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NEW YORK STATE SENATE

THE STENOGRAPHIC RECORD

ALBANY, NEW YORK

February 13, 2024

3:16 p.m.

REGULAR SESSION

SENATOR ROXANNE J. PERSAUD, Acting President

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, Monday,
16 February 12, 2024, the Senate met pursuant to
17 adjournment. The Journal of Sunday, February 11,
18 2024, 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 Can we begin by recognizing
9 Senator Chu for an introduction.

10 ACTING PRESIDENT PERSAUD: Senator
11 Chu for an introduction.

12 SENATOR CHU: Thank you,
13 Madam President, for allowing me to welcome very
14 special guests from local -- my district,
15 Brooklyn, Southern Brooklyn, to this chamber
16 today.

17 We know last Tuesday I was able to
18 recognize and pass our Lunar New Year resolution,
19 and it marked the beginning of the 30-day
20 celebration of the Year of the Dragon. And today
21 I'm honored to welcome our Brooklyn delegation at
22 this chamber. These community leaders and
23 members came from Sunset Park, Bensonhurst,
24 Bath Beach, and many other local communities from
25 New York City.

1 And many of them dedicate their
2 careers to boosting our economy, providing job
3 opportunities. Some of them volunteer and
4 partner with our local precincts to ensure the
5 safety of the community members, especially
6 during the COVID pandemic time when the
7 Asian-Americans, many families were under attack
8 from the hate crime.

9 And some of them provide crucial
10 social services to address the senior needs and
11 youth educational programs.

12 I really had the great honor and
13 pleasure to work with many of them over the past
14 decade in a different capacity. Therefore, it is
15 my true honor to welcome them on this special day
16 as their State Senator.

17 As I mentioned last week, Lunar
18 New Year is a 30-days-long celebration, and I
19 would like to use this opportunity to extend this
20 invitation to our Brooklyn delegation and to all
21 our members and staff in this chamber. Please
22 join our Lunar New Year reception after session
23 on the third floor of the LOB.

24 So, Madam President, if I may,
25 please extend them the privilege of our floor and

1 welcome our guests to the chamber.

2 (Applause from the gallery.)

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

7 Please rise and be recognized.

8 (Standing ovation.)

9 ACTING PRESIDENT PERSAUD: Senator
10 Gianaris.

11 SENATOR GIANARIS: Madam President,
12 I move to adopt the Resolution Calendar, with the
13 exception of Resolution 1806.

14 ACTING PRESIDENT PERSAUD: All
15 those in favor of adopting the
16 Resolution Calendar, with the exception of
17 Resolution 1806, please signify by saying aye.

18 (Response of "Aye.")

19 ACTING PRESIDENT PERSAUD: Opposed,
20 nay.

21 (No response.)

22 ACTING PRESIDENT PERSAUD: The
23 Resolution Calendar is adopted.

24 Senator Gianaris.

25 SENATOR GIANARIS: Can we now go

1 and take up previously adopted Resolution 1465,
2 by Senator Fernandez, read its title, and
3 recognize Senator Fernandez.

4 ACTING PRESIDENT PERSAUD: The
5 Secretary will read.

6 THE SECRETARY: Resolution 1465, by
7 Senator Fernandez, memorializing Governor
8 Kathy Hochul to proclaim September 2024 as
9 Recovery Month in the State of New York.

10 ACTING PRESIDENT PERSAUD: Senator
11 Fernandez on the resolution.

12 SENATOR FERNANDEZ: Thank you so
13 much, Madam President.

14 And thank you to this body for
15 allowing me to speak on the Recovery Day
16 resolution.

17 Today in Albany we celebrate
18 Recovery Day. If you saw everyone at the
19 Capitol Center -- oh, the Egg Center, and the
20 convention there, there were numerous groups,
21 advocates, family, friends, everyone that is in
22 support of the recovery movement.

23 And the recovery movement doesn't
24 look just one any type way. A person's path to
25 recovery is meeting their needs and continuously

1 supporting them for the rest of their life.

2 There are over 300,000 New Yorkers
3 that identify with the recovery community today,
4 and we know that there must be more. We know
5 that there are many that are suffering in silence
6 still that don't know how to take that first
7 step, don't know where to go, don't know how to
8 continue.

