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NEW YORK STATE SENATE

THE STENOGRAPHIC RECORD

ALBANY, NEW YORK

June 7, 2024

12:28 p.m.

REGULAR SESSION

SENATOR JAMAAL T. BAILEY, Acting President

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:    Today's  
9   prayer will come from the Assistant Deputy  
10   Lay Leader of the Youth Pastorship of the  
11   Butler Memorial United Methodist Church, the  
12   Reverend Dr. Jamaal Bailey.

13                   (Laughter.)

14                   ACTING PRESIDENT BAILEY:    Good  
15   afternoon, everyone.

16                   (Response of "Good afternoon.")

17                   ACTING PRESIDENT BAILEY:    Let us  
18   pray.

19                   Our most merciful Father, we thank  
20   You for bringing us to this point.  We thank You  
21   for the energy you've given us to zealously  
22   advocate for our constituents.  We thank You for  
23   the spirited debates that we have in this  
24   chamber.

25                   But most importantly, Lord, we thank

1 You for each other. And we thank You for You.  
2 May Your countenance and grace shine down upon us  
3 and give us traveling mercies as we travel to  
4 places near and far -- to those who love us, to  
5 those who loathe us, and everyone in between.

6 May You continue to bless us every  
7 single day upon today, as we remember that hands  
8 who once picked cotton now pick presidents, and  
9 those who are now persecuted may prosecute, and  
10 we all have a place on Your earth and in this  
11 planet.

12 In the name of the Father, Son and  
13 Holy Ghost, we pray. Amen.

14 (Response of "Amen.")

15 ACTING PRESIDENT BAILEY: Reading  
16 of the Journal.

17 THE SECRETARY: In Senate,  
18 Thursday, June 6, 2024, the Senate met pursuant  
19 to adjournment. The Journal of Wednesday,  
20 June 5, 2024, was read and approved.

21 On motion, the Senate adjourned.

22 ACTING PRESIDENT BAILEY: Without  
23 objection, the Journal stands approved as read.

24 Presentation of petitions.

25 Messages from the Assembly.

1                   The Secretary will read.

2                   THE SECRETARY:     Senator Ramos moves  
3     to discharge, from the Committee on Rules,  
4     Assembly Bill Number 1303A and substitute it for  
5     the identical Senate Bill 4924A, Third Reading  
6     Calendar 211.

7                   Senator Harckham moves to discharge,  
8     from the Committee on Rules, Assembly Bill Number  
9     9169A and substitute it for the identical  
10    Senate Bill 7781A, Third Reading Calendar 369.

11                  Senator Bailey moves to discharge,  
12    from the Committee on Investigations and  
13    Government Operations, Assembly Bill Number 5730B  
14    and substitute it for the identical  
15    Senate Bill 3249B, Third Reading Calendar 397.

16                  Senator Gounardes moves to  
17    discharge, from the Committee on Corporations,  
18    Authorities and Commissions, Assembly Bill  
19    Number 9699 and substitute it for the identical  
20    Senate Bill 8872, Third Reading Calendar 959.

21                  Senator Ramos moves to discharge,  
22    from the Committee on Rules, Assembly Bill  
23    Number 8947C and substitute it for the identical  
24    Senate Bill 8358C, Third Reading Calendar 1055.

25                  Senator Cleare moves to discharge,

1 from the Committee on Aging, Assembly Bill  
2 Number 9369A and substitute it for the identical  
3 Senate Bill 8760A, Third Reading Calendar 1059.

4 Senator Cleare moves to discharge,  
5 from the Committee on Aging, Assembly Bill  
6 Number 5790B and substitute it for the identical  
7 Senate Bill 8865, Third Reading Calendar 1060.

8 Senator May moves to discharge, from  
9 the Committee on Energy and Telecommunications,  
10 Assembly Bill Number 9105A and substitute it for  
11 the identical Senate Bill 7868A, Third Reading  
12 Calendar 1180.

13 Senator Harckham moves to discharge,  
14 from the Committee on Rules, Assembly Bill  
15 Number 10284 and substitute it for the identical  
16 Senate Bill 9825, Third Reading Calendar 1752.

17 Senator Gounardes moves to  
18 discharge, from the Committee on Rules,  
19 Assembly Bill Number 9616C and substitute it for  
20 the identical Senate Bill 9174C, Third Reading  
21 Calendar 1779.

22 And Senator Sepúlveda moves to  
23 discharge, from the Committee on Cities 1,  
24 Assembly Bill Number 8864A and substitute it for  
25 the identical Senate Bill 7383A, Third Reading

1 Calendar 308.

2 ACTING PRESIDENT BAILEY: So

3 ordered.

4 Messages from the Governor.

5 Reports of standing committees.

6 Reports of select committees.

7 Communications and reports from

8 state officers.

9 Motions and resolutions.

10 Senator Gianaris.

11 SENATOR GIANARIS: All right. Good

12 afternoon, Mr. President --

13 ACTING PRESIDENT BAILEY: Good

14 afternoon.

15 SENATOR GIANARIS: -- Reverend

16 Dr. Bailey.

17 We're going to simultaneously call a

18 meeting of the Rules Committee in Room 332 and

19 take up the active list.

20 ACTING PRESIDENT BAILEY: There

21 will be an immediate meeting of the

22 Rules Committee in Room 332, as we commence the

23 active list.

24 The Secretary will read.

25 THE SECRETARY: Calendar Number

1 165, Senate Print 3282A, by Senator Rivera, an  
2 act to amend the Public Health Law.

3 ACTING PRESIDENT BAILEY: Read the  
4 last section.

5 THE SECRETARY: Section 4. This  
6 act shall take effect on the 90th day after it  
7 shall 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: In relation to  
14 Calendar 165, those Senators voting in the  
15 negative are Senators Borrello, O'Mara, Ortt and  
16 Weber. Ayes, 51 -- oh, Senator Weber in the  
17 affirmative.

18 Ayes, 52. Nays, 3.

19 ACTING PRESIDENT BAILEY: The bill  
20 is passed.

21 THE SECRETARY: Calendar Number  
22 211, Assembly Bill Number 1303A, by  
23 Assemblymember Clark, an act to amend the  
24 Social Services 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, 55.

10 ACTING PRESIDENT BAILEY: The bill  
11 is passed.

12 THE SECRETARY: Calendar Number  
13 222, Senate Print 8190, by Senator Parker, an  
14 ability directing the New York State Energy  
15 Research and Development Authority to study  
16 feasibility and efficiency of independently  
17 constructed microgrids.

18 ACTING PRESIDENT BAILEY: Read the  
19 last section.

20 THE SECRETARY: Section 4. 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: Announce

1 the results.

2 THE SECRETARY: Ayes, 55.

3 ACTING PRESIDENT BAILEY: The bill  
4 is passed.

5 THE SECRETARY: Calendar Number  
6 308, Assembly Bill Number 8864A, by  
7 Assemblymember Rajkumar, an act to amend the  
8 New York City Charter.

9 ACTING PRESIDENT BAILEY: Read the  
10 last section.

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

14 ACTING PRESIDENT BAILEY: Call the  
15 roll.

16 (The Secretary called the roll.)

17 ACTING PRESIDENT BAILEY: Announce  
18 the results.

19 THE SECRETARY: Ayes, 55.

20 ACTING PRESIDENT BAILEY: The bill  
21 is passed.

22 THE SECRETARY: Calendar Number  
23 369, Assembly Bill Number 9169A, by  
24 Assemblymember Burdick, an act to amend the  
25 Correction Law.

1                   ACTING PRESIDENT BAILEY:    Read the  
2   last section.

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

6                   ACTING PRESIDENT BAILEY:    Call the  
7   roll.

8                   (The Secretary called the roll.)

9                   ACTING PRESIDENT BAILEY:    Announce  
10  the results.

11                  THE SECRETARY:    In relation to  
12  Calendar 369, voting in the negative:  
13  Senator Oberacker.

14                  Ayes, 54.  Nays, 1.

15                  ACTING PRESIDENT BAILEY:    The bill  
16  is passed.

17                  THE SECRETARY:    Calendar Number  
18  397, Assembly Bill Number 5730B, by  
19  Assemblymember Zaccaro, an act to amend the  
20  Executive Law.

21                  ACTING PRESIDENT BAILEY:    Read the  
22  last section.

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

25                  ACTING PRESIDENT BAILEY:    Call the

1 roll.

2 (The Secretary called the roll.)

3 ACTING PRESIDENT BAILEY: Announce  
4 the results.

5 THE SECRETARY: Ayes, 55.

6 ACTING PRESIDENT BAILEY: The bill  
7 is passed.

8 THE SECRETARY: Calendar Number  
9 638, Senate Print Number 3185A, by  
10 Senator Hoylman-Sigal, an act to amend the  
11 Environmental Conservation Law.

12 ACTING PRESIDENT BAILEY: Read the  
13 last section.

14 SENATOR PALUMBO: Lay it aside.

15 ACTING PRESIDENT BAILEY: Lay it  
16 aside.

17 ACTING PRESIDENT BAILEY: Calendar  
18 Number 833, Senate Print 4909B, by  
19 Senator Sepúlveda, an act to amend the  
20 Public Health Law.

21 ACTING PRESIDENT BAILEY: Read the  
22 last section.

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

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:     In relation to  
7    Calendar 833, voting in the negative:  
8    Senator Oberacker.

9                   Ayes, 54.   Nays, 1.

10                  ACTING PRESIDENT BAILEY:    The bill  
11    is passed.

12                  THE SECRETARY:     Calendar Number  
13    898, Senate Print 8708A, by Senator Rhoads, an  
14    act in relation to authorizing the John Theissen  
15    Children Foundation, Inc., to receive retroactive  
16    real property tax exempt status.

17                  ACTING PRESIDENT BAILEY:    Read the  
18    last section.

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

21                  ACTING PRESIDENT BAILEY:    Call the  
22    roll.

23                  (The Secretary called the roll.)

24                  ACTING PRESIDENT BAILEY:    Announce  
25    the results.

1 THE SECRETARY: In relation to  
2 Calendar 898, voting in the negative:  
3 Senator O'Mara.

4 Ayes, 54. Nays, 1.

5 ACTING PRESIDENT BAILEY: The bill  
6 is passed.

7 THE SECRETARY: Calendar Number  
8 959, Assembly Bill Number 9699, by  
9 Assemblymember Simon, an act to amend the  
10 Public Authorities Law.

11 ACTING PRESIDENT BAILEY: Read the  
12 last section.

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

15 ACTING PRESIDENT BAILEY: Call the  
16 roll.

17 (The Secretary called the roll.)

18 ACTING PRESIDENT BAILEY: Announce  
19 the results.

20 THE SECRETARY: Ayes, 55.

21 ACTING PRESIDENT BAILEY: The bill  
22 is passed.

23 THE SECRETARY: Calendar Number  
24 969, Senate Print 6803B, by Senator Gonzalez, an  
25 act to amend the Public Service Law.

1                   ACTING PRESIDENT BAILEY:    Read the  
2    last section.

3                   THE SECRETARY:       Section 6.  This  
4    act shall take effect on the 30th day --

5                   SENATOR PALUMBO:     Lay it aside.

6                   ACTING PRESIDENT BAILEY:    Lay it  
7    aside.

8                   THE SECRETARY:       Calendar Number  
9    973, Senate Print 8649, by Senator Gounardes, an  
10   act to amend the Administrative Code of the City  
11   of New York.

12                   ACTING PRESIDENT BAILEY:    There is  
13   a home-rule message at the desk.

14                   Read the last section.

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

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, 55.

23                   ACTING PRESIDENT BAILEY:    The bill  
24   is passed.

25                   THE SECRETARY:       Calendar Number

1 1028, Senate Print 9047, by Senator Bailey, an  
2 act to amend Chapter 783 of the Laws of 1974.

3 ACTING PRESIDENT BAILEY: There is  
4 a home-rule message at the desk.

5 Read the last section.

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

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, 55.

14 ACTING PRESIDENT BAILEY: The bill  
15 is passed.

16 THE SECRETARY: Calendar Number  
17 1037, Senate Print 2853A, by Senator Skoufis, an  
18 act to amend the Alcoholic Beverage Control Law.

19 ACTING PRESIDENT BAILEY: Read the  
20 last section.

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

23 ACTING PRESIDENT BAILEY: Call the  
24 roll.

25 (The Secretary called the roll.)

1                   ACTING PRESIDENT BAILEY:    Senator  
2    Borrello to explain his vote.

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

5                   First of all, I'd like to thank the  
6    sponsor for this bill.  As someone who's in the  
7    hospitality business, I can tell you that we have  
8    a lot of antiquated laws out there.  But this one  
9    in particular is a good bill because it allows a  
10   restaurant, a bar, to go to a liquor store and  
11   purchase a small amount of bottles.

12                  This is the hospitality business.  
13    If you're out of something that a customer wants  
14    and it's Saturday or it's a Friday night after  
15    the wholesalers are closed, you should be able to  
16    go and get that bottle, be able to meet the needs  
17    of that customer or that guest.  And that's  
18    really important here.

19                  So we have a long way to go to get  
20    rid of all the antiquated laws in New York State  
21    that really make it difficult to do business, but  
22    this is a step in the right direction and I'll  
23    vote aye.

24                  Thank you.

25                  ACTING PRESIDENT BAILEY:    Senator

1 Borrello to be recorded in the affirmative.

2 Announce the results.

3 THE SECRETARY: Ayes, 55.

4 ACTING PRESIDENT BAILEY: The bill  
5 is passed.

6 THE SECRETARY: Calendar Number  
7 1055, Assembly Bill Number 8947C, by  
8 Assemblymember Reyes, an act to amend the  
9 Labor Law.

10 SENATOR PALUMBO: Lay it aside.

11 ACTING PRESIDENT BAILEY: Lay it  
12 aside.

13 (Member reaction.)

14 ACTING PRESIDENT BAILEY:

15 (Shouting.) Lay it aside!

16 (Laughter; member reaction.)

17 ACTING PRESIDENT BAILEY: The bill  
18 will be laid very much so aside.

19 THE SECRETARY: Calendar Number  
20 1059, Assembly Bill Number 9369A, by  
21 Assemblymember McDonald, an act to amend the  
22 Elder Law.

23 ACTING PRESIDENT BAILEY: Read the  
24 last section.

25 THE SECRETARY: Section 2. This

1 act shall take effect on the 180th day after it  
2 shall have become a law.

3 ACTING PRESIDENT BAILEY: Call the  
4 roll.

5 (The Secretary called the roll.)

6 ACTING PRESIDENT BAILEY: Announce  
7 the results.

8 THE SECRETARY: Ayes, 55.

9 ACTING PRESIDENT BAILEY: The bill  
10 is passed.

11 THE SECRETARY: Calendar Number  
12 1060, Assembly Bill Number 5790B, by  
13 Assemblymember Paulin, an act to amend the  
14 Public Health Law.

15 ACTING PRESIDENT BAILEY: Read the  
16 last section.

17 THE SECRETARY: Section 2. This  
18 act shall take effect on the 30th 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, 55.

1                   ACTING PRESIDENT BAILEY:    The bill  
2    is passed.

3                   THE SECRETARY:     Calendar Number  
4    1061, Senate Print 8893, by Senator Comrie, an  
5    act to amend the Real Property Tax Law.

6                   ACTING PRESIDENT BAILEY:   Read the  
7    last section.

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

10                  ACTING PRESIDENT BAILEY:   Call the  
11   roll.

12                  (The Secretary called the roll.)

13                  ACTING PRESIDENT BAILEY:   Announce  
14   the results.

15                  THE SECRETARY:     Ayes, 55.

16                  ACTING PRESIDENT BAILEY:   The bill  
17   is passed.

18                  THE SECRETARY:     Calendar Number  
19   1180, Assembly Bill Number 9105A, by  
20   Assemblymember Anderson, an act to amend the  
21   Public Service Law.

22                  ACTING PRESIDENT BAILEY:   Read the  
23   last section.

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

1 shall have become a law.

2 ACTING PRESIDENT BAILEY: Call the  
3 roll.

4 (The Secretary called the roll.)

5 ACTING PRESIDENT BAILEY: Announce  
6 the results.

7 THE SECRETARY: Ayes, 55.

8 ACTING PRESIDENT BAILEY: The bill  
9 is passed.

10 THE SECRETARY: Calendar Number  
11 1365, Senate Print 8799B, by Senator Sanders --  
12 (Off the record.)

13 ACTING PRESIDENT BAILEY: Excuse  
14 me. The Secretary will read on Calendar Number  
15 1311.

16 THE SECRETARY: Calendar Number  
17 1311, Senate Print 7736B, by Senator Webb, an act  
18 to amend the Environmental Conservation Law.

19 ACTING PRESIDENT BAILEY: Read the  
20 last section.

21 THE SECRETARY: Section 5. This  
22 act shall take effect on the 30th day after it  
23 shall have become a law.

24 ACTING PRESIDENT BAILEY: Call the  
25 roll.

1 (The Secretary called the roll.)

2 ACTING PRESIDENT BAILEY: Announce  
3 the results.

4 THE SECRETARY: Ayes, 55.

5 ACTING PRESIDENT BAILEY: The bill  
6 is passed.

7 ACTING PRESIDENT BAILEY: Senator  
8 Webb to explain her vote. I apologize.

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

11 I want to thank our Environmental  
12 chair, Senator Harckham, and Majority Leader  
13 Stewart-Cousins for bringing this legislation  
14 forward.

15 My district is home to one of the  
16 largest -- I would most certainly say probably  
17 one of the most beautiful Finger Lakes, and  
18 that's Cayuga Lake.

19 Cayuga Lake itself is surrounded by  
20 a multitude of communities and supports an  
21 agricultural and tourist economy relying on the  
22 natural beauty of the lake, its clean water, and  
23 the opportunity to visit the many vineyards found  
24 along the Cayuga Lake Wine Trail.

25 For many years it has been home to a

1 salt mine, and in August of 2023 Cargill Inc.  
2 began the process of putting up for sale the  
3 Cayuga Salt Mine that has operated for more than  
4 five decades beneath Cayuga Lake in Lansing,  
5 New York -- which is in Tompkins County -- where  
6 it operates on several thousand acres of land it  
7 leases from New York State.

8           The Mine Safety and Health  
9 Administration has been able to inspect the  
10 Cargill Salt Mine for worker safety, but the DEC  
11 has not regularly inspected the mine for issues  
12 relating to the protection of the Cayuga Lake  
13 ecosystem, to monitor more effectively for things  
14 such as salination, just to name a few.

15           This legislation, its aim is to  
16 ensure that in the case of an accident and, more  
17 importantly, to ensure that the integrity of the  
18 lake is maintained and that the quality of the  
19 drinking water -- which impacts about  
20 100,000 residents -- is protected. If it is put  
21 in jeopardy, it would endanger the region's  
22 \$3 billion, 60,000-employee food, wine and  
23 recreation tourism economy.

24           This legislation will bolster  
25 existing protections by explicitly requiring an

1 environmental impact statement for mining under a  
2 lake where there has not been one for the  
3 preceding 20 years, as well as updating the  
4 reclamation plan, along with appropriate  
5 financial security to ensure the communities  
6 relying on Cayuga Lake and its watershed are  
7 protected from potential harm.

8 As climate change threatens  
9 freshwater resources worldwide, our precious  
10 Finger Lakes also must be protected, and this  
11 legislation is doing just that. It is aimed to  
12 prevent a devastating -- and an expensive --  
13 emergency.

14 I proudly vote aye, and I encourage  
15 my colleagues to do the same.

16 Thank you, Mr. President.

17 ACTING PRESIDENT BAILEY: Senator  
18 Webb to be recorded in the affirmative.

19 Announce the results.

20 THE SECRETARY: Ayes, 55.

21 ACTING PRESIDENT BAILEY: The bill  
22 is passed.

23 THE SECRETARY: Calendar Number  
24 1365, Senate Print 8799B, by Senator Sanders, an  
25 act to amend the Highway Law.

1                   ACTING PRESIDENT BAILEY:    Read the  
2    last section.

3                   THE SECRETARY:    Section 3.  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 1365, voting in the negative:  
12    Senator Brisport.

13                  Ayes, 54.  Nays, 1.

14                  ACTING PRESIDENT BAILEY:    The bill  
15    is passed.

16                  THE SECRETARY:    Calendar Number  
17    1380, Senate Print 1201C, by Senator Parker, an  
18    act to amend the Public Service Law.

19                  ACTING PRESIDENT BAILEY:    Read the  
20    last section.

21                  THE SECRETARY:    Section 5.  This  
22    act shall take effect on the 180th day after it  
23    shall have become a law.

24                  ACTING PRESIDENT BAILEY:    Call the  
25    roll.

1 (The Secretary called the roll.)  
2 ACTING PRESIDENT BAILEY: Announce  
3 the results.  
4 THE SECRETARY: Ayes, 55.  
5 ACTING PRESIDENT BAILEY: The bill  
6 is passed.  
7 THE SECRETARY: Calendar Number  
8 1599, Senate Print 9425B, by Senator Weber, an  
9 act authorizing the Kolel Rachmistrivka to  
10 receive retroactive real property tax exempt  
11 status.  
12 ACTING PRESIDENT BAILEY: Read the  
13 last section.  
14 THE SECRETARY: Section 2. This  
15 act shall take effect immediately.  
16 ACTING PRESIDENT BAILEY: Call the  
17 roll.  
18 (The Secretary called the roll.)  
19 ACTING PRESIDENT BAILEY: Announce  
20 the results.  
21 THE SECRETARY: In relation to  
22 Calendar Number 1599, voting in the negative:  
23 Senator O'Mara.  
24 Ayes, 54. Nays, 1.  
25 ACTING PRESIDENT BAILEY: The bill

1 is passed.

2 THE SECRETARY: Calendar Number  
3 1662, Senate Print 9301A, by Senator Harckham, an  
4 act to amend the Highway Law.

5 ACTING PRESIDENT BAILEY: Read the  
6 last section.

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

9 ACTING PRESIDENT BAILEY: Call the  
10 roll.

11 (The Secretary called the roll.)

12 ACTING PRESIDENT BAILEY: Announce  
13 the results.

14 THE SECRETARY: In relation to  
15 Calendar 1662, voting in the negative:  
16 Senator Brisport.

17 Ayes, 54. Nays, 1.

18 ACTING PRESIDENT BAILEY: The bill  
19 is passed.

20 THE SECRETARY: Calendar Number  
21 1745, Senate Print 9812A, by Senator Skoufis, an  
22 act to amend the Retirement and Social Security  
23 Law.

24 ACTING PRESIDENT BAILEY: Read the  
25 last section.

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

3 ACTING PRESIDENT BAILEY: Call the  
4 roll.

5 (The Secretary called the roll.)

6 ACTING PRESIDENT BAILEY: Announce  
7 the results.

8 THE SECRETARY: Ayes, 55.

9 ACTING PRESIDENT BAILEY: The bill  
10 is passed.

11 THE SECRETARY: Calendar Number  
12 1751, Senate Print 9824, by Senator Brisport, an  
13 act to amend the Social Services Law.

14 ACTING PRESIDENT BAILEY: Read the  
15 last section.

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

18 ACTING PRESIDENT BAILEY: Call the  
19 roll.

20 (The Secretary called the roll.)

21 ACTING PRESIDENT BAILEY: Announce  
22 the results.

23 THE SECRETARY: Ayes, 55.

24 ACTING PRESIDENT BAILEY: The bill  
25 is passed.

1 THE SECRETARY: Calendar Number  
2 1752, Assembly Bill Number 10284, by  
3 Assemblymember Glick, an act to amend Chapter 550  
4 of the Laws of 2013.

5 ACTING PRESIDENT BAILEY: Read the  
6 last section.

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

9 ACTING PRESIDENT BAILEY: Call the  
10 roll.

11 (The Secretary called the roll.)

12 ACTING PRESIDENT BAILEY: Announce  
13 the results.

14 THE SECRETARY: Ayes, 55.

15 ACTING PRESIDENT BAILEY: The bill  
16 is passed.

17 THE SECRETARY: Calendar Number  
18 1763, Senate Print 7609B, by Senator Gianaris, an  
19 act to amend the Labor Law.

20 ACTING PRESIDENT BAILEY: Read the  
21 last section.

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

24 ACTING PRESIDENT BAILEY: Call the  
25 roll.

1 (The Secretary called the roll.)

2 ACTING PRESIDENT BAILEY: Senator  
3 Borrello to explain his vote.

4 SENATOR BORRELLO: Thank you,  
5 Mr. President.

6 While I understand the purpose of  
7 this bill -- to eliminate a quick decision on a  
8 severance package -- New York still remains an  
9 at-will-work state. That means, I think, many  
10 employers, because of these I think very  
11 burdensome and restrictive rules, will just  
12 choose not to offer a severance package at all.  
13 I think that's bad for the workers, and I'll be  
14 voting no.

15 Thank you.

16 ACTING PRESIDENT BAILEY: Senator  
17 Borrello to be recorded in the negative.

18 Announce the results.

19 THE SECRETARY: In relation to  
20 Calendar 1763, those Senators voting in the  
21 negative are Senators Ashby, Borrello, Gallivan,  
22 Lanza, Martins, Mattera, Oberacker, O'Mara, Ortt,  
23 Palumbo, Rhoads, Stec, Tedisco, Weber and Weik.

24 Ayes, 40. Nays, 15.

25 ACTING PRESIDENT BAILEY: The bill

1 is passed.

2 THE SECRETARY: Calendar Number  
3 1766, Senate Print 8491A, by Senator Breslin, an  
4 act to amend the Arts and Cultural Affairs Law.

5 ACTING PRESIDENT BAILEY: Read the  
6 last section.

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

9 ACTING PRESIDENT BAILEY: Call the  
10 roll.

11 (The Secretary called the roll.)

12 ACTING PRESIDENT BAILEY: Announce  
13 the results.

14 THE SECRETARY: Ayes, 55.

15 ACTING PRESIDENT BAILEY: The bill  
16 is passed.

17 THE SECRETARY: Calendar Number  
18 1777, Senate Print 9063B, by Senator Ortt, an act  
19 in relation to authorizing the City of  
20 Niagara Falls to alienate and discontinue the use  
21 of certain parklands.

22 ACTING PRESIDENT BAILEY: There is  
23 a home-rule message at the desk.

24 Read the last section.

25 THE SECRETARY: Section 5. this

1 act shall take effect immediately.

2 ACTING PRESIDENT BAILEY: Call the  
3 roll.

4 (The Secretary called the roll.)

5 ACTING PRESIDENT BAILEY: Announce  
6 the results.

7 THE SECRETARY: Ayes, 55.

8 ACTING PRESIDENT BAILEY: The bill  
9 is passed.

10 THE SECRETARY: Calendar Number  
11 1779, Assembly Bill Number 9616C, by  
12 Assemblymember Rosenthal, an act to amend the  
13 General Business Law.

14 ACTING PRESIDENT BAILEY: Read the  
15 last section.

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

18 ACTING PRESIDENT BAILEY: Call the  
19 roll.

20 (The Secretary called the roll.)

21 ACTING PRESIDENT BAILEY: Announce  
22 the results.

23 THE SECRETARY: Ayes, 55.

24 ACTING PRESIDENT BAILEY: The bill  
25 is passed.

1 THE SECRETARY: Calendar Number  
2 1780, Senate Print 9219B, by Senator Harckham, an  
3 act to amend the General Municipal Law.

4 ACTING PRESIDENT BAILEY: There is  
5 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 BAILEY: Call the  
10 roll.

11 (The Secretary called the roll.)

12 ACTING PRESIDENT BAILEY: Announce  
13 the results.

14 THE SECRETARY: Ayes, 55.

15 ACTING PRESIDENT BAILEY: The bill  
16 is passed.

17 THE SECRETARY: Calendar Number  
18 1793, Senate Print 9614B, by Senator Martinez, an  
19 act relating to authorizing the State University  
20 of New York at Stony Brook to lease certain lands  
21 for the purpose of constructing a facility to  
22 support research and development.

23 ACTING PRESIDENT BAILEY: Read the  
24 last section.

25 THE SECRETARY: Section 15. This

1 act shall take effect immediately.

2 ACTING PRESIDENT BAILEY: Call the  
3 roll.

4 (The Secretary called the roll.)

5 ACTING PRESIDENT BAILEY: Announce  
6 the results.

7 THE SECRETARY: In relation to  
8 Calendar 1793, those Senators voting in the  
9 negative are Senators Krueger, Liu, Mayer and  
10 Rivera.

11 Ayes, 51. Nays, 4.

12 ACTING PRESIDENT BAILEY: The bill  
13 is passed.

14 THE SECRETARY: Calendar Number  
15 1822, Senate Print 9830, by Senator Martinez, an  
16 act to amend Chapter 719 of the Laws of 1982.

17 ACTING PRESIDENT MAYER: There's a  
18 home-rule message at the desk.

19 Read the last section.

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

22 ACTING PRESIDENT MAYER: Call the  
23 roll.

24 (The Secretary called the roll.)

25 ACTING PRESIDENT MAYER: Announce

1 the results.

2 THE SECRETARY: Ayes, 55.

3 ACTING PRESIDENT MAYER: The bill  
4 is passed.

5 THE SECRETARY: Calendar Number  
6 1824, Senate Print 1292A, by Senator Parker, an  
7 act to amend the Environmental Conservation Law.

8 ACTING PRESIDENT MAYER: Read the  
9 last section.

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

12 ACTING PRESIDENT MAYER: Call the  
13 roll.

14 (The Secretary called the roll.)

15 ACTING PRESIDENT MAYER: Announce  
16 the results.

17 THE SECRETARY: In relation to  
18 Calendar 1824, those Senators voting in the  
19 negative are Senators Borrello, Brisport,  
20 Gallivan, Helming, Lanza, May, Oberacker, O'Mara,  
21 Ortt.

22 Ayes, 46. Nays, 9.

23 ACTING PRESIDENT MAYER: The bill  
24 is passed.

25 THE SECRETARY: Calendar Number

1 1869, Senate Print 9721A, by Senator Stavisky, an  
2 act to amend the Real Property Law.

3 SENATOR LANZA: Lay it aside.

4 ACTING PRESIDENT MAYER: The bill  
5 is laid aside.

6 THE SECRETARY: Calendar Number  
7 1874, Senate Print 9831A, by Senator Jackson, an  
8 act to amend the Retirement and Social Security  
9 Law.

10 ACTING PRESIDENT MAYER: Read the  
11 last section.

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

14 ACTING PRESIDENT MAYER: Call the  
15 roll.

16 (The Secretary called the roll.)

17 ACTING PRESIDENT MAYER: Announce  
18 the results.

19 THE SECRETARY: Ayes, 55.

20 ACTING PRESIDENT MAYER: The bill  
21 is passed.

22 THE SECRETARY: Calendar Number  
23 1879, Senate Print Number 9842, by  
24 Senator Hoylman-Sigal, an act to amend the  
25 Insurance Law.

1                   ACTING PRESIDENT MAYER:    Read the  
2   last section.

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

5                   ACTING PRESIDENT MAYER:    Call the  
6   roll.

7                   (The Secretary called the roll.)

8                   ACTING PRESIDENT MAYER:    Announce  
9   the results.

10                  THE SECRETARY:    In relation to  
11   Calendar 1879, voting in the negative are  
12   Senators Borrello, Oberacker, O'Mara and Stec.

13                   Ayes, 51.  Nays, 4.

14                  ACTING PRESIDENT MAYER:    The bill  
15   is passed.

16                  THE SECRETARY:    Also Senator  
17   Palumbo.

18                   Ayes, 50.  Nays, 5.

19                  ACTING PRESIDENT MAYER:    The bill  
20   is passed.

21                  THE SECRETARY:    Calendar Number  
22   1880, Senate Print 9847, by Senator Gianaris, an  
23   act to amend the Agriculture and Markets Law.

24                  ACTING PRESIDENT MAYER:    Read the  
25   last section.

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

4 ACTING PRESIDENT MAYER: Call the  
5 roll.

6 (The Secretary called the roll.)

7 ACTING PRESIDENT MAYER: Announce  
8 the results.

9 THE SECRETARY: Ayes, 55.

10 ACTING PRESIDENT MAYER: The bill  
11 is passed.

12 THE SECRETARY: Calendar Number  
13 1882, Senate Print 4246D, by Senator Harckham, an  
14 act to amend the Environmental Conservation Law.

15 SENATOR LANZA: Lay it aside.

16 ACTING PRESIDENT MAYER: The bill  
17 is laid aside.

18 THE SECRETARY: Calendar Number  
19 1902, Senate Print 9673A, by Senator Addabbo, an  
20 act to amend the Racing, Pari-Mutuel Wagering and  
21 Breeding Law.

22 ACTING PRESIDENT MAYER: Read the  
23 last section.

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

1                   ACTING PRESIDENT MAYER:    Call the  
2    roll.

3                   (The Secretary called the roll.)

4                   ACTING PRESIDENT MAYER:    Announce  
5    the results.

6                   THE SECRETARY:     In relation to  
7    Calendar 1902, voting in the negative are  
8    Senators Brisport, Lanza, Oberacker and  
9    Scarcella-Spanton.

10                  Ayes, 51.   Nays, 4.

11                  ACTING PRESIDENT MAYER:    The bill  
12    is passed.

13                  THE SECRETARY:     Calendar Number  
14    1906, Senate Print 9849, by Senator Comrie, an  
15    act to amend the New York City Public Works  
16    Investment Act.

17                  ACTING PRESIDENT MAYER:    Read the  
18    last section.

19                  THE SECRETARY:     Section 6.   This  
20    act shall take effect immediately.

21                  ACTING PRESIDENT MAYER:    Call the  
22    roll.

23                  (The Secretary called the roll.)

24                  ACTING PRESIDENT MAYER:    Announce  
25    the results.

1 THE SECRETARY: Ayes, 55.

2 ACTING PRESIDENT MAYER: The bill  
3 is passed.

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

6 SENATOR GIANARIS: Madam President,  
7 I believe there's a report of the Rules Committee  
8 at the desk.

9 Can we take that up, please.

10 ACTING PRESIDENT MAYER: The  
11 Secretary will read.

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

15 Senate Print 3397A, by  
16 Senator Skoufis, an act to amend the  
17 Education Law;

18 Senate Print 4764A, by  
19 Senator Lanza, an act to require the  
20 commissioner of the Department of Civil Service  
21 to prepare a report on certain civil service  
22 titles;

23 Senate Print 5188, by  
24 Senator Skoufis, an act to amend the  
25 Civil Practice Law and Rules;

1                   Senate Print 5481A, by  
2     Senator Hoylman-Sigal, an act to amend the  
3     Insurance Law;

4                   Senate Print 8472A, by  
5     Senator Jackson, an act to amend the  
6     Retirement and Social Security Law;

7                   Senate Print 9195, by  
8     Senator Rhoads, an act authorizing the  
9     County of Nassau to alienate and sell parklands  
10    to Lakeside Inn, Inc.;

11                  Senate Print 9254, by  
12    Senator Palumbo, an act to amend the  
13    Retirement and Social Security Law;

14                  Senate Print 9334, by  
15    Senator Walczyk, an act to amend the  
16    Criminal Procedure Law;

17                  Senate Print 9356, by  
18    Senator Cleare, an act to amend the Elder Law;

19                  Senate Print 9449A, by  
20    Senator Ryan, an act to extend the duration of  
21    certain brownfield redevelopment and  
22    remediation tax credits;

23                  Senate Print 9688, by  
24    Senator Fernandez, an act to amend the  
25    Real Property Tax Law;

1                   Senate Print 9752, by  
2     Senator Bailey, an act to amend the Vehicle and  
3     Traffic Law;

4                   Senate Print 9835, by  
5     Senator Skoufis, an act to amend the  
6     Election Law;

7                   Senate Print 9840, by Senator Ramos,  
8     an act to amend the Workers' Compensation Law;

9                   And Senate Print 9857, by  
10    Senator Hoylman-Sigal, an act to amend the  
11    Court of Claims Act.

12                   All bills reported direct to third  
13    reading.

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

16                   ACTING PRESIDENT BAILEY:   All those  
17    in favor of accepting the report of the  
18    Rules Committee signify by saying aye.

19                   (Response of "Aye.")

20                   ACTING PRESIDENT BAILEY:   Opposed,  
21    nay.

22                   (No response.)

23                   ACTING PRESIDENT BAILEY:   The  
24    report of the Rules Committee is accepted.

25                   Senator Gianaris.

1                   SENATOR GIANARIS:    Let's take up  
2                   the supplemental calendar, please.

3                   ACTING PRESIDENT BAILEY:    The  
4                   Secretary will read.

5                   SENATOR GIANARIS:    Mr. President,  
6                   let's read the messages from the Assembly first.

7                   ACTING PRESIDENT BAILEY:    The  
8                   Secretary will read.

9                   THE SECRETARY:        Senator Rivera  
10                  moves to discharge, from the Committee on Health,  
11                  Assembly Bill Number 8862 and substitute it for  
12                  the identical Senate Bill 7840, Third Reading  
13                  Calendar 82.

14                  Senator Lanza moves to discharge,  
15                  from the Committee on Rules, Assembly Bill  
16                  Number 5080A and substitute it for the  
17                  identical Senate Bill Number 4764A, Third Reading  
18                  Calendar 1908.

19                  Senator Hoylman-Sigal moves to  
20                  discharge, from the Committee on Rules,  
21                  Assembly Bill Number 2898A and substitute it for  
22                  the identical Senate Bill 5481A, Third Reading  
23                  Calendar 1910.

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

1 Number 6726A and substitute it for the identical  
2 Senate Bill 9195, Third Reading Calendar 1912.

3 Senator Palumbo moves to discharge,  
4 from the Committee on Rules, Assembly Bill  
5 Number 10136 and substitute it for the identical  
6 Senate Bill 9254, Third Reading Calendar 1913.

7 Senator Cleare moves to discharge,  
8 from the Committee on Rules, Assembly Bill  
9 Number 10142 and substitute it for the identical  
10 Senate Bill 9356, Third Reading Calendar 1915.

11 Senator Hoylman-Sigal moves to  
12 discharge, from the Committee on Rules,  
13 Assembly Bill Number 8324 and substitute it for  
14 the identical Senate Bill 9851, Third Reading  
15 Calendar 1921.

16 Senator Jackson moves to discharge,  
17 from the Committee on Finance, Assembly Bill  
18 Number 8918A and substitute it for the identical  
19 Senate Bill 8472A, Third Reading Calendar 1911.

20 ACTING PRESIDENT BAILEY: So  
21 ordered.

22 Senator Gianaris.

23 SENATOR GIANARIS: Mr. President,  
24 in getting through the previous calendar,  
25 Senator Ramos missed the opportunity to explain

1 her vote on Calendar 211. By consent, can we  
2 allow her to explain her vote on that bill now.

3 ACTING PRESIDENT BAILEY:

4 Certainly, Senator Gianaris.

5 Senator Ramos to explain her vote.

6 SENATOR RAMOS: Thank you,  
7 Mr. President. Thank you for letting me explain  
8 my vote.

9 Today I rise as a proud member of  
10 this body to vote aye on eliminating the minimum  
11 earnings requirement for the CCAP eligibility in  
12 childcare.

13 This is a body that helped me put in  
14 place a task force with a mandate to cut child  
15 poverty in half by the year 2030 -- a body who  
16 continues to prove we are taking that mandate  
17 seriously. As a single mother of two boys  
18 myself, I was proud to fight alongside all of you  
19 to expand the eligibility for childcare  
20 assistance to more working families above the  
21 income thresholds that had been in place for  
22 years, because we were just leaving too many  
23 New Yorkers who are struggling behind.

24 This bill corrects that by doing  
25 away with the minimum earnings requirement that

1 kept many low-income families from receiving the  
2 help they need in order to take care of their  
3 families. Passing this bill means 10,000 more  
4 families in New York State will be eligible to  
5 receive childcare assistance. Our most  
6 vulnerable families won't have to choose between  
7 putting food on the table and taking care of  
8 their families.

9 My hope is that we continue to work  
10 together to ensure that no family has to make  
11 such a choice, and that in this state we will  
12 finally be able to enjoy universal childcare.

13 I proudly vote aye.

14 ACTING PRESIDENT BAILEY: Senator  
15 Ramos to be recorded in the affirmative.

16 Senator Gianaris.

17 SENATOR GIANARIS: Let's now move  
18 on to the supplemental calendar.

19 ACTING PRESIDENT BAILEY: The  
20 Secretary will read.

21 THE SECRETARY: Calendar Number 82,  
22 Assembly Bill Number 8862, by  
23 Assemblymember Paulin, an act to amend the  
24 Social Services 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, 57.

10 ACTING PRESIDENT BAILEY: The bill  
11 is passed.

12 THE SECRETARY: Calendar Number  
13 1907, Senate Print 3397A, by Senator Skoufis, an  
14 act to amend the Education Law.

15 ACTING PRESIDENT BAILEY: Read the  
16 last section.

17 THE SECRETARY: Section 3. This  
18 act shall take effect September 1, 2025.

19 ACTING PRESIDENT BAILEY: Call the  
20 roll.

21 (The Secretary called the roll.)

22 ACTING PRESIDENT BAILEY: Senator  
23 Skoufis to explain his vote.

24 SENATOR SKOUFIS: Thank you very  
25 much, Mr. President.

1                   And I want to thank my colleagues  
2 for their support of this bill.

3                   I think I've carried this bill for  
4 seven sessions, and I'm delighted it's finally  
5 moving not just in this house but, it seems, in  
6 the Assembly as well.

7                   Here in New York State we have  
8 maximum temperatures for places such as even  
9 dog shelters, and yet we don't have maximum  
10 temperatures in place for the very classrooms  
11 that we send our kids to learn in and send our  
12 educators to educate in.

13                   Interestingly, we've long had a  
14 minimum temperature in classrooms set here in  
15 New York, and so the illogical sort of disparity  
16 here whereby the state has, I guess, felt that,  
17 you know, we are not okay with children freezing  
18 to death in classrooms, but absent a maximum  
19 temperature we have I guess implicitly been okay  
20 with setting up heat boxes and in some cases  
21 creating very dangerous learning environments.

22                   We are looking to finally bring an  
23 end to that disparity.

24                   And so I want to thank my colleagues  
25 again. I want to thank the Majority Leader, who

1 also when -- especially when she first got here  
2 was very invested and involved, I think carried a  
3 similar bill.

4 And I look forward to sending this  
5 bill to the Governor and hopefully it becoming  
6 law so that we finally have safe, conducive  
7 learning environments here in New York State.

8 Thank you.

9 ACTING PRESIDENT BAILEY: Senator  
10 Skoufis to be recorded in the affirmative.

11 Senator Mayer to explain her vote.

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

14 I too rise in support of this bill.

15 I want to acknowledge that it does  
16 pose complications for some of our school  
17 communities, certainly superintendents and boards  
18 of education. But we have an overwhelming need  
19 to address this problem. And this bill really  
20 sets us on the path to starting to deal with the  
21 fact that through climate change and old  
22 buildings, our children and our staff, including  
23 our teachers, are in buildings that are simply  
24 too hot during the summer months.

25 So I recognize that there are

1 challenges with the costs of upgrading to meet  
2 the needs of this bill. We look forward to  
3 working with the school community in next year's  
4 budget, assuming we are back here, to find ways  
5 to move forward on this issue. We look forward  
6 to working out some of the logistics that others  
7 are concerned about, and particularly the fact  
8 that if schools closed, children sometimes go  
9 home to an equally hot household.

10 That being said, this Legislature  
11 has clearly indicated it is committed to changing  
12 the temperature internally in our school  
13 districts so that our children and our staff do  
14 not get subject to unbearable heat.

15 And I vote aye. I look forward to  
16 working with all my colleagues on working out the  
17 operational details as we move forward.

18 Thank you, Mr. President.

19 ACTING PRESIDENT BAILEY: Senator  
20 Mayer to be recorded in the affirmative.

21 Senator Oberacker to explain his  
22 vote.

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

25 As one who represents a very rural

1 seven-county district -- 61 school districts in  
2 my district -- this is a huge undertaking  
3 cost-wise for our superintendents and those that  
4 are in charge of building and grounds.

5 I don't think there's any doubt  
6 that, again, the bill is laudable in where it  
7 goes with being concerned about temperature and  
8 temperature ranges. In light of where we were  
9 just recently with the pull-back of a lot of  
10 school funding, my building and grounds  
11 superintendents reached out to me and said to put  
12 this mandate on them and to not back it up or not  
13 to secure it with some sort of a funding stream  
14 really puts them at a disadvantage.

15 And again, the ruralness of my  
16 district, the wealth ratios that are in my  
17 district, which are extremely challenging, this  
18 is a huge burden, a huge lift -- a huge lift for  
19 my schools there, and I will be voting in the  
20 negative.

21 Thank you, Mr. President.

22 ACTING PRESIDENT BAILEY: Senator  
23 Oberacker to be recorded in the negative.

24 Senator Mattera to explain his vote.

25 SENATOR MATTERA: Thank you,

1 Mr. President.

2 I just want to, you know, thank the  
3 sponsor. And I am actually a cosponsor of this  
4 bill, which is very, very important.

5 You know, as somebody that's in the  
6 construction field, you know, going to the same  
7 school, my high school, Smithtown East, and it  
8 looks exactly the same as 42 years ago when I  
9 went there. We need to make sure that we invest  
10 in our infrastructure, yes. We need to have a  
11 certain amount of funding for this.

12 I understand mandates. We have a  
13 situation with the EV stations also. In other  
14 words, it's an unfunded mandate, that we need to  
15 make sure that there's a funding policy moving  
16 forward.

17 But, you know, I don't know how many  
18 of our colleagues went down into the heat box the  
19 other day, that last week or two weeks ago. And,  
20 you know, I went to 104 degrees. I remember  
21 those days. I don't know if anybody went to like  
22 maybe 90 degrees; I went to 104 degrees. And I  
23 remember those days sitting in my school in  
24 September and October and roasting, and didn't  
25 want to be there. And I was not learning

1 properly. Sorry, I maybe today have learned a  
2 little bit better.

3 But we look at how cold it is in  
4 this chamber. Okay? To go to school in that  
5 heat is just unacceptable. We need to make sure  
6 that we upgrade our HVAC systems like just what  
7 happened with COVID, the situation with that, to  
8 make sure that we have clean systems and have  
9 upgraded HVAC systems in our school districts.

10 I know some of my school districts  
11 do have AC, and a lot of them don't. They're  
12 antiquated, they're old school districts. We  
13 need to make sure we invest in our  
14 infrastructure. So I am an -- excuse me, I am --  
15 thank you very much. I am a yes on this bill.

16 Thank you, Mr. President.

17 ACTING PRESIDENT BAILEY: Senator  
18 Mattera to be recorded in the affirmative.

19 Announce the results.

20 THE SECRETARY: In relation to  
21 Calendar 1907, those Senators voting in the  
22 negative are Senators Oberacker, O'Mara and Ortt.

23 Ayes, 54. Nays, 3.

24 ACTING PRESIDENT BAILEY: The bill  
25 is passed.

1                   THE SECRETARY:     Calendar Number  
2     1908, Assembly Bill Number 5080A, by  
3     Assemblymember Gunther, an act to require the  
4     commissioner of the Department of Social Services  
5     to prepare a record on certain civil service  
6     titles.

7                   ACTING PRESIDENT BAILEY:     Read the  
8     last section.

9                   THE SECRETARY:     Section 2. 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, 57.

17                  ACTING PRESIDENT BAILEY:     The bill  
18    is passed.

19                  THE SECRETARY:     Calendar Number  
20    1909, Senate Print 5188, by Senator Skoufis, an  
21    act to amend the Civil Practice Law and Rules.

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:    In relation to  
7    Calendar 1909, those Senators voting in the  
8    negative are Senators Ashby, Borrello, Griffo,  
9    Helming, Lanza, Martins, Mattera, Murray,  
10   Oberacker, O'Mara, Ortt, Rolison, Stec, Weber and  
11   Weik.

12                   Ayes, 42.   Nays, 15.

13                   ACTING PRESIDENT BAILEY:    The bill  
14    is passed.

15                   THE SECRETARY:    Calendar Number  
16    1910, Assembly Bill Number 2898A, by  
17    Assemblymember Carroll, an act to amend the  
18    Insurance Law.

19                   ACTING PRESIDENT BAILEY:    Read the  
20    last section.

21                   THE SECRETARY:    Section 6.   This  
22    act shall take effect on the first of January.

23                   ACTING PRESIDENT BAILEY:    Call the  
24    roll.

25                   (The Secretary called the roll.)

1                   ACTING PRESIDENT BAILEY:    Announce  
2   the results.

3                   THE SECRETARY:     Ayes, 57.

4                   ACTING PRESIDENT BAILEY:    The bill  
5   is passed.

6                   THE SECRETARY:     Calendar Number  
7   1911, Assembly Bill Number 8918A, by  
8   Assemblymember Pheffer Amato, an act to amend the  
9   Retirement and Social Security Law.

10                  ACTING PRESIDENT BAILEY:   Read the  
11   last section.

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

15                  ACTING PRESIDENT BAILEY:   Call the  
16   roll.

17                  (The Secretary called the roll.)

18                  ACTING PRESIDENT BAILEY:   Announce  
19   the results.

20                  THE SECRETARY:     Ayes, 57.

21                  ACTING PRESIDENT BAILEY:   The bill  
22   is passed.

23                  THE SECRETARY:     Calendar Number  
24   1912, Assembly Bill Number 6726A, by  
25   Assemblymember Curran, an act authorizing the

1 County of Nassau to alienate and sell parklands  
2 to Lakeside Inn, Inc.

3 ACTING PRESIDENT BAILEY: There is  
4 a home-rule message at the desk.

5 Read the last section.

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

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, 57.

14 ACTING PRESIDENT BAILEY: The bill  
15 is passed.

16 THE SECRETARY: Calendar Number  
17 1913, Assembly Bill Number 10136, by  
18 Assemblymember Thiele, an act to amend the  
19 Retirement and Social Security Law.

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

22 Read the last section.

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

25 ACTING PRESIDENT BAILEY: Call the

1 roll.

