NEW YORK STATE SENATE

THE STENOGRAPHIC RECORD

ALBANY, NEW YORK

February 25, 2025

4:12 p.m.

REGULAR SESSION

SENATOR JEREMY COONEY, Acting President

ALEJANDRA N. PAULINO, ESQ., Secretary

P R O C E E D I N G S

ACTING PRESIDENT COONEY: The Senate will come to order.

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

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

ACTING PRESIDENT COONEY: In the absence of clergy, let us bow our heads in a moment of silent reflection or prayer.

(Whereupon, the assemblage respected a moment of silence.)

ACTING PRESIDENT COONEY: Reading of the Journal.

THE SECRETARY: In Senate, Monday, February 24, 2025, the Senate met pursuant to adjournment. The Journal of Friday, February 21, 2025, was read and approved. On motion, the Senate adjourned.

ACTING PRESIDENT COONEY: Without objection, the Journal stands approved as read.

Presentation of petitions.

Messages from the Assembly.

Messages from the Governor.

Reports of standing committees.

Reports of select committees.

Communications and reports from state officers.

Motions and resolutions.

Senator Gianaris.

SENATOR GIANARIS: Good afternoon, Mr. President.

I move to adopt the Resolution Calendar, with the exception of Resolution Number 346.

ACTING PRESIDENT COONEY: All in favor of adopting the Resolution Calendar, with the exception of Resolution Number 346, please signify by saying aye.

(Response of "Aye.")

ACTING PRESIDENT COONEY: Opposed, nay.

(No response.)

ACTING PRESIDENT COONEY: Hearing none, the Resolution Calendar is adopted.

Senator Gianaris.

SENATOR GIANARIS: Let's now begin with previously adopted Resolution 100, by Senator Persaud, read that resolution's title and recognize Senator Persaud.

ACTING PRESIDENT COONEY: The Secretary will read.

THE SECRETARY: Resolution 100, by Senator Persaud, memorializing Governor Kathy Hochul to proclaim February 28, 2025, as Rare Disease Day in the State of New York.

ACTING PRESIDENT COONEY: Senator Persaud.

SENATOR PERSAUD: Thank you, Mr. President.

Today I stand before you to recognize Rare Disease Day on February 28th, to raise awareness for the 1.8 million people in New York State and more than 300 million people worldwide who are impacted by rare diseases.

In the United States a rare disease is classified as rare if it affects fewer than 200,000 individuals, according to the U.S. Federal Orphan Drug Act.

Let me share with you some staggering statistics. Seventy percent of rare diseases begin in childhood. Seventy-two percent of rare diseases are genetic. One in five cancers is classified as rare. And approximately 7,000 rare diseases impact 25 to 30 million

Americans -- that is one in 10 people.

Those numbers are eye-opening and highlight the vast range of disorders, many of which are not well understood or researched, leaving patients without sufficient information about their symptoms and available treatments.

Today with us we have an organization called NORD. And NORD, the National Organization for Rare Diseases, reports that it can take an average of six years for someone with a rare disease to receive an accurate diagnosis. This lengthy delay is often due to limited research and challenges in accessing specialized medical care.

I'd also like to acknowledge the guests who are here from NORD, and after Senator Murray speaks they will stand and we ask that you given them the cordialities of this house.

Their work is instrumental in creating meaningful lasting changes that help individuals with rare diseases live fuller, healthier lives. And I want to thank them for their work, and I want to thank them for working with me on legislation.

So it's crucial that we recognize the unique challenges faced by those living with rare diseases, and strive for equitable access to diagnosis, treatment of healthcare and social care, and overall opportunities for people who are affected by rare diseases.

Please join me today, Mr. President, in acknowledging NORD. Thank you.

ACTING PRESIDENT COONEY: Thank you, Senator Persaud.

Before we introduce our guests, Senator Murray on the resolution.

SENATOR MURRAY: Thank you, Mr. President.

I want to sincerely thank my colleague Senator Persaud for leading the charge on this important issue.

You know, Rare Disease Day takes place worldwide, typically on or near the last day of February each year, to raise awareness among policymakers and the public about rare diseases and their impact on patients' lives.

Rare Disease Day is the globally coordinated movement on rare diseases, working towards equity and social opportunity,

healthcare, and access to diagnosis and therapies for people living with a rare disease.

Since its creation in 2008, Rare Disease Day has played a critical part in building an international new disease community that is multi-disease, global and diverse, but united in purpose.

Rare Disease Day is observed every year on the 28th of February -- or the 29th in Leap Years, and that is the rarest day of the year.

Rare Disease Day was set up and is coordinated by Eurordis and 65-plus national alliance patient organization partners.

Rare Disease Day provides an energy and focal point that enables rare diseases advocacy work to progress on the local, national and international levels.

Though Rare Disease Day is patient-led, everyone -- including individuals, families, caregivers, healthcare professionals, researchers, clinicians, policymakers, industry representatives, and the general public -- can participate in raising awareness and taking action today for this vulnerable population who

require immediate and urgent attention. It brings together the entire rare disease community to highlight the challenges that people with rare diseases face, including finding better diagnosis, treatments and social support.

