NEW YORK STATE SENATE

THE STENOGRAPHIC RECORD

ALBANY, NEW YORK

February 10, 2026

3:26 p.m.

REGULAR SESSION

SENATOR ROXANNE J. PERSAUD, Acting President

ALEJANDRA N. PAULINO, ESQ., Secretary

P R O C E E D I N G S

ACTING PRESIDENT PERSAUD: 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 PERSAUD: 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 PERSAUD: Reading of the Journal.

THE SECRETARY: In Senate, Monday, February 9, 2026, the Senate met pursuant to adjournment. The Journal of Sunday, February 8, 2026, was read and approved. On motion, the Senate adjourned.

ACTING PRESIDENT PERSAUD: 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, Madam President.

ACTING PRESIDENT PERSAUD: Good afternoon.

SENATOR GIANARIS: At this time I move to adopt the Resolution Calendar.

ACTING PRESIDENT PERSAUD: All those in favor of adopting the Resolution Calendar, please signify by saying aye.

(Response of "Aye.")

ACTING PRESIDENT PERSAUD: Opposed, nay.

(No response.)

ACTING PRESIDENT PERSAUD: The Resolution Calendar is adopted.

Senator Gianaris.

SENATOR GIANARIS: Please recognize Senator Mayer for an introduction.

ACTING PRESIDENT PERSAUD: Senator

Mayer for an introduction.

SENATOR MAYER: Thank you, Madam President.

I'm extremely proud to have a group of terrific high school students from Mamaroneck High School here today in the OCRA program.

OCRA stands for Original Civic Research and Action, a program that was started by Joe Liberti, a teacher in Mamaroneck High School who has built his whole program on civic engagement by young high school students. Showing that notwithstanding, as Senator Bailey said earlier today, this impression of young people is entirely inaccurate.

We have students who are here to witness what happens in the State Capitol, to make sure their voices are heard, and to learn how to advocate and advocate for the issues they care about.

So I hope you will recognize them and give them all the cordialities of the house. I'm so pleased they could be here and see us in person, in action.

ACTING PRESIDENT PERSAUD: To the

students representing the OCRA program, welcome to the State Capitol. We extend to you the cordialities of the house.

Please rise and be recognized.

(Standing ovation.)

ACTING PRESIDENT PERSAUD: Senator Gianaris.

SENATOR GIANARIS: Madam President, I believe we're still on motions and resolutions.

I have a motion on behalf of Senator Ramos. On page 8, I offer the following amendments to Calendar 134, Senate Print 5990, and ask that said bill retain its place on Third Reading Calendar.

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

SENATOR GIANARIS: And on behalf of Senator Mayer, on page 12 I offer the following amendments to Calendar 176, Senate Print 2598, and ask that said bill retain its place on Third Reading Calendar.

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

SENATOR GIANARIS: Please take up the reading of the calendar.

ACTING PRESIDENT PERSAUD: The Secretary will read.

THE SECRETARY: Calendar Number 103, Senate Print 4030A, by Senator Fernandez, an act to amend the Environmental Conservation Law.

ACTING PRESIDENT PERSAUD: 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 PERSAUD: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT PERSAUD: Announce the results.

THE SECRETARY: In relation to Calendar 103, voting in the negative are Senators Borrello, Chan, Gallivan, Griffo, Helming, Lanza, Oberacker, O'Mara, Ortt, Rhoads, Stec, Tedisco, Walczyk, Weber and Weik.

Ayes, 47. Nays, 15.

ACTING PRESIDENT PERSAUD: The bill is passed.

THE SECRETARY: Calendar Number 105, Senate Print 4513, by Senator Ramos, an act to amend the Environmental Conservation Law.

ACTING PRESIDENT PERSAUD: 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 PERSAUD: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT PERSAUD: Announce the results.

THE SECRETARY: In relation to Calendar 105, voting in the negative are Senators Ortt and Walczyk.

Ayes, 60. Nays, 2.

ACTING PRESIDENT PERSAUD: Sorry.

Senator Ramos to explain her vote.

SENATOR RAMOS: Yes, thank you, Madam President.

I am of course voting to support my bill that creates a public review process for climate projects in communities that are frontline to the environmental crisis, like mine

in Queens.

We suffered tremendously during Hurricane Ida. They tried to put a peaker plant in the part of Astoria I used to have prior to redistricting. We just want our communities to be able to have a say in what happens in them. We want to make sure that we are able to either make projects better or to stop bad projects when we can.

So this is about equity. This is about making sure the voices in disadvantaged communities are heard. And we are hopeful that this is only going to strengthen our ability to meet our climate goals through the CLCPA and others so that we can make this a leading state in the fight for sustainability.

Thank you so much, Madam President.

ACTING PRESIDENT PERSAUD: Senator Ramos to be recorded in the affirmative.

Announce the results.

THE SECRETARY: In relation to Calendar 105, voting in the negative are Senators Martins, Ortt and Walczyk.

Ayes, 59. Nays, 3.

ACTING PRESIDENT PERSAUD: The bill

is passed.

THE SECRETARY: Calendar Number 106, Senate Print 4574B, by Senator May, an act to amend the Environmental Conservation Law.

ACTING PRESIDENT PERSAUD: Read the last section.

THE SECRETARY: Section 4. This act shall take effect one year after it shall have become a law.

ACTING PRESIDENT PERSAUD: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT PERSAUD: Announce the results.

THE SECRETARY: Ayes, 62.

ACTING PRESIDENT PERSAUD: The bill is passed.

THE SECRETARY: Calendar Number 131, Senate Print 2076, by Senator Mayer, an act to amend the Labor Law.

ACTING PRESIDENT PERSAUD: Read the last section.

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

ACTING PRESIDENT PERSAUD: Call the

roll.

(The Secretary called the roll.)

ACTING PRESIDENT PERSAUD: Announce the results.

THE SECRETARY: Ayes, 62.

ACTING PRESIDENT PERSAUD: The bill is passed.

THE SECRETARY: Calendar Number 138, Senate Print 1329, by Senator Parker, an act to amend the Public Service Law.

SENATOR LANZA: Lay it aside.

ACTING PRESIDENT PERSAUD: Lay it aside.

THE SECRETARY: Calendar Number 232, Senate Print 925, by Senator Kavanagh, an act to amend the Real Property Actions and Proceedings Law.

ACTING PRESIDENT PERSAUD: 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 PERSAUD: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT PERSAUD: Announce the results.

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

Ayes, 56. Nays, 6.

ACTING PRESIDENT PERSAUD: The bill is passed.

THE SECRETARY: Calendar Number 235, Senate Print 4852, by Senator Skoufis, an act to amend the Executive Law.

SENATOR LANZA: Lay it aside.

ACTING PRESIDENT PERSAUD: Lay it aside.

THE SECRETARY: Calendar Number 248, Senate Print 4804, by Senator Ryan, an act to amend the Vehicle and Traffic Law.

ACTING PRESIDENT PERSAUD: Read the last section.

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

ACTING PRESIDENT PERSAUD: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT PERSAUD: Senator Ryan to explain his vote.

SENATOR RYAN: Thank you, Madam President.

I just want to rise today and speak in favor of this great piece of legislation, which takes on a very real and a very urgent need and concern for our first responders across New York -- police officers, firefighters, volunteer firefighters, and our ambulance companies.

In many, many communities, small communities, particularly in rural areas, we are heavily dependent on emergency responders. These are not individuals that are waiting around in a station. When an alarm sounds, they respond from home, they respond from work or wherever they happen to be.

In an area of crisis -- in a moment of crisis, those seconds matter. But unfortunately the physical layout of many of these emergency facilities creates unnecessary hazards. Many of these stations sit along busy roadways without traffic signals or warning

devices to slow motorists. In other cases, volunteer parking is located across the street, forcing first responders to cross busy roads when running to the call.

The reality of this is very troubling. Our first responders put themselves in danger before they even get to the emergency by having to dodge traffic.

This bill offers a practical solution. It authorizes local governments and fire districts to install signage, roadway markings, and traffic control devices around emergency stations to better warn drivers and to protect our important first responders.

It also strengthens enforcement by increasing penalties and establishing a mandatory one-year license suspension after three convictions for a failure to yield.

Let's please protect our first responders. And I urge this bill's passage.

Thank you.

ACTING PRESIDENT PERSAUD: Senator Ryan to be recorded in the affirmative.

Announce the results.

THE SECRETARY: Ayes, 62.

ACTING PRESIDENT PERSAUD: The bill is passed.

THE SECRETARY: Calendar Number 255, Senate Print 122A, by Senator Cleare, an act directing the Departments of Environmental Conservation and Health to establish environmental standards for ambient lead and lead contamination in soils.

ACTING PRESIDENT PERSAUD: Read the last section.

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

ACTING PRESIDENT PERSAUD: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT PERSAUD: Senator Cleare to explain her vote.

SENATOR CLEARE: Thank you, Madam President.

Special thanks to our leader, Andrea Stewart-Cousins, and our fearless Environmental Conservation Committee chair, Pete Harckham, for bringing this bill to the floor.

You know, I have been working to eradicate the toxic substance known as lead for most of my entire adult life. We've made great strides, particularly in housing. But to truly finish the job we must stop lead poisoning from all sources, direct and ambient, from soil, air, and water.

