NEW YORK STATE SENATE

THE STENOGRAPHIC RECORD

ALBANY, NEW YORK

March 27, 2023

3:21 p.m.

REGULAR SESSION

SENATOR ROXANNE J. PERSAUD, Acting President

ALEJANDRA N. PAULINO, ESQ., Secretary

P R O C E E D I N G S

ACTING PRESIDENT PERSAUD: The Senate will come to order.

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

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

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

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

ACTING PRESIDENT PERSAUD: Reading of the Journal.

THE SECRETARY: In Senate, Friday, March 24, 2023, the Senate met pursuant to adjournment. The Journal of Thursday, March 23, 2023, was read and approved. On motion, the Senate adjourned.

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

Presentation of petitions.

Messages from the Assembly.

Messages from the Governor.

Reports of standing committees.

Reports of select committees.

Communications and reports from state officers.

Motions and resolutions.

Senator Gianaris.

SENATOR GIANARIS: Good afternoon, Madam President.

On behalf of Senator Harckham, on page 11 I offer the following amendments to Calendar 313, Senate Print 2994, and ask that said bill retain its place on the Third Reading Calendar.

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

Senator Gianaris.

SENATOR GIANARIS: Can we now take up the reading of the calendar.

ACTING PRESIDENT PERSAUD: The Secretary will read.

THE SECRETARY: Calendar Number 149, Senate Print 536, by Senator Thomas, an act to amend the General Business Law.

ACTING PRESIDENT PERSAUD: Read the last section.

THE SECRETARY: Section 3. This act shall take effect on the first of January.

ACTING PRESIDENT PERSAUD: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT PERSAUD: Announce the results.

THE SECRETARY: In relation to Calendar 149, those Senators voting in the negative are Senators Borrello, Helming, O'Mara and Ortt.

Ayes, 53. Nays, 4.

ACTING PRESIDENT PERSAUD: The bill is passed.

THE SECRETARY: Calendar Number 189, Senate Print 1359, by Senator Kennedy, an act to amend the Executive Law.

ACTING PRESIDENT PERSAUD: Read the last section.

THE SECRETARY: Section 2. This act shall take effect July 1, 2024.

ACTING PRESIDENT PERSAUD: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT PERSAUD: Senator

Kennedy to explain his vote.

SENATOR KENNEDY: Thank you, Madam President.

I rise today to speak on this bill that I'm proud to sponsor, which will create the Office of Racial Equity and Social Justice here in New York State.

Its intent is to put the State of New York at the forefront of addressing systemic racism, inequality and disparities nationwide, and improve opportunities and outcomes for all people in our great state.

And for those of you that don't think we need an entire state office dedicated to this issue, I say talk to those families who lost loved ones when a white supremacist opened fire on a Buffalo supermarket last May 14th.

Take a look at the communities of color who continue to face health disparities, not just in the City of Buffalo and Western New York but across our entire state.

Listen to the New Yorkers who live in food deserts because no grocer will invest in their neighborhood and create accessibility to healthy, fresh food options.

I could go on and on, but instead I ask my colleagues to do what we have yet to do to address these issues like taking action by creating a new, tangible opportunity for change. An Office of Racial Equity and Social Justice here in New York State will serve as the official planning and coordinating office for changes in policy, practice and allocation of state resources so that race and social constructs do not predict an individual's success.

Madam President, this concept is nothing new. Local jurisdictions across the country such as Kings County, Washington, and Montgomery County, Maryland, have already established offices focusing on equity and social justice.

But we have an opportunity right here today to make New York State a leader in our nation and become the first state in our nation to put forth such an office. This office will help us as policymakers fight against institutionalized racism and biases and help us create a more equitable state for everyone in New York.

I'm proud to carry this legislation

alongside our great Assembly Majority Leader and my dear friend Crystal Peoples-Stokes.

I want to give special thanks to Hazel Dukes, Dr. Hazel Dukes, the president of the New York State Chapter of the NAACP for her support of this legislation and tireless advocacy for equity and social justice.

I also want to acknowledge our local Western New York NAACP leadership: Buffalo NAACP chapter president, my great friend, Pastor Mark Blue, for his consistent and steadfast leadership.

And if I could take a moment of personal privilege to recognize a dear friend, a leader, and a warrior for justice and racial equity and social justice who we lost yesterday: Niagara Falls NAACP President Shirley Hamilton, who was a strong supporter of this legislation in its entirety and a vocal advocate, not just in her role in Western New York but all across New York State. Shirley was a champion for the community who dedicated her life to making the world a fairer and better place.

She'll be dearly missed. And we pass this legislation today on the floor of the

New York State Senate in honor of her memory and her legacy.

Finally, I want to thank Majority Leader Andrea Stewart-Cousins for bringing this bill to the floor and her commitment to providing opportunities for all people in our state, regardless of where they come from or what they look like.

Creating an Office of Racial Equity and Social Justice demonstrates our commitment to our values and reaffirms who we are as New Yorkers.

Madam President, with that, I wholeheartedly vote aye. Thank you.

ACTING PRESIDENT PERSAUD: Thank you, Senator.

Senator Kennedy to be recorded in the affirmative.

Senator Webb to explain her vote.

SENATOR WEBB: Thank you, Madam President.

I rise today to explain my vote on this important piece of legislation. I have a little bit of experience on these kinds of issues, you know, with my background. But the

reason why I wanted to speak on this is because it's really important to have resources such as this that allows us as a state to really ascertain are we really reaching all New Yorkers, especially those who are historically marginalized.

And so this legislation builds upon actions we have taken right here in New York to address systemic racism, inequality and disparities by creating a mechanism within state government to measure our actions so that we can improve opportunities and outcomes for all people.

Now, equity by definition gives everyone what they need in order to be successful because it takes into account the historical and present-day impacts of disparities on marginalized communities within our institutions. And so the data that will come from this resource will help us to know that we are reaching all of our constituents.

As one of the most diverse states in the country, it is crucial that we continue to invest in resources that allow us to fully ascertain how our policies and practices are

supporting a better quality of life for all New Yorkers. It is paramount to have the central entity that this legislation proposes within our state government to further this critical goal.

I am pleased to support this legislation that will ensure that our state government fosters a diverse and inclusive culture by making sure our agencies are reaching everyone, especially those who are historically marginalized.

I'd like to thank our Majority Leader for her support on this, and also our colleague Senator Kennedy for bringing this bill to the floor. It will have very positive impacts for years to come.

And I proudly vote aye, and I encourage my colleagues to do the same.

