NEW YORK STATE SENATE

THE STENOGRAPHIC RECORD

ALBANY, NEW YORK

April 26, 2021

3:13 p.m.

REGULAR SESSION

SENATOR ROXANNE J. PERSAUD, Acting President

ALEJANDRA N. PAULINO, ESQ., Secretary

P R O C E E D I N G S

ACTING PRESIDENT PERSAUD: The Senate will come to order.

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

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

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

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

ACTING PRESIDENT PERSAUD: The reading of the Journal.

THE SECRETARY: In Senate, Sunday, April 25, 2021, the Senate met pursuant to adjournment. The Journal of Saturday, April 24, 2021, was read and approved. On motion, Senate adjourned.

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

Presentation of petitions.

Messages from the Assembly.

Messages from the Governor.

Reports of standing committees.

Reports of select committees.

Communications and reports from state officers.

Motions and resolutions.

Senator Gianaris.

SENATOR GIANARIS: Thank you, Madam President.

Amendments are offered to the following Third Reading Calendar bills:

By Senator Reichlin-Melnick, on page 16, Calendar Number 377, Senate Print 3966;

By Senator Serrano, on page 24, Calendar Number 502, Senate Print 5025;

By Senator Mannion, on page 25, Calendar Number 528, Senate Print 4777;

And by Senator Skoufis, on page 34, Calendar Number 676, Senate Print 4887.

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

SENATOR GIANARIS: On behalf of Senator Rivera, I wish to call up Senate 1451, recalled from the Assembly, which is now at the desk.

ACTING PRESIDENT PERSAUD: The

Secretary will read.

THE SECRETARY: Calendar Number 110, Senate Print 1451, by Senator Rivera, an act to amend the Public Health Law.

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

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

(The Secretary called the roll.)

THE SECRETARY: Ayes, 62.

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

SENATOR GIANARIS: I offer the following amendments.

ACTING PRESIDENT PERSAUD: The amendments are received.

SENATOR GIANARIS: Madam President, I understand there are some additional messages from the Assembly.

ACTING PRESIDENT PERSAUD: The Secretary will read.

THE SECRETARY: Senator Kaminsky moves to discharge, from the Committee on Environmental Conservation, Assembly Bill Number

5082 and substitute it for the identical Senate Bill 543, Third Reading Calendar 238.

ACTING PRESIDENT PERSAUD: The substitution is so ordered.

THE SECRETARY: Senator Kennedy moves to discharge, from the Committee on Energy and Telecommunications, Assembly Bill Number 3876 and substitute it for the identical Senate Bill 3929, Third Reading Calendar 399.

ACTING PRESIDENT PERSAUD: The substitution is so ordered.

THE SECRETARY: Senator Harckham moves to discharge, from the Committee on Environmental Conservation, Assembly Bill Number 4302 and substitute it for the identical Senate Bill 2758, Third Reading Calendar 670.

ACTING PRESIDENT PERSAUD: The substitution is so ordered.

Senator Gianaris.

SENATOR GIANARIS: There will be an immediate meeting of the Rules Committee in Room 332.

ACTING PRESIDENT PERSAUD: There will be an immediate meeting of the Rules Committee in Room 332.

SENATOR GIANARIS: The Senate will stand at ease.

ACTING PRESIDENT PERSAUD: The Senate will stand at ease.

(Whereupon, the Senate stood at ease at 3:16 p.m.)

(Whereupon, the Senate reconvened at 3:30 p.m.)

ACTING PRESIDENT PERSAUD: The Senate will return to order.

Senator Gianaris.

SENATOR GIANARIS: Thank you, Madam President.

There's a report of the Rules Committee at the desk. Can we please take that up.

ACTING PRESIDENT PERSAUD: There is a report of the Rules Committee at the desk.

The Secretary will read.

THE SECRETARY: Senator Stewart-Cousins, from the Committee on Rules, reports the following bills:

Senate Print 660, by Senator May, an act to amend the Highway Law;

Senate Print 1256A, by

Senator Gianaris, an act to amend the Public Health Law;

Senate Print 1759, by Senator Skoufis, an act to amend the Public Health Law;

Senate Print 2838A, by Senator Parker, an act to amend the Executive Law;

Senate Print 6203, by Senator May, an act to amend the Public Health Law and the Social Services Law; and

Senate Print 6204, by Senator Rivera, an act to amend the Public Health Law.