9 And what we do in this Legislature
10 and in our communities, especially with our
11 neighbors, is so important. Because we must
12 continue to destigmatize the -- we must continue
13 to destigmatize the hate that is out there for
14 those that are suffering with addiction.
15 everyone has their gripe, everyone has their
16 struggle. And for some, they are suffering with
17 a disease that sometimes is uncontrollable.

18 And for many that have been able to
19 take that control, the support must be needed
20 through initiatives in transportation needs and
21 housing needs and supportive services, peer
22 support services, recovery communities -- not
23 recovery homes, but communities that center on
24 you stabilizing your life with things that you
25 love to do and people you want to see.

1 So I really do thank this body for
2 always supporting those that are on the journey,
3 that are about to take that first step on the
4 journey. And please promise to commit to that
5 journey so they can continue to be with their
6 families, in their communities, and living the
7 flourishing lives that we are all entitled to.

8 Thank you so much, Madam President.

9 ACTING PRESIDENT PERSAUD: Thank
10 you, Senator.

11 The resolution was adopted on
12 January 9th.

13 Senator Gianaris.

14 SENATOR GIANARIS: Next up we have
15 Resolution 1806, by Senator May. Please read
16 that resolution's title and recognize
17 Senator May.

18 ACTING PRESIDENT PERSAUD: The
19 Secretary will read.

20 THE SECRETARY: Resolution 1806, by
21 Senator May, congratulating Dr. Jeanette Epps
22 upon the occasion of serving as a Mission
23 Specialist aboard NASA's SpaceX Dragon to the
24 International Space Station.

25 ACTING PRESIDENT PERSAUD: Senator

1 May.

2 SENATOR MAY: Thank you,
3 Madam President.

4 I am elated today to rise in honor
5 of Syracuse's own Dr. Jeanette Epps as she
6 prepares to launch -- as early as next week -- on
7 a six-month mission to the International Space
8 Station.

9 As we mark the Year of the Dragon,
10 it is fitting she will be flying aboard a
11 spacecraft called the Crew Dragon Endeavor.

12 Dr. Epps grew up on the South Side
13 of Syracuse, an area that is usually considered
14 to be synonymous with struggle, with poverty,
15 disinvestment, and racial injustice. But it is
16 also a neighborhood of tremendous hopes and
17 dreams, of parents, siblings, teachers and
18 community leaders who go above and beyond to help
19 young people succeed -- and of boundless
20 educational opportunity.

21 Jeanette Epps graduated from
22 Corcoran High School -- go Cougars -- and has
23 described her studies there as highly challenging
24 and her teachers as true mentors. She stayed in
25 Syracuse to go to Le Moyne College -- go

1 Dolphins -- where, again, she found terrific
2 professors and brilliant classmates and was able
3 to pursue a physics degree that launched her on
4 her path first to a Ph.D. in aerospace
5 engineering from the University of Maryland, and
6 ultimately to achieve her greatest dream, of
7 joining NASA's astronaut court, in 2009.

8 With this mission, Dr. Epps will be
9 the second Black woman to board the International
10 Space Station and the sixth Black woman to ever
11 go to space.

12 Even as her childhood dream becomes
13 a reality, Jeanette Epps never loses sight of
14 where she came from. She returns to Syracuse
15 often to give her message of hope and
16 encouragement, especially to girls who look like
17 her. Her mantra is: If I'm doing this, there's
18 absolutely no reason you can't do this.

19 She also continually gives back to
20 her alma mater, Le Moyne College. She's such a
21 dedicated member of the Board of Trustees that
22 she plans to join a trustees meeting from space.

23 My office has reached out to NASA so
24 we can share the video of these proceedings. So
25 Dr. Epps, if you are watching, please accept our

1 very best wishes for a mission that is worthy of
2 your dreams and for a safe return, so you can
3 continue to inspire us all.

4 Madam President, I vote aye on the
5 resolution.

6 ACTING PRESIDENT PERSAUD: Thank
7 you.

8 The question on the resolution. All
9 in favor signify by saying aye.

10 (Response of "Aye.")

11 ACTING PRESIDENT PERSAUD: Opposed,
12 nay.

13 (No response.)

