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NEW YORK STATE SENATE

THE STENOGRAPHIC RECORD

ALBANY, NEW YORK

March 20, 2023

3:02 p.m.

REGULAR SESSION

SENATOR JEREMY A. COONEY, Acting President

ALEJANDRA N. PAULINO, ESQ., Secretary

1 P R O C E E D I N G S

2 ACTING PRESIDENT COONEY: The  
3 Senate will come to order.

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

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

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

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

13 ACTING PRESIDENT COONEY: Reading  
14 of the Journal.

15 THE SECRETARY: In Senate, Friday,  
16 March 17, 2023, the Senate met pursuant to  
17 adjournment. The Journal of Thursday, March 16,  
18 2023, was read and approved. On motion, the  
19 Senate adjourned.

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

22 Presentation of petitions.

23 Messages from the Assembly.

24 Messages from the Governor.

25 Reports of standing committees.

1 Reports of select committees.

2 Communications and reports from  
3 state officers.

4 Motions and resolutions.

5 Senator Gianaris.

6 SENATOR GIANARIS: Mr. President,  
7 please take up previously adopted Resolution 510,  
8 by Senator Kennedy, read its title, and recognize  
9 Senator Kennedy.

10 ACTING PRESIDENT COONEY: The  
11 Secretary will read.

12 THE SECRETARY: Senate Resolution  
13 510, by Senator Kennedy, memorializing  
14 Governor Kathy Hochul to proclaim March 2023 as  
15 Bleeding Disorders Awareness Month in the  
16 State of New York.

17 ACTING PRESIDENT COONEY: Senator  
18 Kennedy on the resolution.

19 SENATOR KENNEDY: Thank you very  
20 much, Mr. President.

21 Today I rise to recognize March 2023  
22 as Bleeding Disorders Awareness Month in New York  
23 State.

24 We're joined by a number of  
25 advocates from all across the State of New York,

1 including a number of Buffalonians, my friends  
2 Mikel Lewis, his sister Mya-Isabella Samuel, and  
3 John Alduino.

4           They are among a number of other  
5 folks who are here to spread the word and  
6 advocate on behalf of so many individuals who  
7 suffer from bleeding disorders here in New York,  
8 affecting more than one in 100 people across this  
9 great state, including a wide variety of  
10 disorders, genetic conditions -- hemophilia,  
11 Von Willebrand disease, sickle cell anemia,  
12 platelet disorders, just to name a few.

13           As recently as the 1960s there was  
14 no treatment for people with bleeding disorders.  
15 Those with serious symptoms such as prolonged  
16 bleeding, debilitating joint and muscle damage,  
17 and organ failure often had a life expectancy of  
18 just 40 years.

19           Fast forward to today, and there's  
20 far more hope. With the right treatment, people  
21 diagnosed with bleeding disorders are leading  
22 full, productive lives. Part of that is due to  
23 the advancements in medicine and research that  
24 have profoundly impacted what we know about these  
25 disorders and how to treat them.

1                   And the other part is credited to  
2                   early diagnosis, proper care, and ensuring  
3                   patients have access to the medication and  
4                   services that they need to thrive.

5                   By recognizing March as  
6                   Bleeding Disorders Awareness Month, New York is  
7                   aligning this with the observance of National  
8                   Bleeding Disorders Awareness Month, and fostering  
9                   public awareness and understanding of these  
10                  disorders with the hope of educating New Yorkers  
11                  about the symptoms and encouraging early  
12                  detection and treatment.

13                  The National Hemophilia Foundation  
14                  is encouraging our greater community to, quote,  
15                  start the conversation this month, and that's  
16                  exactly what we're doing here today. That's  
17                  exactly why these wonderful advocates have joined  
18                  us here in this auspicious chamber.

19                  And I encourage my colleagues here  
20                  today to join me in bringing attention to these  
21                  disorders, with the hope that we can provide  
22                  resources and start the conversation,  
23                  Mr. President, that can potentially save lives.

24                  With that, I vote aye.

25                  ACTING PRESIDENT COONEY:    Thank

1 you, Senator Kennedy.

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

5 Please rise and be recognized.

6 (Standing ovation.)

7 ACTING PRESIDENT COONEY: The  
8 resolution was previously adopted on March 15th.

9 Senator Gianaris.

10 SENATOR GIANARIS: Mr. President,  
11 Senator Kennedy would like to open that  
12 resolution for cosponsorship.

13 ACTING PRESIDENT COONEY: The  
14 resolution is open for cosponsorship. Should you  
15 choose not to be a cosponsor on the resolution,  
16 please notify the desk.