Now, many monuments and public buildings around the world will be lit up in the Rare Disease Day colors to show solidarity with those who are affected. Meanwhile, I'm personally asking everyone to wear green, which is one of the rare disease colors, to not only honor the day but also the amazing young advocate who has brought attention to this day and so many other issues affecting young people with chronic and rare diseases in my district.

Fourteen-year-old Caitlyn Michaels is the founder of Caitlyn's Vision, a nonprofit organization helping those, and especially young people, with the diseases affecting their vision. Caitlyn is a constituent, she's the daughter of one of my staff members, and I consider her a dear friend.

In late January, she petitioned the Suffolk County Legislature to have the county recognize February 28th as Rare Disease Day in

the county -- and yes, they will light up the county building green on February 28th. That request was overwhelmingly approved, so congratulations to her.

Thank you, Senator Persaud. Thank you to all those who make this day special.

Thank you, Mr. President. I support this resolution.

ACTING PRESIDENT COONEY: Thank you, Senator Murray.

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

Please rise and be recognized.

(Standing ovation.)

ACTING PRESIDENT COONEY: The resolution was adopted on January 14th.

Senator Gianaris.

SENATOR GIANARIS: Now let's please move on to Resolution 346, by Senator Sepúlveda, read that resolution's title and recognize Senator Sepúlveda.

ACTING PRESIDENT COONEY: The Secretary will read.

THE SECRETARY: Resolution 346, by

Senator Sepúlveda, honoring Dr. Pablo Ulloa for his staunch advocacy on behalf of Dominican-Americans in the State of New York and for hosting an important event series in the Bronx and Manhattan, New York.

ACTING PRESIDENT COONEY: Senator Sepúlveda on the resolution.

SENATOR SEPÚLVEDA: Thank you, Mr. President, for allowing me to discuss this resolution with my colleagues, distinguished guests, friends and members of this community.

As part of the celebration of Dominican Heritage Month, it is an honor for me to recognize a Dominican whose tireless work in defense of human rights and social justice has been crucial in protecting the most vulnerable.

His brave and dedicated work is a testament to the true spirit of public service, focused on his efforts to educate the population about their rights and duties, bringing the institution closer to the communities. This individual is Dr. Pablo Ulloa, the ombudsman of the Dominican Republic -- or, as we know him here in the City of New York, the public advocate for the Dominican Republic.

I'm honored to present this recognition to Dr. Ulloa for his commitment to the Dominican people in his role as ombudsman.

Ulloa is the mastermind behind the "Animated Constitution," a work of art that illustrates the concept of the Constitution in a visual way, using animation to represent interactively and accessibly the fundamental elements of the Dominican Constitution.

This work is an example of how digital media can be used to simplify the understanding of complex topics such as human rights, government structure, and the fundamental laws of a nation.

Additionally, Dr. Ulloa seeks to connect with Dominicans in the Diaspora through various organizations so that everyone can learn about the great work of the Dominican Republic and of the ombudsman.

{Repeating introduction in Spanish: "Estimados colegas, distinguidos invitados, amigos y miembros de nuestra querida comunidad: Como parte de la celebración del mes de la Herencia Dominicana es un honor para mí reconocer a un dominicano, cuya incansable labor en defensa

de los derechos humanos y la justicia social ha sido fundamental para proteger a los más vulnerables.

Su trabajo valiente y dedicado es un testimonio del verdadero espíritu de servicio público, enfocado en sus esfuerzos por educar a la población sobre sus derechos y deberes, acercando la institución a las comunidades. Se trata del doctor Pablo Ulloa, Defensor del Pueblo de República Dominicana.

Me siento honrado de entregar este reconocer al doctor Ulloa por su compromiso con los dominicanos desde sus funciones como Defensor del Pueblo.

Ulloa es el ideólogo de la 'Constitución animada,' una obra de arte que ilustra el concepto de la Constitución de una manera visual y dinámica, utilizando animación para representar de forma interactiva y accesible los elementos fundamentales de una constitución.

Este trabajo es un ejemp lo de cómo se pueden utilizar medios digitales p ara facilitar la comprensión de temas complejos como los derechos humanos, la estructura del gobierno y las leyes fundamentales de una nación.

Ademas, el doctor Ulloa busca conectar con los dominicanos en la Diásporas por medio de diferentes organizaciones para que todos conozcan de su gran labor y de sus derechos que tienen los dominicanos."}

Mr. President, I know that you're English-challenged, but I ask you to offer the cordialities to Dr. Ulloa, who is a great Dominican and a great member of public service. Thank you.

ACTING PRESIDENT COONEY: Thank you, Senator.

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

Please rise and be recognized.

(Standing ovation.)

ACTING PRESIDENT COONEY: The question is on the resolution.

All in favor signify by saying aye.

(Response of "Aye.")

ACTING PRESIDENT COONEY: Opposed, nay.

(No response.)

ACTING PRESIDENT COONEY: The

resolution is adopted.

Senator Gianaris.

SENATOR GIANARIS: Now let's take up previously adopted Resolution 316, by Senator Harckham. Please read that resolution's title and recognize Senator Harckham.

ACTING PRESIDENT COONEY: The Secretary will read.

THE SECRETARY: Resolution 316, by Senator Harckham, mourning the death of Mary E. Rainey, distinguished citizen and devoted member of her community.

ACTING PRESIDENT COONEY: Senator Harckham on the resolution.

