NEW YORK STATE SENATE

THE STENOGRAPHIC RECORD

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REGULAR SESSION

SENATOR SHELLEY B. MAYER, Acting President

ALEJANDRA N. PAULINO, ESQ., Secretary

P R O C E E D I N G S

ACTING PRESIDENT MAYER: 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 MAYER: Today Rabbi David Okunov, of Chabad Oceanview Jewish Center in Brooklyn, New York, will deliver today's invocation.

RABBI OKUNOV: I'd like to thank Jessica for inviting me from South Brooklyn.

Almighty God, Master of the Universe, I am humbled to invoke Your blessings upon the members of the New York State Senate to fulfill their divine and sacred mission to make the world a better place for all of humanity, to live by Your divine Will and divine Providence in unity, peace and harmony, with dignity and respect for every human being, for we are all created in Your image.

Guide them to be living examples of goodness and kindness, inspired by the seven sacred universal commandments which You gave to

Adam and Noah at the dawn of civilization.

As recorded in the Bible, in the Book of Genesis:

To worship You alone and not to worship idols;

Not to blasphemy Your holy name;

Not to commit murder;

Not to commit adultery, incest, sodomy or any other abomination;

Not to steal, lie, or cheat;

Not to eat or be cruel to any living animal;

And lastly, that every society be governed by just and moral laws which are based on the recognition and acknowledgement of You, O God, as the sovereign ruler of all humanity and all nations.

This recognition of You, O God, is the bedrock of the value system of the United States of America. We, the citizens of this blessed country, proclaim this recognition in our Pledge of Allegiance: One nation, under God, indivisible, with liberty and justice for all.

We proudly proclaim this recognition

on our currency, In God We Trust, which is proudly engraved on the walls of houses of government.

Almighty God, grant us that the members of the New York State Senate constantly realize that by enacting just laws, they are fulfilling Your will.

Almighty God, I beseech You today to bless the members of the New York State Senate and our entire nation with good health, clarity of mind, wisdom, compassion, and good fellowship.

Almighty God, I offer this prayer to You today in honor of our beloved spiritual leader, Rabbi Menachem Mendel Schneerson, as we celebrate 85 years since his miraculous escape from Nazi Europe in 1941, when he arrived together with his wife, Rebbetzin Chaya Mushka Schneerson, to the shores of New York State.

The Rebbe encouraged us all to do something additional in the realm of goodness and kindness in order to bring about the prophetic Era of Moshiach, a world of peace and harmony for all of humanity.

And together let us all say amen.

(Response of "Amen.")

RABBI OKUNOV: The Rebbe asked that at opportunities like this, to put a dollar in the charity box to spread acts of goodness and kindness, and to demonstrate that routine acts of charity and philanthropy are central to society.

I would like to demonstrate with putting a dollar in the charity box.

ACTING PRESIDENT MAYER: Thank you, Rabbi.

Reading of the Journal.

THE SECRETARY: In Senate, Monday, April 20, 2026, the Senate met pursuant to adjournment. The Journal of Sunday, April 19, 2026, was read and approved. On motion, the Senate adjourned.

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

Presentation of petitions.

Messages from the Assembly.

The Secretary will read.

THE SECRETARY: Senator Kavanagh moves to discharge, from the Committee on Consumer Protection, Assembly Bill Number 3318 and substitute it for the identical Senate Bill 926, Third Reading Calendar 411.

Senator Ryan moves to discharge, from the Committee on Civil Service and Pensions, Assembly Bill Number 1396 and substitute it for the identical Senate Bill 4773, Third Reading Calendar 467.

Senator Krueger moves to discharge, from the Committee on Finance, Assembly Bill Number 2657A and substitute it for the identical Senate Bill 1574A, Third Reading Calendar 593.

ACTING PRESIDENT MAYER: So ordered.

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.

Please recognize Senator Persaud for an introduction.

ACTING PRESIDENT MAYER: Senator Persaud for an introduction.

SENATOR PERSAUD: Good afternoon,

Madam President.

Today I rise to recognize and warmly welcome a very special group of young folks from my district. They're the students from the High School for Innovation in Advertising and Media, and their school is just down the block from my office.

These young leaders are here today as part of their student engagement and legislative advocacy day. This experience provides them with a firsthand look at how government works.

I know their time was short here today; they got here a little late. But they were able to speak with a number of my colleagues, and I want to thank my colleagues for meeting with them and thank the leader for meeting with them and answering many of their questions.

I know we've asked them to send us their questions that were not answered today, and we'll endeavor to respond to them in writing.

They had many meetings. They had a tour of the Capitol. Many of them, this is their first time coming here, and we wanted to welcome

them.

They are witnessing democracy in action. And that's what we strive to do when we invite students to come up to Albany.

So on behalf of everyone, Madam President, we hope that you would give them the cordialities of the house.

But I just want to recognize that these students are also joined by Ms. Jaelyn Boisrand, Ms. Starr Lederer, and Mr. Anthony Fusari, who are their chaperones today. And again, they came all the way from Brooklyn, USA, just so everyone understands that, the best borough.

(Laughter.)

SENATOR PERSAUD: And they are here in Albany, and I want to say welcome. And I hope this is not the last time that you're coming to visit us here in Albany, and I hope that you enjoyed the interactions that you've had with not only my colleagues here in the Senate, but the colleagues in the Assembly.

Madam President, if you can give them the cordialities of the house.

Thank you.

ACTING PRESIDENT MAYER: Thank you, Senator Persaud.

To our guests from the High School for Innovation in Advertising and Media, from Brooklyn, we welcome you to the Senate. Please enjoy the cordialities of the house.

Please rise and be recognized.

(Standing ovation.)

ACTING PRESIDENT MAYER: Senator Gianaris.

SENATOR GIANARIS: And now Senator Addabbo for another introduction, please.

ACTING PRESIDENT MAYER: Senator Addabbo for an introduction.

SENATOR ADDABBO: Thank you, Madam President.

I am sorry, Senator Persaud, but the other best borough: Queens.

(Laughter.)

SENATOR ADDABBO: You know, it's a great day when students get to visit Albany, especially on a Tuesday, because they get to witness everything. They get to witness the lobbyists, they get to witness the crowded hallways, waiting for hours by an elevator, the

protests, right. I think it's a great day when they get to see our government at work.

And so today we welcome students from St. John's University -- right, Red Storm? Not bad, right?

But these students look at us with such optimism in their eyes, like we're going to do work for them, we're going to pave the road for them academically and in their career. Not that we're going to pay their tuition, but that we're going to help them, because they look toward us for help. And we're going to answer that call.

So, Madam President, I ask that you welcome these great, fine students from St. John's University, and led by Brian Browne, who's been here, coming here for many, many years. And thank you for making part of the panel today.

But to the students: Welcome.

And, Madam President, thank you.

ACTING PRESIDENT MAYER: Thank you, Senator Addabbo.

To our guests from St. John's University, welcome to Albany. We welcome you to

the Senate and extend the cordialities of the house to you.

Please rise and be recognized.

(Standing ovation.)

ACTING PRESIDENT MAYER: Senator Gianaris.

SENATOR GIANARIS: I now move to adopt the Resolution Calendar, with the exception of Resolutions 1859 and 1872.

ACTING PRESIDENT MAYER: All those in favor of adopting the Resolution Calendar, with the exception of Resolutions 1859 and 1872, please signify by saying aye.

(Response of "Aye.")

ACTING PRESIDENT MAYER: Opposed, nay.

(No response.)

ACTING PRESIDENT MAYER: The Resolution Calendar is adopted.

Senator Gianaris.

SENATOR GIANARIS: Let's take up previously adopted Resolution 1392, by Senator Persaud, read its title and recognize Senator Persaud.

ACTING PRESIDENT MAYER: The

Secretary will read.

THE SECRETARY: Resolution 1392, by Senator Persaud, memorializing Governor Kathy Hochul to proclaim April 11-17, 2026, as Black Maternal Health Week in the State of New York.

ACTING PRESIDENT MAYER: Senator Persaud on the resolution.

SENATOR PERSAUD: Thank you, Madam President.

Today I am proud to stand here sponsoring a resolution that memorializes April 11th through 17th as Maternal Health Week -- Black Maternal Health Week, to be specific.

It's an important week because we are highlighting the health disparities that the Black community faces. Too often, Black women during their pregnancy are not treated with the respect that is due to them. They are not given the health services that they should be. And so we have a very high mortality rate.

In my district, not too long ago, we had a person who visited a hospital, you know, experiencing difficulties, and she was -- no one

took it seriously. The young woman ended up dying, something that should not be happening.

No person in the United States should be dying in childbirth, and it's happening too often in the Black community. And unless we highlight that and make an active commitment to change that, we are going to continue having to speak on this floor on a resolution that says we are talking about Black Maternal Health Week.

So, Madam President, I want to encourage my colleagues -- when you're talking in your community, please make sure you're highlighting the disparities in Black maternal healthcare. Too often people that do not look like us are always receiving the best treatment. The doctors are listening to them. The doctors -- just in the healthcare space in general, people are listening to people who do not look like me when they're voicing their concerns during pregnancy, et cetera. And that should not be.

So I ask everyone, when you're having conversations in the community about healthcare, make sure you highlight the issues about Black maternal healthcare.

Madam President, thank you. And I'll now ask my colleague who is the chair of Women's Issues to expound on this.

Thank you, Madam President.

ACTING PRESIDENT MAYER: Thank you, Senator Persaud.

Senator Webb on the resolution.

SENATOR WEBB: Thank you, Madam President.

I want to thank Senator Persaud and of course our Majority Leader for supporting this resolution. Coming on the heels of Black Maternal Health Week, which was initially led -- still is led by the Black Mamas Matter Alliance. This year's theme: Rooted in justice and joy.

And when you talk about the childbirth experience, that theme is very true. Having a child can include some of the most profound and most joyful moments in a parent's life, like the first time when you hold your child or watching your baby take their first steps. And at the same time, for Black mothers, it can also be incredibly stressful and traumatic.

Black women face significantly

poorer health outcomes than their peers, meaning that the stress and trauma surrounding childbirth are even more prevalent. And too often that joy that is deserved gets suppressed because of systemic issues in our healthcare system.

New York State is 28th in the country for some of the highest maternal mortality rates. Black women are 60 percent more likely to develop preeclampsia than white women.

Multiple scientific studies have found that Black mothers are more likely to experience mental health issues like postpartum depression and anxiety, and yet few are actually diagnosed or connected to mental healthcare services.

Black women are up to four times as likely to die during childbirth than white women. And in New York, that rate is even higher -- almost nine times more likely to die while giving childbirth.

We can and we must do better for our mothers and their infants. And as the chair of Women's Issues in the Senate, we are all committed to fighting to ensure that New York is a safe and supportive place for every single

mother, infant, and family.

I want to share very quickly a few stories today. I want to talk about Janell Smith, a certified nurse-midwife and Doctor of Nursing Practice. She spent her life protecting mothers through childbirth by providing care before and during pregnancy.

While pregnant herself, Janell developed severe preeclampsia and died two days after her emergency C-section from surgical complications.

Kimberly Seals Allers, who has become an advocate for Black maternal health after her own traumatic experience in a hospital she trusted and had thoroughly researched. She developed an app called Irth, where women of color can review their prenatal, birthing and postpartum healthcare facilities so that future women can search through the doctor and hospital reviews.

In noting this year's theme, I also want to uplift how joyful motherhood can be when we come together as a community.

I want to take another moment to talk about Margaret Charles Smith, a Black woman

from Alabama who delivered her first baby at five years old and in 1949 became Green County's first officially licensed Black midwife. And she dedicated her life to helping her community, and has been honored many times due to her high delivery success rate. She delivered over 3,000 babies. And here's the important piece to lift up as well -- not a single mother died.

Now, this was in 1949. We're in 2026, and her story is an inspiration to all of us. And it shows us what is possible when we have supportive, culturally competent care and what it means for our future.

Now, although our work is far from over, I am truly grateful to our Majority Leader, Andrea Stewart-Cousins, for her support.

And I want to thank my colleagues, especially Senators Persaud, Brouk, and our entire conference, for their leadership on these issues. And of course all the advocates who continue to fight hard for this important issue.

And I'm very proud to be voting in favor of this resolution, and I hope all of my colleagues will join me in celebrating Black Maternal Health Week by voting aye and, most

importantly, continuing to center those who are most impacted by this issue.

Thank you, Madam President.

ACTING PRESIDENT MAYER: Thank you, Senator Webb.

Senator Bailey on the resolution.

SENATOR BAILEY: Thank you, Madam President.

Leave it to Senator Persaud to have the first ally-oop in the history of resolutions, how she threw that to our Women's Issues chair, Senator Webb, who both handled it very deftly.

But Senator Webb is the chair of the Women's Issues Committee, but this is not just a women's issue. This is an issue for all of us. If you care about humanity, if you care about children coming into the world -- most importantly, if you care about the women birthing children -- then you should care about this issue.

If we're realistically looking at the situations and conditions that -- this situation, four times more likely to die during childbirth, this is something that we, whether you are a man or whether you are a person of

color or whether you are woman who is not a person of color, it doesn't matter. This is all of our issue, because these are our people dying.

So often women -- specifically, in this case, Black women -- have been encouraged to do Cesarean sections and doing other things as opposed to natural childbirth, steering away from midwifery and doulas. And I encourage those who are about to give birth, with child, to ask questions, be critical of the provider. Sometimes they don't hear what you have to say.

But we have to support them and make sure that providers hear in these medical institutions what women, what these Black women are saying. Community Board 12 in the Bronx is in part of the district that I represent, Madam President, as you well know, and it's both had the I'll say dubious distinction of having the highest infant mortality rate in addition to the highest Black women maternal mortality rate.

There's a lot more that we have to do on this issue. But I'm glad that we have great colleagues like Senators Webb and Senator Persaud to do it, and all of our colleagues here. I think we all care about this

issue.

And I proudly vote aye on the resolution.

Thank you, Madam President.

ACTING PRESIDENT MAYER: Thank you, Senator Bailey.

The resolution was previously adopted on January 21st.

Senator Gianaris.

SENATOR GIANARIS: Okay, Madam President, we're going to move on to previously adopted Resolution 1603, by Senator Sepúlveda, once Senator O'Mara gives him his seat back.

(Laughter.)

SENATOR GIANARIS: Please read that resolution's title and call on Senator Sepúlveda.

ACTING PRESIDENT MAYER: The Secretary will read.

THE SECRETARY: Resolution 1603, by Senator Sepúlveda, memorializing Governor Kathy Hochul to proclaim April 2026 as Workplace Violence Prevention Month in the State of New York.

ACTING PRESIDENT MAYER: Senator

Sepúlveda on the resolution.

SENATOR SEPÚLVEDA: Thank you, Madam President, for allowing me to present this resolution.

Good afternoon, Senate Majority Leader Stewart-Cousins and my distinguished colleagues. I rise today to recognize April 2026 as Workplace Violence Prevention Month.

This resolution calls attention to a serious reality affecting workers across our state and urges us to take action to ensure workplaces are safe, respectful, and secure.

Workplace violence leaves lasting physical and emotional impacts, undermining the sense of safety every worker deserves.

As legislators, we must continue to advance solutions that promote prevention, education, and protection. We have a duty not only to bring visibility to this issue, but also to advance concrete solutions that promote prevention, strengthen education, and ensure the protection of every worker in our state.

I'm proud that this commitment is strengthened by the enactment of Senate Bill 5294, which was signed into law by

Governor Kathy Hochul last year. This legislation requires hospitals to develop and implement comprehensive workplace violence prevention programs, including safety assessments, risk identification, and clear, actionable measures to better protect healthcare workers and prevent incidents before they occur.

While more work remains, this marks meaningful progress in safeguarding workers and strengthening workplace protections across New York.

Today we also recognize those who have dedicated themselves to this cause, reminding us that behind every policy are real people and real stories.

Let this month be a call to action to build a culture of dignity, respect, and safety in every workplace.

Thank you very much. I vote aye.

ACTING PRESIDENT MAYER: Thank you, Senator Sepúlveda.

(Pause.)

ACTING PRESIDENT MAYER: To our guests -- I am sorry. To our guests who are here in support of workplace violence prevention, the

resolution sponsored by Senator Sepúlveda, we welcome you to the Senate. We extend the cordialities of the house.

Please rise and be recognized.

(Standing ovation.)

ACTING PRESIDENT MAYER: Senator Gianaris.

SENATOR GIANARIS: Next up is another Senator Sepúlveda resolution, Resolution 1859. Please read that resolution's title and call on Senator Sepúlveda again.

ACTING PRESIDENT MAYER: The Secretary will read.

THE SECRETARY: Resolution 1859, by Senator Sepúlveda, commemorating April 8, 2026, as the One-Year Anniversary of the Jet Set nightclub tragedy in the Dominican Republic, and paying tribute to the many lives lost and injured in the incident.

ACTING PRESIDENT MAYER: Senator Sepúlveda on the resolution.

SENATOR SEPÚLVEDA: Thank you, Madam President, for allowing me to present this resolution.

Today I rise with a heavy heart to

honor the memory of 236 lives that were tragically lost on April 8, 2025, in the collapse of the Jet Set nightclub in the Dominican Republic.

Two hundred and thirty-six lives. Not numbers, not statistics. They were families, they were dreams, they were futures that still should be here today.

Even though this tragedy did not happen in New York, the pain was felt here immediately. Nearly 335,000 Dominicans live in the Bronx, many of them residents who lost loved ones and whom we continue to stand with and feel their grief.

Today we reaffirm something fundamental, that New York stands with the Dominican community, that New York respects their grief, that New Yorkers honor their contributions to this state.

Among the victims were Rubby Perez, a voice that brought merengue to the entire world and also who was part of the cultural history of our Dominican community here in New York.

We also remember Octavio Dotel and Tony Blanco, athletes who represented the

Dominican Republic in Major League Baseball and inspired generations of young people.

Today we also remember our beloved Nelsy Cruz, the sister of former Major Leaguer Nelson Cruz. Nelsy was much more than a public servant. She was the governor of a province called Monte Cristi, from 2020. She showed that leadership also means compassion, humanity and service to others.

But today we do not only honor public figures, we honor everyone -- every worker, every person, every mother, every young life, every valuable life. Madam Majority Leader, tragedies remind us of something important, that our communities are not separated by borders, they are united by humanity. And today the Senate says clearly: Your pain is our pain. Your community is our community. And your memory will always be respected in this state.

Today we remember, honor, and stand in solidarity with those that lost lives in the Dominican Republic. I respectfully ask for the adoption of this resolution in memory of the victims of the Jet Set nightclub tragedy.

{Repeating remarks in Spanish.}

Thank you. I vote aye.

ACTING PRESIDENT MAYER: Thank you, Senator Sepúlveda.

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

(Response of "Aye.")

ACTING PRESIDENT MAYER: Opposed, nay.

(No response.)

ACTING PRESIDENT MAYER: The resolution is adopted.

Senator Gianaris.

SENATOR GIANARIS: Thank you, Madam President.

It's now time for the Senate to receive our annual continuing education credits. Please call up the resolution on New York's Constitution Day, by Senator Gounardes, read its title, and recognize Senator Gounardes. That's Resolution 1872.

ACTING PRESIDENT MAYER: The Secretary will read.

THE SECRETARY: Resolution 1872, by Senator Gounardes, memorializing Governor Kathy Hochul to proclaim April 20, 2026, as

New York State Constitution Day in the State of New York.

ACTING PRESIDENT MAYER: Senator Gounardes on the resolution.

SENATOR GOUNARDES: Thank you, Madam President.

Good afternoon, colleagues. I know you have been waiting for this moment as eagerly as I have, because yesterday New York celebrated its 249th birthday.

That's right -- April 20, 1777, in the middle of a war, with British troops occupying New York City and the British fleet anchored in our harbor, the State of New York adopted our first constitution, after declaring independence in 1776.

And as I do every year, I look forward to this day to talk about a chapter of our state's history that might shed some light on the issues of our time or offer wisdom for the debates that we have here in this chamber.

Now, as we know, this year we're celebrating the 250th anniversary of the Declaration of Independence. But before we could even adopt a constitution, we had to decide to

become, in the words of Thomas Jefferson, a free and independent state.

Now, when most people think about our founding story, they think about the highlights: 56 founding fathers gathered in the Pennsylvania Statehouse, debating the idea of independence, and then ceremoniously agreeing to separate from Great Britain.

But if you really know your American history, or if you've seen the John Adams miniseries on HBO, you know the truth was not that simple. It was, in fact, messier and far more complicated than that. And in no place more than New York was the push for independence more controversial and more fraught with dangerous repercussions should independence fail.

The tension between colonial patriots and British loyalists created deep fissures amongst New Yorkers, so much so that New York, the state that we all come to believe is first in all things, was the last of the colonies to declare independence.

There was a strong loyalist class in New York -- wealthy merchants, Anglican clergy

members, large property owners, and a sizeable population of Dutch and German settlers who valued the stability of the colonial status quo above all else.

By some estimates, nearly half of New York's population had loyalist sympathies. How about that. New York City, in fact, was so overtly pro-British that it was called, derisively, Torytown.

Yet New York also had a strong patriot movement: The Sons of Liberty, the Mechanicks Committee, and young guns like Alexander Hamilton, John Jay, and Gouverneur Morris were equally as vociferous in challenging colonial rule.

In fact, the radical Sons of Liberty were organizing protests against the British in New York for more than a decade, spanning back to 1765 and the imposition of the Stamp Act.

The conflict over independence in New York was a battle between these two forces that neutered the political leadership of the colony throughout the early years of the revolution. That political leadership was the Provincial Congress, an elected assembly that

governed New York in lieu of the old colonial legislature.

In May 1775, the first Provincial Congress was convened to appoint delegates to the Second Continental Congress meeting in Philadelphia, after the loyalist-leaning colonial legislature declined to participate with the other colonies to discuss grievances about British rule.

Now, while the purpose of the First Provincial Congress was to better align with the other colonies in countering the heavy hand of British authority, it was very conservative in its approach. It simultaneously adopted a resolution to agree with whatever measures the Second Continental Congress adopted, but then also passed a "Plan of Accommodation between Great Britain and America," which were instructions to its delegates in Philadelphia to seek the restoration of harmony between Great Britain and the colonies.

The Provincial Congress disbanded in November of 1775 and was succeeded immediately by the Second Provincial Congress, which convened in New York City and met until May 1776, when it was

replaced by the Third Provincial Congress.

Now, the Third Provincial Congress was convened specifically to respond to a resolution passed by the Congress in Philadelphia calling on "the respective assemblies and conventions of the United Colonies, where no government sufficient to the exigencies of their affairs have been hitherto established, to adopt such government as shall, in the opinion of the representatives of the people, best conduce to the happiness and safety of their constituents in particular, and America in general."

So in other words, the delegates in Philadelphia were telling the colonies to start thinking about a future without the British.

As the push for independence was growing in Philadelphia, it was also growing stronger in New York. On May 29, 1776, the General Committee of Mechanicks in union, a large assemblage of laborers and shopkeepers and other artisans, issued a public petition to the Provincial Congress urging them to support independence.

They wrote: "When we cast a glance upon our beloved continent, where fair freedom,

civil and religious, we have long enjoyed, whose fruitful field have made the world glad, and whose trade has filled with plenty of all things, sorrow fills our hearts to behold her now struggling under the heavy load of oppression, tyranny and death ...

"Shall we any longer sit silent, and contentedly continue the subjects of such a Prince, who is deaf to our petitions for interposing his Royal authority in our behalf, and for redressing our grievances, but, on the contrary, seems to take pleasure in our own destruction? When we see that one whole year is not enough to satisfy the rage of a cruel Ministry, in burning our towns, seizing our vessels, and murdering our precious sons of liberty ... and for no other reason than this, that we will not become their slaves and be taxed by them without our consent -- therefore, as we would rather choose to be separate from, than to continue any longer a connection with such oppressors, we ... think proper to instruct our most honourable Delegates in Continental Congress to use their utmost endeavors in that august assembly to cause these United Colonies to become

independent of Great Britain ... and we hereby sincerely promise to endeavour to support the same with our lives and fortunes."

A few days later, on June 8, 1776, the same day that Virginia's Richard Henry Lee formally proposed independence to the Continental Congress in Philadelphia, New York's delegates wrote home to the Provincial Congress, saying: "Your delegates here expect that the question of independence will very shortly be agitated in the Congress. Some of us consider ourselves as bound by your instructions not to vote on that question, and all of us wish to have your sentiments thereon. The matter will admit of no delay."

Now, if you listen to that carefully, you caught something: Some of New York's delegates in Philadelphia thought they could ignore the First Provincial Congress's instructions to seek reconciliation with Britain, and all of them wanted to know what they should do next.

Five days later, the Provincial Congress replied that they were "not authorized to give the sense of this colony on the question

of declaring it to be an independent state, nor does this Congress incline to instruct you on that point, it being a matter of doubt whether their constituents intended to vest them with the power to deliberate and determine on that question."