17 Senator Gianaris.

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

20 ACTING PRESIDENT COONEY: The  
21 Secretary will read.

22 THE SECRETARY: Calendar Number  
23 174, Senate Print 636, by Senator Comrie, an act  
24 to amend the Business Corporation Law and the  
25 Limited Liability Company Law.

1                   ACTING PRESIDENT COONEY:    Read the  
2   last section.

3                   THE SECRETARY:    Section 2.  This  
4   act shall take effect two years after it shall  
5   have become a law.

6                   ACTING PRESIDENT COONEY:    Call the  
7   roll.

8                   (The Secretary called the roll.)

9                   ACTING PRESIDENT COONEY:    Announce  
10  the results.

11                  THE SECRETARY:    In relation to  
12  Calendar Number 174, those Senators voting in the  
13  negative are Senators Ashby, Borrello, Gallivan,  
14  Griffo, Helming, Lanza, Martins, Mattera, Murray,  
15  Oberacker, Ortt, Palumbo, Rhoads, Rolison,  
16  Scarcella-Spanton, Stec, Tedisco, Walczyk, Weber  
17  and Weik.

18                  Ayes, 36.  Nays, 20.

19                  ACTING PRESIDENT COONEY:    The bill  
20  is passed.

21                  THE SECRETARY:    Calendar Number  
22  204, Senate Print 1918, by Senator May, an act to  
23  amend the Environmental Conservation Law.

24                  SENATOR LANZA:    Lay it aside.

25                  ACTING PRESIDENT COONEY:    Lay it

1     aside.

2                   THE SECRETARY:     Calendar Number  
3     238, Senate Print 447C, by Senator Stavisky, an  
4     act to amend the Education Law.

5                   ACTING PRESIDENT COONEY:     Read the  
6     last section.

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

10                  ACTING PRESIDENT COONEY:     Call the  
11     roll.

12                  (The Secretary called the roll.)

13                  ACTING PRESIDENT COONEY:     Senator  
14     Stavisky to explain her vote.

15                  SENATOR STAVISKY:     Yes, thank you,  
16     Mr. President.

17                  First, I want to thank the folks who  
18     worked for the past two and a half years or so on  
19     this legislation. It was originally brought to  
20     my attention in about 2020 by the Commission on  
21     Independent Colleges and Universities, and in the  
22     ensuing days we worked very closely together,  
23     collaboratively, with the State Education  
24     Department, with SUNY and CUNY. And it  
25     demonstrates how, working together, we can make a



1 bill better.

2 This helps the nursing shortage. It  
3 provides up to 30 percent of simulation with the  
4 sophisticated dummies and -- that's sort of an  
5 oxymoron, I guess --

6 (Laughter.)

7 SENATOR STAVISKY: -- come to think  
8 of it. But with the quality of simulation, we  
9 are able to allow more students to fill these  
10 slots. In the past the colleges and universities  
11 throughout our state did not have the space for  
12 the clinical classes that are needed.

13 So, Mr. President, I thank everybody  
14 for making this possible, and I vote aye.

15 ACTING PRESIDENT COONEY: Senator  
16 Stavisky to be recorded in the affirmative.

17 Announce the results.

18 THE SECRETARY: Ayes, 58.

19 ACTING PRESIDENT COONEY: The bill  
20 is passed.

21 THE SECRETARY: Calendar Number  
22 267, Senate Print 1361, by Senator Kennedy, an  
23 act to amend the Public Authorities Law.

24 ACTING PRESIDENT COONEY: Read the  
25 last section.

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

3 ACTING PRESIDENT COONEY: Call the  
4 roll.

5 (The Secretary called the roll.)

6 ACTING PRESIDENT COONEY: Announce  
7 the results.

8 THE SECRETARY: Ayes, 58.

9 ACTING PRESIDENT COONEY: The bill  
10 is passed.

11 THE SECRETARY: Calendar Number  
12 274, Senate Print 1147, by Senator Krueger, an  
13 act to amend the Tax Law.

14 ACTING PRESIDENT COONEY: Read the  
15 last section.

16 THE SECRETARY: Section 3. This  
17 act shall take effect on the first of April.

18 ACTING PRESIDENT COONEY: Call the  
19 roll.

20 (The Secretary called the roll.)

