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NEW YORK STATE SENATE

THE STENOGRAPHIC RECORD

ALBANY, NEW YORK

May 28, 2025

3:54 p.m.

REGULAR SESSION

SENATOR JEREMY COONEY, Acting President

ALEJANDRA N. PAULINO, ESQ., Secretary

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

2 ACTING PRESIDENT COONEY: 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 COONEY: Pastor
9 Jeremy Scott, of the Bruderhof Community in
10 Rifton, New York, will deliver today's
11 invocation.

12 Pastor.

13 PASTOR SCOTT: Good afternoon.

14 It's an honor to offer a prayer at
15 the start of this session.

16 I'd first like to recognize and
17 thank you for hosting the garden brunch event
18 today, my district Senator, Michelle Hinchey,
19 Senator James Skoufis, Senator James Tedisco, and
20 Senator Mark Walczyk. It was a beautiful event
21 today outdoors, and God was gracious with
22 providing us with good weather.

23 So before I pray, I have a short
24 reading from scripture, from the Book of Isaiah,
25 Chapter 1, Verse 17. And here the Prophet Isaiah

1 gives us a clear call to moral leadership and to
2 social justice and to standing up for the
3 vulnerable: "Learn to do right; seek justice.
4 Defend the oppressed. Take up the cause of the
5 fatherless. Plead the case of the widow."

6 I now invite you all to join me in
7 prayer.

8 Lord our God, today we lift up our
9 hearts in gratitude and in the spirit of
10 community building. We give thanks that Your
11 mighty name and the name of Your Son Jesus are
12 proclaimed and uplifted here today.

13 We're grateful to be in the New York
14 State Senate to pray for our Senators, public
15 servants of conviction and courage who stand up
16 for our freedoms and work for justice for all.

17 Stemming from the Anabaptist
18 Christian tradition, my community, the Bruderhof,
19 came to New York as a place of welcome. We're
20 grateful to call New York our home, a place where
21 free speech, free exercise of faith, and a
22 healthy separation of church and state are
23 respected.

24 This week, with the passing of
25 Congressman Charlie Rangel, we gratefully

1 remember his life and service.

2 Dear Lord, You have placed great
3 responsibility of leadership in the hands of
4 those gathered here. We ask that You bless each
5 one of them with wisdom, understanding and
6 integrity as decisions are made that shape the
7 lives of millions across this great State of
8 New York. May their labor today and every day be
9 done with Your guidance and inspiration.

10 As we begin the session, we also
11 remember in prayer all who sacrifice daily for
12 our communities, our state, and our nation. We
13 pray for the emergency workers who respond in
14 times of crisis, especially those who have served
15 tirelessly in response to the recent flooding
16 across the Hudson Valley and Southern Tier.

17 We remember our law enforcement
18 officers, firefighters, and healthcare
19 professionals. Shield them with Your protection
20 and sustain them with Your grace.

21 Lord, we are mindful of the
22 challenges before this body. Let every bill
23 considered and every vote cast be rooted in a
24 desire for charity and truth, remembering that
25 the best measure of who we are is how we treat

1 those most vulnerable.

2 Dear Lord, You have taught us not
3 just to love You, but to love our neighbor. We
4 ask for Your guidance to do that in word and in
5 deed.

6 May the Senate be a place of
7 thoughtful discourse, honest leadership, and
8 faithful service to the people. Help us all,
9 inside and outside these walls, to be citizens of
10 peace and unity.

11 Grant Your blessing on this Senate
12 session today. May Your favor rest upon all who
13 seek Your will and understanding.

14 We ask all this in the name of
15 Jesus Christ our Lord, amen.

16 (Response of "Amen.")

17 ACTING PRESIDENT COONEY: Thank
18 you, Pastor.

19 Reading of the Journal.

20 THE SECRETARY: In Senate, Tuesday,
21 May 27, 2025, the Senate met pursuant to
22 adjournment. The Journal of Saturday, May 24,
23 2025, was read and approved. On motion, the
24 Senate adjourned.

25 ACTING PRESIDENT COONEY: Without

1 objection, the Journal stands approved as read.

2 Presentation of petitions.

3 Messages from the Assembly.

4 The Secretary will read.

5 THE SECRETARY: Senator

6 Stewart-Cousins moves to discharge, from the
7 Committee on Cities 2, Assembly Bill Number 5298
8 and substitute it for the identical Senate Bill
9 Number 433, Third Reading Calendar 997.

10 ACTING PRESIDENT COONEY: So
11 ordered.

12 Messages from the Governor.

13 Reports of standing committees.

14 Reports of select committees.

15 Communications and reports from
16 state officers.

17 Motions and resolutions.

18 Senator Gianaris.

19 SENATOR GIANARIS: Good afternoon,
20 Mr. President.

21 Amendments are offered to the
22 following Third Reading Calendar bills:

23 By Senator Bynoe, page 25,

24 Calendar Number 651, Senate Print 5989;

25 Senator Harckham, page 62,

1 Calendar Number 1238, Senate Print 7362;

2 Senator Comrie, page 16,

3 Calendar Number 401, Senate Print 98;

4 Senator Cooney, page 63,

5 Calendar Number 1244, president 7955;

6 And Senator Chris Ryan, page 62,

7 Calendar Number 1233, Senate Print 6265.

8 ACTING PRESIDENT COONEY: The
9 amendments are received, and the bills will
10 retain their place on the Third Reading Calendar.

11 Senator Gianaris.

12 SENATOR GIANARIS: I also wish to
13 call up the following bills, which were recalled
14 from the Assembly and are now at the desk:

15 Senate Print Numbers 5275 and 7525.

16 ACTING PRESIDENT COONEY: The
17 Secretary will read.

18 THE SECRETARY: Calendar Number
19 459, Senate Print 5275, by Senator Bailey, an act
20 to amend the Education Law.

21 Calendar Number 879, Senate Print
22 7525, by Senator Fahy, an act to amend
23 Chapter 405 of the Laws of 2005.

24 Calendar Number 1241, Senate Print
25 7760, by Senator Griffo, an act to amend the

1 Highway Law.

2 SENATOR GIANARIS: I move to
3 reconsider the vote by which these bills were
4 passed.

5 ACTING PRESIDENT COONEY: The
6 Secretary will call the roll on reconsideration.

7 (The Secretary called the roll.)

8 THE SECRETARY: Ayes, 55.

9 ACTING PRESIDENT COONEY: The bills
10 are restored to their place on the Third Reading
11 Calendar.

12 SENATOR GIANARIS: I offer the
13 following amendments.

14 ACTING PRESIDENT COONEY: The
15 amendments are received.

16 SENATOR GIANARIS: Please recognize
17 Senator Lanza.

18 ACTING PRESIDENT COONEY: Senator
19 Lanza.

20 SENATOR LANZA: Thank you,
21 Senator Gianaris.

22 Mr. President, I wish to call up
23 Senator Griffo's bill, Print Number 7760,
24 recalled from the Assembly, which is now at the
25 desk.

1 ACTING PRESIDENT COONEY: The
2 Secretary will read.

3 SENATOR GIANARIS: Mr. President, I
4 think we already did that one when I read out the
5 list, so --

6 (Laughter.)

7 SENATOR LANZA: Mr. President, I
8 trust him. I trust Senator Gianaris and that it
9 was done properly.

10 Additionally, Mr. President, on
11 page 45 I offer the following amendments to
12 Calendar Number 1067, Senate Print Number 2110C,
13 and ask that said bill retain its place on
14 Third Reading Calendar.

15 ACTING PRESIDENT COONEY: The
16 amendments are received, and the bill will retain
17 its place on the Third Reading Calendar.

18 Senator Gianaris.

19 SENATOR GIANARIS: Please recognize
20 Senator Skoufis for an introduction.

21 ACTING PRESIDENT COONEY: Senator
22 Skoufis for an introduction.

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

25 I rise with excitement today, as I

1 have for the past many years, to welcome the
2 valedictorians and salutatorians from throughout
3 the 42nd Senate District in Orange County.

4 And this is my annual day where I
5 get to boast to my colleagues about how we are
6 the smartest Senate district in all of New York.

7 (Laughter.)

8 SENATOR SKOUFIS: You know, these
9 are some of the hardest-working, most dedicated
10 students in the Hudson Valley who, yes,
11 academically have worked tirelessly and
12 persevered, but, almost to a person, additionally
13 go out and participate in so much community
14 service, are leaders in their classrooms and
15 outside their classrooms alike.

16 And likewise, I'm also really
17 delighted to welcome and acknowledge the parents
18 and the faculty members who are here joining
19 them, because certainly their success is a
20 reflection of the incredible support that they've
21 had around each of them.

22 Certainly I wish them and their
23 families incredible futures. This is the
24 beginning of their success as they graduate
25 high school. And I look forward to following all

1 of their careers after their graduation in just a
2 couple of months from now.

3 I'll recognize the folks who were
4 here, all of the valedictorians and
5 salutatorians. A couple of them unfortunately
6 had to depart, given our late start today, but
7 the large majority of them are still here.

8 From Warwick Valley High School we
9 have Gisela Gujar, salutatorian.

10 From Cornwall, Andrew Wu,
11 valedictorian.

12 From Minisink, Christopher Rickard,
13 valedictorian, and Mia Abruzzese, salutatorian.

14 From Washingtonville High School,
15 Olivia Tran, valedictorian, and Sophie
16 DeCarvalho, salutatorian.

17 From Goshen Central High School,
18 Kiran Foster, valedictorian, and Henry Dong,
19 salutatorian.

20 From Pine Bush High School,
21 Jeffrey Palma, valedictorian.

22 From George F. Baker High School,
23 Casey Juance, valedictorian.

24 From Port Jervis High School,
25 Julia Elston, valedictorian, and

1 Francesca Moliterno, salutatorian.

2 From S.S. Seward,
3 Elizabeth Scheuermann, salutatorian.

4 And from James I. O'Neill
5 High School, we have Victoria Evangelista,
6 valedictorian, and Benjamin Yankovich,
7 salutatorian.

8 Congratulations to each and every
9 one of you on your incredible success. Wishing
10 you nothing but the best.

11 And I ask you, Mr. President, if
12 you'll please afford them all the cordialities
13 and privileges of the floor.

14 Thank you.

15 ACTING PRESIDENT COONEY: Thank
16 you, Senator Skoufis.

17 To our guests, I welcome you on
18 behalf of the Senate. We extend to you the
19 privileges and courtesies of this house.

20 Please rise and be recognized.

21 (Standing ovation.)

22 ACTING PRESIDENT COONEY: Senator
23 Gianaris.

24 SENATOR GIANARIS: Mr. President,
25 let's move on to Resolution 1099, by

1 Senator Cleare, read that resolution's title and
2 recognize Senator Cleare.

3 ACTING PRESIDENT COONEY: The
4 Secretary will read.

5 THE SECRETARY: Resolution 1099, by
6 Senator Cleare, mourning the death of former U.S.
7 Representative Charles B. Rangel, distinguished
8 public servant, statesman, and beloved member of
9 the Harlem community.

10 ACTING PRESIDENT COONEY: Senator
11 Cleare on the resolution.

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

14 And a special thanks to my co-prime
15 sponsors of this resolution, Leader
16 Stewart-Cousins and Senators Jackson and Serrano.

17 One of the top synonyms for Harlem
18 is Charlie Rangel. The two were absolutely and
19 irrevocably inseparable.

20 His representation spanned several
21 generations. It started in the Korean War and
22 lasted through the formation of One Harlem and
23 the fight for affordable housing in Central and
24 West Harlem in 2025.

25 Charlie Rangel was the first person

1 I ever voted for.

2 So tireless was his advocacy and so
3 omnipresent his personage in Harlem that you
4 thought he just might live forever. His 46 years
5 in Congress are an absolute master class of how
6 to take care of your district at home, fight for
7 equity and justice everywhere, and become a
8 statesman abroad.

9 He served in the United States Army
10 from 1948 to 1952 and was a highly decorated
11 Korean War veteran. And just yesterday, over
12 70 years later, he was added to the New York
13 State Senate Veterans Hall of Fame, which was
14 planned long before his passing. We didn't know
15 that he wouldn't be here.

16 While there are many lessons we can
17 learn from the representative style of Charlie
18 Rangel, two stand out in my mind. One, your job
19 is to always be present for the people and to
20 give them the faith and confidence that you will
21 work to solve their problems, whether it be a
22 Social Security or veterans' benefits issue,
23 whatever the case.

24 Two is that the underdog and the
25 underrepresented are the most important people to

1 raise your voice on behalf of. Chair Rangel did
2 this continuously in his career on behalf of the
3 Black poor of Harlem, veterans, seniors,
4 immigrants, young people of color sent to war,
5 and so many more.

6 In addition, Charlie Rangel
7 supported and voted for higher education
8 opportunity programs such as HEOP as a member of
9 the New York State Assembly.

10 He was the author of many of the
11 original affordable housing legislation passed at
12 the federal level.

13 He was one of the great leaders of
14 the anti-apartheid movement for over a decade,
15 with the Rangel Amendment, and in 1987 introduced
16 the Budget Reconciliation Act which subjected
17 U.S. corporations operating in South Africa to
18 double taxation if they did not divest from South
19 Africa.

20 In 2009 and in 2010, he was
21 instrumental in the negotiations which ultimately
22 led to the enactment of Obamacare, one of the
23 first times in our nation's history that
24 healthcare was recognized as a human right.

25 I'm comforted to know that so many

1 of us here in the State Legislature come from the
2 Charlie Rangel school and were able to be
3 mentored by him, including myself, Senator
4 Jackson, and Members Wright, Gibbs, Taylor and so
5 many more.

6 In these uncertain times, I leave
7 you with a timeless quote by Charles Rangel --
8 which, coincidentally, falls in line with the
9 scripture read earlier with our invocation today.

10 He said: "We all have a large stake
11 in preserving our democracy, but I maintain that
12 those without power in our society, the Black,
13 the brown, the poor of all colors, have the
14 largest stake -- not because we have the most to
15 lose, but because we have worked the hardest and
16 given the most for what we have achieved."

17 It is hard to know a world without
18 Charlie Rangel. He has been in my household
19 since I could remember. I have seen his
20 newsletters. I've seen his name on the ballot.

21 He lived, he loved, he served, he
22 died in his beloved Harlem. Let us remember the
23 Lion of Lenox Avenue in all that we do.

24 And may God be pleased.

25 ACTING PRESIDENT COONEY: Thank

1 you, Senator.

2 Leader Stewart-Cousins on the
3 resolution.

4 SENATOR STEWART-COUSINS: Thank
5 you, Mr. President.

6 And I really want to thank you,
7 Senator Cleare, for really invoking the presence
8 of the Lion of Lenox Avenue here in this chamber.

9 Yes, he was a mentor not only to
10 New York City; as you said, he was way beyond
11 that. And I like to consider myself someone who
12 too was mentored by Congressman Charles Rangel.

13 And when he came up to Westchester,
14 he would -- he had his own little gang. There
15 was a Gang of Four down there, but then when he
16 came to Westchester there was David Ford and
17 there was Paul Redd and there was a whole 'nother
18 group of aspiring young Black activists who
19 looked, as we all did, to Charlie to help us
20 chart our course.

21 And he was very influential in
22 helping so many of us get to the places we got
23 to, and allowed us to understand how powerful we
24 could be when we took to heart that we were the
25 voice of people who hadn't always been heard.

1 And of course he broke so many
2 barriers. He was one of the founding members of
3 the Congressional Black Caucus. And of course he
4 was the first African-American chair of the House
5 Ways and Means Committee.

6 Charles Rangel, they said, is
7 someone who, although he's transitioned, his
8 legacy will live far beyond I'm sure he ever
9 imagined -- his influence, his stature, and his
10 always being able to talk to everyone, no matter
11 who. He always found a way to touch your heart.

12 I'm so happy, again, Senator Cleare,
13 that you were able to induct him into our
14 Veterans Hall of Fame, one of the moments that my
15 honoree had, Randy Jurgensen. He was so pleased
16 to be inducted yesterday with Congressman Rangel
17 because he actually served in Korea with him.

18 Randy was born in Harlem, lived in
19 Harlem, raised in Harlem, and served in Korea
20 with Congressman Rangel. And he told me that it
21 used to be Randy and Charlie. And so he was so
22 happy that yesterday -- even posthumously to be
23 honored by the Senate -- it was once again
24 Randy and Charlie.

25 And forever it will be

1 Congressman Rangel, the Lion of Lenox Avenue.

2 Thank you.

3 ACTING PRESIDENT COONEY: Thank
4 you, Majority Leader.

5 Senator Jackson on the resolution.

6 SENATOR JACKSON: Thank you.

7 I rise today with a heavy heart and
8 proud spirit to honor a man whose name will echo
9 not only through the chambers of Congress, but
10 through the stoops and storefronts and street
11 corners of Harlem: Congressman Charles B.
12 Rangel.

13 Charles Rangel was not just a
14 Congressman, he was a combat veteran, a
15 constitutional craftsman, and a champion of
16 people who walked with Harlem in their heart and
17 justice in his jaw.

18 For over four decades, he turned the
19 corridors of Congress into a battleground for
20 equity. And long before that, he faced enemy
21 fire on a frozen Korean hillside, earning medals
22 of valor but never asking for praise.

23 He became more than a legislator.
24 He became the conscience of a nation: A founding
25 member of the Congressional Black Caucus, a

1 fighter for the voiceless who understood that
2 real power isn't about titles, it's about
3 service, about showing up for your people -- not
4 for clout, and all for change.

5 He was a master technician with a
6 moral spine, the first African-American to chair
7 the powerful Ways and Means Committee. But
8 Charlie's leadership wasn't defined by position,
9 it was defined by purpose. He carried Harlem on
10 his shoulders and the soul of America in his
11 stride.

12 And he never forgot where he came
13 from -- not the corner of 125th Street and
14 Lenox Avenue, not the families who raised him,
15 not the movement that made him.

16 And let's be absolutely clear.
17 Charlie Rangel was never polite about injustice.
18 He was surgical. He could roast you with humor,
19 school you with facts, and still have you
20 laughing at the end. That's Harlem. That was
21 Rangel.

22 And for me, he wasn't just a giant
23 in headlines, he was present in his grin. He
24 encouraged me when I needed it most. He made
25 time for conversation, offered wisdom without

1 ego, and reminded me that leadership is about
2 love: For the people, for the struggle, the next
3 generation.

4 We were bound by a shared belief in
5 justice, service, and the power of community. I
6 personally stand here because leaders like him
7 paved the way, because he dared to make
8 government reflect the communities too often
9 ignored. He didn't just break barriers; he
10 dismantled excuses.

11 So today, we not only honor his
12 memory, let us carry his courage into the laws we
13 pass and the fights that we choose. Let us
14 legislate with the same fire that fueled his
15 decades of service. Because Congressman Rangel
16 never settled for symbolism. He demanded
17 substance. And so must we.

18 May his legacy not rest in stone,
19 but move through us in policy, purpose, and in
20 power.

21 Rest well, Charles, Harlem Lion,
22 American fighter. You're one of one.

23 ACTING PRESIDENT COONEY: Thank
24 you, Senator.

25 Senator Serrano on the resolution.

1 SENATOR SERRANO: Thank you very
2 much, Mr. President.

3 It's with tremendous sadness and
4 with a heavy heart that I rise here today to pay
5 tribute to an amazing human being in former
6 Congressman Charlie Rangel.

7 And I am so grateful to Senator
8 Cordell Cleare and our leader, Andrea
9 Stewart-Cousins, and all of our colleagues for
10 putting forth this resolution in honor of his
11 tremendous accomplishments.

12 When I was first elected to the
13 Senate 21 years ago to represent East Harlem,
14 which was in the footprint of his congressional
15 district, he was extremely gracious and became
16 instantaneously a mentor and a friend to me.

17 East Harlem was very important to
18 him, and he understood the cultural significance
19 of every neighborhood. And he was so present.
20 And it was amazing to see how seemingly
21 effortlessly he would navigate the politics, that
22 he would navigate the situations with grace, with
23 charm, with intellect.

24 He would put us all at ease and
25 understanding that there was a true leader there

1 who was going to give us the sage advice and also
2 find joy along the way.

3 I would love when Congressman Rangel
4 would invite me to his office. It was like being
5 in a mini-museum. There was not one inch of the
6 desk that did not have some figure, some
7 artistic -- something of artistic significance.
8 It was filled with history.

9 And I saw and I learned that doing
10 this job was so historical in nature and so
11 cultural in nature. And he embraced that. And
12 just being in his office, you felt all of that.
13 And you felt the excitement that he had for his
14 job.

15 And I remember, in these years, he
16 would speak about -- and I'm just paraphrasing
17 here -- the joy of growing older, in that you do
18 what is right and you no longer worry about what
19 people think of you because you're doing what is
20 good in your heart. And it seemed so liberating.
21 Such a simple thing for him to say, but it was
22 such a liberating idea that he was bringing
23 forth.

24 So to my friend and mentor who not
25 only mentored me, but my father, in his years in

1 Congress, and was a tremendous leader, someone
2 who was -- you never had to look for
3 Charlie Rangel. He was everywhere. He was
4 building coalitions at a time when we needed
5 that, and we need that now more than ever. He
6 understood that coalition building was the way to
7 lead.

8 So -- so grateful to his family for
9 giving us Charlie Rangel more than they probably
10 had him, because he was with us all the time.

11 So with that, I conclude, and again
12 thank you for the resolution.

13 I vote aye.

14 ACTING PRESIDENT COONEY: Thank
15 you, Senator.

16 Senator Bailey on the resolution.

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

19 Thank you to everybody in this
20 chamber. Thank you, Senator Cleare, for your
21 courage, your bravery. I know how hard it was to
22 get through those remarks. Madam Leader, thank
23 you for always leading eloquently. And everybody
24 else.

25 And so growing up Black, there are

1 certain names that inspire like certain cultural
2 feeling, right? Even if you didn't get a chance
3 to meet them, even if you didn't know them, they
4 weren't from your neighborhood. The Gang of Four
5 meant something even in the Bronx.

6 When you heard David Dinkins and you
7 heard Basil Paterson and you heard Percy Sutton
8 and when you heard Charlie Rangel, it stirred
9 something in you. And so Charlie Rangel was a
10 name that transcended politics.

11 You didn't -- like you might not
12 have been registered to vote, you might not have
13 known who your local electeds were, but you knew
14 who Charlie Rangel was. Because as the Lion of
15 Lenox, you knew that he fought for you. Even if
16 you didn't live in his district, he fought for
17 you.

18 I saw a line somewhere, you know,
19 reading his bio, coming back from the Korean War,
20 being a high school dropout and then getting a
21 degree and a law degree within six years? That's
22 the power of a lion. The heart of a lion. The
23 heart of a champion and somebody who would not be
24 silenced.

25 I had the chance to meet him as an

1 adult, and it was one of like maybe five or
2 10 people in my life I've been starstruck by. I
3 found another quote online that talked about
4 something that I experienced that one time, the
5 first time that I met Charlie Rangel at
6 Tracey Towers in the Bronx, because he had just
7 been drawn into the Bronx and the Bronx was
8 welcoming, you know, the legend of Harlem.

9 And there was something that --
10 somebody said something online and they said
11 Charlie Rangel had the ability to make you feel
12 like you were the only person in the room when he
13 was talking to you.

14 I felt that that day when I spoke to
15 him. The room was packed full of people, all in
16 line waiting to have a conversation with him, but
17 I felt like I was the only person in the room.

18 And he said something to me which
19 maybe was a throwaway line, but I never forgot
20 it: "Do good in this world, young brother." And
21 it stuck with me.

22 Wearing my other hat, we did a
23 tribute, we had an event, and he was the headline
24 event and it was on Zoom during the height of
25 COVID. There were more people on that Zoom to

1 tune in for Charlie Rangel being there than any
2 other Zoom that I've seen. They didn't just want
3 to be in the room with the Lion of Lenox, they
4 wanted to be on the Zoom boxes with him too,
5 because he meant that much.

6 I mean, folks like him were in
7 uncharted territory. There was no -- I got into
8 the game when there was a caucus. I got here
9 when I had people to look up to, to have mentors,
10 people that had done this. Nobody had done what
11 he had done before. And it was not easy.

12 So I just want to make sure that we
13 cement his legacy here. And at some point in the
14 very near future there's going to be a street
15 sign put up for him. There's going to be a
16 street renamed -- maybe there's going to be a
17 whole block renamed after him.

18 And when that happens, it's
19 important to make sure that the young people who
20 are going to walk by that street sign every
21 single day knew who he was, what he stood for,
22 and what he did for them, even if they never got
23 a chance to meet him.

24 I thank him for everything he did
25 for me and everybody else in this room,

1 Mr. President. I vote aye.

2 ACTING PRESIDENT COONEY: Thank
3 you, Senator.

4 Senator Sanders on the resolution.

5 SENATOR SANDERS: Thank you,
6 Madam Leader. Thank you, Senator Cleare.

7 I just want to draw your attention
8 to just one small aspect of a giant's life, and
9 that is of course his military service, where he
10 earned a Purple Heart and a Bronze Star. Both
11 are very significant.

12 The Purple Heart, of course, is
13 given to those who are wounded in combat, wounded
14 in combat. But the Bronze Star is given to you
15 based on valor, based on leadership. You have to
16 do something above and beyond the course of duty.
17 Just being there is good, but helping to win is
18 better, much better. And he certainly won.

19 So that's one of the first places
20 that you will see his leadership, where you start
21 to see the emergence of this lion, where he
22 distinguished himself in battle.

23 Of course he came back, and unlike
24 so many others, he decided to continue the
25 battle -- the battle against injustice, the

1 battle against things wrong. He fortified
2 himself by going to school, by making sure he had
3 all of the documents necessary.

4 He joined with other titans. You've
5 heard David Dinkins' name mentioned, who was a
6 Marine, mind you. Percy Sutton and Basil
7 Paterson. They became the Gang of Four, shaped
8 by war, shaped by things around them, just as we
9 would have leaders in the days to come further
10 shaped by the wars that we find ourselves in.

11 And war he understood, this
12 Congressman Rangel, that you cannot win it by
13 yourself. You can do many things in war, but you
14 can't win a battle by yourself. You can be
15 instrumental, but you can't win it by yourself.
16 And that aided him in understanding how to
17 navigate Congress, how to use those strategies
18 and tactics to take the hill down in D.C., which
19 is quite the hill to take.

20 So I want to finish -- because he
21 never left Korea alone to some degree, he was so
22 created, if you wish -- "shaped" is a better
23 word -- by Korea. Whenever he had a problem,
24 whenever there was a difficulty that people
25 presented him and said, "Oh, you're having a bad

1 day, these things are bad," he would laugh and he
2 would remind you that he was in Korea and he
3 would say "I've never had a bad day since."

4 (Laughter.)

5 SENATOR SANDERS: And that's
6 something that we all need to keep in mind, that
7 he could go through the absolute worst.

8 And those who have seen battle, I
9 salute you. And we all should remember and take
10 the worst experience and remember that we'll
11 never have a bad day since. If he was able to do
12 it, then maybe the rest of us can.

13 I salute you, Congressman Rangel.
14 You will always be "Congressman" to me.

15 And I vote yes.

16 ACTING PRESIDENT COONEY: Thank
17 you, Senator.

18 Senator Parker on the resolution.

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

21 Let me rise first to thank my
22 colleague Senator Cleare for bringing forth this
23 important resolution. And really just wanted to
24 add my voice to those who are memorializing
25 Congressman Charles B. Rangel.

1 How do you -- how do you remember a
2 legend? I mean, we've gone through here all of
3 the deeds that he's accomplished, whether it's in
4 the military, his academic success. And no one
5 mentioned he actually worked in the Manhattan
6 DA's office as a young lawyer.

7 Obviously 46 years in the Congress,
8 heading the most powerful committee in Congress.
9 Not just the dean of the Harlem delegation, but
10 really the dean of black politics in the country
11 at that time.

12 Somebody who defined the way that
13 Black politics happened. And I remind you that
14 politics is about power. And he taught our
15 community about what power really was and about
16 how to access that power and use it for the
17 people who really needed it.

18 That was the critical piece, is that
19 he always reminded us that power for power's sake
20 was not the goal, but it was really about
21 addressing the needs of the least of those in our
22 communities.

23 What wasn't mentioned is that when
24 he came on the political scene, he beat a legend,
25 that in 1970 he beat Adam Clayton Powell, Jr.,

1 who was a legend in his own right, and built upon
2 that legend.

3 He is somebody who not only do I
4 stand on his shoulders metaphorically, but -- and
5 not just every African-American legislator, but
6 all of us. Anybody who's come into public
7 service and said, I want to help my community,
8 and I'm going to go to the halls of power and
9 make sure that the voices of my community are
10 heard: You are standing on the shoulders of
11 Charlie Rangel. Because he has been one of those
12 voices for, you know, decades that has really
13 been at the forefront at every level, making sure
14 that our community is properly represented.

15 And so I say that we should not
16 remember a legend, but we should honor his memory
17 by continuing to live his legacy. That we
18 hopefully will use this moment to rededicate
19 ourselves to the kind of exemplar that Charlie B.
20 Rangel provided for us as public servants.

21 And not to mention, on this second
22 annual Prince Hall Day, that he was a proud
23 Prince Hall Mason, belonging to Joppa Lodge
24 No. 55. And so even, you know, in his civic life
25 he found ways to contribute to his community.

1 And so thank you again,
2 Senator Cleare, for bringing this important
3 resolution to the floor. Thank my colleagues for
4 their thoughtful words.

5 I think, along with Senator Serrano,
6 I also have a lot of personal fond memories of
7 his mentorship of me as I worked, you know, for
8 H. Carl McCall, a former member of this body and,
9 as the State Comptroller, the first
10 African-American elected statewide. I often saw
11 him in my duties as a staffer.

12 And I will never forget, Jamaal,
13 that when I first ran for the Senate I went to an
14 event to ask for somebody's endorsement and he
15 was there, he was running in the same area, and
16 for some reason, you know, my appointment was
17 just first. Right? So I'm speaking at the
18 event. And then afterwards he's like, "Kevin,
19 come here." He's like, "Oh, my God, I never
20 heard you speak before." (Laughing.)

21 And when I tell you that that made
22 -- like made my entire life, that Charlie Rangel
23 had recognized me and had gave me just a little
24 head nod, that I was somebody who could make it
25 in public service.