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

You know, it's fitting that we are here in the midst of Black History Month, where we acknowledge that Black history is American history, Black history is New York history, Black history is the history of great cities like Peekskill, New York. And it's also the history of strong Black women like Mary Rainey, who we rise today to eulogize, to celebrate her life, and to mourn her passing.

Mary was a beloved mother, a grandmother, and a great-grandmother who passed away last month at her home in Peekskill, New York.

And many of her family members are here with us today, including her grandson, my dear friend the Honorable Former Mayor of Peekskill André Rainey and his family. And I welcome them, and thank you for sharing this occasion with us and sharing Mary with all of us.

Along with her dedication to her family -- which is four children, seven grandchildren, 15 great-grandchildren -- what truly distinguished Mary's life was her work in the community and an abiding commitment to helping others, reflecting the advice her own grandmother had once given her to "Do all the good you can do."

She was born in Petersburg, Tennessee, at the end of World War II. Mary moved as a young child with her family to New York as part of the great migration of Black Americans from the South to the North, where at the time there were more jobs and educational opportunities.

Mary graduated from Peekskill High School in 1963 and received her degree in social work from Pace University, by which time she had already started a family with her beloved husband, Russel Rainey.

Those two strands of focus, family life and an ambition to make a difference in the lives of others, were evident from the start of her professional life. She first worked as a teacher at Aunt Bessy's Open Door, a Head Start daycare in Peekskill, New York, before spending nine years working for West COP, an entity that's known to many of us in Westchester County.

And then finally, in 1976, at the age of 32, she became the director at the Westchester Community Action Program at the Kiley Youth Center in Peekskill, where she spent the next 40 years overseeing community initiatives.

Mary's focus on the needs of Peekskill's youth was prescient, because today we recognize that too many of our young residents across New York have needs that are best addressed by big-hearted individuals invested in their community -- people like Mary.

She was a mentor, a listener, a leader, and she was always there empowering residents to help them find ways through the many challenges that exist for young Black students today.

Mary worshipped in Mount Lebanon Baptist Church in Peekskill and held several leadership roles at the church over her years. Her faith was truly a well for the love that filled her life and guided her career.

So I rise today, Mr. President, to support this resolution, and I thank colleagues for supporting the resolution and the Rainey family during this difficult time.

I vote aye.

ACTING PRESIDENT COONEY: Thank you, Senator Harckham.

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

Please rise and be recognized.

(Standing ovation.)

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

Senator Gianaris.

SENATOR GIANARIS: Mr. President, at the request of the sponsors of the resolutions we took up today, they are open for cosponsorship.

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

Senator Gianaris.

SENATOR GIANARIS: Mr. President, we have a tradition in this chamber, when former members are visiting, that we make sure to recognize them. So I want to recognize that former Senator Robert DiCarlo is in the chamber today.

(Standing ovation.)

ACTING PRESIDENT COONEY: Welcome back, Senator.

Senator Gianaris.

SENATOR GIANARIS: Please take up the calendar.

ACTING PRESIDENT COONEY: The Secretary will read.

THE SECRETARY: Calendar Number 108, Senate Print 487, by Senator Fernandez, an

act to amend the Executive Law.

ACTING PRESIDENT COONEY: Read the last section.

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

ACTING PRESIDENT COONEY: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT COONEY: Announce the results.

Senator Fernandez to explain her vote.

SENATOR FERNANDEZ: Thank you, Mr. President.

Overdose Awareness Day is not just a day of awareness, but it is a true call to action. Behind every statistic is a person -- a son, a daughter, a friend, someone who should still be here. And the truth is that every overdose is preventable. Overdose deaths are 100 percent preventable.

We know what works. Narcan saves lives. Drug testing saves lives. And treating addiction as a health crisis, not a crime, will save lives.

I commend this body for the support in the recent years to make sure that we do have a system that is seeing people for who they are, what their needs are, and meeting them there at their needs; for supporting recovery services to keep people on a better path; and to make sure that we are keeping people alive. Everything that we do related to this topic, to addiction services, the main goal is to keep people alive. So we must be brave and look at policies that will do just that.

When we recognize Overdose Awareness Day, we do more than remember, we commit. We commit to breaking the cycle of addiction, to making sure no one feels alone on their path to recovery, and to building a system that actually works.

Thank you. I vote aye.

ACTING PRESIDENT COONEY: Senator Fernandez to be recorded in the affirmative.

Announce the results.

THE SECRETARY: Ayes, 60.

ACTING PRESIDENT COONEY: The bill is passed.

THE SECRETARY: Calendar Number

168, Senate Print 640, by Senator S. Ryan, an act in relation to enacting the "City of Buffalo Historic Preservation Receivership Act."

ACTING PRESIDENT COONEY: Read the last section.

THE SECRETARY: Section 12. This act shall take effect on the 90th day after it shall have become a law.

ACTING PRESIDENT COONEY: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT COONEY: Announce the results.

THE SECRETARY: Ayes, 60.

ACTING PRESIDENT COONEY: The bill is passed.

THE SECRETARY: Calendar Number 172, Senate Print 1615, by Senator Brisport, an act to amend the Real Property Actions and Proceedings Law.

ACTING PRESIDENT COONEY: Read the last section.

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

ACTING PRESIDENT COONEY: Call the

roll.

(The Secretary called the roll.)

