

1 NEW YORK STATE SENATE

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4 THE STENOGRAPHIC RECORD

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9 ALBANY, NEW YORK

10 March 4, 2024

11 3:20 p.m.

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14 REGULAR SESSION

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18 SENATOR JAMAAL T. BAILEY, Acting President

19 ALEJANDRA N. PAULINO, ESQ., Secretary

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

2 ACTING PRESIDENT BAILEY: 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 BAILEY: 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 BAILEY: The
14 reading of the Journal.

15 THE SECRETARY: In Senate, Sunday,
16 March 3, 2024, the Senate met pursuant to
17 adjournment. The Journal of Saturday, March 2,
18 2024, was read and approved. On motion, the
19 Senate adjourned.

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

22 Presentation of petitions.

23 Messages from the Assembly.

24 Messages from the Governor.

25 Reports of standing committees.

1 Reports of select committees.

2 Communications and reports from
3 state officers.

4 Motions and resolutions.

5 Senator Gianaris.

6 SENATOR GIANARIS: Good afternoon,
7 Mr. President.

8 Amendments are offered to the
9 following Third Reading Calendar bills:

10 By Senator Persaud, on page 16,
11 Calendar 213, Senate Print 7830;

12 By Senator Brouk, on page 29,
13 Calendar 377, Senate Print 6361.

14 ACTING PRESIDENT BAILEY: The
15 amendments are received, and these bills will
16 retain their place on the Third Reading Calendar.

17 Senator Gianaris.

18 SENATOR GIANARIS: Can we now take
19 up previously adopted Resolution 1865, by
20 Senator Weber, read that resolution's title, and
21 recognize Senator Weber.

22 ACTING PRESIDENT BAILEY: The
23 Secretary will read.

24 THE SECRETARY: Resolution 1865, by
25 Senator Weber, commemorating the 100th

1 Anniversary of the Lafayette Theater of Suffern,
2 New York.

3 ACTING PRESIDENT BAILEY: Senator
4 Weber on the resolution.

5 SENATOR WEBER: Thank you,
6 Mr. President.

7 The Lafayette Theater in
8 Rockland County celebrated its 100th anniversary
9 yesterday. Anyone who has been to downtown
10 Suffern, my hometown, is welcomed by this
11 beautiful theater as they enter.

12 Nowadays, when a theater is built,
13 it's just seats and screens. Modern theaters
14 lack the beauty and personality of classic
15 theaters. How often do you see a balcony in any
16 new theaters? What about a full-sized, fully
17 functional pipe organ?

18 This single-screen theater holds
19 942 people. It's truly a look back to a
20 different time. And the Lafayette Theater is
21 much more to the community than just a place to
22 see a movie. They hold live shows and events
23 there as well.

24 Yesterday, on its 100th anniversary,
25 I was happy to attend an event hosted by the

1 Rockland County Disability Advisory Council
2 showcasing a documentary and live show
3 highlighting the Music for Life Creative Arts
4 Therapy Program.

5 I've also attended many events there
6 to stand in solidarity with the people of Ukraine
7 and many other worthwhile causes. This theater
8 is part of our community and Rockland's history.

9 I'd like to acknowledge the efforts
10 of a few people who have contributed to this
11 milestone. Thank you to Good Samaritan Hospital
12 for their renovations in the 1980s. Thank you to
13 a group of local Suffern residents who formed the
14 Lafayette Association to save the theater or,
15 last, who successfully fought to prevent the
16 Lafayette from being carved into a seven-screen
17 multiplex.

18 Above all, I'd like to acknowledge
19 the Benmosche family. Ari Benmosche is here
20 today. In 2002 the late Robert Benmosche, Ari's
21 father, a Suffern resident, saw the potential of
22 the theater and its importance to downtown
23 Suffern. He began a massive undertaking of
24 interior and exterior repairs, as well as
25 upgrades to the projection and sound systems.

1 Robert's son, Ari Benmosche,
2 purchased the Lafayette Theater in 2013 and
3 continues his father's legacy. It is my honor to
4 acknowledge Ari Benmosche, who joins us here in
5 the Senate gallery today, and thank him for his
6 and his family's tireless efforts for preserving
7 this gem in Rockland County.