So I proudly sponsor this bill because no amount of lead is safe in any form or fashion. Therefore, we must have the highest standards. Lead poisoning is a completely preventable condition, and we must join in unison to forever eradicate lead from our homes, from our soil and from our water supply.

And this commitment must be a generational one with complementary policy funds and interventions that revolve and are replenished each and every year for as long as it takes to make us, as a whole, healthy.

Thank you to my colleagues in the Senate Democratic Conference for always leading on these issues. I look forward to a day when we can live lead-free.

ACTING PRESIDENT PERSAUD: Senator Cleare to be recorded in the affirmative.

Announce the results.

THE SECRETARY: Ayes, 62.

ACTING PRESIDENT PERSAUD: The bill is passed.

THE SECRETARY: Calendar Number 266, Senate Print 9073A, by Senator Harckham, an act --

SENATOR LANZA: Lay it aside.

ACTING PRESIDENT PERSAUD: Lay it aside.

THE SECRETARY: Calendar Number 267, Senate Print 9074, by Senator Harckham, an act to amend the Environmental Conservation Law.

ACTING PRESIDENT PERSAUD: Read the last section.

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

ACTING PRESIDENT PERSAUD: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT PERSAUD: Announce the results.

THE SECRETARY: In relation to Calendar 267, voting in the negative are

Senators Martins, Oberacker and Walczyk.

Ayes, 59. Nays, 3.

ACTING PRESIDENT PERSAUD: The bill is passed.

THE SECRETARY: Calendar Number 269, Senate Print 1062, by Senator Serrano, an act to amend the Arts and Cultural Affairs Law.

ACTING PRESIDENT PERSAUD: Read the last section.

THE SECRETARY: Section 2. This act shall take effect on the 120th day after it shall have become a law.

ACTING PRESIDENT PERSAUD: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT PERSAUD: Senator Serrano to explain his vote.

SENATOR SERRANO: Thank you very much, Madam President.

Today was -- is Arts Day in Albany. We had a series of panel discussions with arts groups from throughout the State of New York talking about how the arts are so important to their communities in so many different ways.

This legislation in a lot of ways

speaks to that need statewide. By creating arts and cultural districts throughout the State of New York, we will find ways to better nurture the growing arts communities in places throughout the state that historically have not had that level of support from our state government.

We all know that the arts are transformative. We know that the arts bring about so many important things. Yes, of course they are a huge economic engine. But the arts have the ability to promote social discussion that many other mediums can't foster. And they do it in a way that unites us, something that we need now more than ever.

So the arts are important on so many different levels, yet they've overlooked when we think about all of the different priorities that we have to deal with as a State Legislature.

But I really believe that this legislation will go a long way in ensuring that local arts organizations in places -- in different areas throughout the state that historically don't have a lot of support will be able to form cultural districts that they can nurture the artists' community there and have a

really strong economic and social impact on those communities.

I vote aye.

ACTING PRESIDENT PERSAUD: Senator Serrano to be recorded in the affirmative.

Announce the results.

THE SECRETARY: Ayes, 62.

ACTING PRESIDENT PERSAUD: The bill is passed.

THE SECRETARY: Calendar Number 270, Senate Print 1377, by Senator Serrano, an act creating a legislative task force on outdoor environmental education.

ACTING PRESIDENT PERSAUD: Read the last section.

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

ACTING PRESIDENT PERSAUD: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT PERSAUD: Announce the results.

THE SECRETARY: Ayes, 62.

ACTING PRESIDENT PERSAUD: The bill is passed.

THE SECRETARY: Calendar Number 272, Senate Print 83, by Senator Liu, an act to amend the Penal Law.

ACTING PRESIDENT PERSAUD: Read the last section.

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

ACTING PRESIDENT PERSAUD: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT PERSAUD: Announce the results.

THE SECRETARY: In relation to Calendar 272, voting in the negative:

Senator Brisport.

Ayes, 61. Nays, 1.

ACTING PRESIDENT PERSAUD: The bill is passed.

THE SECRETARY: Calendar Number 280, Senate Print 195, by Senator Martinez, an act to amend the Public Health Law.

ACTING PRESIDENT PERSAUD: Read the last section.

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

ACTING PRESIDENT PERSAUD: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT PERSAUD: Announce the results.

THE SECRETARY: Ayes, 62.

ACTING PRESIDENT PERSAUD: The bill is passed.

THE SECRETARY: Calendar Number 282, Senate Print 353, by Senator Rivera, an act to amend the Public Health Law.

SENATOR LANZA: Lay it aside.

ACTING PRESIDENT PERSAUD: Lay it aside.

THE SECRETARY: Calendar Number 283, Senate Print 1287B, by Senator Persaud, an act to amend the Public Health Law.

ACTING PRESIDENT PERSAUD: Read the last section.

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

ACTING PRESIDENT PERSAUD: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT PERSAUD: Announce the results.

THE SECRETARY: Ayes, 62.

ACTING PRESIDENT PERSAUD: The bill is passed.

THE SECRETARY: Calendar Number 291, Senate Print 672B, by Senator Hinchey, an act to amend the Environmental Conservation Law.

ACTING PRESIDENT PERSAUD: Read the last section.

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

ACTING PRESIDENT PERSAUD: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT PERSAUD: Announce the results.

THE SECRETARY: Ayes, 62.

ACTING PRESIDENT PERSAUD: The bill is passed.

THE SECRETARY: Calendar Number 292, Senate Print 1180B, by Senator Gianaris, an act to amend the Environmental Conservation Law.

ACTING PRESIDENT PERSAUD: Read the last section.

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

ACTING PRESIDENT PERSAUD: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT PERSAUD: Announce the results.

THE SECRETARY: In relation to Calendar 292, voting in the negative are Senators Borrello, Chan, Gallivan, Griffo, Helming, Lanza, Murray, O'Mara, Ortt, Stec, Walczyk, Weber and Weik.

Ayes, 49. Nays, 13.

ACTING PRESIDENT PERSAUD: The bill is passed.

THE SECRETARY: Calendar Number 294, Senate Print 9072A, by Senator Harckham, an act to amend the Environmental Conservation Law.

SENATOR LANZA: Lay it aside.

ACTING PRESIDENT PERSAUD: Lay it aside.

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

SENATOR SERRANO: Let's please go

to the reading of the controversial calendar.

ACTING PRESIDENT PERSAUD: The Secretary will ring the bell.

The Secretary will read.

THE SECRETARY: Calendar Number 138, Senate Print 1329, by Senator Parker, an act to amend the Public Service Law.

ACTING PRESIDENT PERSAUD: Senator Walczyk, why do you rise?

SENATOR WALCZYK: Madam President, would the sponsor yield for some questions?

ACTING PRESIDENT PERSAUD: Will the sponsor yield?

SENATOR PARKER: Yes, Madam President.

ACTING PRESIDENT PERSAUD: The sponsor yields.

SENATOR WALCZYK: So in Section 2 of your bill it reads: The department -- meaning the Department of Public Service -- shall adjust each utility corporation's residential fixed charges upon such corporation's filing with the department of an amendment of rate schedules pursuant to Article 4 of this chapter to recover only the fixed charges and operation and

maintenance expenses directly related to metering, billing, service connections, and the provision of customer service.

And it's that definition that I really would like to ask you about, those fixed charges. Utilities can only bill for metering, billing, connections, customer service, et cetera, that you've lined out.

So are systems benefit charges included in that definition?

SENATOR PARKER: So as you know, the Democratic Conference in the State Senate has really been the leader in the state around utility affordability. For a number of years we have really been suffering as a state, particularly our constituents, with very high and unexpected surges in their bills.

The purpose of this legislation is to narrowly define what utilities can add on and not create, you know, a whole bunch of extra charges to make bills, you know, balloon, and us to create some real deep affordability for constituents around those bills.

So the systems benefit charge does not -- is not included in these particular

charges. It's a separate charge.

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

ACTING PRESIDENT PERSAUD: Will the sponsor yield?

SENATOR PARKER: Yes.

ACTING PRESIDENT PERSAUD: The sponsor yields.

SENATOR WALCZYK: Are costs of mandated infrastructure from the State of New York included in the definition that you've provided there?

SENATOR PARKER: It's not in the definition. Usually those things are decided within the context of rate cases.

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

ACTING PRESIDENT PERSAUD: Does the sponsor yield?

SENATOR PARKER: I do.

ACTING PRESIDENT PERSAUD: The sponsor yields.

SENATOR WALCZYK: Are customer

benefits, solar contributions, are they included in the definition that you've provided?

SENATOR PARKER: Not that I know of.

SENATOR WALCZYK: And through you, Madam President, will the sponsor continue to yield?

ACTING PRESIDENT PERSAUD: Does the sponsor yield?

SENATOR PARKER: Yes, Madam President.

ACTING PRESIDENT PERSAUD: The sponsor yields.

SENATOR WALCZYK: Are state taxes included in the metering, billing, connections, customer service fixed charges that you've outlined here in this definition?

SENATOR PARKER: Through you, Madam President, they are not.

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

ACTING PRESIDENT PERSAUD: Does the sponsor yield?

SENATOR PARKER: Madam President, I

yield.

ACTING PRESIDENT PERSAUD: The sponsor yields.

SENATOR WALCZYK: Are local taxes included in that definition?

