NEW YORK STATE SENATE

THE STENOGRAPHIC RECORD

ALBANY, NEW YORK

April 25, 2022

3:13 p.m.

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 present to please rise and recite the Pledge of Allegiance.

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

ACTING PRESIDENT MAYER: 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 MAYER: Reading of the Journal.

THE SECRETARY: In Senate, Sunday, April 24, 2022, the Senate met pursuant to adjournment. The Journal of Saturday, April 23, 2022, 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.

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.

Amendments are offered to the following Third Reading Calendar bills:

By Senator Gaughran, page 11, Calendar 361, Senate Print 7399;

By Senator Krueger, page 13, Calendar 395, Senate Print 6244A;

By Senator Mayer, page 24, Calendar Number 623, Senate Print 7582;

By Senator Breslin, page 28, Calendar 675, Senate Print 1501;

And by Senator Parker, page 30, Calendar 711, Senate Print 3028.

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

Senator Gianaris.

SENATOR GIANARIS: Of behalf of Senator Myrie, I wish to call up Senate Print

253, recalled from the Assembly, which is now at the desk.

ACTING PRESIDENT MAYER: The Secretary will read.

THE SECRETARY: Calendar Number 1, Senate Print 253, by Senator Myrie, an act to amend the Election Law.

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

ACTING PRESIDENT MAYER: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 62.

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

SENATOR GIANARIS: I offer the following amendments.

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

SENATOR GIANARIS: At this time can we take up previously adopted Resolution 1970, by Senator Hinchey, read that resolution in its entirety, and recognize Senator Hinchey on the

resolution.

ACTING PRESIDENT MAYER: The Secretary will read.

THE SECRETARY: Senate Resolution 1970, by Senator Hinchey, mourning the death of Sherret Spaulding Chase, renowned conservationist, professor, scientist, and family man.

"WHEREAS, It is the custom of this Legislative Body to pay tribute to citizens of the State of New York whose lifework and civic endeavor served to enhance the quality of life in their communities and this great Empire State; and

"WHEREAS, Sherret S. Chase of Ashokan, New York, died on Monday, June 7, 2021, at the age of 102; and

"WHEREAS, Sherret S. Chase distinguished himself in his profession and by his sincere dedication and substantial contribution to the prospering of his community and its residents as well as communities around the globe through his dedicated scientific research and forestry conservation efforts; and

"WHEREAS, After beginning his

undergraduate career at the University of Arizona studying biology, Sherret S. Chase transferred to Yale University, where he earned his degree and started to discover his passion for botany; and

"WHEREAS, Sherret S. Chase later completed his graduate degree in plant cytology and genetics, with a minor in philosophy, at Cornell University; he completed three years of service to his country in the United States Army Air Corps before returning to Cornell University, where he received his Ph.D. in 1946; and

"WHEREAS, A true trailblazer of scientific research, Sherret S. Chase earned the nickname 'Father of the Double Haploid Method' due to his discoveries and understanding of this method of plant reproduction and genetics; and

"WHEREAS, In this capacity, Sherret S. Chase's work largely focused on the production of inbred lines of maize to create more resistant and prolific varieties of the plant; with the method he is credited for developing, the timeline for the production of such important strains of maize are drastically reduced, aiding in creating disease-resistant plants, which resultantly helps increase food security for

nations and communities in need; and

"WHEREAS, Throughout his illustrious career, Sherret S. Chase worked in a variety of positions, including as an assistant professor, associate professor and professor at various colleges, as well as a research geneticist at DeKalb Agricultural Association and researcher through Harvard University Fellowships; and

"WHEREAS, Sherret S. Chase was an early leader in the environmental movement, recognizing the intersection of conservation and a prosperous local economy as well as the importance of preserving our natural resources for generations to come; and

"WHEREAS, Regarded by his loved ones as his most significant local achievement, Sherret S. Chase was the founding president of the Catskill Center for Conservation and Development, the esteemed position he held for more than 50 years; and

"WHEREAS, Under his able leadership, this vital organization was instrumental in defining and promoting a regional identity which emphasized protecting its unique environment while fostering compatible economic growth; and

"WHEREAS, The recipient of numerous awards and accolades, Sherret S. Chase received Iowa State University's first-ever Award for Sustained Excellence, and the honorary degree of Doctor of Science by Northern Illinois University for his work in developing the Double Haploid Method; and

"WHEREAS, Sherret S. Chase's legacy is a tribute to hard work, the importance of education, family, and environmental consciousness; and

"WHEREAS, Sherret S. Chase was predeceased by his beloved wife of 69 years, Catherine Ross Compton Chase; his daughter-in-law, Susan Ruth Page Chase; and his son-in-law, Jeffrey Blair Peters; he is survived by five children -- Catherine Harrington Chase Peters, Helen Kelsey Chase, Sherret Edwards Chase, Wilson Compton Chase, and Alice Ross Chase Robeson -- as well as eight grandchildren and eight great-grandchildren; one past son-in-law and two past daughters-in-law, John R. Long, Lindsay Chase-Lansdale, and Kathleen Edwards Chase, are also fondly acknowledged; and

