

1 NEW YORK STATE SENATE

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3
4 THE STENOGRAPHIC RECORD

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9 ALBANY, NEW YORK

10 March 27, 2023

11 3:21 p.m.

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13
14 REGULAR SESSION

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18 SENATOR ROXANNE J. PERSAUD, Acting President

19 ALEJANDRA N. PAULINO, ESQ., Secretary

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

2 ACTING PRESIDENT PERSAUD: 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 PERSAUD: 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 PERSAUD: Reading
14 of the Journal.

15 THE SECRETARY: In Senate, Friday,
16 March 24, 2023, the Senate met pursuant to
17 adjournment. The Journal of Thursday, March 23,
18 2023, was read and approved. On motion, the
19 Senate adjourned.

20 ACTING PRESIDENT PERSAUD: 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: Good afternoon,
7 Madam President.

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

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

16 Senator Gianaris.

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

19 ACTING PRESIDENT PERSAUD: The
20 Secretary will read.

21 THE SECRETARY: Calendar Number
22 149, Senate Print 536, by Senator Thomas, an act
23 to amend the General Business Law.

24 ACTING PRESIDENT PERSAUD: Read the
25 last section.

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

3 ACTING PRESIDENT PERSAUD: Call the
4 roll.

5 (The Secretary called the roll.)

6 ACTING PRESIDENT PERSAUD: Announce
7 the results.

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

12 Ayes, 53. Nays, 4.

13 ACTING PRESIDENT PERSAUD: The bill
14 is passed.

15 THE SECRETARY: Calendar Number
16 189, Senate Print 1359, by Senator Kennedy, an
17 act to amend the Executive Law.

18 ACTING PRESIDENT PERSAUD: Read the
19 last section.

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

22 ACTING PRESIDENT PERSAUD: Call the
23 roll.

24 (The Secretary called the roll.)

25 ACTING PRESIDENT PERSAUD: Senator

1 Kennedy to explain his vote.

2 SENATOR KENNEDY: Thank you,
3 Madam President.

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

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

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

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

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

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

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

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

25 I'm proud to carry this legislation

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

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

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

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

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

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

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

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

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

15 ACTING PRESIDENT PERSAUD: Thank
16 you, Senator.

17 Senator Kennedy to be recorded in
18 the affirmative.

19 Senator Webb to explain her vote.

20 SENATOR WEBB: Thank you,
21 Madam President.

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

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

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

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

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

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

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

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

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

18 Thank you.

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

21 Senator Sanders to explain his vote.

22 SENATOR SANDERS: Thank you, Madam
23 President.

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

1 usually hit it.

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

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

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

14 Thank you. I vote aye.

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

17 Announce the results.

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

25 Ayes, 39. Nays, 21.

1 ACTING PRESIDENT PERSAUD: The bill
2 is passed.

3 THE SECRETARY: Calendar Number
4 205, Senate Print 1948, by Senator Hoylman-Sigal,
5 an act to amend the Environmental Conservation
6 Law.

7 ACTING PRESIDENT PERSAUD: Read the
8 last section.

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

12 ACTING PRESIDENT PERSAUD: Call the
13 roll.

14 (The Secretary called the roll.)

15 ACTING PRESIDENT PERSAUD: Announce
16 the results.

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

20 Ayes, 59. Nays, 1.

21 ACTING PRESIDENT PERSAUD: The bill
22 is passed.

23 THE SECRETARY: Calendar Number
24 214, Senate Print 14, by Senator Gounardes, an
25 act to amend the General Obligations Law.

1 ACTING PRESIDENT PERSAUD: Read the
2 last section.

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

6 ACTING PRESIDENT PERSAUD: Call the
7 roll.

8 (The Secretary called the roll.)

9 ACTING PRESIDENT PERSAUD: Announce
10 the results.

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

18 Ayes, 39. Nays, 21.

19 ACTING PRESIDENT PERSAUD: The bill
20 is passed.

21 THE SECRETARY: Calendar Number
22 228, Senate Print 2263, by Senator Sanders, an
23 act to amend the Real Property Actions and
24 Proceedings Law.

25 ACTING PRESIDENT PERSAUD: Read the

1 last section.

2 SENATOR LANZA: Lay it aside.

3 ACTING PRESIDENT PERSAUD: Lay it
4 aside.

5 THE SECRETARY: Calendar Number
6 297, Senate Print 2297, by Senator Mayer, an act
7 to amend the General Municipal Law.