Thank you.

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

Senator Sanders to explain his vote.

SENATOR SANDERS: Thank you, Madam President.

Madam President, I understand this. I understand that if you aim at nothing, you

usually hit it.

Since inequality was created in this state as well as others by design, only by intention, only by design can we get rid of these inequalities.

I want to commend my friend and our friend Senator Kennedy for coming up with this, and it's really -- I'm glad to sit behind a man who thinks like that.

So I want to thank you, Madam President, and say again if you aim at nothing, you usually hit it. Let's aim to get rid of inequality.

Thank you. I vote aye.

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

Announce the results.

THE SECRETARY: In relation to Calendar Number 189, those Senators voting in the negative are Senators Ashby, Borrello, Canzoneri-Fitzpatrick, Gallivan, Griffo, Helming, Lanza, Martins, Mattera, Murray, Oberacker, O'Mara, Ortt, Palumbo, Rhoads, Rolison, Stec, Tedisco, Walczyk, Weber and Weik.

Ayes, 39. Nays, 21.

ACTING PRESIDENT PERSAUD: The bill is passed.

THE SECRETARY: Calendar Number 205, Senate Print 1948, by Senator Hoylman-Sigal, an act to amend the Environmental Conservation Law.

ACTING PRESIDENT PERSAUD: Read the last section.

THE SECRETARY: Section 4. This act shall take effect on the 30th day after it shall have become a law.

ACTING PRESIDENT PERSAUD: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT PERSAUD: Announce the results.

THE SECRETARY: In relation to Calendar Number 205, voting in the negative: Senator Oberacker.

Ayes, 59. Nays, 1.

ACTING PRESIDENT PERSAUD: The bill is passed.

THE SECRETARY: Calendar Number 214, Senate Print 14, by Senator Gounardes, an act to amend the General Obligations Law.

ACTING PRESIDENT PERSAUD: Read the last section.

THE SECRETARY: Section 2. This act shall take effect on the 60th day after it shall have become a law.

ACTING PRESIDENT PERSAUD: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT PERSAUD: Announce the results.

THE SECRETARY: In relation to Calendar 214, those Senators voting in the negative are Senators Ashby, Borrello, Canzoneri-Fitzpatrick, Gallivan, Griffo, Helming, Lanza, Martins, Mattera, Murray, Oberacker, O'Mara, Ortt, Palumbo, Rhoads, Rolison, Stec, Tedisco, Walczyk, Weber and Weik.

Ayes, 39. Nays, 21.

ACTING PRESIDENT PERSAUD: The bill is passed.

THE SECRETARY: Calendar Number 228, Senate Print 2263, by Senator Sanders, an act to amend the Real Property Actions and Proceedings Law.

ACTING PRESIDENT PERSAUD: Read the

last section.

SENATOR LANZA: Lay it aside.

ACTING PRESIDENT PERSAUD: Lay it aside.

THE SECRETARY: Calendar Number 297, Senate Print 2297, by Senator Mayer, an act to amend the General Municipal Law.

SENATOR LANZA: Lay it aside.

ACTING PRESIDENT PERSAUD: Lay it aside.

THE SECRETARY: Calendar Number 398, Senate Print 2119, by Senator Bailey, an act to amend the Education Law.

ACTING PRESIDENT PERSAUD: Read the last section.

THE SECRETARY: Section 4. This act shall take effect on the 30th day after it shall have become a law.

ACTING PRESIDENT PERSAUD: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT PERSAUD: Senator Scarcella-Spanton to explain her vote.

SENATOR SCARCELLA-SPANTON: Thank you, Madam President.

And thank you to Senator Bailey for introducing this bill that will change the lives of veteran families statewide.

By allowing the Veterans Tuition Awards Program to transfer unused benefits to a spouse, survivor or child, this program helps veterans make the most of their benefits even if they choose to not seek higher education out themselves.

I know firsthand the sacrifices that our veteran families make every day to support their loved ones in the armed forces. This bill recognizes these sacrifices, and I am proud to vote aye on this legislation. And again, I thank Senator Bailey for his work on this.

Thank you.

ACTING PRESIDENT PERSAUD: Senator Scarcella-Spanton to be recorded in the affirmative.

Senator Bailey to explain his vote.

SENATOR BAILEY: Thank you, Madam President.

I want to thank our Veterans Chair Senator Scarcella-Spanton for advancing this important legislation.

There is a saying, use it or lose it. And if our reality is that our veterans have served us for quite some time, then they should not be held to that standard of use it or lose it. Right? If they choose not to advance their education, they should be able to transfer it to someone in their family.

We have similar concepts with Navy Federal or other type of credit companies that we can get a -- you can -- they can have a bank account in the name of a spouse or a child.

Why shouldn't we be able to make sure that the children and spouses of these veterans who have worked so hard and put their lives on the line for us, to be able to -- for us to live, to make sure that their families are better off in the furtherance of education.

So again I'm grateful to our chair for putting this through, grateful to our Majority Leader for putting this on the floor, and I'm grateful to my colleagues who see the importance of this last year as well as this year.

I vote aye.

ACTING PRESIDENT PERSAUD: Senator

Bailey to be recorded in the affirmative.

Announce the results.

THE SECRETARY: Ayes, 62.

ACTING PRESIDENT PERSAUD: The bill is passed.

THE SECRETARY: Calendar Number 423, Senate Print 314, by Senator Salazar, an act directing the New York State Energy Research and Development Authority to establish a Ride Clean rebate program.

SENATOR LANZA: Lay it aside.

ACTING PRESIDENT PERSAUD: Lay it aside.

THE SECRETARY: Calendar Number 428, Senate Print 4854, by Senator Parker, an act to require the New York State Energy Research and Development Authority to develop recommendations regarding the establishment of microgrids.

ACTING PRESIDENT PERSAUD: Read the last section.

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

ACTING PRESIDENT PERSAUD: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT PERSAUD: Announce the results.

THE SECRETARY: Ayes, 62.

ACTING PRESIDENT PERSAUD: The bill is passed.

THE SECRETARY: Calendar Number 430, Senate Print 208, by Senator Cleare, an act to amend the State Technology Law.

ACTING PRESIDENT PERSAUD: Read the last section.

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

ACTING PRESIDENT PERSAUD: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT PERSAUD: Senator Webb to explain her vote.

SENATOR WEBB: Thank you, Madam President.

I rise again today to explain my vote on this legislation, which will amend the State Technology Law in relation to requiring state websites to use gender-neutral terminology.