14 ACTING PRESIDENT PERSAUD: The
15 resolution is adopted.

16 Senator Gianaris.

17 SENATOR GIANARIS: Madam President,
18 the sponsors would like to open these resolutions
19 for cosponsorship.

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

24 Senator Gianaris.

25 SENATOR GIANARIS: Please take up

1 the reading of the calendar.

2 ACTING PRESIDENT PERSAUD: The
3 Secretary will read.

4 THE SECRETARY: Calendar Number 88,
5 Senate Print 7515, by Senator Stewart-Cousins, an
6 act in relation to providing assessment relief to
7 property owners within certain municipalities.

8 ACTING PRESIDENT PERSAUD: Read the
9 last section.

10 THE SECRETARY: Section 11. 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: Announce
16 the results.

17 THE SECRETARY: Ayes, 54.

18 ACTING PRESIDENT PERSAUD: The bill
19 is passed.

20 THE SECRETARY: Calendar Number
21 128, Senate Print 1812A, by Senator Addabbo, an
22 act to require the Department of Environmental
23 Conservation to conduct a study on the
24 feasibility of constructing a seawall.

25 ACTING PRESIDENT PERSAUD: Read the

1 last section.

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

4 ACTING PRESIDENT PERSAUD: Call the
5 roll.

6 (The Secretary called the roll.)

7 ACTING PRESIDENT PERSAUD: Announce
8 the results.

9 THE SECRETARY: Ayes, 54.

10 ACTING PRESIDENT PERSAUD: The bill
11 is passed.

12 THE SECRETARY: Calendar Number
13 131, Senate Print 3335A, by Senator Mayer, an act
14 to amend the Executive Law.

15 ACTING PRESIDENT PERSAUD: Read the
16 last section.

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

19 ACTING PRESIDENT PERSAUD: Call the
20 roll.

21 (The Secretary called the roll.)

22 ACTING PRESIDENT PERSAUD: Senator
23 Mayer to explain her vote.

24 SENATOR MAYER: Thank you,
25 Madam President.

1 I'm so pleased that today we are
2 doing this package of bills. And thank you to
3 the Majority Leader for ensuring that we address
4 this compelling need to have a much more robust
5 approach to flooding and storm resilience.

6 And my bill, which creates an Office
7 of Flood Prevention and Mitigation, is absolutely
8 essential. When these floods occur in our
9 communities, people are at a loss for who is the
10 expert, who has the money, who knows how to
11 respond, who coordinates between municipalities,
12 who can help them deal with the loss of --
13 potentially loss of life and loss of property.

14 After Superstorm Ida, which in my
15 district led to the death of three of my
16 constituents, people in all of the communities I
17 represent were at a loss. And in fact I've done
18 a recent poll of the most pressing issue in my
19 community, and over a quarter of my constituents
20 thought flooding and climate change was their top
21 concern, and they have panicked every time it
22 rains.

23 This office that I am proposing
24 would be a senior-level office which would
25 coordinate the response of all the state

1 agencies, help municipalities obtain the
2 resources, and be a guide.

3 By way of example, after Ida we
4 found out -- only through our own diligence --
5 that there was a federal program run by the
6 Department of Agriculture that allowed
7 communities to have homes bought back at
8 pre-flood levels. Who would know? No one told
9 us, no one found it. Through the work of myself
10 and a colleague in the Assembly, we found this
11 program, NRCS. It has now led to about 17 of our
12 constituents having their homes bought out at
13 pre-flood levels because they happen to live in a
14 flood plain.

15 The point is we ought to make sure
16 that flooding response is at the highest level,
17 the most sophistication, and that we learn from
18 others that have best practices.

19 I'm proud this bill has come to the
20 floor. I urge my colleagues to vote yes. And I
21 thank, again, the leader for making sure that we
22 are addressing what our constituents believe are
23 some of the most pressing issues they feel.

24 Thank you.

25 ACTING PRESIDENT PERSAUD: Senator

1 Mayer to be recorded in the affirmative.

2 Announce the results.

3 THE SECRETARY: Ayes, 56.

4 ACTING PRESIDENT PERSAUD: The bill
5 is passed.

6 THE SECRETARY: Calendar Number
7 132, Senate Print 8110, by Senator Martinez, an
8 act reconvening the New York State Sea Level Rise
9 Task Force.