"WHEREAS, Armed with a humanistic

spirit and imbued with a sense of compassion, Sherret S. Chase leaves behind a legacy which will long endure the passage of time and will remain as a comforting memory to all he served and befriended; now, therefore, be it

"RESOLVED, That this Legislative Body pause in its deliberations to mourn the death of Sherret S. Chase, and to express its deepest condolences to his family and friends; and be it further

"RESOLVED, That a copy of this resolution, suitably engrossed, be transmitted to the family of Sherret S. Chase."

ACTING PRESIDENT MAYER: Senator Hinchey on the resolution.

SENATOR HINCHEY: Thank you, Madam President.

I rise today to honor the incredible life of beloved Catskills legend -- and a trailblazer of scientific research and conservation -- Sherret Chase.

Sherret was a conservation pioneer and a world-renowned scientist with an unwavering love of the Catskills and people who call our region home. That love started as a kid when

Sherret and his family would trek 200 miles in a Model T Ford from Pennsylvania to his grandparents' farmstead in Ashokan every summer and every holiday.

Through his childhood explorations in the Catskills, Sherret developed a deep interest in botany and forestry, which he would later study at Yale, Cornell and Harvard.

His groundbreaking research in the field of plant genetics earned him the nickname "Father of the Double Haploid Method." It was through this visionary scientific concept that he revolutionized maize research and production, which has strengthened food security and protected the crop yield of small disadvantaged farmers on a global scale.

An early leader in the environmental movement and an unparalleled advocate for the Catskills, Sherret always saw what few others did: A profound connection between conservation and its ability to elevate a regional economy. This rare foresight led to one of Sherret's most significant local achievements, when in 1969 he founded and became the first president of the Catskill Center for Conservation and Development,

an esteemed position he held for over 50 years.

The Catskill Center has become a leading environmental advocacy organization, focused on strengthening our local economies through our abundant resources and making the lands around us accessible for generations to come. It was always his hope that our state and community work together to protect the Catskills and its precious natural resources -- and Sherret was always quick to point out that those natural resources include the people who live there.

Sherret's tireless advocacy and commitment to the Catskills was beyond inspirational: It was a calling. The lengths he went to uplift our home region and expand our circle of advocates is a gift that we can never repay.

It is a privilege to celebrate the legacy of this incredible man, and I know he's watching us, probably mid-hike with his great friend and my dad, Maurice Hinchey, proud to know so many are carrying on the mantle of Catskills stewardship and protection in his honor.

Madam President, I'm proud to vote aye on this resolution, and I ask you to please

welcome the Chase family and friends to the Senate, including family members Helen Chase, Sherret Chase, Alice Robeson, Robert Robeson, and friends Peg DiBenedetto, Board President of the Catskill Center; Peter and Doug Senterman, representing Executive Director Jeff Senterman of the Catskill Center; and from Adirondack Wild, Managing Partner David Gibson, Partner Ken Rimany, and Board Chair Terry Jandreau.

ACTING PRESIDENT MAYER: Thank you, Senator Hinchey.

To our guests, particularly members of the Chase family, I welcome you on behalf of the Senate. We extend to you the privileges and courtesies of the house. Please rise and be recognized.

(Standing ovation.)

ACTING PRESIDENT MAYER: The resolution was previously adopted on March 8th.

Senator Gianaris.

SENATOR GIANARIS: Madam President, Senator Hinchey would like to open that resolution for cosponsorship.

ACTING PRESIDENT MAYER: The resolution is open for cosponsorship. Should you

choose not to be a cosponsor of the resolution, please notify the desk.

Senator Gianaris.

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

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

The Senate will stand at ease.

(Whereupon, the Senate stood at ease at 3:24 p.m.)

(Whereupon, the Senate reconvened at 3:31 p.m.)

ACTING PRESIDENT MAYER: The Senate will return to order.

Senator Gianaris.

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

ACTING PRESIDENT MAYER: The Secretary will read.

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

Senate Print 3229A, by Senator Parker, an act to amend the Real Property Tax Law;

Senate Print 8417B, by Senator Persaud, an act to amend the Executive Law;

Senate Print 8830, by Senator Stewart-Cousins, an act to amend the Environmental Conservation Law.

All bills reported direct to third reading.

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

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

(Response of "Aye.")

ACTING PRESIDENT MAYER: Opposed, nay.

(No response.)

ACTING PRESIDENT MAYER: The report is adopted.

Senator Gianaris.

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

ACTING PRESIDENT MAYER: The Secretary will read.

