

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

NEW YORK STATE SENATE

THE STENOGRAPHIC RECORD

ALBANY, NEW YORK

April 28, 2025

3:34 p.m.

REGULAR SESSION

SENATOR ROXANNE J. PERSAUD, Acting President

ALEJANDRA N. PAULINO, ESQ., Secretary

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

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

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

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

8 ACTING PRESIDENT PERSAUD: Pastor
9 Kim L. Singletary, of the Overcomers Ministries
10 International Church in Hudson, New York, will
11 deliver today's invocation.

12 Pastor?

13 PASTOR SINGLETARY: Let us pray.

14 Almighty God, eternal source of
15 wisdom and justice, we gather today in these
16 esteemed chambers mindful of the profound
17 responsibility entrusted to each member of this
18 Senate.

19 We ask Your guidance when they
20 deliberate and legislate matters that shape the
21 lives of millions across our great state and also
22 our nation.

23 Grant the grace of clarity of
24 thought, compassion in judgement and courage in
25 decision-making. May their debates be marked by

1 respect and their decisions by integrity, always
2 aiming to serve the common good.

3 In a state enriched by diverse
4 cultures, beliefs and perspectives, help us to
5 honor that diversity, fostering unity without
6 conformity.

7 Let our actions reflect the highest
8 ideals of public service, promoting justice,
9 equity and peace for all New Yorkers. May this
10 session be guided by wisdom, our laws be just,
11 and our service be selfless.

12 We ask for Your blessing upon this
13 Senate, our Governor and governing bodies, our
14 state and all its people.

15 Amen.

16 (Response of "Amen.")

17 ACTING PRESIDENT PERSAUD: Reading
18 of the Journal.

19 THE SECRETARY: In Senate, Friday,
20 April 25, 2025, the Senate met pursuant to
21 adjournment. The Journal of Thursday, April 24,
22 2025, was read and approved. On motion, the
23 Senate adjourned.

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

1 Presentation of petitions.
2 Messages from the Assembly.
3 Messages from the Governor.
4 Reports of standing committees.
5 Reports of select committees.
6 Communications and reports from
7 state officers.

8 Motions and resolutions.

9 Senator Gianaris.

10 SENATOR GIANARIS: Good afternoon,
11 Madam President.

12 We're going to begin today by taking
13 up previously adopted Resolution 234, by
14 Senator Sepúlveda. Please read that resolution's
15 title and call on Senator Sepúlveda.

16 ACTING PRESIDENT PERSAUD: The
17 Secretary will read.

18 THE SECRETARY: Resolution 234, by
19 Senator Sepúlveda, memorializing Governor Kathy
20 Hochul to proclaim April 14, 2025, as
21 Bangla New Year Day in the State of New York.

22 ACTING PRESIDENT PERSAUD: Senator
23 Sepúlveda on the resolution.

24 SENATOR SEPÚLVEDA: Thank you,
25 Madam President, for allowing me to speak on this

1 resolution honoring the Bangladeshi community.

2 It's truly an honor to bring up the
3 resolution as we gather to celebrate the Bengali
4 New Year, Pohela Boishakh, which occurred on
5 April 14th. I want to extend my warmest and most
6 heartfelt greetings to the entire Bangladeshi
7 community as you celebrate this beautiful and
8 vibrant tradition.

9 The new year is a time to renew your
10 dreams, strengthen community bonds, and look to
11 the future with optimism and determination. This
12 rich Bengali heritage, with its music, art,
13 cuisine and strong sense of community, deeply
14 enriches the cultural diversity of our state and
15 brings immeasurable value to our society.

16 Today, through this resolution, we
17 do more than mark the start of a new calendar
18 year; we honor centuries of history, tradition
19 and the resilient spirit that defines the Bengali
20 identity. Pohela Boishakh is not just a
21 holiday -- it's a vibrant expression of culture,
22 unity and hope.

23 I'm deeply committed to promoting
24 diversity, inclusion and respect for all
25 cultures, identities and traditions that make our

1 state such a great place to live.

2 In every song, in every traditional
3 dish, in every colorful and joyful parade we see
4 the soul of a people who are proud of their
5 heritage and full of hope for their future.

6 The Bangladeshi community is an
7 essential part of our social fabric of New York.
8 Through your hard work, dedication to education,
9 entrepreneurial spirit, and generosity, you have
10 enriched our communities in countless ways. From
11 family-owned businesses and community leaders to
12 young students and tireless workers, you embody
13 the immigrant spirit that strengthens and
14 inspires our state.

15 I want to offer a special tribute to
16 community leaders, cultural organizations,
17 religious leaders and social organizations whose
18 dedication makes celebrations like this possible
19 across our city and state. Your work is
20 invaluable, and your impact is profound.

21 On this occasion I would like to
22 recognize Dr. Nazrul Islam, senior economist and
23 vice chairman of the Muktadhara Foundation;
24 Bishawjit Saha, founder and president of NRB
25 Worldwide; and all our distinguished guests in

1 the gallery who are here today to celebrate.

2 I close by once again thanking you
3 for the opportunity to share this special moment
4 with you. From my office in Albany, to every
5 corner where your joyful songs of Pohela Boishakh
6 are heard, please know that you have in me a
7 steadfast ally and a friend for history.

8 Thank you very much. Dhonnobad!

9 (Applause from galleries.)

10 ACTING PRESIDENT PERSAUD: Thank
11 you, Senator.

12 Senator Comrie on the resolution.

13 SENATOR COMRIE: Thank you,
14 Madam President.

15 I share the Bangladeshi community
16 with Senator Liu and Senator Stavisky in Queens.

17 I've been honored to work with the
18 Bangladeshi community since before 2001 -- back
19 in 19 -- 1985, I want to say, was my first
20 contact with the Bangladeshi community, working
21 with the Bangladeshi community helping to get the
22 first Bangladeshi American elected to any school
23 board in this city, Morshed Alam, who I still
24 have a great relationship with.

25 My district is enriched by the

1 vibrant Bangladeshi community. Their traditions,
2 faith and festivals are strengthening the
3 cultural fabric of Southeast Queens and the
4 entire state. Bangladeshi-owned businesses, from
5 bustling grocery stores to neighborhood
6 restaurants, are the cornerstone of our local
7 economy in many parts of Queens.

8 Bangladeshi entrepreneurs not only
9 create jobs but keep our commercial corridors
10 alive and thriving. The rise of Bangladeshi
11 civic participation in elections, community
12 boards and advocacy shows the growing power of
13 our immigrant communities.

14 Their engagement is vital to a
15 stronger, more representative democracy. I'm
16 proud of the Bengali community in Queens and
17 throughout the state. I'm honored to rise today
18 to support you with this resolution.

19 Thank you, Madam President.

20 ACTING PRESIDENT PERSAUD: Thank
21 you, Senator.

22 (Appause from galleries.)

23 ACTING PRESIDENT PERSAUD: Senator
24 Stavisky on the resolution.

25 SENATOR STAVISKY: Thank you,

1 Madam President.

2 And thank you, Senator Sepúlveda,
3 for not just bringing the resolution but bringing
4 our friends from the Bangladesh community to
5 Albany.

6 As Senator Comrie said, we have a
7 close relationship with the Bangladesh community
8 in Queens. And I am so proud to represent so
9 many of them in the eastern and southern part of
10 my district.

11 And yes, they are a vital part of
12 our business community, our social fabric, and
13 everything that makes the State of New York a
14 welcoming home for people looking for a fresh
15 start.

16 I'm again delighted that
17 Senator Comrie mentioned our mutual friend
18 Morshed Alam, because he is a leader in the
19 Bangladesh community in Queens. I am so proud to
20 have known him during all of his -- I think --
21 campaigns. And we wish him the best.

22 But the Bangladesh community is at
23 the forefront of all things in Queens that are
24 good. And we welcome you, and we congratulate
25 you on all your accomplishments but also your

1 anniversaries.

2 Thank you.

3 ACTING PRESIDENT PERSAUD: Thank
4 you, Senator.

5 (Applause from galleries.)

6 ACTING PRESIDENT PERSAUD: Senator
7 Bailey on the resolution.

8 SENATOR BAILEY: Thank you,
9 Madam President.

10 I just want to say thank you,
11 Senator Sepúlveda, for introducing this
12 resolution.

13 It bears worth repeating every time
14 that this auspicious day comes on that my first
15 TV interview, when I was running for office back
16 in 2016, was not with, quote, unquote,
17 traditional media, it was with Bangla-speaking
18 television. It was with Time TV.

19 And so I will never forget how
20 warmly I was greeted by the Bangla-speaking
21 community, by the Bangladesh community within the
22 Bronx. Although I've been redistricted,
23 unfortunately, out of the 204th area, you all
24 remain in my heart, as you are continuously
25 hardworking individuals who give to community

1 over self all the time.

2 And so I just want to say thank you
3 for doing what you do. And I want to say I will
4 always work with you. Even if you're not
5 necessarily specifically in my district, you'll
6 always be a part of my district in my heart.

7 Dhonnobad!

8 Thank you, Madam President.

9 (Applause from galleries.)

10 ACTING PRESIDENT PERSAUD: Thank
11 you.

12 Senator Fernandez on the resolution.

13 SENATOR FERNANDEZ: Thank you,
14 Madam President.

15 And thank you, Senator Sepúlveda,
16 for this resolution honoring Bangla New Year. I
17 rise in proud support of this.

18 April 14th marks Bangla New Year
19 Day, a celebration of renewal, reflection, and
20 hope for the future. In Bengali tradition, the
21 New Year is a time to set aside the burdens of
22 the past to begin anew, with purpose, and to
23 reaffirm the values that guide families,
24 communities, and generations.

25 Here in New York the Bengali

1 community has carried that spirit forward,
2 preserving language, culture, tradition and
3 contributing to the vitality and the diversity of
4 our communities and our state. Their story
5 reminds us that renewal is not only an act of
6 celebration but an enduring commitment to
7 building a stronger future.

8 I proudly support this resolution.

9 (Applause from galleries.)

10 ACTING PRESIDENT PERSAUD: Thank
11 you, Senator.

12 Senator Liu on the resolution.

13 SENATOR LIU: Thank you,

14 Madam President.

15 I want to welcome our Bangladeshi
16 friends and community leaders to the chambers of
17 the State Senate.

18 I agree with everything that my
19 eloquent and distinguished colleagues have said
20 already.

21 I thank Senator Sepúlveda on this
22 resolution, and I urge all of our colleagues to
23 vote yes. Thank you.

24 (Applause from galleries.)

25 ACTING PRESIDENT PERSAUD: Thank

1 you, Senator.

2 To our guests, I welcome you on
3 behalf of the Senate. We extend to you the
4 privileges and courtesies of this house.

5 Please rise and be recognized.

6 (Extended standing ovation.)

7 ACTING PRESIDENT PERSAUD: The
8 resolution was adopted on January 22nd.

9 Senator Gianaris.

10 SENATOR GIANARIS: Thank you,
11 Madam President.

12 You know, as someone who also
13 represents Queens, I can say that we love the
14 Bangladeshi community so much, we're going to
15 honor them twice here today.

16 (Laughter.)

17 SENATOR GIANARIS: So I ask you to
18 take up privileged Resolution 812, by
19 Senator Fernandez, read that resolution's title
20 and recognize Senator Fernandez.

21 ACTING PRESIDENT PERSAUD: There's
22 a privileged resolution at the desk.

23 The Secretary will read.

24 THE SECRETARY: Resolution 812, by
25 Senator Fernandez, memorializing Governor Kathy

1 Hochul to proclaim March 26, 2025, as
2 Bangladesh Independence Day in the State of
3 New York.

4 ACTING PRESIDENT PERSAUD: Senator
5 Fernandez on the resolution.

6 SENATOR FERNANDEZ: Thank you,
7 Madam President.

8 And yes, today is a double whammy.
9 We are calling it a celebration of Bangladesh
10 here in Albany.

11 This afternoon we had an amazing
12 event, celebrating the New Year with music,
13 dance, cultural stories and also -- what this
14 resolution is about, this next one -- Bangla
15 Independence Day.

16 In 1971 the people of Bangladesh
17 made history. Against overwhelming odds, they
18 stood up for their language, for their culture,
19 and for the simple dignity of self-governance.

20 This resolution honors the bravery,
21 the resilience of a nation born from struggle, in
22 recognizing March 26th as Bangladesh Independence
23 Day, a day when millions remember the sacrifices
24 made during the fight for freedom. And shout out
25 to our freedom fighters that are here in Albany

1 from the '70s and that time.