ACTING PRESIDENT COONEY: Announce the results.

THE SECRETARY: In relation to Calendar 172, those Senators voting in the negative are Senators Ashby, Borrello, Canzoneri-Fitzpatrick, Chan, Gallivan, Griffo, Helming, Lanza, Mattera, Murray, Oberacker, Ortt, Palumbo, Rhoads, Rolison, Stec, Tedisco, Walczyk, Weber and Weik.

Ayes, 40. Nays, 20.

ACTING PRESIDENT COONEY: The bill is passed.

THE SECRETARY: Calendar Number 194, Senate Print 903, by Senator Sanders, an act to amend the Elder Law.

ACTING PRESIDENT COONEY: Read the last section.

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

ACTING PRESIDENT COONEY: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT COONEY: Announce

the results.

THE SECRETARY: Ayes, 60.

ACTING PRESIDENT COONEY: The bill is passed.

THE SECRETARY: Calendar Number 199, Senate Print 2459, by Senator Comrie, an act to repeal subdivision 6 of Section 51 of the Public Officers Law.

ACTING PRESIDENT COONEY: Read the last section.

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

ACTING PRESIDENT COONEY: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT COONEY: Announce the results.

THE SECRETARY: In relation to Calendar 199, those Senators voting in the negative are Senators Ashby, Canzoneri-Fitzpatrick, Chan, Helming, Lanza, Mattera, Murray, Oberacker, O'Mara, Ortt, Palumbo, Rhoads, Stec, Tedisco, Weber and Weik.

Ayes, 44. Nays, 16.

ACTING PRESIDENT COONEY: The bill

is passed.

THE SECRETARY: Calendar Number 204, Senate Print 488, by Senator Fernandez, an act to amend the General Business Law.

ACTING PRESIDENT COONEY: Read the last section.

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

ACTING PRESIDENT COONEY: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT COONEY: Senator Fernandez to explain her vote.

SENATOR FERNANDEZ: Thank you, Mr. President.

And I thank our Majority Leader for prioritizing affordability.

And I hope that thumbs down isn't for me just yet. I didn't speak yet.

(Laughter.)

SENATOR FERNANDEZ: But we all know this, we hear the complaints from our constituents that prescription drugs are too high, and for many New Yorkers they are just

simply unaffordable -- not because of innovation, not because of supply, but because of corporate deals that are designed to block competition and keep costs inflated.

That's why I introduced this bill, which we titled the Manufacturer Disclosure and Transparency Act. This bill takes direct aim at pay-for-delay agreements, backroom deals where brand-name drug manufacturers pay to keep lower-cost generics off the market. These agreements don't serve patients. They don't improve healthcare. They serve to only protect profits while families, seniors and taxpayers foot the bill.

The impact is clear: Life-saving medication remains out of reach. Costs continue to rise, and our healthcare system bears the burden.

By requiring transparency, this bill ensures that drug companies can no longer hide behind secrecy while New Yorkers struggle to afford their prescriptions. Transparency is the first step towards accountability, and accountability leads to change.

It is time to put patients before

profits and ensure harmful practices do not continue, and ensure that every New Yorker has access to affordable medication. I urge my colleagues to vote yes.

ACTING PRESIDENT COONEY: Senator Fernandez to be recorded in the affirmative.

Announce the results.

THE SECRETARY: In relation to Calendar 204, those Senators voting in the negative are Senators Ashby, Borrello, Canzoneri-Fitzpatrick, Gallivan, Griffo, Mattera, Palumbo, Stec, Walczyk and Weber. Also Senator Tedisco.

Ayes, 49. Nays, 11.

ACTING PRESIDENT COONEY: The bill is passed.

THE SECRETARY: Calendar Number 232, Senate Print 438, by Senator Myrie, an act to amend the Insurance Law.

ACTING PRESIDENT COONEY: Read the last section.

THE SECRETARY: Section 4. This act shall take effect on the 150th day after it shall have become a law.

ACTING PRESIDENT COONEY: Call the

roll.

(The Secretary called the roll.)

ACTING PRESIDENT COONEY: Announce the results.

THE SECRETARY: In relation to Calendar 232, voting in the negative are Senators Borrello, Oberacker, Stec and Walczyk.

Ayes, 56. Nays, 4.

ACTING PRESIDENT COONEY: The bill is passed.

THE SECRETARY: Calendar Number 250, Senate Print 3274, by Senator Cooney, an act to amend the Alcoholic Beverage Control Law.

ACTING PRESIDENT COONEY: Read the last section.

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

ACTING PRESIDENT COONEY: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT COONEY: Announce the results.

THE SECRETARY: Ayes, 60.

ACTING PRESIDENT COONEY: The bill

is passed.

THE SECRETARY: Calendar Number 251, Senate Print 1281, by Senator Persaud, an act to amend the Social Services Law.

ACTING PRESIDENT COONEY: Read the last section.

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

ACTING PRESIDENT COONEY: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT COONEY: Announce the results.

THE SECRETARY: Ayes, 60.

ACTING PRESIDENT COONEY: The bill is passed.

THE SECRETARY: Calendar Number 278, Senate Print 1071, by Senator Serrano, an act to amend the Parks, Recreation and Historic Preservation Law.

ACTING PRESIDENT COONEY: Read the last section.