8 SENATOR LANZA: Lay it aside.

9 ACTING PRESIDENT PERSAUD: Lay it
10 aside.

11 THE SECRETARY: Calendar Number
12 398, Senate Print 2119, by Senator Bailey, an act
13 to amend the Education Law.

14 ACTING PRESIDENT PERSAUD: Read the
15 last section.

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

19 ACTING PRESIDENT PERSAUD: Call the
20 roll.

21 (The Secretary called the roll.)

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

24 SENATOR SCARCELLA-SPANTON: Thank
25 you, Madam President.

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

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

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

16 Thank you.

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

20 Senator Bailey to explain his vote.

21 SENATOR BAILEY: Thank you,
22 Madam President.

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

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

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

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

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

24 I vote aye.

25 ACTING PRESIDENT PERSAUD: Senator

1 Bailey to be recorded in the affirmative.

2 Announce the results.

3 THE SECRETARY: Ayes, 62.

4 ACTING PRESIDENT PERSAUD: The bill
5 is passed.

6 THE SECRETARY: Calendar Number
7 423, Senate Print 314, by Senator Salazar, an act
8 directing the New York State Energy Research and
9 Development Authority to establish a Ride Clean
10 rebate program.

11 SENATOR LANZA: Lay it aside.

12 ACTING PRESIDENT PERSAUD: Lay it
13 aside.

14 THE SECRETARY: Calendar Number
15 428, Senate Print 4854, by Senator Parker, an act
16 to require the New York State Energy Research and
17 Development Authority to develop recommendations
18 regarding the establishment of microgrids.

19 ACTING PRESIDENT PERSAUD: Read the
20 last section.

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

23 ACTING PRESIDENT PERSAUD: Call the
24 roll.

25 (The Secretary called the roll.)

1 ACTING PRESIDENT PERSAUD: Announce
2 the results.

3 THE SECRETARY: Ayes, 62.

4 ACTING PRESIDENT PERSAUD: The bill
5 is passed.

6 THE SECRETARY: Calendar Number
7 430, Senate Print 208, by Senator Cleare, an act
8 to amend the State Technology Law.

9 ACTING PRESIDENT PERSAUD: Read the
10 last section.

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

13 ACTING PRESIDENT PERSAUD: Call the
14 roll.

15 (The Secretary called the roll.)

16 ACTING PRESIDENT PERSAUD: Senator
17 Webb to explain her vote.

18 SENATOR WEBB: Thank you,
19 Madam President.

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

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

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

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

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

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

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

23 Announce the results.

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

1 Senators Ortt and Walczyk.

2 Ayes, 60. Nays, 2.

3 ACTING PRESIDENT PERSAUD: The bill
4 is passed.

5 THE SECRETARY: Calendar Number
6 482, Senate Print 2442, by Senator Hoylman-Sigal,
7 an act to amend the Executive Law.

8 ACTING PRESIDENT PERSAUD: Read the
9 last section.

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

12 ACTING PRESIDENT PERSAUD: Call the
13 roll.

14 (The Secretary called the roll.)

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

17 SENATOR HOYLMAN-SIGAL: Thank you,
18 Madam President.

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

1 by law."

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

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

11 I vote aye, Madam President.

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

14 Announce the results.

15 THE SECRETARY: Ayes, 62.

16 ACTING PRESIDENT PERSAUD: The bill
17 is passed.

18 THE SECRETARY: Calendar Number
19 515, Senate Print 3473, by Senator Stavisky, an
20 act to amend the Education Law.

21 ACTING PRESIDENT PERSAUD: Read the
22 last section.

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

25 ACTING PRESIDENT PERSAUD: Call the

1 roll.

2 (The Secretary called the roll.)

3 ACTING PRESIDENT PERSAUD: Announce
4 the results.

5 THE SECRETARY: Ayes, 62.

6 ACTING PRESIDENT PERSAUD: The bill
7 is passed.

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

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

14 ACTING PRESIDENT PERSAUD: The
15 Secretary will ring the bell.

16 The Secretary will read.

17 THE SECRETARY: Calendar Number
18 297, Senate Print 2297, by Senator Mayer, an act
19 to amend the General Municipal Law.