2 Today the people of Bangladesh were
3 amongst the first in the world to defend their
4 mother tongue as a cornerstone of national
5 identity. The preservation of the Bengali
6 language in the face of oppression proved to be
7 not just a matter of words, but of pride,
8 heritage, and self-determination.

9 Today Bangladesh stands as a proud
10 nation: Vibrant, dynamic, and filled with hope
11 for the future.

12 I am deeply fortunate to represent a
13 beautiful Bangladesh community -- along with
14 Senator Sepúlveda -- in Parkchester, one of the
15 largest in New York City. Together we broke
16 bread, we've tackled local issues, we've built
17 businesses and celebrated culture.

18 I'm honored to be here joined by
19 some of our dynamic leaders and our guests on the
20 floor. A few names to mention: Abdus Sahid,
21 from the Bangladesh Welfare Organization.
22 Mamum Islam, from the Bronx Bangladeshi Community
23 Organization. Balil Islam, CEO of our -- one of
24 our favorites, Golden Palace. Nurul Islam.
25 Md Ali. Samad Miah, of the Bangladesh Society of

1 the Bronx, one of the oldest organizations in the
2 Bronx starting this movement. And so many more.

3 And I truly thank you for being here
4 and giving us the honor of your work, your love
5 for your country, and for educating us a little
6 more here in Albany. You have all played such an
7 integral part -- and not just for the Bronx, but
8 for New York City and New York State -- in
9 celebrating our beautiful diversity.

10 I urge my colleagues to please
11 support this resolution, welcome our guests here
12 once again on the floor, and celebrate
13 Independence Day.

14 Thank you.

15 (Applause from galleries.)

16 ACTING PRESIDENT PERSAUD: Thank
17 you, Senator.

18 Senator Bailey on the resolution.

19 SENATOR BAILEY: Thank you,
20 Madam President.

21 I just wanted to speak on two
22 back-to-back resolutions because it's kind of
23 dope. And I think -- in all seriousness, I think
24 that from this perspective, from this view, I saw
25 an incredibly vibrant population. But during the

1 round of applause on the resolution, I turned
2 around and see an equal amount of vibrant
3 Bangla-speaking Bangladeshi folks. And to me
4 that means everything.

5 We come from different places
6 throughout the state to do the business of the
7 people. And, you know, like we're in April and
8 we're still trying to figure things out. But one
9 thing that the Bangladeshi individuals have
10 always figured out again is to make sure that
11 they continue to weave that fabric of community
12 together.

13 See, whether you're from the Bronx,
14 whether you're from Queens or any point in
15 between -- or from Brooklyn. Sorry,
16 Madam President, Brooklyn always has to be in the
17 house as well. But any point north, or anywhere
18 you're at, the Bangla-speaking population is
19 always going to continue to unite together.

20 So I stand here in solidarity with
21 you for Happy New Year and Independence Day, and
22 any other day that somebody from the Bangladeshi
23 community is doing something continuously
24 positive in our community.

25 So I vote aye on this resolution,

1 Madam President, and I look forward to many more
2 years of celebration with this community.

3 Thank you.

4 ACTING PRESIDENT PERSAUD: Thank
5 you.

6 (Applause from galleries.)

7 ACTING PRESIDENT PERSAUD: Senator
8 Ramos on the resolution.

9 SENATOR RAMOS: Thank you,
10 Madam President. {In Bangla.}

11 (Riotous cheers, applause.)

12 SENATOR RAMOS: I rise -- I rise as
13 the proud State Senator of Jackson Heights. And
14 having been born and raised in my community, I
15 have seen how the Bangladesh community has grown
16 into a vibrant force.

17 I'm very thankful for their
18 friendship, for their food, for their resiliency.
19 We know that today we're celebrating Independence
20 Day, we're celebrating New Year's. We might as
21 well throw Mother Language Day in there. Because
22 their story is one of incredible strength and I
23 always stand in awe of their work ethic, their
24 sense of entrepreneurship, and their dedication
25 to making New York even better every year.

1 So thank you, and congratulations to
2 the entire Bangladeshi community.

3 (Appause from galleries.)

4 ACTING PRESIDENT PERSAUD: Thank
5 you.

6 Senator Sepúlveda on the resolution.

7 SENATOR SEPÚLVEDA: Thank you,
8 Madam President.

9 Thank you, Senator Fernandez, for
10 bringing this resolution.

11 To me, it's also an honor to speak
12 on two resolutions for the Bangladeshi community
13 that's been such a vibrant community in my
14 district. Even though Senator Fernandez has the
15 largest district now, I have such a close
16 relationship over the years. These are one of
17 the very first people that endorsed me and helped
18 me when I ran for office 15 years ago. And so
19 they are embedded deeply in my heart.

20 And they refer to me as Luis bhai.
21 "Luis bhai" means Luis brother. And it's an
22 honor for me to be referred to that way in this
23 great community.

24 We must remember that the Bangladesh
25 celebration today is of great significance for

1 the people of Bangladesh. It's a group of
2 individuals with courage and determination that
3 achieved their independence on March 26, 1971.
4 This day not only marks the liberation of a
5 nation, but also the rebirth of an indomitable
6 spirit, a spirit that remains a source of
7 inspiration to all of us.

8 Today I want to pay tribute to the
9 collective strength and courage of the Bangladesh
10 people who with sacrifice and unity fought for
11 their future, for freedom, and for justice. In
12 these 54 years since independence, Bangladesh has
13 proven to be an example of resilience, overcoming
14 challenges, and embracing progress with an
15 unwavering commitment to development and
16 democracy.

17 March 26th is not only a historic
18 date for Bangladesh, but also a day to reflect on
19 the ideals of equality, self-determination and
20 unity that transcends borders. It is a day to
21 renew our commitment to peace, justice and human
22 rights for all, and everywhere in the world.

23 Today we raise our voices together
24 with the people of Bangladesh and celebrate their
25 achievements, their culture and their history.

1 May the spirit of Bangladesh independence
2 continue to light the way to a better future for
3 all of us where justice, equality and peace
4 prevails.

5 {In Bangla.} Dhonnobad!

6 (Applause from galleries.)

7 ACTING PRESIDENT PERSAUD: Thank
8 you, Senator.

9 Senator Myrie on the resolution.

10 SENATOR MYRIE: Thank you,
11 Madam President.

12 I have the honor of representing
13 Kensington, in Brooklyn, home to a thriving
14 Bangladeshi community.

15 So I just wanted to express my
16 gratitude, celebration, solidarity with this
17 community. You are what makes this city great,
18 what makes this state great. You come here for
19 opportunity not just for your children and your
20 families, but for the community as well.

21 So today we celebrate with you, we
22 honor you, and we thank you for your
23 contributions.

24 Thank you.

25 (Applause from galleries.)

1 ACTING PRESIDENT PERSAUD: Thank
2 you, Senator.

3 Senator Comrie on the resolution.

4 SENATOR COMRIE: I'm going to try a
5 twofer also, Madam President.

6 I rise to celebrate and acknowledge
7 the Bangladesh community, your independence and
8 your fight to continue to make sure that you're a
9 major fabric of this community.

10 I want to mention that I had the
11 opportunity, thanks to Senator Sepúlveda, to
12 visit Bangladesh a few years ago. And I found
13 that the spirit of independence, the spirit of
14 entrepreneurship, the spirit of pride in the
15 Bangladesh community stems from a community and a
16 country that focuses on entrepreneurship, that
17 focuses on getting things done despite
18 differences.

19 In many different ways, everyone
20 that is from Bangladesh is focusing on doing the
21 right thing.

22 So I just want to congratulate you
23 on celebrating your independence. And please
24 know that the Senate home is always a place for
25 you to come to express your concerns and your

1 desires as you fight to make sure that you
2 continue to show your culture, to show your
3 pride, and to show your dignity, so that we can
4 all adopt that here in this state.

5 Thank you very much for being here.
6 Happy Independence Day.

7 ACTING PRESIDENT PERSAUD: Thank
8 you, Senator.

9 (Applause from galleries.)

10 ACTING PRESIDENT PERSAUD: The
11 question is on the resolution.

12 All in favor signify by saying aye.

13 (Response of "Aye.")

14 ACTING PRESIDENT PERSAUD: Opposed,
15 nay.

16 (No response.)

17 ACTING PRESIDENT PERSAUD: The
18 resolution is adopted.

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

22 Please once again rise and be
23 recognized.

24 (Standing ovation.)

25 ACTING PRESIDENT PERSAUD: Senator

1 Gianaris.

2 SENATOR GIANARIS: Madam President,
3 let's move on to privileged Resolution 846, by
4 Senator Ramos. Let's take that up, read its
5 title, and recognize Senator Ramos.

6 ACTING PRESIDENT PERSAUD: There is
7 a privileged resolution at the desk.

8 The Secretary will read.

9 THE SECRETARY: Resolution 846, by
10 Senator Ramos, memorializing Governor Kathy
11 Hochul to proclaim April 28, 2025, as
12 Workers Memorial Day in the State of New York.

13 ACTING PRESIDENT PERSAUD: Senator
14 Ramos on the resolution.

15 SENATOR RAMOS: Thank you,
16 Madam President.

17 I rise to affirm a simple human
18 right. No job should cost anyone their life.

19 Every year this body takes up a
20 resolution to Workers' Memorial Day. It's
21 important we mourn those we've lost to honor
22 their memories and to recommit ourselves to the
23 fight for dignity and safety in the workplace.

24 It was Mother Jones who said:
25 "Mourn the dead and fight like hell for the

1 living." And the today we mourn and we raise
2 hell in remembrance of our loved ones -- those
3 who should be here with us, but aren't, and those
4 who stand with us for the battles ahead.

5 We are here because of the tireless
6 work of the labor movement, our workers, and our
7 civil rights leaders. We walk in the footsteps
8 of labor champions like Mother Jones, Dolores
9 Huerta, and A. Philip Randolph. Of activists.
10 Of the single mother working three jobs to
11 support her children. Of all those homeless and
12 living in shelters despite having a job.

13 The future of this country is built
14 by workers who are too often bruised, burned,
15 suffocated, and buried. These tragedies
16 overwhelmingly affect immigrants, especially
17 Black and brown workers who continue to be
18 exploited, underpaid and left behind.

19 We recognize the living pain of our
20 people -- the voices I hear in Jackson Heights,
21 Corona, East Elmhurst and Elmhurst -- workers who
22 are tired of being called essential but treated
23 as expendable, who work and toil with no reward
24 in sight.

25 As the daughter of working-class

1 immigrants and as someone who proudly represents
2 the beating heart of Queens, carrying this
3 resolution is always a tremendous honor for me --
4 to ensure that those we have lost are remembered,
5 and to hold those accountable for building a
6 safer future for all New Yorkers.

7 But symbolism alone is not justice.
8 Action is. That's why I've passed legislation to
9 create New York State's workplace fatalities
10 registry, the first of its kind, to ensure
11 transparency, accountability and protection for
12 workers across the state.

13 I've passed legislation to include
14 mental health trauma in workers' compensation.
15 And still it is not enough, because the most
16 profitable corporations and the greediest of
17 people in the world continue to put their profit
18 over the safety of their workers.

19 So every year I fight to pass paid
20 sick leave for domestic workers, and I continue
21 my crusade for the TEMP Act, to create a heat
22 standard for workers in construction,
23 agriculture, landscaping, car washes, warehousing
24 and food service.

25 We must do more. And for all the

1 names we cannot say, for all the lives we cannot
2 count, this year I am reading 27 names. These
3 names don't represent the totality of the lives
4 lost, but they are our responsibility to
5 remember.

6 We honor and send love to: Jui Mei
7 Tang, spa worker; Sean Johnson, helicopter pilot;
8 Juan Carlos Sosa, textile machine operator; Jason
9 Forte, heavy equipment operator; Harvinder Singh,
10 construction worker; Richard Errico, sanitation
11 worker; Paulo Couto, construction worker; Jose
12 Portillo, building superintendent; Mamadou Barry,
13 Uber driver; Nelvern Samuel, sanitation
14 enforcement agent; Naveed Afzal, rideshare
15 driver; Efrain Patino Guerra, hotel cab
16 dispatcher; Edgar Ordonez, NYPD recruit;
17 Grzegorz Czupa, construction worker; Herb Henry
18 Alesna (LIUNA Local 731), construction worker;
19 Leocadio Tello, construction worker; Keller
20 Penate, scissor lift operator; Angel Lata Landi,
21 construction worker; Ray Hodges, USPS letter
22 carrier (NALC); Anton Albert, bouncer; Michael
23 Biuso, sanitation worker; Johanci Chapman,
24 driver; Vladamir Cruz, construction worker; Peter
25 Forrest, ambulette driver; Ricardo Louis, MTA

1 track worker (TWU 100); Frankley Duran,
2 restaurant worker; Robbie Miller, social worker.