So essentially the Third Provincial Congress told the delegates in Philadelphia: We cannot authorize you to vote for independence, we will not authorize you to vote for independence, and we are not even sure ourselves that we have the authority to decide whether we could even instruct you on that question otherwise.

Now, on the one hand you might think this was a classic response of institutional paralysis, and in many ways it was. But on the other hand, I think it also represented an act of political humility. After all, how many times have any of us declined to express a political opinion because our constituents didn't authorize us to speak on a given topic?

The Provincial Congress knew it did not have the power to take this final step towards separation, so instead it voted to disband itself and call for new elections to the

Fourth Provincial Congress, which would be instructed by the electors on the great question of independence.

The Third Provincial Congress then disbanded itself on June 30, 1776, just as the British began massing an invasion force in New York Harbor, with hundreds of ships and tens of thousands of troops.

Two days later, on July 2, 1776, 12 colonies voted to declare themselves free and independent. New York's delegates sat silent. They abstained.

And then two days later, on July 4, 1776, the Declaration of Independence was formally adopted by Massachusetts, New Hampshire, Rhode Island, Connecticut, New Jersey, Pennsylvania, Maryland, Delaware, Virginia, North Carolina, South Carolina, and Georgia. But not New York.

So how did we end up joining the rest of the colonies in declaring ourselves independent?

Following the instructions of the Third Provincial Congress, New York held what was functionally an election on the question of

independence. The people were asked to choose. And the result was unambiguous: Supporters of independence won overwhelmingly, as most of the returning delegates supported separation from Great Britain.

And critically, in New York City itself, seven delegates with loyalist affiliations who had been elected to the Fourth Congress refused to take their seats because they would not participate in a body convened specifically to authorize independence.

So a new, call it a special election was held to replace them, and seven new delegates were all elected, all pro-independence, to take their place. The conservative reconciliation faction that had strenuously slowed New York's full participation in the colonial struggle had been replaced at the ballot box.

The Fourth Provincial Congress convened on July 9, 1776, at the Old Courthouse in White Plains. And as that Congress gaveled into session, a letter from the delegates in Philadelphia was read aloud, with the full text of the Declaration enclosed. The letter and the declaration were immediately referred to a

special committee chaired by John Jay.

Jay and his colleagues deliberated through the morning, and that afternoon they returned with a resolution, handwritten by Jay and preserved in our State Archives to this day. It read:

"Resolved, unanimously, That the reasons assigned by the Continental Congress for declaring the United Colonies free and independent States, are cogent and conclusive; and that while we lament the cruel necessity which has rendered that measure unavoidable, we approve the same, and will, at the risk of our lives and fortunes, join with the other Colonies in supporting it."

Now, listen to those words again, because I think they're somewhat extraordinary. We did not declare independence with a cheer. We declared it with a lament -- "the cruel necessity which has rendered that measure unavoidable."

We went into it clear-eyed about what we were giving up and what we stood to lose and what that cost might be. The Provincial Congress then voted unanimously to support independence.

New York had more to lose from independence than almost any other colony -- more commercial ties to Britain, more loyalist residents, more vulnerability to the British military, who were at that very moment preparing to attack New York City. We knew exactly what we were signing up for, and then we did it anyway.

When news of New York's vote reached Philadelphia on July 15th, the Continental Congress formally retitled the Declaration "The unanimous Declaration of the thirteen United States of America."

Then, nine months later, on April 20, 1777, as you all know well by now, New York went on to adopt its first constitution as a free and independent state.

Now, the reason I find this story worth telling is that, at its core, it's a story about what representative government actually looks like when the stakes are highest. It can be messy. It can be slow. It can be frustrating to those who want to achieve decisive action immediately. And no, this is not a commentary on the late budget.

The Third Provincial Congress looked

like it was failing, unable to act and issuing letters that essentially said, We can't decide.

But something important was happening underneath the surface. The political momentum shifted. New Yorkers got to decide their future for themselves. They acted decisively, and then they fought for that future with great vigor.

We talk a great deal in this building about the importance of public trust and a representative legitimacy, of making sure that people's voices are heard before we take consequential action. Two hundred and fifty years ago, on the most consequential question in our history, New York took that obligation seriously -- even when it was inconvenient, even when it looked like failure, and even when we had 12 other colonies waiting on us. And you know what? We got there.

So, Madam President, with that, I want to say Happy 249th Birthday to the great State of New York, and a very happy Constitution Day to each and every one of you.

Thank you.

ACTING PRESIDENT MAYER: Thank you,

Senator Gounardes, for educating us.

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

(Response of "Aye.")

ACTING PRESIDENT MAYER: Opposed, nay.

(No response.)

ACTING PRESIDENT MAYER: The resolution is adopted.

Senator Gianaris.

SENATOR GIANARIS: Let's move on to previously adopted Resolution 1710, by Senator Scarcella-Spanton, read its title, and call on Senator Scarcella-Spanton, please.

ACTING PRESIDENT MAYER: The Secretary will read.

THE SECRETARY: Resolution 1710, by Senator Scarcella-Spanton, memorializing Governor Kathy Hochul to proclaim April 2026 as the Month of the Military Child in the State of New York.

ACTING PRESIDENT MAYER: Senator Scarcella-Spanton on the resolution.

SENATOR SCARCELLA-SPANTON: Thank you, Madam President.

And thank you to all my colleagues for joining me in memorializing April as the Month of the Military Child here in New York State.

As a mother of two, I know firsthand how difficult military life is for families, especially for children. Our daughter, Emily, was born just 10 days before my husband did his second tour to Afghanistan. I know I have colleagues who also deployed with young children -- Senator Ashby, who's the ranking member, Senator Walczyk as well.

Despite these challenges, military children demonstrate remarkable adaptability, courage, and maturity. They learn flexibility, cultural awareness, and leadership skills that shape them into strong leaders for tomorrow.

Our military children embody service, pride, and commitment at a young age. This month is an opportunity to not only say thank you, but to renew our commitment to policies and programs that actually support our military families year round.

Honoring military children means ensuring they have the tools, support, and

opportunities to succeed.

As we continue to honor the service of our military, we must never forget the children who stand beside them. And I want to thank my colleagues for their service, their children for their service, my husband as well, and especially my children, Emily and Jack.

So thank you. I proudly vote aye.

ACTING PRESIDENT MAYER: Thank you, Senator.

The resolution was previously adopted on March 10th.

Senator Gianaris.

SENATOR GIANARIS: At this time please recognize Senator Rhoads for an introduction.

ACTING PRESIDENT MAYER: Senator Rhoads for an introduction.

SENATOR RHOADS: Thank you, Madam President.

We are all incredibly proud of the counties that we represent. I am honored, along with many of my colleagues here, to represent Nassau County, which has been deemed the safest county in America.

And that is not by accident. That is through an investment, through a culture where we respect our law enforcement and our first responders. It's through an investment made by our county government in pursuing the best technology, the best training, and the best equipment to make sure that our trained professionals in the Nassau County Police Department have the ability to operate efficiently and effectively to keep the people of Nassau County safe.

It's also because of the incredible volunteer program that we have that is provided by the Nassau County Police Department Explorers. These explorers are aged 14 to 21. They are from diverse backgrounds. They receive hands-on training in law enforcement, community service, and leadership.

More important than that, though, they are dedicated to the principle of public service. One of the things that we try and instill in all of our kids is the fact that you should be using your gifts and talents to try and make our corner of the world a little bit better for having been here. And these amazing young

people demonstrate that every day.

The Nassau County Police Department Explorer Program instills the values of discipline, responsibility, and teamwork, as well as a commitment to serving others.

And joining us in the gallery today are some representatives of that program. Joining us is Detective Sergeant Daniel Johannessen, whose leadership and mentorship have helped shape countless young lives.

And we also have Mario Doyle, who is a member of the Nassau County Police Foundation's executive board, whose continued support ensures that this program thrives.

But we also have some members of the Nassau County Police Explorers as well, including a remarkable alumnus. Joining us is Leslie Quintanilla-Lopez, who made history as the first former Nassau County Explorer to serve on the Explorer board, and who now continues her service as a United States Custom and Border Protection agent, an extraordinary testament to what this program can achieve.

We're also joined by two exceptional leaders in the program: Kaitlin Paige Slattery,

who is the highest-ranking Nassau County Explorer, serving as a two-star assistant chief; as well as Gianna Michelle Gomez, the second-highest-ranking Explorer, serving as a one-star deputy chief.

It is their leadership, dedication, and commitment to excellence that sets the standard for what it means to serve.

Also joining us are Explorers Joshua Williams, Yaqiao Zheng, Nicole Slattery, Manveer Sahansra, Blair Karpuz, Meylin Santos, Yoselin Polanco, Alejandro Gomez, Zohaib Ali, Angelica Gomez, and Robert Salerno.

Madam President, I would ask that you recognize these exceptional individuals.

At a time when law enforcement agencies across our state face recruitment challenges, programs like this become more important than ever. These young leaders are stepping up, they're answering the call, and they are preparing themselves to serve their communities with honor, integrity, and respect.

I ask that you extend to them the cordialities of the house.

Thank you, Madam President.

ACTING PRESIDENT MAYER: Thank you, Senator Rhoads.

To our guests from the Nassau County Police Explorers and those that have joined them here today, we welcome you to the Senate. We extend to you the privileges and cordialities of the house.

Please rise and be recognized.

(Standing ovation.)

ACTING PRESIDENT MAYER: Senator Gianaris.

SENATOR GIANARIS: Madam President, let's open all of today's resolutions to cosponsorship, please.

ACTING PRESIDENT MAYER: All of the resolutions today are open to cosponsorship. Should you choose not to be a cosponsor, please notify the desk.

Senator Gianaris.

SENATOR GIANARIS: I have some motions here, Madam President.

Amendments are offered to the following Third Reading Calendar bills:

By Senator Cleare, page 11, Calendar 262, Senate Print 4691A;

By Senator Hinchey, page 15, Calendar 417, Senate Print 593;

By Senator May, page 15, Calendar 416, Senate Print 8666;

And by Senator Ryan, page 12, Calendar 355, Senate Print 4832.

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

Senator Gianaris.

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

ACTING PRESIDENT MAYER: The Secretary will read.

THE SECRETARY: Calendar Number 169, Senate Print 1714, by Senator Brouk, an act to amend the Public Health Law.

ACTING PRESIDENT MAYER: Read the last section.

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

ACTING PRESIDENT MAYER: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT MAYER: Announce

the results.

THE SECRETARY: In relation to Calendar 169, voting in the negative are Senators Borrello, Canzoneri-Fitzpatrick, Griffo, Helming, Lanza, Martins, Mattera, O'Mara, Ortt, Rhoads, Stec, Tedisco, Walczyk, Weber and Weik.

Ayes, 47. Nays, 15.

ACTING PRESIDENT MAYER: The bill is passed.

THE SECRETARY: Calendar Number 260, Senate Print 4046, by Senator Harckham, an act to amend the Environmental Conservation Law.

SENATOR LANZA: Lay it aside.

ACTING PRESIDENT MAYER: The bill is laid aside.

THE SECRETARY: Calendar Number 393, Senate Print 3581, by Senator Rivera, an act to amend the Public Health Law.

ACTING PRESIDENT MAYER: Read the last section.

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

ACTING PRESIDENT MAYER: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT MAYER: Announce the results.

THE SECRETARY: In relation to Calendar 393, voting in the negative are Senators Borrello, Chan, Oberacker, O'Mara, Stec, Walczyk and Weik.

Ayes, 55. Nays, 7.

ACTING PRESIDENT MAYER: Senator Weik wanted to explain her vote.

Senator Weik to explain her vote.

SENATOR WEIK: Thank you, Madam President. I rise today to explain my vote.

Although lead in our service lines is critical to get rid of as it imposes terrible health conditions, I did speak with the sponsor of the bill hoping that he would change the only material used for these pipe replacements.

The bill dictates that they can only use copper instead of using other materials from the NSF-approved noncorrosive materials list, which poses a very expensive problem for those areas that are in low-lying water that get floods, like my district.

Saltwater corrodes copper very

quickly, which means the replacement of these lines is going to be costly and repetitive.

I'm disappointed to see that he did not amend the bill to include these other materials. And for that purpose only, I'm voting in the negative.

ACTING PRESIDENT MAYER: Senator Weik to be recorded in the negative.

Announce the results.

THE SECRETARY: In relation to Calendar 393, voting in the negative are Senators Borrello, Chan, Oberacker, O'Mara, Stec, Walczyk and Weik.

Ayes, 55. Nays, 7.

ACTING PRESIDENT MAYER: The bill is passed.

THE SECRETARY: Calendar Number 411, Assembly Bill Number 3318, by Assemblymember Dinowitz, an act to amend the General Business Law.

SENATOR LANZA: Lay it aside.

ACTING PRESIDENT MAYER: The bill is laid aside.

THE SECRETARY: Calendar Number 467, Assembly Bill Number 1396, by

Assemblymember Eachus, an act to amend the Civil Service Law.

ACTING PRESIDENT MAYER: Read the last section.

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

ACTING PRESIDENT MAYER: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT MAYER: Announce the results.

THE SECRETARY: Ayes, 62.

ACTING PRESIDENT MAYER: The bill is passed.

THE SECRETARY: Calendar Number 593, Assembly Bill Number 2657A, by Assemblymember Otis, an act to amend the Public Authorities Law.

SENATOR LANZA: Lay it aside.

ACTING PRESIDENT MAYER: The bill is laid aside.

THE SECRETARY: Calendar Number 594, Senate Print 1833A, by Senator May, an act to amend the Environmental Conservation Law.

ACTING PRESIDENT MAYER: Read the

last section.

THE SECRETARY: Section 5. This act shall take effect one year after it shall have become a law.

ACTING PRESIDENT MAYER: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT MAYER: Announce the results.

THE SECRETARY: Ayes, 62.

ACTING PRESIDENT MAYER: The bill is passed.

THE SECRETARY: Calendar Number 599, Senate Print 3835, by Senator Hinchey, an act to amend the Private Housing Finance Law.

SENATOR LANZA: Lay it aside.

ACTING PRESIDENT MAYER: The bill is laid aside.

THE SECRETARY: Calendar Number 603, Senate Print 6765A, by Senator Harckham, an act to amend the Environmental Conservation Law.

ACTING PRESIDENT MAYER: Read the last section.

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

ACTING PRESIDENT MAYER: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT MAYER: Announce the results.

THE SECRETARY: In relation to Calendar 603, voting in the negative are Senators Borrello, Chan, O'Mara, Ortt and Walczyk.

Ayes, 57. Nays, 5.

ACTING PRESIDENT MAYER: The bill is passed.

THE SECRETARY: Calendar Number 608, Senate Print 1055, by Senator Serrano, an act to amend the Executive Law.

ACTING PRESIDENT MAYER: Read the last section.

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

ACTING PRESIDENT MAYER: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT MAYER: Announce the results.

THE SECRETARY: In relation to

Calendar 608, 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 MAYER: The bill is passed.

THE SECRETARY: Calendar Number 630, Senate Print 1668, by Senator Harckham, an act to amend the Public Authorities Law.

ACTING PRESIDENT MAYER: Read the last section.

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

ACTING PRESIDENT MAYER: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT MAYER: Announce the results.

THE SECRETARY: In relation to Calendar 630, voting in the negative are Senators Borrello, Lanza, Mattera, Ortt, Walczyk and Weik. Also Senator O'Mara.

Ayes, 55. Nays, 7.

ACTING PRESIDENT MAYER: The bill is passed.

THE SECRETARY: Calendar Number 631, Senate Print 5111A, by Senator Parker, an act enacting the Just Energy Transition Act.

SENATOR LANZA: Lay it aside.

ACTING PRESIDENT MAYER: The bill is laid aside.

THE SECRETARY: Calendar Number 644, Senate Print 1463A, by Senator Kavanagh, an act to amend the Environmental Conservation Law.

SENATOR LANZA: Lay it aside.

ACTING PRESIDENT MAYER: The bill is laid aside.

THE SECRETARY: Calendar Number 646, Senate Print 2057B, by Senator Webb, an act to amend the Environmental Conservation Law.

ACTING PRESIDENT MAYER: Read the last section.

THE SECRETARY: Section 6. This act shall take effect one year after it shall have become a law.

ACTING PRESIDENT MAYER: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT MAYER: Announce the results.

THE SECRETARY: In relation to Calendar 646, voting in the negative are Senators Borrello, Chan, Gallivan, Griffo, Mattera, Murray, O'Mara, Ortt, Stec and Weik.

Ayes, 52. Nays, 10.

ACTING PRESIDENT MAYER: The bill is passed.

THE SECRETARY: Calendar Number 648, Senate Print 7809A, by Senator Salazar, an act to amend the Environmental Conservation Law.

ACTING PRESIDENT MAYER: Read the last section.

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

ACTING PRESIDENT MAYER: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT MAYER: Announce the results.

THE SECRETARY: In relation to Calendar 648, voting in the negative are Senators Ashby, Borrello, Canzoneri-Fitzpatrick,

Chan, Gallivan, Griffo, Lanza, O'Mara, Ortt, Rhoads, Stec, Walczyk, Weber and Weik.

Ayes, 48. Nays, 14.

ACTING PRESIDENT MAYER: The bill is passed.

THE SECRETARY: Calendar Number 650, Senate Print 9268A, by Senator Fahy, an act to amend the Environmental Conservation Law.

SENATOR LANZA: Lay it aside.

ACTING PRESIDENT MAYER: The bill is laid aside.

There's a substitution at the desk.

The Secretary will read.

THE SECRETARY: Senator Stavisky moves to discharge, from the Committee on Rules, Assembly Bill Number 10711 and substitute it for the identical Senate Bill 9598, Third Reading Calendar 658.

ACTING PRESIDENT MAYER: The Secretary will read.

THE SECRETARY: Calendar Number 658, Assembly Bill Number 10711, by --

SENATOR LANZA: Lay it aside.

ACTING PRESIDENT MAYER: The bill is laid aside.

THE SECRETARY: Calendar Number 697, Senate Print 6570A, by Senator Harckham, an act to amend the Environmental Conservation Law.

SENATOR LANZA: Lay it aside.

ACTING PRESIDENT MAYER: The bill is laid aside.

THE SECRETARY: Calendar Number 698, Senate Print 8512B, by Senator Krueger, an act to amend the Public Service Law.

SENATOR LANZA: Lay it aside.

ACTING PRESIDENT MAYER: The bill is laid aside.

Senator Gianaris, that completes the reading of the calendar.

SENATOR GIANARIS: Thank you, Madam President.

We have a lengthy controversial calendar today, so let's move on to that, please.

ACTING PRESIDENT MAYER: The Secretary will ring the bell.

The Secretary will read.

THE SECRETARY: Calendar Number 260, Senate Print 4046, by Senator Harckham, an act to amend the Environmental Conservation Law.

ACTING PRESIDENT MAYER: Senator Martins, why do you rise?

SENATOR MARTINS: Madam President, I was hoping that the sponsor would yield for a few questions.

ACTING PRESIDENT MAYER: Senator Harckham, do you yield?

SENATOR HARCKHAM: I do, Madam President.

ACTING PRESIDENT MAYER: The Senator yields.

SENATOR MARTINS: Thank you.

And thank you, Senator.

How many buildings in New York State currently use No. 4 heating oil?

SENATOR HARCKHAM: Through you, Madam President, that's a good question. We've been trying to ascertain that number.

We know what the number was in New York City. We know No. 4 fuel oil is still used in certain parts of Western New York. We don't have the exact number. But because there are much cleaner alternatives, even though that's a small number and there are cleaner alternatives, that's why we're going ahead with

the legislation for the statewide ban.

SENATOR MARTINS: Thank you.

Madam President, if the sponsor would continue to yield.

ACTING PRESIDENT MAYER: Do you continue to yield?

SENATOR HARCKHAM: I do, Madam President.

ACTING PRESIDENT MAYER: The sponsor yields.

SENATOR MARTINS: So it's my understanding that there are already prohibitions from certain local governments like the County of Westchester, the City of New York, with regard to No. 4 fuel oil. Are you aware of any other municipalities that have these prohibitions?

And as to the prohibitions that exist, do you know when they are actually enforcing the prohibition as to those locations?

SENATOR HARCKHAM: Through you, Madam President. Those were the two that we are aware of.

The dates for New York City, the timeline has been shortened to New York City buildings after July of 2025 last year. And for

all of the other boilers, by 2027. And the number of buildings in New York City is about 3200, 3300, something like that.

But unfortunately, all of them are in communities referred to as Asthma Alley in Northern Manhattan and the Bronx, high incidence of asthma. These are the older buildings with older boilers.

SENATOR MARTINS: Thank you.

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

ACTING PRESIDENT MAYER: Do you continue to yield?

SENATOR HARCKHAM: Yes, Madam President.

SENATOR MARTINS: So I understand there are buildings that still have not complied with the transition in New York City, in areas of Manhattan and the Bronx and other places, but predominantly there. There are buildings still in Westchester that have this prohibition, and perhaps they've done a census as to those buildings.

And yet we don't know what the impact of this bill would be and the scope of

this bill would be to any other community or any other property owner across the state, right?

SENATOR HARCKHAM: We know that fuel oil in general accounts for about 19 percent of heating in New York State. We don't know the exact proportion of No. 4. But we do know that it is used in other parts of the state.

But to the degree whether it's one home or 5,000 buildings, it's still a very, very harmful fuel to public health. And there are clean alternatives that are in some cases more affordable. Why wouldn't we encourage folks to switch?

SENATOR MARTINS: Thank you, Madam President. Through you, if the sponsor would yield.

ACTING PRESIDENT MAYER: Do you continue to yield?

SENATOR HARCKHAM: I do, Madam President.

ACTING PRESIDENT MAYER: The sponsor yields.

SENATOR MARTINS: Do we have a sense of how much it will cost on a per building or per household basis to convert from this type

of fuel to an alternative?

SENATOR HARCKHAM: Well, through you, Madam President, certain biofuels are less expensive than this. They burn cleaner, less harmful impacts to public health and to the environment.

The -- they can switch to propane, which could be a costly transition. They could switch to natural gas. Or they could switch to No. 2 fuel oil, which would not necessitate a change of equipment. It is a little bit more expensive per gallon, but it burns much more efficiently and cleanly because it's lighter, and so the ultimate cost is about a wash.

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

ACTING PRESIDENT MAYER: Do you continue to yield?

SENATOR HARCKHAM: I do.

ACTING PRESIDENT MAYER: The sponsor yields.

SENATOR MARTINS: So as to this transition, if the property owner was not to change equipment, to not have to go through the

expense of changing equipment, they would be able to use No. 2 fuel oil and as a result be able to also continue to heat their homes but not have the additional expense with regard to transitioning to an entirely different system, just changing the fuel oil.

Is that what I heard?

SENATOR HARCKHAM: Through you, Madam President, that is correct. As well as biodiesel.

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

ACTING PRESIDENT MAYER: Do you continue to yield?

SENATOR HARCKHAM: Yes.

ACTING PRESIDENT MAYER: The sponsor yields.

SENATOR MARTINS: Any -- any funding, you know, either in this bill or that you expect may exist in the budget that we are hoping will be resolved any day now, any funding that you see to help with that transition for anyone who's moving away from No. 4 heating oil to an alternative?

SENATOR HARCKHAM: I would say right now there is -- (pause).

Thank you. Thank you for the clarification.

Yes, things like the EmPower+ program allow homeowners, with support from New York State, to make upgrades for things like heat pumps, which are more efficient than home heating oil, for instance. Yes, so the EmPower+ program is designed to do just this.

And then when we talk about our larger building stock, that is one of the things that is talked about when a cap-and-invest program is debated. But that is not something that's on the table right now. But certainly EmPower+ for residential buildings.

SENATOR MARTINS: Thank you.

Madam President, if the sponsor would continue to yield.

ACTING PRESIDENT MAYER: Do you continue to yield?

SENATOR HARCKHAM: Yes.

ACTING PRESIDENT MAYER: The sponsor yields.

SENATOR MARTINS: As you were

preparing this bill and as you were proposing this bill, did you have occasion to determine why, if there is another source of fuel that is readily available rather than No. 4, why that particular -- those building owners or property owners continue to use No. 4 rather than another source of fuel?

SENATOR HARCKHAM: Through you, Madam President. No, the focus was really on more why weren't they switching when we know that the other fuels are just as viable.

So if you don't want to switch equipment, there are two other fuels, as we mentioned, No. 2 and biodiesel, that don't require retrofits. As we discussed, if you wanted to change to something like a heat pump, that would require a more expensive retrofit but there's EmPower+ and programs like that.

SENATOR MARTINS: Thank you.

Madam President, on the bill.

ACTING PRESIDENT MAYER: Senator Martins on the bill.

SENATOR MARTINS: And I want to thank Senator Harckham.

My concern, Madam President, when it

came to this bill was how this would transition and whether or not having an accurate or complete picture as to how many households or buildings are actually affected across the state, whether or not putting an artificial date and forcing people to transition could actually put people in harm's way.