1 But in the same way, Senator Bailey,
2 every time you would see him, he would encourage
3 you to make sure that you were in fact making a
4 difference in whatever way you were engaged in
5 public service.

6 And I won't forget that. And I hope
7 none of us forget it. And I hope that we all
8 find ways to add to the legacy that he has grown
9 so richly here in the State of New York.

10 Thank you, Mr. President.

11 ACTING PRESIDENT COONEY: Thank
12 you, Senator.

13 Senator Hoylman-Sigal on the
14 resolution.

15 SENATOR HOYLMAN-SIGAL: Thank you,
16 Mr. President.

17 I rise -- I want to thank
18 Senator Cleare for her stirring words.

19 I wanted to point out, well, growing
20 up, Congressman Rangel to me was a figure on
21 television. I would see him on ABC World News
22 Tonight and think to myself, who is that
23 amazingly charismatic figure? And it was, you
24 know, such a pleasure, a joy to meet him years
25 later.

1 But I want to point out something
2 which concerns Congressman Rangel's attitude
3 toward civil rights beyond his own community.
4 Back in 2015 he was the prime sponsor of the
5 legislation to correct the record of service
6 members discharged due to sexual orientation.
7 And as many of us know, over decades LGBTQ
8 service members were routinely discharged
9 dishonorably because of their sexual orientation.
10 Not only were they dishonorably discharged, they
11 were denied every benefit afforded to service
12 members.

13 So Congressman Rangel introduced a
14 bill to change that. It was called the Restore
15 Honor to Service Members Act. And he said he was
16 proud to introduce it as a Korean War veteran.
17 And I think of the fact that he nearly died in a
18 major war in Korea, where his fellow infantrymen
19 were shot. And he prayed in the cold and
20 survived.

21 So I wonder what motivated him. But
22 I have to think that he knew some LGBTQ service
23 members himself and served with them.

24 He said, "Our veterans risk their
25 lives for our country, and it is crucial that

1 those discharged from the armed services due to
2 their sexual orientation receive the recognition
3 and benefits they deserve.

4 "The Restore Honor to Service
5 Members Act streamlines this process, ensuring
6 their service is respected. It's about time we
7 paid proper tribute to the veterans who deserve
8 to be honored for their valiant service to our
9 country. Seeking redress is not only the right
10 thing to do but will also correct historical
11 injustice."

12 Well, in 2019, Mr. President, we
13 looked at Congressman Rangel's bill. And what
14 did we do? In true Albany fashion, we copied it.
15 And we thought we should recreate Congressman
16 Rangel's Restoration of Honor Act here in the
17 State of New York. And we did that very thing in
18 2019.

19 So it's a tribute to
20 Congressman Rangel that LGBTQ service members who
21 were discharged honorably are now entitled to
22 every benefit afforded to them by New York State
23 thanks to Charlie Rangel.

24 I vote aye.

25 ACTING PRESIDENT COONEY: Thank

1 you, Senator.

2 Senator Comrie on the resolution.

3 SENATOR COMRIE: Thank you,
4 Mr. President. I rise today to speak on today's
5 resolution.

6 I want to thank Senator Cleare and
7 Leader Stewart-Cousins for letting this
8 resolution come to the floor so that people could
9 speak about a true giant, a true trailblazer, a
10 true champion for our entire nation.

11 I had the opportunity to meet
12 Charlie Rangel through my predecessor in the
13 City Council, Archie Spigner, who was the first
14 Black elected official in Queens. And to me,
15 Charlie Rangel and David Dinkins and Percy Sutton
16 would regularly come to the Guy R. Brewer United
17 Democratic Club that Archie was part of. Charlie
18 knew his responsibility as being a person that
19 shaped everyone. And the three of them had
20 opportunities, and they would sit down with
21 Archie Spigner. And they understood that they
22 had to plan for the entire city. They had to
23 bring in people that wanted to make things happen
24 and change people's lives.

25 And Archie Spigner at the time

1 served in the City Council in a leadership
2 capacity, and made sure that Percy Sutton was
3 able to get the first minority cable program in
4 the city, giving him a chance to operate a cable
5 station way back in the '80s.

6 Charlie Rangel and the Gang of Four
7 didn't just limit themselves to working in
8 Harlem. They worked all over this country trying
9 to instill in people, like Senator Bailey said,
10 giving people a battery on their back, a pat on
11 their head, an opportunity to understand that
12 they could be better people just by following a
13 simple mantra: Being good to everybody.

14 Charlie Rangel understood the power
15 of cooperation. He understood the power of
16 working across the different aisles.

17 I was not surprised to hear from
18 many Republicans, like Peter King, who talked
19 about how they worked with Congressman Rangel on
20 getting things done, making sure that even during
21 that time that there was a bipartisan effort to
22 focus on things that were most important.

23 And I think that's what I would want
24 to talk most about today, the ability to make
25 sure that we can find a way to get the important

1 things done like Charlie Rangel did -- in a
2 bipartisan way, ensuring that people were taken
3 care of, that the true needs of people were taken
4 care of. That even a giant like him could be
5 humble in any environment, in any location. He
6 was never afraid to speak truth to power while he
7 fought tirelessly for working families, for civil
8 rights, for education, for healthcare.

9 While he had leadership and was part
10 of -- he was in the highest levels of the
11 government, had major opportunities to talk to
12 people from all over the world, you always knew
13 that he was someone that could speak to you
14 individually.

15 As Senator Bailey said, you could
16 always feel like you had an individual
17 opportunity to talk to Charlie Rangel and he
18 understood you.

19 I had the opportunity to sit down
20 with David Dinkins and Charlie Rangel when I was
21 thinking about running for City Council Speaker.
22 They told me not to do it.

23 (Laughter.)

24 SENATOR COMRIE: You didn't know
25 that story. I was sitting in a restaurant and I

1 was all hyped up about myself. And after sitting
2 down with them, I realized that I understood that
3 was not my path.

4 But it brought me here, you know.
5 So I had that relationship. They knew me because
6 I was -- as I said, I worked for my predecessor
7 Archie Spigner, and so they saw me and they saw
8 my evolution, but they knew I wasn't ready for
9 that. And they pointed me in a different
10 direction.

11 And they didn't throw me out and
12 say, You can't do anything, they gave me a
13 different path. They gave me a better
14 understanding on what my skill set was and what I
15 needed to do to contribute to my opportunities in
16 the City Council. But it wasn't being Speaker of
17 the City Council. And they let me know it
18 because they needed me in other places.

19 And they were able to figure out
20 your strengths. They were able to figure out
21 what you could do.

22 And he consistently, even after
23 then, stayed in my life, made sure that we all
24 did better. Made sure that whatever he did, he
25 showed his joy, he showed his spirit, he showed

1 what it was to be someone that could impress
2 people, someone that could make sure that people
3 had a purpose and make sure that people are proud
4 of public service.

5 God rest Charlie Rangel.

6 Thank you, Mr. President.

7 ACTING PRESIDENT COONEY: Thank
8 you, Senator.

9 Senator Liu on the resolution.

10 SENATOR LIU: Much has been said by
11 many already, and much more will be said by many
12 more.

13 Mr. President, for the record, I
14 just want to make clear that the Lion of Lenox,
15 the giant of Harlem, was renowned and revered in
16 the Asian-American community as well, never
17 missing an invitation to take part in a
18 commemoration of the Korean War or any other
19 events. And without his efforts, even being
20 gravely wounded, the Korean-American community in
21 New York and particularly in my area of Flushing,
22 Queens, could never have begun, much less thrive
23 in the way it does today.

24 On a personal note, I want to thank
25 Congressman Rangel for helping me get on the map

1 politically in New York. And also, I guess
2 especially for him, in our first sitdown at
3 Sylvia's, introducing me to smothered chicken.
4 It's unbelievable.

5 Congressman Charles B. Rangel. He
6 will be missed, but never forgotten.

7 Thank you, Senator Cleare, for the
8 resolution.

9 And Mr. President, I vote yes.

10 ACTING PRESIDENT COONEY: Thank
11 you, Senator.

12 Senator Webb on the resolution.

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

15 I want to extend my appreciation to
16 Senator Cleare, and of course to our
17 Majority Leader, with regards to this resolution.

18 Although I never had the chance to
19 directly connect with the Congressman, but most
20 certainly through the national political work
21 that I did prior to the Senate, and even well
22 before that, his reputation far preceded him and
23 most certainly will always be remembered.

24 You know, we're continuing to see
25 this trend of our trailblazing leaders that are

1 transitioning, which feels like too soon.
2 Because we want more time with them, we want more
3 opportunity to soak in their knowledge.

4 And so as one of my colleagues
5 already mentioned, it's imperative that we
6 continue their legacy, most certainly through
7 resolution, but also continue their legacy of
8 service.

9 And so as has already been stated,
10 Harlem most certainly has lost a lion, but I
11 would also add our state has lost a giant and our
12 nation has lost a moral force whose voice
13 thundered resoundingly for justice, equality, and
14 opportunity for over half a century.

15 Congressman Rangel was a trailblazer
16 and a decorated war hero and a founding member of
17 the Congressional Black Caucus. But he also
18 brought that same tenacity and courage to
19 Congress, representing the 13th District with
20 compassion, vision, grace and dignity for
21 46 years.

22 He never stopped fighting for the
23 people, as has been said, and especially those
24 who are often rendered voiceless and those who
25 are often marginalized. He always stayed

1 grounded even though rising in the ranks in
2 Congress. He never forgot the community that he
3 came from. And he understood, like we all do in
4 this chamber, that leadership is not just about
5 writing laws, it's about lifting voices,
6 especially those that are too often ignored.

7 He was also someone that was very
8 connected to many organizations. As
9 Senator Parker mentioned, he was a Mason but he
10 was also a member of the Divine Nine, as a
11 brother of Alpha Phi Alpha Fraternity, Inc.

12 Even in his retirement he continued
13 to mentor those coming after him. And his legacy
14 is not one of just legislation, but his legacy is
15 most certainly continued through the love of his
16 family, his constituents, and for the
17 possibilities that justice can create.

18 I want to extend my deepest
19 condolences to his children, his grandchildren
20 and extended family, and to the Harlem community
21 that he so fiercely championed.

22 Mr. President, Congressman Rangel
23 leaves behind more than a record of service; he
24 leaves behind a road map for how to lead with
25 integrity, courage, and an unshakable belief in

1 the promise of this nation.

2 As we all continue to mourn his
3 passing, may we all continue to honor his legacy.
4 I thank him for his service, and I vote aye on
5 this resolution.

6 Thank you, Mr. President.

7 ACTING PRESIDENT COONEY: Thank
8 you, Senator Webb.

9 The question is on the resolution.
10 All those in favor please signify by saying aye.

11 (Response of "Aye.")

12 ACTING PRESIDENT COONEY: Opposed,
13 nay.

14 (No response.)

15 ACTING PRESIDENT COONEY: The
16 resolution is adopted.

17 Senator Gianaris.

18 SENATOR GIANARIS: Next up,
19 Mr. President, is previously adopted
20 Resolution 823, by Senator Sepúlveda.

21 Read that resolution's title and
22 recognize Senator Sepúlveda, please.

23 ACTING PRESIDENT COONEY: The
24 Secretary will read.

25 THE SECRETARY: Resolution 823, by

1 Senator Sepúlveda, memorializing Governor Kathy
2 Hochul to proclaim May 28, 2025, as
3 Taiwan Heritage Day in the State of New York.

4 ACTING PRESIDENT COONEY: Senator
5 Sepúlveda on the resolution.

6 SENATOR SEPÚLVEDA: Thank you,
7 Mr. President, for allowing me to present this
8 resolution.

9 It is a great honor for me to
10 commemorate Taiwan Heritage Day, a celebration
11 that invites us not only to look to the past with
12 respect and gratitude, but also to project into
13 the future the values, traditions and cultural
14 expressions that have shaped the identity of the
15 honorable members of the Taiwanese community.

16 Taiwan, with its rich cultural
17 diversity, millennia-old history, and tireless
18 innovative spirit, offers an inspiring example of
19 how the past can be honored without losing sight
20 of the future. From traditional craftsmanship to
21 contemporary art, from ancestral celebrations to
22 cutting-edge technology, Taiwan reminds us that
23 heritage is a living force that unites us, gives
24 us identity, and strengthens our shared humanity.

25 The active presence of the Taiwanese

1 diaspora in the United States is a testament to a
2 constant desire for dialogue, exchange and mutual
3 enrichment. It is without a doubt an opportunity
4 to build stronger bridges between our cultures
5 and to strengthen the shared values of democracy,
6 freedom, diversity and respect.

7 Taiwan is much more than an island.
8 It is a cultural beacon with a vibrant identity
9 and a history forged through diversity,
10 resilience, and determination to build an
11 inclusive and modern society. Today we celebrate
12 the heritage not only as a legacy of the past,
13 but as a living testament to what a community can
14 achieve when it unites around common principles.

15 From my position as a New York State
16 Senator, I reaffirm my commitment to recognizing
17 and promoting the cultural heritage of all the
18 communities that make our state and our country a
19 mosaic of stories, voices and hopes.

20 As we commemorate Taiwan Heritage
21 Day, I am proud to recognize Ambassador Lee, who
22 is the director general of the Taipei Economic
23 and Cultural Office, and Mr. Chuy, Tony Chuy,
24 president of the Chinese Consolidated Benevolent
25 Association of New York.

1 Thank you, Mr. President.

2 ACTING PRESIDENT COONEY: Thank
3 you, Senator.

4 Senator Liu on the resolution.

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

7 I want to thank Senator Sepúlveda
8 for every year introducing this resolution on
9 behalf of the Taiwanese American community.

10 As some of you may know, Taiwan is
11 my native land. I was born there a number of
12 years ago before I immigrated here at the age of
13 five, and Taiwan has always been part of my life.

14 But I think Senator Sepúlveda
15 already gave it the best descriptors possible. I
16 can only add that I think we all know about the
17 rich history and culture of the people from
18 Taiwan and the people in Taiwan. It's got art,
19 it's got media, it's got music. But today we
20 know Taiwan for the great technology it has, of
21 course great food, and it is a modern beacon of
22 democracy and I daresay the most or certainly at
23 least one of the most progressive societies in
24 this world.

25 So I join Senator Sepúlveda and my

1 colleagues here in welcoming Ambassador Tom Lee
2 from the Taiwan Economic and Cultural Office, and
3 Mr. Tom Su, the president of the Taiwan Center of
4 New York, and of course Mr. Tony Chuy, who is the
5 president of the Chinese Consolidated Benevolent
6 Association, which is the -- one of the oldest
7 and certainly the largest Chinese American
8 organization in the Greater New York area.

9 Mr. President, I proudly vote yes on
10 this resolution. Thank you.

11 ACTING PRESIDENT COONEY: Thank
12 you, Senator.

13 Senator Stavisky on the resolution.

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

16 Thank you, Senator Sepúlveda and
17 Senator Liu.

18 And thank you for coming to Albany.
19 This is sort of a tradition that goes back quite
20 a number of years to our friends from TECO, the
21 Taiwan Economic and Cultural Association, our
22 friends from CCBA, from the Taiwan Center. If
23 there's anybody here from FCBA, great to see you
24 all.

25 The Taiwanese community is such an

1 important part of life in Queens County. And we
2 are truly blessed by your presence. When you
3 came here during I guess it was the late 1970s or
4 so, early 1980s, you added such vibrancy, I
5 think -- I can't think of another word -- to the
6 Queens community which continues to this day.

7 So the ambassador and the presidents
8 of the associations, and to the members, we
9 welcome you and we thank you for what you're
10 doing to make Queens County a better place in
11 which to live, to raise a family, to do business,
12 and to enjoy everything that there is to
13 celebrate.

14 So again, thank you very much for
15 coming.

16 ACTING PRESIDENT COONEY: Thank
17 you, Senator.

18 Senator Chan on the resolution.

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

21 Thank you, Senator Sepúlveda, for
22 bringing forth this resolution. Thank you,
23 Senator Liu, for all your kind words about
24 Taiwan, Senator Stavisky.

25 Welcome, my guests, Mr. Ambassador

1 Lee and Mr. Tony Chuy of CBCA, Mr. Tom Su.
2 Welcome to Albany. I want to thank you for
3 taking the time in your busy schedule to come
4 visit on this Taiwan Heritage Day.

5 I don't think I have to stand here
6 all day to talk about Taiwan and their
7 contributions to civilization. Taiwan is home to
8 the largest semiconductor foundry on the planet,
9 and that is Taiwan Semiconductors. I own stocks.

10 (Laughter.)

11 SENATOR CHAN: But anyway, so the
12 achievements of our Taiwanese community is
13 especially visible, tangible. You can feel it.
14 You can see it right there in Flushing, New York.
15 We're talking about commerce. We're talking
16 about food, culture. It's enriching to our
17 community, it's enriching to New York and our
18 state as well as America itself.

19 So I don't have to stand and talk
20 about that all day. So I just want to once again
21 thank you for coming up here, and welcome.

22 Mr. President, I proudly vote aye.

23 ACTING PRESIDENT COONEY: Thank
24 you, Senator Chan.

25 To our guests, I welcome you on

1 behalf of the Senate. We extend to you the
2 privileges and courtesies of this house.

3 Please rise and be recognized.

4 (Standing ovation.)

5 ACTING PRESIDENT COONEY: The
6 resolution was adopted on May 6th.

7 Senator Gianaris.

8 SENATOR GIANARIS: Mr. President,
9 let's move on to previously adopted
10 Resolution 945, read that resolution's title, and
11 recognize Senator Murray.

12 ACTING PRESIDENT COONEY: The
13 Secretary will read.

14 THE SECRETARY: Resolution 954, by
15 Senator Murray, memorializing Governor Kathy
16 Hochul to proclaim July 2025 as MECP2 Duplication
17 Syndrome Awareness Month in the State of
18 New York.

19 ACTING PRESIDENT COONEY: Before we
20 recognize Senator Murray, I ask the house to
21 please maintain decorum here as Senator Murray
22 has the floor.

23 Senator Murray on the resolution.

24 SENATOR MURRAY: Thank you,
25 Mr. President.

1 So on May 13th we approved a
2 resolution proclaiming July as MECP2 Duplication
3 Syndrome Awareness Month in New York State.

4 MECP2 Duplication Syndrome is a rare
5 progressive genetic disorder estimated to be
6 found in less than one out of every 100,000
7 births. It was first recognized in 2005. The
8 symptoms include severe developmental problems,
9 impaired motor function, gastrointestinal issues,
10 respiratory infections, and treatment-resistant
11 seizures.

12 Tragically, the cumulative impact of
13 these multisystemic health problems often lead to
14 a shortened life span with only half of affected
15 individuals surviving past the young age of 25.

16 Although research studies have
17 indicated some hope that symptoms of this
18 disorder may be reversed, we are still many years
19 away from effective treatments.

20 I was made aware of this rare
21 genetic conditional by a constituent of mine,
22 Loretta Beine, whose son Dakota passed away in
23 2022. Dakota was a young man full of life and
24 joy whose smile would light up a room. He loved
25 childhood pleasures like birthday parties,

1 sharing meals with family and neighbors. He
2 enjoyed hanging out in the pool on summer days.
3 He loved to talk to people about music,
4 motorcycle cops, and Batman.

5 Dakota was a student at Eastern
6 Suffolk BOCES, where he was often called "the
7 Mayor," and that was because he would love to say
8 hello and greet everyone he ran into.

9 Dakota graduated high school at
10 20 years of age, then went on to a culinary-focus
11 day habilitation program, where Dakota had warm
12 relationships with his peers and teachers.
13 Dakota also developed a special friendship with
14 Tom, the nurse for the building.

15 And here is why passing this
16 resolution and raising awareness is so vitally
17 important. You see, Dakota experienced serious
18 developmental delays. And although he was
19 eventually able to speak in full sentences and
20 was able to move independently, but as he grew
21 older, however, he regressed. Despite years of
22 medical evaluations and hospitalizations, no
23 diagnosis emerged.

24 For much of his life Dakota lived
25 without a diagnosis, leaving his family without

1 the understanding or support that could have made
2 a critical difference.

3 Dakota was finally diagnosed with
4 MECP2 Duplication Syndrome. And although the
5 diagnosis brought the long-sought clarity, it
6 also confirmed the difficult reality that there
7 was no cure.

8 Over time, Dakota's condition
9 continued to worsen. He began experiencing daily
10 seizures and ultimately spent his later years in
11 a transport chair and faced the many challenges
12 that came with this devastating syndrome.

13 In 2022, at just 31 years old,
14 Dakota passed away at Stony Brook University
15 Hospital due to pneumonia. His life, though
16 marked by struggle, was also marked by immense
17 love, strength and resilience. Dakota's story is
18 a powerful example of the urgent need for
19 research and to raise awareness and support for
20 those living with MECP2 Duplication Syndrome and
21 their families, as well as the professionals who
22 are responsible for their healthcare.

23 Mr. President, I'd like to thank all
24 of my colleagues here for their support in
25 passing this resolution. And as I mentioned

1 earlier, current research has indicated the
2 possibility of successful treatment options. And
3 it's my sincere hope that our efforts will help
4 raise awareness and incentivize further research.

5 I'd also like to mention Dakota's
6 mother, Loretta Beine, is here with us in the
7 gallery today. And I ask that you recognize her
8 and extend to her the courtesies of the house.

9 Thank you, Mr. President.

10 ACTING PRESIDENT COONEY: Thank
11 you, Senator Murray.

12 To our guests, I welcome you on
13 behalf of the Senate. We extend to you the
14 privileges and courtesies of this house.

15 Please rise and be recognized.

16 (Standing ovation.)

17 ACTING PRESIDENT COONEY: The
18 resolution was adopted on May 13th.

19 Senator Gianaris.

20 SENATOR GIANARIS: We're going to
21 go to Senator Parker next and take up previously
22 adopted Resolution 308, read that resolution's
23 title and recognize Senator Parker.

24 ACTING PRESIDENT COONEY: The
25 Secretary will read.

1 THE SECRETARY: Resolution 308, by
2 Senator Parker, honoring the Most Worshipful
3 Prince Hall Grand Lodge of New York on the
4 occasion of celebrating Prince Hall Day 2025.

5 ACTING PRESIDENT COONEY: Senator
6 Parker on the resolution.

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

9 I rise to talk about one of the
10 oldest African-American institutions in this
11 nation, which is Prince Hall Masonry, and wanted
12 to thank this body for giving us an opportunity,
13 for the second year in a row, to have a Prince
14 Hall Day at the Capitol and the resolution.

15 This is important in part because
16 this organization is a subset of the oldest
17 fraternity in the world, which is Free and
18 Accepted Masonry. If you kind of trace back the
19 unification of Grand Lodges, we're talking about
20 going back to 1717. And I could be corrected if
21 I have my dates a little off.

22 But we talk about the beginning of
23 Prince Hall Masonry being around March 6, 1775,
24 with the initiation of the Immortal 15, which
25 were the first 15 African-Americans initiated

1 into Masonry under an Irish Militia Lodge, that
2 then grew into what we understand now to be
3 Prince Hall Masonry.

4 And why Prince Hall Masonry?
5 Because Prince Hall was the first Grand Master, a
6 freed African-American who there's not a lot of
7 information about his early days.

8 But I wanted to raise the history of
9 Prince Hall because Masonry to a large degree was
10 kind of a side hustle. Right? I mean, he was an
11 abolitionist. Fundamentally what he was, was an
12 abolitionist. He actually came to Masonry
13 because he had freed himself and was looking for
14 the opportunity to free other African-Americans
15 in Boston in the late 1700s.

16 He built schools. He created
17 opportunities for mutual assistance. Right?
18 Much of what's been lost in Masonry is the fact
19 that early on they were mutual aid societies.
20 Right?

21 As Masons we oftentimes talk about,
22 you know, burying our dead, which now kind of
23 sounds weird because we don't think about that as
24 being a thing that you have to worry about. But
25 in the 1700s it was. Right? Taking care of

1 widows and orphans, providing charity in the
2 community. These are all part of the things that
3 Prince Hall did that then, once he became a
4 Mason, then married beautifully together.

5 (Sneeze from the audience.) Bless
6 you. We say Masonry -- what we call that in the
7 African-American tradition is sneezing on the
8 truth --

9 (Laughter.)

10 SENATOR PARKER: -- just so you
11 know.

12 But we say that Masonry is a
13 beautiful system of morality veiled in allegory
14 and illustrated by symbols. But at its base it
15 is both a fraternity and a charity. It is a
16 group of men who have bonded together to provide
17 mutual aid, to support one another, and to help
18 our families, our widows and our orphans.

19 Our motto in Prince Hall Masonry is
20 "Making Good Men Better." It is a motto that has
21 brought together a number of men of different
22 religious backgrounds, ethnic backgrounds, racial
23 backgrounds. It's a fraternity that you can find
24 literally throughout the world. I've actually
25 visited the Grand Lodge in India, which was quite

1 an experience.

2 And so today during Prince Hall Day,
3 members of the Most Worshipful Prince Hall
4 Grand Lodge of the State of New York and members
5 of the order of the Eastern Star, Eureka Grand
6 Chapter, here in the State of New York came to
7 visit with legislators, interact with them about
8 numbers of issues that are going on both
9 legislatively and things in the community, have
10 an opportunity to talk to them about their
11 concerns, and share with them the work that they
12 have been doing.

13 One of the interesting things that
14 happens in the context of these meetings is that
15 that legislators quickly find out that the people
16 that they're meeting now as Masons and as members
17 of the Order of the Eastern Star, they already
18 knew, but in other capacities.

19 And when we look throughout our
20 history and we look even at our contemporary
21 society, you will see a number of people that you
22 already know that are Prince Hall Masons. People
23 like Charles B. Rangel that we memorialized
24 today. People like David Dinkins. Men like Bill
25 Thompson, who's a former City Comptroller and

1 chair of the City University of New York. Men
2 like Al Sharpton.

3 And when we look through history,
4 we'll find men like Ralph Abernathy, right, who
5 ran the NAACP and was very active in the whole
6 movement that put Rosa Parks on the bus.

7 People like A. Philip Randolph, who
8 headed the Brotherhood of Sleeping Car Porters.
9 In fact, legend tells us that in fact part of the
10 March on Washington, which A. Philip Randolph
11 organized, was actually organized at our
12 Grand Lodge here in New York at 454 West 155th
13 Street.

14 People like Arturo Schomburg, who
15 was a very active Prince Hall Mason. Right?

16 And so today I wanted to make sure
17 that we recognize these leaders in our
18 communities and the work that they have done not
19 just in their everyday lives but particularly the
20 work that they do within their lodges and
21 chapters. Me myself am a member and actually sit
22 as the Master of Sons of Kings Lodge No. 123.
23 I'm a Past Patron of Sunshine Chapter No. 34, a
24 member of Mount Moriah Chapter No. 3 of the
25 Holy Royal Arch, a member of Long Island

1 Consistory No. 61, in the Scottish Rite, as well
2 as a member of the Mystic Tie Chapter No. 8 of
3 the Royal and Select Masters.

4 And my Masonic journey has been one
5 in which I have not just had an opportunity to
6 expand my service and charity in the community
7 but, more importantly, build a lifelong
8 brotherhood and sisterhood with the members of
9 the society.

10 And so quickly I'd like to ask the
11 folks to rise on the floor so I can quickly
12 introduce them.

13 The first, we have our Most
14 Worshipful Grand Master, Reverend Dr. Darren M.
15 Morton, Ed.D. We have the Deputy Grand Master
16 Jean E. Apollon. We have a member of the
17 Trustees, Troy Jackson. We have Grand Worthy
18 Patron Grant Valentine, as well as the rose of
19 our great chapter, Marsha Mack, our Grand Worthy
20 Matron. But certainly not to be forgotten is our
21 Grand Junior Warden Sandino Sanchez.

22 And I wanted to thank them for being
23 here, thank them for their leadership, and thank
24 them for every day answering the call that our
25 community puts out and never wavering and never

1 getting tired in doing good.

2 Before I take my seat,
3 Mr. President, I certainly wanted to thank my
4 staff, particularly Justin Chaires, who is the
5 Worshipful Master of Tuscan Lodge No. 85 right
6 here in Albany, and Tamara Tucker, my director of
7 operations, who is a sister at Mount Moriah
8 Chapter here in Albany, as well as
9 Veronica Norman, who's a sister at Adah Chapter
10 in Schenectady.

11 So it is -- teamwork makes the dream
12 work. And being part of these organizations has
13 certainly built a team around a set of people
14 with like values, but most importantly a heart of
15 service.

16 Thank you, Mr. President. And thank
17 you, Prince Hall Masons and members of the Order
18 of the Eastern Star.

19 ACTING PRESIDENT COONEY: Thank
20 you, Senator Parker.

21 Senator Bailey on the resolution.

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

24 Thank you, Senator Parker, for
25 introducing this resolution.

1 I just wanted to make sure that I
2 get the opportunity to recognize the Prince Hall
3 Masons for all the great work that they do in the
4 community.

5 It's the time that I get to pay
6 homage to my grandfather, James Bailey. He was a
7 Prince Hall Mason from Johnson County,
8 North Carolina, specifically Selma. And I used
9 to always ask him, like, What is the G club, what
10 is this G thing that you go to? And he said it's
11 the Prince Hall Masons. It's an order of
12 brotherhood.

13 And he told me what he could tell
14 me, not -- no divulging the state secrets or
15 anything like that. But he told me that it was
16 something that he took pride in because it was an
17 organization that meant something to him and the
18 community.

19 My grandmother Lena was also --
20 Lena Bailey, Lena Bell Bailey, was a member of
21 the Order of the Eastern Star as well.

22 And I'm often asked, if your
23 grandparents were members, why haven't you
24 joined? And the question and the thought process
25 is that my grandparents are legends. Sometimes

1 you've just got to let it live where the legends
2 are.

3 And I appreciate all that they've
4 done and all that you do. Special recognition
5 goes to the Most Worshipful Grand Master Reverend
6 Dr. Darren M. Morton, a man who has more degrees
7 than the deodorant aisle in Target. He also --
8 he's the pastor of Macedonia Baptist Church in
9 the City of Mount Vernon. He's also the city
10 comptroller of the City of Mount Vernon. And
11 he's actually spearheading a financial
12 renaissance in the city because there were some
13 tough times before he got there.

14 But under his leadership we're on
15 the way back. And I imagine that under his
16 leadership here with the Prince Hall Masons, you
17 guys are in great hands.

