NEW YORK STATE SENATE

THE STENOGRAPHIC RECORD

ALBANY, NEW YORK

May 18, 2023

12:14 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, Wednesday, May 17, 2023, the Senate met pursuant to adjournment. The Journal of Tuesday, May 16, 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.

The Secretary will read.

THE SECRETARY: Senator May moves

to discharge, from the Committee on Investigations and Government Operations, Assembly Bill Number 2873A and substitute it for the identical Senate Bill 5621A, Third Reading Calendar 764.

Senator Breslin moves to discharge, from the Committee on Health, Assembly Bill Number 3302 and substitute it for the identical Senate Bill 6086, Third Reading Calendar 857.

ACTING PRESIDENT PERSAUD: So ordered.

Messages from the Governor.

Reports of standing committees.

Reports of select committees.

Communications and reports from state officers.

Motions and resolutions.

Senator Serrano.

SENATOR SERRANO: Thank you, Madam President.

Amendments are offered to the following Third Reading Calendar bills. I have three here.

We have, from Senator Webb, Calendar Number 729, Senate Print 5129.

I also have Senator May, Calendar Number 922, Senate Print 5735.

Also from Senator May, Calendar Number 923, Senate Print 5736.

I now move that these bills retain their place on the order of third reading.

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

Senator Serrano.

SENATOR SERRANO: Thank you.

Madam President, by unanimous consent, I wish to call up the following bills, which were recalled from the Assembly and are now at the desk: Senate Print Numbers 264, 2832, 253, 2099B.

ACTING PRESIDENT PERSAUD: The Secretary will read.

THE SECRETARY: Calendar Number 197, Senate Print 264, by Senator Stewart-Cousins, an act to amend the Executive Law.

Calendar Number 566, Senate Print 2832, by Senator Breslin, an act to amend the Penal Law.

Calendar Number 320, Senate Print 253, by Senator Serrano, an act to amend the Arts and Cultural Affairs Law and the Economic Development Law.

Calendar Number 823, Senate Print 2099B, by Senator Harckham, an act to amend the Public Health Law.

SENATOR SERRANO: Thank you, Madam President.

I move to reconsider the vote by which these bills were passed.

ACTING PRESIDENT PERSAUD: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 53.

ACTING PRESIDENT PERSAUD: The bills are restored to their place on the Third Reading Calendar.

SENATOR SERRANO: Madam President, I offer the following amendments to the aforementioned bills.

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

SENATOR SERRANO: Madam President,

can we return to motions and resolutions.

I would like to call up previously adopted Resolution 267, by Senator Tedisco, as well as previously adopted Resolution 610, also by Senator Tedisco. I ask that these resolutions be read title only, and call on Senator Tedisco.

ACTING PRESIDENT PERSAUD: The Secretary will read.

THE SECRETARY: Senate Resolution 267, by Senator Tedisco, congratulating the Burnt Hills-Ballston Lake High School Boys Cross Country Team and Head Coach Chip Button upon the occasion of capturing the 2022 New York State Class B Cross Country Championship.

Senate Resolution 610, by Senator Tedisco, congratulating the Burnt Hills-Ballston Lake High School Girls Relay Team and Head Coach Megan James upon the occasion of capturing the 2023 New York State 4 x 400 Relay Title at the New York State Public High School Athletic Association Indoor Track and Field Championships.

ACTING PRESIDENT PERSAUD: Senator Tedisco on the resolutions.

SENATOR TEDISCO: Thank you so much, Madam President.

I am pleased and extremely proud to welcome two outstanding track and field teams from the Burnt Hills-Ballston Lake School District, a crown jewel in New York's 44th Senate District.

Now, one of these teams being recognized here at the Capitol has been recognized so many times, they've actually offered to give the tours here.

(Laughter.)

SENATOR TEDISCO: The other team is starting their own track record of success, and I'm sure they're going to be back often also.

Our first group of honorees are the Burnt Hills-Ballston Lake Boys Cross Country Team and Head Coach Chip Button. This group has once again captured the New York State Class B Cross Country Championship on Saturday, November 12, 2022, at Vernon Verona Sherrill High School in Verona, finishing ahead of runner-up Vestal High School.

The Burnt Hills-Ballston Lake Boys Cross Country Team has now won six, six

straight New York State Class B Cross Country Team Championships. Without going out on a limb, this would likely be a seventh straight win if it were not for the pandemic.