So it should be, I think, a concern for all of us as we consider it. Some of these areas certainly in New York State, but certainly in Western New York, prone to snow effect and the effects of winter, we'd have to be very careful that we aren't forcing people into a situation where they would not be able to heat their buildings or their homes. And yet here we are.

And I want to thank Senator Harckham for the explanation. There are alternative fuels out there that are readily available and that are certainly more environmentally, frankly, better than -- not perfect, but certainly better than No. 4.

And so, you know, hearing from my colleague, I am still concerned about the costs of perhaps these buildings being retrofit. But I think in the context of the environment and those

things that we try to do here, certainly a bill that's worth supporting, and I'll be voting aye.

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

Seeing and hearing none, debate is closed.

The Secretary will ring the bell.

Senator Serrano.

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

ACTING PRESIDENT MAYER: The bill is restored to the noncontroversial calendar.

Read the last section.

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

ACTING PRESIDENT MAYER: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT MAYER: Announce the results.

THE SECRETARY: In relation to Calendar 260, voting in the negative are Senators Borrello, Chan, Gallivan, Griffo, Helming, Lanza, Mattera, Oberacker, O'Mara, Ortt,

Ryan, Stec, Walczyk, Weber and Weik.

Ayes, 47. Nays, 15.

ACTING PRESIDENT MAYER: The bill is passed.

THE SECRETARY: Calendar Number 411, Assembly Bill Number 3318, by Assemblymember Dinowitz, an act to amend the General Business Law.

ACTING PRESIDENT MAYER: Senator Canzoneri-Fitzpatrick, why do you rise?

SENATOR CANZONERI-FITZPATRICK: Thank you, Madam President. I was wondering if the sponsor would yield for a few questions.

ACTING PRESIDENT MAYER: Senator Kavanagh, do you yield?

SENATOR KAVANAGH: Happily, Madam President.

ACTING PRESIDENT MAYER: The Senator yields.

SENATOR CANZONERI-FITZPATRICK: Through you, Madam President. Thank you, Senator Kavanagh, for agreeing to discuss this bill.

In the litigation world, arbitration is a very useful tool. It creates judicial

economy, it takes cases out of our court system, and it allows for cases to be settled without going through the judicial process.

Typically arbitration is confidential between parties and it is not subject to public disclosure to the extent that there's a settlement, there's agreement on certain terms, and typically there may be complex settlement terms.

So if I understand your bill correctly, this bill would require that private arbitration organizations that handle 50 or more consumer cases must publicly report detailed information, including the parties' identities, the outcome, the arbitrator's fees, the number of arbitrations that that company has been involved in, and a lot of detailed information.

So my question for you is, why is this bill necessary? Why have you proposed this bill?

SENATOR KAVANAGH: Thank you. Through you, Madam President, thank you for the question.

This is a bill that, you know, I know that my colleague across the aisle has a

great deal more experience with some litigated matters where this might be relevant than I do, but -- and certainly where arbitration is an important tool. And this bill is not in any way intended to diminish its usefulness as a tool.

It does, however, intend to do three things. First of all, it is intended to create some basic transparency about how our arbitration organizations are working. It does not require the disclosure of all parties to arbitration.

It requires disclosure of the results of arbitration cases when -- it effectively requires it when there's a non-consumer party in consumer arbitration. It discloses the non-consumer party, meaning the -- typically a corporate entity that has a dispute about a consumer transaction with an individual consumer.

It does provide a series of other data, including summary data about the results of arbitration and the types of disposition of the cases and other data about how that arbitration organization is functioning.

In addition, the bill has provisions that are intended to prevent conflicts of

interest. It says that the entity arbitrating can't be an entity that either owns or is owned by one of the parties to the arbitration. And there's definitions about what would constitute ownership.

And finally, it creates some enforcement provisions for this -- for these provisions and for existing provisions of state law in the General Business Law, including the opportunity for the Attorney General to enforce on behalf of the public.

So in terms of why we're doing this, we have seen that in other jurisdictions these laws have been implemented successfully. The first of them has been in place for nearly 20 years in Washington, D.C., but Maryland and California have also implemented very similar laws.

And the idea is that if arbitration organizations are purporting to be places where people can go to get, you know, credible, objective adjudication of their disputes, that there ought to be some basic transparency about how they work. And in particular, there ought to be some transparency about their relationships

with the corporate entities and the business entities that might be using them and directing arbitration to those organizations.

SENATOR CANZONERI-FITZPATRICK: Through you, Madam President, will the sponsor continue to yield?

ACTING PRESIDENT MAYER: Do you continue to yield?

SENATOR KAVANAGH: Yes, Madam President.

ACTING PRESIDENT MAYER: The sponsor yields.

SENATOR CANZONERI-FITZPATRICK: So the Business Council has noted for us that the American Arbitration Association already publishes redacted awards, maintains public registries, and supervises what goes on with arbitration.

So can I ask you, is the AAA not doing enough to monitor what's going on?

SENATOR KAVANAGH: I have the Business Council's memo. I actually don't read anything in their memo that is a criticism of this bill, other than to say -- correctly -- that the Arbitration Association does provide some

data about how members of that association operate.

Again, I don't believe that all arbitrating organizations are members of this particular AAA. But there's nothing in this bill that criticizes that process. This bill does go substantially further in terms of the kind of data that would be necessary and the manner in which it's disclosed to the public.

And so again -- and their memo, again, it doesn't -- I don't read anything in the Business Council's memo that is critical of this bill other than to say they believe the Arbitration Association is doing a good enough job.

And obviously the State of California and the State of Maryland and the District of Columbia have disagreed over the years and passed bills very, very similar to the one that's before us.

SENATOR CANZONERI-FITZPATRICK: Through you, Madam President, will the sponsor continue to yield.

ACTING PRESIDENT MAYER: Do you continue to yield?

SENATOR KAVANAGH: Yes, Madam President.

ACTING PRESIDENT MAYER: The sponsor yields.

SENATOR CANZONERI-FITZPATRICK: So has there been a question posed -- or who has requested this legislation to say that we're not seeing that the AAA is monitoring the arbitration world sufficiently?

SENATOR KAVANAGH: Again, through you, Madam President, arbitration -- again, it's an important process, it's a good process to have available, but it is not a process that has been above reproach.

There have been criticisms in various industries about the secrecy around arbitration. My colleague across the aisle mentioned that sometimes the results of arbitration are not disclosed. The reasons for that are not necessarily reasons that are in the public interest.

That some people think that that kind of nondisclosure, for example, permits someone to engage in practices that are contrary to the public interest, repeatedly. And then

when a particular party challenges that, they go to arbitration, they settle it, and they keep the results of that secret so that there can't be a broader question of whether those policies -- whether those practices ought to be ongoing.

So again, this bill is intended and has -- again, this has been around for a number of years. I've been carrying it for years. The Assembly has passed it a few times in the past. And, you know, various consumer organizations and others who are concerned that arbitration happens in a way that's not sufficiently transparent to assess how particular organizations are functioning have suggested that a little more transparency in New York would be useful, as has been found to be the case in other states.

SENATOR CANZONERI-FITZPATRICK: Through you, Madam President, will the sponsor continue to yield.

ACTING PRESIDENT MAYER: Do you continue to yield?

SENATOR KAVANAGH: Yes, Madam President.

ACTING PRESIDENT MAYER: The sponsor yields.

SENATOR CANZONERI-FITZPATRICK: So I'm not sure if the Senator is aware that FINRA, the Financial Industry Regulatory Authority, also wrote a memorandum regarding this legislation.

And that FINRA is governed by the Securities and Exchange Act of 1934, and that they are consistently working with the New York Investor Protection Bureau regarding arbitration.

And that this bill could create a conflict between state and federal law concerning FINRA's arbitration forum.

And I'll note that there are several states that have removed FINRA from their arbitration proposals, specifically Arizona, California, District of Columbia, Maryland, Nevada, and West Virginia.

And I'm wondering if that was a consideration for you to remove FINRA and -- I'm sorry, to propose an exemption that any arbitration-related proposals that were governed by FINRA would be exempt from your statute.

SENATOR KAVANAGH: Yes. Through you, Madam President, yes. We -- my own staff met with FINRA, our central staff met with FINRA.

I'm in possession of a letter from

FINRA that was addressed to the Consumer Protection Committee chair, Senator May, and copied to me and some other Senators, dated February 24th, where FINRA has laid out their arguments.

I will note that in recent conversations they seem to be upping the argument and asserting that the bill before us would be preempted by federal law because FINRA does function in a manner that has some interaction with the SEC.

However, I -- and I am aware that some other states have been lobbied successfully by FINRA to be excluded from these kinds of statutes.

However, the sufficiency of the FINRA reporting is -- you know, this bill would have some different standards, some additional standards of reporting, and it would also make FINRA consistent with a wider -- with the broader general obligations in New York for arbitration organizations to report.

I will also note that FINRA itself, although, you know, it's a worthy organization and it's done some good work in various cases,

has also not been above reproach. There have been physical strong assertions with substantial evidence behind them that sometimes FINRA has improper relationships with parties to their own arbitration, including, you know, a couple of bad cases we saw that went to federal court challenging how FINRA was operating.

But again, there's nothing in this bill -- again, in reading FINRA's concerns, I understand that they think that the data that they report is sufficient. This bill would have them reporting a few additional items. And again, it would permit them basically to report that by posting it on their own website.

So the way I read this, the FINRA -- FINRA's website would have to have a few additional data points for arbitrations that they do in New York. And I don't think it's a major imposition on them. And there's nothing in this bill that suggests that FINRA is any better or any worse than any other arbitration organization.

But they did not make a compelling case, in my mind, for being excluded or exempted from the bill.

SENATOR CANZONERI-FITZPATRICK: Through you, Madam President, will the sponsor continue to yield?

ACTING PRESIDENT MAYER: Do you continue to yield?

SENATOR KAVANAGH: Yes, Madam President.

ACTING PRESIDENT MAYER: The sponsor yields.

SENATOR CANZONERI-FITZPATRICK: So in a climate where we have financial institutions leaving New York because of overregulation and other financial considerations, we're now creating an additional burden on financial service companies by requiring them to now comply with this dual regulatory system that you're creating by this bill.

And is there any consideration of the fact that we're going to lose companies when we need tax revenue in this state, we need these financial companies to stay here and not take their jobs. And if we put more burden on them, aren't they going to leave New York?

SENATOR KAVANAGH: Through you, Madam President. I do -- as it happens, I do

represent Wall Street, the physical street, as well as many folks that work in that industry. I have great respect for that industry, it's a very important driver of economic activity in our state.

But I don't think there's anything about this bill that would alter either the business prospects or the business decisions of Wall Street firms.

Again, we would be simply imposing some basic standards of transparency and accountability on their arbitration processes, to the extent that they are arbitrating cases in New York with New York parties.

And, you know, having to summarize -- if you're an arbitration organization like FINRA and having to summarize how many cases you did and what the disposition of those cases were, and a few -- I mean, the bill has basically 10 data points total that they would have to make available to the public. They are already making a number of data points available. FINRA itself asserts that transparency and making data available is a valuable thing.

Again, my view is that this bill,

although I respect FINRA's desire to be excluded from this generally applicable rule that we'd be imposing in New York, I don't think it's going to have a meaningful effect on FINRA's operations or their expenses.

SENATOR CANZONERI-FITZPATRICK: Through you, Madam President, will the sponsor continue to yield.

ACTING PRESIDENT MAYER: Do you continue to yield?

SENATOR KAVANAGH: Yes, Madam President.

ACTING PRESIDENT MAYER: The sponsor yields.

SENATOR CANZONERI-FITZPATRICK: So a question I have is, how will this information now be shared with the public? I believe it's through a state-specific database that now these organizations have to upload the information.

Could you explain to me how that process is going to work?

SENATOR KAVANAGH: Through you, Madam President. The arbitration organization would basically be required to publish the data and make it available to the public.

So it would -- they would be able to -- they would have to provide it in written form if requested, but if they make it available digitally, they would be able to charge the actual cost of publishing it. And I think it's a safe bet that if it's available on their website, you know, people paying them to print it would be unlikely.

But basically for arbitrations commenced after January 1st of 2027, they would have to publish -- they would have to make public basic data about their -- on a web platform about their various arbitrations.

SENATOR CANZONERI-FITZPATRICK: Through you, Madam President, will the sponsor continue to yield.

ACTING PRESIDENT MAYER: Do you continue to yield?

SENATOR KAVANAGH: Yes, Madam President.

ACTING PRESIDENT MAYER: The sponsor yields.

SENATOR CANZONERI-FITZPATRICK: So you just brought me to another question that I have regarding the effective date. Because my

understanding is that is -- this is effective for January 1st of 2027 for all arbitrations after that date.

But one of the things I'm wondering about is the companies are required to post historical data for six months in the past, if my understanding is correct -- I'm sorry, five years of historical data. And is six months a realistic time frame to allow them, these companies, time to upload all this information and make it public in requirement to the statute?

Because my understanding is if we don't, we're sort of setting them up for violations immediately upon the effective date of this legislation. And my understanding, again, is that the penalty could be $2,000 for every violation. And I'm concerned that we don't have enough time to set this up in compliance with the statute.

SENATOR KAVANAGH: Thank you.

Through you, Madam President, I did want to confirm my impression before I responded to the question. But the way I read this bill and the way our counsel reads this bill, it applies to arbitrations commenced on or after

January 1, 2027.

And so there will be an ongoing basis to keep five years of data available, but only for arbitrations that were required to report on by this statute.

So by January 1, 2032, they will have five years of data that they will need to be reporting on, and then the obligation to retain that data will expire each day.

But it doesn't -- there's nothing about this bill that would require data to be reported from, you know, 2001, 2002, 2003. It only applies as indicated in subdivision 3, paragraph (c), it only applies -- shall apply to consumer -- for arbitrations, only those commenced after January 1, 2027.

The bill does go into effect 180 days after enactment. So, you know, if we pass it during the course of calendar 2026 and it gets signed later in the year, people might have to report data on things that were commenced after the effective date, but it wouldn't go back further than January 1, 2027.

SENATOR CANZONERI-FITZPATRICK: Through you, Madam President, will the sponsor

continue to yield?

ACTING PRESIDENT MAYER: Do you continue to yield?

SENATOR KAVANAGH: Yes, Madam President.

ACTING PRESIDENT MAYER: The sponsor yields.

SENATOR CANZONERI-FITZPATRICK: So I touched on this a little bit before, but I wanted to revisit it. The bill requires publication of a consumer's zip code, the type of dispute, the prevailing party. And it even requires the disclosure of annual wage range for employees in employment-related disputes. And that is troubling to me since we're talking about employment issues.

I'm wondering, too, have you considered the fact that many settlements have a nondisclosure agreement as part of it? So with this required disclosure, are we eliminating the ability of parties to bargain for a nondisclosure agreement?

SENATOR KAVANAGH: Through you, Madam President. I suppose there could be some circumstance where somebody would write a

nondisclosure agreement that was so aggressive that it would violate this statute.

But just, again, the bill does not require -- it requires that summary data about the range of incomes of parties who are otherwise not disclosed be included in a database.

So it would not say "Brian Kavanagh, who as a Senator makes $142,000 annually, was the subject of this dispute." It would say there was a party to an employment dispute, and it was settled and the range of -- that person's income fell within a broad range, between $100,000 and $250,000 I think is the range that would be applicable there. Although I can verify that, if you'd like.

So I don't think that that kind of disclosure would be likely to violate a standard nondisclosure agreement, which typically is about, you know, the assertions that each party made about each other. And even the fact that they've resolved their dispute would not necessarily be indicated by the summary data that this bill would require.

SENATOR CANZONERI-FITZPATRICK: Through you, Madam President, will the sponsor

continue to yield.

ACTING PRESIDENT MAYER: Do you continue to yield?

SENATOR KAVANAGH: Yes, Madam President.

ACTING PRESIDENT MAYER: The sponsor yields.

SENATOR CANZONERI-FITZPATRICK: One of the other items that caught my attention was the fact that the bill applies to the financial threshold of having a 1 percent or a $1500 interest that you are -- you know, you're treated as having a financial interest in these arbitration companies for quite a small amount.

And I'm wondering why that threshold is set so low.

SENATOR KAVANAGH: Through you, Madam President. I think that the -- the idea -- what we're going for here is if an entity is arbitrating a matter that's before your -- that entity, that the parties should not have an ownership interest in the entity.

What we've basically created is a de minimis exemption to that. So we could have just said no ownership interest whatsoever, but,

I don't know, it might be the case that the entity is publicly traded or broadly owned, and maybe -- you know, maybe I own a few shares of stock. And so somebody could say, Well, you own 1/10,000th of a percent of that company because you're a holder of stock in a company that has an interest in that.

So this is basically just a de minimus exception. But the goal is such that basically people -- if you own a piece of the entity, it shouldn't be arbitrating your dispute.

SENATOR CANZONERI-FITZPATRICK: Madam President, on the bill.

ACTING PRESIDENT MAYER: Senator Canzoneri-Fitzpatrick on the bill.

SENATOR CANZONERI-FITZPATRICK: I want to thank Senator Kavanagh for the discussion regarding this bill. It's always a pleasure to discuss things with him.

As you heard in the very beginning, arbitration is a useful tool to bring resolution to matters when it's more efficient to take it out of the court system, and it allows for judicial economy on a number of levels.

This bill requires that everything

be disclosed. It puts a burden on our financial service organizations. It puts a burden on our arbitration companies. And those are the people that we're employing in this state, that are paying taxes, that we're trying to keep here in New York.

And I think this is just another level of regulation that is going to push companies out of New York State.

I understand the concept of transparency. I'm all for it. But in litigation there are reasons why we don't always disclose the employment settlement -- because of wage concerns, we don't necessarily want all of the details disclosed all the time. Which is why we frequently bargain for nondisclosure agreements in our settlements.

For these reasons, I'll be voting nay, and I encourage my colleagues to do the same. Thank you.

ACTING PRESIDENT MAYER: Thank you.

Are there any other Senators wishing to be heard?

Senator Serrano.

SENATOR SERRANO: Madam President,

upon consent, we've agreed to restore this bill to the noncontroversial calendar.

ACTING PRESIDENT MAYER: I'm sorry, I see Senator Martins.

Why do you rise?

SENATOR MARTINS: Before we restore it to the noncontroversial calendar, I was hoping the sponsor would yield.

Actually, on the bill, Madam President.

ACTING PRESIDENT MAYER: Senator Martins on the bill.

SENATOR MARTINS: So let's talk for a minute about arbitration.

There are arbitration clauses in contracts, folks. People decide they want to arbitrate rather than litigate. There's a reason for this. They may not want it to be public. That's their right.

They decide that it's going to be arbitrated either before an association, the American Arbitration Association, but there are several organizations that provide for arbitration services. They don't perform the arbitration. The arbitration is performed by

individuals.

Subject matter experts, that's what this is about. You want people who are arbitrating who understand the concepts that you're going to be presenting to them.

They provide you with their C.V.s, they tell you who they are. And then when they find out about the case, they tell you whether or not there are any conflicts, because they don't want to be involved in a case that may involve a conflict of interest.

So you pick and you rank a number of arbitrators on either side. When both sides agree on an arbitrator or, if it's a panel, three arbitrators, you move forward and you have the case decided. It makes sense.

There's no public disclosure. We don't have a public right to know what two private entities will or will not do or how they want to resolve their particular dispute. We want them to resolve it amicably, and we want to make sure that they stay out of court because our judicial system is already overwhelmed.

So I frankly don't understand, Madam President, why we would put this kind of a

burden on the businesses and those individuals who actually have contracted to require for alternative dispute resolution rather than go to litigation. That's what this is all about. We're supposed to make it easy, get out of the way.

But yet here we are, once again, inserting ourselves into a process that's not broken. It's not broken. Yet we're going to find a solution to a problem that doesn't exist. Once again, congratulations, here we are.

And for what? What right does anyone have to know how two parties who contracted to go to arbitration decided to resolve their case?

So we talked about FINRA, we'll talk about the American Arbitration Association. But you know what? I've tried cases and I've arbitrated cases in front of an individual, a single person that both sides decided, you know what, we believe this person is capable and we want that person to be the arbitrator for our case. And we had a right to do it. The parties agreed, and so be it.

Why would we insert requirements

into a process and make it even more complicated, costly? It just doesn't make sense, frankly. And I think what it's actually going to do, with respect to our colleague and to the sponsor, it's going to make it more difficult for people to arbitrate.

Madam President, you look at any construction contract between an owner and a design professional, between an owner and a general contractor or project manager, between a general contractor and a subcontractor -- you look at contracts between suppliers and contractors, every one of them has an arbitration clause. Every one of them -- many of them have nondisclosure agreements as well. It's not done by the association. It's done by the parties.

So this idea that somehow we're going to make this process easier by simply requiring public disclosure -- of what? So no, no, there isn't a problem that needs to be fixed. No, this isn't necessary. And frankly, we're adding layers that have no place in a system that wants it to be resolved quickly, efficiently. And the system is there.

So Madam President, I'll be voting

no. I encourage all of my colleagues to, although I know where this is going to end up. We all do. But the reality is we're making a mistake today, again. Because there is no reason why we would complicate ADR as a source of dispute resolution and put additional burdens on our communities, private consumers, or business entities. And to what end?

I vote no.

ACTING PRESIDENT MAYER: Senator Serrano.

SENATOR SERRANO: Thank you, Madam President. As I mentioned before, upon consent, we've agreed to restore this bill to the noncontroversial calendar.

ACTING PRESIDENT MAYER: The bill is restored to the noncontroversial calendar.

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 MAYER: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT MAYER: Senator

Kavanagh to explain his vote.

SENATOR KAVANAGH: Thank you, Madam President.

I rise first of all to thank my colleagues, you know, for debate and also for some commentary on this bill. I think it's always good to, you know, share perspectives.

Just a few clarifying points. First of all, there's nothing in this bill that would require any particular obligation on an arbitrating party. And in fact, also it would not impose any obligation on a particular individual who is doing arbitrations unless that person constitutes an arbitration organization doing 50 or more arbitrations annually, which would be, you know, at least a modest-sized arbitration company.

Secondly, the data that is required is basically minimal data about the disposition of various arbitrations, about the kinds of parties. It does not violate the confidentiality of the particular parties.

And just to respond, just to -- I see I've inspired a response to my response. But just to respond to this notion that we are --

that people are freely agreeing to arbitrate.

It is a fact that as we go through our lives and purchase consumer products and services of various kinds, we are very often agreeing to arbitration clauses without giving much thought to how that's going to play out if we have a dispute with the cellphone company, with our utility, with many other parties that might be bringing us into a situation where we're required to go to an arbitration.

Again, there's nothing in this bill that prevents those, that makes those clauses invalid or prevents from applying. It simply says that if you are in the business of arbitrating cases, if you're an arbitration organization of a substantial size, of a substantial amount of activity, there will be some basic data.

And yes, if I were somebody in a construction dispute, I might be interested to know that the arbitration organization that we're talking to, you know, has found 100 percent of the time in favor of the builder, which is an adverse party to me as maybe a homeowner or an individual trying to buy a home.

So again, this is a bill about basic transparency. It doesn't meaningfully impede the ability of people to arbitrate. It doesn't meaningfully alter the terms of arbitration agreements. It simply requires 10 items of basic data that as an arbitration organization I would have to publish.

And I vote aye. Thank you.

ACTING PRESIDENT MAYER: Senator Kavanagh to be recorded in the affirmative.

Senator Martins to explain his vote.

SENATOR MARTINS: Thank you, Madam President.

And again, I want to thank the sponsor.

But maybe there's a basic misunderstanding, Madam President. Associations don't arbitrate. They don't decide. Arbitrators do. Individuals do. And that's where the parties agree on a person, and that's where the disclosure takes place.

And there's obviously a reason why people may not want to know that they're arbitrating. Companies and individuals may not want their names published. They have a right to

privacy.

If they're able to reach agreement on something, why would this body force them to actually be disclosed? And to what end? What public policy can there possibly be to have somebody have to provide their name or the name of their company and that they arbitrated a dispute with somebody else. It's wrong.

I'll be voting no.

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

Announce the results.

THE SECRETARY: In relation to Calendar 411, voting in the negative are Senators Ashby, Borrello, Canzoneri-Fitzpatrick, Chan, Gallivan, Griffo, Helming, Lanza, Martins, Mattera, Martinez, Murray, Oberacker, O'Mara, Ortt, Palumbo, Rhoads, Rolison, Stec, Tedisco, Walczyk, Weber and Weik.

Ayes, 39. Nays, 23.

ACTING PRESIDENT MAYER: The bill is passed.

THE SECRETARY: Calendar Number 593, Assembly Bill Number 2657A, by Assemblymember Otis, an act to amend the

Public Authorities Law.

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

SENATOR WALCZYK: Madam President, I hope the -- someone would stand in for the sponsor and answer some questions.

ACTING PRESIDENT MAYER: Senator Liu will be responding to questions.

Senator Liu, do you agree to questions?