All bills reported direct to third reading.

SENATOR GIANARIS: Move to accept the report of the Rules Committee.

ACTING PRESIDENT PERSAUD: All those in favor of accepting the report of the Rules Committee signify by saying aye.

(Response of "Aye.")

ACTING PRESIDENT PERSAUD: Opposed, nay.

(No response.)

ACTING PRESIDENT PERSAUD: The Rules Committee report is accepted.

Senator Gianaris.

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

ACTING PRESIDENT PERSAUD: The Secretary will read.

THE SECRETARY: Calendar Number 238, Assembly Print Number 5082, substituted earlier by Assemblymember Englebright, an act to amend the Environmental Conservation Law and the State Finance Law.

SENATOR LANZA: Lay it aside.

ACTING PRESIDENT PERSAUD: Lay it aside.

THE SECRETARY: Calendar Number 241, Senate Print 1237, by Senator Gianaris, an act to amend the Environmental Conservation Law.

ACTING PRESIDENT PERSAUD: Read the last section.

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

ACTING PRESIDENT PERSAUD: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT PERSAUD: Announce the results.

THE SECRETARY: In relation to Calendar Number 241, those Senators voting in the negative are Senators Akshar, Borrello, Gallivan, Griffo, Jordan, Lanza, Oberacker, O'Mara, Ortt, Palumbo, Rath, Ritchie, Serino, Stec, Tedisco and Weik.

Ayes, 46. Nays, 16.

ACTING PRESIDENT PERSAUD: The bill is passed.

THE SECRETARY: Calendar Number 399, Assembly Print Number 3876, substituted earlier by Assemblymember Cusick, an act to amend the Public Service Law.

ACTING PRESIDENT PERSAUD: Read the last section.

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

ACTING PRESIDENT PERSAUD: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT PERSAUD: Senator Kennedy to explain his vote.

SENATOR KENNEDY: Thank you, Madam President.

I rise to support this legislation and to explain the importance and significance of this bill that will speed up the state's rollout of electric vehicle charging infrastructure here in New York.

This legislation, which is an essential component of New York's environmental and infrastructure agenda, will result in an equitable rate structure for direct-current fast-charging companies, incentivizing the growth of electric vehicle use.

What this bill does is it establishes a commercial tariff that's designed to stabilize the cost of electricity for charging station operators. Currently electricity providers charge these companies based on the highest-average 15 minutes consumed per month, which results in excessive costs that can prove to be restrictive for electric vehicle drivers.

That's an outdated model that was not designed for the unique characteristics of direct-current fast-charging.

With this legislation we're

providing a more equitable rate structure for these fast-charging companies and their stations. The simple fact is that the transportation sector is the largest contributor of greenhouse gas emissions in the state. In 2016, New York State emitted 173 million metric tons of carbon dioxide or carbon dioxide equivalents, and of that a full 36 percent was from transportation. Only 15 percent was from electricity production.

Two years ago this chamber passed the Climate Leadership and Community Protection Act, which set an aggressive goal of a 40 percent emissions reduction from 1990 levels by 2030 and an 85 percent reduction by 2050. There's no way we can achieve these goals without legislation like this, which will encourage the installation of more electric-charging infrastructure and will make it easier for electric vehicle drivers to charge up at an affordable rate.

As electric vehicles become more prevalent across society, the nation and New York, we need to make sure we're providing the infrastructure necessary to support this welcome proliferation of these vehicles, and this bill will help to accomplish that.

I want to thank my colleagues who have cosponsored this legislation, as well as Assemblyman Cusick, who was able to secure passage of this bill in the Assembly. And of course this legislation could not have reached the floor without the support of Majority Leader Andrea Stewart-Cousins; I thank her for her support of this measure.

And with that, Madam President, I vote aye.

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

Announce the results.

THE SECRETARY: In relation to Calendar Number 399, those Senators voting in the negative are Senators Akshar, Borrello, Jordan, Martucci, Oberacker, O'Mara, Ortt, Palumbo, Rath, Serino, Stec, Tedisco and Weik.

Ayes, 49. Nays, 13.

ACTING PRESIDENT PERSAUD: The bill is passed.

THE SECRETARY: Calendar Number 599, Senate Print 3521A, by Senator Parker, an act to amend the Public Service Law.

ACTING PRESIDENT PERSAUD: Read the

last section.