Additionally, the victory marked their 11th state title overall.

Prior to their perennial success at the state level, the team compiled a Suburban Council dual meet record of 11-3 en route to a 23rd Section 2 Championship.

These are the championship runners: Keller Casey, Brayden Cyr, Brody Dugan, Thomas Kotkoskie, Nolan McFarland, Logan Muller, Cayden Robleno, Matthew Rounds, Ben Smith, and Matthew Windecker. They're coached by their outstanding coach, Chip Button.

Our second group of honorees from Burnt Hills-Ballston Lake High School is the Girls Relay Team and Head Coach Megan James, for capturing the 2023 New York State 4 x 400 Relay Championship on Saturday, March 4, 2023, at the Ocean Breeze Athletic Complex on Staten Island.

These are uncharted waters for the Burnt Hills-Ballston Lake High School Girls Relay Team, who won their first-ever title at

Indoor States competition -- but surely not their last.

Demonstrating speed and superlative teamwork, the Burnt Hills-Ballston Lake High School foursome won the 4 x 400 with an outstanding time of 3:59.02, which broke a school record.

Earlier in the season, this relay team also won the Section 2 title, a Division 2 Championship race, and the Section 2 State Qualifier race.

They are Samantha Torres, Cassidy Robleno, Alexandra O'Rourke, and Mia Paolino. Head Coach Megan James did a wonderful job. Eric Freestone is one of their assistant coaches, and Matt Shell, who's been an outstanding coach at Burnt Hills-Ballston Lake for years, was another assistant coach. He's here today.

Each of these teams represented their school's track and field program well both on and off the racecourse, making their families and fellow students proud, and excelled academically in a tremendous way.

A common thread to the achievement of both of these great teams is a second-to-none

athletic department spearheaded by the school's athletic director, Joe Scalise, who is also here with us this morning.

Madam President, please extend a warm welcome to these outstanding student athletes and give them all the cordialities of this chamber. We're proud and thankful that they represent the 44th Senatorial District and their school, Burnt Hills-Ballston Lake, so outstandingly.

ACTING PRESIDENT PERSAUD: To our guests, I welcome you on behalf of the Senate and extend to you the privileges and courtesies of this house.

Please rise and be recognized.

(Standing ovation.)

ACTING PRESIDENT PERSAUD: Resolution 267 was adopted on January 18th. Resolution 610 was adopted on March 28th.

Senator Serrano.

SENATOR SERRANO: Thank you, Madam President.

Let's take up previously adopted Resolution 441, by Senator Comrie. I ask that that be read title only, and recognize

Senator Comrie. Thank you.

ACTING PRESIDENT PERSAUD: The Secretary will read.

THE SECRETARY: Senate Resolution 441, by Senator Comrie, memorializing Governor Kathy Hochul to proclaim May 2023 as Huntington's Disease Awareness Month in the State of New York.

ACTING PRESIDENT PERSAUD: Senator Comrie on the resolution.

SENATOR COMRIE: Thank you, Madam President. Good afternoon.

I rise to speak on the resolution recognizing May as Huntington's Disease Awareness Month in New York.

I would first like to acknowledge our guests that are here from the Albany Chapter of the Huntington's Disease Society of America. Thank you for coming to the chamber today to advance awareness on this devastating disease.

I want to acknowledge my colleague Senator Gustavo Rivera, our reliable Health Committee chair, for having carried this resolution in past years.

For those of you who don't know,

Huntington disease is a rare hereditary neurodegenerative disease for which there are no known effective treatments. It's being described as like having ALS, Parkinson's disease and Alzheimer's disease simultaneously.

The disease is named after George Huntington, a Columbia University College of Physicians and Surgeons graduate who wrote one of the most comprehensive and accurate descriptions of the disease in 1872, despite having little clinical experience and never having had a patient with the disease.

After his groundbreaking report, Dr. Huntington continued to spread awareness of the disease to a wide number of medical societies, including the New York Neurological Society.

Those who suffer from this disease or who have loved ones suffering from this disease deserve the utmost compassion and support, but that can only come from understanding the needs of this vulnerable community.

As we use the month of May to increase awareness and understanding of

Huntington's disease, we must also take this opportunity to reflect on how we as legislators can better support the community, through increasing access to research, home care, and more.