THE SECRETARY: Calendar Number 72, Senate Print 659, by Senator May, 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: Senator May to explain her vote.

SENATOR MAY: Thank you, Madam President.

With each Earth Day, the urgency grows for taking substantive action to align our human priorities with the needs of the natural world. That means reining in greenhouse gas emissions, protecting vulnerable communities from the impacts of global warming and other environmental stresses, reducing waste and protecting public lands.

This package of bills that we're

voting on today will promote renewable energy generation, encourage the adoption of cleaner electric vehicles, buildings and equipment, and lift up environmental justice communities that have borne the brunt of dirty industries in the past.

My bill in this package makes sure that we can do renewable energy development on state reforestation lands, which are home to hundreds if not thousands of gas and oil leases and definitely should be places where we can produce renewable energy.

So I am grateful to my colleagues and the leadership for all of the bills on this package today, and I proudly vote aye.

Thank you.

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

Announce the results.

THE SECRETARY: In relation to Calendar 72, those Senators voting in the negative are Senators Akshar, Borrello, Helming, Lanza and O'Mara.

Ayes, 57. Nays, 5.

ACTING PRESIDENT MAYER: The bill

is passed.

THE SECRETARY: Calendar Number 73, Senate Print 1103A, by Senator Kaminsky, an action to establish the Bottle Redemption Fraud Task Force.

ACTING PRESIDENT MAYER: Read the last section.

THE SECRETARY: Section 6. 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 74, Senate Print 1237, by Senator Gianaris, 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 Number 74, those Senators voting in the negative are Senators Akshar, Borrello, Gallivan, Griffo, Jordan, Lanza, Oberacker, O'Mara, Ortt, Palumbo, Rath, Ritchie, Serino, Stec and Tedisco.

Ayes, 47. Nays, 15.

ACTING PRESIDENT MAYER: The bill is passed.

THE SECRETARY: Calendar Number 75, Senate Print 1421, by Senator Serrano, 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 Number 75, voting in the negative: Senator O'Mara.

Ayes, 61. Nays, 1.

ACTING PRESIDENT MAYER: The bill is passed.

THE SECRETARY: Calendar Number 76, Senate Print 2995, by Senator Harckham, 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: Senator Harckham to explain his vote.

SENATOR HARCKHAM: Thank you, Madam President.

I want to thank Chairman Kaminsky and the Majority Leader for bringing this to the floor. I want to thank Senators for past support on this bill. We've passed it in this house before.

With the time urgency of the CLCPA

and also in creating community solar to save our local constituents money on their energy bills, one of the partnerships is between municipalities and solar companies to create solar canopies over parklands. This eases pressure on farmland or valuable open space.

The challenge is that any time anything happens in parkland, even it's over the impervious surface, folks have to come to the Legislature for alienation, which we know can be a lengthy process, adding a year or two to the process of creating solar.

This bill would allow that for solar canopies built only over the impervious surface, the parking space, that municipalities would not have to come to this body for alienation. It will speed up the process, it will take the pressure off of precious open space and farmland for the creation of solar. And that's why municipalities are so excited to do this bill.

So I'm glad we're taking it up again today, with the hope that this year the Assembly will join us with our enthusiasm. And I vote aye.

Thank you very much,

Madam President.

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

Announce the results.

THE SECRETARY: In relation to Calendar Number 76, those Senators voting in the negative are Senators Ortt and Ritchie.

Ayes, 60. Nays, 2.

ACTING PRESIDENT MAYER: The bill is passed.

THE SECRETARY: Calendar Number 119, Senate Print 1829A, by Senator Skoufis, an act to amend the Public Authorities Law.

ACTING PRESIDENT MAYER: 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: Announce the results.

THE SECRETARY: Ayes, 62.

ACTING PRESIDENT MAYER: The bill is passed.

THE SECRETARY: Calendar Number 122, Senate Print 7453A, by Senator Krueger, 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 122, those Senators voting in the negative are Senators Griffo and Oberacker.

Ayes, 60. Nays, 2.

ACTING PRESIDENT MAYER: The bill is passed.

THE SECRETARY: Calendar Number 123, Senate Print 23A, by Senator Kaplan, an act to amend the State Finance Law and the Labor Law.

ACTING PRESIDENT MAYER: 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 Kaplan to explain her vote.

SENATOR KAPLAN: Thank you, Madam President.

Climate change has the power to devastate life on Long Island and across the state. And in order to combat it, we must take decisive action and make real investments in the green infrastructure technology and jobs of the future.

Ensuring that the new parking structures are prewired for electric vehicles charging is a no-brainer. And it is what needs to be done to ensure that our infrastructure will be ready to handle the growing number of EVs on the road today and tomorrow.

I'm proud to sponsor legislation to get it done, and I'm proud to support the full package of environmental legislation being passed by the Senate Majority today.