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

ACTING PRESIDENT COONEY: Call the

roll.

(The Secretary called the roll.)

ACTING PRESIDENT COONEY: Announce the results.

THE SECRETARY: Ayes, 60.

ACTING PRESIDENT COONEY: The bill is passed.

THE SECRETARY: Calendar Number 305, Senate Print 3335, by Senator Cooney, an act to amend the Vehicle and Traffic Law.

ACTING PRESIDENT COONEY: Read the last section.

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

ACTING PRESIDENT COONEY: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT COONEY: Senator Oberacker to explain his vote.

SENATOR OBERACKER: Thank you, Mr. President. And also thank you for sponsoring this bill.

You know, every once in a while we get things right. And it's really important to acknowledge that. I know a lot of times we go

back and forth across the chamber in some very interesting and deep debates. There should be no debate on this bill. It's common sense. It is going to save lives.

And I'm reminded of a quote that Teddy Roosevelt said. And he said, When there comes a time for a decision, he says, the best thing you can do is the right thing. He says: The next best thing you can do is the wrong thing. He says: But the worst thing you can do is nothing.

I would encourage each and every one of my colleagues to register as a bone-marrow donor. You're going to be saving a life. I can't think of a better life lived than one saved. And I proudly, proudly vote yes on this bill, and I ask all my colleagues to do the same.

Thank you, Mr. President.

ACTING PRESIDENT COONEY: Senator Oberacker to be recorded in the affirmative.

Announce the results.

THE SECRETARY: Ayes, 60.

ACTING PRESIDENT COONEY: The bill is passed.

THE SECRETARY: Calendar Number

306, Senate Print 1724, by Senator Jackson, an act to amend the Civil Service Law.

ACTING PRESIDENT COONEY: Read the last section.

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

ACTING PRESIDENT COONEY: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT COONEY: Announce the results.

THE SECRETARY: Ayes, 61.

ACTING PRESIDENT COONEY: The bill is passed.

THE SECRETARY: Calendar Number 313, Senate Print 373, by Senator Gianaris, an act to amend the Urban Development Corporation Act.

ACTING PRESIDENT COONEY: Read the last section.

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

ACTING PRESIDENT COONEY: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT COONEY: Announce the results.

THE SECRETARY: Ayes, 61.

ACTING PRESIDENT COONEY: The bill is passed.

THE SECRETARY: Calendar Number 314, Senate Print 1410, by Senator S. Ryan, an act to amend the Public Authorities Law.

ACTING PRESIDENT COONEY: Read the last section.

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

ACTING PRESIDENT COONEY: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT COONEY: Announce the results.

THE SECRETARY: In relation to Calendar 314, those Senators voting in the negative are Senators Borrello, Canzoneri-Fitzpatrick, Chan, Gallivan, Griffo, Helming, Mattera, Oberacker, O'Mara, Ortt, Rhoads, Stec, Tedisco, Walczyk and Weik.

Ayes, 46. Nays, 15.

ACTING PRESIDENT COONEY: The bill is passed.

THE SECRETARY: Calendar Number 319, Senate Print 3876, by Senator Hoylman-Sigal, an act to amend the General Business Law.

SENATOR LANZA: Lay it aside.

ACTING PRESIDENT COONEY: Lay it aside.

THE SECRETARY: Calendar Number 321, Senate Print 4391, by Senator Gounardes, an act to amend the General Business Law.

ACTING PRESIDENT COONEY: Read the last section.

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

ACTING PRESIDENT COONEY: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT COONEY: Announce the results.

THE SECRETARY: Ayes, 61.

ACTING PRESIDENT COONEY: The bill is passed.

THE SECRETARY: Calendar Number

322, Senate Print 4433, by Senator Skoufis, an act to amend the General Business Law.

ACTING PRESIDENT COONEY: Read the last section.

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

ACTING PRESIDENT COONEY: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT COONEY: Announce the results.

THE SECRETARY: In relation to Calendar 322, voting in the negative are Senators Borrello, Chan, Walczyk and Weik.

Ayes, 57. Nays, 4.

ACTING PRESIDENT COONEY: The bill is passed.

THE SECRETARY: Calendar Number 332, Senate Print 2613, by Senator Addabbo, an act to amend the Tax Law.

ACTING PRESIDENT COONEY: Read the last section.

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

ACTING PRESIDENT COONEY: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT COONEY: Announce the results.

THE SECRETARY: In relation to Calendar 332, voting in the negative are Senators Griffo and Ortt.

Ayes, 59. Nays, 2.

ACTING PRESIDENT COONEY: The bill is passed.

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

SENATOR GIANARIS: Let's move on to the controversial calendar, please.

ACTING PRESIDENT COONEY: The Secretary will ring the bell.

The Secretary will read.

THE SECRETARY: Calendar Number 319, Senate Print 3876, by Senator Hoylman-Sigal, an act to amend the General Business Law.

ACTING PRESIDENT COONEY: Senator Lanza, why do you rise?

(Senator Lanza and Senator Borrello rise.)

ACTING PRESIDENT COONEY: Senator Lanza, why do you rise?

(Laughter.)

SENATOR LANZA: Thank you very much, Mr. President.

I believe there's an amendment at the desk. I waive the reading of that amendment and ask that you recognize Senator Canzoneri-Fitzpatrick.