I'm proud to support this resolution.

Thank you, Madam President.

ACTING PRESIDENT PERSAUD: To our guests, I welcome you on behalf of the Senate. We extend to you the privileges and courtesies of this house.

Please rise and be recognized.

(Standing ovation.)

ACTING PRESIDENT PERSAUD: The resolution was previously adopted on February 28th.

Senator Serrano.

SENATOR SERRANO: Thank you.

At the request of the sponsors, the resolutions are open for cosponsorship.

ACTING PRESIDENT PERSAUD: The resolutions are open for cosponsorship. Should you choose not to be a cosponsor on the resolutions, please notify the desk.

Senator Serrano.

SENATOR SERRANO: Thank you.

Let's please take up the reading of the calendar.

ACTING PRESIDENT PERSAUD: The Secretary will read.

THE SECRETARY: Calendar Number 129, Senate Print 1303, by Senator Parker, an act to amend the Public Service 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 Number 129, those Senators voting in the negative are Senators Ashby, Borrello, Canzoneri-Fitzpatrick, O'Mara, Ortt, Rhoads, Tedisco, Walczyk and Weik. Also Senator Griffo.

Ayes, 46. Nays, 10.

ACTING PRESIDENT PERSAUD: The bill

is passed.

THE SECRETARY: Calendar Number 231, Senate Print 1851A, by Senator Hinchey, an act to amend the Public Service 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: Ayes, 57.

ACTING PRESIDENT PERSAUD: The bill is passed.

THE SECRETARY: Calendar Number 527, Senate Print 1199A, by Senator Parker, an act to amend the Public Service Law.

ACTING PRESIDENT PERSAUD: Read the last section.

THE SECRETARY: Section 2. 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 527, voting in the negative: Senator Walczyk.

Ayes, 56. Nays, 1.

ACTING PRESIDENT PERSAUD: The bill is passed.

THE SECRETARY: Calendar Number 528, Senate Print 1200A, by Senator Parker, an act to amend the Public Service Law.

ACTING PRESIDENT PERSAUD: Read the last section.

THE SECRETARY: Section 2. 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 528, voting in the negative:

Senator Walczyk.

Ayes, 56. Nays, 1.

ACTING PRESIDENT PERSAUD: The bill is passed.

THE SECRETARY: Calendar Number 670, Senate Print 405, by Senator Parker, an act to amend the Public Service Law.

SENATOR LANZA: Lay it aside.

ACTING PRESIDENT PERSAUD: Lay it aside.

THE SECRETARY: Calendar Number 764, Assembly Print Number 2873A, by Assemblymember Kelles, an act to amend the Public Officers Law.

SENATOR SERRANO: Lay the bill aside for the day.

ACTING PRESIDENT PERSAUD: The bill will be laid aside for the day.

THE SECRETARY: Calendar Number 772, Senate Print 4349, by Senator Sepúlveda, an act to amend the Real Property Tax 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: Ayes, 57.

ACTING PRESIDENT PERSAUD: The bill is passed.

THE SECRETARY: Calendar Number 775, Senate Print 5915, by Senator Gonzalez, an act to amend the Executive 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 Gonzalez to explain her vote.

SENATOR GONZALEZ: Thank you, Madam President.

I'm excited to speak in favor of this legislation, as it is crucial in supporting

survivors.

Economic abuse is a form of control where victims do not have full access to their own income, spending, or bank accounts. It isn't limited to financial matters alone and can also include denying necessities such as food, clothing, transportation and/or technology. It is the leading reason why victims stay or return to their abusers.

According to the National Coalition Against Domestic Violence, between 94 percent to 99 percent of domestic violence survivors have experienced economic abuse. That's why this spring New York City passed Intro 148-A, to expand the definition of domestic violence to include economic abuse. By changing this definition, city-level protections and supportive programs became available to survivors of economic abuse. Yet the knowledge gap that exists between survivors and those programs serves as an additional barrier to accessing them.

That's why I chose to carry this bill, which builds upon the legislation by ensuring that those who suffer from this form of

abuse will have access to the information and resources they need.

S5915 requires the Office of Prevention of Domestic Violence to distribute materials on economic abuse at temporary shelters, local social services offices, police departments, and childcare facilities. The materials would include information on identifying and preventing economic abuse, as well as resources available to those experiencing economic abuse.