I'm grateful for the leadership of Majority Leader Andrea Stewart-Cousins in

bringing these bills to the floor and for ensuring we continue to lead the way in combating climate change and supporting environmental conservation.

Thank you.

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

Announce the results.

THE SECRETARY: Ayes, 62.

ACTING PRESIDENT MAYER: The bill is passed.

THE SECRETARY: Calendar Number 125, Senate Print 2838C, by Senator Parker, 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 Number 125, those Senators voting in the

negative are Senators Akshar, Borrello, Gallivan, Griffo, Jordan, Lanza, Martucci, Oberacker, O'Mara, Ortt, Rath, Ritchie and Stec.

Ayes, 49. Nays, 13.

ACTING PRESIDENT MAYER: The bill is passed.

THE SECRETARY: Calendar Number 127, Senate Print 7176, by Senator Parker, an act to amend the Energy Law.

SENATOR LANZA: Lay it aside.

ACTING PRESIDENT MAYER: The bill is laid aside.

THE SECRETARY: Calendar Number 222, Senate Print 1868, by Senator Ritchie, an act in relation to authorizing the Town of DeKalb, in the County of St. Lawrence, to reduce the maximum speed limit on certain public roadways.

ACTING PRESIDENT MAYER: There is a home-rule message at the desk.

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: Excuse me, I'm sorry.

ACTING PRESIDENT MAYER: Announce the results.

THE SECRETARY: In relation to Calendar Number 222, voting in the negative: Senator Skoufis.

Ayes, 61. Nays, 1.

ACTING PRESIDENT MAYER: The bill is passed.

THE SECRETARY: Calendar Number 262, Senate Print 5027B, 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 375, Senate Print 6919, by Senator Kennedy, an act to amend the Public 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 480, Senate Print 7521, by Senator Stec, an act to amend the General Municipal Law.

ACTING PRESIDENT MAYER: There is a home-rule message at the desk.

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 598, Senate Print 370A, by Senator Hoylman, 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 Number 598, those Senators voting in the negative are Senators Borrello, Felder, Gallivan, Griffo, Jordan, Lanza, Oberacker, O'Mara, Ortt, Rath, Ritchie and Stec.

Ayes, 50. Nays, 12.

ACTING PRESIDENT MAYER: The bill is passed.

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

SENATOR GIANARIS: Can we please take up the supplemental calendar.

ACTING PRESIDENT MAYER: The Secretary will read.

THE SECRETARY: Calendar Number 756, Senate Print 3229A, by Senator Parker, an act to amend the Real Property Tax 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 757, Senate Print 8417B, by Senator Persaud, an act to amend the Executive Law.

SENATOR GIANARIS: Lay it aside for the day, please.

ACTING PRESIDENT MAYER: The bill

is laid aside for the day.

THE SECRETARY: Calendar Number 758, Senate Print Number 8830, by Senator Stewart-Cousins, an act to amend the Environmental Conservation Law.

SENATOR LANZA: Lay it aside.

ACTING PRESIDENT MAYER: The bill is laid aside.

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

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

ACTING PRESIDENT MAYER: The Secretary will ring the bell.

The Secretary will read.

THE SECRETARY: Calendar Number 127, Senate Print 7176, by Senator Parker, an act to amend the Energy 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 Stec to be heard.

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 at this time.

SENATOR LANZA: Accordingly, Madam President, I appeal the ruling of the chair and ask that you recognize Senator Stec.

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

SENATOR STEC: Thank you, Madam President.

This amendment is germane to the bill-in-chief because the amendment requires a cost analysis study of the Climate Leadership and Community Protection Act, and the bill-in-chief attempts to align the Energy Code with the clean energy and the climate policies and goals of the state, specifically the Climate Leadership and Community Protection Act.

For some brief history, the state passed the Climate Leadership and Community Protection Act in 2019. The CLCPA requires 100 percent zero-emission electricity by the year 2040 and reduction of at least 85 percent below

the 1990 level greenhouse gas emissions by the year 2050.

The CLCPA establishes a Climate Action Council made up of 23 members that will make decisions on how the state will achieve these emission goals.

Nowhere in the CLCPA does it call for a cost-analysis study of decisions made by this Climate Action Council.

The Climate Action Council recently released a draft scoping plan, and their scoping plan calls for a prohibition on gas and oil equipment for new construction on single-family residential buildings by the year 2024, and multifamily and commercial buildings by 2027. It also would require the prohibition of the sale of gas-powered passenger vehicles by 2030.

Before these policies are implemented, a cost analysis should be performed to determine how New Yorkers' finances will be impacted. For instance, a ban on natural gas hookups for single-family homes means that instead of paying $3,000 to $5,000 for a new natural gas furnace, a homeowner would have to pay $25,000 to $40,000 for a geothermal heat

pump.