2 (The Secretary called the roll.)

3 ACTING PRESIDENT BAILEY: Announce  
4 the results.

5 THE SECRETARY: Ayes, 57.

6 ACTING PRESIDENT BAILEY: The bill  
7 is passed.

8 THE SECRETARY: Calendar Number  
9 1914, Senate Print 9334, by Senator Walczyk, an  
10 act to amend the Criminal Procedure Law.

11 ACTING PRESIDENT BAILEY: Read the  
12 last section.

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

15 ACTING PRESIDENT BAILEY: Call the  
16 roll.

17 (The Secretary called the roll.)

18 ACTING PRESIDENT BAILEY: Announce  
19 the results.

20 THE SECRETARY: Ayes, 57.

21 ACTING PRESIDENT BAILEY: The bill  
22 is passed.

23 THE SECRETARY: Calendar Number  
24 1915, Assembly Bill Number 10142, by  
25 Assemblymember Kim, an act to amend the

1 Elder Law.

2 ACTING PRESIDENT BAILEY: Read the  
3 last section.

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

6 ACTING PRESIDENT BAILEY: Call the  
7 roll.

8 (The Secretary called the roll.)

9 ACTING PRESIDENT BAILEY: Announce  
10 the results.

11 THE SECRETARY: Ayes, 57.

12 ACTING PRESIDENT BAILEY: The bill  
13 is passed.

14 THE SECRETARY: Calendar Number  
15 1916, Senate Print 9449A, by Senator Ryan, an act  
16 to extend the duration of certain brownfield  
17 redevelopment and remediation tax credits for  
18 certain sites.

19 ACTING PRESIDENT BAILEY: Read the  
20 last section.

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

23 ACTING PRESIDENT BAILEY: Call the  
24 roll.

25 (The Secretary called the roll.)

1                   ACTING PRESIDENT BAILEY:    Announce  
2   the results.

3                   THE SECRETARY:     Ayes, 57.

4                   ACTING PRESIDENT BAILEY:    The bill  
5   is passed.

6                   THE SECRETARY:     Calendar Number  
7   1917, Senate Print 9688, by Senator Fernandez, an  
8   act to amend the Real Property Tax Law.

9                   ACTING PRESIDENT BAILEY:    Read the  
10  last section.

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

13                  ACTING PRESIDENT BAILEY:    Call the  
14  roll.

15                  (The Secretary called the roll.)

16                  ACTING PRESIDENT BAILEY:    Announce  
17  the results.

18                  THE SECRETARY:     Ayes, 57.

19                  ACTING PRESIDENT BAILEY:    The bill  
20  is passed.

21                  THE SECRETARY:     Calendar Number  
22  1918, Senate Print 9752, by Senator Bailey, an  
23  act to amend the Vehicle and Traffic Law.

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

1 Read the last section.

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

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 1918, those Senators voting in the  
12 negative are Senators Griffio, Lanza, Martins,  
13 Ortt and Scarcella-Spanton.

14 Ayes, 52. Nays, 5.

15 ACTING PRESIDENT BAILEY: The bill  
16 is passed.

17 THE SECRETARY: Calendar Number  
18 1919, Senate Print 9835, by Senator Skoufis, an  
19 act to amend the Election Law.

20 ACTING PRESIDENT BAILEY: Read the  
21 last section.

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

24 ACTING PRESIDENT BAILEY: Call the  
25 roll.

1 (The Secretary called the roll.)  
2 ACTING PRESIDENT BAILEY: Announce  
3 the results.  
4 THE SECRETARY: Ayes, 57.  
5 ACTING PRESIDENT BAILEY: The bill  
6 is passed.  
7 THE SECRETARY: Calendar Number  
8 1920, Senate Print 9840, by Senator Ramos, an act  
9 to amend the Workers' Compensation Law.  
10 SENATOR LANZA: Lay it aside.  
11 ACTING PRESIDENT BAILEY: Lay it  
12 aside.  
13 THE SECRETARY: Calendar number  
14 1921, Assembly Bill Number 8324, by  
15 Assemblymember Rajkumar, an act to amend the  
16 Court of Claims Act.  
17 ACTING PRESIDENT BAILEY: Read the  
18 last section.  
19 THE SECRETARY: Section 2. This  
20 act shall take effect immediately.  
21 ACTING PRESIDENT BAILEY: Call the  
22 roll.  
23 (The Secretary called the roll.)  
24 ACTING PRESIDENT BAILEY: Announce  
25 the results.

1                   THE SECRETARY:    In relation to  
2   Calendar 1921, voting in the negative:  
3   Senator Borrello.

4                   Ayes, 56.   Nays, 1.

5                   ACTING PRESIDENT BAILEY:    The bill  
6   is passed.

7                   Senator Gianaris, that completes the  
8   reading of the supplemental calendar.

9                   SENATOR GIANARIS:    Okay.  We're  
10   going to move right to the controversial  
11   calendar, beginning with Calendar 1882, by  
12   Senator Harckham.

13                   ACTING PRESIDENT BAILEY:    The  
14   Secretary will ring the bell.

15                   The Secretary will read.

16                   THE SECRETARY:    Calendar Number  
17   1882, Senate Print 4246D, by Senator Harckham, an  
18   act to amend the Environmental Conservation Law.

19                   ACTING PRESIDENT BAILEY:    Senator  
20   Stec, why do you rise?

21                   SENATOR STEC:    If the sponsor would  
22   yield for a series of questions.  And I hope he's  
23   got comfortable shoes.

24                   ACTING PRESIDENT BAILEY:    A series,  
25   huh, Senator Stec?

1 Will the sponsor yield?

2 SENATOR HARCKHAM: Through you,  
3 Mr. President, absolutely.

4 ACTING PRESIDENT BAILEY: The  
5 sponsor yields.

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

8 Thank you, Senator Harckham. And  
9 all kidding aside, appreciate in advance your  
10 time today and, more importantly, I think the  
11 effort you put in the -- effort and attempt at  
12 cooperation and consensus-building that you put  
13 in on this over the last few years.

14 However, clearly, I still have some  
15 issues with it, and I don't think I'm alone. And  
16 so I do want to delve into some questions.

17 If you would, so we all get bill  
18 memos, memos of support and opposition on various  
19 pieces of legislation. We get a briefing memo.  
20 In my 12 years in the Legislature, I'm not sure  
21 that I've ever seen as lengthy an opposition list  
22 on a piece of legislation as I have on this.

23 I'll be following with a question,  
24 but please allow me to read first the opposition  
25 from Abbott; Air Conditioning, Heating and

1 Refrigeration Institute; American Beverage  
2 Association; American Chemistry Council;  
3 American Cleaning Institute; American Forest and  
4 Paper Association; AMERIPEN; Buffalo Niagara  
5 Partnership; Business Council of Westchester;  
6 Consumer Brands Association; Consumer Technology  
7 Association; Farm Bureau New York -- that one's  
8 probably worth highlighting -- Food Industry  
9 Alliance, another big one; Household and  
10 Commercial Products Association; Kraft Heinz;  
11 National Waste and Recycling Association;  
12 New York State Chemistry Council; New York State  
13 Conference of Mayors and Municipal Officials --  
14 so NYCOM doesn't like it. This one caught my  
15 eye: New York State Conference of Teamsters.  
16 New York State Restaurant Association. NFIB.  
17 Print Graphic Communication Association.  
18 Printing United Alliance. The American Cleaning  
19 Institute. The Business Council -- probably  
20 another big one worth noting. The Household and  
21 Commercial Products Association. The National  
22 Supermarket Association -- that's a big one;  
23 we'll circle back in a minute to the  
24 supermarkets. The Vinyl Institute. Upstate  
25 United. And U.S. Composting Council.

1 Wide breadth -- labor, the  
2 Teamsters. Business Council, NFIB, business.  
3 Upstate United. Farm Bureau. It's a big bill.  
4 I mean, certainly if the bill was as simple as --

5 ACTING PRESIDENT BAILEY: Senator  
6 Stec, are you on the bill or are you asking the  
7 sponsor to yield?

8 SENATOR STEC: I'm about to ask a  
9 question.

10 ACTING PRESIDENT BAILEY: Just  
11 wanted to clarify. That's was a lot.

12 SENATOR STEC: I know. I told you,  
13 comfortable shoes.

14 After all -- this is the D print, so  
15 there's been a lot of iterations, a lot of  
16 negotiations. I've been in the room. And again,  
17 I led with appreciating you for it.

18 But how do we feel that with all  
19 this outstanding opposition, that this bill is  
20 ready to become law?

21 SENATOR HARCKHAM: Through you,  
22 Mr. President. There was a lot in what you said,  
23 so I will respond in multiple ways.

24 First of all, the Teamsters are not  
25 opposed to this bill. The statewide Teamsters

1 had a memo of opposition; they wanted a seat on  
2 the producer responsibility organization. They  
3 wanted labor peace agreements. We gave them  
4 both. They withdrew the statewide memo of  
5 opposition.

6           There is a -- one particular small  
7 local from the Teamsters, who do not speak for  
8 the statewide teamsters, who are in opposition,  
9 but the statewide Teamsters are not.

10           You mentioned NYCOM. NYCOM is  
11 not -- NYCOM is supporting, as are NYSAC. And I  
12 could stand here and read, you know, just as long  
13 a list of environmental groups, consumer groups,  
14 municipalities, our local municipalities. The  
15 reason they're supporting this is because this  
16 will save them money that our taxpayers, our  
17 constituents, are paying to dispose of 15 million  
18 tons of waste a year that many of the folks who  
19 you read off on that list are producing.

20           And what this bill is asking them to  
21 do is take responsibility for the waste they are  
22 creating. And why are they in opposition?  
23 Because that will cost them a little bit of money  
24 to think about.

25           But some of the companies that are

1 most vocal are already doing this in Europe.  
2 They're multinational companies. They are doing  
3 this in Europe. They are doing this in Canada.  
4 They've set out in other states to do this.

5 This is an achievable thing. As you  
6 mentioned, Senator, we have made numerous changes  
7 to this bill. I have met personally with over a  
8 hundred stakeholders. My staff, over a hundred  
9 stakeholders. Central staff, close to a hundred  
10 stakeholders. We have made major revisions to  
11 the bill.

12 You spoke about the Farm Bureau. We  
13 had a public hearing in March -- what was it,  
14 October of last year? October of last year we  
15 had a public hearing on this bill. We had a  
16 number of folks from ag. And you remember at the  
17 time the threshold was a million dollars. So we  
18 thought about changing that.

19 Senator Hinchey arranged some  
20 meetings for me with some of the vintners and the  
21 beverage folks.

22 And so with Chair Glick in the  
23 Assembly, we decided to raise the threshold to  
24 5 million. And according to New York State  
25 statistics -- these are not my statistics, these

1 are state statistics -- 99 percent of the farmers  
2 in New York State have a revenue of less than  
3 \$5 million. So with that one act, we protected  
4 99 percent of the farmers in New York State.

5 But then we went a step further,  
6 because some of the dairy co-ops are still small  
7 businesses, even if they have over that  
8 \$5 million threshold. So again, thanks to  
9 Senator Hinchey, we met with some of the smaller  
10 milk co-ops who happen to earn more than  
11 5 million in revenue. And lo and behold, what we  
12 did was we exempted agriculture -- if you're over  
13 5 million but less than 50 employees, those are  
14 exempted.

15 So we have exempted 99-point -- fill  
16 in the blank -- percent of New York State farmers  
17 with this bill. And so if that's not good enough  
18 for the Farm Bureau, you know, that's on them.

19 SENATOR STEC: Fair enough.

20 If the sponsor will continue to  
21 yield.

22 ACTING PRESIDENT BAILEY: Will the  
23 sponsor yield?

24 SENATOR HARCKHAM: Absolutely.

25 ACTING PRESIDENT BAILEY: The

1 sponsor yields.

2 SENATOR STEC: Okay, I'll shift to  
3 a different and shorter question. If we could  
4 talk a little bit about the part of the bill that  
5 deals with the toxic and banned materials.

6 And again, I applaud you for  
7 modifying the bill on the carbon black. I won't  
8 belabor that. But that -- with that as a  
9 mindset, because you're very familiar with what  
10 that meant, and you removed it, other items that  
11 are on the list include polyvinyl chloride.  
12 Polyvinyl chloride is used in a lot of materials  
13 all over that we have contact with all the time.

14 Why is PVC a banned chemical -- a  
15 banned packaging material?

16 SENATOR HARCKHAM: I think --  
17 through you, Mr. President -- if you ask the  
18 residents of East Palestine, Ohio, why PVC is a  
19 banned chemical, they will tell you. Because of  
20 the environmental and public health destruction  
21 that was wreaked across their entire community  
22 when a trainload of PVC derailed in their  
23 community.

24 SENATOR STEC: If I could,  
25 Mr. President, interrupt and ask the sponsor to

1 yield to a related question on that, please.

2 SENATOR HARCKHAM: Well, I would  
3 like to finish my answer --

4 ACTING PRESIDENT BAILEY: Senator  
5 Stec --

6 SENATOR STEC: I thought he was  
7 done.

8 ACTING PRESIDENT BAILEY: Senator  
9 Harckham has the floor. After he continues to  
10 have the floor, you may at that point --

11 SENATOR HARCKHAM: -- I'd be happy  
12 to entertain a question.

13 ACTING PRESIDENT BAILEY: Senator  
14 Harckham, you have the floor.

15 SENATOR HARCKHAM: So all of the  
16 chemicals and substances on this, public health  
17 experts have linked to health risks. That's why  
18 they are on this list.

19 However, in response to entreaties  
20 from industries, there is a procedure for a  
21 waiver. So if companies who manufacture or use  
22 any of these materials feel that their product is  
23 not toxic, they can make their case to DEC and  
24 say why they are nontoxic.

25 I personally don't think the folks

1 who are manufacturing PFAS are going to be coming  
2 forward and saying why we need PFAS forevermore  
3 in food packaging. But there is a process --

4 SENATOR STEC: (Inaudible.)

5 ACTING PRESIDENT BAILEY: Senator  
6 Stec, Senator Harckham has the floor.

7 SENATOR HARCKHAM: -- a process to  
8 deal with that. And companies may make their  
9 case to DEC.

10 The other thing -- two other things  
11 we did, then I'll yield, Senator Stec. Thank you  
12 for your patience -- we also shifted that  
13 timeline back by two years.

14 And then, thirdly, what companies  
15 told us is there is this material in the  
16 production stream, unintentionally, inertly, and  
17 it will take them time to get it out of the  
18 production stream. Then on top of the first two  
19 years, we gave them another year to deal with the  
20 indirect toxins.

21 ACTING PRESIDENT BAILEY: Senator  
22 Stec.

23 SENATOR STEC: Do I have the floor  
24 still, Mr. President?

25 ACTING PRESIDENT BAILEY: Are you

1 asking --

2 SENATOR STEC: I'm asking if I have  
3 the floor.

4 ACTING PRESIDENT BAILEY: Are you  
5 asking to be on the bill, or are you asking the  
6 sponsor to yield?

7 SENATOR STEC: I'm about to ask for  
8 another question.

9 SENATOR HARCKHAM: I yield. I  
10 yield, Mr. President.

11 SENATOR STEC: Thank you. So,  
12 Senator Harckham --

13 ACTING PRESIDENT BAILEY: Senator  
14 Stec, if I may clarify.

15 If you're asking the Senator a  
16 question, please, through the president,  
17 reference what you're trying to do.

18 SENATOR STEC: Mr. President, if  
19 the sponsor would continue to yield.

20 ACTING PRESIDENT BAILEY: Will the  
21 sponsor yield?

22 SENATOR HARCKHAM: Absolutely.

23 ACTING PRESIDENT BAILEY: The  
24 sponsor yields.

25 SENATOR STEC: Thank you,

1 Mr. President.

2 Senator Harckham, to be clear, I  
3 didn't mention PFAS. I said there's a list of  
4 chemicals, and I'm talking about PVC, polyvinyl  
5 chloride. Not to be confused with the chemical  
6 that was involved in the train accident, which is  
7 vinyl chloride, which is very toxic and a known  
8 carcinogen.

9 Vinyl chloride is a precursor that  
10 is used in a chemical process -- you're familiar  
11 with my background -- to create PVC. PVC is the  
12 white pipes that's in all our basements that  
13 carries -- do you believe that the white pipes in  
14 your basement are a toxic chemical?

15 SENATOR HARCKHAM: The public  
16 health experts have made these recommendations to  
17 us. If companies feel -- and again, there's a  
18 difference between PVC running from a restroom to  
19 a septic tank than in food packaging. They're  
20 very different things.

21 And so if a company wants to make  
22 that case to DEC, the procedure is there.

23 SENATOR STEC: Mr. President, will  
24 the sponsor continue to yield.

25 ACTING PRESIDENT BAILEY: Will the

1 sponsor yield?

2 SENATOR HARCKHAM: Absolutely.

3 ACTING PRESIDENT BAILEY: The  
4 sponsor yields.

5 SENATOR STEC: Thank you,  
6 Mr. President. Through you.

7 Senator Harckham, are there any  
8 exceptions to this in the law or currently in  
9 place to PVC and the PVC ban because it's so  
10 toxic? Is there any federal preemptions that  
11 say -- or that have led us to say this part --  
12 this use of PVC is exempt from this law?

13 SENATOR HARCKHAM: There is a  
14 federal preemption when it comes to packaging  
15 that says if there is no other way to comply with  
16 federal law under this law, then you are granted  
17 a waiver. So that -- that is a federal  
18 exemption. And that is across the bill for all  
19 packaging -- for food, excuse me.

20 So it's -- forgive me, that was for  
21 reductions. Apologies.

22 SENATOR STEC: Mr. President,  
23 through you, if the sponsor will continue to  
24 yield.

25 ACTING PRESIDENT BAILEY: Will the

1 sponsor yield?

2 SENATOR HARCKHAM: Absolutely.

3 ACTING PRESIDENT BAILEY: The  
4 sponsor yields.

5 SENATOR STEC: PVC is commonly used  
6 in the medical industry. It's used for  
7 containing -- holding blood that is reused in  
8 human bodies. It is used for medical tubing.

9 Is that exempt from this law?

10 SENATOR HARCKHAM: Through you,  
11 Mr. President, biomedical packaging is exempt.  
12 Medical foods are exempt. There's a list of  
13 exemptions. But what you -- what you mentioned,  
14 Senator, is exempt.

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

18 ACTING PRESIDENT BAILEY: Will the  
19 sponsor yield?

20 SENATOR HARCKHAM: Yes.

21 ACTING PRESIDENT BAILEY: The  
22 sponsor yields.

23 SENATOR STEC: So I thought that  
24 PVC was so toxic and so deadly, how is it that  
25 we're allowing human blood to be carried in it

1 and medical -- medical procedures to use PVC if  
2 it's -- if it's toxic to the human body?

3 SENATOR HARCKHAM: It's -- it's not  
4 that the substance is exempt for that, it's that  
5 those products are exempt from this law. The law  
6 is silent on -- things like medical foods,  
7 medical packaging, medical products are not  
8 covered by this law.

9 SENATOR STEC: Mr. President, will  
10 the sponsor continue to yield?

11 ACTING PRESIDENT BAILEY: Will the  
12 sponsor yield?

13 SENATOR HARCKHAM: Yes.

14 ACTING PRESIDENT BAILEY: The  
15 sponsor yields.

16 SENATOR STEC: So,  
17 Senator Harckham, I'm still having a hard time  
18 following your law here with regards to what is  
19 and isn't toxic.

20 You said that PVC is toxic. You  
21 talked about East Palestine and PVC,  
22 polyvinyl chloride, is toxic and that's why it is  
23 a banned substance in New York under your bill.

24 And yet the federal government is  
25 saying not only is it exempt, it's okay to use in

1 medical tubing, it's okay to carry blood in, it's  
2 okay to drink. Uses of PVC -- blood bags,  
3 catheters, automotive interior trim, rainwear and  
4 boots, flooring, pipes, garden hoses, mattresses  
5 and mattress covers. The toddler, the little  
6 baby that is in a crib, you put the PVC liner on  
7 it so that it doesn't soil the entire bedding  
8 when babies do what they do.

9 How is polyvinyl chloride toxic?

10 SENATOR HARCKHAM: Through you,  
11 Mr. President. All of those products you  
12 mentioned are not covered by this law.

13 SENATOR STEC: Mr. President, will  
14 the sponsor continue to yield.

15 ACTING PRESIDENT BAILEY: Will the  
16 sponsor yield?

17 SENATOR HARCKHAM: Absolutely.

18 ACTING PRESIDENT BAILEY: The  
19 sponsor yields.

20 SENATOR STEC: Advanced recycling.  
21 About 25 states have embraced advanced recycling,  
22 allowed and have spent -- invested billions of  
23 dollars to increase the amount of plastics that  
24 can enter the recycle and reuse stream. But  
25 advanced recycling is not authorized under this

1 bill.

2                   Why are we an outlier here with  
3 25 other states that have said that this is a  
4 good practice, one that they embrace when it  
5 comes to recycling?

6                   SENATOR HARCKHAM:     That's --  
7 through you, Mr. President, that's an excellent  
8 question. Thank you.

9                   As yesterday in the mattress debate,  
10 mattress EPR debate, Senator Kennedy {sic} said  
11 that advanced recycling is not as advanced as it  
12 is made out to be.

13                   First of all, let's -- if you'll  
14 indulge me for a few moments. Number one, if  
15 every single one of these plants were operating  
16 at full capacity around the clock, they could  
17 address 1 percent of the plastic in America. One  
18 percent.

19                   So we would rather focus on the  
20 30 percent reduction that is in the bill. We  
21 think that is a much more productive way to go,  
22 is the 30 percent.

23                   Secondly, the economics of this do  
24 not work. Two plants have closed. A third was  
25 denied its permits in Pennsylvania for

1 environmental reasons. That's more than  
2 20 percent of the national capacity.

3 I have spoken, as you know, to many,  
4 many stakeholders and have asked them directly,  
5 please tell me one product that your packaging  
6 uses polymers from advanced recycling. And not  
7 one, not one has been able to tell us that.

8 When I went to visit one -- and I  
9 may be the only person in this chamber to have  
10 visited such a facility -- is that they could not  
11 quantify how much of the polymer they were  
12 creating was recycled and how much was new  
13 polymer they were putting in.

14 These plants are incredibly  
15 energy-intensive, incredibly emissions-intensive.  
16 They are often in environmental justice  
17 communities. And let me -- let me just give you  
18 a snippet of what the mainstream press is saying.  
19 CBS News, April 14th: "Critics call out plastics  
20 industry over fraud of plastics recycling."

21 National Public Radio, in December:  
22 "The Myth of Plastic Recycling." Again, National  
23 Public Radio, in September of 2020: "How Big Oil  
24 misled the public into believing plastic would be  
25 recycled."

1                   Reuters: "The Recycling Myth: Big  
2 Oil solution for plastic waste littered with  
3 failure."

4                   And there's more.

5                   But what I would say is I believe  
6 technology has got to be a part of the solution  
7 long-term. So we are not -- we are not closing  
8 the door. As Senator Kavanagh said yesterday in  
9 his debate, people can still do it, it just does  
10 not count in the quota for what is considered  
11 recycled content. And as we -- I just  
12 enumerated, they can't quantify that anyhow.

13                   However, what we did, I think it was  
14 in the B print -- one of the tasks that we gave  
15 to the advisory committee is that every three  
16 years they're to issue a report to the  
17 Legislature and the Governor on new technology  
18 and on advancements in recycling so that the  
19 Legislature, if necessary, can take action.

20                   So we are open to technology  
21 advancing. We are open to hearing from the  
22 advisory committee. And we are open to taking  
23 appropriate action at such time.

24                   But the feeling that the sponsor in  
25 the house -- in the other house and I have is by

1 opening this door now, we are creating another  
2 massive environmental problem to try and solve  
3 the one we have now, when the best solution is to  
4 focus on the 30 percent reduction in new  
5 material.

6           You know, the whole thing about this  
7 law is to not think of ways for us to keep  
8 producing single-use plastics and say, Oh, we  
9 found a way to discard them --

10           SENATOR STEC:    -- answered my  
11 question about advanced recycling. Because I --

12           SENATOR HARCKHAM:  I did. I did.  
13 This entire answer, Senator, has been on advanced  
14 recycling.

15           ACTING PRESIDENT BAILEY:  I  
16 understand the topic can be -- I understand the  
17 topic can be -- is important, but I would -- as  
18 colleagues, I would appreciate if you'd allow  
19 Senator Harckham to continue his conversation.

20           SENATOR STEC:  I would prefer --

21           SENATOR GIANARIS:  Mr. President,  
22 if I --

23           ACTING PRESIDENT BAILEY:  Senator  
24 Gianaris has the floor.

25           SENATOR GIANARIS:  If I may,

1 Senator Stec is certainly willing to use his time  
2 to ask any questions as long -- he's also able to  
3 be speaking on the bill if he chooses. But what  
4 he does not get to do is determine what -- the  
5 answer our members give or how long it is.

6 So if you want to avoid  
7 Senator Harckham taking up any time, you're free  
8 to speak on the bill, Senator Stec.

9 SENATOR STEC: Go ahead, Senator.

10 SENATOR HARCKHAM: I'm finished.

11 Thank you, Mr. President.

12 Go ahead, Senator.

13 SENATOR STEC: Thank you. Through  
14 you, Mr. President, if I could ask a --

15 ACTING PRESIDENT BAILEY: Senator  
16 Lanza, why do you rise?

17 SENATOR LANZA: Mr. President, I  
18 just want to offer a slightly different version  
19 with respect to the rules of the house.

20 Senator Stec has the floor. It's  
21 true that Senator Harckham can answer the  
22 questions in any way he sees fit. But as  
23 Senator Stec has the floor, he may also, if he  
24 believes or for whatever reason that  
25 Senator Harckham may be using his time to answer

1 the question to go through the 30 minutes, he may  
2 also -- and it's his -- I'm not advocating or  
3 advising anyone to interrupt. But he may also at  
4 any point, having the floor, say: Thank you,  
5 Senator Harckham, that answer is good enough for  
6 me and I'd like to move to another question.

7 ACTING PRESIDENT BAILEY: Well,  
8 Senator Lanza, reasonable minds can agree that  
9 that didn't take place.

10 SENATOR GIANARIS: Again, I'm  
11 sorry, Mr. President. And I apologize to  
12 Senator Lanza, but that's just incorrect. The  
13 questioner does not get to determine when the  
14 answer has ended.

15 SENATOR LANZA: Mr. President, I --

16 ACTING PRESIDENT BAILEY: Senator  
17 Lanza, please be advised that you are also using  
18 up Senator Stec's debate time.

19 SENATOR LANZA: Yeah --

20 (Overtalk.)

21 SENATOR STEC: How much time is  
22 left?

23 ACTING PRESIDENT BAILEY: Thirty  
24 minutes. You have approximate nine minutes  
25 remaining, Senator Stec.

1 (Inaudible overtalk.)

2 SENATOR LANZA: Mr. President, I  
3 did not say that. He does not decide, he does  
4 not get to decide what the answer is. But he  
5 does have the right, having the floor, to  
6 interrupt, whatever anyone thinks about that.

7 ACTING PRESIDENT BAILEY: Senator  
8 Stec --

9 SENATOR STEC: Mr. President, on  
10 the bill.

11 ACTING PRESIDENT BAILEY: Senator  
12 Stec on the bill.

13 SENATOR STEC: On the bill for the  
14 remaining of my time. You let me know when my  
15 time's up.

16 ACTING PRESIDENT BAILEY: Yes  
17 indeed.

18 SENATOR STEC: Thank you,  
19 Senator Harckham, for your thorough filibuster.

20 Thank you, Senator Weik.

21 All right. The next question I was  
22 going to ask -- and of course I'm not legally  
23 trained. I'm just an engineer from the  
24 North Country, a chemical engineer from the  
25 North Country. I was going to raise the issue

1 about -- I was going to ask if there was  
2 agreement on what advanced recycling was, was it  
3 combustion, was it incineration. The correct  
4 answer is no, it is not. It's -- it has nothing  
5 to do with combustion.

6           You know, when I was in nuclear  
7 power school -- you start talking about nuclear  
8 power, you start scaring people. They think  
9 Hiroshima, they think mushroom clouds. They  
10 don't think that 70 percent of France's  
11 electricity is nuclear-generated, that there are  
12 sailors underneath the ocean as we speak right  
13 now that are breathing air and drinking water and  
14 living in an environment that is entirely  
15 produced by nuclear power. There's a scare  
16 factor.

17           And when you start talking about  
18 processes and chemical names like that that  
19 dreaded dihydrogen monoxide that -- you scare  
20 people.

21           Advanced recycling might be having a  
22 hard time getting started because of the  
23 regulatory environment, because it's a new and  
24 emerging technology. But what it is likely to do  
25 is put more material, not less, into the waste

1 stream and increase the overall recycling amount.

2 Affordability. If I had a nickel  
3 for every time I heard somebody in this chamber  
4 talk about we need to make New York more  
5 affordable, more affordable -- of course the  
6 municipalities support this, because somebody  
7 else is going to foot their bill. They're not  
8 going to foot their bill. But it's still the  
9 same taxpayers, still the same wallet that it's  
10 coming out of.

11 York University did a study that  
12 said this bill will cost New Yorkers \$5 billion  
13 over the next five years. That's a billion  
14 dollars out of somebody's pocket. So maybe your  
15 local town or county likes it because they don't  
16 have to factor it into their solid waste budget,  
17 but it's going to come out of somebody's pocket.  
18 Studies have said that \$800 a year will be the  
19 average increase for a family's grocery bill.

20 Now, to those of us in this chamber  
21 making \$142,000 a year, \$800 more in your grocery  
22 bill might not be a back-breaker. But for a lot  
23 of my constituents in the North Country,  
24 \$800 more in the grocery bill a year feels an  
25 awful lot like two car payments, their property

1 tax bill for the year. It is a huge increase.  
2 And that's how they will look at it.

3 But they're not hearing that. What  
4 they're hearing is is that anyone that dares to  
5 oppose the details of this voluminous bill --  
6 that go far beyond merely saying recycling and  
7 good stewardship is good for the planet -- and  
8 have actually done a little research and a little  
9 study, they're finding out that this is going to  
10 be an affordability issue. And they'll find out  
11 about it after this becomes law.

12 The purpose of packaging is to make  
13 sure that materials get delivered safely. It's  
14 not for packaging companies to make money. It's  
15 to make sure that the goods and services -- like  
16 food -- that we rely on get delivered safely,  
17 with a reasonable shelf life.

18 There aren't the adequate substitute  
19 materials available, after going through what's  
20 going to happen in this bill, to prolong those  
21 shelf lifes. So what's going to happen is you're  
22 going to have increased food waste, because  
23 you're going to have less shelf times. Or you're  
24 going to have more health problems because of  
25 spoilage.

1                   The opposition to this bill is  
2                   tremendous. Again, I'm staggered by the breadth  
3                   and the volume of entities. And they're not all  
4                   in it for the buck. A lot of them are in it  
5                   because it's just the plain science and they know  
6                   what is and isn't possible.

7                   The affordability impact that this  
8                   is going to have, the tremendous cost, the  
9                   reduction on choice that we're going to have --  
10                  we won't be able to buy stuff that you'll be able  
11                  to buy in 49 other states. The companies that  
12                  are shipping materials to be sold in this state  
13                  are not going to change the way that they can  
14                  tuna fish because New York State said so.  
15                  There's just not going to be tuna fish in  
16                  New York State. Or there will be -- in little  
17                  different kinds of bags that only last a couple  
18                  of days, and not weeks.

19                  You know, we're not allowed props on  
20                  the floor. And I -- you know, I talk about my  
21                  Navy nuclear power experience, my chemical  
22                  engineering experience. Polyvinyl chloride is  
23                  not the same as vinyl chloride. Vinyl chloride  
24                  will kill you. Polyvinyl chloride is in every  
25                  house, we handle it every day. It's commonplace.

1 I read you -- we use it to store blood. We use  
2 it in medical procedures. If it was toxic, it  
3 wouldn't be allowed inside a hospital. But we're  
4 going to ban it in this bill.

5 So Admiral Rickover, the father of  
6 the Navy's nuclear power, he famously testified  
7 in front of Congress one time -- after Three Mile  
8 Island he was dragged in. An expert, certainly.  
9 And he drank a glass of primary coolant. Now,  
10 I'm not sure -- and I understand the science  
11 behind it. I was educated in it. I still think:  
12 Pretty gutsy move. But we handle PVC every day.  
13 We handle polycarbonate. These eyeglasses that  
14 we're all wearing are made out of polycarbonate.  
15 But they're banned from use in the plastic  
16 industry because they're on a toxic list.

17 I have big problems with the ban,  
18 the toxic substances of Senator Harckham. I  
19 think that that's an area of this bill, if I was  
20 going to highlight in the next round of trying to  
21 make this worthwhile goal --

22 ACTING PRESIDENT BAILEY: Senator  
23 Stec, as a courtesy, you have three minutes  
24 remaining.

25 SENATOR STEC: Thank you very much,

1 Mr. President.

2 You need to look at the toxic -- you  
3 know, the banned substances. That's something  
4 that hasn't been done in other areas around the  
5 country in their EPR legislation.

6 We need to embrace and look at  
7 allowing for advanced recycling industry. We are  
8 not going to legislate away the use of plastics,  
9 period. It's not going to happen. I'm not  
10 interested in dog whistles. I'm not interested  
11 in feeling good and patting myself on the back to  
12 a group back home. I'm interested in the good  
13 science here. And the good science here is that  
14 there's a lot of bad science in this bill that  
15 makes this a bill that really is just -- I cannot  
16 support, I won't support.

17 But again, I thank you for your  
18 collegial work on this with me and others over  
19 the years, and today certainly. And I yield the  
20 last 60 seconds of my time.

21 ACTING PRESIDENT BAILEY: Thank  
22 you, Senator Stec.

23 Are there any other Senators wishing  
24 to be heard?

25 Senator Helming, why do you rise?

1                   SENATOR HELMING:    If the sponsor  
2 will yield for a few questions, Mr. President.

3                   ACTING PRESIDENT BAILEY:   Will the  
4 sponsor yield?

5                   SENATOR HARCKHAM:   Absolutely.

6                   ACTING PRESIDENT BAILEY:   The  
7 sponsor yields.

8                   SENATOR HELMING:    Thank you,  
9 Senator Harckham.

10                   Through you, Mr. President.  And  
11 Mr. President, I just want to point out that my  
12 questions are a little long.  So don't worry,  
13 there's a question coming at the end.

14                   In the Greater Rochester and the  
15 Finger Lakes area that I represent, there's more  
16 than 250 food and beverage manufacturers and  
17 suppliers who employ more than 10,000 people.  
18 These companies are popular companies I'm sure  
19 many of you have heard about:  Barilla, Baldwin  
20 Richardson Foods, Mott's, Seneca Foods,  
21 Kraft Heinz, Dr. Pepper, and packaging companies  
22 like Pactiv.  Fairlife is making a very  
23 significant investment in neighboring Webster.

24                   These employers are more than just  
25 amazing job creators.  They're enhancing our

1 communities in so many ways. They're supporting  
2 our local governments, our local municipalities,  
3 through their donations and support of our  
4 volunteer fire departments, our veterans  
5 programs, our schools, and of course numerous  
6 youth programs.

7                   These companies are also partners in  
8 our efforts to protect the environment. They are  
9 implementing and have implemented stringent  
10 sustainability practices and advanced recycling  
11 programs to reuse and repurpose packaging  
12 materials.

13                   So, Senator Harckham, it is  
14 incredibly important to these businesses and to  
15 our farmers -- and to me -- to understand just  
16 how long have these partners had to review the  
17 latest changes to this bill and to provide  
18 commentary back?

19                   SENATOR HARCKHAM: Thank you.  
20 Through you, Mr. President, thank you very much  
21 for the question.

22                   I couldn't agree more; our  
23 businesses are vital to our communities. And all  
24 we're asking them to do is to be better stewards  
25 of their products, from the beginning with raw

1 materials, through their manufacture, to how  
2 they're disposed and recycling.

3 We have worked on this bill for two  
4 years. We had a public hearing. We -- and then  
5 before Chair Glick and I picked this bill up,  
6 this bill had been around for several years  
7 prior. This is not a new conversation.

8 As I mentioned to Senator Stec, I  
9 personally had over a hundred meetings with  
10 stakeholders. We put in this bill what people  
11 wanted. Ag wanted to be exempt; we exempted over  
12 99-point percent of New York ag in this bill.

13 Industry wanted the PRO that was in  
14 the A print. They said that to us loudly and  
15 clearly. And DEC didn't want the last version of  
16 the PRO. So to meet the request of industry, we  
17 put in the old PRO, which gives them much more  
18 control at managing the process. So we listened  
19 to them.

20 They wanted a longer lookback time,  
21 from five years to 10 years. And through you,  
22 Mr. President, with that 10-year lookback,  
23 companies like Apple are in full compliance with  
24 this bill already.

25 Because you're right, there are

1 companies that are doing it. Many of these are  
2 multinationals, and they're already doing this in  
3 Europe and Canada. And now there are a number of  
4 other states in the country that are doing this.

5 So we have spoken to them. We feel  
6 that we have really responded in this version of  
7 the bill. What we have given them back in this  
8 bill is exactly what they wanted. So if some of  
9 them want to continue to move the goalposts, you  
10 know, it is what it is. But others we work with  
11 collaboratively and will continue to.

12 SENATOR HELMING: Through you,  
13 Mr. President, if the sponsor will continue to  
14 yield.

15 ACTING PRESIDENT BAILEY: Will the  
16 sponsor yield?

17 SENATOR HELMING: So the answer to  
18 that question --

19 SENATOR HARCKHAM: Yes,  
20 Mr. President.

21 ACTING PRESIDENT BAILEY: The  
22 sponsor yields.

23 SENATOR HELMING: The answer to  
24 that question was -- is that this bill was just  
25 recently introduced, the most recent version of

1 it. As a matter of fact, it was on our agenda  
2 for last night for debate, but it couldn't be  
3 debated because it was high. So that means that  
4 people didn't even have three days -- interested  
5 citizens, businesses, et cetera -- to review the  
6 bill, take it into consideration and provide  
7 comment.

8 SENATOR HARCKHAM: Mr. President,  
9 may I answer --

10 SENATOR HELMING: I have the floor.

11 ACTING PRESIDENT BAILEY: I'd like  
12 for us not to get into this perfunctory debate.

13 (Overtalk.)

14 ACTING PRESIDENT BAILEY: If we  
15 could continue --

16 SENATOR HARCKHAM: (Inaudible.)

17 ACTING PRESIDENT BAILEY: If we  
18 could continue to be --

19 SENATOR HELMING: So the top issue  
20 I hear from my constituents, and the issue that  
21 the majority of New Yorkers are asking us as  
22 state lawmakers to address, is affordability.  
23 Probably just like every one of you, it doesn't  
24 matter what event I attend, I hear concerns about  
25 the rising cost of groceries, the cost of

1 utilities, the cost of gas and everything in  
2 general. And something I want to point out that  
3 I think is unique --

4 ACTING PRESIDENT BAILEY: Are you  
5 on the bill, or are you asking the sponsor to  
6 yield?

7 SENATOR HELMING: No, as I said  
8 earlier, my questions are long.

9 ACTING PRESIDENT BAILEY: This is a  
10 long preamble. Are you asking the sponsor to  
11 yield, or are you on the bill?

12 SENATOR HELMING: I asked the  
13 sponsor to yield. He said yes. I did that  
14 through you, Mr. President.

15 So businesses and labor agree this  
16 bill will create uncertainty, increased food  
17 costs, and it will kill jobs. Numerous  
18 organizations have provided written testimony.  
19 And Senator Harckham, you pointed out that this  
20 bill has been around for two years, and you've  
21 tried to meet in the middle.

22 And yet all of the documents that  
23 I've reviewed show the same concerns repeated  
24 over and over and over again. They're stating  
25 that this bill will drive up the cost of

1 groceries and many everyday items that people  
2 rely upon, like cleaning products, home  
3 improvement products, automobile products, and  
4 even pet food.

5           According to information in one of  
6 the memos from Upstate United, if this bill is  
7 enacted, a typical family of four will pay an  
8 additional \$684 a year at the grocery store. The  
9 Buffalo Niagara Partnership puts this cost  
10 slightly higher at \$720 a year.

11           Now, some of you are probably  
12 thinking this is no big deal, what's an extra  
13 thousand dollars a year on my groceries. But for  
14 the working class, for the struggling middle  
15 class, it is a major issue. Feeding America is  
16 reporting we are seeing the sharpest increase in  
17 food insecurity since the Great Recession.  
18 Foodlink notes, in their 12-county region,  
19 increased food costs are contributing to this  
20 growing trend.

21           So Senator, my question, after  
22 hearing all of that, has an analysis of the  
23 increased cost of products to consumers  
24 associated with this bill been completed?

25           SENATOR HARCKHAM: Through you,

1 Mr. President, absolutely.

2 And this gives me an opportunity  
3 also to address a comment that Senator Stec made  
4 about the economics.

5 But first, Senator Helming, you  
6 mentioned the majority of New Yorkers.  
7 Coincidentally, the Siena polling organization  
8 did a poll a few weeks ago. The majority of  
9 New Yorkers support this bill. Sixty-seven  
10 percent of New Yorkers support this bill.  
11 Eighty-two percent of New Yorkers feel that  
12 plastics pollution is a problem. And that was a  
13 Siena poll. The cross-tabs are public across all  
14 ethnicities, across all political groups. So I  
15 encourage you to look at that.

16 Now, Senator Stec before raised the  
17 York study. And you were asking me if other  
18 studies have been done. There is a study by  
19 Columbia University that looked at, nationwide,  
20 EPR programs. The York study looked at an old  
21 bill that my predecessor had done, which was very  
22 different and made some assumptions that other  
23 economists have questioned. They assumed, one,  
24 that there would be no price competition. And we  
25 know in this field there is intense price

1 competition, which is why the margins are low.

2 And two, they assumed that the costs  
3 would be 100 percent passed on and then  
4 multiplied through the distribution system.

5 So Columbia University took a much  
6 different approach. They looked at USDA data.  
7 They assumed price competition. And for  
8 argument's sake, to make your point, they assumed  
9 a doubling in the cost of packaging. Now, let's  
10 be clear. The cost of packages is pennies  
11 compared to the cost of product. You buy a pound  
12 of hamburger, the cost is the hamburger. The  
13 wrapping around the hamburger is pennies.

14 But they assumed a doubling in the  
15 cost. And through their analysis, the cost to  
16 consumers would be zero to \$4 a month. So it's  
17 very different than the York study. And it used  
18 actual USDA data.

19 And the other thing I would  
20 reiterate is our taxpayers are already paying for  
21 this. This is why NYSAC and NYCOM, this is their  
22 number-one priority, this bill. New York City,  
23 it's the number-one priority because our  
24 municipalities are awash in garbage. We are  
25 already paying for this.

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

4                   ACTING PRESIDENT BAILEY:   Will the  
5   sponsor yield?

6                   SENATOR HARCKHAM:    Absolutely.

7                   ACTING PRESIDENT BAILEY:    The  
8   sponsor yields.

9                   SENATOR HELMING:    Senator Harckham,  
10   does this bill include language that prevents our  
11   hardworking men and women of labor from striking?

12                   SENATOR HARCKHAM:    This bill  
13   contains language that was negotiated with  
14   organized labor.

15                   Senator Stec earlier mentioned the  
16   labor opposition that was withdrawn by the  
17   Teamsters because they wanted two things. They  
18   wanted seats on the PRO, which we gave them. And  
19   they were the ones -- remember, it's the  
20   Teamsters who do all this work. They were the  
21   ones who wanted labor peace agreements. So this  
22   language came from the Teamsters of New York  
23   State.

24                   SENATOR HELMING:    Through you,  
25   Mr. President, on the bill.

1                   ACTING PRESIDENT BAILEY:    Senator  
2 Helming on the bill.

3                   SENATOR HELMING:    To address  
4 Senator Harckham's comment about municipalities,  
5 the organizations that represent some of the  
6 municipalities like NYCOM, I think you mentioned,  
7 NYSAC, et cetera, saying that they want this.

8                   As I talk to my individual  
9 municipalities, they have no idea of the impacts  
10 of this bill until I do talk to them and I  
11 explain to them when they lose the largest  
12 employer in their district, like a Pactiv, like a  
13 Heinz Kraft, like a Barrella Pasta, when they  
14 lose that employer that pays so much in taxes,  
15 that supports their volunteer fire companies,  
16 their schools, their youth sports, et cetera --  
17 when they factor in that cost, they don't support  
18 this bill.

19                   Through you, Mr. President, if the  
20 sponsor will continue to yield.

21                   ACTING PRESIDENT BAILEY:    Will the  
22 sponsor yield?

23                   SENATOR HARCKHAM:    Absolutely.

24                   ACTING PRESIDENT BAILEY:    The  
25 sponsor yields.

1                   SENATOR HELMING:    Actually,  
2   Mr. President, I'm going to go on the bill.

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

5                   SENATOR HELMING:    According to the  
6   American Cleaning Institute, SUNY SEF Center for  
7   Sustainable Material Management is currently  
8   working to capture a holistic picture of  
9   New York's -- the entire recycling system.  
10   They're completing a needs assessment and a gap  
11   analysis.  And I should mention that that is  
12   being paid for, in part, by taxpayers' dollars.

13                   Their assessment is going to provide  
14   essential data -- where, how much, and what type  
15   of materials collected.  And it's also going to  
16   evaluate the greenhouse gas and job impacts of  
17   the current recycling system.  Its intent is to  
18   identify existing infrastructure for collection,  
19   hauling, processing, recycling and composting, as  
20   well as the need for infrastructure.

21                   So through you, Mr. President, if  
22   the sponsor will yield for a question.

23                   ACTING PRESIDENT BAILEY:    Will the  
24   sponsor yield?

25                   SENATOR HELMING:    Senator Harckham,

1 are we passing this --

2 SENATOR HARCKHAM: I didn't yield  
3 yet.

4 I yield, Mr. President.

5 ACTING PRESIDENT BAILEY: The  
6 sponsor yields.

7 (Laughter.)

8 SENATOR HELMING: Did you give me  
9 your blessing? I didn't hear.

10 SENATOR HARCKHAM: We're good.

11 ACTING PRESIDENT BAILEY: The  
12 sponsor yields.

13 SENATOR HARCKHAM: I do.

14 SENATOR HELMING: Senator Harckham,  
15 should we be waiting until that study is complete  
16 and we have the results before we pass an EPR  
17 bill?

18 SENATOR HARCKHAM: I'm sorry.  
19 Through you, Mr. President. Which study was  
20 that? I'm sorry, Senator.

21 SENATOR HELMING: I yield to a  
22 question.

23 ACTING PRESIDENT BAILEY: Senator  
24 Helming, if you can repeat -- if you can repeat  
25 the question.

1                   SENATOR HELMING:    Are you familiar  
2 with the work of SUNY ESF, the Center for  
3 Sustainable Materials Management?

4                   SENATOR HARCKHAM:    There is a study  
5 being undertaken right now, a waste management  
6 study, an assessment, that New York State has  
7 contracted. That is part of the equation.

8                   But when the producer responsibility  
9 organization is empaneled as a nonprofit, one of  
10 their responsibilities for the first two years is  
11 a needs assessment of the local waste management  
12 and recycling.

13                   And one of the other things I should  
14 mention when we talk about our local businesses  
15 is many of our local waste haulers, they're  
16 either small businesses or part of larger  
17 conglomerates, they have already invested  
18 significant amounts of money in the contracts  
19 that they have with municipalities. We have  
20 protected those contracts. So nothing the PRO  
21 can do will impact those contracts.

22                   So we're protecting those small  
23 businesses. We're even protecting the larger  
24 businesses, because they have made investments.

25                   Having said that, the study takes

1 two years. Then there is a plan that is  
2 essentially another year. And then that goes to  
3 the advisory committee -- again, which we talked  
4 about before. The advisory committee then  
5 recommends approval or disapproval to DEC.

6 So -- so there is still a lot of  
7 time before anything kicks in. And ultimately  
8 the reductions we're talking about are 30 percent  
9 over 12 years.

10 So the companies that you reference,  
11 Senator, I think those are amazing companies.  
12 And what we value about American companies is our  
13 ingenuity and our advancements in technology.  
14 They have 12 years to come up with packaging that  
15 is more sustainable. I trust our industry to do  
16 that. We put a person on the moon in 12 years.  
17 And we're saying we can't find, in 12 years, a  
18 way to make a shampoo bottle that's 30 percent  
19 more sustainable?

20 I should have been on the bill.

21 I'm sorry, Mr. President. Sorry,  
22 Senator.

23 ACTING PRESIDENT BAILEY: Senator  
24 Helming.

25 SENATOR HELMING: Through you,

1 Mr. President, I'm going to go on the bill for a  
2 moment.

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

5 SENATOR HELMING: So Senator  
6 Harckham, I would just like to point out in my  
7 conversations with the businesses that I  
8 mentioned, and many, many others throughout the  
9 State of New York, they feel frustrated by  
10 something that seems to always occur in this  
11 chamber and in this state. And that's when we  
12 talk about 12 years out. It sounds like such a  
13 long time.

14 But these big businesses, they're  
15 making decisions right now, today, in plans for  
16 tomorrow. And what so many of them are  
17 evaluating is how many more -- how much more  
18 uncertainty can we bear in New York State with  
19 these regulations that continue to come out? And  
20 is it more productive for us to just pull our  
21 company out of New York State and put it at  
22 another location in another state that is  
23 pro-business and pro-growth?

24 If the sponsor will continue to  
25 yield for a question.

1                   ACTING PRESIDENT BAILEY: Will the  
2 sponsor yield?

3                   SENATOR HARCKHAM: Absolutely.

4                   ACTING PRESIDENT BAILEY: The  
5 sponsor yields.

6                   SENATOR HELMING: Senator Harckham,  
7 I almost dread going back here, but I just wanted  
8 some clarification on that PVC question that was  
9 asked earlier. Because it's -- my understanding  
10 is that you had mentioned that PVC is not covered  
11 in this bill. Are you saying that PVC used in  
12 food packaging is not addressed in the EPR before  
13 us?