8 I know, Ari, your father passed away
9 in 2015; I know he'd be proud to see this being
10 acknowledged today, and I know he'd be proud of
11 the continued work and legacy that he's built
12 with the Lafayette Theater.

13 So, Mr. President, please welcome
14 Ari Benmosche to this chamber and extend him all
15 the courtesies of this house.

16 Thank you.

17 ACTING PRESIDENT BAILEY: Thank
18 you, Senator Weber.

19 To our guest, I welcome you on
20 behalf of the Senate. We extend to you the
21 privileges and courtesies of this house.

22 Please rise and be recognized.

23 (Standing ovation.)

24 ACTING PRESIDENT BAILEY: The
25 resolution was previously adopted on

1 February 27th.

2 Senator Gianaris.

3 SENATOR GIANARIS: Mr. President, I
4 know Senator Weber would like to open that
5 resolution for cosponsorship.

6 ACTING PRESIDENT BAILEY: The
7 resolution is open for cosponsorship. Should you
8 choose not to be a cosponsor of the resolution,
9 please notify the desk.

10 Senator Gianaris.

11 SENATOR GIANARIS: Can you now
12 please recognize Senator Fernandez for a special
13 introduction.

14 ACTING PRESIDENT BAILEY: Senator
15 Fernandez for the purposes of a very special
16 introduction.

17 SENATOR FERNANDEZ: Yes, thank you
18 so much, Senator Gianaris. Thank you to the
19 floor for allowing me to give this amazing
20 introduction.

21 For those that don't know, today is
22 Bring Your Parent to Work Day. I hope you all
23 got the memo, because I certainly did. And I
24 brought my beautiful, darling mother, Sonia
25 Fernandez here, to see what we do.

1 I know all of us make our parents
2 proud because we are doing amazing work here in
3 the Legislature for our families, for our
4 constituents, for our neighbors. So it was a
5 treat for our parents to see the work in action
6 and the action that happens here in Albany.

7 But for our parents, our
8 grandparents, our guardians, any father, mother
9 figure that you have had in your life, today is a
10 day for them, to recognize them. Because it is
11 their love and hard work that encouraged and
12 motivated us to get to this very chamber right
13 now.

14 So I want to give a special
15 shout-out introduction to my mother, Sonia
16 Fernandez, a daughter of Colombia, mother of six
17 children -- Wilfredo, Gonzalo, Raquel, Nathalia,
18 Amanda, Alejandro -- grandmother, Nana, of seven
19 grandchildren -- Jarred, Shayna, Sunsita, Sloan
20 and Baby Benicio. And -- oh, my God, I forgot
21 two: Nyah and Evan. Don't tell them.

22 (Laughter.)

23 SENATOR FERNANDEZ: But token to my
24 excitement to bring my mother to this floor.

25 These are the halls of Albany, the

1 rooms where amazing things happen. And I know
2 she is just as amazed to see us here, and her
3 daughter, on the Senate floor.

4 So thank you, Senator Gianaris, for
5 this moment.

6 Please welcome my mother, give her
7 the applause that she deserves, and Happy Parents
8 Day to all.

9 ACTING PRESIDENT BAILEY: To
10 Ms. Fernandez, affectionately known as
11 Doña Sonia, please rise and be recognized.

12 (Standing ovation.)

13 ACTING PRESIDENT BAILEY: That's
14 going to be kind of hard to beat, Senator
15 Gianaris.

16 Senator Gianaris.

17 SENATOR GIANARIS: Let's just take
18 up the calendar.

19 (Laughter.)

20 ACTING PRESIDENT BAILEY: The
21 Secretary will read.

22 THE SECRETARY: Calendar Number
23 137, Senate Print 2271, by Senator Liu, an act to
24 amend the Real Property Law and the
25 Civil Practice Law and Rules.

1 ACTING PRESIDENT BAILEY: Read the
2 last section.

3 THE SECRETARY: Section 6. This
4 act shall take effect immediately.

5 ACTING PRESIDENT BAILEY: Call the
6 roll.

7 (The Secretary called the roll.)