18 So, Mr. President, I proudly vote
19 aye on the resolution and again, thank you for
20 coming up to our State Capitol, and thank you for
21 all the work that you do.

22 ACTING PRESIDENT COONEY: Thank
23 you, Senator.

24 Senator Cleare on the resolution.

25 SENATOR CLEARE: Thank you,

1 Mr. President.

2 It is with great pleasure and pride
3 that I stand in support of this resolution.

4 I want to thank Senator Kevin Parker
5 for every year doing this. It's so important.
6 I'm so happy that he does the resolution, but I
7 do get a little jealous because Prince Hall is in
8 my district. But we can share. Because they
9 belong to all of us.

10 I'm the proud daughter of a Prince
11 Hall Mason, I'll shout him out today, Levi
12 Cleare. He's no longer with us. But -- and I,
13 like Senator Bailey, they've asked me how come
14 you've never. But I think that he just -- I'm
15 going to leave that where it is, because he was
16 just that guy to me and to so many.

17 But I want to thank Prince Hall and
18 I want to thank the Eastern Stars for the work
19 that they do every day in all of our communities
20 and for being one of the first organizations that
21 I ever knew of that did charity in our own
22 community. People that looked like us, people
23 that lived with us who every day, without
24 recognition, without pay, without fanfare, just
25 did what they knew was right.

1 And I just appreciate that example,
2 and I know that it has influenced my life and
3 what I've done in this world. So I thank you so
4 much.

5 I want to recognize -- well, there's
6 a few of my constituents here today. But I ran
7 into one today at the hotel, Larry Blackman. I
8 don't know if he's still here.

9 But I know so many of you came up
10 today. And I'm very, very proud to see this
11 organization recognized here in our State
12 Capitol.

13 Thank you so much. Thank you again,
14 Senator, for bringing them here.

15 Thank you.

16 ACTING PRESIDENT COONEY: Senator
17 Scarcella-Spanton on the resolution.

18 SENATOR SCARCELLA-SPANTON: Thank
19 you, Mr. President.

20 And thank you, Senator Parker, for
21 bringing this resolution to the floor. It's been
22 a tremendous honor to get to know everyone today.
23 But I have to give a special shout out to the
24 Silver Lake Lodge. I have Troy Jackson here,
25 from Staten Island, who's here with us.

1 And I want to talk a little bit
2 about Silver Lake Lodge. Silver Lake Lodge holds
3 a distinguished place in Staten Island Masonic
4 history. It's celebrated as the first and only
5 lodge on Staten Island and has an over 100-year
6 history.

7 Throughout its century-long
8 existence, Silver Lake Lodge has been deeply
9 involved in community service, often in
10 collaboration with the Silver Queens. I've had
11 the honor to come visit the lodge and speak at
12 it. I think it's actually one of the very first
13 things I did when I got elected to the Senate.

14 So it's amazing to see you all here
15 today. I actually got a text from Dr. Al Curtis
16 that his son, Dr. Al Curtis, Jr., was recently
17 elevated to Illustrious Grand Inspector General.
18 So congratulations to him.

19 And I know within your midst you
20 have politicians, doctors, business owners,
21 lawyers, you name it. And it's such a tremendous
22 testament to your history. And I thank you for
23 being here.

24 And I thank you, Senator Parker, for
25 bringing this resolution to the floor.

1 I proudly vote aye.

2 ACTING PRESIDENT COONEY: Senator
3 Oberacker on the resolution.

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

6 And, Most Worshipful, welcome to the
7 Senate chamber, and the distinguished Most Worthy
8 Matron and Patron, welcome to Albany.

9 You know, I'm celebrating 40 years
10 of being a Mason. I'm a Past Master and a past
11 state office Grand Steward for the State of
12 New York. So Masonry has been a big part of my
13 life growing up.

14 And who would have thought that when
15 I came to the Senate that I would have something
16 so in common with one of my colleagues,
17 Senator Parker. We both are good orators. One
18 speaks maybe a little longer than the other;
19 we'll let you determine who that might be.

20 (Laughter.)

21 SENATOR OBERACKER: We -- and we're
22 brothers, we're Masonic brothers. And that is
23 something that when it comes to all the debates
24 and all the issues that we bring forward, that
25 will always, always ring true and give us a

1 foundation to move on respectfully.

2 So, Most Worshipful, may we always
3 meet on the level. Welcome.

4 And Senator Parker, thank you for
5 bringing this resolution to the floor.

6 I proudly vote aye. Thank you.

7 ACTING PRESIDENT COONEY: Senator
8 Comrie on the resolution.

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

11 I want to thank the leader and
12 Senator Parker for starting this wonderful
13 tradition of having the Masons come here and have
14 an opportunity to network and talk to members in
15 both houses today, have an opportunity to go to
16 the Assembly and to move around and to just show
17 people their majesty and their dignity.

18 I want to shout out Lebanon Lodge in
19 Queens, where I have the honor of being made a
20 Mason through Lebanon Lodge and have the
21 opportunity to work with them.

22 I just want to talk about the fact
23 that the Masonic focus, as has been said, is
24 focused on charity or focused on giving back.
25 I've worked with Lebanon Lodge on many projects

1 from giving back to the community, where they
2 take almost every weekend where they're doing
3 something to help the community one way or
4 another, through charity drives to give-backs to
5 working to help new mothers or to new parents, to
6 having opportunities to give children an
7 opportunity to see people in a different light,
8 to see adults acting in a way that would make a
9 child proud.

10 The Masonic community has never
11 failed to be part of our community's life.

12 So I just wanted to rise and thank
13 all of you for being here today. I continue to
14 look forward to seeing you in different aspects
15 of our community, as you are true leaders of our
16 community.

17 So thank you, Mr. President, for
18 allowing me to salute the Masonic community.

19 Thank you.

20 ACTING PRESIDENT COONEY: Thank
21 you, Senator.

22 Senator Fernandez on the resolution.

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

25 I too want to thank Senator Parker

1 for bringing this resolution, and take this
2 moment to recognize my chapter because I am a
3 sister of the Order of the Eastern Star,
4 Lorelei Chapter 581.

5 And it has been an honor to be a
6 part of this organization, this movement, this
7 legacy for the work that has been done, the
8 people, the women that I've met, it truly has
9 been a blessing to be in their graces, and
10 building on a legacy of community and protecting
11 our neighborhoods and our community.

12 And on to today, where we can -- I
13 feel like sharing our secret because for the
14 longest time it's like you don't say that you
15 are, but you do the work like you are. And it's
16 always a lovely surprise when I am meeting people
17 and when they see maybe my pin or some colors
18 that I'm wearing or something to know that I am a
19 sister, when I get the secret handshake, it's
20 just -- it's always fun.

21 But I truly thank everyone for
22 coming up here, and each of your chapters around
23 the state, thank you for the work that you're
24 doing in uplifting our communities and providing
25 the need that sometimes is not there, and for

1 leaving the legacy strong as it has always been.

2 So thank you. I proudly vote aye.

3 ACTING PRESIDENT COONEY: Thank
4 you, Senator Fernandez.

5 To our guests, I welcome you on
6 behalf of the Senate. We extend to you the
7 privileges and courtesies of this house.

8 Please rise and be recognized.

9 (Standing ovation.)

10 ACTING PRESIDENT COONEY: The
11 resolution was adopted on February 4th.

12 Senator Gianaris.

13 SENATOR GIANARIS: Let's take up
14 previously adopted Resolution 450. Please read
15 its title and recognize Senator Mayer.

16 ACTING PRESIDENT COONEY: The
17 Secretary will read.

18 THE SECRETARY: Resolution 450, by
19 Senator Mayer, memorializing Governor Kathy
20 Hochul to proclaim June 21, 2025, as Yoga Day in
21 the State of New York.

22 ACTING PRESIDENT COONEY: Before
23 Senator Mayer begins, I just want to remind the
24 house to please maintain decorum as Senator Mayer
25 has the floor.

1 Senator Mayer on the resolution.

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

4 And I rise to speak on behalf of
5 this resolution declaring June 21st as Yoga Day
6 in the State of New York.

7 And I know my guests who are
8 supporting this have exercised the greatest
9 skills of yoga by their patience and tempered
10 response watching the Senate today.

11 And it truly is a tribute to yoga
12 and the ability to have a peaceful method of
13 dealing with conflict in the world that has made
14 yoga such a powerful voice for peace and personal
15 harmony.

16 The world yoga community is much
17 larger than we ever anticipated. When yoga was
18 introduced into the United States, it was sort of
19 a new phenomenon. Now it has become established
20 in every community in the United States and
21 certainly here in New York. And if you were
22 present in the Well earlier today, you could have
23 engaged in some of the yoga postures, let by
24 Guruji, our remarkable leader, who is a
25 world-renowned yogi and interfaith minister. And

1 I've had the pleasure of taking his class and
2 learning from him. I do need to practice, but we
3 all could use the practice.

4 The community that is here on behalf
5 of World Yoga Day and New York's Yoga Day
6 represents really a tremendous credit to their
7 perseverance in ensuring that New York is an
8 inclusive community of different traditions that
9 can be shared by all faiths.

10 And that is one of the secrets of
11 yoga. It is not a religion. It is a practice.
12 We all could learn from it. We certainly could
13 learn from it in this chamber. The qualities of
14 striving for world peace that drive yoga are
15 something that we all need to find a path to do
16 better.

17 And I'm so pleased to have my guests
18 here today, including Guruji, as I mentioned, who
19 has been a leader in the U.N. in the efforts to
20 declare World Yoga Day.

21 And to all of our guests, I hope
22 that you will give them the cordialities of the
23 house and express our appreciation. As you know,
24 Mr. President, many of them are from the State of
25 Kerala in India, which is a very important part

1 of the Indian-American community in New York.
2 But it goes way beyond those that come from
3 Kerala to become an absolute part of the fabric
4 of all of our communities.

5 I proudly vote aye, and I hope you
6 will give our guests the privileges and
7 cordialities of the house.

8 Thank you.

9 ACTING PRESIDENT COONEY: Thank
10 you, Senator Mayer.

11 Senator Scarcella-Spanton on the
12 resolution.

13 SENATOR SCARCELLA-SPANTON: Thank
14 you, Mr. President.

15 And thank you, Senator Mayer, for
16 bringing this resolution to the floor.

17 I just have to recognize that we do
18 have some constituents in the house here today.
19 And just looking at you, I feel calmer. So thank
20 you for being here.

21 I do think that this is an important
22 practice that every person in this room could
23 probably benefit from. So thank you for being
24 here. Happy Yoga Day. And thank you again,
25 Senator Mayer.

1 ACTING PRESIDENT COONEY: Thank
2 you, Senator.

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

6 Please rise and be recognized.
7 (Standing ovation.)

8 ACTING PRESIDENT COONEY: The
9 resolution was adopted on March 11th.
10 Senator Gianaris.

11 SENATOR GIANARIS: Please read the
12 title of previously adopted Resolution 432 and
13 recognize Senator Mayer.

14 ACTING PRESIDENT COONEY: The
15 Secretary will read.

16 THE SECRETARY: Resolution 432, by
17 Senator Mayer, memorializing Governor Kathy
18 Hochul to proclaim May 15-June 15, 2025, as
19 Tourette Syndrome Awareness Month in the State of
20 New York.

21 ACTING PRESIDENT COONEY: Senator
22 Mayer.

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

25 And I'm proud to again reintroduce

1 this resolution declaring May 15th to June 15th
2 as Tourette Syndrome Awareness Month in New York
3 State.

4 I think we all were aware of
5 Tourette Syndrome over the years, but it wasn't
6 till a constituent of mine, Maura Carlin, in
7 2019, shortly after I was elected, wrote me about
8 her son Jack who was diagnosed at about age seven
9 with Tourette's and the challenges that he faced
10 as a young man in school subject to the
11 stereotypes and the bullying that go with those
12 that suffer from Tourette Syndrome.

13 And through the amazing work of the
14 Tourette Association of America, he became a
15 Youth Ambassador for their program, giving
16 himself the confidence and pride to be able to
17 talk about Tourette's, and also encouraging
18 awareness and dispelling the stereotyping and
19 some of the very negative images, frankly, that
20 have really harmed the Tourette's community.

21 I want to read a paragraph in an
22 article she wrote which said: "A big shift
23 occurred when my son began advocating. It gave
24 him power and agency. The TAA and our local
25 chapter have a Youth Ambassador program where

1 youth with Tourette Syndrome go into schools and
2 communicate to increase awareness of TS.

3 "One of his earliest presentations
4 as a young man was to our town board, who were
5 compassionate and shared stories of their loved
6 ones with TS. Other times he joined other Youth
7 Ambassadors at elementary and middle schools to
8 teach about TS and hopefully inspire tolerance."

9 Each year we've been able to have
10 the Mario Cuomo Bridge lit up for Tourette
11 Syndrome Month in the State of New York. I am
12 confident we'll have it done again this year.

13 But I just want to thank my
14 constituents and all of those throughout the
15 State of New York whose either children or loved
16 ones have Tourette Syndrome. They have the
17 courage to deal with it. We need to find a cure.
18 But in the interim, let us recognize them, give
19 voice to their challenges, and work ourselves on
20 getting rid of our prejudices and stereotypes
21 that have hurt the treatment of
22 Tourette Syndrome.

23 And I'm proud to vote aye.

24 Thank you, Mr. President.

25 ACTING PRESIDENT COONEY: Thank

1 you, Senator Mayer.

2 Senator Canzoneri-Fitzpatrick on the
3 resolution.

4 SENATOR CANZONERI-FITZPATRICK:

5 Thank you, Mr. President.

6 And I want to thank my colleague
7 Senator Mayer for her advocacy on this issue and
8 bringing this resolution to the floor.

9 I proudly support the resolution
10 that says that May 15th to June 15th of 2025 is
11 Tourette Syndrome Awareness Month in New York
12 State.

13 I also have a constituent who raised
14 this issue for me and has made an incredible
15 impact on me: Joe Petraro, of East Rockaway, who
16 is currently age 12, has already graduated
17 high school, authored a book, enrolled in
18 college, advocated in Congress, and launched a
19 kindness campaign that's making a difference in
20 our community.

21 Joe said that he was initially put
22 into a special ed class until a teacher realized
23 he was a genius. His IQ is 168. So he's a
24 remarkable young man who has turned his
25 disability -- what we might think of as a

1 disability -- into advocacy on behalf of this
2 very important issue.

3 He has started a "Be Kind" campaign
4 to raise awareness about Tourette's, fight the
5 stigma, and promote kindness and mental health
6 support, especially for kids and teens who often
7 feel like no one understands what they're going
8 through.

9 He's even raised money to allow kids
10 in Sloan Kettering in the city to have special
11 video games.

12 So he's really an incredible
13 individual, and I'm so proud to know him. He
14 inspires us to lead with kindness. And I want to
15 thank him and his family -- his mom Anne has been
16 an incredible advocate for him.

17 So I proudly vote aye and, again,
18 thank you, Senator Mayer, for bringing this
19 resolution to the floor.

20 Thank you, Mr. President.

21 ACTING PRESIDENT COONEY: Thank
22 you, Senator.

23 The resolution was adopted on
24 March 4th.

25 Senator Gianaris.

1 SENATOR GIANARIS: Next up is
2 Resolution 1098, by Senator Stavisky. Please
3 read its title and recognize Senator Bailey first
4 on that resolution.

5 ACTING PRESIDENT COONEY: The
6 Secretary will read.

7 THE SECRETARY: Resolution 1098, by
8 Senator Stavisky, welcoming the students,
9 teachers and administrators of the Bronx High
10 School of Science to the legislative chambers in
11 Albany, New York, on May 28, 2025, and
12 recognizing the school's historic contributions
13 to education, science, and civic leadership.

14 ACTING PRESIDENT COONEY: Senator
15 Bailey on the resolution.

16 SENATOR BAILEY: Thank you,
17 Mr. President.

18 Thank you, Senator Stavisky, for
19 introducing this resolution and allowing me the
20 opportunity to speak first on it.

21 Bronx Science gave me a lot. Not
22 just a great high school education, what I
23 believe to be the best high school in the world,
24 but that's just me -- but it gave me a sense of
25 belief in myself, that I could achieve at high

1 levels.

2 It's considered to be a specialized
3 high school, a very rigorous academic
4 environment, and I was able to survive that
5 environment and continue to go through.

6 And I'm grateful to that school for
7 teaching me many things. Not to judge a book by
8 its cover would be the largest one.

9 You've heard me speak often --
10 probably too much -- about basketball, but I was
11 on the basketball team at Bronx Science. And
12 there was an article in the New York Times called
13 "Basketball Nerds Get the Last Laugh." I have
14 this article framed in my office, and if anybody
15 wants to see it, because it tells the story of
16 our team, that when we went to schools throughout
17 the Bronx and throughout the city, people saw the
18 name on the front of our jerseys and immediately
19 underestimated us. And two halves later they'd be
20 down by 40 points wondering what happened. The
21 teachers taught me not to underestimate or judge
22 a book by its cover.

23 They also gave me a hell of an
24 education, with really incredible alumni like
25 Michael Kay, the voice of a non-Mets baseball

1 team; the famous Neil deGrasse Tyson; the civil
2 rights legend Kwame Turé, Stokely Carmichael. If
3 you liked eighties hip-hop, Christopher "Kid"
4 Reid, from Kid 'n Play, of the legendary House
5 Party, was a Bronx Science alum. If you watched
6 The Fresh Prince, the second mom -- not the
7 first -- Daphne Maxwell Reid, is a Bronx Science
8 alum. If you watched the Houston Astros --
9 again, sorry, Yankee fans -- the voice of the
10 Houston Astros, Robert Ford III, is also a
11 Bronx Science alum.

12 We have incredible alums, but we
13 also have two other really incredible alums in
14 this chamber: The first woman elected to the
15 New York State Senate in Queens County, in Toby
16 Ann Stavisky; and the first Asian-American
17 elected citywide in the City of New York,
18 John Liu.

19 It is an honor to be able to serve
20 with such legends and that we come from the same
21 high school lineage. I stand on their shoulders.

22 And the kids were here today, they
23 had to leave a little while ago -- it was a very
24 busy day, Mr. President. But I'm always proud to
25 be a Wolverine, and I vote aye.

1 ACTING PRESIDENT COONEY: Thank
2 you, Senator Bailey.

3 Senator Liu on the resolution.

4 SENATOR LIU: Mr. President,
5 Senator Bailey already said everything I wanted
6 to say, so I agree with everything he said.

7 Bronx Science was some of the best
8 years of my life. And this year I get to relive
9 it by attending my 20th reunion -- 30th reunion.
10 Okay, 40th reunion!

11 (Laughter.)

12 SENATOR LIU: Jeez.

13 (Laughter.)

14 SENATOR LIU: We're going to be
15 recounting some great times. And my class has
16 always been very tight, and I'm looking forward
17 to it. And I thank Senator Stavisky for putting
18 this resolution together.

19 Senator Bailey and I, and sometimes
20 Senator Stavisky, we often attend events at our
21 alma mater and proudly do so, in recognition of
22 the fact that the school and we as alums still
23 have so much to offer to many more generations of
24 future leaders, scientists, mathematicians, and
25 basketball players.

1 Thank you, Mr. President.

2 ACTING PRESIDENT COONEY: Thank
3 you, Senator Liu. Congratulations on your
4 reunion.

5 Senator Chan on the resolution.

6 SENATOR CHAN: Thank you,
7 Mr. President. As the former PTA president of
8 the number-one feeder school to New York City's
9 eight specialized high schools, I can't not speak
10 about Bronx Science and welcome them to the
11 Senate floor.

12 I think Senator Bailey and Senator
13 Liu forgot to mention that Bronx Science is
14 solely responsible for producing seven Nobel
15 Prize winners. And that is a record unsurpassed
16 by any high school in America.

17 In fact, the specialized eight high
18 schools in New York City produced an
19 unprecedented total of 15 Nobel Prize winners,
20 and that's the reason why my daughter, through
21 her life, strived to be in one of those
22 specialized high schools -- not Bronx Science,
23 I'm sorry to say.

24 But welcome to our folks from Bronx
25 Science. And we must do what we can to preserve

1 these fantastic schools that absolutely produce
2 the best scientists and leaders of our society,
3 as well as business people and such.

4 Thank you. I proudly vote aye.

5 ACTING PRESIDENT COONEY: Thank
6 you, Senator Chan.

7 Senator Jackson on the resolution.

8 SENATOR JACKSON: Thank you.

9 I rise today in order to say Bronx
10 High School of Science is in my family. My
11 daughter who's now 49, she graduated from medical
12 school and she was an emergency room pediatrician
13 in Washington, D.C. for 12 years, and now she's
14 working in an urgent care.

15 But when she got her test scores,
16 she said that she wanted to go to Bronx High
17 School of Science, not to Stuyvesant, even though
18 she scored high enough to get into Stuyvesant.
19 So I'm proud of her.

20 She ran track at Bronx High School
21 of Science. Even though it's in the Bronx, we
22 lived in Manhattan at that time. But the most
23 important thing, that's where she wanted to go.

24 And I'm happy to hear my colleagues
25 talk about Bronx High School of Science. And

1 hopefully her name, Saadiyah Jackson, will be in
2 the record here in the New York State Senate.

3 ACTING PRESIDENT COONEY: Thank
4 you, Senator Jackson.

5 Senator Stavisky to close on the
6 resolution.

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

9 And to Senator Jackson, I couldn't
10 go to Stuyvesant when I graduated from elementary
11 school because the -- Science was accepting
12 girls. Very few schools did. Which is
13 interesting, I think.

14 I thank my colleagues, particularly
15 Senator Bailey and Senator Liu. It's amazing to
16 me that we have three graduates in the State
17 Senate. And more in the Assembly, additional
18 graduates.

19 But as I said, Science was founded a
20 little over 85, 86 years ago, and almost
21 immediately they started accepting girls.
22 Stuyvesant did not. Brooklyn Tech did not. And
23 in fact, I have taught at Brooklyn Tech, which is
24 another good specialized high school, but they
25 didn't accept girls at the time.

1 There are -- I thought the number
2 was nine, but can you imagine seven or nine,
3 whatever the correct number is, Nobel Prize
4 winners? That's not something to, as
5 Senator Parker said, sneeze at.

6 (Laughter.)

7 SENATOR STAVISKY: Seriously.

8 We have an amazing record over these
9 years. Not only am I a graduate, my son
10 graduated a year after Senator Liu from Science.
11 And it provides an opportunity for children, for
12 young people to succeed if they so choose.

13 I am a firm believer in the
14 specialized high schools. We've got to improve
15 the diversity, without question. But if you take
16 a look at us, we are diverse. We originally came
17 from three separate boroughs. We represent, here
18 today, different kinds of constituencies. And
19 yet we have this common theme of opportunity.

20 I'm proud to say that my class, we
21 get together one or twice a year for dinner and
22 we talk about our teachers, as everybody else
23 does.

24 So again, I thank my colleagues for
25 supporting this resolution. And hopefully they

1 will continue to serve the people of our city for
2 many years to come.

3 Thank you.

4 ACTING PRESIDENT COONEY: Thank
5 you, Senator Stavisky.

6 The question is on the resolution.
7 All those in favor please signify by saying aye.

8 (Response of "Aye.")

9 ACTING PRESIDENT COONEY: Opposed,
10 nay.

11 (No response.)

12 ACTING PRESIDENT COONEY: The
13 resolution is adopted.

14 Senator Gianaris.

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

17 I must say I'm feeling a little
18 insecure about Long Island City High School after
19 that --

20 (Laughter.)

21 SENATOR GIANARIS: -- after that
22 exposition. No Nobel Prize winners from my
23 school.

24 Okay, Mr. President, I move to adopt
25 the remainder of the Resolution Calendar.

1 ACTING PRESIDENT COONEY: All those
2 in favor of adopting the remainder of the
3 Resolution Calendar, with the exception of
4 Resolutions 1098 and 1099, please signify by
5 saying aye.

6 (Response of "Aye.")

7 ACTING PRESIDENT COONEY: Opposed,
8 nay.

9 (No response.)

10 ACTING PRESIDENT COONEY: The
11 Resolution Calendar has been adopted.

12 Senator Gianaris.

13 SENATOR GIANARIS: The sponsors of
14 the various resolutions we took up today would
15 like to open them for cosponsorship.

16 ACTING PRESIDENT COONEY: The
17 resolutions are open for cosponsorship. Should
18 you choose not to be a cosponsor on the
19 resolutions, please notify the desk.

20 Senator Gianaris.

21 SENATOR GIANARIS: There's a report
22 of the Finance Committee at the desk. Please
23 take that up.

24 ACTING PRESIDENT COONEY: The
25 Secretary will read.

1 THE SECRETARY: Senator Krueger,
2 from the Committee on Finance, reports the
3 following nomination.

4 As commissioner of the Department of
5 Environmental Conservation: Amanda B. Lefton.

6 SENATOR GIANARIS: I move to accept
7 the report of the Finance Committee, and then
8 recognize Senator Krueger, please.

9 ACTING PRESIDENT COONEY: All those
10 in favor of accepting the report of the
11 Finance Committee, please signify by saying aye.

12 (Response of "Aye.")

13 ACTING PRESIDENT COONEY: Opposed,
14 nay.

15 (Response of "Nay.")

16 ACTING PRESIDENT COONEY: The
17 report of the Finance Committee is accepted.

18 Senator Krueger on the nomination.

19 SENATOR KRUEGER: Thank you very
20 much.

21 So I am rising to nominate for full
22 confirmation on the floor of the Senate, as the
23 new commissioner of the Department of
24 Environmental Conservation, Amanda B. Lefton.

25 She had the chance to listen to many

1 resolutions today on many different issues. So I
2 thought after yesterday's joint meeting of
3 Finance and Environmental Conservation that we
4 had covered a very broad set of topics, but I
5 think she and her colleagues and family here
6 today now see how really interesting the Senate
7 is any given day on what we take up.

8 And then you can stick around to
9 hear a fascinating debate on an important
10 environment bill soon after, if you like.

11 I'm very proud to say that Amanda
12 has the votes to come to the floor. She was an
13 extraordinarily impressive nominee by the
14 Governor who has worked in and out of government
15 on so many of the issues that are challenging us
16 on the environmental front, on the climate change
17 front, on the making sure we are protecting our
18 parks and our wilderness and our air and our
19 water in New York State.

20 There might not be anyone with as
21 large a portfolio as the DEC commissioner. And I
22 feel after an hour and a half, or close to that,
23 of questioning yesterday, most of my colleagues
24 who were there actually agree she's ready for the
25 job. And perhaps now more than ever, we need as

1 a state to be strong and focused on a critical
2 environmental agenda because we're just not sure
3 how many partners we have at the federal level on
4 all of these issues.

5 I know that my colleague Pete
6 Harckham, who is the chair of the En Con
7 Committee, would like to speak on Amanda's behalf
8 as well.

9 So thank you so much for your
10 willingness to do this work. And you have a big
11 job ahead of you, and we're counting on you.

12 Thank you. I'm pleased to pass over
13 to Pete Harckham.

14 ACTING PRESIDENT COONEY: Thank
15 you, Senator Krueger.

16 Senator Harckham on the nomination.

17 SENATOR HARCKHAM: Thank you very
18 much, Mr. President.

19 And thank you, Senator Krueger, for
20 an excellent joint hearing yesterday.

21 Senator Krueger mentioned
22 Acting Commissioner -- for another couple of
23 minutes, at least -- Lefton really impressed,
24 fielding 90 minutes worth of questions, many
25 pointed, on a variety of topics.

1 She comes with the support of the
2 environmental community. Many in the
3 environmental community are very excited by
4 Amanda Lefton being nominated to head DEC. She
5 has, in her few months as acting commissioner,
6 been very proactive at reaching out not just to
7 me as chair of the committee, but many members.

8 She's very accessible. And she is
9 going to be leading a really fabulous team at
10 DEC, but at a very challenging time. As
11 Senator Krueger mentioned -- more politely than I
12 would -- we have no partners in Washington right
13 now. And so it's essential that we in New York
14 maintain our leadership position.

15 We're also in a challenging time
16 with emerging contaminants of PFOS and PFOA. We
17 still can't forget about air-quality issues, the
18 issues of our environmental justice communities,
19 something the federal government wants us to just
20 wash under the rug, and we take seriously in
21 New York.

22 So she's got her hands full. But I
23 firmly believe that she is up to the job. I am
24 confident she is up to the job. But as any
25 commissioner, she will only be as successful as

1 we empower her to be, as her boss, the Governor,
2 allows her to be, and the NGOs and the advocates
3 educate and inform her to be.

4 So I am very enthusiastic about this
5 appointment. Amanda Lefton is the right person
6 at the right time for DEC, and I will proudly be
7 voting aye.

8 Thank you, Mr. President.

9 ACTING PRESIDENT COONEY: Thank
10 you, Senator Harckham.

11 Senator Murray on the nomination.

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

14 Let me start by saying finally,
15 finally we're doing it right. One candidate, one
16 vote. We're actually voting on the candidate and
17 her merits, and I so appreciate that we're doing
18 it right this time.

19 I had the privilege of actually
20 meeting with the acting commissioner in my office
21 one-on-one about a month or so ago. Coming from
22 Long Island, we have a lot of environmental
23 issues on Long Island that we have to address and
24 deal with -- very, very important. And I was
25 very impressed with what I saw in speaking with

1 her. I think she's ready, willing and able to
2 work together to address those issues.

3 So I will be proud to be voting yes
4 today for two reasons. One, because I think
5 she's highly qualified and I support her, but
6 also because we're finally doing it right.

7 Thank you, Mr. President.

8 ACTING PRESIDENT COONEY: Senator
9 Serrano on the nomination.

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

12 I rise to commend the nomination of
13 Amanda Lefton for commissioner of DEC. I
14 congratulate the Governor for putting forth such
15 a good candidate. And in my nearly 21 years
16 here, a good part of that I've known Amanda to be
17 a tremendous and staunch advocate for the
18 environment and for green spaces, as chair of the
19 Senate Committee on Parks, and over the years
20 through her work either in government or out of
21 government, advocating for green spaces, for
22 connecting more communities to our green spaces
23 and ensuring that they are viable and safe for
24 generations to come.