14                   SENATOR HARCKHAM: Through you,  
15 Mr. President. We said PVC in things like  
16 medical packaging is not covered.

17                   But let me talk about the harmful  
18 health effects of PVC, something that we didn't  
19 get to in the last discussion.

20                   It's a carcinogen. Both vinyl  
21 chloride and polyvinyl chloride particles have  
22 been shown to induce carcinogenesis. Vinyl  
23 chloride exposure is particularly associated with  
24 a rare liver cancer, but that -- both PVC and  
25 vinyl chloride. It's an endocrine disrupter.

1 Additives in PVC such as phthalates -- forgive me  
2 for the mispronunciation -- can disrupt the  
3 endocrine system, leading to hormonal imbalances  
4 and related health issues.

5 There's neurotoxicity involved in  
6 exposure to PVC. Respiratory issues,  
7 developmental and reproductive harm. And the  
8 list goes on.

9 So there are real health impacts  
10 from PVC, especially if it's associated with food  
11 packaging. One of the things that we know about  
12 plastic food packaging is the toxins leach into  
13 food. Particularly if the food is fatty, it has  
14 more of a chance that the toxins from the  
15 packaging will leach into the food. So that's  
16 why PVC is on the list, Senator.

17 SENATOR HELMING: On the bill,  
18 Mr. President.

19 ACTING PRESIDENT BAILEY: Senator  
20 Helming on the bill.

21 SENATOR HELMING: So based on what  
22 I heard, Senator Harckham, what you just said and  
23 the responses that you gave to Senator Stec --  
24 unbelievable to me that you're saying that it's  
25 okay to use PVC in blood bags, so it's safe

1 enough to protect literally blood and not  
2 consider it a contaminant or a toxin, but it's  
3 not safe enough to use for single-use food items.

4 I'd like to continue on the bill,  
5 Mr. President.

6 ACTING PRESIDENT BAILEY: Proceed.

7 SENATOR HELMING: While there have  
8 been several rushed amendments to this  
9 legislation in recent days, the bill in its  
10 current form, it's still bad for consumers, it's  
11 bad for New York manufacturers, and bad for the  
12 state's already lagging competitiveness.

13 Just on the issue of consumer  
14 choice, the National Supermarket Association  
15 reports stores will have no choice but to  
16 increase food prices. And many of the  
17 top-selling products purchased with SNAP dollars  
18 will no longer be available because of this bill.

19 You've all heard the comments about  
20 the Lunchables, the Kraft cheese slices, the  
21 hot dogs, et cetera. But let me tell you what  
22 else is included. Fresh-cut or frozen fruits and  
23 vegetables sold in flexible packaging, popular  
24 children's items like chicken nuggets and  
25 fish sticks, refrigerated items sold in flexible

1 packaging, which would include the wrapped  
2 single-slice cheese, meats, hot dogs, bacon,  
3 snack cups and yogurts. Shelf-stable items sold  
4 in flexible packaging like snack foods, coffee,  
5 baking supplies and condiments. Items which have  
6 tamper-proof bands, seals or flexible lidding.  
7 Single-serve food or drinks like yogurt, the  
8 Lunchables, the dried fruit snacks, tater tots.  
9 Philadelphia Cream Cheese manufactured right here  
10 in New York State. Cool Whip manufactured right  
11 here in New York State.

12 But so many of these products are  
13 products that busy parents rely on. They're  
14 products they know their kids will eat. They  
15 rely on them for the convenience and the cost.

16 And I'm very concerned that those  
17 who utilize SNAP benefits are going to be  
18 unfairly disadvantaged by this legislation.

19 As drafted, this bill has  
20 questionable environmental benefits. It  
21 continues to grow our state government and  
22 creates all of these questionable -- a task force  
23 and councils, inspector general, and it goes on  
24 and on. It kind of reminds me when we were  
25 originally talking about creating the Office of

1 Cannabis Management. Look how dysfunctional and  
2 what a failure that has been. That's what this  
3 has written all over it.

4 The comment was made that the  
5 Farm Bureau, if they're not happy with this final  
6 version, well, too bad for them, that's on them.  
7 Mr. President, we can't afford to lose any more  
8 farms and food production in our state.  
9 According to the latest ag census -- and we  
10 had -- during our Ag Committee meeting, we heard  
11 that New York State has lost nearly 3,000 farms  
12 and the USDA is predicting farm income will be  
13 down another 25 percent this year.

14 Farm Bureau is saying that this bill  
15 will jeopardize food production in our state.  
16 You know, when we were at that Ag Committee  
17 meeting, the president of Farm Bureau talked  
18 about fruits and vegetables that were being flown  
19 in from Europe into New York State. Not exotic  
20 products; he was talking about peppers. Peppers.  
21 What's the environmental impact of that, compared  
22 to the impact to our farmers?

23 Mr. President, we must work on a  
24 more balanced, data-driven and scientific  
25 approach to protecting our environment and

1 protecting our local employers, local jobs, and  
2 consumers who are already struggling with higher  
3 costs.

4 For these reasons, Mr. President, I  
5 am voting no on this bill.

6 ACTING PRESIDENT BAILEY: Thank  
7 you, Senator Helming.

8 Are there any other Senators wishing  
9 to be heard?

10 Senator Oberacker, why do you rise?

11 SENATOR OBERACKER: Thank you,  
12 Mr. President. I was wondering if the bill's  
13 sponsor would yield for a couple of questions.

14 SENATOR HARCKHAM: I will.

15 ACTING PRESIDENT BAILEY: Will the  
16 sponsor yield?

17 The sponsor yields.

18 SENATOR OBERACKER: Thank you.

19 Senator Harckham, good to see you.

20 Mr. President, first on the bill.

21 ACTING PRESIDENT BAILEY: Senator  
22 Oberacker on the bill.

23 SENATOR HARCKHAM: (Inaudible.)

24 (Laughter.)

25 SENATOR OBERACKER: So I think as

1 maybe some of you know, or maybe not, that, you  
2 know, my background is food. I was a sausage  
3 maker -- I guess I still am in some respects.  
4 And you know, they always say there are two  
5 things you should never see being made, right, is  
6 laws and sausage. And I've done both.

7           Being a chef and being a food  
8 scientist, which together now they collectively  
9 call a research chef, I have delved into a lot of  
10 what we had talked about discussion-wise. And  
11 so, Senator Harckham, first off, I'm going to  
12 kind of focus in on the food side of the  
13 equation.

14           I have worked with packaging. I  
15 have worked with the polymers that go into the  
16 actual food production and packaging. I've  
17 worked with what's called OTR rates, oxygen  
18 transfer rates, when it comes to those polymers.  
19 Working on barrier film, non-barrier film.  
20 Right? Cook-in-the-bag technology. When I was  
21 executive chef for ConAgra Foods, the largest  
22 food company in the United States at that time,  
23 we -- I think it was as much as 60 percent of our  
24 business was RTE, ready-to-eat foods.

25           So they actually sent me to

1 packaging companies to learn what is in our  
2 packaging, what it does, and what we can expect  
3 from it.

4                   An area that I had expertise, which  
5 is in HPP, high pressure pasteurization, taking  
6 certain polymers and certain film that can  
7 withstand the pressures that are needed for the  
8 pasteurization process, which in turn makes our  
9 food that much safer. Taking care of E. coli  
10 OH157, Listeria monocytogenes, campylobacter, is  
11 just some of the -- and salmonella, by the way --  
12 some of the really nasties, as we say in our  
13 industry, out there.

14                   I was told about health risks and  
15 the health risks that some of these films  
16 potentially promote. And that the DEC is going  
17 to be the entity that kind of decides that part  
18 of it. That part alarms me. I don't think  
19 they're experts in food production. And I don't  
20 say this with any ill malice. I just simply  
21 say that that is not their forte -- just as with  
22 anything DEC-wise, I'm not. I know how to make a  
23 roux and a fantastic sauce and gravy. But when  
24 it comes to the other things, I will concede,  
25 Mr. President, I am not an expert.

1                   You know, I'm familiar with the  
2 terminology called GRAS. Okay? And that's not  
3 what we -- that's not, to some of our folks,  
4 cannabis-wise or otherwise. But GRAS is an  
5 analogy that says "generally regarded as safe."  
6 FDA, USDA use this analogy because of the amount  
7 of testing that went into ingredients and  
8 packaging and processing.

9                   Mr. President, if -- at this time if  
10 the bill sponsor would now yield for a couple of  
11 questions.

12                   ACTING PRESIDENT BAILEY:     Senator  
13 Harckham, do you yield?

14                   SENATOR HARCKHAM:     Absolutely,  
15 Senator.

16                   ACTING PRESIDENT BAILEY:     The  
17 sponsor yields.

18                   SENATOR OBERACKER:     Thank you,  
19 Senator Harckham.

20                   So again, outlining where I went  
21 with safety being a concern. And I was really  
22 glad to hear in the ex -- when it came to ag, you  
23 had had some exemptions. Medical, you'd had some  
24 exemptions. So I was really glad to see that  
25 this wasn't just kind of a knee-jerk reaction, it

1 was -- there was some thought involved.

2           So in the production of RTE --  
3 ready-to-eat -- meats, those -- as I explained,  
4 and we're worried about health concerns, what in  
5 your opinion is a greater health concern if going  
6 into a deli and getting some turkey breast and  
7 that not being produced under a cook-in-the-bag  
8 technology which uses these polymers and these  
9 films to eliminate the *Listeria monocytogenes* and  
10 so on, versus the post-effect or the recycling  
11 and the waste that's generated with the packaging  
12 around that.

13           So if you could give me just a  
14 little bit of your thoughts on that.

15           SENATOR HARCKHAM: Sure. Thank  
16 you, Mr. President.

17           And thank you for your thoughtful  
18 question and statement. I appreciate your  
19 professional experience. I am not a food safety  
20 expert. I stayed in a Holiday Inn Express last  
21 night.

22           (Laughter.)

23           SENATOR HARCKHAM: But, you know,  
24 what we do, as you know, as lawmakers is we reach  
25 out to the folks who are. And one of the

1 elements of this bill, especially when it comes  
2 to food safety, is that nothing in this bill  
3 overrides FDA guidelines.

4           So if there's a wrapping that needs  
5 to be for all of the properties that you describe  
6 and it can't be met under this law, then the  
7 company can use it -- the existing material. So  
8 if it's not technologically feasible in the next  
9 12 years to get to that place, they can still use  
10 what they're using to meet FDA guidelines.  
11 Because food safety needs to be paramount.

12           SENATOR OBERACKER: Through you,  
13 Mr. President, if the bill sponsor would continue  
14 to yield.

15           ACTING PRESIDENT BAILEY: Will the  
16 sponsor yield?

17           SENATOR HARCKHAM: Absolutely.

18           ACTING PRESIDENT BAILEY: The  
19 sponsor yields.

20           SENATOR OBERACKER: Thank you for  
21 that, Senator Harckham. That brought my anxiety  
22 level down quite a bit. I truly appreciate that.

23           So getting into now the beverage  
24 side of the equation, which again I've been known  
25 to enjoy, except for last night, some late-night

1 beverages. I understand that the beverages  
2 covered by the Returnable Container Law that we  
3 had just passed are exempt from the provisions of  
4 this proposal. But I just want to clarify that  
5 in addition to beverage containers, the retail --  
6 is retail packaging in there exempt? Is that  
7 correct? So in other words --

8 SENATOR HARCKHAM: Anything that is  
9 covered by the existing state Bottle Bill is  
10 exempt from this bill.

11 SENATOR OBERACKER: Thank you for  
12 that, Senator.

13 I believe I have one more -- through  
14 you, Mr. President, if the bill sponsor would  
15 yield.

16 ACTING PRESIDENT BAILEY: Will the  
17 sponsor yield?

18 SENATOR HARCKHAM: Absolutely,  
19 Mr. President.

20 ACTING PRESIDENT BAILEY: The  
21 sponsor yields.

22 SENATOR OBERACKER: I didn't want  
23 to get you excited, Senator Harckham, with saying  
24 I had one more, but I am looking for -- there we  
25 go. So as the ranker on Transportation, in one

1 of my previous experiences I was also the -- I  
2 chaired Public Works for Otsego County, which our  
3 highway fell under. At one time we were looking  
4 at taking plastics through a recyclable and  
5 actually reusing them in road emulsions. In the  
6 UK there was a big push for that. The  
7 petrochemicals that are in some of the plastics  
8 that we were using actually looked at reducing  
9 costs for that.

10 So my question becomes, would there  
11 be any interest, would there be any areas on this  
12 side of the aisle concerning this piece of  
13 legislation, to look at that as a way of  
14 extending the runway, if you will, for some of  
15 our producers that are in the packaging and film  
16 production business?

17 SENATOR HARCKHAM: Through you,  
18 Mr. President. First of all, there's nothing in  
19 this bill that would be a prohibition to the  
20 activities that you described.

21 Secondly, the advisory committee  
22 every three years will make a report to us and  
23 the Governor on new technological advances and on  
24 new advances in recycling, whether that would be  
25 considered for consideration for recycling or

1 that's just another way of extending, you know,  
2 the product life of certain things. You know,  
3 the appropriate environmental officials would  
4 need to weigh in on the safety of that.

5 But that is not currently excluded  
6 under this law, and there is a mechanism whereby  
7 every three years the Legislature would receive a  
8 report on such technologies like that.

9 SENATOR OBERACKER: Thank you.

10 Through you, Mr. President, if the  
11 bill sponsor would yield for one more question.

12 ACTING PRESIDENT BAILEY: Will the  
13 sponsor yield?

14 SENATOR HARCKHAM: Absolutely.

15 ACTING PRESIDENT BAILEY: The  
16 sponsor yields.

17 SENATOR OBERACKER: Thank you.

18 And getting back to our conversation  
19 with DEC being kind of the -- and correct me if  
20 I'm wrong with this, Senator Harckham -- the lead  
21 agency when it comes to kind of the health risk  
22 assessment. Would there be an opportunity for  
23 the bill sponsor to consider either an individual  
24 or the entity of Ag & Markets, our Commissioner  
25 Richard Ball -- someone that has kind of a --

1 more of an input and food-based knowledge on  
2 that, if there could be at least one entity on  
3 this determining factor when it comes to that  
4 process, is that something that would be --

5 SENATOR HARCKHAM: Yeah, through  
6 you, Mr. President, as it's envisioned right now,  
7 the Toxic Packaging Task Force, nine numbers, DEC  
8 commissioner, DOH commissioner, a packaging  
9 industry rep, an environmental justice  
10 organization, a chemical industry rep, a  
11 toxicology expert, and a public health expert.  
12 And all of those members are appointed by the  
13 DEC.

14 And then there is a much more  
15 extensive list for the advisory council,  
16 including appointments by the majority and the  
17 minority side in both chambers.

18 SENATOR OBERACKER: Thank you,  
19 Senator Harckham.

20 Mr. President, on the bill.

21 ACTING PRESIDENT BAILEY: Senator  
22 Oberacker on the bill.

23 SENATOR OBERACKER: Thank you,  
24 Senator Harckham, for those answers. I truly  
25 appreciate it.

1                   Not that I need to also -- not that  
2 I need to add to my plate, in the analogy of  
3 course of being a chef that I think is there, but  
4 I would truly like to be a source of information.  
5 I would like to be a source to help through this  
6 process. Because it is complex. It is complex.

7                   And I think too, as we look at our  
8 food companies here, a huge part of it, the  
9 tentacles from food production to agriculture to  
10 our supermarkets -- you know, I -- I'm trying to  
11 envision, Senator, what it would look like at the  
12 end of 12 years with these adjustments, walking  
13 into a supermarket and looking to see how it --  
14 how it is, how it looks. Asking for, you know, a  
15 pound of sliced ham, and how is it going to come  
16 to me.

17                   And more appropriately, how does  
18 that product look when we talk about it needs  
19 sustainable color, it needs to be sustainable  
20 flavor, it needs to have shelf life, it needs to  
21 be safe. Oh, and by the way, it needs to be  
22 nutritious. It needs to hit a bunch of buttons.  
23 And it -- sometimes, when I look at the  
24 requirements and I see what's being proposed  
25 here, in the background I hear the theme from

1 "Mission Impossible." That's not to say it can't  
2 be done. I just -- we have got a herculean  
3 effort ahead of us to implement this.

4 And the other part of this I will  
5 say -- and then, Mr. President, I'll sit down and  
6 concede the rest of my time -- we're not very  
7 good here at rollouts. And I would like to see  
8 us take that under consideration. I've been here  
9 now four years. I've seen us roll out some  
10 periodic pieces of legislation. You can always  
11 armchair-quarterback and say some should have  
12 been done better. But in this case the impact is  
13 so wide, the impact impacts every one of us, not  
14 only in this room, but our families, our  
15 grandchildren -- and I would like to see us  
16 really do due diligence and make sure that we do  
17 do this in a well-thought-out plan.

18 So again, Senator Harckham, thank  
19 you for the questions, much appreciated.

20 Mr. President, thank you. And I  
21 concede the rest of my time.

22 ACTING PRESIDENT BAILEY: Thank  
23 you, Senator Oberacker.

24 Senator Borrello, why do you rise?

25 SENATOR BORRELLO: Mr. President

1 would the sponsor yield for a question.

2 ACTING PRESIDENT BAILEY: Will the  
3 sponsor yield?

4 SENATOR HARCKHAM: Absolutely.

5 ACTING PRESIDENT BAILEY: The  
6 sponsor yields.

7 SENATOR BORRELLO: Through you,  
8 Mr. President. So let's fast-forward to when you  
9 can no longer purchase a -- say a bottle of  
10 plastic with ketchup in it, okay? So let's say a  
11 restaurant owner, like me, who lives on the  
12 border of Pennsylvania, goes to a food  
13 wholesaler, a cash-and-carry in the State of  
14 Pennsylvania and buys a case of plastic bottles  
15 filled with ketchup and brings them back and uses  
16 them at my restaurant.

17 Is there some kind of plastic bottle  
18 police that I have to worry about? What's going  
19 to happen?

20 SENATOR HARCKHAM: Through you,  
21 Mr. President. First of all, just the assumption  
22 of the question: You will still be able to buy a  
23 plastic bottle of ketchup. It just either needs  
24 to be sustainable through mechanical recycling,  
25 which many of the clear plastics are. In fact,

1 Heinz just announced with great fanfare they had  
2 spent over a million dollars to develop a cap  
3 that could be recycled through mechanical  
4 recycling.

5 So products like that will be --  
6 will still be fully available. We're just asking  
7 them to use 30 percent less plastic and use more  
8 recycled content through conventional means of  
9 mechanical recycling. So you'll still be able to  
10 get that plastic bottle of ketchup.

11 SENATOR BORRELLO: Mr. President,  
12 will the sponsor continue to yield.

13 ACTING PRESIDENT BAILEY: Will the  
14 sponsor yield?

15 SENATOR HARCKHAM: Absolutely.

16 ACTING PRESIDENT BAILEY: The  
17 sponsor yields.

18 SENATOR BORRELLO: With all due  
19 respect, sir, they've already said that they're  
20 not going to make any accommodations for New York  
21 State. In fact, Heinz -- we've already heard  
22 from Kraft Heinz they're just going to pull their  
23 products from the shelf.

24 So the thought that they are going  
25 to come up with some more expensive boutique

1 version of a plastic ketchup bottle is I think a  
2 fallacy.

3 So let's continue on. I'm going to  
4 ask you if you could answer my question. I buy a  
5 case full of the current Heinz red-bottle-plastic  
6 ketchups and I bring them to use at my  
7 restaurant. What happens?

8 SENATOR HARCKHAM: First of all --  
9 through you, Mr. President -- I would just like  
10 to comment on the assumption. People are not  
11 going to leave the New York market. We are one  
12 of the largest economies in the world. They are  
13 not going to leave.

14 They didn't leave the European  
15 market. Europe has been doing this for over a  
16 decade. They're a decade ahead of us. People --  
17 the prior question, what does the supermarket  
18 look like? Go to Germany. Stroll around  
19 supermarket. That's what this will look like, is  
20 that every product that we currently have will be  
21 available.

22 The other thing is New York is doing  
23 this, California is doing it, Maine is now doing  
24 it, Oregon, Washington. So -- so manufacturers  
25 will be adjusting because there is a national

1 movement to do this. All of the provinces in  
2 Canada do this but one.

3 But the assertion is -- the  
4 assumption that the people are going to leave the  
5 New York market I think is just wrong, with all  
6 due respect.

7 To your question --

8 SENATOR BORRELLO: Mr. President,  
9 will the sponsor continue to yield.

10 (Overtalk.)

11 ACTING PRESIDENT BAILEY: Will the  
12 sponsor yield?

13 (Overtalk.)

14 SENATOR HARCKHAM: I was going to  
15 answer your question.

16 SENATOR BORRELLO: Oh, to my  
17 question.

18 ACTING PRESIDENT BAILEY: Senator  
19 Borrello, he was --

20 (Overtalk.)

21 SENATOR BORRELLO: I thought you  
22 were done.

23 (Overtalk.)

24 ACTING PRESIDENT BAILEY: He's  
25 getting to the --

1                   SENATOR BORRELLO:    He's going to  
2 answer my question.

3                   SENATOR HARCKHAM:    The onus is on  
4 the producer.  It's not on you.

5                   So if you -- if you want to go to  
6 Pennsylvania and buy what you want to buy, the  
7 onus is not on you, the onus is on who sells what  
8 in New York.

9                   SENATOR BORRELLO:    Mr. President,  
10 will the sponsor continue to yield.

11                  ACTING PRESIDENT BAILEY:    Will the  
12 sponsor yield?

13                  SENATOR HARCKHAM:    Absolutely.

14                  ACTING PRESIDENT BAILEY:    The  
15 sponsor yields.

16                  SENATOR BORRELLO:    Okay.  So what  
17 you're saying is, is that in a district like  
18 mine -- and I will add even in the New York City  
19 metropolitan area where we border New Jersey,  
20 Connecticut, which I don't -- have not heard of  
21 any plans for them to do this type of extensive  
22 ban on things.

23                  So there's going to be no penalty.  
24 This is not contraband.  You're still going to be  
25 able to buy these things.  You're going to be

1 able to buy them across state lines and bring  
2 them in.

3                   What about like Amazon? Well,  
4 Amazon -- you know, Amazon has a commercial  
5 wholesale program, you can buy restaurant  
6 products on Amazon and have them delivered. We  
7 don't do that. We use our local distributors.

8                   But what happens now if someone  
9 wants to order those same products on Amazon?

10                   (Pause.)

11                   SENATOR HARCKHAM: All right.  
12 Sorry, Senator, we needed to get clarification.

13                   The -- when you're buying from  
14 Amazon, the product inside, if it's going to be  
15 sold in New York, is the responsibility of the  
16 producer to meet New York standards. The  
17 external packaging, the boxes, that is up to  
18 Amazon to -- for their requirements on the  
19 secondary and tertiary packaging. So there would  
20 be -- there would be two levels there.

21                   But -- but, you know, if the  
22 assertion is, you know, you want to buy from  
23 somewhere and it's a different bottle, you know,  
24 the onus is not on you. The onus is on the  
25 producer and it's on the packager.

1                   But I would also suggest that  
2                   because of the size of New York and California,  
3                   that what you're going to see happen is for the  
4                   smaller states like Connecticut and Rhode Island,  
5                   they're going to be getting the new packaging  
6                   that New York and California are driving. That's  
7                   going to be the national model, and that's -- and  
8                   that's part of the goal here.

9                   SENATOR BORRELLO:    Mr. President,  
10                  will the sponsor continue to yield.

11                  ACTING PRESIDENT BAILEY:    Will the  
12                  sponsor yield?

13                  SENATOR HARCKHAM:    Absolutely.

14                  ACTING PRESIDENT BAILEY:    The  
15                  sponsor yields.

16                  SENATOR BORRELLO:    Well, these are  
17                  also global corporations. And I know you're  
18                  talking about certain places. But, you know,  
19                  first of all, Canada only has a recycling  
20                  mandate. They do not delve into what New York is  
21                  delving into. In fact, New York, as usual, is  
22                  the most extreme.

23                  So I have a feeling that when it  
24                  comes to drilling down to what the real  
25                  requirements are going to be, especially after

1 this special panel of people that are going to  
2 probably make it so restrictive that it's going  
3 to further encourage these companies not to  
4 participate in our market here.

5           And I'm sure there will be others,  
6 at a much higher price, that will create those  
7 boutique brands. But to say that we are going to  
8 somehow impact a global product like Heinz  
9 ketchup here in New York and California I think  
10 is -- without a tremendous increase in cost, is  
11 foolish.

12           But let me ask you this. So what  
13 you're saying is Amazon then will have to now  
14 ensure that that plastic ketchup bottle needs to  
15 be sustainable, all these things that you've just  
16 talked about. But then it will be wrapped up in  
17 some Styrofoam wrap, in some bubble wrap, put in  
18 a cardboard box, shipped on a diesel truck and  
19 delivered to my house so we can make sure that we  
20 have a sustainable ketchup bottle inside. Is  
21 that correct?

22           SENATOR HARCKHAM: Through you,  
23 Mr. President, two points.

24           First is getting back to your  
25 comments on this organization of people. The

1 producer responsibility organization are all  
2 businesspeople. There are some  
3 environmentalists, there are some labor people --  
4 but this is the structure that they requested.  
5 We -- this is the structure from the A print that  
6 was -- this is a nonprofit run by industry.  
7 They're the ones who come up with the plan.

8 This is not big government -- as was  
9 alluded to by Senator Helming, this is not big  
10 government telling them how to do it. This is us  
11 saying to business: You know better, you come up  
12 with the plan. So that's one assertion.

13 The other is -- is we want to get  
14 rid of the bubble wrap. We want to get rid of  
15 the Styrofoam. And I bring back the analogy of  
16 Apple. Apple is one of the largest conglomerates  
17 in the world. And if we pass this today -- and  
18 when we do pass this today -- with the 10-year  
19 lookback, Apple computers is, across their entire  
20 product line, is fully compliant.

21 Now, the other thing that I didn't  
22 add -- if you'd give me one second for clarity --  
23 one of the other changes we made in this bill was  
24 we also recognize, and to Senator Oberacker's  
25 point, it could be hard on a product-by-product,

1 package-by-package basis, to meet the mandates of  
2 this law. So we said if you can't make it on a  
3 unit basis, you can do it on a corporate basis.

4 So if you can't make it on the  
5 yogurt cup, you can make it on the soup can. And  
6 so we've given corporations that much more  
7 flexibility.

8 SENATOR BORRELLO: Mr. President,  
9 if the sponsor would continue to yield.

10 ACTING PRESIDENT BAILEY: Will the  
11 sponsor yield?

12 SENATOR HARCKHAM: Absolutely.

13 ACTING PRESIDENT BAILEY: The  
14 sponsor yields.

15 SENATOR BORRELLO: So we've said  
16 you can do this, but not that. We've said that  
17 we're not restricting people from actually owning  
18 these things, it's not contraband, so you can go  
19 and order it online, you can have -- you can go  
20 pick it up in Pennsylvania, New Jersey. So  
21 what's the real impact of this going to be? If  
22 we've given all -- we give exceptions to  
23 agriculture you just said. So what's the real --  
24 is this just kind of for show?

25 SENATOR HARCKHAM: Through you,

1 Mr. President. I -- I don't honestly think that  
2 people are going to be driving across state lines  
3 and figuring out how to -- how to get around this  
4 law to buy contraband packaging. I really don't  
5 see that as something that people are going to do  
6 in their lives.

7 But I thank you for the question.  
8 What this is going to do, over the next 12 years,  
9 is reduce the amount of packaging waste by  
10 30 percent in New York State.

11 We have a massive waste crisis. Our  
12 landfills are closing. We have 10 waste  
13 incinerators in New York State. It may sound  
14 like an elegant solution: Ship your waste to  
15 someone else's community to incinerate. I have  
16 one of these in my district in Peekskill,  
17 New York -- hundreds of diesel-belching trucks  
18 going through the community on a daily basis.  
19 That is not a helpful solution.

20 Our landfills, the last landfill on  
21 Long Island -- and correct me, my colleagues from  
22 Long Island -- is closing next year. And we  
23 heard -- we heard Senator Lanza yesterday speak  
24 about the horrors of the Staten Island landfill.  
25 So who in this room wants a waste incinerator in

1 their district? Who wants a new landfill in  
2 their district?

3 So the way we improve the situation  
4 and get the toxins out of our bodies and out  
5 of -- out of the waste stream and out of nature  
6 is simply to reduce the waste and eliminate the  
7 packaging at the source.

8 SENATOR BORRELLO: Mr. President,  
9 will the sponsor continue to yield.

10 ACTING PRESIDENT BAILEY: Will the  
11 sponsor yield?

12 SENATOR HARCKHAM: Absolutely.

13 ACTING PRESIDENT BAILEY: The  
14 sponsor yields.

15 SENATOR BORRELLO: So you talk  
16 about the people that are involved in these  
17 decisions. Here's one of them, Beyond Plastics.  
18 They were quoted as suggesting that instead of  
19 giving children at Halloween prewrapped, you  
20 know, packaged pieces of candy, that you should  
21 just take unwrapped candy and throw it in a paper  
22 bag and give it out on Halloween.

23 Do you think that's a good idea?

24 SENATOR HARCKHAM: As a parent, no.

25 But that's not in this law.

1 (Laughter.)

2 SENATOR BORRELLO: Mr. President,  
3 will the sponsor continue to yield.

4 ACTING PRESIDENT BAILEY: Will the  
5 sponsor yield?

6 SENATOR HARCKHAM: Absolutely.

7 ACTING PRESIDENT BAILEY: The  
8 sponsor yields.

9 SENATOR BORRELLO: I realize that  
10 putting, you know, food into a paper bag and  
11 handing it to kids is not in the law. But  
12 certainly a lot of the packaging that would be  
13 used to hand out sanitary candy is. So what are  
14 we going to do about that?

15 Are we -- we're talking about taking  
16 a very small piece of candy that costs pennies  
17 and -- you said packaging is a small cost. It  
18 is. But when you're talking about a two-cent  
19 piece of candy, you're talking about doubling the  
20 cost of that candy. And I don't know if you've  
21 given out candy on Halloween. I have. I spend  
22 hundreds of dollars on that.

23 So what are we going to do for  
24 things like that where the cost of the food is  
25 pretty much equal to the cost of the packaging?

1                   SENATOR HARCKHAM:    Through you,  
2   Mr. President.  As I said earlier, I have great  
3   faith in American industry and their potential to  
4   innovate.  We all talk about that.  We all brag  
5   about how productive American industry is, how  
6   innovative American industry is.  We're proud of  
7   the industries in our district.

8                   And all of a sudden, when we ask  
9   them to reduce the amount of packaging by  
10  30 percent in 12 years, we hear from some of the  
11  biggest multinational corporations in the world,  
12  We can't do it.

13                   Of course they can do it.  We  
14  believe they can do it.  We put a man on the moon  
15  in 10 years.  We can come up with a new piece of  
16  candy wrapper in 12 years that has 30 percent  
17  less packaging or is made from a more sustainable  
18  material.

19                   SENATOR BORRELLO:    Mr. President,  
20  will the sponsor continue to yield?

21                   ACTING PRESIDENT BAILEY:    Will the  
22  sponsor --

23                   SENATOR HARCKHAM:    Absolutely.

24                   ACTING PRESIDENT BAILEY:    Will the  
25  sponsor yield?

1                   The sponsor yields.

2                   SENATOR BORRELLO:    I know you have  
3                   this, you know, view that the companies are going  
4                   to step up and do what you've asked.  But  
5                   Kraft Heinz, one of the world's largest food  
6                   purveyors, is saying they're just not going to  
7                   sell the products here in New York State.  They  
8                   haven't committed to producing anything that  
9                   meets these needs.

10                  So who else is going to be making  
11                  Cool Whip and Philadelphia Cream Cheese and  
12                  Heinz tomato ketchup, Lunchables, Kraft Singles,  
13                  Philadelphia Cream Cheese -- who else is going to  
14                  be making that if they're not going to make it  
15                  for us?

16                  SENATOR HARCKHAM:    Through you,  
17                  Mr. President.  The notion that a multinational  
18                  corporation that's already doing this in  
19                  Europe -- they're already doing this in Europe;  
20                  they've been doing this for well over a decade in  
21                  Europe -- are going to walk away from the  
22                  New York market and the California market, which  
23                  are among the largest economies in the world, I  
24                  think -- I think is pure bluster.  It's absolute  
25                  bluster.  They are not going to walk away from

1 these markets.

2                   There are companies that are already  
3 doing this. The issue of Kraft -- the  
4 cheese-product singles that so much has been made  
5 about, number one, they are making a choice to do  
6 that. There is nothing in federal food  
7 regulation that says you have to wrap every  
8 single slice individually. If you buy Sargento  
9 cheese, all the cheese is in one package  
10 separated by thin wax paper. They're not  
11 individually wrapped.

12                   But as we have said numerous times,  
13 they have an opportunity across their entire  
14 corporate line -- so let's just say they want to  
15 continue to wrap slices individually. They can  
16 find the reductions elsewhere across their  
17 corporate line.

18                   But, you know, if -- just to finish  
19 up on the cheese issue, if they want to die on  
20 that hill, you know, we can talk about the  
21 unhealthful effects of the plastic in constant  
22 contact. That's one of those fatty foods that we  
23 talked about earlier that lea -- that the harmful  
24 toxins from the plastic can leach into.

25                   So, you know, there's a strong

1 public health argument to be said that they may  
2 want to rethink that strategy. But if they  
3 don't, then they can -- they can certainly meet  
4 the targets of this bill across other products in  
5 their product line.

6 SENATOR BORRELLO: Mr. President,  
7 will the sponsor continue to yield.

8 ACTING PRESIDENT BAILEY: Will the  
9 sponsor yield?

10 SENATOR HARCKHAM: Absolutely.

11 ACTING PRESIDENT BAILEY: The  
12 sponsor yields.

13 SENATOR BORRELLO: I know that  
14 sometimes free-market economy escapes some of you  
15 folks. But when you start talking about a  
16 boutique item that's made for Europe, where the  
17 cost of living is much higher, the cost of food  
18 is much higher, the cost of everything is much  
19 higher, they can probably afford to do some kind  
20 of advanced packaging that meets those standards  
21 in Europe.

22 But what happens here in New York?  
23 Like, for example, they could just say from now  
24 on all Heinz ketchup sold in New York State is  
25 going to be in a glass bottle. Will that change

1 meet your standard?

2 SENATOR HARCKHAM: If it meets the  
3 recyclability requirements. But that's up to the  
4 company. That's up to the PRO. There are -- for  
5 instance, let's -- see that glass bottle right  
6 there?

7 SENATOR BORRELLO: (Inaudible.)

8 SENATOR HARCKHAM: That glass  
9 bottle is recyclable through mechanical  
10 recycling. If they were to use the polymer that  
11 is in that bottle that is fully recyclable, it's  
12 clear, it doesn't have colors, it doesn't have  
13 pigments -- you know, where all the -- most of  
14 the harmful chemicals come in are the colors and  
15 to hold the shapes and those things.

16 There are options out there for  
17 clear plastic containers that they can use today  
18 through mechanical recycling. They were the ones  
19 who did the press release a couple of months ago  
20 touting the money and the R&D they put into a cap  
21 that can be recycled through conventional  
22 recycling, mechanical recycling.

23 So if they're going to tout that  
24 they've already done this, why would they walk  
25 away from the New York market? They're doing

1 this now.

2 SENATOR BORRELLO: Mr. President,  
3 will the sponsor continue to yield?

4 ACTING PRESIDENT BAILEY: Will the  
5 sponsor yield?

6 SENATOR HARCKHAM: Absolutely.

7 ACTING PRESIDENT BAILEY: The  
8 sponsor yields.

9 SENATOR BORRELLO: First, to answer  
10 your question. Developing a cap, which is maybe,  
11 what, 10 percent of the total package -- which I  
12 understand is a great PR move for them. We've  
13 made this cap, it's recyclable. But the big part  
14 is not recyclable.

15 And when we start talking about  
16 glass, you know -- and the reason I brought up  
17 glass is that, quite frankly, we all thought  
18 glass was wonderful and recyclable. Turns out  
19 it's not. Glass is not being recycled. The only  
20 thing we're actually really good at recycling is  
21 aluminum. So pretty much everything is going to  
22 be put into aluminum if we want to meet that  
23 standard. We're not good at glass. We're not  
24 good at plastic.

25 So to go back to my question, if

1 they're going to move this into glass because it  
2 meets the standards, but glass is no more  
3 recyclable than plastic at this point, what good  
4 is it?

5 SENATOR HARCKHAM: Through you,  
6 Mr. President. There is no assertion that they  
7 need to be moved into glass.

8 Let me -- let me, if this is  
9 helpful, talk about what the PRO does, is they  
10 look at, across industries, what is the packaging  
11 that's most sustainable, what is the least  
12 sustainable, and how do we get more. And the fee  
13 structure, it's called eco-modulation. So the  
14 companies that have the worst product types in  
15 terms of sustainability and recyclability, those  
16 companies will pay more. And that's what their  
17 incentive is, to better excel. And the companies  
18 that are already performing and have highly  
19 sustainable packaging, they will pay the least.

20 And so that's the whole premise of  
21 this, is that companies will now have a -- have  
22 skin in the game. Right now the only skin in the  
23 game is you and me and you -- we're paying this  
24 through our taxes, through our tipping fees, to  
25 our carters.

1                   So for the first time the  
2 manufacturers of nonsustainable packaging that we  
3 are paying to dispose of, they will just have to  
4 think about the life cycle of that package, from  
5 the sourcing of the raw materials to the end, on  
6 how we dispose it. And they are going to be  
7 contributing to your local municipalities, my  
8 local municipalities, on the investments in the  
9 technology and the disposal and the recycling of  
10 these products.

11                   SENATOR BORRELLO:    Quickly, a time  
12 check, Mr. President?

13                   ACTING PRESIDENT BAILEY:    Senator  
14 Borrello, I was just about to tell you, you have  
15 10 minutes and 30 seconds.

16                   SENATOR BORRELLO:    All right,  
17 wonderful. Thank you.

18                   One more question, if the sponsor  
19 will continue to yield.

20                   ACTING PRESIDENT BAILEY:    Will the  
21 sponsor yield?

22                   SENATOR HARCKHAM:    Absolutely.

23                   ACTING PRESIDENT BAILEY:    The  
24 sponsor yields.

25                   SENATOR BORRELLO:    So you brought

1 up the fact that we are going to save money  
2 through tipping fees, the landfills, so forth. I  
3 spent 10 years in county government. Our  
4 landfill was a big issue -- some good, some bad.  
5 But it was definitely a profit generator.

6 So are we going to require that  
7 whatever so-called savings from this is going to  
8 be passed on to taxpayers? Is that in this bill?

9 SENATOR HARCKHAM: Through you,  
10 Mr. President. Number one, as we mentioned  
11 before, the companies, the private companies that  
12 are currently carting and distributing the waste  
13 have contracts with the counties, with local  
14 municipalities. We've protected those contracts.  
15 So nothing that the PRO decides will override  
16 those contracts.

17 But that money, New York City is  
18 estimating they will save 150 million annually.  
19 NYSAC is estimating the rest of New York State  
20 will save 100 million annually. That's  
21 \$250 million that municipalities can give back to  
22 taxpayers. I'd like to see that. But that's  
23 also \$250 million more that could be for  
24 firefighters, for police officers, for social  
25 workers, for teachers. That's up to the

1 municipality to figure out how to dispense those  
2 savings.

3 SENATOR BORRELLO: Thank you.

4 Mr. President, on the bill.

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

7 SENATOR BORRELLO: Yeah,  
8 \$250 million -- that's almost a day's worth of  
9 running state government. What an amazing amount  
10 of money we're going to save.

11 Lookit, folks. No matter how you  
12 slice this, this is going to lead to less choice  
13 for our consumers. It's going to lead to higher  
14 costs. Could there be a solution that would be  
15 provided? Maybe. Maybe they'll make good on  
16 their promise that they're just not going to sell  
17 the products in New York State. Somebody else  
18 will, but it will be at a higher cost.

19 We talk about affordability, an  
20 affordability crisis in New York State. This is  
21 not going to make New York more affordable. But  
22 more importantly, it's not going to do a damn  
23 thing to impact plastic waste on a global scale,  
24 not even on a national scale.

25 You know, we used to have a national

1 strategy for things like this. The reality is is  
2 back in 2018, China decided they were going to  
3 stop taking plastic waste. So we have all these  
4 containers full of crap that nobody needs coming  
5 from China, and they're leaving to go back to  
6 China empty. They used to go back with all of  
7 our plastic waste, and that plastic waste was  
8 recycled.

9 Now, the president of the  
10 United States could solve this problem in a day.  
11 He could say to the Chinese government, We're not  
12 going to take any more of that stuff that you're  
13 making unless every container goes back full of  
14 plastic waste and that it is properly reused,  
15 recycled, whatever. But we don't have that kind  
16 of leadership in Washington right now. So that's  
17 why we're dealing with this crisis.

18 If you want to do this on a national  
19 scale, yes, perhaps then, you know, Kraft Heinz,  
20 all these other companies would come up with some  
21 kind of a strategy. But at the end it's still  
22 going to cost everybody more money. Let's not  
23 make any mistake about that. But the fact that  
24 we think that we are going to actually impact the  
25 policies and the manufacturing of a global

1 company without tremendous cost to our consumers  
2 is just a fallacy.

3 Now, Senator Harckham brought up the  
4 fact that 67 percent -- according to this  
5 Siena poll, 67 percent of New Yorkers think that  
6 plastic waste is a problem. I think plastic  
7 waste is a problem; I agree. But do they agree  
8 on the solutions?

9 Because it's funny, folks, when it  
10 comes to CLCPA and all these environmental  
11 issues, everybody's all in until they realize  
12 what it's going to cost them. And there's  
13 probably no greater example of that than most  
14 recently, when Ithaca, the liberal bastion of  
15 Ithaca, just voted down the electric school bus  
16 mandate. So apparently it's a climate crisis  
17 until it raises their property taxes; then it's  
18 no longer a crisis they want to pay for.

19 If Ithaca, filled with environmental  
20 radicals, filled with all kinds of liberals,  
21 isn't going to actually pay for electric  
22 school buses, then what are most New Yorkers  
23 going to do when they realize what it's going to  
24 cost to implement this? What are most  
25 New Yorkers going to do when they realize that

1 jobs are going to be chased away, more jobs, more  
2 families, less affordability? That's the impact  
3 of this.

4 And on a global scale, this isn't  
5 going to make a dent in the plastic problem.  
6 Should we use less disposable one-use products?  
7 Absolutely we should. That takes personal  
8 constraint. It takes a national policy. And it  
9 certainly takes the realization that perhaps the  
10 best thing you could do is buy something locally.

11 The packaging that's involved to buy  
12 one item on Amazon is tremendous. Absolutely  
13 tremendous. And we're actually going to  
14 encourage more of that. We're going to encourage  
15 people to drive in their fossil fuel vehicles a  
16 little bit further to go get that item that they  
17 want, those Lunchables that their kids want to  
18 take to lunch, that package of cheese -- whatever  
19 it is.

20 And if you don't think it's going to  
21 happen, it's already happening. My district  
22 borders the State of Pennsylvania for about a  
23 hundred miles straight, and people go to  
24 Pennsylvania all the time for all kinds of  
25 things. And they will go. Instead of going to

1 the Wegman's in Jamestown, New York, they'll go  
2 to the Wegman's in Erie, Pennsylvania, and get  
3 the products that they want.

4 So at the end of the day you're  
5 going to continue to backpedal and backpedal and  
6 backpedal to try to satisfy the most radical  
7 elements of our political process here, because  
8 that's really what this is about. This is about  
9 appeasing the radicals.

10 We just had a -- they just had a big  
11 punch in the gut courtesy of the Governor.  
12 Congestion pricing, that's not going to happen.  
13 They're all very upset about that. So we've got  
14 to throw them a bone, folks. Here it is. Here  
15 is the bone we're going to throw them. Something  
16 that's going to damage our economy, and at the  
17 end of the day do nothing to actually impact the  
18 amount of plastic waste,

19 It's time to stop this. It's time  
20 to stop letting the radicals rule the policies  
21 here in Albany. That's what this is, and that's  
22 why I'm voting no.

23 Thank you.

24 ACTING PRESIDENT BAILEY: Thank  
25 you, Senator Borrello.

1 Senator O'Mara, why do you rise?

2 SENATOR O'MARA: Thank you,  
3 Mr. President. Would the sponsor yield for some  
4 questions.

5 ACTING PRESIDENT BAILEY: Will the  
6 sponsor yield?

7 SENATOR HARCKHAM: Absolutely.

8 ACTING PRESIDENT BAILEY: The  
9 sponsor yields.

10 SENATOR O'MARA: Thank you,  
11 Senator.

12 Just to clarify, I think you said,  
13 in response to the last questioners, that any  
14 container currently covered by our five-cent  
15 deposit is excluded from this?

16 SENATOR HARCKHAM: Through you,  
17 Mr. President, yes.

18 SENATOR O'MARA: So the producers  
19 of those -- through you, Mr. President, if the  
20 sponsor would continue to yield.

21 ACTING PRESIDENT BAILEY: Senator  
22 O'Mara, I just want to remind you, we have  
23 30 minutes left in the entire debate, you have  
24 your 30 minutes. So I just wanted to keep you  
25 abreast of that.

1 Will the sponsor yield?

2 SENATOR HARCKHAM: Absolutely.

3 ACTING PRESIDENT BAILEY: The  
4 sponsor yields.

5 SENATOR O'MARA: Now I forgot what  
6 I was going to ask, but --

7 ACTING PRESIDENT BAILEY: My  
8 apologies --

9 SENATOR O'MARA: I don't need  
10 30 minutes, I guess.

11 No, so those producers of those  
12 bottles and containers that have a nickel deposit  
13 on them, they're not going to participate in this  
14 producer responsibility?

15 SENATOR HARCKHAM: Well, they --  
16 through you, Mr. President, they may, because  
17 they have other products. Many of them have  
18 snack lines, they have fast food restaurants. So  
19 the beverage bottles are exempt, but they have  
20 other lines of business so they may be involved  
21 in the PRO.

22 SENATOR O'MARA: Thank you.

23 Mr. President, will the sponsor  
24 continue to yield.

25 ACTING PRESIDENT BAILEY: Will the

1 sponsor yield?

2 SENATOR HARCKHAM: Absolutely.

3 ACTING PRESIDENT BAILEY: The  
4 sponsor yields.

5 SENATOR O'MARA: Senator, I  
6 certainly appreciate what we're trying to get at  
7 here, and the reduction of waste overall is  
8 certainly a laudable goal and something that we  
9 need to really focus on. I'm just not sure that  
10 this is the correct way to do it.

11 But this bill, the language says  
12 producers are responsible for reduction, refill  
13 and reuse, collection, transportation, recycling  
14 and disposal. What is meant by "disposal"?

15 SENATOR HARCKHAM: Well, that is --  
16 that is part of the plan. The producers come up,  
17 working with local municipalities and knowing  
18 where the investments need to be made, based on  
19 the materials, whether that is recycling -- to  
20 Senator Borrello's point about local products,  
21 that's reuse and re-use.

22 You know, there wasn't -- well, it  
23 was a long time ago when some of us were young  
24 and you'd go to the supermarket to buy soda, they  
25 would come in glass bottles. You'd store them in

1 the basement, and then the next time you went  
2 back and you exchanged them. That was a reuse  
3 and re-use economy. In Europe, very often the  
4 wine bottles are reusable. They're thicker  
5 gauge, they're still the same product, but then  
6 you return them. That's -- that's what -- sort  
7 of what Senator Borrello was alluding to, is the  
8 reuse and the re-use.

9 But the notion -- and to your point,  
10 Senator O'Mara, about what this process is, this  
11 is not a group of radicals, as my good friend  
12 Senator Borrello alluded to. These are  
13 Fortune 500 companies. These are some of the  
14 largest companies in the world, companies that  
15 have balance sheets that are bigger than most  
16 countries. We're the ones -- they're the ones  
17 who said, Give us the responsibility. And that's  
18 what they're doing. They will figure out the  
19 life cycle of the process, they will work out  
20 with the waste haulers and the recyclers the best  
21 way to approach this.

22 SENATOR O'MARA: Thank you,  
23 Senator.

24 Mr. President, will the sponsor  
25 continue to yield.

1                   ACTING PRESIDENT BAILEY:    Will the  
2   sponsor yield?

3                   SENATOR HARCKHAM:    Absolutely.

4                   ACTING PRESIDENT BAILEY:    The  
5   sponsor yields.

6                   SENATOR O'MARA:    Okay.  Now, we  
7   have a variety of waste collection programs  
8   throughout the state.  Different municipalities  
9   do it different ways.  Some don't provide  
10  anything at all, and it's private haulers.  Some  
11  people take their own trash to the transfer  
12  station.

13                   So, you know, under this, saying  
14  producers are responsible for all of this that we  
15  just talked about -- let's just take New York  
16  City as an example.  And they have, what, a  
17  \$1.9 billion municipal waste program, sanitation  
18  department budget.  What's going to be left for  
19  the City of New York to do, that these -- all  
20  these producers are requiring to do?

21                   SENATOR HARCKHAM:    The figure you  
22  quoted, that \$9 billion figure --

23                   SENATOR O'MARA:    One-point-nine  
24  billion.

25                   SENATOR HARCKHAM:    One-point-nine.

1                   That is exactly why this is New York  
2 City's number-one legislative priority this year,  
3 this bill. Because this will save them anywhere  
4 from 150 million -- I didn't quote the top end  
5 before -- 150 million to 250 million a year,  
6 because they will be collecting less material and  
7 they'll be collecting it smarter because it will  
8 be -- it will be a honed system working with the  
9 manufacturers as to what actually can be recycled  
10 and what can't be recycled.