10 SENATOR LANZA: Lay it aside.

11 ACTING PRESIDENT PERSAUD: Lay it
12 aside.

13 THE SECRETARY: Calendar Number
14 133, Senate Print 8170, by Senator Harckham, an
15 act to amend the Environmental Conservation Law.

16 SENATOR LANZA: Lay it aside.

17 ACTING PRESIDENT PERSAUD: Lay it
18 aside.

19 THE SECRETARY: Calendar Number
20 134, Senate Print 8171, by Senator Harckham, an
21 act to amend the Environmental Conservation Law.

22 ACTING PRESIDENT PERSAUD: Read the
23 last section.

24 THE SECRETARY: Section 2. This
25 act shall take effect on the 180th day after it

1 shall have become a law.

2 ACTING PRESIDENT PERSAUD: Call the
3 roll.

4 (The Secretary called the roll.)

5 ACTING PRESIDENT PERSAUD: Announce
6 the results.

7 THE SECRETARY: Ayes, 56.

8 ACTING PRESIDENT PERSAUD: The bill
9 is passed.

10 THE SECRETARY: Calendar Number
11 153, Senate Print 8167, by Senator Breslin, an
12 act in relation to directing the Department of
13 Financial Services to conduct a study examining
14 the increasing cost of insurance premiums.

15 ACTING PRESIDENT PERSAUD: Read the
16 last section.

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

19 ACTING PRESIDENT PERSAUD: Call the
20 roll.

21 (The Secretary called the roll.)

22 ACTING PRESIDENT PERSAUD: Announce
23 the results.

24 THE SECRETARY: Ayes, 56.

25 ACTING PRESIDENT PERSAUD: The bill

1 is passed.

2 THE SECRETARY: Calendar Number
3 154, Senate Print 8320A, by Senator Mayer, an act
4 to amend the Insurance Law.

5 ACTING PRESIDENT PERSAUD: Read the
6 last section.

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

9 ACTING PRESIDENT PERSAUD: Call the
10 roll.

11 (The Secretary called the roll.)

12 ACTING PRESIDENT PERSAUD: Announce
13 the results.

14 THE SECRETARY: Ayes, 56.

15 ACTING PRESIDENT PERSAUD: The bill
16 is passed.

17 THE SECRETARY: Calendar Number
18 155, Senate Print 449, by Senator Gianaris, an
19 act to amend the Criminal Procedure Law.

20 ACTING PRESIDENT PERSAUD: Read the
21 last section.

22 THE SECRETARY: Section 4. This
23 act shall take effect immediately.

24 ACTING PRESIDENT PERSAUD: Call the
25 roll.

1 (The Secretary called the roll.)

2 ACTING PRESIDENT PERSAUD: Announce
3 the results.

4 THE SECRETARY: In relation to
5 Calendar 155, those Senators voting in the
6 negative are Senators Ashby, Borrello,
7 Canzoneri-Fitzpatrick, Chu, Gallivan, Griffo,
8 Helming, Lanza, Martinez, Martins, Mattera,
9 Murray, Oberacker, O'Mara, Ortt, Palumbo, Rhoads,
10 Rolison, Stec, Tedisco, Weber and Weik.

11 Ayes, 34. Nays, 22.

12 ACTING PRESIDENT PERSAUD: The bill
13 is passed.

14 THE SECRETARY: Calendar Number
15 343, Senate Print 5620A, by Senator Harckham, an
16 act to amend the Executive Law.

17 ACTING PRESIDENT PERSAUD: Read the
18 last section.

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

21 ACTING PRESIDENT PERSAUD: Call the
22 roll.

23 (The Secretary called the roll.)

24 ACTING PRESIDENT PERSAUD: Announce
25 the results.

1 THE SECRETARY: Ayes, 56.

2 ACTING PRESIDENT PERSAUD: The bill
3 is passed.

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

6 SENATOR GIANARIS: Can we move to
7 the controversial calendar, please.

8 ACTING PRESIDENT PERSAUD: The
9 Secretary will ring the bell.

10 The Secretary will read.

11 THE SECRETARY: Calendar Number
12 132, Senate Print 8110, by Senator Martinez, an
13 act reconvening the New York State Sea Level Rise
14 Task Force.