21 ACTING PRESIDENT COONEY: Announce  
22 the results.

23 THE SECRETARY: In relation to  
24 Calendar Number 274, those Senators voting in the  
25 negative are Senators Ashby, Borrello, Gallivan,

1 Griffo, Lanza, Martins, Murray, Oberacker,  
2 O'Mara, Ortt, Palumbo, Rhoads, Rolison, Tedisco,  
3 Weber and Weik.

4 Ayes, 43. Nays, 16.

5 ACTING PRESIDENT COONEY: The bill  
6 is passed.

7 THE SECRETARY: Calendar Number  
8 294, Senate Print 490, by Senator Comrie, an act  
9 to amend the Not-For-Profit Corporation Law.

10 ACTING PRESIDENT COONEY: Read the  
11 last section.

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

14 ACTING PRESIDENT COONEY: Call the  
15 roll.

16 (The Secretary called the roll.)

17 ACTING PRESIDENT COONEY: Announce  
18 the results.

19 THE SECRETARY: Ayes, 59.

20 ACTING PRESIDENT COONEY: The bill  
21 is passed.

22 THE SECRETARY: Calendar Number  
23 326, Senate Print 410, by Senator Thomas, an act  
24 to amend the General Business Law.

25 ACTING PRESIDENT COONEY: Read the

1 last section.

2 THE SECRETARY: Section 25. This  
3 act shall take effect immediately.

4 ACTING PRESIDENT COONEY: Call the  
5 roll.

6 (The Secretary called the roll.)

7 ACTING PRESIDENT COONEY: Announce  
8 the results.

9 THE SECRETARY: In relation to  
10 Calendar 326, those Senators voting in the  
11 negative are Senators Ashby, Borrello, Gallivan,  
12 Griffo, Helming, Lanza, Martins, Mattera, Murray,  
13 Oberacker, O'Mara, Ortt, Palumbo, Rhoads,  
14 Rolison, Stec, Tedisco, Walczyk, Weber and Weik.

15 Ayes, 39. Nays, 20.

16 ACTING PRESIDENT COONEY: The bill  
17 is passed.

18 THE SECRETARY: Calendar Number  
19 399, Senate Print 3306, by Senator Hoylman-Sigal,  
20 an act to amend the Business Corporation Law.

21 ACTING PRESIDENT COONEY: Read the  
22 last section.

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

1                   ACTING PRESIDENT COONEY:    Call the  
2    roll.

3                   (The Secretary called the roll.)

4                   ACTING PRESIDENT COONEY:    Announce  
5    the results.

6                   THE SECRETARY:     Ayes, 59.

7                   ACTING PRESIDENT COONEY:    The bill  
8    is passed.

9                   THE SECRETARY:     Calendar Number  
10   460, Senate Print 2298, by Senator Mayer, an act  
11   to amend the Election Law.

12                  ACTING PRESIDENT COONEY:    Read the  
13   last section.

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

17                  ACTING PRESIDENT COONEY:    Call the  
18   roll.

19                  (The Secretary called the roll.)

20                  ACTING PRESIDENT COONEY:    Announce  
21   the results.

22                  THE SECRETARY:     Ayes, 59.

23                  ACTING PRESIDENT COONEY:    The bill  
24   is passed.

25                  THE SECRETARY:     Calendar Number

1 477, Senate Print 3403, by Senator Breslin, an  
2 act to amend the Insurance Law.

3 ACTING PRESIDENT COONEY: Read the  
4 last section.

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

7 ACTING PRESIDENT COONEY: Call the  
8 roll.

9 (The Secretary called the roll.)

10 ACTING PRESIDENT COONEY: Announce  
11 the results.

12 THE SECRETARY: In relation to  
13 Calendar Number 477, voting in the negative are  
14 Senators Brisport and Skoufis.

15 Ayes, 57. Nays, 2.

16 ACTING PRESIDENT COONEY: The bill  
17 is passed.

18 THE SECRETARY: Calendar Number  
19 484, Senate Print 3459, by Senator Skoufis, an  
20 act to amend the Alcoholic Beverage Control Law.

21 ACTING PRESIDENT COONEY: Read the  
22 last section.

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

1                   ACTING PRESIDENT COONEY:    Call the  
2    roll.

3                   (The Secretary called the roll.)

4                   ACTING PRESIDENT COONEY:    Announce  
5    the results.

6                   THE SECRETARY:    In relation to  
7    Calendar Number 484, voting in the negative:  
8    Senator Walczyk.