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

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

25 SENATOR MAYER: Absolutely.

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

3 SENATOR MURRAY: Thank you.

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

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

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

17 ACTING PRESIDENT PERSAUD: Does the
18 sponsor yield?

19 SENATOR MAYER: Yes.

20 ACTING PRESIDENT PERSAUD: The
21 sponsor yields.

22 SENATOR MURRAY: Thank you.

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

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

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

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

15 ACTING PRESIDENT PERSAUD: Does the
16 sponsor yield?

17 SENATOR MAYER: Yes.

18 ACTING PRESIDENT PERSAUD: The
19 sponsor yields.

20 SENATOR MURRAY: Thank you.

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

25 SENATOR MAYER: Through you,

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

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

8 ACTING PRESIDENT PERSAUD: Senator
9 Murray on the bill.

10 SENATOR MURRAY: I thank you for
11 that, Senator.

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

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

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

5 So thank you.

6 ACTING PRESIDENT PERSAUD: Thank
7 you, Senator.

8 Are there any other Senators wishing
9 to be heard?

10 Seeing none, debate is closed.

11 Senator Gianaris.

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

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

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

21 THE SECRETARY: Calendar Number
22 228, Senate Print 2263, by Senator Sanders, an
23 act to amend the Real Property Actions and
24 Proceedings Law.

25 ACTING PRESIDENT PERSAUD: Senator

1 Oberacker, why do you rise?

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

5 ACTING PRESIDENT PERSAUD: Senator
6 Sanders, do you yield?

7 SENATOR SANDERS: Absolutely, to my
8 friend.

9 ACTING PRESIDENT PERSAUD: The
10 Senator yields.

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

15 (Laughter.)

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

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

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

1 yield.

2 ACTING PRESIDENT PERSAUD: Does the
3 sponsor yield?

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

7 (Laughter.)

8 ACTING PRESIDENT PERSAUD: The
9 sponsor yields.

10 SENATOR OBERACKER: Thank you,
11 Senator.

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

16 SENATOR SANDERS: Through you,
17 Madam President, yes.

18 SENATOR OBERACKER: Would the
19 sponsor continue to yield.

20 ACTING PRESIDENT PERSAUD: Does the
21 sponsor yield?

22 SENATOR SANDERS: Absolutely yes,
23 Madam President.

24 ACTING PRESIDENT PERSAUD: The
25 sponsor yields.

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

4 SENATOR SANDERS: (Inaudible.)
5 (Laughter.)

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

12 Who's responsible for the cost?

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

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

21 SENATOR OBERACKER: Thank you for
22 that.

23 Madam President, would the bill
24 sponsor continue to yield.

25 ACTING PRESIDENT PERSAUD: Does the

1 sponsor yield?

2 SENATOR SANDERS: Absolutely.

3 ACTING PRESIDENT PERSAUD: The
4 sponsor yields.

5 SENATOR OBERACKER: Thank you.

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

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

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

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

22 SENATOR OBERACKER: Thank you for
23 that answer.

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

1 ACTING PRESIDENT PERSAUD: Does the
2 sponsor yield?

3 SENATOR SANDERS: Absolutely.

4 ACTING PRESIDENT PERSAUD: The
5 sponsor yields.

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

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

15 SENATOR OBERACKER: Thank you for
16 that answer, Senator.

17 Through you, Madam President, on the
18 bill.

19 ACTING PRESIDENT PERSAUD: Senator
20 Oberacker on the bill.

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

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

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

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

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

14 Thank you, Senator. Thank you,
15 Madam President.

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

18 Senator Rhoads, why do you rise?

19 SENATOR RHOADS: Thank you so much,
20 Madam President.

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

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

25 ACTING PRESIDENT PERSAUD: The

1 Senator yields.

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

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

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

15 (Laughter.)

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

21 SENATOR RHOADS: Thank you,
22 Senator Sanders.

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

24 ACTING PRESIDENT PERSAUD: Senator
25 Rhoads on the bill.

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

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

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

13 Thank you, Madam President.

14 ACTING PRESIDENT PERSAUD: Thank
15 you, Senator.

16 Are there any other Senators wishing
17 to be heard?

18 Seeing and hearing none, debate is
19 closed.

20 Senator Gianaris.

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

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

1 The Secretary will read.

2 THE SECRETARY: Calendar Number
3 423, Senate Print 314, by Senator Salazar, an act
4 directing the New York State Energy Research and
5 Development Authority to establish a Ride Clean
6 rebate program.