25 So I look forward to your tenure.

1 And again, congratulations.

2 And I vote aye.

3 ACTING PRESIDENT COONEY: The
4 question is on the nomination.

5 Call the roll.

6 (The Secretary called the roll.)

7 ACTING PRESIDENT COONEY: Announce
8 the results.

9 THE SECRETARY: In relation to the
10 nomination, voting in the negative are
11 Senators Canzoneri-Fitzpatrick, Skoufis, Walczyk
12 and Weik.

13 Ayes, 57. Nays, 4.

14 ACTING PRESIDENT COONEY: The
15 nominee is confirmed.

16 Please rise be and recognized.

17 (Standing ovation.)

18 ACTING PRESIDENT COONEY: Senator
19 Gianaris.

20 SENATOR GIANARIS: All right.
21 Let's take up the calendar.

22 (Reaction among members.)

23 ACTING PRESIDENT COONEY: The
24 Secretary will read.

25 THE SECRETARY: Calendar Number

1 112, Senate Print 1525, by Senator May, an act to
2 amend the Executive Law.

3 ACTING PRESIDENT COONEY: Read the
4 last section.

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

7 ACTING PRESIDENT COONEY: Call the
8 roll.

9 (The Secretary called the roll.)

10 ACTING PRESIDENT COONEY: Announce
11 the results.

12 THE SECRETARY: Ayes, 61.

13 ACTING PRESIDENT COONEY: The bill
14 is passed.

15 THE SECRETARY: Calendar Number
16 121, Senate Print 1723, by Senator Harckham, an
17 act to amend the Executive Law.

18 ACTING PRESIDENT COONEY: Read the
19 last section.

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

22 ACTING PRESIDENT COONEY: Call the
23 roll.

24 (The Secretary called the roll.)

25 ACTING PRESIDENT COONEY: Announce

1 the results.

2 THE SECRETARY: Ayes, 61.

3 ACTING PRESIDENT COONEY: The bill
4 is passed.

5 THE SECRETARY: Calendar Number
6 132, Senate Print 120A, by Senator Cleare, an act
7 to amend the Public Service Law.

8 ACTING PRESIDENT COONEY: Read the
9 last section.

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

12 ACTING PRESIDENT COONEY: Call the
13 roll.

14 (The Secretary called the roll.)

15 ACTING PRESIDENT COONEY: Senator
16 Cleare to explain her vote.

17 SENATOR CLEARE: Yes, thank you,
18 Mr. President.

19 Extreme weather events seem to be
20 here with us to stay. And in the Northeast,
21 New York City, we have had 8-degree days in
22 January and 95-degree days in July. That range
23 of temperatures underscores why the bill before
24 us is so important.

25 With the average utility bill for

1 New Yorkers being over \$200 a month, many times
2 individuals and their families must carry a
3 balance in order to pay for other necessities of
4 life.

5 When this happens, a balance due on
6 one's electric or gas bill should not mean
7 New Yorkers risk their lives during the warmest
8 and coldest days of the year. This bill is about
9 health, safety, and quality of life.

10 I proudly vote aye. Thank you.

11 ACTING PRESIDENT COONEY: Senator
12 Cleare to be recorded in the affirmative.

13 Announce the results.

14 THE SECRETARY: In relation to
15 Calendar 132, voting in the negative:
16 Senator Walczyk.

17 Ayes, 60. Nays, 1.

18 ACTING PRESIDENT COONEY: The bill
19 is passed.

20 THE SECRETARY: Calendar Number
21 165, Senate Print 119, by Senator Cleare, an act
22 to amend the Emergency Tenant Protection Act.

23 ACTING PRESIDENT COONEY: Read the
24 last section.

25 THE SECRETARY: Section 3. This

1 act shall take effect immediately.

2 ACTING PRESIDENT COONEY: Call the
3 roll.

4 (The Secretary called the roll.)

5 ACTING PRESIDENT COONEY: Senator
6 Cleare to explain her vote.

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

9 Over the past several decades entire
10 rent-stabilized buildings have been acquired by
11 investors for the sole purpose of deregulation
12 and extreme profiteering, as opposed to
13 stewardship.

14 The most incredible example of this
15 was when Tishman Speyer acquired Stuy Town-Peter
16 Cooper Village and promptly lost \$2 billion and
17 defaulted upon their mortgage, declaring
18 bankruptcy. If only life for the residents of
19 such buildings was so easy.

20 The legislation before us is
21 necessary because the structure of LLCs can be
22 made so complex that literally years go by
23 without the government, under HCR or HPD,
24 tenants' rights organizations, or private
25 citizens being able to uncover who the beneficial

1 owner of their building may be, though the water
2 may be out, the heat failing, the ceiling
3 crumbling and so forth.

4 The good actors in the housing space
5 have no problem telling us who they are. But as
6 for some of the others, we need to know. And
7 being tied up in mystery serves no useful public
8 purpose.

9 This bill is about accountability
10 and transparency, and it deserves everyone's
11 support. I vote aye.

12 ACTING PRESIDENT COONEY: Senator
13 Cleare to be recorded in the affirmative.

14 Announce the results.

15 THE SECRETARY: In relation to
16 Calendar 165, voting in the negative are
17 Senators Ashby, Borrello, Canzoneri-Fitzpatrick,
18 Chan, Cooney, Gallivan, Griffio, Helming, Mattera,
19 Murray, Oberacker, O'Mara, Ortt, Palumbo, Rhoads,
20 Rolison, Stec, Tedisco, Walczyk, Weber and Weik.

21 Ayes, 40. Nays, 21.

22 ACTING PRESIDENT COONEY: The bill
23 is passed.

24 THE SECRETARY: Calendar Number
25 291, Senate Print 699, by Senator Krueger, an act

1 to amend the Election Law.

2 ACTING PRESIDENT COONEY: Read the
3 last section.

4 THE SECRETARY: Section 10. this
5 act shall take effect immediately.

6 ACTING PRESIDENT COONEY: Call the
7 roll.

8 (The Secretary called the roll.)

9 ACTING PRESIDENT COONEY: Announce
10 the results.

11 THE SECRETARY: In relation to
12 Calendar 291, voting in the negative are
13 Senators Ashby, Borrello, Canzoneri-Fitzpatrick,
14 Chan, Gallivan, Griffio, Helming, Lanza, Mattera,
15 Murray, Oberacker, O'Mara, Ortt, Palumbo, Rhoads,
16 Rolison, Scarcella-Spanton, Stec, Tedisco,
17 Walczyk, Weber and Weik.

18 Ayes, 39. Nays, 22.

19 ACTING PRESIDENT COONEY: The bill
20 is passed.

21 THE SECRETARY: Calendar Number
22 369, Senate Print 4423, by Senator Hoylman-Sigal,
23 an act to amend the Estates, Powers and Trusts
24 Law.

25 ACTING PRESIDENT COONEY: Read the

1 last section.

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

4 ACTING PRESIDENT COONEY: Call the
5 roll.

6 (The Secretary called the roll.)

7 ACTING PRESIDENT COONEY: Announce
8 the results.

9 THE SECRETARY: In relation to
10 Calendar 369, voting in the negative are
11 Senators Borrello, Canzoneri-Fitzpatrick, Cooney,
12 Fahy, Griffo, Oberacker, O'Mara, C. Ryan, Stec
13 and Weik.

14 Ayes, 51. Nays, 10.

15 ACTING PRESIDENT COONEY: The bill
16 is passed.

17 THE SECRETARY: Calendar Number
18 484, Senate Print 707, by Senator May, an act to
19 amend the Public Health Law.

20 ACTING PRESIDENT COONEY: Read the
21 last section.

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

24 ACTING PRESIDENT COONEY: Call the
25 roll.

1 (The Secretary called the roll.)

2 ACTING PRESIDENT COONEY: Announce
3 the results.

4 THE SECRETARY: In relation to
5 Calendar 484, voting in the negative are
6 Senators Ashby, Borrello, Chan, Gallivan, Griffo,
7 Oberacker, Palumbo, Rhoads, Stec, Walczyk and
8 Weik.

9 Ayes, 50. Nays, 11.

10 ACTING PRESIDENT COONEY: The bill
11 is passed.

12 THE SECRETARY: Calendar Number
13 551, Senate Print 3261, by Senator Cooney, an act
14 to amend the Tax Law.

15 ACTING PRESIDENT COONEY: Read the
16 last section.

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

19 ACTING PRESIDENT COONEY: Call the
20 roll.

21 (The Secretary called the roll.)

22 ACTING PRESIDENT COONEY: Announce
23 the results.

24 THE SECRETARY: In relation to
25 Calendar 551, voting in the negative are

1 Senators Borrello, Canzoneri-Fitzpatrick, Chan,
2 Lanza, Martinez, Mattera, O'Mara, Stec, Tedisco,
3 Walczyk, Weber and Weik.

4 Ayes, 49. Nays, 12.

5 ACTING PRESIDENT COONEY: The bill
6 is passed.

7 THE SECRETARY: Calendar Number
8 653, Senate Print 2470, by Senator Parker, an act
9 to amend the Real Property Tax Law.

10 ACTING PRESIDENT COONEY: Read the
11 last section.

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

14 ACTING PRESIDENT COONEY: Call the
15 roll.

16 (The Secretary called the roll.)

17 ACTING PRESIDENT COONEY: Senator
18 Mattera to explain his vote.

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

21 This bill is a tax abatement bill
22 for all residents and businesses that install
23 solar panels. And then they install electric
24 energy storage equipment, and you can get some
25 type of a tax abatement.

1 Senator Parker, you're the author of
2 the bill, and I appreciate, you know, you being
3 our chairman on the Energy Committee. And we
4 have very lengthy discussions with our committee.

5 The problem is that this bill does
6 not discuss battery storage equipment that is
7 made of lithium-ion batteries that could go on
8 fire. We talk about this a lot. Yes, on fire.
9 Over 5 percent of any battery storage units have
10 a chance to go on fire.

11 About two years ago this body, this
12 Senate body here, we passed a bill eliminating
13 lithium-ion batteries in scooters in New York
14 City that operated any kind of -- certain
15 equipment with lithium-ion batteries, and we all
16 voted yes in this chamber, a New York City bill.

17 We are putting our residents and our
18 families and FDNY and all volunteer fire people,
19 first responders, all in harm's way. There is no
20 kind of fluid, water, foam, powder that will
21 extinguish any lithium-ion battery fires.
22 Lithium-ion battery fires burn up to 5,000
23 degrees, everybody -- 5,000 degrees. Put water
24 on it, it turns to steam.

25 You know, I sit there and say, you

1 know what, we cannot take any kind of chances. I
2 always tell my constituents, make sure you do not
3 leave your electric car in the garage. The
4 percentage is too high to go on fire.

5 Fire departments let electric cars
6 burn to the ground because they cannot extinguish
7 them and put them out.

8 I have many conversations with our
9 fire marshals, fire departments, in my district
10 and New York State, that have actually been to my
11 office. They are happy with the moratoriums that
12 we have right now installing battery storage in
13 my communities, in our neighborhood, in the two
14 towns that I represent.

15 Battery storage are known to go on
16 fire in fires that have happened, yes, have gone
17 on fire in East Hampton --

18 ACTING PRESIDENT COONEY: Senator
19 Mattera.

20 (Overtalk.)

21 SENATOR MATTERA: -- the town of
22 (inaudible) upstate --

23 ACTING PRESIDENT COONEY: Senator
24 Mattera, how do you vote?

25 (Overtalk.)

1 SENATOR MATTERA: --

2 (unintelligible) and battery also --

3 ACTING PRESIDENT COONEY: Senator
4 Mattera, how do you vote?

5 SENATOR MATTERA: -- that are still
6 burning.

7 ACTING PRESIDENT COONEY: Senator
8 Mattera, how do you vote? Senator Mattera, how
9 do you vote?

10 SENATOR MATTERA: I definitely vote
11 no. And please, please, everybody, I ask
12 everybody to vote no.

13 Thank you.

14 ACTING PRESIDENT COONEY: Senator
15 Mattera to be recorded in the negative.

16 Announce the results.

17 THE SECRETARY: In relation to
18 Calendar 653, voting in the negative are
19 Senators Borrello, Canzoneri-Fitzpatrick, Chan,
20 Griffo, Helming, Lanza, Mattera, Murray, O'Mara,
21 Ortt, Rhoads, Skoufis, Walczyk and Weik.

22 Ayes, 47. Nays, 14.

23 ACTING PRESIDENT COONEY: The bill
24 is passed.

25 THE SECRETARY: Calendar Number

1 677, Senate Print 2444, by Senator Fernandez, an
2 act to amend the Civil Rights Law.

3 ACTING PRESIDENT COONEY: Read the
4 last section.

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

7 ACTING PRESIDENT COONEY: Call the
8 roll.

9 (The Secretary called the roll.)

10 ACTING PRESIDENT COONEY: Announce
11 the results.

12 THE SECRETARY: In relation to
13 Calendar 677, voting in the negative are
14 Senators Ashby, Borrello, Canzoneri-Fitzpatrick,
15 Chan, Gallivan, Griffio, Helming, Lanza, Mattera,
16 Murray, Oberacker, O'Mara, Ortt, Palumbo, Rhoads,
17 Rolison, Stec, Tedisco, Walczyk, Weber and Weik.

18 Ayes, 40. Nays, 21.

19 ACTING PRESIDENT COONEY: The bill
20 is passed.

21 THE SECRETARY: Calendar Number
22 744, Senate Print 360, by Senator Rivera, an act
23 to amend the Public Health Law.

24 ACTING PRESIDENT COONEY: Read the
25 last section.

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

3 ACTING PRESIDENT COONEY: Call the
4 roll.

5 (The Secretary called the roll.)

6 ACTING PRESIDENT COONEY: Announce
7 the results.

8 THE SECRETARY: In relation to
9 Calendar 744, voting in the negative are
10 Senators Ashby, Borrello, Canzoneri-Fitzpatrick,
11 Chan, Gallivan, Griffio, Helming, Lanza, Mattera,
12 Murray, Oberacker, O'Mara, Ortt, Palumbo, Rhoads,
13 Stec, Tedisco, Walczyk, Weber and Weik.

14 Ayes, 41. Nays, 20.

15 ACTING PRESIDENT COONEY: The bill
16 is passed.

17 THE SECRETARY: Calendar Number
18 947, Senate Print 946, by Senator Jackson, an act
19 to amend the Civil Service Law.

20 ACTING PRESIDENT COONEY: Read the
21 last section.

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

24 ACTING PRESIDENT COONEY: Call the
25 roll.

1 (The Secretary called the roll.)
2 ACTING PRESIDENT COONEY: Announce
3 the results.
4 THE SECRETARY: Ayes, 61.
5 ACTING PRESIDENT COONEY: The bill
6 is passed.
7 THE SECRETARY: Calendar Number
8 997, Assembly Bill Number 5298, by
9 Assemblymember Pretlow, an act to amend the
10 Local Finance Law.
11 ACTING PRESIDENT COONEY: There is
12 a home-rule message at the desk.
13 Read the last section.
14 THE SECRETARY: Section 2. This
15 act shall take effect immediately.
16 ACTING PRESIDENT COONEY: Call the
17 roll.
18 (The Secretary called the roll.)
19 ACTING PRESIDENT COONEY: Announce
20 the results.
21 THE SECRETARY: Ayes, 61.
22 ACTING PRESIDENT COONEY: The bill
23 is passed.
24 THE SECRETARY: Calendar Number
25 998, Senate Print 5403, by Senator S. Ryan, an

1 act to amend the Local Finance Law.

2 ACTING PRESIDENT COONEY: There is
3 a home-rule message at the desk.

4 Read the last section.

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

7 ACTING PRESIDENT COONEY: Call the
8 roll.

9 (The Secretary called the roll.)

10 ACTING PRESIDENT COONEY: Announce
11 the results.

12 THE SECRETARY: In relation to
13 Calendar 998, voting in the negative:
14 Senators Ashby and Walczyk.

15 Ayes, 59. Nays, 2.

16 ACTING PRESIDENT COONEY: The bill
17 is passed.

18 THE SECRETARY: Calendar Number
19 1002, Senate Print 1305A, by Senator Salazar, an
20 act to amend the Public Health Law.

21 ACTING PRESIDENT COONEY: Read the
22 last section.

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

25 ACTING PRESIDENT COONEY: Call the

1 roll.

2 (The Secretary called the roll.)

3 ACTING PRESIDENT COONEY: Announce
4 the results.

5 THE SECRETARY: Ayes, 61.

6 ACTING PRESIDENT COONEY: The bill
7 is passed.

8 THE SECRETARY: Calendar Number
9 1022, Senate Print 2224A, by Senator Krueger, an
10 act to amend the Legislative Law.

11 ACTING PRESIDENT COONEY: Read the
12 last section.

13 THE SECRETARY: Section 5. This
14 act shall take effect on the 60th day after it
15 shall have become a law.

16 ACTING PRESIDENT COONEY: Call the
17 roll.

18 (The Secretary called the roll.)

19 ACTING PRESIDENT COONEY: Announce
20 the results.

21 THE SECRETARY: In relation to
22 Calendar 1022, voting in the negative are
23 Senators Ashby, Borrello, Canzoneri-Fitzpatrick,
24 Chan, Griffio, Helming, Lanza, Mattera, Murray,
25 Oberacker, O'Mara, Ortt, Palumbo, Rhoads,

1 Rolison, Stec, Tedisco, Walczyk, Weber and Weik.

2 Ayes, 41. Nays, 20.

3 ACTING PRESIDENT COONEY: The bill
4 is passed.

5 THE SECRETARY: Calendar Number
6 1080, Senate Print 354, by Senator Rivera, an act
7 to amend the Public Health Law.

8 ACTING PRESIDENT COONEY: Read the
9 last section.

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

13 ACTING PRESIDENT COONEY: Call the
14 roll.

15 (The Secretary called the roll.)

16 ACTING PRESIDENT COONEY: Announce
17 the results.

18 THE SECRETARY: Ayes, 61.

19 ACTING PRESIDENT COONEY: The bill
20 is passed.

21 THE SECRETARY: Calendar Number
22 1102, Senate Print 17, by Senator Skoufis, an act
23 to amend the General Municipal Law.

24 ACTING PRESIDENT COONEY: Read the
25 last section.

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

3 ACTING PRESIDENT COONEY: Call the
4 roll.

5 (The Secretary called the roll.)

6 ACTING PRESIDENT COONEY: Announce
7 the results.

8 THE SECRETARY: Ayes, 61.

9 ACTING PRESIDENT COONEY: The bill
10 is passed.

11 THE SECRETARY: Calendar Number
12 1104, Senate Print 2084, by Senator Kavanagh, an
13 act to amend the General Municipal Law.

14 ACTING PRESIDENT COONEY: Read the
15 last section.

16 THE SECRETARY: Section 7. This
17 act shall take effect immediately.

18 ACTING PRESIDENT COONEY: Call the
19 roll.

20 (The Secretary called the roll.)

21 ACTING PRESIDENT COONEY: Announce
22 the results.

23 THE SECRETARY: In relation to
24 Calendar 1104, voting in the negative are
25 Senators Canzoneri-Fitzpatrick, Griffo, Rhoads,

1 Walczyk, Weber and Weik.

2 Ayes, 55. Nays, 6.

3 ACTING PRESIDENT COONEY: The bill
4 is passed.

5 THE SECRETARY: Calendar Number
6 1112, Senate Print 2499, by Senator Gounardes, an
7 act to amend the Workers' Compensation Law.

8 ACTING PRESIDENT COONEY: Read the
9 last section.

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

12 ACTING PRESIDENT COONEY: Call the
13 roll.

14 (The Secretary called the roll.)

15 ACTING PRESIDENT COONEY: Announce
16 the results.

17 THE SECRETARY: In relation to
18 Calendar 1112, voting in the negative are
19 Senators Borrello, Chan, Gallivan, Griffo,
20 Helming, Lanza, Murray, O'Mara, Ortt, Walczyk and
21 Weik.

22 Ayes, 50. Nays, 11.

23 ACTING PRESIDENT COONEY: The bill
24 is passed.

25 THE SECRETARY: Calendar Number

1 1143, Senate Print 664, by Senator Skoufis, an
2 act to amend the Real Property Tax Law.

3 ACTING PRESIDENT COONEY: Read the
4 last section.

5 THE SECRETARY: Section 5. This
6 act shall take effect on the first of January.

7 ACTING PRESIDENT COONEY: Call the
8 roll.

9 (The Secretary called the roll.)

10 ACTING PRESIDENT COONEY: Announce
11 the results.

12 THE SECRETARY: In relation to
13 Calendar 1143, voting in the negative are
14 Senators Ashby, Borrello, Canzoneri-Fitzpatrick,
15 Chan, Gallivan, Helming, Lanza, Mattera, Murray,
16 O'Mara, Ortt, Palumbo, Rolison, Stec, Tedisco,
17 Walczyk, Weber and Weik. Also Senator Griffo.

18 Ayes, 42. Nays, 19.

19 ACTING PRESIDENT COONEY: The bill
20 is passed.

21 THE SECRETARY: Calendar Number
22 1166, Senate Print 201, by Senator Martinez, an
23 act to amend the Social Services Law.

24 ACTING PRESIDENT COONEY: Read the
25 last section.

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

3 ACTING PRESIDENT COONEY: Call the
4 roll.

5 (The Secretary called the roll.)

6 ACTING PRESIDENT COONEY: Announce
7 the results.

8 THE SECRETARY: In relation to
9 Calendar 1166, voting in the negative:
10 Senator Brisport.

11 Ayes, 60. Nays, 1.

12 ACTING PRESIDENT COONEY: The bill
13 is passed.

14 THE SECRETARY: Calendar Number
15 1182, Senate Print 1462, by Senator Kavanagh, an
16 act to amend the Public Authorities Law.

17 ACTING PRESIDENT COONEY: Read the
18 last section.

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

21 ACTING PRESIDENT COONEY: Call the
22 roll.

23 (The Secretary called the roll.)

24 ACTING PRESIDENT COONEY: Announce
25 the results.

1 THE SECRETARY: In relation to
2 Calendar 1182, voting in the negative are
3 Senators Ashby, Borrello, Canzoneri-Fitzpatrick,
4 Chan, Gallivan, Griffio, Helming, Lanza, Mattera,
5 Murray, Oberacker, O'Mara, Ortt, Palumbo, Rhoads,
6 Rolison, Stec, Tedisco, Walczyk, Weber and Weik.

7 Ayes, 40. Nays, 21.

8 ACTING PRESIDENT COONEY: The bill
9 is passed.

10 THE SECRETARY: Calendar Number
11 1184, Senate Print 3211, by Senator Kavanagh, an
12 act to amend Public Authorities Law.

13 ACTING PRESIDENT COONEY: Read the
14 last section.

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

17 ACTING PRESIDENT COONEY: Call the
18 roll.

19 (The Secretary called the roll.)

20 ACTING PRESIDENT COONEY: Announce
21 the results.

22 THE SECRETARY: Ayes, 61.

23 ACTING PRESIDENT COONEY: The bill
24 is passed.

25 THE SECRETARY: Calendar Number

1 1190, Senate Print 825, by Senator Liu, an act to
2 amend the Labor Law.

3 ACTING PRESIDENT COONEY: Read the
4 last section.

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

8 ACTING PRESIDENT COONEY: Call the
9 roll.

10 (The Secretary called the roll.)

11 ACTING PRESIDENT COONEY: Announce
12 the results.

13 THE SECRETARY: In relation to
14 Calendar 1190, voting in the negative:
15 Senator Walczyk.

16 Ayes, 60. Nays, 1.

17 ACTING PRESIDENT COONEY: The bill
18 is passed.

19 THE SECRETARY: Calendar Number
20 1210, Senate Print 598B, by Senator Hinchey, an
21 act to amend the Public Health Law.

22 ACTING PRESIDENT COONEY: Read the
23 last section.

24 THE SECRETARY: Section 2. This
25 act shall take effect on the 90th day after it

1 shall have become a law.

2 ACTING PRESIDENT COONEY: Call the
3 roll.

4 (The Secretary called the roll.)

5 ACTING PRESIDENT COONEY: Announce
6 the results.

7 THE SECRETARY: Ayes, 61.

8 ACTING PRESIDENT COONEY: The bill
9 is passed.

10 THE SECRETARY: Calendar Number
11 1212, Senate Print 1111, by Senator May, an act
12 to amend the Education Law.

13 ACTING PRESIDENT COONEY: Read the
14 last section.

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

18 ACTING PRESIDENT COONEY: Call the
19 roll.

20 (The Secretary called the roll.)

21 ACTING PRESIDENT COONEY: Senator
22 May to explain her vote.

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

25 Jawonio is a wonderful preschool and

1 childcare provider in Syracuse. Founded in 1969,
2 it was way before its time in providing inclusive
3 learning and care for young children with a very
4 wide range of developmental and physical
5 abilities.

6 The fact that Jawonio functions as
7 both a daycare and a preschool is great for the
8 kids and for their parents, but it's a nightmare
9 for their administrators, who have to comply with
10 duplicate personnel requirements from OCFS, which
11 regulates daycares, and SED, which regulates
12 schools.

13 They deal with different systems of
14 background checks, different overtime regimes,
15 and other confusing and outright conflicting
16 rules.

17 This bill creates a single
18 streamlined process for certification, licensure,
19 and operation of schools like Jawonio. And we
20 hope it will facilitate the development of other
21 such wonderful institutions.

22 The word "Jawonio" derives from an
23 Onondaga word that means "to set free." And it
24 is in that spirit that I vote aye.

25 ACTING PRESIDENT COONEY: Senator

1 May to be recorded in the affirmative.

2 Announce the results.

3 THE SECRETARY: Ayes, 61.

4 ACTING PRESIDENT COONEY: The bill
5 is passed.

6 THE SECRETARY: Calendar Number
7 1214, Senate Print 1418A, by Senator Liu, an act
8 to amend the Public Officers Law.

9 ACTING PRESIDENT COONEY: Read the
10 last section.

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

13 ACTING PRESIDENT COONEY: Call the
14 roll.

15 (The Secretary called the roll.)

16 ACTING PRESIDENT COONEY: Announce
17 the results.

18 THE SECRETARY: In relation to
19 Calendar 1214, voting in the negative are
20 Senators Borrello, Canzoneri-Fitzpatrick, Rhoads
21 and Walczyk. Also Senator Martinez.

22 Ayes, 56. Nays, 5.

23 ACTING PRESIDENT COONEY: The bill
24 is passed.

25 THE SECRETARY: Calendar Number

1 1216, Senate Print 1464, by Senator Harckham, an
2 act to amend the Environmental Conservation Law.

3 SENATOR LANZA: Lay it aside.

4 ACTING PRESIDENT COONEY: The bill
5 will be laid aside.

6 THE SECRETARY: Calendar Number
7 1217, Senate Print 1578B, by Senator Sanders, an
8 act to amend the Public Health Law.

9 ACTING PRESIDENT COONEY: Read the
10 last section.

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

13 ACTING PRESIDENT COONEY: Call the
14 roll.

15 (The Secretary called the roll.)

16 ACTING PRESIDENT COONEY: Announce
17 the results.

18 THE SECRETARY: Ayes, 61.

19 ACTING PRESIDENT COONEY: The bill
20 is passed.

21 THE SECRETARY: Calendar Number
22 1218, Senate Print 1961, by Senator Gonzalez, an
23 act to amend the State Technology Law.

24 ACTING PRESIDENT COONEY: Read the
25 last section.

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

3 ACTING PRESIDENT COONEY: Call the
4 roll.

5 (The Secretary called the roll.)

6 ACTING PRESIDENT COONEY: Announce
7 the results.

8 THE SECRETARY: Ayes, 61.

9 ACTING PRESIDENT COONEY: The bill
10 is passed.

11 THE SECRETARY: Calendar Number
12 1245, Senate Print 329A, by Senator Bailey, an
13 act to amend the Criminal Procedure Law.

14 ACTING PRESIDENT COONEY: Read the
15 last section.

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

19 ACTING PRESIDENT COONEY: Call the
20 roll.

21 (The Secretary called the roll.)

22 ACTING PRESIDENT COONEY: Announce
23 the results.

24 THE SECRETARY: In relation to
25 Calendar 1245, voting in the negative are

1 Senators Ashby, Borrello, Canzoneri-Fitzpatrick,
2 Gallivan, Griffo, Helming, Lanza, Mattera,
3 Murray, Oberacker, O'Mara, Ortt, Palumbo, Rhoads,
4 Rolison, Stec, Tedisco, Walczyk, Weber and Weik.

5 Ayes, 41. Nays, 20.

6 ACTING PRESIDENT COONEY: The bill
7 is passed.

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

10 SENATOR GIANARIS: Let's take up
11 the controversial calendar, please.

12 ACTING PRESIDENT COONEY: The
13 Secretary will ring the bell.

14 The Secretary will read.

15 THE SECRETARY: Calendar Number
16 1216, Senate Print 1464, by Senator Harckham, an
17 act to amend the Environmental Conservation Law.

18 ACTING PRESIDENT COONEY: Senator
19 Stec, why do you rise?

20 SENATOR STEC: Good evening,
21 Mr. President. If the sponsor would yield for a
22 series of questions.

23 SENATOR HARCKHAM: Just to clarify,
24 Mr. President, this is on the yoga resolution?

25 (Laughter.)

1 SENATOR HARCKHAM: Yes, I do.

2 ACTING PRESIDENT COONEY: The
3 sponsor yields.

4 SENATOR STEC: Yeah, no kidding.

5 All right. Good afternoon,
6 Chairman. This is my fifth year in the Senate.
7 I think we've debated this bill every year.
8 Through you, if the sponsor would yield.

9 Affordability is the top concern for
10 our constituents. Do you know how much this
11 legislation is currently expected to cost
12 New York State consumers?

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

15 According to Consumer Reports --
16 which is kind of the gold standard, not just in
17 New York but in the United States when it comes
18 to consumer issues -- it has analyzed this bill
19 and has reported this will cost New York
20 consumers zero.

21 SENATOR STEC: Will the sponsor
22 continue to yield?

23 ACTING PRESIDENT COONEY: Will the
24 sponsor yield?

25 SENATOR HARCKHAM: Yes.

1 ACTING PRESIDENT COONEY: The
2 sponsor yields.

3 SENATOR STEC: Are you familiar
4 with the study that was done in 2021 and recently
5 updated in York University by Dr. Calvin Lakhan,
6 and his analysis of the cost of the bill?