We are making tremendous strides to ensure that we are intentional with our policies,

and this particular legislation is yet another example. We are making great progress in New York towards an acceptance of gender identity and sexual orientation. But it is still the case for many New Yorkers that our state websites use old terminology that has the unfortunate effect of disempowering and excluding people using these sites to access information or resources.

This legislation will provide a much-needed update to our state website by calling for the removal of all gender-based biased terminology and requiring each reference to be replaced with gender-neutral terminology.

I am proud to support legislation that acknowledges the full spectrum of gender identity and same-sex relationships here in New York. I thank Senator Cleare for bringing this bill to the floor.

And I proudly vote aye and encourage my colleagues to do the same.

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

Announce the results.

THE SECRETARY: In relation to Calendar Number 430, voting in the negative are

Senators Ortt and Walczyk.

Ayes, 60. Nays, 2.

ACTING PRESIDENT PERSAUD: The bill is passed.

THE SECRETARY: Calendar Number 482, Senate Print 2442, by Senator Hoylman-Sigal, an act to amend the Executive Law.

ACTING PRESIDENT PERSAUD: Read the last section.

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

ACTING PRESIDENT PERSAUD: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT PERSAUD: Senator Hoylman-Sigal to explain his vote.

SENATOR HOYLMAN-SIGAL: Thank you, Madam President.

This bill would amend the definition of sexual orientation to remove outdated language in our statute. You know, our statutes literally speak volumes about New Yorkers, and in this case sexual orientation was described currently in a clause as "Nothing contained herein shall be construed to protect conduct otherwise proscribed

by law."

The bottom line is there is no law, thankfully, in our country and in our state that makes sexual orientation illegal.

So I think this is a very important statement by this body, and I only hope that we continue to expand our definitions and our protections, particularly as we fight back the attacks on transgender kids and their families that is sweeping across this country.

I vote aye, Madam President.

ACTING PRESIDENT PERSAUD: Senator Hoylman-Sigal to be recorded in the affirmative.

Announce the results.

THE SECRETARY: Ayes, 62.

ACTING PRESIDENT PERSAUD: The bill is passed.

THE SECRETARY: Calendar Number 515, Senate Print 3473, by Senator Stavisky, an act to amend the Education Law.

ACTING PRESIDENT PERSAUD: Read the last section.

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

ACTING PRESIDENT PERSAUD: Call the

roll.

(The Secretary called the roll.)

ACTING PRESIDENT PERSAUD: Announce the results.

THE SECRETARY: Ayes, 62.

ACTING PRESIDENT PERSAUD: The bill is passed.

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

SENATOR GIANARIS: Thank you. Can we now move to the reading of the controversial calendar. We're going to begin with Calendar 297, by Senator Mayer.

ACTING PRESIDENT PERSAUD: The Secretary will ring the bell.

The Secretary will read.

THE SECRETARY: Calendar Number 297, Senate Print 2297, by Senator Mayer, an act to amend the General Municipal Law.

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

SENATOR MURRAY: Thank you, Madam President. Through you, would the sponsor yield for a few questions.

SENATOR MAYER: Absolutely.

ACTING PRESIDENT PERSAUD: Does the sponsor yield? The sponsor yields.

SENATOR MURRAY: Thank you.

Good afternoon. Through you, Madam President, in the language of the bill you use the term "examination of IDA projects." By "examination," what do you mean? Do you mean audits?

SENATOR MAYER: Through you, Madam President, I believe the language is quite clear. It authorizes a county comptroller, in the case where there is one, they may conduct an audit. An audit is the designated word.

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

ACTING PRESIDENT PERSAUD: Does the sponsor yield?

SENATOR MAYER: Yes.

ACTING PRESIDENT PERSAUD: The sponsor yields.

SENATOR MURRAY: Thank you.

Now, are you aware that both the IDAs and the LDCs, the not-for-profit corporations, are already required to have annual

financial audits? And the results of those audits are entered into PARIS, the Public Authorities Reporting Information system. And on top of that, those results are posted on their websites, all of that already takes place? Are you aware of that?

SENATOR MAYER: Through you, Madam President, I believe my colleague is referring to the -- basically a filing requirement for each IDA and LDC with the Authorities Budget Office.

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

ACTING PRESIDENT PERSAUD: Does the sponsor yield?

SENATOR MAYER: Yes.

ACTING PRESIDENT PERSAUD: The sponsor yields.

SENATOR MURRAY: Thank you.

So on top of that, are you aware that both the New York State Comptroller and the Authority Budget Office can and do already audit both the IDAs and the LDCs?

SENATOR MAYER: Through you,

Madam President, yes, I am aware that the Comptroller has the authority and on occasion does audit IDAs and LDCs. To his credit, he does a terrific job in doing so. But he has done six audits in 2022, five in 2021, and two in 2020.

SENATOR MURRAY: Thank you. On the bill, Madam President.

ACTING PRESIDENT PERSAUD: Senator Murray on the bill.

SENATOR MURRAY: I thank you for that, Senator.

And let me first say I do support more clarity, sunshine and opening up the books. But I just worry about the duplication of services here. When we have the reporting already, as I mentioned, through the financial audits, the results -- I spent the morning on the Brookhaven IDA website looking at all of the results. It's right there, very clear.

I'm going to reluctantly vote yes on the bill, with the hope that maybe we could consider amending it to tighten the language to say that since we already have some of these in place already -- the audits are already being done, the financials are already being done, that

perhaps we still allow the county comptroller to come in if the previous audits already identify certain problems that need a deeper dive. But with that said, I will be voting aye.

So thank you.

ACTING PRESIDENT PERSAUD: Thank you, Senator.

Are there any other Senators wishing to be heard?

Seeing none, debate is closed.

Senator Gianaris.

SENATOR GIANARIS: Madam President, we've agreed with our colleagues to restore this to the noncontroversial calendar. Can we please take it up that way.

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

The Secretary will read the next bill on the controversial calendar, 228.

THE SECRETARY: Calendar Number 228, Senate Print 2263, by Senator Sanders, an act to amend the Real Property Actions and Proceedings Law.

ACTING PRESIDENT PERSAUD: Senator

Oberacker, why do you rise?

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

ACTING PRESIDENT PERSAUD: Senator Sanders, do you yield?

SENATOR SANDERS: Absolutely, to my friend.

ACTING PRESIDENT PERSAUD: The Senator yields.

SENATOR OBERACKER: Through you, Madam President. Senator Sanders, good afternoon. Always a pleasure to see you looking so alive and vibrant.