11                   You know, the point that -- that  
12 Senator Borrello made -- and this goes to your  
13 point, Senator O'Mara -- is, you know, that China  
14 should somehow magically recycle all this  
15 stuff -- the truth is, plastic cannot be  
16 recycled. Five to 6 percent of plastics can be  
17 recycled. The rest of it cannot be recycled.  
18 And that's why it's going to landfills and  
19 incinerators. And so that's where the savings to  
20 places like New York City will come in, is when  
21 we have real recyclable.

22                   The other thing I should mention is  
23 we're creating markets for this material because  
24 we have recycled content requirements that are  
25 going to help spur the marketplace. And this is

1 also happening in New Jersey. They don't have  
2 the same law we do, but they are also -- have now  
3 a law about recycled content minimums. So we're  
4 finally driving a marketplace for these materials  
5 which did not exist before.

6 SENATOR O'MARA: Through you,  
7 Mr. President, will the sponsor continue to  
8 yield.

9 ACTING PRESIDENT BAILEY: Will the  
10 sponsor yield?

11 SENATOR O'MARA: Well --

12 ACTING PRESIDENT BAILEY: Senator  
13 Harckham, do you yield?

14 SENATOR HARCKHAM: Yes, I do. I'm  
15 sorry.

16 ACTING PRESIDENT BAILEY: The  
17 sponsor yields.

18 SENATOR O'MARA: Senator, I -- the  
19 issue that only so much plastic is recycled on a  
20 percentage basis is certainly restricted by the  
21 removal of advanced recycling in this  
22 legislation. And we don't have the ability to  
23 pursue that under this.

24 But back to the New York City  
25 sanitation budget of 1.9 billion. And you say --

1                   SENATOR HARCKHAM:    I'm sorry,  
2    Senator O'Mara.  Go ahead.

3                   SENATOR O'MARA:    Yeah, back to the  
4    \$1.9 billion New York City sanitation budget.  
5    And this may save -- this legislation may save  
6    them up to 250 million?

7                   SENATOR HARCKHAM:    Yes.  That's  
8    their estimate.

9                   SENATOR O'MARA:    Then -- then  
10   what's left for the city to do?  What --

11                  SENATOR HARCKHAM:    Well, they will  
12   still be doing the same things that they do, but  
13   they will be being reimbursed from the producer  
14   responsibility organization.

15                  As we mentioned, there are  
16   eco-modulated fees.  So for the folks who are  
17   producing the least-sustainable packaging, they  
18   will be paying more.  The folks who produce the  
19   most-sustainable packaging will be paying less.  
20   But those fees are going to go to New York City  
21   and to your small municipalities and my small  
22   municipalities to help reimburse running the  
23   costs for disposal of all of this waste.

24                  SENATOR O'MARA:    Through you,  
25   Mr. President, if the sponsor will continue to

1 yield.

2 ACTING PRESIDENT BAILEY: Will the  
3 sponsor yield? (Pause.)

4 Will the sponsor yield?

5 SENATOR HARCKHAM: Yes, absolutely.

6 SENATOR O'MARA: So then out of  
7 that roughly \$1.7 billion left after the savings  
8 from this, what is left in the waste stream for  
9 the city to deal with? Why aren't -- why is this  
10 only making up a couple hundred million of a  
11 \$2 billion budget?

12 SENATOR HARCKHAM: Because it's not  
13 intended to replace municipal programs. It's to  
14 augment and to make smarter. And for the folks  
15 that are producing the waste that is the most  
16 problematic, for them to contribute to the  
17 disposal.

18 In New York City, the unionized  
19 folks who collect waste each and every day will  
20 continue to do that. They may go to different --  
21 different MRFs, the materials recovery centers.  
22 But part of this will be that the PRO will  
23 determine, all right, in the New York City area  
24 the materials recovery centers really need X, Y  
25 and Z in terms of new advanced technology. They

1 will invest in that so that our recycling  
2 programs and our waste disposal programs become  
3 smarter and ultimately more cost-effective, and  
4 hopefully dealing with less raw material to begin  
5 with.

6 SENATOR O'MARA: Through you,  
7 Mr. President, if the sponsor will continue to  
8 yield.

9 ACTING PRESIDENT BAILEY: Will the  
10 sponsor continue to yield?

11 SENATOR HARCKHAM: I'm sorry.

12 ACTING PRESIDENT BAILEY: Will the  
13 sponsor yield?

14 SENATOR HARCKHAM: Yes, absolutely.

15 ACTING PRESIDENT BAILEY: The  
16 sponsor yields.

17 SENATOR O'MARA: Of all the  
18 producers contemplated by this legislation in  
19 New York, how many jobs are accounted for in  
20 either the manufacturing, the distribution or the  
21 retail sale of these products? How many jobs?

22 SENATOR HARCKHAM: It would be  
23 across the spectrum. It would be -- it would  
24 mean many, many jobs.

25 And the fact of the matter is almost

1 all of those jobs will not be changed. Marketing  
2 will not be changed. Food production will not be  
3 changed. The normal conduct of commerce will not  
4 be changed.

5 All we are asking companies to do is  
6 be better corporate neighbors and rethink the  
7 life cycle of their products, from how they  
8 extract raw materials to the sustainability of  
9 the product to the end life cycle of the  
10 production. Because we are paying for that.  
11 We're paying for it in taxes. We're paying for  
12 it in public health costs. And this is not an  
13 unreasonable demand to ask of corporate America.

14 And let's think about -- when we  
15 talk about innovation, innovation means new jobs.  
16 You know, when we talked about the CLCPA and the  
17 green economy -- and we heard a lot of  
18 pooh-poohing from certain folks -- we have  
19 created already tens of thousands of good,  
20 high-paying green jobs right here in New York.  
21 Innovation spurs jobs. It doesn't remove jobs.

22 SENATOR O'MARA: Through you,  
23 Mr. President, if the sponsor will yield.

24 ACTING PRESIDENT BAILEY: Does the  
25 sponsor yield?

1                   SENATOR HARCKHAM:    Yes.

2                   ACTING PRESIDENT BAILEY:    The  
3 sponsor yields.

4                   SENATOR O'MARA:    What is the  
5 requirement on a municipality to reduce their  
6 taxes by the amount being saved here that is  
7 being paid by the producers?

8                   SENATOR HARCKHAM:    Through you,  
9 Mr. President.  There's nothing in the bill that  
10 mandates a local municipality has to do anything  
11 with the money.  That is a decision to be made at  
12 the local level.  If they want to return it to  
13 the taxpayers, that's a great benefit.  If they  
14 need to hire firefighters, whatever, they can do  
15 that.

16                   And quite honestly, there's a  
17 provision in the bill that if a municipality  
18 wants to keep doing what it's doing on its own,  
19 it can opt out.  It doesn't have to participate.  
20 I mean, that will mean they will lose fees, but  
21 if they don't want to participate, a municipality  
22 doesn't have to.

23                   SENATOR O'MARA:    Through you,  
24 Mr. President, if the sponsor will yield.

25                   ACTING PRESIDENT BAILEY:    Will the

1 sponsor yield?

2 SENATOR HARCKHAM: Absolutely.

3 ACTING PRESIDENT BAILEY: The  
4 sponsor yields.

5 SENATOR O'MARA: So there's no  
6 requirement that the savings to the  
7 municipalities get passed on to the taxpayer.

8 SENATOR HARCKHAM: It's a local  
9 decision.

10 SENATOR O'MARA: How much do you  
11 anticipate the cost of goods in New York to  
12 increase as a result of this legislation?

13 SENATOR HARCKHAM: Through you,  
14 Mr. President. As we spoke before about the --  
15 if I can just find it again -- the Columbia study  
16 was zero to \$4 a month. There was a study done  
17 on the Oregon program that said the cost was de  
18 minimis.

19 The York study, which seems to come  
20 out every time a different state or province  
21 comes up with one of these programs, you know,  
22 has a much higher cost.

23 But I highlighted at the beginning  
24 of the discussion what the procedural flaws were  
25 with that study and why the Columbia study is

1 much more in line with what we can expect, based  
2 on price competition and real USDA numbers.

3 SENATOR O'MARA: Through you,  
4 Mr. President, if the sponsor will continue to  
5 yield.

6 ACTING PRESIDENT BAILEY: Will the  
7 sponsor yield?

8 SENATOR HARCKHAM: Absolutely.

9 ACTING PRESIDENT BAILEY: The  
10 sponsor yields.

11 SENATOR O'MARA: In your most  
12 recent revision to this bill three days ago, on  
13 the D print, you removed the ability of DEC to be  
14 able to reduce the targets for reductions, given  
15 certain circumstances. Why has that ability been  
16 taken away from DEC for what may be unforeseen  
17 inability to reach these targets?

18 SENATOR HARCKHAM: Well, there are  
19 two things. Number one, in exchange for that we  
20 gave companies the flexibility to meet these  
21 targets across their entire corporate line.

22 Before, in the earlier versions of  
23 the bill, they had to do it on every individual  
24 package. And that was the pushback that we got  
25 from municipalities -- not municipalities, the

1 companies. They said, Give us more flexibility  
2 across -- let us do it across our entire  
3 portfolio. Which we did. So that was -- that  
4 was the tradeoff there.

5 The other thing, as we discussed  
6 with Senator Oberacker, is if under this law the  
7 technology is not available to meet FDA  
8 requirements, they can still apply for a waiver.

9 SENATOR O'MARA: Thank you. Thank  
10 you, Senator.

11 On the bill.

12 ACTING PRESIDENT BAILEY: Senator  
13 O'Mara on the bill.

14 SENATOR O'MARA: As I said at the  
15 beginning, this is certainly a laudable goal and  
16 something I am interested in seeing in the  
17 reduction of waste. We've seen far too much  
18 landfilling across the State of New York,  
19 particularly handling New York City's garbage for  
20 them.

21 But I don't believe this is the way  
22 to do it. And I believe that this is going to  
23 raise costs significantly to everyday  
24 New Yorkers, based on the costs of this being  
25 passed along through the price of every good that

1 you're going to buy in a variety of so many  
2 different ways. The prices are going up. The  
3 cost of living in New York is going up as a  
4 result of this.

5                   And the Majority in this chamber and  
6 the Governor of this state love to talk about  
7 affordability and the problems we have with  
8 affordability in New York State. Yet virtually  
9 every action that gets taken decreases  
10 affordability in New York State and will cost  
11 jobs. We're seeing it through the CLCPA that  
12 this body approved, with significantly increasing  
13 utility rates already.

14                   NYSEG/RG&E last fall were approved  
15 for in excess of a 30 percent increase over  
16 two and a half years. National Grid has put in  
17 for an over 40 percent increase of their rates.  
18 And that's just for the delivery charges. We  
19 haven't even gotten to the impacts of what the  
20 costs are going to be to New Yorkers on the  
21 supply of their electricity that's just passed  
22 through by the utility, because those are going  
23 up significantly as well.

24                   The costs of new transmission lines  
25 are not onto people's bills yet. The cost of

1 offshore wind is not onto people's bills yet.  
2 This legislation before us today is going to  
3 further raise costs to everyday New Yorkers on  
4 their budgets, their ability to afford to be in  
5 New York. And it's going to directly cost jobs.  
6 Manufacturers will pull out of New York State if  
7 they can't utilize their products here.

8           We're already seeing it on something  
9 that was passed just three or four years ago, the  
10 banning of polystyrene packaging. There's a  
11 manufacturer in Middletown, New York, in  
12 Orange County, Genpak -- just announced last week  
13 that due to the restriction on the use of their  
14 product in New York, they're shutting down their  
15 plant.

16                           (Off the record.)

17           SENATOR O'MARA: Genpak closing,  
18 138 jobs, good-paying AFL-CIO union jobs leaving  
19 the state.

20           We're seeing manufacturers close up  
21 and leave this state in a variety of sectors and  
22 industries because of the rising costs of doing  
23 business in New York, because of the restriction  
24 of the use of their products in this state. We  
25 have no idea telling what the implementation of

1 this is going to mean in reduction of jobs.

2 We just received this morning a  
3 letter from the Teamsters Local 812 representing  
4 3,000 Teamsters in New York City. They're  
5 strongly opposed to this bill: "The mandates in  
6 this bill will negatively impact our union  
7 members, costing them jobs, job hours and  
8 income."

9 This is going to severely impact and  
10 curtail their activities as Teamsters and the  
11 jobs they do in New York State, and they're  
12 concerned about those good-paying jobs.

13 There's the warning. You see it  
14 with Genpak. You're hearing it from the  
15 Teamsters. This is going to be a disaster. It's  
16 going to raise the cost of living for every  
17 New Yorker, and it's going to cost jobs in  
18 New York State.

19 Thank you, Mr. President.

20 ACTING PRESIDENT BAILEY: Thank  
21 you, Senator O'Mara.

22 Senator Palumbo, we have  
23 approximately nine minutes of debate time  
24 remaining.

25 SENATOR PALUMBO: Thank you,

1 Mr. President. Will the sponsor yield for a  
2 couple of quick questions. They will be quick.

3 ACTING PRESIDENT BAILEY: Will the  
4 sponsor yield?

5 SENATOR HARCKHAM: Absolutely.

6 ACTING PRESIDENT BAILEY: The  
7 sponsor yields.

8 SENATOR PALUMBO: Thank you,  
9 Chairman. Nice to see you.

10 Through you, Mr. President. Senator  
11 Harckham, would food banks be subject to this  
12 bill as producers?

13 SENATOR HARCKHAM: Through you,  
14 Mr. President. No, they would not. We had a  
15 request a couple of weeks ago from folks who  
16 provide food to those in need, and they were  
17 written out of the bill.

18 SENATOR PALUMBO: Will the sponsor  
19 continue to yield.

20 ACTING PRESIDENT BAILEY: Will the  
21 sponsor yield?

22 SENATOR HARCKHAM: It's only the  
23 delivered food.

24 ACTING PRESIDENT BAILEY:  
25 Clarification.

1                   SENATOR HARCKHAM:    So for -- excuse  
2   me.  Through you, Mr. President.  So the  
3   organizations that deliver meals, for instance to  
4   the homebound, those are exempt.

5                   SENATOR PALUMBO:    Will the sponsor  
6   continue to yield.

7                   ACTING PRESIDENT BAILEY:   Will the  
8   sponsor yield?

9                   SENATOR HARCKHAM:    But if I may, to  
10   finish answering the question, a food bank is not  
11   the producer.  So any of the packaging  
12   requirements would fall to the people producing  
13   the food, not the food bank.  So the food bank is  
14   exempt from this.

15                  SENATOR PALUMBO:    Will the sponsor  
16   continue to yield.

17                  ACTING PRESIDENT BAILEY:   Will the  
18   sponsor yield?

19                  SENATOR HARCKHAM:    Absolutely.

20                  ACTING PRESIDENT BAILEY:   The  
21   sponsor yields.

22                  SENATOR PALUMBO:    That's three  
23   yields for one question.  Pretty good.

24                  Okay.  So just to be clear, then --  
25   because they use plastic to secure pallets, but

1 more importantly they collect and do distribute  
2 to veterans and seniors prepackaged individual  
3 meals. Would that fit within the purview of this  
4 bill? And that's really the concern, that that  
5 is technically -- even if they're not leaving the  
6 building, the veterans and seniors are coming to  
7 the food bank to pick up a prepacked meal that  
8 they packaged at the food bank, would that be  
9 subject to this bill?

10 SENATOR HARCKHAM: Through you,  
11 Mr. President, it's the manufacturer of the  
12 packaging. So the food bank has no  
13 responsibility for this.

14 So if this is covered under this  
15 bill, which meals are, whether they're frozen  
16 meals or fast food meals, they would be covered  
17 under this law. But the food bank itself is not.  
18 It's the company, you know, whether it's -- you  
19 know, John Liu Food Products, then John Liu Food  
20 Products would be responsible for the packaging  
21 under the bill. It's a conglomerate.

22 (Laughter.)

23 SENATOR PALUMBO: Will the sponsor  
24 continue to yield for one more question, please.

25 ACTING PRESIDENT BAILEY: Will the

1 sponsor yield?

2 SENATOR HARCKHAM: Absolutely.

3 ACTING PRESIDENT BAILEY: The  
4 sponsor yields.

5 SENATOR PALUMBO: Thank you,  
6 Chairman.

7 Through you, Mr. President. So then  
8 just to be clear, because they do prepare meals  
9 on-site, so if there was a food bank that had the  
10 means to create some sort of packaging for  
11 distribution, then I think they would fit within  
12 the parameters of this bill. And that's really  
13 the concern.

14 And if we could, just for  
15 legislative intent, be clear that that would  
16 still be exempt, I'd appreciate it.

17 SENATOR HARCKHAM: Through you,  
18 Mr. President. Good question. The food bank is  
19 still exempt. It's the manufacturer of the  
20 packaging, not the end user in this case.

21 SENATOR PALUMBO: Very good. Thank  
22 you, Mr. President.

23 ACTING PRESIDENT BAILEY: Thank  
24 you, Senator Palumbo.

25 Are there any other Senators wishing

1 to be heard?

2                   Seeing and hearing none, debate is  
3 closed.

4                   Senator Liu.

5                   SENATOR LIU:    Mr. President, on  
6 consent, we've agreed to restore this bill to the  
7 noncontroversial calendar.

8                   ACTING PRESIDENT BAILEY:   The bill  
9 is restored to the noncontroversial calendar.

10                   Read the last section.

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

13                   ACTING PRESIDENT BAILEY:   Call the  
14 roll.

15                   (The Secretary called the roll.)

16                   ACTING PRESIDENT BAILEY:   Senator  
17 May to explain her vote.

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

20                   And I want to thank the sponsor for  
21 incredible work on this -- on this very complex  
22 and important piece of legislation.

23                   For centuries our economy has worked  
24 on the principle that manufacturers make stuff  
25 and they sell stuff and people buy it and use it

1 and throw it away. But in the 21st century, we  
2 finally have come to understand that there is no  
3 "away." That PVC item that may be safe to use in  
4 your household, when it goes to an incinerator or  
5 a landfill, or gets thrown on the ground and  
6 eventually washes out to the ocean, it breaks  
7 down into toxic components. And it comes back to  
8 us through the air, through the water, through  
9 the fish that are dying, through endocrine  
10 disruption, all kinds of things.

11 And we have got to start thinking  
12 differently about how we get from the start to  
13 the end of a product and what happens when it  
14 can't go away. So extended producer  
15 responsibility is the gold standard for getting  
16 producers to figure that out: What is going to  
17 happen to the product when it can't go away.

18 And this is, you know, a compromise.  
19 There is still a lot to be done, I think. But  
20 this has the potential to move the needle a long  
21 way toward getting a lot of materials out of the  
22 waste stream and back into useful life, rather  
23 than just assuming that it's going to go away.

24 I am so proud to vote aye. I am  
25 grateful to everyone who worked on this bill and

1 to my colleagues who support it, and I vote aye.

2 ACTING PRESIDENT BAILEY: Senator  
3 May to be recorded in the affirmative.

4 Senator Mattera to explain his vote.

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

7 This is something that's very  
8 interesting. And Senator Harckham, you know, I  
9 applaud you. But when you said that the  
10 Teamsters unions with New York State were okay  
11 with this bill, but the little local, the little  
12 small local doesn't matter, that is very  
13 upsetting to me as a union leader, that that  
14 would even be said.

15 There's 3,000 members that belong to  
16 Local 812, my brothers and sisters of the  
17 building trades on Long Island, that depend on  
18 their jobs, middle-class workers that depend on  
19 their jobs, that haven't been heard what's being  
20 going on with that, to have jobs that are going  
21 to be lost, that are going to be eliminated. As  
22 a union leader, I create jobs. We do not lose  
23 jobs.

24 So I'm a little bit appalled, in  
25 other words, to say they're only a little union.

1 Really? I don't think all the men and women of  
2 that Local 812 out of Great Neck would appreciate  
3 that very much. And I don't.

4 So another thing, too. The labor  
5 peace agreement. In other words, that there's a  
6 no-strike clause, you can't picket. You know,  
7 this isn't the Taylor Law, that we have civil  
8 service workers, with the building trades. We  
9 depend on, in other words, that we have a  
10 collective bargaining agreement that we can go  
11 and we can bargain. And guess what, when we have  
12 bad negotiations, that we can strike and get a --  
13 and work hard for a decent wage, a decent  
14 healthcare, and a decent pension. So this clause  
15 I'm not so happy with, with this that I'm seeing  
16 this that's in this bill.

17 So, Mr. President, I am a no on this  
18 bill. And I would appreciate that, in other  
19 words, that Senator Harckham, that you would go  
20 to Local 812 and say that, in other words, you do  
21 care about all the hardworking men and women of  
22 that local.

23 Thank you.

24 ACTING PRESIDENT BAILEY: Senator  
25 Mattera to be recorded in the negative.

1                   As a housekeeping note, this is that  
2 time of the year where we have to recognize that  
3 there are two minutes for non-sponsors to speak  
4 on a bill, and five minutes to speak on the  
5 sponsor -- for the sponsor to speak on the bill.

6                   Senator Stec to explain his vote.

7                   SENATOR STEC:    Thank you,  
8 Mr. Speaker.

9                   Again, for the dozenth time -- and I  
10 think it matters to be honest and thorough and  
11 accurate, with my background in chemistry --  
12 vinyl chloride is toxic and a carcinogen. PVC,  
13 polyvinyl chloride, is not. It's inert. If you  
14 don't like it for whatever other reason, that's  
15 fine. But it's inaccurate to say that it's  
16 toxic. The polycarbonate that is in our  
17 eyeglasses is not toxic.

18                   The toxic section needs work. But  
19 more importantly, \$800 a year to the average  
20 grocery bill for New Yorkers adds to our  
21 affordability crisis in this state.

22                   And for those reasons and the  
23 reasons I covered I think on debate thoroughly, I  
24 will be a solid no.

25                   ACTING PRESIDENT BAILEY:    Senator

1       Stec to be recorded in the negative.

2                     Senator Harckham to close.

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

5                     First I just want to say a couple of  
6 thank yous. I want to thank my colleagues from  
7 across the aisle for a very vigorous debate. I  
8 think we sort of covered all of the points. I  
9 don't really need to, I think, revisit that.

10                    I would just say to Senator Mattera  
11 I don't need to justify my labor record honor on  
12 this floor. The provisions that are in the bill  
13 were negotiated with the Teamsters. That was  
14 their language. If you don't like it, I suggest  
15 you take it up with them.

16                    Just -- just quickly, a few  
17 thank yous. You know, this was a team effort.  
18 First I want to thank our Majority Leader,  
19 Andrea Stewart-Cousins. You know, we would not  
20 have gotten to this point without her leadership,  
21 providing us with the resources and the counsel  
22 we needed to get this across the line.

23                    I want to thank members from central  
24 staff: Eric Katz, Mike Press, who did an amazing  
25 job. Paul McCarthy, Malik Dare, the rest of the

1 central staff team. My team: Brian Pugh,  
2 Marie Kelly, Sarah Perez, Dan Lee.

3 Just an incredible community in  
4 New York State of environmental advocates,  
5 municipal advocates, environmental justice  
6 advocates who refused to say no, who refused to  
7 lose. Who went against some of the largest  
8 corporations in the world, corporations that, as  
9 we mentioned before, have balance sheets bigger  
10 than many countries.

11 And I'm not saying they're bad  
12 corporate citizens, but one of the ways they get  
13 there is they create products that are at the  
14 lowest cost to them, and in this case pass the  
15 cost on to all of our constituents to dispose  
16 of -- in carting costs, in municipal costs, in  
17 public health costs.

18 We didn't even get into  
19 microplastics in the debate, how microplastics  
20 have poisoned our environment, how  
21 microplastics have poisoned human health, the  
22 endocrine disrupters. The New England Journal of  
23 Medicine, two months ago, a study that  
24 microplastics are now causing strokes and  
25 heart attacks because they're in our blood system

1 the way cholesterol and plaque are. Last week,  
2 endocrine disrupters, microplastics in human  
3 testicles.

4 So the health impacts of those  
5 products cannot be understated. And the costs  
6 have been passed on to our consumers and to our  
7 taxpayers.

8 And so all this bill is doing is  
9 asking for them to be better corporate citizens  
10 and to be more sustainable with their practices  
11 and their packaging.

12 So again, I want to thank just the  
13 thousands of people in New York State who refused  
14 to take no for an answer, who kept pushing us and  
15 pushing us.

16 I want to say that we truly did take  
17 stakeholders into account, and much of what is in  
18 this bill is exactly what they wanted. So if  
19 some folks want to keep pushing the goalposts  
20 out, you know, I understand that. That's our  
21 business. At some point there are pencils down.

22 And this is a balanced bill. This  
23 bill addresses the concerns of industry, it  
24 addresses the concerns of public health, and it  
25 addresses the concerns of our environment.

1 I just want to share one little  
2 anecdote, and then I'll close, Mr. President. As  
3 I was leaving the other night, I ran into a  
4 lobbyist who I've gotten to know over the years,  
5 and we were the only two in the hallway. And he  
6 said, "You know, I may be the only lobbyist in  
7 New York State who doesn't have a dog in this  
8 fight." And he said, "But as the father of a  
9 six-year-old girl, I want to see you do something  
10 here." And her name is Sophie.

11 And this bill is for all the  
12 Sophies, so that we can create and preserve a  
13 planet so all of our members who have young kids  
14 here can grow up in a planet that is healthy and  
15 sustainable and with amenable standards of life.

16 I'm proud to vote aye.

17 (Applause.)

18 ACTING PRESIDENT BAILEY: Senator  
19 Harckham to be recorded in the affirmative.

20 (Continued applause.)

21 ACTING PRESIDENT BAILEY: Announce  
22 the results.

23 THE SECRETARY: In relation to  
24 Calendar 1882, those Senators voting in the  
25 negative are Senators Ashby, Borrello,

1 Canzoneri-Fitzpatrick, Gallivan, Griffio, Helming,  
2 Lanza, Martinez, Martins, Mattera, Murray,  
3 Oberacker, O'Mara, Ortt, Palumbo, Rhoads,  
4 Rolison, Ryan, Scarcella-Spanton, Stec, Tedisco,  
5 Weber and Weik.

6 Ayes, 37. Nays, 23.

7 ACTING PRESIDENT BAILEY: The bill  
8 is passed.

9 Senator Liu.

10 SENATOR LIU: Mr. President,  
11 returning to the controversial calendar, please  
12 take up Calendar 1055, by Senator Ramos.

13 ACTING PRESIDENT BAILEY: The  
14 Secretary will ring the bell.

15 The Secretary will read.

16 THE SECRETARY: Calendar Number  
17 1055, Assembly Bill Number 8947C, by  
18 Assemblymember Reyes, an act to amend the  
19 Labor Law.

20 ACTING PRESIDENT BAILEY: Senator  
21 Murray, why do you rise?

22 SENATOR MURRAY: Thank you,  
23 Mr. President. Would the sponsor yield for a few  
24 questions, please.

25 ACTING PRESIDENT BAILEY: Will the

1 sponsor yield?

2 SENATOR RAMOS: I'm ready,  
3 Mr. President.

4 ACTING PRESIDENT BAILEY: The  
5 sponsor yields.

6 SENATOR MURRAY: Thank you.  
7 Through you, Mr. President.

8 Thank you, Senator Ramos.

9 So at the end of the budget we --  
10 many in this chamber voted in favor of budget  
11 provisions related to retail theft prevention,  
12 put together a task force. And some of those on  
13 the task force include a lot of law enforcement,  
14 legal minds: New York Attorney General, multiple  
15 district attorneys, multiple representatives from  
16 law enforcement, including the New York State  
17 Police.

18 Were any of those consulted when you  
19 put together this bill?

20 SENATOR RAMOS: Mr. President, this  
21 bill is drafted with the retail workers' safety  
22 in mind, and was inspired by the survivors of the  
23 Tops shooting in Buffalo, who remarked that they  
24 had not been trained in the location of the  
25 emergency exits.

1                   And this bill is -- has been  
2                   consulted by lots of advocates and many different  
3                   parties -- not law enforcement -- but does follow  
4                   in the model planning that we have voted for in  
5                   this body to protect schools and other  
6                   institutions.

7                   SENATOR MURRAY:     Thank you,  
8                   Mr. President.   Would the sponsor continue to  
9                   yield.

10                  ACTING PRESIDENT BAILEY:   Will the  
11                  sponsor yield?

12                  SENATOR RAMOS:     I do.

13                  ACTING PRESIDENT BAILEY:   The  
14                  sponsor yields.

15                  SENATOR MURRAY:     Thank you.

16                  Who does the bill apply to?   When we  
17                  talk about retail, who does it apply to?

18                  SENATOR RAMOS:     Through you,  
19                  Mr. President.   The bill is -- really has two  
20                  pieces.   The first part requires retail employers  
21                  with 10 or more workers to develop a preventive  
22                  workplace violence plan.   And then the second  
23                  part requires panic buttons for employers who  
24                  have more than 500 employees at a location.

25                  SENATOR MURRAY:     Through you,

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

3 ACTING PRESIDENT BAILEY: Will the  
4 sponsor yield?

5 SENATOR RAMOS: I do.

6 ACTING PRESIDENT BAILEY: The  
7 sponsor yields.

8 SENATOR MURRAY: I think actually  
9 it might be three, because we -- it says all  
10 private-sector employees -- or employers, rather,  
11 with more than 10 employees would be required to  
12 adopt a retail workplace violence protection  
13 policy, and then also they need a workplace  
14 violence prevention training program. So those  
15 are the smaller.

16 Now, would the bigger -- would that  
17 also apply to the bigger stores as well? So that  
18 applies to all of them, correct?

19 SENATOR RAMOS: Absolutely. The  
20 preventive training and planning, which I counted  
21 as one, applies to all of the employers.

22 SENATOR MURRAY: Will the sponsor  
23 continue to yield.

24 ACTING PRESIDENT BAILEY: Will the  
25 sponsor yield?

1                   SENATOR RAMOS:    Yes.

2                   ACTING PRESIDENT BAILEY:    The  
3 sponsor yields.

4                   SENATOR MURRAY:    Okay.  Thank you.

5                   So this would encompass the  
6 mom-and-pop shops, a little knickknack shop or  
7 something, farm retails out in the urban areas,  
8 so big and small.

9                   But when we talk about 10 employees,  
10 are we talking full-time, part-time?  Is there a  
11 dif -- do we differentiate?

12                  SENATOR RAMOS:    Through you,  
13 Mr. President, this is -- does not include  
14 knickknack shops that have fewer than  
15 10 employees.

16                  And again, the bill is designed to  
17 save retail workers' lives no matter what type of  
18 employer they have.

19                  SENATOR MURRAY:    Mr. President,  
20 would the sponsor continue to yield.

21                  ACTING PRESIDENT BAILEY:    Does the  
22 sponsor yield?

23                  SENATOR RAMOS:    Yes.

24                  ACTING PRESIDENT BAILEY:    The  
25 sponsor yields.

1                   SENATOR MURRAY:    So now moving on  
2   to the large -- well, I would beg to differ,  
3   because if we're including part-time to cover  
4   during the day -- many times if you're open  
5   weekends as well, you'll -- many times even the  
6   little knickknack shops will have as many as  
7   10 employees.

8                   But moving on to the larger ones  
9   where we're talking about -- I believe it's 500  
10   or more nationwide, is that correct?

11                   SENATOR RAMOS:    Through you,  
12   Mr. President, I don't believe, unfortunately,  
13   that shooters can differentiate between part-time  
14   and full-time workers. I don't believe they ask  
15   before they pull the trigger.

16                   SENATOR MURRAY:    I don't believe  
17   she answered the question, but --

18                   ACTING PRESIDENT BAILEY:    Would you  
19   ask to yield?

20                   SENATOR MURRAY:    I'll ask again.  
21   Would the sponsor yield?

22                   SENATOR RAMOS:    Sure.

23                   ACTING PRESIDENT BAILEY:    Will the  
24   sponsor yield?

25                   The sponsor yields.

1                   SENATOR MURRAY:    So to repeat the  
2 question, we're talking about the larger, 500 or  
3 more is the requirement regarding the panic  
4 button aspect nationwide, is that correct?

5                   SENATOR RAMOS:    Yes, Mr. President.

6                   SENATOR MURRAY:    Would the sponsor  
7 continue to yield.

8                   ACTING PRESIDENT BAILEY:    Does the  
9 sponsor yield?

10                  SENATOR RAMOS:    Yes.

11                  ACTING PRESIDENT BAILEY:    The  
12 sponsor yields.

13                  SENATOR MURRAY:    So in a situation  
14 like the Southland Corporation -- and I'm just  
15 asking for clarification. Southland Corporation  
16 is the parent company for 7-Eleven. They have  
17 both corporate and they have franchisees. Are  
18 they treated as one, or are they separate?

19                  For example, on Long Island we have  
20 about -- well over a hundred stores. Maybe  
21 5 percent are corporate; the rest are all  
22 franchisees. And the individual franchisee may  
23 be 7-Eleven but may only have two or three  
24 stores, wouldn't have 500.

25                  So do the franchisees also count?

1                   SENATOR RAMOS:    Through you,  
2   Mr. President.  There is no differentiation  
3   between franchise employees and the others.

4                   Again, this is a bill that's  
5   designed to protect the most number of retail  
6   workers as possible.

7                   SENATOR MURRAY:    Thank you.

8                   Would the sponsor continue to yield.

9                   ACTING PRESIDENT BAILEY:   Will the  
10   sponsor yield?

11                  SENATOR RAMOS:    Yes.

12                  ACTING PRESIDENT BAILEY:    The  
13   sponsor yields.

14                  SENATOR MURRAY:    Thank you.

15                  So again, the True Values, the  
16   Ace Hardwares, all of these that are franchisees,  
17   so someone that owns one store would still have  
18   to fall under this.

19                  So what is the criteria -- so they  
20   then qualify for the panic buttons.  What is the  
21   criteria as far as the panic buttons?  How many  
22   would be needed?  Is it based on per square  
23   footage?  Do we need one button per 50 square  
24   feet?  Or how would that be determined?

25                  SENATOR RAMOS:    Through you,

1 Mr. President. It's up to the employer to decide  
2 where, how many panic buttons there are and where  
3 they're situated. What we're doing with this  
4 bill is establishing a minimum standard of what  
5 needs to be provided to the workers by their  
6 employer.

7 SENATOR MURRAY: Through you,  
8 Mr. President, would the sponsor continue to  
9 yield.

10 ACTING PRESIDENT BAILEY: Will the  
11 sponsor yield?

12 SENATOR RAMOS: I do.

13 ACTING PRESIDENT BAILEY: The  
14 sponsor yields.

15 SENATOR MURRAY: So in a situation  
16 like a Home Depot, they can have one panic button  
17 up front behind customer service? That would be  
18 adequate, that would fulfill the qualification  
19 here?

20 SENATOR RAMOS: Through you,  
21 Mr. President, while unfortunate, yes.

22 I mean, I would think that it's up  
23 to -- we should be able to trust the companies,  
24 right, to be able to determine what their  
25 preventive plan is, how many panic buttons are

1 needed depending on the number of employees at a  
2 certain location. And I would argue that at a  
3 mere \$1600 a pop, to Home Depot it's peanuts.

4 SENATOR MURRAY: Would the sponsor  
5 continue to yield.

6 ACTING PRESIDENT BAILEY: Will the  
7 sponsor yield?

8 SENATOR RAMOS: Yes.

9 ACTING PRESIDENT BAILEY: The  
10 sponsor yields.

11 SENATOR MURRAY: So I just  
12 wonder -- I mean, so we have no criteria here,  
13 basically. It's -- it's a panic button. It  
14 could be 20 panic buttons. It's up to them.

15 So I wonder what good it would do if  
16 it's -- if there's no guidance here as to what is  
17 needed, why are we requiring panic buttons?

18 SENATOR RAMOS: Mr. President, this  
19 bill is all about providing guidance. The point  
20 of the bill is to mandate employers to create a  
21 plan and train their employees on that plan so  
22 that they know what to do in cases of  
23 emergency -- teaching them deescalation tactics  
24 and teaching them where emergency routes or how  
25 emergency routes should take place in case of an

1 emergency.

2                   And for panic buttons, we're  
3 requiring the installation of panic buttons and  
4 leaving it up to the discretion of the employer,  
5 hopefully in tandem with the employees, to decide  
6 what the best possible landscape for security  
7 might be.

8                   SENATOR MURRAY: Through you,  
9 Mr. President, would the sponsor continue to  
10 yield.

11                   ACTING PRESIDENT BAILEY: Will the  
12 sponsor yield?

13                   SENATOR RAMOS: Yes.

14                   ACTING PRESIDENT BAILEY: The  
15 sponsor yields.

16                   SENATOR MURRAY: So I'm going to  
17 back up for a second and go back to the smaller  
18 employers in putting together this plan.

19                   So we'll agree to disagree on the  
20 knickknack shop, but I'll just move over to, say,  
21 a nail salon or something like this that might  
22 have 10 or more employees.

23                   So who exactly is putting together  
24 this plan? Is it the owner of the store? And  
25 what qualifies them to put together a safety plan

1 with everything you've listed here under the  
2 safety plan? Let me give an example.  
3 Deescalation tactics, active shooter drills,  
4 emergency procedures, instruction on use of the  
5 panic button.

6 So we're going to have the owner of  
7 the nail salon is going to put together this  
8 emergency plan? How are they qualified? How is  
9 that making their employees safer?

10 SENATOR RAMOS: Through you,  
11 Mr. President. The Department of Labor will  
12 actually be tasked with creating a model plan  
13 that employers will be able to customize to their  
14 sites.

15 SENATOR MURRAY: Mr. President,  
16 will the sponsor continue to yield.

17 ACTING PRESIDENT BAILEY: Does the  
18 sponsor yield?

19 SENATOR RAMOS: Yes.

20 ACTING PRESIDENT BAILEY: The  
21 sponsor yields.

22 SENATOR MURRAY: So I'll go back to  
23 the panic buttons, then. Will the Department of  
24 Labor be the ones determining the amount of  
25 panic buttons, then? Or again, no, it's just --

1 we just say, put in panic buttons?

2 SENATOR RAMOS: Through you,  
3 Mr. President, as previously stated, no.

4 SENATOR MURRAY: And would the  
5 sponsor continue to yield.

6 ACTING PRESIDENT BAILEY: Does the  
7 sponsor yield?

8 SENATOR RAMOS: Yes.

9 ACTING PRESIDENT BAILEY: The  
10 sponsor yields.

11 SENATOR MURRAY: And is there  
12 anything in this bill that would address, as you  
13 mentioned, the violence? I've seen and we've all  
14 seen videos of these criminals that are coming  
15 into a Rite Aid or something with bascarts, just  
16 crashing into people and pushing employees aside  
17 and filling up their carts and running out of the  
18 stores.

19 Then they get arrested and they're  
20 released immediately, and they're doing it again  
21 the next day. They're coming in with garbage  
22 bags, with gangs coming in, getting caught,  
23 getting released, back doing it again the next  
24 day.

25 Is there anything in the bill that

1 addresses that to prevent them from coming in and  
2 harming the employees?

3 SENATOR RAMOS: Through you,  
4 Mr. President, that part of the issue we actually  
5 addressed in the budget earlier this year. We  
6 increased the penalty for retail theft. And,  
7 well, we are attempting to deter, through that  
8 measure, people to feel inspired to steal.

9 I would argue that that is  
10 reactionary and, while we should provide a  
11 deterrent, we should also have preventive  
12 measures in place in order to save lives and not  
13 simply react after the fact.

14 SENATOR MURRAY: Mr. President,  
15 will the sponsor continue to yield.

16 ACTING PRESIDENT BAILEY: Will the  
17 sponsor yield?

18 SENATOR RAMOS: Yes.

19 ACTING PRESIDENT BAILEY: The  
20 sponsor yields.

21 SENATOR MURRAY: So back to the  
22 panic buttons, and one more question.

23 So as far as those -- the panic  
24 buttons, if the employer were to put together a  
25 plan and the plan includes the panic button, but

1 in an emergency situation the employees dialed  
2 911 instead, didn't use the panic button because  
3 they couldn't get to it, there weren't enough or  
4 whatever. They didn't get to the panic button;  
5 instead, it was faster to dial 911.

6 Then something goes wrong. They  
7 thought it was more expedient to use their phone,  
8 the plan said use the panic button. Is the  
9 employer now responsible, are they responsible  
10 for what goes wrong? Are they going to be held  
11 liable?

12 SENATOR RAMOS: Mr. President, I  
13 appreciate the -- how can I qualify this --  
14 interesting hypothetical. But no, is -- the  
15 answer would be no.

16 SENATOR MURRAY: Thank you.

17 On the bill, Mr. President.

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

20 SENATOR MURRAY: Thank you,  
21 Senator Ramos.

22 So in this situation -- and the  
23 Senator brought up an extremely tragic and  
24 horrific event that happened in Buffalo at the  
25 Tops Supermarket. But I would say that perhaps

1 if this were in place at the time, it could have  
2 been worse. And here's why.

3 The shooting actually started in the  
4 parking lot, and it was 911 calls that came in  
5 that got the police there as quickly as they did.  
6 I bring that up because NYPD -- and this is a  
7 quote from them. This is what the police are  
8 saying. The police said: "While we support  
9 store owners installing comprehensive security  
10 systems, the department is not able to receive a  
11 direct notification from a panic button. Even if  
12 the technology could accommodate such an alert,  
13 it is not advisable. Panic buttons of any kind  
14 are not the ideal method to alert police and have  
15 become far less necessary with the prevalence of  
16 mobile phones. Unfortunately, at times a panic  
17 button may be the only option. But calling 911  
18 allows the call taker to gather information so  
19 that the officers know what they are walking  
20 into, which is safer for everyone involved."

21 If they had hit a panic button that  
22 day, the police would have been showing up not  
23 knowing there was an active shooter, not knowing  
24 what was happening. And unfortunately, it could  
25 have been much worse.

1                   So when we look at these and we look  
2                   at the details, I think -- you know, you said it  
3                   was reactionary. But I think it's -- it is vital  
4                   that if you're putting together any plan, you  
5                   collaborate with law enforcement and there be  
6                   methods in here to deal with the biggest problem,  
7                   which is these offenders, these criminals that  
8                   are coming in time and time again and harming the  
9                   employees. It's not employee on employee  
10                  violence that's happening. We're not hearing a  
11                  rash of that. We are hearing a major rash of  
12                  these criminals coming in, pushing around or  
13                  violently hurting the employees while they're  
14                  stealing and getting away with it.

15                  There's no deterrent whatsoever,  
16                  because they do it time and time again. They  
17                  head out the door and, even if the police catch  
18                  them, they're back doing it again the next day.  
19                  And there's nothing in here addressing that. You  
20                  want to save your employees, let's start cracking  
21                  down on those criminals that are harming them.

22                  For that reason, I will be voting  
23                  no. Thank you.

24                  ACTING PRESIDENT BAILEY: Thank  
25                  you, Senator Murray.

1 Senator Martins, why do you rise?

2 SENATOR MARTINS: Thank you,  
3 Mr. President. If the sponsor would yield for a  
4 few questions.

5 ACTING PRESIDENT BAILEY: Will the  
6 sponsor yield?

7 SENATOR RAMOS: Happily.

8 ACTING PRESIDENT BAILEY: The  
9 sponsor yields.

10 SENATOR MARTINS: Thank you,  
11 Senator Ramos.

12 And I agree with you -- through you,  
13 Mr. President, I agree with you, the tragedy in  
14 Buffalo should be a wake-up call to a lot of us.

15 And I'm just not sure myself that a  
16 statewide policy like this actually addresses the  
17 problem, and I want to drill down a little bit  
18 about what exactly we're dealing with, if we're  
19 dealing with an incident that happened in Buffalo  
20 two years ago or whether we have incidents in our  
21 own districts where we have retail workers  
22 committing crimes against other retail workers in  
23 a workplace such that the employer should be  
24 intervening.

25 Is that what this bill is trying to

1 avoid?

2                   SENATOR RAMOS:    Through you,  
3 Mr. President.  This bill is designed to help  
4 workers call for help when they need it, I think  
5 no matter who the aggressor is.  Sometimes it's  
6 managers.  Sometimes it's customers.  Sometimes  
7 it's people who are interested in doing  
8 wrongdoing once they enter the store.

9                   The idea is that whether there is an  
10 external panic button, or even now they have  
11 panic buttons that are an application on your  
12 phone -- whatever the employer decides -- that  
13 they have that lifeline and that ability to call  
14 for help when they need it.

15                   SENATOR MARTINS:   Thank you.

16                   Mr. President, through you, if the  
17 sponsor would continue to yield.

18                   ACTING PRESIDENT BAILEY:   Does the  
19 sponsor yield?

20                   SENATOR RAMOS:    I do.

21                   ACTING PRESIDENT BAILEY:   The  
22 sponsor yields.

23                   SENATOR MARTINS:   Thank you.

24                   So I want to drill down a little bit  
25 into what those sometimes are.  Because it's my

1 experience that in my district, and certainly in  
2 surrounding districts that I've seen, certainly  
3 recently and going back little further, I don't  
4 see the kind of retail violence that -- that we  
5 should be covering here. So I want to be clear  
6 for the record what it is we're voting on.

7           And so I'll ask -- Mr. President,  
8 through you -- whether or not there have been  
9 incidents of retail worker violence in the  
10 workplace in your district that led you to want  
11 to bring this, as an example or as a legislation  
12 to prevent or to avoid those incidents happening.  
13 And perhaps you can relay some of those incidents  
14 to us.

15           SENATOR RAMOS: Through you,  
16 Mr. President. I am the proud State Senator for  
17 the Queens Center Mall, located just off  
18 Queens Boulevard in Elmhurst. And like any other  
19 mall or big box store, I think they're  
20 susceptible to retail theft.

21           But no matter whose district we're  
22 talking about, we want to make sure, again, that  
23 these workers are able to get the help they need  
24 in cases of emergency.

25           And I know that the Senator sees the

1 merit in that bill since he voted "without rec"  
2 in committee. So I appreciate the debate. This  
3 is about addressing preventive measures, not just  
4 reactionary ones, in order to save lives.

5 SENATOR MARTINS: Thank you.

6 Mr. President, through you, if the  
7 sponsor would continue to yield.

8 ACTING PRESIDENT BAILEY: Will the  
9 sponsor yield?

10 SENATOR RAMOS: Yes.

11 ACTING PRESIDENT BAILEY: The  
12 sponsor yields.

13 SENATOR MARTINS: Yes, I did vote  
14 without rec in committee, but I did so without  
15 recommendation for precisely the reason that I'm  
16 asking the questions now. Certainly wanted to  
17 make sure that the bill made it to the floor, but  
18 certainly also wanted to reserve the ability to  
19 ask questions and get clarity. Which is what  
20 we're doing now.

21 So for that purpose, certainly I  
22 have malls in my district as well, many of us  
23 have malls in our districts, and I want to make  
24 sure what it is we are dealing with. Are we  
25 dealing with an issue of retail worker on retail

1 worker violence in the workplace, such that our  
2 employers have an issue that they're not dealing  
3 with? And if we are, can you share some examples  
4 with us?

5 SENATOR RAMOS: Through you,  
6 Mr. President. I guarantee you that managers and  
7 employers can do a better job of establishing  
8 policies against workplace bullying between  
9 employees, between managers and employees.

10 Again, this is designed to address  
11 any and all of that in case a worker feels that  
12 their life somehow is in jeopardy and they need  
13 to connect to law enforcement.

14 SENATOR MARTINS: Through you,  
15 Mr. President, if the sponsor would continue to  
16 yield.

17 ACTING PRESIDENT BAILEY: Will the  
18 sponsor yield?

19 SENATOR RAMOS: I do.

20 ACTING PRESIDENT BAILEY: The  
21 sponsor yields.

22 SENATOR MARTINS: So I'll ask  
23 perhaps a different way.

24 Have you received any complaints  
25 from retail workers in your district in stores

1 that would qualify under the parameters that you  
2 have in this bill where they felt fearful and  
3 didn't have recourse in their workplace or  
4 employers didn't respond and therefore they've  
5 asked us to advance this legislation?

6 SENATOR RAMOS: Through you,  
7 Mr. President, yes, I have. I actually have had  
8 constituents who are retail workers after the  
9 Tops shooting tell me that their workplace does  
10 not conduct active shooter drills and that they  
11 do not know what to do if a white supremacist  
12 were to enter the store in Queens who more likely  
13 than not is managed and operated by people of  
14 color. Yes.

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

18 ACTING PRESIDENT BAILEY: Will the  
19 sponsor yield?

20 SENATOR RAMOS: Yes.

21 ACTING PRESIDENT BAILEY: The  
22 sponsor yields.

23 SENATOR MARTINS: So with regard to  
24 the concerns that were voiced to you, are we  
25 dealing with stores in a mall, are we dealing

1 with stores on a main street? Can you give us  
2 some flavor as to the types of relationships that  
3 these employees had with the stores, the  
4 employers, so we can understand the fix?

5 Because it seems like we're offering  
6 a solution, but I'm still trying to get clarity  
7 on what the problem is that you're trying to fix  
8 through a statewide bill that will provide  
9 frankly some really significant changes in the  
10 workplace for many employers throughout New York  
11 State.

12 SENATOR RAMOS: Mr. President, this  
13 bill is designed not to address any particular  
14 type of violence but really to encompass any and  
15 all, in order to provide some peace of mind to  
16 the workers.

17 So I get that he is -- you know,  
18 Senator Martins feels very passionately about  
19 worker-versus-worker violence, but this is all  
20 encompassed here. I'm happy to answer more  
21 questions, but that's what the inspiration is  
22 here.

23 SENATOR MARTINS: Mr. President,  
24 first of all, thank you. I want to thank  
25 Senator Ramos for your answers. I appreciate it.

1 I'll go on the bill.

2 ACTING PRESIDENT BAILEY: Senator  
3 Martins on the bill.

4 SENATOR MARTINS: You know, when I  
5 read the legislation, Mr. President, my initial  
6 thought was that we had a problem in New York  
7 State with retail workers getting into fights or  
8 altercations on or at the job. And I was  
9 concerned about -- and certainly it wasn't an  
10 experience that I had in my district, but I  
11 certainly was willing to understand that perhaps  
12 that was experiences in other people's districts,  
13 and so let's move it forward.