7 SENATOR HARCKHAM: Through you,
8 Mr. President, I am aware of the York University
9 study. This gentleman does these studies every
10 time a state or a province in Canada has an EPR
11 bill. And many people question the assumptions.

12 So Columbia University did a study
13 and found that, at most -- remember, we have
14 Consumer Reports saying "nothing" and
15 Columbia University saying, at most, \$4 per
16 family for a year. So zero dollars, \$48, and
17 then you have the York study, which is way out
18 here and has been actually wildly off on some of
19 the studies they have done in Canada, where all
20 of the provinces but one have advanced EPR
21 regulations on the books.

22 SENATOR STEC: Thank you.
23 Will the sponsor continue to yield?

24 ACTING PRESIDENT COONEY: Will the
25 sponsor yield?

1 SENATOR HARCKHAM: Absolutely.

2 ACTING PRESIDENT COONEY: The
3 sponsor yields.

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

6 So you disagree with the analysis
7 that in 2021 this would cost New Yorkers
8 \$803 million -- and that's been updated more
9 recently to \$1.3 billion, representing an average
10 household grocery increase anywhere from 4.25 to
11 6.75 percent, or \$450 to \$732 more per year?

12 SENATOR HARCKHAM: Through you,
13 Mr. President, I do reject the assertion in that
14 report.

15 I believe Consumer Reports. There
16 is no more of a, shall we say, blue-blood
17 independent arbiter when it comes to consumer
18 issues in the United States than
19 Consumer Reports. And when they say this will
20 cost nothing, I would believe them.

21 SENATOR STEC: If the sponsor would
22 continue to yield.

23 ACTING PRESIDENT COONEY: Will the
24 sponsor yield?

25 SENATOR HARCKHAM: Absolutely.

1 ACTING PRESIDENT COONEY: The
2 sponsor yields.

3 SENATOR STEC: There's a long list
4 of organizations that have issued memos of
5 opposition against this legislation. Again, the
6 legislation that we've been talking about for
7 several years now seems to change from year to
8 year.

9 One of the concerns that's been
10 expressed has been from the Coca-Cola Company,
11 where it talks about there's a disparity in the
12 bill as to whether or not drinking containers
13 that are covered in the recycling laws are or are
14 not subject to this.

15 Can you expound a little bit on
16 that? The concern being that Coca-Cola is saying
17 that ultimately materials used in their -- in the
18 beverage industry's packaging would be considered
19 toxins and would not be allowed to be used and
20 therefore you wouldn't be able to use aluminum
21 cans again in the State of New York's package
22 law -- or EPR law.

23 SENATOR HARCKHAM: Through you,
24 Mr. President, there are two things.

25 What our colleague is talking about

1 is BPA, which is a known toxin. It is possible
2 to make cans without BPA. However, we have put
3 waivers into the bill so that if a company cannot
4 meet a certain provision, they individually can
5 appeal to DEC with a waiver.

6 But if I check the list of
7 chemicals -- (conferring) -- it would say that
8 most of the bottles and cans also have exemptions
9 because they're covered by the Bottle Bill. So
10 we have language in here that says any beverage
11 container covered by the Bottle Bill currently --
12 which aluminum cans are, so they are exempt from
13 this bill.

14 SENATOR STEC: Would the sponsor
15 continue to yield.

16 ACTING PRESIDENT COONEY: Will the
17 sponsor yield?

18 SENATOR HARCKHAM: Yes.

19 ACTING PRESIDENT COONEY: The
20 sponsor yields.

21 SENATOR STEC: Well, I understand
22 that.

23 But again, going back to what
24 Coca-Cola has said, as well as the New York State
25 Teamsters, they expressed very similar concerns

1 where they did acknowledge that you could point
2 to the bill and say bottles that are -- or cans
3 that are not subject -- or that are covered by a
4 deposit are exempt.

5 But then elsewhere in the bill
6 language it talks about toxins and it bans
7 everything. Both the Teamsters and Coca-Cola
8 have expressed the same concern about the
9 language of the bill. I know that that may not
10 be your intent, but their read, their lawyers'
11 reads is that this is going to be an issue for
12 them. Which is why they've both issued memos of
13 opposition.

14 SENATOR HARCKHAM: First of all,
15 Mr. President, when we say Teamsters, let's be
16 very careful. This is not the state Teamsters.
17 In fact, we have worked with the state Teamsters;
18 we put language in here for labor peace
19 agreements. We have labor members who will be on
20 the advisory board. We have worked very closely
21 with labor on this.

22 What we're talking about is locals
23 who have been pressured by their parent company
24 in opposition.

25 So we are very clear and we have

1 been very clear since the outset that any bottle
2 or can that is covered by the Bottle Bill -- not
3 even some future Bottle Bill, but the current
4 Bottle Bill -- are exempt from this law. That's
5 a very clear reading. That is the clear intent
6 of this litigation. And that's what our counsel
7 believes as well.

8 SENATOR STEC: Will the sponsor
9 continue to yield?

10 ACTING PRESIDENT COONEY: Will the
11 sponsor yield?

12 SENATOR HARCKHAM: Absolutely.

13 ACTING PRESIDENT COONEY: The
14 sponsor yields.

15 SENATOR STEC: All right. Again,
16 just to be clear, because I want to make sure
17 we're all -- the New York State Conference of
18 Teamsters have requested an amendment based on
19 what I was just talking about, about what it
20 would do to the beverage industry and the banning
21 of aluminum cans, essentially. And the three
22 groups here are the Teamster Joint Council 16 in
23 New York, Joint Council 18 in Albany, and Joint
24 Council 46 in Buffalo. Thomas Gesualdi, Thomas
25 Quackenbush, and Jeffrey Brylski, the presidents

1 of those three. Were you aware of their
2 opposition?

3 SENATOR HARCKHAM: Through you,
4 Mr. President. We also have 315 distinct
5 organizations supporting this bill -- public
6 interest groups like Consumer Reports, public
7 health groups like Physicians for Social
8 Responsibility, mainstream environmental groups.
9 Because this is a public health bill, this is an
10 environmental bill, and this is a bill that will
11 pump millions of dollars into our municipalities
12 to help them with their municipal waste streams,
13 and will save municipalities a billion dollars
14 over 10 years.

15 So if we talk about who is opposed,
16 and they're opposed on reasons that are not
17 applicable because they are exempt, let's talk
18 about the 315 distinct groups and the thousands
19 of advocates who have worked with us on this bill
20 who support this bill.

21 SENATOR STEC: Will the sponsor
22 continue to yield?

23 ACTING PRESIDENT COONEY: Will the
24 sponsor yield?

25 SENATOR HARCKHAM: Absolutely.

1 ACTING PRESIDENT COONEY: The
2 sponsor yields.

3 SENATOR STEC: So do the Teamsters
4 support your -- this legislation?

5 SENATOR HARCKHAM: Through you,
6 Mr. President, no, they do not.

7 SENATOR STEC: Okay, that's what I
8 thought.

9 Through you, Mr. President, if the
10 sponsor will continue to yield.

11 SENATOR HARCKHAM: However, I would
12 say that the state organization of Teamsters are
13 neutral on this bill. These are locals, as
14 opposed to the state umbrella group.

15 SENATOR STEC: Will the sponsor
16 continue to yield?

17 ACTING PRESIDENT COONEY: Will the
18 sponsor yield?

19 SENATOR HARCKHAM: Absolutely.

20 ACTING PRESIDENT COONEY: The
21 sponsor yields.

22 SENATOR STEC: So you mentioned --
23 in the previous answer you talked about the
24 municipalities in Canada saving an awful lot of
25 money on EPR. Did I hear you correctly?

1 SENATOR HARCKHAM: No, what --
2 there was a study done just this year that shows
3 that in the next 10 years New York's
4 municipalities, under this law, will save a
5 billion dollars a year in their waste efforts.

6 And further, because of producer
7 responsibility, they'll have to invest in
8 municipal waste and recycling. That will be up
9 to \$250 million.

10 So we're talking a billion in
11 savings that could be for tax relief, it could be
12 for teachers, it could be for our fire
13 departments, and then another quarter of a
14 billion dollars. And that's why this is
15 supported by NYCOM, by NYSAC, and by New York
16 City, because they realize that this will help
17 them financially.

18 We are drowning, Mr. President, in
19 trash and garbage. And who is paying for it?
20 Our taxpayers, our municipalities, our
21 constituents -- instead of putting the onus on
22 the people who are creating the waste and causing
23 the pollution.

24 SENATOR STEC: Will the sponsor
25 continue to yield?

1 ACTING PRESIDENT COONEY: Will the
2 sponsor yield?

3 SENATOR HARCKHAM: Absolutely.

4 ACTING PRESIDENT COONEY: The
5 sponsor yields.

6 SENATOR STEC: So I can understand
7 NYSAC, NYCOM and New York City government, you
8 know, government organizations seeing the
9 opportunity for somebody else to pay for what
10 historically they've been paying and looking at
11 their own bottom lines and saying this is a good
12 idea.

13 My question is in Canada, with the
14 EPR bills that are in place already, have those
15 municipalities in Canada actually seen those
16 kinds of savings that you're anticipating
17 New York municipalities to see?

18 SENATOR HARCKHAM: (Conferring.)

19 Through you, Mr. President. To the
20 Senator's question, we don't have right now
21 precise information on whether the Canadian
22 governments have saved money. We will see if we
23 can get that in the next two hours, since we'll
24 be here.

25 But we do know this was a very

1 detailed study about New York and this bill that
2 is estimating a billion dollars in savings to
3 New York municipalities. But we will see if we
4 can find out about Canada.

5 SENATOR STEC: Thank you.

6 If the sponsor would continue to
7 yield.

8 ACTING PRESIDENT COONEY: Will the
9 sponsor yield?

10 SENATOR HARCKHAM: Absolutely.

11 SENATOR STEC: All right. So my
12 understanding is that the Canadian experience has
13 been that they haven't saved any money to date.
14 But we'll wait and about 7:30, 8 o'clock, maybe
15 we can have that answer to that question.

16 SENATOR HARCKHAM: Sure.

17 SENATOR STEC: But in the meantime,
18 assuming that we see a billion-dollar savings --
19 and oh, by the way, again, I'll remind everybody
20 that York University seems to think that this is
21 going to be a net cost to New Yorkers of
22 \$1.3 billion, or \$732 a year per household for a
23 family-of-four grocery bill.

24 But let's say, for argument's sake,
25 that municipalities do save upwards of a

1 billion dollars due to this. Is there anything
2 in this bill that requires those savings to be
3 passed along to the taxpayers, the consumers? Or
4 will this money be used -- I mean, can anyone
5 expect to see their property tax bill go down as
6 a result of this bill? Is it required in your
7 legislation?

8 SENATOR HARCKHAM: Through you,
9 Mr. President. They could see their tax bill go
10 down. I would hope that would be one of the
11 options. But we did not want to dictate that to
12 our local municipalities. We're a home-rule
13 state. Local municipalities should be able to
14 dictate what they want to do with their money.
15 And they are held accountable by local voters.

16 And so that if they save this money
17 and they have a surplus in their budget, it
18 should be up to the local voters to decide what
19 they do with that money.

20 And I would -- I would agree,
21 property tax relief is badly needed. I think
22 that would be -- if I were a local supervisor or
23 mayor, that would be number one on my priority
24 list. But we also know our fire departments are
25 hurting, we need more teachers, we need more

1 social workers. These are the types of things we
2 can do with that money that aren't at the expense
3 of taxpayers.

4 SENATOR STEC: If the sponsor would
5 continue to yield.

6 ACTING PRESIDENT COONEY: Will the
7 sponsor yield?

8 SENATOR HARCKHAM: Absolutely.

9 ACTING PRESIDENT COONEY: The
10 sponsor yields.

11 SENATOR STEC: Just to be clear, in
12 the legislation is there anything that requires
13 the savings to be passed on to the taxpayers?

14 SENATOR HARCKHAM: Through you,
15 Mr. President, no, we do not. Because we believe
16 municipalities should be free to chart their own
17 course.

18 SENATOR STEC: If the sponsor will
19 continue to yield.

20 ACTING PRESIDENT COONEY: Will the
21 sponsor yield?

22 SENATOR HARCKHAM: Absolutely.

23 ACTING PRESIDENT COONEY: The
24 sponsor yields.

25 SENATOR STEC: But it stands to

1 reason that somebody is going to be paying for
2 all of this. And if the municipalities are going
3 to save money, aren't we just shifting the cost
4 from the taxpayer to the consumer, which is
5 basically the same wallet?

6 SENATOR HARCKHAM: Through you,
7 Mr. President. We're saving taxpayers money.
8 We're saving taxpayers a billion dollars over
9 10 years. And through companies using less raw
10 material and less packaging, it will cost them
11 less as well.

12 There will be an initial in some
13 cases cost to retool. And we have a provision in
14 here that companies are eligible for tax credits.
15 But no, we do not expect to see a cost shift
16 here.

17 SENATOR STEC: If the sponsor will
18 continue to yield.

19 ACTING PRESIDENT COONEY: Will the
20 sponsor yield? Will the sponsor yield?

21 SENATOR HARCKHAM: Yes.

22 ACTING PRESIDENT COONEY: The
23 sponsor yields.

24 SENATOR STEC: Thank you.

25 So do you have any data that would

1 show that companies will save money through
2 recycling and using this recycled material you
3 just mentioned?

4 SENATOR HARCKHAM: Through you,
5 Mr. President, I don't believe we have data.

6 But I would point to a couple of
7 recent studies -- not studies. There's an
8 article, I believe it was in Newsday, and then
9 there are a few others that companies on their
10 own, to address the increased cost of tariffs,
11 were going with less packaging to save money.

12 So companies can do this. Apple has
13 already done this; they are a hundred percent
14 compliant with this. They realize that it's good
15 for their bottom line as well.

16 So we believe companies in the long
17 run will actually be saving money by using more
18 circular materials and less material.

19 SENATOR STEC: If the sponsor would
20 continue to yield, please.

21 ACTING PRESIDENT COONEY: Will the
22 sponsor yield?

23 SENATOR HARCKHAM: Yes.

24 ACTING PRESIDENT COONEY: The
25 sponsor yields.

1 SENATOR STEC: Thank you. Thank
2 you, Chairman.

3 All right, so I'm going to shift
4 gears a little bit now. I understand there's
5 seven states -- Minnesota, Colorado, Maryland
6 have passed their own versions of EPR bills.
7 Recently EPR legislation was signed by
8 Governor Walz in Minnesota in May of '24, and
9 Maryland Governor Moore signed the legislation
10 just a couple of weeks ago.

11 What makes New York's legislation
12 different from Colorado, Minnesota and Maryland?

13 SENATOR HARCKHAM: I think the
14 number-one factor that makes this bill different
15 is that we ban toxins. And there are a couple of
16 reasons we ban toxins. One is the public health
17 reason to ban toxins, that certain toxins in food
18 packaging leach into the food.

19 And I bring up the example from last
20 year when they tried to scare everybody that we
21 were going to ban Lunchables and so poor kids
22 wouldn't have Lunchables. Well, guess what
23 happened in the last year? Lunchables were
24 pulled from the Federal School Meals Program
25 because of excess levels of lead and cadmium, two

1 of the chemicals that we are pulling.

2 The other thing is you can't
3 effectively recycle plastic that is contaminated
4 with chemicals. That's why mechanical recycling
5 works with certain things but not most plastic.
6 Through you, Mr. President, we only recycle
7 6 percent of plastic in the United States. That
8 is a dismal percentage. The rest goes to
9 landfills where some of those chemicals leach
10 into our water supply, or it goes to incinerators
11 where they're burned and it goes into the
12 atmosphere.

13 So if we want to have a truly
14 effective EPR regime and be able to actually
15 recycle more plastic, we have to take the
16 chemicals out, and that's a major difference.

17 SENATOR STEC: Thank you.

18 Will the sponsor continue to yield?

19 ACTING PRESIDENT COONEY: Will the
20 sponsor yield?

21 SENATOR HARCKHAM: Yes.

22 ACTING PRESIDENT COONEY: The
23 sponsor yields.

24 SENATOR STEC: Earlier this year,
25 on March 10th, California Governor Newsom ordered

1 CalRecycle back to the drawing board on the
2 state's proposed EPR regulations based on
3 concerns that they would impose costs to
4 consumers in that blue state.

5 California's cost to consumers on
6 the bill was estimated at the state to be
7 \$300 per household, far different from what you
8 thought was zero, much closer to the York study
9 that I cited earlier.

10 Does this legislation go beyond
11 California's law?

12 SENATOR HARCKHAM: Through you,
13 Mr. President. The issues in California were not
14 due to the legislation. It was due to political
15 complications within their advisory board.

16 And then they recently came out with
17 a new report, and they said two things. One,
18 the -- (conferring).

19 Thank you, Mr. President, to
20 clarify. Thank you for the question.

21 What California found was that the
22 entire program, if all the costs were just passed
23 along, would be that figure. But there would be
24 far greater savings on the environmental and the
25 health benefits to families as well, resulting in

1 a net savings to families, not costs.

2 But again, the problems that they
3 had in California were due to the makeup of the
4 advisory board, political issues. The executive
5 director and some of the board members were
6 replaced. As we all know, the governor of
7 California is running for president, and there
8 were some of those issues.

9 Now, you know, let's go in with our
10 eyes wide open. We're all adults here, and
11 there's nothing to say that New York will be
12 immune from those types of pressures as well.

13 But I say that to level-set that
14 these costs were not -- and the problems they had
15 in California were not a direct result of the
16 legislation. And that report also says that the
17 savings to consumers will be greater than the
18 cost to consumers.

19 SENATOR STEC: If the sponsor will
20 continue to yield.

21 ACTING PRESIDENT COONEY: Will the
22 sponsor yield?

23 SENATOR HARCKHAM: Yes.

24 ACTING PRESIDENT COONEY: The
25 sponsor yields.

1 SENATOR STEC: That argument sounds
2 an awful lot like the justification for the
3 CLCPA, that, you know, it's going to cost
4 \$300 billion to entirely change the way that we
5 do energy in this state, but the cost savings
6 will be greater than that.

7 Again, you know, you said Consumer
8 Reports said the number was zero to \$4; York said
9 it was 400 to \$732, and California's own
10 experience -- California's not a red state,
11 California is very comparable to New York State,
12 including the way it does its own politics. It
13 seems like the governors of both of those states
14 like to view themselves as future presidents.

15 This is still, any way you slice it,
16 this lands as a \$300, in California's case, to
17 the backs of working families that are trying to
18 put food on the table. I mean, \$300 is about
19 what these rebate checks that we're going to be
20 cutting later this year are, coincidentally.

21 You're really comfortable in saying
22 that taxpayers and consumers will not see an
23 increase in their grocery bills, like California
24 was afraid that they were and scuttled their
25 plans?

1 SENATOR HARCKHAM: Through you,
2 Mr. President. The studies that were done on the
3 New York bill -- California is California. The
4 studies that were done on the New York bill,
5 Consumer Reports, the gold standard of consumer
6 protection in this country, says the New York
7 bill will cost consumers zero dollars.

8 Columbia University looked at our
9 law specifically in the context of other laws and
10 other programs that had been established, and
11 looked at our laws specifically, said at the high
12 end, \$4 per family per month. So it could be as
13 high as \$48 or, if you believe Consumer Reports,
14 zero dollars.

15 SENATOR STEC: If the sponsor will
16 continue to yield.

17 ACTING PRESIDENT COONEY: Will the
18 sponsor yield?

19 SENATOR HARCKHAM: Yes.

20 ACTING PRESIDENT COONEY: The
21 sponsor yields.

22 SENATOR STEC: So again, I continue
23 to see a parallel track between this and the
24 CLCPA. And the question that I had then is
25 similar to the question that I'll pose to you

1 now. When do the consumers or the ratepayers or
2 the taxpayers, which is basically the same
3 person, the resident of the State of New York,
4 start to see that savings show up in their bank
5 accounts?

6 Because I don't think anyone's
7 seeing any savings -- I'm getting calls that
8 things are -- prices of energy are going up and
9 we're about to start getting calls if this
10 becomes law that grocery bills are going up. I
11 know that everyone's going to try to point the
12 finger at the tariffs or something else other
13 than stuff that we do here to drive costs.

14 When will consumers start to see
15 this money show up in their bank account as a
16 savings?

17 SENATOR HARCKHAM: Through you,
18 Mr. President, it's really, as we've said, up to
19 the municipalities what they do with the billion
20 dollars in savings. It's up to municipalities
21 how they spend the \$250 million investment that
22 they will get from the Producer Responsibility
23 Organization to upgrade infrastructure for
24 recycling and waste hauling.

25 And so, you know, this bill is not

1 designed to put direct cash into consumers'
2 pockets, but there are also going to be health
3 savings costs here. Like one of the things that
4 we haven't discussed, Mr. President, is the
5 scourge of nanoplastics. You know, since we last
6 debated this bill last year, and to this year,
7 there have been a host of peer-reviewed studies
8 that now discuss the health impacts of
9 nanoplastics and microplastics on the human body.

10 You know, we first thought of
11 plastic pollution as just pollution. And then we
12 thought about, oh, it's something that impacts
13 marine life. And now there is a growing body of
14 evidence -- so as I stand here today I have
15 nanoplastics in my brain, in my sinuses, in my
16 respiratory system, in all my major arteries, in
17 my circulatory system, in my heart, in my
18 reproductive organs -- and so do all of you.

19 And that now has a real health
20 impact. They are biopsying brains and they have
21 found in cadavers six capfuls of microplastics in
22 people's brains. These are real health impacts
23 that are costing our society money.

24 And these are the things that we
25 also need to think about, is the need to reduce

1 plastics in our environment. This is the new
2 environmental scourge of our time. We think PFAS
3 is bad. Our kids -- we have nanoplastics in
4 breast milk, in placentas. We need to address
5 this.

6 SENATOR STEC: On the bill.

7 ACTING PRESIDENT COONEY: Senator
8 Stec on the bill.

9 SENATOR STEC: All right, thank
10 you, Mr. President.

11 Thank you, Chairman Harckham. I
12 appreciate your time on this and your answering
13 my questions.

14 Again, I go back to -- and I see a
15 lot of parallels between this and CLCPA.
16 Frankly, I see a lot of parallels between this
17 and a lot that we do around here. You know, in
18 the name of, hey, other states are doing this and
19 we need to do it too, but then we fail to point
20 out the differences between our legislation and
21 what these other states have done. A classic
22 example of where we did that was bail reform.
23 Well, there's so many other states that have done
24 cashless bail. And then when we looked at it, we
25 said, You know what, we went far beyond what

1 other states are doing for cashless bail when we
2 took away judges' discretion and stuff like that.

3 So when I look at this legislation
4 compared to the seven states that are out there,
5 and California's pulling back on theirs because
6 they're concerned with cost. And I'm not
7 surprised at all that you can get a lot of
8 environmental groups that aren't responsible to
9 the taxpayers, they're not responsible to
10 anyone's wallet or livelihood or their
11 affordability in this state like we are supposed
12 to be. It's very easy to say, are you for mom
13 and apple pie and no plastics? Yes. That's very
14 easy to say.

15 What I am struck by is in all the
16 years that I've been in the Legislature, I have
17 never seen so many memos of opposition from so
18 many organizations on this that, frankly, don't
19 have a lot to do with each other than they know
20 what they're doing in their industry and they're
21 trying to comply and they're working with the
22 federal level and they're working with 49 other
23 states, and they're all saying the same thing.

24 They're saying, you know, we could
25 live with it the way these other states have done

1 it, but they're pointing to specific things, and
2 a lot of them are very similar things that
3 they're pointing to, whether it's some of the
4 toxins -- they're saying the technology doesn't
5 exist for a lot of the mandates that are in this
6 legislation. The timeline -- I mean the
7 parallels between this and CLCPA are astounding
8 to me. This is the CLCPA of the recycling world.

9 The memos of opposition, my
10 colleagues: Air Conditioning, Heating and
11 Refrigeration Institute, American Beverage
12 Association, American Chemistry Council, American
13 Cleaning Institute, American Forest and Paper
14 Association, Association of Home Appliance
15 Manufacturers, Can Manufacturers Institute,
16 Circular Services, Consumer Technology
17 Association, the Farm Bureau of New York, Food
18 Industry Alliance of New York, Food Service
19 Packaging Industry, Kraft Heinz, Local Union 812,
20 National Right to Work Committee, National
21 Supermarket Association, National Waste and
22 Recycling Association, New York State Chemistry
23 Council, Plastics Industry Association, The
24 Business Council, Consumer Technology, the
25 National Supermarket Association -- those are

1 just the ones that came in this year. There's an
2 equal number of them that I won't bore you with
3 that I'm sure they haven't rescinded theirs from
4 last year.

5 This is going to cost our residents,
6 our hardworking -- and it's going to hurt the
7 middle and lower income the hardest, because
8 you're going to add, depending on whose numbers
9 you want to go to -- \$48 a year I think is an
10 overly optimistic number, but it's an increase.
11 No one is saying, hey, you know what, this has
12 saved, you know, -- and I can tell you this. The
13 rest of the country is not going to -- the people
14 that are making the food and shipping it here are
15 not going to change the way that they're doing it
16 because New York State's market is so big that
17 they're going to start -- they're going to not
18 sell here, and we're going to lose businesses
19 in this state to this law, and this is going to
20 cost the consumer at the grocery store hundreds
21 of dollars more a year, hundreds of dollars that
22 a lot of my constituents don't have. The phone's
23 ringing off the hook already about the electric
24 bill, and the next round of phone calls is going
25 to be the grocery bill.

1 For that reason and many others that
2 I think we're about to hear from in the next hour
3 and a half from my colleagues, I will be voting
4 against this legislation. I encourage all my
5 colleagues to be here in the chamber to do so.

6 ACTING PRESIDENT COONEY: Thank
7 you, Senator Stec.

8 We'll all practice our yoga poses.

9 Senator Helming, why do you rise?

10 SENATOR HELMING: Thank you,
11 Mr. President. If the sponsor will yield for a
12 few questions.

13 ACTING PRESIDENT COONEY: Will the
14 sponsor yield?

15 SENATOR HARCKHAM: Absolutely.

16 ACTING PRESIDENT COONEY: The
17 sponsor yields.

18 SENATOR HELMING: Thank you,
19 Senator Harckham. Through you, Mr. President.

20 Senator Harckham, as the chair of
21 the Senate Environmental Conservation Committee,
22 did you have a chance to review the New York
23 State Center for Sustainable Materials
24 Management, the recycling needs assessment
25 report, before you wrote the D print of this

1 bill?

2 SENATOR HARCKHAM: Through you,
3 Mr. President. You're talking about the DEC
4 report, right? One of the things that DEC
5 mentions in their waste management plan is the
6 need for extended producer responsibility for
7 packaging, and they talk -- DEC talks about this
8 all the time.

9 SENATOR HELMING: Thank you. So
10 through you, Mr. President, I'll go on the bill
11 for a second here.

12 ACTING PRESIDENT COONEY:
13 Senator Helming on the bill.

14 SENATOR HELMING: So the New York
15 State Center for Sustainable Materials Management
16 I believe was contracted to assess recycling
17 needs throughout the State of New York. And what
18 they did is they looked at a number of DEC
19 regions across the state, evaluated the municipal
20 solid waste. And what they found was that more
21 than 80 percent of municipal solid waste can be
22 recycled, can be reused or composted.

23 Senator Harckham mentioned how
24 plastics -- I think he used the national average
25 of how -- percentage of how few plastics are

1 actually recycled.

2 But if I can -- if the sponsor will
3 yield for a question.

4 ACTING PRESIDENT COONEY: Will the
5 sponsor yield?

6 SENATOR HARCKHAM: Yes.

7 ACTING PRESIDENT COONEY: The
8 sponsor yields.

9 SENATOR HELMING: Senator Harckham,
10 in New York State do you know what it is, the
11 number-one material that is going into our
12 landfills that shouldn't be?

13 SENATOR HARCKHAM: Through you,
14 Mr. President, it's paper.

15 SENATOR HELMING: Through you,
16 Mr. President. If I could go on the bill for a
17 minute.

18 ACTING PRESIDENT COONEY: Senator
19 Helming on a bill.

20 SENATOR HELMING: The number-one
21 material identified in the report that should
22 have been incorporated into this bill where we're
23 trying to address issues is organic material.
24 It's food waste, it's yard clippings, it's yard
25 waste, that sort of material.

1 So if the Senator will continue to
2 yield for questions.

3 ACTING PRESIDENT COONEY: Will the
4 Senator yield?

5 SENATOR HARCKHAM: Absolutely.

6 ACTING PRESIDENT COONEY: the
7 sponsor yields.

8 SENATOR HELMING: Senator Harckham,
9 does the bill before us address organic
10 materials?

11 SENATOR HARCKHAM: Through you,
12 Mr. President, this bill does not address organic
13 materials. It was not intended to address
14 organic materials. It was intended to address
15 packaging materials. And if the Senator is
16 concerned about organic materials and composting,
17 as chair of the committee I would welcome her
18 bill and would love to work with her on a
19 composting bill. But this is on a packaging
20 bill, not a composting bill.

21 SENATOR HELMING: Through you,
22 Mr. President, on the bill for a moment.

23 ACTING PRESIDENT COONEY:
24 Senator Helming on the bill.

25 SENATOR HELMING: So if I were

1 chair of the committee, I would have looked at
2 the science before me, the data before me. I
3 would have looked at the report that the state
4 paid for and made sure to incorporate those
5 recommendations into a recycling bill.

6 But through you, Mr. President, if
7 the sponsor will continue to yield.

8 ACTING PRESIDENT COONEY: Will the
9 sponsor yield?

10 SENATOR HARCKHAM: Yes.

11 ACTING PRESIDENT COONEY: The
12 sponsor yields.

13 SENATOR HELMING: Senator Harckham,
14 as the chair of the Environmental Conservation
15 Committee, when you were preparing this D draft
16 did you take into consideration at all maybe
17 amending your bill so it's more consistent to
18 Senate Bill 5062, which is titled the Affordable
19 Waste Reduction Act?

20 SENATOR HARCKHAM: Through you,
21 Mr. President, several things.

22 Number one, we wrote this bill
23 before that bill was introduced. We made five
24 rounds of revisions to this bill, speaking with
25 industry to address their concerns. In the fifth

1 print of the bill, we made 26 major concessions
2 to address the concerns industry has. So we have
3 constantly been listening. We have constantly
4 been addressing issues that have arisen.