(Laughter.)

SENATOR OBERACKER: Through you, Madam President. My question is, how would a landlord determine that a tenant has a prescription for medical marijuana?

SENATOR SANDERS: Through you, Madam President. Since this is a defense, the tenant would have to bring it up if the tenant does.

SENATOR OBERACKER: Through you, Madam President, would the sponsor continue to

yield.

ACTING PRESIDENT PERSAUD: Does the sponsor yield?

SENATOR SANDERS: The sponsor reluctantly yields. But for him, it's for a good purpose.

(Laughter.)

ACTING PRESIDENT PERSAUD: The sponsor yields.

SENATOR OBERACKER: Thank you, Senator.

Through you, Madam President. Is a landlord able to ask a tenant prior to signing a lease if he or she has a prescription to utilize medical marijuana?

SENATOR SANDERS: Through you, Madam President, yes.

SENATOR OBERACKER: Would the sponsor continue to yield.

ACTING PRESIDENT PERSAUD: Does the sponsor yield?

SENATOR SANDERS: Absolutely yes, Madam President.

ACTING PRESIDENT PERSAUD: The sponsor yields.

SENATOR OBERACKER: That was a Senator Comrie response. I wasn't prepared for it. So thank you very much for that.

SENATOR SANDERS: (Inaudible.)

(Laughter.)

SENATOR OBERACKER: Through you, Madam President. Let's say someone rents a fully furnished apartment, lives there for say a year, smokes medical marijuana regularly. Now the furniture, potentially, all needs to be replaced before the apartment can be re-rented.

Who's responsible for the cost?

SENATOR SANDERS: Through you, Madam President, a worthy condition. However, this bill has nothing to do with that.

The consumption of medical marijuana is not by smoking -- by gummies or whatever else, but smoking is not part of medical marijuana. So maybe if they get gummies on something you could raise a question.

SENATOR OBERACKER: Thank you for that.

Madam President, would the bill sponsor continue to yield.

ACTING PRESIDENT PERSAUD: Does the

sponsor yield?

SENATOR SANDERS: Absolutely.

ACTING PRESIDENT PERSAUD: The sponsor yields.

SENATOR OBERACKER: Thank you.

So I went up onto the Office of Cannabis Management, and off of the second page that we were able to download where it simply states "Prohibition on smoking cannabis." Underneath that it says "The smoking of medical cannabis will no longer be prohibited."

My question is, could we get some clarification -- through you, Madam President -- is someone allowed to consume medical cannabis via smoking or not?

SENATOR SANDERS: Well, my first -- through you, Madam President -- my first response is through the Public Health Law, medical marijuana is not involved with smoking.

However, since my friend has raised a worthy issue, I will seek clarification.

SENATOR OBERACKER: Thank you for that answer.

Through you, Madam President, would the bill sponsor continue to yield.

ACTING PRESIDENT PERSAUD: Does the sponsor yield?

SENATOR SANDERS: Absolutely.

ACTING PRESIDENT PERSAUD: The sponsor yields.

SENATOR OBERACKER: Has there been any potential consideration for amending this bill to allow for non-smokeable forms of marijuana only?

SENATOR SANDERS: Through you, Madam President. This is our desire. And if there is any confusion, then an amendment certainly needs to be put forward. If you put it forward, I'll second it.

SENATOR OBERACKER: Thank you for that answer, Senator.

Through you, Madam President, on the bill.

ACTING PRESIDENT PERSAUD: Senator Oberacker on the bill.

SENATOR OBERACKER: Thank you, Senator, for clarifying and giving me a chance to get some clarification. Much appreciated.

I'm not opposed to the use of medical marijuana legally, with a prescription.

However, when the use affects others or could potentially cause damage to property, I do have some serious concerns. Landlords will often prohibit the use of cigarettes for the same reason.

This bill is extremely open-ended and fails to protect the tenants who may not want to smell marijuana next door. And if the bill sponsor would amend the bill to allow non-smokeable forms of marijuana, I would certainly support it.

However, in its current form, I will be voting in negative.

Thank you, Senator. Thank you, Madam President.

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

Senator Rhoads, why do you rise?

SENATOR RHOADS: Thank you so much, Madam President.

Would Senator Sanders be willing to yield to one additional question.

SENATOR SANDERS: Oh, more than one. More than one, Madam President.

ACTING PRESIDENT PERSAUD: The

Senator yields.

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

I know you've indicated -- I know the Senator has indicated a willingness to entertain an amendment to the bill. Would the Senator consider laying this bill aside for the day so that we could work on the language and then bring a comprehensive bill to the floor, since it seems like we're going to be here for a while?

SENATOR SANDERS: Through you, Madam President. At the advice -- come here, come here. At the advice of counsel --

(Laughter.)

SENATOR SANDERS: -- I will not lay it aside for the day, but we will -- I'm going to seriously look into that. I don't want anybody burning anybody's furniture or anything like that.

SENATOR RHOADS: Thank you, Senator Sanders.

Just on the bill, if you don't mind.

ACTING PRESIDENT PERSAUD: Senator Rhoads on the bill.

SENATOR RHOADS: Similar to Senator Oberacker, I understand the basic concept of the bill and certainly agree with the basic concept of the bill.

But until these issues are worked out, I think it's only going to be a source of confusion both for landlords and for tenants.

I know Senator Sanders has expressed his willingness to work on some language, but until that bill is ready to be advanced in a form that we can all agree on, I'll have to cast my vote in the negative.

Thank you, Madam President.

ACTING PRESIDENT PERSAUD: Thank you, Senator.

Are there any other Senators wishing to be heard?

Seeing and hearing none, debate is closed.

Senator Gianaris.

SENATOR GIANARIS: Madam President, we are also going to restore this bill to the noncontroversial calendar.

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

The Secretary will read.

THE SECRETARY: Calendar Number 423, Senate Print 314, by Senator Salazar, an act directing the New York State Energy Research and Development Authority to establish a Ride Clean rebate program.

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

SENATOR WALCZYK: Madam President, I was wondering if the sponsor would yield for some questions.

ACTING PRESIDENT PERSAUD: Senator Salazar, would you yield?

SENATOR SALAZAR: Yes, Madam President.

ACTING PRESIDENT PERSAUD: The sponsor yields.

SENATOR WALCZYK: Through you, Madam President, how much is this going to cost?

SENATOR SALAZAR: Through you, Madam President, the cost is covered by NYSERDA's budget. It would -- it really depends on how many people take advantage of the rebate and are eligible for the rebate.

