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NEW YORK STATE SENATE

THE STENOGRAPHIC RECORD

ALBANY, NEW YORK

March 19, 2024

3:27 p.m.

REGULAR SESSION

SENATOR SHELLEY B. MAYER, Acting President

ALEJANDRA N. PAULINO, ESQ., Secretary

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

2 ACTING PRESIDENT MAYER: The Senate
3 will come to order.

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

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

8 ACTING PRESIDENT MAYER: 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 MAYER: Reading of
14 the Journal.

15 THE SECRETARY: In Senate, Monday,
16 March 18, 2024, the Senate met pursuant to
17 adjournment. The Journal of Sunday, March 17,
18 2024, was read and approved. On motion, the
19 Senate adjourned.

20 ACTING PRESIDENT MAYER: 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 I move to adopt the Resolution
9 Calendar, with the exception of Resolution 2002.

10 ACTING PRESIDENT MAYER: All those
11 in favor of adopting the Resolution Calendar,
12 with the exception of Resolution 2002, please
13 signify by saying aye.

14 (Response of "Aye.")

15 ACTING PRESIDENT MAYER: Opposed,
16 nay.

17 (No response.)

18 ACTING PRESIDENT MAYER: The
19 Resolution Calendar is adopted.

20 Senator Gianaris.

21 SENATOR GIANARIS: Let's now take
22 up Resolution 2002, by Senator Martinez, read its
23 title and recognize Senator Martinez.

24 ACTING PRESIDENT MAYER: The
25 Secretary will read.

1 THE SECRETARY: Resolution 2002, by
2 Senator Martinez, welcoming and paying tribute to
3 David Gill, the Consul General of Germany in
4 New York State, upon the occasion of his visit to
5 the New York State Capitol on March 19 and 20,
6 2024.

7 ACTING PRESIDENT MAYER: Senator
8 Martinez on the resolution.

9 SENATOR MARTINEZ: Good afternoon,
10 Madam President. And thank you all for being
11 here today to welcome our Consul General today.

12 And it's a pleasure to introduce
13 him, Consul General David Gill from New York --
14 born in the 1960s in the former German Democratic
15 Republic, where his journey embodies the spirit
16 of resilience and determination.

17 Denied the opportunity to attend
18 public schools or university for political
19 reasons, he initially trained as a plumber before
20 finding an opportunity to pursue higher education
21 through classes run by the church, which were not
22 recognized by the Communist regime at that time,
23 before becoming a student of theology.

24 Through his passion for civil and
25 human rights, Consul General Gill served as

1 chairman of the Normannenstrasse Citizens
2 Committee and would eventually oversee the
3 dissolution of the East German Ministry of State
4 Security, commonly known as Stasi. After German
5 reunification, Consul General Gill served as
6 spokesperson and head of the research division of
7 the Federal Commissioner for the Stasi Files,
8 before studying law in Philadelphia and other
9 cities.

10 Consul General Gill served Germany
11 in several capacities, including as State
12 Secretary and Chief of Staff to former German
13 Federal President Gauck in 2012, prior to finally
14 beginning his diplomatic career in 2017.

15 Today, as German Consul General in
16 New York, Consul General Gill's work focuses on
17 maintaining strong ties between Germany and the
18 United States, based upon those allies' shared
19 democratic values.

20 I had the pleasure of visiting
21 Germany in October, and it was an amazing city --
22 amazing country. I visited both Berlin and
23 Munich, and the hospitality that this country
24 gave to me and others who visited was just
25 amazing, and aside from the food being delicious.

1 But it was nice to see different cultures across
2 the world and across our world honestly, and how
3 things are similar and differ but yet, at the end
4 of the day, we're all one society.

5 And I just want to thank you for
6 being here today and for opening the doors to
7 many of us, not just here in New York but abroad.
8 And I hope to visit again. But thank you so much
9 for coming here today.

10 And, Madam President, please join me
11 in welcoming Consul General Gill to the Capitol
12 of this great state.

13 ACTING PRESIDENT MAYER: Senator
14 Fernandez on the resolution.

15 SENATOR FERNANDEZ: Thank you.
16 Well, danke schön, Madam President. Danke so
17 much for this moment, this opportunity to welcome
18 our new friend, the Consul General of Germany
19 here to our State Capitol to see how we do this
20 work.

21 I was on that trip as well, and it
22 was an amazing experience. I've shared one of
23 the visits that we did in Germany, in Munich, at
24 Camp Dachau. And the conversation just around
25 how Germany has been able to come back from a

1 place that was so dark to now a place that is so
2 welcoming to everyone in the world is truly
3 remarkable. And I thank them for that education,
4 that experience, and I'm so happy to welcome them
5 today.