The average cost of a gas-powered vehicle is $35,000, while the average cost of an electric vehicle is $55,000, a $20,000 increase above a gas car. I don't know about you, but a lot of my constituents do not have an extra $20,000 lying around to spend on a new vehicle.

These are just two of the many proposals that the council has come up with that will drive costs up for the average New Yorker. As is recently evident from recent skyrocketing costs in gas, New Yorkers are very in-tune to energy costs, and we should be doing everything possible to keep energy costs down, especially as we transition to a zero-emission economy.

For that reason, I urge my colleagues to support this amendment that we provide a cost analysis of the decisions that are going to be coming from CLCPA.

Thank you.

ACTING PRESIDENT MAYER: Thank you, Senator Stec.

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: Madam President, we've agreed to waive the showing of hands and record each member of the Minority in the affirmative.

ACTING PRESIDENT MAYER: Without objection, so ordered.

Announce the results.

THE SECRETARY: Ayes, 20.

ACTING PRESIDENT MAYER: 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 23. 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 127, those Senators voting in the negative are Senators Akshar, Borrello, Boyle, Gallivan, Griffo, Helming, Jordan, Lanza, Martucci, Mattera, Oberacker, O'Mara, Ortt, Palumbo, Rath, Ritchie, Serino, Stec, Tedisco and Weik.

Ayes, 42. Nays, 20.

ACTING PRESIDENT MAYER: The bill is passed.

Senator Gianaris.

SENATOR GIANARIS: Madam President, can we now move to Calendar 758, please.

ACTING PRESIDENT MAYER: The Secretary will ring the bell.

THE SECRETARY: Calendar Number 758, Senate Print Number 8830, by Senator Stewart-Cousins, 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 O'Mara to be heard.

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 at this time.

SENATOR LANZA: Accordingly, Madam President, I appeal the ruling of the chair and ask that you recognize Senator O'Mara.

ACTING PRESIDENT MAYER: The appeal has been made and recognized, and Senator O'Mara may be heard.

SENATOR O'MARA: Thank you, Madam President. On the ruling of the chair and the appeal of the decision that the bill is not germane.

I submit that both the bill-in-chief and the amendment we wish to make here both deal with pollution, environmental issues, certainly which will encompass in the main bill the location and siting of power plants and particularly the pollution that comes from those.

That the amendment deals with also the health and safety of the public and those

members of the disadvantaged communities, creating a Grid Reliability Working Group that the Climate Action Council would consult with when making decisions of what to include in the scoping plan that is mandated under the CLCPA.

As we examine these facilities in regards to our electrical grid and the ability to provide electricity to these disadvantaged communities that are targeted in this bill, the reliability of that grid should be taken into consideration. We have a lot of grandiose plans through the Climate Action Council, and I would submit that under that, the two main factors other than the environment are reliability and affordability. Both are being grossly overlooked by the Climate Action Council on the impacts of delivering electricity to meet the needs of New Yorkers, including those in disadvantaged communities.

I submit that we will find ourselves back here years down the road worrying about these disadvantaged communities freezing to death in the dark because the electricity is not getting there.

It's being totally ignored by the

Climate Action Council on how this is going to hold up as far as reliability and affordability, and that Grid Reliability Working Group should be part of what we're discussing here in the bill-in-chief.

Thank you, Madam President.

ACTING PRESIDENT MAYER: Thank you, Senator O'Mara.

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: Once again, Madam President, we've agreed to waive the showing of hands and record each member of the Minority in the affirmative.

ACTING PRESIDENT MAYER: Without objection, so ordered.

Announce the results.

THE SECRETARY: Ayes, 20.

ACTING PRESIDENT MAYER: 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 9. 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 will read.

THE SECRETARY: Calendar Number 262, Senate Print 5027B, by Senator Kavanagh, an act to amend the Environmental Conservation Law.

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

SENATOR RATH: Madam President, will the sponsor yield for some questions?

ACTING PRESIDENT MAYER: Does the sponsor yield, Senator Kavanagh?

SENATOR KAVANAGH: Yes, Madam President.

ACTING PRESIDENT MAYER: The sponsor yields.

SENATOR RATH: Thank you, Senator Kavanagh. Good to see you.

Carpet represents a minor portion of the solid waste generated in the United States. According to a recent EPA report, it's as little as 1.2 percent nationwide. Does this amount justify an expensive and burdensome program in New York?

SENATOR KAVANAGH: Through you, Madam President, 1.2 percent of all waste created by Americans is not a small amount. If you think of all of the activities we engage in every day, the fact that 1/80th of all of the waste produced by Americans is this one material, carpeting, that we see every day, it's actually a very significant amount.

Moreover, this bill does not impose substantial new costs on consumers. In fact, it is supported by, among others, the New York

Association of Counties because they believe it will save our taxpayers across the state money and -- you know, I think I'll leave it there. I assume there are some other questions.