SENATOR PARKER: Through you, Madam President, local taxes are not included.

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

ACTING PRESIDENT PERSAUD: Does the sponsor yield?

SENATOR PARKER: Yes.

ACTING PRESIDENT PERSAUD: The sponsor yields.

SENATOR WALCZYK: Are state and local surcharges included in the definition you've provided here?

SENATOR PARKER: No, it is not.

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

ACTING PRESIDENT PERSAUD: Does the sponsor yield?

SENATOR PARKER: Madam President, I

yield.

ACTING PRESIDENT PERSAUD: The sponsor yields.

SENATOR WALCZYK: Are sales taxes included in that definition of metering, billing, connections, customer service?

SENATOR PARKER: Madam President, through you, they are not.

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

ACTING PRESIDENT PERSAUD: Does the sponsor yield?

SENATOR PARKER: Yes.

ACTING PRESIDENT PERSAUD: The sponsor yields.

SENATOR WALCZYK: Are gross receipts taxes included in that definition of fixed charges on someone's bill?

SENATOR PARKER: Madam President, no.

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

ACTING PRESIDENT PERSAUD: Does the

sponsor yield?

SENATOR PARKER: Yes.

ACTING PRESIDENT PERSAUD: The sponsor yields.

SENATOR WALCZYK: What about the state assessment that people see on their bill, is that included in those fixed charges?

SENATOR PARKER: Madam President, they are not.

SENATOR WALCZYK: Thank you.

Madam President, on the bill.

ACTING PRESIDENT PERSAUD: Senator Walczyk on the bill.

SENATOR WALCZYK: This bill purports to reduce and -- as the sponsor said, purports to reduce fixed charges on energy bills. But none of the fixed charges that the state mandates, making up somewhere between 30 and 50 percent of your bill, are even included in the definition of this legislation.

And even if any fixed charges are, utility companies will raise rates to pay for the mandates through supply charges.

In fact, if this bill does anything at all, it may actually reduce the cost for the

fixed charge that is on someone's vacation home or a residence that they don't live at, nobody's spending power at, or a vacant apartment building that has nobody living in it whatsoever.

If there were any fixed charges -- and I tried to enumerate a number of them. I couldn't think of any more because the state has put so many charges on your utility bills. But even if it did reduce anybody's energy bill, it would be reducing them for vacant apartments and vacation homes.

This do-nothing bill will not lower the cost for New Yorkers in any type of real way, and I vote no.

Thank you.

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

Seeing none, the debate is closed.

Senator Serrano.

SENATOR SERRANO: Upon consent, we've agreed to restore this bill to the noncontroversial calendar.

ACTING PRESIDENT PERSAUD: Read the last section.

THE SECRETARY: Section 2. This

act shall take effect immediately.

ACTING PRESIDENT PERSAUD: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT PERSAUD: Senator Martins to explain his vote.

SENATOR MARTINS: Thank you, Madam President.

You know, I appreciate the debate, certainly appreciated the questions and the answers. But there was a comment that was made during the debate -- I'll be voting no, Madam President. But it says "the very high and unexpected surge in bills." That was said just during this last debate, the very high and unexpected surge in utility bills.

When this chamber starts to consider the impact of policies on our ratepayers, on our constituents, on their ability to pay for energy before we pass bills -- and we have discussed this. On every one of the bills, including the CLCPA, we have consistently warned about the impact on our ratepayers of paying for all of these costs and the implementation.

Now, someone can say,

Madam President, that the cost of solar is less than any other form. Sure, if solar is working. But that doesn't take into consideration all of the subsidies that have been paid, the infrastructure that is required, and the costs of not being able to access that when there are snow-covered solar panels that don't allow for the transmission of electricity, much like the last few weeks here in New York.

I'll be voting no.

ACTING PRESIDENT PERSAUD: Senator Martins to be recorded in the negative.

Senator Harckham to explain his vote.

SENATOR HARCKHAM: Thank you very much, Madam President. I just want to rise to vote yes.

And I'm glad to hear my colleague mention that we should be cognizant of policies especially when we see that the ISO, the Independent System Operator, releases a report pinpointing the cost of natural gas for the surge in the price of electricity.

I'll say that again. The Independent System Operator just released a

report pointing to natural gas for the surge in electrical prices. Because natural gas is no longer some home-grown energy efficiency, it's now an international commodity. So I wanted to put that on the record.

I thank Senator Parker for this bill. I'll be voting aye.

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

Announce the results.

THE SECRETARY: In relation to Calendar 138, voting in the negative are Senators Borrello, Canzoneri-Fitzpatrick, Gallivan, Griffo, Lanza, Martins, Mattera, Murray, Oberacker, O'Mara, Ortt, Rhoads, Stec, Tedisco, Walczyk and Weik.

Ayes, 46. Nays, 16.

ACTING PRESIDENT PERSAUD: The bill is passed.

THE SECRETARY: Calendar Number 235, Senate Print 4852, by Senator Skoufis, an act to amend the Executive Law.

ACTING PRESIDENT PERSAUD: Senator Walczyk, why do you rise?

SENATOR WALCZYK: Madam President,

I hope the sponsor would yield for some questions.

ACTING PRESIDENT PERSAUD: Will the sponsor yield?

SENATOR SKOUFIS: Of course.

ACTING PRESIDENT PERSAUD: The sponsor yields.

SENATOR WALCZYK: What does this bill do?

SENATOR SKOUFIS: Through you, Madam President. This bill is very straightforward. It requires New York's Code Council to incorporate revisions, updates within 18 months of revisions and updates being offered by international and national code standards.

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

ACTING PRESIDENT PERSAUD: Does the sponsor yield?

SENATOR SKOUFIS: Yes.

ACTING PRESIDENT PERSAUD: The sponsor yields.

SENATOR WALCZYK: Thank you for

that.

The Codes Council, they already meet four times a year, is that right?

SENATOR SKOUFIS: Through you, Madam President, I take your word that that is accurate. That sounds accurate. I know they meet a number of times a year.

I will note, given I think I know where you're going with this, that the most recent revision of the international standards took our state's Code Council five years to incorporate. That's why we're taking up this bill.

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

ACTING PRESIDENT PERSAUD: Does the sponsor yield?

SENATOR SKOUFIS: Yes.

ACTING PRESIDENT PERSAUD: The sponsor yields.

SENATOR WALCZYK: They're already required in statute to update the code every three years, though, is that correct?

("No, not correct," from counsel.)

SENATOR SKOUFIS: I think you heard the answer through my microphone.

(Laughter.)

SENATOR SKOUFIS: But through you, Madam President, I'm advised by counsel that that is not correct.

SENATOR WALCZYK: Thank you for the clarification.

Through you, Madam President, would the sponsor continue to yield?

ACTING PRESIDENT PERSAUD: Does the sponsor yield?

SENATOR SKOUFIS: Yes.

ACTING PRESIDENT PERSAUD: The sponsor yields.

SENATOR WALCZYK: And one of the ASHRAE standards, that's already standard and they have to update our code to comply with that when it comes out already currently, is that correct?

SENATOR SKOUFIS: Through you, Madam President, that is correct.

If you look under -- I guess it's Section B, line 47, you see that in addition to that one organization, we are expanding that to a

list of three standards.

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

ACTING PRESIDENT PERSAUD: Will the sponsor yield?

SENATOR SKOUFIS: Yes.

ACTING PRESIDENT PERSAUD: The sponsor yields.

SENATOR WALCZYK: Yet one of those three standards is the American National Standards Institute. Aren't we already more stringent in our building code than the American National Standards Institute?

SENATOR SKOUFIS: Through you, Madam President. My understanding, confirmed by counsel, is that -- that these standards, these national or international standards, can be considered as floors here in New York. And so yes, it stands to reason that we may be more strict than some or all of these three.

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

ACTING PRESIDENT PERSAUD: Does the

sponsor yield?

SENATOR SKOUFIS: Yes.

ACTING PRESIDENT PERSAUD: The sponsor yields.

SENATOR WALCZYK: Why are the IESNA standards included in this new requirement?

SENATOR SKOUFIS: Through you, Madam President. What we're attempting to do with this legislation is really reflect the menu of options that are available to the state's Code Council. That particular agency and those standards are a -- a -- a very credible and renowned set of standards. And so we decided to add that to the set of three options.

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

ACTING PRESIDENT PERSAUD: Does the sponsor yield?

SENATOR SKOUFIS: Yes.

ACTING PRESIDENT PERSAUD: The sponsor yields.

SENATOR WALCZYK: Yeah, so the IES is the group that gives some lighting standards recommendations. In 2010, the IES changed their

name to the IES; they dropped the "North America" from IESNA. But in your legislation you say the IESNA standard. Is that a 16-year-old typo?

SENATOR SKOUFIS: Through you, Madam President. We'll take that back and take a look. This is a bill that dates back to at least 2017. And I -- we will take that back and take a look.

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

ACTING PRESIDENT PERSAUD: Does the sponsor yield?

SENATOR SKOUFIS: Yes.

ACTING PRESIDENT PERSAUD: The sponsor yields.

SENATOR WALCZYK: I brought up some of these concerns in the Housing Committee, where that probably should have rested. It certainly would have if my vote carried the day there. And I hope you would continue that back, to take that back.