15 ACTING PRESIDENT PERSAUD: Senator
16 Lanza, why do you rise?

17 SENATOR LANZA: Madam President, I
18 believe there's an amendment at the desk. I
19 waive the reading of that amendment and ask that
20 you recognize Senator Helming.

21 ACTING PRESIDENT PERSAUD: Thank
22 you, Senator Lanza.

23 Upon review of the amendment, in
24 accordance with Rule 6, Section 4B, I rule it
25 nongermane and out of order at this time.

1 SENATOR LANZA: Accordingly,
2 Madam President, I appeal the ruling of the chair
3 and ask that Senator Helming be heard on the
4 appeal.

5 ACTING PRESIDENT PERSAUD: The
6 appeal has been made and recognized, and
7 Senator Helming may be heard.

8 Senator Helming.

9 SENATOR HELMING: Thank you,
10 Madam President.

11 I rise to appeal the ruling of the
12 chair. The proposed amendment is absolutely
13 germane to the bill at hand. The bill at hand
14 reconvenes the State Sea Level Rise Task Force.
15 An amendment that I have before this body deals
16 with creating a task force to address the impact
17 of flooding on homeowners.

18 As we all know, flooding creates
19 tremendous damage and devastation for homeowners,
20 who are often left holding the bag for thousands
21 of dollars in flood damage. This flooding
22 doesn't occur just in coastal areas, but all
23 across the state, including in the area that I
24 represent, the Finger Lakes area, and along
25 Lake Ontario.

1 In 2017 and in 2019, along
2 Lake Ontario, including in Wayne County and
3 Monroe County, we had horrendous flooding. In
4 2018 in Seneca County, we had the loss of
5 millions of dollars of property and homes. And
6 just recently, in July of 2023, more localized
7 flooding in Ontario County, again with
8 devastating impacts to the people who are
9 impacted.

10 When we get torrential rainstorms,
11 it can cause havoc in the communities we
12 represent and put extreme burdens on people who
13 are barely able to afford to get by as it is.
14 We've already seen, in other states such as
15 Florida, flood insurance premiums skyrocket,
16 leaving many homeowners without a flood policy
17 simply because they cannot afford it.

18 As a legislative body we should be
19 taking every single step possible to make our
20 communities and our housing stock resilient.
21 This bill that I have put forward would create a
22 task force that includes not only state agencies
23 but industry experts, people and members from
24 homebuilders associations and the insurance
25 industry, so that we can develop as many

1 strategies as possible to safeguard our
2 communities from the impact of these storms.

3 Madam President, probably like me
4 and like many others in this room, I hear from
5 people all the time, constituents and others,
6 saying, When you pass these policies in Albany,
7 why don't you include more people who have
8 experience in this area? This -- I hear about
9 this whether we're talking about, right now,
10 education funding and how people from education
11 weren't included in the discussion that cut the
12 Foundation Aid formula and everything else;
13 whether it's about public safety; or whether it's
14 about the flooding before us.

15 So, Madam President, for these
16 reasons I strongly, strongly urge you to
17 reconsider your ruling.

18 ACTING PRESIDENT PERSAUD: Thank
19 you, Senator Helming.

20 I want to remind the house that the
21 vote is on the procedures of the house and the
22 ruling of the chair.

23 Those in favor of overruling the
24 chair, signify by saying aye.

25 (Response of "Aye.")

1 SENATOR LANZA: Show of hands.

2 ACTING PRESIDENT PERSAUD: A show
3 of hands has been requested and so ordered.

4 Announce the results.

5 THE SECRETARY: Ayes, 20.

6 ACTING PRESIDENT PERSAUD: The
7 ruling of the chair stands, and the bill-in-chief
8 is before the house.

9 Senator Gianaris.

10 SENATOR GIANARIS: Madam President,
11 we've agreed to restore this bill to the
12 noncontroversial calendar.

13 ACTING PRESIDENT PERSAUD: Read the
14 last section.

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

17 ACTING PRESIDENT PERSAUD: Call the
18 roll.

19 (The Secretary called the roll.)