By comparison, the existing

Drive Clean rebate program in New York State was budgeted about $55 million, and much less than that -- about $35 million -- was spent.

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

ACTING PRESIDENT PERSAUD: Does the sponsor yield?

SENATOR SALAZAR: Yes.

ACTING PRESIDENT PERSAUD: The sponsor yields.

SENATOR WALCZYK: I appreciate that.

Especially in Budget Week, I'm sure we look forward to talking about the cost of many things in the State of New York, and look forward to perhaps seeing an allocation if we're successful or if you're successful today in putting this bill through.

Is there a requirement for standardization of batteries for e-bikes embedded in this legislation?

SENATOR SALAZAR: Through you, Madam President, this legislation does not seek to regulate the use of batteries.

I definitely understand and I think that many of us understand that there have been concerns about the lithium-ion batteries and some of the batteries that individuals use with e-bikes -- some of which are not legal e-bikes, I would add, or covered by this bill.

But the purpose of this legislation is not to regulate the use of their batteries.

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

ACTING PRESIDENT PERSAUD: Does the sponsor yield?

SENATOR SALAZAR: Yes.

ACTING PRESIDENT PERSAUD: The sponsor yields.

SENATOR WALCZYK: If there's not a requirement for standardization of batteries for e-bikes but New York residents could receive up to an $1100 instant rebate at point of sale, those batteries could include nickel-metal hydride, sealed lead-acid, or lithium-ion batteries, am I understanding that correctly?

SENATOR SALAZAR: Through you, Madam President, this bill doesn't change the

existing law regarding what -- and regulations regarding what batteries can be used for Class 1, 2 and 3 e-bikes or e-scooters that are covered in this bill.

SENATOR WALCZYK: Understood, thank you.

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

ACTING PRESIDENT PERSAUD: Does the sponsor yield?

SENATOR SALAZAR: Yes.

ACTING PRESIDENT PERSAUD: The sponsor yields.

SENATOR WALCZYK: Does this e-bike rebate program include any kind of recycling component for batteries for e-bikes?

SENATOR SALAZAR: Through you, Madam President, no, this legislation doesn't seek to regulate the recycling of batteries.

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

ACTING PRESIDENT PERSAUD: Does the sponsor yield?

SENATOR SALAZAR: Yes.

ACTING PRESIDENT PERSAUD: The sponsor yields.

SENATOR WALCZYK: So this is up to an $1100 rebate for e-bikes. What is the rebate currently in the State of New York or as proposed by this legislation for bikes that pedal or for scooters that move by your own foot?

SENATOR SALAZAR: Through you, Madam President, my understanding is there is not an existing rebate for traditional bikes. And this bill doesn't seek to create a rebate for traditional bikes.

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

ACTING PRESIDENT PERSAUD: Does the sponsor yield?

SENATOR SALAZAR: Yes.

ACTING PRESIDENT PERSAUD: The sponsor yields.

SENATOR WALCZYK: And I understand from reading your bill that this is designed to parallel the Drive Clean rebate program that you mentioned earlier, a NYSERDA-run program.

That program offers a full rebate

for a range of vehicles that have a range of over 200 miles, a quarter of the rebate if the range is 40 miles for those electric vehicles.

Will there be a range requirement, as you're paralleling the legislation -- the enactment, for the same program for e-bikes and e-scooters?

SENATOR SALAZAR: Through you, Madam President, these differences are due to the fact that electric cars, which are, you know, that the Drive Clean rebate is for, are quite different from e-bikes and e-scooters, and so there isn't the same requirement.

And of course the rebate is different given that e-bikes on average cost less than an electric vehicle, an electric car.

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

ACTING PRESIDENT PERSAUD: Does the sponsor yield?

SENATOR SALAZAR: Yes.

ACTING PRESIDENT PERSAUD: The sponsor yields.

SENATOR WALCZYK: So there's no

kind of range or battery life requirement for the e-bike?

SENATOR SALAZAR: Through you, Madam President, no. And this bill does not specify a range for the battery of the e-bike.

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

ACTING PRESIDENT PERSAUD: Does the sponsor yield?

SENATOR SALAZAR: Yes.

ACTING PRESIDENT PERSAUD: The sponsor yields.

SENATOR WALCZYK: NYSERDA's Drive Clean rebate program for electric vehicles -- that you're mirroring here or paralleling here -- also requires an owner to keep that vehicle and prove that they've kept that vehicle for 36 months or more.

How will we do that with e-bikes and e-scooters?

SENATOR SALAZAR: Through you, Madam President. This bill does not intend to mimic the Drive Clean rebate program in every way.

You know, we want to incentivize people to -- and give more access to e-bikes as an alternative for gas-powered vehicles. And so that really is the intent. And there is not an explicit requirement in the bill that the individual keep the e-bike for a specific period of time.

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

ACTING PRESIDENT PERSAUD: Does the sponsor yield?

SENATOR SALAZAR: Yes.

ACTING PRESIDENT PERSAUD: The sponsor yields.

SENATOR WALCZYK: In line 1: The New York State Energy Research and Development Authority, NYSERDA, is hereby directed to establish a parallel program to the Drive Clean rebate program entitled the Ride Clean rebate program to permit -- and then it goes on to talk about the e-bikes and how the program shall parallel.

My question is a follow-up. So currently it's a point-of-sale rebate: A

New Yorker goes to a dealer to buy an electric vehicle that has a certain amount of range and a price, and they qualify for NYSERDA's program. They can get up to a $2,000 rebate for the electric vehicle that they purchase. They require an application as, you know, many different things, including a New York State driver's license.

If we're doing an e-bike and e-scooter rebate program for up to $1100 in the State of New York, what will prevent someone from New Jersey from coming into New York State to buy an e-bike or an e-scooter? Or will they be able to do that?

SENATOR SALAZAR: Through you, Madam President. I am not concerned that people will purchase an e-bike in another state and take advantage of this program in New York.

But NYSERDA would be responsible for establishing this rebate program and would be able to determine if someone purchased an e-bike in New York State or not.

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

ACTING PRESIDENT PERSAUD: Does the sponsor yield?

SENATOR SALAZAR: Yes.

ACTING PRESIDENT PERSAUD: The sponsor yields.

SENATOR WALCZYK: So as I'm sure the sponsor is aware, the Drive Clean rebate program requires someone to not only purchase from a New York auto dealer that is eligible as a dealer for the vehicles that qualify, but also to prove that they're a New York State resident, and to retain that vehicle for at least 36 months or have to pay back that rebate.