8 ACTING PRESIDENT BAILEY: Announce
9 the results.

10 THE SECRETARY: In relation to
11 Calendar 137, those Senators voting in the
12 negative are Senators Ashby, Borrello,
13 Canzoneri-Fitzpatrick, Gallivan, Griffio, Helming,
14 Martins, Mattera, Murray, Oberacker, O'Mara,
15 Ortt, Palumbo, Rhoads, Rolison, Stec, Tedisco,
16 Weber and Weik.

17 Ayes, 39. Nays, 19.

18 ACTING PRESIDENT BAILEY: The bill
19 is passed.

20 THE SECRETARY: Calendar Number
21 152, Senate Print 4435, by Senator Fernandez, an
22 act to amend the Insurance Law and the
23 Public Health Law.

24 ACTING PRESIDENT BAILEY: Read the
25 last section.

1 THE SECRETARY: Section 7. This
2 act shall take effect on the 180th day after it
3 shall have become a law.

4 ACTING PRESIDENT BAILEY: Call the
5 roll.

6 (The Secretary called the roll.)

7 ACTING PRESIDENT BAILEY: Announce
8 the results.

9 THE SECRETARY: Ayes, 60.

10 ACTING PRESIDENT BAILEY: The bill
11 is passed.

12 THE SECRETARY: Calendar Number
13 156, Senate Print 1182, by Senator Harckham, an
14 act to amend the Criminal Procedure Law.

15 ACTING PRESIDENT BAILEY: Read the
16 last section.

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

20 ACTING PRESIDENT BAILEY: Call the
21 roll.

22 (The Secretary called the roll.)

23 ACTING PRESIDENT BAILEY: Announce
24 the results.

25 THE SECRETARY: Ayes, 60.

1 ACTING PRESIDENT BAILEY: The bill
2 is passed.

3 THE SECRETARY: Calendar Number
4 160, Senate Print 134, by Senator Krueger, an act
5 to amend the Public Health Law and the
6 Civil Rights Law.

7 ACTING PRESIDENT BAILEY: Read the
8 last section.

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

11 ACTING PRESIDENT BAILEY: Call the
12 roll.

13 (The Secretary called the roll.)

14 ACTING PRESIDENT BAILEY: Announce
15 the results.

16 THE SECRETARY: Ayes, 60.

17 ACTING PRESIDENT BAILEY: The bill
18 is passed.

19 THE SECRETARY: Calendar Number
20 227, Senate Print 4540, by Senator Ramos, an act
21 to amend the Labor Law.

22 ACTING PRESIDENT BAILEY: Read the
23 last section.

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

1 ACTING PRESIDENT BAILEY: Call the
2 roll.

3 (The Secretary called the roll.)

4 ACTING PRESIDENT BAILEY: Announce
5 the results.

6 THE SECRETARY: Ayes, 60.

7 ACTING PRESIDENT BAILEY: The bill
8 is passed.

9 THE SECRETARY: Calendar Number
10 238, Senate Print 2691, by Senator Breslin, an
11 act to amend the General Municipal Law.

12 ACTING PRESIDENT BAILEY: Read the
13 last section.

14 THE SECRETARY: Section 6. This
15 act shall take effect on the 90th day after it
16 shall have become a law.

17 ACTING PRESIDENT BAILEY: Call the
18 roll.

19 (The Secretary called the roll.)

20 ACTING PRESIDENT BAILEY: Announce
21 the results.

22 THE SECRETARY: Ayes, 60.

23 ACTING PRESIDENT BAILEY: The bill
24 is passed.

25 THE SECRETARY: Calendar Number

1 318, Senate Print 2426, by Senator Persaud, an
2 act to amend the Vehicle and Traffic Law.

3 ACTING PRESIDENT BAILEY: Read the
4 last section.

5 THE SECRETARY: Section 6. This
6 act shall take effect one year after it shall
7 have become a law.

8 ACTING PRESIDENT BAILEY: Call the
9 roll.

10 (The Secretary called the roll.)