ACTING PRESIDENT COONEY: Thank you, Senator Lanza.

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

SENATOR LANZA: Accordingly, Mr. President, I appeal the ruling of the chair and ask that you recognize Senator Canzoneri-Fitzpatrick to be heard on that appeal.

ACTING PRESIDENT COONEY: The appeal has been made and recognized, and Senator Canzoneri-Fitzpatrick may be heard.

SENATOR CANZONERI-FITZPATRICK: Thank you, Mr. President.

I rise to appeal the ruling of the chair. The proposed amendment is germane to the

bill at hand because the bill at hand requires a side-by-side comparison of utility prices from an ESCO, an energy service company.

And ESCO consumers pay to be provided -- I'm sorry, what is provided on the first page of their customer's bill is an itemized list of the charges by the ESCO for energy-related value-added products.

The amendment I'm offering seeks to bolster transparency in energy bills by requiring residential utility bills to include a line item that clearly shows ratepayers how much of their bill is a result of the mandates of the CLCPA.

The sponsor's memo for the bill at hand notes that ESCOs often promise that customers transition away from their utility to an ESCO, they will see a host of benefits, including a reduced energy bill, greener energy, and other side benefits. This sounds very familiar to the promises made by the CLCPA.

The sponsor's memo further notes that the bill at hand will allow ESCOs who claim to provide a genuine benefit to the customers to demonstrate evidence backing up that claim on each bill while providing notice to the consumers

who are being unfairly overcharged.

I agree with the bill at hand, and these are laudable principles of transparency in pricing, especially at a time when energy and utility rates are skyrocketing. Which is why we should extended these provisions to the costs associated with the CLCPA. Why should the principles of fair and transparent pricing be limited to ESCOs and not applied to the state's own claims of providing greener energy, reduced bills, and other side benefits?

The Climate Action Council's own estimates for the costs of CLCPA are up to $340 billion. And an Empire Center report noted that there are reasons to doubt the validities of these estimates with the potential for cost to inflate to over $1 trillion. I'm also told that the council hasn't met in three years.

New Yorkers who are already struggling to keep up with their utility bills have the right to know the impact the policies out of Albany will have on their bills and on their wallets.

This legislation would ensure transparency in utility bills so ratepayers know

who is responsible for increasing their costs.

For these reasons, Mr. President, I strongly urge you to reconsider your ruling.

Thank you.

ACTING PRESIDENT COONEY: Thank you, Senator.

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

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

(Response of "Aye.")

SENATOR LANZA: Show of hands.

ACTING PRESIDENT COONEY: A show of hands has been requested and so ordered.

Announce the results.

THE SECRETARY: Ayes, 22.

ACTING PRESIDENT COONEY: The ruling of the chair stands, and the bill-in-chief is now before the house.

Senator Borrello, why do you rise?

SENATOR BORRELLO: Now it's my turn, Mr. President.

Would the sponsor yield for a question?

ACTING PRESIDENT COONEY: Will the sponsor yield?

SENATOR HOYLMAN-SIGAL: Yes.

ACTING PRESIDENT COONEY: The sponsor yields.

SENATOR BORRELLO: Okay. Through you, Mr. President. Senator Hoylman, does the -- do you know if -- does the Public Service Commission regulate these energy service companies?

SENATOR HOYLMAN-SIGAL: I'm sorry, I didn't hear that.

SENATOR BORRELLO: Does the Public Service Commission, the PSC, regulate these energy service companies?

SENATOR HOYLMAN-SIGAL: To my knowledge, yes.

SENATOR BORRELLO: Thank you.

Mr. President, would the sponsor yield for another question?

ACTING PRESIDENT COONEY: Does the sponsor yield?

SENATOR HOYLMAN-SIGAL: Yes.

ACTING PRESIDENT COONEY: The sponsor yields.

SENATOR BORRELLO: So they're all regulated by the PSC; they have to ask for permission for rate increases and so forth. So do you have any data to support that there is actual savings that are provided, on average, with the energy service companies versus, you know, a standard utility?

SENATOR HOYLMAN-SIGAL: Through you, Mr. President. The bill at hand would add another layer of transparency and amend the ESCO Consumer Bill of Rights. As your colleague pointed out, ESCOs, for those who don't know, stand for energy services companies, which provide energy services as a competitive alternative to electric and natural gas utilities across New York State.

What our bill would do would require that the billing statements delivered to customers by ESCOs, which seems to have been endorsed by your colleague, include a side-by-side comparison showing both the price charged by the ESCO for the commodity and delivery service during the prior bill period, and the price the customer would have paid with their local utility company.

So, you know, they say transparency, in comparison, is the thief of joy. But this is truly I think an important issue for so many New Yorkers who are facing these astronomical, increasing rate hikes by their local energy utility.

SENATOR BORRELLO: Mr. President, will the sponsor yield for another question.

ACTING PRESIDENT COONEY: Will the sponsor yield?

SENATOR HOYLMAN-SIGAL: Yes.

ACTING PRESIDENT COONEY: The sponsor yields.

SENATOR BORRELLO: I think we can agree that, yes, energy prices are up. But what I hear from energy service providers, from utilities, public utilities, private for-profit utilities, is meeting the demands of the CLCPA are actually what are the main driver of these cost increases.

