

1 NEW YORK STATE SENATE

2
3
4 THE STENOGRAPHIC RECORD

5
6
7
8
9 ALBANY, NEW YORK

10 March 20, 2023

11 3:02 p.m.

12
13
14 REGULAR SESSION

15
16
17
18
19 SENATOR JEREMY A. COONEY, Acting President

20 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, Griffio,
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.)

6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25