3 And for those names who we may not
4 have today, those lives mattered too.

5 We will never stop fighting until
6 every worker is safe, protected and paid what
7 they're worth. Not one more.

8 Thank you.

9 ACTING PRESIDENT PERSAUD: Thank
10 you, Senator.

11 Senator Mayer on the resolution.

12 SENATOR MAYER: Thank you,
13 Madam President.

14 And thank you, Senator Ramos, for
15 each year reminding us of how important this
16 particular resolution is.

17 I point out that in 1989 the AFL-CIO
18 declared this day as Workers' Memorial Day. And
19 today, April 28th, is the 50th anniversary of the
20 effective date of OSHA, the Occupational Safety
21 and Health Act of 1970. For those of us who have
22 been around a long time, there was a huge fight
23 to get OSHA passed. This was not a little small
24 piece of legislation.

25 And it is very unfortunate now that

1 there's a regulatory freeze of OSHA. And I am
2 hopeful that the courts will ensure that OSHA
3 continues to be a strong source of protection for
4 our working men and women.

5 But I do want to lift up the voices
6 of those in Westchester who have died in the last
7 few years.

8 Maria Coto, who was a social worker
9 with the Westchester County Department of
10 Social Services, who was brutally beaten and
11 killed during a home visit in which she
12 inadvertently knocked on the wrong door.

13 Jose Vega. In 2021, a 46-year-old
14 Connecticut resident working, as so many of our
15 immigrant neighbors, on a construction site at a
16 home where a trench collapsed on top of him and
17 killed him. And at that time the DA brought, for
18 at first time in Westchester County, the charges
19 of criminally negligent homicide in the death of
20 this worker.

21 We need to do better ensuring that
22 our laws protect these workers when this kind of
23 Criminally negligent homicide occurs. And we
24 have far to go to do a better job.

25 But I would point out that

1 Alejandro Manuel Caisaguano Pelliso, in February
2 2020, a 26-year-old Bronx resident, was killed at
3 a construction site in New Rochelle.

4 These construction worker deaths
5 have been on a steady increase. Eighty-six
6 percent of construction deaths in the state occur
7 at nonunion work sites, predominantly immigrant
8 workers.

9 This year on Workers' Memorial Day
10 let us lift up the voices we have lost, and let
11 us recommit ourselves to ensuring there is safety
12 for every men and women, regardless of
13 immigration status, who works in our state, who
14 puts their life on the line simply to have a job.
15 That is something we must change.

16 Thank you, Senator Ramos, for
17 reminding us each year that is our commitment.

18 Thank you.

19 ACTING PRESIDENT PERSAUD: Thank
20 you, Senator.

21 Senator C. Ryan on the resolution.

22 SENATOR CHRIS RYAN: Thank you,
23 Madam President.

24 And thank you, Senator Ramos, for
25 bringing this resolution forward.

1 So I rise not just as a Senator in
2 this great body amongst some great leaders, but
3 as a lifelong union member, a 28-year union
4 member of the Communications Workers of America
5 and a former president of the Communication
6 Workers of America Local 1123, but an advocate
7 who has seen firsthand the difference that
8 organized labor makes in the protecting of the
9 live of working men and women.

10 On Workers' Memorial Day --
11 Senator Ramos said it -- you know, we say that we
12 in the labor movement, we say we mourn for the
13 dead and fight like hell for the living. You
14 know, for me this is a little personal. I've
15 stood shoulder to shoulder with workers who knew
16 the risks of the job that we were taking on, but
17 they believed in me to see to it that as their
18 president and their labor representative, we made
19 sure that workplaces were safe.

20 But I've also had to attend the
21 services of fellow brothers who have lost their
22 lives to electrocution, who have been hit and run
23 over and killed by motor vehicles.

24 You know, it's funny -- and we say,
25 you know, CWA, we wear red on Thursdays. And

1 people don't always know why we wear red on
2 Thursdays. But when CWA was on strike in 1989,
3 one of our fellow union brothers named
4 Gerry Horgan was on a picket line and
5 unfortunately run over and killed by a
6 replacement worker. So we always remember that
7 every Thursday, to this date, we wear red on
8 Thursday to commemorate that, and we don't forget
9 it.

10 You know, every year -- we spoke of
11 it, every year thousands of workers lose their
12 lives for simply doing their job. As a matter of
13 fact, in 2023, 5,283 working people were killed
14 on the job, and countless more injured and
15 sickened because their safety was seen as an
16 expense instead of a right.

17 Unions have always been the first
18 line of defense against dangerous workplaces,
19 whether it's fighting for OSHA standards, leading
20 health and safety training, negotiating for
21 lifesaving equipment, or empowering our workers
22 to speak up. You know, the union has made these
23 workplaces safer for everybody.

24 But, you know, today and always I
25 believe we as lawmakers have an obligation to

1 pass meaningful legislation to protect those that
2 are on the job. And quite frankly, we do -- we
3 do also as society.

4 So today we remember those who have
5 lost their lives -- to every worker and every job
6 in every corner of this state.

7 Thank you.

8 ACTING PRESIDENT PERSAUD: Thank
9 you, Senator.

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

12 (Response of "Aye.")

13 ACTING PRESIDENT PERSAUD: Opposed,
14 nay.

15 (No response.)

16 ACTING PRESIDENT PERSAUD: The
17 resolution is adopted.

18 Senator Gianaris.

19 SENATOR GIANARIS: Madam President,
20 all of today's resolutions are open for
21 cosponsorship.

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

1 Senator Gianaris.

2 SENATOR GIANARIS: I have a couple
3 of motions here.

4 On behalf of Senator Hinchey, I wish
5 to call up Senate Print 2182, recalled from the
6 Assembly, which is now at the desk.

7 ACTING PRESIDENT PERSAUD: The
8 Secretary will read.

9 THE SECRETARY: Calendar Number
10 150, Senate Print 2182, by Senator Hinchey, an
11 act to amend the Public Service Law.

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

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

16 (The Secretary called the roll.)

17 THE SECRETARY: Ayes, 59.

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

21 SENATOR GIANARIS: I offer the
22 following amendments.

23 ACTING PRESIDENT PERSAUD: The
24 amendments are received.

25 SENATOR GIANARIS: On behalf of

1 Senator Fahy, on page 17 I offer the following
2 amendments to Calendar Number 497, Senate Print
3 4713, and ask that said bill retain its place on
4 the Third Reading Calendar.

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

8 Senator Gianaris.

9 SENATOR GIANARIS: Please take up
10 the calendar at this time.

11 ACTING PRESIDENT PERSAUD: The
12 Secretary will read.

13 THE SECRETARY: Calendar Number
14 391, Senate Print 4728, by Senator Sanders, an
15 act in relation to establishing the New York
16 State Cryptocurrency and Blockchain Study
17 Task Force.

18 ACTING PRESIDENT PERSAUD: Read the
19 last section.

20 THE SECRETARY: Section 5. This
21 act shall take effect immediately.

22 ACTING PRESIDENT PERSAUD: Call the
23 roll.

24 (The Secretary called the roll.)

25 ACTING PRESIDENT PERSAUD: Announce

1 the results.

2 THE SECRETARY: Ayes, 60.

3 ACTING PRESIDENT PERSAUD: The bill
4 is passed.

5 THE SECRETARY: Calendar Number
6 398, Senate Print 4369, by Senator Comrie, an act
7 to amend the Not-For-Profit Corporation Law.

8 ACTING PRESIDENT PERSAUD: Read the
9 last section.

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

12 ACTING PRESIDENT PERSAUD: Call the
13 roll.

14 (The Secretary called the roll.)

15 ACTING PRESIDENT PERSAUD: Announce
16 the results.

17 THE SECRETARY: In relation to
18 Calendar 398, voting in the negative are
19 Senators Martinez and Walczyk.

20 Ayes, 58. Nays, 2.

21 ACTING PRESIDENT PERSAUD: The bill
22 is passed.

23 THE SECRETARY: Calendar Number
24 452, Senate Print 3071A, by Senator Sanders, an
25 act to amend the Education Law.

1 SENATOR LANZA: Lay it aside.

2 SENATOR GIANARIS: Lay it aside for
3 the day, please.

4 ACTING PRESIDENT PERSAUD: The bill
5 will be laid aside for the day.

6 THE SECRETARY: Calendar Number
7 458, Senate Print 4892B, by Senator Stavisky, an
8 act to amend the Education Law.

9 ACTING PRESIDENT PERSAUD: Read the
10 last section.

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

14 ACTING PRESIDENT PERSAUD: Call the
15 roll.

16 (The Secretary called the roll.)

17 ACTING PRESIDENT PERSAUD: Announce
18 the results.

19 THE SECRETARY: In relation to
20 Calendar 458, voting in the negative:
21 Senator Martins.

22 Ayes, 59. Nays, 1.

23 ACTING PRESIDENT PERSAUD: The bill
24 is passed.

25 THE SECRETARY: Calendar Number

1 470, Senate Print 1463, by Senator Kavanagh, an
2 act to amend the Environmental Conservation Law.

3 SENATOR LANZA: Lay it aside.

4 ACTING PRESIDENT PERSAUD: Lay it
5 aside.

6 THE SECRETARY: Calendar Number
7 486, Senate Print 1225, by Senator Rivera, an act
8 to amend the Social Services Law.

9 ACTING PRESIDENT PERSAUD: Read the
10 last section.

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

13 ACTING PRESIDENT PERSAUD: Call the
14 roll.

15 (The Secretary called the roll.)

16 ACTING PRESIDENT PERSAUD: Announce
17 the results.

18 THE SECRETARY: Ayes, 60.

19 ACTING PRESIDENT PERSAUD: The bill
20 is passed.

21 THE SECRETARY: Calendar Number
22 505, Senate Print 4767, by Senator Bailey, an act
23 to amend the Executive Law.

24 ACTING PRESIDENT PERSAUD: Read the
25 last section.

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

3 ACTING PRESIDENT PERSAUD: Call the
4 roll.

5 (The Secretary called the roll.)

6 ACTING PRESIDENT PERSAUD: Announce
7 the results.

8 THE SECRETARY: Ayes, 60.

9 ACTING PRESIDENT PERSAUD: The bill
10 is passed.

11 THE SECRETARY: Calendar Number
12 565, Senate Print 2294, by Senator Skoufis, an
13 act to amend the General Municipal Law.

14 ACTING PRESIDENT PERSAUD: Read the
15 last section.

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

18 ACTING PRESIDENT PERSAUD: Call the
19 roll.

20 (The Secretary called the roll.)

21 ACTING PRESIDENT PERSAUD: Announce
22 the results.

23 THE SECRETARY: Ayes, 60.

24 ACTING PRESIDENT PERSAUD: The bill
25 is passed.

1 THE SECRETARY: Calendar Number
2 612, Senate Print 1641, by Senator Fernandez, an
3 act to amend the Criminal Procedure Law.

4 ACTING PRESIDENT PERSAUD: Read the
5 last section.

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

8 ACTING PRESIDENT PERSAUD: Call the
9 roll.

10 (The Secretary called the roll.)

11 ACTING PRESIDENT PERSAUD: Announce
12 the results.

13 THE SECRETARY: Ayes, 60.

14 ACTING PRESIDENT PERSAUD: The bill
15 is passed.

16 THE SECRETARY: Calendar Number
17 662, Senate Print 1380, by Senator Serrano, an
18 act to amend the Parks, Recreation and Historic
19 Preservation Law.

20 ACTING PRESIDENT PERSAUD: Read the
21 last section.

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

25 ACTING PRESIDENT PERSAUD: Call the

1 roll.

2 (The Secretary called the roll.)

3 ACTING PRESIDENT PERSAUD: Announce
4 the results.

5 THE SECRETARY: In relation to
6 Calendar 662, voting in the negative are
7 Senators Murray and Ortt.

8 Ayes, 58. Nays, 2.

9 ACTING PRESIDENT PERSAUD: The bill
10 is passed.

11 Senator Serrano, that completes the
12 reading of today's calendar.

13 SENATOR SERRANO: Thank you. Can
14 you please go to the reading of the controversial
15 calendar.

16 ACTING PRESIDENT PERSAUD: The
17 Secretary will ring the bell.

18 The Secretary will read.

19 THE SECRETARY: Calendar Number
20 470, Senate Print 1463, by Senator Kavanagh, an
21 act to amend the Environmental Conservation Law.