SENATOR RATH: Through you, Madam President, will the sponsor continue to yield.

ACTING PRESIDENT MAYER: Does the sponsor yield?

SENATOR KAVANAGH: Yes, Madam President.

ACTING PRESIDENT MAYER: The sponsor yields.

SENATOR RATH: Thank you. The bill specifies that "Recycling infrastructure will need to be created to address rising need once legislation is enacted."

Can the sponsor elaborate on what the cost will be to establish this new recycling infrastructure?

SENATOR KAVANAGH: Through you, Madam President. Recycling infrastructure, otherwise known as private enterprise. We are going to create, through this bill, a new material that has a marketable value in the

materials that are created by recycling of carpets.

And we will also create new private-sector enterprises that will do this work that is important for our environment and for our broader society, but also will be friendly to communities throughout our state that will see new jobs.

The bill model is modeled on a program that's already been in existence in California for more than a decade, and that many business entities throughout the country have already adopted voluntarily in various ways.

There are arrangements being made around the country for private businesses to take carpeting materials, recycle it, and use the valuable products that can be created by recycling.

So what -- the actual mechanism to create this infrastructure will be that manufacturers, either on their own or through, you know, groups of manufacturers that would get together and do this, will provide an infrastructure to collect and recycle their carpeting materials.

It will be based on how much activity, retail activity they have in the state -- actually, sorry, not just retail, how much carpeting they're selling in the state. And they will have to meet targets over time to increase the amount of manufacturing they're doing.

SENATOR RATH: Through you, Madam President, will the sponsor continue to yield.

ACTING PRESIDENT MAYER: Will the sponsor yield?

SENATOR KAVANAGH: Yes, Madam President.

ACTING PRESIDENT MAYER: The sponsor yields.

SENATOR RATH: So who will ultimately pay for this new infrastructure?

SENATOR KAVANAGH: Through you, Madam President, the carpeting industry, the manufacturers -- not the retailers, and not directly the consumers -- will create this infrastructure to recycle their product.

You know, the concept here is producer responsibility. You know, you produce a

product, you put it out on the market, you'll be responsible for the life cycle of that product.

Whether this is net -- a net cost to the industry or something more positive over time is an open question. But we will be requiring that people who are providing carpet or manufacturing carpet and selling it in our state are taking responsibility for the impact of that product rather than leaving the disposal of that product to -- almost entirely to be funded by taxpayers, which is how it's funded now.

SENATOR RATH: Through you, Madam President, will the sponsor continue to yield.

ACTING PRESIDENT MAYER: Do you continue to yield?

SENATOR KAVANAGH: I do indeed, Madam President.

ACTING PRESIDENT MAYER: The sponsor yields.

SENATOR RATH: Thank you.

Granted, this legislation states that the producers will be responsible for the cost of the program. However, it does not bar producers or retailers from passing the cost

along to consumers through additional fees.

Is it accurate to say that this program will simply mean that carpet will be more and more expensive for homeowners and renovators?

SENATOR KAVANAGH: Through you, Madam President. Again, I think it's an open question how this affects the overall economics of the carpeting industry.

The collection and recycling of carpeting will have an economic value, and you will create products that can be resold. And indeed, that over time an increasing percentage of the materials will be reused to make carpeting. Carpeting is a very -- the input materials for carpeting are very expensive and mostly petroleum-based. So the net effect on the cost of carpeting I think is an open question.

Having said that, we're all -- when we dispose -- when we produce things in our society and we dispose of them, there is a disposal cost one way or the other. And currently that disposal cost is borne overwhelmingly by local governments. And of course we know who pays for local governments, the taxpayers of our local governments.

So over time, one way or the other, New Yorkers will be paying -- New Yorkers likely will be paying less net. But whether there's an increase in the cost of carpeting and perhaps an offsetting decrease in the cost of local governments I think is an open question.

SENATOR RATH: 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 Senator yields.

SENATOR RATH: Senator Kavanagh, earlier you referenced California. Let's delve into that a little bit. And that's the only other state with an EPR law. And the infrastructure is supported by a fee of $35 per square yard of carpet.

Do you believe New Yorkers can expect a similar fee to California's?

Let me clarify: 35 cents.

SENATOR KAVANAGH: Yup.

SENATOR RATH: Not quite that expensive.

SENATOR KAVANAGH: There is -- the California legislature, in negotiation with the industry, decided to set a specific fee. We think that that's not necessary.

We think that efficient participants in the carpeting manufacturing space will figure out the most efficient ways to do this. They are going to be required to ensure that there is a convenient collection site for various consumers throughout the state. They're allowed to work jointly on creating that.

So I think, again, it's hard to know how much the cost is. But again, it is 35 cents, not $35. So, you know, there's that.