SENATOR LIU: Yes. The sponsor is not able to join us today and asked me to stand in.

ACTING PRESIDENT MAYER: The Senator yields.

SENATOR WALCZYK: Thank you. Through you, Madam President.

So this bill would provide funds collected by NYSERDA from utility bills, from ratepayers, to offer landscaping companies rebates on battery-operated equipment.

Why should people fund this program through their utility bills?

SENATOR LIU: Through you, Mr. President, NYSERDA already has similar

programs in place funded in the same way. There is no anticipation that this particular bill would necessitate any increase in those fees.

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

ACTING PRESIDENT BAILEY: Will the sponsor yield?

SENATOR LIU: Yes, Mr. President.

ACTING PRESIDENT BAILEY: The sponsor yields.

SENATOR WALCZYK: Through you, Mr. President. So which programs will we be directing NYSERDA to take away from if no additional costs are going to be associated with this new program?

SENATOR LIU: Through you, Mr. President. NYSERDA is a substantially sized entity with a substantial amount of resources. NYSERDA will decide where they can aggregate the amount of funding necessary for this program. Which is not anticipated to be a very large amount.

SENATOR WALCZYK: Mr. President, would the sponsor continue to yield?

ACTING PRESIDENT BAILEY: Will the sponsor yield? Senator Liu, do you yield?

SENATOR LIU: Yes, I do, Mr. President.

ACTING PRESIDENT BAILEY: The Senator yields.

SENATOR WALCZYK: Through you, Mr. President.

Many of the programs that NYSERDA has in place now are statutory. We require them to. Others, green pots of money that are taken out of utility bills, are not.

I'm looking specifically -- are there programs that you anticipate NYSERDA will discontinue in order to pay for the battery-operated landscaping equipment for these companies?

SENATOR LIU: Through you, Mr. President. Certainly not.

SENATOR WALCZYK: Would the sponsor continue to yield.

ACTING PRESIDENT BAILEY: Will the sponsor yield?

SENATOR LIU: Yes, Mr. President.

ACTING PRESIDENT BAILEY: The

sponsor yields.

SENATOR WALCZYK: Through you, Mr. President. The Governor vetoed this bill, explaining that some landscaping companies are already doing this where it makes sense.

Why is this bill required if there's already landscaping companies adopting battery-operated equipment where it makes sense to them?

SENATOR LIU: Through you, Mr. President. There are some landscaping companies that are making the switch to electric and battery-powered equipment, but there are many that have not and have articulated some financial hardship in doing so.

What this bill does is encourage the use and the switch-over to these battery-powered devices, again for the primary purposes of reducing air pollution and noise pollution.

SENATOR WALCZYK: Mr. President, would the sponsor continue to yield?

ACTING PRESIDENT BAILEY: Will the sponsor yield?

SENATOR LIU: Yes, Mr. President.

ACTING PRESIDENT BAILEY: The

sponsor yields.

SENATOR WALCZYK: And I know this isn't your bill, but on page 2 when you're talking -- when the sponsor is talking about lawn care devices, saying to NYSERDA that they shall include, but not limited to, such devices as walking and riding lawnmowers, lawnmower attachments, lawn edgers and trimmers, hedge trimmers, leaf blowers, leaf vacuums, mulchers, chippers, chainsaws, polesaws, augers, cultivators and tillers, snowblowers and snow shovels -- which I brought up the last time I talked about this bill on the floor -- as well as batteries, chargers and power management equipment.

What is the definition of power management equipment? Are we talking about generators?

SENATOR LIU: Through you, Mr. President. The devices envisioned here are what most people in my community, and I'm guessing in your community as well, would understand to be landscape maintenance devices. And that -- and these landscape maintenance devices, particularly with if they're battery

powered, will require power.

Power management -- I cannot speak to the specific device here, but I would imagine that they include chargers.

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

ACTING PRESIDENT BAILEY: Will the sponsor yield?

SENATOR LIU: Yes, Mr. President.

ACTING PRESIDENT BAILEY: The sponsor yields.

SENATOR WALCZYK: And just so that I understand this correctly, when you talk about chargers, because batteries are already specifically outlined, does that mean a fossil fuel generator, in order to charge batteries for landscaping equipment -- I didn't see any prohibition, so I just wanted a clear definition of power management equipment and whether that included fossil fuel generators.

SENATOR LIU: Through you, Mr. President. That is not contemplated in this bill.

SENATOR WALCZYK: Thank you.

And would the sponsor continue to yield?

ACTING PRESIDENT BAILEY: Will the sponsor yield?

SENATOR LIU: Yes, Mr. President.

ACTING PRESIDENT BAILEY: The sponsor yields.

SENATOR WALCZYK: California, usually out of the curve on some of these things for -- compared to New York, they passed a similar program to this and they actually mandated high-quality and professional batteries would be the only ones eligible.

Is there any such mandate in this bill? Or will NYSERDA just be able to decide who's eligible and what batteries are?

SENATOR LIU: Through you, Mr. President, we leave that decision to NYSERDA's expertise.

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

ACTING PRESIDENT BAILEY: Will the sponsor yield?

SENATOR LIU: Yes, Mr. President.

ACTING PRESIDENT BAILEY: The sponsor yields.

SENATOR WALCZYK: There's been, at least from some in this body, a growing swell of legislation -- some of them actually on the agenda today -- for extended producer responsibility.

Is there any responsibility for the producers of those batteries to see that they get recycled in the State of New York? Or should we just anticipate that all of these additional batteries that ratepayers are helping to fund, specifically for landscaping companies, will end up somewhere out in the stream or in a landfill?

SENATOR LIU: Through you, Mr. President, we already have a rechargeable battery extended producer program.

SENATOR WALCZYK: Thank you.

Mr. President, on the bill.

ACTING PRESIDENT BAILEY: Senator Walczyk on the bill.

SENATOR WALCZYK: And I appreciate the answers and the stand-in today.

Ratepayers cannot afford to subsidize equipment for landscaping companies. I

think that's the overall message that I want to convey today.

They want us to lower their energy bills, not to heap on additional programs to subsidize little pots of money for specialty projects like this.

I haven't had a single constituent ever approach me and say, I would like you to add some cost onto my energy bill so that I can help out my local landscaper get more batteries.

And that what's you need to remember, that people's bills are paying for this.

So I'll be voting no.

Thank you, Mr. President.

ACTING PRESIDENT BAILEY: Thank you, Senator Walczyk.

Are there any other Senators wishing to be heard?

Seeing and hearing none, debate is closed.

Senator Serrano.

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

ACTING PRESIDENT BAILEY: On consent, the bill is restored to the noncontroversial calendar.

Read the last section.

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

ACTING PRESIDENT BAILEY: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT BAILEY: Announce the results.

THE SECRETARY: In relation to Calendar 593, voting in the negative are Senators Gallivan, Mattera, Murray, O'Mara, Ortt, Stec, Walczyk and Weik.

Ayes, 54. Nays, 8.

ACTING PRESIDENT BAILEY: The bill is passed.

THE SECRETARY: Calendar Number 599, Senate Print 3835, by Senator Hinchey, an act to amend the Private Housing Finance Law.

ACTING PRESIDENT BAILEY: Senator Martins, why do you rise?

SENATOR MARTINS: Mr. President, if the sponsor would yield for some questions.

ACTING PRESIDENT BAILEY: Will the sponsor yield?

SENATOR HINCHEY: I do.

ACTING PRESIDENT BAILEY: The sponsor yields.

SENATOR MARTINS: Thank you.

Senator, is -- this bill is restricted to not-for-profits or municipal entities purchasing a right to a manufactured home community or, in this case, manufactured home parks.

Are these parks owned as co-ops by the people who live in those units? Or is the land owned and then rented to people who place their mobile parks or their manufactured homes on the land?

SENATOR HINCHEY: Through you, Mr. President, many of these mobile home parks, the land is actually owned by an individual and the folks who live there own their homes, they own the mobile homes, but they do not own the land underneath it.

There are different sets for how those agreements go about, but they do not own the land.

Which is why it's important to be able to give them an ability to have security in their housing.

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

ACTING PRESIDENT BAILEY: Will the sponsor yield?

SENATOR HINCHEY: I do.

ACTING PRESIDENT BAILEY: The sponsor yields.

SENATOR MARTINS: So if they don't own the land, is it the owner of the manufactured home on the property that would have a right to finance and reach these agreements? Or is it the underlying property owner that would have the ability to sell or finance that property, under this bill?

SENATOR HINCHEY: Through you, Mr. President, this would be an agreement between the owner of the land and a not-for-profit or a community organization or a municipality that is looking to preserve that land as a manufactured or mobile home park.

SENATOR MARTINS: Through you,

Mr. President, if the sponsor would continue to yield.

ACTING PRESIDENT BAILEY: Will the sponsor yield?

SENATOR HINCHEY: I do.

ACTING PRESIDENT BAILEY: The sponsor yields.

SENATOR MARTINS: So I see in the bill that they would be able to sell not only their development rights, but to -- excuse me, to finance and transfer the development rights but also to finance the property itself. And that we're going to provide them, through the bill, with the right to access funding and I guess advice from the commissioner of DHCR.

Is there anything in the bill that would require as a condition that they continue to use the park as a manufactured home or mobile park?

SENATOR HINCHEY: Through you, Mr. President. Yes, that is the entire purpose of this bill.

The folks who would be negotiating or engaging in that discussion with the owner of the property would be then creating that land in

perpetuity for mobile home or -- for a mobile home park.

SENATOR MARTINS: Through you, Mr. President, if the sponsor would continue to yield.

ACTING PRESIDENT BAILEY: Will the sponsor yield?

SENATOR HINCHEY: I do.

ACTING PRESIDENT BAILEY: The sponsor yields.

SENATOR MARTINS: And so just so we're clear, the not-for-profits that we're talking about, or the municipalities, how would -- they would access funding, and what would they get back for the community for purposes of, you know, repayment of that loan in order to purchase those development rights?

SENATOR HINCHEY: Through you, Mr. President. If I understand my colleague correctly, he's asking what's in it for the nonprofit, what's in it for the municipality.

I would answer the organizations, like a land bank, their entire purpose is to help make homes affordable and to keep people in their homes.

Mobile home parks and manufactured homes in communities like mine and in many communities across the state, especially in upstate, mobile home parks account for the majority of our affordable housing. And so the benefit is to help people stay in their homes.

We do a lot in this body, as a state, to help build different kinds of housing, especially workforce affordable housing. But oftentimes mobile homes and manufactured homes are not included in those programs.

And so this is a specific program to help protect manufactured homes and mobile home parks because they are at greatest risk of development. The land, you can imagine -- especially in places in the Hudson Valley or on Long Island, that land can be pretty valuable. But it has been a place where people have lived often for generations, and it's the only affordable housing that exists in those communities.

And we see time and time again owners of these properties sometimes having that property fall into disrepair because it's either too expensive to maintain the infrastructure or

they'd rather sell the land than be a landlord of that facility and make the money instead for being able to sell it for something else.

And so this bill is working to protect the affordable housing that we have in communities like mine, like many on Long Island, like many across upstate New York, so that the concern for folks who have been living on these properties and in these homes, they become much more stable than they are today.

SENATOR MARTINS: Through you, Mr. President, if the sponsor would continue to yield.

ACTING PRESIDENT BAILEY: Will the sponsor yield?

SENATOR HINCHEY: I do.

ACTING PRESIDENT BAILEY: The sponsor yields.

SENATOR MARTINS: So a property owner that has a mobile park decides to transfer the development rights to a municipality or a not-for-profit, and they come to an agreement on a number. And as a result, they receive a set amount of money. And the person or the not-for-profit or the municipality has access to

a loan, which they're going to be responsible for repaying, and the property owner receives this quantity of cash. Right?

(Pause.)

SENATOR HINCHEY: Through you, Mr. President, that is correct.

However, the folks that are living on this property, the manufactured home owners, pay rent. They often pay rent for the people who own the land, and that is a way to pay it back.

SENATOR MARTINS: Through you, Mr. President, if the sponsor will continue to yield.

ACTING PRESIDENT BAILEY: Will the sponsor yield?

SENATOR HINCHEY: I do.

ACTING PRESIDENT BAILEY: The sponsor yields.

SENATOR MARTINS: Who would be taking out the loan and have access to funding in order to provide that funding to the property owner?

SENATOR HINCHEY: Through you, Mr. President. They are the folks that we've talked about before that are outlined in the

bill. That could be the municipality, that could be a community land bank, a community organization, an affordable housing corporation.

SENATOR MARTINS: Thank you.

Mr. President, through you, if the sponsor would continue to yield.

ACTING PRESIDENT BAILEY: Will the sponsor yield?

SENATOR HINCHEY: I do.

ACTING PRESIDENT BAILEY: The sponsor yields.

SENATOR MARTINS: So they took out the loan, the municipalities, the not-for-profits; they transferred that money to the property owner in return for development rights. That property owner hopefully will invest that money into the property in order to maintain it as a manufactured home park.

And I guess it wasn't clear, because I didn't see it in the bill, how does the not-for-profit or the municipality get repaid if the individual property owners, the manufactured home owners, are paying rent to the property owner who received the cash?

SENATOR HINCHEY: Through you,

Mr. President. I just want to clarify. The owner, the original, the initial owner of the property is selling that land. So they are removing themselves from this equation. So it is now up to the, again, community land bank, the municipality, the affordable housing corporation, to maintain that property and to be the owner of the land in which these mobile homes and manufactured homes are on. Therefore providing stability for the folks who have been living there and will continue to live there.

SENATOR MARTINS: Thank you.

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

ACTING PRESIDENT BAILEY: Will the sponsor yield?

SENATOR HINCHEY: I do.

ACTING PRESIDENT BAILEY: The sponsor yields.

SENATOR MARTINS: Well, so let's say that they didn't sell the land because there's an alternative here where they sell their development rights. They still own the land, they just sold the right to develop the property in some way, and therefore they receive that bag

of cash for selling their development rights.

They're still collecting rent. They're still the owners of the property. So the person who gave them that money and took out the loan, how do they get repaid? Or is that then the responsibility of the not-for-profit or the municipality to make those payments?

Because we know they certainly don't own the property, right?

(Pause.)

SENATOR HINCHEY: Through you, Mr. President. Again, they are still collecting rent from the tenants who are living on the property. I mean, that is the primary way in which they will continue to be able to make money from the property and which they continue to have.

SENATOR MARTINS: Through you, Mr. President, if the sponsor would continue to yield.

ACTING PRESIDENT BAILEY: Will the sponsor yield?

SENATOR HINCHEY: I do.

ACTING PRESIDENT BAILEY: The sponsor yields.

SENATOR MARTINS: But in this scenario, they don't own the land. They're not collecting rent. They are the not-for-profit, the land bank, the municipality that decided to purchase the development rights, but they didn't buy the property. And therefore they're not collecting rents.

Those rents are going to continue to go to the property owner who received the cash from the municipality. So how does the not-for-profit or the municipality who purchased the development rights, but didn't purchase the property, get repaid?

(Pause.)

SENATOR HINCHEY: Through you, Mr. President. Sorry, I'm trying to make sure that I understand the question correctly, because I was a little confused.

But what we're talking about here is development rights, but it's development rights in partnership with the sale of the land. The whole point of this bill is to ensure that people -- that the land in the mobile home park is going to a -- either a municipality or a community organization or a land bank who will

then, for the long term, maintain that property as a manufactured home park or a mobile home park.

If you're asking for repayment from the nonprofits, like -- can -- if you're asking something other than what I'm answering, I'd love for you to clarify, please.

ACTING PRESIDENT BAILEY: Senator Martins, would you clarify the question, please?

SENATOR MARTINS: On the bill, Mr. President.

ACTING PRESIDENT BAILEY: Senator Martins on the bill.

SENATOR MARTINS: Thank you. Thank you, Senator Hinchey.

SENATOR HINCHEY: Thank you.

SENATOR MARTINS: Here's my concern, Mr. President. The bill doesn't say that. It says a not-for-profit or a municipality can purchase development rights. They in turn, for purchasing development rights -- which don't involve buying the property -- will hand over -- will borrow money, essentially from a state agency, will get support from a state agency, they'll take that money, give it to over to the

property owner, not the people who are living there, necessarily, but the people who own the land and are renting it to them.

We're giving that landlord effectively a loan from a municipality and a not-for-profit for development rights to make sure they don't put up an apartment building there.

The property owner will continue to collect rent. And there's nothing here that says, there is nothing here that says how the municipality or the not-for-profit actually receives money to repay it.

Now, if we were talking about a land bank, which came up, we understand how that works. The organization acquires the property, fixes it, sells it, and receives money back so they can continue their mission. That's what a land bank does.

This bill doesn't do that. And that's the concern I have, Mr. President, with this, is that although I understand the intent, that's not what it does.

So if we are going to -- let's insert some names into this. If we take a

village or a town in the state and they decide that they're going to -- because they also want to preserve affordable housing, they are going to buy the development rights. That means that they're going to take out a loan. Those taxpayers in that village are going to all be responsible for repaying it for the benefit of fixing up this mobile park.

Which it may be what they want to do, but let's be clear about what we're doing here and what this bill actually does.

Now, I would agree if they in turn -- if the municipality were to buy that, it would be a little unusual for a municipality to buy a property in order to then get the loan in order to purchase the property and fix it up and then go into the -- you know, the land ownership business and be able to rent those out. I guess we have examples of that in the past -- not directly by municipalities, but through housing authorities. And not necessarily, you know, the Village of Mineola or the City of Yonkers or -- you know, you fill in the blank.

But that's what we're doing here. Or we'll find a not-for-profit that's going to

come up with some money they'll have access to, a loan, based on development rights, to prevent it from being developed. But how do they get that money back to repay it to whatever agency and obligation they have?

So that's my concern. I hope, you know, that it's clear. But that's what the bill says.

And so, Mr. President, under these circumstances, on this bill I'll be voting no. And certainly, you know, if there's an iteration of the bill that comes back that has a different format, we'll look for that as well.

Thank you very much. And I want to thank the sponsor.

ACTING PRESIDENT BAILEY: Thank you, Senator Martins.

Senator Murray, why do you rise?

SENATOR MURRAY: Thank you, Mr. President. Would the sponsor yield for a few questions?

ACTING PRESIDENT BAILEY: Will the sponsor yield?

SENATOR HINCHEY: I will.

ACTING PRESIDENT BAILEY: The

sponsor yields.

SENATOR MURRAY: Thank you. Through you, Mr. President.

You know, maybe we can walk through and get clarification. First let me start with the concept itself. This really isn't new. We have things like open space preservation funds where the government and the taxpayers will fund a program to purchase land, set it aside and make sure it's not developed. It can be a pocket park or open space in perpetuity.

And that's kind of the concept of what we're doing here, is that correct?

SENATOR HINCHEY: Through you, soon-to-be-Madam President --

(Laughter.)

SENATOR HINCHEY: -- yes, it is.

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

ACTING PRESIDENT MAYER: Will the sponsor yield?

SENATOR HINCHEY: Yes.

ACTING PRESIDENT MAYER: She will yield.

SENATOR MURRAY: Thank you. Through you, Madam President.

So let's go through. From the previous questions, let's walk through a scenario where we have a particular mobile home park. It is owned by an individual. We've passed this legislation. Explain to me the process of where this fund will be used. Will they purchase the property from the owner? Will they get development rights to freeze them? How will that happen?

SENATOR HINCHEY: Through you, Madam President, both of those options are on the table. And of course additional regulations to be promulgated by the commissioner, who would oversee this program.

The entire purpose of the program is to make sure and stop what we are already seeing today, and that is organizations like private equity are buying mobile home parks and manufactured homes across the state. We see a number of owners allowing their properties to fall into disrepair because they want to sell or have people choose to leave so that they then can sell.

You know, the nonprofits and community organizations that we have outlined in this bill, their missions are to protect affordable housing. Per some previous questioning, I understand the intent of trying to find out what's in it for an organization. Their entire purpose of being is to create and protect affordable housing for folks across the state, and that's what they would be doing in this instance.

SENATOR MURRAY: Thank you.

Madam President, would the sponsor continue to yield?

ACTING PRESIDENT MAYER: Do you continue to yield?

SENATOR HINCHEY: I do.

ACTING PRESIDENT MAYER: The sponsor yields.

SENATOR MURRAY: Thank you. Through you, Madam President.

So continuing that scenario, the situation that the owner, the previous owner has given up the right to the property, now it's being run -- the tenants continue to pay the rent.

Most of those, if I'm not mistaken, sign leases for 99 years or so. So if they were to sell, this protects it so it continues and cannot then change.

You had mentioned the property values, like, for example, Long Island, the Hudson Valley. The property values are very, very high. So right now what this bill says, if I'm reading it correctly, is that so that we're not concerned that the taxpayers will be overpaying, they're paying the value of the property in its current state, not how it could be developed in the future. Correct?

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

SENATOR MURRAY: Okay.

Madam President, on the bill.

ACTING PRESIDENT MAYER: Senator Murray on the bill.

SENATOR MURRAY: And thank you, Senator.

So I think -- personally, I think this is a great bill. The sponsor brought up a particular point of we have a problem right now with affordable housing, a big problem. You're

looking at a Senator who grew up in a double-wide, in a mobile home park. And I will tell you that there's pride in owning, but it's all not completely there when you don't own the land underneath you. I own a home now. It's a different feeling.

So giving that sense of home, if you will, that insurance, if you will, that you will be there, this will be your home, is invaluable.

But it also allows our next generation to obtain affordable housing. Many times the mobile homes or manufactured homes are lower in cost. And if we can keep this land in its current use, at its current value, then it will make it affordable.

So I think it's a great bill. I think it's something that we should be supporting. I'll be voting yes, and I hope my colleagues will join me.

Thank you.

ACTING PRESIDENT MAYER: Thank you, Senator Murray.

Are there any other Senators wishing to be heard?

Senator Canzoneri-Fitzpatrick, why

do you rise?

SENATOR CANZONERI-FITZPATRICK: Madam President, I was wondering if the sponsor would yield for a question.

ACTING PRESIDENT MAYER: Will you yield for a question?

SENATOR HINCHEY: Sure.

ACTING PRESIDENT MAYER: The Senator yields.

SENATOR CANZONERI-FITZPATRICK: Thank you, Senator.

SENATOR CANZONERI-FITZPATRICK: Thank you, Senator.

Listening to the discussion, I'm trying to scenario if this program is taking funds from the mortgage insurance program and allowing a municipality to purchase land, is there an obligation by the municipality to repay that loan or that financial assistance to this fund?

SENATOR HINCHEY: Through you, Madam President. That's not specified in this bill, no.

SENATOR CANZONERI-FITZPATRICK: Would the sponsor continue to yield.

ACTING PRESIDENT MAYER: Do you continue to yield?

SENATOR HINCHEY: Yes.

ACTING PRESIDENT MAYER: The sponsor yields.

SENATOR CANZONERI-FITZPATRICK: Thank you, Senator.

So the financial assistance that this program is providing for is not necessarily a loan. It may be a grant. It may be money that just goes to a municipality that can purchase this land and now there's no obligation to repay it. Is that correct?

SENATOR HINCHEY: Through you, Madam President, yes, that is correct.

SENATOR CANZONERI-FITZPATRICK: Thank you.

ACTING PRESIDENT MAYER: Now, are there any other Senators wishing to be heard?

Seeing and hearing none, debate is closed.

Senator Gianaris.

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

ACTING PRESIDENT MAYER: This bill has been restored to the noncontroversial calendar.

Read the last section.

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

ACTING PRESIDENT MAYER: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT MAYER: Senator Weik to explain her vote.

SENATOR WEIK: Thank you, Madam President.

I think there's an unintended consequence with this bill that needs to have some attention drawn to it, which is presently the way it works -- and I've got quite a few of these communities in my district -- is that the property owner owns the land and pays taxes on that land while leasing out these individual homes to those individuals. And those exemptions that people qualify for are then applied to the taxes that that property owner has to pay.

My concern, of course, is that if a municipality or a not-for-profit owns those

properties, they are tax-exempt.

Which is going to hurt the community, because the funds that are brought in through property taxes for things like school, town, county taxes are now going to be exempted because a municipality or a not-for-profit now owns that property.

And for that reason, Madam President, I'll be voting in the negative.

ACTING PRESIDENT MAYER: Senator Weik to be recorded in the negative.

Announce the results.

THE SECRETARY: In relation to Calendar 599, voting in the negative are Senators Borrello, Canzoneri-Fitzpatrick, Chan, Griffo, Martins, Rhoads, Walczyk and Weik. Also Senator Gallivan. Also Senator Weber. Also Senator Mattera.

Ayes, 51. Nays, 11.

ACTING PRESIDENT MAYER: The bill is passed.

THE SECRETARY: Calendar Number 631, Senate Print 5111A, by Senator Parker, an act enacting the Just Energy Transition Act.

ACTING PRESIDENT MAYER: Senator

Walczyk, why do you rise?

SENATOR WALCZYK: Madam President, I hope the sponsor would yield for some questions.