Will any of the changes proposed here require Codes Council to revert to a less stringent code than we already have?

SENATOR SKOUFIS: Through you, Madam President. The answer is no, it just requires the Council to make an adoption or at least a consideration of these standards.

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

ACTING PRESIDENT PERSAUD: Does the sponsor yield?

SENATOR SKOUFIS: Yes.

ACTING PRESIDENT PERSAUD: The sponsor yields.

SENATOR WALCZYK: So how will this adaptation of a new requirement with a couple of additional codes and a requirement for Codes Council to adopt them within 18 months, how will that lower the cost of building new construction, including houses, in New York State?

SENATOR SKOUFIS: Through you, Madam President. I don't know that it has any meaningful bearing whether that -- these standards are adopted five years later versus 18 months later, ideally sooner, as it relates to cost.

What I am more concerned about in advancing this bill is protecting your and my constituents. As you know, embedded in our Building Code, at the core of our Building Code, are safety standards.

Likewise, I'm interested in protecting your and my firefighters who run into smoke-filled buildings and rely on code enforcement and strict building codes so that amidst the smoke in these houses and buildings they are not bumping into walls that should not exist, illegally, in especially apartment buildings.

So that is really the reason why we are looking to make sure that the standards are adopted expeditiously, is to make sure that we have safe construction here in New York State.

SENATOR WALCZYK: And through you, Madam President, will the sponsor continue to yield.

ACTING PRESIDENT PERSAUD: Does the sponsor yield?

SENATOR SKOUFIS: Yes.

ACTING PRESIDENT PERSAUD: The sponsor yields.

SENATOR WALCZYK: How -- you know, and I appreciate your wanting safety. As we already pointed out in this debate, our code is already more stringent than all of these codes, including the additional codes that you're bringing in.

But I'm curious how lighting standards would make it more safe for a firefighter if you're using the Illuminating Engineering Society of North America, which would be a code that's 16 years old.

SENATOR SKOUFIS: Through you, Madam President. A couple of things.

First, certainly in addition to safety standards within our Building Code, there are plenty of standards that speak to efficiency and other factors in construction. And so it's not an either/or; they all exist.

As far as lighting, I think if you were to ask most of your firefighters and most of your fire departments, they would absolutely tell you that lighting is a safety matter. And making sure that there is efficient and -- I should say sufficient lighting within our buildings here in New York State absolutely is relevant to safety,

in addition to efficiency, energy efficiency.

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

ACTING PRESIDENT PERSAUD: Does the sponsor yield?

SENATOR SKOUFIS: Yes.

ACTING PRESIDENT PERSAUD: The sponsor yields.

SENATOR WALCZYK: Yeah, I'm not sure the 16-year-old code and whether the LED light bulbs versus an incandescent would really make a difference when we're talking about lighting standards and our standard already being more stringent than that.

But I did want to point to a section of your bill on page 2. From the top, you talk about the State Climate Leadership and Community Protection Act: "The Legislature hereby directs that a State Energy Conservation Construction Code be adopted to protect the health, safety and security of the people of this state and to assure a continuing supply of energy for future generations, and that such code mandate that economically reasonable energy conservation

techniques be used in the design and construction of all public and private buildings in the state."

And that is true now in law, except for two lines. You have added in the state's "Climate Leadership and Community Protection Act," and you have removed in this bill that anything be "economically" reasonable. Why is the -- why is the word "economically" removed from statute in your proposal here today?

SENATOR SKOUFIS: Madam President, I'd like to first note this is the fourth time -- assuming it does pass after this debate, this is the fourth time this bill will have passed this chamber.

I know that my colleague is a voracious reader of these bills and voracious debater, and this has never been brought up before? And so I question, what took you so long to have this conversation?

Nevertheless, I'm happy to answer the question. The CLCPA, in the statute, in the Scoping Plan section of the CLCPA statute, it already requires that the Code Council consider the CLCPA. This is an incidental update to the

statute. This is an incidental change -- basically, a codification of what already exists.

And similarly, the deletion of "economically" is incidental. If you look several lines down, lines 14 through 19, this is one of a number of examples where the Code Council shall -- they must -- consider cost effectiveness among other considerations.

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

ACTING PRESIDENT PERSAUD: Does the sponsor yield?

SENATOR SKOUFIS: Yes.

ACTING PRESIDENT PERSAUD: The sponsor yields.

SENATOR WALCZYK: Yeah, the same question I would ask back again: Why specifically did you remove "economically reasonable" from what the code should be considering, the Codes Council should be considering?

SENATOR SKOUFIS: Through you, Madam President. Whether that word is there or not does not have any impact as to the Council's

discretion and ability to consider cost effectiveness. It's an incidental change, as I noted before.

SENATOR WALCZYK: And through you, Madam President. Would the sponsor continue to yield?

ACTING PRESIDENT PERSAUD: Does the sponsor yield?

SENATOR SKOUFIS: Yes.

ACTING PRESIDENT PERSAUD: The sponsor yields.

SENATOR WALCZYK: Yeah, it's pretty glaring. And on my sheet of paper it is -- it's struck out and highlighted in red, "economically." If it's incidental, then why even remove that?

What this suggests to me -- and this is why I ask it -- is people are very concerned about the cost of energy and the feasibility in paying for all of the mandates under New York's CLCPA.

And what you've taken here is a couple of code changes that seem semi -- maybe not even relevant whatsoever to the State of New York and you've subbed in, in a little line,

New York CLCPA and the Codes Council will, within 18 months, publish a new code under the CLCPA without considering how much this is going to cost.

So I say again, why would you remove "economically reasonable"? How unreasonable should the housing costs and construction costs be in New York State?

SENATOR SKOUFIS: Through you, Madam President. Most of that commentary is not germane to this bill.

You answered -- or, rather, you asked several questions that are not germane to this bill, and I have answered the -- I believe the core of your question. I'll answer it for a third time, which is that, again, despite or in light of striking that word or not, there is no impact whatsoever as to whether the Council can maintain its discretion and ability to consider cost effectiveness.

And again, I will point you to lines 14 through 19, literally just several lines under the word in question we're talking about.

As far as whether the public looks at this bill language or not -- and I suspect

that there aren't too many people of the 19.5 million who will examine this markup that we are examining here. But to the extent that people have concern about that line being struck, even though it has no relevance to the Council's ability to consider cost-effectiveness, they will have that concern because elected officials like yourself will try and -- despite the facts, despite my answers -- go onto social media and cause a firestorm of craziness with misinformation and untruths.

And we've seen that even in just recent weeks on your social media page, where you talk about hostile amendments and, you know, give people all sorts of ideas and grief and misconstrue what happens on this floor.

To the extent anyone is going to be concerned about this word that has no impact or relevance whatsoever on the Council's discretion, it is because you will mislead them and convince them otherwise.

SENATOR WALCZYK: Through you, Madam President, would the sponsor yield.

ACTING PRESIDENT PERSAUD: Does the sponsor yield?

SENATOR SKOUFIS: Yes.

ACTING PRESIDENT PERSAUD: The sponsor yields.

SENATOR WALCZYK: Well, you could have just called me a liar --

(Laughter.)

SENATOR WALCZYK: -- but I didn't write this bill. And I didn't remove -- I didn't bring a bill into this chamber, ignore the suggestions that were given in the Housing Committee, and bring a bill into this chamber that removes "economically reasonable."

You might call that a lie, but you wrote the bill. Misinformation, disinformation, you wrote this bill. You sponsored it. You brought it into this chamber.

And what it means, by your own admission here today, is that you're taking the CLCPA, you're bringing that to the Codes Council, you're forcing them to redo the code on a faster timeline. You've removed the --

ACTING PRESIDENT PERSAUD: Excuse me, Senator. Could you not address the Senator, either of you. Could you address the chair. Not "you."

SENATOR WALCZYK: Sure, yeah. On the bill, Madam President.

ACTING PRESIDENT PERSAUD: Senator Walczyk on the bill.

SENATOR WALCZYK: Let me try and be informative with misinformation.

The problem is it's too costly in New York State. We have a robust code. Our Code Council meets four times a year. We take international building standards, we go above and beyond them. Bringing in lighting standards from 2010 and pretending like that's going to make the life safer for firefighters is not going to change a thing in New York State. Bringing in the Climate Leadership and Community Protection Act and then removing "economically reasonable" from the Codes Council when they consider changes to New York State Building Code, that has an impact on everyday New Yorkers.

I know why it's done. We still don't know how much it's going to cost to have the CLCPA fully implemented in New York State. The Comptroller a year and a half ago said $340 billion. Well, we're just ripping the lid off and saying even if it's economically

unreasonable, the Codes Council still has to do it.

So as we have a housing shortage in New York State -- housing gets more expensive when you pass bills like this. I'll be voting no and encourage my colleagues to do the same.

Thank you.

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

Seeing none, the debate is closed.

Senator Serrano.

SENATOR SERRANO: Upon consent, we've agreed to restore this bill to the noncontroversial calendar.

ACTING PRESIDENT PERSAUD: Read the last section.

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

ACTING PRESIDENT PERSAUD: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT PERSAUD: Senator Skoufis to explain his vote.

SENATOR SKOUFIS: Thank you, Madam President.