20 ACTING PRESIDENT PERSAUD: Senator
21 Martinez to explain her vote.

22 SENATOR MARTINEZ: Good afternoon,
23 Madam President.

24 Recognizing that these
25 transformative flooding events are no longer

1 one-offs but, rather, reoccurring threats to
2 communities that we serve across the state and
3 Long Island, it's essential for our state to take
4 an approach that reflects the evolving situation
5 that we are facing.

6 We know that sea level rises
7 increase the impacts of climate-induced natural
8 disasters, and storms considered average are now
9 having greater effects on communities due to the
10 lack of resiliency measures. Reconvening this
11 task force -- a measure passed unanimously over a
12 decade ago, with the intent to evolve the way we
13 approach sea level rise today -- will address
14 coastal community resiliency, animal habitats,
15 preserving our biodiversity, building and
16 ensuring diversity while ensuring adequate
17 education and resources, and review our current
18 infrastructure we have in place.

19 This bill does not prevent the task
20 force from providing suggestions and/or
21 recommendations moving forward. The goal of this
22 bill is not to reinvent the wheel, but to
23 actually find new ways to focus on what we are
24 working on with. We don't want to burden our
25 agencies with duplicative work, and it's more to

1 build upon our efforts from 2007 and what we've
2 been doing since and what we'll do moving
3 forward.

4 So, Madam President, I vote in the
5 affirmative, and I urge my colleagues to do the
6 same. Thank you.

7 ACTING PRESIDENT PERSAUD: Senator
8 Martinez to be recorded in the affirmative.

9 Announce the results.

10 THE SECRETARY: Ayes, 58.

11 ACTING PRESIDENT PERSAUD: The bill
12 is passed.

13 Senator Gianaris.

14 SENATOR GIANARIS: Madam President,
15 back to the controversial calendar and take up
16 Calendar 133, please.

17 ACTING PRESIDENT PERSAUD: The
18 Secretary will read.

19 THE SECRETARY: Calendar Number
20 133, Senate Print 8170, by Senator Harckham, an
21 act to amend the Environmental Conservation Law.

22 ACTING PRESIDENT PERSAUD: Senator
23 Lanza, why do you rise?

24 SENATOR LANZA: Madam President, I
25 believe there's an amendment at the desk. I

1 waive the reading of that amendment and ask that
2 you recognize Senator -- Stec.

3 (Laughter.)

4 ACTING PRESIDENT PERSAUD: Thank
5 you, Senator Lanza.

6 Upon review of the amendment, in
7 accordance with Rule 6, Section 4B, I rule it
8 nongermane and out of order at this time.

9 SENATOR LANZA: Accordingly,
10 Madam President, I appeal the ruling of the chair
11 and ask that Senator Stec be heard on that
12 appeal.

13 ACTING PRESIDENT PERSAUD: The
14 appeal has been made and recognized, and
15 Senator Stec may be heard.

16 Senator Stec.

17 SENATOR STEC: Thank you,
18 Madam President.

19 I rise to appeal the ruling of the
20 chair. The proposed amendment is germane to the
21 bill at hand because the bill at hand requires an
22 annual accounting of the state's spending on
23 stormwater and flooding reduction projects, and
24 this amendment requires a supplemental study of
25 the costs, benefits, technical and economic

1 feasibility of meeting the CLCPA renewable energy
2 target.

3 The study would include a full
4 cost-benefit analysis, including the current
5 state of technology in place for electric
6 generation, as well as the new and emerging
7 generation methods; the impact of renewable
8 energy targets and compliance on prices; delivery
9 rates and total bills that consumers will pay;
10 transportation costs and the impact of the CLCPA
11 compliance on natural gas market prices, among
12 other factors.

13 We have all undergone an extensive
14 period of high inflation that has been
15 devastating for New Yorkers. Food prices are
16 high, energy prices are high, and people are
17 struggling just to get by on a day-to-day basis.
18 We have set forth ambitious goals for renewable
19 energy in the state, but we have done so without
20 doing the due diligence of what this will cost
21 our ratepayers.

22 If electric bills go up because of
23 actions of this Legislature that force
24 New Yorkers to take {sic}, more and more people
25 will continue to leave our state. We should do

1 at least the very minimum and inform the public
2 about what these renewable energy systems will
3 cost them.