My question is, if we're paralleling that legislation, obviously e-bikes and e-scooters aren't as accountable as motor vehicles. You don't register them with the DMV and get a special license, they don't have a VIN the same way that we track motor vehicles.

How -- how will you handle the accountability side if this -- if this bill becomes a law?

SENATOR SALAZAR: Through you, Madam President, this bill doesn't change existing laws that e-bike users, users of

e-scooters as well, need to abide by the existing Vehicle and Traffic Law.

And so additionally, NYSERDA would still be able to add these regulations to a program the same way that -- not exactly the same way, but similar to how the Drive Clean rebate program was created.

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

ACTING PRESIDENT PERSAUD: Does the sponsor yield?

SENATOR SALAZAR: Yes.

ACTING PRESIDENT PERSAUD: The sponsor yields.

SENATOR WALCZYK: So under the program that we're paralleling here with this proposed legislation, the Drive Clean rebate program, businesses are eligible to buy electric vehicles and receive an instant rebate from NYSERDA.

Will businesses be eligible to buy e-bikes and e-scooters with a point-of-sale rebate as well?

SENATOR SALAZAR: Through you,

Madam President. This would also be up to NYSERDA, as they are directed to establish the program.

So NYSERDA could determine that a business that purchases an e-bike could be eligible for the rebate. They also could determine that, you know, individuals who purchase e-bikes are the ones who are eligible.

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

ACTING PRESIDENT PERSAUD: Does the sponsor yield?

SENATOR SALAZAR: Yes.

ACTING PRESIDENT PERSAUD: The sponsor yields.

SENATOR WALCZYK: Will we require a New York State driver's license be presented for someone to become eligible for the e-bike or e-scooter rebate program?

SENATOR SALAZAR: Through you, Madam President, this bill doesn't change the license requirements to operate any vehicle, including e-bikes or e-scooters, in New York State.

You know, that's something that we could discuss, but it's -- it isn't actually relevant to creating the rebate program.

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

ACTING PRESIDENT PERSAUD: Does the sponsor yield?

SENATOR SALAZAR: Yes.

ACTING PRESIDENT PERSAUD: The sponsor yields.

SENATOR WALCZYK: You know, last week this bill showed up on an active list and I planned to ask you some questions about it. You mentioned that you were considering amendments to it. And I just wondered what those amendments might be and why they weren't included in the bill as you bring it up again today on the active list.

SENATOR SALAZAR: Through you, Madam President, we always try to consider feedback on legislation. And that was certainly -- it has been the case with this legislation, but we haven't determined that it needs to be amended at this time.

SENATOR WALCZYK: Madam President, on the bill.

ACTING PRESIDENT PERSAUD: Senator Walczyk on the bill.

SENATOR WALCZYK: And I appreciate the sponsor yielding. It provided a lot of clarity on some of these things.

For the average New York resident, this bill will just mean an increase in your electricity bill. The sponsor said that this will be paid for out of general operating funds from the New York State Energy Research and Development Authority. What that means to any New Yorker that can hear the sound of my voice is your electric bill goes up. There's a system benefits charge that gets tagged onto your bill. That's what's going to pay for the electronic scooter or the e-bike that someone gets an $1100 rebate on.

That electronic scooter or e-bike might be something that you can't afford because your electricity bills keep going up. And that's $1100 for e-bikes that have lead acid, cobalt and lithium in them, and zero dollars for bikes that have regular old pedals -- the actual "green

bike" in the State of New York.

Listen, the desperation to electrify absolutely everything has sometimes given this deliberative body tunnel vision for the environment. This bill is not better for the environment. It's not better to take $1100 and promote something that has lithium-ion batteries in it when there's already a fully green existing product that's existed for over 200 years and actually makes people healthier when they pedal the darn thing.

There's no recycling included in this. And if you watch some of the news articles, some of these batteries that are out there are very dangerous to human health. They've lit entire buildings on fire.

And as you heard the debate, this policy is also poorly developed in a few ways. To parallel the Drive Clean rebate program -- you know, they've got safeguards that prevent some fraud and abuse, but it's because of the way that we handle motor vehicles in the State of New York.

If you apply that to something that's a little bit less accountable, like

e-bikes and e-scooters, as the sponsor herself just presented, somebody from New Jersey could be getting an $1100 benefit for the electricity bills in the State of New York going up.

That doesn't make sense no matter what side of the aisle you're sitting on here. New Yorkers should not be paying for New Jersey residents to get e-scooters and e-bikes. It's unfair to have anyone who pays an electricity bill subsidize e-bikes, especially for somebody who is out of state.

Yeah, I think I've made my point. I'm going to vote no, Madam President, and I encourage my colleagues to do the same.

ACTING PRESIDENT PERSAUD: Thank you, Senator.

Are there any other Senators wishing to be heard?

Senator Salazar.

SENATOR SALAZAR: Thank you, Madam President.

And thank you, Senator Walczyk, for engaging in debate about this bill.

I think that all of us are aware of the need for New Yorkers to be able to access

effective, affordable, reliable and accessible and safe transportation across the state. Electric bikes, as defined in this bill, play a valuable role in reducing fossil fuel emissions and decreasing traffic congestion, providing positive public safety and environmental impacts.

They are a preferred and accessible mode of transportation for many people in our state, and this rebate would help alleviate the financial barriers that some face in safely purchasing and using e-bikes and certain e-scooters.

E-bikes promote accessibility, as their propulsion makes them easier to use for individuals with disabilities or with limited mobility, rather than a traditional bike may. They have a much smaller, drastically smaller carbon footprint than gas-powered vehicles or electric cars do.

I'll mention that in 2022, Jersey City saw zero traffic deaths because -- the Senator mentioned New Jersey. I want to mention that in Jersey City there were zero traffic deaths, and I think that this is a laudable goal in any of our cities. But one of

the many contributing factors they found to that drastic decrease in traffic deaths was an increase in the use of bikes and other car alternatives, including e-bikes and scooters, and actually a peak in city bike ridership, which extends to Jersey City.

For comparison, Ulster County -- and I compare this just because Ulster has a population a little bit smaller but comparable to Jersey City -- saw 22 traffic deaths in the same year.

I will also just add that, you know, in 2020 there were more than a thousand reported traffic deaths involving cars in New York State, making cars much deadlier than e-bikes or e-scooters. And data also clearly demonstrates that e-bikes are safer than motorcycles.