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

ACTING PRESIDENT PERSAUD: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT PERSAUD: Announce the results.

THE SECRETARY: In relation to Calendar Number 599, those recorded in the negative are Senators Akshar, Borrello, Boyle, Gallivan, Griffo, Helming, Jordan, Mattera, Oberacker, O'Mara, Ortt, Rath, Ritchie, Stec, Tedisco and Weik.

Ayes, 46. Nays, 16.

ACTING PRESIDENT PERSAUD: The bill is passed.

THE SECRETARY: Calendar Number 669, Senate Print 1421, by Senator Serrano, an act to amend the Environmental Conservation Law.

ACTING PRESIDENT PERSAUD: Read the last section.

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

ACTING PRESIDENT PERSAUD: Call the

roll.

(The Secretary called the roll.)

ACTING PRESIDENT PERSAUD: Announce the results.

THE SECRETARY: In relation to Calendar Number 669, voting in the negative: Senator O'Mara.

Ayes, 61. Nays, 1.

ACTING PRESIDENT PERSAUD: The bill is passed.

THE SECRETARY: Calendar Number 670, Assembly Print Number 4302, substituted earlier by Assemblymember Englebright, an act to amend the Environmental Conservation Law.

ACTING PRESIDENT PERSAUD: Read the last section.

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

ACTING PRESIDENT PERSAUD: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT PERSAUD: Senator Harckham to explain his vote.

SENATOR HARCKHAM: Thank you, Madam President.

First I'd like to take a moment to thank our Majority Leader for bringing this package to the floor today, as well as Chairs Kaminsky and Parker for their leadership on many of these issues.

Today we've heard a lot about electronic vehicles, charging stations and the infrastructure thereof. This bill is the roadmap that will guide New York and assert New York into a leadership position, saying that by 2035, 100 percent of all vehicles sold and leased in New York State must be zero-emissions vehicles, with heavier-duty vehicles in 2045.

This is critical for New York State to reach its climate and carbon reduction goals, as laid out in the CLCPA. But more importantly, this is about jobs. The Berkeley study has estimated that by 2035, if we as a nation pursue a clean-vehicle strategy, we will be creating 2 million jobs.

These are jobs that we should be having right here in New York. The technology for batteries -- the cost is plummeting on a daily basis. This is technology that we can manufacture right here in New York State. And in

fact we just heard of a $125 million commitment to the Finger Lakes by one of the world leaders in batteries for automobiles.

So this is a win/win in terms of public health, in terms of climate change, and in terms of jobs and growth for New York State's economy. So for all these reasons I was happy to sponsor, and I'll be voting aye.

Thank you.

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

Announce the results.

THE SECRETARY: In relation to Calendar 670, those Senators voting in the negative are Senators Akshar, Borrello, Gallivan, Griffo, Helming, Jordan, Lanza, Martucci, Oberacker, O'Mara, Ortt, Palumbo, Rath, Ritchie, Serino, Stec, Tedisco and Weik.

Ayes, 44. Nays, 18.

ACTING PRESIDENT PERSAUD: The bill is passed.

THE SECRETARY: Calendar Number 672, Senate Print 5266, by Senator May, an act to amend the Environmental Conservation Law.

ACTING PRESIDENT PERSAUD: Read the

last section.

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

ACTING PRESIDENT PERSAUD: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT PERSAUD: Senator May to explain her vote.

SENATOR MAY: Thank you, Madam President.

Every time they have a gathering, members of the Haudenosaunee Confederacy first pause to give thanks and acknowledge their gratitude and interconnection to the earth's ecosystems and all living beings. Even hunting and fishing are carried out in a spirit of gratitude and with an awareness of the impact of their actions on seven generations to come. This is the very definition of sustainability.

Treaties with the state guarantee to indigenous nations the right to continue their age-old practices of hunting and fishing, but they still get ticketed and fined on a regular basis. The ongoing need to contest these fines is time-consuming and, frankly, insulting to the

First Peoples of this region.

I stand here in a spirit of thanksgiving to express my gratitude to my colleagues and to the Senate leadership for bringing this legislation to the floor so we can honor our treaties and be respectful of our indigenous neighbors and their relationship to the earth and all who inhabit it.

I vote aye.

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

Announce the results.

THE SECRETARY: Ayes, 62.

ACTING PRESIDENT PERSAUD: The bill is passed.