It's critical as legislators that we meet people where they're at, and to equip the most vulnerable of us with the tools to overcome violence. I'm proud to see our state take another step in doing so, and therefore to support survivors in all the ways that domestic violence occurs.

I vote aye. Thank you.

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

Announce the results.

THE SECRETARY: Ayes, 57.

ACTING PRESIDENT PERSAUD: The bill is passed.

THE SECRETARY: Calendar Number 785, Senate Print 5164, by Senator Gallivan, an act to amend the Not-For-Profit Corporation 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: Ayes, 56. Nays, 1. Senator Skoufis voting in the negative.

ACTING PRESIDENT PERSAUD: The bill is passed.

THE SECRETARY: Calendar Number 804, Senate Print 5850, by Senator Rhoads, an act authorizing the Seaford Fire District to receive retroactive real property tax exempt status.

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: Ayes, 56. Nays, 1. Senator O'Mara voting in the negative.

ACTING PRESIDENT PERSAUD: The bill is passed.

THE SECRETARY: Calendar Number 809, Senate Print 5355, by Senator Brisport, an act to amend the Education Law.

ACTING PRESIDENT PERSAUD: Read the last section.

THE SECRETARY: Section 5. 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, 57.

ACTING PRESIDENT PERSAUD: The bill is passed.

THE SECRETARY: Calendar Number 810, Senate Print 5518, by Senator Brouk, 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: Senator Brouk to explain her vote.

SENATOR BROUK: Thank you, Madam President.

And I want to thank my colleagues and the leader for bringing this bill to a vote.

And I wanted to quickly explain so we all understand what this piece of legislation will do and why I'm so excited to vote aye, obviously, and sponsor it.

And one of the reasons is because we talk a lot about mental health and the challenges that exist right now in New York State and in the country, and really in the world right now.

And one of the top priorities I took

on when I started as chair of the Mental Health Committee was talking about this idea of cultural competence, cultural humility, linguistic competence. Because at the end of the day, when you finally get the courage to go seek mental health help and talk to a counselor or a therapist or a psychologist, the last thing you want to do is show up in a room with someone who doesn't understand you, who doesn't see you, and isn't able to help you.

And so what this bill will do is actually make sure that there is diversity and equity and inclusion training on an ongoing basis for psychologists. And I really want to give gratitude to our psychologists here in New York State who actually asked for these types of changes, because they see that they want to be able to better serve the people that they serve, whether they be clients or patients.

For that reason, I vote aye, and I hope that this is another step in the direction of making sure everyone gets the mental health care that they need.

Thank you.

ACTING PRESIDENT PERSAUD: Senator

Brouk to be recorded in the affirmative.

Announce the results.

THE SECRETARY: In relation to Calendar Number 810, voting in the negative: Senator Walczyk.

Ayes, 56. Nays, 1.

ACTING PRESIDENT PERSAUD: The bill is passed.

THE SECRETARY: Calendar Number 835, Senate Print 2285, by Senator Cleare, an act to direct the Empire State Development Corporation to conduct a study on the feasibility of a minority and women-owned business capacity enterprise mentorship 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 Cleare to explain her vote.

SENATOR CLEARE: Thank you, Madam President.

One of the keys to progression in any profession is successful mentoring and capacity building. This is certainly the case in business, the skilled trades, and many other industries, including our own robust MWBE programs here in the state.

This legislation recognizes the foregoing facts and acts on them by requiring ESDC to conduct research regarding women- and minority-owned business enterprise capacity mentorship programs to help ensure their success. Such research will include the need for MWBE prequalification as well as the preparation of these businesses for contract bidding in certain agencies and industries.

Capacity mentorship programs within different state agencies have proven to be successful, and it is hoped that this bill will help set them as a statewide standard.

Furthermore, this bill requires ESDC to issue an initial comprehensive report of their findings and suggested implementations, including statutory changes, regulatory actions required by agencies, a plan of action for implementation, the extent to which minority- or women-owned

business enterprise mentorship programs exist, and the relative success of existing programs.

A second report, due 24 months from the effective date of this act, will be required to detail successful implementation actions and a a plan for long-term success and stability.

New York State is best served when our businesses can easily and seamlessly access beneficial programs, and this bill moves our MWBE program forward.

I proudly vote aye.

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

Announce the results.

THE SECRETARY: Ayes, 57.