22 ACTING PRESIDENT PERSAUD: Senator
23 Borrello, why do you rise?

24 SENATOR BORRELLO: Well, hello,
25 Madam President.

1 ACTING PRESIDENT PERSAUD: Hello.

2 SENATOR BORRELLO: How are you
3 today?

4 ACTING PRESIDENT PERSAUD: I am
5 well, how are you?

6 (Laughter.)

7 SENATOR BORRELLO: Good, I am well.
8 You look lovely.

9 ACTING PRESIDENT PERSAUD: Nice
10 blue.

11 SENATOR BORRELLO: And I love yours
12 as well.

13 That's all, thank you.

14 (Laughter.)

15 SENATOR BORRELLO: Would the
16 sponsor answer a few questions.

17 ACTING PRESIDENT PERSAUD: Will the
18 sponsor yield?

19 SENATOR KAVANAGH: Madam President,
20 yes. For a moment I thought it was just a
21 greeting, but I'm also happy to yield.

22 ACTING PRESIDENT PERSAUD: The
23 sponsor will yield.

24 SENATOR BORRELLO: Thank you.
25 Through you, Madam President.

1 The sponsor memo for this bill
2 actually mentions great success of recycling
3 programs in states like California, Oregon, and
4 even nearby Connecticut and Rhode Island. So
5 does this bill mirror those successful programs?

6 SENATOR KAVANAGH: Through you,
7 Madam President, it does substantially. Several
8 of the elements of this are informed by those
9 programs.

10 I should note the Oregon program has
11 been enacted but is not yet fully in effect. But
12 the other states have demonstrated that if you
13 create an extended producer responsibility
14 program for mattresses, you get very high rates
15 of collection. You also get very high rates of
16 recycling.

17 So they are -- this bill is partly
18 inspired and mirroring provisions of those and
19 also is modeled on some of the other extended
20 producer responsibility laws that we've passed in
21 New York that are also administered by the
22 Department of Environmental Conservation, as this
23 one would be.

24 SENATOR BORRELLO: Thank you.

25 Madam President, will the sponsor

1 continue to yield.

2 ACTING PRESIDENT PERSAUD: Does the
3 sponsor yield?

4 SENATOR KAVANAGH: Yes,
5 Madam President.

6 ACTING PRESIDENT PERSAUD: The
7 sponsor yields.

8 SENATOR BORRELLO: Well, you know,
9 I think one of the key components here that makes
10 this successful is essentially the fee that's
11 attached. And by the way, the industry has been
12 trying to do this for years, and having New York
13 in this program would substantially improve the
14 total number of mattresses that will be recycled.

15 So why wouldn't we just institute
16 that fee that has been successful not just in
17 other states, but with other programs like our
18 paint recycling program?

19 SENATOR KAVANAGH: Through you,
20 Madam President. If the industry wanted to do
21 this in New York, they have the capacity to do
22 this.

23 So it is true that we've gotten a
24 generally favorable response to the concept of
25 EPR from industry participants. But of course if

1 industry participants wanted to set up a
2 collection program and make it convenient for
3 consumers and recycle mattresses, they're
4 certainly already entitled to do that.

5 It has been shown that when you put
6 a program like this in place that is essentially
7 a mandate, you get much higher rates of
8 participants because it levels the playing field.

9 It says, basically, anybody who
10 sells mattresses has to participate, and that
11 increases participation rates. And it also means
12 that somebody choosing to set up this program
13 doesn't have to bear the cost while one of their
14 competitors may not be.

15 So I think it's fair to say that
16 industry has been open to supporting programs.
17 The element that my colleague talks about is an
18 issue that we've been talking about with EPR
19 programs at least for 10 years, since we had some
20 conversations about 10 years ago regarding paint
21 collection.

22 It is just a fact that New York in
23 general, as we've done our kind of modern EPR
24 programs, has done them somewhat differently.
25 The expectation is that the industry, the various

1 participants in the industry, will work together
2 to figure out the most effective and efficient
3 way to collect mattresses and meet their
4 obligations to handle them responsibly, and that
5 they will distribute the cost among themselves
6 and they will do it in the most efficient way
7 possible.

8 If you create a fixed fee that -- as
9 some people have proposed -- every purchaser of a
10 mattress would have to pay, it diminishes the
11 incentive for the industry to do this
12 efficiently. If they're going to get \$20 per
13 mattress regardless of how efficient they are,
14 they're likely to, you know, spend the \$20 and
15 not worry too much about keeping the cost to the
16 consumers at a minimum.

17 The other thing is that we have
18 actually heard formally from certain retailers of
19 lower-cost mattresses that they oppose having a
20 single fixed fee because if you're selling a
21 mattress at a few hundred dollars and there's a
22 set fee on it and another retailer that's selling
23 mattresses at a few thousand dollars, maybe, has
24 the same fee, then they would be at -- the sort
25 of low-cost retailer would be at a disadvantage.

1 So, for example, Ikea, which is a
2 major retailer in our state and also a major
3 producer of mattresses, has said that they would
4 strongly prefer we do this without a fee.

5 SENATOR BORRELLO: Madam President,
6 will the sponsor continue to yield.

7 ACTING PRESIDENT PERSAUD: Will the
8 sponsor yield?

9 SENATOR KAVANAGH: Yes,
10 Madam President.

11 ACTING PRESIDENT PERSAUD: The
12 sponsor yields.

13 SENATOR BORRELLO: You bring up the
14 cost. You know, if I go to the grocery store and
15 buy, you know, a case of Pepsi and the cans are
16 as little as 35 or 40 cents, but yet I'm still
17 paying a five-cent deposit mandated by New York
18 State government, that would be about the same
19 percentage as, say, a \$15 or \$20 fee on a
20 \$200 mattress.

21 But it prevents people -- it
22 encourages them to bring those cans back and has
23 created kind of a whole cottage industry which
24 funds, essentially -- that deposit funds the
25 whole infrastructure that it's created in our

1 deposit program.

2 Why wouldn't we use that same model
3 for this?

4 SENATOR KAVANAGH: Through you,
5 Madam President. I support the Bottle Bill. I
6 would actually support increasing that fee and
7 also making more funds available to some of the
8 participants in that industry that need to
9 recycle those.

10 One big difference is that fee is
11 fully returned to the consumer if they return the
12 product. In this case, what the industry is
13 proposing is charging a fee and then keeping the
14 fee and using it to cover their costs.

15 And again, we don't usually think in
16 this house that it's a good idea to specify what
17 private-sector enterprise ought to charge for a
18 particular service or a particular product.

19 And again, other states have seen
20 this differently. I'm not saying it's a crazy
21 idea to set a fee. There are various programs
22 around the world that have a fee structure
23 similar to the one that my colleague is
24 proposing. But there are many other examples of
25 places that don't do it that way.

1 What this bill proposes is to say
2 that if you're producing -- if you're selling
3 mattresses in New York State, you need to be
4 selling mattresses that are coming from a
5 producer that has an approved program and that
6 they ought to internalize that cost and share it
7 in the most efficient way among producers in
8 their industry.

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

11 ACTING PRESIDENT PERSAUD: Does the
12 sponsor yield?

13 SENATOR KAVANAGH: Yes,
14 Madam President.

15 ACTING PRESIDENT PERSAUD: The
16 sponsor yields.

17 SENATOR BORRELLO: So in my
18 district I have a couple of major manufacturers,
19 one being Serta, I'm sure a brand that everyone's
20 heard. Also Jamestown Mattress. I happen to
21 sleep on a Jamestown Mattress made right in my
22 district.

23 You're asking them to bear the
24 responsibility for that recycling even if someone
25 goes across the border -- my district borders the

1 State of Pennsylvania. Literally you can stand
2 with one foot in my district and the other foot
3 in the State of Pennsylvania for about a hundred
4 miles straight.

5 And often people go to Pennsylvania
6 because it's -- quite frankly, it's cheaper to
7 buy things there. So if someone goes over there
8 and buys something and they bring it back to
9 New York and then they turn it in to the
10 manufacturers, I don't understand, why should
11 Jamestown Mattress pay for a mattress made in
12 China that was bought in Erie, Pennsylvania, and
13 recycled in New York State? How will we handle
14 that?

15 SENATOR KAVANAGH: Through you,
16 Madam President. First of all, a great -- it
17 happens that this is a particular industry where
18 most of the products sold are made in the
19 United States. I think that's unusual for
20 manufactured products. So the big producers like
21 Tempur-Pedic and Sealy and Serta are largely
22 manufacturing their mattresses in the
23 United States, although not necessarily in
24 New York State.

25 The way this program would work is

1 that manufacturers that -- producers of
2 mattresses would be required to enroll in a
3 program that explains how their product can be
4 returned conveniently.

5 Now, it is true that the average
6 mattress lasts many years. It is true that no
7 one is going to, you know, put a bar code on each
8 mattress and track whether it is a New York-sold
9 mattress and its being returned to a New York
10 producer. Hopefully other states like -- we
11 already have one neighboring state do this.
12 Hopefully other states will do this, and perhaps
13 some of these costs will be shared across
14 borders.

15 But for now, what it requires is
16 that programs meet a fraction -- you're selling a
17 certain amount into the market, you have to
18 collect a certain fraction of that number. So no
19 one's going to say, Well, mattresses that come
20 from Pennsylvania don't count toward your target.

21 In fact, if you have a target that
22 you have to meet, encouraging people to return
23 their mattress when they're done with it,
24 regardless of where it comes from, will help you
25 meet your target.

1 But we're not saying a hundred
2 percent of all mattresses sold or a hundred
3 percent of all mattresses disposed of must get
4 back into the system. We are suggesting that if
5 you are producing and selling mattresses in our
6 state, that you take responsibility for
7 collecting mattresses that are discarded in our
8 state.

9 And there's probably just as many
10 mattresses in New York that will end up getting
11 discarded in Pennsylvania -- and, frankly, local
12 governments in Pennsylvania will bear that cost,
13 as local governments are bearing the cost now.

14 But this is -- you know, we think
15 it's a wash that some mattresses may cross
16 borders during the course of being used, before
17 they're discarded.

18 SENATOR BORRELLO: Madam President,
19 will the sponsor continue to yield?

20 ACTING PRESIDENT PERSAUD: Does the
21 sponsor yield?

22 SENATOR KAVANAGH: Yes,
23 Madam President.

24 ACTING PRESIDENT PERSAUD: The
25 sponsor yields.

1 SENATOR BORRELLO: You mention a
2 certain percentage. It's actually a significant
3 percentage. About a third, about one in every
4 three mattresses sold in the United States are
5 foreign-made.

6 And in some cases, when you start
7 talking about mattress dumping, where it might
8 have been made in China and then transported to
9 another country with, you know, a different set
10 of rules, and then end up in New York State --
11 how are we going to track this? And why wouldn't
12 we just give the industry the ability to create
13 an infrastructure, as has been successfully done
14 in other states, with funding so that they can
15 really recycle any mattress?

16 You're talking about one in every
17 three mattresses is made outside the
18 United States, and we're making them 100 percent
19 responsible for 100 percent of the mattresses
20 here in New York State. Don't you think that's
21 an unfair burden?

22 SENATOR KAVANAGH: Through you,
23 Madam President. I think we might be working
24 with different data here. My understanding is
25 just Sealy and Tempur-Pedic are responsible for

1 45 percent of the entire mattress market sold.
2 And they assert that they manufacture all their
3 mattresses in the United States. They may have
4 some components that are not from the
5 United States, as most products do these days.

6 But putting that aside, this bill
7 will require more regulation on mattresses that
8 are not made in the United States than is
9 currently the case. Right now anybody -- any
10 mattress from anywhere can be sold. And when the
11 consumer is done with it, it gets disposed of
12 through municipal waste programs and
13 municipalities bear the cost.

14 What we would be saying is if you're
15 selling mattresses, you must only be selling
16 mattresses that are subject to an EPR program
17 that has been approved by DEC. Which means if a
18 Chinese manufacturer or a Danish manufacturer are
19 selling mattresses in New York, they will now be
20 subjected to a program that accounts for the
21 disposal costs.

22 So this, if anything -- if you think
23 that there are people dumping mattresses into
24 New York that want to do it -- I use that as a
25 trade term, not as a -- not literally dumping.

1 But if they are putting mattresses into the
2 New York market right now, there's no regulation
3 on what happens with them after they're done.