SENATOR RATH: Thank you.

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 RATH: We'll get to the collection sites in a minute, Senator Kavanagh.

But similarly, California's fees have been steadily rising since its implementation. Given the need to establish infrastructure in New York, should we expect to see the same level of rising fees once this program is implemented?

SENATOR KAVANAGH: Just a -- I'm being reminded that -- a couple of salient points here.

First of all, there will be an advisory board that will be set up that will have all participants in the industry. And the DEC will be reviewing the cost of this program over time and ensuring that, you know, that the costs are reasonable given the need to do this.

But again, the costs are there. The costs of dealing with your carpeting once it's ripped up and going off somewhere are in the system already. So again, it's an open question whether this is a net increase in costs overall to New Yorkers.

SENATOR RATH: Through you, Madam President, will the sponsor continue to

yield.

ACTING PRESIDENT MAYER: Does the sponsor continue to yield?

SENATOR KAVANAGH: Yes, Madam President.

ACTING PRESIDENT MAYER: The sponsor yields.

SENATOR RATH: First a comment on the advisory board. I hope that you'll keep us all informed on what happens with regards to that advisory board. I think that's very important.

Carpet has experienced a substantial decrease in its share of the flooring market over the past several years. If this trend persists, is there a concern that the recycled materials from this program will end up back in the waste stream?

SENATOR KAVANAGH: Through you, Madam President. I suppose if everybody stopped using carpeting, you know, that might -- that might be a positive thing from an environmental perspective, but that's not the goal of this legislation.

I suppose if we got to the point where people stopped using carpeting, we might

have to reconsider -- particularly, there's a circular -- there's a closed circle recycling requirement, it's a -- closed loop recycling requirement in this where some fraction of the recycled materials must go into producing new carpeting.

I suppose if there was a radical change -- I mean, carpeting's been around a long time, I don't anticipate that we'll cease to use it entirely -- but I guess we might have to revisit that particular element.

But I would note that carpeting materials, once properly recycled, once properly separated into their components, do have a market value. And again, in many cases private companies that are producing carpeting and installing carpeting and removing carpeting are making deals with companies that need those materials.

And again, many of those private companies -- that are in some cases very large manufacturing enterprises -- are in support of this bill because they believe it will produce marketable materials for them.

SENATOR RATH: 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 RATH: Thank you for your indulgence, Senator Kavanagh.

We've heard from industry stakeholders in my district -- Kenny Carpets, which is a major player in Western New York -- and they have major concerns about this legislation. I'll get back to that in a little bit.

The previous version of this legislation required collection sites to be a certain distance from major population centers. But this version requires one in at least every county, and one in every municipality over 10,000 people, with an additional location per 30,000 people.

For example, the City of Albany would have three to four locations. The Town of

Hempstead would have 25. My Town of Amherst, my hometown of Amherst, would have four locations. Yet we only have one town waste site. Why does it need to have four carpet collection sites, and why on earth so many collection sites across this state?

SENATOR KAVANAGH: Through you, Madam President, again, the goal -- this is called a convenience standard. And the idea is to make it where -- we're going to create a program where in some cases consumers are going to be encouraged to participate. Some of -- a lot of the carpeting obviously will come through business enterprises that are, you know, carpeting large amounts of space in offices and other business facilities.

But given that we want to maximize the participation of consumers, we want to make it convenient for them -- and again, in many cases the -- although no individual retailer would be required to participate, in many cases we would expect that people who are selling carpeting would also make the service of collecting the recyclable materials available. And again, that would be worked out with the

manufacturers.

SENATOR RATH: Thank 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 RATH: Last question. And I appreciate your indulgence on this.

I assume the intent is to have retailers serve as collection sites. What if a town doesn't have the number of carpet retailers required as collection sites provided in this law?

SENATOR KAVANAGH: Through you, Madam President, I would expect that in many cases people selling carpeting would also be the material -- the site that takes the carpet waste.

In fact, in many cases it will be an installer who is going to the place where the carpet needs to be installed, is removing the carpeting that -- you know, the old carpeting and

putting in the new carpeting and is then in possession of the material that needs to be recycled.

But what the bill requires is that each manufacturer propose a plan for how to comply with this obligation, they propose it to the DEC. Within six months of that, they begin the collection process. And then in subsequent years, there are goals of how much materials they need to collect.

So there's no requirement in this -- and I would say no expectation -- that all the recycling sites would be places where they're selling carpeting. The goal would be that manufacturers would figure out convenient places, they would presumably make arrangements with entities that are doing that.

You could conceivably make an arrangement -- there's a -- I should note also there is a separate provision for New York City, where the City of -- because New York City is such a large place and one big municipality, the DEC and the Department of Sanitation could come up with a way of complying with the convenience standard citywide. Because obviously the way we

collect trash there is somewhat different, and the way we recycle materials is somewhat different.