11 ACTING PRESIDENT BAILEY: Announce
12 the results.

13 THE SECRETARY: Ayes, 60.

14 ACTING PRESIDENT BAILEY: The bill
15 is passed.

16 THE SECRETARY: Calendar Number
17 356, Senate Print 1448B, by Senator Sanders, an
18 act to amend the Education Law.

19 SENATOR LANZA: Lay it aside.

20 ACTING PRESIDENT BAILEY: Lay it
21 aside.

22 THE SECRETARY: Calendar Number
23 371, Senate Print 1804, by Senator Addabbo, an
24 act to amend the Public Service Law.

25 ACTING PRESIDENT BAILEY: Read the

1 last section.

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

4 ACTING PRESIDENT BAILEY: Call the
5 roll.

6 (The Secretary called the roll.)

7 ACTING PRESIDENT BAILEY: Announce
8 the results.

9 THE SECRETARY: Ayes, 60.

10 ACTING PRESIDENT BAILEY: The bill
11 is passed.

12 THE SECRETARY: Calendar Number
13 390, Senate Print 805, by Senator Serrano, an act
14 to amend the Parks, Recreation and Historic
15 Preservation Law.

16 SENATOR LANZA: Lay it aside.

17 ACTING PRESIDENT BAILEY: Lay it
18 aside.

19 Senator Gianaris, that completes the
20 reading of the calendar.

21 SENATOR GIANARIS: Can we now move
22 to the controversial calendar, please.

23 ACTING PRESIDENT BAILEY: The
24 Secretary will ring the bell.

25 The Secretary will read.

1 THE SECRETARY: Calendar Number
2 356, Senate Print 1448B, by Senator Sanders, an
3 act to amend the Education Law.

4 ACTING PRESIDENT BAILEY: Senator
5 Lanza, why do you rise?

6 SENATOR LANZA: Mr. President, I
7 believe there's an amendment at the desk. I
8 waive the reading of that amendment and ask that
9 you recognize Senator Borrello.

10 ACTING PRESIDENT BAILEY: Thank
11 you, Senator Lanza.

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

15 SENATOR LANZA: Accordingly,
16 Mr. President, I appeal the ruling of the chair
17 and ask that Senator Borrello be heard on the
18 appeal.

19 ACTING PRESIDENT BAILEY: The
20 appeal has been made and recognized, and Senator
21 Borrello may be heard.

22 Senator Borrello.

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

25 I rise to appeal your ruling with

1 what could possibly be the most germane amendment
2 we've ever offered on this floor, because this
3 bill, the bill-in-chief, which I am fully
4 supportive of, actually implements a study on
5 school transportation. And it actually includes
6 not just buses and other vehicles, but
7 pedestrians, which I think is very important.
8 Because if we do this new electric school bus
9 mandate, more kids are going to be walking to
10 school because the buses aren't going to work.

11 That's what this amendment deals
12 with. It actually deals with eliminating the
13 mandatory enactment of buying electric school
14 buses for all of our school districts, and
15 replacing it instead with a pilot study -- a
16 pilot study that will show us what will happen if
17 we have electric school buses in rural areas,
18 urban areas, and suburban areas. Incredibly
19 important, incredibly germane to this particular
20 bill.

21 Mr. President, there was recently an
22 article in the Times Union that talked about the
23 Bethlehem School District, which purchased seven
24 electric school buses three years ago. Currently
25 five of those seven are not working.

1 We have another story about an
2 electric school bus that in February suddenly
3 came to a stop, lost its actual ability to steer,
4 and the driver actually had to drive the school
5 bus into a snow bank in order to stop it.

6 We cannot have our children be the
7 guinea pigs for this electric school bus mandate.
8 We get to show, I think, some leadership here in
9 this chamber by replacing that mandate put forth
10 by our Governor with a reasonable ask, which is
11 to study it. Make it a complement to the current
12 bill that Senator Sanders has offered, so we can
13 see what will happen.