So in the interest of transparency, why don't we show folks exactly how much every month it's costing them to meet the mandates of the CLCPA?

SENATOR HOYLMAN-SIGAL: I don't

know if -- you know, I'm here debating not the CLCPA requirements.

But I will say this, that there are a number of examples where these ESCOs have been engaged in deceptive practices. Attorney General James secured over $2 million for consumers deceived by an ESCO in 2022. She secured $1.5 million for consumers deceived by an ESCO in December of 2022. And the PSC itself identified violations by three companies for failing to abide by the ESCO Bill of Rights.

There's cause for concern here, Mr. President, because we know that ESCOs have very aggressive sales tactics. I don't know about you, but in my local farmers market, every Sunday there's at least one ESCO sales team trying to sell me clean energy.

I think New Yorkers have a right to know whether they're getting their money's worth because it's often portrayed as a cost savings.

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

ACTING PRESIDENT COONEY: Will the sponsor yield?

SENATOR HOYLMAN-SIGAL: Yes.

ACTING PRESIDENT COONEY: The sponsor yields.

SENATOR BORRELLO: I'm so glad you said that, because I agree with you. We all know that green energy is costing us more, but these guys are trying to sell us on the fact that it's actually cheaper. So I think there is a transparency issue here.

So I'll go back. Why don't we explain to folks that, you know, the cost of wind and solar is many multiples more than traditional forms of energy generation like natural gas? So I don't know why we couldn't make that clear. So that would address the question you just brought up, the, you know, kind of green energy scam that's involved with a lot of these things.

That's a question. Why don't we do that?

SENATOR HOYLMAN-SIGAL: Well --

SENATOR BORRELLO: The question is, why don't we then allow these companies to be completely transparent and tell them exactly what it costs to deliver wind and solar versus traditional forms of energy?

SENATOR HOYLMAN-SIGAL: Again,

Mr. President, this bill is specific to energy service companies for the reasons I laid out.

You know, the -- many residents of different parts of this state have been harangued by sales teams that are selling these energy products. And frankly, I think this bill would go a long way toward letting consumers know if they choose one of these energy services companies, whether they're getting their money's worth.

And I think we agree that transparency is the best course of action here. And that's why I hope you vote in favor of this bill.

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

ACTING PRESIDENT COONEY: Will the sponsor yield?

SENATOR HOYLMAN-SIGAL: Yeah.

ACTING PRESIDENT COONEY: The sponsor yields.

SENATOR BORRELLO: So in order for this to be published, they're going to have to get that information accurately. Is there any requirement for those companies to get that data

so they can list it on the bills?

SENATOR HOYLMAN-SIGAL: Through you, Mr. President. Already that requirement exists under the law that we passed two years ago. Now it will just move that data to a customer's monthly bill so the customer can make an easy comparison with the ESCO price and the local utility price. That would be on their statement every month.

Now it's my understanding that the customer would actually have to pursue that data, which does exist, but it's certainly not in an easily attainable or understandable format, as it would be under this bill.

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

ACTING PRESIDENT COONEY: Will the sponsor yield?

SENATOR HOYLMAN-SIGAL: Yes.

ACTING PRESIDENT COONEY: The sponsor yields.

SENATOR BORRELLO: Well, but you said not that easy to obtain, but don't you know the PSC already requires that -- offers that comparison online? Wouldn't it just be simple

for folks to make that by looking at the PSC website?

SENATOR HOYLMAN-SIGAL: Through you, Mr. President. Those comparisons are only estimates.

And I'm sure my colleague would agree, Mr. President, that the consumer should have that on their bill, side-by-side comparison. We shouldn't have to direct a consumer to a website to understand if they're getting their money's worth.

I think that's one of the reasons why the -- our colleagues in the other house have passed this bill twice already. I'm glad that the Senate's taking it up today as part of the Senate Majority Conference's affordability package. This is about affordability, making certain that New Yorkers have the transparency they need to make good choices.

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

ACTING PRESIDENT COONEY: Will the sponsor yield?

SENATOR HOYLMAN-SIGAL: Yes.

ACTING PRESIDENT COONEY: The

sponsor yields.

SENATOR BORRELLO: So we're talking about consumers being educated in order to make good choices, and I don't disagree with that. But, you know, sometimes people make a decision based on the circumstances they're under.

I mean, you know, last night I stopped to buy a bottle of Gatorade at the gas station. I could have went to the grocery store down the street. Should I -- should that gas station have a price that, you know, here's how much it is at the grocery store down the street versus right there at that convenient spot that I'm picking it up? Wouldn't that be also a consumer-choice advocacy policy?

SENATOR HOYLMAN-SIGAL: Through you, Mr. President. As I understand, one of our colleagues has a bill that might make a similar requirement for dynamic pricing.

So I think we are very much in agreement, Mr. President, that transparency is the -- is best for the consumer, and that's what this bill advances. If we can seek transparency and comparison in other markets, by all means, I think we should be considering legislation in

that regard too. Perhaps you'll write a bill.

SENATOR BORRELLO: Mr. President, on the bill.

ACTING PRESIDENT COONEY: Senator Borrello on the bill.

SENATOR BORRELLO: Thank you, Senator Hoylman. I know that was my idea, but it was actually a stupid idea. But thank you anyway for that endorsement of that idea.

