asking for the sponsor to yield?

6                   SENATOR KAMINSKY:    Yes.

7                   SENATOR STEC:    I thought he had,  
8       and then he --

9                   ACTING PRESIDENT BENJAMIN:    Will the  
10      sponsor yield?

11                   SENATOR KAMINSKY:    Yes.

12                   ACTING PRESIDENT BENJAMIN:    The  
13      sponsor yields.

14                   SENATOR STEC:    Thank you,  
15      Mr. President.  Through you, the bill is limited  
16      to residential spaces, not offices and cars.  Is  
17      that accurate?

18                   SENATOR KAMINSKY:    That's accurate,  
19      Mr. President.

20                   SENATOR STEC:    So, Mr. President,  
21      through you, if the sponsor would yield.

22                   ACTING PRESIDENT BENJAMIN:    Will  
23      the sponsor yield?

24                   SENATOR KAMINSKY:    Yes.

25                   ACTING PRESIDENT BENJAMIN:    The

1 sponsor yields.

2 SENATOR STEC: So an electronic  
3 device -- the same electronic device, one's in a  
4 residential space and one's in an office space,  
5 is the risk of fire similar?

6 SENATOR KAMINSKY: Through you,  
7 Mr. President. I think the argument is a little  
8 bit too rich to say we don't want this anywhere,  
9 but why isn't it everywhere? Which I think is  
10 what the Senator's saying, is hey, we don't -- we  
11 have a problem with this in households, why  
12 aren't you doing it in offices?

13 You know, the household environment  
14 is something we have a little bit more control  
15 of. We're obviously much more worried about  
16 children crawling on the floors of homes, putting  
17 products in their mouths, sitting on top of  
18 mattresses and furniture. So we thought it was  
19 appropriate to limit this to the household  
20 sphere.

21 SENATOR STEC: Okay, Mr. President,  
22 if the sponsor would continue to yield for one or  
23 two more questions.

24 SENATOR KAMINSKY: Yes.

25 ACTING PRESIDENT BENJAMIN: Does

1 the sponsor yield?

2 SENATOR KAMINSKY: Yes.

3 ACTING PRESIDENT BENJAMIN: The  
4 sponsor yields.

5 SENATOR STEC: All right, so --  
6 well, I just -- the point of my previous question  
7 is I always find that there's value in being  
8 consistent, and physics doesn't change from one  
9 environment to another.

10 Does this bill affect internet sales  
11 coming into the state? I mean, anything that you  
12 buy -- this isn't just stuff that's bought here,  
13 but if you order it from somewhere else and it's  
14 coming into New York, then how are we going to  
15 enforce that?

16 SENATOR KAMINSKY: Through you,  
17 Mr. President, this concerns products sold in  
18 New York. There is no regulation over the type  
19 of products that Senator Stec references.

20 SENATOR STEC: All right.  
21 Mr. President, if the sponsor would yield for one  
22 more question.

23 ACTING PRESIDENT BENJAMIN: Does  
24 the sponsor yield?

25 SENATOR KAMINSKY: Yes.

1                   ACTING PRESIDENT BENJAMIN:    The  
2   sponsor yields.

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

5                   So firefighters are generally  
6   overwhelmingly supportive of this, and certainly  
7   these chemicals are of great concern.  But I  
8   wonder -- again, I want to circle back to -- I  
9   think it's similar to the earlier question that I  
10  asked.  Why is it that no other state has jumped  
11  on the "let's limit them in electronics"?

12                  These electronic devices have  
13  ignition sources.  I've seen videos, I'm sure you  
14  have as well, of just how fast an electronic  
15  device can catch on fire.  I mean, the difference  
16  between that and furniture, which is where these  
17  bans are more common, is that furniture generally  
18  doesn't have an ignition source unless you bring  
19  it with you in the form of a cigarette.  But, you  
20  know, electronic devices, we've seen a lot of  
21  videos where they can malfunction, overheat, and  
22  they have an ignition source.

23                  So why is New York State the only  
24  state that seems to be concerned with this, and  
25  other states apparently have considered it and

1 rejected it?

2 SENATOR KAMINSKY: Through you,  
3 Mr. President. You know, flame retardants often  
4 delay ignition for only a few seconds and can  
5 make fires even more dangerous due to increased  
6 smoke and toxic gases. And when organohalogen  
7 flame retardants are present, fires will produce  
8 halogenated dioxins and furans which may  
9 contribute to elevated risks of cancer.

10 And it's important to note that when  
11 you want to talk to the authority about whether  
12 something will create a fire hazard, we normally  
13 turn to our fire departments. And in this state,  
14 both the volunteer and paid fire departments are  
15 in unison in supporting this bill, because they  
16 know that flame retardants are mildly helpful in  
17 only certain circumstances, but very detrimental  
18 when it comes to getting in their gear, getting  
19 into their equipment, inhaling it, and how much  
20 it harms children as well.

21 And when weighing those things out,  
22 they have come to the conclusion that they are  
23 far more harmful and that they want to protect  
24 themselves and fellow firefighters from what  
25 these inhalants do to their bodies.

1                   Now, why other states haven't  
2 tackled this yet, I'm not sure. But I've stood  
3 in this chamber many times when we have been the  
4 first to take on important environmental  
5 initiatives, and New York's always proud to lead  
6 in those areas. Because the European Union has  
7 done this, because many other states have done  
8 the mattresses and the furniture part, it's not  
9 exactly true that this bill is the first of its  
10 kind.

11                   But we know what the science says,  
12 and there's no need to wait anymore. We know  
13 what our firefighters say, and there's no need to  
14 wait anymore. It's time to pass the Firefighter  
15 and Family Protection Act.

16                   SENATOR STEC: Mr. President, if  
17 the sponsor would yield for one final question.

18                   ACTING PRESIDENT BENJAMIN: Does  
19 the sponsor yield?

20                   SENATOR KAMINSKY: I've heard that  
21 before, but yes.

22                   (Laughter.)

23                   ACTING PRESIDENT BENJAMIN: The  
24 sponsor yields.

25                   SENATOR STEC: Thank you,

1 Mr. President. That's why I emphasized it. I  
2 apologize, I said final question, but just  
3 listening to your answer -- so the -- similar to  
4 the previous bill's debate where we talked about  
5 New York's going to make a change of something  
6 that's not manufactured in New York on an  
7 industry -- in this case, a worldwide industry --  
8 saying if you want to sell this in New York, you  
9 have to change your manufacturing process to meet  
10 our standards. And we're a small part of the  
11 market.

12 So what do you foresee is going to  
13 happen with the manufacturers in China, Japan,  
14 elsewhere in the world that are making electronic  
15 products for everyone else, and New York might be  
16 1/90th of that market? Are they -- is the  
17 expectation that they're going to change how they  
18 make it for everyone else on the planet, or are  
19 they going to have their own version of a product  
20 that they're going to sell in New York and, you  
21 know, the obvious inefficiencies and costs of  
22 that?