Finally, I'll just say that I don't personally possess an e-bike, I have a traditional bike. And I appreciate Senator Walczyk's advocacy for the use of traditional bikes, and I look forward to working with our colleagues to potentially create a rebate program for traditional bikes as well.

And with that, Madam President, I

vote aye.

ACTING PRESIDENT PERSAUD: Thank you, Senator.

Senator Helming, why do you rise?

SENATOR HELMING: Madam President, if the sponsor will yield for a couple of questions.

ACTING PRESIDENT PERSAUD: Will the sponsor yield?

SENATOR SALAZAR: Yes, Madam President.

ACTING PRESIDENT PERSAUD: The sponsor yields.

SENATOR HELMING: Through you, Madam President. Senator Salazar, I certainly support the intent of this legislation. I just had a couple of questions.

And the first one is, is there anything in the bill language that caps the number of rebates that an individual may apply for?

SENATOR SALAZAR: Through you, Madam President, that would be at the discretion of NYSERDA, who would be establishing the Ride Clean rebate program.

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

ACTING PRESIDENT PERSAUD: Does the sponsor yield?

SENATOR SALAZAR: Yes.

ACTING PRESIDENT PERSAUD: The sponsor yields.

SENATOR HELMING: And a similar question -- maybe NYSERDA will also be responsible for this -- but is there anything in the bill language that specifies or establishes a threshold that an individual needs to meet to be qualified to purchase?

In other words, can someone who is extremely wealthy apply for this rebate program?

SENATOR SALAZAR: Through you, Madam President. This rebate program, as established by the bill, is not means-tested.

Although potentially NYSERDA could include means-testing, such as saying that if somebody earns, you know, more than a certain amount, that they wouldn't be eligible for the rebate. But this bill doesn't include means-testing.

You know, I think it's fairly unlikely that a very wealthy person would seek to get a rebate with a maximum of $1100 or 50 percent from purchasing an e-bike.

SENATOR HELMING: Thank you, Madam President.

On the bill.

ACTING PRESIDENT PERSAUD: Senator Helming on the bill.

SENATOR HELMING: So I would feel better about supporting this bill with modifications, including those caps that I just mentioned on income thresholds, on limiting the number of rebates an individual is entitled to.

Senator Walczyk raised a number of great points about asking, you know, is this just individuals who are eligible for up to $1100 per e-bike, or does it include businesses? And it sounds like that's not clear at this point.

So businesses at this point, based on how the language of the bill is currently, could apply for any number of rebates up to $1100 per bike, and they don't even have to hold on to the bike for any period of time. You could buy a bike, get your rebate, resell that bike,

buy another bike, sell that bike after getting a rebate.

And I just think that this bill is too open-ended as it's written. Again, I support the intent, but I will be voting no on the bill.

ACTING PRESIDENT PERSAUD: Thank you, Senator.

Are there any other Senators wishing to be heard?

Seeing and hearing none, debate is closed.

Senator Gianaris.

SENATOR GIANARIS: Madam President, we will also be adding this bill to the noncontroversial calendar. I think that now has three bills on it.

So if we can move over to that calendar and take those up.

ACTING PRESIDENT PERSAUD: The bill was restored to the noncontroversial calendar.

The Secretary will read.

THE SECRETARY: Calendar Number 297, Senate Print 2297, by Senator Mayer, an act to amend the General Municipal Law.

ACTING PRESIDENT PERSAUD: Read the

last section.

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

ACTING PRESIDENT PERSAUD: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT PERSAUD: Senator Mayer to explain her vote.

SENATOR MAYER: Thank you, Madam President.

I rise to explain my vote in support of this bill, and I'm glad to see that my colleagues -- I hope that they follow the past years in voting on a bipartisan basis unanimously to support this bill.

I think it's important to point out that there are 109 IDAs in New York and 279 LDCs which would be subject to this bill, which would authorize but not require local audits by county comptrollers or chief county fiscal officers.

And why is that relevant? Because there are approximately 4200 active projects being considered by these IDAs and LDCs, with $100 billion in value.

And as I pointed out in our prior discussion, the Comptroller, who has authority to audit IDAs and LDCs, is not able to audit all of these -- six in 2022 he audited, five in 2021, two in 2020.

And the point of this is that your local comptroller or county official knows which projects, as opposed to the overall conduct of the IDA, require additional scrutiny.

We are giving tax breaks -- sometimes wisely, sometimes unwisely -- to thousands of developers for projects, including in many cases forgoing school taxes. And that's why last year the New York School Boards indicated a memorandum of support in support of this bill, saying providing county comptrollers with the ability to audit these projects will give an additional level of accountability, and they have direct relevance and scope that these agreements have on school district budgets.

So I think this is a common-sense and smart way to ensure that we have transparency and accountability when we grant tax breaks to developers throughout the state.

I vote aye.

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

Senator Skoufis to explain his vote.

SENATOR SKOUFIS: Thanks very much, Madam President.

I first want to express my gratitude to Senator Mayer, for as she said, this common-sense proposal to at least modestly take a step forward and bring some accountability to these IDAs where there are county comptrollers.

And I do -- I think it's important to not conflate the two buckets of legislation that we oftentimes consider here in this chamber vis-a-vis IDAs. The first is transparency. And we've taken a number of steps forward with transparency with LDCs and IDAs over the years.

But let's make no mistake -- that if a bad deal is transparent, taxpayers don't care that there's transparency with a bad deal. They care that it was a bad deal. And so the fact that the bad deal is posted on the IDA's website, the fact that the bad deal was discussed via a livestream at the IDA board meeting -- I guess that's all nice and well and good, but at the end of the day the taxpayer still gets ripped off.

What we need are accountability measures, which is what that second bucket of legislation is. And so for those counties with comptrollers, they are getting a little bit more accountability on behalf of taxpayers so that -- yes, when the State Comptroller -- yes, they can come in and audit, they look at the ledger. They're usually not looking at specific projects where there are red flags where that project, that application is ripping off taxpayers.

A county comptroller, under this legislation, can dig deep into a specific proposal, find out what went wrong, shine a light on it, and try and bring some accountability to those taxpayers.

I vote yes. Thank you.

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

Announce the results.

THE SECRETARY: Ayes, 62.

ACTING PRESIDENT PERSAUD: The bill is passed.

THE SECRETARY: Calendar Number 228, Senate Print 2263, by Senator Sanders, an act to amend the Real Property Actions and

Proceedings Law.

ACTING PRESIDENT PERSAUD: Read the last section.

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

ACTING PRESIDENT PERSAUD: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT PERSAUD: Announce the results.