THE SECRETARY: Calendar Number 673, Senate Print 6191, by Senator Kaminsky, an act to amend the Environmental Conservation Law.

SENATOR LANZA: Lay it aside.

ACTING PRESIDENT PERSAUD: Lay it aside.

THE SECRETARY: Calendar Number 675, Senate Print 3501, by Senator Mayer, an act to amend the Tax Law.

ACTING PRESIDENT PERSAUD: There is

a home-rule message at the desk.

Read the last section.

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

ACTING PRESIDENT PERSAUD: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT PERSAUD: Announce the results.

THE SECRETARY: In relation to Calendar 675, those Senators voting in the negative are Senators Akshar, Boyle, Brooks, Gaughran, Harckham, Hinchey, Kaplan, Lanza, Mannion, Mattera, Palumbo, Skoufis, Thomas and Weik.

Ayes, 48. Nays, 14.

ACTING PRESIDENT PERSAUD: The bill is passed.

THE SECRETARY: Calendar Number 686, Senate Print 6065, by Senator Gounardes, an act to amend Chapter 695 of the Laws of 1994.

ACTING PRESIDENT PERSAUD: Read the last section.

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

ACTING PRESIDENT PERSAUD: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT PERSAUD: Announce the results.

THE SECRETARY: Ayes, 62.

ACTING PRESIDENT PERSAUD: The bill is passed.

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

SENATOR GIANARIS: Thank you, Madam President. Can we now take up the supplemental calendar.

ACTING PRESIDENT PERSAUD: The Secretary will read.

THE SECRETARY: Calendar Number 723, Senate Print 660, by Senator May, an act to amend the Highway Law.

ACTING PRESIDENT PERSAUD: Read the last section.

THE SECRETARY: Section 3. This act shall take effect on the 120th day after it shall have become a law.

ACTING PRESIDENT PERSAUD: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT PERSAUD: Senator May to explain her vote.

SENATOR MAY: Thank you again, Madam President.

Years ago I planted in my backyard a collection of native flowering plants, including echinacea, bee balm, black-eyed Susan, Joe Pye weed, butterfly weed, and snake root. They were easy-care and beautiful, with a changing array of yellow, purple, red, orange and white flowers blooming all summer and well into the fall.

And if you walked up close to them, you would discover that they were almost constantly abuzz with pollinators, from tiny solitary native bees to honeybees, big black bumblebees, a number of different butterflies and moths, hummingbirds, and even occasionally the weird and wonderful hummingbird moth, a big, fat moth with clear wings that hovers by a flower like a hummingbird.

The apple trees in my front yard, my neighbor's grapevines, and the many berry bushes in the vicinity were beneficiaries of this pollinator bounty, and year after year we had

fine harvests.

We've taken steps in this Legislature to protect pollinators from the threat of chemicals like neonicotinoids, but pollinators continue to die off at higher rates than ever.

Availability of habitat is one key factor in restoring them to the numbers they should be at, for the health of our ecosystems and for sustainable agricultural production.

This bill will devote state lands along highways to pollinator habitat and will make them more beautiful at the same time.

I thank the leadership for bringing this bill forward, and I vote aye.

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

Announce the results.

THE SECRETARY: In relation to Calendar 723, voting in the negative are Senators Lanza and Ortt.

Ayes, 60. Nays, 2.

ACTING PRESIDENT PERSAUD: The bill is passed.

THE SECRETARY: Calendar Number

726, Senate Print 2838A, by Senator Parker, an act to amend the Executive Law.

ACTING PRESIDENT PERSAUD: Read the last section.

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

ACTING PRESIDENT PERSAUD: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT PERSAUD: Announce the results.

THE SECRETARY: In relation to Calendar 726, those Senators voting in the negative are Senators Akshar, Borrello, Gallivan, Jordan, Oberacker, O'Mara, Ortt, Rath, Ritchie, Stec and Weik.

Ayes, 51. Nays, 11.

ACTING PRESIDENT PERSAUD: The bill is passed.

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

SENATOR GIANARIS: Please take up the controversial calendar.

ACTING PRESIDENT PERSAUD: The Secretary will ring the bell.

The Secretary will read.

THE SECRETARY: Calendar Number 238, Assembly Print Number 5082, by Assemblymember Englebright, an act to amend the Environmental Conservation Law and the State Finance Law.