23 I'm just curious what you envision  
24 the reaction of the world manufacturing community  
25 will be.

1                   SENATOR KAMINSKY:    Through you,  
2   Mr. President.  You know, Senator Stec, that's a  
3   good question.  That's something that we have  
4   grappled with.

5                   I pride myself as being a legislator  
6   that tries to do research, speak to the groups  
7   about -- you know, on whom we're passing  
8   regulations.  We've talked to lots of businesses  
9   about this.

10                  And when you survey the field, they  
11   are already doing this, (A) Because they don't  
12   want to be responsible for hurting people, but  
13   also because the European Union demands this.

14                  So, you know, it's a pretty large  
15   market when you consider how are you going to  
16   produce products for a tremendous part of the  
17   globe.  And we believe that we are on the curve  
18   of a trend of where everyone will be soon.

19                  Will this cause some disruption?  
20   I'm sure it will.  We've made the decision that  
21   the health of our firefighters and children are  
22   more important.  Companies are already adjusting  
23   and will adjust.  And that by 2024 we'll all be  
24   watching TVs or looking at screens that are going  
25   to look no different than you think they should



1 look, except they're not going to contain these  
2 dangerous chemicals within them.

3 SENATOR STEC: Mr. President, on  
4 the bill, please.

5 ACTING PRESIDENT BENJAMIN: Senator  
6 Stec on the bill.

7 SENATOR STEC: Thank you,  
8 Mr. President. I appreciate the sponsor's time  
9 here today and his work on this bill. I know  
10 he's been working on it very hard.

11 And certainly I think we all want  
12 the best for all of our firefighters, and we want  
13 their safety first and foremost. And I know that  
14 this is a significant cause of concern for them.

15 Again, I just -- I am always  
16 cautious about the tail wagging the dog in  
17 New York, you know, under the guise of we're  
18 going to lead and everyone else is going to  
19 follow. I hope we're right and I think that  
20 we're not doing other harm that could be avoided  
21 in other aspects. But certainly for the health  
22 of our firefighters, I think we all want to do --  
23 to make the best decisions we can to make sure  
24 that these men and women that serve and protect  
25 us go home safely. So I appreciate and respect

1 the sponsor's work in that regard.

2 Thank you.

3 ACTING PRESIDENT BENJAMIN: Are  
4 there any other Senators wishing to be heard?

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

7 Read the last section.

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

10 ACTING PRESIDENT BENJAMIN: Call  
11 the roll.

12 (The Secretary called the roll.)

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

15 SENATOR KAMINSKY: Thank you,  
16 Senator Benjamin. Thank you, Mr. President.

17 It is quite weird that the last two  
18 debates I've had in here, my debate opponent has  
19 voted for the bill. Just weird. But it's nice,  
20 I guess. Thank you, Senator Stec.

21 I am very proud of this bill and I'm  
22 very proud to work with the firefighters across  
23 New York State to protect their health, to  
24 protect the health of our children and make sure  
25 that when things burn, which is bad enough,

1 they're not giving off toxic gases that years  
2 later will cause cancer in the heroes who look  
3 after us.

4 And certainly we want our children  
5 to develop as healthy as possible and not be  
6 putting dangerous chemicals in their bodies.  
7 That's what this bill will do.

8 I predict in a few years you'll see  
9 many states joining us, as this is where things  
10 are headed, and I'm very proud of what we've been  
11 able to achieve.

12 I want to thank Majority Leader  
13 Stewart-Cousins for her vision in seeing this  
14 bill through, and I look forward to seeing this  
15 become the law.

16 Thank you very much, Mr. President.

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

19 Announce the results.

20 THE SECRETARY: Ayes, 63.

21 ACTING PRESIDENT BENJAMIN: The  
22 bill is passed.

23 Senator Kaminsky. Senator Kaminsky.

24 SENATOR KAMINSKY: Yes. We would  
25 now like to call Calendar 1003.

1                   ACTING PRESIDENT BENJAMIN:    The  
2   Secretary will read.

3                   THE SECRETARY:    Calendar Number  
4   1003, Senate Print 5724A, by Senator Thomas, an  
5   act to amend the Civil Practice Law and Rules.

6                   ACTING PRESIDENT BENJAMIN:    Senator  
7   Palumbo.

8                   SENATOR PALUMBO:    Thank you,  
9   Mr. President.  Will the sponsor yield for a few  
10  questions, please.

11                  ACTING PRESIDENT BENJAMIN:    Does  
12  the sponsor yield?

13                  SENATOR THOMAS:    Yes.

14                  ACTING PRESIDENT BENJAMIN:    The  
15  sponsor yields.

16                  SENATOR PALUMBO:    Thank you,  
17  Senator Thomas.  Good evening.

18                  With respect to this bill, this  
19  reduces -- just a general discussion regarding  
20  the A print and some amendments is that this bill  
21  ultimately, and please correct me if I'm wrong,  
22  reduces the interest rate for judgments against  
23  consumers, and only consumers, to 2 percent from  
24  the statutory interest rate of 9 percent.  Is  
25  that accurate?

1                   SENATOR THOMAS:    Through you,  
2   Mr. President, yes.  This is for consumer-  
3   debt-related cases.

4                   So student loans, credit card debt,  
5   medical debt, anything dealing with personal  
6   household debt, that's what -- this reduces the  
7   judgment interest from 9 percent to a cap of  
8   2 percent.

9                   SENATOR PALUMBO:   Would the sponsor  
10   continue to yield.

11                  ACTING PRESIDENT BENJAMIN:   Will  
12   the sponsor yield?

13                  SENATOR THOMAS:    Through you,  
14   Mr. President, yes.

15                  ACTING PRESIDENT BENJAMIN:   The  
16   sponsor yields.

17                  SENATOR PALUMBO:    Through you,  
18   Mr. President.  This is a new iteration.  It was  
19   at 1.0, is that correct, in the previous version  
20   of this bill?

21                  SENATOR THOMAS:    Through you,  
22   Mr. President, we had amended it to cap it at  
23   2 percent.

24                  We had, in the other version of the  
25   bill, the interest rate pegged at the Treasury

1 one-year.

2 SENATOR PALUMBO: Would the sponsor  
3 continue to yield.

4 ACTING PRESIDENT BENJAMIN: Does  
5 the sponsor yield?

6 SENATOR THOMAS: Yes.

7 ACTING PRESIDENT BENJAMIN: The  
8 sponsor yields.

9 SENATOR PALUMBO: Thank you.  
10 Through you, Mr. President.

11 Would the interest rate that's less  
12 than 2 percent apply retroactively to debts that  
13 are currently in existence?

14 SENATOR THOMAS: Through you,  
15 Mr. President. If I heard you correctly, does  
16 the 2 percent cap on judgment interest that's  
17 being executed right now, does it apply if it's  
18 being executed right now, is that what the  
19 question is?