14 I am sure all of you, or at least
15 most of you, have heard from your school
16 superintendents, from school board members, from
17 concerned parents about this electric school bus
18 mandate that will start in 2027. No more
19 traditionally powered school buses, and instead
20 all-electric.

21 It's been very concerning. The cost
22 is estimated to be over \$20 billion, with a B, to
23 just replace those school buses one for one. And
24 that doesn't include the extra school buses
25 you're going to need for the ones that aren't

1 working.

2 Also, on a beautiful, 70-degree day,
3 you've got about a hundred miles of range for an
4 electric school bus. That number can plummet in
5 cold temperatures, like when our kids go to
6 school, particularly in our rural areas. And yet
7 we're going to force our school districts to buy
8 these school buses.

9 In addition to that \$20 billion to
10 buy those buses, that doesn't include the
11 multiple millions of dollars that are going to be
12 required to upgrade the electrical
13 infrastructure.

14 Nor does it include people that
15 actually work on these school buses, as we heard
16 from bus mechanics, particularly here in the
17 Capital Region, who talked about the fact that
18 there is no ability for them to do anything to
19 repair these school buses and get them back into
20 service.

21 This is an incredibly germane
22 amendment that complements the bill-in-chief. I
23 would ask, Mr. President, very respectfully that
24 you reconsider your decision so that the rest of
25 the body can debate this amendment and hopefully

1 add it as a complement to this bill.

2 Thank you.

3 ACTING PRESIDENT BAILEY: Thank
4 you, Senator Borrello.

5 I want to remind the house that this
6 vote is on the procedures of the house and the
7 ruling of the chair. Those in favor of
8 overruling the chair, please signify by saying
9 aye.

10 (Response of "Aye.")

11 SENATOR LANZA: Show of hands.

12 ACTING PRESIDENT BAILEY: A show of
13 hands has been requested and so ordered.

14 Announce the results.

15 THE SECRETARY: Ayes, 20.

16 ACTING PRESIDENT BAILEY: The
17 ruling of the chair stands, and the bill-in-chief
18 is before the house.

19 Read the last section.

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

22 ACTING PRESIDENT BAILEY: Call the
23 roll.

24 (The Secretary called the roll.)

25 ACTING PRESIDENT BAILEY: Senator

1 Harckham to explain his vote.

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

4 First I want to thank
5 Senator Sanders for this excellent bill.

6 I just want to reply to a few of the
7 comments that were made a few moments ago.
8 What's in it for rural, suburban and school
9 districts? What's in it for those districts is
10 cleaner air for the students. Students on
11 conventional diesel-powered buses are exposed to
12 19 times more pollutants than people off of those
13 buses. It will provide cleaner air to our urban
14 areas and will provide school buses ultimately
15 lower energy bills.

16 Electric transportation is much more
17 cost-effective in the long run than
18 combustion-based transportation, as the
19 longitudinal cost studies show.

20 The other thing, we hear about
21 parents and school districts. We hear from a lot
22 of parents -- I hear from a lot of parents who
23 are worried about the air their kids are
24 breathing on the buses. Which is an important
25 reason why we do this.

1 I share with Senator Borrello the
2 comments from school districts. I have gotten
3 them too. And it is really beholden upon NYSERDA
4 to do a better job of communicating what money is
5 available. I've met with President Harris; she's
6 acknowledged that.

7 And we can play a part in that too.
8 I'm going to be hosting a webinar for my school
9 districts along with NYSERDA to let them know
10 what money is out there, both state money and
11 federal money. There's a lot of money to get us
12 started down this road.

13 But the state has not done a good
14 job. NYSERDA just rolled out a new RFP to help
15 with the infrastructure, the connecting to the
16 grid. That's an expensive piece. And I thank
17 you for pointing that out.

18 So electric school buses are safer,
19 they're better for our health, they're more
20 cost-effective. But I agree with my colleague,
21 we do need to do a better job of selling our
22 local districts on what resources are available.