ACTING PRESIDENT MAYER: Senator Parker, do you yield?

SENATOR PARKER: I do.

ACTING PRESIDENT MAYER: The Senator yields.

SENATOR WALCZYK: Through you, Madam President. Forty to 50 percent of New York State's electricity is currently generated by fossil-fuel burning facilities.

Pretty stark contrast between upstate and New York City, with electricity produced for New York City 90 percent -- and these are rough estimates, obviously. It changes day by day -- but roughly 90 percent fossil-fuel generation for electricity. And in upstate, roughly 90 percent generation is zero emissions, largely because of hydro nuclear power in upstate New York.

How does this bill, called the Just Energy Transition Act, propose to change that?

SENATOR PARKER: Through you, Madam President. The Just Energy Transition bill really is not about to change the dynamic you're speaking of.

But the reality is that we have the CLCPA, which is the Climate Leadership and Community Protection Act, which is the ruling guide for how we, you know, deal with climate change in our state. The most ambitious climate-change goals in the entire country.

What this bill does is actually works in tandem with the CLCPA in order to look at developing a plan that gets us to the dirtiest and most-needed areas of transition from a fossil-fuel-dependent system to a sustainable energy system.

And so what we're doing here with this legislation is looking at, again, the dirtiest and -- the systems that need to be changed by doing a study. And then once the study is done, then NYSERDA makes a series of recommendations on how we change the system in those particular areas to provide clean, safe, reliable and hopefully cheaper energy options for our communities.

SENATOR WALCZYK: Would the sponsor continue to yield.

ACTING PRESIDENT MAYER: Do you continue to yield?

SENATOR PARKER: Yes, Madam President.

ACTING PRESIDENT MAYER: The Senator yields.

SENATOR WALCZYK: Through you, Madam President. At peak demand -- and that would be in the summer heat for electricity -- New York City uses over 100K megawatts for power daily. Where's all that power going to come from if this transition act becomes law?

SENATOR PARKER: Through you, Madam President. When this bill becomes law, there will be a study. And the study then will make a series of recommendations that then will dictate what types of new sustainable-energy sources should be developed and generated in order to replace the dirty fossil-fuel energy that we're using now.

SENATOR WALCZYK: Would the sponsor continue to yield?

ACTING PRESIDENT MAYER: Do you

continue to yield?

SENATOR PARKER: Yes, Madam President.

ACTING PRESIDENT MAYER: The Senator yields.

SENATOR WALCZYK: Through you, Madam President.

And NYSERDA would be conducting that study and they'd have six months after this becomes law in order to fully conduct that study to decide where to make up 100K megawatts per hour daily for New York City?

SENATOR PARKER: Through you, Madam President. Yes, roughly that.

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

ACTING PRESIDENT MAYER: Do you continue to yield?

SENATOR PARKER: Yes.

ACTING PRESIDENT MAYER: The sponsor yields.

SENATOR WALCZYK: So just by my calculation, if you looked at solar capacity, which has a capacity factor of 15 percent, if you were making that 100K megawatts per hour daily

for New York City, if you were making that capacity up, that would be about 277,000 acres of solar panels. Does that sound about right to you?

SENATOR PARKER: Through you, Madam President. So the -- in this bill the Just Energy Transition Act is looking at 4 gigawatts. Right? And so it's going to say, what are the -- you know, what are the dirtiest 4 gigawatts in the state? Let's do a study on it. Let's figure out how to transition it.

There will be a study done. There will be a set of recommendations. And then that set of recommendations hopefully will be complied with to get us quickly on a track of not just developing sustainable energy in our state, which is needed everywhere, but also looking at the communities that are suffering the most -- because they have dirty peaker plants and other types of fossil fuels burning in their communities, as opposed to sustainable energy -- and addressing that top 4 gigawatts of energy.

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

ACTING PRESIDENT MAYER: Do you

continue to yield?

SENATOR PARKER: Yes, Madam President.

ACTING PRESIDENT MAYER: The sponsor yields.

SENATOR WALCZYK: Through you, Madam President. So of those 4 gigawatts, this bill would decommission those 4 gigawatts of peaker plants in New York City in the next three and a half years. Since Indian Point was decommissioned, we've actually produced less power despite the $88.7 billion in ratepayer and tax money that has gone into investments in our grid and in green-energy power production.

With that much power coming offline, how high should ratepayers expect their bills to be when this is fully implemented?

SENATOR PARKER: Madam President, through you. If and when the Just Energy Transition Act is fully implemented, actually I expect that ratepayers' bills are going to be less. Because developing and using sustainable energy is actually cheaper than fossil fuels.

And I don't -- and my sense is, because we're not in charge of the

implementation, that they will not end the dirty fossil fuels until the sustainable energy is ready. And so that it will be a switch-off, not a cutting off of one and then waiting for the other to be developed.

But that will also -- again, will go within the context of the plan that NYSERDA develops.

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

ACTING PRESIDENT MAYER: Do you continue to yield?

SENATOR PARKER: Yes, Madam President.

ACTING PRESIDENT MAYER: The Senator yields.

SENATOR WALCZYK: So if this is signed into law soon but fully implemented in three and a half years, would the cost savings of all of that investment and the decommissioning of plants, at least in your view that would reduce bills three and a half, four years from now?

SENATOR PARKER: Madam President, through you. When we will realize a cost savings based on this legislation I think is -- you know,

for any of us to talk about it, you know, intelligently, there are a lot of factors that have nothing to do with this bill and that have nothing to do with this particular energy.

I do not claim that this is a silver bullet for in fact all of the energy problems and the environmental problems that the State of New York has.

However, it is a step forward to in fact see that the CLCPA is implemented and that we develop a plan to develop more sustainable energy throughout our great state.

And we do ultimately understand, because it is part and it works in conjunction, in tandem, with the CLCPA, that a full implementation of the CLCPA and cap-and-invest and all those things will get us to a place where we will not just see, you know, clean, breathable air in all parts of our state, clean water, but we will also have an energy system that is reliant, that is cost-effective, that is safe and that provides the kind of utility savings that this, you know, Democratic Conference of the State Senate has fought to see, you know, year after year in our great state.

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

ACTING PRESIDENT MAYER: Do you continue to yield?

SENATOR PARKER: Yes, Madam President.

ACTING PRESIDENT MAYER: The sponsor yields.

SENATOR WALCZYK: So New York State has a nonprofit Independent Systems Operator that is in charge of the buying and selling of electricity on our grid and the overall management of our grid. They produce regular reports on the sustainability of our grid and have warned pretty consistently, especially in the last few years, about taking peaker plants in New York City offline too early.

How does this square up with the warnings that we've heard from the independent and nonpartisan ISO that's warned against this?

SENATOR PARKER: Madam President, through you. The ISO actually is one of the champions for sustainable energy in this state. You can read report after report where they have in fact talked about the need for a transition

from dirty fossil fuels to sustainable energy in our state.

So this actually is not just in line and in tandem with the CLCPA, but it also is in line with the ISO and what the Independent System Operator has argued.

This is not something that simply says "take dirty peaker plants offline." That's not what this says. This says let's do a study. Let's understand where the dirtiest 4 gigawatts of energy in this state is being produced. Let's develop a plan around those 4 gigawatts and figure out what is the best way to do that, and the fastest and cleanest way to do that.

Once we have a plan, then there hopefully will be an implementation of that plan that then decommissions those dirty plants while simultaneously developing clean, sustainable generation for our communities that will be safe for generations to come.

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

ACTING PRESIDENT MAYER: Do you continue to yield?

SENATOR PARKER: Yes,

Madam President.

ACTING PRESIDENT MAYER: Yes, the Senator yields.

SENATOR WALCZYK: I think we may be reading different reports from the NYISO. But I'm happy to get with you offline and find out what the facts are there.

But I do want to focus on your bill here, because I think it's more than a hope that there will be implementation and certainly more than a study by my reading of your bill.

So this requires that the study be completed in six months after the signing of this legislation. And then page 3, line 32, the Public Service Commission shall (reading) commence a proceeding to implement the strategies, programs, standards and requirements described in the study referred to in section 3 of this act within 90 days of delivery of the study to the Governor, the Senate and the Assembly, and then issue an order regarding implementation of the strategies, programs, standards and requirements described in the study referred to in that same section no later than July 30, 2027.

Next summer, have it ready to go and issue an order to take those 5 gigawatts offline is -- or 4 gigawatts offline is what I'm reading in the bill that you're proposing today. Am I wrong?

SENATOR PARKER: Madam President, when I was growing up -- I just turned 59, thank God. And they say good things don't last, Mike.

(Laughter).

SENATOR PARKER: -- we used to have a program they used to talk about on television all the time. John Liu might remember this. There was a program called RIF. You all familiar with that?

SENATOR GIANARIS: Reading Is Fundamental.

SENATOR PARKER: Right, reading is fundamental. There is no way that you read the contents of this bill that says that there will be a study and then, based on the study, there will then be an implementation of that -- nowhere in the language does it say taking anything offline.

And in fact we may find, in the

context of the study, that the 4 gigawatts of the dirtiest energy in the state may not come from peaker plants. Theoretically, it could come from a plant that is a regular running plant. Or several regular running plants.

That's why there is a study. And in the context of that study, Madam President, they then will set a set of criteria and standards and a plan. And then the plan will be implemented.

There's nowhere in that plan does it say to reduce the amount of energy before you replace it with clean, sustainable energy. I can't imagine that NYSERDA or the PSC would in fact take energy offline prior to replacing it with clean, sustainable energy. That is not how we have operated year to date.

And so if there's an issue with that, then that's a different conversation. But that is not in fact what the bill before us calls for.

The bill before us calls for a study of the 4 dirtiest gigawatts of energy being produced in the state, to provide a study -- standards, criteria -- and then to implement said study. Or sorry, implement said recommendations

that are contained within that study.

And so whether it's a peaker plant or other types of, you know, dirty energy that might be included, I'm not jumping to that conclusion. I'm saying let NYSERDA and the people who are experts at figuring this out figure it out and move us into a place in which, as soon as possible, we will in fact be receiving sustainable energy -- clean, sustainable energy in this state.

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

ACTING PRESIDENT MAYER: Do you continue to yield?

SENATOR PARKER: Yes, Madam President.

ACTING PRESIDENT MAYER: The Senator yields.

SENATOR WALCZYK: I'd agree -- through you, Madam President, I'd agree that reading is certainly fundamental. And I'm glad that you noticed that I read this bill in committee and made some of the changes to the dates that were wrong before you brought it to the Senate floor. I appreciate that read.

If there is no requirement of implementation that is wired into this, and my read is totally wrong -- which I would disagree with that -- why wouldn't you just have them return their study to the Legislature so that we could review what NYSERDA's plan is and the Governor could review what NYSERDA's plan is, before we say the Public Service Commission shall implement that plan?

SENATOR SERRANO: Madam President, through you. First, let me thank Senator Walczyk for his thorough reading of the bill, because there were, in our last committee meeting, some errors that needed to be updated and amended, which have been done.

And now we bring this bill before you, understanding that we are in desperate times. And we should understand that this kind of bill would not be necessary if it wasn't for a Republican Trump administration in Washington that is doing everything it can to slow down the transition to a clean energy economy by being a climate-change denier and stopping things like our offshore wind project, to name one. Right?

But we could kind of go on and on

about what the federal administration has been doing in terms of trying to thwart our attempts to save the environment of future generations, not just here in the State of New York but across the country and across the globe.

And we're not going to have a conversation, Madam President, about how the price of energy is up because of both Putin's war and Trump's illegal war in Iran and his inability to understand the Hormuz Strait and the implications of blockades and -- we're not going to have any of those conversations. But they are relevant to why, you know, prices are so high here in the State of New York and across the country.

What this bill will in fact do, and how it in fact addresses the needs of New Yorkers, is that we have an increasing load here in terms of energy load. Every single day people are buying devices, they're plugging them in, and we need more energy.

And so producing energy is going to be necessary regardless of whether the CLCPA existed or not.

But we have the CLCPA in place.

It's the law of the land. And so it is important that as we make decisions both around our environment and around energy, that we take that into consideration and do our work in the context of that.

And so here we have a bill that I believe falls in tandem with the CLCPA and provides a path to go forward.

Part of the dynamic that we have seen is delay, delay, delay, delay, delay. And things have not gone as fast or as smooth as they could have. So there is actually several things happening, the first of which is that there is a report that is supposed to come back to the Legislature. It says that here in the language.

And then, simultaneously, the experts who run the energy operation are in fact going to do their work. By the vote here passing in this body, passing in the Assembly, and the Governor signing it, it not just tacitly but directly says we give you permission to do this. Right?

And at the end of the day the people at NYSERDA and the PSC and other agencies that will in fact do the implementation of this work

are far more expert at what needs to be done and the interpretation of both the data, the results of the study, and the recommendations than the State Legislature.

So there's no need for it to come back to the State Legislature. We're here to do what our job is, which is to provide policy, a policy direction for agencies, in tandem with the Governor. And so this bill will in fact provide all of the oversight that needs to happen.

We also continue, within the context of our legislative function, to have an oversight responsibility to agencies like the PSC and the Department of Energy as well as NYSERDA.

And so that when we have questions, comments, concerns, it is easy enough to bring them before the committee or to see them when they come in to discuss their budgets during the finance period, to ask these questions and to have significant oversight.

And so to slow the process down by doing a report, providing recommendations, and then NYSERDA and the report having to come back to the Legislature for another round of expedition {sic} by a set of people who frankly

are not qualified to go into the deep dive on energy implementation not only doesn't make sense, but is anti-productive or counterproductive to the work that we're trying to get done here.

SENATOR WALCZYK: Madam President, on the bill.

ACTING PRESIDENT MAYER: Senator Walczyk on the bill.

SENATOR WALCZYK: You may not like it, but New York City is entirely dependent on fossil-fuel generation to get their electricity.

So I understand that this is attempting to get at that. And I would agree that we are in desperate times. I would disagree on the reasons why. Our ratepayers are in desperate times. New York State has higher electricity rates, 50 percent higher than the national average. It has nothing to do with the federal administration. All of these United States are in the same United States of America. And yet the policies that we pass here are the reasons why ratepayers are paying so much more in this state.

Those experts, the same experts that

you're leaning on for advice for how to implement this and then tell at PSC to issue an order to take more power offline in New York State -- those are the same experts that have been discounted by members in this body as soon as they say how much this is going to cost the ratepayers.

Currently, before this bill, they're already saying it's going to cost the ratepayers four grand more per household to heat their home. Two-dollars-plus more per gallon of gas in the State of New York. With the laws you've already passed, before you do this thing to take more generation offline in New York.

This bill -- if this becomes law, there will likely be, and this is what the NYISO has warned about, there will likely be brownouts and blackouts in New York City unless there's a substitution for the power that they're producing right now. That's the warning that we've heard from the independent, nonpartisan NYISO.

And guaranteed, if you're pulling more production offline, you're going to see supply charges continue to increase. New Yorkers are already feeling this. Since Indian Point was

pulled offline in 2019, we've actually produced fewer electrons in New York State. And what has that done to supply charges? Well, your constituents know their bills have skyrocketed.

So I'll be voting no and encourage my colleagues to do the same.

Thank you, Madam President.

ACTING PRESIDENT MAYER: Thank you, Senator Walczyk.

Senator Mattera -- you wanted to explain your vote, we're not there yet.

Are there any other Senators wishing to be heard?

Seeing and hearing none, debate is closed.

Senator Gianaris.

SENATOR GIANARIS: Madam President, we have agreed to restore this bill to the noncontroversial calendar.

ACTING PRESIDENT MAYER: The bill will be restored to the noncontroversial calendar.

Read the last section.

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

ACTING PRESIDENT MAYER: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT MAYER: Senator Mattera to explain his vote.

SENATOR MATTERA: Thank you, Madam President.

New York State has experts already that are very vocal on our energy needs -- NYISO, PSC. Matter of fact, Senator Parker was on a call just before session started and you know, right now New Yorkers, we cannot afford to come off of fossil fuels, especially our natural gas. Which I explained also too, just recently, the honor of groundbreaking with the great NESE pipeline that is coming into our state. That is very, very important that we have to keep our natural gas at this time frame.

This bill is just something that is going to hurt all New Yorkers in a lot, a lot of ways. It is always the cart before the horse that's happening with bills like this. Our electric grid is antiquated in New York State, and especially on Long Island. We need to invest in infrastructure first and then transition to

all sources of renewable energy. Like retooling our existing power plants for carbon capture, thermal energy, green hydrogen, and nuclear.

Matter of fact, in committee meetings even Senator Parker has stated that having Indian Point being closed down was a disaster for New York State.

And this timeline of this bill is not feasible. And again, New York State has agencies -- NYISO, PSC -- that are the experts that already have come out and stated, stated this already, that we cannot come off of our fossil-fuel plants at this time.

So instead of hurting all New Yorkers in their pocketbooks and wallets -- and that's what we have been doing with this energy situation -- we need to make sure that we move ahead with the right sources of renewable energy.

And that's why, Madam President, I vote no.

ACTING PRESIDENT MAYER: Senator Mattera to be recorded in the negative.

Senator May to explain her vote.

SENATOR MAY: Thank you,

Madam President.

I was fascinated to hear Senator Walczyk say, quote, our ratepayers are in desperate times. Even though yesterday he spent a lot of time arguing against making our grid more efficient and more affordable.

Yesterday he convinced most of his colleagues on the Republican side to vote against the interests of their constituents and bring down energy rates.

So this bill is one of many that is designed to reduce our dependence on peak oil and gas and to steer us into a 21st-century energy future where we will be both more affordable and more gentle on our climate.

And I vote aye.

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

Senator Parker to explain his vote.

SENATOR PARKER: Madam President, to explain my vote.

We could again have different opinions about things, but the facts are the facts. And the reality and the fact of the matter is that energy rates are affected more by

the global price of natural gas than any other factor, period. That's not a debate. That's literally the fact.

And so anything, you know, beyond that, you're just making up things and just trying to have something to say.

But if we had a, you know, presidential administration that was competent, that, you know, understood science, that didn't tell people to drink bleach, that didn't tell people that, you know, they're not seeing what they're actually seeing -- you know, they're telling people that, you know, it's okay to have high gas prices.

I mean, the reality is we all have watched gas prices -- you know, now I'm not talking about natural gas, I'm now talking about gasoline -- the price of gasoline shoot up $2 in the last month since this war went on. We all experienced that. I had to come to Albany -- I need a bank loan just to come up to Albany. More than I get paid. Tell me how you do it when times is hard.

Anyway, that being said, is that, you know, we can make up all kinds of facts, but

the reality is that what's happening with the federal administration is a travesty, and that's what's having the hard effect on the pocketbooks of the people of this great state.

And what we've done, as the Democratic Conference of the state Senate, is stand in that breach, stand in the midst and say we are going to take this on despite what the federal government has tried to do.

And there is nothing that -- in the context of this bill that says that we should get rid of any energy. In fact, what it says is we should have a plan to get rid of the dirtiest plants while we simultaneously look for opportunities to build sustainable energy. It is what we've done and what we've continued to talk about.

And even when we get clarification on it, you know, folks just want to say what they want to say. If we're going to have a debate, let's have an honest debate, let's have a clear debate, let's listen to each other and let's move with some integrity to make sure we're protecting the people of this great state.

Thank you, Madam President.

ACTING PRESIDENT MAYER: Senator Parker to be recorded in the affirmative.

Senator Lanza to explain his vote.

SENATOR LANZA: Thank you, Madam President.

I'll be voting no. I thought I heard my good friend Senator Parker a few moments ago talk about the fact that he was not going to talk about President Trump and the war and all those things. And I thought to myself, well, if he's not going to do that, I'm not going to talk about the fact that it was the four-year period during which President Biden was the president that we saw the largest period of inflation in the history of the country, when we saw gas prices for four years go up and never come down. And we saw a whole lot of other things that really wrecked the country.

But I want to say this. I'm tired of hearing my colleagues across the aisle propose bills that are going to lower the energy costs and the utility bills for people across New York. Every time I hear one of my colleagues say they have a bill that's going to reduce utility bills, they go up. So please, stop saying it.

ACTING PRESIDENT MAYER: Senator Lanza to be recorded in the negative.

Senator Martins to explain his vote?

SENATOR MARTINS: Madam President, I just want to take the opportunity. I know it's the custom of this house to restrict comments when we refer to another Senator. I believe that one of my colleagues was referred to with regard to statements that were made and votes that were taken, and I would wish that that would be corrected in the moment rather than allow it to go unchecked.

Thank you.

ACTING PRESIDENT MAYER: Thank you, Senator Martins.

I do not think it is out of order to refer to a debate that occurred yesterday. I'm not aware that reference to a debate that occurred yesterday is out of order.

But your point is heard.

SENATOR MARTINS: Thank you.

ACTING PRESIDENT MAYER: Thank you, Senator.

Senator Rhoads to explain his vote.

SENATOR RHOADS: Yeah. I will be

voting in the negative as well, not that Senator Lanza's comments need to be supplemented at all.

But I would remind my colleagues across the aisle who continuously talk about facts and then ignore the fact that New York, in comparison to every other state that lives under the same federal administration, that lives under the same federal administrative decisions and policies -- that New York, by every measurable aspect, is failing on energy policy.

Utility rates in the New York State, residential, 51 percent higher than the national average. Commercial utility rates, 60 percent higher than the national average.

So please, I know that the other side is fascinated with talking about the presidential administration and how it's impacting New York State. What's impacting New York State are the policies that we're talking about right here, policies like the one we're voting on now, which will make utility rates even more expensive. And years from now we'll be sitting here complaining about the same exact thing. I'll be voting no.

Thank you, Madam President.

ACTING PRESIDENT MAYER: Senator Rhoads to be recorded in the negative.

Senator Stec to explain his vote.

SENATOR STEC: Thank you, Madam President.

I too will be voting no. And I wasn't going to speak, but I want to associate my remarks with Senator Rhoads' and Senator Lanza's remarks.

I've talked about this before. I will not let this chamber in Albany try to pass off the exorbitant energy prices that New Yorkers are paying on the world economy or the federal government, when no one has offered an explanation how New York's energy rates are 50 percent above the national average. And no one is objecting to NYSERDA's own reports that say the CLCPA is going to cost every New Yorker $4,000 more in energy costs.

That is New York's doing. That is not a federal administration, that is not a war, that is not the global energy market. That is mistakes that have been made and continue to be made, ignored, and glossed over in this building.

ACTING PRESIDENT MAYER: Senator Stec, I assume you're voting in the negative.

SENATOR STEC: I led with that.

ACTING PRESIDENT MAYER: You led with that; I wanted to clarify that.

Senator Stec to be recorded in the negative.

Announce the results.

THE SECRETARY: In relation to Calendar 631, voting in the negative are Senators Ashby, Borrello, Canzoneri-Fitzpatrick, Chan, Gallivan, Griffo, Helming, Lanza, Martins, Mattera, Murray, Oberacker, O'Mara, Ortt, Rhoads, Stec, Tedisco, Walczyk, Weber and Weik.

Ayes, 42. Nays, 20.

ACTING PRESIDENT MAYER: The bill is passed.

THE SECRETARY: Calendar Number 644, Senate Print 1463A, by Senator Kavanagh, an act to amend the Environmental Conservation Law.

ACTING PRESIDENT MAYER: Senator Borrello, why do you rise?

SENATOR BORRELLO: Madam President, just when you thought this day couldn't get more exciting, I'm wondering if he would -- if the

sponsor would yield for some questions about used mattresses.

ACTING PRESIDENT MAYER: Senator Kavanagh, do you yield to a question on mattresses?

SENATOR KAVANAGH: Madam President, I am honored to debate this bill on this floor again. And if reading is fundamental, mattresses are foundational --

(Laughter.)

SENATOR BORRELLO: Ooh, foundational --

SENATOR KAVANAGH: And so I'm very proud to be able to have this conversation once again.

SENATOR BORRELLO: -- I saw what you did there.

ACTING PRESIDENT MAYER: The Senator yields.

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

So again, I believe this is the third or fourth time that you and I have debated this bill -- three, thank you. And I know others have as well.

And I guess the thing that struck me this time around that maybe didn't the previous three times is that there are actually models for us to follow. In fact, your legislative justification talks about Connecticut, California, Rhode Island and Oregon. But yet you're actually ignoring and diverting away from what they've done, apparently with some success, in other states.

Can you explain why we're not just following that model? Why are we trying to reinvent the wheel here?

SENATOR KAVANAGH: Through you, Madam President, I think my colleague is referring to a conversation we've had before, which is the question of whether this program should be funded by charging every consumer a fixed fee or whether the industry that is responsible for complying with this program ought to internalize those costs, find the most efficient way both to minimize the costs and distribute them among producers. Otherwise, the program in Connecticut and other states -- Connecticut is the earliest -- would be quite similar to this one.

And basically our choice is to follow the way other states have done mattress EPR or follow the way our state has done EPR programs for most products. And we're choosing the latter.