ACTING PRESIDENT PERSAUD: The bill is passed.

THE SECRETARY: Calendar Number 852, Senate Print 4890, by Senator Rivera, an act to amend the Public Health 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: In relation to Calendar 852, those Senators voting in the negative are Senators Ashby, Borrello, Canzoneri-Fitzpatrick, Gallivan, Griffo, Lanza, Martins, Mattera, Murray, Oberacker, O'Mara, Ortt, Palumbo, Rhoads, Rolison, Skoufis, Stec, Tedisco, Walczyk and Weber.

Ayes, 37. Nays, 20.

ACTING PRESIDENT PERSAUD: The bill is passed.

THE SECRETARY: Calendar Number 857, Assembly Print Number 3302, by Assemblymember McDonald, an act to amend the Public Health 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: Ayes, 57.

ACTING PRESIDENT PERSAUD: The bill is passed.

THE SECRETARY: Calendar Number 874, Senate Print 1623, by Senator Comrie, an act to amend the Public Service Law.

SENATOR SERRANO: Lay the bill aside for the day.

ACTING PRESIDENT PERSAUD: The bill will be laid aside for the day.

THE SECRETARY: Calendar Number 877, Senate Print 4882, by Senator Mayer, an act to amend the Public Service Law.

ACTING PRESIDENT PERSAUD: Read the last section.

THE SECRETARY: Section 8. 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: Announce the results.

THE SECRETARY: In relation to Calendar 877, 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, 36. Nays, 21.

ACTING PRESIDENT PERSAUD: The bill is passed.

THE SECRETARY: Calendar Number 878, Senate Print 5130, by Senator Webb, an act to amend the Public Service 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 Webb to explain her vote.

SENATOR WEBB: Thank you, Madam President. I rise to explain my vote.

This legislation amends the Public Service Law to require electric, gas, water, steam, telephone and municipal utilities to provide notice to the property owner of any scheduled service that might interfere with that respective owner's ability to enjoy, use or have access to their property.

The fundamental push with this bill is simply about communication. Now, it is important for residents to know when they're going to experience some kind of minor inconvenience or a brief service interruption as pertains to when utility companies are doing their work with regards to regular maintenance and repairs.

Now, it also recognizes that these repairs are necessary and ensures that the utilities are able to continue to deliver access to those respective utilities.

However, it is also reasonable for utility customers to expect to receive a timely notice before this occurs so they can properly prepare accordingly.

This legislation requires utilities to notify property owners between 30 days and

five days in advance of any scheduled services. The notice must be in writing or, when appropriate, electronically, and must include the details surrounding the work, including duration, location, contact information for the utility, and if any road closures or detours are required, as well as necessary equipment.

I also want to point out that this notice -- the notice requirements do not apply in the case of work that's required following a natural disaster or state of emergency situation.

I also want to point out that this bill does not prohibit the service from happening. It is just simply asking for communication to be given to customers as it pertains to anticipated work.

Again, I thank our Senate Majority Leader and colleagues for allowing me to bring this bill forward. It is important. And I would like to say I'll be voting aye, and I encourage my colleagues to also do the same.

Thank you.

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

Announce the results.

THE SECRETARY: In relation to Calendar Number 878, voting in the negative: Senator Walczyk.

Ayes, 56. Nays, 1.

ACTING PRESIDENT PERSAUD: The bill is passed.

THE SECRETARY: Calendar Number 883, Senate Print 6557A, by Senator Mayer, an act to amend the Public Service Law.

ACTING PRESIDENT PERSAUD: Read the last section.

THE SECRETARY: Section 3. This act shall take effect one year 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 883, those Senators voting in the negative are Senators Ashby, Borrello, O'Mara, Ortt, Palumbo, Tedisco, Weber and Weik.

Ayes, 49. Nays, 8.

ACTING PRESIDENT PERSAUD: The bill

is passed.

THE SECRETARY: Calendar Number 884, Senate Print 6710, by Senator Skoufis, an act to amend the Public Service 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: Ayes, 57.

ACTING PRESIDENT PERSAUD: The bill is passed.

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

SENATOR SERRANO: Thank you.

Can we please go to the reading of the controversial calendar.

ACTING PRESIDENT PERSAUD: The Secretary will ring the bell.

The Secretary will read.

THE SECRETARY: Calendar Number

670, Senate Print 405, by Senator Parker, an act to amend the Public Service Law.