20 SENATOR PALUMBO: Correct.

21 SENATOR THOMAS: Yes, it does.

22 So what would happen here is the  
23 judgment creditor would inform the agency that is  
24 collecting on this debt, and they will then  
25 recalculate. And they are given, I believe,

1       60 days to amend and make sure the judgment  
2       debtor knows about this as well.

3               SENATOR PALUMBO:     Would the sponsor  
4       continue to yield.

5               SENATOR THOMAS:     Yes.

6               ACTING PRESIDENT BENJAMIN:     He  
7       yields.   The sponsor yields.

8               SENATOR PALUMBO:     Senator, how  
9       specifically is the up-to-2-percent new interest  
10      rate calculated under this bill?

11              SENATOR THOMAS:     Through you,  
12      Mr. President, it is just 2 percent.   So it is  
13      not up to 2 percent, it is a cap of 2 percent.  
14      And most of the time the plaintiff's firm will  
15      calculate this.   They have various programs to do  
16      it.   They've been doing this for a number of  
17      years.   And they are more than capable of  
18      reducing the interest from 9 percent to 2  
19      percent, amending the execution and sending it to  
20      the debtor.

21              SENATOR PALUMBO:     Would the sponsor  
22      continue to yield.

23              ACTING PRESIDENT BENJAMIN:     Will  
24      the sponsor yield?

25              SENATOR THOMAS:     Yes.

1                   ACTING PRESIDENT BENJAMIN:    The  
2    sponsor yields.

3                   SENATOR PALUMBO:    So as far as that  
4    2 percent is concerned -- through you,  
5    Mr. President -- is the 2 percent compounded  
6    annually, daily, or something else?

7                   SENATOR THOMAS:    Through you,  
8    Mr. President, the 2 percent is compounded  
9    annually.  It's simple interest.

10                  SENATOR PALUMBO:    I'm sorry?

11                  SENATOR THOMAS:    It's simple  
12    interest.  Compounded yearly.

13                  SENATOR PALUMBO:    Understood.  
14    Would you continue to yield, please.

15                  ACTING PRESIDENT BENJAMIN:   Does  
16    the sponsor yield?

17                  SENATOR THOMAS:    Yes.

18                  ACTING PRESIDENT BENJAMIN:   The  
19    sponsor yields.

20                  SENATOR PALUMBO:    So,  
21    Senator Thomas, in an example that I have a  
22    \$100,000 judgment against me, I've been paying at  
23    9 percent for several years, I have only \$10,000  
24    left to pay -- in the event the judgment interest  
25    that I've been paying for many years, plus the



1 principal payments that I've been paying, exceed  
2 the new calculation at 2 percent, what do we do  
3 with the extra money that's been paid to the  
4 judgment creditor, please?

5 SENATOR THOMAS: Through you,  
6 Mr. President. The whole reason why there is a  
7 judgment in the first place is to make the  
8 plaintiff whole.

9 Now, if through an execution -- now,  
10 remember, this isn't any simple type of execution  
11 here, this deals with a default judgment or a  
12 default on a stipulation.

13 To your example, if you are in the  
14 middle of an execution and you are paying  
15 voluntarily and not through a garnishment of some  
16 sort, which is where the marshals usually come  
17 through -- if they have taken more than is  
18 required under the law after this is passed, they  
19 have to refund you. If it's more than the  
20 judgment. All right?

21 SENATOR PALUMBO: Will the sponsor  
22 continue to yield.

23 ACTING PRESIDENT BENJAMIN: Does  
24 the sponsor yield?

25 SENATOR THOMAS: Yes.

1                   ACTING PRESIDENT BENJAMIN:    The  
2    sponsor yields.

3                   SENATOR PALUMBO:    So in the event  
4    this company owes the creditor -- because we  
5    recalculate it now at 2 percent -- over time,  
6    they have paid at 9 percent, so I owe money to  
7    now this creditor, how is that money going to be  
8    returned if they don't pay? Will there be a  
9    judgment entered against the company for the  
10   overpayment?

11                  SENATOR THOMAS:    Through you,  
12   Mr. President, I don't understand your question.

13                  Are you saying that if there is more  
14   money taken after the recalculation, that somehow  
15   the plaintiff creditor here, the judgment  
16   creditor somehow goes out of business and they  
17   cannot return the payment? Like I'm unsure as to  
18   where you're going with this.

19                  SENATOR PALUMBO:    If you would  
20   continue to yield, I'll rephrase that, please,  
21   Senator.

22                  ACTING PRESIDENT BENJAMIN:   Does  
23   the sponsor yield?

24                  SENATOR THOMAS:    Yes.

25                  ACTING PRESIDENT BENJAMIN:   The

1 sponsor yields.

2 SENATOR PALUMBO: And I apologize.

3 I think I mixed up debtor and creditor.

4 And let me point you to the section  
5 of the bill that I'm referring to. On page 5,  
6 down at -- near the bottom, line 49: "Provided,  
7 however, that if a judgment creditor issues an  
8 amended execution pursuant to Section 5230 of  
9 this article because the applicable interest rate  
10 changes pursuant to Section 5004 of this chapter,  
11 any money collected in excess of the judgment  
12 amount shall be promptly returned to the debtor."

13 So my question really on that  
14 section as well is if there is an overpayment,  
15 and I'm a corporation, as the creditor, and I owe  
16 money to the debtor, if I fail to pay that, how  
17 is that remedied under this bill?

18 SENATOR THOMAS: Through you,  
19 Mr. President, I would say through a routine  
20 lawsuit where the debtor can bring an action for  
21 a refund.

22 But knowing how this usually works,  
23 it's not really the corporation that is  
24 collecting the debt, it is a plaintiff's firm  
25 that represents the corporation. And they

1 usually have this money in escrow, and I'm sure  
2 that they can work out some sort of agreement  
3 here before it gets to that stage.

4 And one more bit of item here. When  
5 these judgments are entered, they are not for  
6 \$100,000 amounts. The average judgments are  
7 anywhere between \$2,000 to \$5,000. And these  
8 affect the poorest of the poor here in the state.

9 And that 9 percent judgment interest  
10 was there since the '80s, when the interest rate  
11 was, you know, common. It is now around  
12 2 percent. It is unconscionable to continue to  
13 put this burden on our fellow constituents, our  
14 fellow New Yorkers. They're going through so  
15 much.

16 That's one of the reasons, one of  
17 the primary reasons why we're doing this today,  
18 to update the laws here in New York and to  
19 protect consumers and give them a lending hand  
20 and a second chance.

21 SENATOR PALUMBO: Would the sponsor  
22 continue to yield.

23 SENATOR THOMAS: Yes.

24 ACTING PRESIDENT BENJAMIN: The  
25 sponsor yields.

1                   SENATOR PALUMBO:    Through you,  
2   Mr. President, is the sponsor at all concerned  
3   about the situation where there's a secondary  
4   market where certain companies or law firms or  
5   plaintiff's law firms, whoever it may be, that is  
6   the creditor is actually paying, on a secondary  
7   level, a 9 percent interest judgment and the  
8   creditor pays the law firm, the law firm then  
9   continues to pay off that other debt.