5 Now, as for the other bill, there
6 are some very major differences. Our bill
7 establishes environmental standards for
8 packaging; the other bill does not. Our bill
9 reduces toxins; the other bill does not. Our
10 bill includes both commercial and residential
11 waste; the other bill did not. Our bill does not
12 put the packaging industry in charge. It puts
13 this Legislature in charge.

14 How often do we hear on this floor
15 from the other side, Why are we just ceding our
16 power to somebody else? So we have set the
17 standards in the legislation.

18 Our bill ensures strong oversight
19 and accountability; the other does not. We
20 create an inspector general to ensure that the
21 program is upheld.

22 So there are a number of differences
23 with our bill. Our bill was written first. Our
24 bill I believe is much more encompassing. And
25 that's why we have advanced this bill to the

1 floor once again.

2 SENATOR HELMING: Mr. President, on
3 the bill.

4 ACTING PRESIDENT COONEY:
5 Senator Helming on the bill.

6 SENATOR HELMING: So I'd just like
7 to point out, despite these conversations with
8 businesses and other organizations, the fact is
9 that groups that don't typically align -- labor
10 groups, business groups, Chamber of Commerce, the
11 Farm Bureau -- they have all banded together and
12 said that they have grave concerns about the bill
13 before us. That it's going to drive up consumer
14 costs, especially in the grocery store, and that
15 it's going to jeopardize the availability of
16 products that people, especially low-income
17 people, rely on.

18 But through you, Mr. President, if
19 the sponsor will continue to yield for a
20 question.

21 ACTING PRESIDENT COONEY: Will the
22 sponsor yield?

23 SENATOR HARCKHAM: Yes.

24 ACTING PRESIDENT COONEY: The
25 sponsor yields.

1 SENATOR HELMING: Senator Harckham,
2 I did have a question on vinyl chloride. Is that
3 a banned substance under this legislation?

4 SENATOR HARCKHAM: (Conferring.)
5 Through you, Mr. President, yes, it does.

6 SENATOR HELMING: Through you,
7 Mr. President, if the sponsor will continue to
8 yield for a question.

9 ACTING PRESIDENT COONEY: Will the
10 sponsor yield?

11 SENATOR HARCKHAM: Absolutely.

12 ACTING PRESIDENT COONEY: The
13 sponsor yields.

14 SENATOR HELMING: So,
15 Senator Harckham, New York State has invested so
16 much money, millions and millions of dollars --
17 which I totally support -- to remove and replace
18 asbestos-containing water pipes throughout our
19 communities across the state. And in many areas
20 those asbestos-lined pipes are replaced with PVC
21 piping. And PVC piping is made of vinyl
22 chloride.

23 So what I'm wondering is, does this
24 mean our communities -- I think somewhere in this
25 bill it says that anything that is not exempt,

1 doesn't have a plan, is banned. Does that
2 include the PVC pipe that is used by so many
3 highway departments and water departments to
4 transport safe drinking water?

5 SENATOR HARCKHAM: Through you,
6 Mr. President, no, of course not, because it's
7 not packaging.

8 SENATOR HELMING: Okay. So it's --
9 through you, Mr. President, I'll leave that one
10 and go on. If the sponsor will continue to yield
11 to questions.

12 ACTING PRESIDENT COONEY: Will the
13 sponsor yield?

14 SENATOR HARCKHAM: Sure.

15 ACTING PRESIDENT COONEY: The
16 sponsor yields.

17 SENATOR HELMING: Well, actually, I
18 am going to go back to that one.

19 So if vinyl chloride is used to seal
20 that PVC piping to deliver it, it's banned. But
21 if that same PVC pipe is used to transport our
22 drinking water, that's okay? Is that what I'm
23 hearing?

24 SENATOR HARCKHAM: Yeah, if it's
25 used in the packaging, it is. But if it's not

1 part of the packaging, it's not.

2 And let's be clear. Polyvinyl
3 chloride is a carcinogen. It's an
4 endocrine-disruptor. It's been known for its
5 neurotoxicity. It causes respiratory issues from
6 prolonged exposure and developmental and
7 reproductive harm.

8 So this not the kind of thing we
9 want to be packaging our consumer goods. If
10 we're burying it under roads for culverts and
11 things like that, that's one thing. And it's
12 still legal. But to use it in packaging would be
13 illegal under this law.

14 SENATOR HELMING: Through you,
15 Mr. President, on the bill quickly.

16 ACTING PRESIDENT COONEY: Senator
17 Helming on the bill.

18 SENATOR HELMING: So I got it. If
19 that product is wrapping PVC piping, that
20 packaging part is banned. But if that same
21 material is delivering drinking water into the
22 homes of millions and millions of New Yorkers,
23 under this legislation it's allowed. Got it.

24 So if the Senator will continue to
25 yield for a question.

1 ACTING PRESIDENT COONEY: Will the
2 sponsor yield?

3 SENATOR HARCKHAM: Yes.

4 ACTING PRESIDENT COONEY: The
5 sponsor yields.

6 SENATOR HELMING: Senator, my
7 understanding of the Packaging Reduction and
8 Recycling Organization is that within nine months
9 all producers will be required to register with
10 one Packaging Reduction Organization, which will
11 be selected by the DEC. Is that correct?

12 SENATOR HARCKHAM: Through you,
13 Mr. President. We revised this legislation at
14 the request of industry to give them this
15 structure of the PRO. This is what they wanted.
16 There is a draft of the bill where it was much
17 more DEC-centric. Industry said no, we preferred
18 the original version, which was this version.

19 And so this is a version that
20 industry wanted. But someone from the state has
21 to be in charge. So they get together, they have
22 nine months to figure it out. And honestly,
23 other states have done this. There are now a
24 couple of companies that have been hired by other
25 states to run these PROs. These companies who

1 seem to be screaming the loudest are doing this
2 in many other states. They have experience
3 setting up PROs. So nine months is more than
4 enough time for them to organize and make an
5 application to the state.

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

9 ACTING PRESIDENT COONEY: Will the
10 sponsor yield?

11 SENATOR HARCKHAM: Yes.

12 ACTING PRESIDENT COONEY: The
13 sponsor yields.

14 SENATOR HELMING: Senator Harckham,
15 do you have any idea how many New York State
16 producers will be required to register with the
17 PRO?

18 SENATOR HARCKHAM: Through you,
19 Mr. President, we do not have an exact number.
20 It's any company over \$5 million in revenue or
21 produces over 2 million tons annually in
22 packaging.

23 So we do not have that exact number.
24 But to Senator Stec's line of questioning, it
25 will be far less than California. We're a

1 smaller economy. And they have done this in
2 seven other states. And the companies themselves
3 have experience doing this.

4 SENATOR HELMING: Through you,
5 Mr. President, if the sponsor will continue to
6 yield.

7 ACTING PRESIDENT COONEY: Will the
8 sponsor yield?

9 SENATOR HARCKHAM: Yes.

10 ACTING PRESIDENT COONEY: The
11 sponsor yields.

12 SENATOR HELMING: Senator Harckham,
13 will producers outside of the State of New York
14 but who do business, bring products into the
15 State of New York, also be required to register?
16 And if so, do you have any idea how many numbers
17 of producers we're talking about?

18 SENATOR HARCKHAM: If they sell in
19 New York, they will be required to. If they
20 don't sell in New York, they are not impacted by
21 this.

22 SENATOR HELMING: Through you,
23 Mr. President, I'd like to go on the bill for a
24 moment.

25 ACTING PRESIDENT COONEY:

1 Senator Helming on the bill.

2 SENATOR HELMING: So I remember
3 last year when we were going through the budget
4 time, and we were all surprised by the CDPAP
5 information that was contained in the budget.
6 And we talked about what the mandate was, is that
7 we were going to have this single entity and
8 we're going to do away with -- or we were going
9 to require all of the consumers and all of their
10 staff to register with the single entity, and we
11 were going to do it within a certain time frame
12 and it was going to work.

13 And I have to say that when I read
14 this EPR proposal, I have visions of the same
15 thing happening with this program that we're
16 seeing happening with the CDPAP, the failure.
17 Because it's -- we just don't have a good
18 understanding of what is required.

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

21 SENATOR HARCKHAM: Mr. President,
22 might I just respond to the Senator's comments?
23 And then I'd be happy to yield for a question.

24 I would just say once again that
25 this is the structure that the producers

1 requested. This is the structure that has been
2 in the other states where this has been
3 implemented.

4 The companies -- this is not about
5 consumers. The PRO is about the companies who
6 produce packaging and market in New York State
7 have done this in other states and have
8 experience doing it.

9 Happy to yield for a question.

10 ACTING PRESIDENT COONEY: The
11 sponsor yields to questions.

12 SENATOR HELMING: Thank you.

13 So the PRO has very -- a large
14 responsibility. They have to develop the plan,
15 do data collection, determine reimbursement
16 rates, collect fees, reimburse departments and
17 other state agencies. They have to -- they're
18 responsible for the distribution of funds to
19 local governments, educational, providing
20 technical assistance and so much more.

21 But I want to focus just for a
22 moment on the duties that include determining
23 fees, collecting payments, and disbursing funds.

24 What does the bill include in terms
25 of language to make sure that, you know, one

1 organization -- an appointed organization who is
2 both determining rates, collecting payments, and
3 disbursing payments -- to make sure that
4 everything is audited correctly, it's legitimate,
5 we don't run into problems?

6 SENATOR HARCKHAM: Thank you.

7 That's a very good question, Mr. President.

8 That's why we have an inspector general for this
9 program that we have identified in the bill.

10 Because to your point, we want to
11 make sure that everything is aboveboard,
12 everything is being audited, everything is being
13 done appropriately. And so the PRO comes up with
14 their plan, and then that plan must be approved
15 by DEC.

16 And so if DEC sees something amiss,
17 they go back to the drawing board, they fix it.
18 Once that plan is approved, then they begin
19 making investments. Some of those payments are
20 going to our municipalities to modernize
21 waste-sorting and recycling technology. For
22 instance, that our -- many of us have MRFs in our
23 communities, material recycling facilities.
24 Those will get significant investments to help
25 process waste and sort recycling more

1 effectively.

2 But to the Senator's point, there
3 will be a lot of money moving through this
4 organization, and we want to make sure that it's
5 all aboveboard. And that's why we have created
6 the position of an inspector general to do those
7 audits.

8 SENATOR HELMING: Through you,
9 Mr. President. When I read the bill -- I'm going
10 to go on the bill for a moment.

11 ACTING PRESIDENT COONEY:
12 Senator Helming on the bill.

13 SENATOR HELMING: Under the PRO it
14 doesn't say anything about an inspector general
15 auditing anything, it just simply says audited
16 financial statements.

17 I have a question for the sponsor.

18 ACTING PRESIDENT COONEY: Will the
19 sponsor yield?

20 SENATOR HARCKHAM: I will.

21 SENATOR HELMING: Senator Harckham,
22 have you consulted or have you asked the state
23 comptroller to review the process for making sure
24 that everything is done aboveboard?

25 SENATOR HARCKHAM: Through you,

1 Mr. President, we have not. What we have done is
2 we have looked at language that has worked in
3 other states for the language for this section.

4 And then we have gone above and
5 beyond and we have added the office of inspector
6 general to make sure that the plan works
7 accordingly and all of the payments are
8 aboveboard.

9 SENATOR HELMING: Through you,
10 Mr. President --

11 SENATOR HARCKHAM: If I may say --
12 all right. All right. So the exact language, to
13 your point, Senator, the recycling inspector
14 general shall evaluate the programs and
15 organizations created pursuant to this
16 properly -- that they are -- no, I'm sorry. To
17 this -- I'm sorry.

18 The inspector general shall evaluate
19 programs and organizations created pursuant to
20 this title on an annual basis and shall ensure
21 such organizations are functioning properly and
22 that all organizations and producers are in
23 compliance with the requirements of this section.

24 SENATOR HELMING: Thank you.

25 Mr. President, on the bill. I

1 didn't hear anything in there about audited.

2 And again, I go to Section N where
3 it simply says "audited financial statements."
4 It doesn't require the audit to be done by an
5 external third party. It's very unclear. My
6 recommendation is ask the State Comptroller to
7 take a look at that.

8 But I would like to ask the sponsor
9 to yield for another question.

10 ACTING PRESIDENT COONEY: Will the
11 sponsor yield?

12 SENATOR HARCKHAM: Yes.

13 ACTING PRESIDENT COONEY: The
14 sponsor yields.

15 SENATOR HELMING: So one -- during
16 the last debate there was a question about
17 containers that are subject to the Bottle Bill.
18 And I think the response I heard is that those
19 containers are exempt from this language.

20 But my read is that it's
21 questionable at best on whether or not those
22 types of containers, which is basically a lot of
23 beverage containers, are actually exempt because
24 the bill doesn't define packaging.

25 And when you read the toxics

1 provision section, it says (reading) applying to
2 all packaging, including some or all of those
3 categories of packaging otherwise exempt from the
4 bill's EPR mandates, such as those containers
5 subject to the Bottle Bill.

6 So based on what the -- Senator
7 Harckham, what you said, my understanding is your
8 intent is to exempt containers that are subject
9 to the Bottle Bill. But would you agree that
10 this bill language needs some cleanup work?

11 SENATOR HARCKHAM: Thank you,
12 Mr. President. And thank you, Senator, for the
13 question.

14 I just want to find the exact
15 section of language, and we are -- where it says
16 Section 14, packaging material or materials, and
17 then it is laid out below. And subparagraph (f)
18 clearly says "Beverage containers subject to a
19 returnable container deposit under Title 10 of
20 this article."

21 So any beverage that is subject to a
22 returnable container deposit -- soda cans, Coke
23 and Pepsi, beer cans, Budweiser, Bud Light,
24 Coors -- all of those are not subject to this
25 law. It is very clear.

1 SENATOR HELMING: Thank you for
2 that clarification, Senator Harckham.

3 On the bill.

4 ACTING PRESIDENT COONEY: Senator
5 Helming on the bill.

6 SENATOR HELMING: Clear as mud, in
7 my opinion.

8 But I am going to go on the bill. I
9 appreciate Senator Harckham's responses.

10 Earlier Senator Harckham made the
11 comment that we're all adults. And I couldn't
12 agree more. Like I said, despite the fact that
13 we have organizations who have come together who
14 typically don't -- labor, right, unions, we have
15 had Chambers of Commerce, we have had Farm
16 Bureau. And we've had hundreds of businesses who
17 have said this bill is going to drive up consumer
18 cost, this bill is going to make products that
19 consumers rely on on an everyday basis -- popular
20 food items, household cleaning items, and so much
21 more -- unavailable.

22 And by the way, these hundreds and
23 hundreds of businesses who have written in -- and
24 as Senator Stec said, I have never received so
25 many letters in opposition in my nine years on

1 this floor. But these businesses, they're
2 recognized worldwide. They're sustainability
3 experts and leaders in their field.

4 These are companies like Barilla,
5 Baldwin Richardson Foods, Mott's, Seneca Foods,
6 Kraft Heinz, Dr. Pepper. We now have Fairlife
7 and Chobani. In our area, Mr. President, in the
8 greater Rochester-Finger Lakes region, we have
9 more than 250 food and beverage manufacturers and
10 suppliers employing more than 10,000 people, and
11 hopefully that number's going to continue to grow
12 with Fairlife, and with Chobani's expansions.
13 But who knows, because their packaging materials
14 could be banned under this legislation.

15 And when I think of acting as an
16 adult, what I'm thinking about as a Senator and
17 as an adult here on this floor is about every
18 single working parent, every family who's on a
19 tight budget, every single poll that shows, over
20 and over again, New Yorkers want us to address
21 affordability, cost of living. And they rely on
22 the convenience and affordability of so many of
23 these products that these businesses produce and
24 that are going to be banned under this bill.

25 We need to work on a more balanced

1 approach to protecting our environment and
2 protecting local employers, local jobs, and
3 consumers who are already struggling with higher
4 costs. And there are alternatives. There are
5 solutions to do just that. So many of them are
6 outlined in this taxpayer-funded study, Current
7 Recycling Systems in New York. The
8 recommendations were not considered or
9 incorporated in this bill.

10 We also have the Affordable Waste
11 Reduction Act, another Majority member's bill,
12 Senate Bill 5062, that is a more workable and
13 reasonable solution to keep plastics and other
14 materials that shouldn't be in our landfills out
15 of our landfills.

16 Until we take those reasonable and
17 responsible steps, Mr. President, I will be
18 voting no, and I encourage my colleagues to do
19 the same.

20 ACTING PRESIDENT COONEY: Senator
21 Harckham on the bill.

22 SENATOR HARCKHAM: Yes, thank you.
23 I will yield time for more questions in one sec.
24 I just want to address a couple of things. And
25 thank you, Senator Helming.

1 Number one, I want to
2 talk briefly -- she mentioned the toxins. The
3 products are not banned. It's the toxins that
4 are banned. There are plenty of alternatives.
5 And when we talk about our families and our kids,
6 our families and our kids deserve to have food
7 that's not exposed to toxic chemicals where it
8 leaches into the food. That's number one.

9 The issue of the Farm Bureau. And
10 thank you for raising that, Senator Helming. We
11 had extensive discussions with Farm Bureau. They
12 came to us and they said, We want an exemption
13 for New York agriculture. You can't do that,
14 because it violates federal interstate commerce
15 laws.

16 So what did we do? We raised the
17 threshold from a million dollars in sales to
18 \$5 million in sales. Guess what? Ninety-nine
19 percent of New York State farms have less than
20 \$5 million in revenue. So we have exempted
21 99 percent of New York State farms from this
22 bill.

23 And then thanks to Senator Hinchey,
24 we went a step further. She came to me and she
25 said, Well, many of our milk co-ops are small

1 farmers who have come together, they may have
2 more than 5 million in sales, but collectively
3 they're all individual family farms. I went with
4 her to Kingston, met with some of them at one of
5 the co-ops, and now we have exempted dairy co-ops
6 less than -- 50 employees or less. Which is all
7 of the smaller players.

8 So we have exempted 99-plus percent
9 of agriculture in New York State from this bill.
10 And I just wanted to put that on the record,
11 since Farm Bureau came up. You know, most people
12 would take 99.X percent as a win. You know? If
13 they don't, that's on them. But I think that's a
14 pretty good win that we've exempted over
15 99 percent of New York State farmers.

16 ACTING PRESIDENT COONEY: Thank
17 you, Senator Harckham.

18 Senator Borrello, why do you rise?

19 SENATOR BORRELLO: Mr. President,
20 would the sponsor yield for a question.

21 ACTING PRESIDENT COONEY: Will the
22 sponsor yield?

23 SENATOR HARCKHAM: Absolutely.

24 ACTING PRESIDENT COONEY: The
25 sponsor yields.

1 SENATOR BORRELLO: Through you,
2 Mr. President.

3 So last month, Beyond Plastics came
4 out with a report claiming that New Yorkers could
5 save \$1.3 billion over the next decade if this
6 bill is passed. Can you tell me who the author
7 of that study was and if they have any kind of an
8 economics background?

9 SENATOR HARCKHAM: They -- I don't
10 have the names of them in front of me. Do we
11 have the report in front of us?

12 The report was done by Jenny Gitlitz
13 and Connor Chung. And Connor Chung is an
14 independent consultant with a background in
15 municipal waste.

16 SENATOR BORRELLO: Mr. President,
17 will the sponsor continue to yield.

18 ACTING PRESIDENT COONEY: Will the
19 sponsor yield?

20 SENATOR HARCKHAM: Yes.

21 ACTING PRESIDENT COONEY: The
22 sponsor yields.

23 SENATOR BORRELLO: So neither one
24 of them are economists or packaging engineers.

25 SENATOR HARCKHAM: Waste engineer.

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

3 ACTING PRESIDENT COONEY: Will the
4 sponsor yield?

5 SENATOR HARCKHAM: Absolutely.

6 ACTING PRESIDENT COONEY: The
7 sponsor yields.

8 SENATOR BORRELLO: You know, I've
9 heard you talk about Consumer Reports, I've heard
10 you talk about other folks, the different
11 studies. But what I fail to understand is how
12 they have a crystal ball to explain how we're
13 going to solve the packaging problems that are
14 created.

15 How will they possibly know what any
16 industry -- all industries that are going to be
17 impacted by this? Particularly the food
18 industry, which has to worry about food safety.
19 How could they possibly know what the cost of
20 repackaging products, specifically for New York
21 and New York only, is going to impact consumers?
22 How is that even possible?

23 SENATOR HARCKHAM: Through you,
24 Mr. President. Number one, anything relating to
25 federal food safety is exempt. And it clearly

1 states in the bill, we link to federal law, that
2 federal law for food safety preempts everything
3 in this bill.

4 Number two, the -- what is sold in
5 our supermarkets is basically sold by less than
6 10 companies, all multinational companies. They
7 are doing this all over the world. They are
8 doing this in Europe, they're doing this in Asia,
9 they're doing this in Canada, they're doing in
10 other states. Kraft Heinz has bragged that
11 they're 87 percent of the way there in
12 compliance. Apple is already in compliance.

13 So this is not a new thing to these
14 multinational corporations. It just so
15 happens -- you know, and to Senator Helming's
16 point why are they opposing this bill, because
17 they've got a pretty sweet deal. They're
18 creating as much waste and pollution as they can,
19 and our constituents are paying to pick up the
20 tab. That's a sweet deal for them. Of course
21 we're trying to put the onus on them.

22 But they have done this before in
23 other places in the world, other places in the
24 country. And I think the responsibility should
25 be on them and not on our taxpayers.

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

3 ACTING PRESIDENT COONEY: Will the
4 sponsor yield?

5 SENATOR HARCKHAM: Yes.

6 ACTING PRESIDENT COONEY: The
7 sponsor yields.

8 SENATOR BORRELLO: Well, you know,
9 you brought up Europe and others. And as usual,
10 New York has decided we're going to go beyond
11 what anyone else is doing and make a requirement
12 that's far more onerous, far more expensive.

13 So I really don't know how we can
14 determine that when Europe is only looking for a
15 5 percent reduction by 2030 from 2018 numbers.
16 So their packaging reduction is infinitesimal
17 compared to ours.

18 So with that being said, I guess
19 I'll go back to the question. How can we say,
20 when we're going beyond California, Canada,
21 Europe -- how can we possibly determine what that
22 additional cost is going to be for even those
23 companies that may have already gone down the
24 road a little bit, to what it's going to cost
25 them to specifically package things exclusively

1 for New York and how that's going to impact the
2 cost to consumers? How are we going to know that
3 for sure?

4 SENATOR HARCKHAM: Through you,
5 Mr. President. If you look to Europe, they are
6 much more rigorous than we are. And in
7 single-use plastics, for instance, in the takeout
8 industry. So we go to -- everyday people go down
9 to Dunkin' Donuts downstairs, people go to
10 Starbucks, walk around with clear cups, clear
11 plastic all day.

12 What we're talking about is reducing
13 the amount of plastics in those cups. In Europe
14 you cannot get a plastic to-go cup. You can get
15 a glass -- and you can bring it back -- to go,
16 but it's a much more rigorous structure over
17 there than we have over here.

18 SENATOR BORRELLO: Thank you.

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

21 ACTING PRESIDENT COONEY: Will the
22 sponsor yield?

23 SENATOR HARCKHAM: Absolutely.

24 ACTING PRESIDENT COONEY: The
25 sponsor yields.

1 SENATOR BORRELLO: Well, according
2 to the data that I have here -- you start talking
3 about Europe and how they're beyond us, that's
4 actually not what I'm hearing. The European
5 Union is saying that by 2030 -- a reduction
6 target of just 10 percent by 2035, which is
7 estimated to reduce packaging waste by
8 29 percent, and an additional target of
9 15 percent compared to 2018 numbers.

10 So that's a total target by 2040,
11 15 years from now, of 37 percent. That's nowhere
12 near the numbers that we're looking for in
13 packaging reduction, correct?

14 SENATOR HARCKHAM: Through you,
15 Mr. President. We are looking for 30 percent in
16 the next 12 years. As I mentioned before, many
17 companies are doing this already.

18 We increased -- that was one of the
19 changes we made to the bill, we increased the
20 lookback period. So if companies are already
21 doing this, they'll get credit for the last
22 10 years of their work.

23 And the other reason why this is so
24 important and why we have gone beyond what Europe
25 has done is because we believe you have to

1 separate the toxins if we want to effectively
2 recycle and reuse.

3 SENATOR BORRELLO: Thank you.

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

6 ACTING PRESIDENT COONEY: Will the
7 sponsor yield?

8 SENATOR HARCKHAM: Absolutely.

9 ACTING PRESIDENT COONEY: The
10 sponsor yields.

11 SENATOR BORRELLO: All right. So
12 we can agree that we're going beyond where Europe
13 is, and also California, Canada.

14 But I want to move on to another
15 topic. You know, it's summertime coming up now
16 and it's going to be that time when you go to a
17 hot dog, hamburger stand, you're going to get
18 that hamburger, that hot dog, you're going to get
19 that little plastic container of ketchup and
20 mustard so you can go down and maybe sit by the
21 water or whatever, on a picnic bench, and put
22 that ketchup and mustard on your hot dog or
23 hamburger. What's going to happen to those
24 packages of ketchup and mustard, under your bill?

25 SENATOR HARCKHAM: You're talking

1 about the sort of -- the little foily?

2 SENATOR BORRELLO: The little
3 plastic --

4 SENATOR HARCKHAM: Yeah, the
5 plastic packette?

6 (Conferring.) So through you,
7 Mr. President, the producer of that packet,
8 whether it's Heinz or French's, one of those
9 brands, they would have to meet the goals of
10 this. They would need to -- 30 percent in the
11 next 12 years.

12 However, one of the accommodations,
13 Senator, was that if a company could not meet the
14 criteria on a particular package, they can do it
15 across their entire corporate line. So if they
16 could not make the goals that are laid forth in
17 the bill on, let's say, the ketchup packet, they
18 could make it up on napkins or glass condiments
19 or things of that nature.

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

22 ACTING PRESIDENT COONEY: Will the
23 sponsor yield?

24 SENATOR HARCKHAM: Yes.

25 ACTING PRESIDENT COONEY: The

1 sponsor yields.

2 SENATOR BORRELLO: Maybe I misheard
3 you, then. So the plastic packaging is going to
4 be outlawed under this law, but if they could
5 choose, whatever that more expensive packaging
6 that they would have to create, which apparently
7 doesn't exist yet for New York, they could just
8 spread across their entire corporate line, is
9 that what you're saying?

10 SENATOR HARCKHAM: Through you,
11 Mr. President. We are not outlawing plastic
12 packaging. That is factually inaccurate.

13 What we're saying is they need to
14 reduce the amount by 30 -- the packaging, in a
15 package, by 30 percent over 12 years. We are not
16 outlawing plastic packaging.

17 And what we are saying, yes, you are
18 correct, if -- for instance, let's use a ketchup
19 packet, your example. If they cannot make those
20 reductions, they can get credits for other things
21 in their entire corporate line.

22 So if they're selling napkins that
23 are currently wrapped in plastic, they can
24 replace that plastic with paper or cardboard.
25 They can get credit across the entire line, not

1 just on each individual brand. Because we
2 realize at this juncture, or because of food
3 safety, they have to use certain materials, and
4 the law lays that out.

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

7 ACTING PRESIDENT COONEY: Will the
8 sponsor yield?

9 SENATOR HARCKHAM: Yes.

10 ACTING PRESIDENT COONEY: The
11 sponsor yields.

12 SENATOR BORRELLO: So I think what
13 you're saying is you realize the technology's not
14 there yet. So why are we being so aggressive if
15 the technology isn't there to come up with those
16 alternatives?

17 SENATOR HARCKHAM: Through you,
18 Mr. President. We have 12 years. We got to the
19 moon in 10 years. If our food engineers can't
20 come up with a new ketchup packet in 12 years,
21 then we have lost our -- we've lost our mojo,
22 Mr. President.

23 I have a lot of faith in American
24 engineering and American technology. And we have
25 put in some of these off-ramps in the meantime

1 because we know that there may be technological
2 impediments along the way.

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

5 ACTING PRESIDENT COONEY: Will the
6 sponsor yield?

7 SENATOR HARCKHAM: Yes.

8 ACTING PRESIDENT COONEY: The
9 sponsor yields.

10 SENATOR BORRELLO: So let's talk
11 more about ketchup. So ketchup in those big
12 plastic bottles that you turn upside down that go
13 on the restaurant tables, I think last year when
14 we debated this you said that those would --
15 because they're, you know, thrown in the garbage,
16 that those would be outlawed in this law. Is
17 that still correct?

18 SENATOR HARCKHAM: No, I did not
19 say those would be outlawed.

20 What I said was they would need to
21 reduce the amount of plastic in that packaging by
22 30 percent. So what can they do? They can make
23 them thinner, or they can make them recyclable.

24 They -- you know, we -- the problem
25 is because companies do things for shape and

1 color, that's where the chemicals come in. And
2 that's where the harm comes in. But if they use
3 a mechanically recyclable plastic, they're good
4 to go.

5 And Kraft Heinz last year announced
6 that they had spent I think it was
7 \$1.7 million -- don't quote me on that, but
8 somewhere around there -- in an R&D effort and
9 they came up with a fully recyclable cap for
10 those exact bottles that you're talking about,
11 that can be recycled through mechanical
12 recycling. And they did that in the process of a
13 year because of what's happening in other states.

14 So those bottles would not be
15 outlawed. In fact, what we're saying is no
16 packaging is outlawed, we're just looking for
17 more recycled content in the bottle and a
18 30 percent reduction in all of the packaging.

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

21 ACTING PRESIDENT COONEY: Will the
22 sponsor yield?

23 SENATOR HARCKHAM: Yes.

24 ACTING PRESIDENT COONEY: The
25 sponsor yields.

1 SENATOR BORRELLO: Well, I know it
2 sounds like, you know, we're going to demand that
3 here in New York State that you're going to have
4 a 30 percent reduction in that particular
5 package.

6 But I'm sure you're well aware, when
7 somebody -- when they're on a production line
8 packaging bottles for the entire United States
9 and all of North America and beyond, what's
10 Kraft Heinz -- what is their incentive to do it
11 just for New York State? And why wouldn't they
12 pass along the additional costs to New York
13 consumers?