So here's the issue I have with all of this. We're very good at telling other people they need to be transparent, but we as government are not good at it, as evidenced by the CLCPA and the fact that we really don't want anyone to know what it's going to cost. We have the Majority that's actively engaged in trying to cover up what it's really going to cost the people of New York State.

Now, they will say, Well, the cost of not doing it is greater. How about we let the people of New York make that decision?

So the issue that I have with it is not the transparency. I actually agree that it is good for things to be transparent. But at what point do we hold our own government, the

people's servants, to the same standard that we want to hold every single business in New York State -- I don't care if they're a utility provider, I don't care what you do, what service or product you deliver. We're very good at telling them how to do their job, but yet we really don't want to be accountable to the people that we serve, that sent us here. That's why I have a problem with this bill. We really don't want to tell people that it's going to cost probably a trillion dollars to implement the CLCPA.

Maybe we should let people decide. Maybe they can look at it every month on the utility bill to decide how much are they willing to pay every month in order to achieve these radical goals?

So with that I'm going to be down on this -- not because I don't support the idea of transparency, but I don't like the double standard when it comes to government.

So thank you, Mr. President.

ACTING PRESIDENT COONEY: Thank you, Senator Borrello.

Are there any other Senators wishing

to be heard? Seeing and hearing none, debate is now closed.

Senator Gianaris.

SENATOR GIANARIS: Mr. President, we've agreed to restore this bill to the noncontroversial calendar.

ACTING PRESIDENT COONEY: Please read the last section.

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

ACTING PRESIDENT COONEY: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT COONEY: Senator Harckham to explain his vote.

SENATOR HARCKHAM: Thank you very much, Mr. President. I just want to rise and correct some inaccurate information we just heard.

The fact that we don't know how much this CLCPA is going to cost -- Chapter 10. I encourage colleagues to read Chapter 10. That is the cost of implementing the CLCPA plan that hundreds of people spent thousands of hours

developing.

The costs are laid out in detail. And the cost to not make this transition will cost New Yorkers $115 billion. New Yorkers are already paying the costs of climate change in their everyday lives.

The other thing I would like to add, the high utility costs that we are facing right now have nothing to do with the CLCPA. It's a perfect storm of rate cases involving resiliency, colder weather than normal with higher user demand so the spot market comes up, and commodity pricing -- that's oil and gas.

The fact is a kilowatt of clean energy is less expensive than a kilowatt of carbon-based energy. That's why Wall Street is investing more in clean energy, and 80 percent of the new generation online last year nationally was clean energy. Because it's a lot cheaper, and that's where the markets are going.

So I thank the Senator for this bill. I vote aye.

ACTING PRESIDENT COONEY: Senator Harckham to be recorded in the affirmative.

I ask for order in the house.

Senator Mayer to explain her vote.

SENATOR MAYER: Thank you, Mr. President.

Thank you, Senator Hoylman-Sigal, for taking another step to ensure that our constituents understand the price that they are paying for utilities.

That is the simple issue here in this bill. Our constituents are entitled to understand -- which I would say they currently can't understand -- their bill, whether they choose an ESCO or they have Con Ed or some other provider. They simply don't understand their bill. Then when they figure it out, they are outraged at how expensive it is. And it is not just the lack of understanding, it's that the Public Service Commission and these utility companies are using our constituents to fund their shareholders, their executives and others.

This bill is an important step to ensuring that our constituents can actually understand who they are paying, how much they are paying, and the basis for the bill.

I'm happy to be voting yes. I encourage my colleagues to do the same.

ACTING PRESIDENT COONEY: Senator Mayer to be recorded in the affirmative.

Announce the results.

THE SECRETARY: In relation to Calendar 319, those Senators voting in the negative are Senators Borrello, Chan, Gallivan and Walczyk -- sorry.

ACTING PRESIDENT COONEY: Senator Rhoads -- I'm sorry, Senator Walczyk to explain his vote.

SENATOR WALCZYK: Thank you, Mr. President. Sorry to interrupt the roll call there. I thought I had your attention.

The Comptroller and NYSERDA confirmed the CLCPA will cost New Yorkers $340 billion -- 340 billion, with a B, dollars.

So I'm not confused about how much this costs. That's coming from this administration that wants probably to put the lowest price tag possible on that thing. And they're saying $340 billion over the next 25 years.

So what is that going to do for your energy bill? If you pare that out over the next 25 years for every man, woman and child in the

State of New York, that's $177,000. That's a mortgage payment for every man, woman and child in the State of New York.

Affordability? This bill's a joke. I vote no.

ACTING PRESIDENT COONEY: Senator Walczyk to be recorded in the negative.

Announce the results.

THE SECRETARY: In relation to Calendar 319, voting in the negative are Senators Borrello, Chan, Gallivan and Walczyk.

Ayes, 57. Nays, 4.

ACTING PRESIDENT COONEY: The bill is passed.

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

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

ACTING PRESIDENT COONEY: There is no further business at the desk.

SENATOR GIANARIS: I move to adjourn until tomorrow, Wednesday, February 26th, at 2:00 p.m.

ACTING PRESIDENT COONEY: On motion, the Senate stands adjourned until

Wednesday, February 26th, at 2:00 p.m.

(Whereupon, at 5:02 p.m., the Senate adjourned.)