10                   In the event that only the consumer  
11   credit debt is going to be reduced to 2 percent,  
12   do you have any sort of remedy for those  
13   individuals, who are actually paying by way of a  
14   third party, for example, a third party action of  
15   some kind?

16                   SENATOR THOMAS:    Through you,  
17   Mr. President. I mean, usually the debt is  
18   collected by a law firm. Right? There is an  
19   agreement where the big company here that is --  
20   that hired the plaintiff's firm, you know, they  
21   have a bulk of accounts, there is an agreement  
22   here, and then they sue on those accounts.

23                   Now, if they lose some sort of money  
24   based off of this, it's the cost of doing  
25   business and they can rebrand how they do this

1 next time around.

2 But I don't see anything too  
3 complicated here for them to actually, you know,  
4 go forward with.

5 SENATOR PALUMBO: Thank you,  
6 Senator. And would you yield for another  
7 question, please.

8 SENATOR THOMAS: Yes.

9 ACTING PRESIDENT BENJAMIN: Does  
10 the sponsor yield?

11 The sponsor yields.

12 SENATOR PALUMBO: So I know that  
13 you are describing the usual case. And through  
14 you, Mr. President, that the sponsor certainly  
15 understands that this -- the intent of this is of  
16 course to have some sort of a hammer, I'm  
17 assuming, over the creditor so that they have a  
18 vested interest in paying the credit -- or paying  
19 the debt and getting rid of it versus being, you  
20 know, almost usurious rates where it's just  
21 untenable at 9 percent.

22 Am I accurate in saying that that's  
23 really your intent, from what I read from the  
24 memo of this bill?

25 SENATOR THOMAS: Absolutely.

1                   SENATOR PALUMBO:    Okay, thank you.

2                   Would you continue to yield for  
3 another question, please.

4                   SENATOR THOMAS:    Yes.

5                   ACTING PRESIDENT BENJAMIN:   Will  
6 the sponsor yield?

7                   The sponsor yields.

8                   SENATOR PALUMBO:    So my concern is  
9 that there are certain situations when there are  
10 even larger amounts, for example, there's a  
11 third-party indemnification.  Someone saying --  
12 for example, I have a contractual agreement with  
13 someone, I'm sued, and a 9 percent judgment is  
14 entered against me.  But I have, say, like a  
15 contractor-subcontractor situation where you now  
16 have this person is responsible for that debt for  
17 various reasons, contractually, under common law.  
18 They're only paying me 2 percent, yet I have to  
19 pay 9 percent.  So I'm basically playing bank for  
20 a judgment that's not my responsibility.

21                   And can you tell me if that's  
22 reconciled in any way in this legislation?

23                   SENATOR THOMAS:    Through you,  
24 Mr. President, that's the cost of doing business.  
25 Right?  This is how things work here in this

1 state, where we see something that is so  
2 unconscionable, like that interest rate, and we  
3 want to change what's happening here and we lower  
4 it. It's the cost of doing business.

5 SENATOR PALUMBO: Thank you,  
6 Mr. President. Thank you, Senator.

7 On the bill, please.

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

10 SENATOR PALUMBO: Mr. President --  
11 and I get that. And the lack of a better  
12 explanation than that's just tough and that's the  
13 cost of doing business is not some way that I  
14 think we should be legislating.

15 I think that we need to keep in mind  
16 that, yes, we do want to help the little guy.  
17 But oftentimes the little guy -- maybe a small  
18 business is owed money for services, for goods  
19 that they provided, and someone is not paying it.

20 We have a system of justice. And  
21 now, quite frankly, having practiced law for many  
22 years, 9 percent may be a little much. But to  
23 retroactively apply it I think is a huge mistake,  
24 because there are going to be so many unintended  
25 consequences and so many small businesses and



1 smaller companies and individuals that will be  
2 hurt by this, that that far outweighs the  
3 benefits of just basically forgiving debt.

4 Because that's about what we're  
5 doing. Two percent interest is pretty much  
6 nothing at this point.

7 So quite frankly, if a credit card  
8 were to sue me and crank up their 18, 19 percent  
9 interest rates, I would just confess judgment.  
10 It's the best investment I have. Crank up my  
11 credit cards, max them out, say come get me, and  
12 then invest it -- maybe by cryptocurrency. Or  
13 maybe just put it in the market.

14 So there needs to be a balance here.  
15 And unfortunately -- I understand there's a  
16 laudable intent by the sponsor, but unfortunately  
17 I don't think this is the way to do it.

18 Thank you again, Mr. President.

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

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

23 Read the last section.

24 THE SECRETARY: Section 4. 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 want to thank the leader for  
9   bringing this important legislation to the floor.  
10   This could not be more timely, as New Yorkers  
11   recover from the harsh economic impacts of the  
12   COVID-19 pandemic.

13                   Now more than ever, we need to  
14   protect New Yorkers from further financial  
15   hardship. For far too long the judgment interest  
16   rate on consumer debt has been widely out of step  
17   with current market rates. Under current law, an  
18   unpaid judgment accrues interest at the rate of  
19   9 percent in New York State. The rate has not  
20   been amended since 1981, when the average rate  
21   for a one-year U.S. Treasury bill was over  
22   14 percent.

23                   Today's rates are significantly  
24   lower, remaining under 2 percent for the last  
25   20 years. This disparity has directly

1 contributed to an epidemic of abusive debt  
2 collection lawsuits, which have inundated  
3 New York courts since the early 2000s. These  
4 lawsuits are notoriously lacking in basic  
5 information, and sometimes filed against the  
6 wrong people.

7               Predatory debt buyers exploit our  
8 laws, knowing that the burden will fall on  
9 consumers to prove that the suits are frivolous  
10 and unsubstantiated. In the vast majority of  
11 these cases, consumers do not have access to the  
12 legal knowledge or information needed to protect  
13 themselves.

14              Thousands of New Yorkers have lost  
15 jobs or incomes in the past year as a result of  
16 the pandemic, rendering them unable to pay down  
17 credit card debt, student loans, auto loans and  
18 mortgages. In the majority of these cases,  
19 consumers are forced to make the impossible  
20 choice of putting food on the table over paying a  
21 debt.

22              These lawsuits disproportionately  
23 harm communities of color, low- and middle-income  
24 New Yorkers. That is why it is so critical that  
25 we make a much-needed update to our laws.

1                   This legislation lowers the interest  
2     rate that defendants pay on consumer judgments  
3     and accrued claims, through a much fairer rate  
4     that is consistent with market rates at 2  
5     percent. In doing so we can both reduce the  
6     number of predatory and fraudulent lawsuits in  
7     our courts and ensure that vulnerable New Yorkers  
8     are protected against these exceptionally  
9     challenging times.