9                   Ayes, 58.   Nays, 1.

10                  ACTING PRESIDENT COONEY:    The bill  
11    is passed.

12                  THE SECRETARY:    Calendar Number  
13    490, Senate Print 3249, by Senator Bailey, an act  
14    to amend the Executive Law.

15                  ACTING PRESIDENT COONEY:    Read the  
16    last section.

17                  THE SECRETARY:    Section 6.   This  
18    act shall take effect on the 30th day after it  
19    shall have become a law.

20                  ACTING PRESIDENT COONEY:    Call the  
21    roll.

22                  (The Secretary called the roll.)

23                  ACTING PRESIDENT COONEY:    Senator  
24    Bailey to explain his vote.

25                  SENATOR BAILEY:    Thank you,

1 Mr. President.

2 This past January there was a  
3 significant fire in my district, and it ripped  
4 through a multifamily dwelling on Carpenter  
5 Avenue in the Bronx.

6 Luckily there was no loss of life,  
7 and the injuries have come to what we believe are  
8 minor, although there can never be any minor  
9 injury in a fire because the trauma of seeing all  
10 of your possessions leave you is significant.

11 But the most important thing is that  
12 they all got out alive and the children got out  
13 alive. And the pets got out alive as well,  
14 Mr. President.

15 But this brings the question, how  
16 come we currently don't have requirements to make  
17 sure that there are smoke alarms in common areas  
18 of multifamily dwellings? And this is something  
19 that we don't know if it will prevent fires, but  
20 it will promote awareness. Because there were  
21 certain residents who didn't get out until very  
22 late -- by the grace of God, some would say --  
23 because they did not have the building-wide smoke  
24 alarms.

25 So this bill would require that in



1 multifamily dwellings. And I believe that this  
2 is just one of the steps this majority has taken,  
3 under the leadership of Andrea Stewart-Cousins,  
4 to be more responsive to the requirements and the  
5 needs of our communities when we face the scourge  
6 of deadly fires.

7                   So I'm excited that this bill is  
8 passing today. I look forward to its eventual  
9 passage in the Assembly. And I vote aye,  
10 Mr. President.

11                   ACTING PRESIDENT COONEY: Thank  
12 you, Senator Bailey, to be recorded in the  
13 affirmative.

14                   Announce the results.

15                   THE SECRETARY: Ayes, 60.

16                   ACTING PRESIDENT COONEY: The bill  
17 is passed.

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

20                   SENATOR GIANARIS: Can we move to  
21 the controversial calendar, please.

22                   ACTING PRESIDENT COONEY: The  
23 Secretary will ring the bell.

24                   The Secretary will read.

25                   THE SECRETARY: Calendar Number

1 204, Senate Print 1918, by Senator May, an act to  
2 amend the Environmental Conservation Law.

3 ACTING PRESIDENT COONEY: Senator  
4 Walczyk, why do you rise?

5 SENATOR WALCZYK: Thank you,  
6 Mr. President. Would the sponsor yield for some  
7 questions.

8 ACTING PRESIDENT COONEY: Will the  
9 sponsor yield?

10 SENATOR MAY: Yes, I'd be glad to.

11 ACTING PRESIDENT COONEY: The  
12 sponsor yields.

13 SENATOR WALCZYK: Through you,  
14 Mr. President, what does this bill do?

15 SENATOR MAY: Through you,  
16 Mr. President. This bill allows DEC to grant the  
17 rights for renewable energy production and  
18 transmission on state reforestation lands.

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

22 ACTING PRESIDENT COONEY: Will the  
23 sponsor yield?

24 SENATOR MAY: I will.

25 ACTING PRESIDENT COONEY: The

1 sponsor yields.

2 SENATOR WALCZYK: Do you believe  
3 that this is in line with Title 5 of the  
4 Environmental Conservation Law?

5 SENATOR MAY: Article 5? Through  
6 you, Mr. President.

7 SENATOR WALCZYK: Through you,  
8 Mr. President. Article 5 addresses reforestation  
9 areas and their purpose, if that's helpful.