14 Because if there are ways that we  
15 can prevent workforce violence, and certainly if  
16 there are employers out there that are not  
17 properly supervising their workplace, then there  
18 are things that we should do about that.

19 And frankly, if this bill did that,  
20 if it required training, required people to know  
21 where the emergency exits were, required people  
22 to know what they do in the event of an  
23 emergency -- which what I am told is not  
24 deescalate, it's run. It's not confront somebody  
25 who is attacking or committing violence, but to

1 get out of the way and allow law enforcement to  
2 do what they're supposed to do.

3 What I've also been told is that you  
4 also don't use panic buttons that use third  
5 parties in order to call law enforcement. You  
6 actually allow people to use their cellphones and  
7 call 911 directly. Which is, by the way, the  
8 comment that we got from the police department  
9 directly, because that is best practice.

10 So I have to question what is the  
11 purpose of the bill. Because if it's workplace  
12 safety -- which we all, everyone in this room  
13 believes in -- no one should have to work in an  
14 environment where they are subject to the threat  
15 of violence and should have the ability to  
16 protect themselves and to be safe everywhere they  
17 are.

18 But that's not what this bill does.  
19 It creates the facade that we are doing  
20 something, that we are putting in panic buttons,  
21 we're going to require all kinds of things, we're  
22 going to require the DOL to actually come up with  
23 policies that we're going to implement, depending  
24 on the size of the employer, the number of  
25 employees they have. Locally and nationally, how

1 many employees do you have? Without regard for  
2 what the circumstances are and whether or not  
3 there are any particulars that involve any  
4 workplace violence.

5                   We have collective bargaining units,  
6 Mr. President, who represent retail workers and  
7 wholesale workers and department store workers,  
8 who provide training as part of being a  
9 journeyman and a member of that union. I can't  
10 believe that members of those unions are  
11 committing violence to each other. I also  
12 believe that the leadership of those unions are  
13 providing some level of guidance and training for  
14 their membership as well.

15                   So again, if this bill required some  
16 level of training, asked people to watch a video,  
17 told them how they should perceive -- or proceed  
18 when it comes to someone who comes in from  
19 outside or someone who's committing violence  
20 within the workplace, such that we are holding  
21 employers accountable, I would agree.

22                   You know, I -- we oftentimes hear in  
23 these chambers, we interject different things  
24 into dialogue. Maybe it's sometimes to be a  
25 little provocative, maybe. We use terms here

1 that perhaps we should think twice about. We  
2 have the ability to deescalate in our own  
3 conversations here on the floor.

4 But when somebody comes in from  
5 outside of a store and causes harm to somebody in  
6 the store, it is our responsibility to make sure  
7 that we, I believe, support law enforcement and  
8 create laws that will at least hold people  
9 accountable. And I agree with the sponsor, there  
10 are steps that were taken as part of this budget  
11 that went -- or at least took a step -- in the  
12 right direction. I don't think it went far  
13 enough. I think there were a lot of us in this  
14 chamber who would have liked to have seen a lot  
15 more done with regard to that. Perhaps it was a  
16 missed opportunity. Perhaps it's an opportunity  
17 that can come again.

18 But I think what we have found, and  
19 statistics bear this out, is that the people who  
20 are breaking the law on a retail level each and  
21 every day and are putting workers in harm's way  
22 each and every day, do so over and over and over  
23 again. People being arrested and released, only  
24 to go back and commit crimes and put people in  
25 harm's way again.

1                   So I'll make it clear. We stand  
2 ready to work with everyone in this chamber when  
3 it comes to protecting retail workers who are  
4 affected by people who are coming in off the  
5 street and want to do them harm. Whether it's a  
6 petty criminal, whether it's a recidivist or,  
7 yes, whether it's a white supremacist who walks  
8 in and kills people. We all stand together,  
9 prepared to do what we need to do to pass laws to  
10 keep our retail workers safe.

11                   But that means supporting  
12 law enforcement, putting resources in place that  
13 allow them to respond, and not asking our retail  
14 workers to confront people who come through the  
15 door and deescalate. Because that's not their  
16 job. Their job is to stay safe and allow  
17 law enforcement to do their job.

18                   So yes, let's talk about training,  
19 let's talk about making things available so  
20 people understand, when they go to work, where  
21 that exit is. Basic stuff that we shouldn't take  
22 for granted. And for that, I thank the sponsor  
23 for highlighting these things, because all too  
24 often we do not tell people where that exit is.  
25 All too often we don't tell them what to do in

1 the event of an emergency. Something as simple  
2 as dialing 911 on their phone and telling whoever  
3 answers, the police dispatcher, where you are and  
4 what you're doing.

5 And you know what, Mr. President?  
6 Technology is great. Technology is great.  
7 Because right now, if we dialed 911 and we  
8 couldn't actually tell them where we were, they'd  
9 be able to tell where we are just by virtue of  
10 the fact that we're using a cellphone.

11 So maybe we have the ability to pass  
12 laws in New York State that allow for these  
13 things, for basic protections and training that  
14 would actually make a difference. But if we  
15 really want to make a difference for people who  
16 come from the outside and put retail workers in  
17 harm's way, then let's go back, do what we can to  
18 support law enforcement and make sure they have  
19 the resources so when someone does call, when  
20 there is an emergency, that they have the  
21 resources they need to respond immediately,  
22 protect those workers, protect members of the  
23 public who are in harm's way.

24 So although I do appreciate the  
25 sponsor's effort and I appreciate the spirit of

1 this, it doesn't address that. And it goes too  
2 far in terms of trying to create a solution that  
3 doesn't necessarily solve the problem that's out  
4 there.

5 Mr. President, I support the  
6 initiative, but I'll be voting no on this bill.

7 Thank you.

8 ACTING PRESIDENT BAILEY: Thank  
9 you, Senator Martins.

10 Are there any other Senators wishing  
11 to be heard?

12 Senator Borrello, why do you rise?

13 SENATOR BORRELLO: Mr. President,  
14 on the bill.

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

17 SENATOR BORRELLO: You know, I have  
18 met with retailers in my community to talk about  
19 the rash of shoplifting and other -- and  
20 robberies and issues in our retail locations. I  
21 sat down with small retailers, large retailers,  
22 law enforcement. The biggest threat to them has  
23 been the change of policies in this chamber.

24 So now we're going to have some kind  
25 of a Band-Aid that we're going to throw at this

1     gaping wound that we've cut open in this chamber  
2     with policies we passed here, and tell them this  
3     is going to make everything better. A panic  
4     button. A map of where to go if somebody, you  
5     know, comes in.

6                     This is about the fact that we have  
7     emboldened criminals to come in and brashly,  
8     brazenly steal, and then release them again to go  
9     do it again. This is not going to make a  
10    difference here. In fact, we're giving a false  
11    sense of security, I believe, with this bill.  
12    We're telling them that the panic button -- and I  
13    heard the sponsor say, Well, if they had a -- you  
14    know, a confrontation with their manager? I did  
15    not hear that. Okay, so you have a bad  
16    conversation with your manager, you're going to  
17    hit the panic button? Is that what we want our  
18    law enforcement responding to? Absolutely not.

19                    In fact, NYPD has said they are not  
20    going to be able to handle this. They cannot  
21    take a direct panic button call. So how is this  
22    going to function? Particularly when we start  
23    talking about folks that are really big  
24    proponents of defund the police. Less money,  
25    less cops, more calls. Which is what this bill

1 is going to do.

2 Hypocrisy. Absolute hypocrisy.

3 It's ridiculous to think that we are going to  
4 create a program where at first it's going to be  
5 up to the folks that are the retailers, and then  
6 it's up to the Department of Labor. The reality  
7 is we really don't know because we haven't been  
8 given any clear guidance in this bill.

9 I take offense to the idea that we  
10 are going to solve a problem as serious as the  
11 Tops shooting, which happened in Western  
12 New York, where I come from. A friend of mine  
13 works at that store as a pharmacist. You're  
14 telling me that anything in this bill would have  
15 changed anything there? Absolutely not.

16 You know, I hear people say all the  
17 time you've got to meet people where they are. I  
18 did that. I talked to retailers and law  
19 enforcement in my district, from the manager at  
20 Walmart to a small grocery store, all impacted by  
21 the violence that we've seen from the increase in  
22 shoplifting and robberies. This bill isn't going  
23 to do anything to help those folks. But we're  
24 going to give this false sense of security that  
25 we've done something, when the reality is we have

1 to fix what we've broken here and we have to  
2 reform those so-called criminal justice reforms.

3 I'll be voting no. Thank you.

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

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

8 Seeing and hearing none, debate is  
9 closed.

10 Senator Gianaris.

11 SENATOR GIANARIS: Mr. President,  
12 we've agreed to restore this bill to the  
13 noncontroversial calendar.

14 ACTING PRESIDENT BAILEY: The bill  
15 will be restored to the noncontroversial  
16 calendar.

17 Read the last section.

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

21 ACTING PRESIDENT BAILEY: Call the  
22 roll.

23 (The Secretary called the roll.)

24 ACTING PRESIDENT BAILEY: Senator  
25 Sanders to explain his vote.

1                   SENATOR SANDERS:    Yes, thank you,  
2   Mr. President.

3                   I want to thank the sponsor for a  
4   commonsense measure.  I'm astounded to hear of a  
5   problem.  I have used panic buttons in my offices  
6   for years, for years.  They're connected to the  
7   local police station.  The local police.  Not the  
8   911, the local police station you're connected  
9   to.

10                  There are people who come into our  
11   offices -- and I encourage everyone in here to  
12   consider getting a panic button.  There are  
13   people who will come into your offices that you  
14   may not want them to see you dialing for the  
15   police.  You may want to do it quietly, like  
16   touching a thing -- like the banks do, touching  
17   something right under your desk so that you can  
18   help to try to defuse the situation, but you know  
19   that backup is coming.

20                  There's no one thing that will solve  
21   all problems.  I don't think that the sponsor  
22   ever said that this would solve all problems.  
23   What if there were only one thing that we could  
24   do?  We should do it yesterday, if there's one  
25   thing.

1                   Sure, should we try to make sure  
2                   that people who should be in jail are put in  
3                   jail? Absolutely. I don't -- I don't have a  
4                   problem with that personally.

5                   And I think that this will make a  
6                   safer workplace. And I again encourage all of my  
7                   colleagues, if you don't have such a thing in  
8                   your office, you're really not treating your  
9                   people well. You should consider doing that so  
10                  that therefore, that no one needs to see them  
11                  pressing anything and you keep your people safe  
12                  while they're coming in there.

13                  Again, thanks for doing this. And  
14                  all of us, we need to have this in this crazy day  
15                  and age that we live in where strange people come  
16                  into our offices. Along with the great people --  
17                  I'm sure not so much in my district, but other  
18                  districts. So under those conditions.

19                  Thank you, Mr. President. And on  
20                  that I vote yes.

21                  ACTING PRESIDENT BAILEY:    Senator  
22                  Sanders to be recorded in the affirmative.

23                  Senator Rhoads to explain his vote.

24                  SENATOR RHOADS:    Thank you,  
25                  Mr. President.

1 I too want to thank the sponsor for  
2 the intent of the -- of this legislation. But I  
3 believe it misses the mark.

4 Similar to my colleagues, obviously,  
5 I've spoken with many business owners -- a family  
6 member who is an owner of a retail business.  
7 What terrifies her is not worker-on-worker  
8 violence, it is people coming into the store  
9 shoplifting, people who are confrontational,  
10 people who are suddenly coming behind the  
11 counter, people who are creating encounters that  
12 present a real and present danger that are the  
13 result of some of the policies that we have  
14 passed in this chamber. Things like cashless  
15 bail, criminal justice reform, Raise the Age.

16 We spoke about, during the course of  
17 debate -- and I know I'm limited in terms of  
18 time -- we spoke about, during the course of the  
19 debate, some of the retail theft provisions that  
20 were inside the budget, but realize that as a  
21 result of what was passed in the budget, the only  
22 retail theft crime that is actually eligible for  
23 bail is if you steal in excess of a  
24 million dollars of product in the aggregate. How  
25 does that provide a disincentive to anyone?

1                   And when we see over and over again  
2 stores actually closing, major retailers shutting  
3 down and moving out of communities because theft  
4 is out of control and it's putting their  
5 employees at risk, how do we pass a bill like  
6 this yet ignore the much larger problem that is  
7 out there facing us?

8                   And we have been in this chamber, to  
9 be honest, part of the problem. There is a  
10 pandemic of lawlessness out there. And for the  
11 last six years this chamber and our colleagues in  
12 the Assembly have been nothing more than  
13 superspreader events in that pandemic.

14                   We need to buckle down and solve the  
15 problems that we've created. This bill, though  
16 well-intentioned, misses the mark, and I sadly  
17 will be voting in the negative.

18                   ACTING PRESIDENT BAILEY:    Senator  
19 Rhoads to be recorded in the negative.

20                   Senator Ramos to close.

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

23                   You know, in 2019 this chamber  
24 unanimously passed legislation for employers to  
25 create a model plan on sexual harassment. In

1 2022, this chamber unanimously passed  
2 legislation, Alyssa's Law, requiring schools to  
3 consider the use of silent panic alarm systems  
4 when conducting review and development of their  
5 school safety plans. Unanimous means that the  
6 super-minority also voted for those measures.

7 This plan for retail workers, which  
8 I did not hear the Senators across the aisle say  
9 they spoke to. Because it's important to not  
10 just speak to the managers and the owners, but  
11 the workers themselves, especially if you claim  
12 to protect labor. And they will tell you that  
13 they need a plan, that they need peace of mind in  
14 knowing where a panic button is located, where  
15 exits are located, knowing what to do and knowing  
16 that their employer is willing to protect them.

17 That is the point of this bill.  
18 It's a simple but mighty bill. We're simply  
19 asking employers to keep their workers safe.  
20 Because a healthy work environment is not just  
21 about the workers, it's even about the customers.

22 It's about ensuring that we still  
23 have commercial corridors in our communities.  
24 They're not being driven out by the retail theft,  
25 they're being driven out by Amazon, because they

1 can't compete. They're being driven out by  
2 commercial real estate that laughs all the way to  
3 the bank while small businesses and midsized  
4 businesses are trying to figure out how to make  
5 rent. That's why.

6           So keeping workers safe, knowing  
7 tactics on deescalation when it's needed --  
8 sometimes deescalation is not appropriate because  
9 the situation is way out of their hands. And  
10 that's the point of this. That's the point of  
11 having active shooter drills and planned exit  
12 routes that are going to make a world of  
13 difference.

14           And they don't even have to do it  
15 alone, because the Department of Labor is going  
16 to be there to help once this bill is signed into  
17 law.

18           And yes, we've had a lot of talk  
19 about retail theft in this chamber this year.  
20 Despite the post-pandemic spike in retail theft,  
21 over half of retail workers surveyed by RWDSU  
22 shared that they had received no training on how  
23 to deal with theft in the moment. In contrast,  
24 57 percent of workers have experienced verbal or  
25 physical abuse from customers and managers in the

1 past year.

2                   And a note on bail. For all the  
3 talk I've heard these years in this chamber about  
4 bail reform, I wish they -- our colleagues across  
5 the aisle could at least be honest and admit that  
6 what they want is remand. They don't want bail.  
7 You pay bail, and you're out. What you want is  
8 remand. You want to be able to keep people  
9 incarcerated despite not being convicted of the  
10 charges they're accused of.

11                   And that, Mr. President, is  
12 unconstitutional. It goes against the very same  
13 document that -- the most sacred document in our  
14 country, that we, each and every one of us, have  
15 been -- have sworn to honor and to protect.

16                   And for that reason, I vote aye.

17                   ACTING PRESIDENT BAILEY: Senator  
18 Ramos to be recorded in the affirmative.

19                   Announce the results.

20                   THE SECRETARY: In relation to  
21 Calendar 1055, those Senators voting in the  
22 negative are Senators Ashby, Borrello,  
23 Canzoneri-Fitzpatrick, Gallivan, Helming, Lanza,  
24 Martins, Mattera, Murray, Oberacker, O'Mara,  
25 Ortt, Palumbo, Rhoads, Rolison, Stec, Tedisco,

1 Weber and Weik.

2 Ayes, 41. Nays, 19.

3 ACTING PRESIDENT BAILEY: The bill  
4 is passed.

5 Senator Gianaris.

6 SENATOR GIANARIS: Returning again  
7 to the controversial calendar, let's take up  
8 Calendar 969, by Senator Gonzalez.

9 ACTING PRESIDENT BAILEY: The  
10 Secretary will ring the bell.

11 The Secretary will read.

12 THE SECRETARY: Calendar Number  
13 969, Senate Print 6803B, by Senator Gonzalez, an  
14 act to amend the Public Service Law.

15 ACTING PRESIDENT BAILEY: Senator  
16 Palumbo, why do you rise?

17 SENATOR PALUMBO: Thank you,  
18 Mr. President. Will the sponsor yield for a few  
19 questions, please.

20 ACTING PRESIDENT BAILEY: Will the  
21 sponsor yield?

22 SENATOR GONZALEZ: Yes.

23 ACTING PRESIDENT BAILEY: The  
24 sponsor yields.

25 SENATOR PALUMBO: Good afternoon,

1 Senator. Thank you for yielding.

2 Through you, Mr. President, I have a  
3 few questions regarding what this bill actually  
4 does and why it's necessary. Maybe we can just  
5 answer that -- the sponsor can answer that  
6 question generally, just to kind of get us  
7 discussing the specifics.

8 SENATOR GONZALEZ: Yes.

9 ACTING PRESIDENT BAILEY: Senator  
10 Gonzalez.

11 SENATOR GONZALEZ: Through you,  
12 Mr. President. This bill is important because we  
13 have a crisis right now amongst certain utility  
14 customers in our state. When utility companies  
15 are under a formal investigation, we have  
16 customers who are paying what is credibly too  
17 high a fee, in addition to late fees and  
18 interest, with the possibility of termination.  
19 And so our utility customers are struggling.

20 And what this bill aims to do is  
21 protect those customers during the time of a  
22 formal investigation from late fees, from  
23 interest, and of course from termination upon  
24 payment. So in a system where we have a  
25 disadvantage for utility customers, what we're

1 really trying to do is build a more equitable  
2 playing field for them and give them some key  
3 protections.

4 SENATOR PALUMBO: Thank you,  
5 Senator.

6 Will the sponsor yield?

7 ACTING PRESIDENT BAILEY: Will the  
8 sponsor yield?

9 SENATOR GONZALEZ: Yes.

10 ACTING PRESIDENT BAILEY: The  
11 sponsor yields.

12 SENATOR PALUMBO: Thank you,  
13 Senator.

14 And so in that regard, I guess on  
15 page 2, I see here at line 19 -- or really,  
16 again, at line 5 it uses a lot of the same  
17 language, but -- line 5, 2(a): "A utility  
18 corporation shall not impose late fees, interest  
19 or penalties during an investigation if such  
20 utility corporation is the subject of a pending  
21 investigation, provided however, that such late  
22 fees, interest and penalties may be imposed  
23 retroactively if such investigation is issued a  
24 final order in favor of such utility  
25 corporation."

1                   And then further down, in Section 3  
2                   at line -- really, I'll cut right to it, line 22,  
3                   that -- or I'll start at 20, that they shall not  
4                   be terminated -- residential accounts "shall not  
5                   be terminated for non-payment of an overdue  
6                   charge from the commencement of any commission  
7                   investigation until 120 days after the findings  
8                   of such investigation have been published and a  
9                   determination has been issued by the commission."

10                   So in that regard -- I know it's  
11                   kind of a long question, but it looks to me as if  
12                   now, if a public utility is investigated, through  
13                   that investigation, up to four months -- or not  
14                   until four months after that investigation is  
15                   concluded can they charge any late fees. And  
16                   also they're prohibited from removing customers  
17                   for nonpayment.

18                   Is that accurate?

19                   SENATOR GONZALEZ:     Through you,  
20                   Mr. President. So depending on the determination  
21                   of the investigation, either the PSC rules in  
22                   favor of the consumer or in favor of the utility  
23                   company.

24                   What I think you're getting at is --  
25                   through you, Mr. President, I think what is being

1 discussed here is when, you know, the utility  
2 companies essentially ruled that they were  
3 billing their customers fairly, that the consumer  
4 then has 120 days to pay back what may be owed in  
5 addition to what the PSC will determine as late  
6 fees and interest.

7           So again, the PSC is determining how  
8 much is due to the utility company in the case  
9 that they are ruled in favor of.

10           That being said -- well, I do want  
11 to give more context on just how to get to that  
12 point. So through you, Mr. President, just some  
13 clear, you know, context, cases of context for  
14 this bill that are important.

15           One, when we talk about  
16 investigations, we're talking about either  
17 25 customers or more submitting the same  
18 complaint or a municipality submitting a  
19 complaint or the Department of State. Those are  
20 where the -- those are the three mechanisms to  
21 trigger this type of investigation. You're  
22 talking about the DPS having reviewed those  
23 complaints, seeing them as credible -- right? --  
24 and then during the formal investigation, which  
25 can last, on average, one or two years, that is

1 customers would be protected.

2 So we're talking about a specific  
3 subset of investigations. And we're talking  
4 about, you know, credible complaints. So most of  
5 the time we're actually seeing results that favor  
6 the consumer.

7 SENATOR PALUMBO: Will the sponsor  
8 continue to yield.

9 SENATOR GONZALEZ: Yes.

10 ACTING PRESIDENT BAILEY: Will the  
11 sponsor yield?

12 The sponsor yields.

13 SENATOR PALUMBO: Thank you.

14 Well, this applies during the  
15 pendency of an investigation, so there's been no  
16 negative finding. And you get four extra months  
17 without a finding that's favorable. And so this  
18 could certainly also apply to what will end up  
19 being completely unfounded investigations as  
20 well, is that accurate?

21 SENATOR GONZALEZ: Through you,  
22 Mr. President. Of course in any investigation  
23 the PSC may rule that the utility company was  
24 operating fairly. And in that case the utility  
25 company will be made whole because the customer

1 will be required to pay those late fees, interest  
2 fees, and whatever the PSC deemed as the  
3 reasonable amount.

4 That said, throughout the formal  
5 investigation there is still a requirement for  
6 that customer to pay their utility bill. But of  
7 course what we're finding is that is incredibly  
8 difficult when ratepayers are seeing, in certain  
9 cases that are being investigated, thousands of  
10 dollars of increases, which can be untenable.

11 SENATOR PALUMBO: Will the sponsor  
12 yield?

13 ACTING PRESIDENT BAILEY: Will the  
14 sponsor yield?

15 SENATOR GONZALEZ: Yes.

16 ACTING PRESIDENT BAILEY: The  
17 sponsor yields.

18 SENATOR PALUMBO: And we understand  
19 that there's still an obligation for the  
20 ratepayer to pay. But if they don't, they cannot  
21 be -- the collections action -- or they cannot be  
22 terminated for nonpayment, so they continue to  
23 get electric despite the fact that the so-called  
24 complaint ends up being unfounded. Isn't that  
25 accurate?

1                   Regardless of how many customers.  
2           This -- the way I read this, it says zero  
3           customers can be -- with residential service can  
4           be terminated. And that's really the crux of my  
5           first batch of questions here, is that we still  
6           have an investigation that can take years, yet we  
7           have residents who can just decide not to pay.  
8           The utility gets to play bank, and the PSC may be  
9           just looking into a general audit.

10                   And that's where -- we're going to  
11           get into investigation in a minute, and the  
12           definition of it. But can you explain to me how  
13           that is necessary and how that makes sense, that  
14           the utility cannot even pursue collections just  
15           simply because they're being investigated for any  
16           reason, including those that may just be a  
17           general audit.

18                   SENATOR GONZALEZ:    Through you,  
19           Mr. President. I appreciate the opportunity to  
20           clarify the language of this bill.

21                   Again, in the case -- this isn't a  
22           case that a single ratepayer or a single customer  
23           has submitted a complaint. These are only  
24           investigations that come of 25 or more customers  
25           or a municipality or the Department of State

1 submitting a complaint. So again, we're talking  
2 about a smaller subset altogether.

3 And an informal review process that  
4 happens from the DPS, which has to then determine  
5 if those complaints are credible. If the DPS  
6 does see them as credible, then they are credibly  
7 seeing that those ratepayers are likely paying  
8 thousands of dollars more than they need to. So  
9 we have to also, in the context of this bill,  
10 during that formal investigation, put ourselves  
11 in the shoes of New Yorkers who have now  
12 submitted something through an informal process,  
13 have been validated that their claim that they're  
14 paying more than they should, at a time where  
15 it's already so costly to live in this state, you  
16 know, is higher than it needs to be.

17 And so they are still required to  
18 pay through that formal process. But all we're  
19 saying, to make again the burden a little bit  
20 easier during the formal review process, is that  
21 those consumers should be protected from interest  
22 and protected from late fees.

23 And I think the issue that's being  
24 brought up is in the case of nonpayment, no, we  
25 do not believe that the customer should have

1 their service terminated. And what we're seeing  
2 in realtime, for example, in the case of  
3 Central Hudson, where they are being  
4 investigated, within the last week three  
5 ratepayers that tried to keep up with the  
6 additional cost or the increase in their light  
7 bills, were not able to keep up and had their  
8 service terminated.

9           And so we are, again, trying -- this  
10 is a consumer protection bill. We're trying to  
11 protect the customer during this time. And they  
12 had a credible claim. And so this creates a  
13 clear process. And of course at the end of that  
14 process, if it is found the utility company did  
15 not do anything that was outside of the realm of  
16 what is reasonable, then they will be made whole.

17           And so, again, this is a  
18 reasonable -- it is for specific cases. But we  
19 are not encouraging nonpayment. We are ensuring  
20 that the company is still being paid. And we are  
21 just simply protecting consumers during, you  
22 know, what is potential -- you know, potential  
23 improper practices by utility companies.

24           SENATOR PALUMBO: Will the sponsor  
25 yield.

1                   ACTING PRESIDENT BAILEY:    Will the  
2 sponsor yield?

3                   SENATOR GONZALEZ:    Yes.

4                   ACTING PRESIDENT BAILEY:    The  
5 sponsor yields.

6                   SENATOR PALUMBO:    Through you,  
7 Mr. President.  Is the sponsor aware that the  
8 Public Service Commission already has the  
9 authority to suspend late fees and termination  
10 during an investigation?

11                   SENATOR GONZALEZ:    Through you,  
12 Mr. President.  Yes, that is true.

13                   SENATOR PALUMBO:    Thank you.

14                                   And will the sponsor continue to  
15 yield.

16                   ACTING PRESIDENT BAILEY:    Will the  
17 sponsor yield?

18                   SENATOR GONZALEZ:    Yes.

19                   ACTING PRESIDENT BAILEY:    The  
20 sponsor yields.

21                   SENATOR PALUMBO:    Now, the scope of  
22 an investigation is what I have a real concern  
23 with.

24                                   And we have here that an  
25 investigation is "a formal proceeding conducted

1 by the commission to examine the policies,  
2 practices, rates, charges, services, facilities,  
3 operations or management of a utility  
4 corporation." So that's essentially every  
5 proceeding to set utility rates.

6 Is the sponsor aware that those  
7 proceedings just to simply set rates -- which is  
8 a common thing that the Public Service Commission  
9 engages in. Not that there's any untoward or  
10 inappropriate behavior, it's just what they do.  
11 Is the sponsor aware that those proceedings can  
12 take 12 to 18 months?

13 SENATOR GONZALEZ: Through you,  
14 Madam President. I believe you're talking about  
15 a standard rate hike case. So when the PSC  
16 reviews a utility and reviews claims that the  
17 utility company has to increase their rate for  
18 their customers. So yes, that is a lengthy  
19 process.

20 But that is outside of the scope of  
21 this bill in that we're -- again, we're dealing  
22 with individual -- we're dealing with individual  
23 utilities being investigated for potential  
24 malpractice.

25 So I guess through you,

1 Madam President, I have one question for my  
2 colleague, which is just to clarify the role --  
3 or in the context of why they're bringing up the  
4 larger rate hike case.

5 SENATOR PALUMBO: Will the sponsor  
6 yield?

7 ACTING PRESIDENT MAYER: Does the  
8 sponsor yield?

9 SENATOR GONZALEZ: Yes.

10 ACTING PRESIDENT MAYER: The  
11 sponsor yields.

12 SENATOR PALUMBO: Certainly,  
13 Senator. And I'll tell you -- let me direct you,  
14 because it's all -- it's kind of the same  
15 language throughout. And I'll go through just on  
16 page 2 here, because I have it up. It's  
17 Section 54, line 12.

18 "Investigations relating to  
19 residential gas, electric and steam utility  
20 service. 1. For the purposes of this section,  
21 the term 'investigation' shall mean" -- not  
22 may -- "a formal proceeding conducted by the  
23 commission to examine the policies, practices,  
24 rates, charges, services, facilities, operations  
25 or management of a utility corporation or to

1 determine compliance with any law, rule,  
2 regulation, order or tariff applicable to such  
3 utility corporation." The term 'investigation'  
4 shall include proceedings conducted pursuant to  
5 Section 71 of this chapter."

6 And then I'll read the whole  
7 section. "Notwithstanding anything to the  
8 contrary, the term 'investigation' shall not  
9 include commission inquiries triggered by an  
10 individual customer complaint filed pursuant to  
11 Section 43 of this article." And that's because,  
12 as you said, you prescribed it needs to be other  
13 investigations triggered by other agencies or  
14 25 individuals or more.

15 So my question is -- and this is my  
16 concern -- that that is so broad in scope that  
17 these public utilities throughout the state are  
18 almost constantly under some sort of a, quote,  
19 investigation by that definition.

20 So what we're doing is now creating  
21 a situation where the utility can't terminate  
22 residents, can't collect late fees, can't pursue  
23 any of those late fees and is required, pursuant  
24 to this mandate by statute, instead of having a  
25 potential effort by the Public Service Commission

1 when they do see some untoward conduct where they  
2 can indicate -- they can initiate a pause, this  
3 mandates it no matter what, plus an extra four  
4 months.

5 So if you could reconcile that for  
6 me, Senator, I would really greatly appreciate  
7 it.

8 SENATOR GONZALEZ: Through you,  
9 Mr. President. This is a perfect moment to  
10 clarify the language within this bill.

11 This bill does not include routine  
12 proceedings. And we understand that there are  
13 routine proceedings and investigations that  
14 happen for utility companies, which is why we  
15 were very intentional about the language in this  
16 bill.

17 The bill's intent is to protect  
18 consumers from the impacts of major systemic  
19 issues, not to interfere with routine regulatory  
20 reviews such as rate cases or standard system  
21 reliability assessments.

22 And so of course we mentioned rate  
23 cases. Every three years, utility companies have  
24 the opportunity to come before the PSC, argue  
25 their case, provide substantial evidence to

1 increase the rate if they believe that that is  
2 reasonable. And they will still be allowed to do  
3 that. But that is certainly outside the purview  
4 of this bill, in addition to, again, routine  
5 proceedings.

6 SENATOR PALUMBO: Will the sponsor  
7 yield.

8 SENATOR GONZALEZ: Yes.

9 ACTING PRESIDENT MAYER: Do you  
10 continue to yield?

11 The sponsor yields.

12 SENATOR PALUMBO: Thank you,  
13 Senator.

14 And just -- just one or two other  
15 areas, just regarding that these investigations,  
16 they need to come to a conclusion or a  
17 determination. And I've been advised -- and let  
18 me know if you believe differently or if you can  
19 identify for us, for the purposes of legislative  
20 intent, what the completion of a proceeding is.  
21 Because rate orders issued by the Public Service  
22 Commission typically end by stating, quote, This  
23 proceeding is continued. So in effect, utility  
24 rate proceedings don't end. At least not until  
25 the next one has begun, because it's an ongoing

1 evaluation.

2           And since that is -- that is within  
3 the definition of "investigation" here, it seems  
4 as if it would be never ending, and you would  
5 still then have a finding of no inappropriate  
6 conduct by the utility. However, they still  
7 can't pursue late charges and back fees. And we  
8 know what happens -- to keep them solvent, they  
9 have to charge the rest of us that are paying the  
10 electric bill.

11           So can you just reconcile that for  
12 me? Or just tell me what you mean by that  
13 language.

14           SENATOR GONZALEZ: Through you,  
15 Madam President. Again, routine proceedings are  
16 not within the purview of this bill. But I'm  
17 very happy that my colleague brought up an issue  
18 that, you know, is persistent in our system, or  
19 in our investigation system.

20           So it is true that sometimes after a  
21 formal investigation is called, there isn't an  
22 outcome and the PSC doesn't necessarily  
23 determine, you know, in favor of one -- the  
24 customer or the utility company. And so it's  
25 left open-ended.

1                   Part of this bill is to actually  
2                   incentivize that when there are formal  
3                   investigations that there is a clear outcome.  
4                   And to the point that these can often run for a  
5                   long period of time, it is also a deterrent for a  
6                   longer investigation and to create urgency so  
7                   that both in the best interests of the utility  
8                   company and of the consumer, we have a shorter  
9                   investigation, a clear outcome, and of course a  
10                  resolution that is fair to the parties involved  
11                  as determined by the PSC.

12                  So this is, of course, actually part  
13                  of why I believe the bill is needed in this  
14                  moment.

15                  SENATOR PALUMBO:    If you would  
16                  yield for just one more question.

17                  ACTING PRESIDENT MAYER:   Do you  
18                  continue to yield?

19                  SENATOR GONZALEZ:    Yes.

20                  SENATOR PALUMBO:    Hopefully one  
21                  more question, right?  The famous last words from  
22                  me, usually.

23                  With respect to the final  
24                  determination, there's also some language that  
25                  the 120 days doesn't start until after the

1 determination is final. So if there's an appeals  
2 process, say, 30 days to appeal. Or if there's  
3 an Article 78 proceeding, until 30 days after  
4 that determination, that would ultimately be the  
5 appellate -- the time to file your notice of  
6 appeal in a civil case.

7           Can the complainants also appeal?  
8 Because under Article 71, any mayor or town board  
9 or 25 individuals could initiate a complaint, and  
10 then that process takes a long time as well. As  
11 we know, the court process, if there's by any  
12 chance an appeal to, say, an appellate division,  
13 we're talking years.

14           So can the complainant also extend  
15 that time out?

16           SENATOR GONZALEZ: Through you,  
17 Madam President. Yes, it is absolutely true that  
18 that there may be an appeals process.

19           That said, we are talking about  
20 cases where ratepayers have a credible claim that  
21 they're paying too much over a long period of  
22 time. And so I would say especially, you know --  
23 and to my colleague's point, especially if this  
24 is taking a significant amount of time, we really  
25 should be protecting New Yorkers who we represent

1 as much as possible.

2 And again, even after the appeals  
3 process, if there is money owed to the utility  
4 companies, they will receive that money. But if  
5 we're ensuring -- but all we're saying is during  
6 that either formal investigation or appeals  
7 process, late fees and interest should not be  
8 accrued. That actually is a very responsible and  
9 fair claim to ease the burden on customers who  
10 are potentially being wrongly billed.

11 And I believe that utility customers  
12 have a responsibility to pay their utility bills.  
13 Again, they're required, even through the appeals  
14 process, to continue to pay their bill.

15 That said, I also believe that  
16 utility companies have an obligation to provide  
17 timely and fair and accurate bills. And that  
18 latter part is really what this specific piece of  
19 legislation gets to.

20 Thank you.

21 SENATOR PALUMBO: Thank you,  
22 Senator.

23 On the bill, Madam President.

24 Thank you so much, Senator Gonzalez.

25 ACTING PRESIDENT MAYER: Senator

1 Palumbo on the bill.

2 SENATOR PALUMBO: Thank you,  
3 Madam President.

4 And, you know -- I mean, I  
5 understand, of course, the intent of this. I  
6 think I may be a little bit more cynical than my  
7 colleague, the sponsor. I've always had very  
8 lovely interactions. A very kind person.

9 But I would respectfully suggest  
10 that that's not really how this bill will work in  
11 practical effect. That we now have a complaint  
12 and appeals process for an unfounded complaint  
13 that runs the investigation length plus four  
14 months. Three complaints means that no one can  
15 be terminated, no late fee, no service can be  
16 terminated, no fees can be collected over the  
17 course of a year.

18 And so this is something that is  
19 going to create such an outrageous issue for all  
20 of these companies that they'll probably be  
21 bankrupt, quite frankly. And I hate to be so  
22 dramatic. But when you have these combined gas  
23 and electric companies, this bill provides that  
24 if you're investigating one side, the other side  
25 also is exposed to the moratorium.

1                   Not only that -- and this is the  
2                   real kicker, and I don't really see the reason  
3                   for this provision -- that within three days, the  
4                   utility must notify their -- put it on their  
5                   website, notify the consumers. Within 10 days, I  
6                   believe, they had to also individually notify the  
7                   residential customers that they're under an  
8                   investigation.

9                   So when you put this together,  
10                  you're now broadcasting to every single person in  
11                  the service area: We're under an investigation,  
12                  guys. If everyone decides to not pay at that  
13                  point, there's nothing they can do about it for  
14                  the period of an investigation plus 120 days. Or  
15                  if there's an appeal, if either side appeals.  
16                  We're talking years and years that this can go  
17                  on.

18                  And I understand the intent of this  
19                  bill is to go after unscrupulous rate hikes. We  
20                  do have a Public Service Commission that is  
21                  supposed to be doing their job. And they also  
22                  have the authority to suspend, as I indicated,  
23                  late fees and service termination in the event  
24                  they do find such conduct.

25                  But overwhelmingly, these

1 investigations don't end up with some smoking gun  
2 of horrendousness. They're just simple audits.  
3 That's what they're supposed to do. They're  
4 supposed to oversee our utility system.

5           So for those reasons,  
6 Madam President, I'll be voting in the negative.  
7 I urge my colleagues to do the same. I  
8 understand the intent of this bill, but  
9 unfortunately this is way too far afield to be  
10 implemented in a reasonable manner.

11           Thank you.

12           ACTING PRESIDENT MAYER: Thank you,  
13 Senator Palumbo.

14           Are there any other Senators wishing  
15 to be heard?

16           Seeing and hearing none, debate is  
17 closed.

18           The Secretary will ring the bell.

19           Senator Gianaris.

20           SENATOR GIANARIS: Madam President,  
21 we've agreed to restore this bill to the  
22 noncontroversial calendar.

23           ACTING PRESIDENT MAYER: The bill  
24 is restored to the noncontroversial calendar.

25           Call the roll.

1 (The Secretary called the roll.)

2 ACTING PRESIDENT MAYER: Senator  
3 Hinchey to explain her vote.

4 SENATOR HINCHEY: Thank you,  
5 Madam President.

6 I rise to thank the sponsor for  
7 bringing this bill to the floor and to thank my  
8 colleagues for voting in favor.

9 I represent the Hudson Valley. And  
10 one of our main utility companies right now is  
11 under investigation. We have spent the last four  
12 years trying to get this company to be a better  
13 steward of the energy that they provide their  
14 customers. We have spent four years with people  
15 receiving inaccurate bills, some people not  
16 receiving bills for months. And right now, that  
17 same utility company that is currently under  
18 investigation for their bad billing practices is  
19 asking for a 16 percent increase for electric  
20 rates and a 19 percent increase for their natural  
21 gas rates.

22 PULP estimates that if those were to  
23 go through, it would make residential electric  
24 customers see their bills increase nearly \$17 a  
25 month on average. And for residential natural

1 gas heating customers, their bills would increase  
2 about \$16, on average, a month.

3 This is unconscionable. Our utility  
4 companies -- what seems like have been running  
5 amuck. And it is incumbent upon us in this body  
6 to make sure that we are holding them accountable  
7 to provide the services that we need from them  
8 both in a transparent and a true timeline, but  
9 also to make sure that it's affordable and  
10 they're not gouging customers for their own  
11 errors.

12 So again, I thank the leader for  
13 bringing this bill to the floor. I thank the  
14 bill's sponsor. And I proudly vote aye.

15 ACTING PRESIDENT MAYER: Senator  
16 Hinchey to be recorded in the affirmative.

17 Senator Gonzalez to explain her  
18 vote.

19 SENATOR GONZALEZ: Thank you,  
20 Madam President.

21 I want to thank my colleagues for  
22 their comments. I certainly want to thank my  
23 colleague across the aisle for the robust debate.

24 I am really proud to sponsor this  
25 bill because I have seen firsthand the effects of

1 when a utility company is overcharging everyday  
2 New Yorkers who are already struggling with the  
3 rise of the cost of living here.

4 And if the choice is between  
5 allowing our utility companies, as  
6 Senator Hinchey said, to continue running amuck  
7 and choosing to side with our constituents who  
8 are dealing with the effects of that, I choose my  
9 constituents every single time.

10 And this bill is incredibly  
11 reasonable in its approach. It's a specific set  
12 of investigations that are deemed credible by the  
13 PSC, whom I trust to have clear discretion and  
14 clarity when they make that decision. And it  
15 also is only regarding a separate set of  
16 companies -- residential gas, electric and steam  
17 utility services.

18 I think these are critical. I think  
19 they're needed right now. And I'm really proud  
20 to not only have been working on this, but I want  
21 to thank the staff who were part of writing this  
22 bill, part of talking to advocates, consumers who  
23 are struggling with this.

24 And with that, I vote aye.

25 Thank you.

1                   ACTING PRESIDENT MAYER:    Senator  
2   Gonzalez to be recorded in the affirmative.

3                   Announce the results.

4                   THE SECRETARY:    In relation to  
5   Calendar 969, those Senators voting in the  
6   negative are Senators Ashby, Borrello,  
7   Canzoneri-Fitzpatrick, Gallivan, Griffio, Helming,  
8   Martins, Mattera, Murray, Oberacker, O'Mara,  
9   Ortt, Palumbo, Rhoads, Stec, Tedisco, Weber and  
10   Weik.

11                   Ayes, 42.   Nays, 18.

12                   ACTING PRESIDENT MAYER:    The bill  
13   is passed.

14                   Senator Gianaris.

15                   SENATOR GIANARIS:    Madam President,  
16   we have another situation where a member would  
17   like to explain their vote on a previous bill.

18                   So by consent, can we return to  
19   Calendar 1910 and let Senator Hoylman-Sigal  
20   explain his vote on that bill.

21                   ACTING PRESIDENT MAYER:    Senator  
22   Hoylman-Sigal to explain his vote.

23                   SENATOR HOYLMAN-SIGAL:    Thank you,  
24   Madam President.

25                   I rise to speak on S5481A, our bill

1 that would amend the Insurance Law in relation to  
2 requiring insurance policies to cover  
3 neuropsychological exams for dyslexia.

4           Some of you may know that my  
5 13-year-old daughter is dyslexic. And my husband  
6 and I went through trials and tribulations to  
7 first determine that she had dyslexia and,  
8 secondly, to get an examination -- specifically,  
9 a neuropsychological examination.

10           Those neuropsychological  
11 examinations can cost anywhere between five and  
12 \$10,000 per exam. They haven't been covered by  
13 insurance plans until we passed our bill today  
14 and hopefully the Governor will sign it into law.

15           A special note. One is that last  
16 session we in the Senate, along with our  
17 colleagues on the other side of the Capitol,  
18 passed the Dyslexia Task Force Act. Thank you,  
19 Madam President, for your support as chair of the  
20 Education Committee. That will set in place  
21 standards for both educators and screening of our  
22 children with dyslexia or dysgraphia.

23           And two, next week is my 13-year-old  
24 daughter's graduation from The Windward School,  
25 which is a specialized school for children with

1 dyslexia. The education she has received there  
2 has been transformative to her young life.

3           You know, when I introduce myself in  
4 front of her among constituents, I often say I'm  
5 Senator Brad Hoylman-Sigal. She will usually  
6 interject "State Senator Brad Hoylman-Sigal."

7           (Laughter.)

8           SENATOR HOYLMAN-SIGAL:  
9 Nevertheless, we have a wonderful relationship,  
10 and I'm very proud of her and her efforts.

11           And so, Sylvia, this is not just for  
12 you but for similarly situated parents and young  
13 people across the State of New York.

14           I vote aye.

15           ACTING PRESIDENT MAYER: Thank you,  
16 Senator Hoylman-Sigal.

17           Senator Gianaris.

18           SENATOR GIANARIS: Back to the  
19 controversial calendar now. We're up to  
20 Calendar 1869, by Senator Stavisky.

21           ACTING PRESIDENT MAYER: There's a  
22 substitution at the desk.

23           The Secretary will read.

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

1 Assembly Bill Number 10467A, and substitute it  
2 for the identical Senate Bill 9721A,  
3 Third Reading Calendar 1869.

4 ACTING PRESIDENT MAYER: Senator  
5 Palumbo, why do you rise?

6 SENATOR PALUMBO: Thank you,  
7 Madam President --

8 ACTING PRESIDENT MAYER: Oh, excuse  
9 me. Substitution so ordered.

10 The Secretary will read.

11 THE SECRETARY: Calendar Number  
12 1869, Assembly Bill Number 10467A, by  
13 Assemblymember Braunstein, an act to amend the  
14 Real Property Law.

15 ACTING PRESIDENT MAYER: Senator  
16 Palumbo, why do you rise?

17 SENATOR PALUMBO: Thank you,  
18 Madam President. Would the sponsor yield for a  
19 few questions, please.

20 ACTING PRESIDENT MAYER: Senator  
21 Stavisky, do you yield?

22 SENATOR STAVISKY: Yes.

23 ACTING PRESIDENT MAYER: The  
24 Senator yields.

25 SENATOR PALUMBO: Thank you,

1 Senator. And good afternoon. It's me again.

2 Two in a row.

3 Could you just tell us generally  
4 what a ground lease is and why this legislation  
5 is necessary?

6 SENATOR STAVISKY: Yes.

7 SENATOR PALUMBO: Thank you.

8 SENATOR STAVISKY: And good  
9 afternoon to you, to everybody.

10 A ground lease is a lease where a  
11 residential co-op does not own the land on which  
12 it sits, on which it was built.

13 We're dealing here with a very  
14 limited scope, so to speak. There are a number  
15 of co-ops really all over the city, but the ones  
16 I know best are obviously in Queens. And they  
17 are -- have been having difficulty in the 30-year  
18 mortgage because of the renewal aspect. It does  
19 not deal with rent or anything else except the  
20 renewal or the expiration of the lease.

21 And in fact the brief summary of the  
22 bill says that any ground lease with a renewal  
23 and/or extension clause exercisable prior to the  
24 expiration of the ground lease at the sole option  
25 of the ground lessee, may be executed at any time

1 prior to the expiration of the ground lease in  
2 accordance with all other terms of the --  
3 thereof.

4 It kicks in only when the lease is  
5 about to expire or it's up for renewal.

6 SENATOR PALUMBO: Will the sponsor  
7 yield.

8 ACTING PRESIDENT MAYER: Do you  
9 continue to yield?

10 SENATOR STAVISKY: Yes.

11 ACTING PRESIDENT MAYER: The  
12 Senator yields.

13 SENATOR PALUMBO: Through you,  
14 Madam President. How long are these leases,  
15 typically? My understanding is they're long,  
16 like 99 years. Right?

17 SENATOR STAVISKY: That's my  
18 understanding. These leases go for 99 years.

19 SENATOR PALUMBO: If the sponsor  
20 will continue to yield.

21 ACTING PRESIDENT MAYER: Do you  
22 continue to yield?

23 SENATOR STAVISKY: Yes.

24 ACTING PRESIDENT MAYER: The  
25 sponsor yields.

1                   SENATOR PALUMBO:    Thank you,  
2    Senator.

3                   And so -- and just to reiterate, so  
4    the cooperative corporation owns the building,  
5    with all the apartments or condominiums, and the  
6    landowner owns the land.  These are negotiated  
7    leases, correct, between quite sophisticated  
8    parties.  You've got people who own millions --  
9    who are building or who own millions of dollars  
10   worth of the building, and then you have the  
11   landowner beneath.  So these are extensive  
12   contracts that are negotiated at the beginning of  
13   the lease term.  Is that accurate?

14                  SENATOR STAVISKY:    Mostly.  The  
15   people who reside in the co-op, in the  
16   residential cooperatives, they own, as you know,  
17   shares in the corporation that owns the -- that  
18   put up the building.  They do not own the land.

19                  SENATOR PALUMBO:    Understood.  
20                                        Will the sponsor continue to yield.

21                  SENATOR STAVISKY:    Yes.

22                  ACTING PRESIDENT MAYER:    Do you  
23   continue to yield?

24                                        The sponsor yields.

25                  SENATOR PALUMBO:    And thank you.

1                   And so through you, Madam President.  
2           Senator, the -- so this just allows the  
3           renewal -- and I seem to recall, is it within  
4           30 years of the expiration or at any time?

5                   SENATOR STAVISKY:    A Fannie Mae  
6           mortgage is usually a 30-year mortgage loan.  But  
7           this would take effect only with the expiration  
8           or renewal.

9                   In other words, this ground lease  
10          legislation deals with the timing, not the terms  
11          of the contract.

12                   SENATOR PALUMBO:    Would the sponsor  
13          continue to yield.

14                   SENATOR STAVISKY:    Yes.

15                   ACTING PRESIDENT MAYER:   Do you  
16          continue to yield?

17                   The sponsor yields.

18                   SENATOR PALUMBO:    And my  
19          understanding from reading the sponsor's memo is  
20          that this is because -- and as you indicated,  
21          that certain people who are looking to secure  
22          financing are unable to get it because the  
23          renewal would come up prior to the end of their  
24          30 year mortgage on their shares for their unit.