10                   I vote in the affirmative. Thank  
11    you, Mr. President.

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

14                   Announce the results.

15                   THE SECRETARY:     In relation to  
16    Calendar 1003, those Senators voting in the  
17    negative are Senators Akshar, Borrello, Boyle,  
18    Gallivan, Griffo, Helming, Jordan, Lanza,  
19    Martucci, Oberacker, O'Mara, Ortt, Palumbo, Rath,  
20    Serino, Stec, Tedisco and Weik.

21                   Ayes, 45.   Nays, 18.

22                   ACTING PRESIDENT BENJAMIN:     The  
23    bill is passed.

24                   Senator Gianaris.

25                   SENATOR GIANARIS:     Mr. President,

1 at this point let's move on to Calendar 1054.

2 ACTING PRESIDENT BENJAMIN: The  
3 Secretary will read.

4 THE SECRETARY: Calendar Number  
5 1054, Senate Print 4413, by Senator May, an act  
6 to amend the Election Law.

7 ACTING PRESIDENT BENJAMIN: Senator  
8 Rath.

9 SENATOR RATH: Thank you,  
10 Mr. President. Would the sponsor yield for a few  
11 questions.

12 ACTING PRESIDENT BENJAMIN: Does  
13 the sponsor yield?

14 SENATOR MAY: Absolutely.

15 ACTING PRESIDENT BENJAMIN: The  
16 sponsor yields.

17 SENATOR RATH: Thank you, Senator  
18 May. I have a few process questions.

19 Under the current Election Law,  
20 county boards of elections are empowered to apply  
21 their own rules for designating petitions. Under  
22 this proposed legislation, there would be a  
23 standardized process, of which filing and  
24 disposition of petitions would be the same across  
25 all of New York State.

1                   So my first process question is: In  
2     crafting this legislation, were any elections  
3     commissioners consulted?

4                   SENATOR MAY:    Well, the State Board  
5     of Elections was definitely consulted.

6                   And otherwise, what we have found is  
7     that there have been a number of lawsuits because  
8     the procedures across the state are so different  
9     and so complicated.

10                  So this bill is designed to simplify  
11     and standardize those procedures so that  
12     candidates can understand if their petitions have  
13     been challenged or not. And boards of elections  
14     can -- they're already applying these rules to  
15     state-level races, so it would just simplify  
16     things for them as well.

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

20                  ACTING PRESIDENT BENJAMIN:   Does  
21     the sponsor yield?

22                  SENATOR MAY:    Absolutely.

23                  ACTING PRESIDENT BENJAMIN:   The  
24     sponsor yields.

25                  SENATOR RATH:   Were any small or

1 large urban or rural area elections commissioners  
2 consulted in this proposed legislation?

3 SENATOR MAY: Through you,  
4 Mr. President. I have been in touch with the  
5 Onondaga County Board of Elections, the  
6 Democratic elections commissioner, who is in  
7 favor of this. But I'm not aware of others being  
8 consulted.

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

12 ACTING PRESIDENT BENJAMIN: Does  
13 the sponsor yield?

14 SENATOR MAY: Absolutely.

15 ACTING PRESIDENT BENJAMIN: The  
16 sponsor yields.

17 SENATOR RATH: Were commissioners  
18 from both Republican and Democrat parties  
19 consulted in this proposed legislation?

20 SENATOR MAY: I don't know the  
21 answer to that. Through you, Mr. President.

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

25 ACTING PRESIDENT BENJAMIN: Does

1 the sponsor yield?

2 SENATOR MAY: Absolutely.

3 ACTING PRESIDENT BENJAMIN: The  
4 sponsor yields.

5 SENATOR RATH: Thank you.

6 Does the New York State Election  
7 Commissioners Association have a position on this  
8 bill?

9 SENATOR MAY: So not that I'm aware  
10 of. Through you, Mr. President.

11 But I -- these are the regulations  
12 in this state. They are already implementing  
13 these regulations. They are working. They are  
14 not subject to the number of lawsuits that we are  
15 seeing about the idiosyncratic options that  
16 different boards of elections have been  
17 employing.

18 And so this is a streamlining effort  
19 that should be welcomed by the boards of  
20 elections all across the state.

21 SENATOR RATH: Mr. President, on  
22 the bill.

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

25 SENATOR RATH: I have serious



1 concerns about this bill, as it does not appear  
2 that our county boards of elections across  
3 New York State have had adequate input regarding  
4 these proposed election changes.

5 A standardized one-size-fits-all  
6 approach does not recognize the very diverse  
7 needs of our diverse boards of elections all  
8 across our great state.

9 If the goal is to improve our  
10 election process, we should be speaking to the  
11 very individuals who are empowered to administer  
12 our elections. And based on the responses I  
13 heard here today, those people were not consulted  
14 with.

15 I believe the due diligence that is  
16 necessary was not applied to this legislation,  
17 and for these reasons I'll be voting in the  
18 negative.

19 Thank you, Mr. President.

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

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

24 Read the last section.

25 THE SECRETARY: Section 2. This

1 act shall take effect on the 90th day after it  
2 shall have become a law.

3 ACTING PRESIDENT BENJAMIN: Call  
4 the roll.

5 (The Secretary called the roll.)

6 ACTING PRESIDENT BENJAMIN: Senator  
7 May to explain her vote.

8 SENATOR MAY: Thank you,  
9 Mr. President. And thank you to my distinguished  
10 colleague for your questions.

11 I want to say about this bill that  
12 right now we make it incredibly difficult for  
13 candidates to get on the ballot in some areas of  
14 this state.

15 And this particular issue of  
16 candidates not knowing if a petition -- if their  
17 petition signatures have been challenged causes  
18 enormous difficulties for people who have worked  
19 very hard to get -- to cross that hurdle to get  
20 themselves on the ballot.

21 There are places in the state where  
22 they just have to hang around outside the Board  
23 of Elections and keep asking and asking and  
24 asking. And they might get the information, they  
25 might not.

1                   It is a system designed to make it  
2                   difficult for people. And we want to improve our  
3                   democracy by making it clear what it takes for a  
4                   candidate to get on the ballot.

5                   So I am proud of this bill. I think  
6                   streamlining these regulations makes sense  
7                   statewide. I think every Board of Elections is  
8                   already implementing these rules for some races,  
9                   and it is not going to be a difficulty for them  
10                  to implement them across the board.

11                  So I am proud of this bill, and I  
12                  vote aye.

13                  ACTING PRESIDENT BENJAMIN:    Senator  
14                  May to be recorded in the affirmative.

15                  Announce the results.

16                  THE SECRETARY:    In relation to  
17                  Calendar 1054, those Senators voting in the  
18                  negative are Senators Akshar, Borrello, Griffo,  
19                  Helming, Lanza, Martucci, Ortt, Rath, Ritchie,  
20                  Serino, Stec, Tedisco and Weik.

21                  Ayes, 50.   Nays 13.

22                  ACTING PRESIDENT BENJAMIN:    The  
23                  bill is passed.

24                  Senator Gianaris.

25                  SENATOR GIANARIS:   And I believe

1 last -- but not least -- Calendar 1586, please.