23 I vote aye.

24 Thank you, Mr. President.

25 ACTING PRESIDENT BAILEY: Senator

1 Harckham to be recorded in the affirmative.

2 Senator Rhoads to explain his vote.

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

5 The problem is the tech doesn't
6 work. There's questions with regard to its
7 safety. And you're talking about an expense of
8 \$20 billion, when what's being offered by the
9 Governor is \$500 million, half a billion dollars,
10 in money from the Environmental Bond Act.

11 This is an expense that's going to
12 bankrupt school districts, at a time when you're
13 already talking about changing the formula for
14 Foundation Aid and school districts are already
15 facing cuts.

16 This isn't a time for NYSERDA to
17 study how they're going to pay for
18 infrastructure, because this goes into effect
19 July 1st of 2027. The infrastructure has to be
20 built now. They don't have time to wait for
21 NYSERDA to figure this out. Which is why the
22 amendment was germane.

23 I support the original bill, and I
24 know the issue has been decided. But studying
25 this issue, studying the issue of electric school

1 buses should have been included as part of this.
2 And I hope that at some point in time the sponsor
3 will reconsider and expand the mission of this
4 commission.

5 Thank you, Mr. President. I vote in
6 the affirmative.

7 ACTING PRESIDENT BAILEY: Senator
8 Rhoads to be recorded in the affirmative.

9 Announce the results.

10 THE SECRETARY: Ayes, 61.

11 ACTING PRESIDENT BAILEY: The bill
12 is passed.

13 THE SECRETARY: Calendar Number
14 390, Senate Print 805, by Senator Serrano, an act
15 to amend the Parks, Recreation and Historic
16 Preservation Law.

17 ACTING PRESIDENT BAILEY: Senator
18 Murray.

19 SENATOR MURRAY: Thank you,
20 Mr. President. Would the sponsor yield for a few
21 questions?

22 ACTING PRESIDENT BAILEY: Will the
23 sponsor yield?

24 SENATOR SERRANO: Sure.

25 ACTING PRESIDENT BAILEY: The

1 sponsor yields.

2 SENATOR MURRAY: Thank you.

3 Senator, just some clarification,
4 really. I've spent the afternoon on the phone
5 with some of our local officials -- county, town,
6 village officials. Just curious about
7 responsibility, things of this nature. So if I
8 give you a scenario, maybe you can help clarify.

9 So Suffolk County does mosquito
10 spraying throughout the county. They'll usually
11 send out a notice 24 hours in advance, whether
12 it's a reverse 911 or text or phone calls, to let
13 people know. But if they do the spraying and
14 they do it in the Village of Patchogue or in the
15 Town of Brookhaven, who is then responsible for
16 cleaning any playground that was affected by that
17 spraying? Would it be the village, would it be
18 the town, would it be the county? Who's
19 responsible for that?

20 SENATOR SERRANO: Through you --
21 thank you very much. Through you, Mr. President.
22 Thank you, Senator, for that question.

23 This bill, if put forth, would give
24 DEC, Department of Environmental Conservation,
25 and the Department of Health the discretion in

1 setting those guidelines for the distance of
2 amount of overspray and the methods of cleanup.

3 As far as who would be involved in
4 that cleanup, it would be the municipality in
5 which the playground resides or, if it's a state
6 park, it would be the Office of Parks.

7 SENATOR MURRAY: Thank you.

8 Would the sponsor continue to yield.

9 ACTING PRESIDENT BAILEY: Will the
10 sponsor yield?

11 SENATOR SERRANO: Sure.

12 ACTING PRESIDENT BAILEY: The
13 sponsor yields.

14 SENATOR MURRAY: So in that
15 situation, how would the notifications be made?
16 Because I've talked to some of the village
17 officials, and they said, Half the time we don't
18 even know the spraying's happening till we get
19 phone calls from people in the area where the
20 spraying's taking place.

21 Would there be a requirement? And
22 how much advance notice would they have to have?

23 SENATOR SERRANO: Through you,
24 Mr. President. I think that's part of why this
25 bill is so important. I think as a state, as a

1 society, we should be thinking more and more
2 about the use of pesticides, especially around
3 young children.

4 The EPA has made it very clear that
5 long-term, low-level exposure of pesticides to
6 children in particular can have a detrimental
7 effect on their long-term health.