4 This would provide regulation. It
5 would provide equal regulation regardless of
6 where the mattress is manufactured.

7 SENATOR BORRELLO: Will the sponsor
8 continue to yield.

9 ACTING PRESIDENT PERSAUD: Does the
10 sponsor yield?

11 SENATOR KAVANAGH: Happily,
12 Madam President.

13 ACTING PRESIDENT PERSAUD: The
14 sponsor yields.

15 SENATOR BORRELLO: So with that
16 said, you know, obviously with the proliferation
17 of online purchases, are we going to prohibit
18 Amazon from shipping a nonparticipating mattress
19 to New York State? How are we going to stop
20 that?

21 SENATOR KAVANAGH: We will -- the
22 bill would specifically prohibit that. You are
23 not permitted, in this bill, to sell mattresses
24 unless they are part of a program approved by DEC
25 that addresses the question of what's going to

1 happen at the end of life.

2 And for what it's worth, that
3 program can be done in a number of ways. Like
4 theoretically a mattress producer could create
5 their own program, or they could work with
6 another competitor in the industry that they want
7 to work jointly with, or they could create --
8 which is more likely, they could create a single
9 entity that is statewide, often called a producer
10 responsibility organization, where they all pool
11 their resources, they basically take a mattress
12 back at each collection site regardless of the
13 manufacturer, and then they allocate the cost
14 among themselves, which businesses are quite
15 adept at.

16 So this would -- yeah, Amazon would
17 be violating the law if they were selling a
18 mattress in the New York market that was not part
19 of an approved program.

20 SENATOR BORRELLO: Madam President,
21 will the sponsor continue to yield.

22 ACTING PRESIDENT PERSAUD: Does the
23 sponsor yield?

24 SENATOR KAVANAGH: Yes. Yes,
25 Madam President.

1 ACTING PRESIDENT PERSAUD: The
2 sponsor yields.

3 SENATOR BORRELLO: And here's the
4 question you've been waiting for. Who's going to
5 be the mattress police?

6 (Laughter.)

7 SENATOR KAVANAGH: Through you,
8 Madam President. I guess the short answer would
9 be the DEC, although I don't think there would be
10 a lot of badges and guns involved in this
11 enforcement effort.

12 Basically if you want to sell
13 mattresses -- I mean, first of all, as you know,
14 EPR programs exist in many markets. We've had
15 EPR programs in -- for a third of a century in
16 some European countries that work quite well.

17 The bill would require, if you want
18 to sell mattresses in New York, that you're part
19 of an approved program approved by DEC. There
20 are time frames within which to approve that.
21 DEC would list all the manufacturers that are
22 participating in those programs. So if you want
23 to sell -- if you're a retailer, all you have to
24 do is check the list and see that that is a brand
25 of mattress that is approved. And if you're

1 violating the law, then you're violating the law.

2 And again, the principal -- you
3 know, the principal obligation here is for
4 industry participants, manufacturers of
5 mattresses -- producers of mattresses, which
6 includes importers, people who are taking a
7 mattress that's technically made by somebody else
8 and importing it to New York. If you're bringing
9 a mattress into the New York market, you have to
10 participate in this program. And the program has
11 to be approved by DEC as to the convenience of it
12 and the sufficiency of it. And if you do that,
13 then your mattress is sellable in New York.

14 SENATOR BORRELLO: Madam President,
15 will the sponsor continue to yield.

16 ACTING PRESIDENT PERSAUD: Does the
17 sponsor yield?

18 SENATOR KAVANAGH: Yes,
19 Madam President.

20 ACTING PRESIDENT PERSAUD: The
21 sponsor yields.

22 SENATOR BORRELLO: So this brings
23 up an interesting, I guess, conundrum. You can
24 very easily, in my district -- and people do it
25 every day -- go to Erie, Pennsylvania, which is

1 literally minutes from Jamestown. So you have
2 Jamestown Mattress making mattresses in Jamestown
3 that will be complying and footing the bill. And
4 they're going across the border and the consumer
5 buys a noncompliant mattress and brings it back
6 to New York.

7 Is that person now essentially
8 handling mattress contraband? What's going to
9 happen to those folks?

10 SENATOR KAVANAGH: Through you,
11 Madam President. There's nothing in this bill
12 that would prohibit somebody from buying a
13 mattress across the border and using it for their
14 personal use.

15 If they're buying mattresses across
16 the border and setting up a retail operation
17 selling those mattresses, and those mattresses
18 are not from a brand that is participating in a
19 PRO -- or, sorry, that is complying with the law,
20 then that retailer, as soon as they become a
21 retailer, they might be violating this law.

22 But there's nothing that's -- we're
23 not checking your mattress label at the border,
24 as it were.

25 I will note that it is -- the likely

1 outcome here is the same as -- it's likely to be
2 the same as it has been in other states, which is
3 most -- most companies that want to sell
4 mattresses in New York, which is probably most
5 makers of mattresses, will likely set up a
6 program, have it probably joined together with
7 all the other mattress producers, set up a single
8 program and have DEC approve it and then we'll
9 proceed from there.

10 So I don't think it's likely to be a
11 problem that every once in a while some -- or
12 maybe not even -- in my district they probably go
13 to a mall in New Jersey and buy a mattress if
14 they're not buying it in New York. And that's --
15 there's nothing in this bill that would prevent
16 that.

17 SENATOR BORRELLO: Madam President,
18 on the bill.

19 ACTING PRESIDENT PERSAUD: Senator
20 Borrello on the bill.

21 SENATOR BORRELLO: Thank you,
22 Senator Kavanagh, for that.

23 I think one of the things that we
24 always forget here in New York State is that we
25 are not the center of the universe and that

1 everything does not revolve around what happens
2 in New York State. And in fact people have
3 options, now more than ever. You can order
4 something online, ship it into New York State, no
5 one's going to know the difference.

6 But we're going to make sure that
7 manufacturers, many of whom are based here in
8 New York State, who every day think of reasons
9 why they should leave New York State -- which is
10 happening at a record pace -- are going to say to
11 themselves, Why should we have to shoulder this
12 burden when we can lift up our operations and
13 move it a few miles down the road to Pennsylvania
14 and not have to deal with this any longer?

15 And then they can become the
16 manufacturers that are shipping into New York
17 State without having to shoulder this burden.

18 But the interesting thing about this
19 particular bill is that there's just one little
20 thing that would make this, you know, something
21 that would be embraced by the industry. And that
22 is a fee that has been successful in all those
23 other states that the sponsor mentions in his
24 justification. The key has been a small -- a
25 nominal fee, somewhere between 16 and 22 dollars

1 per mattress, so that they can create the
2 infrastructure necessary to recycle these
3 mattresses. And it's actually a good thing
4 because so many of the parts go into other things
5 that can be used successfully.

6 But we don't want to do that here in
7 New York State. Why? Well, because we have a
8 lot of people that are buying, you know, low-cost
9 mattresses and we don't want them to have to pay
10 that burden.

11 Well, like I said before, I go in
12 and buy, you know, a case of Pepsi and pay
13 45 cent a can at the grocery store and I'm paying
14 an extra five cents. And in fact there's a big
15 problem where I live. There's a big problem that
16 people in Pennsylvania actually buy cans of soda
17 that they actually didn't pay the at deposit on,
18 and they bring them to New York State to collect
19 the deposit.

20 It's a huge multi-million-dollar
21 problem here in New York State. And we're going
22 to create an even bigger multi-million-dollar
23 problem with, of all things, mattresses.

24 So I think that the intention is
25 good. The industry supports it. But yet we

1 don't really have the key element here, which is
2 to create the funding to create the proper
3 infrastructure.

4 And in those other states -- this is
5 very important. I asked the question, how many
6 mattresses are actually being recycled? I was
7 really expecting him to say like 10 percent,
8 15 percent. Sixty-seven percent of mattresses in
9 those other states that have a recycling program
10 are being recycled. That's a huge impact.

11 So what are we really talking about
12 here? Do we want to have an impact? Do we want
13 to keep those mattresses out of our landfills and
14 off the side of the road? And for what? For but
15 a small fee that will be added to those
16 mattresses to create that infrastructure. Which
17 the industry supports.

18 So I think we can support this with
19 that change. But if we don't, if we don't
20 continue to unfairly burden manufacturers like we
21 do in so many industries in New York State, it's
22 going to create another, I guess, you know,
23 failure for us to support the businesses here in
24 New York State.

25 Like the businesses in my district.

1 Like Jamestown Mattress. Like Serta. That have
2 been there, employing hundreds of people. Union
3 employees that will be sacrificed because we
4 don't want to charge a nominal fee to create a
5 program that would have a huge benefit.

6 So I'm going to be a no on this
7 bill, with the hope that that amendment can be
8 made sometime.

9 Thank you, Madam President.

10 ACTING PRESIDENT PERSAUD: Thank
11 you, Senator.

12 Senator Walczyk.

13 SENATOR WALCZYK: Thank you,
14 Madam President. I'll go briefly on the bill.

15 ACTING PRESIDENT PERSAUD: Senator
16 Walczyk on the bill.

17 SENATOR WALCZYK: Thank you.

18 So this bill aims to see more
19 mattresses recycled in the State of New York.
20 The Mattress Recycling Council has been in
21 operation for over 10 years, as my esteemed,
22 distinguished and well-respected colleague George
23 Borrello pointed out, and now in those four
24 states -- California, Oregon, Rhode Island and
25 Connecticut, 67 percent -- 15 million

1 mattresses -- through a small assessment of a fee
2 at retail point of sale, and oversight from
3 whatever the environmental department in that
4 state is, a program that appears to be working
5 very well and numerically with 15 million
6 mattresses recycled, is obviously working well
7 for those states.

8 Local governments have brought up
9 this issue, and they are relieved in those states
10 because mattresses can be pretty difficult and
11 bulky to deal with. They take up a lot of space
12 in a landfill. They can be an impediment to
13 human health for those who are dealing with them.
14 They very quickly degrade when they're left out
15 in the elements or in a bad situation.

16 But this bill doesn't adopt the
17 program that has been proven in those -- you
18 know, in the marketplace of ideas in the
19 50 United States of America. We in this body
20 have the opportunity to look at what other states
21 are doing and listen to the industry and what
22 they might say. This is a perfect example of
23 that marketplace of ideas. If you want to do a
24 mattress recycling bill, perfect, there's a
25 program that's been working, supported by the

1 industry in four other states.

2 So instead, this bill is looking to
3 sort of recreate the wheel and put New York's own
4 spin on it.

5 And with that, I would ask the
6 sponsor to yield for some questions.

7 ACTING PRESIDENT PERSAUD: Will the
8 sponsor yield?

9 SENATOR KAVANAGH: Through you,
10 Madam President, yes, I yield.

11 And I'd be happy to respond to some
12 of the statement -- the questions in the form of
13 statement that my colleague has mentioned. But
14 it's his time, so --

15 SENATOR WALCZYK: I'll allot that
16 time, Madam Chair.

17 ACTING PRESIDENT PERSAUD: Go
18 ahead, Senator.

19 SENATOR KAVANAGH: Yeah, so just a
20 couple of points.

21 First of all, to points that both of
22 my colleagues have made, the question -- the EPR
23 programs are broadly successful in the manner
24 that my colleagues have suggested these
25 particular mattress programs are successful.

1 When you require that producers take back their
2 product and do what's responsible for it, you get
3 high rates of recycling.

4 And that is the idea that it is
5 true, they get -- they exceed 70 percent
6 recycling rates with EPR mattress programs in
7 each of the four states that have had the
8 programs long enough to have data.

9 The idea that that success results
10 from the fee is perplexing. That success results
11 from the fact that manufacturers are required to
12 set up a convenient way to take mattresses back,
13 and then they are required to in fact take them
14 back and then they're required to dispose of them
15 or reuse the materials in a responsible manner.

16 What we're discussing here today is
17 whether to impose that cost individually in a set
18 fee on each consumer or impose it on the industry
19 collectively to be distributed in a manner that
20 the industry itself decides is rational. Or the
21 status quo, which is what we would be doing if we
22 didn't pass this bill, which is to continue to
23 have every local government in the state bear the
24 cost of disposing of these mattresses.

25 So consumers are going to pay this

1 as taxpayers or they're going to pay it as a fee
2 when they purchase a mattress or they're going to
3 pay any price increase that the industry chooses
4 to impose as a result of this product -- of this
5 work they need to do. And it's clear that
6 there's some work that needs to be done in order
7 to do this. But there's no reason to think that
8 that amount would be necessarily the fixed fee
9 that we would impose on here.

10 And I would also just note that we
11 have numerous EPR programs all over the country,
12 including in New York State, that are not based
13 on a point-of-purchase fee as the industry is
14 suggesting here, including our own electronic
15 waste program that's been around for a very long
16 time, including other programs that we have for
17 other products.