2 ACTING PRESIDENT BENJAMIN: The  
3 Secretary will read.

4 THE SECRETARY: Calendar Number  
5 1586, Assembly Print Number 2396A, by  
6 Assemblymember Woerner, an act to amend the  
7 Public Service Law.

8 ACTING PRESIDENT BENJAMIN: Senator  
9 Palumbo.

10 SENATOR PALUMBO: Thank you,  
11 Mr. President. Would the sponsor yield for a few  
12 questions, please.

13 ACTING PRESIDENT BENJAMIN: Does  
14 the sponsor yield?

15 SENATOR HINCHEY: Yes.

16 ACTING PRESIDENT BENJAMIN: The  
17 sponsor yields.

18 SENATOR PALUMBO: Thank you,  
19 Senator Hinchey. Good evening. How are you?

20 I just have a few questions that  
21 were brought to my attention, because obviously  
22 we know broadband is a very significant issue in  
23 the upstate region.

24 So just kind of as a general  
25 discussion, under current law, when someone is

1 attaching to a utility pole -- the attacher, I  
2 guess, as we will call them -- who typically  
3 would bear that expense under current law in the  
4 event that there were costs incurred? Maybe a  
5 pole needed to be replaced, for example.

6 SENATOR HINCHEY: Through you,  
7 Mr. President. Right now if a pole is needing to  
8 be replaced, the attacher pays for that pole to  
9 be replaced, even though they are much smaller  
10 companies.

11 SENATOR PALUMBO: Through you,  
12 Mr. President, will the sponsor continue to  
13 yield, please.

14 ACTING PRESIDENT BENJAMIN: Does  
15 the sponsor yield?

16 SENATOR HINCHEY: Yes.

17 ACTING PRESIDENT BENJAMIN: The  
18 sponsor yields.

19 SENATOR PALUMBO: So, Senator,  
20 basically the short answer for what this  
21 legislation would do, it would then require the  
22 pole owner to bear those costs. Is that  
23 accurate? And if not, please correct me.

24 SENATOR HINCHEY: Through you,  
25 Madam President -- Mr. President, I'm sorry. But

1 I haven't been here with you before, my  
2 colleague.

3 (Laughter.)

4 ACTING PRESIDENT BENJAMIN: No  
5 problem. No problem.

6 SENATOR HINCHEY: Automatic  
7 response.

8 Right now, through the PSC, yes, we  
9 are looking -- the attacher has to -- would pay  
10 that cost, and this bill is looking to change  
11 that.

12 We are actually looking to be more  
13 in line with federal regulations because we know  
14 that the way the law is currently written,  
15 hinders broadband buildout in more rural  
16 communities.

17 SENATOR PALUMBO: Will the sponsor  
18 continue to yield, please.

19 ACTING PRESIDENT BENJAMIN: Does  
20 the sponsor yield?

21 SENATOR HINCHEY: Yes,  
22 Mr. President.

23 ACTING PRESIDENT BENJAMIN: The  
24 sponsor yields.

25 SENATOR PALUMBO: Now, as far as

1 broadband companies there are some nonprofits,  
2 but a lot of them -- and the vast majority of  
3 them -- are for-profit businesses, is that  
4 accurate?

5 SENATOR HINCHEY: Many of the small  
6 broadband companies -- many of the broadband  
7 companies are very small, especially in our rural  
8 communities, which is what we are looking to  
9 help. They represent 20,000 or fewer homes. So  
10 you can imagine that their customer base and  
11 their revenue sources are very small.

12 SENATOR PALUMBO: And would the  
13 Senator continue to yield, please.

14 ACTING PRESIDENT BENJAMIN: Will  
15 the sponsor yield?

16 SENATOR HINCHEY: Yes,  
17 Mr. President.

18 ACTING PRESIDENT BENJAMIN: The  
19 sponsor yields.

20 SENATOR PALUMBO: And this bill  
21 would be applicable statewide, is that accurate?

22 SENATOR HINCHEY: Through you,  
23 Mr. President, yes, it would be statewide.

24 SENATOR PALUMBO: Would the sponsor  
25 continue to yield.

1                   ACTING PRESIDENT BENJAMIN:     Will  
2     the sponsor yield?

3                   SENATOR HINCHEY:     Yes,  
4     Mr. President.

5                   ACTING PRESIDENT BENJAMIN:     The  
6     sponsor yields.

7                   SENATOR PALUMBO:     Have you had any  
8     opportunity to consult with utility companies to  
9     possibly find maybe a happy medium?   Versus this  
10    bill, which requires the owner of the poles to  
11    bear all the costs of the attachment.

12                  SENATOR HINCHEY:     Through you,  
13    Mr. President.   Yes, we have met with utility  
14    companies and the broadband companies.   And what  
15    we know is that the utility companies have a plan  
16    for when these poles need to be replaced.   They  
17    have a calendar knowing when each pole is going  
18    to be out of order, when it's aged out and needs  
19    to be replaced.   Therefore, those utility  
20    companies are currently charging ratepayers for  
21    those replacements.

22                  When an attacher or a new broadband  
23    company comes along wanting to attach to build  
24    out broadband in rural communities, those utility  
25    companies then charge the broadband company for



1 the replacement of the pole, therefore being paid  
2 twice for the pole replacement.

3 What this bill does -- and we've  
4 talked to the utility companies. They're paid  
5 twice for these poles. And so what this bill  
6 does is if the utility company attracted any  
7 money from ratepayers to replace a pole, that  
8 amend of money is not put on the new broadband  
9 provider.

10 SENATOR PALUMBO: Will the sponsor  
11 continue to yield.

12 ACTING PRESIDENT BENJAMIN: Does  
13 the sponsor yield?

14 SENATOR HINCHEY: Yes,  
15 Mr. President.

16 ACTING PRESIDENT BENJAMIN: The  
17 sponsor yields.

18 SENATOR PALUMBO: Is the Senator  
19 aware of the approximate costs that were -- well,  
20 let me say they were represented to me.  
21 Replacement of a pole could be anywhere from  
22 \$3500 to \$35,000. In light of all the costs --  
23 primary wires, primary switches, transfer,  
24 risers, the labor, the drawout -- it could be up  
25 to \$35,000 to replace a pole. And that these

1 utility companies are required to inspect every  
2 pole every five years.

3 SENATOR HINCHEY: Through you,  
4 Mr. President, yes, we do. And that's exactly  
5 why this bill is so important.

6 These utility companies know -- they  
7 inspect them every five years. They know when  
8 poles need to be replaced. Therefore, they are  
9 already -- and they know how expensive each pole  
10 will be. Therefore, they are already putting  
11 that cost onto ratepayers -- and then making an  
12 additional amount of money by charging the  
13 independent broadband companies for that  
14 replacement as well.

15 That's why this bill is so  
16 important, to remove that double dipping through  
17 payment for how high of a cost these poles are.