8 A bill like this would help to
9 create the processes that would be needed in
10 order to, as you mentioned, to have notification.
11 I know in the City of New York we are given ample
12 notification before any aerial spraying does
13 happen. I'm not sure about other municipalities
14 throughout the state, if they have requirements
15 by law in which to provide notification. That
16 can be something we could look at a different
17 time.

18 But as far as I'm concerned and as
19 far as this bill is concerned, this would ensure
20 that municipalities, in accordance with the
21 regulations put forth by the Department of
22 Environmental Conservation, would ensure timely
23 cleaning of these facilities when and if there is
24 overspray or drift of spray.

25 So, you know, this bill I think will

1 help tighten up the process of ensuring that
2 municipalities know when spraying is happening.

3 SENATOR MURRAY: Thank you.

4 Mr. President, would the sponsor
5 continue to yield.

6 ACTING PRESIDENT BAILEY: Will the
7 sponsor yield?

8 SENATOR SERRANO: Yes.

9 ACTING PRESIDENT BAILEY: The
10 sponsor yields.

11 SENATOR MURRAY: Thank you.

12 Through you, Mr. President. How
13 would this be enforced? Who would be in charge
14 of the enforcement of this to make sure that the
15 cleanup is done in a timely fashion?

16 SENATOR SERRANO: Thank you.

17 Through you, Mr. President. The -- as I
18 mentioned, the Department of Environmental
19 Conservation as well as the Department of Health
20 would be in charge of ensuring that this program
21 moves forward. So they would be the ones.

22 As far as enforcing the cleaning, my
23 understanding is that it would be the
24 municipality that would be in charge of the
25 cleaning or the Department of Parks.

1 SENATOR MURRAY: Mr. President,
2 would the sponsor continue to yield.

3 ACTING PRESIDENT BAILEY: Will the
4 sponsor yield?

5 SENATOR SERRANO: Yes.

6 ACTING PRESIDENT BAILEY: The
7 sponsor yields.

8 SENATOR MURRAY: Thanks.

9 And would there be a penalty? Say
10 they did not clean up in the appropriate time,
11 DEC comes and sees that it wasn't done. Would
12 there be a penalty? Or what ramifications would
13 there be for not complying?

14 SENATOR SERRANO: Thank you.
15 Through you, Mr. President.

16 I'm sorry, I believe your question
17 was regarding potential penalties.

18 SENATOR MURRAY: Right.

19 SENATOR SERRANO: So my
20 understanding is that as this program is put
21 forth. So this bill would authorize the
22 development of this program.

23 And then the rules within it would
24 be put forth from the Department of Environmental
25 Conservation or the Department of Health, that

1 being the distance of a spraying application to a
2 playground, and enforcement mechanisms would all
3 be part of that sort of overall package.

4 SENATOR MURRAY: Mr. President,
5 would the sponsor continue to yield.

6 ACTING PRESIDENT BAILEY: Will the
7 sponsor yield?

8 SENATOR SERRANO: Yes.

9 ACTING PRESIDENT BAILEY: The
10 Senator yields.

11 SENATOR MURRAY: Thank you.

12 You mentioned safety and the concern
13 for the kids. Of course that's paramount.
14 But -- so when the spraying's taking place, who
15 will be responsible? For example, there is a
16 24-hour period. Who's responsible for making
17 sure that playground's shut down? Will it be
18 roped off, shut down, taped off, whatever, to
19 keep the kids off until the cleaning is done? If
20 that's not done, who is responsible for that?

21 SENATOR SERRANO: Again, I refer
22 back -- I'm sorry. Through you, Mr. President.
23 I refer back to my previous statement that
24 through the development of -- so this bill --
25 just take half a step back. This bill will

1 ensure that -- okay.

2 So it is already against the law to
3 spray in a playground. That is very clear. But
4 this would be an extra layer of caution, if
5 spraying is done near and close to the playground
6 and any potential drift of that spray to get onto
7 that area.