10 SENATOR MAY: Okay, thank you,  
11 Mr. President. My colleague said Title 5; we're  
12 talking about Article 5.

13 Yes, I do.

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

17 ACTING PRESIDENT COONEY: Does the  
18 sponsor yield?

19 SENATOR MAY: I will.

20 ACTING PRESIDENT COONEY: The  
21 sponsor yields.

22 SENATOR WALCZYK: So out of the  
23 same section of Environmental Conservation Law,  
24 it reads: "In order to provide for the  
25 acquisition of lands outside the Adirondack Park

1 and Catskill Park ... which are adapted for  
2 reforestation and the establishment and  
3 maintenance thereon of forests for watershed  
4 protection, the production of timber and other  
5 forest products, and for recreation and kindred  
6 purposes, the department may acquire in the name  
7 of the state, by gift, purchase or appropriation,  
8 reforestation areas which shall consist  
9 respectively of not less than five hundred acres  
10 of contiguous lands, which shall be forever  
11 devoted to the planting, growth and harvesting of  
12 such trees ... as shall be reforested."

13 The question is, how are solar  
14 panels in line with that purpose in that section?

15 SENATOR MAY: Through you,  
16 Mr. President. The law already allows DEC the  
17 right to have oil and gas production on these  
18 lands. I believe that green energy production is  
19 more compatible with our forests and protecting  
20 them in the long run.

21 This doesn't prescribe that any --  
22 any production has to occur on these lands, it  
23 just makes it possible for DEC to offer those  
24 leases.

25 SENATOR WALCZYK: Through you,

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

3 ACTING PRESIDENT COONEY: Will the  
4 sponsor yield?

5 SENATOR MAY: I will.

6 ACTING PRESIDENT COONEY: The  
7 sponsor yields.

8 SENATOR WALCZYK: You brought up  
9 gas and oil, which generally have a relatively  
10 small footprint. But I notice that your  
11 legislation is allowing for wind production --  
12 which would also have a relatively small  
13 footprint as long as the turbine could be so far  
14 above the trees -- but also solar.

15 And through you, Mr. President, my  
16 question would be, why would we want to replace  
17 acreage that is specifically set aside for  
18 reforestation with solar panels in this state?

19 SENATOR MAY: Through you,  
20 Mr. President. So as it says in the bill, to the  
21 extent that this would interfere with any of the  
22 purposes for which the land was acquired, that  
23 would not be a possibility.

24 But there are certainly  
25 reforestation lands which are not covered with

1 trees where they could put solar panels.

2 But the main goal here probably is  
3 for transmission, because we are finding that  
4 that when you have solar and wind production in  
5 one place and then state lands in between, it's  
6 very hard to do the transmission along those --  
7 across those areas.

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

11 ACTING PRESIDENT COONEY: Does the  
12 sponsor yield?

13 SENATOR MAY: I do.

14 ACTING PRESIDENT COONEY: The  
15 sponsor yields.

16 SENATOR WALCZYK: So transmission  
17 has already been prescribed by this Legislature  
18 as an exception, as has communications wiring and  
19 various other things you brought up -- oil and  
20 gas leases. So I don't accept that answer.

21 Does this legislation limit the  
22 number of acres that you would substitute  
23 reforestation with solar panels in the State of  
24 New York?

25 SENATOR MAY: Through you,

1 Mr. President, as I just said, any activity that  
2 interferes with the purpose of the land that  
3 was -- for which it was leased, couldn't be --  
4 couldn't be interfered with.

5 So it -- that would be on a  
6 case-by-case basis decided by the DEC.

7 SENATOR WALCZYK: Through you,  
8 Mr. President, will the sponsor continue to  
9 yield.

10 ACTING PRESIDENT COONEY: Does the  
11 sponsor yield?

12 SENATOR MAY: I will.

13 ACTING PRESIDENT COONEY: The  
14 sponsor yields.

15 SENATOR WALCZYK: Would you then  
16 agree that replacing acres that are designated  
17 for forest reforestation in the State of New  
18 York, as this statute states pretty clearly, that  
19 covering that same acreage with solar panels  
20 would be counter to the purpose of reforestation?

21 SENATOR MAY: Mr. President, I  
22 don't agree with that. This is -- this opens a  
23 possibility for a use of these lands that I think  
24 is compatible with our climate goals, which our  
25 forests depend on us reaching those climate goals

1 just as much as our agricultural lands do and our  
2 shorelines do and our children do.

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

6 ACTING PRESIDENT COONEY: Does the  
7 sponsor yield?

8 SENATOR MAY: I do.

9 ACTING PRESIDENT COONEY: The  
10 sponsor yields.

11 SENATOR WALCZYK: Are there limits  
12 on the maintenance or the size of -- the  
13 maintenance activities or the size of  
14 infrastructure as are prescribed here when you're  
15 talking about adding solar arrays or solar fields  
16 to what used to be reforestation areas in the  
17 State of New York?