In our electronic recycling, in our waste recycling law, in our carpet EPR law, in the e-mobility scooter and bike battery bill that we did last year, our preference for various reasons is to, again, have the industry internalize the costs rather than charging our consumers an artificial fee.

And I think it's unfortunate the other states have done that. But nonetheless their programs are otherwise quite successful, and I don't think the fee is the primary thing that drives whether these programs are successful. It is an element of making sure that the program is minimally costly to consumers.

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

ACTING PRESIDENT MAYER: Do you continue to yield?

SENATOR KAVANAGH: Yes, Madam President.

ACTING PRESIDENT MAYER: The Senator yields.

SENATOR BORRELLO: Well, we also can turn and conversely say that we have fees for, you know, paint and tires and other things.

So it's not entirely a fee-free world out there when you're returning something that you're done using.

And with that being said, you know, you talk about the fee that you do not want to charge on this. But you're basically going to then burden primarily New York companies with the cost involved in recycling mattresses that they did not produce. Nationwide, it's about 30 percent of mattresses are made overseas.

In New York, unfortunately, we've had plants close here in New York State that made mattresses, including one in my district recently.

But how are we going to ensure that we're not unfairly burdening those businesses with the cost of recycling someone else's used mattress?

SENATOR KAVANAGH: Through you, Madam President. The way these programs are

typically operated and the way this bill would permit them to be operated is that the industry would create usually a single organization that is statewide, called the producer responsibility organization. That is the way the industry has chosen to implement this in four other states.

Theoretically an individual producer would be able to do something different. But it is quite likely, for efficiency's sake, that there would be a single producer organization.

And there is no distinction at all in this bill, and no disadvantage to New York producers of mattresses, as opposed to producers anywhere else. The burden of complying with this law falls on the producers of mattresses that are sold in New York State.

About a million mattresses are discarded each year in New York State. And regardless of where they're made, we want the mattress industry to take responsibility for that. Because of course the alternative to the industry taking responsibility for that is for our local governments to assume the cost of that in the disposal of these mattresses through increasingly scarce landfills.

So again, there's no disadvantage in this bill for New York producers. If they are producing mattresses in New York and shipping them to other states, they wouldn't be affected by this. If producers in other places are shipping them to New York, they would be affected by this.

The question is, who is responsible for mattresses that are used and discarded in the State of New York?

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

ACTING PRESIDENT MAYER: Do you continue to yield?

SENATOR KAVANAGH: Yes, Madam President.

ACTING PRESIDENT MAYER: The sponsor yields.

SENATOR BORRELLO: Well, look, I'm certain right now, if you went on Amazon or any other online -- Temu -- you could probably find literally thousands of people selling mattresses. Probably several manufacturers from all points across the globe.

How are we going to enforce all of

those manufacturers, most of which, you know -- at least a third of which are not based in the United States, how are we going to enforce, you know, that responsibility for someone that's not even based in the United States, let alone New York?

SENATOR KAVANAGH: Through you, Madam President, most of the products that we consume each day are not produced within the State of New York. And the enforcement challenge is probably about the same if it comes from Pennsylvania as it is if it comes from China.

But we live in a global economy, and enforcing rules in that economy involves basically identifying the people participating in the economy and making sure they're complying with the law.

In this case there are mattresses now sold through direct to consumer mail. There's been a lot of innovation in the mattress industry. Some of the things that are -- purport to be mattresses would not qualify as mattresses in this bill.

But if you're purchasing a mattress, then you're purchasing it from typically a

large-scale producer, and we would ensure that that producer complies with the law and that DEC would have that responsibility.

It would be illegal to sell mattresses into the state if you're not complying with this law and you don't have -- you're not participating in the effort of the industry to collect them.

I would note that the industry itself would be very likely -- like industry participants would be very likely to take note if there's some overseas producer that is selling mattresses and not participating in the collective effort of the mattress industry itself to comply with this law, because they would have free riders.

So I don't believe that has been a problem with EPR in other states. I don't think it's been a problem with EPR for products in this state. Certainly our electronics are not mostly manufactured within the State of New York, and certainly one buys electronics from Dell, which is a Texas-based company but is probably shipping a lot of their products from overseas. And yet we've managed to do that for two decades now with

electronic products.

I don't believe that would be a particularly difficult challenge for the DEC and for the mattress industry to meet.

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

ACTING PRESIDENT MAYER: Will you continue to yield?

SENATOR KAVANAGH: Yes, Madam President.

ACTING PRESIDENT MAYER: The Senator yields.

SENATOR BORRELLO: I think you're comparing apples and oranges when you're talking about electronics.

First of all, many times people are going to take in electronics, and there are valuable things to take out of there and to recycle, reuse, that have value, things like silver and other precious metals, copper, so forth. So I don't think it's a fair comparison.

You're talking about a mattress, something that is really big, really heavy, and has no real -- that I'm aware of, any real reuse

opportunities.

So with that being said, and with the fact that we have mattresses being produced all over the world, a third of which are not made in the United States that are sold here in New York -- probably even higher than 30 percent here in New York, I would imagine -- why not just put in a fee? And then it's agnostic, it doesn't matter which mattress producer did, because you're going to use that fee to fund a centralized recycling program.

Which is what those other states you've referenced have done. That is the major difference. They have been able to fund the recycling, not have to worry about where the mattress came from, and just ensuring that it is recycled in a responsible way.

Would why we not just do that?

SENATOR KAVANAGH: Through you, Madam President.

First of all, just -- EPR is, by definition, a program that one applies to products that otherwise would not be collected because of the intrinsic value of the product.

When we imposed EPR on electronics,

we were recognizing partly that some of those large items, although they have valuable components, they are unlikely to get recycled through the normal course because the cost of implementing a particular recycling program by a particular producer is going to be greater than the value of the extracted products.

And we do EPR because the companies are otherwise free-riding on our governmental entities, our taxpayer-funded entities, by forcing those entities to dispose of the products.

So we're saving money at the end of life. We're also reducing the environmental burden by diminishing the amount of raw materials that need to go into the products. That is true of electronics, it's true of tires, it's true of mattresses. EPR works for a wide range of products because it is a very versatile tool.

In terms of the question of why we don't -- back to the question of why we don't want to impose a fee, basically because government-mandated fixed fees for services are not typically efficient from the perspective of consumers.

What would be efficient here is if we require the industry to provide a service at a certain level, which this bill does, and then we tell the industry, which private industry is very good at minimizing cost. They are very good at distributing cost among their different participating entities, the different companies in the business. And that is the most efficient way to minimize the cost of this program.

And again, that is the premise of most of our EPR programs in New York. Although I would acknowledge my colleague mentioned one where we did a different -- we went a different direction, and that was paint. And that program was held up for many years by a dispute over the paint collection fee.

I was in the Assembly at the time that that was being debated. I do believe that there was divided control of government at the time, and it was decided there would be a fee for paint.

But again, the EPR programs we have in New York, especially the modern EPR programs that have been passed since 2010 or so, basically operate on the same principle as this program.

And again, that is to maximize the efficiency from the perspective of consumers.

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

ACTING PRESIDENT MAYER: Do you continue to yield?

SENATOR KAVANAGH: Yes, Madam President.

ACTING PRESIDENT MAYER: The sponsor yields.

SENATOR BORRELLO: Look, our landfills are filled with things that people throw out. You know, you typically pay what's referred to as a tipping fee, and I can tell you, after being county executive in Chautauqua County, that our county-owned landfill actually produces profit and actually puts money into the general fund.

So it's not that there isn't money being made by those local governments that may have, you know, a municipal landfill. And like I said, they're filled with things that we don't have an EPR on, obviously.

A mattress, on the other hand, is something that people use 10, 20 years or more.

And why not a simple fee -- again, I'll go back to the question -- because this is a long-term durable good. You know, if I get rid of my stove that I used for 20 years, you know, scrap metal, maybe, but for the most part that's not going to be handled the same way as this mattress. The manufacturer is not responsible for my used stove when it's done. Why are we making manufacturers responsible for a used mattress?

SENATOR KAVANAGH: Through you, Madam President. I do have legislation I would offer to my colleague for consideration, which is EPR for various household appliances. They actually are a pretty good target for EPR.

But that is not the law in New York or any other state in America that I'm aware of. Although it is -- many other economies that are more advanced in this matter have considered it. I think some stoves and other appliances would be subject to EPR requirements in other states.

But again, mattresses have valuable components. They have steel, often; they have wood; they have cotton. They have reusable components. It is the case that it is unlikely in our current system, if I have a mattress and I

want to dispose of it, but I want to do it responsibly, I don't really have a mechanism for the valuable components of that to be extracted, and the industry has not provided such a mechanism.

And an individual producer of mattresses would have trouble setting that up in an economically effective way.

Charging me $20 to dispose of that mattress, as the four states -- that's roughly the fee in the four other states; it varies by a dollar or two. But roughly speaking, charging each consumer $20 every time they either want to purchase a mattress or dispose of a mattress, is not a way to minimize impacts on consumers.

It is something that the industry has requested, because it would be to their benefit because they would not then need to run the program with maximum efficiency.

I would note also that there is a difference of opinion among mattress producers. We do have mattress producers that our selling in our state that have insisted that they would prefer that the bill provide for a fee, but they would like the state to specify how the industry

should choose the fee. And in particular, they think the fee should be lower for a cheaper mattress and higher for a more expensive mattress.

And there are other sellers of mattresses that disagree with that principle and agree there should be a single fee, as there has been in four states. So even within the industry there are people lobbying the government to set a fixed price for this service, which is something that, generally speaking, my colleagues on the other side of the aisle see as not the role of government. And with respect to this particular service, it is not likely to make it -- to lower the net cost to consumers by the government mandating a $20 or so fee.

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

ACTING PRESIDENT MAYER: Do you continue to yield?

SENATOR KAVANAGH: Yes, Madam President.

ACTING PRESIDENT MAYER: The Senator yields.

SENATOR BORRELLO: I would agree

that on this side of the aisle we don't think used mattresses are a role of government. I think we could probably all agree about that over here on the Republican side.

So that being said, you bring up an important point. I mean, you can buy a mattress for $100, you can buy a mattress for $10,000. you know, a $20 fee on a $100 mattress is significant. A $20 fee on a $10,000 mattress is not.

But a fee at the point of purchase which is built into the cost could fund the ability to have this recycling, to do all the things you're talking about. And if there are things of value in there, that would also fund this recycling program.

Why not do that?

SENATOR KAVANAGH: Through you, Madam President. My colleague is pointing out one of the deficiencies of the approach that the mattress industry is trying to -- some of the main purveyors of the mattress industry are trying to tell us to adopt.

If I am someone who chooses to buy a mattress for $100, and the government is saying

you've got to pay $20 on your purchase of that mattress, and someone else is choosing to buy a $1000 mattress and the government is telling that person they also pay $20, regardless of the cost of actually making the mattress or of recycling it, that is an odd thing, in my view, for the government to do, to impose a single fixed fee regardless of other circumstances.

It's not efficient and it is probably not fair to the person who's economizing and purchasing a $100 mattress.

And in any case, what this bill says is that the same entities that make up the Sleep Products Association that are lobbying us on this bill would have the opportunity to create a rational set of factors to determine how the cost of that program should be paid.

And again, this is not, in my view, a primary element of this program. We haven't talked about other elements. But this program -- I've conceded that the other four states have programs that work well. Connecticut is collecting 90 percent of all mattresses about 10 years after implementation of the program. But I don't think the success of the program in

collecting is a result of the fee.

And I don't think a different cost structure of this program is going to have a material effect on whether the industry complies. They will comply, as they do, because they're, you know, law-abiding companies, and we'll have high rates of collection.

And again, consumers will benefit because they'll have a convenient way of disposing of the product. Large-scale consumers like housing authorities and hospitals and people who be disposing of a hundred mattresses at a time will have the industry come collect those mattresses and do something efficient for them.

So again, there's a variety of efficiencies here. We have differed -- we've had this conversation about this fee before. I doubt I will convince my colleague that this is the optimal way to do this. I think it's an optimal way to do it, and that's why it's in the bill.

But in any case, what we're doing here is moving forward with a program that will save localities a lot of money, that will reduce resource use. And that these programs are popular with consumers, because most consumers

don't think putting their mattress out on the curb or bringing it to a landfill and watching it be buried somewhere is a particularly good thing to do.

I will note that in the two years the industry has been opposing this bill, about 2 million mattresses have gone to landfills all over our state, and that is a waste.

SENATOR BORRELLO: Madam President, on the bill.

ACTING PRESIDENT MAYER: Senator Borrello on the bill.

SENATOR BORRELLO: I think we've beat this used mattress to death, so I appreciate you taking the time here.

You know what, mattresses going to landfills -- it will be great if we could find a way to not have that happen, I agree. But there are a lot of things that go into landfills. And like I said, landfills are particularly profitable for municipalities.

That being said, the real issue here is that you have quality American-made, New York-made mattresses that aren't cheap. But they're high-quality. You know, I sleep on one

made by Jamestown Mattress. Not an inexpensive mattress to buy, but a good mattress. And an extra $20 on that, you know -- I'm not going to say how much -- several thousand dollar mattress would not have impacted my decision to buy it or not.

But some cheap mattress from China that you can buy on Temu for a hundred dollars, yeah, it would.

And that's really the issue here. We're basically saying that we do not want to burden foreign mattress producers with this fee to help fund their mattresses ending up in our landfills. That's the problem I have with this.

Charge the fee if that's what you think we need to do, create a uniform system that works well, and knowing that, you know what, those hundred-dollar mattresses might have to be 120, but that American-made, New York-made $2,000 mattress, well, you know what, maybe we'll sell a few more of those. And maybe people will choose the quality over the cheap things that are going to end up in our landfill or, God forbid, on the side of a road.

So with that being said,

Madam President, I am going to end this discussion on mattresses and vote no.

Thank you.

ACTING PRESIDENT MAYER: Thank you, Senator Borrello.

Are there any other Senators wishing to be heard?

Seeing and hearing none, debate is closed.

Senator Gianaris.

SENATOR GIANARIS: Thank you, Madam President.

I would like to let you know that we have agreed to restore this bill to the noncontroversial calendar.

ACTING PRESIDENT MAYER: The bill has been restored to the noncontroversial calendar.

Read the last section.

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

ACTING PRESIDENT MAYER: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT MAYER: Senator

Kavanagh to explain his vote.

SENATOR KAVANAGH: Thank you. I'll be brief.

I appreciate the -- another opportunity to discuss this, perhaps the last time in this chamber because maybe the Assembly will join us in passing it.

I do want to say that EPR is a very important tool to deal with a wide range of our environmental problems, our waste system. It creates a lot of our climate-changing emissions. Our continued effort to produce new raw materials to make products that we use and then dispose of is very detrimental to the environment across the world.

I want to thank the Environmental Conservation chair, Pete Harckham, for bringing this forth once again through the committee, and the leader for including it in today's Earth Day package.

And I proudly vote aye, perhaps for the last time on this bill in this chamber.

Thank you very much.

ACTING PRESIDENT MAYER: Senator Kavanagh to be recorded in the affirmative.

Announce the results.

THE SECRETARY: In relation to Calendar 644, voting in the negative are Senators Ashby, Borrello, Canzoneri-Fitzpatrick, Chan, Cooney, Gallivan, Griffo, Helming, Lanza, Martinez, Mattera, Murray, Oberacker, O'Mara, Ortt, Palumbo, Rhoads, Scarcella-Spanton, Stec, Tedisco, Walczyk, Weber and Weik.

Ayes, 39. Nays, 23.

ACTING PRESIDENT MAYER: The bill is passed.

THE SECRETARY: Calendar Number 650, Senate Print 9268A, by Senator Fahy, an act to amend the Environmental Conservation Law.

ACTING PRESIDENT MAYER: 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 Helming.

ACTING PRESIDENT MAYER: 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 Helming be heard on that appeal.

ACTING PRESIDENT MAYER: The appeal has been made and recognized, and Senator Helming may be heard.

SENATOR HELMING: Thank you, Madam President.

This amendment is clearly germane. The bill before us bans PFAS in consumer products like anti-fogging sprays and wipes. The amendment that I brought forward -- it's Senate Bill 8933 -- addresses banning the exact same chemicals, PFAS, where the potential for impact is far greater.

This chamber has already taken action to restrict PFOS in products like food packaging and apparel because of the risks that they pose. So, Madam President, I'm standing up to ask the question, why would we allow them in solar panels that cover thousands of acres of our land, solar panels that potentially contain PFAS?

These forever chemicals can leach into soil and move into our food supply, water

bodies, and drinking water.

SENATOR GIANARIS: Excuse me, Senator Helming. Just one clarification.

Far be it from me to interfere in a hostile amendment presentation, but the hostile amendment that was presented, that is not what you're referring to now? So I'm just trying to understand what --

SENATOR HELMING: I'm on the Fahy --

SENATOR GIANARIS: What we were presented is actually word for word the underlying bill, so I didn't know what Senator Helming was referring to.

That's what we were presented. I don't know if the desk has anything different.

(Off the record.)

SENATOR GIANARIS: Yeah, Madam President, can we have the desk just see if they have the bill that Senator Helming was referring to as the hostile or what was presented to us?

(Pause.)

ACTING PRESIDENT MAYER: Senator Gianaris.

SENATOR GIANARIS: Madam President, it's my understanding that the desk has the same version I have, which is the actual underlying bill presented as the hostile amendment.

SENATOR HELMING: Madam President, on the bill.

(Laughter.)

ACTING PRESIDENT MAYER: Hold on.

Senator Lanza, yes.

SENATOR LANZA: Madam President, apparently there is not an amendment at the desk.

(Laughter.)

SENATOR LANZA: And so I ask that you recognize Senator Helming on the bill.

ACTING PRESIDENT MAYER: Senator Helming on the bill.

(Laughter.)

SENATOR HELMING: Okay, we're all good? All right. On the bill. Thank you, Madam President.

So the bill before us bans PFAS in consumer products like anti-fogging sprays and wipes, something that I totally support. These are very dangerous chemicals. I have a Senate bill that I'm hoping the Majority will

consider, Senate Bill 8933, that addresses banning the same chemicals, PFAS, where the potential impact is far greater.

This chamber, in addition to the bill that's before us right now, has already taken action to restrict PFAS in products like food packaging and apparel because of the risks that they pose.

So we need to follow through and ban the same in solar panels that cover thousands of acres of land, solar panels that may contain PFAS. These forever chemicals can leach into soil and move into our food supply, water bodies, and drinking water. The DEC has focused extensively on PFAS in drinking water, determining this to be a major pathway for human exposure. And that's exactly why we must take further action, we must take the necessary steps to protect public health. We must do more in addition to the bill that's before us.

The bill that I have would prohibit the use of intentionally added PFAS in solar panels. In my district, the Avon community recognized this very real risk and adopted a law in 2021 prohibiting PFAS-containing solar panels.

But currently New York State law -- some in this body created ORES. And under ORES, ORES has the ability to override local laws it deems unreasonably burdensome that puts local protections like the one that Avon has put in place, at risk.

That's why it's so important to pass not only the bill that's before us, but a bill like mine to ban unnecessary PFAS in solar panels.

And I just want to comment, I heard earlier the same thing I heard last week, that facts are facts. So here are a few of my facts.

First, all 50 states have the same president.

Second fact: New York rates are well above the national average despite having the same president as the other states.

There's a third fact, that our residential electric rates are rising faster than the national trend.

Another fact. I heard conversations today around bills that -- this body has proposed a number of bills and passed them and touted them as ways to lower our energy costs. And that just

hasn't been the case at all.

We need to continue to work to reduce energy costs, and we also need to work by passing bills like my banning PFAS in solar panels, to address a public health issue.

So, Madam President, I appreciate the opportunity to kind of stretch my hostile amendment into an explanation of the bill.

Thank you.

ACTING PRESIDENT MAYER: Thank you, Senator Helming.

Are there any other Senators wishing to be heard?

Seeing and hearing none, debate is closed.

Senator Gianaris.

SENATOR GIANARIS: Madam President, let's restore this bill to the noncontroversial calendar, please.

ACTING PRESIDENT MAYER: This bill is restored to the noncontroversial calendar.

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 MAYER: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT MAYER: Announce the results.

THE SECRETARY: Ayes, 62.

ACTING PRESIDENT MAYER: The bill is passed.

THE SECRETARY: Calendar Number 658, Assembly Bill Number 10711, by Assemblymember Paulin, an act to amend the Public Health Law.

ACTING PRESIDENT MAYER: Senator Rhoads, why do you rise?

SENATOR RHOADS: Madam President, I was hoping that the sponsor would be willing to yield to a few questions.

ACTING PRESIDENT MAYER: Senator Stavisky, are you willing to yield?

SENATOR STAVISKY: The sponsor would be delighted to yield.

ACTING PRESIDENT MAYER: Senator Stavisky would be delighted to yield.

SENATOR RHOADS: Thank you. Thank you, Senator Stavisky.

Through you, Madam President.

Senator, I see that this is a bill that's been introduced at the request of the Governor. Is this one of the Governor's program bills?

SENATOR STAVISKY: Yes.

SENATOR RHOADS: Thank you.

Will the sponsor continue to yield?

SENATOR STAVISKY: Yes.

ACTING PRESIDENT MAYER: Do you continue to yield?

SENATOR STAVISKY: Yes.

ACTING PRESIDENT MAYER: Yes. I think you have to speak into the mic, Senator Stavisky, a little more.

It's hard to hear Senator Stavisky.

(Off the record.)

SENATOR STAVISKY: Okay, sorry about that.

SENATOR RHOADS: Madam President --

SENATOR STAVISKY: It's still part of the Governor's program bill.

ACTING PRESIDENT MAYER: Senator Rhoads, go ahead.

SENATOR RHOADS: Thank you.

Madam President, will the sponsor continue to yield.

ACTING PRESIDENT MAYER: Do you continue to yield?

SENATOR STAVISKY: Yes.

ACTING PRESIDENT MAYER: Yes, the Senator yields.

SENATOR RHOADS: Through you, Madam President. It's my understanding that the bill actually amends two sections of the Public Health Law:

Section 2164, that actually deals with immunizations for all children initially, and then for 6th-grade immunizations, 7th-through-12th-grade immunizations, and then adult immunizations; and Section 2803, which deals specifically with immunization scheduling for newborns.

I'm going to stick with 2164 to start.

Under this bill, does it remove the requirement that immunizations be administered under federal guidelines?

SENATOR STAVISKY: First of all, there are several laws that are being amended,

not just the Public Health Law -- the Education Law, as well as the Social Services Law.

The -- there's no requirement on this legislation. It simply makes it -- the federal available.

I should add that this legislation -- I can almost put it in one sentence. This bill allows pharmacists to administer the COVID vaccine to children under 2 years old, and older, with, as in the past, a non-patient or patient-specific prescription.

SENATOR RHOADS: And will the sponsor continue to yield.

SENATOR STAVISKY: Yes.

ACTING PRESIDENT MAYER: Do you continue to yield?

SENATOR STAVISKY: Yes.

ACTING PRESIDENT MAYER: The Senator yields.

SENATOR RHOADS: Through you, Madam President. The bill does quite a bit more than that, in fact, Senator Stavisky.

The legislation, it appears, removes the requirement that the scheduling of the immunizations and the administration of the

vaccinations -- removes the need to comply with the standards approved by the United States Public Health Service for such biological products. And is approved by the -- and removes the requirement that they be approved by the department under conditions as may be specified by the Public Health Council. Is that correct?

SENATOR STAVISKY: The term "United States Public Health Service" is an antiquated term. It's no longer in use.

And instead we do, though, authorize the federal government and look to them for advice.

SENATOR RHOADS: Thank you.

Will the sponsor continue to yield?

ACTING PRESIDENT MAYER: Do you continue to yield?

SENATOR STAVISKY: Yes.

ACTING PRESIDENT MAYER: The Senator yields.

SENATOR RHOADS: So while the United States Public Health -- through you, Madam President. While the Public Health Service may no longer be the terminology, it is now the FDA -- the Advisory Committee for Immunization

Practices, in Health and Human Services, that federally controls immunization practices. Is that not correct, Senator?

SENATOR STAVISKY: It also authorizes the Advisory Committee on Immunization Practices, known as ACIP.

The changes in this legislation, it's more -- it gives them more flexibility and helps define who can do what. With the -- with the advice of the New York State Department of Health.

SENATOR RHOADS: Will the sponsor continue to yield.

SENATOR STAVISKY: Yes.

ACTING PRESIDENT MAYER: Do you continue to yield?

Yes, the sponsor yields.

SENATOR RHOADS: Immunization practices currently -- if this were not to become law, our immunization schedule -- our immunizations would be bound by guidelines passed by Health and Human Services and ACIP, the Advisory Committee for Immunization Practices. Is that not correct?

SENATOR STAVISKY: Yes. But I must

say that I get a little nervous with the Department of Health and Human Services and its leader, Robert F. Kennedy, in terms of vaccinations and other fake science that seems to come out of his office.

SENATOR RHOADS: Will the sponsor continue to yield.