I always appreciate debate. I appreciate inquisitive questions and the back-and-forth. But in this instance I fail to understand why questions are asked if you're just going to ignore the answers.

I stated literally at least three if not four times that what my colleague just remarked upon multiple times is just patently, factually, evidentiarily not true. And yet I imagine this will be a clip on a social media page in the coming days and he will somehow -- and I'm not going to use the L word, but he will misconstrue, he will misinform his own constituents.

The reason why we're passing this bill is very straightforward. We are requiring the Code Council to adopt --

SENATOR LANZA: Madam President. Madam President.

SENATOR SKOUFIS: -- to adopt national and international standards in a timely manner.

ACTING PRESIDENT PERSAUD: Senator -- Senator Skoufis.

SENATOR SKOUFIS: Everything we

just heard a moment ago has nothing to do with this bill.

Thank you. I vote yes.

ACTING PRESIDENT PERSAUD: Senator Skoufis to be recorded in the affirmative.

Senator Lanza.

SENATOR LANZA: It would -- it would be nice if we can keep the personalities out of the debate on this floor as best we can.

ACTING PRESIDENT PERSAUD: Thank you, Senator. I did ask our colleagues to do that. Not one, I did I say both, and I pointed to both. Thank you.

Announce the results.

THE SECRETARY: In relation to Calendar 235, voting in the negative are Senators Ashby, Borrello, Canzoneri-Fitzpatrick, Chan, Griffo, Helming, Lanza, Martins, Mattera, Murray, Oberacker, O'Mara, Ortt, Palumbo, Rhoads, Stec, Tedisco, Walczyk, Weber and Weik.

Ayes, 42. Nays, 20.

ACTING PRESIDENT PERSAUD: The bill is passed.

THE SECRETARY: Calendar Number 266, Senate Print 9073A, by Senator Harckham, an

act to amend the Environmental Conservation Law.

ACTING PRESIDENT PERSAUD: Senator Stec, why do you rise?

SENATOR STEC: If my friend and colleague Senator Harckham would please yield for a few polite questions.

(Laughter.)

SENATOR HARCKHAM: Madam President, for my friend Senator Stec --

(Laughter.)

SENATOR HARCKHAM: -- I absolutely look forward to a few friendly questions.

SENATOR STEC: Thank you.

ACTING PRESIDENT PERSAUD: Thank you, Senators. Can we keep it cordial.

Thank you.

SENATOR STEC: Thank you. If the sponsor would please yield.

ACTING PRESIDENT PERSAUD: The sponsor yields.

SENATOR HARCKHAM: Absolutely, Madam President.

SENATOR STEC: Thank you, Madam President.

What is wrong with this bill?

(Laughter.)

SENATOR STEC: No, I'm just kidding.

(Laughter.)

SENATOR STEC: Just kidding. There's no reason this can't be a little fun.

In all seriousness, if the sponsor would yield for a few questions.

SENATOR HARCKHAM: Absolutely.

ACTING PRESIDENT PERSAUD: The sponsor yields.

SENATOR STEC: Thank you all.

Senator, PFAS is something that certainly this state and every other state in the country has been trying to wrestle with and make improvements on, so I understand where you're coming from with your intent on the bill.

I'm sure this will come as no surprise to you: A lot of opposition memos and concerns specifically about the effect that it's going to have on cookware. And I know you've talked to -- you're aware of those, and I believe the -- I think the PFAS Action Network has spoken with you, asked you about conforming the definition in your bill to be -- to conform with

the EPA standards under the Biden administration that are still in effect, to make it more manageable.

And they point to other states and jurisdictions that have had some issues with it and have gone there and also pulled back.

Are you willing to consider something similar to that?

SENATOR HARCKHAM: Well, thank you, Madam President. Thank you to the Senator for the question.

You know, we as states are -- cannot pass legislation weaker than the federal government, but we can stronger. And that was the original author's intent -- remember, this legislation was carried by a former colleague, Senator Hoylman-Sigal, for a while, and I'm proud to pick it up -- is that we wanted to have the strongest protection for New Yorkers as we can, particularly as we see the federal government has weakened PFAS regulation in other areas and has weakened other environmental regulations that we wanted to set the bar in a high fashion. And that we wanted to include cookware. You remember the first -- the first version did not.

Part of that was because there was litigation in Minnesota. And we saw that litigation dismissed, so that was no longer a concern.

SENATOR STEC: Thank you. If the sponsor would continue to yield.

ACTING PRESIDENT PERSAUD: Does the sponsor yield?

SENATOR HARCKHAM: Absolutely.

ACTING PRESIDENT PERSAUD: The sponsor yields.

SENATOR STEC: Thank you, Senator.

So a series of questions I just want to ask here along -- to show a train of thought here.

You're aware that multiple major health and regulatory authorities, including the FDA, the American Cancer Society, the German Federal Institute for Risk Assessment, have repeatedly evaluated these chemicals with the non-stick coatings and publicly concluded they are safe for intended use in cookware and for food contact applications. You're aware of that?

SENATOR HARCKHAM: Through you, Madam President, I am.

And for every organization that says they're safe, there are other organizations that say they're not safe. There are studies that show when -- when Teflon is heated just as low as 350 degrees, it becomes a threat to transmit PFAS to food that's being cooked. Also that it vaporizes, gets into the air.

And so, you know, we take very seriously that PFAS -- the NIH estimates that annually PFAS costs our healthcare system between 37 billion and 59 billion dollars. And what we are also seeing, from places like Hoosick Falls in New York and places all over New York State that now have to invest tens of millions of dollars to remediate PFAS from our drinking water system, is that rather than, you know, include PFAS in consumer products and then fight to justify it's safe, we need to stop including it in the production cycle in the first place to keep it out of our water supply when there are perfectly fine alternatives like stainless steel, ceramic, and cast iron, just to name three.

SENATOR STEC: Thank you.

If the sponsor would continue to yield.

ACTING PRESIDENT PERSAUD: Does the sponsor yield?

SENATOR HARCKHAM: Absolutely.

ACTING PRESIDENT PERSAUD: The sponsor yields.

SENATOR STEC: Thank you.

So are you aware that several jurisdictions have recently decided to exclude fluoropolymers or non-stick cookware applications from proposed bans or restrictions, and these include some cowboy anti-health jurisdictions like California, New Mexico, Vermont, Canada, France and Illinois?

SENATOR HARCKHAM: Through you, Madam President, I am aware of that.

But there are also Colorado, Connecticut, Maine, Minnesota, Rhode Island and Vermont that now have included cookware.

So there is a growing body of states -- more states are banning it than those who are choosing not to.

SENATOR STEC: Will the sponsor continue to yield?

ACTING PRESIDENT PERSAUD: Will the sponsor yield?

SENATOR HARCKHAM: Yes, Madam President.

ACTING PRESIDENT PERSAUD: The sponsor yields.

SENATOR STEC: Thank you.

There's one specific concern that was brought up under the bill here. Starting next year, on the cookware PFAS, cookware appears to be defined as "refers to durable items used in homes, restaurants, institutional settings, and commercial kitchens for preparing, dispensing or storing food, foodstuffs or beverages. These items are designated for indoor and outdoor use and include pots, pans, skillets, grills, baking sheets, molds, trays, bowls, camping gear and cooking utensils."

And there's concern with the language of "and include" because it certainly suggests or raises concern about this isn't an exclusive list but the list is beyond what's listed there.

So are you -- are you -- do you share -- how would you address those that are concerned that -- that the language that says "and include" doesn't exclude others?

SENATOR HARCKHAM: Through you, Madam President, let me just confer with counsel, and quick -- a quick sec and we'll get you answers.

SENATOR STEC: Okay, thank you.

(Pause.)

SENATOR HARCKHAM: Thank you. Through you, Madam President. Thank you for the question, Senator.

We're -- it's not just the -- the actual cookware itself. We're also thinking in terms of the production, the disposal, and the end of life cycle.

And again, the goal is to -- to eliminate PFAS from the broadest spectrum of categories that we can, because it's not just the PFAS on the product, it's in the production and it's also in the end of life cycle when we're talking about landfill leachate and leaking into our aquifers and fragile drinking water systems.

And again, we -- we talk about Hoosick Falls, with the two settlements combined, it was over $92 million. And we -- we see municipalities all across the state spending millions of dollars to remediate PFAS of

different sorts in public drinking water. And whether that's from the production side or the end of life cycle side.

And, you know, then we -- we look at, you know, some other examples. New Jersey just settled with DuPont for $2 billion. So this is not good for the businesses, and it's not good for our municipalities.

SENATOR STEC: On the bill, Madam President.

ACTING PRESIDENT PERSAUD: Senator Stec on the bill.

SENATOR STEC: I thank the Senator for answering the questions.

To just circle back, the "and include" language raises concerns about what products would be incorporated into this ban. It could potentially include any product in the kitchen, including several major appliances such as your microwave, your stove and your refrigerator.

Again, I don't doubt the -- the sponsor's intent here to try to -- to address something. I do question the precision of the language, the unintended consequences that I've

pointed out, the numerous other states that again are inclined to head down this path and have started down this path and have found that for a variety of reasons it's unmanageable, that you're talking about potentially 15,000 different compounds that we would try to manage.

And, frankly, having every state do its own thing and requiring manufacturers to -- to try to make a product that's going to be saleable in New York State and then another one that's -- that can be sold in Illinois and another one that can be sold in Texas.