25                   Is that accurate?

1                   SENATOR STAVISKY:    Yes.

2                   SENATOR PALUMBO:    Will the sponsor  
3 continue to yield.

4                   SENATOR STAVISKY:    Yes.

5                   ACTING PRESIDENT MAYER:    Do you  
6 continue to yield?

7                   SENATOR STAVISKY:    Yes.

8                   ACTING PRESIDENT MAYER:    The  
9 sponsor yields.

10                   SENATOR PALUMBO:    And now -- and,  
11 Senator, you may have been around for my arguing  
12 or debating a similar bill that was introduced  
13 previously regarding how with a lease -- they're  
14 pretty straightforward documents, right? Other  
15 than these really nuanced ones where they have  
16 very valuable property, they have mechanisms for  
17 determining market value and intermittently --  
18 they agree to this in their contract that they'll  
19 maybe have an appraiser that they agree upon who  
20 will adjust the rent for the land that the  
21 cooperative would pay. So they're really  
22 pretty -- they're pretty sophisticated things.

23                   But ultimately my concern is with a  
24 lease, there's two real material terms, how long  
25 and how much. The length of the lease and the

1 costs. And those are all negotiated.

2           So this document -- and I'll cut  
3 right to the chase, because we've had a long  
4 couple of days here. My concern is that this is  
5 now interfering with the term. Because really in  
6 these leases, from my understanding, they'll have  
7 a 99-year lease and they'll negotiate an option  
8 to renew. So the terms of renewal are already  
9 agreed to. But -- because they can't just  
10 suddenly say we're not going to renew, we want  
11 your property, because you can't remove this  
12 building, this cooperative apartment complex from  
13 the land. You can't just pick it up like it's an  
14 automobile.

15           So my question really is, how does  
16 this not change a very material term and  
17 substantially impair, as you may know -- and  
18 that's the contracts clause of the United States  
19 Constitution -- how does this not substantially  
20 impair the length of time? Because now we're  
21 imposing by statute an adjustment where the  
22 cooperative can now say, you know what, we want  
23 to renew now so people can get mortgages, because  
24 the renewal is only 25 years away.

25           Does that make sense?

1                   SENATOR STAVISKY:    The -- you are  
2 referring to a different measure, far more  
3 complex.

4                   This legislation before us deals  
5 with the timing and nothing else, the ability to  
6 renew the ground lease.

7                   SENATOR PALUMBO:    Will the sponsor  
8 continue to yield.

9                   ACTING PRESIDENT MAYER:    Do you  
10 continue to yield?

11                   SENATOR STAVISKY:    Yes.

12                   ACTING PRESIDENT MAYER:    The  
13 Senator yields.

14                   SENATOR PALUMBO:    Senator Stavisky,  
15 if I could just direct you to I guess the last  
16 page here.  It's a pretty short statute.  What is  
17 this, page -- I guess this would be page 2.  
18 Line 26, at the end of subdivision (f).

19                   That "notwithstanding any term of a  
20 subject residential cooperative ground lease to  
21 the contrary" -- so overriding their lease -- "if  
22 a subject residential cooperative ground lease  
23 authorizes the ground lease residential  
24 cooperative to renew or extend its lease at the  
25 sole option of the ground lease residual

1 cooperative, then the ground lease residential  
2 cooperative may exercise such right to renew or  
3 extend at any time prior to the expiration of the  
4 subject residential cooperative ground lease in  
5 accordance with all other terms thereof."

6           So -- and I know this seems kind  
7 of -- somewhat innocuous, because it's still  
8 allowing a renewal subject to the agreed-upon  
9 terms, but it's shortening that window now that  
10 they can -- instead of having a 99-year lease,  
11 they actually have, say, a 75-year lease, based  
12 on this statute, which is impairing the term of  
13 that lease.

14           (Pause.)

15           SENATOR STAVISKY: If the lease  
16 gives them the right. We are dealing only with  
17 the timing and not the terms of the lease.

18           SENATOR PALUMBO: Okay. Thank you  
19 for clarifying that, Senator. Thank you for  
20 responding to my questions. It's always nice to  
21 see you.

22           On the bill, please,  
23 Madam President.

24           ACTING PRESIDENT MAYER: Senator  
25 Palumbo on the bill.

1                   SENATOR PALUMBO:    Thank you.

2                   And this is, I think, a much better  
3 version than -- there was a previous bill that  
4 completely impaired the agreements between the  
5 parties.

6                   And as I indicated, these are very  
7 sophisticated parties.  You're not going to have  
8 someone who owns or is building a cooperative  
9 complex and the owner who owns the land doing  
10 this on a cocktail napkin.  These are very  
11 sophisticated parties.  They have -- they all  
12 hire very sophisticated lawyers.  And all these  
13 terms are in agreement.

14                   And I'm glad to hear that this is  
15 not intended to impair any of those terms  
16 regarding how they determine rent, how they  
17 determine really every other provision within  
18 that lease.

19                   My only wrinkle and concern is that  
20 this is constitutionally defective because the  
21 parties could agree to negotiate that into their  
22 contract, that in the event there are some of the  
23 cooperative owners, shareholders, who are having  
24 a tough time getting a mortgage, that there could  
25 be some sort of a clause that could be executed,

1 or an option.

2 But more importantly, I think the  
3 wrinkle is that the mandating of a very  
4 significant modification of the ground lease  
5 because -- let me just give one more point before  
6 I wrap up. It just jumped into my head.

7 That when we think about this, that  
8 the option to renew is built within the contract.  
9 I don't see how the lender would actually want to  
10 invest -- or would not invest, because the option  
11 to renew is right before them. Their  
12 underwriters can take a look and they'll issue  
13 the debt. They'll say, Great, we'll give you a  
14 mortgage.

15 Because now, with this, I think it's  
16 almost counterintuitive to that idea, because the  
17 banks may not want to invest. Because now you're  
18 going to renegotiate new terms which may affect  
19 the costs. They may renegotiate because you're  
20 now renewing prior to the expiration, you're  
21 really -- it's not a 99-year lease. It's subject  
22 to the whims of the cooperative. If that makes  
23 sense.

24 So that's really my concern. So I  
25 just feel -- I get the intent is a wonderful

1 intent, to help the cooperative owners so they  
2 can get financing and stay in their homes. I'm  
3 just really concerned about the constitutional  
4 nature of this. I don't think it complies. And  
5 as a result, I'll be voting no.

6 Thank you, Madam President.

7 ACTING PRESIDENT MAYER: Senator  
8 Stavisky, you want to explain your vote? We're  
9 not there --

10 SENATOR STAVISKY: On the bill.

11 ACTING PRESIDENT MAYER: On the  
12 bill. Senator Stavisky On the bill.

13 SENATOR STAVISKY: On the bill.

14 Thank you for your comments,  
15 Senator.

16 I think what you're getting at is an  
17 issue that is misunderstood. I think you are  
18 implying that we are impairing contracts, which  
19 obviously, according to the federal Constitution,  
20 Article 1, we cannot do.

21 There was a court case in 1977 which  
22 addressed this issue that I think is important.  
23 It was a case involving Energy Reserve Group v.  
24 Kansas Power & Light. And the judge in that  
25 case -- and incidentally, that was a unanimous

1 decision by a conservative Republican court and  
2 the opinion was written by Justice Blackmun.

3 And he said that, first, the state  
4 regulation must not substantially impair a  
5 contractual relationship. And this does not.

6 Secondly, the states must have a  
7 significant and legitimate purpose behind the  
8 regulation, such as the remedying of a broad and  
9 general social and economic problem. The problem  
10 is with Fannie Mae and obtaining a 30-year  
11 mortgage.

12 And third, the law must be  
13 reasonable and appropriate for its intended  
14 purpose. And this legislation deals only with  
15 the timing, not with the contract. And that, I  
16 think, is a very important distinction.

17 And we believe that the bill does  
18 not substantially impair the existing contractual  
19 relationships under these leases, as it applied  
20 only to the timing, as I said, and the renewal at  
21 the expiration. This is prospective. Not going  
22 back, but going forward with future leases.

23 So, Madam President, I think this is  
24 a very important bill for middle-income  
25 cooperatives. I've written many letters on

1       behalf of co-ops in Queens on the ground lease  
2       issue to Fannie Mae, because they're just not  
3       getting those mortgages. And this will remedy  
4       that situation.

5                     Thank you, Madam President.

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

8                     Seeing and hearing none, debate is  
9       closed.

10                    Senator Gianaris.

11                    SENATOR GIANARIS: Madam President,  
12       let's restore this to the noncontroversial  
13       calendar by agreement, please.

14                    ACTING PRESIDENT MAYER: The bill  
15       is restored to the noncontroversial calendar.

16                    Read 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 MAYER: Call the  
21       roll.

22                    (The Secretary called the roll.)

23                    ACTING PRESIDENT MAYER: Announce  
24       the results.

25                    THE SECRETARY: In relation to

1 Calendar 1869, those Senators voting in the  
2 negative are Senators Ashby, Borrello,  
3 Canzoneri-Fitzpatrick, Gallivan, Griffio, Helming,  
4 Lanza, Martins, Mattera, Murray, Oberacker,  
5 O'Mara, Ortt, Palumbo, Rhoads, Rolison, Skoufis,  
6 Stec, Tedisco, Weber and Weik.

7 Ayes, 39. Nays, 21.

8 ACTING PRESIDENT MAYER: The bill  
9 is passed.

10 Senator Gianaris.

11 SENATOR GIANARIS: Let's move back  
12 to the controversial. And Calendar 1920, by  
13 Senator Ramos.

14 ACTING PRESIDENT MAYER: The  
15 Secretary will ring the bell.

16 The Secretary will read.

17 THE SECRETARY: Calendar Number  
18 1920, Senate Print 9840, by Senator Ramos, an act  
19 to amend the Workers' Compensation Law.

20 ACTING PRESIDENT MAYER: Senator  
21 Oberacker, why do you rise?

22 SENATOR OBERACKER: Thank you,  
23 Madam President. I was wondering if the good  
24 Senator would yield for a couple of quick  
25 questions.

1                   ACTING PRESIDENT MAYER:    Senator  
2   Ramos, do you yield?

3                   SENATOR RAMOS:     I do.

4                   ACTING PRESIDENT MAYER:    The  
5   Senator yields.

6                   SENATOR OBERACKER:    Thank you.   And  
7   thank you, Senator.

8                   Senator -- through you,  
9   Madam President.   Senator, what is the current  
10  average short-term disability insurance premium  
11  for businesses when -- or whether annually or  
12  monthly?  Do we have a figure to put to that?

13                   (Pause.)

14                   SENATOR RAMOS:     Through you,  
15  Mr. President.   DFS approves the rates of  
16  insurance, and those premiums are really  
17  dependent on the number of employees at that  
18  particular work site and the rate of injury,  
19  et cetera, et cetera.

20                   SENATOR OBERACKER:    Thank you for  
21  that.  Through you, Madam -- oh.  Through you,  
22  Mr. President.

23                   ACTING PRESIDENT BAILEY:    My, how  
24  I've changed.

25                   (Laughter.)

1                   SENATOR OBERACKER:    Would the  
2 sponsor yield.

3                   ACTING PRESIDENT BAILEY:    Will the  
4 sponsor yield?

5                   SENATOR RAMOS:    I do.

6                   ACTING PRESIDENT BAILEY:    The  
7 sponsor yields.

8                   SENATOR OBERACKER:    Thank you.  
9 Thank you.

10                   So my understanding is we don't know  
11 what the anticipated premiums are. We don't know  
12 what it would be for either monthly or an annual  
13 premium. So my question is -- and as a  
14 businessman, and we're looking at legislation  
15 that's going to affect that, why wouldn't we have  
16 looked at this before voting on this piece of  
17 legislation today?

18                   SENATOR RAMOS:    I apologize.  
19 Senator Oberacker, do you remind repeating that  
20 question?

21                   SENATOR OBERACKER:    Not at all,  
22 Senator. Through you, Mr. President.

23                   So if we don't know -- and correct  
24 me if I'm wrong, but we don't know what the  
25 short-term disability premiums for the

1 businesses, whether annually or monthly, would  
2 be. I don't know what the anticipated would be,  
3 because we don't know that. So my question is,  
4 if we don't know what those are and the impact  
5 they would have on businesses, why haven't we  
6 looked at that? And then therefore why are we  
7 voting on this piece of legislation without those  
8 key pieces of input for this bill?

9 (Pause.)

10 SENATOR RAMOS: Through you,  
11 Mr. President. The first increase through this  
12 bill would be set by January 1, 2026. And DFS  
13 would have to set those rates in the fall. So  
14 that's -- that's more or less when we'd know by.

15 SENATOR OBERACKER: Thank you for  
16 that.

17 Mr. President, if the bill sponsor  
18 would yield.

19 ACTING PRESIDENT BAILEY: Do you  
20 yield?

21 SENATOR RAMOS: Yes.

22 ACTING PRESIDENT BAILEY: The  
23 sponsor yields.

24 SENATOR OBERACKER: So -- and  
25 again, correct me if this number isn't correct.

1 The bill proposes what we -- or what I am being  
2 told is a 600 percent increase in short-term  
3 disability benefits.

4 So to that end, has there been any  
5 studies on what the program's utilization will be  
6 once the increased benefits go into effect?

7 SENATOR RAMOS: Through you,  
8 Mr. President. Right now we don't know what that  
9 number might be.

10 But I'd like to share that the  
11 intent behind this bill is really to bring up  
12 temporary disability insurance to a similar place  
13 where paid family leave has been. Largely  
14 because the payout on TDI has been stuck at \$170  
15 since 1989. And therefore, right now it's  
16 actually easier to take time off of work to take  
17 care of a sick loved one than it is to take care  
18 of yourself.

19 SENATOR OBERACKER: Thank you for  
20 that.

21 Through you, Mr. President, would  
22 the bill sponsor yield.

23 ACTING PRESIDENT BAILEY: Will the  
24 sponsor yield?

25 SENATOR RAMOS: Yes.

1                   ACTING PRESIDENT BAILEY:    The  
2    sponsor yields.

3                   SENATOR OBERACKER:    So as a  
4    business owner, one who tries to plan and put  
5    together my business plan, my budgets moving  
6    forward, much like our budgets here in this  
7    house -- two things.  It would be extremely -- it  
8    would be extremely appreciative, I guess would be  
9    the word, that since we're voting on this piece  
10   of legislation if some of that information, if  
11   some of those numbers, if some of that algorithm,  
12   I guess, that we would use to come up with this  
13   could be somewhat put out to the businesspeople  
14   because of those reasons, because we will be  
15   planning and looking at this.

16                  So to that end, the short-term  
17   disability is not required for the public-sector  
18   employers, is that correct?

19                  (Pause.)

20                  SENATOR RAMOS:    Through you,  
21   Mr. President.  You know, right now, oftentimes  
22   workers find themselves in situations where they  
23   get injured and it's easier to quit their job.  
24   And so I would argue that it ends up being a lot  
25   more expensive for the employer to figure out how

1 to deal with that high turnover.

2 And then additionally, I would -- I  
3 would -- give me one second. (Pause.)

4 And additionally, the insurance  
5 companies are supportive of increasing this  
6 benefit to injured workers and I'm sure are going  
7 to be working with their clients, their -- the  
8 businesses that they represent in order to help  
9 them prepare for 2026.

10 SENATOR OBERACKER: Thank you.

11 Mr. President, if the bill sponsor  
12 would yield.

13 ACTING PRESIDENT BAILEY: Will the  
14 sponsor yield?

15 SENATOR RAMOS: Yes.

16 ACTING PRESIDENT BAILEY: The  
17 Senator yields.

18 SENATOR OBERACKER: So to go back,  
19 bringing it to public-sector employers. Are they  
20 or are they not required to have this insurance,  
21 the short-term disability? It's not required,  
22 correct, for the public-sector employers?

23 (Pause.)

24 SENATOR RAMOS: Through you,  
25 Mr. President, TDI is not required in the public

1 sector.

2                   Additionally, because of the paid  
3 sick leave or the personal sick leave program,  
4 that's largely the protection that public-sector  
5 workers would have.

6                   SENATOR OBERACKER:    Thank you for  
7 that.

8                   And one last question.  Through you,  
9 Mr. President, if the bill sponsor would yield.

10                   ACTING PRESIDENT BAILEY:   Will the  
11 sponsor yield?

12                   SENATOR RAMOS:     I do.

13                   ACTING PRESIDENT BAILEY:    The  
14 sponsor yields.

15                   SENATOR OBERACKER:    Yes, thank you  
16 Senator.

17                   So public-sector employers are not.  
18 So what would happen -- and I know I -- I don't  
19 usually like hypotheticals, but in this case I  
20 hope, just to gain -- only one.  Only one.  So  
21 what happens if a state or a city employee  
22 suffers from a non-work-related injury or  
23 illness?  How does that affect ...

24                   (Pause.)

25                   SENATOR RAMOS:     Through you,

1 Mr. President. This is a good question to kind  
2 of explain the union difference. Actually, these  
3 kind of things are usually laid out in a  
4 collective bargaining agreement when there is a  
5 union on-site. And when there isn't, well, the  
6 worker has the option of applying for disability  
7 benefits.

8 SENATOR OBERACKER: Thank you,  
9 Senator Ramos, for that. And thank you,  
10 Mr. President. I'm done.

11 ACTING PRESIDENT BAILEY: Thank  
12 you, Senator Oberacker.

13 Are there any other Senators wishing  
14 to be heard?

15 Seeing and hearing none, debate is  
16 closed.

17 Senator Gianaris.

18 SENATOR GIANARIS: Can we also  
19 restore this bill to the noncontroversial  
20 calendar.

21 ACTING PRESIDENT BAILEY: The bill  
22 will be restored to the noncontroversial  
23 calendar.

24 Read the last section.

25 THE SECRETARY: Section 17. This

1 act shall take effect immediately.

2 ACTING PRESIDENT BAILEY: Call the  
3 roll.

4 (The Secretary called the roll.)

5 ACTING PRESIDENT BAILEY: Senator  
6 Mayer to explain her vote.

7 SENATOR MAYER: Thank you,  
8 Mr. President. And I certainly want to thank my  
9 colleague Senator Ramos for steering this very  
10 important change through the Senate and the  
11 Assembly, together with the Governor's office.

12 This is a transformative change in  
13 updating a very outdated system that provides  
14 short-term disability benefits.

15 But there's another provision of it  
16 that is important that wasn't discussed, that is  
17 important to me and many of my colleagues.

18 For the last several years there has  
19 not been coverage for stillbirth under the paid  
20 family leave program. It has been a real  
21 travesty for women who have experienced a  
22 stillbirth or a death of a child upon birth. And  
23 those women have organized and made their voices  
24 heard.

25 To the credit of Senator Ramos and

1 our Majority Leader, this bill provides temporary  
2 paid family leave coverage for birthing parents  
3 who experience stillbirth from January 1, 2026,  
4 to January 1, 2029. And then it moves into the  
5 full TDI benefit, when it will be in parity with  
6 all the other -- those who are eligible for the  
7 benefit.

8 We ought to take a moment to realize  
9 how -- what a significant development this is for  
10 the women who have experienced stillbirth and  
11 their families, to be able to know that they will  
12 have coverage of this benefit and move to full  
13 parity.

14 I'm extremely grateful. I vote aye.  
15 And again, I thank Senator Ramos, the Majority  
16 Leader, and our colleagues and the Governor's  
17 office for getting to this result.

18 Thank you.

19 ACTING PRESIDENT BAILEY: Senator  
20 Mayer to be recorded in the affirmative.

21 Senator Martins to explain his vote.

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

24 I also rise to support this  
25 legislation. I want to thank the sponsor for

1 shepherding it through the house.

2 Folks, \$170 a week, \$170 a week if  
3 someone is disabled -- it's been on the books for  
4 35 years, and here we are creating parity. We  
5 passed paid family leave in this house half a  
6 dozen years ago -- more -- that created a greater  
7 benefit for people than we had, and we missed the  
8 opportunity at the time to deal with TDI. I'm  
9 glad we have the opportunity to do it now.

10 Mr. President, I vote aye.

11 ACTING PRESIDENT BAILEY: Senator  
12 Martins to be recorded in the affirmative.

13 Senator Scarcella-Spanton to explain  
14 her vote.

15 SENATOR SCARCELLA-SPANTON: Thank  
16 you. And thank you to Senator Ramos for bringing  
17 this bill to the floor today and for all your  
18 advocacy in modernizing this benefit.

19 I'd like to echo what Senator Mayer  
20 has said. This is incredibly, incredibly  
21 important for families who have dealt with the  
22 tragedy of stillbirth.

23 I cannot begin to tell you how many  
24 stories I have heard, but I always think back to  
25 the Tiegers, who I met back in 2009, Lori and

1 Jeff, who sadly and tragically lost their son  
2 Daniel at -- due to this.

3 Lori, I believe, she had told me and  
4 shared with me that she got pregnant again  
5 shortly thereafter, and she had to use her paid  
6 family leave that she had with her son into what  
7 happened with her daughter.

8 So this is important in actually  
9 covering stillbirths specifically. I know I have  
10 another constituent, Penny, who recently gave  
11 birth, and she was advocating for this.

12 So really to all the advocates who  
13 helped get this done, thank you. And thank you  
14 to Senator Ramos as well.

15 I proudly vote aye.

16 ACTING PRESIDENT BAILEY: Senator  
17 Scarcella-Spanton to be recorded in the  
18 affirmative.

19 Senator Ramos to close.

20 SENATOR RAMOS: Mr. President,  
21 there is a lot to celebrate with this bill here  
22 in this chamber. It's a huge success for us, for  
23 workers, and for pregnant people.

24 You know, this all started early on  
25 this year in January with the Governor's

1 Executive Budget and with my bill making an  
2 earnest effort to update this very outdated  
3 safety net for workers and pregnant people.

4 In 2016, New York had passed a  
5 groundbreaking paid family leave law, building on  
6 the decades-old Temporary Disability Insurance  
7 program, a benefit created to allow one to  
8 address their own health needs.

9 But when we did it, we left TDI  
10 untouched. This let New Yorkers without access  
11 to crucial employment protections or meaningful  
12 benefits when they need to care for themselves,  
13 as opposed to a new child or a sick loved one.

14 While the cost of living and  
15 inflation has climbed, this benefit has been  
16 stubbornly capped at \$170 a week since 1989.  
17 Having had two children myself, I can't imagine  
18 how someone recovering from birth is supposed to  
19 focus on those critical first weeks of postpartum  
20 on that little amount of money. I mean, many of  
21 us spend a lot more on lunch alone a week. I can  
22 only imagine the burden on mothers while they're  
23 trying to heal and bond with their baby.

24 But this bill is the result of a  
25 tremendous amount of work that balances the

1 various constituencies who make this safety net  
2 possible, and does more than just raise the  
3 benefit. We are expanding job healthcare and  
4 retaliation protections. We're covering  
5 stillbirth mothers. We're phasing in a raise in  
6 the benefit in a way that truly bears low-wage  
7 workers in mind, eventually getting us all to a  
8 benefit that is just above two-thirds of a  
9 worker's paycheck. We're adding daily  
10 intermittent leave that is completely  
11 comprehensive for all health challenges. And  
12 we're capping employer contributions so as to not  
13 overburden small businesses as we modernize the  
14 system.

15 TDI, like paid family leave, like  
16 unemployment insurance, like workers'  
17 compensation, is an economic stabilizer. These  
18 are safety nets that make sure New Yorkers don't  
19 fall -- don't go into free fall when the  
20 unexpected happens.

21 I want to shout out former State  
22 Senator, now Congressman, Tim Kennedy for his  
23 work on this benefit as well, and all of the  
24 advocates, including PUSH Pregnancy and  
25 Ashley Spivey, so many others who have worked

1 alongside me, my team, the AFL-CIO, to make this  
2 historic update possible.

3 I vote aye.

4 ACTING PRESIDENT BAILEY: Senator  
5 Ramos to be recorded in the affirmative.

6 Announce the results.

7 THE SECRETARY: In relation to  
8 Calendar 1920, those Senators voting in the  
9 negative are Senators Borrello, Griffo, Oberacker  
10 O'Mara, Ortt and Stec.

11 Ayes, 54. Nays, 6.

12 ACTING PRESIDENT BAILEY: The bill  
13 is passed.

14 Senator Gianaris.

15 SENATOR GIANARIS: We're going back  
16 to the controversial calendar for what we hope  
17 might be our final debate: Calendar 638, by  
18 Senator Hoylman-Sigal.

19 ACTING PRESIDENT BAILEY: the  
20 Secretary will ring the bell.

21 The Secretary will read.

22 There's a substitution at the desk.

23 The Secretary will read.

24 THE SECRETARY: Senator  
25 Hoylman-Sigal moves to discharge, from the

1 Committee on Environmental Conservation,  
2 Assembly Bill Number 10140 and substitute it for  
3 the identical Senate Bill 3185A, Third Reading  
4 Calendar 638.

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

7 The Secretary will read.

8 THE SECRETARY: Calendar Number  
9 638, Assembly Bill Number 10140, by  
10 Assemblymember Glick, an act to amend the  
11 Environmental Conservation Law.

12 ACTING PRESIDENT BAILEY: Senator  
13 Rhoads, why do you rise?

14 SENATOR RHOADS: Thank you,  
15 Mr. President. I hope that the sponsor will  
16 yield to a few questions.

17 ACTING PRESIDENT BAILEY: Will the  
18 sponsor yield?

19 SENATOR HOYLMAN-SIGAL: Yes.

20 ACTING PRESIDENT BAILEY: the  
21 sponsor yields.

22 SENATOR RHOADS: Thank you.

23 Thrilled to be a part of the -- what  
24 may be the final debate of our session. Thank  
25 you, Senator Hoylman-Sigal, for being a part of

1 that as well.

2 If you could explain, Senator, the  
3 bill was recently amended on the third reading.  
4 What's the difference between this legislation  
5 and prior versions?

6 SENATOR HOYLMAN-SIGAL: Through  
7 you, Mr. President, and thank you.

8 The bill essentially places a  
9 moratorium or a ban on prohibiting the taking of  
10 horseshoe crabs for commercial and biomedical  
11 purposes.

12 I don't know if you're familiar with  
13 horseshoe crabs -- you probably are. They are a  
14 species that is in decline, but they are called  
15 living fossils because they've been around before  
16 the dinosaurs, 445 million years. That's about  
17 200 million years before the T-Rex roamed the  
18 planet. They've survived five extinction events  
19 on the planet, which I guess says something about  
20 their durability. But they are in steep decline  
21 throughout the United States, and particularly  
22 the Atlantic Seaboard.

23 To answer your question  
24 specifically, Senator, the bill actually adds an  
25 additional component that prohibits the taking of

1 horseshoe crabs not only for commercial purposes  
2 but also for biomedical research purposes.

3 SENATOR RHOADS: Thank you,  
4 Senator.

5 Will the sponsor continue to yield?

6 ACTING PRESIDENT BAILEY: Will the  
7 sponsor yield?

8 SENATOR HOYLMAN-SIGAL: Yes.

9 ACTING PRESIDENT BAILEY: Sorry, I  
10 was kind of loud.

11 The sponsor yields.

12 SENATOR RHOADS: Thank you,  
13 Senator.

14 So was the additional restriction  
15 the restriction on commercial purposes or the  
16 restriction on biomedical?

17 SENATOR HOYLMAN-SIGAL: Commercial  
18 is both -- both fishing and for purposes of  
19 biomedical research.

20 Because again -- you may know this,  
21 but our colleagues may not -- the horseshoe crab  
22 has a special kind of blood. It's actually a  
23 blue blood, not because they're aristocratic or  
24 NYPD, but it's actually the color blue. And it  
25 is used in research purposes because it has a

1 special component that actually has clotting  
2 purposes, but also has an enzyme which is --  
3 contains an endotoxin that's used for research.

4 The fact is, is that there's an  
5 alternative that has been cloned called rFC, for  
6 recombinant Factor C, that came onto the market  
7 in 2003.

8 So my Assembly colleague,  
9 Assemblymember Glick, thought that this would be  
10 an additional good step, because we want to  
11 encourage the private sector to produce this  
12 synthetically cloned blood substitute rather than  
13 continue to decimate the horseshoe population.

14 SENATOR RHOADS: Thank you,  
15 Senator.

16 Will the sponsor continue to yield?

17 ACTING PRESIDENT BAILEY: Will the  
18 sponsor yield?

19 SENATOR HOYLMAN-SIGAL: Yes.

20 ACTING PRESIDENT BAILEY: The  
21 sponsor yields.

22 SENATOR RHOADS: Thank you,  
23 Senator.

24 On that point, are you aware that in  
25 2019 the United States Pharmacopeia, which sets

1 the standards for medical safety testing,  
2 considered the inclusion of recombinant factors  
3 for endotoxin testing as an alternative to LAL?  
4 And I believe you're referring to limulus  
5 amebocyte lysate, is that -- is that substance  
6 that you're referring to, that enzyme that you're  
7 referring to.

8 They considered the alternative, and  
9 the microbiology expert committee did not move  
10 forward with it because it was not as effective.  
11 And that's as of 2019. Were you aware of that?

12 SENATOR HOYLMAN-SIGAL: I have --  
13 through you, Mr. President, I have done research  
14 to the extent that we are able and have read a  
15 bit about the synthetic alternative. You know,  
16 my sources, if you will, say it is a suitable  
17 one.

18 SENATOR RHOADS: Will the sponsor  
19 continue to yield?

20 ACTING PRESIDENT BAILEY: Will the  
21 sponsor yield? Senator Hoylman, do you yield?

22 SENATOR HOYLMAN-SIGAL: Yes.

23 ACTING PRESIDENT BAILEY: The  
24 sponsor yields.

25 SENATOR RHOADS: And if you don't

1 mind my asking, what are your sources?

2 SENATOR HOYLMAN-SIGAL: Well, we  
3 read the New York Times. Through you,  
4 Mr. President.

5 And we have a number of -- and we  
6 also learned that there's another alternative  
7 synthetic product that is due to hit the market  
8 soon. So we don't think it's necessarily a good  
9 idea to continue to rely on the horseshoe crab  
10 when there are synthetic alternatives.

11 But here's the real point that I  
12 wish to make, which is DEC informed us, having  
13 spoken to them, that there are no permits  
14 currently active for biomedical companies to  
15 farm -- to fish, rather, horseshoe crabs for  
16 biomedical purposes. So it's, in effect, a moot  
17 point in New York State currently.

18 SENATOR RHOADS: Will the sponsor  
19 continue to yield.

20 ACTING PRESIDENT BAILEY: Will the  
21 sponsor yield?

22 SENATOR HOYLMAN-SIGAL: Yes.

23 ACTING PRESIDENT BAILEY: The  
24 sponsor yields.

25 SENATOR RHOADS: Thank you,

1 Senator.

2 I know that you said you're using  
3 the New York Times as a source. But the  
4 United States Pharmacopeia, it's USP, is the  
5 organization that actually sets the standards for  
6 medical safety testing.

7 SENATOR HOYLMAN-SIGAL: Through  
8 you, Mr. President. Well, I don't know if that's  
9 a question, but I appreciate the information.

10 The fact is there are no DEC  
11 permits, no biomedical research company is  
12 fishing for horseshoe crabs. Horseshoe crabs are  
13 used primarily for bait. They are chopped up  
14 into small pieces for the fishing of conch and  
15 eel. But -- and there are no -- again, no  
16 examples of DEC permits currently in New York  
17 State for the point of biomedical research.

18 SENATOR RHOADS: Will the sponsor  
19 continue to yield.

20 ACTING PRESIDENT BAILEY: Will the  
21 sponsor yield?

22 SENATOR HOYLMAN-SIGAL: Yes.

23 ACTING PRESIDENT BAILEY: The  
24 sponsor yields.

25 SENATOR RHOADS: Thank you,

1 Senator.

2 I'm not questioning the portion of  
3 the bill that has to do with commercial fishing,  
4 the portion of the bill that has to do with using  
5 them for bait. I'm solely focusing on the  
6 medical use of the horseshoe crab.

7 The LAL enzyme obtained from  
8 horseshoe crab blood cells functions as a  
9 sophisticated sensing system that allows for the  
10 extremely sensitive detection of bacterial and  
11 fungal cells. And currently the LAL test is the  
12 most sensitive and reliable method applied to  
13 detection of bacterial endotoxins. So it has a  
14 significant medical use that we are suspending  
15 without there being a suitable alternative.

16 I know that you've indicated that  
17 there's something that you think will be on the  
18 market shortly. But what is the plan for what  
19 happens in the interim?

20 SENATOR HOYLMAN-SIGAL: Through  
21 you, Mr. President. First, again -- and let me  
22 emphasize once again -- no biomedical  
23 research-driven fishing of the horseshoe crab is  
24 occurring in New York State. So I think it's a  
25 moot point.

1                   But secondly, and something I do  
2 want to discuss, the horseshoe crab is what's  
3 called a keystone species, like the keystone of  
4 an arch. It literally suspends the food chain on  
5 either side.

6                   And there is a very important  
7 species that is threatened that actually eats the  
8 horseshoe crab. It's called the red knot. It's  
9 a type of bird, you might be familiar, that is  
10 very important to the ecosystem but threatened at  
11 the moment.

12                   That's why other states, including  
13 our sister states in the region, New Jersey and  
14 Connecticut, as well as states up and down the  
15 Eastern Seaboard, have taken steps where New York  
16 has not. And that would include states like  
17 South Carolina, Maryland, Virginia. And just  
18 across the Sound, as I said, Connecticut.

19                   So we're concerned without the  
20 suspension of horseshoe crab fishing that we will  
21 have other fishermen come to New York and deplete  
22 our stock of horseshoe crabs. They're a  
23 magnificent creature. I actually presented a  
24 model to our conference today, much to the  
25 chagrin of our leader. But -- because it is

1 related to the spider, after all, so it's not  
2 exactly, you know, cuddly.

3 But it is fascinating. It is a  
4 wonder to witness. And it's survived much longer  
5 than any other species. I think we need to make  
6 certain that it continues to exist.

7 SENATOR RHOADS: Will the sponsor  
8 continue to yield.

9 ACTING PRESIDENT BAILEY: Will the  
10 sponsor yield?

11 SENATOR HOYLMAN-SIGAL: Yes.

12 ACTING PRESIDENT BAILEY: The  
13 sponsor yields.

14 SENATOR RHOADS: Thank you,  
15 Senator.

16 Again, if this bill were solely  
17 about fishing, we wouldn't be having this  
18 conversation. I'm focusing solely on the medical  
19 use.

20 So are you aware that the production  
21 of critical drugs and therapies, including  
22 vaccines and injectable drugs, rely on LAL for  
23 endotoxin testing to ensure patient safety?

24 I understand the importance and I  
25 don't question the importance of the red knot

1 bird that relies upon the horseshoe crab for  
2 food. But through this bill, are we placing the  
3 safety of the red knot bird above the safety of  
4 actual people who rely upon the vaccines and rely  
5 upon the drugs and therapies that the testing for  
6 the endotoxin through the horseshoe crab makes  
7 possible?

8 SENATOR HOYLMAN-SIGAL: Through  
9 you, Mr. President, no.

10 Again, I think for the fourth time,  
11 there are no permits for horseshoe crab fishing  
12 for biomedical purposes in the State of New York.  
13 So it's nonexistent.

14 Let me also say that the biomedical  
15 research companies, including Eli Lilly,  
16 Sanofi Pasteur, Pfizer and Roche, all have  
17 synthetic alternatives.

18 So again, both the fact that there's  
19 no fishing for biomedical research purposes in  
20 New York State and the fact that so many  
21 companies have alternatives suggests to me that  
22 we should in fact endorse the moratorium on  
23 horseshoe crab fishing as stated in this bill.

24 SENATOR RHOADS: And will the  
25 sponsor continue to yield.

1                   ACTING PRESIDENT BAILEY:    Will the  
2 sponsor yield?

3                   SENATOR HOYLMAN-SIGAL:    Yes.

4                   ACTING PRESIDENT BAILEY:    The  
5 sponsor yields.

6                   SENATOR RHOADS:        Has the DEC  
7 recommended this bill?

8                   SENATOR HOYLMAN-SIGAL:    Would you  
9 say that again?

10                  SENATOR RHOADS:        Has the Department  
11 of Environmental Conservation, federal Department  
12 of Environmental Conservation recommended this  
13 bill?

14                  SENATOR HOYLMAN-SIGAL:    Through  
15 you, Mr. President, no.

16                  But I'll say that New York is an  
17 outlier in that our stocks are lower than any  
18 other of the states I've mentioned -- possibly,  
19 and I would suggest probably, because they have  
20 bans and moratoria and more stringent regulations  
21 than the State of New York.  So New York needs to  
22 act.

23                  And whether the federal government  
24 suggests we should do so I think is beside the  
25 point because our sister states have already done

1 so.

2 SENATOR RHOADS: Will the sponsor  
3 continue to yield.

4 ACTING PRESIDENT BAILEY: Does the  
5 sponsor yield?

6 SENATOR HOYLMAN-SIGAL: Yes.

7 ACTING PRESIDENT BAILEY: The  
8 sponsor yields.

9 SENATOR RHOADS: But if the  
10 State Department of Environmental Conservation is  
11 the one that issues permits for any use of  
12 horseshoe crabs, for any fishing, for any purpose  
13 of horseshoe crabs and there are no permits  
14 issued, why is this bill even necessary?

15 SENATOR HOYLMAN-SIGAL: Through  
16 you, Mr. President, the bill is necessary because  
17 of the extensive fishing for commercial purposes,  
18 non-biomedical, that currently is occurring.  
19 Which is resulting in a steep population decline.  
20 I can give you some of those statistics.

21 The International Union for the  
22 Conservation of Nature considers horseshoe crabs  
23 to be vulnerable to extinction along the  
24 East Coast, and that has led, as I mentioned, to  
25 the faltering of other species, including the red

1 knot bird, which has crashed, in effect, with the  
2 decline of horseshoe crabs, resulting in the U.S.  
3 fish and Wildlife Service as listing that species  
4 as threatened.

5 SENATOR RHOADS: Will the sponsor  
6 continue to yield.

7 ACTING PRESIDENT BAILEY: Does the  
8 sponsor yield?

9 SENATOR HOYLMAN-SIGAL: Yes.

10 ACTING PRESIDENT BAILEY: The  
11 sponsor yields.

12 SENATOR RHOADS: So we've spoken  
13 quite a bit -- we've spoken quite a bit about  
14 fishing. And that seems to be the primary driver  
15 to this bill. And I certainly understand that  
16 portion of it.

17 Talking specifically, though, about  
18 the biomedical research portion and the medical  
19 uses for the horseshoe crab blood, which is so  
20 important, can you break down what portion or  
21 percentage of horseshoe crab fishing is  
22 commercial for the purposes of bait, for the  
23 purpose of eating, versus the portion that's used  
24 for biomedical research?

25 SENATOR HOYLMAN-SIGAL: Through

1 you, Mr. President. Did you say eating?

2 SENATOR RHOADS: Yes, eating. In  
3 other words -- you can't really eat a -- it's not  
4 a --

5 SENATOR HOYLMAN-SIGAL: Americans,  
6 generally speaking, don't dine on horseshoe  
7 crabs.

8 (Inaudible overtalk.)

9 SENATOR HOYLMAN-SIGAL: You may be  
10 an outlier in that regard.

11 (Laughter.)

12 SENATOR HOYLMAN-SIGAL: But it's a  
13 hundred percent commercial fishing used for bait  
14 in the State of New York, given that there are no  
15 permits for biomedical research purposes. There  
16 would be no other reason to fish for a horseshoe  
17 crab in the State of New York if not for bait  
18 purposes.

19 So we're literally chopping up a  
20 species and using it to catch other fish, which  
21 seems like, frankly, you know, a poor approach.

22 And for the fish that it is -- so  
23 it's used for bait for, as I mentioned, for conch  
24 and eel. So there are bait options for those two  
25 types of fish. For conch, there are bunker,

1 spider crabs, green crabs, Asiatic crabs, and  
2 other clams that process waste.

3 And for eel, unfortunately that --  
4 that fishing has more or less died in New York  
5 because the eel is now mostly farmed in Asia,  
6 which is a less expensive source.

7 SENATOR RHOADS: Will the sponsor  
8 continue to yield.

9 ACTING PRESIDENT BAILEY: Will the  
10 sponsor yield?

11 SENATOR HOYLMAN-SIGAL: Yes.

12 ACTING PRESIDENT BAILEY: The  
13 sponsor yields.

14 SENATOR RHOADS: So if 100 percent  
15 of the fishing of horseshoe crabs -- and  
16 apparently I just learned it's a -- it's  
17 apparently some sort of delicacy in Asia. I'm  
18 fairly certain that no one's fishing here for  
19 something for the Asian markets.

20 But if 100 percent of it is for the  
21 purpose of bait, why not just ban bait and leave  
22 open the possibility, given the importance of it,  
23 for medical use?

24 SENATOR HOYLMAN-SIGAL: Through  
25 you, Mr. President. As has been commented by

1 both marine biologists and researchers in the  
2 field of biomedical research, they feel strongly  
3 that unless we place a ban on the biomedical  
4 research we're not going to continue to encourage  
5 the development of the synthetic alternative.  
6 We -- which is viable and, as I mentioned, which  
7 has multiple large pharmaceutical and biomedical  
8 corporations engaged in its production.

9                   So we want to stave off, through  
10 this ban, the farming of this threatened species  
11 for biomedical purposes because there is a  
12 synthetic alternative.

13                   SENATOR RHOADS: Will the sponsor  
14 continue to yield.

15                   ACTING PRESIDENT BAILEY: Does the  
16 sponsor yield?

17                   (No response.)

18                   ACTING PRESIDENT BAILEY: Senator  
19 Hoylman-Sigal, do you yield?

20                   SENATOR HOYLMAN-SIGAL: Yes, of  
21 course.

22                   ACTING PRESIDENT BAILEY: The  
23 sponsor yields.

24                   SENATOR RHOADS: Thank you,  
25 Mr. President. Through you, Mr. President.

1                   Senator, you mentioned the word  
2 "farming." Obviously, other species of fish --  
3 oysters, clams, salmon, for example -- are raised  
4 in controlled environments in farms so that they  
5 will not impact the overall population that's out  
6 in the wild.

7                   Again, not from personal knowledge,  
8 if horseshoe crab farming is possible, would this  
9 bill ban horseshoe crab farming in a controlled  
10 environment even though that controlled  
11 environment would exist to protect the general  
12 population in the wild, which is what this bill  
13 drives at?

14                   SENATOR HOYLMAN-SIGAL: Through  
15 you, Mr. President. There is no farming of  
16 horseshoe crabs.

17                   SENATOR RHOADS: Will the sponsor  
18 continue to yield.

19                   ACTING PRESIDENT BAILEY: Will the  
20 sponsor yield?

21                   SENATOR HOYLMAN-SIGAL: Yes.

22                   ACTING PRESIDENT BAILEY: The  
23 sponsor yields.

24                   SENATOR RHOADS: Thank you,  
25 Senator.

1                   If we're -- this is a hypothetical.  
2                   If horseshoe crab farming were possible, are we,  
3                   through this legislation, banning it?

4                   SENATOR HOYLMAN-SIGAL:    Through  
5                   you, Mr. President.   DEC, it's my understanding,  
6                   would have to come up with a whole new section of  
7                   law to allow the farming of horseshoe crabs.

8                   But it doesn't seem that it is a  
9                   viable commercial enterprise.   I'm not aware of  
10                  any farming of horseshoe crabs anywhere in the  
11                  United States.

12                  SENATOR RHOADS:    Thank you,  
13                  Senator.

14                  On the bill.

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

17                  SENATOR RHOADS:    I want to thank  
18                  Senator Hoylman-Sigal for our robust discussion  
19                  of a topic that seems somewhat foreign to both of  
20                  us, but we're both quick studies.

21                  Obviously my concern is not the  
22                  intent of the bill.   The intent of the bill is to  
23                  save what is rapidly becoming an endangered  
24                  species, the horseshoe crab.   I appreciate that  
25                  and respect Senator Hoylman-Sigal's intent in

1 bringing forward this bill.

2           However, the much less common but  
3 much more important use of the horseshoe crab is  
4 for biomedical research. As was discussed during  
5 the debate, that it's involved in the production  
6 of critical drugs and therapies, including  
7 vaccines and injectable drugs that rely upon the  
8 enzyme that's in horseshoe crab blood for  
9 endotoxin testing that ensures patient safety  
10 with respect to all of these vaccines and drugs.

11           As was discussed during the debate  
12 by Senator Hoylman-Sigal, there are therapies  
13 that -- there are other substances, synthetic  
14 substances, that may be on the way but are not  
15 there yet. And when I referenced the  
16 United States Pharmacopeia, USP, which sets the  
17 standards for medical safety testing, the ones  
18 that are on the market now are not as good.

19           And while I respect the intention,  
20 which is to protect both the horseshoe crab and  
21 other species that are in the food chain such as  
22 the red knot bird, I don't understand why in this  
23 bill we couldn't prohibit farming, prohibit  
24 fishing solely for the purpose of bait, but allow  
25 open the possibility of what has proven to be an

1 effective use of the horseshoe crab -- and  
2 limited use of the horseshoe crab -- for  
3 biomedical research.

4 For those reasons, I am voting in  
5 the negative on this bill. I would encourage my  
6 colleagues to do the same. Though I am open,  
7 certainly, to the possibility of amended  
8 legislation that just deals with the issue of  
9 farming for commercial purposes other than  
10 biomedical.

11 Thank you, Senator.

12 ACTING PRESIDENT BAILEY: Thank  
13 you, Senator Rhoads.

14 Are there any other Senators wishing  
15 to be heard?

16 Seeing and hearing none, debate is  
17 closed.

18 Senator Gianaris.

19 SENATOR GIANARIS: Let's, by  
20 agreement, restore this bill to the  
21 noncontroversial calendar.

22 ACTING PRESIDENT BAILEY: The bill  
23 will be restored to the noncontroversial  
24 calendar.

25 Read the last section.

1 THE SECRETARY: Section 2. This  
2 act shall take effect January 1, 2025.

3 ACTING PRESIDENT BAILEY: Call the  
4 roll.

5 (The Secretary called the roll.)

6 ACTING PRESIDENT BAILEY: Senator  
7 Ryan to explain his vote.

8 SENATOR RYAN: Senator  
9 Hoylman-Sigal, a renowned naturalist from  
10 Manhattan, we thank you --

11 (Laughter.)

12 SENATOR RYAN: -- for this bill.

13 But a few things. One is if you're  
14 harvesting horseshoe crabs for biomedical, you're  
15 only supposed to do it during a very short  
16 season. And they actually take the blood out of  
17 the crab and they're then supposed to return them  
18 to the wild, but it's widely suspected that most  
19 of the harvesters don't return them to the wild,  
20 they sell them to the people who are using them  
21 for conch traps. So they don't end up back in  
22 the wild.

23 And New York State needs to take  
24 this action because New Jersey took this action  
25 several years ago, but New York State's supply of

1 horseshoe crabs in the wild has gone down  
2 precipitously. And then -- it's a unique  
3 species, right? It's blue copper blood. But it  
4 can detect bacteria in human blood, so we use it  
5 all the time. But there's been a patent since  
6 2003 on a, you know, homemade alternative. But  
7 nobody wants to pay for that because it's under  
8 patent. The cheaper thing is to keep harvesting  
9 the horseshoe crab.

10                   So we want to keep the horseshoe  
11 crab a keystone species, as Senator Hoylman said.  
12 But there's another weird factoid that goes along  
13 with the blue blood of the horseshoe crab. The  
14 red knot bird, it's just this little bird. It  
15 looks kind of like a woodcock, kind of like a  
16 sandpiper. But it starts every year in the  
17 Arctic Circle and it ends every year at the tip  
18 of South America. And guess what it eats on the  
19 trip, on the way down? They stop at New York  
20 beaches and eat eggs from horseshoe crabs.

21                   But because the horseshoe crab have  
22 been declining so much in New York State, the red  
23 knot species has almost disappeared. That's why  
24 New Jersey took this action. They saw a decrease  
25 in horseshoe crabs along with the increase of red

1 knots. And that's exactly what we're looking  
2 for.

3 And the red knot, mind you, it's a  
4 little bird. It's the size of a robin. It  
5 weighs three and a half ounces. That's --

6 ACTING PRESIDENT BAILEY: Senator  
7 Ryan.

8 SENATOR RYAN: -- a slice and a  
9 half of bread. It's fascinating. I know you  
10 find it fascinating, Mr. President.

11 (Laughter.)

12 ACTING PRESIDENT BAILEY: Very much  
13 so.

14 SENATOR RYAN: So for those  
15 reasons, I vote in the affirmative. But I do  
16 thank Senator Hoylman-Sigal for bringing this  
17 important bill to our desk.

18 ACTING PRESIDENT BAILEY: Senator  
19 Ryan in the affirmative.

20 Announce the results.

21 THE SECRETARY: In relation to  
22 Calendar 638, those Senators voting in the  
23 negative are Senators Griffio, Lanza, Ortt,  
24 Palumbo, Rhoads and Skoufis.

25 Ayes, 54. Nays, 6.

1                   ACTING PRESIDENT BAILEY:    The bill  
2    is passed.

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

5                   SENATOR GIANARIS:    Mr. President,  
6    we are going to call a --

7                   ACTING PRESIDENT BAILEY:    A little  
8    order, please.  Thank you.

9                   SENATOR GIANARIS:    -- a Majority  
10   conference for 6 o'clock and session to resume at  
11   6:15.

12                  Please recognize Senator Lanza for  
13   an announcement.

14                  ACTING PRESIDENT BAILEY:    Senator  
15   Lanza.

16                  SENATOR LANZA:    Thank you,  
17   Senator Gianaris.

18                  ACTING PRESIDENT BAILEY:    Oh, I'm  
19   sorry, Senator Lanza.  Majority conference to  
20   resume at 6:00 p.m. in -- excuse me.  Majority  
21   conference at 6 p.m.  Session to resume at 6:15.

22                  Senator Lanza.

23                  SENATOR LANZA:    Thank you,  
24   Senator Gianaris.

25                  Mr. President, there will be an

1 immediate meeting in Room 315 of the  
2 Republican Conference.