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

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

12 ACTING PRESIDENT PERSAUD: Senator
13 Salazar, would you yield?

14 SENATOR SALAZAR: Yes,
15 Madam President.

16 ACTING PRESIDENT PERSAUD: The
17 sponsor yields.

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

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

25 By comparison, the existing

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

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

7 ACTING PRESIDENT PERSAUD: Does the
8 sponsor yield?

9 SENATOR SALAZAR: Yes.

10 ACTING PRESIDENT PERSAUD: The
11 sponsor yields.

12 SENATOR WALCZYK: I appreciate
13 that.

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

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

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

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

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

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

12 ACTING PRESIDENT PERSAUD: Does the
13 sponsor yield?

14 SENATOR SALAZAR: Yes.

15 ACTING PRESIDENT PERSAUD: The
16 sponsor yields.

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

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

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

5 SENATOR WALCZYK: Understood, thank
6 you.

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

9 ACTING PRESIDENT PERSAUD: Does the
10 sponsor yield?

11 SENATOR SALAZAR: Yes.

12 ACTING PRESIDENT PERSAUD: The
13 sponsor yields.

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

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

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

23 ACTING PRESIDENT PERSAUD: Does the
24 sponsor yield?

25 SENATOR SALAZAR: Yes.

1 ACTING PRESIDENT PERSAUD: The
2 sponsor yields.

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

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

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

16 ACTING PRESIDENT PERSAUD: Does the
17 sponsor yield?

18 SENATOR SALAZAR: Yes.

19 ACTING PRESIDENT PERSAUD: The
20 sponsor yields.

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

25 That program offers a full rebate

1 for a range of vehicles that have a range of over
2 200 miles, a quarter of the rebate if the range
3 is 40 miles for those electric vehicles.

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

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

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

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

20 ACTING PRESIDENT PERSAUD: Does the
21 sponsor yield?

22 SENATOR SALAZAR: Yes.

23 ACTING PRESIDENT PERSAUD: The
24 sponsor yields.

25 SENATOR WALCZYK: So there's no

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

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

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

9 ACTING PRESIDENT PERSAUD: Does the
10 sponsor yield?

11 SENATOR SALAZAR: Yes.

12 ACTING PRESIDENT PERSAUD: The
13 sponsor yields.

14 SENATOR WALCZYK: NYSERDA's Drive
15 Clean rebate program for electric vehicles --
16 that you're mirroring here or paralleling here --
17 also requires an owner to keep that vehicle and
18 prove that they've kept that vehicle for
19 36 months or more.

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

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

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

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

11 ACTING PRESIDENT PERSAUD: Does the
12 sponsor yield?

13 SENATOR SALAZAR: Yes.

14 ACTING PRESIDENT PERSAUD: The
15 sponsor yields.

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

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

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

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

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

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

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

1 ACTING PRESIDENT PERSAUD: Does the
2 sponsor yield?

3 SENATOR SALAZAR: Yes.

4 ACTING PRESIDENT PERSAUD: The
5 sponsor yields.

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

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

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

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

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

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

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

11 ACTING PRESIDENT PERSAUD: Does the
12 sponsor yield?

13 SENATOR SALAZAR: Yes.

14 ACTING PRESIDENT PERSAUD: The
15 sponsor yields.

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

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

25 SENATOR SALAZAR: Through you,

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

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

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

12 ACTING PRESIDENT PERSAUD: Does the
13 sponsor yield?

14 SENATOR SALAZAR: Yes.

15 ACTING PRESIDENT PERSAUD: The
16 sponsor yields.

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

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

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

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

7 ACTING PRESIDENT PERSAUD: Does the
8 sponsor yield?

9 SENATOR SALAZAR: Yes.

10 ACTING PRESIDENT PERSAUD: The
11 sponsor yields.

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

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

1 SENATOR WALCZYK: Madam President,
2 on the bill.

3 ACTING PRESIDENT PERSAUD: Senator
4 Walczyk on the bill.

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

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

20 That electronic scooter or e-bike
21 might be something that you can't afford because
22 your electricity bills keep going up. And that's
23 \$1100 for e-bikes that have lead acid, cobalt and
24 lithium in them, and zero dollars for bikes that
25 have regular old pedals -- the actual "green

1 bike" in the State of New York.

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

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

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

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

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

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

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

15 ACTING PRESIDENT PERSAUD: Thank
16 you, Senator.

17 Are there any other Senators wishing
18 to be heard?

19 Senator Salazar.

20 SENATOR SALAZAR: Thank you,
21 Madam President.

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

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

1 effective, affordable, reliable and accessible
2 and safe transportation across the state.

3 Electric bikes, as defined in this bill, play a
4 valuable role in reducing fossil fuel emissions
5 and decreasing traffic congestion, providing
6 positive public safety and environmental impacts.

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

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

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

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

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

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

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

25 And with that, Madam President, I

1 vote aye.

2 ACTING PRESIDENT PERSAUD: Thank
3 you, Senator.

4 Senator Helming, why do you rise?

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

8 ACTING PRESIDENT PERSAUD: Will the
9 sponsor yield?

10 SENATOR SALAZAR: Yes,
11 Madam President.

12 ACTING PRESIDENT PERSAUD: The
13 sponsor yields.

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

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

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

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

4 ACTING PRESIDENT PERSAUD: Does the
5 sponsor yield?

6 SENATOR SALAZAR: Yes.

7 ACTING PRESIDENT PERSAUD: The
8 sponsor yields.

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

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

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

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

1 You know, I think it's fairly
2 unlikely that a very wealthy person would seek to
3 get a rebate with a maximum of \$1100 or
4 50 percent from purchasing an e-bike.