18 SENATOR PALUMBO: Will the sponsor  
19 continue to yield.

20 ACTING PRESIDENT BENJAMIN: Does  
21 the sponsor yield?

22 SENATOR HINCHEY: Yes,  
23 Mr. President.

24 ACTING PRESIDENT BENJAMIN: The  
25 sponsor yields.

1                   SENATOR PALUMBO:   Is the sponsor  
2                   suggesting that the utility companies replace  
3                   every pole every five years, and that's how  
4                   they're getting double paid for it? Or that  
5                   they're just collecting a rate based upon their  
6                   actual attrition of the average cost in the life  
7                   of a pole?

8                   SENATOR HINCHEY:   Through you,  
9                   Mr. President. No, they are not replacing every  
10                  pole. But they know when the poles will need to  
11                  be replaced.

12                  To be clear, if an attacher, if a  
13                  broadband company needs to attach to a pole that  
14                  does not need to be replaced, that broadband  
15                  company, that attacher, still pays for the cost  
16                  of attaching to the pole.

17                  If that broadband company, if that  
18                  attacher needs to attach to a pole that is due to  
19                  be replaced, and the utility company has been  
20                  collecting money for that replacement from the  
21                  ratepayers, then that cost cannot be shifted also  
22                  to the broadband company.

23                  SENATOR PALUMBO:   Will the sponsor  
24                  continue to yield, please.

25                  ACTING PRESIDENT BENJAMIN:   Does

1 the sponsor yield?

2 SENATOR HINCHEY: Yes,  
3 Mr. President.

4 ACTING PRESIDENT BENJAMIN: The  
5 sponsor yields.

6 SENATOR PALUMBO: Thank you,  
7 Senator.

8 And really one more area. I would  
9 just like to see if we can reconcile the concerns  
10 that were expressed to me.

11 That under the United States Code,  
12 it's 47 USC 224, it reads: "A utility providing  
13 electric service may deny a cable television  
14 system or any telecommunications carrier access  
15 to its poles, ducts, conduits or rights-of-way on  
16 a nondiscriminatory basis where there is  
17 insufficient capacity, and for reasons of safety,  
18 reliability and generally acceptable engineering  
19 purposes."

20 So how do you reconcile this  
21 legislation, which now requires the utility to  
22 pay? And of course just so we're clear, they're  
23 a nice villain. I don't love -- we're not saying  
24 that we necessarily love -- for everybody on  
25 Long Island, LIPA is, you know, not everybody's

1 favorite, I guess, because you have to pay that  
2 bill. We understand.

3 But the problem is those costs, when  
4 they're incurred by the utility, they're  
5 ultimately ours, they're yours and mine. And the  
6 ratepayer ultimately has to eat that.

7 So under the federal law, they can  
8 deny access to the broadband, and that may be the  
9 problem upstate, that they can deny them access  
10 to the pole because from an engineering  
11 standpoint, the pole is too low, there's not  
12 enough head space, the pole's too weak that with  
13 the extra weight it may not survive a storm.

14 So with all of that being  
15 considered, how do you reconcile this bill, which  
16 mandates payment, with federal law?

17 SENATOR HINCHEY: Through you,  
18 Mr. President. Federal law still stands. That  
19 we still have to comply with federal law.

20 And federal law actually allows  
21 states to regulate in this area. That's part of  
22 that federal law. That's why, as you started  
23 off, right now current law favors the utility  
24 company. It does not favor buildout for the  
25 broadband companies.

1                   What our bill does is switches that  
2                   premise, making sure that it's easier for smaller  
3                   broadband companies to build out in rural areas,  
4                   which is much more in line with federal  
5                   regulations and federal guidelines already.

6                   SENATOR PALUMBO:    Thank you,  
7                   Senator.   Just a few more questions on a related  
8                   area, if I may.   Would you continue to yield?

9                   ACTING PRESIDENT BENJAMIN:   Does  
10                  the sponsor yield?

11                  SENATOR HINCHEY:    Yes,  
12                  Mr. President.

13                  ACTING PRESIDENT BENJAMIN:   The  
14                  sponsor yields.

15                  SENATOR PALUMBO:    Thank you,  
16                  Senator Hinchey.

17                  Now, this bill is effective  
18                  statewide?

19                  SENATOR HINCHEY:    Through you,  
20                  Mr. President, yes, this bill is effective  
21                  statewide.

22                  We know that there are communities  
23                  across this state that are experiencing  
24                  hindrances with broadband buildout.

25                  SENATOR PALUMBO:    Would you

1 continue to yield for one last question.

2 ACTING PRESIDENT BENJAMIN: Will  
3 the sponsor yield?

4 SENATOR HINCHEY: Yes,  
5 Mr. President.

6 ACTING PRESIDENT BENJAMIN: The  
7 sponsor yields.

8 SENATOR PALUMBO: Senator, based on  
9 the concerns regarding the costs to ratepayers,  
10 would you be certainly willing to keep an open  
11 mind in the event that this would be done  
12 possibly in a limited area, maybe for a period of  
13 a few years? Because that's what I believe some  
14 changes were proposed, at least to my office,  
15 that I'd like to convey to you. Would you be  
16 willing to consider that, in the event this  
17 ultimately gets passed?

18 SENATOR HINCHEY: Through you,  
19 Mr. President. I believe we probably saw those  
20 same proposals. You know, we are happy to always  
21 continue the conversation.

22 But that said, there are communities  
23 downstate and upstate that are struggling with  
24 access to broadband. And what we've seen through  
25 this pandemic -- which if you live in a community

1 without internet, you knew this before -- but I  
2 think what everybody has seen through this  
3 pandemic is that there are people who live  
4 without it who have to make impossible choices:  
5 Do they take their car to work or do they go to a  
6 library so their kid can access -- can do  
7 schoolwork? Right? How do they check their bank  
8 account if they're being told not to go into a  
9 bank teller?

10 You know, we know that is happening  
11 across this state, and so we have to do, as a  
12 body, everything we can to make sure people have  
13 access to the internet. What this bill does is  
14 makes it a lot easier to do that.

15 So we are always open for  
16 conversations, but the bill as it is makes sure  
17 that it is easier for people to get internet  
18 access.

19 SENATOR PALUMBO: Thank you,  
20 Senator. I appreciate your time.

21 On the bill, please, Mr. President.

22 ACTING PRESIDENT BENJAMIN: Senator  
23 Palumbo on the bill.

24 SENATOR PALUMBO: And I thank the  
25 sponsor for her time and this exchange to clarify



1 this. And in the interests of full disclosure,  
2 I'm voting for this. Broadband is a problem.  
3 And particularly during this pandemic -- not  
4 necessarily down by me, but up north -- there  
5 were students who had to do exactly that. They  
6 had to go to the library. They had to go to the  
7 Starbucks to do their schoolwork.

8 This needs to be addressed. My only  
9 suggestion is this. This bill is not perfect.  
10 It's nowhere near perfect, in my opinion, because  
11 ultimately the ratepayer will bear this cost.