3 ACTING PRESIDENT BAILEY: Immediate  
4 meeting of the Republican Conference in Room 315.

5 SENATOR GIANARIS: The Senate  
6 stands at ease.

7 ACTING PRESIDENT BAILEY: The  
8 Senate stands at ease.

9 (Whereupon, the Senate stood at ease  
10 at 5:26 p.m.)

11 (Whereupon, the Senate reconvened at  
12 6:36 p.m.)

13 ACTING PRESIDENT BAILEY: The  
14 Senate will return to order.

15 Senator Gianaris.

16 SENATOR GIANARIS: Mr. President, I  
17 believe we have a Supplemental Active List 2  
18 which contains one bill, Calendar 703.

19 Can we take that up, please.

20 ACTING PRESIDENT BAILEY: The  
21 Secretary will read.

22 THE SECRETARY: Calendar Number  
23 703, Senate Print 2852A, by Senator Skoufis, an  
24 act to amend the Alcoholic Beverage Control Law.

25 ACTING PRESIDENT BAILEY: Read the

1 last section.

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

5 ACTING PRESIDENT BAILEY: Call the  
6 roll.

7 (The Secretary called the roll.)

8 ACTING PRESIDENT BAILEY: Senator  
9 Skoufis to explain his vote.

10 SENATOR SKOUFIS: Thank you very  
11 much, Mr. President.

12 And I truly want to express my  
13 gratitude to all my colleagues for this rather  
14 late edition before we gavel out for -- I would  
15 say the year, but maybe, maybe not the year.

16 And, you know, this is a bill that I  
17 and a number of people have worked for several  
18 years on to get to this point. I understand the  
19 Assembly is debating it right now as I speak.  
20 And all throughout New York State, over the past  
21 15 years, we have done so much to support our  
22 breweries, our cideries, our distilleries, all of  
23 our craft beverage manufacturers. I'd say in the  
24 space of economic development it's been one of  
25 our shining bright stars over the past 10 or 15

1 years.

2 But we -- coming out of the  
3 pandemic, we're at a point here where our  
4 distilleries and cideries, many of them are  
5 hanging on with their fingernails on the edge.  
6 And really the one proposal that has languished  
7 up here in Albany -- that would, for some, allow  
8 them to survive, for others allow them to  
9 thrive -- has been this bill that is before us  
10 today.

11 I want to express my gratitude to  
12 certainly the Majority Leader for supporting  
13 bringing this bill to the floor at this time.

14 I also want to express my gratitude  
15 to Senator Rachel May, who has championed the  
16 cider component of this legislation for some  
17 time; as well as our Ag chair, Senator Hinchey,  
18 who's been a staunch advocate for this  
19 legislation; my Assembly counterpart,  
20 Assemblywoman Donna Lupardo; and from my staff,  
21 in particular, Evan Gallo, who has worked  
22 extremely hard on this bill.

23 In my 12 years I don't know that  
24 I've carried a bill that has elicited more  
25 misinformation from opponents, unfortunately,

1 than this bill that we are about to vote on,  
2 which is a shame.

3 But it heartens me that we were able  
4 to break through that misinformation and bring  
5 this bill to a vote. This will be a game-changer  
6 for our hundreds of small distilleries and  
7 cideries.

8 And make no mistake, this is just  
9 for the small guys. Grey Goose and all the big  
10 brands, whether they're here in New York or in  
11 other states, will not be able to ship under the  
12 authority that is proposed in this bill. This is  
13 strictly to support our small businesses in  
14 New York State and, with those states with  
15 reciprocity, other states around the country.

16 I proudly vote yes in support of  
17 this pro-small business piece of legislation and  
18 this bill that will bring convenience to  
19 responsible drinkers throughout New York State.

20 Thank you very much, Mr. President.

21 ACTING PRESIDENT BAILEY: Senator  
22 Skoufis to be recorded in the affirmative.

23 Senator May to explain her vote.

24 SENATOR MAY: Thank you,  
25 Mr. President.

1                   And I want to thank Senator Skoufis  
2 for championing this cause for such a long time  
3 and through such headwinds.

4                   I have, as he mentioned, sponsored  
5 the bill just for cider, and we've passed it  
6 through this chamber six times without much help  
7 on the other side. And I really -- I mean, in  
8 the other house. And so it's exciting that  
9 finally this seems to be able to move forward.

10                  The cider producers in my district  
11 and across the state use only New York State  
12 apples. They are making some of the best cider  
13 in the world. And they deserve to be able to  
14 compete on a level playing field with the  
15 cideries in Washington State and Oregon that can  
16 already ship to New York State because they call  
17 themselves wineries.

18                  So we are leveling the playing field  
19 here. We're making it possible for these  
20 wonderful small businesses to keep doing their  
21 work and to share their tremendous product with  
22 people all across the state.

23                  I am excited to vote aye. Thank  
24 you.

25                  ACTING PRESIDENT BAILEY:    Senator

1 May to be recorded in the affirmative.

2 Announce the results.

3 THE SECRETARY: In relation to  
4 Calendar 703, those Senators voting in the  
5 negative are Senators Addabbo, Ashby,  
6 Canzoneri-Fitzpatrick, Chu, Fernandez, Martinez,  
7 Martins, Mattera, Murray, Ortt, Rhoads and  
8 Thomas.

9 Ayes, 48. Nays, 12.

10 ACTING PRESIDENT BAILEY: The bill  
11 is passed.

12 Senator Gianaris, that completes the  
13 reading of Supplemental Active List No. 2.

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

16 I believe there are several  
17 privileged finance resolutions at the desk. Can  
18 we take them up, please.

19 ACTING PRESIDENT BAILEY: The  
20 Secretary will read.

21 THE SECRETARY: Resolution 20 --

22 ACTING PRESIDENT BAILEY: The  
23 Secretary will read.

24 THE SECRETARY: Resolution 2685, by  
25 Senator Stewart-Cousins, amending Senate

1 Resolution 2866 of 2022 establishing a plan  
2 setting forth an itemized list of grantees for a  
3 certain appropriation for the 2022-2023 state  
4 fiscal year.

5 ACTING PRESIDENT BAILEY: The  
6 question is on the resolution.

7 Call the roll.

8 (The Secretary called the roll.)

9 ACTING PRESIDENT BAILEY: Announce  
10 the results.

11 THE SECRETARY: In relation to  
12 Resolution 2685 --

13 (Off the record.)

14 THE SECRETARY: In relation to  
15 Resolution 2685, voting in the negative are  
16 Senators Borrello, Canzoneri-Fitzpatrick,  
17 Gallivan, Griffio, Helming, Lanza, Mattera,  
18 Murray, Oberacker, O'Mara, Ortt, Rhoads, Stec,  
19 Tedisco and Weik.

20 Ayes 45. Nays, 15.

21 ACTING PRESIDENT BAILEY: The  
22 resolution is adopted.

23 THE SECRETARY: Resolution 2686, by  
24 Senator Stewart-Cousins, amending Senate  
25 Resolution 2861 of 2022 establishing a plan

1 setting forth an itemized list of grantees for a  
2 certain appropriation for the 2022-2023 state  
3 fiscal year for grants in aid to certain  
4 agricultural organizations.

5 ACTING PRESIDENT BAILEY: The  
6 question is on the resolution.

7 Call the roll.

8 (The Secretary called the roll.)

9 ACTING PRESIDENT BAILEY: Announce  
10 the results.

11 THE SECRETARY: In relation to  
12 Resolution 2686, voting in the negative:  
13 Senators Borrello, Canzoneri-Fitzpatrick,  
14 Gallivan, Griffio, Helming, Lanza, Mattera,  
15 Murray, Oberacker, O'Mara, Ortt, Rhoads, Stec,  
16 Tedisco and Weik.

17 Ayes, 45. Nays, 15.

18 ACTING PRESIDENT BAILEY: The  
19 resolution is adopted.

20 THE SECRETARY: Resolution 2687, by  
21 Senator Stewart-Cousins, amending Senate  
22 Resolution 2857 of 2022 establishing a plan  
23 setting forth an itemized list of grantees for a  
24 certain appropriation for the 2022-23 state  
25 fiscal year.

1                   ACTING PRESIDENT BAILEY:    The  
2 question is on the resolution.

3                   Call the roll.

4                   (The Secretary called the roll.)

5                   ACTING PRESIDENT BAILEY:    Announce  
6 the results.

7                   THE SECRETARY:    In relation to  
8 Resolution 2687, voting in the negative are  
9 Senators Borrello, Canzoneri-Fitzpatrick,  
10 Gallivan, Griffio, Helming, Lanza, Mattera,  
11 Murray, Oberacker, O'Mara, Ortt, Rhoads, Stec,  
12 Tedisco and Weik.

13                   Ayes, 45.   Nays, 15.

14                   ACTING PRESIDENT BAILEY:    The  
15 resolution is adopted.

16                   THE SECRETARY:    Resolution 2688, by  
17 Senator Stewart-Cousins, amending Senate  
18 Resolution 2864 of 2022 establishing a plan  
19 setting forth an itemized list of grantees for a  
20 certain appropriation for the 2022-23 state  
21 fiscal year.

22                   ACTING PRESIDENT BAILEY:    The  
23 question is on the resolution.

24                   Call the roll.

25                   (The Secretary called the roll.)

1                   ACTING PRESIDENT BAILEY:    Announce  
2   the results.

3                   THE SECRETARY:    In relation to  
4   Resolution 2688, voting in the negative are  
5   Senators Borrello, Canzoneri-Fitzpatrick,  
6   Gallivan, Griffo, Helming, Lanza, Mattera,  
7   Murray, Oberacker, O'Mara, Ortt, Rhoads, Stec,  
8   Tedisco and Weik.

9                   Ayes, 45.   Nays, 15.

10                  ACTING PRESIDENT BAILEY:    The  
11   resolution is adopted.

12                  THE SECRETARY:    Resolution 2689, by  
13   Senator Stewart-Cousins, amending Senate  
14   Resolution 2860 of 2022 establishing a plan  
15   setting forth an itemized list of grantees for a  
16   certain appropriation for the 2022-23 state  
17   fiscal year.

18                  ACTING PRESIDENT BAILEY:    The  
19   question is on the resolution.

20                  Call the roll.

21                  (The Secretary called the roll.)

22                  ACTING PRESIDENT BAILEY:    Announce  
23   the results.

24                  THE SECRETARY:    In relation to  
25   Resolution 2689, voting in the negative are

1 Senators Borrello, Canzoneri-Fitzpatrick,  
2 Gallivan, Griffo, Helming, Lanza, Mattera,  
3 Murray, Oberacker, O'Mara, Ortt, Rhoads, Stec,  
4 Tedisco and Weik.

5 Ayes, 45. Nays, 15.

6 ACTING PRESIDENT BAILEY: The  
7 resolution is adopted.

8 THE SECRETARY: Resolution 2690, by  
9 Senator Stewart-Cousins, amending Senate  
10 Resolution 2859 of 2022 establishing a plan  
11 setting forth an itemized list of grantees for a  
12 certain appropriation for the 2022-2023 state  
13 fiscal year.

14 ACTING PRESIDENT BAILEY: The  
15 question is on the resolution.

16 Call the roll.

17 (The Secretary called the roll.)

18 ACTING PRESIDENT BAILEY: Announce  
19 the results.

20 THE SECRETARY: In relation to  
21 Resolution 2690, voting in the negative are  
22 Senators Borrello, Canzoneri-Fitzpatrick,  
23 Gallivan, Griffo, Helming, Lanza, Mattera,  
24 Murray, Oberacker, O'Mara, Ortt, Rhoads, Stec,  
25 Tedisco and Weik.

1                   Ayes, 45. Nays, 15.

2                   ACTING PRESIDENT BAILEY:    The  
3 resolution is adopted.

4                   Resolution 2691, by  
5 Senator Stewart-Cousins, amending Senate  
6 Resolution 1397 of 2023 establishing a plan  
7 setting forth an itemized list of grantees for a  
8 certain appropriation for the 2023-24 state  
9 fiscal year.

10                  ACTING PRESIDENT BAILEY:    The  
11 question is on the resolution.

12                  Call the roll.

13                  (The Secretary called the roll.)

14                  ACTING PRESIDENT BAILEY:    Announce  
15 the results.

16                  THE SECRETARY:    In relation to  
17 Resolution 2691, voting in the negative are  
18 Senators Borrello, Canzoneri-Fitzpatrick,  
19 Gallivan, Griffo, Helming, Lanza, Mattera,  
20 Murray, Oberacker, O'Mara, Ortt, Rhoads, Stec,  
21 Tedisco and Weik.

22                  Ayes, 45. Nays, 15.

23                  ACTING PRESIDENT BAILEY:    The  
24 resolution is adopted.

25                  THE SECRETARY:    Resolution 2692, by

1 Senator Stewart-Cousins, amending Senate  
2 Resolution 1408 of 2023 establishing a plan  
3 setting forth an itemized list of grantees for a  
4 certain appropriation for the 2023-24 state  
5 fiscal year.

6 ACTING PRESIDENT BAILEY: The  
7 question is on the resolution.

8 Call the roll.

9 (The Secretary called the roll.)

10 ACTING PRESIDENT BAILEY: Announce  
11 the results.

12 THE SECRETARY: In relation to  
13 Resolution 2692, voting in the negative are  
14 Senators Borrello, Canzoneri-Fitzpatrick,  
15 Gallivan, Griffio, Helming, Lanza, Mattera,  
16 Murray, Oberacker, O'Mara, Ortt, Rhoads, Stec,  
17 Tedisco and Weik.

18 Ayes, 45. Nays, 15.

19 ACTING PRESIDENT BAILEY: The  
20 resolution is adopted.

21 THE SECRETARY: Resolution 2693, by  
22 Senator Stewart-Cousins, amending Senate  
23 Resolution 1406 of 2023 establishing a plan  
24 setting forth an itemized list of grantees for a  
25 certain appropriation for the 2023-24 state

1 fiscal year.

2 ACTING PRESIDENT BAILEY: The  
3 question is on the resolution.

4 Call the roll.

5 (The Secretary called the roll.)

6 ACTING PRESIDENT BAILEY: Announce  
7 the results.

8 THE SECRETARY: In relation to  
9 Resolution 2693, voting in the negative are  
10 Senators Borrello, Canzoneri-Fitzpatrick,  
11 Gallivan, Griffio, Helming, Lanza, Mattera,  
12 Murray, Oberacker, O'Mara, Ortt, Rhoads, Stec,  
13 Tedisco and Weik.

14 Ayes, 45. Nays, 15.

15 ACTING PRESIDENT BAILEY: The  
16 resolution is adopted.

17 THE SECRETARY: Resolution 2694, by  
18 Senator Stewart-Cousins, amending Senate  
19 Resolution 1401 of 2023 establishing a plan  
20 setting forth an itemized list of grantees for a  
21 certain appropriation for the 2023-2024 state  
22 fiscal year.

23 ACTING PRESIDENT BAILEY: The  
24 question is on the resolution.

25 Call the roll.

1 (The Secretary called the roll.)

2 ACTING PRESIDENT BAILEY: Announce  
3 the results.

4 THE SECRETARY: In relation to  
5 Resolution 2694, voting in the negative are  
6 Senators Borrello, Canzoneri-Fitzpatrick,  
7 Gallivan, Griffo, Helming, Lanza, Mattera,  
8 Murray, Oberacker, O'Mara, Ortt, Rhoads, Stec,  
9 Tedisco and Weik.

10 Ayes, 45. Nays, 15.

11 ACTING PRESIDENT BAILEY: The  
12 resolution is adopted.

13 THE SECRETARY: Resolution 2695, by  
14 Senator Stewart-Cousins, amending Senate  
15 Resolution 1396 of 2023 establishing a plan  
16 setting forth an itemized list of grantees for a  
17 certain appropriation for the 2023-2024 state  
18 fiscal year.

19 ACTING PRESIDENT BAILEY: The  
20 question is on the resolution.

21 Call the roll.

22 (The Secretary called the roll.)

23 ACTING PRESIDENT BAILEY: Announce  
24 the results.

25 THE SECRETARY: In relation to

1 Resolution 2695, voting in the negative are  
2 Senators Borrello, Canzoneri-Fitzpatrick,  
3 Gallivan, Griffo, Helming, Lanza, Mattera,  
4 Murray, Oberacker, O'Mara, Ortt, Rhoads, Stec,  
5 Tedisco and Weik.

6 Ayes, 45. Nays, 15.

7 ACTING PRESIDENT BAILEY: The  
8 resolution is adopted.

9 THE SECRETARY: Resolution 2696, by  
10 Senator Stewart-Cousins, amending Senate  
11 Resolution 1410 of 2023 establishing a plan  
12 setting forth an itemized list of grantees for a  
13 certain appropriation for the 2023-2024 state  
14 fiscal year.

15 ACTING PRESIDENT BAILEY: The  
16 question is on the resolution.

17 Call the roll.

18 (The Secretary called the roll.)

19 ACTING PRESIDENT BAILEY: Announce  
20 the results.

21 THE SECRETARY: In relation to  
22 Resolution 2696, voting in the negative are  
23 Senators Borrello, Canzoneri-Fitzpatrick,  
24 Gallivan, Griffo, Helming, Lanza, Mattera,  
25 Murray, Oberacker, Ortt, O'Mara, Rhoads, Stec,

1 Tedisco and Weik.

2 Ayes, 45. Nays, 15.

3 ACTING PRESIDENT BAILEY: The  
4 resolution is adopted.

5 THE SECRETARY: Resolution 2697, by  
6 Senator Stewart-Cousins, establishing a plan  
7 setting forth an itemized list of grantees for a  
8 certain appropriation for the 2024-25 state  
9 fiscal year.

10 ACTING PRESIDENT BAILEY: The  
11 question is on the resolution.

12 Call the roll.

13 (The Secretary called the roll.)

14 ACTING PRESIDENT BAILEY: Announce  
15 the results.

16 THE SECRETARY: In relation to  
17 Resolution 2697, voting in the negative are  
18 Senators Borrello, Canzoneri-Fitzpatrick,  
19 Gallivan, Griffo, Helming, Lanza, Mattera,  
20 Murray, Oberacker, O'Mara, Ortt, Rhoads, Stec,  
21 Tedisco and Weik.

22 Ayes, 45. Nays, 15.

23 ACTING PRESIDENT BAILEY: The  
24 resolution is adopted.

25 THE SECRETARY: Resolution 2698, by

1 Senator Stewart-Cousins, establishing a plan  
2 setting forth an itemized list of grantees for a  
3 certain appropriation for the 2024-25 state  
4 fiscal year.

5 ACTING PRESIDENT BAILEY: The  
6 question is on the resolution.

7 Call the roll.

8 (The Secretary called the roll.)

9 ACTING PRESIDENT BAILEY: Announce  
10 the results.

11 THE SECRETARY: In relation to  
12 Resolution 2698, voting in the negative are  
13 Senators Borrello, Canzoneri-Fitzpatrick,  
14 Gallivan, Griffio, Helming, Lanza, Mattera,  
15 Murray, Oberacker, O'Mara, Ortt, Rhoads, Stec,  
16 Tedisco and Weik.

17 Ayes, 45. Nays, 15.

18 ACTING PRESIDENT BAILEY: The  
19 resolution is adopted.

20 THE SECRETARY: Resolution 2699, by  
21 Senator Stewart-Cousins, establishing a plan  
22 setting forth an itemized list of grantees for a  
23 certain appropriation for the 2024-25 state  
24 fiscal year.

25 ACTING PRESIDENT BAILEY: The

1 question is on the resolution.

2 Call the roll.

3 (The Secretary called the roll.)

4 ACTING PRESIDENT BAILEY: Announce  
5 the results.

6 THE SECRETARY: In relation to  
7 Resolution 2699, voting in the negative are  
8 Senators Borrello, Canzoneri-Fitzpatrick,  
9 Gallivan, Griffo, Helming, Lanza, Mattera,  
10 Murray, Oberacker, O'Mara, Ortt, Rhoads, Stec,  
11 Tedisco and Weik.

12 Ayes, 45. Nays, 15.

13 ACTING PRESIDENT BAILEY: The  
14 resolution is adopted.

15 THE SECRETARY: Resolution 2700, by  
16 Senator Stewart-Cousins, establishing a plan  
17 setting forth an itemized list of grantees for a  
18 certain appropriation for the 2024-25 state  
19 fiscal year.

20 ACTING PRESIDENT BAILEY: The  
21 question is on the resolution.

22 Call the roll.

23 (The Secretary called the roll.)

24 ACTING PRESIDENT BAILEY: Announce  
25 the results.

1                   THE SECRETARY:    In relation to  
2   Resolution 2700, voting in the negative are  
3   Senators Borrello, Canzoneri-Fitzpatrick,  
4   Gallivan, Griffo, Helming, Lanza, Mattera,  
5   Murray, Oberacker, O'Mara, Ortt, Rhoads, Stec,  
6   Tedisco and Weik.

7                   Ayes, 45.   Nays, 15.

8                   ACTING PRESIDENT BAILEY:    The  
9   resolution is adopted.

10                  THE SECRETARY:    Resolution 2701, by  
11   Senator Stewart-Cousins, establishing a plan  
12   setting forth an itemized list of grantees for a  
13   certain appropriation for the 2024-25 state  
14   fiscal year.

15                  ACTING PRESIDENT BAILEY:    The  
16   question is on the resolution.

17                  Call the roll.

18                  (The Secretary called the roll.)

19                  ACTING PRESIDENT BAILEY:    Announce  
20   the results.

21                  THE SECRETARY:    In relation to  
22   Resolution 2701, voting in the negative are  
23   Senators Borrello, Canzoneri-Fitzpatrick,  
24   Gallivan, Griffo, Helming, Lanza, Mattera,  
25   Murray, Oberacker, O'Mara, Ortt, Rhoads, Stec,

1 Tedisco and Weik.

2 Ayes, 45. Nays, 15.

3 ACTING PRESIDENT BAILEY: The  
4 resolution is adopted.

5 THE SECRETARY: Resolution 2702, by  
6 Senator Stewart-Cousins, establishing a plan  
7 setting forth an itemized list of grantees for a  
8 certain appropriation for the 2024-25 state  
9 fiscal year.

10 ACTING PRESIDENT BAILEY: The  
11 question is on the resolution.

12 Call the roll.

13 (The Secretary called the roll.)

14 ACTING PRESIDENT BAILEY: Announce  
15 the results.

16 THE SECRETARY: In relation to  
17 Resolution 2702, voting in the negative are  
18 Senators Borrello, Canzoneri-Fitzpatrick,  
19 Gallivan, Griffo, Helming, Lanza, Mattera,  
20 Murray, Oberacker, O'Mara, Ortt, Rhoads, Stec,  
21 Tedisco and Weik.

22 Ayes, 45. Nays, 15.

23 ACTING PRESIDENT BAILEY: The  
24 resolution is adopted.

25 THE SECRETARY: Resolution 2703, by

1 Senator Stewart-Cousins, establishing a plan  
2 setting for purposes of providing additional  
3 funding for school districts which have  
4 experienced a significant financial hardship.

5 ACTING PRESIDENT BAILEY: The  
6 question is on the resolution.

7 Call the roll.

8 (The Secretary called the roll.)

9 ACTING PRESIDENT BAILEY: Announce  
10 the results.

11 THE SECRETARY: In relation to  
12 Resolution 2703, voting in the negative are  
13 Senators Borrello, Canzoneri-Fitzpatrick,  
14 Gallivan, Griffo, Helming, Lanza, Mattera,  
15 Murray, Oberacker, O'Mara, Ortt, Rhoads, Stec,  
16 Tedisco and Weik.

17 Ayes, 45. Nays, 15.

18 ACTING PRESIDENT BAILEY: The  
19 resolution is adopted.

20 THE SECRETARY: Resolution 2704, by  
21 Senator Stewart-Cousins, establishing a plan  
22 setting forth an itemized list of grantees for  
23 certain appropriations for the 2024-25 state  
24 fiscal year.

25 ACTING PRESIDENT BAILEY: The

1 question is on the resolution.

2 Call the roll.

3 (The Secretary called the roll.)

4 ACTING PRESIDENT BAILEY: (Banging  
5 gavel.) The question is on the resolution.

6 Call the roll.

7 (The Secretary called the roll.)

8 ACTING PRESIDENT BAILEY: Announce  
9 the results.

10 THE SECRETARY: In relation to  
11 Resolution 2704, voting in the negative are  
12 Senators Borrello, Canzoneri-Fitzpatrick,  
13 Gallivan, Griffo, Helming, Lanza, Mattera,  
14 Murray, Oberacker, O'Mara, Ortt, Rhoads, Stec,  
15 Tedisco and Weik.

16 Ayes, 45. Nays, 15.

17 ACTING PRESIDENT BAILEY: The  
18 resolution is adopted.

19 THE SECRETARY: Resolution 2705, by  
20 Senator Stewart-Cousins, establishing a plan  
21 setting forth an itemized list of grantees for  
22 certain appropriations for the 2024-25 state  
23 fiscal year.

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

1 Call the roll.

2 (The Secretary called the roll.)

3 ACTING PRESIDENT BAILEY: Announce  
4 the results.

5 THE SECRETARY: In relation to  
6 Resolution 2705, voting in the negative are  
7 Senators Borrello, Canzoneri-Fitzpatrick,  
8 Gallivan, Griffo, Helming, Lanza, Mattera,  
9 Murray, O'Mara, Ortt, Rhoads, Stec, Tedisco and  
10 Weik.

11 Ayes, 46. Nays, 14.

12 ACTING PRESIDENT BAILEY: The  
13 resolution is adopted.

14 THE SECRETARY: Resolution 2706, by  
15 Senator Stewart-Cousins, amending Resolution 2139  
16 of 2019 establishing a plan setting forth an  
17 itemized list of grantees for certain  
18 appropriations for the 2019-2020 state fiscal  
19 year.

20 ACTING PRESIDENT BAILEY: The  
21 question is on the resolution.

22 Call the roll.

23 (The Secretary called the roll.)

24 ACTING PRESIDENT BAILEY: Announce  
25 the results.

1                   THE SECRETARY:    In relation to  
2    Resolution 2706, voting in the negative are  
3    Senators Borrello, Canzoneri-Fitzpatrick,  
4    Gallivan, Griffo, Helming, Lanza, Mattera,  
5    Murray, Oberacker, O'Mara, Ortt, Rhoads, Stec,  
6    Tedisco and Weik.

7                   Ayes, 45.   Nays, 15.

8                   ACTING PRESIDENT BAILEY:    The  
9    resolution is adopted.

10                  THE SECRETARY:    Resolution 2707, by  
11    Senator Stewart-Cousins, amending Senate  
12    Resolution 1244 of 2021 establishing a plan  
13    setting forth an itemized list of grantees for  
14    certain appropriations for the 2021-2022 state  
15    fiscal year.

16                  ACTING PRESIDENT BAILEY:    The  
17    question is on the resolution.

18                  Call the roll.

19                  (The Secretary called the roll.)

20                  ACTING PRESIDENT BAILEY:    Announce  
21    the results.

22                  THE SECRETARY:    In relation to  
23    Resolution 2707, voting in the negative are  
24    Senators Borrello, Canzoneri-Fitzpatrick,  
25    Gallivan, Griffo, Helming, Lanza, Mattera,

1 Murray, Oberacker, O'Mara, Ortt, Rhoads, Stec,  
2 Tedisco and Weik.

3 Ayes, 45. Nays, 15.

4 ACTING PRESIDENT BAILEY: The  
5 resolution is adopted.

6 THE SECRETARY: Resolution 2708, by  
7 Senator Stewart-Cousins, amending Senate  
8 Resolution 3725 of 2010 establishing a plan  
9 setting forth an itemized list of grantees for  
10 the New York State Economic Development  
11 Assistance Program.

12 ACTING PRESIDENT BAILEY: The  
13 question is on the resolution.

14 Call the roll.

15 (The Secretary called the roll.)

16 ACTING PRESIDENT BAILEY: Announce  
17 the results.

18 THE SECRETARY: In relation to  
19 Resolution 2708, voting in the negative are  
20 Senators Borrello, Canzoneri-Fitzpatrick,  
21 Gallivan, Griffo, Helming, Lanza, Mattera,  
22 Murray, Oberacker, O'Mara, Ortt, Rhoads, Stec,  
23 Tedisco and Weik.

24 Ayes, 45. Nays, 15.

25 ACTING PRESIDENT BAILEY: The

1 resolution is adopted.

2 Senator Gianaris.

3 SENATOR GIANARIS: Mr. President,  
4 some housekeeping.

5 While we're getting ourselves  
6 settled, I wish to call up Calendar Numbers 1303,  
7 1384, 1734 and 1184, with their corresponding  
8 Assembly Numbers 9463, 6982, 10221 and 4403.

9 ACTING PRESIDENT BAILEY: The  
10 Secretary will read.

11 THE SECRETARY: Calendar Number  
12 1734, Assembly Bill Number 10221, by  
13 Assemblymember Woerner, an act to amend the  
14 Abandoned Property Law.

15 Calendar Number 1303, Assembly Bill  
16 Number 9463, by Assemblymember Zebrowski, an act  
17 to amend the Financial Services Law.

18 Calendar Number 1384, Assembly Bill  
19 Number 6982, by Assemblymember Gonzalez-Rojas, an  
20 act to amend the Executive Law.

21 Calendar Number 1184, Assembly Bill  
22 Number 4403, by Assemblymember Zebrowski, an act  
23 to amend the Public Service Law.

24 SENATOR GIANARIS: I move to  
25 reconsider the vote by which these Assembly bills

1 were substituted.

2 ACTING PRESIDENT BAILEY: Call the  
3 roll on reconsideration.

4 (The Secretary called the roll.)

5 THE SECRETARY: Ayes, 60.

6 SENATOR GIANARIS: I move that all  
7 Assembly bills be recommitted to the Committee on  
8 Rules, and all Senate bills be restored to the  
9 order of the Third Reading Calendar.

10 ACTING PRESIDENT BAILEY: So  
11 ordered.

12 SENATOR GIANARIS: Mr. President, I  
13 also move to recommit the entire calendar to the  
14 Committee on Rules.

15 ACTING PRESIDENT BAILEY: So  
16 ordered.

17 SENATOR GIANARIS: Mr. President,  
18 as everybody knows, we have some members of high  
19 esteem who are -- potentially, anyway -- in their  
20 last time in this chamber. So we're going to, by  
21 consent, allow them to speak to us, potentially  
22 for the last time.

23 So we will start with Senator Kevin  
24 Thomas. Please recognize Senator Thomas.

25 ACTING PRESIDENT BAILEY: Senator

1 Kevin "The Culture King" Thomas.

2 (Laughter.)

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

5 This is going to be hard. There are  
6 some things in life you can never prepare for no  
7 matter how hard you try. Being a Senator is one  
8 of them. When I spoke in this chamber for the  
9 first time six years ago, or cast a vote for the  
10 first time six years ago, I never imagined the  
11 profound difference one can make for others. The  
12 role that we play in this chamber, this  
13 deliberative body, is greater than all of us.

14 I really have to pinch myself to  
15 understand that an immigrant to this country has  
16 the privilege to stand here and address all of  
17 you today. I could never have imagined I would  
18 be in this chamber with all of you.

19 I want to thank my constituents out  
20 in Nassau County for putting their trust in me  
21 and sending me to Albany for the past six years.  
22 I'm incredibly grateful to them for the  
23 opportunity to get things done, to bring back  
24 home resources to make their lives better, and to  
25 simply do the right thing for them.

1 I also want to thank my family for  
2 understanding the demands of public life and not  
3 holding it too much against me when I am not  
4 around, especially my wife. I'm incredibly  
5 grateful to her for being so supportive.

6 As many of you know, my daughter  
7 Layla was born a couple of days after my election  
8 in 2018, and she does demand attention, which is  
9 why I rush back after the session to win her  
10 over. Happy to report I am in her top five,  
11 after her mom, her aunt, her little cousin, her  
12 animal Stuffy, and then me.

13 (Laughter.)

14 SENATOR THOMAS: Those of us who  
15 are elected officials know that the unsung heroes  
16 behind the scenes are our staff. I have the best  
17 staff anyone can ask for. Thank you to my  
18 counsel Jaimie Sheehan, who's behind me right  
19 now, and my chief of staff Donna Nogid, for  
20 always being prepared and making me look good.

21 I have been lucky to have a great  
22 team up here in Albany as well: The central  
23 staffers, who are always there with me for my  
24 committee meetings and to give me advice on bills  
25 that I have; and down in the district, who are

1 hardworking and just good people: Debbie, Tyler,  
2 Angella, Caryn, Brianna, Mark, Rachel and Nawar.  
3 Every day they help constituents with  
4 professionalism, and they solve problems.

5 This is exactly why I got into  
6 politics. I wanted to help people, people who  
7 work hard to make ends meet and send elected  
8 officials like us up to Albany to get things  
9 done.

10 Thank you to the Majority Leader for  
11 her trust in me and her leadership. I've been  
12 here for six years, and this Democratic  
13 Conference has gone through a lot. And the glue  
14 that binds this conference together always is  
15 Senator Andrea Stewart-Cousins.

16 I don't think anyone knew me when I  
17 won in 2018, trust me. But the leader took me in  
18 and put in me in various roles, including as  
19 chair of Consumer Protection. I'm proud to have  
20 championed many bills to help consumers in this  
21 state. I've chaptered more than 68 bills and  
22 counting, in my six years. And as a Majority we  
23 have made progress in the lives of New Yorkers,  
24 and we are keeping New York going forward.

25 I also want to thank Senator Mike

1 Gianaris for his friendship and guidance and his  
2 leadership throughout these years.

3 And to my fellow conference members,  
4 I am so proud to serve with all of you. These  
5 past couple of days have shown that we always  
6 manage to come together as one team, united, to  
7 take on challenges for our constituents. After  
8 all, that's why we are here, to improve their  
9 lives.

10 I'm going to miss seeing all of you  
11 around every week, especially the foodies, who  
12 say yes to trying anything up here in Albany.  
13 And yes, there are a lot of things to do here in  
14 Albany.

15 (Laughter.)

16 SENATOR THOMAS: I'm also so  
17 incredibly proud of how far we have come in terms  
18 of Asian representation in this chamber. My big  
19 bro Senator Liu, Senator Cooney, and Senator Chu,  
20 they've all made history and will continue to do  
21 so.

22 As far as the Long Island delegation  
23 goes, Senator Martinez and I have a very  
24 important role in this chamber, since we are in  
25 the Majority. We have done so much, like voting

1 to increase school funding, expanding universal  
2 pre-K, capping property taxes, protecting our  
3 water infrastructure, investing in our local fire  
4 departments, police departments and nonprofits --  
5 I can go on and on and on.

6 And I want to also thank the  
7 Republican Long Island delegation. I know we may  
8 not agree on everything, but it's a pleasure to  
9 work with all of you. All right? We always put  
10 Long Island first. So thank you as well.

11 Which brings me to bipartisanship in  
12 this chamber. I've noticed in my years here that  
13 we collectively want to do what is best for our  
14 constituents. But we choose different paths.  
15 And sometimes we come together to pass bills into  
16 law, like Angelica's Law, which I championed with  
17 my Republican Long Island colleague  
18 Senator Murray. After years of it languishing,  
19 we got it done together.

20 Finally, as I leave the Senate, I  
21 leave something that has given me the opportunity  
22 to do so much good for others in this state. I  
23 thank you for your friendship and the privilege  
24 of serving with all of you. It's been an honor  
25 of my life to serve and to do good for others.

1 God bless. Thank you.

2 (Extended standing ovation.)

3 ACTING PRESIDENT BAILEY: Thank you  
4 for your service, Senator Thomas.

5 Senator Gianaris.

6 SENATOR GIANARIS: Next up will be  
7 Senator John Mannion.

8 ACTING PRESIDENT BAILEY: John the  
9 Mannion.

10 (Laughter.)

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

13 I sat here just a few days ago; I  
14 listened to Senator Mattera talk about his  
15 family, how much being honored by the Italian  
16 American legislators meant to him. So I have to  
17 thank my parents, Dorothy Fay, from Chateaugay,  
18 New York, and my father, Jack Mannion, whose  
19 father, my grandfather, migrated here and built  
20 luxury automobiles in Syracuse, New York, after  
21 he served in World War I for his new country.

22 And as I've said on this floor, my  
23 dad lost his dad at 14, and that was shortly  
24 after the Depression. So their trajectory  
25 changed from the American dream to challenges,

1 and then overcoming those challenges. My father  
2 dropped out of school at 16 and worked for the  
3 New York Central Railroad for 42 and a half  
4 years.

5 And my mother -- my mother wanted me  
6 to be a doctor. (Gesturing.) My wife's laughing  
7 behind me.

8 (Laughter.)

9 SENATOR MANNION: But I'll tell  
10 you, she'd be proud of me today.

11 You know, I want to thank my  
12 colleagues. I say one of the blessings of  
13 running for office -- which is not always a  
14 blessing -- is that you get to meet people that  
15 you never would have met in the process. And  
16 some of those people you don't realize at the  
17 time, but they would run through a wall for you.

18 And I get to work with 41 Senators  
19 that, if I asked them, would run through a wall  
20 for me. And they have. We have great diversity  
21 of thought. We have great diversity of  
22 geography, we have great diversity. And I am  
23 proud and honored to have served with all of you.  
24 And thank you for all you've taught me.

25 I've also been able to sit in the

1 back row here, the sophomore class, mostly.

2 Sophomore, as you probably all know, means fool.

3 (Laughter.)

4 SENATOR MANNION: And we have a lot  
5 of fun back here, but the troublemakers are not  
6 the sophomores. It's freshman Lea Webb --

7 (Laughter.)

8 SENATOR MANNION: -- and  
9 super-senior Simcha Felder.

10 (Laughter.)

11 SENATOR MANNION: I also would like  
12 to thank Senator Gianaris, who like Senator  
13 Thomas referenced, was good enough to support me,  
14 saw something in me, took me under his wing,  
15 briefly smothered me, and then let me fly free.

16 (Laughter.)

17 SENATOR MANNION: I never miss a  
18 chance, I guess.

19 I'd like to thank Senator May. I  
20 think many folks at home would say that we make a  
21 great complement. We have an overlapping Venn  
22 diagram to represent the area. I also like to  
23 say that I'm the second most progressive Senator  
24 in the history of Central New York.

25 (Laughter.)

1                   SENATOR MANNION:    I'd also like to  
2    thank my predecessors before me, Bob Antonacci,  
3    who was here for 26 days, and John DeFrancisco,  
4    who was here for 26 years.  And before him,  
5    Tarky Lombardi, who was here for 26 years.  And  
6    I'm proud to say that in those 52 years and  
7    26 days, I am the tallest Senator from the  
8    50th Senate District.

9                   (Laughter; applause.)

10                  SENATOR MANNION:    I'd also like to  
11    thank Senator Breslin, who I'm honored to be able  
12    to walk out the doors with, and of course Senator  
13    Thomas.  But Senator Breslin, Senator Kennedy and  
14    I are also very proud of our heritage, and I'm  
15    proud to be a part of what I call the Second  
16    Irish Diaspora, leaving the New York State Senate  
17    rather than the Island of Ireland.

18                  (Laughter.)

19                  SENATOR MANNION:    I'll have other  
20    thank yous here, but I want to take a minute in  
21    the middle of this to thank our leader,  
22    Andrea Stewart-Cousins.  As a union president, as  
23    a teacher, as somebody who engages with various  
24    levels of leadership, I don't think you'd find a  
25    person in this room that would not strive to be

1 the leader that our leader is.

2 She leads with open-mindedness, she  
3 leads with integrity, she leads with strength,  
4 and she leads with compassion. And I thank you,  
5 Leader, for allowing me to be the first-ever  
6 Senator to chair the Standing Committee on  
7 Disabilities.

8 (Applause.)

9 SENATOR MANNION: And I thank  
10 Senator Weber and Senator Martucci, who served as  
11 ranking members on that committee. In four  
12 years, we've done a lot. We've changed lives,  
13 and we've change the trajectory for people with  
14 disabilities in this state. I am so proud of  
15 that. And it's something that can't be taken  
16 away from me.

17 The other things that I'm proud of  
18 is -- you know, if it wasn't for public  
19 education, I wouldn't be here. I watched the  
20 changes that happened with the teacher evaluation  
21 system, 3-8 testing, Gap Elimination Adjustment.  
22 And I leave this chamber not only making really  
23 significant changes for people with disabilities,  
24 but also fully funding the Foundation Aid  
25 formula, expanding universal pre-K to upstate

1 New York, and changing a punitive and illogical  
2 evaluation system for teachers that negatively  
3 impacts kids, negatively impacts teacher  
4 recruitment. And we have turned that around.

5           You know, I love working in this  
6 chamber. I'm amazed that I look up sometimes and  
7 I look at where I work. But it's the second  
8 greatest place I've ever worked. And for those  
9 of you that have taught in a classroom, it's much  
10 more beautiful than this place because those kids  
11 change your life. You learn a lot from them.

12           And I thank those students and the  
13 students that I've reconnected with after running  
14 that I never would have come into contact with  
15 again, who have been my supporters and have  
16 honestly gone to the doors and made the calls for  
17 me.

18           I want to thank the staff here. I  
19 want to start with our messenger service. When  
20 we got the chance to honor them and show our  
21 appreciation to them, it's a day I will never  
22 forget. And one of those days in your lives that  
23 you never forget, you almost never see that day  
24 coming. But that was a great day. And I think  
25 we all would also agree that their service to

1 this state and to us changes us and has changed  
2 the climate of this building and treats all of us  
3 with the respect that we deserve.

4 I'd like to thank the custodians who  
5 are here after hours, when we walk in and  
6 everything is perfect. I'd like to thank the  
7 staff of the Senate for the work that they do  
8 behind the scenes. We say this all the time, but  
9 it's true. They make us look good. They make  
10 sure we don't stumble over our own feet.

11 And I'm forever indebted to the  
12 staff that has worked on my committee. I'm also  
13 indebted to my own staff who work in my district  
14 office and here, past and current. They make me  
15 look good. When they have challenges that I  
16 maybe put on them, they not only go out of their  
17 way to do whatever they can to help me, they  
18 apologize to me for not even -- for not doing  
19 enough. It's never enough. I could put more and  
20 more on them, and they'd never stop.

21 I want to thank the folks up there  
22 on the dais or whatever you call that thing.

23 (Laughter.)

24 SENATOR MANNION: I'm still a kid  
25 from Tipperary Hill who grew up on a busy street.

1 But thank you for all that you do to make sure it  
2 works swimmingly.

3 I have to let you all in on a secret  
4 some of you already know. I get to sit right  
5 behind Senator Lanza, next to Senator Brisport.

6 (Laughter.)

7 SENATOR MANNION: We have something  
8 called the Brisport-Lanza Arc --

9 (Laughter.)

10 SENATOR MANNION: -- which is when  
11 there's only two no votes: Lanza hates it, and  
12 it doesn't go far enough for Jabari.

13 (Laughter.)

14 SENATOR MANNION: It happened  
15 today.

16 (Laughter.)

17 SENATOR MANNION: I think I was  
18 getting a coffee.

19 (Laughter.)

20 SENATOR MANNION: Almost there.

21 My three kids. We'll start with the  
22 youngest, Brady Mannion. He's the baby of two  
23 babies. He's talented, he's hilarious, he can do  
24 almost anything. Really smart kid. But he would  
25 go out of his way to do things for people without

1 anyone paying notice to him.

2 My daughter, Quinn. Everybody  
3 should have a daughter. Every dad should have a  
4 daughter. She's got a huge heart. She's the  
5 funniest of all of us. She perseveres. She's  
6 strong and kind.

7 My oldest, John Aloysius Mannion --  
8 we'll have to talk about that another time --  
9 that we call Jack.

10 (Laughter.)

11 SENATOR MANNION: He's my oldest.  
12 I talk about I wouldn't be here if it wasn't for  
13 public education. I wasn't -- I wouldn't be here  
14 for Jack Mannion. He's strong. He cares. He  
15 wouldn't hurt a fly. And he's the  
16 hardest-working kid in the thousands of kids that  
17 I taught. Thousands of kids that I taught, he's  
18 the hardest-working kid. I've spoken about him  
19 on this floor. I couldn't be prouder of him.

20 None of that would have happened  
21 without the girl I saw walking up the stairs at  
22 Schiller Park in 1991. That's my wife Jennifer.  
23 Jennifer Brady. She doesn't let me stop. She's  
24 the one texting me, when I'm on the floor:  
25 You're on camera, get off your phone.

1 (Laughter.)

2 SENATOR MANNION: But when I'm  
3 tired and when I feel like I've got too many  
4 things coming at me, I know that she's always got  
5 my back, always got my back. And our love for  
6 each other has made sure that I get to sit in  
7 this chair.

8 I thank her. I thank all of you. I  
9 thank you, Madam Leader.

10 Thank you, Mr. President.

11 (Lengthy standing ovation.)

12 ACTING PRESIDENT BAILEY: Thank you  
13 for your service, Senator Mannion.

14 Senator Gianaris.

15 SENATOR GIANARIS: Mannion's funny.

16 (Laughter.)

17 SENATOR MANNION: Should have asked  
18 me stay around.

19 (Laughter.)

20 SENATOR GIANARIS: I did.

21 (Laughter.)

22 SENATOR GIANARIS: Mr. President,  
23 before we move on, there was one more privileged  
24 resolution we neglected to take up.

25 So can we please take up Privileged

1 Resolution 2682 by Leader Stewart-Cousins, read  
2 its title, and then recognize Leader  
3 Stewart-Cousins.

4 We've agreed that we can have one  
5 member from each side speak, so we're not here  
6 all night -- because I know we'd all want to  
7 speak on this one. But please take this up and  
8 recognize Leader Stewart-Cousins.

9 ACTING PRESIDENT BAILEY: The  
10 Secretary will read.

11 THE SECRETARY: Resolution 2682, by  
12 Senator Stewart-Cousins, celebrating  
13 Senator Neil D. Breslin upon the occasion of his  
14 designation as the recipient of the President  
15 Pro Tempore and Senate Majority Leader's  
16 Legislative Legacy Award.

17 ACTING PRESIDENT BAILEY: Majority  
18 Leader Andrea Stewart-Cousins on the resolution.

19 SENATOR STEWART-COUSINS: Thank you  
20 so much, Mr. President.

21 And, you know, it is really hard  
22 already to have a dry eye when we are addressed  
23 so eloquently by two outstanding members of this  
24 chamber, of the Senate family, and certainly of  
25 our conference. Both gentlemen served with

1 dedication and inspire all of us -- both.

2           You know, when you come in -- and we  
3 know we're privileged here. It's not like  
4 Congress where you've got to wait 20 years to get  
5 a chair, you know, or a ranker.

6           (Laughter.)

7           SENATOR STEWART-COUSINS: But we  
8 know you're going to serve us well.

9           But the reality is when you walk in  
10 and you get responsibilities, we all have to  
11 trust and hope that you are given these  
12 responsibilities because these are indeed the  
13 lives of our constituents in the hands of people,  
14 and you just hope they're half as good as they  
15 say they are. And in these cases, you're far  
16 better.

17           So we will miss you. We wish you  
18 Godspeed. We know that everything that you have  
19 learned here, you will teach to others who will  
20 hopefully be inspired to follow in your  
21 footsteps, with your love of your families, your  
22 work, and with the hope towards the future.

23           And then, while we say good-bye to  
24 those two extraordinary Senators, I have to say  
25 good-bye to my seatmate for so many years,

1 Senator Neil Breslin.

2 He is the dean of our chamber. He  
3 has spent 28 years of his life in this  
4 building -- and probably more time than most of  
5 us, because he represents this area.

6 It's Senator Breslin who, anytime we  
7 couldn't be somewhere to, you know, open session,  
8 you know ceremonially, it was Senator Breslin who  
9 had that job. I don't think there has ever been  
10 a time that I've called on him or that anyone,  
11 frankly, has called on Neil to do something where  
12 Neil did not say "I'm available, send me. I'm  
13 that guy."

14 That's what he's done for the  
15 hundreds of thousands of people that he's had the  
16 privilege of serving for all these years. And  
17 that's what every single one of us have  
18 understood about what you bring to this  
19 chamber -- not only as a Senator, not only as a  
20 lawyer, not only with expertise in insurance, but  
21 as a human being who understands that humans have  
22 foibles but they are all worth redeeming,  
23 nurturing and growing.

24 It's what you did for me as the  
25 leader and what I will remember most about you,

1 that there was never a time that you didn't have  
2 the time.

3 And so because of that, obviously,  
4 we couldn't let you go without the formal  
5 presentation of a resolution, but also because I  
6 get to, as the President Pro Tem and the  
7 Majority Leader, do Legacy Awards. This is  
8 something that I started when people like  
9 yourself decided that you wanted to enjoy your  
10 life outside of this chamber.

11 (Laughter.)

12 SENATOR STEWART-COUSINS: The  
13 Legacy Award is done in your favorite Fordham  
14 colors. It has your district on it. And it  
15 thanks you in so many words for everything that  
16 you have done in this chamber and beyond.

17 It also says that your legacy  
18 frankly is unmatched, and we will never forget  
19 the benefits we've derived from your generosity  
20 and the generosity of your family sharing you  
21 with all of us.

22 I will miss you. You have to  
23 promise not to go far. And promise to come here  
24 anytime that you want to be reminded of the void  
25 that you've left because you won't be my

1 seatmate.

2 I appreciate you. Congratulations.

3 Have a wonderful retirement. Much love.

4 (Extended standing ovation.)

5 SENATOR BRESLIN: I'm just rarely  
6 overwhelmed --

7 ACTING PRESIDENT BAILEY: Senator  
8 Breslin on his own resolution.

9 (Laughter.)

10 SENATOR BRESLIN: I just said I'm  
11 rarely overwhelmed, and I usually have something  
12 sarcastic to start with. But at this moment I  
13 don't.

14 It's a very, very special day for  
15 me, finishing a career of 28 years. And I know  
16 when the leader talked to me about possibly  
17 staying, I said, Well, yesterday when I was  
18 putting everything together I said I've been  
19 here, to myself, 26 years. Then I found out it  
20 was 28 years. And I said to the leader, I said,  
21 You don't need somebody who can't count --

22 (Laughter.)