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

SENATOR MARTINS: Madam President, I was wondering if the sponsor would yield to a few questions.

ACTING PRESIDENT PERSAUD: Will the sponsor yield?

SENATOR PARKER: Yes, Madam President, I'll yield.

ACTING PRESIDENT PERSAUD: The sponsor yields.

SENATOR MARTINS: Why, thanks, Senator Parker.

SENATOR PARKER: Anytime, Senator Martins.

SENATOR MARTINS: Thank you.

SENATOR PARKER: Through you, Madam President.

SENATOR MARTINS: So through you, Madam President. Senator, would you agree that the mission of the Public Service Commission is to ensure affordable, safe, secure and reliable access to electric and gas service in New York?

SENATOR PARKER: Madam President, through you. And I've been instructed to keep it brief. I don't know if I would agree with that.

I don't know if I would agree with that. That may be part of what their stated mission is, but I'm not clear that they actually do all the things that's needed to be done, which is why we brought this legislation forward.

SENATOR MARTINS: Madam President, through you, if the sponsor would continue to yield.

ACTING PRESIDENT PERSAUD: Does the sponsor yield?

SENATOR PARKER: I do, Madam President.

ACTING PRESIDENT PERSAUD: The sponsor yields.

SENATOR MARTINS: Madam President, through you, if the sponsor would give us a sense of the costs associated with this bill on an annual basis, what the projection is, and the basis for that projection.

SENATOR PARKER: Madam President, there's actually no cost to the state or taxpayers through this bill.

SENATOR MARTINS: Madam President, if the sponsor would continue to yield.

ACTING PRESIDENT PERSAUD: Does the sponsor yield?

SENATOR PARKER: I do yield.

ACTING PRESIDENT PERSAUD: The sponsor yields.

SENATOR MARTINS: Madam President, I fully understand that the costs here are associated with ratepayers, and it's ratepayers who are going to pay for these costs.

I was just inquiring as to whether or not a study has been done as to what this cost would be to ratepayers -- that is, the ratepayers of electrical and utility rates here in New York State, which happen to be amongst the highest in the country -- whether or not the sponsor has those statistics as to what the cost would be, and then we can go from there.

SENATOR PARKER: Madam President, through you. This bill is -- let me say this. Senator Martins is making the exact point for why this bill is necessary, and I thank him. He is absolutely right. People in New York State pay too much for utility costs, which is why the

package of bills that you saw today was directly aimed at lowering those costs.

This bill in particular is actually directed at the notion that utility companies go to the PSC, they get rate cases, and the people who are affected, the ratepayers, don't have enough recourse. They don't have the ability to come in with the studies and the legal representation and the experts that the large utilities have. And then utilities are granted these very large rate cases, which raises rates, literally raises rates. And it's done in opposition and to the objection of ratepayers.

This is an attempt to begin to level the playing field to provide resources from the company that in fact allows them to in fact fight the companies on these rate cases. And it can't possibly raise the rates of those ratepayers, because the only way that the utilities can raise their rates is through the actual rate cases. So if they don't get the rate cases, then you can't even pass down these legal costs.

SENATOR MARTINS: Madam President, through you, if the sponsor would continue to yield.

ACTING PRESIDENT PERSAUD: Does the sponsor yield?

SENATOR PARKER: I do.

ACTING PRESIDENT PERSAUD: The sponsor yields.

SENATOR MARTINS: Thank you, Madam President. I was hoping that the sponsor would actually be able to give us a number as to a projected cost for this in terms of a reimbursement at ratepayer expense for paying for intervenors on an annual basis, and if they've actually calculated what that projected cost may be.

SENATOR PARKER: Through you, that projected cost is a paltry two to three million dollars. Which in the context of utility budgets is a rounding error.

SENATOR MARTINS: And Madam President, through you -- you know what, Madam President, on the bill. On the bill.

And I thank the sponsor.

ACTING PRESIDENT PERSAUD: Senator Martins on the bill.

SENATOR MARTINS: You know, I know we -- it's a getaway day and we're going to keep

it as short as possible. And I do appreciate the sponsor's answering some questions.

But here's my concern. You know, we all have an idea of what the purpose is of the Public Service Commission. Some people may actually believe, frankly as I do, that they do actually stand as an independent voice for ratepayers, for protecting things like safety, reliability and cost when it comes to utilities in New York State.