ACTING PRESIDENT MAYER: Do you continue to yield?

SENATOR STAVISKY: Yes.

ACTING PRESIDENT MAYER: The Senator yields.

SENATOR RHOADS: Well, I certainly appreciate the commentary, Senator.

But the question was the federal standards that currently New York State must abide by in order for immunizations are removed by this bill, is that not correct?

SENATOR STAVISKY: The legislation provides for the New York State Department of Health, with the advice of the federal government.

SENATOR RHOADS: Will the sponsor continue to yield.

ACTING PRESIDENT MAYER: Do you

continue to yield?

SENATOR STAVISKY: Yes.

ACTING PRESIDENT MAYER: The Senator yields.

SENATOR RHOADS: So the standards that are approved by the Advisory Committee for Immunization Practices, ACIP; Centers for Disease Control; and the Department of Health and Human Services are now vested solely in the Commissioner of Health under this legislation, correct?

SENATOR STAVISKY: Yes. However, they are required to consult with the other organizations.

SENATOR RHOADS: Will the sponsor continue to yield.

ACTING PRESIDENT MAYER: Do you continue to yield?

SENATOR STAVISKY: Yes.

ACTING PRESIDENT MAYER: Yes, the Senator yields.

SENATOR RHOADS: Through you, Madam President. And which other organizations would that be?

SENATOR STAVISKY: The American

Academy of Pediatrics -- which, incidentally, has filed a memo of support for this bill -- as well as the American Academy of Family Physicians. Quite a few others also.

SENATOR RHOADS: And will the sponsor continue to yield?

ACTING PRESIDENT MAYER: Do you continue to yield?

SENATOR STAVISKY: Yes.

ACTING PRESIDENT MAYER: The Senator yields.

SENATOR RHOADS: Through you, Madam President.

Senator Stavisky, are you not concerned that the commissioner, the Health Commissioner would no longer be bound by any federal standard and that the guardrails of transparency and disclosure and requirements that organizations on those federal committees who make decisions on vaccines must disclose conflicts of interest of any direct financial or institutional conflicts?

SENATOR STAVISKY: ACIP still needs to be consulted. And the Commissioner of Health in New York State has been confirmed by the

people as well as by the State Senate.

SENATOR RHOADS: Will the sponsor continue to yield?

SENATOR STAVISKY: Yes.

ACTING PRESIDENT MAYER: Yes, the Senator yields.

SENATOR RHOADS: Through you, Madam President. Senator Stavisky, I note that the language that's actually in the legislation --

SENATOR STAVISKY: Madam President, it's my understanding the rules do not permit individual names from being mentioned.

ACTING PRESIDENT MAYER: I believe he's just addressing you directly, Senator.

SENATOR STAVISKY: I'm sorry. Proceed.

ACTING PRESIDENT MAYER: We're going to review the rules after this session.

SENATOR RHOADS: Yes, certainly I don't intend any disrespect. As the sponsor of the legislation, I'm simply referring to you by name as opposed to saying "the sponsor."

SENATOR STAVISKY: Understood. Thank you.

SENATOR RHOADS: The language in the legislation says (reading) in accordance with regulations issued by the commissioner utilizing generally accepted medical standards, and taking into consideration recommendations of the American Academy of Pediatrics, the American Academy of Family Physicians, the American College of Obstetricians and Gynecologists, the American College of Physicians, the Advisory Committee on Immunization Practices and/or other similarly nationally or internationally recognized scientific organizations.

Where is the requirement in here that the Advisory Committee on Immunization Practices' guidelines must be followed by the commissioner?

SENATOR STAVISKY: Madam President, there is no requirement.

And I thank the Senator for bringing this up, because that's the reason we're passing this bill.

SENATOR RHOADS: Will the sponsor continue to yield.

ACTING PRESIDENT MAYER: Do you continue to yield?

SENATOR STAVISKY: Yes.

ACTING PRESIDENT MAYER: The Senator yields.

SENATOR RHOADS: So back to my earlier question -- through you, Madam President.

Back to my earlier question, the federal government has guidelines, guardrails for transparency such as disclosure, requirements that organizations and those on federal committees who make decisions on vaccines have to disclose any conflicts of interest or any direct financial or institutional conflicts.

Where is there similar protection within this legislation for the bodies that are recommended by this legislation that our Health Commissioner now look at it?

SENATOR STAVISKY: I mentioned two of the organizations that have to be consulted, provided a long list of others. We have to get back to you on the specific questions regarding the conflict of interest.

SENATOR RHOADS: Thank you.

Will the sponsor continue to yield?

SENATOR STAVISKY: Let me just finish.

SENATOR RHOADS: Oh, I'm sorry.

SENATOR STAVISKY: The -- when the commissioner was confirmed, I'm sure that he submitted an ethics statement, et cetera.

SENATOR RHOADS: Will the sponsor continue to yield.

SENATOR STAVISKY: Yes.

ACTING PRESIDENT MAYER: The Senator yields.

SENATOR RHOADS: Through you, Madam President. I'm not asking about conflicts that the commissioner may have.

I'm asking about conflicts that may exist with respect to the bodies that are included in the legislation that you're suggesting that the Health Commissioner should seek advice from when determining these vaccine standards.

SENATOR STAVISKY: It would be extremely onerous on the part of government to try to investigate that whole litany of organizations that are part of the equation, so to speak.

SENATOR RHOADS: Will the sponsor continue to yield?

SENATOR STAVISKY: Yes.

ACTING PRESIDENT MAYER: The Senator yields.

SENATOR RHOADS: Through you, Madam President.

Well, the federal government does that. And we're now replacing the federal government with this new state standard which you're now saying is too onerous to be able to avoid potential conflicts of interest and financial considerations.

Why would that be too onerous? And why are we replacing the federal regulation if it's too onerous for the state to be able to do it and the federal government already does it?

SENATOR STAVISKY: If you're referring to the mention of the ACIP board, as well as other people appointed by the Secretary of Health and Human Services, there have been a lot of questions raised about their conflicts of interest. And that's one of the reasons why I think we need some reform.

SENATOR RHOADS: Will the sponsor continue to yield.

SENATOR STAVISKY: Yes.

ACTING PRESIDENT MAYER: Yes, the Senator yields.

SENATOR RHOADS: Under this bill, the language indicates that not only can the commissioner consult with the organizations that are listed, it specifically says "and/or similar nationally or internationally recognized scientific organizations" -- organizations which would not be answerable to anyone within the United States.

Are you at all concerned that power is going to be vested in international organizations that are not accountable to anyone in the United States?

SENATOR STAVISKY: Well, first of all, the membership of these organizations are constantly in transition. Membership changes probably several times a year. People either join or leave these organizations. So it's very difficult to respond to that question.

SENATOR RHOADS: Will the sponsor continue to yield?

SENATOR STAVISKY: Yes.

ACTING PRESIDENT MAYER: The Senator yields.

SENATOR RHOADS: My concern specifically is with respect to this legislation now authorizing the Commissioner of Health to consult with international organizations, which have no allegiance to or no standards recognized by state or federal government.

Is there any concern -- do you have any concern about using those organizations -- for example, such as the World Health Organization -- as a source for how New York State is now basing its vaccination policy?

SENATOR STAVISKY: I'm glad you mentioned New York State, because the New York State Department of Health also is involved. And as I said, membership changes.

There's no requirement that they consult the World Health Organization, and they can do so or not do so.

SENATOR RHOADS: Under --

ACTING PRESIDENT MAYER: Are you asking if the Senator will yield?

SENATOR RHOADS: Yes, I'm sorry, will the sponsor continue to yield?

SENATOR STAVISKY: Yes.

ACTING PRESIDENT MAYER: Yes, the

Senator yields.

SENATOR RHOADS: Under this legislation, since the federal government is no longer part of the equation as far as how New York State makes its decisions with respect to vaccinations, are you concerned that only vaccines that are recommended for routine use by the federal Advisory Committee on Immunization Practices are eligible for Medicaid or federal Vaccines for Children funding?

SENATOR STAVISKY: You know, there's no requirement that a parent bring a child for the vaccination. That's I think the major point. This is optional on the part of the parent or guardian, because this pertains to COVID.

(Pause.)

ACTING PRESIDENT MAYER: One minute. Senator Rhoads, one minute.

SENATOR STAVISKY: The first section -- I don't know if that was the section you were citing -- are obviously required for children attending school. Others are optional.

SENATOR RHOADS: Will the sponsor continue to yield?

SENATOR STAVISKY: Yes.

ACTING PRESIDENT MAYER: The Senator yields.

SENATOR RHOADS: With respect to the amendments to Section 2803 of the Public Health Law, which deals specifically with respect to the vaccine schedule for newborns, it appears as though there are no standards that are set forth as to how those decisions are to be made. It's simply vested in the Governor's Commissioner of Health.

SENATOR STAVISKY: Those I understand are optional. It would be up to the Department of Health.

SENATOR RHOADS: Right. It's -- will the sponsor continue to yield.

ACTING PRESIDENT MAYER: Do you continue to yield?

SENATOR STAVISKY: Yes.

ACTING PRESIDENT MAYER: The Senator yields.

SENATOR RHOADS: So I do understand that it would be solely up to the Commissioner of Health to make a decision as to when those vaccines are supposed to be administered, when

those doses are -- if there's supposed to be multiple doses of those vaccine, and in what order those vaccines are supposed to be administered.

One question that I do have with respect to that is that it does contain language in Section 8A of the bill that says the immunization schedule shall chart out recommended immunizations against certain diseases and illnesses and age-appropriate times for the administration of each immunization.

My question is, the language that says "shall chart out recommended immunizations," does that vest the Health Commissioner with additional authority to add immunizations not listed by law in earlier sections to the immunization schedule?

SENATOR STAVISKY: That -- this -- what you just mentioned is currently in the law. There's no change on that.

SENATOR RHOADS: Will the sponsor continue to yield.

SENATOR STAVISKY: Yes.

ACTING PRESIDENT MAYER: Do you continue to yield?

Yes, the Senator yields.

SENATOR RHOADS: So my question, though, specifically is because we're setting out a new process for how these immunizations are to be determined as to what conditions or diseases we're going to immunize children against, does this section give the commissioner the ability to make those decisions independently of the changes that you're putting into Section 2164 of the Public Health Law?

(Pause.)

SENATOR STAVISKY: No, that is not the case. There are two different sections. One deals with children starting school, requiring certain immun -- immuniz -- certain vaccines. And the other is totally different.

SENATOR RHOADS: On the bill.

ACTING PRESIDENT MAYER: Senator Rhoads on the bill.

SENATOR RHOADS: Thank you, Senator Stavisky. I appreciate your answers.

SENATOR STAVISKY: Thank you.

SENATOR RHOADS: I'm concerned about several things in this legislation.

Initially, I'm concerned that

vaccine decisions for our most vulnerable newborns can potentially be privatized under this legislation. The DOH commissioner and, in effect, the Governor would be allowed to defer to private trade organizations like the American Academy of Pediatricians, the American College of Obstetricians and Gynecologists, even though these organizations have direct financial and institutional conflicts of interest and are not answerable to legislators or to the public.

Passing this bill means that the FDA approval standard, which currently anchors every vaccine on New York State's schedule, is gone. This means that the commissioner could recommend a vaccine product approved by a foreign body or anybody he personally chooses to designate.

There's no requirement that it follow any of those recommendations. It's only that recommendations are sought. The commissioner ultimately can pick or choose which organization he decides to listen to or which organization he doesn't.

It's also any foreign body or anybody he personally chooses to designate as a recognized scientific organization, even if that

product hasn't been licensed by the FDA. And that concerns me greatly and should concern everyone of you in this chamber.

Concerns about language in this bill that would allow organizations to directly influence the commissioner's decisions. Organizations that could fall under the vague definition in the bill of "similar recognized international organizations" are the World Health Organization -- which, we may be aware, the administration pulled the U.S. out of recently due to its mishandling of the COVID-19 vaccine -- UNESCO, the United Nations Educational, Scientific and Cultural Organization; the People's Health Movement, which is an overtly Marxist organization, and the Islamic Organization for Medical Sciences, a premier international nongovernmental scientific organization that serves as a leading global authority dedicated to bridging modern medical advancements with Islamic jurisprudence, which is Sharia law.

I'm concerned that the vague language of the bill allows such dangerous influence in our state's healthcare system. Only

vaccines that are recommended for routine use by the federal ACIP are actually eligible for reimbursement through the vaccine program, the federal vaccine program. Which means that the state would lose $350 million at least coming from the federal Vaccines for Children program, not including the cost to administer the shots. There's no plan for how that's actually going to be replaced.

I understand that there may be another program bill that's coming. But that program bill simply says what Albany always says, which is that health insurance companies are going to have to bear the cost. Which ultimately means you all that are paying health insurance premiums, and everyone out there watching is going to be the ones that actually wind up bearing the cost that would have been covered by the federal government.

Also, legal liability protection is removed. The federal Vaccine Injury Program only applies to vaccines that are approved by the federal government. Which means that you are now exposing doctors, you're exposing insurance companies to potential liability, you're exposing

vaccine manufacturers and administrators to legal liability for injuries that are caused by the shots. And no doctor or healthcare company will provide the vaccines without legal immunity.

This bill is certainly not well-thought-out. And the issue is that it creates certainly more problems than it solves. The standards that we have now, the policies that we have now have been working. For the state to step in at this point and attempt to reinvent the wheel, the Governor has done so in her bill very, very poorly.

So I will be voting against this bill, and I would recommend that my colleagues do the same.

Thank you, Madam President.

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

Seeing and hearing none, debate is closed.

Senator Gianaris.

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

ACTING PRESIDENT MAYER: The bill

is restored to the noncontroversial calendar.

Read the last section.

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

ACTING PRESIDENT MAYER: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT MAYER: Senator Weik to explain her vote.

SENATOR WEIK: Thank you, Madam President.

This is a very concerning bill. This bill -- just one of the things this bill does is to amend the definition of immunization in the state statute, changing the law to provide that it is not necessary to be based on the federal recommendations, which should concern all of us.

Once again, New York State, so heavy-handed in mandating one-size-fits-all medicine. Which we know, if I asked everybody in this room to take an aspirin, many of you could not, due to health concerns or other medication you're taking, because there's no such thing as one-size-fits-all medicine.

This eliminates individual medical choice, which I know my colleagues on the other side are very supportive of individual medical choice. It eliminates individual medical decisions. And it totally eliminates parental consent, which is so important.

And for those reasons I'll be voting in the negative.

ACTING PRESIDENT MAYER: Senator Weik to be recorded in the negative.

Senator Stavisky to explain her vote.

SENATOR STAVISKY: Yes, thank you, Senator, for the questions.

I too am concerned. I'm concerned about the widespread issue of communicable diseases such as measles coming from Texas, et cetera. I'm concerned about the fake science coming out of Robert F. Kennedy, Jr.'s department. There are many issues that concern me.

And the issue -- one of the issues, and I'm delighted to hear my friends on the other side of the aisle talk about choice. But I also want to emphasize that nobody -- aside from the

school part, nobody is saying to anybody that you must immunize your child with the COVID vaccine.

Madam President, I vote aye.

ACTING PRESIDENT MAYER: Senator Stavisky to be recorded in the affirmative.

Senator Gonzalez to explain her vote.

SENATOR GONZALEZ: Thank you, Madam President.

I just want to thank the bill's sponsor. I do think this is a well-thought-out bill. I'll be voting in the affirmative because I believe in science and keeping children safe.

So thank you.

ACTING PRESIDENT MAYER: Senator Gonzalez to be recorded in the affirmative.

Announce the results.

THE SECRETARY: In relation to Calendar 658, voting in the negative are Senators Ashby, Borrello, Canzoneri-Fitzpatrick, Chan, Gallivan, Griffo, Helming, Lanza, Martinez, Martins, Mattera, Murray, Oberacker, O'Mara, Ortt, Palumbo, Rhoads, Rolison, Stec, Tedisco, Walczyk, Weber and Weik.

Ayes, 39. Nays, 23.

ACTING PRESIDENT MAYER: The bill is passed.

THE SECRETARY: Calendar Number 697, Senate Print 6570A, by Senator Harckham, an act to amend the Environmental Conservation Law.

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

SENATOR WALCZYK: Madam President, I hope the sponsor would yield.

ACTING PRESIDENT MAYER: Senator Harckham, will you yield?

SENATOR HARCKHAM: I do.

ACTING PRESIDENT MAYER: The Senator yields.

SENATOR WALCZYK: Through you, Madam President.

This bill increases the distributed solar requirement of the CLCPA from 6 gigawatts to 20 gigawatts, tripling even more the requirement. Why?

SENATOR HARCKHAM: Through you, Madam President.

While a lot can be said about the CLCPA, distributed solar has been one of the successes. We've already met the 6-gig mark. We

are now on track to surpass the 10-gig mark.

And so this bill, in addition to increasing the goal -- you know, we've had a lot of talk in this chamber about saving our ratepayers money. This will save a billion dollars annually, because this will lower wholesale costs. And because this is distributed solar, basically rooftop and subscription community solar, people will also save directly on their utility bills.

So as we talk about things like -- through you, Mr. President -- you know, in a prior debate you were talking about, you know, how do we replace the 4 or the 5 gigs of dirty power. This could certainly be a way.

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

ACTING PRESIDENT BAILEY: Yes, Senator Walczyk, I'm back and better than ever.

Senator Harckham, do you yield?

SENATOR HARCKHAM: Through you, Mr. President.

ACTING PRESIDENT BAILEY: The Senator yields.

SENATOR WALCZYK: Through you, Mr. President. Now, we're talking about solar capacity, the nameplate, we're not talking about capacity factor of solar when we say that 20 gigawatts, is that correct?

(Pause.)

SENATOR HARCKHAM: Through you, Mr. President.

The capacity factor on the grid is different than just the 20 gigs, and that is regulated by things like demand, storage, traffic.

And those are some of the other things that this bill addresses, is using smart technology to regulate the flow and the demand and the peak and those sort of things that you're referring to.

SENATOR WALCZYK: Would the sponsor continue to yield?

ACTING PRESIDENT BAILEY: Will the sponsor yield?

SENATOR HARCKHAM: Yes.

ACTING PRESIDENT BAILEY: The Senator yields.

SENATOR WALCZYK: Yeah, but just

specifically, we're talking about nameplate 20 gigawatts, we're not talking about capacity factor?

SENATOR HARCKHAM: Yeah. Through you, Mr. President, yes.

SENATOR WALCZYK: And would the sponsor continue to yield.

ACTING PRESIDENT BAILEY: Does the sponsor yield?

SENATOR HARCKHAM: Yes.

ACTING PRESIDENT BAILEY: The sponsor yields.

SENATOR WALCZYK: The capacity factor for solar in New York is anywhere between 10 and 20 percent. That's the efficiency obviously, you know, at nighttime, you're getting close to zero solar. And we live in a climate that's a little bit darker and a little bit more cloudy than others, so we don't get as much efficiency out of solar panels in New York.

How much energy do you anticipate will actually be produced and put into the grid from this 20 gigawatts of nameplate solar capacity?

SENATOR HARCKHAM: Through you,

Mr. President. I just want to address one thing, and then I'll check with counsel on the factoid.

But just because we don't have sunlight in the evening doesn't mean in the evening we can't take advantage of energy produced via solar.

That's where battery storage comes in, is that we are able to store low-cost power from the sun and then we release it back into the grid at times of higher demand, thereby lessening our reliance on the spot market. And, you know, that's another thing that we've spoken about here.

But let me check on exact numbers.

(Pause.)

SENATOR HARCKHAM: Through you, Mr. President, sorry for the delay.

It's really tough to quantify that number because it does depend on a number of factors, some of which you elicited.

However, solar has been such a success in New York at driving down individual residential rates, folks who have solar.

We look at the State of Texas. And as colleagues know, I'm not one to often quote us

as saying we need to emulate Texas. But when we talk about the difference in utility rates, it's because of the high blend of renewables in their portfolio. After they had the great blizzard of a decade ago, all of their new generation -- all of their new generation -- has been in renewables. And according to the Texas state comptroller, they've saved their ratepayers $30 billion.

So we know the smart use of distributed solar and other renewable technologies can lower costs, and that's what this bill aims to do with this additional deployment.

SENATOR WALCZYK: Would the sponsor continue to yield?

ACTING PRESIDENT BAILEY: Will the sponsor yield?

SENATOR HARCKHAM: Yes.

ACTING PRESIDENT BAILEY: The sponsor yields.

SENATOR WALCZYK: I think it's kind of a New York apples to Texas belt buckles comparison, given the climates of the different states. Texas also burns coal to keep their grid

stable, certainly something that we banned a while ago in New York State.

But I want to ask, how many acres of land across New York State would it require to get to 20 gigawatts of the solar capacity that you're proposing here?

SENATOR HARCKHAM: Through you, Mr. President, that's a good question.

This is the smaller-size solar. These are not the big projects that go before ORES. These are not the big projects that, you know, take up an entire valley of farmland.

A lot of this can be done on individual rooftops. It can be done on warehouse rooftops, on solar canopy over carports.

This is a much smaller footprint. This also would allow farmers to use a portion of their farmland and retain lease income as a way to supplement their income and still have the majority of their land for farming.

So this is -- this is really only up to 5 megawatts. It's 1 megawatt to 5 megawatts. That's about enough power for a little less than a thousand homes.

So this is really the smaller,

low-impact. A lot of -- perfectly suitable for urban and semi-urban communities as well.

SENATOR WALCZYK: Would the sponsor continue to yield?

ACTING PRESIDENT BAILEY: Will the sponsor yield?

SENATOR HARCKHAM: Yes.

ACTING PRESIDENT BAILEY: The sponsor yields.

SENATOR WALCZYK: By my calculations of the requirement for 20 gigawatts of solar, you're looking at somewhere between 200,000 and 300,000 acres of land.

Do we have that many rooftops in New York State?

SENATOR HARCKHAM: Through you, Mr. President.

You know, with respect, I just don't know where you got that calculation, so I'm not going to comment on the calculation.

But through you, Mr. President. As we discussed before, this is the smaller-scale solar. This can be on individual rooftops, this can be on warehouse rooftops, this can be on shopping mall carports. This can be on municipal

parking lots.

In my district, the Village of Croton, their Metro-North parking lot built a massive solar canopy, which is a great use.

And so with the technology as evolved as it has, panels are much, much more efficient. They don't need the concentration of sun that they used to. They can work quite well in partial sun, partial shade.

I think -- I think one of the biggest differences -- you know, we were talking about Texas before. I think one of the biggest differences, Mr. President, is that they don't have local zoning. They -- you know, you can have a Home Depot next to a residence, you know, and that's just Texas's state policy.

All of these would be subject to local planning zoning or special-use permit, depending on the local municipality's laws and zoning surrounding these things.

So there will be local control. I know we like to talk a lot about local control and mandates. With this size project, all of them will be under local control.

SENATOR WALCZYK: Mr. President,

would the sponsor continue to yield?

ACTING PRESIDENT BAILEY: Will the sponsor yield?

SENATOR HARCKHAM: Yes.

ACTING PRESIDENT BAILEY: The sponsor yields.

SENATOR WALCZYK: Through you, Mr. President. You mentioned that these are just the smaller projects, but you're moving the threshold in the CLCPA from 6 to 20 gigawatts.

Where in this bill can I find that these are just smaller projects and just going on rooftops, not on farmland, as we've seen thus far?

SENATOR HARCKHAM: Through you, Mr. President. To answer your question, those details are in the NY-Sun program, which is part of this bill. NY-Sun was part of the stimulus program that helped us get to -- we're now at about 8 gigawatts. We've surpassed the 6.

And so one of the elements of this bill, one of the three major components, calls for the PSC and NYSERDA to restart NY-Sun. That's where those criteria are laid out, between 1 and 5 megawatts.

And just by their nature, those projects are not the massive -- they can't be greater than 5 megawatts, and so those are not the massive ones.

For instance, I saw a proposed site with Senator Hinchey in Columbia County where this company literally wanted to take an entire valley that was, by my guess, what, a mile, two miles long? You know, it would have been massive.

These are nothing, nothing like that.

SENATOR WALCZYK: Mr. President, would the sponsor continue to yield?

ACTING PRESIDENT BAILEY: Will the sponsor yield?

SENATOR HARCKHAM: Yes.

ACTING PRESIDENT BAILEY: The sponsor yields.

SENATOR WALCZYK: Yeah, back to the amount of land. So we've seen, you know, often, in order to fall into that part of the program, I've seen solar developers pair up multiple 5 megawatt solar fields next to each other in order to meet that requirement.

My question is specifically, is there a land prohibition here? This is just for rooftops, as you've displayed, or will people also be able to put solar panels on land?

SENATOR HARCKHAM: Through you, Mr. President. They will be able to put solar on land.

SENATOR WALCZYK: Would the sponsor continue to yield.

ACTING PRESIDENT BAILEY: Will the sponsor yield?

SENATOR HARCKHAM: Momentarily, I will yield. I may need to amend the answer.