23 SENATOR BRESLIN: -- hanging  
24 around.

25 And I won't give a -- for John and

1 Kevin, just two special young Senators who I  
2 greatly admire and I know we'll be reading about  
3 them and their exploits, John as a Congressman  
4 and Kevin out on the island doing wonderful  
5 things.

6 And it's given me the opportunity to  
7 sit here and think about how I got here. And I  
8 won't go into a long detail. If anybody's  
9 concerned, I'm not going to start off with my  
10 weight at birth.

11 (Laughter.)

12 SENATOR BRESLIN: But I'm -- as  
13 many of you know, I'm an attorney, and I used to  
14 walk by this Capitol frequently. And I spent a  
15 lot of time in courtrooms and I never -- native  
16 Albanian, lived here basically all my life --  
17 never stopped in the Capitol. Never stopped in  
18 the Capitol. Because I thought they were a  
19 strange group of people.

20 (Laughter.)

21 SENATOR BRESLIN: And I didn't  
22 really realize how visionary I was in identifying  
23 that fact.

24 (Laughter.)

25 SENATOR BRESLIN: And then I was

1 given the opportunity -- and never having seen  
2 the chamber, never having taken a government job,  
3 which my two brothers, who are also lawyers and  
4 former partners of mine, took some of them. And  
5 lo and behold, some 28 years ago I was asked to  
6 first run for county executive, which I said I  
7 don't have the attention span. And then,  
8 ultimately, to run for Senate, which I accepted.  
9 And I think there was a -- for all of us, there  
10 was a little bit of an appeal to pride that we  
11 think we can win.

12           And I'm going to share with you  
13 something that I haven't told a lot of people, is  
14 that on June 27th of the year I ran, I was behind  
15 in a poll. Which as a candidate, you know, you  
16 should never see, but I knew where they were  
17 keeping them. I was behind 63 to 27. And I  
18 think I teared up the same way I'm starting to  
19 tear up now when I saw that.

20           And through events that happened,  
21 then I ended up here. And ended up having a very  
22 dear, dear friend in the person I beat,  
23 Mike Hoblock, who's a wonderful public servant  
24 and still around. And we still get together.  
25 And came here with no advanced feelings about

1 what I would do and how I would do.

2                   And the first week here, there was a  
3 Senator from Syracuse, a woman Senator, who  
4 barged ahead of everybody on the elevator. And  
5 they were all saying "Hi, Senator," "Hi,  
6 Senator," and then making fun of her behind her  
7 back.

8                   And I said, Well, you know, maybe  
9 I'll do something new: I'll be the last on and  
10 the last off every elevator that I'm here.

11                   And it annoys people sometimes. It  
12 took my staff a while to get used to it. But it  
13 works. And it makes you think about other  
14 people.

15                   And as John mentioned, they  
16 include -- they include the messengers. The  
17 messengers are my messengers. They're located  
18 here. I don't miss a party -- ever -- that they  
19 have. As soon as the door's closed and I'm alone  
20 with 34 messengers, they make fun of me.

21                   (Laughter.)

22                   SENATOR BRESLIN: And they love it.  
23 They just keep making fun of me. And they have  
24 so many skills that I could never, ever, ever  
25 have. And each one has a special characteristic

1 that I wish I had.

2           And I'll just give you the -- a  
3 little story about a messenger who passed away  
4 three years ago, Robert. And he was 45 when he  
5 passed away. He lived up in Saratoga. And  
6 Robert used to come into my office. And I'm a  
7 fanatic Dodger fan. And I'm pretty good with  
8 statistics about the Dodgers. Well, Robert  
9 started reeling off about Don Newcombe getting  
10 the Cy Young of 1956, and Duke Snider 43 home  
11 runs there, and went on and on and on.

12           And I was so impressed with his  
13 skills, just -- and he'd come every couple of  
14 days and we'd chat about baseball. And he  
15 passed, so I went to the wake and funeral and met  
16 his father. And his father said, "Oh, you're  
17 Neil Breslin. Oh, my son talked about you all  
18 the time." He didn't know anything about  
19 baseball. He went to the library all the time  
20 and learned about the Dodgers so he could come in  
21 and chat every day.

22           And it was a warmth, and he put a --  
23 totally never told me. And it gives you an  
24 example of the different kinds and qualities that  
25 might be a little bit different than some of us,

1 but how important they are in the whole scheme of  
2 life.

3           And it leads that if we do things  
4 properly, Democrat and Republican, it's to  
5 effectuate a better life for everyone. And  
6 everyone is different. And there are skills that  
7 we don't see. There's the inability to pay for  
8 educations that we know are there and we don't  
9 properly take care of. Last week I read the  
10 statistic that on any given day, there's  
11 33,000 homeless children in New York City.  
12 That's my fault. That's your fault. That's our  
13 fault.

14           And there's so many other areas that  
15 we can really make a difference. And I don't  
16 mean to preach, because I want to make sure that  
17 I get into some of the individuals here -- and  
18 starting with the leader, Andrea Stewart-Jones.  
19 And the deputy's name is Mike? Mike, who I've  
20 known for a long, long time -- who have really  
21 been head and shoulders to me, head and shoulders  
22 above any leader I've had in my 28 years. The  
23 honesty, the work ethic, the intelligence.

24           And I look around, and then joined  
25 by a group of wonderful, wonderful Senators. And

1 it's Senators on both sides.

2 I look over at that person with his  
3 head down now, I think he's from Staten Island.  
4 And now he's looking up. Senator Lanza, I think  
5 how special he is. Philosophically, we don't get  
6 into those conversations. And that's  
7 understandable. But I respect him, and I believe  
8 for the most part he respects me. And if he  
9 didn't, he would tell me why. There would be a  
10 great discussion on it, which would probably end  
11 up with us not speaking for several years.

12 (Laughter.)

13 SENATOR BRESLIN: And I look around  
14 at my staff. You know, I look at my staff, the  
15 first -- I think of Becki Rappazzo, who's been  
16 with me 30 years. And we'll get to the reason  
17 there's -- the two is vacant there.

18 But Evan Schneider, who's always  
19 with me -- and when my leader said I was a guru  
20 on insurance, I went back to the office and said  
21 to Evan, "You're the guru. I'm your deputy."

22 (Laughter.)

23 SENATOR BRESLIN: Because thank  
24 goodness Evan is there. And Evan's been with me  
25 over 15 years.

1                   And my chief of staff has been with  
2 me 23 years. And Amanda, Amanda Vennard has been  
3 with me I think 20 years.

4                   And to give you an idea of the kind  
5 of people you like, I met -- and I shouldn't  
6 be -- she'll be in tomorrow, or no, on Monday.  
7 Becki was a young kid who came to work in my  
8 office. She'd been there two weeks. I was  
9 getting ready for a trial. I was picking a jury  
10 within an hour, was running around frantically.  
11 And this young girl, 19 years old, I just went,  
12 "Becki, Becki, will you get me a cup of coffee."  
13 And she turned, looked me right in the eye, and  
14 said "I don't drink coffee."

15                   (Laughter.)

16                   SENATOR BRESLIN: Which essentially  
17 said "get your own."

18                   (Laughter.)

19                   SENATOR BRESLIN: And now, 30 years  
20 later, she's still with me. I still respect her.  
21 I still think that she's among the people on my  
22 staff, Evan and Maureen Cetrino, who just have  
23 made my life so easy.

24                   And I look around, and there's so  
25 many. I know John was able, and Kevin too, to

1 identify by name lots of people. I don't have  
2 that skill, John. Schoolteachers have that  
3 skill. You know, you don't fumble with the  
4 student in the back row. You know his name.

5 But I look around and I see Ben,  
6 who's done such a wonderful job. Ale, my  
7 goodness. When Ale was named -- here's this  
8 young kid who I had known for many years, who was  
9 named as Secretary of the Senate, a very  
10 important job. A very important job. And I --  
11 and she has done it remarkably well.

12 I remember I had ankle fusion, in a  
13 wheelchair, and I asked the Secretary of the  
14 Senate, the other time, and I said "Just for the  
15 time I'm in the wheelchair, I'd like a parking  
16 spot closer." He said, "Well, there's nothing  
17 left, I'm sorry."

18 So those -- as an Irishman, you  
19 remember. And I shouldn't say that. I'm getting  
20 into personal stuff that I should retain in here.

21 (Laughter.)

22 SENATOR BRESLIN: Never let the  
23 other team know what you're thinking.

24 But I will never have a job like  
25 this, ever. I've never had the opportunity to do

1 something incremental. And you've heard me tell  
2 the story -- my daughter, who's around here doing  
3 some lobbying, who tries to be my conscience --  
4 unsuccessfully, I hope. And she was in  
5 Sierra Leone and Liberia for six years, three  
6 years in a mud hut. And I said, "Well, what do  
7 you do?" And she said, "I try to do something,  
8 as they say in Sierra Leone, small, small each  
9 day."

10 And if you do something small, small  
11 each day to make the lives of others better, it  
12 makes you sleep better that night, it makes you  
13 want to get back to work the next day. So the  
14 small, small becomes bigger.

15 And you learn a lot from your  
16 children. So when I was thinking of retiring, I  
17 went to my daughter, who's been around this  
18 building lobbying with the -- and I said, you  
19 know, "I'd like your opinion. What do you think  
20 about me retiring?" And she looked at me and  
21 thought about it for a minute and said: "Dad,  
22 you're six years too late."

23 (Laughter.)

24 SENATOR BRESLIN: And I then gave  
25 her a hug and told her how sensitive and caring

1 she was.

2 (Laughter.)

3 SENATOR BRESLIN: And she was  
4 probably right.

5 But leaving here and not being  
6 responsible is something that's very difficult  
7 for me to accept. Knowing that I'm still going  
8 to be in Albany -- and I hope the staffs aren't  
9 fearful that they'll see me too often -- I don't  
10 intend to be a stranger. There's very special  
11 people in this building, very special people.  
12 And I was wrong to walk by it.

13 Are there some bad people? There's  
14 some. But there aren't many. And most of the  
15 people you know, Republican or Democrat, they're  
16 here for the same reasons. They want to make the  
17 lives of others better. And we can, and we --  
18 it's always a little bit like Tantalus reaching  
19 for the grapes. They're always slightly out of  
20 reach. But if you do something small, small each  
21 day, maybe the grapes get closer to us and we can  
22 make that total, total difference.

23 That's a proper way, I think, to end  
24 a small speech. If you want my biography, we'll  
25 be running off copies now.

1 (Laughter.)

2 SENATOR BRESLIN: That is, if  
3 there's any paper left over after the books we've  
4 been receiving for the last six years.

5 (Laughter.)

6 SENATOR BRESLIN: Thank you, thank  
7 you, thank you for everything.

8 (Extended standing ovation.)

9 SENATOR GIANARIS: Mr. President, I  
10 think the guy from Staten Island is going to add  
11 his comments on behalf of the other conference.

12 ACTING PRESIDENT BAILEY: Senator  
13 Lanza on the resolution.

14 SENATOR LANZA: Thank you,  
15 Mr. President, on the resolution.

16 Senator Breslin, you didn't notice  
17 this, but before you rose, Leader Stewart-Cousins  
18 and Senator Gianaris and Mr. President, they were  
19 all calling for me to rise, and I was in the  
20 process of doing that. And you rose. And as we  
21 all know here, when Senator Breslin stands, you  
22 sit.

23 And I'm glad for all of us that I  
24 did, because it's a privilege not only to know  
25 you but to listen to you.

1                   You know, we sometimes go back home  
2                   and we like to complain to our families and our  
3                   friends and sometimes even our constituents, and  
4                   we say, you know, this is such a terrible job,  
5                   it's a rough job. Why do I do this? Why should  
6                   I do it?

7                   Then you listen to Senator Thomas,  
8                   Senator Mannion, Senator Stewart-Cousins,  
9                   Senator Breslin, and you're reminded that deep  
10                  down, we all know why we do this. And we all  
11                  appreciate what an honor, privilege and blessing  
12                  it is to serve here and to serve together.

13                  It's a calling. It's a very high  
14                  calling. I've met some of the greatest people I  
15                  know right here in this chamber. People out  
16                  there like to throw rocks and cast aspersions and  
17                  say with one brush all those politicians. I've  
18                  met some of the best people I know in this  
19                  chamber.

20                  And as far as that calling, I don't  
21                  know anyone who could have ever answered better  
22                  that calling than my dear brother  
23                  Senator Breslin. You know, sometimes you try to  
24                  capture a person with words, even one word. And  
25                  I was thinking about that while I was sitting

1 here. And for me, that one word with respect to  
2 Senator Breslin is fidelity. Fidelity to the  
3 truth, fidelity to justice, and fidelity to his  
4 oath to serve the best interests of the people of  
5 the State of New York.

6 As Senator Scarcella-Spanton knows,  
7 I'm a proud graduate of Monsignor Farrell  
8 High School. Our motto is "Vir Fidelis":  
9 Faithful Man. Senator Breslin, you are a  
10 faithful man.

11 They say the true mark of a person  
12 is shown by what they do when no one is looking.  
13 I'm not sure most of you or even any of you know  
14 that Senator Breslin and I serve together on the  
15 Legislative Ethics Commission. We've done so for  
16 more than 12 years. Each side of the aisle,  
17 through its leader -- Leader Stewart-Cousins; on  
18 our side, Leader Ortt -- get to make one  
19 appointment. Leader Stewart-Cousins is obviously  
20 better at that than my leader is.

21 (Laughter.)

22 SENATOR LANZA: She sent you,  
23 Senator Breslin.

24 Most of what we do -- many hours,  
25 many days, many weeks over the months and over

1 the years -- people are not there to witness. We  
2 have the very weighty responsibility to ensure  
3 and to enforce the Public Officers Law and to  
4 make sure that we as colleagues and every public  
5 officer in the State of New York is in compliance  
6 with that law.

7           There's a lot of partisanship in  
8 politics, and in Albany certainly. I have to  
9 tell you that I wish, I wish all of you can see  
10 what happens in those meetings on that  
11 commission. Because if you think you're proud of  
12 Senator Breslin now, you'd be even more proud to  
13 know what he does there. When that door closes,  
14 there is no Republican, there is no Democrat,  
15 there is only what is right and what is in the  
16 best interests of every member in this body and  
17 every member who serves the people of the State  
18 of New York, around New York.

19           And I can tell that is in large part  
20 to the honor, the integrity and the decency that  
21 Senator Breslin brings to that commission.

22           And as much as I am honored to serve  
23 with you through these years in the Senate, and  
24 as much as I wish Senator Ortt would select  
25 someone else to serve on the Legislative Ethics

1 Commission --

2 (Laughter.)

3 SENATOR ORTT: It's not going to  
4 happen.

5 (Laughter.)

6 SENATOR LANZA: -- it's the things  
7 that you think you don't want -- and I don't want  
8 it --

9 (Laughter.)

10 SENATOR LANZA: -- that sometimes  
11 delivers the gifts that you never knew existed.  
12 And it has been a gift for me, and I  
13 can tell you it's a blessing to all of you that  
14 he is there.

15 You know, when we talk to -- and we  
16 heard again from Senator Thomas and  
17 Senator Mannion, Senator Breslin, and you can --  
18 you can tell by their words and by their feelings  
19 and their emotions that they're happy to move on.  
20 And they're sad to move on. And when you -- and  
21 I've been here a long time now, and I've got some  
22 wonderful personal friends. You know, the world  
23 outside, they want us to hate each other. And  
24 every so often they get their pound of flesh,  
25 sadly.

1                   But what the people really deserve,  
2                   and the best that we can really give them, is the  
3                   time that we find common ground and work  
4                   together. And that is what I know to be the very  
5                   fiber of my friend Senator Breslin. The people  
6                   that have left, when you see them, you ask them:  
7                   "Do you miss it?" And to a person they say "I  
8                   don't miss the place, but I miss the people. I  
9                   miss the people."

10                   And we're going to miss you,  
11                   Senator Breslin. And we're going to miss you,  
12                   Senator Thomas. And we're going to miss you,  
13                   Senator Mannion.

14                   And I just want to end with this.  
15                   Above everything else, Senator Breslin is a  
16                   teacher. Whenever we leave the Legislative  
17                   Ethics Commission, he always pulls me aside and  
18                   teaches me a lesson about what just happened over  
19                   those last grueling hours. And he says, "Listen,  
20                   we did good today. We've got to do good. People  
21                   are depending on us."

22                   And even in his speech today, he was  
23                   teaching us. If I were to approach  
24                   Senator Breslin -- and I will -- and say, Hey,  
25                   Senator Breslin, that was a little embarrassing.

1 Why did you single me out and say a few sentences  
2 about me, your friend across the aisle? He would  
3 say: My Democratic colleagues know how much I  
4 love them. My leader, my deputy, my colleagues,  
5 they know that we are, as we say on Staten  
6 Island, simpatico. But they need to hear me give  
7 them the message that we all need to hear: We  
8 need to work together.

9 And I know that's why he singled me  
10 out. And that's why I love him. Mr. President,  
11 we're happy for these folks. We're sad to see  
12 them go.

13 ACTING PRESIDENT BAILEY: Thank  
14 you, Senator Lanza.

15 (Extended standing ovation.)

16 ACTING PRESIDENT BAILEY: The  
17 question is on the resolution. All those in  
18 favor please signify by saying aye.

19 (Response of "Aye.")

20 ACTING PRESIDENT BAILEY: There's  
21 no other answer.

22 The resolution is adopted.

23 (Laughter; applause.)

24 ACTING PRESIDENT BAILEY: Senator  
25 Gianaris.

1                   SENATOR GIANARIS:    All of that was  
2 very touching, Mr. President.  It's going to be  
3 really awkward if we're back here in a couple of  
4 weeks with everybody.

5                   (Laughter.)

6                   SENATOR GIANARIS:    This is usually  
7 where we open resolutions for cosponsorship so  
8 members can indicate to the desk if they don't  
9 want to be listed.  But I know everybody does, so  
10 just put everyone's name on that resolution,  
11 please, Mr. President.

12                  ACTING PRESIDENT BAILEY:  
13 Absolutely.  Everyone's name will go on the  
14 resolution.

15                  SENATOR GIANARIS:    And please  
16 recognize Senator Ortt for remarks.

17                  ACTING PRESIDENT BAILEY:    Senator  
18 Ortt for closing remarks.

19                  SENATOR ORTT:        Thank you very much,  
20 Mr. President.

21                         That's a tough -- tough to follow.  
22 Especially, you know, knowing, as Senator Lanza  
23 said, the comments that were made by my  
24 colleagues, all of whom were here for different  
25 lengths of time.  Senator Breslin obviously for a

1 very long time, or maybe a long time. And  
2 obviously Senator Mannion and Senator Thomas, was  
3 it two, three -- four years. It goes by fast.

4 SENATOR MANNION: It did.

5 SENATOR ORTT: Eight years?

6 SENATOR THOMAS: Six.

7 SENATOR ORTT: Six. Not as fast.

8 (Laughter.)

9 SENATOR ORTT: So -- it only seemed  
10 like eight, Senator Thomas, right? So -- but I  
11 wish them all well in whatever they go do.  
12 They're all no doubt going to go have different  
13 paths in front of them. But that's sort of the  
14 idea, right? We all -- we all come from  
15 different paths to this place, and then we leave  
16 and we go back.

17 But it's this place, it's this  
18 service to our constituents that really does bind  
19 us.

20 And if you think about all of the  
21 debates and the different issues and the politics  
22 and the different districts, there is -- there is  
23 an arc, as you heard. We can name it the -- I  
24 guess the Lanza-Brisport arc. But there is an  
25 arc that at some level binds even the most

1 philosophically diverse members of this body, in  
2 that we are all here to serve our districts and  
3 to try to make their lives better and to try to  
4 make the lives of the people of New York better.

5           And we have different approaches to  
6 that. I'm sure -- I know even within the  
7 conferences there are different ideas on  
8 sometimes how to do that. That's certainly true  
9 over here, and I suspect it's true in the  
10 Democratic Conference as well.

11           But I really want to just rise and  
12 thank -- first of all, I want to thank my members  
13 in the Republican Conference for allowing me to  
14 lead you again this session. For representing  
15 your districts and the people of New York and  
16 representing the values of our conference and the  
17 values of your districts and your constituents  
18 every day on this floor and every day in this  
19 building.

20           And that makes my job easier, and it  
21 makes my job -- it makes me much more proud to  
22 lead this conference here in Albany. So I want  
23 to thank all of you.

24           I certainly want to single out a  
25 couple of people. Certainly Senator Lanza, who

1 gave a great -- great speech. He had about three  
2 minutes to prepare. He sat down, and I said  
3 "You're going to talk on this resolution." And  
4 he was like -- all kind of flustered. He goes,  
5 "That's not really my thing." You know? And I  
6 said, "Yes, it is your thing." Like, what are  
7 you talking about? You talk. That's what you  
8 do, right?

9                   So -- and he was all flustered. And  
10 then he got even more flustered because  
11 Senator Breslin just stood up when he was  
12 supposed to talk, and he was like looking at me,  
13 and I go, "You're going to talk after, don't  
14 worry about it."

15                   (Laughter.)

16                   SENATOR ORTT: Don't worry about  
17 it. And it all worked out.

18                   But I want to thank him. You know,  
19 being the floor leader is tough on both sides for  
20 a litany of reasons. You have to deal with the  
21 leaders. You have to deal with the members.  
22 You're stuck on the floor for hours at the end of  
23 session, during the budget. Certainly this last  
24 week, the last two weeks, a lot of bills. And I  
25 know it's not easy.

1                   But I want to thank Senator Lanza  
2 for his leadership in our conference these last  
3 several weeks, and for this entire session. So  
4 thank you, Senator Lanza.

5                   To Senator O'Mara, I know the  
6 budget, you know, it was a -- well, it was  
7 only -- it was a month late this year, roughly.  
8 So it was only a little bit ago. And I want to  
9 thank you. I think you've become quite the dance  
10 partner with Senator Krueger. And so I  
11 appreciate all that goes on there. You know,  
12 it's a \$239 billion budget, and yet both of you  
13 managed -- no one could know everything about  
14 that, yet they almost manage to make me think  
15 that you both do know everything about that  
16 budget, which is really I think a credit to both  
17 Senator O'Mara and Senator Krueger.

18                   I do want to thank my partner, my  
19 colleague across the way, Majority Leader  
20 Stewart-Cousins, for her -- for her partnership,  
21 for her grace, and for her leadership of her  
22 conference and this chamber. So  
23 Senator Krueger -- or, sorry, Stewart-Cousins,  
24 thank you. I wish you a nice summer. I hope to  
25 not see you soon.

1 (Laughter.)

2 SENATOR ORTT: At least here. And  
3 I'm -- if I see you out in real life, that's  
4 fine.

5 (Laughter.)

6 SENATOR ORTT: But I hope to not  
7 see you here, in spite of Senator Gianaris's  
8 ominous comment.

9 Speaking of ominous, Senator  
10 Gianaris, thank you for --

11 (Laughter.)

12 SENATOR ORTT: -- thank you for  
13 what -- what you do. And for putting up with  
14 Senator Lanza, if nothing else. But I really --  
15 I know it's -- I know it's tough on both sides,  
16 so I appreciate the leadership and the work on  
17 both sides.

18 To all the staffs, but certainly to  
19 our staff, to my staff, I think it was  
20 Senator Mannion who talked about the staff as the  
21 unsung heroes. That's certainly true for all of  
22 us. It is absolutely true when you're a  
23 conference leader. My parents were down here a  
24 couple of weeks ago, maybe a month and a half  
25 ago, they were down here and my mom, you know,

1 she goes, "There's so many people that work in  
2 the Capitol." And I said, "Yeah that's just the  
3 Senate Majority staff." You know what I mean?

4 (Laughter.)

5 SENATOR ORTT: So -- but -- but it  
6 was a lot -- but it was -- she was blown away at  
7 the number of people that make this place go.

8 And I never think of it, because  
9 we're here all the time, and you forget, and I  
10 think -- I don't know if we forget, but sometimes  
11 you take for granted all the people whose names  
12 are not going to be on a door, or whose names  
13 will never be on a political sign or a ballot or  
14 hopefully, for their -- you know, they never want  
15 to be in the newspaper. But they are working  
16 their butts off for our constituents and for the  
17 people of New York. And they may never meet  
18 these folks. And yet they do it, and they do it  
19 for all of us, they do it because they believe in  
20 the cause, they believe in what they're -- what  
21 we are trying to do here for the state.

22 And so to all the staff, but  
23 certainly our staff -- for putting up with me,  
24 for putting up with all of our members, for  
25 working to get bills across the finish line,

1 working on memos and analysis and briefing bills  
2 at midnight or later, or very early after  
3 briefing bills at midnight. I just want to thank  
4 the entire staff for everything you do.

5 I'm not going to belabor policy or  
6 all the political differences. It's late, it's  
7 8 o'clock on a Friday. My members have heard it  
8 for six months. And my colleagues across the  
9 aisle obviously don't want to hear it either, I'm  
10 sure.

11 But I just -- I'll just say a couple  
12 of things. We do have different ideas of where  
13 the state is and needs to go. There were some  
14 words that were mentioned throughout session.  
15 Affordability. Affordability was I think  
16 mentioned numerous times by people across both  
17 sides of the aisle. But I would tell you that we  
18 have very different ideas of what and how we  
19 achieve affordability for the people of the  
20 state. Because we did pass things here even  
21 today that are not going to make people's lives  
22 more affordable. They're going to make people's  
23 lives more expensive. They're going to make  
24 New Yorkers, New York workers, working  
25 families -- we're making their lives more

1 expensive.

2                   However noble the incentive -- or  
3 the origin of these bills, and I say that with  
4 all due respect to my colleagues across the  
5 aisle, who I believe sincerely advance these  
6 bills to try to make the environment better, to  
7 try to make public health better. And yet while  
8 some of the hopes and aspirations of those bills  
9 are dubious or maybe ambiguous or are hopeful,  
10 the reality is we're making New Yorkers' grocery  
11 bills, we're making New Yorkers' energy costs,  
12 we're making the cost to live here more  
13 expensive.

14                   And the result is people who are  
15 stuck here are seeing more of their money go  
16 elsewhere. And people who are not, are leaving.  
17 That's the reality. And we can't pretend that's  
18 not a reality.

19                   Whatever our political ideas are, I  
20 think one of the things we do in this chamber and  
21 in the other chamber and in Washington, D.C., or  
22 at least what you're supposed to do in all of  
23 those chambers, is you're supposed to balance  
24 your philosophy and your political ideals with  
25 practical realities. That's -- that's where --

1 that's where real politics and governance  
2 actually happens, because there are no ideal  
3 worlds. And sometimes your political ideals and  
4 hopes have to balance against practical  
5 realities. And the practical reality is New York  
6 State is one of the higher cost -- if not highest  
7 cost, least affordable state in the Union today.

8           And there's reasons for that. And  
9 some of those reasons are things we do here. And  
10 things that we did here today, this week, this  
11 session.

12           We know about the concern about  
13 crime, retail theft, retail workers. We had a  
14 bill dealing with retail worker safety. And  
15 again, I have no doubt that the Majority and my  
16 colleagues across the aisle absolutely care about  
17 retail workers and the safety of those workers.  
18 But we have very different ideas of how to  
19 achieve safety for those workers and what maybe  
20 the root cause is as to why those workers may not  
21 feel safe or may not be safe in New York.

22           We recognize there is a safety  
23 issue, because it was a bill called the Retail  
24 Worker Safety Bill, and yet we disagree on what  
25 we're really trying to do and the best way to

1 effectuate that.

2 I don't know that we did much for  
3 actual -- to actually make retail establishments'  
4 workers safer. I don't think we did a lot to  
5 make the people who shop in those establishments  
6 safer. And I certainly don't think we did  
7 anything to encourage those establishments, the  
8 brick and mortar establishments, to stay here in  
9 New York and employ people here in New York and  
10 offer goods and services to people here in  
11 New York.

12 A lot's been made about the migrant  
13 crisis, a lot obviously during the budget. And I  
14 want to highlight it only in the sense that it  
15 mirrors to me what happened this week with the  
16 congestion pricing -- maybe fiasco is too strong  
17 of a word, but something happened. And I think  
18 we probably actually all could agree that  
19 something happened and maybe it was a fiasco as  
20 to how it played out.

21 But the reality is so we have  
22 sanctuary policies in New York, which some people  
23 will defend and say those are good things. But  
24 that led to and is directly responsible for  
25 180,000, 185,000 migrants coming to New York City

1 and, as a result, putting a real strain on the  
2 budget and the fiscal resources of the City of  
3 New York. No small thing. Because whether you  
4 live in the city or not, it's almost half the  
5 population of our great state. So whether you're  
6 in Niagara County, the North Country, Long Island  
7 or in Staten Island, what happens in New York and  
8 New York's fiscal sustainability and viability  
9 matter. It has to matter. And -- so when the  
10 City of New York and the mayor of New York say  
11 this could devastate us, this could, you know,  
12 really wreck the city's budget, we all have to  
13 take notice.

14           And as a result, we put \$2.4 billion  
15 towards a crisis, but a crisis that stemmed from  
16 governmental policies. I would argue failed  
17 ones, but governmental policies both at the state  
18 and at the city level. We didn't do anything to  
19 address that root cause.

20           The reason I bring that up really is  
21 to talk about congestion pricing, because  
22 Republicans in our conference, in this Minority  
23 Conference, talked and warned of the dangers and  
24 the costs and the impact on working people with  
25 congestion pricing. That it was a tax, that it

1 would be a problem. That it would absolutely  
2 hurt the affordability argument. That only  
3 people who are very rich would be able to pay  
4 that congestion price, or we would have -- you  
5 could take the subway and maybe deal with the  
6 risks associated with taking the New York subway.

7 And so we talked about this, and I  
8 talked about it. And Senators from Long Island  
9 talked about it. And Senator Lanza talked about  
10 it. And Senators from the Hudson Valley talked  
11 about it. And all of those items remain true  
12 today. And yet we passed the bill, it was set to  
13 go into law.

14 And yet here we are on the eve,  
15 obviously, six months or so away from a seminal  
16 event here in New York and the country, which of  
17 course is election year. And suddenly the  
18 congestion pricing was paused. Somebody, I think  
19 the Governor, hit the panic button, and now --  
20 now there's no congestion pricing. But you know  
21 what there is? There's a, I don't know,  
22 500 hundred million, a billion-dollar hole in the  
23 MTA budget created by the flawed policy of  
24 congestion pricing. And then also, I guess you  
25 could argue, created by a lack of leadership and

1 a failure of governance.

2 I'll say that. And I want to --  
3 I'll end with this, Mr. President, which is that  
4 New Yorkers see these policies for what they are.  
5 Driving them -- driving costs up, taking more  
6 money from them. Very rarely do they see the  
7 benefits, very rarely if ever. But they also --  
8 they're looking for competent leadership.  
9 They're looking for practical leadership,  
10 commonsense leadership that puts working  
11 families -- when we say affordability, I think  
12 sometimes people think that's a buzzword.

13 I can tell you for most people, and  
14 I'd be willing to bet most people that we  
15 represent, that's a very real thing. Five  
16 hundred dollars more a year on your grocery bill  
17 is a real thing. Some of us are fortunate in  
18 this room that it's not a real thing. It's an  
19 annoyance. It's a statistic. But for many of  
20 our constituents, that's a real thing. That's a  
21 real problem. That's a real -- that's something  
22 else they will not be able to get for their  
23 families, if they can do the \$500 at all.

24 I think of the person who talks  
25 about the stock market as proof that the economy

1 is doing well. Many of my constituents, that's  
2 not the way it works. And it's not the way it  
3 works for a lot of New Yorkers. That is not the  
4 metric for them.

5 I realize there's people in this  
6 room who represent wealthier areas, and so they  
7 can talk about innovation and they can talk about  
8 investment in the future, and that's good. And  
9 it is good. But for a lot of New Yorkers who are  
10 struggling and who are hanging on and don't know  
11 what tomorrow is going to bring, they don't want  
12 to hear about innovation or 12 years from now.  
13 They want someone to lead and tell them how  
14 they're going to get to tomorrow.

15 That's the obligation of the people  
16 in this room. That's the obligation I know we  
17 all take very seriously. But we have very  
18 different ideas, and I do think it is important  
19 that New Yorkers of all stripes -- because most  
20 New Yorkers are not as married, maybe, to their  
21 political party or affiliation as we all are, by  
22 extension of us being here. Most New Yorkers are  
23 looking for a viable -- they want to hear  
24 alternatives.

25 Whether you're a Democrat or a

1 Republican, you deserve to hear alternatives  
2 to -- there's more than one way to get to where  
3 we're trying to go. And I believe New Yorkers  
4 need alternatives on a number of issues. And I  
5 was very proud that our conference outlined many  
6 of those alternatives during this last six  
7 months.

8                   And so again, to my members, I want  
9 to say thank you. To my colleagues across the  
10 aisle I want to say thank you. Because I do  
11 appreciate the debates. Yes, I do watch them.  
12 And as much for our members as I do the other  
13 members. But I do watch them, and I'm always  
14 impressed by the substance of these debates. And  
15 it's a reminder, and it should be a reminder to  
16 people who watch at home that the elected people  
17 you send here, however you may feel about them,  
18 do their take their job seriously, do take the  
19 awesome responsibility -- I mean, you're elected  
20 by hundreds of thousands of people, many of whom  
21 you'll never meet. What an awesome  
22 responsibility.

23                   No wonder Senator Breslin feels so  
24 in awe, or Senator Mannion and Senator Thomas  
25 feel so moved as they leave here. Because what a

1 unique thing that we get sent here by people who  
2 we may never talk to, never know, but they're  
3 sending us here to make their life better. And  
4 they think we can do it. Pretty -- pretty  
5 awesome.

6                   So I wish everyone a great summer,  
7 Mr. President. I hope to see everyone -- I hope  
8 to see everyone once more before the end of the  
9 year, and maybe some new faces next year. That's  
10 just me. But I hope everybody has a great  
11 summer, has a great fall, and I wish everyone  
12 good luck come November.

13                   Mr. President, thank you very much  
14 for your indulgence.

15                   (Applause.)

16                   ACTING PRESIDENT BAILEY: Thank  
17 you, Senator Ortt.

18                   Senator Gianaris.

19                   SENATOR GIANARIS: Mr. President,  
20 please recognize the greatest Majority Leader in  
21 New York State Senate history, Andrea  
22 Stewart-Cousins.

23                   ACTING PRESIDENT BAILEY: The GOAT,  
24 Majority Leader Andrea Stewart-Cousins.

25                   (Applause.)

1                   SENATOR STEWART-COUSINS:    I feel  
2     like -- I feel like that last speaker, you know,  
3     before dinner or -- you know, I know what time it  
4     is.  And I was not going to read my speech, I  
5     was -- it's in between, but you mentioned  
6     affordability.  I happen to have it in here.

7                   (Laughter.)

8                   SENATOR STEWART-COUSINS:    So you  
9     asked for it, you got it.

10                  But -- and I really apologize, but I  
11     told you to "trust the shaded boxes."  And people  
12     understand now, when they hear TTSB, that is "we  
13     are leaving."  And that's good, because I like to  
14     set a tone and give people a sense of there is a  
15     beginning, a middle, and an end.

16                  I did say that we would color  
17     outside of the boxes.  As I spoke to Senator Ortt  
18     earlier, I wanted to do -- I knew we could do Fri  
19     {gesturing}.  I didn't think we'd be doing Friday  
20     {gesturing}, but here we are.  And, you know,  
21     it's good to be at the point where we are doing  
22     what we're doing.  We're saying goodbye to  
23     wonderful good friends, wishing each and every  
24     one of us Godspeed, knowing, yes, Senator Ortt,  
25     there will be new faces because I'm losing three.

1 So you will have new faces. And you all, you  
2 know, are staying the course.

3 So I am, you know, happy that we get  
4 to be able to, again, say thank you to one  
5 another, thank you to my colleagues across the  
6 aisle. Thank you, Senator Ortt, for your  
7 partnership as leader. Obviously, to Senator  
8 Lanza, who I always say we were classmates, we  
9 came in together. And we have been able to  
10 maintain a great friendship. And I thank you for  
11 the work you do here on the floor, along with my  
12 own fearless and best deputy that anybody could  
13 ever have anywhere, Senator Mike Gianaris. I  
14 thank you so much, Senator.

15 (Applause.)

16 SENATOR STEWART-COUSINS: I  
17 obviously want to thank my conference. You know,  
18 I think that, you know, we -- I spent a lot of  
19 time saying goodbye to everyone in conference so  
20 that we wouldn't spend too much time saying  
21 goodbye again.

22 But I really thank you for, you  
23 know, just, you know, being who you are, with  
24 your values and with your integrity and with your  
25 intelligence and your spirited debates and your

1 passion about public service and how to do this.  
2 And, you know, it's just -- it's just an honor  
3 really of my lifetime to be able to lead a  
4 conference of such incredible people. So thank  
5 you very, very much for how you do what you do.

6 I want to also thank, as I said,  
7 staff. We have incredible staff, both sides of  
8 the aisle. The hardest-working people ever. You  
9 know, for a lot of us, we don't get a chance to  
10 tell you how much you mean to us. But, I mean,  
11 nights like this, after long, long, long, long  
12 hours, you know, allows us at least to say again  
13 collectively to you all here, and to all the  
14 "yous" that are unseen but nonetheless integral  
15 to what we do here, thank you. Thank you, thank  
16 you, thank you. Thank you.

17 (Applause.)

18 SENATOR STEWART-COUSINS: I want to  
19 point out, you know, some -- some of, you know,  
20 certainly my staff and shout out, you know, my  
21 leadership team. And I want to start with a  
22 gentleman who wishes this were his last  
23 session -- well, last, yes, session. But, you  
24 know, who knows. We could be back. But that's  
25 my Counsel Eric Katz, many of you know Eric is

1 leaving after 12 years. But really want to thank  
2 you, Eric, for everything.

3 (Sustained applause.)

4 SENATOR STEWART-COUSINS: I also  
5 want to recognize, you know, the -- both of them  
6 share half of the world. There's the legislative  
7 half, this side, and then there's the budget  
8 part. So David Friedfel. Where is David? Thank  
9 you so much.

10 (Applause.)

11 SENATOR STEWART-COUSINS: I know he  
12 had to go watch his child in Willy Wonka, but I  
13 do want to shout out to Michael Murphy and his  
14 team. Mike Murphy, you know, my comms director.

15 And my director of intergovernmental  
16 and external affairs, Leah Goldman. Is Leah in  
17 the room?

18 (Applause.)

19 SENATOR STEWART-COUSINS: I want  
20 to -- we all see Alejandra, who runs this chamber  
21 beautiful, Alejandra Paulino, and all of our  
22 staff there on the dais. Thank you, Ale, for  
23 making that --

24 (Applause.)

25 SENATOR STEWART-COUSINS: And I

1 want to thank the -- Big Ben and the sergeants.

2 (Applause.)

3 SENATOR STEWART-COUSINS: I also  
4 want to thank my personal staff. I was saying to  
5 them, I can't believe I'm not going to see you  
6 guys. But my staff, who's over there headed up  
7 by our director of operations, Jonathan  
8 Alvarenga.

9 (Applause.)

10 SENATOR STEWART-COUSINS: I, you  
11 know, also want to mention I'm glad that so much  
12 time was spent talking about the messengers and,  
13 you know, all the people who make it all happen.  
14 And I think that recognition of them, you know,  
15 is something that we absolutely have to do -- not  
16 just collectively for a party, but, you know,  
17 when we see them. I got my card from Billy  
18 telling me to have a great summer, our artist.

19 And it's just, you know, incredible  
20 to be in a place where so many big things happen,  
21 but yet, as Senator Breslin said, the small,  
22 small is really what makes it work.

23 I also want to thank my presiding  
24 officers. Thank you, Senator Bailey and  
25 Senator Persaud --

1 (Applause.)

2 ACTING PRESIDENT BAILEY: And  
3 Senator Cooney, as well as Senator Persaud. And  
4 Senator Shelley Mayer.

5 (Applause.)

6 SENATOR STEWART-COUSINS: I  
7 remember those days when I used to be there and  
8 we were -- and, you know, I don't think a lot of  
9 people remember the days when we had dueling  
10 Senates. We had -- I know he remembers. I won't  
11 bring you back there.

12 But one day when you have nothing  
13 much to do, you can think about how far we've  
14 come. And I'm certainly happy that we have come  
15 this far and have so much to -- really to  
16 celebrate.

17 I also want to thank my partners,  
18 Speaker Harris in the Assembly, as well as  
19 Governor Hochul. I think together we work every  
20 day to try and, yes, make New York a better  
21 place, just as each and every one of you do.

22 As I mentioned when we wrapped up  
23 the budget, nothing is ever normal or simple in  
24 Albany. And (to Senator Breslin) when you were  
25 saying "I'm an Albanian," I'm like, I thought he

1 was Irish. But --

2 (Laughter.)

3 SENATOR STEWART-COUSINS: But when  
4 he said Albanian in that way, I will always  
5 remember it now, always think of it.

6 But this 2024, between the solar  
7 eclipses and earthquakes and, you know, cyber  
8 warfare waged on our bill drafting commission --  
9 2024 was just not a -- you know, it's just -- it  
10 was incredible.

11 But I'm going to start with a simple  
12 reminder beside all that, to those who are  
13 listening, about what the things that we do here  
14 mean.

15 The 63 of us are elected by our  
16 communities to represent the people's interests  
17 in the State Senate. From January to June each  
18 year, each of us has a responsibility to come to  
19 Albany, decide what's right and what's wrong,  
20 determine how our decisions will impact our  
21 constituents in the state.

22 The task is often daunting. The  
23 victories are fleeting, and the challenges  
24 endure. But in moments like these, and back in  
25 our districts, we also bear the responsibility of

1 defending our decisions.

2           Fortunately for me, over the past  
3 months together I'm proud of the rights we've  
4 championed and the wrongs we've addressed. This  
5 rings especially true in a year where the future  
6 of our nation and democracy as a whole is on the  
7 line.

8           And that's why, as we've done at the  
9 start of each session since taking the Majority,  
10 we opened this watershed year by passing voting  
11 reforms to strengthen New York State's democracy.  
12 With this fundamental right strengthened and our  
13 dedication to the voters who sent us here  
14 reaffirmed, we set out to once again address the  
15 most urgent issues at hand. And that started  
16 with housing.

17           Earlier this year our Comptroller  
18 issued a sobering report showing that one in five  
19 New Yorkers spend over half of their income on  
20 housing. We were painfully overdue for a housing  
21 deal. It struck a chord between true tenant  
22 protections, promoting new construction,  
23 addressing the statewide affordability crisis.  
24 And we got it done, with the strongest tenant  
25 protections in years, funding for homeowner

1 protections and to start new housing  
2 opportunities for the future program to generate  
3 new stocks of housing throughout the state.

4 In a related affordability win, we  
5 took aim once again at astronomical rate  
6 increases and unfair business practices leveraged  
7 by some large utility companies on ratepayers.  
8 This year, supported by the Senate Investigations  
9 Committee study into utility price surges, we  
10 took important steps to lower utility rates and  
11 to hold these companies accountable. This  
12 includes passing the New York State HEAT Act for  
13 a second year in a row, which will help lower and  
14 cap utility rates while helping to reach our  
15 climate goals.

16 We included the nation-leading  
17 NYSEDA EmPower program in our state budget to  
18 help people convert to electric and ensure they  
19 do not pay more than six percent of their income  
20 on their utility bills.

21 And we again passed the NYCHA  
22 Utility Accountability Act to provide a rent  
23 reduction for residents who experience a  
24 disruption in their utilities.

25 We moved to prohibit unfair billing

1 practices, improve utility payment plans, and  
2 champion reimbursement for intervenors who help  
3 to advocate for ratepayers.

4 Addressing the affordability crisis  
5 also meant taking on everyday expenses that have  
6 been boiling over. We passed legislation to  
7 lower prescription costs by eliminating  
8 cost-sharing for insulin and establishing a  
9 wholesale drug importation program. And we took  
10 a stand against nickel-and-diming on key  
11 purchases through measures like the New York Junk  
12 Fee Protection Act to protection people and their  
13 paychecks.

14 However, affordability alone is not  
15 enough. People and society need real prospects  
16 of growth, opportunity, and well-being to thrive.  
17 That's why we went back to the fundamentals. We  
18 restored education cuts while expanding  
19 higher learning opportunities, knowing that a  
20 good education is the basis for a bright future,  
21 with an eye towards career pipelines in  
22 burgeoning industries.

23 As the birthplace of the labor  
24 movement, we've also built on our legacy of  
25 protecting workers by improving workplace safety

1 and reforming our pension system to support  
2 dedicated public workers. Additionally, in these  
3 final days of session, we successfully increased  
4 temporary disability insurance benefits that have  
5 been stagnant for decades. With these  
6 strengthened benefits, workers will be better  
7 supported when they need to take time off.

8 We know that our best employers and  
9 economic drivers are our community small  
10 businesses. This is a constant priority of ours,  
11 as we've continued to invest in our current and  
12 potential small businesses, including this year's  
13 financial commitment to help our storefronts  
14 combat retail theft and keep their employees  
15 safe.

16 We also advanced new policies to  
17 help small businesses, including making the  
18 Division of Small Business work with these  
19 businesses to take corrective measures for  
20 improvement, rather than swiftly enforcing fines  
21 that could devastate their bottom line.

22 Additionally, to help support the  
23 over 30,000 farms in New York State, a huge part  
24 of our economy, we passed policies that include  
25 establishing carbon farming tax credits and

1 setting greater procurement goals for New York  
2 State farm products purchased by state agencies.

3 For the parents in the room, some of  
4 us empty nesters and others who are still  
5 wondering when they will sleep again -- I know  
6 there are many -- we all understand how difficult  
7 it is to work or to run a business and raise  
8 kids, let alone figuring out how to pay for  
9 everything. That's why we ensured that we put  
10 money directly back into parents' pockets with  
11 the child tax credit in this year's budget, while  
12 continuing to climb the ladder towards the goal  
13 of true universal childcare in this state.

14 One of the many things that make me  
15 proud to lead this Senate Majority is the  
16 overwhelming belief that we have in the power of  
17 community. This year that meant allocating the  
18 first increase to municipal funding in over a  
19 decade, and passing a comprehensive package to  
20 save local emergency medical services across  
21 New York. By increasing volunteer firefighter  
22 and ambulance worker tax credits, declaring  
23 general ambulance services as an essential  
24 service, and investing in their resources, we're  
25 helping ensure that we can keep and they can keep

1 saving lives.

2 The health of our communities and  
3 state is also only as good as the health of those  
4 within it. That's why you often hear this  
5 Majority echo the words "access to healthcare is  
6 a human right."

7 We've been witnessing every  
8 community, big or small, rural, urban, suburban,  
9 grapple with a growing mental health crisis. Our  
10 budget this year made key investments in mental  
11 health care and imperative attempts to keep our  
12 hospitals open and beds available to those in  
13 need.

14 Recognizing the link between mental  
15 health and gun violence, we passed a bill that  
16 allows people who believe they are at risk to  
17 themselves or others the ability to voluntarily  
18 waive their right to purchase a gun. And we took  
19 the long overdue step of prohibiting the open  
20 carry of long guns, harmonizing this commonsense  
21 standard with handgun laws.

22 However, we know that addressing the  
23 mental health crisis must evolve to properly  
24 address the new realities of our ever-changing  
25 society. This is why we did not leave this

1 session here in Albany without taking action to  
2 protect our children's mental health from the  
3 potential negative impacts of social media,  
4 making us the first in the nation to regulate  
5 social media algorithms to protect kids.

6 But as we invest in the longevity of  
7 our communities, one thing that we do know is  
8 certain, is that climate change is real and its  
9 impacts will only become more destructive. This  
10 drives our relentless dedication to fighting its  
11 impacts to ensure New York State has a long and  
12 prosperous future.

13 This year we made significant  
14 strides by passing the Packaging Reduction and  
15 Recycling Infrastructure Act, which will greatly  
16 improve New York's environment by reducing waste,  
17 increasing recycling programs, and minimizing  
18 toxins. We also successfully advocated for  
19 needed funding for the Environmental Protection  
20 Fund and clean water infrastructure, while  
21 passing several other important environmental  
22 bills that combat climate change and protect our  
23 precious natural resources.

24 Our dedication to a sustainable  
25 future is a testament to our responsibility to

1 protect the environment for future generations.

2           While I wish -- and I know you  
3 wish -- that I could continue to highlight every  
4 single important thing we did, I know that those  
5 here and at home who wish we could have -- there  
6 are still those here and at home who wish we  
7 could have done more or wish we could have done  
8 things differently during this time frame.

9           However, just like the sun will come  
10 up tomorrow, these seats will fill again in  
11 January. And the time that we spend in our  
12 districts unwinding, campaigning, hanging out  
13 with our families, friends, those that care about  
14 us, is just as important to the work that we do  
15 here.

16           So again, in closing, I really want  
17 to thank everyone. It's been, again, an amazing  
18 session. I wish everyone a wonderful, happy,  
19 healthy time off. Do take the time off. Go out,  
20 win your races, and we will live to, yes, fight  
21 another day for the people of New York State.

22           Thank you very, very much.

23           Thank you, Mr. President.

24           (Sustained standing ovation.)

25           ACTING PRESIDENT BAILEY: Thank you

1 to the undisputed greatest Majority Leader of all  
2 time.

3 And to the undisputed greatest  
4 Deputy Majority Leader of all time,  
5 Senator Gianaris.

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

8 ACTING PRESIDENT BAILEY: There is  
9 no further business at the desk.

10 SENATOR GIANARIS: I move to  
11 adjourn until the call of the  
12 Temporary President, with intervening days  
13 being legislative days.

14 ACTING PRESIDENT BAILEY: On  
15 motion, the Senate stands adjourned until the  
16 call of the Temporary President, with the  
17 intervening days being legislative.

18 Daddy's coming home!

19 (Laughter.)

20 (Whereupon, the Senate adjourned at  
21 8:31 p.m.)

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