You know, I question the wisdom of the economics of that, the science. It seems like, once again, New York has identified an issue and has gone far -- far farther than need be to try to get ahold of something when, again, we can benefit from the experience of other states, other jurisdictions, other countries.

I don't know that the EPA has a reputation -- or certainly the American Cancer Society has a reputation for being cavalier on public health. But, you know, they have expressed concerns with overly applying, you know, a ban to apply to all cookware.

There's debate as to whether these alternatives are truly alternatives. You know, certainly tried and true technology, but not the same as the cookware that we're talking about here.

I think that the bill just goes too far. It's not the first time that I think I've seen this in Albany. And I will be voting no and encourage my colleagues to do the same until ours is a little more in line with what the federal government and other states are doing as far as the definition.

Thank you.

ACTING PRESIDENT PERSAUD: Thank you, Senator.

Are there any other Senators wishing to be heard?

Seeing and hearing none, debate is closed.

Senator Serrano.

SENATOR SERRANO: Upon consent, we've agreed to restore this bill to the noncontroversial calendar.

ACTING PRESIDENT PERSAUD: Read the last section.

THE SECRETARY: Section 5. This act shall take effect January 1, 2028.

ACTING PRESIDENT PERSAUD: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT PERSAUD: Senator Harckham to explain his vote.

SENATOR HARCKHAM: Thank you very much, Madam President.

And I just want to assure you that I was being sincere, and so was Senator Stec, at the beginning when we said we would have a cheerful debate. I have nothing but the highest regard for Senator Stec and always appreciate a good vigorous debate.

But I think it is so important that not a day goes by where we don't learn more about the dangers of PFAS. And as counsel mentioned to me in the midst of the debate and reminded me that it's not just about the product itself, it's the production cycle, it's the product, and it's the end of life cycle. And we need to think broadly about that as it costs our municipalities tens of millions of dollars a year. And according to the NIH, it's costing us anywhere

from -- close to $59 billion annually in healthcare costs. You know, the dangers from PFAS are real.

And so I understand there is a reluctance to take a broad approach, and some want to take a more incremental approach. But I would argue as New York goes, so goes the rest of the nation.

We're proud of this bill. We want to thank former Senator Hoylman-Sigal, now the Manhattan Borough president, for his work on the bill. And I'm proudly voting aye.

Thank you.

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

Senator May to explain her vote.

SENATOR MAY: I want to thank Senator Harckham for this bill.

Earlier today we passed my bill about measuring and reporting PFAS emissions into our waterways from -- from industrial and waste management sources. And the only reason we need that is because PFAS is getting into the environment upstream through products that are being sold in the stores and through the way we

use those products in our lives.

Almost -- pretty much everyone in this room has got PFAS in our bodies, in our organs. It's found in mother's milk. We need to get these products out of our stores. And I as a cook and a mom, I want to know that I'm using products when I'm cooking that are free of PFAS so that I'm not poisoning my family.

We're not talking about taking anyone's cookware away, we're just talking about making sure that what's being sold going forward is safe. And I think that is our job. I am proud that we're voting for this.

I again thank Senator Harckham for this bill, and I vote aye.

ACTING PRESIDENT PERSAUD: Senator May to be recorded in the affirmative.

Announce the results.

THE SECRETARY: In relation to Calendar 266, voting in the negative are Senators Chan, Griffo, Lanza, Oberacker, Ortt, Rhoads, Stec, Walczyk and Weik. Also Senator Tedisco.

Ayes, 52. Nays, 10.

ACTING PRESIDENT PERSAUD: The bill

is passed.

THE SECRETARY: Calendar Number 282, Senate Print 353, by Senator Rivera, an act to amend the Public Health Law.

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

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

ACTING PRESIDENT PERSAUD: Thank you, Senator Lanza.

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

SENATOR LANZA: Accordingly, Madam President, I appeal the ruling of the chair and ask that Senator Borrello be heard on the appeal.

ACTING PRESIDENT PERSAUD: Thank you, Senator. The appeal has been made and recognized, and Senator Borrello may be heard.

SENATOR BORRELLO: Thank you, Madam President. Well, I'm hoping that my words here today, combined with this suit that I'm

wearing, will convince you that this bill is indeed germane to the bill-in-chief.

ACTING PRESIDENT PERSAUD: Nice suit.

(Laughter.)

SENATOR BORRELLO: Thank you.

(Laughter.)

SENATOR BORRELLO: So today we're here to talk about this bill that is about having the Senate approve the Medicaid director, which I think is a good idea. I think this chamber should absolutely be approving someone who has control of what is now approaching nearly half of New York State's budget.

That's right. Right now, Medicaid accounts for $115 billion of a $260 billion budget proposal.

So what our bill actually calls for, this amendment, is for us to qualify and ensure that the people that are getting Medicaid benefits actually exist and are qualified.

And also we need to do a comprehensive audit. Medicaid has gotten out of control here in New York State, and it's costing New York State taxpayers literally billions of

dollars.

On top of that, it's estimated by the Empire Center that only about 5.5 million New Yorkers actually qualify for Medicaid. Yet 8.5 million New Yorkers actually receive Medicaid. That's a 3 million delta there.

On top of that, our Medicaid Director has refused a FOIL request, fully. It took nine months for the Empire Center to get an answer from the Department of Medicaid on whether or not everyone's qualified that's actually receiving benefits.

And the last million people he -- he refused to actually identify are qualified and are actually eligible for Medicaid. It's called the Medicaid Missing Million report. You should look it up. A million people. If each one of those million cost us just $10,000 a year, that's $10 billion.

Addressing that alone, and finding that fraud -- if it is indeed fraud -- would actually eliminate all of the money that we are losing from federal government. I know that's a big topic for the Governor, all this money the federal government's cutting back. That's

because they don't want to continue to support the fraud, waste and abuse in New York State's Medicaid system.

So we need to do this. We need to do a forensic audit of our Medicaid system. We need to verify that everybody that's actually receiving benefits actually is qualified. And by the way, I would imagine that a lot of those folks are not people that aren't qualified, they've actually fraudulently submitted service requests.

In other words, providers, healthcare providers who are fraudulently submitting payments and are getting -- receiving payments for fraudulent work that was never provided. That's probably a couple of billion dollars a year right there alone.

We need to do this now. It is unbelievable that it has swelled as much as it has. It is now nearly half of New York State's budget, Medicaid alone. If any part of our budget needs to be evaluated and cleaned up, it's Medicaid.

And that's why this amendment to this bill is germane and needs to be done as soon

as possible. The taxpayers of New York deserve transparency, honesty and to restore integrity to the most expensive system in New York State and the most expensive system in United States of America: New York State's bloated and fraudulent Medicaid system.

Thank you, Madam President.

ACTING PRESIDENT PERSAUD: 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.")

ACTING PRESIDENT PERSAUD: Senator Lanza?

SENATOR LANZA: Request a show of hands.

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

Announce the results.

THE SECRETARY: Ayes, 22.

ACTING PRESIDENT PERSAUD: The ruling of the chair stands, and the bill-in-chief

is before the house.

Senator Serrano.

SENATOR SERRANO: Upon consent, we've agreed to restore this bill to the noncontroversial calendar.

ACTING PRESIDENT PERSAUD: Read the last section.

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

ACTING PRESIDENT PERSAUD: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT PERSAUD: Announce the results.

THE SECRETARY: Ayes, 62.

ACTING PRESIDENT PERSAUD: The bill is passed.

THE SECRETARY: Calendar Number 294, Senate Print 9072A, by Senator Harckham, an act to amend the Environmental Conservation Law.

ACTING PRESIDENT PERSAUD: Senator Murray, why do you rise?

SENATOR MURRAY: Thank you, Madam President. Would the sponsor yield for some friendly and hopefully informative

questions?

ACTING PRESIDENT PERSAUD: Will the sponsor yield?

SENATOR HARCKHAM: Through you, Madam President, for my friend Senator Murray, anything.

ACTING PRESIDENT PERSAUD: The sponsor yields.

SENATOR MURRAY: Thank you, Madam President, Senator.

Senator, I just want to kind of cover who is covered under this bill and how they are covered. So let's start with the who.

If I gave you an example of two companies -- one is a concrete-crushing company that makes $999 million in revenue; the other, a solar panel manufacturing company that makes 1.5 billion -- which of those two or would they both be covered under this bill?

SENATOR HARCKHAM: It depends. If the concrete manufacturer has net worldwide sales less than a billion dollars and -- and they're less than -- or they're less than -- yeah, they're less than a billion dollars, then they're just not included. No one under a

billion dollars is included.

The solar panel company must also, in addition to the billion-dollar threshold, must have at least a million dollars in direct revenues in New York State. So if they operate in New Jersey or Connecticut but have no operations in New York, they would not fall under the guidelines of this bill.

SENATOR MURRAY: Thank you.

Madam President, would the sponsor continue to yield?

ACTING PRESIDENT PERSAUD: Does the sponsor yield?

SENATOR HARCKHAM: Absolutely.

ACTING PRESIDENT PERSAUD: The sponsor yields.

SENATOR MURRAY: Thank you.