14 SENATOR HARCKHAM: Through you,
15 Mr. President. Kraft Heinz has said publicly
16 that they are 87 percent of the way here to
17 complying, even though we don't have a law,
18 because they're doing in this other states.

19 The reason -- their incentive is we
20 are the fourth-largest market in the country.
21 They're not going to abandon this market because
22 of recycled content obligations that we may have.

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

25 ACTING PRESIDENT COONEY: Will the

1 sponsor yield?

2 SENATOR HARCKHAM: Absolutely.

3 ACTING PRESIDENT COONEY: The
4 sponsor yields.

5 SENATOR BORRELLO: Well, you keep
6 talking about Kraft Heinz being 87 percent of the
7 way there, but yet I have a, you know, two-page
8 memo of opposition in front of me from
9 Kraft Heinz. They're clearly opposed to this.

10 So why would they -- if this was --
11 if they're so close, why do you think that they'd
12 still be opposed to this bill?

13 SENATOR HARCKHAM: Through you,
14 Mr. President. What companies wanted from us
15 were exemptions. You name an industry, a
16 company, they wanted blanket exemptions.

17 If we gave exemptions to everybody
18 who we regulated with laws in this chamber, we
19 should just pack up and go home.

20 So what we did was we gave
21 off-ramps. We gave a number of off-ramps. We
22 discussed the one where we said a company can do
23 it across their corporate line, they can apply
24 for a waiver on the rates and dates. So if they
25 cannot feasibly or technologically meet the

1 30 percent goal over 12 years, they can apply for
2 a waiver. And the PRO can apply for a waiver on
3 the rates and dates.

4 So there are three major off-ramps
5 for companies. But they just wanted blanket
6 exemptions. And quite honestly, we told
7 everybody we're not doing blanket exemptions, but
8 we will give you off-ramps if you can't comply.

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

11 ACTING PRESIDENT COONEY: Will the
12 sponsor yield?

13 SENATOR HARCKHAM: Yes.

14 ACTING PRESIDENT COONEY: The
15 sponsor yields.

16 SENATOR BORRELLO: You know, we've
17 been told by a lot of the food manufacturers that
18 are here in New York, some of which we've spent a
19 lot of time and money to keep here in New York or
20 attract them -- we've got, as Senator Helming
21 mentioned, Chobani and Fairlife.

22 You know, if this is going to save
23 them money, why wouldn't they already be doing
24 it? It's clearly going to cost them more money,
25 right?

1 SENATOR HARCKHAM: Through you,
2 Mr. President. Many, many companies are doing
3 this already. They have sustainability
4 commitments that they have made voluntarily.
5 Coke and Pepsi are working aggressively to get to
6 the 100-percent recyclable level in their
7 bottles.

8 Now, many consumers and -- consumer
9 advocates, I should say, and environmentalists
10 may accuse them of greenwashing in their
11 accounting as to how they're getting there. But
12 one of the reasons that we see much more
13 packaging in film -- so, for instance, sour cream
14 you now see in a squirt film as opposed to a
15 plastic container. They're doing that because
16 they're producing less plastic in their
17 packaging.

18 So many, many companies are doing
19 this, number one, because it's a good corporate
20 thing to do. But number two, it's going to save
21 them money. A millimeter of plastic over a
22 million units can save them a heck of a lot of
23 money.

24 SENATOR BORRELLO: Mr. President,
25 on the bill.

1 ACTING PRESIDENT COONEY: Senator
2 Borrello on the bill.

3 SENATOR BORRELLO: You know, I
4 think we've all experienced those plastic water
5 bottles where they've made them thinner and
6 they're celebrating how they've reduced the
7 amount of plastic. And then, you know, the thing
8 crumples in your hand and the water -- but it's
9 water, right, that's okay.

10 But when you're in the food business
11 it's a little different. Getting a case of sour
12 cream where the package has been compromised
13 delivered to your restaurant and then serving
14 that compromised sour cream to your customers is
15 a problem.

16 And I know that Senator Harckham
17 said, Well, we're going to make exemptions for
18 food safety. But really we're not being specific
19 about those things. We're saying you're going to
20 reduce that packaging and essentially we're going
21 to have situations where we are going to
22 compromise food safety in order to reach those
23 goals.

24 But, you know, let's just be
25 realistic here. We can talk about how wonderful

1 this is and it's going to save money, but we have
2 countless memos of opposition from the companies
3 that allegedly are already going to be saving
4 money by following this rule. But they're not.
5 That's not how they look at this. And it's
6 certainly not how they're going to approach it
7 with New York consumers.

8 Right now you can no longer use
9 Styrofoam containers or to-go containers. And we
10 made exemptions. You can't have a plastic bag to
11 take your groceries out of the grocery store, but
12 you have a plastic bag, you know, for your
13 restaurant.

14 But either way, the bottom line is
15 visited upon the consumers of New York State to
16 pay for that. Many restaurants now are charging
17 for a to-go container because they're 10 times
18 the cost of a Styrofoam container. It is going
19 to cost New York consumers a lot of money to do
20 this.

21 You know, go to a state that has
22 reformulated gas in the summertime. It's like a
23 dollar a gallon more to make gas for big states
24 like California and yet you'll pay more there for
25 their reformulated gas than you will in

1 neighboring states because it is a boutique item.
2 It is something that's only made for that state.

3 This is what we're telling the
4 consumer product industry: You're going to make
5 special packaging just for New York. And if they
6 continue to even want to deliver those products
7 to New York State, they're going to charge us
8 more money for that. That's the bottom line.
9 That is the history that we've seen, is you're
10 either going to get an inferior product or a more
11 expensive product. Those are really the only two
12 options. We've seen it time and time again.

13 We're talking about technology that
14 doesn't exist yet that we're going to rely on to
15 try to create this advanced technology and it's
16 just not there.

17 So for all of those reasons, and for
18 the fact that affordability is something that we
19 talk about but don't actually practice here in
20 New York State, I'll be voting no.

21 Thank you.

22 SENATOR HARCKHAM: Quickly on the
23 bill, Mr. President. I just want to add a fact.

24 All right, never mind. I'll work it
25 in next time. Thank you, George.

1 ACTING PRESIDENT COONEY: Senator
2 Walczyk, why do you rise?

3 SENATOR WALCZYK: Mr. President, I
4 was hoping the sponsor would yield for some
5 questions.

6 ACTING PRESIDENT COONEY: Will the
7 sponsor yield?

8 SENATOR HARCKHAM: Yes. But --

9 ACTING PRESIDENT COONEY: The
10 sponsor yields.

11 SENATOR HARCKHAM: -- if I can
12 answer one of George's questions too. One of
13 Senator Borrello's questions.

14 SENATOR WALCZYK: This is my time.
15 Through you, Mr. President.

16 Recognizing -- and you talked about
17 how it took us 10 years to land on the moon. It
18 actually took humanity 300,000 years. But we
19 have launched satellites into space which are
20 connected to supercomputers in our pockets, yet
21 we haven't created another safe way to package
22 meat products other than using some plastic
23 products.

24 Other states, because of that fact,
25 have given exemptions to meat products. Why

1 doesn't your bill exempt meat products?

2 SENATOR HARCKHAM: Through you,
3 Mr. President. We clearly state in the law
4 that -- excuse me, guys. I'm sorry.

5 (To Senator Gianaris) Mike? Mike?
6 Mike?

7 ACTING PRESIDENT COONEY: If we
8 could have decorum in the house.

9 SENATOR HARCKHAM: Thank you.
10 Our bill clearly states that nothing
11 in this bill overrides federal food safety
12 legislation.

13 So if producers cannot find
14 alternative packaging for meat packaging, to your
15 point, then they don't have to. They can use
16 whatever other packaging they have been using to
17 keep those meat products safe.

18 So we did not give a blanket
19 exemption. As we said in my earlier comments,
20 the goal of this was not to exempt every industry
21 on the planet, but the goal was to give
22 reasonable off-ramps, and that was one.

23 SENATOR WALCZYK: Through you,
24 Mr. President, would the sponsor continue to
25 yield.

1 ACTING PRESIDENT COONEY: Will the
2 sponsor yield?

3 SENATOR HARCKHAM: Yes.

4 ACTING PRESIDENT COONEY: The
5 sponsor yields.

6 SENATOR WALCZYK: Earlier you -- in
7 debate you said the Legislature is in charge. So
8 who will provide the exemption, who will
9 provide -- be able to determine whether those
10 products are feasible or not?

11 SENATOR HARCKHAM: That would be --
12 through you, Mr. President, that will be DEC.

13 So whether it's the PRO looking for
14 exemptions broadly in terms of rates and dates,
15 or whether it's a company looking for an
16 exemption on rates and dates, that will go to
17 DEC, those applications.

18 SENATOR WALCZYK: Through you,
19 Mr. President, if the sponsor would continue to
20 yield.

21 ACTING PRESIDENT COONEY: Will the
22 sponsor yield?

23 SENATOR HARCKHAM: Yes.

24 ACTING PRESIDENT COONEY: The
25 sponsor yields.

1 SENATOR WALCZYK: How many state
2 legislators -- since the State Legislature is in
3 charge of this process, how many state
4 legislators serve in the DEC?

5 SENATOR HARCKHAM: Through you,
6 Mr. President. When we were talking about the
7 State Legislature being involved, we were
8 comparing it to another bill. And what we are
9 doing is we are setting the reduction and
10 recycling targets. And the recyclability
11 determinations, those percentages, those are all
12 laid out in the law.

13 I was saying that our law is more
14 prescriptive. I was not saying we are involved
15 in the implementation. We create laws, and the
16 executive branch and the agencies implement and
17 administer laws.

18 So I was not intimating that we were
19 involved. What I was saying -- and if I need to
20 clarify, I apologize -- was this law is much more
21 prescriptive than another law that a question was
22 raised about.

23 SENATOR WALCZYK: Through you,
24 Mr. President, will the sponsor continue to
25 yield.

1 ACTING PRESIDENT COONEY: Will the
2 sponsor yield?

3 SENATOR HARCKHAM: Yes.

4 ACTING PRESIDENT COONEY: The
5 sponsor yields.

6 SENATOR WALCZYK: How would plastic
7 safety rings, tamper proofing for pickle jars or
8 plastic -- the thin plastic that goes over a
9 plastic tub before the top of it goes on there --
10 how would those safety measures be impacted by
11 this legislation?

12 SENATOR HARCKHAM: Through you,
13 Mr. President. It's cumulative. So as long as
14 they are making that up in other areas of that
15 individual package or across the product line, it
16 would have no impact at all.

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

20 ACTING PRESIDENT COONEY: Does the
21 sponsor yield?

22 SENATOR HARCKHAM: Yes.

23 ACTING PRESIDENT COONEY: The
24 sponsor yields.

25 SENATOR WALCZYK: What if someone

1 in the industry -- and I know you've talked quite
2 a bit about Kraft Heinz, for example -- if, you
3 know, they've got cream cheese in a plastic tub
4 that has that thin lid. Obviously the tub is
5 recyclable. But you're telling me that plastic
6 safety measure, they would have to make up
7 somewhere else in their portfolio? Am I reading
8 that right?

9 SENATOR HARCKHAM: That is correct.

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

13 ACTING PRESIDENT COONEY: Will the
14 sponsor yield?

15 SENATOR HARCKHAM: Yes.

16 ACTING PRESIDENT COONEY: The
17 sponsor yields.

18 SENATOR WALCZYK: So if an industry
19 has already gotten to that 87 percent but they're
20 saying, It is critical for USDA compliance and
21 for us to have this safety measure, we've done
22 all that we can, we don't have an additional
23 13 percent -- where in their portfolio could they
24 possibly come up with this? How can we force
25 them to -- after they've done their best as a

1 corporation, how can we force them to remove that
2 safety seal or take that product off the line?

3 SENATOR HARCKHAM: Well, through
4 you, Mr. President, we're not forcing anyone to
5 remove safety seals. As we said, nothing in this
6 law preempts federal food safety requirements.

7 Number two, we don't know that --
8 you know, I've said 87 percent because that's the
9 number that they've used publicly. We don't know
10 they can't get to 90 to 95 percent. But if it is
11 not technologically feasible for them to get
12 there, they can apply for a waiver.

13 So, for instance, companies that
14 sell organic earth products, soil and mulch and
15 things like that, when I was a kid they used to
16 be sold in paper bags. And they would get wet,
17 they would get muddy, so nurseries used to have
18 to cover them with tarps. Now they're stored --
19 they come in plastic bags.

20 And we have heard some concern that
21 in 12 years they may not be able to reach the
22 goal. They're working on new technologies, they
23 don't know if they will be there. They can apply
24 for a waiver to DEC and say, Hey, look, this is
25 the science of the polymers, this is where we

1 are, we think we're two years away, but we're
2 going to be late. Can we have a waiver to get
3 there? And DEC, after reviewing the science and
4 reviewing what they say, can say, You know,
5 you're right, you've got another two years to
6 comply.

7 SENATOR WALCZYK: Through you,
8 Mr. President, would the sponsor continue to
9 yield.

10 ACTING PRESIDENT COONEY: Will the
11 sponsor yield?

12 SENATOR HARCKHAM: Yes.

13 ACTING PRESIDENT COONEY: The
14 sponsor yields.

15 SENATOR WALCZYK: Yeah, I
16 appreciate that. Because we've essentially
17 eliminated botulism, it's not much of a concern
18 in our society, and I have a lot of concerns
19 about the safety seals that go over food
20 packaging. And so does the industry, especially
21 the industry that's worked to advance.

22 I know a number of times in this
23 debate you've said they could do a lot better,
24 there's a ton of waste out there. There's many
25 industries that your legislation is impacting

1 right now that have done their darndest to reduce
2 and get as efficient as they possibly can with
3 every material. Because the market demands it,
4 frankly, not necessarily just out of
5 environmental stewardship. Sure, that, and
6 recycling plastics. But because the market
7 demands that they bring those margins down for
8 their own business model.

9 SENATOR HARCKHAM: And to that
10 point, if I may, just very quickly. I agree with
11 you. You make an excellent point. And that's
12 why we have the 12-year lookback.

13 So if companies have already done
14 this, when the law goes into effect companies can
15 say, This is what we've done over the last
16 12 years. They get credit for that. They get
17 credit towards what the future goals are. And
18 that's how we reward the good actors.

19 SENATOR WALCZYK: Through you,
20 Mr. President, would the sponsor yield?

21 ACTING PRESIDENT COONEY: Will the
22 sponsor yield?

23 SENATOR HARCKHAM: Yes.

24 ACTING PRESIDENT COONEY: The
25 sponsor yields.

1 SENATOR WALCZYK: Yeah, on that
2 point, you're aware that it takes between five
3 and 10 years for the food industry to develop a
4 new packaging product and then get USDA approval
5 for that project -- for that product?

6 SENATOR HARCKHAM: Through you,
7 Mr. President. My father was in the packaging
8 business, so I've learned a lot about the
9 packaging business growing up. It is a lengthy
10 process.

11 And, you know, one of the things he
12 said was when plastic first came out in really
13 the '70s -- started to see some in the '60s, but
14 food packaging really in the '70s was -- it was a
15 revolution because of what you talk about: Food
16 safety, shelf stability, easier to transport,
17 much safer.

18 And then later years in his life he
19 said, But we never anticipated the waste.
20 Because back then landfill space was plentiful.
21 We had been told this false notion by the
22 plastics industry that it was all recyclable.
23 And in fact it was being shipped to Asia.

24 So what started out as really a
25 miracle wonder packaging product has become a

1 nightmare as we see how hard it is to get rid of
2 this stuff and what the health impacts are.

3 SENATOR WALCZYK: And through you,
4 Mr. President, would the sponsor continue to
5 yield.

6 ACTING PRESIDENT COONEY: Will the
7 sponsor yield?

8 SENATOR HARCKHAM: Yes.

9 ACTING PRESIDENT COONEY: The
10 sponsor yields.

11 SENATOR WALCZYK: So I know earlier
12 in the debate we talked about PVC a bit. This is
13 on -- PVC is on your list of toxins, is that
14 correct?

15 SENATOR HARCKHAM: It is. And
16 remember, these are toxins in packaging. We are
17 not removing them entirely. Through you,
18 Mr. President. We're not -- these are not bans
19 on these chemicals in New York State. These are
20 bans on these chemicals in packaging.

21 SENATOR WALCZYK: And through you,
22 Mr. President, will the sponsor continue to
23 yield?

24 ACTING PRESIDENT COONEY: Will the
25 sponsor yield?

1 SENATOR HARCKHAM: Yes.

2 ACTING PRESIDENT COONEY: The
3 sponsor yields.

4 SENATOR WALCZYK: So PVC is used
5 in -- you know, as Senator Helming pointed out,
6 in drinking water delivery systems as well as
7 IV bags in hospitals. Not necessarily toxic in
8 the way that it's applied. I notice that you
9 chose a glass water bottle. Would the water
10 bottle on your desk, which doesn't have a
11 five-cent deposit, would that be impacted by this
12 legislation?

13 SENATOR HARCKHAM: A good question.

14 (Conferring.) So through you,
15 Mr. President. As we said, if it's not subject
16 to the Bottle Bill, which pretty much all
17 refillable water bottles like this would be, it
18 would be under the provisions of this law.

19 However, it can have recycled
20 content, it can be reused, refilled. There are a
21 number of ways that they can comply.

22 And just if I may, Mr. President, to
23 your point about PVC in medical products, all
24 medical products are exempt in this bill. I know
25 there was a question about that last year. Just

1 to be clear, all medical products are exempt in
2 this bill.

3 SENATOR WALCZYK: And through you,
4 Mr. President, would the sponsor continue to
5 yield?

6 ACTING PRESIDENT COONEY: Will the
7 sponsor yield?

8 SENATOR HARCKHAM: Yes.

9 ACTING PRESIDENT COONEY: The
10 sponsor yields.

11 SENATOR WALCZYK: So the water
12 bottle on your desk, the PVC ring that's inside
13 the cap, then, this -- the company that produces
14 that bottle would have to redesign that or make
15 up for that little PVC ring out of the water
16 bottle that you're drinking? Is that how I'm
17 understanding this?

18 SENATOR HARCKHAM: Through you,
19 Mr. President. If there's PVC in the product,
20 because it's food packaging, yes, it would be
21 banned and they would have to come up with
22 another technology.

23 SENATOR WALCZYK: Through you,
24 Mr. President, would the sponsor continue to
25 yield?

1 ACTING PRESIDENT COONEY: Will the
2 sponsor yield?

3 SENATOR HARCKHAM: Yes.

4 ACTING PRESIDENT COONEY: The
5 sponsor yields.

6 SENATOR WALCZYK: You've also
7 listed PVDC, Saran Wrap, as a toxin as well, is
8 that correct?

9 SENATOR HARCKHAM: Through you,
10 Mr. President, would you repeat the question
11 again?

12 SENATOR WALCZYK: Yeah, PVDC. So I
13 would point you to page 21, where you list
14 toxins, polyvinyl chloride, PVC, and including
15 polyvinylidene chloride, PVDC. Saran Wrap being
16 the most common application for PVDC. See that
17 listed right there on line 48.

18 SENATOR HARCKHAM: That is
19 accurate, Senator.

20 SENATOR WALCZYK: And through you,
21 Mr. President, will the sponsor continue to
22 yield?

23 ACTING PRESIDENT COONEY: Does the
24 sponsor yield?

25 SENATOR HARCKHAM: Yes.

1 ACTING PRESIDENT COONEY: The
2 sponsor yields.

3 SENATOR WALCZYK: Is Saran Wrap
4 toxic?

5 SENATOR HARCKHAM: We are saying
6 that the chemical is known to be toxic, yes.

7 SENATOR WALCZYK: Through you,
8 Mr. President, would the sponsor continue to
9 yield?

10 ACTING PRESIDENT COONEY: Will the
11 sponsor yield?

12 SENATOR HARCKHAM: Yes.

13 ACTING PRESIDENT COONEY: The
14 sponsor yields.

15 SENATOR WALCZYK: And so then
16 carrying that forward, adding to the ban on
17 toxics in this section of the bill, page 22,
18 gives a -- this would be a \$10,000 fine if
19 someone were to sell a product that had
20 Saran Wrap on it in the State of New York once
21 your bill goes into effect?

22 SENATOR HARCKHAM: Through you,
23 Mr. President. To your question, Senator, is --
24 I am not going to say a particular product is
25 dangerous.

1 But what the chemical -- the PVDC is
2 a known carcinogen linked to toxic effects in
3 nearly every major organ system. We can go
4 further as to what the health impacts are.

5 The fine is not directed. So if
6 you're a local deli and that's how they wrap
7 their sandwiches, the fine is not to them, the
8 fine would be to the company that's producing and
9 selling the product to New York.

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

13 ACTING PRESIDENT COONEY: Will the
14 sponsor yield?

15 SENATOR HARCKHAM: Yes.

16 ACTING PRESIDENT COONEY: The
17 sponsor yields.

18 SENATOR WALCZYK: So once your bill
19 goes into effect, any company that would sell the
20 Saran Wrap in the State of New York, you wouldn't
21 be able to use Saran Wrap anymore if this goes
22 into effect for a bake sale or at a deli, it
23 wouldn't be accessible, because the company
24 selling it would have a \$10,000 fine for selling
25 it in the State of New York.

1 SENATOR HARCKHAM: Through you,
2 Mr. President. There are other applications and
3 other chemicals that can be used in wraps. They
4 don't have to use this chemical. That's the
5 whole thing. We get back to the earlier question
6 about is a certain bottle or package going to be
7 banned.

8 This is not about banning packaging
9 that -- alternatives are out there, and we
10 encourage alternatives. We just -- what we're
11 trying to do is get safe, sustainable packaging.

12 SENATOR WALCZYK: Quickly on the
13 bill.

14 ACTING PRESIDENT COONEY: Senator
15 Walczyk on the bill.

16 SENATOR WALCZYK: So just --
17 clearly, and I just want to button that up, what
18 this effectively is, is a ban on Saran Wrap in
19 the State of New York. If you were to sell
20 Saran Wrap in the State of New York, that will be
21 a \$10,000 fine.

22 Through you, Mr. President, if the
23 sponsor will continue to yield.

24 ACTING PRESIDENT COONEY: Will the
25 sponsor yield?

1 SENATOR HARCKHAM: Through you,
2 Mr. President, we've just been advised by counsel
3 that they no longer make Saran Wrap with PVDC.
4 They now use a different application. So as long
5 as what they're making it with is not on the
6 list, then they're fine.

7 SENATOR WALCZYK: Does he yield,
8 Mr. President?

9 ACTING PRESIDENT COONEY: Will the
10 sponsor yield for questions?

11 SENATOR HARCKHAM: Yes.

12 ACTING PRESIDENT COONEY: The
13 sponsor yields.

14 SENATOR WALCZYK: That's not my
15 understanding.

16 But the bill's ban on toxic
17 materials applies to packaging materials, but
18 it's unclear if packaging includes the
19 five-cent -- we talked about five-cent bottles a
20 little bit. I think actually in this debate
21 you've made that a little bit more clear. You
22 did say that the Bottle Bill containers are
23 exempt, is that correct?

24 SENATOR HARCKHAM: That is correct,
25 Mr. President.

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

4 ACTING PRESIDENT COONEY: Will the
5 sponsor yield?

6 SENATOR HARCKHAM: Yes.

7 ACTING PRESIDENT COONEY: The
8 sponsor yields.

9 SENATOR WALCZYK: And that includes
10 plastic bottles that are part of the Bottle Bill
11 as well?

12 SENATOR HARCKHAM: Through you,
13 Mr. President, absolutely.

14 SENATOR WALCZYK: And through you,
15 Mr. President, would the sponsor continue to
16 yield?

17 ACTING PRESIDENT COONEY: Will the
18 sponsor yield?

19 SENATOR HARCKHAM: Absolutely.

20 ACTING PRESIDENT COONEY: The
21 sponsor yields.

22 SENATOR WALCZYK: Is that true even
23 if those plastic bottles have BPA in them?

24 SENATOR HARCKHAM: Good question.
25 Through you, Mr. President, they are

1 exempt.

2 SENATOR WALCZYK: And through you,
3 Mr. President, would the sponsor continue to
4 yield.

5 ACTING PRESIDENT COONEY: Will the
6 sponsor yield?

7 SENATOR HARCKHAM: Yes.

8 ACTING PRESIDENT COONEY: The
9 sponsor yields.

10 SENATOR WALCZYK: Why?

11 SENATOR HARCKHAM: Through you,
12 Mr. President, is we're talking about the
13 systems. And the Bottle Bill is a separate
14 system. And we're talking about a recycling
15 system here.

16 Again, so this is -- if they are
17 not covered -- under this bill, if they're part
18 of the Bottle Bill, they're not covered.

19 And, you know, perhaps if you,
20 Senator, would like to offer a companion bill
21 to -- that would say we need to take out those
22 chemicals in all packaging, not just things
23 covered by this bill -- which is a lot of
24 packaging -- you know, we'd be happy to entertain
25 that.

1 But you do raise an interesting
2 point.

3 SENATOR WALCZYK: Mr. President.
4 Quickly on the bill.

5 ACTING PRESIDENT COONEY: Senator
6 Walczyk on the bill.

7 SENATOR WALCZYK: I got it. Just
8 to button that up, if you pay five cents for a
9 deposit, we will allow, at least by the
10 chairman's view, toxic plastic bottles to be
11 available to you if you pay that five cents.

12 However, if it's packaging that you
13 don't pay a five-cent deposit on and -- we will
14 not save you from those harmful things.

15 But if the sponsor will continue to
16 yield.

17 ACTING PRESIDENT COONEY: Will the
18 sponsor yield?

19 SENATOR HARCKHAM: Yes.

20 ACTING PRESIDENT COONEY: The
21 sponsor yields.

22 SENATOR WALCZYK: The definition of
23 packaging in this bill, it's not clearly defined.
24 You do define packaging materials, you list them
25 out. Toxins, all those things --

1 SENATOR HARCKHAM: Through you,
2 Mr. President. We did -- we did have a lot of
3 time and there is a lot of verbiage in here
4 defining exactly what the package is.

5 Through you, Mr. President, this is
6 a very lengthy section of the bill with many
7 subsections. If it's all right, I'll just read
8 the first paragraph, Mr. President. Happy to
9 read other sections if the Senator would like.

10 "'Packaging material' or 'material'
11 means a discrete material or category of
12 material, regardless of recyclability, including
13 but not limited to such material types that are
14 flexible foam or rigid material, including paper,
15 cardboard, plastic, glass, metal, or
16 multi-material that is used for the containment,
17 protection, handling, delivery, transport,
18 distribution or presentation of another product
19 that is sold, offered for sale, imported or
20 distributed in the state, including through an
21 internet transaction and single-use plastic
22 products."

23 "Packaging material does not
24 include," and then there are a number of things
25 that it does not include, things like, you know,

1 medical equipment, medical foods, and some of the
2 other things that we've discussed.

3 SENATOR WALCZYK: Thank you.
4 Through you, Mr. President, if the sponsor will
5 continue to yield.

6 ACTING PRESIDENT COONEY: Will the
7 sponsor yield?

8 SENATOR HARCKHAM: Yes.

9 ACTING PRESIDENT COONEY: The
10 sponsor yields.

11 SENATOR WALCZYK: On page 25 you
12 talk about the recyclability criteria. On
13 line 23 of page 25 you require producers of
14 products sold in New York to have a consistent
15 regional market for purchase of new products.

16 What happens if those markets don't
17 develop? These things are outside of the control
18 of producers. They don't get to decide whether
19 there's a market.

20 SENATOR HARCKHAM: Through you,
21 Mr. President, that is the whole point of the
22 Producer Responsibility Organization, is to
23 create those regional markets to make the
24 efficient -- the system much more efficient.

25 SENATOR WALCZYK: Through you,

1 Mr. President, if the sponsor would continue to
2 yield.

3 ACTING PRESIDENT COONEY: Will the
4 sponsor yield?

5 SENATOR HARCKHAM: Yes.

6 ACTING PRESIDENT COONEY: The
7 sponsor yields.

8 SENATOR WALCZYK: But my question
9 was what happens if those markets don't develop.

10 SENATOR HARCKHAM: Through you,
11 Mr. President. As with other areas of the bill,
12 if someone cannot comply because of market
13 conditions or technology, they can apply for a
14 waiver. Or the PRO, on behalf of everybody in
15 the system, can apply for a waiver.

16 That is one of the waivers that we
17 haven't spoken about, is that when the Producer
18 Responsibility Organization puts this whole
19 marketplace together, after they've done their
20 analysis, two-year analysis, they can go to DEC
21 and say, Look, we have done a thorough analysis
22 and we honestly believe we can't get to these
23 markets for 14 years, not 12 years.

24 Then DEC has the ability to grant
25 them a waiver and move it from 12 years to

1 14 years. So there is flexibility to address
2 that.

3 SENATOR WALCZYK: Through you,
4 Mr. President, will the sponsor continue to
5 yield.

6 ACTING PRESIDENT COONEY: Will the
7 sponsor yield?

8 SENATOR HARCKHAM: Yes.

9 ACTING PRESIDENT COONEY: The
10 sponsor yields.

11 SENATOR WALCZYK: This bill
12 includes provisions for packaging reuse programs
13 and requires producers to develop packaging reuse
14 infrastructure.

15 How do you reuse a Go-Gurt packet or
16 a string-cheese plastic packaging? How do you
17 reuse those things? How would you develop a
18 reuse infrastructure for those products?

19 SENATOR HARCKHAM: Through you,
20 Mr. President, it's not on every single product
21 item.

22 So, for instance, you might be old
23 enough to remember this and I don't mean to
24 insult you, but I certainly remember this, is
25 when I was a kid we bought soda bottles, they

1 came in thick glass. And when we were finished
2 with them, we rinsed them out, we put them in the
3 garage, and then when my mother got sick of
4 looking at them, we took them back to the grocery
5 store and they were refilled.

6 That's what a circular economy is.

7 SENATOR WALCZYK: And through you,
8 Mr. President, would the sponsor continue to
9 yield.

10 ACTING PRESIDENT COONEY: Will the
11 sponsor yield?

12 SENATOR HARCKHAM: Yes,
13 Mr. President.

14 ACTING PRESIDENT COONEY: The
15 sponsor yields.

16 SENATOR WALCZYK: DEC's Air Guide-1
17 lists 1,000 chemicals. This bill says that toxic
18 substances, including a chemical or chemical
19 class that may have adverse air quality impacts.
20 Are these thousands of chemicals eligible for a
21 ban?