8 The Department of Environmental
9 Conservation and the Department of Health would
10 then be in charge of developing sort of the plan
11 for enforcement, for ensuring that there's proper
12 notification, for ensuring that the cleanup
13 actually happens within that 24-hour period.

14 So again, I do understand your point
15 of view, Senator, ensuring that this is something
16 that can be enforceable, that it's something that
17 can be of benefit. And those are all very good
18 questions. And I think as we move forward,
19 hopefully, with this legislation and with working
20 with the state agencies, we can ensure that all
21 of those processes are in place.

22 SENATOR MURRAY: Thank you,
23 Senator.

24 Mr. President on the bill.

25 ACTING PRESIDENT BAILEY: Senator

1 Murray on the bill.

2 SENATOR MURRAY: Thank you.

3 And thank you, Senator Serrano.

4 Listen, I think the intention of
5 this bill is very good. You mentioned
6 overspraying. Listen, on Long Island there's
7 constant wind, constant blowing. I understand
8 that completely.

9 The concern I have is, again, I
10 think we're putting the cart before the horse
11 here, in that I'd like to vote on a bill where we
12 have these answers, these answers of
13 responsibility. What kind of penalties, what
14 kind of concerns will there be if it's not
15 carried out in a timely fashion? Is there going
16 to be any kind of liability issues for the
17 village, for the town, for anyone if it's not
18 done?

19 So until more of these answers --
20 and we have more of these answers and this is put
21 together completely, I'm going to have to vote no
22 on this.

23 Thank you.

24 ACTING PRESIDENT BAILEY: Senator
25 Krueger. On the bill?

1 SENATOR KRUEGER: Thank you. On
2 the bill.

3 ACTING PRESIDENT BAILEY: Senator
4 Krueger on the bill.

5 SENATOR KRUEGER: So I was
6 listening to the debate, and I was doing some --
7 a little research. I love these smartphones and
8 Google. Well, maybe I shouldn't say on the floor
9 of the Senate I love Google. Not always. But I
10 love smartphones and the ability to do research.

11 And I learned that one of the
12 biggest risks of pesticide exposure for children
13 is through yards and schools and playgrounds.
14 And even relatively small exposure to pesticides
15 can cause neurodevelopmental damage in children
16 that will affect them the rest of their lives.

17 So I personally think we all have to
18 figure out how we're going to get it done
19 correctly. But it's not about finding people or
20 not finding people, it's about making sure that
21 the kids aren't getting exposed to these
22 pesticides as they're outside playing. Because
23 everybody wants to take their kids to outside
24 playgrounds, right, and the schools want the kids
25 in the playgrounds. We all want them in the

1 playgrounds, but we certainly don't want them
2 developing neurodevelopmental diseases for the
3 rest of their lives because they enjoyed the
4 swings.

5 So I want to thank you for the bill,
6 Senator. I vote yes.

7 ACTING PRESIDENT BAILEY: Senator
8 Gianaris.

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

11 We've agreed to restore this bill to
12 the noncontroversial calendar.

13 ACTING PRESIDENT BAILEY: Upon
14 consent, the bill will be restored to the
15 noncontroversial calendar.

16 Read the last section.

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

20 ACTING PRESIDENT BAILEY: Call the
21 roll.

22 (The Secretary called the roll.)

23 ACTING PRESIDENT BAILEY: Announce
24 the results.

25 THE SECRETARY: In relation to

1 Calendar 390, those Senators voting in the
2 negative are Senators Murray and Ortt.

3 Ayes, 59. Nays, 2.

4 ACTING PRESIDENT BAILEY: The bill
5 is passed.

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

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

10 ACTING PRESIDENT BAILEY: There is
11 no further business at the desk.

12 SENATOR GIANARIS: In that case, I
13 move to adjourn until tomorrow, Tuesday,
14 March 5th, at 3:00 p.m.

15 ACTING PRESIDENT BAILEY: On
16 motion, the Senate stands adjourned until
17 Tuesday, March 5th, at 3:00 p.m.

18 Happy Birthday, Dad!

19 (Laughter.)

20 (Whereupon, the Senate adjourned at
21 3:48 p.m.)

22

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25