12 Because there are reasonable -- they  
13 can apply -- under this bill, the utilities can  
14 apply to the Public Service Commission for  
15 reasonable costs. And quite frankly, if they're  
16 mandated to extend broadband into the  
17 St. Lawrence River, then that would probably be a  
18 reasonable cost when they need to build  
19 engineeringly appropriate telephone poles to  
20 sustain the weight and the extension.

21 So that's the wrinkle that I'm  
22 really concerned with. And I would suggest that  
23 we possibly consider doing this with a sunset  
24 period, have just a few years where we do it or  
25 we do it in certain areas of the state to see how

1     it's going, or to take the enacting clause and  
2     move it to April and put a grant on it, and put  
3     real money on it so that those folks who don't  
4     have broadband in New York state get it.

5             Because we're all concerned about  
6     that very, very issue. And I know the upstate  
7     delegations are more concerned than most, because  
8     obviously they don't live in as densely populated  
9     an area.

10            So I certainly appreciate the  
11     laudable intent of this bill. We need -- this is  
12     a good start to the conversation. And I would  
13     just ask that some of those considerations be  
14     discussed and digested.

15            Thank you again, Mr. President.

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

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

20            Read the last section.

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

24            ACTING PRESIDENT BENJAMIN: Call  
25     the roll.

1 (The Secretary called the roll.)

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

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

6 And just to start with a comment on  
7 my colleague's comments. Thank you for the  
8 debate and for your support on this bill and for  
9 knowing how important broadband buildout is.

10 The ratepayers are already paying  
11 this cost. The problem is these companies are  
12 also charging the broadband companies, making it  
13 harder to build out into rural areas.

14 A quick story. Margaretville  
15 Telephone Company is a broadband provider in my  
16 district and around our region. They had a  
17 program to build out high speed internet to  
18 13,000 homes that were fully unserved with  
19 internet. And their final project cost totaled  
20 four times the budgeted amount because of  
21 unforeseen pole replacement costs.

22 That then forced them to halt the  
23 buildout so that they could manage cash flow,  
24 because they are a small provider. Meaning more  
25 households were left without internet for longer

1       than they were supposed to be because of the  
2       unforeseen costs put upon them by the utility  
3       companies.

4               That is a travesty. We are living  
5       in a world where internet is no longer a luxury,  
6       it is effectively a utility. It is a necessity  
7       for everyone to live their lives at the way that  
8       we expect them to live them.

9               And we have to be doing as a body  
10       everything that we can to make sure every single  
11       household across this state has reliable,  
12       high-speed access to the internet.

13              This is a bill that supports the  
14       broadband providers to build out, because they  
15       have been taking costs that they cannot afford,  
16       hindering the broadband buildout.

17              I thank my colleague for the debate.  
18       I thank leadership in the Senate for taking up  
19       this incredibly important bill. And I'm  
20       incredibly proud to vote aye.

21              Thank you very much.

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

24              Announce the results.

25              THE SECRETARY:    In relation to

1 Calendar 1586, those Senators voting in the  
2 negative are Senators Helming, Martucci and  
3 Mattera.

4 Ayes, 60. Nays, 3.

5 ACTING PRESIDENT BENJAMIN: The  
6 bill is passed.

7 Senator Serrano, that completes the  
8 reading of the controversial calendar.

9 SENATOR SERRANO: Thank you.

10 Mr. President, with unanimous  
11 consent, I move to remove Calendar Number 1564  
12 from the controversial calendar and restore it to  
13 the noncontroversial calendar.

14 ACTING PRESIDENT BENJAMIN: Without  
15 objection, so ordered.

16 SENATOR SERRANO: Now let's take up  
17 Calendar Number 1564 on the noncontroversial  
18 calendar.

19 ACTING PRESIDENT BENJAMIN: The  
20 Secretary will read.

21 THE SECRETARY: Calendar Number  
22 1564, Senate Print 6486B, by Senator Parker, an  
23 act to amend the Environmental Conservation Law.

24 ACTING PRESIDENT BENJAMIN: Read  
25 the last section.

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

3                   ACTING PRESIDENT BENJAMIN:    Call  
4   the roll.

5                   (The Secretary called the roll.)

6                   ACTING PRESIDENT BENJAMIN:    Senator  
7   May to explain her vote.

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

10                   The deep cold waters of the Finger  
11   Lakes and the massive basin of Lake Ontario,  
12   these are treasures of global significance.  Over  
13   the years they have also been attractive  
14   locations for fossil fuel power plants that need  
15   large amounts of water for cooling.  Many of  
16   these power plants have gone offline as demand  
17   for the energy has waned due to greater energy  
18   efficiency and the shift away from fossil fuel  
19   sources.

20                   But lately they have become  
21   attractive to global currency speculators who  
22   need lots of energy and cooling water to run  
23   high-speed computers around the clock to generate  
24   digital signatures that can be monetized as  
25   cryptocurrency.

1                   In other words, in order to make a  
2                   quick profit, these operations incur enormous  
3                   environmental costs. The small number of jobs  
4                   they create, the limited local benefits they  
5                   provide are minuscule compared to the damage they  
6                   do.

7                   For example, the Greenwich Plant on  
8                   Seneca Lake takes more than a million gallons of  
9                   cold water every day out of the lake, heats it up  
10                  and returns it to the lake, where it harms trout  
11                  fisheries and threatens more harmful algal  
12                  blooms.

13                 If we are serious about combating  
14                 climate change, if we care about our freshwater  
15                 treasures, if we care about tourism and the  
16                 quality of life on our lakes, we need to make  
17                 sure this industry submits to a full  
18                 environmental review.

19                 I wanted to thank the Senate  
20                 sponsor, Senator Parker, and the Assembly  
21                 sponsor, Assemblymember Kelles, and the  
22                 leadership and my colleagues for supporting this  
23                 bill, and I proudly vote aye.

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

1                   Announce the results.

2                   THE SECRETARY:   In relation to  
3   Calendar 1564, those Senators voting in the  
4   negative are Senators Akshar, Benjamin, Borrello,  
5   Cooney, Gallivan, Gaughran, Griffio, Helming,  
6   Jordan, Kennedy, Lanza, Martucci, Mattera,  
7   Oberacker, O'Mara, Ortt, Palumbo, Rath,  
8   Reichlin-Melnick, Ritchie, Savino, Serino,  
9   Skoufis, Stavisky, Stec, Tedisco and Weik.

10                  Ayes, 36.   Nays, 27.

11                  ACTING PRESIDENT BENJAMIN:   The  
12   bill is passed.

13                  Senator Serrano.

14                  SENATOR SERRANO:   Mr. President, is  
15   there any further business at the desk?

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

18                  SENATOR SERRANO:   I move to adjourn  
19   until Wednesday, June 9th, at 12:00 p.m.

20                  ACTING PRESIDENT BENJAMIN:   On  
21   motion, the Senate stands adjourned until  
22   Wednesday, June 9th, at 12:00 p.m.

23                  (Whereupon, at 5:44 p.m., the Senate  
24   adjourned.)

25