18 SENATOR MAY: So once again, the  
19 DEC would make a determination whether the  
20 project interfered with the goals of the original  
21 acquisition of this land. And that would  
22 determine the scale of development on that land  
23 as well.

24 SENATOR WALCZYK: So no limit.  
25 Would there be -- through you,



1 Mr. President, would the sponsor continue to  
2 yield.

3 ACTING PRESIDENT COONEY: Will the  
4 sponsor yield?

5 SENATOR MAY: I do.

6 ACTING PRESIDENT COONEY: The  
7 sponsor yields.

8 SENATOR WALCZYK: On areas that are  
9 designated reforestation lands in the State of  
10 New York, would there be a prohibition of fences  
11 being installed around solar arrays?

12 SENATOR MAY: Through you,  
13 Mr. President, the idea is to treat renewable  
14 energy generation the same way that oil and gas  
15 are treated. And so it would be the same -- you  
16 know, there would be the same guidelines for  
17 those.

18 SENATOR WALCZYK: Through you,  
19 Mr. President, will the sponsor continue to  
20 yield.

21 ACTING PRESIDENT COONEY: Will the  
22 sponsor yield?

23 SENATOR MAY: I would.

24 ACTING PRESIDENT COONEY: The  
25 sponsor yields.

1                   SENATOR WALCZYK:    Would there be  
2   any prohibition when substituting what would be a  
3   reforested forest, what would be trees, with  
4   solar arrays of substations placed in the  
5   reforestation area, above-ground transmission?

6                   SENATOR MAY:    I'm sorry, through  
7   you, Mr. President, could my colleague please  
8   repeat that?  I don't understand the question.

9                   SENATOR WALCZYK:    Yeah, through  
10  you, Mr. President, I would.

11                   What I'm asking is in this  
12  legislation where you have redesignated  
13  reforestation areas, which traditionally have  
14  been used by the State of New York to reforest an  
15  area -- and we're adding solar arrays to the  
16  possibility by siting, if this bill passes and  
17  becomes law -- have you placed any limits on the  
18  amount of infrastructure that can be put in the  
19  reforested area to support those solar arrays?

20                   SENATOR MAY:    Through you,  
21  Mr. President, I can't come up with another way  
22  to phrase this answer.

23                   But once again, I will say this  
24  is -- only allows DEC to create these leases when  
25  it is compatible with the uses of the land that

1 were designated in the original acquisition of  
2 that land. And so there would be pretty strict  
3 restrictions in a lot of places, I believe, for  
4 that.

5 But some of these lands are used for  
6 logging, for example, which would presumably  
7 clear areas of land where it would be -- it would  
8 make a lot of sense, then, to do solar production  
9 or wind production when you've got that land  
10 that's just been cleared.

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

14 ACTING PRESIDENT COONEY: Does the  
15 sponsor yield?

16 SENATOR MAY: I will.

17 ACTING PRESIDENT COONEY: The  
18 sponsor yields.

19 SENATOR WALCZYK: So you have  
20 evoked the Department of Environmental  
21 Conservation a number of times today. Was this  
22 prescribed in the scoping plan from the Climate  
23 Action Council for which the DEC sits as a  
24 cochair?

25 SENATOR MAY: Through you,

1 Mr. President. This bill predates that scoping  
2 plan. And -- but it is certainly compatible with  
3 the goals of the Climate Leadership and Community  
4 Protection plan.

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

8 ACTING PRESIDENT COONEY: Does the  
9 sponsor yield?

10 SENATOR MAY: I would.

11 ACTING PRESIDENT COONEY: The  
12 sponsor yields.

13 SENATOR WALCZYK: Did the DEC give  
14 you a reason that they didn't include this  
15 proposal that you're bringing us here today in  
16 the scoping plan?

17 SENATOR MAY: Through you,  
18 Mr. President. So as I said, this bill predates  
19 that.

20 The scoping plan is more general.  
21 It doesn't have this kind of level of  
22 specificity, but it also puts forward the idea  
23 that we need more green energy production as well  
24 as that we need to protect our forest resources.