But basically the industry will come up with ways of ensuring that people -- that consumers can conveniently drop off their carpeting materials if they're doing it themselves.

SENATOR RATH: Madam President, on the bill.

ACTING PRESIDENT MAYER: Senator Rath on the bill.

SENATOR RATH: Senator Kavanagh, thank you for our discussion and our debate for an issue that is underfoot but top of mind.

At a time when inflation is driving up prices across a number of products and markets in our state and in our country, this body has done an incredible job of passing legislation to ensure that higher prices are here to stay.

The bill before us today is nothing more than a tax on carpet, a pass-along fee for consumers to pay while businesses are crushed by senseless mandates and costly regulations.

In 10 years, when the average New

Yorker is forced to rely on large chain stores for their carpet, the mom-and-pops of our communities will showcase "Closed" signs or "For Sale" signs in their windows -- and rest assured that this legislation will be the culprit of that.

Thank you, Madam President.

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.

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 May to explain her vote.

SENATOR MAY: Thank you, Madam President.

I spent many years on the board of the Onondaga County Resource Recovery Agency, and I saw up very close how hard it is to manage in a responsible manner the vast amount of material

that Americans throw away, and how expensive it is to municipal taxpayers.

I also heard recently a speech by someone who's on the Climate Action Council talking about how when they began their deliberations, waste was one of the lowest priorities of what they were talking about, and by the time they ran the numbers and heard from all the experts, waste had become one of the number-one issues to deal with if we are really going to try to reach our climate goals.

So this bill -- and I want to thank Senator Kavanagh for bringing this forward -- this bill is an example of the kind of thing we can do to reduce waste at the source, to get businesses to start doing good business practices, so where they are not including toxic materials in their carpet, where they are making them recyclable, where they are doing things like making carpet tiles. Which if you stain a piece of your carpet or you wear out an area of your carpet, you can replace that little piece and not have to tear up the whole roomful of carpet.

There are a lot of good things that this will incentivize that will make it less

costly to taxpayers, less of a problem for trying to figure out where we put all this material, and eventually I think more -- just more sustainable in every way.

So thank you, Senator Kavanagh. Thank you to the leadership for bringing this forward.

I vote aye.

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

Senator Kavanagh to explain his vote.

SENATOR KAVANAGH: Thank you, Madam President.

Thank you, my colleague, for a good discussion and, you know, elucidating some of the issues here.

I just did -- I did want to just make a few points about this before we close the vote.

And first of all, that this bill is indeed supported by many environmental organizations, partly because of some of the points that Senator May made so eloquently about, you know, changing the way we do business and the

way we live our lives in order to be less wasteful.

And also something that she mentioned which hadn't been mentioned before, which is the toxins issue. This bill phases out some very toxic materials that are in our carpets, which means they're in our homes, which means they're also in our waste stream. And one of the reasons that the New York Association of Counties states they support this is because they also want to get those toxins out of their waste stream.

But unlike -- I have seen very few tax bills in my time where dozens of private-sector enterprises that are engaging in that business area are favoring the tax.

Madam President, this is not a tax. This is a fee for a particular -- this is a requirement for a particular kind of activity that will indeed change the way people behave. It will require them to spend more money on some activities, but perhaps save money on other activities.

And I just want to note -- again, I'm not going to read them all. But we have

memos in support from several dozen private enterprises. Just for some examples: American Carpet South, which is the premier residential and commercial carpet installing company in the Northeastern United States. And if you're buying your carpet, for example, at Home Depot, there's a very good chance that they're the company that's installing it and handling the waste.

Circular Polymers. Allegany Manufacturing. Eastman, which is a giant conglomerate that has been a beneficiary of a lot of the recycled materials that are coming out of carpeting. And again, numerous, numerous others which I will spare you all.

But this is a bill that is intended and will achieve the goal of changing the way a particular business that we all use frequently does business, in a way that is positive and in a way that creates jobs throughout our state. The work of separating and -- collecting and separating and sorting will be work that is done by New Yorkers.

And so in addition to the many environmental benefits of this bill, we think it is balanced in a way that will help business and

help all New Yorkers, and therefore I vote aye.

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

Announce the results.

THE SECRETARY: In relation to Calendar 262, those Senators voting in the negative are Senators Akshar, Borrello, Cooney, Felder, Griffo, Helming, Lanza, Oberacker, Rath, Ritchie, Serino, Stec and Tedisco.

Ayes, 49. Nays, 13.

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: Move to adjourn until tomorrow, Tuesday, April 26th, at 3:00 p.m.

ACTING PRESIDENT MAYER: On motion, the Senate stands adjourned until Tuesday, April 26th, at 3:00 p.m.

(Whereupon, at 4:14 p.m., the Senate adjourned.)