So on the -- on the bill language, I'm looking at Section 74-0101, under "Definitions." That would be Section 3, line 21: "'Scope 1 emissions' means all direct greenhouse gas emissions that stem from sources that a reporting entity owns or directly controls, regardless of location, including, but not limited to, fuel combustion activities."

The next section, line 25, "'Scope 2 emissions' means indirect greenhouse gas emissions from consumed electricity, steam, heating or cooling purchased or acquired by a reporting entity, regardless of location."

So I'll go back to my example. We have the concrete-crushing company that's located in Albany, and again, their revenue is under a billion, so they're not covered. It doesn't matter.

But the solar panel company manufacturing company now say they're manufacturing in Florida but they have a distribution center here in New York. And their revenue, as we said, was over -- over a billion dollars. And yes, 1 percent of that is generated here in New York.

Does that qualify under this bill? Would they still -- would both entities -- would both sections have to report under this bill?

SENATOR HARCKHAM: They would, because we're talking about global emissions. Right? Because we understand emissions don't recognize state borders. This is a global or a planetary issue, and that's why they -- they

would qualify.

SENATOR MURRAY: Madam President, would the sponsor continue to yield.

ACTING PRESIDENT PERSAUD: Does the sponsor yield?

SENATOR HARCKHAM: Yes.

ACTING PRESIDENT PERSAUD: The sponsor yields.

SENATOR MURRAY: Thank you.

And I think you covered it under that answer, but I'm going to ask it to get it on the record anyway. We're going to use that same example, but the solar panel company is manufacturing now in China, but they have a distribution center here in New York with 1 percent of their revenue coming from New York.

Still required to report both New York and China?

SENATOR HARCKHAM: They are.

And it's a good question because the -- a lot of the companies that are covered under this are multinationals. I would say not all of them. But -- but, you know, when you're talking companies over a billion dollars, you know, a lot of those are multinational.

So those are covered, for instance, in the EU. And the EU actually goes a step further and requires a qualitative climate change analysis in addition to those emissions which are billed as not due.

Our bill is really to get public transparency so that consumers can make educated decisions from the companies that they patronize, and that institutional investors who have a certain social investing filter can also make those qualified and educated decisions.

And because the EU and now California are doing this, and many institutional investors -- the pension funds, as I mentioned before, who have a social screen on their investment, are requiring many of the large companies to do this anyhow.

And so a lot of the companies are doing this. We are just saying we need you to report in New York. And those who are not yet doing this, we add them to the list.

SENATOR MURRAY: Madam President, would the sponsor continue to yield.

ACTING PRESIDENT PERSAUD: Does the sponsor yield?

SENATOR HARCKHAM: Yes.

ACTING PRESIDENT PERSAUD: The sponsor yields.

SENATOR MURRAY: And thank you for that answer.

Now, if this same company -- we'll stick with the solar panel manufacturing company, if they fail to report emissions that occur outside of New York, can they be punished under this bill? And how would they be punished?

(Pause.)

SENATOR HARCKHAM: Through you, Madam President. Yes, they -- they would be. For -- for the reason that we mentioned before, that this is a global issue and it's also a transparency issue for consumers and investors here in New York. So they would be.

But I should also note that under "Scope 3 emissions," number one, there's a year lag in the reporting. And then the penalties would -- for Scope 3 would not take effect until 2032, assuming that the bill is passed this year.

SENATOR MURRAY: Thank you.

Madam President, would the sponsor continue to yield.

ACTING PRESIDENT PERSAUD: Does the sponsor yield?

SENATOR HARCKHAM: Yes.

ACTING PRESIDENT PERSAUD: The sponsor yields.

SENATOR MURRAY: Since we're on the scenario, I'm going to bring that company out of China and back to the United States. So they're going to be manufacturing in Florida for the --

SENATOR HARCKHAM: We like that. We want to bring those Chinese companies to the United States.

SENATOR MURRAY: We like the manufacturing part. I don't know about the penalizing them.

But -- so them being in Florida, does New York have the right to regulate interstate commerce? Isn't that what we're doing here?

SENATOR HARCKHAM: Well, through you, Madam President -- through you, Madam President, as I thought, this was a contested issue in the California litigation, and the courts dismissed this.

So there were three -- three

different allegations brought in the California lawsuit. Two of them were dismissed, and this was one of them.

SENATOR MURRAY: Madam President, would the sponsor continue to yield.

ACTING PRESIDENT PERSAUD: Does the sponsor yield?

SENATOR HARCKHAM: Yes.

ACTING PRESIDENT PERSAUD: The sponsor yields.

SENATOR MURRAY: Thank you.

Now, that's the California bill. I'd like to discuss this bill and -- and go back to the original question, which is aren't we regulating interstate commerce with this bill?

If we're going to penalize Florida and New York -- say, for example, under this situation, this solar panel manufacturing company, their main headquarters is Florida, that's where they do most of the business, but they have a distribution center in New York that generates 1 percent or more in revenue, but their main headquarters is Florida. We're still punishing a Florida company. New York is doing this.

Isn't that exactly what regulating interstate commerce is?

SENATOR HARCKHAM: Through you, Madam President. No, because they're doing business in New York. And this is designed to protect New York consumers and New York investors so that New Yorkers can make qualified decisions.

SENATOR MURRAY: Madam President, would the sponsor continue to yield?

ACTING PRESIDENT PERSAUD: Does the sponsor yield?

SENATOR HARCKHAM: Yes.

ACTING PRESIDENT PERSAUD: The sponsor yields.

SENATOR MURRAY: Thank you.

And, Senator, you had mentioned that it is a global problem, that pollution or such is a global problem, a national problem.

But again, I go back to aren't we -- then aren't we, through this legislation -- isn't -- wouldn't this be considered national legislation or federal?

This -- this is exactly what the definition of regulating interstate commerce would be, if we are -- if we are passing laws

that will govern another state and the commerce between the states.

SENATOR HARCKHAM: Through you, Madam President. We are not governing another state, we are -- we are not punishing other states. We are asking for transparency for New York consumers and New York investors to make educated decisions.

SENATOR MURRAY: Madam President, will the sponsor continue to yield?

ACTING PRESIDENT PERSAUD: Does the sponsor yield?

SENATOR HARCKHAM: Yes.

ACTING PRESIDENT PERSAUD: The sponsor yields.

SENATOR MURRAY: So I'm going to go with the -- California. Now, when California introduced theirs, they had given us an estimate that about 4,000 companies would be required to report.

Do we have an estimate as to how many companies would be affected by this bill?

(Pause.)

SENATOR HARCKHAM: Through you, Madam President, we don't have that exact number.

What we can say is that a number of the companies will be the same. There will be a lot of overlap.

The other thing we should say is that these are huge companies that have the ability and the wherewithal to comply with this, Madam President. These are not your mom-and-pops. These are not even, you know, your regional companies. You know, with a billion dollars in revenue, you know, this is a sizable, sizable company.

SENATOR MURRAY: Madam President, would the sponsor continue to yield.

ACTING PRESIDENT PERSAUD: Does the sponsor yield?

SENATOR HARCKHAM: Absolutely.

ACTING PRESIDENT PERSAUD: The sponsor yields.

SENATOR MURRAY: So I do want to talk about the penalty aspect of it. And yes, I understand we're reaching larger companies with -- with deeper pockets. But the bill has civil penalties for willful violation, including nonfiling, late filing, or any other compliance issues, of up to $100,000 per day, up to 500,000

per filing year.

Why are these penalties so high? And won't that have an impact on these very consumers we're talking about?

SENATOR HARCKHAM: Through you, Madam President. Number one, as we said, many companies are already complying with this -- either through the EU, or will be -- in California.

There are software packages that help companies comply with this. This is not the heavy lift it might have been 10 years ago.

And so the reason the penalties are so high is when you're talking about a pension fund who is going to be investing billions of dollars in a company, based on a certain value set, they have a right to have true transparency.

You know, unfortunately, what we have seen far too often is many companies make grandiose but unfortunately not always true statements about their commitments to sustainability.

And so the statement sounds great, but then when you look under the hood, you know, either they're not complying with what they're

doing or they're backtracking. Some would call that greenwashing. I would like to, you know, give some companies the benefit of the doubt on that.

But this is -- this is about protecting, you know, investors who are investing in some cases billions of dollars in these companies on a value proposition or what's called a social screen, and they should have the transparency, as do New York consumers, to know that the company that -- that they're buying products from is indeed who they say they are.

SENATOR MURRAY: Madam President, would the sponsor continue to yield.

ACTING PRESIDENT PERSAUD: Does the sponsor yield?

SENATOR HARCKHAM: Absolutely.

ACTING PRESIDENT PERSAUD: The sponsor yields.

SENATOR MURRAY: Thank you.

And I just have one more kind of a technical question. New York State DEC just finalized its Part 253 GHG reporting rule. How do the reports under this bill compare to those under Part 253?

SENATOR HARCKHAM: Thank you, Madam President. Thank you for that question.

There will be a little overlap, but not always exclusively overlap. Because we're -- you know, that is really on local emitters. And some of those folks are not going to have a billion in revenue. Or -- or they will, and they will comply with both.

But -- but we don't expect there will be a huge amount of crossover because, again, we're talking about, you know, the multinational corporations in many cases.

SENATOR MURRAY: Thank you.

Madam President, on the bill.