THE SECRETARY: In relation to Calendar 228, those Senators voting in the negative are Senators Borrello, Canzoneri-Fitzpatrick, Martins, Mattera, Murray, Oberacker, O'Mara, Ortt, Palumbo, Rhoads, Rolison, Tedisco, Walczyk, Weber and Weik.

Senator O'Mara is up. Senator O'Mara in the affirmative.

Ayes, 48. Nays, 14.

ACTING PRESIDENT PERSAUD: The bill is passed.

THE SECRETARY: Calendar Number 423, Senate Print 314, by Senator Salazar, an act directing the New York State Energy Research and Development Authority to establish a Ride Clean

rebate program.

ACTING PRESIDENT PERSAUD: Read the last section.

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

ACTING PRESIDENT PERSAUD: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT PERSAUD: Senator Rhoads to explain his vote.

SENATOR RHOADS: Thank you, Madam President.

And I want to thank Senator Salazar for advancing the bill. The program itself certainly is interesting, and I want to thank her for highlighting the safety record of e-bikes on the roadways.

But I do have several concerns about the safety of e-bikes in the home, which is where most of these e-bikes are charged. My concern is that there are hundreds of e-bike battery fires every single year, many of which result in explosions which can cause catastrophic damage.

And I know that doctors take the Hippocratic Oath, right -- the first obligation

is to do no harm? In this case, even though we're trying to assist the environment, we may be doing harm by encouraging and putting these bikes into individuals' homes without addressing some of the underlying causes.

In New York City alone, last year there were 104 e-bike fires. Just in New York City. As of February 24th of this year, lithium-ion batteries used to power electric bicycles and scooters have already sparked 22 fires that have caused 36 injuries and two deaths in New York City alone. And about a week after that statistic was reported in AP, there was another fire in the Bronx, I believe on March 5th, that destroyed a building, that injured seven people and also destroyed a business that was in that building.

I'm not saying that e-bikes are bad. What I am saying is that there needs to be some common-sense review of e-bikes. Even the New York Council earlier this month actually banned the sale of e-bikes within the city limits that do not have UL-approved batteries.

But I think as a body, before we encourage e-bikes to be put into people's homes,

and before we actually pay $1100 of state taxpayer dollars to make that happen, we should be taking a look at the safety of those bicycles and putting some common-sense restrictions in, and then revisiting that policy.

As a second piece -- and I know I'm limited -- as a second piece to that, I'm also concerned about the economics. Because while businesses are eligible to apply for the $1100 rebate, the person who actually purchases the bike is also eligible for the $1100 rebate, and so now all of a sudden we're paying $2200 for every one of those bicycles, not just 1100.

So I am -- I will be voting against the bill, but I hope to explore this further.

Thank you, Madam President.

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

Senator Ramos to explain her vote.

SENATOR RAMOS: Thank you, Madam President.

From the outset, let me say that I'm very proud to be voting for this bill, and I applaud Senator Salazar for taking this initiative.

I wanted to express a few other thoughts that I had, one being that I find it laughable when Senators across the aisle are trying to champion income thresholds when it comes these types of rebates, when they're perfectly fine with corporate socialism. I think that we would do a much better service to the people of New York if we were actually able to look at where we waste money in those spaces.

Secondly, with respect to e-bike fires, I would like to point out that those fires didn't used to be a thing. They've become more of the norm as of late because delivery workers largely are having to buy second-use lithium-ion batteries, and that -- therein lies the difference.

E-bikes aren't getting banned anywhere. What we should be banning is second-use lithium-ion batteries, and I'm a supporter of Senator Krueger's bill to do so. These second-use lithium-ion batteries have already been banned in other devices such as our phones, and in other places where they're used, and should actually be done for e-bikes as well.

The delivery workers particularly

are buying these because they're paid so damn little by companies like DoorDash, Grubhub and Uber Eats and the like.

And I know a lot of my colleagues are -- on both sides of the aisle feel perfectly fine taking campaign donations from those corporations. It's quite unfortunate, and I wish that would stop, because what we want is to make sure that these folks are able to provide for themselves and their families, and at least they should be able to subsidize the overhead that is those e-bikes.

Thank you, Madam President.

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

Senator May to explain her vote.

SENATOR MAY: Thank you, Madam President.

I want to thank Senator Salazar for this bill.

Before I had a job that involved covering 1500 square miles of territory, I used to bike to work regularly or walk to work. And as a property taxpayer, I was pretty keenly aware that a lot of my property taxes went to road

repair, road maintenance, and it was never the bikes that were causing the potholes.

So I think in terms of just economic payback for this bill, this is an economically sensible bill to do. It saves money on road maintenance, frankly.

But also I will say I now live in a part of town that is on a very, very steep hill, and I can no longer use my regular bike just to go grocery shopping, for example, because I wouldn't be able to get the loaded bike up the hill to my home.

So I'm considering getting an e-bike. I think a number of my neighbors are as well. And this bill will help us do that, and then enable us to get out of our cars to be doing less wear and tear on the roads, less spewing of fumes into the air, less noise pollution, and otherwise making our community a little bit better. So I am very grateful to Senator Salazar.

I proudly vote aye. Thank you.

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

Announce the results.

THE SECRETARY: In relation to Calendar 423, those Senators voting in the negative are Senators Canzoneri-Fitzpatrick, Felder, Griffo, Helming, Lanza, Martins, Murray, Oberacker, O'Mara, Ortt, Tedisco, Walczyk and Weber.

Ayes, 49. Nays, 13.

ACTING PRESIDENT PERSAUD: The bill is passed.

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

SENATOR LIU: Madam President, is there any further business at the desk?

ACTING PRESIDENT PERSAUD: One second, Senator Liu.

Announce the results on Calendar 423.

THE SECRETARY: In relation to Calendar 423, those Senators voting in the negative are Senators Canzoneri-Fitzpatrick, Felder, Griffo, Helming, Lanza, Martins, Murray, Oberacker, O'Mara, Ortt, Rhoads, Tedisco, Walczyk, Weber and Weik.

Ayes, 47. Nays, 15.

ACTING PRESIDENT PERSAUD: The bill

is passed.

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

SENATOR LIU: Is there any further business at the desk?

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

SENATOR LIU: Then I move to adjourn until Tuesday, March 28th, at 3:00 p.m.

ACTING PRESIDENT PERSAUD: On motion, the Senate stands adjourned until Tuesday, March 28th, at 3:00 p.m.

(Whereupon, at 4:28 p.m., the Senate adjourned.)