22 SENATOR HARCKHAM: Through you,
23 Mr. President. We have -- in consultation with
24 public health experts, we have identified 12 for
25 a ban. Things like PVC, lead, cadmium -- some of

1 the ones that we talk about quite frequently.

2 A mechanism is set up where there is
3 an advisory group that would discuss the
4 potential for future chemicals that could be
5 banned that would entail a rigorous scientific
6 process in order to prove that these chemicals
7 were harmful.

8 The reason we're going down this
9 road is plastic packaging has a range of 13,000
10 chemicals. Many of them are not regulated by the
11 federal government. Many we don't know the
12 health impacts. They're used for color, they're
13 used for shape, they're used for texture. Many
14 of them may be benign.

15 But we know through our public
16 health advocates there are dozens of chemicals
17 that have been tested and peer-reviewed to have
18 adverse impacts on public health. And those are
19 the chemicals that we want to get to.

20 SENATOR WALCZYK: Through you,
21 Mr. President, will the sponsor continue to
22 yield?

23 ACTING PRESIDENT COONEY: Will the
24 sponsor yield?

25 SENATOR HARCKHAM: Yes.

1 ACTING PRESIDENT COONEY: The
2 sponsor yields.

3 SENATOR WALCZYK: Yeah, my question
4 was specifically about the DEC's list of over a
5 thousand chemicals that could impact air quality.
6 Would all of those thousands of chemicals, would
7 those be eligible for a ban under this
8 legislation if DEC determines such?

9 SENATOR HARCKHAM: Through you,
10 Mr. President. It depends. Like we're not --
11 this bill does not scoop in the thousand bills
12 that DEC may be talking about. Right now we've
13 identified 12 chemicals. This bill has
14 identified 12 chemicals to be removed from
15 packaging.

16 If one or more of those 12 happen to
17 be on that list, so be it. But that is not the
18 list -- the list of the 12 chemicals were derived
19 from public health experts based on peer-reviewed
20 science as to adverse health impacts to humans.

21 SENATOR WALCZYK: Thank you.

22 Mr. President, I'll go on the bill.

23 ACTING PRESIDENT COONEY: Senator
24 Walczyk on the bill.

25 SENATOR WALCZYK: So as was stated

1 earlier, York University says that this bill will
2 increase consumer costs by \$3800 in a five-year
3 period per household in New York.

4 But this bill, which claims to be
5 friendly to the environment, won't just cost
6 New York families, it will result in producers of
7 products leaving New York State, taking jobs with
8 them. It will result in fewer products online.
9 And New York consumers can look forward to the
10 "not for Sale in New York" when they shop online
11 for many products.

12 That will result in fewer options on
13 shelves, which means that the products that are
14 on the shelves will increase in cost. It will
15 result in more food waste, as was displayed
16 earlier. It will result in market uncertainty.
17 And I'm not even convinced, after this lengthy
18 debate, that it will ultimately be better for the
19 environment in New York.

20 In fact, it's very likely that in at
21 final tally we will have once again shocked the
22 world that we've passed a very thick and
23 complicated bill giving a bunch of authority to
24 the Executive and a bunch of bureaucrats in DEC,
25 and the only thing that's resulted is we've made

1 it less affordable to live in the State of
2 New York, more inconvenient to live here, and we
3 will be a shining example for other states of
4 what not to do in their state legislature.

5 I'll be voting no, and I encourage
6 my colleagues to do the same.

7 Thank you.

8 ACTING PRESIDENT COONEY: Thank
9 you, Senator.

10 Senator Murray -- oh. Senator
11 Murray, why do you rise?

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

14 I'd like to go on the bill, please.

15 ACTING PRESIDENT COONEY: Senator
16 Murray on the bill.

17 SENATOR MURRAY: The sponsor has
18 been answering a lot of questions, so I'm giving
19 you a little break now.

20 SENATOR HARCKHAM: Thank you.

21 SENATOR MURRAY: In listening to
22 the debate, I've heard -- and I want to talk
23 about -- Senator Stec made a comment earlier
24 about how many memos we've seen attached to this
25 bill. I've never seen so many memos of either

1 support or opposition to one bill.

2 I had to take all of them out of my
3 binder here. It got too heavy. I mean, they're
4 just everywhere.

5 And in listening to this debate, it
6 was clear why. Because each one is saying
7 something different. And they seem to contradict
8 each other. So I'll hear somebody quote one
9 study, and then another one says, Well, I heard a
10 study that said this, and that's not really that,
11 and this, that and the other.

12 One of them's going to save
13 companies money and save governments money and
14 save taxpayers money, and the other one's going
15 to drive up costs.

16 So I figured, you know what, let's
17 just listen and try to clear through all of the
18 muck here.

19 So I looked at -- earlier this year
20 President Trump, when he got into office, said
21 I'm going to address the unfair trade practices.
22 And his way he was going to do it was through
23 raising tariffs, kind of calling the bluff of
24 some of the other nations. And, yeah, increase
25 the tariffs.

1 And immediately you heard from the
2 other side: This is going to cost Americans so
3 much money, and food will be -- we can't afford
4 to eat anymore. We're all going to die, all the
5 food prices are going to go so high. Because the
6 theory was you raise the tariffs, it increases
7 the cost on the companies and those importing or
8 exporting, and in doing so they'll pass those
9 increased costs on to, you got it, the consumers.

10 But somehow that theory disappears
11 when we talk about this bill. Of course if we're
12 changing the packaging practices and forcing
13 companies to change how they're doing it, it's
14 going to drive up costs. There's no doubt.
15 There's no question. When that happens, what do
16 the companies do? They pass it along to the
17 consumers. So yes, it will cost more. It's that
18 simple.

19 So we've heard all the studies, all
20 the experts that -- so I'll use one of my own
21 here, Dr. Calvin Lakhan from York University.
22 He's an expert in environmental studies and urban
23 change, and also an economist, has a degree in
24 economics. And he says the EPR compliance fees
25 can raise consumer prices on staple goods by 2 to

1 6 percent, and that this cost burden falls
2 disproportionately on lower-income households who
3 spend a higher percentage of household income on
4 packaged food compared to higher-income
5 households.

6 Now, all during the budget process
7 we heard the Governor and everyone running around
8 using the word "affordability." Everything was
9 about "affordability." In fact, a lot of us in
10 the chamber, myself included, pushed really hard
11 for the universal free meals in schools for kids.
12 And the Governor, in her release, touted that,
13 saying free school meals are estimated to save
14 families \$165 per child in grocery spending each
15 month.

16 But now we go to this economist, and
17 if this bill goes through and we increase costs,
18 well, that savings seems to be out the window
19 now. And it's especially going to hurt those who
20 struggle to feed their families in the first
21 place.

22 In fact, I saw another interesting
23 statistic. We talk about the SNAP benefits. The
24 average household of four that is a recipient of
25 SNAP benefits -- again, these are the families

1 struggling to feed their families -- they receive
2 between 900 and \$1,000 a month in SNAP benefits.
3 And what are we going to do? We're going to make
4 the costs even higher on them to reduce what they
5 get from their benefits.

6 So again, as we talk about
7 affordability, we're taking some steps in the
8 budget but now we're going to take a step
9 backwards here and we're going to hit families in
10 the pocketbook again.

11 So again, trying to go through all
12 of what I've listened to during this debate, it's
13 become pretty clear we're not there yet. We're
14 just not there yet.

15 I commend the sponsor. Man, he has
16 worked his tail off on this. And as he said, he
17 introduced this bill a couple of years ago and
18 since then has made dozens of changes and
19 amendments. Why? Because it's not simple. This
20 is complicated. I'm sitting here listening to
21 packaging of little ketchup packets and the foil
22 to cover the yogurt containers and Lunchables and
23 this, that and the other. And every time there
24 were other terms: Off-ramps, waivers. I heard,
25 well, in 12 years -- we sent men to the moon in

1 10 years, we can definitely fix this in 12 years.
2 But then in the next breath, we've heard that
3 it's not technologically feasible yet.

4 So which is it? And that's my
5 point. We're not there yet. I mean, even in
6 this debate I heard contradictions left and
7 right. I heard the sponsor invite one member to
8 introduce another bill to cover things that
9 weren't covered. Well, guess what? There has
10 been another bill introduced. The Affordable
11 Waste Reduction Act has been introduced. I
12 actually think I prefer that bill.

13 My point is, we're going to rush
14 into this, we're going to pass this bill and, as
15 Senator Walczyk said, we're going to have with us
16 this big thick bill -- that does what? Causes
17 more confusion? Causes prices to go up? That's
18 not what we want.

19 If we're really trying to solve the
20 problem, we need more work. We need to keep
21 rolling up our sleeves. I'll work with you any
22 way I can. We should look at both of the bills,
23 the one that we're discussing here and the
24 Affordable Waste Reduction Act, see what works
25 here and there. But there is more work to be

1 done. We are not there yet.

2 And that's why tonight I will be
3 voting no on this bill.

4 Thank you, Mr. President.

5 ACTING PRESIDENT COONEY: Thank
6 you, Senator Murray.

7 Senator Rhoads, why do you rise?

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

10 Will Senator Harckham be kind enough
11 to yield to what I promise will be only a few
12 questions?

13 (Laughter.)

14 ACTING PRESIDENT COONEY: Will the
15 sponsor yield?

16 SENATOR HARCKHAM: Thank you,
17 Senator Rhoads.

18 Through you, Mr. President, I do.

19 ACTING PRESIDENT COONEY: The
20 sponsor yields.

21 SENATOR RHOADS: Through you,
22 Mr. President. Obviously we considered earlier
23 today in our chamber the nomination of the new
24 secretary who will run the Department of
25 Environmental Conservation, Amanda Lefton. I

1 assume that you voted yes on that nomination?

2 SENATOR HARCKHAM: I passed her
3 through my committee. Yes, I did, sir.

4 SENATOR RHOADS: Okay. And will
5 the sponsor continue to yield?

6 ACTING PRESIDENT COONEY: Will the
7 sponsor yield?

8 SENATOR HARCKHAM: Through you,
9 Mr. President, yes.

10 ACTING PRESIDENT COONEY: The
11 sponsor yields.

12 SENATOR RHOADS: And she has a vast
13 amount of experience -- senior policy director
14 for Energy and Climate, with Foley Hoag LLP,
15 deputy policy director, climate mitigation lead
16 for the Nature Conservancy, worked in the Biden
17 administration, in the Bureau of Ocean Energy
18 Management, senior vice president for RWE
19 offshore. Clearly a qualified candidate.

20 Though in your legislation, in the
21 D print of the legislation, the Department of
22 Environmental Conservation, a department full of
23 experts in the area of climate, in the area of
24 sustainability, it removed the ability of the DEC
25 to actually extend deadlines, is that not

1 correct?

2 SENATOR HARCKHAM: Through you,
3 Mr. President, no. Through the waiver process
4 DEC can. An application can come from the
5 Producer Responsibility Organization after they
6 put together the plan based on their feasibility
7 study, then go to DEC, as I mentioned earlier,
8 and say, You know what, we need two more years as
9 a PRO to get this done. Individual companies, as
10 we discussed before, if they have an issue with
11 technological feasibility, they can apply to DEC
12 for a waiver as well.

13 What we took away from DEC was in
14 the original construct of the bill, this is the
15 PRO structure that we had, that was run primarily
16 by industry and overseen by the DEC. So in a
17 later version of the bill, our colleagues in the
18 Assembly wanted to give DEC more robust control.
19 And so we changed the bill so that DEC would have
20 a much, much, much more active role in the
21 Producer Responsibility Organization.

22 The issue was DEC came to us and
23 said, If you want us to do this, we're going to
24 have to hire scores of people to manage this.
25 We're just not set up to do this.

1 So we went back to the original
2 structure. So DEC, Mr. President, does have that
3 ability to extend waivers, but they also have,
4 through the inspector general, the ability of
5 enforcement.

6 SENATOR RHOADS: Will the sponsor
7 continue to yield.

8 ACTING PRESIDENT COONEY: Will the
9 sponsor yield?

10 SENATOR HARCKHAM: Through you,
11 Mr. President, a quick correction.

12 You are correct on the reductions,
13 right? Correct on reductions. The waiver can be
14 on recycling.

15 SENATOR RHOADS: Thank you,
16 Senator Harckham. I appreciate that
17 clarification.

18 Will the sponsor continue to yield?

19 ACTING PRESIDENT COONEY: Will the
20 sponsor yield?

21 SENATOR HARCKHAM: Absolutely.

22 ACTING PRESIDENT COONEY: The
23 sponsor yields.

24 SENATOR RHOADS: Thank you,
25 Senator Harckham. Through you, Mr. President.

1 The Department of Environmental
2 Conservation can grant waivers on a case-by-case
3 basis, correct?

4 SENATOR HARCKHAM: Through you,
5 Mr. President, correct.

6 SENATOR RHOADS: But -- if the
7 sponsor will continue to yield.

8 ACTING PRESIDENT COONEY: Will the
9 sponsor yield?

10 SENATOR HARCKHAM: Absolutely.

11 ACTING PRESIDENT COONEY: The
12 sponsor yields.

13 SENATOR RHOADS: But they don't
14 actually have the ability to extend the deadlines
15 on their own. They can grant waivers on a
16 case-by-case basis, they can grant a waiver to
17 the PRO. Right?

18 SENATOR HARCKHAM: On rates and
19 dates they can.

20 SENATOR RHOADS: But the 12-year
21 implementation deadline, if it turns out not to
22 be feasible, the Department of Environmental
23 Conservation in and of itself doesn't have the
24 ability to extend an overall deadline.

25 SENATOR HARCKHAM: (Conferring.)

1 So it's on the reductions that DEC can't grant
2 the waiver.

3 The recycling part, they can grant a
4 waiver. They can grant a waiver on the lookback,
5 12-year lookback period.

6 And where federal law -- as we were
7 talking about in the food safety discussion,
8 where food -- federal food safety would preempt
9 this law.

10 SENATOR RHOADS: Thank you,
11 Senator Harckham. Will the sponsor continue to
12 yield?

13 ACTING PRESIDENT COONEY: Will the
14 sponsor yield?

15 SENATOR HARCKHAM: Yes.

16 ACTING PRESIDENT COONEY: The
17 sponsor yields.

18 SENATOR RHOADS: This chamber
19 provides the Department of Environmental
20 Conservation all the time the discretion to be
21 able to implement a bill. The policymakers -- us
22 in this chamber -- may not necessarily have the
23 expertise, and I would guarantee don't have the
24 expertise that the Department of Environmental
25 Conservation has.

1 If the goals are not possible, why
2 doesn't the DEC, in your legislation, have the
3 ability to adjust the goals or to adjust the
4 timelines?

5 SENATOR HARCKHAM: Through you,
6 Mr. President. They do have a fair amount of
7 flexibility. We think -- and we've added an
8 extra two years. We think 12 years, really on
9 top of another two years, right, because of the
10 study -- that's 14 and a half years.

11 As we said earlier, when we put our
12 mind to it, we put a person on the moon. And
13 granted, this was back in the early '60s. Think
14 about where science and technology was in the
15 early '60s. We have 14 and a half years to
16 technologically come up with the solutions that
17 many companies are close to having anyhow.

18 SENATOR RHOADS: Thank you,
19 Senator Harckham.

20 Will the sponsor continue to yield.

21 ACTING PRESIDENT COONEY: Will the
22 sponsor yield?

23 SENATOR HARCKHAM: As long as I'm
24 standing.

25 (Laughter.)

1 ACTING PRESIDENT COONEY: The
2 sponsor yields.

3 SENATOR RHOADS: I want to switch
4 to the issue of availability. In many areas of
5 the state people shop for groceries once a week
6 because of how far away the grocery store is.
7 The packaging that we're potentially banning in
8 this bill -- or requiring it to be substantially
9 changed, if it's possible -- increases the shelf
10 life for food, and is what allows a family the
11 convenience to be able to shop only once a week.

12 Are you expecting families to have
13 to shop more frequently in order to keep the food
14 in their refrigerators fresh?

15 SENATOR HARCKHAM: Through you,
16 Mr. President, no. This would not impact that.
17 Again, as we've said, nothing in this bill
18 overrides federal food safety.

19 But let's go back to the ketchup
20 discussion. Subsequent to our conversation
21 before, somebody reported to me that Kraft Heinz
22 has developed and announced a fully recyclable
23 ketchup bottle for the European market. So if
24 they have a fully recyclable ketchup bottle in
25 the European market, why is it such a hardship to

1 bring that here? They have it. This company is
2 doing it.

3 SENATOR RHOADS: Will the sponsor
4 continue to yield.

5 ACTING PRESIDENT COONEY: Will the
6 sponsor yield?

7 SENATOR HARCKHAM: Absolutely.

8 ACTING PRESIDENT COONEY: The
9 sponsor yields.

10 SENATOR RHOADS: This bill applies
11 to more than ketchup bottles, doesn't it?

12 SENATOR HARCKHAM: Through you,
13 Mr. President. Yes, it does.

14 SENATOR RHOADS: Okay. Oh,
15 incidentally -- briefly on the bill.

16 ACTING PRESIDENT COONEY: Senator
17 Rhoads on the bill.

18 SENATOR RHOADS: The Apollo
19 program, which included the moon landing, cost
20 approximately \$25.8 billion in 1960 to 1973
21 dollars, according to the Planetary Society.
22 Adjusted for inflation, that translates today to
23 about \$318 billion. So while things are
24 possible, they may certainly come with an
25 extraordinary cost.

1 Will the sponsor continue to yield.

2 ACTING PRESIDENT COONEY: Will the
3 sponsor yield?

4 SENATOR HARCKHAM: I will,
5 Mr. President.

6 ACTING PRESIDENT COONEY: The
7 sponsor yields.

8 SENATOR RHOADS: Going back to the
9 questioning from Senator Stec, we spoke about
10 whether there was a figure from either Canada or
11 Minnesota as to the amount of money that was
12 actually saved by municipalities as a result of
13 this bill. I know you didn't have an answer at
14 the time and that we were going to struggle to
15 find that answer. I was just curious if we had
16 it after almost two hours of debate.

17 SENATOR HARCKHAM: One moment,
18 Mr. President.

19 Through you, Mr. President. We have
20 found one estimate for Ontario that the
21 communities in Ontario are saving \$150 million
22 annually. That's just an estimate.

23 The other thing I would say,
24 Mr. President, is we found another cost study.
25 Oregon did a study on their program and, what was

1 it, 56 -- (conferring).

2 Excuse me. Half a cent per item.
3 Half a cent per item was the cost that Oregon
4 found.

5 SENATOR RHOADS: Will the sponsor
6 continue to yield to one additional question.

7 ACTING PRESIDENT COONEY: Will the
8 sponsor yield?

9 SENATOR HARCKHAM: Yes, absolutely.

10 ACTING PRESIDENT COONEY: The
11 sponsor yields.

12 SENATOR RHOADS: And how much of
13 that savings was actually passed along to
14 consumers?

15 SENATOR HARCKHAM: Of the
16 150 million?

17 SENATOR RHOADS: Or of another --

18 SENATOR HARCKHAM: For Ontario?

19 SENATOR RHOADS: For Ontario or of
20 the --

21 SENATOR HARCKHAM: Through you,
22 Mr. President. Whatever money -- excuse me.

23 Mike? Senator Gianaris, I'm sorry.

24 I'm tired.

25 (Laughter.)

1 SENATOR HARCKHAM: Whatever -- I
2 apologize, I do. Whatever money a municipality
3 may save, we give them the flexibility to do what
4 they want.

5 So for instance, your
6 municipality -- I'm just making this up -- one of
7 yours may want to give it back in tax relief.
8 Somebody else's district may say, you know what,
9 our kids are in crisis, we want to hire three
10 social workers. They may do that. Another may
11 say, you know what, we need to build a new police
12 department, this will help offset some of the
13 costs for that.

14 So the flexibility in what the
15 municipalities do with their savings are up to
16 the municipality. It's not for me to tell them
17 what they should do with their money.

18 SENATOR RHOADS: I appreciate that,
19 Senator Harckham. Thank you for answering my
20 questions.

21 Since we're limited on time, I'll
22 just go on the bill.

23 ACTING PRESIDENT COONEY: Senator
24 Rhoads on the bill.

25 SENATOR RHOADS: Thank you very

1 much, Mr. President.

2 In this chamber we speak about
3 affordability all the time, yet we do very little
4 with respect to affordability. Senator Harckham
5 made the observation early on in this debate that
6 this bill is not designed to put cash back in
7 consumer pockets.

8 But what we are seeing is that it
9 will be taking money out of the pockets of
10 consumers on a regular basis. We were referring
11 to several studies, and Senator Murray actually
12 referred to the Beyond Plastics study, which
13 claimed there being savings.

14 But studies that are produced by
15 actual economists, like the economist at York
16 University, show that this is going to result in
17 a 4.25 to 6.75 percent cost increase for the
18 consumer, an average increase of \$38 to \$61 a
19 month in the grocery bill of a family of four in
20 New York State, translating to \$456 to \$732 a
21 year.

22 In an environment where the cost of
23 groceries has already gone up by more than
24 23 percent since COVID, this is putting an
25 additional burden on families, particularly

1 low-income families like our SNAP recipients, who
2 a family of four receives only \$975 a month to
3 purchase groceries.

4 You start adding costs of \$38 to
5 \$61 a month, that's the difference between
6 whether they're going to be able to afford to
7 purchase these products. And these products are
8 ones that they have to buy. It's not like you
9 can find a cheaper alternative.

10 You know, and you're going to have
11 difficulty now, as a result of this legislation,
12 buying things in the same condition that you see
13 them today that families rely on on a daily
14 basis -- fresh meat, hot dogs, bacon, sausage,
15 cheese, shelf-stable items that are sold in
16 flexible packaging like chips, pretzels, nuts,
17 will all be substantially changed, if not
18 blocked, as a result of this bill.

19 This is another instance where the
20 Legislature is setting a bold goal without having
21 any idea how we are actually going to get there.
22 And just like the CLCPA and our grid issues, just
23 like the electric bus mandate, which we just had
24 to delay, just like so many things that happen in
25 this chamber, reality is going to slap us in the

1 face after spending millions upon millions of
2 dollars to find out that we simply can't
3 accomplish the goal in the time that's provided.

4 That's why I will be voting no,
5 Mr. President. Thank you for your indulgence.

6 ACTING PRESIDENT COONEY: Thank
7 you, Senator Rhoads.

8 Debate is now closed.

9 The Secretary will ring the bell.

10 Read the last section.

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

13 ACTING PRESIDENT COONEY: Call the
14 roll.

15 (The Secretary called the roll.)

16 ACTING PRESIDENT COONEY: Senator
17 Mattera to explain his vote.

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

20 And to Senator Harckham, you know,
21 I'm listening to you and, you know, we did this
22 last year. And again, last year you talked about
23 the great Local 812, the 3,000 Teamsters. You
24 pretty much said again that you know what, ah,
25 they're a little local, they don't matter.

1 And you know what? I'm appalled by
2 that again. And you know what? You're probably
3 going to get up and say something, but you know
4 what, all these hardworking men and women of
5 labor and their families care about their jobs.

6 And so again, I'm appalled. But
7 let's talk about this, Senator. Legislative
8 Memorandum Amendment Request from Teamsters Joint
9 Council 16, Teamsters Joint Council 18, Teamster
10 Joint council 46 -- together, 120,000 men and
11 women.

12 "We appreciate the progressive
13 approach which the sponsor has taken in resolving
14 the concerns previously raised by us, and urge
15 that the above matters be addressed as well.

16 "In conclusion, while the Teamsters
17 share the common goal of packaging reduction with
18 the sponsors, we cannot support legislation which
19 could be described as threatening the employment
20 of our members who deliver beverages to millions
21 of New Yorkers. We urge the sponsor to amend
22 this legislation."

23 So you know what, Senator? You said
24 that the New York State Conference of Teamsters
25 did not -- they were neutral. Well, guess what?

1 They are not neutral. They oppose this, and they
2 want an amendment.

3 I vote no and I urge everybody to
4 vote no for this bill that is a disaster to all
5 New Yorkers. It's going to cost everybody out of
6 their pockets, and we have over 100 oppositions
7 on this, memos.

8 And I was wondering if our Senator
9 went and spoke to every single one of these
10 hundred businesses, all these workers, to make
11 sure that, you know what, they understand what's
12 going on, that they're going to lose their jobs.
13 Over a hundred that's right here.

14 So you know what? Again, please,
15 vote no.

16 ACTING PRESIDENT COONEY: Senator
17 Mattera to be recorded in the negative.

18 Can we have order in the house.

19 Senator May to explain her vote.

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

22 My City of Syracuse has an unwanted
23 river running through it, a river of trash trucks
24 ferrying solid waste from downstate to the
25 largest landfill in New York at Seneca Meadows.

1 That landfill is at capacity, and it either must
2 be expanded or shuttered.

3 My constituents in the Finger Lakes
4 don't want their region to be known as the trash
5 capital of the state or a repository for a host
6 of contaminants. My city and surrounding towns
7 don't want that river of trucks. They don't want
8 to keep breathing the exhaust from those trucks
9 or keep paying to repair the roads. We don't
10 want to bear the cost of a throwaway culture.

11 For centuries, American producers
12 and retailers have relied on a system where they
13 sell their products and forget about them.
14 Consumers use their products and throw them away.
15 "Away" is something taxpayers pay for, in the
16 form of hauling and disposal at landfills and
17 incinerators.

18 This system of zero producer
19 responsibility has led to them putting out into
20 the world vast amounts of packaging, including
21 all sorts of toxic chemicals and persistent
22 materials like Styrofoam and PVC.

23 This bill is a sensible and
24 carefully negotiated effort to enlist producers
25 of materials in figuring out ahead of time what

1 will happen to those materials so they don't just
2 become a burden on local governments, on our air
3 and water and soils, on our bodies and on our
4 posterity.

5 I want to thank Senator Harckham for
6 his monumental work putting this bill together,
7 for his monumental debate skills, and for -- and
8 all of my colleagues who are supporting this for
9 making a difference for my community, for our
10 local taxpayers, for our bodies, for our future.

11 Thank you. I vote aye.

12 ACTING PRESIDENT COONEY: Senator
13 May to be recorded in the affirmative.

14 Senator Harckham to close.

15 SENATOR HARCKHAM: Thank you very
16 much, Mr. President.

17 And I want to thank colleagues for
18 staying so long, for your persistence. I want to
19 thank colleagues on the other side of the aisle
20 for the tenor of the debate. There are some
21 things we obviously disagree on, but it was a
22 high-level debate. I want to thank you for that.

23 I want to thank all the people who
24 worked on this -- my staff, central staff, I want
25 to thank the Majority Leader, who committed

1 several significant resources to our effort on
2 this because she believed in this and gave us the
3 resources we needed to do the research.

4 I'll just say a couple of things.
5 You know, we had the debate last year. A lot was
6 said then. A lot was said now. I just want to
7 say a couple of things.

8 Number one, to a point that was just
9 made, I personally spoke to hundreds of
10 businesses, hundreds of businesses. And my staff
11 spoke to hundreds more. And we spoke to them on
12 multiple occasions, which is why we have five
13 drafts of the bill. And in the last draft of the
14 at bill we made 26 -- I used to say 25. I saw
15 the list; actually 26 major modifications,
16 because we want to get a bill that's actionable.

17 And the reason this bill is so vital
18 is, as Rachel May, Senator May just mentioned,
19 you know, our landfills are filling up, we're not
20 recycling, we're burning plastic, it's leaching.
21 But one of the things we didn't talk about as
22 much in the debate last year as this year is in
23 the last year there is alarming, alarming
24 peer-reviewed health information about the human
25 harm of microplastics and nanoplastics. And we

1 have seen products that the opposition used last
2 year to say this bill would be horrible to
3 disadvantaged kids taken off the market,
4 literally taken off the market because of excess
5 levels of chemicals that we would ban here.

6 So yes, this is a waste bill. Yes,
7 this is a recycling bill. This is a human health
8 bill. This is a human health bill. And
9 microplastics and nanoplastics are now the threat
10 of our time.

11 And so the one thing I want to say
12 to close is I think our founding fathers would be
13 proud of this debate. I think they would be
14 appalled by the amount of money that has come
15 from special interests to oppose this bill. In
16 my seven years here I have never seen anything
17 like it. Over \$2 million spent to oppose this
18 bill. This is Washington-style money. And this
19 is our public health. This is our kids. We
20 should be appalled.

21 You know, the same folks who brought
22 us DDT and paraquat and Agent Orange and PFAS are
23 now saying here in New York we can't protect our
24 kids from the harmful impacts of chemicals.
25 Let's just keep producing more single-use

1 plastic, more single-use plastic. Let's keep on
2 doing it just because we can.

3 I say that's appalling. And I'm so
4 proud of members of this chamber that today we're
5 going to stand up and say our kids' public health
6 is not for sale.

7 I vote aye.

8 (Applause.)

9 ACTING PRESIDENT COONEY: Senator
10 Harckham to be recorded in the affirmative.

11 Announce the results.

12 THE SECRETARY: Those Senators
13 voting in the negative on Calendar 1216 are
14 Senators Ashby, Borrello, Canzoneri-Fitzpatrick,
15 Chan, Cooney, Gallivan, Griffio, Helming, Lanza,
16 Martinez, Mattera, Murray, Oberacker, O'Mara,
17 Ortt, Palumbo, Rhoads, Rolison, C. Ryan,
18 Scarcella-Spanton, Stec, Tedisco, Walczyk, Weber
19 and Weik.

20 Absent from voting are
21 Senators Parker, Ramos and Sutton.

22 Ayes, 33. Nays, 25.

23 ACTING PRESIDENT COONEY: The bill
24 is passed.

25 Senator Gianaris, that completes the

1 reading of the controversial calendar.

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

4 ACTING PRESIDENT COONEY: There is
5 no further business at the desk.

6 SENATOR GIANARIS: I move to
7 adjourn until tomorrow, Thursday, May 29th, at
8 11:00 a.m.

9 ACTING PRESIDENT COONEY: On
10 motion, the Senate stands adjourned until
11 Thursday, May 29th, at 11:00 a.m.

12 (Whereupon, at 8:25 p.m., the Senate
13 adjourned.)

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