25 SENATOR WALCZYK: Through you,

1 Mr. President, will the sponsor continue to  
2 yield.

3 ACTING PRESIDENT COONEY: Will the  
4 sponsor yield?

5 SENATOR MAY: I will.

6 ACTING PRESIDENT COONEY: The  
7 sponsor yields.

8 SENATOR WALCZYK: While it's  
9 generally over 400 pages, it also includes a lot  
10 of specifics. This bill that you're bringing to  
11 this chamber today isn't one of the specifics  
12 that's included in the Climate Action Council's  
13 scoping plan.

14 What factors in the scoping plan  
15 included the state's forestlands for carbon  
16 sequestration?

17 SENATOR MAY: Through you,  
18 Mr. President, I don't know the answer to that.

19 SENATOR WALCZYK: Let me try -- if  
20 I may be a little more concise, through you  
21 Mr. -- thank you, Mr. President.

22 The draft scoping plan laid out a  
23 number of items after a long deliberation from  
24 the chairs of the Climate Action Council, many of  
25 which I disagree with. But there was one

1 interesting note, and that is of carbon  
2 sequestration. And I think to our conversation  
3 here today, when we're talking about reforested  
4 areas and how they're going to be used in the  
5 State of New York in the future, the Climate  
6 Action Council has said that forestlands are  
7 significant when we're talking about our goals to  
8 sequester carbon.

9 So I wonder how this bill here that  
10 you bring today is in line with what the goals of  
11 the Climate Action Council are.

12 SENATOR MAY: Through you,  
13 Mr. President. The Climate Action Plan and our  
14 climate goals are interconnected. We need to  
15 produce energy. We also need to protect -- or  
16 sequester carbon. Those are not necessarily  
17 incompatible. But we need to do it in an  
18 intelligent way.

19 This is -- there are 600,000 acres  
20 of reforestation lands in the state. This is not  
21 our old forest; this is land that was cleared for  
22 either agriculture or logging, is being  
23 reforested now.

24 As I said before, mostly what we  
25 would expect probably on these lands is not that

1 they would be somehow cleared for solar  
2 production, but they would be used for  
3 transmission or connectivity between green energy  
4 projects, which -- many of which could be sited  
5 in pretty remote places.

6 So this is -- this puts an extra  
7 tool in the toolbox of those who are trying to  
8 implement this very complicated and ambitious  
9 law.

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

13 ACTING PRESIDENT COONEY: Does the  
14 sponsor yield?

15 SENATOR MAY: Yes.

16 ACTING PRESIDENT COONEY: The  
17 sponsor yields.

18 SENATOR WALCZYK: I think it's our  
19 job to deal with the complications and nuance of  
20 this law or the proposals of the Climate Action  
21 Council.

22 I wonder, why would we promote the  
23 DEC's ability to put solar panels over what would  
24 be future forest in our reforestation areas, over  
25 things like brownfields or rooftops for solar?

1                   SENATOR MAY:    Through you,  
2   Mr. President.  The DEC is bound by our climate  
3   goals to weigh the pluses and minuses of any  
4   action it takes with respect to the impact on  
5   climate.

6                   And so they would be taking into  
7   account the value of reforestation or forest  
8   sequestration and the value of green energy  
9   production to -- to make those decisions.

10                  SENATOR WALCZYK:   Mr. President,  
11   I'll go on the bill.

12                  ACTING PRESIDENT COONEY:   Senator  
13   Walczyk on the bill.

14                  SENATOR WALCZYK:   So this piece of  
15   legislation that's been brought here today, as --  
16   for those of you that have been paying attention,  
17   is not in line with the Climate Action Council's  
18   goals.

19                  The sponsor said it predated the  
20   Climate Action Council's work, and so it makes  
21   sense why it's not in line with their goals in a  
22   400-plus-page document.  They actually went the  
23   opposite direction of this legislation that's  
24   been brought onto the floor here today.

25                  You know, I'm -- there's a storied



1 history of forest preservation and reforestation  
2 in New York State. If you go back into the  
3 late 1800s, we had nearly clear-cut all of  
4 New York. We had extinct the turkey. The  
5 white-tailed deer was gone. There was almost  
6 nothing left in this state. And great  
7 conservationists in this state saw the mission to  
8 bring forests back because they saw how big of a  
9 danger this was to our entire ecology.

10 One of those is Franklin Hough. He  
11 was referred to as the "father of American  
12 forestry." He was from Lowville, New York, and  
13 he saw the devastation that the logging industry  
14 had done across upstate New York, because they  
15 weren't being responsible in replacing the  
16 forests and replanting the forests after they had  
17 clear-cut them.