18 We as a general matter have not done
19 modern EPR programs with fees. We do have some
20 fee-based programs that are decades old,
21 including the tire program where you pay a fixed
22 fee when you turn a tire in.

23 But there's no reason to think that
24 this issue of how to allocate costs is going to
25 materially impact the effectiveness of this

1 program. And there's no reason to think it's
2 going to be detrimental to any particular
3 manufacturer of mattresses, including the -- you
4 know, the work that's being done in my
5 colleagues' districts.

6 SENATOR WALCZYK: Through you,
7 Madam President, will the sponsor yield.

8 ACTING PRESIDENT PERSAUD: Will the
9 sponsor yield?

10 SENATOR KAVANAGH: Yes,
11 Madam President.

12 ACTING PRESIDENT PERSAUD: The
13 sponsor yields.

14 SENATOR WALCZYK: So you just
15 mentioned three different options of how the
16 taxpayers are going to pay for this, or either
17 the consumer is going to pay for it one of two
18 ways. But your bill on page 5, line 23, says
19 "The program shall be free to the consumer,
20 convenient and adequate to serve the needs of the
21 consumers in all areas of the state, and on an
22 ongoing basis."

23 How do you enforce that this is free
24 to the consumer? You know, especially given your
25 remarks saying the consumers have three options

1 to pay for this: Either the taxpayers -- but you
2 haven't chosen that route -- either the fixed
3 fee -- but you haven't chosen that route -- and,
4 by your own words, through the manufacturer we
5 anticipate the costs are going to increase, yet
6 the language of your bill says the consumer can't
7 bear the cost.

8 SENATOR KAVANAGH: Through you,
9 Madam President, I think that language is a
10 straightforward acknowledgment that there's no
11 specific fee for returning your mattress.

12 Incidentally, what the industry is
13 proposing is not -- as I understand it from their
14 representatives, their very capable
15 representatives here in Albany, what they seem to
16 be proposing is a fee upon purchasing a mattress
17 at the point of sale so that that money can then
18 be used to create a recycling program. So in
19 that -- even in their program, you wouldn't be
20 paying a fee to recycle your mattress.

21 But it's pretty straightforward.
22 What we're saying is that the -- when they set up
23 their program, it needs to be convenient for
24 consumers and you can't charge a fee for
25 returning your mattress.

1 SENATOR WALCZYK: Through you,
2 Madam President, would the sponsor continue to
3 yield.

4 ACTING PRESIDENT PERSAUD: Does the
5 sponsor yield?

6 SENATOR KAVANAGH: Yes,
7 Madam President.

8 ACTING PRESIDENT PERSAUD: The
9 sponsor yields.

10 SENATOR WALCZYK: In the states
11 that run this program that already have a fixed
12 fee -- somewhere between \$16 and \$22.50, I think,
13 for the four states that are running it now --
14 consumers can anticipate what that is because
15 it's a state program that's run.

16 But what do you anticipate that the
17 cost of an increase in mattress purchase will be
18 in the State of New York when your bill is
19 implemented?

20 SENATOR KAVANAGH: Through you,
21 Madam President. I have no particular reason to
22 think that the net cost of this program will be
23 different.

24 But I honestly don't know whether --
25 the -- the argument against -- the argument

1 for -- again, I and the sponsors of those bills
2 in those states would largely agree that this is
3 an essential program, that it diminishes our
4 solid waste problem, that it addresses the fact
5 that a substantial fraction of our contribution
6 to climate change is through inefficient solid
7 waste management. So we largely agree.

8 The issue -- what I don't know is
9 whether those participants in that market would
10 realize efficiencies if they didn't say you get
11 \$20 whether you're efficient or you get \$20
12 whether you're inefficient.

13 Presumably that fee has been set to
14 cover their actual cost, and it presumably is
15 doing so. But the theory here is that an
16 efficient industry, without imposing a specific
17 fixed fee set by the government, might do things
18 better in a more efficient way.

19 So people who are purchasing
20 mattresses will likely do what they do now, which
21 is shop around, see the best deal they can get,
22 relative to the quality and all the other factors
23 they might consider, and purchase a mattress.

24 Mattresses -- a typical queen-sized
25 mattress exceeds a thousand dollars in cost,

1 although there's a very wide range. They can go
2 for as much as \$5,000. So there's a very wide
3 range in cost, a very wide range in materials, a
4 very wide range in, you know, the experience
5 people are looking for.

6 This will be very -- for a purchase
7 that people make, you know, once or twice a
8 decade, this will be a small imposition and
9 meanwhile it will prevent their local governments
10 from having to bear this cost effectively for
11 free, you know, without any participation from
12 the industry.

13 SENATOR WALCZYK: Through you,
14 Madam President, would the sponsor continue to
15 yield.

16 ACTING PRESIDENT PERSAUD: Does the
17 sponsor yield?

18 SENATOR KAVANAGH: Yes,
19 Madam President.

20 ACTING PRESIDENT PERSAUD: The
21 sponsor yields.

22 SENATOR WALCZYK: There's nothing
23 in this bill that caps the cost of a mattress or
24 controls the price of mattresses in the State of
25 New York, is there?

1 SENATOR KAVANAGH: No. Through
2 you, Madam President, what I hear the Minority
3 suggesting, my esteemed colleagues, is that we
4 have, in fact -- effectively they're suggesting a
5 price control on a particular service, which is
6 the service of taking your mattress back.

7 But there's nothing else in this
8 that sets the cost of mattresses, the production
9 of mattresses, or the sale price of mattresses.

10 SENATOR WALCZYK: Through you,
11 Madam President, would the sponsor continue to
12 yield?

13 ACTING PRESIDENT PERSAUD: Will the
14 sponsor yield?

15 SENATOR KAVANAGH: Yes,
16 Madam President.

17 ACTING PRESIDENT PERSAUD: The
18 sponsor yields.

19 SENATOR WALCZYK: I didn't mean to
20 make any such suggestion.

21 What type of mattress do you sleep
22 on? What brand of mattress do you sleep on?

23 (Laughter.)

24 SENATOR KAVANAGH: Through you,
25 Madam President, that seems like a bit personal

1 with the cameras rolling.

2 (Laughter.)

3 SENATOR KAVANAGH: I -- and through
4 you, Madam President, I have no idea.

5 SENATOR WALCZYK: Through you,
6 Madam President, would the sponsor continue to
7 yield.

8 ACTING PRESIDENT PERSAUD: Does the
9 sponsor yield?

10 SENATOR KAVANAGH: Through you,
11 Madam President, as long as my colleague doesn't
12 try to elicit too many expressions of ignorance
13 of the details of my daily life, I'd be happy to,
14 yes.

15 ACTING PRESIDENT PERSAUD: So the
16 sponsor will yield except for personal questions.

17 SENATOR WALCZYK: I'll tread
18 lightly, Madam President.

19 I was hoping to not explore the
20 details of your bedroom but, rather, the
21 manufacturing process and where that mattress may
22 have come by -- may have come from. Because I
23 think in some of my line of questioning we're
24 going to illuminate some of those things today.

25 But if we could go to page 3,

1 line 48 of your bill, briefly. This is a
2 requirement that there is a mattress return
3 location in every county in the State of
4 New York. Also requiring that 70 percent of the
5 State of New York have a mattress return facility
6 within 15 miles of their residence.

7 How many sites in the State of
8 New York will that be?

9 SENATOR KAVANAGH: Through you,
10 Madam President, I don't think there'd be any
11 reliable way of estimating that.

12 I suppose you could take the number
13 of square miles and then remember your high
14 school geometry and figure out the radius and the
15 circumference -- the ratio of the radius of a
16 circle to the area of a circle and then -- but
17 that would suppose that they are evenly
18 distributed, which they won't be. Presumably
19 they'll be in, you know, shopping malls and other
20 places where they're convenient for people.

21 Again, these kinds of convenience
22 programs are a standard aspect of the programs
23 that my colleagues have been suggesting have done
24 well in other parts of the country. But
25 there's -- basically the idea here is under

1 normal circumstances what happens is the industry
2 as a whole, which is very good at figuring out
3 convenient places to purchase mattresses, would
4 also create a convenient way for people to take
5 them back.

6 So we're not saying that the same
7 store that sells them has to take them back.
8 We're saying that the industry has to make sure
9 there are convenient places for people to take
10 them back. And if everybody's working together,
11 that means a certain number of distribution
12 points and a certain number of collection points.
13 And that provision is intended to make sure it's
14 convenient for all New Yorkers.

15 SENATOR WALCZYK: And through you,
16 Madam President, would the sponsor continue to
17 yield?

18 ACTING PRESIDENT PERSAUD: Does the
19 sponsor yield?

20 SENATOR KAVANAGH: Yes,
21 Madam President.

22 ACTING PRESIDENT PERSAUD: The
23 sponsor yields.

24 SENATOR KAVANAGH: So on the county
25 requirement, every county in the State of

1 New York would have to have at least one. That
2 includes Hamilton County, population of 5,000,
3 large county in the Adirondacks?

4 SENATOR KAVANAGH: Yes. Through
5 you, Madam President, yes.

6 But it also -- but the requirement
7 about relative distances would also apply there.
8 So presumably there would quite likely be more
9 than one site in Hamilton County. Although,
10 theoretically, they could be on the other -- they
11 could be near Hamilton County but on the other
12 side of the border; they would still count.

13 But yes, there's a -- in order -- I
14 come from a very populous county in the state, a
15 very densely populated county in the state, the
16 County of New York. But we want to make sure
17 that people all over the state have some -- have
18 a convenient ability to return the mattress.

19 SENATOR WALCZYK: Through you,
20 Madam President, would the sponsor continue to
21 yield?

22 ACTING PRESIDENT PERSAUD: Does the
23 sponsor yield?

24 SENATOR KAVANAGH: Yes,
25 Madam President.

1 ACTING PRESIDENT PERSAUD: The
2 sponsor yields.

3 SENATOR WALCZYK: Did you reach out
4 to rural counties or the APA, say, to say whether
5 they could site one of these mattress return
6 facilities?

7 I'm not aware that you can even
8 purchase a mattress in Hamilton County. There's
9 only 5,000 residents. Who would pay for that
10 location?

11 SENATOR KAVANAGH: Through you,
12 Madam President, I have not talked about the
13 particular -- you're talking about the
14 Adirondack Park? I have not talked with the
15 Adirondack Park Authority about this bill.

16 I have talked with various
17 representatives of counties and towns and
18 villages which generally support these programs,
19 because otherwise they are bearing the cost of
20 disposing of these mattresses.

21 But yeah, the requirement that there
22 be at least one site in that county is something
23 that the industry as a whole would have to
24 address for the benefit of the residents of
25 Hamilton County. If somebody were to tell us and

1 say that Hamilton County, of all counties in the
2 state, needs some kind of an exception, I suppose
3 we could address that.

4 But, you know, there are certainly
5 businesses, retail businesses, other kinds of
6 businesses -- there are certainly disposal sites.
7 I mean, people have places to dispose of their
8 garbage within Hamilton County, one presumes. So
9 perhaps those could be places where they could
10 also turn their mattress in.

11 SENATOR WALCZYK: And through you,
12 Madam President, would the sponsor continue to
13 yield?

14 ACTING PRESIDENT PERSAUD: Will the
15 sponsor yield?

16 SENATOR KAVANAGH: Yes,
17 Madam President.

18 ACTING PRESIDENT PERSAUD: The
19 sponsor yields.

20 SENATOR WALCZYK: So are you saying
21 it would fall on the county as a municipality to
22 provide that site?

23 SENATOR KAVANAGH: No, I am
24 saying -- through you, Madam President -- that
25 the industry would be required to identify a site

1 in that county that is willing to take mattresses
2 back as part of this program.

3 And I am suggesting one possibility,
4 which is not uncommon in EPR programs, is for a
5 site that is the place where you bring other
6 things you need to dispose of, you also bring
7 your mattresses there.

8 And in this case then the industry
9 would be responsible for covering costs of that
10 and also taking -- taking the mattress from
11 there.

12 So I'm saying the siting of -- the
13 idea that we couldn't find any site in
14 Hamilton County where this activity could occur,
15 it's not -- you know, it doesn't require some
16 large facility. It doesn't require any extensive
17 equipment. It's merely a drop-off site is what
18 would be required here.