4 For these reasons, Madam President,
5 I strongly urge you to reconsider your ruling.

6 ACTING PRESIDENT PERSAUD: Thank
7 you, Senator.

8 I want to remind the house that the
9 vote is on the procedures of the house and the
10 ruling of the chair.

11 Those in favor of overruling the
12 chair, signify by saying aye.

13 (Response of "Aye.")

14 SENATOR LANZA: Show of hands.

15 ACTING PRESIDENT PERSAUD: A show
16 of hands has been requested and so ordered.

17 Announce the results.

18 THE SECRETARY: Ayes, 20.

19 ACTING PRESIDENT PERSAUD: The
20 ruling of the chair stands, and the bill-in-chief
21 is before the house.

22 Senator Lanza, why do you rise?

23 SENATOR LANZA: Madam President, I
24 believe there's a second amendment at the desk.
25 I waive the reading of that amendment and I ask

1 that you recognize, this time, Senator Mattera.

2 ACTING PRESIDENT PERSAUD: Thank
3 you, Senator Lanza.

4 Upon review of the amendment, in
5 accordance with Rule 6, Section 4B, I rule it
6 nongermane and out of order at this time.

7 SENATOR MATTERA: Thank you,
8 Madam President. I rise to appeal the ruling of
9 the --

10 ACTING PRESIDENT PERSAUD: Hold on.
11 Senator Lanza.

12 I ruled it nongermane,
13 Senator Lanza.

14 SENATOR LANZA: Oh, did you.
15 (Laughter.)

16 SENATOR LANZA: I was hopeful on
17 this one.

18 (Laughter.)

19 SENATOR LANZA: Accordingly,
20 Madam President, I appeal the ruling of the chair
21 and ask that Senator Mattera be heard on that
22 appeal.

23 ACTING PRESIDENT PERSAUD: Okay.
24 The appeal has been made and recognized, and
25 Senator Mattera may be heard.

1 Senator Mattera.

2 SENATOR MATTERA: Thank you again,
3 Madam President.

4 I rise to appeal the ruling of the
5 chair. The proposed amendment is germane to the
6 bill at hand because the bill at hand requires an
7 annual accounting of the state spending on
8 stormwater and flooding reduction projects. And
9 this amendment requires a study on the impact on
10 taxpayers and ratepayers of the implementation of
11 the CLCPA, Climate Leadership and Community
12 Protection Act.

13 The newly created task force would
14 be required to consider the impact on monthly
15 bills for ratepayers; the total cost of spending
16 by the state; the total cost of any tax credits
17 on state revenues; the cost to municipalities,
18 businesses, and school districts to meet various
19 requirements.

20 Last week we all heard from NYSERDA
21 that we are behind in implementation of the CLCPA
22 goals. But we need other sources of renewable
23 energy. We need to retool all of our power
24 plants' carbon capture; sewage-to-heat recovery
25 expansion with our sewage treatment plants and

1 our big facilities; nuclear, green hydrogen,
2 geothermal and more.

3 We also heard that we still don't
4 know what the total cost of this will be. No
5 New Yorker knows. How much? I'll tell you,
6 three to four times more our electric bills will
7 be going up to all New Yorkers. Wind, solar,
8 battery storage is not enough to create energy
9 needed for our future energy needs.

10 We all, as a state, have set forth
11 ambitious deadlines to meet emission goals, and
12 the further we fall behind, the more it will cost
13 to meet those goals.

14 Our response to climate change has
15 been the cart before the horse, without the
16 regard for how it will impact people just trying
17 to pay their monthly bills. We need a plan, not
18 a ban. And I know, Senator Stec, you were
19 waiting for me to say that.

20 SENATOR STEC: Thank God.

21 (Laughter.)

22 SENATOR MATTERA: If the state is
23 going to force New Yorkers to undertake these
24 structural changes, New Yorkers should know what
25 it will cost them -- again, three to four times

1 their electric bill costs.

2 For these reasons, Madam President,
3 I strongly urge you to reconsider your ruling.

4 Thank you.

5 ACTING PRESIDENT PERSAUD: Thank
6 you, Senator.

7 I want to remind the house that the
8 vote is on the procedures of the house and the
9 ruling of the chair.

10 Those in favor of overruling the
11 chair, signify by saying aye.

12 (Response of "Aye.")