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

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

ACTING PRESIDENT PERSAUD: Thank you, Senator Lanza.

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

SENATOR LANZA: Accordingly, Madam President, I appeal the ruling of the chair and ask that Senator Jordan be recognized.

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

SENATOR JORDAN: Madam President, I rise to appeal the ruling of the chair.

Our amendment is germane to the bill-in-chief because the bill-in-chief is nothing but another mandate on our hotels. For more than a year now, the Governor has issued endless crushing, costly mandates on so many entities, including our hotels. For an industry that is already hurting, this bill will cause more damage.

Our primary role as legislators is to help the people of this state, and we all know that New York families and businesses continue to struggle under Cuomo's COVID closures. They continue to struggle to overcome the economic and social effects of the pandemic, while the majorities in both houses continue to allow one man, the scandal-scarred Governor, to continue to have complete control over their lives and livelihoods.

Every day it's more and more apparent that the bill the majorities in the Senate and the Assembly passed nearly eight weeks ago was nothing more than window dressing. It was a sham rescission decision.

Today, for the 39th time -- 39th time -- we offer a commonsense amendment to

rescind, to truly rescind Governor Cuomo's expanded executive emergency powers. Ours is a true rescission bill, not a phony, fraudulent rescission bill. Our amendment is a genuine effort to restore checks and balances that have been absent for well over a year as this Governor continues acting unilaterally without oversight.

While it may have been announced in a press release with great fanfare that the Legislature stripped the Governor's emergency powers, today we remain in the same place we were before, with one man making all the decisions without any scientific data to back up his arbitrary edicts.

It's sadly ironic that if that sham of a bill had never passed, the Governor's extraordinary powers would have ended April 30th. That's just four days from now. Instead, with the sham bill's passage, his great powers end when the pandemic is officially declared at an end.

When is that? I don't know. Do you know? Does anyone know?

The Governor, who is engulfed in various scandals, is still the one who decides if

we have to eat a burger with a glass of wine, at what time people can enjoy that burger, or even where people can dance at weddings. He alone decides how businesses can operate and how sports are played -- and the list goes on and on.

The Governor continues issuing new orders without any scientific, sound, rational basis or explanation, even though it's required under the law. The Executive has put orders in place with zero input, oversight or consultation from the Legislature. Our businesses are frustrated, our schools are frustrated, New Yorkers are frustrated. They have had enough of this Governor's one-man rule that is antithetical to democracy. They have had enough.

Once and for all, the Legislature must stand up and perform its constitutional duties as a separate branch of government. State government must communicate clearly to the public on directives affecting their everyday lives. That communication is key to rebuilding the public's trust.

We also must immediately strip these dictatorial powers away from an increasingly out-of-control Governor by passing the amendment

we have now brought to the floor 39 times. It's well beyond time to do the right thing and restore this Legislature to its rightful role as a coequal branch of government so we can get our economy moving again and get New Yorkers back on their feet.

I urge you to reconsider your ruling, and I urge all my colleagues to do the right thing and vote for this amendment on behalf of all those who sent us here to act in their best interests.

Thank you, Madam President.

ACTING PRESIDENT PERSAUD: Thank you, Senator.

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

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

SENATOR LANZA: Request a show of hands.

SENATOR GIANARIS: We've agreed to waive the showing of hands and record each member of the Minority in the affirmative.

ACTING PRESIDENT PERSAUD: Without

objection, so ordered.

Announce the results.

THE SECRETARY: Ayes, 20.

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

Are there any other Senators wishing to be heard?

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

Read the last section.

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

ACTING PRESIDENT PERSAUD: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT PERSAUD: Senator Kaminsky to explain his vote.

SENATOR KAMINSKY: Thank you, Madam President.

There are years where millions and millions of plastic hotel toiletries end up in our waste streams, in our waterways, in the bellies of whales, dolphins and other wildlife that we deeply care about, to the point where we

have a plastics crisis on Planet Earth. You can actually see plastic floating in the ocean from outer space.

And yet we continue to add to it and add to it with disposable economies and lifestyles that we just cannot sustain any longer.

So it makes sense that we do not want to have small hotel plastic toiletries continuing to pollute our planet. In 2019 it's estimated that New York City had 27 million of these alone go into our waste stream. That's not healthy, and we can do better.

And hotels agree. That's why hotels support this bill by and large. They know that first of all it saves them money, second of all that their customers want their hotels to be part of a solution, not to be part of a problem.