ACTING PRESIDENT PERSAUD: Senator Murray on the bill.

SENATOR MURRAY: Thank you, Senator. I appreciate that. And I appreciate what -- what you're kind of trying to accomplish here. I appreciate that, and I get it.

But I do have a problem with the aspect of New York saying -- I mean, listen, we have -- we have state lines. We have boundaries. We have borders. They need to be respected. We don't legislate other states.

We -- if we want to penalize a polluting company in New York that is polluting in New York, I get that. But to say you've got a company doing business in New York but they have other areas or operations in either other states or even other countries -- to then reach that far out and say, Well, you're polluting in China or you're polluting in France or Italy, we're going to penalize you for that, I think that's a little -- well, no, way out of our scope and out of our boundary.

I'd like to see us just concentrate here on New York, because I do believe that is the definition of interstate commerce, especially when we're talking about other states.

So for that reason, and the fact that I think to a degree it is a bit duplicative with some of the rules we already have in place, for that reason I'll be voting no.

Thank you.

ACTING PRESIDENT PERSAUD: Senator Borrello.

(No response.)

ACTING PRESIDENT PERSAUD: Senator Martins?

SENATOR MARTINS: Would the sponsor yield for a few questions?

ACTING PRESIDENT PERSAUD: Will the sponsor yield?

SENATOR HARCKHAM: Certainly.

SENATOR MARTINS: Thank you, Senator.

ACTING PRESIDENT PERSAUD: The sponsor yields.

SENATOR MARTINS: I just want to understand a couple of points, and I'm going to discuss it in terms of jobs.

And so if we have a multinational corporation and they do no manufacturing in New York -- but I think we'd all agree New York City is the capital of the world in many respects, and there are many companies that enjoy the benefits of having headquarters in New York City and they employ many people.

And so through this bill, if that company, multi-billion-dollar company, internationally, you know, positioned in many parts of the world, but with headquarters in New York -- if they relocated their headquarters from New York City to Jersey City, would they

have to comply with this requirement?

SENATOR HARCKHAM: Through you, Madam President. Good question.

If they were assuming, because they're multinational, they have the billion-dollar threshold, do they do a million dollars worth of business in New York, a million dollars worth of revenue derived just from New York? And if they do, then the answer is yes.

SENATOR MARTINS: Madam President, through you, if the sponsor would continue to yield.

ACTING PRESIDENT PERSAUD: Does the sponsor yield?

SENATOR HARCKHAM: Yes, absolutely.

ACTING PRESIDENT PERSAUD: The sponsor yields.

SENATOR MARTINS: Yes, but if they are in New York, they're located in New York, their headquarters are in New York, they're employing people in New York, they otherwise have no other presence in New York, would they have to comply with this law and this -- and this -- and this reporting requirement?

SENATOR HARCKHAM: Through you, Madam President. If they don't earn a million dollars -- so let's say, to your point, Senator, that it's a multinational corporation, they're headquartered on Park Avenue, but all of their business is in Europe and Central America and South America, they just have their headquarters in New York because they think that's where they should be because they have access to global capital and, you know, all of the things that New York has to offer -- but they don't -- they don't have any sales in New York, they would not be.

So if their markets are Europe and South America and other parts of the country, but as long as they don't have that million-dollar sale threshold in -- million revenue in New York, no, they're exempt from this.

SENATOR MARTINS: Madam President, through you, if the sponsor will continue to yield.

ACTING PRESIDENT PERSAUD: Does the sponsor yield?

SENATOR HARCKHAM: Yes.

ACTING PRESIDENT PERSAUD: The

sponsor yields.

SENATOR MARTINS: So let's take another example. Let's say Amazon was looking to build one of their national headquarters and they're looking for a place to do it. Let's say they decide to build that -- or they're considering building one of those national headquarters here in New York, maybe even in Queens.

And they -- they promise that they're going to bring 50,000 dollars -- or 50,000 jobs, but they have an extensive system of sales in New York through their network.

They would still have to comply with this law regardless of whether or not that headquarters was actually in New York, correct?

SENATOR HARCKHAM: Through you, Madam President, they would most certainly have to comply, because they sell -- they have more than a million dollars of revenue in New York. They're a billion-dollar company.

But they are already complying with this in the EU, I can assure you. They will qualify to do this under California. So either way, whether their headquarters is here or not,

they would need to comply.

But I want to go back to the issue of the cost of compliance and the fees. Which -- all right, so here's your Apple {sic}, to use your example. Talking about a $237,000 cost is -- that was proposed -- a survey of corporate entities by Environmental Resources Management in 2022 of companies that are already doing this, the average cost was $237,000. And for a multinational corporation, that's not a huge price tag, I would -- I would submit.

SENATOR MARTINS: Madam President, through you, if the sponsor would continue to yield.

ACTING PRESIDENT PERSAUD: Does the sponsor yield?

SENATOR HARCKHAM: Yes, absolutely.

ACTING PRESIDENT PERSAUD: The sponsor yields.

SENATOR MARTINS: Thank you.

So our healthcare systems here in New York, whether they are a Northwell or an NYU Langone or any of the other healthcare systems that we have, would they have to comply with this law and provide a report to the DEC as

well?

SENATOR HARCKHAM: Through you, Madam President. If they earn more than a billion dollars and have more than a million in revenue from New York, they would, because their operations have greenhouse gas emissions and climate impact.

So for instance, one of the hospitals used to be in my district -- not anymore, with redistricting -- they're a Title 5 emitter. They do their own power generation for their healthcare facility.

The power they buy -- we often talk on this floor about where we get our power. Is it clean power, is it coal power, is it coming from Pennsylvania? And those are always, you know, good discussions that we should be having.

And then is the third level, the Scope 3 emissions, is like where they're -- if we're using the hospital example, you know, where are their supplies coming from, where is their equipment coming from, and what are the greenhouse gas emissions there?

Again -- and we do this because greenhouse gas emissions don't recognize state

boundaries -- it impacts all of us.

SENATOR MARTINS: Thank you.

And Madam President, if the sponsor would yield for just one more question.

ACTING PRESIDENT PERSAUD: Will the sponsor yield?

SENATOR HARCKHAM: Certainly, Madam President.

ACTING PRESIDENT PERSAUD: The sponsor yields.

SENATOR MARTINS: To be clear, your bill speaks to sales and sales of either --

SENATOR HARCKHAM: Of revenue. Revenue.

SENATOR MARTINS: -- revenue that either comes from sales, services or products within the state and does not and would not include payroll or any expenses that a company has that is here within the state, even if it's over a million dollars, even if it's, frankly, whatever that number is above that million dollars, it has nothing to do with their presence in New York, it has nothing to do with employment in New York, but only with that million-dollar threshold with regard to revenue

tied to -- tied to -- sales or services or products.

SENATOR HARCKHAM: Through you, Madam President, you're absolutely correct. It's payroll -- it's not payroll. It has to do with sales and products or services.

But to your first example, they're in New York, they just want to be -- have access to global capital markets. They don't -- they don't do any -- any business here other than pay their employees. They're not covered under this.

SENATOR MARTINS: Madam President, I said that was my last one, but I do have one more.

(Laughter.)

SENATOR MARTINS: If the sponsor would yield for one more question. And I appreciate this, I really do, Senator.

ACTING PRESIDENT PERSAUD: Does the sponsor yield?

SENATOR HARCKHAM: Yeah, absolutely.

ACTING PRESIDENT PERSAUD: The sponsor yields.

SENATOR MARTINS: Thank you.

I mean, we've used the word "revenue" as well, and I'm concerned and I just want some clarity on that. You know, access --

(Off the record.)

SENATOR MARTINS: Senator, passive revenue, is that included in your definition or not?

SENATOR HARCKHAM: Through you, Madam President, the language in the law which is taken from other section -- Section 209 of the Tax Law, it says does business in this state and is deriving receipts from activity in this state within the meaning of Section 209 of the Tax Law.

SENATOR MARTINS: Madam President, thank you.

Senator, thank you.

SENATOR HARCKHAM: Thank you.

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

Seeing and hearing none, the debate is closed.

Senator Serrano.

SENATOR SERRANO: Upon consent, we've agreed to restore this bill to the noncontroversial calendar.

ACTING PRESIDENT PERSAUD: Read the last section.

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

ACTING PRESIDENT PERSAUD: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT PERSAUD: Announce the results.

THE SECRETARY: In relation to Calendar 294, voting in the negative are Senators Ashby, Borrello, Canzoneri-Fitzpatrick, Chan, Gallivan, Griffo, Helming, Lanza, Martins, Mattera, Murray, Oberacker, O'Mara, Ortt, Palumbo, Rhoads, Rolison, Stec, Tedisco, Walczyk, Weber and Weik.

Ayes, 40. Nays, 22.

ACTING PRESIDENT PERSAUD: The bill is passed.

Senator Serrano, that completes the reading of the controversial calendar.

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

ACTING PRESIDENT PERSAUD: There is

no further business at the desk.

SENATOR SERRANO: I move to adjourn until tomorrow, Wednesday, February 11th, at 11:00 a.m.

ACTING PRESIDENT PERSAUD: On motion, the Senate stands adjourned until Wednesday, February 11th, at 11:00 a.m.

(Whereupon, at 4:55 p.m., the Senate adjourned.)