19 And I'm saying that it's likely you
20 could do that. And if I were in the industry, I
21 would consider looking at places where people --
22 right now people are taking their mattresses
23 typically to a place where they get disposed of
24 in a landfill. We will be saying it doesn't go
25 to the landfill, but the same place you might

1 drop it off to have it dumped in a landfill could
2 theoretically serve as a collection point.

3 It's just that the mattress doesn't
4 then go to a landfill, it goes to the industry
5 for appropriate and responsible handling.

6 SENATOR WALCZYK: Through you,
7 Madam President, if the sponsor will continue to
8 yield.

9 ACTING PRESIDENT PERSAUD: Does the
10 sponsor yield?

11 SENATOR KAVANAGH: Yes,
12 Madam President.

13 ACTING PRESIDENT PERSAUD: The
14 sponsor yields.

15 SENATOR WALCZYK: You keep
16 repeating the term "the industry would." Who
17 would ultimately site a place in Hamilton County?
18 Who would be responsible for siting a place in
19 Hamilton County where people would have the right
20 to return their mattresses?

21 SENATOR KAVANAGH: Through you,
22 Madam President, I am not sure in -- I'm not even
23 quite sure in what manner my colleague is using
24 the word "siting."

25 If my colleague is suggesting that

1 they would need some special approval to create
2 such a site, it seems to me that this would be --
3 you know, this would be akin to many other
4 businesses people might establish.

5 But I don't profess to know the ins
6 and outs of siting things in Hamilton County
7 per se.

8 What I am suggesting is that states,
9 including states with very rural areas, with very
10 underpopulated areas, have had similar
11 convenience requirements and they've managed to
12 comply with this law. And all it would take to
13 comply with this law is to find some place in
14 Hamilton County -- with this particular provision
15 of law, provide some place in Hamilton County
16 that is willing and able to take people's
17 mattresses back when they are done with them.

18 If you're talking about the
19 mattresses of a total of 5,000 people, and they
20 use them -- people typically use mattresses,
21 let's say, every five to 10 years, you'd be
22 talking about taking a very small number of
23 mattresses back countywide. And that's a service
24 that it seems to me is pretty easy to site.

25 If in the implementation of this it

1 became clear that there was some good reason we
2 couldn't site a mattress collection point
3 anywhere in Hamilton County, I suppose the DEC,
4 over the course of the next couple of years,
5 could alert us to that fact and we can try to
6 address it. But it seems to me unlikely that the
7 problem with this is that there's no place in
8 Hamilton County to bring your mattress.

9 SENATOR WALCZYK: Through you,
10 Madam President, would the sponsor continue to
11 yield.

12 ACTING PRESIDENT PERSAUD: Does the
13 sponsor yield?

14 SENATOR KAVANAGH: Yes,
15 Madam President.

16 ACTING PRESIDENT PERSAUD: The
17 sponsor yields.

18 SENATOR WALCZYK: So on page 4 of
19 your bill you say: "To meet these convenience
20 goals, the producer or representative
21 organization shall" -- which makes it a
22 requirement -- "enter into voluntary agreements."

23 How do you mandate a voluntary
24 agreement?

25 SENATOR KAVANAGH: Through you,

1 Madam President. The provision that my colleague
2 is referring to would be voluntary from the
3 perspective of the other party to it.

4 We're requiring that the industry --
5 that the industry engage in these various
6 practices in order to -- in order to create a
7 program that is effective and efficient.

8 It would not -- there's nothing in
9 this bill that would require that any
10 particular -- I think you're referring to the
11 voluntary agreements to (reading) establish
12 collection sites at public and private solid
13 waste facilities, transfer stations, landfills,
14 recyclables handling and recovery facilities that
15 are permitted or registered with the department,
16 or other suitable sites for the collection of
17 discarded mattresses.

18 So if you're requiring to do any one
19 of those things, including other suitable sites
20 for collection of mattresses, what you're saying
21 is they're required to enter agreements for
22 suitable sites. And there are various examples
23 of what those might be, which are some of the
24 ones I just mentioned in response to the previous
25 question.

1 But basically the industry would be
2 required to set up collection sites, and they
3 would be -- they would do that through a series
4 of, you know, five different methods, with
5 various subparts of some of those methods. And
6 once they've done that, then they would have a
7 plan and DEC would approve the plan.

8 SENATOR WALCZYK: Through you,
9 Madam President, would the sponsor continue to
10 yield?

11 ACTING PRESIDENT PERSAUD: Does the
12 sponsor yield?

13 SENATOR KAVANAGH: Yes,
14 Madam President.

15 ACTING PRESIDENT PERSAUD: The
16 sponsor yields.

17 SENATOR WALCZYK: All right, I'll
18 move off of that one for a moment.

19 I'm curious about mattresses and
20 where they're manufactured in the world, because
21 on page 6, line 43, you're requiring the
22 department shall maintain a list of producers.
23 Would that be an international list of producers
24 from all mattress manufacturers in the globe?

25 SENATOR KAVANAGH: Through you,

1 Madam President, it would be producers that
2 are -- that have plans that have been submitted
3 and approved by the department.

4 So the -- it doesn't require that
5 they survey the world for producers. It requires
6 that producers that have sought authority to have
7 their mattresses sold in New York are listed by
8 the DEC. So if somebody is a retailer or a
9 consumer and they want to know if they're
10 purchasing from a producer that has complied with
11 the law, they can just check the list.

12 SENATOR WALCZYK: Through you,
13 Madam President, would the sponsor continue to
14 yield.

15 ACTING PRESIDENT PERSAUD: Does the
16 sponsor yield?

17 SENATOR KAVANAGH: Yes,
18 Madam President.

19 ACTING PRESIDENT PERSAUD: The
20 sponsor yields.

21 SENATOR WALCZYK: Because in this
22 chamber we can't do something that impacts
23 manufacturing in Mexico or Poland or Italy or
24 Slovenia, right? Is that correct?

25 SENATOR KAVANAGH: Through you,

1 Madam President. We have substantial authority
2 over things are that sold here.

3 And again, I would just note that
4 "producer" is defined in the bill, it's not some
5 hypothetical concept. And, you know, "producer"
6 means any person who manufactures or renovates
7 mattresses that are sold, offered for sale, or
8 distributed to a consumer in this state.

9 So the producers they would have to
10 list are producers that are selling mattresses in
11 this state. And it would be impermissible to
12 sell a mattress in this state without getting an
13 approved plan from the DEC.

14 So that's the list that they would
15 be doing. We're not affecting the manner in
16 which mattresses are manufactured or sold outside
17 the state.

18 SENATOR WALCZYK: Sure.

19 And through you, Madam President,
20 would the sponsor continue to yield?

21 ACTING PRESIDENT PERSAUD: Does the
22 sponsor yield?

23 SENATOR KAVANAGH: Yes,
24 Madam President.

25 ACTING PRESIDENT PERSAUD: The

1 sponsor yields.

2 SENATOR WALCZYK: And I won't hit
3 the bed-in-a-box online sales. I thought the
4 previous debate did a pretty great job on that.

5 On page 7, line 20, you outline the
6 mattress collection advisory board in this new
7 program. There are 12 members. One of those 12
8 would be from mattress producers. Zero from
9 local governments. But we've already talked
10 about local governments quite a bit here today.

11 Why no one from local governments as
12 a voting member on the advisory board?

13 SENATOR KAVANAGH: Through you,
14 Madam President. There are several specific kind
15 of criteria for some of the appointees here,
16 because we wanted to make sure that there were
17 mattress producers and mattress retailers and
18 mattress recyclers and mattress collectors
19 represented, because they have special expertise.

20 But I would note that also both the
21 Majority and the Minority leaders of each house
22 have appointees to this board. And if the
23 Minority in this house wanted to appoint a
24 representative of local government, that would
25 get a member of local government on this board.

1 And again, there are several other
2 appointees that are not categorically specific.
3 So -- and again, generally speaking, local
4 governments benefit from this program because
5 they are currently responsible for taking these
6 products back in most cases, under our state
7 system. They would largely be relieved of that
8 obligation under this bill.

9 But if they -- certainly local
10 governments have the ability to talk to the DEC
11 or us as they go forward, and they would also
12 possibly have the opportunity to participate in
13 this board.

14 SENATOR WALCZYK: Through you,
15 Madam President, will the sponsor continue to
16 yield?

17 ACTING PRESIDENT PERSAUD: Does the
18 sponsor yield?

19 SENATOR WALCZYK: Yeah, I was
20 asking specifically about the 12 voting members
21 and why there wasn't someone on --

22 ACTING PRESIDENT PERSAUD: Excuse
23 me, the sponsor has not yielded.

24 SENATOR KAVANAGH: So I do yield.
25 I had not yielded, but I will yield now. Thank

1 you.

2 ACTING PRESIDENT PERSAUD: Yes, the
3 sponsor yields.

4 SENATOR WALCZYK: I was asking
5 specifically about the 12 voting members. I
6 understand that the Legislature can appoint
7 nonvoting members to the advisory board.

8 Why isn't anybody from local
9 government able to vote on this advisory board?
10 We know it has a big impact there.

11 SENATOR KAVANAGH: Through you,
12 Madam President, that issue has never been raised
13 to me, including similar bills with similar
14 provisions that have similar advisory boards.

15 Like the carpet stewardship program,
16 which is going into effect soon in New York, has
17 a very similar structure. This structure is
18 actually modeled on that. And that bill and this
19 bill have been supported by local governments
20 without suggesting that change.

21 Certainly if local governments or
22 their representatives suggested an interest in
23 participating in this board, I think that would
24 be worthy of consideration.

25 But I have never, having had lots of

1 conversations with representatives of local
2 governments, including conversations where
3 they're largely supportive of EPR -- again,
4 because it relieves them of costs and various
5 other burdens. But that this is the -- the bill
6 as it reads is as it is because we are reflecting
7 an express desire to have input on these plans as
8 they are implemented. And that desire has never
9 been expressed to me, at least, by any local
10 government.

11 SENATOR WALCZYK: Through you,
12 Madam President, would the sponsor continue to
13 yield.

14 ACTING PRESIDENT PERSAUD: Does the
15 sponsor yield?

16 SENATOR KAVANAGH: Yes,
17 Madam President.

18 ACTING PRESIDENT PERSAUD: The
19 sponsor yields.

20 SENATOR WALCZYK: Did you receive a
21 memo in support from New York Product Stewardship
22 Council? Have you seen that one?

23 SENATOR KAVANAGH: Through you,
24 Madam President, there was a draft of a letter
25 regarding this bill from the New York Product

1 Stewardship Council that was circulated today,
2 but I understand it is a draft and is not in
3 final form.

4 And I understand from a conversation
5 with the Product Stewardship Council they expect
6 to release such a thing by the end of the day.

7 But I don't believe they have an
8 official position on this bill as of yet.
9 Although they are, as their name notes, generally
10 very supportive of product stewardship programs
11 because they're the Product Stewardship Council.

12 SENATOR WALCZYK: Through you,
13 Madam President, would the sponsor continue to
14 yield.

15 ACTING PRESIDENT PERSAUD: Does the
16 sponsor yield?

17 SENATOR KAVANAGH: Yes,
18 Madam President.

19 ACTING PRESIDENT PERSAUD: The
20 sponsor yields.

21 SENATOR WALCZYK: I've got the
22 non-drafted version with a signature on it in
23 front of me. It says they strongly encourage
24 your consideration of an amendment requiring
25 retailers to collect a program fee established by

1 a producer responsibility organization, with
2 oversight from DEC -- much in line with exactly
3 what my colleague and I have expressed about the
4 other four states that have a model.

5 Is that something you would consider
6 amending this bill in the near term?

7 SENATOR KAVANAGH: Through you,
8 Madam President. We've had an ongoing
9 conversation about this fee issue now for a
10 couple of years. If we pass this bill today, it
11 will be the second time. We passed it last year,
12 I believe we passed it the year before as well,
13 without the fee.

14 We're always open to new ideas. But
15 as of today, amending the bill of course would
16 leave it not passable today, and I think it's
17 important that at this late date in the session
18 we move forward.

19 And again, I will emphasize that I
20 spoke with a representative of the board of the
21 New York State Product Stewardship Council about
22 10 minutes before session started today, and
23 this -- I assume the same document I have, which
24 is dated today, I am told is not an official
25 position of the New York Product Stewardship

1 Council, and that they will be releasing an
2 official position by the end of the day.

3 But we have duly considered this
4 issue now for several years in the context of
5 this EPR program and many others, and we have
6 decided in New York State to go forward generally
7 by not imposing a specific fixed fee on consumers
8 for these programs. And that is the intent
9 reflected in the current version of this bill.