Here's what I'm concerned about, Madam President. I'm concerned about the effort of actually funding special interest groups. Some people may call them lobbyists. People who don't necessarily have the interest of keeping rates low and reliable and safe, but actually may have a different agenda. And having them actually intervene in every case that they feel is warranted at ratepayer expense. Right?

Right now they have to prioritize which ones they want to get involved in. But if you're going to set up a cottage industry that is based on utilities and actually require our ratepayers to fund them and their agenda, then frankly I'd rather have our ratepayers hold onto

their own money and have those lobbyists or special interest groups promote themselves.

Now, if I had a guarantee here or had any sense that this would be limited just to ratepayers, to interested individuals directly, then we'd probably be having a different conversation. But it's not. The idea that anyone thinks that this isn't going to be the source of abuse and the opportunity for different groups to actually use ratepayers as a piggy bank to pay for their agenda, I think is naive.

We've seen that all too often here where we have a well-intentioned policy that ends up running off the rails and costing our residents, whether they're as a taxpayer or as a ratepayer, additional funds.

So although I understand the purpose of the bill and I understand why the sponsor wants it to give people a voice, I think unfortunately, because of how broad it is and how -- frankly, how it can be abused, it puts our ratepayers actually at risk.

Madam President, we have -- we already have, through government, through New York State, whether it's through the

Public Service Commission, whether it's because of -- you know, we have special counsel for ratepayer protection, we have the Attorney General's office, we have the Utility Intervention Unit at the Department of State. We have groups that we already fund as a state in order to provide a voice and an independent voice for ratepayers when it comes to intervention with the Public Service Commission.

We have the Public Service Commission itself. The whole purpose of the Public Service Commission is precisely to protect ratepayers against large utilities, because it is disproportionately affected and frankly affects all of our ratepayers.

So I'll be voting no. Although, again, I thank the sponsor for having frankly put this bill forward. But I think it's too broad, it's going to cost too much money and add to the cost.

And frankly, folks, think about -- think about who's going to show up at these meetings, and think about how much it's going to cost all of our ratepayers, and then decide for yourselves.

I'll be voting no, Madam President.

ACTING PRESIDENT PERSAUD: Thank you, Senator.

Are there any other Senators wishing to be heard?

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

Read the last section.

Senator Serrano.

SENATOR SERRANO: Madam President, upon consent, we will return this bill to the noncontroversial calendar.

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

Read the last section.

THE SECRETARY: Section 3. 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 Parker to explain his vote.

SENATOR PARKER: Thank you,

Madam President, to explain my vote.

Obviously I'm voting aye on this really, really important bill. What we have seen over the last couple of years is that energy rates in the State of New York have gone through the roof and have multiplied exponentially. And trying to find ways to keep those rates under control is paramount for my committee, as the chair of the Energy and Telecommunications Committee, and certainly should be paramount to this body.

It is interesting to me that my colleagues on the other side of the aisle who beat the drum about how much things are going to cost now allow utilities, who spend tens of millions of dollars on legal fees to raise their constituents' utility bills, don't want to spend a couple of million dollars to allow those constituents to be able to fight back and be able to make sure these utility costs stay low.

I vote aye. I encourage all of my colleagues, but particularly those who represent low- and moderate-income New Yorkers across the state, to stand up for those instead of standing up for the big utilities.

Thank you.

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

Announce the results.

THE SECRETARY: In relation to Calendar 670, those Senators voting in the negative are Senators Ashby, Borrello, Canzoneri-Fitzpatrick, Gallivan, Helming, Lanza, Martins, Mattera, Murray, O'Mara, Ortt, Palumbo, Rhoads, Stec, Tedisco, Walczyk, Weber and Weik.

Ayes, 41. Nays, 18.

ACTING PRESIDENT PERSAUD: The bill is passed.

Senator Serrano, that completes the reading of the controversial calendar.

SENATOR SERRANO: Thank you.

Is there any further business at the desk?

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

SENATOR SERRANO: I move to adjourn until Monday, May 22nd, at 3:00 p.m., with the intervening days being legislative days.

ACTING PRESIDENT PERSAUD: On motion, the Senate stands adjourned until Monday,

May 22nd, at 3:00 p.m., with the intervening days being legislative days.

(Whereupon, at 12:53 p.m., the Senate adjourned.)