And that's why I'm proud that New York will be the second state -- assuming this bill is signed, for it will go to the Governor's desk after today -- to ban small-hotel toiletries starting in 2024 and 2025. It's the right thing to do. It's time we take positive steps to curb the plastic pollution crisis we

have.

I'm grateful to the Majority Leader, Andrea Stewart-Cousins, for her support of this bill.

And if you want to get plastic toiletries, you'd better stock up now.

Thank you, Madam President. I vote in the affirmative.

ACTING PRESIDENT PERSAUD: Announce the results.

THE SECRETARY: In relation to Calendar 238, those Senators voting in the negative are Senators Akshar, Borrello, Felder, Gallivan, Griffo, Helming, Jordan, Lanza, Oberacker, O'Mara, Ortt, Rath, Ritchie, Stec and Weik.

Ayes, 47. Nays, 15.

ACTING PRESIDENT PERSAUD: The bill is passed.

The Secretary will read.

THE SECRETARY: Calendar Number 673, Senate Print 6191, by Senator Kaminsky, an act to amend the Environmental Conservation Law.

ACTING PRESIDENT PERSAUD: Senator Borrello.

SENATOR BORRELLO: Yes, thank you, Madam President. Would the sponsor yield for a question.

ACTING PRESIDENT PERSAUD: Will the sponsor yield?

SENATOR KAMINSKY: Through you, Madam President, yes.

ACTING PRESIDENT PERSAUD: The sponsor yields.

SENATOR BORRELLO: Through you, Madam President. Hello, Senator Kaminsky. Thank you very much.

I understand the goal here is to preserve as much of our beautiful New York state lands as possible for future generations. But my first question for you, is do you know what percentage of New York state land right now is already considered to be preserved or conserved?

SENATOR KAMINSKY: Yeah, through you, Madam President, about 20 percent.

SENATOR BORRELLO: Thank you, Madam President. Will the sponsor yield for another question?

SENATOR KAMINSKY: Yes.

ACTING PRESIDENT PERSAUD: The

sponsor yields.

SENATOR BORRELLO: Through you, Madam President.

So with that being said, I can tell you that most of that is actually located in the Adirondack Park and Catskills regions and our beautiful upstate region. And for being the fourth most populous state in the nation, to already be at 20 percent is pretty impressive to begin with.

So my next question is, do we know how much of the remaining land in New York State is actually eligible to be conserved?

SENATOR KAMINSKY: Through you, Madam President, I -- you know, I -- you know, there is no land that is by definition something that, you know, is set aside to be conserved. You know, there's a process that's a public, transparent process to decide which of the lands would be considered to get us to the next 10 percent over the next nine or so years.

So we certainly believe that there's well above another 10 percent to be conserved, but where that is and what that is is a process to be determined.

SENATOR BORRELLO: Okay, thank you.
Madam President, will the sponsor continue to yield?
SENATOR KAMINSKY: Yes.
ACTING PRESIDENT PERSAUD: The sponsor yields.
SENATOR BORRELLO: Thank you. Through you, Madam President.
So I do have some concerns on this, on what would actually be defined as -- to be conserved. Because right now -- and because I specifically note the idea of addressing climate change.
So my question is, would clear-cutting acres, thousands and thousands of acres of forest, which are already sequestering carbon naturally, clearing those lands, erecting gigantic structures made out of fiberglass and steel, pouring millions and millions of yards of concrete, would that be considered conserving land, in your opinion?
SENATOR KAMINSKY: So through you, Madam President, I think we're trying to figure out how to conserve 10 percent more land than we have now.

So I think common sense dictates that it would certainly, you know, harm that goal and, you know, move us backwards if we started to reduce that amount of land through some broad overall structural policies.

Of course every day there are fits and starts or gains and retreats in terms of development and conservation. We certainly know -- for example, in my district on the shoreline there are areas that used to be built up that some are -- after Superstorm Sandy have been left in a more natural state. That would push in the other direction.

So of course one of the things that DEC will do is assess where we are to figure out where we need to go. But it's important to have these aspirational tools so we can do correct planning and figure out where the state wants to be and set a trajectory to get there.

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

ACTING PRESIDENT PERSAUD: Will the sponsor yield?

SENATOR KAMINSKY: Yes.

ACTING PRESIDENT PERSAUD: The

sponsor yields.