13 SENATOR LANZA: Show of hands.

14 ACTING PRESIDENT PERSAUD: A show
15 of hands has been requested and so ordered.

16 Announce the results.

17 THE SECRETARY: Ayes, 20.

18 ACTING PRESIDENT PERSAUD: Senator
19 Gianaris.

20 SENATOR GIANARIS: Let's return
21 this also to the noncontroversial calendar,
22 please.

23 ACTING PRESIDENT PERSAUD: The
24 Secretary will read the last section.

25 THE SECRETARY: Section 3. This act

1 shall take effect on the first of February.

2 ACTING PRESIDENT PERSAUD: Call the
3 roll.

4 (The Secretary called the roll.)

5 ACTING PRESIDENT PERSAUD: Senator
6 Harckham to explain his vote.

7 SENATOR HARCKHAM: Thank you very
8 much, Madam President.

9 To my friends across the aisle, I'm
10 honored -- not one, but two hostile amendments.
11 Thank you.

12 (Laughter.)

13 SENATOR HARCKHAM: Thank you. I
14 must have done something right this morning. But
15 I would have thought we would be debating
16 Doodletown Brook, if anything.

17 (Laughter.)

18 SENATOR HARCKHAM: So I thank you.

19 Before I explain my vote, I would
20 just like to put a couple of items on the record
21 in response to my colleagues' comments.

22 The costs of the plan have been
23 exhaustively studied, documented and reported.
24 It's Chapter 10 of the Climate Scoping Plan.
25 It's online, on the NYSERDA website, on the DEC

1 website. I encourage all of our residents to
2 read it. Not only are the costs of the plan on
3 here across all sectors, there are also the
4 rewards of doing the plan.

5 And so by implementing the plan to
6 protect our planet, we will be creating over
7 210,000 high-paying jobs.

8 Now, there will be a loss of jobs,
9 there will be a dislocation as we transfer. The
10 loss of about 22,000 jobs; the gain of about
11 210,000 jobs. That's almost 10 to one. But we
12 care very deeply about each and every person who
13 may lose a job, and that's why we talk about the
14 just transition.

15 And as someone who represents
16 Indian Point, where we didn't have these plans in
17 place, I've seen firsthand what happens when we
18 don't do it right. So I share the comments that
19 we need to do this right.

20 But if we don't do this plan -- and
21 again, the costs are explained in here --
22 \$265 billion in costs to our economy from the
23 constant storms. We are paying for climate
24 change right now. So we can either pay for a
25 plan to mitigate and prevent and to harden and to

1 deal with the resiliency, as some colleagues have
2 mentioned on their bills today, or we can
3 continue to pay the costs of the \$265 billion.

4 The other I would add is because of
5 poor air quality as a copollutant of carbon-based
6 fuels, 1500 New Yorkers die every year -- from
7 asthma, from lung disease, from heart disease.
8 And that's not me saying that, that's the medical
9 community. Fifteen hundred New Yorkers dying
10 needlessly because of our carbon-based economy.

11 So again, I just want to say to
12 everybody, Chapter 10 of the Climate Scoping
13 Plan, costs and benefits laid out, documented. I
14 encourage everyone to read. And I agree with my
15 colleagues on the flooding package. We want to
16 thank the leader. We need to get ahead of this
17 now, aggressively, and invest in resiliency, not
18 just on the other side on adapting to climate
19 change.

20 So I vote aye. Thank you very much,
21 Madam President.

22 ACTING PRESIDENT PERSAUD: Senator
23 Harckham to be recorded in the affirmative.

24 Announce the results.

25 THE SECRETARY: Ayes, 58.

1 ACTING PRESIDENT PERSAUD: The bill
2 is passed.

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

5 SENATOR GIANARIS: Is there any
6 further business at the desk?

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

9 SENATOR GIANARIS: I move to
10 adjourn until tomorrow, Wednesday,
11 February 14th -- Valentine's Day -- at 11:00 a.m.

12 ACTING PRESIDENT PERSAUD: On
13 motion, the Senate stands adjourned until
14 Wednesday, February 14th, at 11:00 a.m.

15 (Whereupon, at 3:47 p.m., the Senate
16 adjourned.)

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