ACTING PRESIDENT BAILEY: The sponsor will yield momentarily.

(Pause.)

SENATOR HARCKHAM: So through you, Mr. President, New York City alone -- again, just talking about the amount of rooftops, New York City alone has 40,000 acres of rooftop. So that's not to say we're going to put solar panels on every building in New York City.

But just as an example of the kind of real estate there is, that's just in the five boroughs of New York City.

However, having said that, when I was in Israel 12 years ago -- I guess 13 years ago now -- literally every building and every home had solar on it. And that was 13 years ago. So others are ahead of us in this game.

But certainly the thing about rooftop solar is that is the one thing that best lowers utility rates, because we're allowing folks to generate their own power. And so, you know, that hasn't been -- rooftop solar hasn't really been a partisan thing, because people just enjoy saving money, and they're generating their own power.

So what we're trying to do is bring back the program that enabled that, that's been so successful, and expand it.

And we also, when we talk about -- through you, Mr. President -- you had mentioned in an earlier debate, and you're correct, about clean power upstate, dirty power downstate. This is an opportunity to get more solar generation down in our population centers where we do need the generation.

And so we're not recommending only expensive transmission, you know, to send power

hundreds of miles, but we're actually generating it where we need it, and thus making the grid more resilient.

SENATOR WALCZYK: Mr. President, would the sponsor continue to yield.

ACTING PRESIDENT BAILEY: Will the sponsor yield?

SENATOR HARCKHAM: Yes.

ACTING PRESIDENT BAILEY: The sponsor yields.

SENATOR WALCZYK: That's a great figure -- through you, Mr. President, that's a great figure, 40,000 acres in New York City.

So I calculated between 200,000 and 300,000 acres would be required to meet that 20 gigawatts that you're adding here in this bill.

Where would that acreage come from, or what is your number on what that acreage requirement would be for the amount of distributed solar in New York?

SENATOR HARCKHAM: Through you, Mr. President, we don't have that calculation. However, we talked about individual homes, we've talked about warehouses, we talk about

parking lots, we talk about SUNY campuses, we talk about Metro-North and other mass transit parking lots. We talk about alongside the right-of-ways of our highways.

In the Netherlands -- a friend of mine was there not too long ago from the Assembly, and she sent me a video, just along the median was solar for as long as they were driving. And that was not taking up farmland, that was not taking up private property. That was simply the median. And it was also serving as a sound barrier to the folks who lived on the other side.

The Koreans are now using what are called solar trees. So we're not spreading solar out all -- you know, they're going vertical.

The Chinese have really invested in floating voltaics. They did a 1-gigawatt system, and 1 gigawatt is massive -- that was the first nuclear goal that the Governor had for the state -- they did a 1 gigawatt off their shore.

So there are plenty of places that we can look to do solar that the rest of the world is actually doing without taking up prime farmland. I know that is a concern of our

conference, I know it's a concern of your conference. Senator Hinchey has been very vocal on this issue.

And that's the beauty of this versus utility-scale solar, because utility-scale solar has to have that kind of land. This does not. This can fit in with the local environment.

SENATOR WALCZYK: Would the sponsor continue to yield.

ACTING PRESIDENT BAILEY: Will the sponsor yield?

SENATOR HARCKHAM: Yes.

ACTING PRESIDENT BAILEY: The sponsor yields.

SENATOR WALCZYK: But use of farmland is not prohibited in this legislation, as long as it's 5 megawatts or less. The projects could be next to each other, is that correct?

SENATOR HARCKHAM: Through you, it -- no, farmland is not prohibited, other than -- but this is subject to local control and local zoning.

So if a local zoning board, a local planning board or if they needed to go to a town

board for a special-use permit, the local municipality could deny that use. Because this is not a state-implemented zoning override, there is still local control. So it's subject to local planning authorities.

SENATOR WALCZYK: Would the sponsor continue to yield?

ACTING PRESIDENT BAILEY: Will the sponsor yield?

SENATOR HARCKHAM: Yes.

ACTING PRESIDENT BAILEY: The sponsor yields.

SENATOR WALCZYK: Utility companies would have to build interconnection by order of the PSC under this legislation. How much will that cost ratepayers?

SENATOR HARCKHAM: Well, ultimately this is going save ratepayers money. Because what's happened is the cost of interconnection has risen over fivefold in the last five years.

And a big part of that is because the costs are not disclosed, there's no transparency. It's hard to plan. And utility companies get reimbursed for big capital costs, so it's in their interests to build the more

expensive project.

So this would use best technology available. In some cases we're talking about using software instead of hardware to make our grid smarter and to really study where we need to make those grid improvements. There are places where we can -- we can just connect to the grid without having to build a million-and-a-half-dollar substation, you know.

And these are the kind of things that have been hampering the industry, the private sector, from really being able to explode. And so these are the kind of things this bill will address. And ultimately lower costs, not increase costs.

SENATOR WALCZYK: Would the sponsor continue to yield?

ACTING PRESIDENT BAILEY: Will the sponsor yield?

SENATOR HARCKHAM: Yes.

ACTING PRESIDENT BAILEY: The sponsor yields.

SENATOR WALCZYK: Through you, Mr. President. And I know you've included some cost transparency requirements for the utility

companies on that. I would ask for some cost transparency requirements for the ratepayers.

I know you say ultimately they're going to enjoy cost savings. Many of my constituents see this buildout and don't believe that they're ever going to see cost savings.

Could you be honest and let the body know how much this is going to cost ratepayers up-front to build the interconnection for distributed solar?

(Pause.)

SENATOR HARCKHAM: Okay, one of the things, one of the provisions in here -- and thank you for your patience, Senator -- is it -- it has to do with greater certainty for cost overruns. Because right now the company that is doing the development has no ability to address the interconnection and the cost overruns, because utilities traditionally build that.

So built into this bill are self-serve provisions where Avangrid and National Grid already have very successful pilots that allow the company to build the interconnection themselves using the labor standards -- because our utilities are union

shops, they would use union labor. But they can build them on a much faster timetable, and they have a vested interest in controlling the cost.

And so then the commission (reading) shall issue an order to increase cost certainty and counteract utility cost overruns within 180 days of the effectiveness of that section.

So it does address cost overruns, and it does provide for mechanisms where companies have an incentive to do the work themselves and lower costs for consumers.

SENATOR WALCZYK: Would the sponsor continue to yield?

ACTING PRESIDENT BAILEY: Will the sponsor yield?

SENATOR HARCKHAM: Yes.

ACTING PRESIDENT BAILEY: The sponsor yields.

SENATOR WALCZYK: My question was specifically how much is it going to cost the utility ratepayers up-front.

SENATOR HARCKHAM: Through you, Mr. President. We are not aware of that yet because this is a project-by-project basis and a utility-by-utility basis.

Right now these costs are eaten by the development company. That's one of the reasons why there's an argument against allowing utilities to do these projects. Because if utilities can develop and own solar, they will pass along the costs directly to the ratepayers.

These contracts are competitive through NYSERDA. And so therefore these companies can't pass the costs along to ratepayers because they are the developers of the project.

And it's competitively bid. And so if there is a cost overrun, it's up to the developer to eat that cost, as opposed to a utility can pass that cost along.

SENATOR WALCZYK: Would the sponsor continue to yield.

ACTING PRESIDENT BAILEY: Will the sponsor yield?

SENATOR HARCKHAM: Yes.

ACTING PRESIDENT BAILEY: The sponsor yields.

SENATOR WALCZYK: There's a perfect illustration. So currently solar developers are also in charge of that interconnection at the

cost of ratepayer subsidies, in some cases for PILOTs, taxpayer money, tax credits, all of the things that the developers put together to pay for that interconnection.

My question, again, is how much is it going to cost the ratepayers when you shift that interconnection onto the utility companies so now people are paying for the interconnection on their utility bills?

(Pause.)

SENATOR HARCKHAM: Through you, Mr. President. We need to look at the net number. And the net number is a billion dollar savings annually. That's what the net number is.

So there may be an initial cost -- and let's be frank. If we don't build another solar panel in the State of New York, we still have a lot of expensive grid work to do. We are not going to shield ratepayers from that. Like, we just cannot go on with the 1850s grid that we have now.

I think we all recognize that our grid is not capable of the demand, whatever source that is. Whether it's natural gas, whether it's coal, whether it's burning wood, you

know, we still need to upgrade our grid.

These upgrades will lead to efficiencies of a billion dollars a year savings. The aggregate total will be 50 billion over the life of those panels in direct utility bill savings, and then 28 billion in indirect savings through wholesale prices. And employ an additional 15,000 jobs; an estimated 3.6 billion in benefits for host communities. That's property taxes that's going to our local communities.

You know, and we haven't even mentioned, you know, because it's no longer something folks want to talk about, but let's talk about the greenhouse gas emissions and displacement, as we had the debate earlier about the peaker plants.

SENATOR WALCZYK: Mr. President, would the sponsor continue to yield.

ACTING PRESIDENT BAILEY: Will the sponsor yield?

SENATOR HARCKHAM: Yes.

ACTING PRESIDENT BAILEY: The sponsor yields.

SENATOR WALCZYK: I see that it's

going to be difficult for me to find out how much the ratepayers are going to be paying for probably various portions of this bill, so I'm going to skip some of those.

But I do have a question. On page 3, under 6A, you're talking about distributed energy resource capacity expansion. And the -- so line 10, create distributed energy resource hosting capacity. Are you talking about batteries in that section?

SENATOR HARCKHAM: Through you, Mr. President. No, that would not mean batteries.

Distributed solar energy -- distributed energy would be -- would be the solar energy.

SENATOR WALCZYK: Okay, thanks.

Mr. President, on the bill.

ACTING PRESIDENT BAILEY: Senator Walczyk on the bill.

SENATOR WALCZYK: This bill would require that the state see more than, by my calculation, one out of every 200 acres in the State of New York, whether it be rooftop -- well, we don't have that many rooftops -- be covered in

solar panels.

It requires ratepayers to pay directly for the cost of connecting solar to the grid, and indirectly for this whole experiment.

Solar panels are getting better. They're still only 10 to 20 percent efficient in our state. And covering New York State with solar panels to have less reliable, more fluctuating power is not fiscally prudent, in my opinion not smart, and not very forward thinking.

ORES has ignored the will of the people and their local governments.

Last week a package of bills pretended that we were going to do something about energy costs in the State of New York. This bill does not pretend. This bill will lower property values, it will reduce natural beauty and, ultimately, New York's population. The only thing that will continue to go up is our electric rates in the State of New York.

I'll be voting no and encourage my colleagues to do the same.

ACTING PRESIDENT BAILEY: Thank you, Senator Walczyk.

Are there any other Senators wishing

to be heard?

Seeing and hearing none, debate is closed.

Senator Gianaris.

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

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

But as a point of personal privilege, we have three new viewers. Hello, Giada, Carina and Julian, watching at home. Hope you're not watching for too long, because it's bedtime.

Read the last section.

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

ACTING PRESIDENT BAILEY: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT BAILEY: Senator May to explain her vote.

SENATOR MAY: Thank you, Mr. President.

And I want to thank Senator Harckham

for this good piece of legislation.

Residential solar is wildly popular, and cutting red tape for permitting rooftop solar is even more so. I heard a statistic of a poll that showed 90 percent of New Yorkers support this.

Cutting red tape also leads to cutting costs, because it delivers economies of scale and it reduces the amount of staff required to process the paperwork and all that kind of thing.

So this kind of policy really is going to bring a new day, in some ways, to New York's energy landscape.

The petrochemical industry has been investing heavily in sowing fear and loathing about solar power, because this is precisely the type of innovation that can free us from the expensive peak energy from gas and oil and coal-fired power plants that are what drive up our costs so much.

If people can power their own air-conditioners in a heat wave, all of a sudden the oil interests can't just price-gouge us when we have a heat wave.

This is a game-changer. It is one that politicians who are funded by fossil fuel dollars no doubt oppose, but the rest of us see this as progress. And I proudly vote aye.

Thank you.

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

Senator Harckham to explain his vote.

SENATOR HARCKHAM: Thank you, Madam President.

You know, it's been sort of a curious experiment the last couple of weeks as we've taken up a number of energy bills and energy affordability bills. We'll have very interesting debates with probing questions, and then we just hear conclusions from the other side of the aisle that are -- just don't fit any fact pattern that has come from the debate.

And I was really encouraged by some of the questions that we were talking about. But, you know, the notion that somehow solar power decreases property values -- the absolute opposite is homes that have solar panels on them have higher property values, because folks have a

cheaper cost of living because they're generating their own electricity.

This bill is a very simple bill. As Senator May mentioned, it cuts red tape to let the private sector do what they do well. It will save our constituents a billion dollars a year. That's not Pete Harckham saying that, that's Synapse Energy Economics. They did an independent analysis. We're looking at $58 billion over the life of the bill.

You know, we talk in this chamber about saving our constituents money, and when we have an easy way to do it all of a sudden we go back to the fallback position that no, we can't do that, it's got to be fossil fuels.

The simple fact is a kilowatt of renewable energy is cheaper than a kilowatt of fossil-fuel energy. That's just a fact. And that's why 88 percent of the world's new generation last year, of the entire world, was renewable.

And so the state of Texas, the red state of Texas, all of their new generation has been in renewables, because it saves their constituents $30 billion.

This should not be a partisan issue. Kelly Ann Conway is now on the solar bug. Newt Gingrich is on the solar bug. Recent polling has shown the majority of the Republican Party has gotten the solar bug.

So our conference to the other side of the aisle is clearly on the extreme of this issue. This is a nonpartisan issue. This is a bill that's good for New York ratepayers. I thank colleagues for standing strong.

I vote aye.

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

Senator Walczyk to explain his vote.

SENATOR WALCZYK: Thank you, Madam President.

Throughout the course of the debate I think I asked at least five times what this would cost ratepayers, and I was given an answer of ultimately they'll save a lot of money, over and over again, not what it will cost them. So you can't even do a cost-benefit analysis.

It's going to be expensive. People across the State of New York have seen how much solar we've installed. They're asking, when do I

get to save money? I'm asking the same question, and I can't get an answer for how much this is going to cost.

So I'll be voting no. Thank you.

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

Announce the results.

THE SECRETARY: In relation to Calendar 697, voting in the negative are Senators Borrello, Canzoneri-Fitzpatrick, Chan, Gallivan, Griffo, Helming, Martins, Oberacker, O'Mara, Ortt, Stec, Walczyk, Weber and Weik. Also Senator Tedisco.

Ayes, 47. Nays, 15.

Excuse me. And also Senator Rhoads.

Ayes, 46. Nays, 16.

ACTING PRESIDENT MAYER: The bill is passed.

THE SECRETARY: Calendar Number 698, Senate Print 8512B, by Senator Krueger, an act to amend the Public Service Law.

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

SENATOR WALCZYK: Madam President, I hope someone will answer some questions.

ACTING PRESIDENT MAYER: Yes, I believe that Senator Parker is going to handle this bill on behalf of Senator Krueger.

Do you agree to questions?

SENATOR PARKER: If I must.

(Laughter.)

ACTING PRESIDENT MAYER: Yes, the Senator agrees.

SENATOR WALCZYK: Through you, Madam President.

There's no obligation, but thank you for yielding.

The CLCPA has renewable targets overseen by the Department of Public Service. I understand balcony solar could reduce some of the net load in the grid.

How would this fit into the framework of the CLCPA?

SENATOR PARKER: Madam President, through you.

As you know, the CLCPA, which, you know, we lovingly call the Climate Leadership and Community Protection Act, is the ruling guide for environmental energy policy in our state. The whole idea is to reduce methane and -- and carbon

footprint across the State of New York.

And part one of the big drivers for both methane and CO2 is natural gas and other fossil fuels that are burnt in the production of energy.

The more sustainable clean energy we can produce, the less reliant both our constituents and the state is on fossil fuels.

What this bill does is allow for plug-in solar. It actually puts the power literally in the hands of our constituents. It allows them to generate their own electricity and simultaneously both reduce their carbon footprint and their energy bills, immediately.

These systems are used widely across the world, particularly in Germany, where there's over 4 million units being used as we speak. In fact, 4 million and one, because they just apparently just added one just recently as I was talking.

So there is a, you know, widely used energy technology that's being used by residential energy customers in Germany. We believe that this is going to be important for here in New York. And we believe that it's going

to help our customers reduce the carbon footprint of New York, both their own and the collective carbon footprint. It will produce energy for folks and simultaneously reduce their energy bills.

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

ACTING PRESIDENT MAYER: Do you continue to yield?

SENATOR PARKER: Of course, Madam President.

ACTING PRESIDENT MAYER: The sponsor yields.

SENATOR WALCZYK: My question was, how does this fit into the framework of the CLCPA?

SENATOR PARKER: Madam President, again, the CLCPA is the ruling guide for the state. It directs us to reduce our carbon footprint and our methane footprint by producing less energy than using fossil fuels.

This bill encourages residential solar. The more residential solar we are producing, the less carbon-producing fossil fuels we have to burn to produce energy.

So this fits within the context of the CLCPA by giving residents an opportunity to produce their own electricity, thus reducing their CO2 and methane footprint and the collective footprint of us in the state, as well as simultaneously producing energy and lowering their energy costs.

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

ACTING PRESIDENT MAYER: Do you continue to yield?

SENATOR PARKER: Yes, Madam President.

ACTING PRESIDENT MAYER: The sponsor yields.

SENATOR WALCZYK: Through you, Madam President, let me ask it another way, if I can.

Will the utility companies be getting credit for the zero emissions from balcony solar or will the -- how does that get calculated within the framework of the CLCPA? I understand the goal here. I just want to know how it fits into the framework.

(Pause.)

SENATOR PARKER: Okay. Through you, Madam President. The expert analysis that I've been provided is indicating a couple of things. It's really primarily bifurcated.

Overall, offset usage is going to be somewhere between 12 and 18 percent. Everything under 390 kilowatts is going to be credited to residential customers. Above that, 391 and above -- and I think it's to 1200, will then be net-metered.

And so that's how the crediting will happen by the utility and the customer.

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

ACTING PRESIDENT MAYER: Do you continue to yield?

SENATOR PARKER: Yes, Madam President.

ACTING PRESIDENT MAYER: The sponsor yields.

SENATOR WALCZYK: This bill caps systems at 1.2 kilowatts per meter. I'm assuming that's because of the wire requirement within our code because these are plug in right off of your balcony.

How does it address multiple systems in aggregate if you're getting more than one of these balcony solar systems?

SENATOR PARKER: Madam President, through you. It can't be more than 1200 -- what's the unit?

Madam President, through you, it cannot be collectively more than 1200 kilowatts per resident.

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

ACTING PRESIDENT MAYER: Do you continue to yield?

SENATOR PARKER: Yes, Madam President.

ACTING PRESIDENT MAYER: The sponsor yields.

SENATOR WALCZYK: On page 2, line 17, you require -- the sponsor requires compliance with the Fire Code. The Fire Code I assume would be addressing egress, because we're talking about balcony solar here.

Does the Fire Code requires GFIs or circuit breakers or something to ensure that that area of whatever room is plugged into is not

overloaded?

SENATOR PARKER: Madam President, through you.

The requirements around allowing these systems to be safely operated by residents is actually regulated through the Department of State through the Fire Code Council of -- in the State -- the Secretary of State's office. Right?

And so it is a code that is used generally statewide, right, and is congruous with local fire rules and regulations.

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

ACTING PRESIDENT MAYER: Do you continue to yield?

SENATOR PARKER: Yes.

ACTING PRESIDENT MAYER: The sponsor yields.

SENATOR WALCZYK: Through you, Madam President, there is an anti-islanding feature required to ensure that the power needs to shut off and that the panel isn't feeding into the grid when the power needs to be shut off. I saw that in this bill.

Is that correct?

SENATOR PARKER: Madam President, yes, that is correct.

SENATOR WALCZYK: Would the sponsor continue to yield?

SENATOR PARKER: Yes.

ACTING PRESIDENT MAYER: The sponsor yields.

SENATOR WALCZYK: Through you, Madam President.

So how do -- how, if you're net-metering, does the utility have -- does the utility have some kind of mechanism within these panels to control its power if they're net-metering?

SENATOR PARKER: Madam President, through you. These plug-in devices have a built-in control for that purpose.

SENATOR WALCZYK: Would the sponsor continue to yield?

ACTING PRESIDENT MAYER: Do you continue to yield?

SENATOR PARKER: Yes, Madam President.

ACTING PRESIDENT MAYER: The sponsor yields.

SENATOR WALCZYK: Through you, Madam President. The National Electric Code -- and I know you mentioned Germany. It took Germany a few years to get their national electric code ready for this.

Our National Electric Code hasn't addressed this at all, but I know a number of states across the country, because of consumer demand, and understandably so, a number of states are passing it.

Is there anything in New York State's code that specify addresses this?

SENATOR PARKER: Madam President, through you. The current code that we have is adequate to address this.

As we talk about, you know, globally where these systems are used, and specifically Germany, where over 4 million are being -- what, 4 million and 10 now, because there have been a number added since we started this debate. They have all worked with relative harmony and without incident.

So, you know, the safety concerns, you know, that are trying to be raised here really are a red herring for I guess something

else, because there's no record of significant problems with these systems.

(Pause.)

SENATOR WALCZYK: Would the sponsor continue to yield?

ACTING PRESIDENT MAYER: Do you continue to yield?

SENATOR PARKER: Yes.

ACTING PRESIDENT MAYER: The Senator yields.

SENATOR WALCZYK: Sorry about the awkward pause. I thought you were going to give something else, but you were just reading.

SENATOR PARKER: Thank you. No, for sure.

SENATOR WALCZYK: Through you, Madam President.

And I see that there's a requirement like there is in Germany for users to tell their utility when they purchase one of these balcony solar devices.

Is there an incentive in this bill for users to tell -- because you mentioned 4 million and 10, but I think there are in the hundreds of thousands of registered devices. So

obviously there's millions more than have registered in Germany.

Is there an incentive for New Yorkers to tell their utility -- I know there are requirements there, but anything that would encourage them to do so?

SENATOR PARKER: Madam President, through you. There's no incentive, but there is a requirement that the utility be notified.

SENATOR WALCZYK: Thank you.

Madam President, on the bill.

ACTING PRESIDENT MAYER: Senator Walczyk on the bill.

SENATOR WALCZYK: I appreciate your answers.

I think especially as New Yorkers are facing high utility costs, consumers are looking for options, and I think this is one smart way that they can control some of those things.

I do think we have more work to do. So as I will support this bill and encourage my colleagues also to consider the things that we discussed in the debate, I don't think we're done yet.

I think there's some things that we need to address on safety and how this syncs up with our entire grid as these start to pour into New York if this bill becomes law.

And with that, thank you, Madam President.

ACTING PRESIDENT MAYER: Thank you, Senator Walczyk.

Are there any other Senators wishing to be heard?

Seeing and hearing none, debate is closed.

Senator Gianaris.

SENATOR GIANARIS: Madam President, for the final time today, we've agreed to restore this bill to the noncontroversial calendar.

ACTING PRESIDENT MAYER: The bill has been restored to the noncontroversial calendar.

Read the last section.

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

ACTING PRESIDENT MAYER: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT MAYER: Senator May to explain her vote.

SENATOR MAY: Thank you, Madam President.

I rise to express my support for this bill, but also to read a statement by the sponsor. I think it's appropriate, at the end of this long day, to give her the last word and just to say, Liz, if you're watching, your stamina is tremendous. And we miss you. And we're -- I'm very proud to be able to support your bill.

And this is what Senator Krueger sent me to say:

"I'd like to thank all my colleagues for supporting the SUNNY Act. This is a commonsense bill that should be a no-brainer to allow so many more of our constituents to have access to cheap, clean solar power, be part of the solution to the climate crisis, and shave a little bit off of their electric bill every month.

"That's why there are already 4 million of these systems safely deployed in Germany and why bills like SUNNY are sweeping across the U.S. this year.

"Plug-in solar won't radically transform the grid or your energy bill, but it could save you a few hundred dollars a year and it could help shave off the peak demand on the grid that requires the most expensive investments from all ratepayers.

"Adding together many small changes at an individual and societal level, like SUNNY and the other bills we're passing today is the way we will beat climate change, save New Yorkers money, and deliver real energy independence.

"It is far too late in the day to be considering rolling back our climate progress and our ambitions. We must keep moving forward."

I vote aye.

ACTING PRESIDENT MAYER: Thank you, Senator May, for reading Senator Krueger's comments on today's bill.

Announce the results.

THE SECRETARY: Ayes, 62.

ACTING PRESIDENT MAYER: The bill is passed.

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

SENATOR GIANARIS: Is there any

further business at the desk?

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

SENATOR GIANARIS: I move to adjourn until tomorrow, Wednesday, April 22nd, at 11:00 a.m.

ACTING PRESIDENT MAYER: On motion, the Senate stands adjourned until Wednesday, April 22nd, at 11:00 a.m.

(Whereupon, at 8:28 p.m., the Senate adjourned.)