SENATOR BORRELLO: Yes, thank you. Through you, Madam President.

So I understand what you're saying and I think we can agree on a lot of this. But what I'm specifically asking is we have all of these green energy speculators out there, the people that are responsible right now for deforesting our natural lands, for having DEC make exceptions to our rules on destroying natural habitats and making exceptions to the rules in killing our endangered and threatened species -- all for the idea that we want to put up more of these industrial wind turbines and solar panels that are made with, as I mentioned, fiberglass, which has to be buried somewhere after its useful life, which has to be -- you know, and the rare earth metals, which are mined under horrible environmental and human conditions in places like China. All to advance this agenda to bring more so-called green energy.

So my question is, the idea of industrializing our beautiful land, is that considered conserving the land under this bill?

SENATOR KAMINSKY: Through you,

Madam President. I certainly don't think this bill were to dictate that result.

And of course we want to avoid, whenever we can, having to choose between producing more green energy and hurting natural resources in the process.

We had that on Long Island when someone produced a solar field in the Pine Barrens, which was something that was extremely problematic.

So we have to be able to walk and chew gum. We have to be able to do both. We have to be able to build our green energy reserves consistent with the CLCPA -- those goals are aggressive, but they are necessary -- and at the same time gain -- gain the ability to protect the land to the tune of 10 percent over the next nine years. We have to be able to do both.

So I think this would help your concerns, because what this is telling the state is, you figure out how we're going to get, you know, 10 more percent over nine years, and consider everything you're doing in that process. And I think if you just leave it up to a catch-as-catch-can or we'll go on -- we'll do

things here and there and it will all add up to something, is not smart.

I think our state's previous decisions, especially with the Adirondacks, have been very helpful in getting us to where we are now. That's not an accident. Those were decisions made with great forethought and extreme precise planning. And that's what we want the state to do in this, it's simply aspirational. This will guide the state in figuring that out.

And of course every time we're clearing virgin timber, we are obviously making a trade that is inimical to the best interests of our state. We should avoid it whenever we can. So I think this would help you with those concerns.

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

ACTING PRESIDENT PERSAUD: Will the sponsor yield?

SENATOR KAMINSKY: Yes.

ACTING PRESIDENT PERSAUD: The sponsor yields.

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

Senator Kaminsky, I'm very glad to hear you say that, because it is a big concern. So I guess what I -- because oftentimes with these bills we really -- the regulators, the people in the bureaucracy of New York State government don't really know what our intent was.

So I'm hoping what I'm hearing is that you're saying that the whole idea of deforesting and industrializing our beautiful natural land is -- would not be considered attaining and addressing the goals of your bill. Is that correct?

SENATOR KAMINSKY: Through you, Madam President. I don't see how that could be the case.

If you are trying to say that land that used to be virgin timber that is now chopped down and turned into a form of energy production is then considered conserved, that would not make any sense to me.

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

SENATOR KAMINSKY: Yes.

ACTING PRESIDENT PERSAUD: The sponsor yields.

SENATOR BORRELLO: Thank you very much. I'm very glad to hear you say that, because that is a concern of mine.

Unfortunately, I am concerned that it could still be interpreted that way. But I'm glad that we're having this discussion today so we can ensure that that doesn't happen.

My next question is about farmland. You know, New York State is -- actually, the number-one industry in New York is actually agriculture. And we have, you know, thousands upon thousands of farms across millions of acres in New York State.

So would a working farm be considered land that has been preserved or conserved under this bill?

SENATOR KAMINSKY: Through you, Madam President, I mean in -- not currently as it exists right now. But part of what this bill's goal is to do is to preserve more agricultural and farmland. That's clearly delineated out as something the DEC must try to use through their land acquisition policy and through other policies.

So the whole idea of this is to

preserve more land for agriculture and farming. And that can be done in a number of ways. It doesn't have to be through the use of acquisitions through the bond act or through the EPF or through other ways the state obtains land. There's obviously ways the state can facilitate that something can turn into agriculture or farmland and then be considered for this.

So you can imagine a certain piece of property that used to have another, let's say more industrial purpose, then becomes for agriculture and farming, and then we say, all right, great, we've now conserved that for agriculture and farming.

But I don't think you could say that something that exists right now, under this bill, boom, is -- all of a sudden, by dint of the signature on this legislation, becomes part of the conservation of New York State.