10 SENATOR WALCZYK: And through you,
11 Madam President, would the sponsor continue to
12 yield.

13 ACTING PRESIDENT PERSAUD: Does the
14 sponsor yield?

15 SENATOR KAVANAGH: Yes,
16 Madam President.

17 ACTING PRESIDENT PERSAUD: The
18 sponsor yields.

19 SENATOR WALCZYK: The International
20 Sleep Products Association also put out a
21 memorandum, this one in opposition on this bill,
22 pointing out how this impacts the industry and
23 also correctly pointing to the four states that
24 have been successful and the models that they've
25 used in those four states.

1 Have you read that memo from the
2 industry, the people that are impacted here?

3 SENATOR KAVANAGH: Through you,
4 Madam President. I believe I have. I've read --
5 again, much of this material has been around
6 since last June when we last debated this bill.

7 I'm not -- I'm not prepared to quote
8 that memo, but I am quite aware that the mattress
9 industry has chosen to assert that they are
10 supportive of EPR for mattresses, but oppose this
11 particular bill because of the fee issue.

12 SENATOR WALCZYK: And through you,
13 Madam President, would the sponsor continue to
14 yield.

15 ACTING PRESIDENT PERSAUD: Does the
16 sponsor yield?

17 SENATOR KAVANAGH: Yes,
18 Madam President.

19 ACTING PRESIDENT PERSAUD: The
20 sponsor yields.

21 SENATOR WALCZYK: You keep coming
22 back to "mattress industry," so I want to talk
23 about that for a moment. My colleague earlier
24 pointed out that foreign producers actually sell
25 30 percent of the mattresses here in the

1 United States. We're one of the largest
2 importers of mattresses for a number of different
3 markets.

4 But I'm not sure if many realize the
5 federal government and the International Trade
6 Commission have been playing whack-a-mole for
7 mattress dumping into markets for a long time.
8 In fact, in 2021, under President Biden's
9 administration, the Commerce Department imposed
10 tariffs on mattress imports -- from Turkey, at
11 20 percent; from Thailand, at 37 percent; from
12 Malaysia, at 43 percent; from Cambodia, 52; from
13 Serbia, at 112 percent; and from Vietnam at
14 668 percent tariffs -- because these countries
15 were subsidizing mattress exports in order to
16 push into, dump into our market and try and
17 squeeze out some manufacturers here in the
18 United States.

19 So how does your bill play into that
20 international whack-a-mole that the federal
21 government has been doing with foreign producers?

22 SENATOR KAVANAGH: Through you,
23 Madam President. I'm glad that we're using --
24 we're both using the word "dumping" in two
25 different senses during this debate, this bill

1 being about not dumping mattresses in landfills.

2 But I -- this bill does not have any
3 particular bearing on international trade
4 disputes or the use of tariffs to address unfair
5 trade practices from other countries.

6 I would say the net effect of this
7 is to increase regulation. It probably does, at
8 least on the margins, benefit our, you know, home
9 mattress industry because manufacturers would be
10 required to have their brand and their trademark
11 registered and listed by the DEC in order to have
12 their mattresses sold legally in New York.

13 But it's not particularly aimed to
14 address those issues. And, you know, those
15 issues are principally the province of the
16 federal government.

17 SENATOR WALCZYK: And through you,
18 Madam President, would the sponsor continue to
19 yield.

20 ACTING PRESIDENT PERSAUD: Does the
21 sponsor yield?

22 SENATOR KAVANAGH: Yes,
23 Madam President.

24 ACTING PRESIDENT PERSAUD: The
25 sponsor yields.

1 SENATOR WALCZYK: Not sure if
2 you're aware, but the tariffs from 2021 didn't
3 work. When I talk about whack-a-mole, last
4 spring there was an appeal to the Biden
5 administration once again for illegal dumping by
6 new countries this time -- by Mexico,
7 Bosnia-Herzegovina, Italy, Poland, Philippines,
8 Taiwan and Slovenia -- some of those tariffs
9 recommended as high as 745 percent to bring the
10 dumped mattresses down to fair -- or up to fair
11 market value in the United States.

12 How will DEC get compliance from a
13 producer in Slovenia ultimately? How does that
14 producer, how are they the ones that pay, versus
15 the consumer in the State of New York that's
16 purchasing the mattress?

17 SENATOR KAVANAGH: Through you,
18 Madam President, the producer -- it's -- to be
19 candid -- well, I do not want to get into the
20 question of whether Slovenia is dumping or not
21 dumping. But presuming there are international
22 trade practices issues that somebody wants to
23 address with tariffs, they would be free to do
24 that.

25 The way this bill would work is that

1 if a mattress from Slovenia that is made by a
2 manufacturer or branded as a -- in a particular
3 way that is not registered and subject to an
4 approved program by the DEC, would not be
5 permitted to be sold in New York.

6 And so they would -- somebody --
7 presumably the Slovenian manufacturer doesn't
8 presumably come here and sell the mattresses out
9 of the back of a truck. They need somebody to
10 sell them out of retail. And if they're doing
11 so, then they are -- if they're complying with
12 the program, then their mattress can be sold in
13 New York. And if they're not complying with the
14 program, then their mattress cannot be sold in
15 New York.

16 SENATOR WALCZYK: Through you,
17 Madam President, would the sponsor continue to
18 yield?

19 ACTING PRESIDENT PERSAUD: Does the
20 sponsor yield?

21 SENATOR KAVANAGH: Yes,
22 Madam President.

23 ACTING PRESIDENT PERSAUD: The
24 sponsor yields.

25 SENATOR WALCZYK: And for online

1 sales, how are we going to ensure that
2 New Yorkers that are buying a bed-in-a-box, that
3 the producer of that bed is ultimately, in
4 whatever online way they've purchased it -- if
5 there's no point-of-sale fee here, you're just
6 requiring the industry, as you put it, to put
7 this entire program together and not shift any
8 cost onto consumers somehow.

9 How do you make sure that those
10 companies that are manufacturing a bed-in-a-box
11 and selling it in New York State, how do you make
12 sure that they're in compliance?

13 SENATOR KAVANAGH: Through you,
14 Madam President, just to respond, I am not
15 suggesting that no cost would ever be shifted
16 onto the consumer.

17 I am suggesting that creating a
18 fixed fee that every consumer pays regardless of
19 the cost to the industry is not a
20 consumer-friendly practice.

21 And so what I'm proposing is that
22 the industry continue to compete to sell their
23 product at the best price they can sell it at,
24 and not -- I'm not suggesting that that is a
25 cost-free activity. And I'm not suggesting that

1 the industry won't choose to pass some of that
2 cost along to consumers.

3 Again, my colleagues are suggesting
4 not just that they pass the actual cost on, but
5 that we set up-front a fee that consumers have to
6 pay regardless of what it actually costs the
7 industry to provide this service.

8 In terms of how you enforce this, we
9 have lots of rules that people need to comply
10 with if they want to legally sell things into
11 New York. If you sell something, for example, to
12 a New Yorker and you know it's a New Yorker and
13 you're shipping it to New York, you're required
14 to collect New York sales tax regardless of
15 whether you are in New York, whether you're
16 shipping the product from New York. I suppose
17 this would work in a similar way.

18 But again, the bulk of the -- the
19 bulk of the mattresses, the great bulk of the
20 mattresses are selling by -- sold by companies
21 that are, generally speaking, known retailers or
22 known direct, you know, companies that are both
23 producing and selling mattresses. And my
24 assumption is that they would not want to engage
25 in what would be effectively a bootleg mattress

1 sale business to avoid their obligations to --
2 you know, to treat their products responsibly.

3 But if --

4 ACTING PRESIDENT PERSAUD: Thank
5 you, Senator.

6 SENATOR KAVANAGH: But if they were
7 violating the law by selling a mattress that is
8 not registered, then DEC would be able to take an
9 enforcement action against them.

10 ACTING PRESIDENT PERSAUD: Senator
11 Walczyk, your debate time is up.

12 SENATOR WALCZYK: Thank you,
13 Madam President.

14 ACTING PRESIDENT PERSAUD: Are
15 there any other Senators wishing to be heard?

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

18 Senator Gianaris.

19 SENATOR GIANARIS: Madam President,
20 we've agreed to restore this to the
21 noncontroversial calendar.

22 ACTING PRESIDENT PERSAUD: The bill
23 will be restored to the noncontroversial
24 calendar.

25 Read the last section.

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

3 ACTING PRESIDENT PERSAUD: Call the
4 roll.

5 (The Secretary called the roll.)

6 ACTING PRESIDENT PERSAUD: Senator
7 Walczyk to explain his vote.

8 SENATOR WALCZYK: Thank you,
9 Madam President.

10 Briefly, at a time when we are
11 talking about affordability for New Yorkers, we
12 shouldn't be creating new bureaucrat boondoggles,
13 not knowing -- and you saw in debate today, not
14 knowing what the end cost to consumers will be.

15 This bill in fact says the program
16 shall be free to the consumer, convenient and
17 adequate to serve the needs of consumers in all
18 areas of the state on an ongoing basis. Yet the
19 sponsor, by his own admission, says, Well, I
20 fully anticipate that the producers of mattresses
21 will be shifting those costs onto the consumers.

22 So do I. In the states that have
23 done mattress recycling programs, they've
24 attached a fee when you purchase your mattress.
25 It usually calculates out to a buck or two a year

1 is what you end up paying for that
2 thousand-dollars mattress so that it can be
3 recycled in those states that have been
4 successful in recycling 15 million mattresses
5 already there.

6 I would much rather adopt a program
7 like that than take on a new boondoggle where we
8 don't even know what the cost is going to be and
9 who's going to pay for it at the end of the day,
10 especially at a time when affordability matters
11 so much to New York's families.

12 So I'll be voting no. Thank you,
13 Madam President.

14 ACTING PRESIDENT PERSAUD: Thank
15 you, Senator.

16 Senator Walczyk to be recorded in
17 the negative.

18 Announce the results.

19 Oh, Senator Kavanagh to explain his
20 vote.

21 SENATOR KAVANAGH: Just -- thank
22 you. I know we've had a long debate and you've
23 heard a lot from me. Just briefly.

24 You know, this bill is part of our
25 broader effort to ensure that we are handling

1 solid waste in a responsible manner -- in fact,
2 not treating it as waste whenever possible.

3 EPR programs have been effective in
4 many contexts, including the programs that my
5 colleagues on the other side of the aisle are
6 extolling the virtues of. They work because they
7 divert valuable materials from landfills and
8 other places where we treat something as
9 worthless and they divert them back into
10 productive materials for new economic activity
11 and new recycling.

12 In this case, they in particular
13 prevent localities from bearing the cost of
14 disposal.

15 And as I noted earlier, the New York
16 Solid Waste Management Plan notes that almost
17 12 percent of our entire contribution of
18 greenhouse gases comes from solid waste in
19 New York. It's almost as large as the entire
20 electricity generation sector in our state. So
21 this is a significant problem. We have a great
22 solution here.

23 And notwithstanding a difference of
24 opinion on a very minor aspect of this view --
25 this bill, I think it's a great step forward that

1 we're taking to support this. And I
2 appreciate it, and I will be voting in the
3 affirmative.

4 ACTING PRESIDENT PERSAUD: Senator
5 Kavanagh to be recorded in the affirmative.

6 Announce the results.

7 THE SECRETARY: In relation to
8 Calendar 470, those Senators voting in the
9 negative are Senators Ashby, Borrello, Bynoe,
10 Canzoneri-Fitzpatrick, Chan, Cooney, Gallivan,
11 Griffo, Helming, Lanza, Martinez, Mattera,
12 Murray, O'Mara, Ortt, Palumbo, Rhoads,
13 Scarcella-Spanton, Stec, Tedisco, Weber and Weik.

14 Ayes, 38. Nays, 22.

15 ACTING PRESIDENT PERSAUD: The bill
16 is passed.

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

19 SENATOR GIANARIS: Thank you,
20 Madam President.

21 For the members of the Majority,
22 there will be an immediate conference following
23 session.

24 And with that, is there any further
25 business at the desk?

1 ACTING PRESIDENT PERSAUD: There is
2 no further business at the desk.

3 SENATOR GIANARIS: Move to adjourn
4 until tomorrow, Tuesday, April 29th, at
5 11:00 a.m.

6 ACTING PRESIDENT PERSAUD: On
7 motion, the Senate stands adjourned until
8 Tuesday, April 29th, at 11:00 a.m.

9 The Majority has a conference
10 immediately following.

11 (Whereupon, at 5:12 p.m., the Senate
12 adjourned.)

13
14
15
16
17
18
19
20
21
22
23
24
25