18 But it's not just him, and it's not  
19 just the long history of this state. Recently  
20 the Environmental School of Forestry in Syracuse  
21 put out a paper that said 15 percent of the U.S.  
22 annual carbon emissions are offset by the  
23 forestlands.

24 Forests -- and this is their  
25 words -- forests store carbon in trees, leave

1 soil where it can be sequestered for years to  
2 centuries. And it makes sense, if you're turning  
3 that carbon into wood products that can become  
4 the desks that you're sitting at or the panels  
5 behind me, that carbon is forever sequestered --  
6 so long as we don't have another Capitol fire  
7 like we did in 1911.

8           Forests provide negative emissions,  
9 which is -- this is the reason why the Climate  
10 Action Council tuned into forest preservation and  
11 reforestation areas. Forests converted to other  
12 uses will lose carbon stored and have much less  
13 capacity for sequestration.

14           That's SUNY ESF saying, actually,  
15 you don't want to have solar panels in an area  
16 where you should have forest. They're saying the  
17 exact opposite: You should incentivize growing  
18 of forests and good forest management in order to  
19 sequester more carbon.

20           Reforestation has very large  
21 benefits. This bill directly conflicts with the  
22 Environmental Conservation Law, as we laid out  
23 earlier. The purpose of reforestation is to grow  
24 forest, not to grow electrons with Chinese solar  
25 panels. And the religious dogma of

1       electrification sometimes comes into this chamber  
2       and misses it on the policy. It misses the  
3       forest for the trees, if you will.

4                       This bill is bad for our forests,  
5       it's bad for our planet, it is shortsighted. And  
6       I hope all of you will join me in putting it down  
7       today and voting no.

8                       ACTING PRESIDENT COONEY:    Are there  
9       any other Senators wishing to be heard?

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

12                      Read the last section.

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

15                      ACTING PRESIDENT COONEY:    Call the  
16       roll.

17                      (The Secretary called the roll.)

18                      ACTING PRESIDENT COONEY:    Senator  
19       May to explain her vote.

20                      SENATOR MAY:    Thank you,  
21       Mr. President.

22                      And I thank my colleague for calling  
23       attention to this bill and for a spirited debate,  
24       and for mentioning my alma mater, the SUNY  
25       College of Environmental Science and Forestry.

1 We're very proud of the forest research that's  
2 done there.

3 I believe very firmly that  
4 protecting our forestlands is important, but  
5 managing our forestlands is equally important.  
6 And we have a lot of tree species that are dying  
7 out, partly because of the climate crisis, areas  
8 that are being cut down because of logging in  
9 these lands.

10 We will be passing a bill tomorrow  
11 to prevent gas exploration and production in  
12 these lands as well, which I support. And I  
13 trust that my colleague will support that too.

14 But I definitely believe that we  
15 need to be using all of our resources as wisely  
16 as we possibly can.

17 And my esteemed colleague voted  
18 against the 30 by '30 conservation land bill that  
19 we passed, so that I think, you know, being  
20 lectured about protecting our forestlands by  
21 somebody who does not seem to value conservation  
22 is a little bit insulting.

23 But I will just say, as somebody  
24 with a degree in environmental science and with,  
25 you know, a lot of connection to our forest

1 preservation, I'm proud of this bill. I think  
2 this is one more piece of the puzzle of trying to  
3 make sure that we are doing green energy  
4 production and protecting our forestlands.

5 And I vote aye. Thank you.

6 ACTING PRESIDENT COONEY: Senator  
7 May to be recorded in the affirmative.

8 Announce the results.

9 THE SECRETARY: In relation to  
10 Calendar 204, those Senators voting in the  
11 negative are Senators Ashby, Borrello, Griffo,  
12 Helming, Lanza, Martins, Mattera, Murray, O'Mara,  
13 Rhoads, Rolison, Stec, Tedisco, Walczyk, Weber  
14 and Weik.

15 Ayes, 46. Nays, 16.

16 ACTING PRESIDENT COONEY: The bill  
17 is passed.

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

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

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

24 SENATOR GIANARIS: Move to adjourn  
25 until tomorrow, Tuesday, March 21st, at 3:00 p.m.

1                   ACTING PRESIDENT COONEY:    On  
2                   motion, the Senate stands adjourned until  
3                   Tuesday, March 21st, at 3:00 p.m.

4                                 (Whereupon, at 3:38 p.m., the Senate  
5                   adjourned.)

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