SENATOR BORRELLO: Thank you.

Madam President, will the sponsor continue to yield?

ACTING PRESIDENT PERSAUD: Will the sponsor yield?

SENATOR KAMINSKY: Yes.

ACTING PRESIDENT PERSAUD: The sponsor yields.

SENATOR BORRELLO: So I want to turn to our lakes and waterways, which are also a subject of concern for me.

I know at the federal level, with President Biden's trying to address conserving 30 percent of all America's lands to be natural and conserved, they also include waterways. And here in New York State we really are blessed with so many lakes and waterways that provide so much to us -- drinking water, sources of energy, and even things like down on Long Island, you've got that wonderful aquaculture farm that has revitalized the -- that industry on Long Island.

So my question is, would this bill also address our lakes and waterways as well as the land?

SENATOR KAMINSKY: Through you, Madam President, yes, it would. It would address lakes and waterways. It would not address the federal 30 by 30 ocean goal, because those are largely federal waters.

SENATOR BORRELLO: Thank you, Madam President.

On the bill.

ACTING PRESIDENT PERSAUD: Senator Borrello on the bill.

SENATOR BORRELLO: I want to again thank Senator Kaminsky for engaging today on this.

I do have concerns about this bill because it is rather vague. And I am glad that we had this engagement today to talk about some important issues. Because unfortunately right now the goal in New York State is not to preserve land; the goal is to meet this ridiculous green energy goal that is ultimately resulting in lots of areas being cleared.

Right now, as we speak, we have virgin farmland -- or virgin forests and productive farmlands that are being clear-cut to install industrial wind turbines and solar panels. It's going to have to continue. We're going to continue to go backwards and not forward when it comes to preserving our lands because of these ridiculous goals supported by politicians with an agenda and foreign companies that supply the products and the Wall Street investment firms that profit at the expense of the taxpayers to

create these boondoggle green energy projects.

So I'm going to do something that I haven't done before, based on Senator Kaminsky's honesty on this, is I would actually like to change my vote from no to yes. Because I believe him and I believe that the things we discussed today will be the goals and the standards that we will set to ensure that the industrialization of upstate New York does not happen as a result of this bill.

Senator Kaminsky, thank you very much. And thank you, Madam President.

ACTING PRESIDENT PERSAUD: Thank you, Senator.

Are there any other Senators wishing to be heard?

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

Read the last section.

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

ACTING PRESIDENT PERSAUD: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT PERSAUD: Senator

Kaminsky to explain his vote.

SENATOR KAMINSKY: Thank you, Madam President.

I want to thank Senator Borrello for the honest debate. You know, so many times we get up and we have rehearsed comments and we don't think we hear each other. So I really appreciate his willingness to change his vote.

Also for the opportunity -- I never thought I'd say the word "virgin" so many times on the Senate floor --

(Laughter.)

SENATOR KAMINSKY: -- so I appreciate that as well.

I think this is a very important goal for our state. We wonder when people 50, 100 years ago made decisions that would impact us today -- and when I get to go to the Adirondacks, when I get to go to my local parks or different beaches that are protected, I thank the people who came before us that made those wise decisions on behalf of our state.

They need to be guided by something, not just whoever sits in whatever office or whoever might be in power. They need to be

guided by some sort of plan, of some strategic way of moving forward. And that's what this does. This tells our state that we've already gone two-thirds of where we need to go, but here's how you get to the next 10 percent to protect biodiversity, to protect the beautiful natural lands that we've inherited and don't want to squander, be it to development, to climate change, or anything else.

So I vote in the affirmative and appreciate the opportunity for this debate.

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

Announce the results.

THE SECRETARY: In relation to Calendar 673, those Senators voting in the negative are Senators Akshar, Gallivan, Jordan, Oberacker, O'Mara, Rath, Ritchie and Stec.

Ayes, 54. Nays, 8.

ACTING PRESIDENT PERSAUD: The bill is passed.

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

SENATOR GIANARIS: Thank you, Madam President.

Is there any further business at the desk?

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

SENATOR GIANARIS: I move to adjourn until tomorrow, Tuesday, April 27th, at 3:00 p.m.

ACTING PRESIDENT PERSAUD: On motion, the Senate stands adjourned until Tuesday, April 27th, at 3:00 p.m.

(Whereupon, at 4:08 p.m., the Senate adjourned.)