5 SENATOR HELMING: Thank you,
6 Madam President.

7 On the bill.

8 ACTING PRESIDENT PERSAUD: Senator
9 Helming on the bill.

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

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

20 So businesses at this point, based
21 on how the language of the bill is currently,
22 could apply for any number of rebates up to
23 \$1100 per bike, and they don't even have to hold
24 on to the bike for any period of time. You could
25 buy a bike, get your rebate, resell that bike,

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

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

6 ACTING PRESIDENT PERSAUD: Thank
7 you, Senator.

8 Are there any other Senators wishing
9 to be heard?

10 Seeing and hearing none, debate is
11 closed.

12 Senator Gianaris.

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

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

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

21 The Secretary will read.

22 THE SECRETARY: Calendar Number
23 297, Senate Print 2297, by Senator Mayer, an act
24 to amend the General Municipal Law.

25 ACTING PRESIDENT PERSAUD: Read the

1 last section.

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

5 ACTING PRESIDENT PERSAUD: Call the
6 roll.

7 (The Secretary called the roll.)

8 ACTING PRESIDENT PERSAUD: Senator
9 Mayer to explain her vote.

10 SENATOR MAYER: Thank you,
11 Madam President.

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

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

22 And why is that relevant? Because
23 there are approximately 4200 active projects
24 being considered by these IDAs and LDCs, with
25 \$100 billion in value.

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

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

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

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

25 I vote aye.

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

3 Senator Skoufis to explain his vote.

4 SENATOR SKOUFIS: Thanks very much,
5 Madam President.

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

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

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

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

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

16 I vote yes. Thank you.

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

19 Announce the results.

20 THE SECRETARY: Ayes, 62.

21 ACTING PRESIDENT PERSAUD: The bill
22 is passed.

23 THE SECRETARY: Calendar Number
24 228, Senate Print 2263, by Senator Sanders, an
25 act to amend the Real Property Actions and

1 Proceedings Law.

2 ACTING PRESIDENT PERSAUD: Read the
3 last section.

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

6 ACTING PRESIDENT PERSAUD: Call the
7 roll.

8 (The Secretary called the roll.)

9 ACTING PRESIDENT PERSAUD: Announce
10 the results.

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

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

19 Ayes, 48. Nays, 14.

20 ACTING PRESIDENT PERSAUD: The bill
21 is passed.

22 THE SECRETARY: Calendar Number
23 423, Senate Print 314, by Senator Salazar, an act
24 directing the New York State Energy Research and
25 Development Authority to establish a Ride Clean

1 rebate program.

2 ACTING PRESIDENT PERSAUD: Read the
3 last section.

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

6 ACTING PRESIDENT PERSAUD: Call the
7 roll.

8 (The Secretary called the roll.)

9 ACTING PRESIDENT PERSAUD: Senator
10 Rhoads to explain his vote.

11 SENATOR RHOADS: Thank you,
12 Madam President.

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

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

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

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

6 In New York City alone, last year
7 there were 104 e-bike fires. Just in New York
8 City. As of February 24th of this year,
9 lithium-ion batteries used to power electric
10 bicycles and scooters have already sparked
11 22 fires that have caused 36 injuries and two
12 deaths in New York City alone. And about a week
13 after that statistic was reported in AP, there
14 was another fire in the Bronx, I believe on
15 March 5th, that destroyed a building, that
16 injured seven people and also destroyed a
17 business that was in that building.

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

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

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

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

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

16 Thank you, Madam President.

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

19 Senator Ramos to explain her vote.

20 SENATOR RAMOS: Thank you,
21 Madam President.

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

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

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

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

25 The delivery workers particularly

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

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

13 Thank you, Madam President.

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

16 Senator May to explain her vote.

17 SENATOR MAY: Thank you,
18 Madam President.

19 I want to thank Senator Salazar for
20 this bill.

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

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

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

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

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

22 I proudly vote aye. Thank you.

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

25 Announce the results.

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

7 Ayes, 49. Nays, 13.

8 ACTING PRESIDENT PERSAUD: The bill
9 is passed.

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

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

14 ACTING PRESIDENT PERSAUD: One
15 second, Senator Liu.

16 Announce the results on Calendar
17 423.

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

24 Ayes, 47. Nays, 15.

25 ACTING PRESIDENT PERSAUD: The bill

1 is passed.

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

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

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

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

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

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

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