6 So wunderbar, you made it to
7 New York, to Albany!

8 Thank you.

9 ACTING PRESIDENT MAYER: To our
10 guest, Consul General David Gill, I welcome you
11 on behalf of the Senate. Please rise -- you are
12 risen -- and be recognized. We extend to you the
13 privileges and courtesies of the house.

14 (Standing ovation.)

15 ACTING PRESIDENT MAYER: The
16 question is on the resolution. All in favor
17 signify by saying aye.

18 (Response of "Aye.")

19 ACTING PRESIDENT MAYER: Opposed,
20 nay.

21 (No response.)

22 ACTING PRESIDENT MAYER: The
23 resolution is adopted.

24 Senator Gianaris.

25 SENATOR GIANARIS: Now let's take

1 up previously adopted Resolution 1829, by
2 Senator Kennedy, read its title and recognize
3 Senator Kennedy.

4 ACTING PRESIDENT MAYER: The
5 Secretary will read.

6 THE SECRETARY: Resolution 1829,
7 by Senator Kennedy, memorializing Governor
8 Kathy Hochul to proclaim March 2024 as
9 Bleeding Disorders Awareness Month in the
10 State of New York.

11 ACTING PRESIDENT MAYER: Senator
12 Kennedy on the resolution.

13 SENATOR KENNEDY: Thank you,
14 Madam President.

15 I rise today to recognize this
16 month, March 2024, as Bleeding Disorders
17 Awareness Month in New York State.

18 I'd like to welcome to the gallery
19 here today a couple of wonderful advocates for
20 the New York State Bleeding Disorders Coalition:
21 The coordinator, Jessica Graham, who's also the
22 president of the Bleeding Disorders Advocacy
23 Network, as well as Bob Graham, who is the public
24 policy director for the coalition.

25 Yesterday we were joined by a number

1 of other advocates from the Buffalo area: Mikel
2 Lewis-Myree; Mya-Isabella Samuel; Taraca Myree,
3 who is the mother of Mya and Mikel; Marlene
4 Golden, the grandmother of Mya and Mikel;
5 John Alduino; and Arianna Nichelson.

6 Now, they were here to make sure
7 that the awareness of these bleeding disorders is
8 made very clear through this month, because it's
9 so personal for so many New Yorkers, one in a
10 hundred of which are affected by bleeding
11 disorders, including a variety of genetic
12 conditions -- hemophilia, von Willebrand disease,
13 sickle cell anemia, and platelet disorders, just
14 to name a few.

15 As recently as the 1960s, there was
16 no treatment for people with bleeding disorders.
17 And those with serious symptoms such as prolonged
18 bleeding, debilitating joint and muscle damage,
19 organ failure, often have a very limited life
20 expectancy, sometimes only upwards of 40 years.
21 But fast forward to today, and there's hope.
22 With the right treatment, people diagnosed with
23 bleeding disorders are leading full, productive
24 lives.

25 Part of that is due to the

1 advancement in medicine and research that's
2 profoundly impacted what we know about these
3 disorders and how we treat them. And the other
4 part is credited to early diagnosis, proper care,
5 and ensuring that patients have access to
6 medication and services that they need.

7 With all of these ways that we're
8 improving individuals' lives with bleeding
9 disorders, it revolves around awareness. So by
10 recognizing March as Bleeding Disorders Awareness
11 Month, New York's aligning itself with the
12 National Bleeding Disorders Awareness Month.

13 And fostering this public awareness,
14 and understanding these disorders with the hope
15 of educating New Yorkers about the symptoms and
16 encouraging early detection and treatment, will
17 help to save and enhance lives here in this great
18 state.

19 The National Hemophilia Foundation
20 is encouraging our greater community to start the
21 conversation this month, and that's exactly what
22 we're doing here again today. And I encourage
23 our colleagues, Madam President, to join with us
24 to start this conversation and potentially save
25 lives.

1 With that, Madam President, I thank
2 you and I vote aye.

3 ACTING PRESIDENT MAYER: The
4 resolution was previously adopted on
5 February 27th.

6 Senator Gianaris.

7 But before that, to our guests, I
8 welcome you on behalf of the Senate. We extend
9 to you the privileges and courtesies of the
10 house. Please rise and be recognized.

11 (Standing ovation.)

12 ACTING PRESIDENT MAYER: As I
13 noted, the resolution was previously adopted on
14 February 27th.

15 Senator Gianaris.

16 SENATOR GIANARIS: Madam President,
17 at the request of the sponsors, the resolutions
18 are open for cosponsorship.

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

23 Senator Gianaris.

24 SENATOR GIANARIS: Please take up
25 the calendar.

1 ACTING PRESIDENT MAYER: The
2 Secretary will read.

3 THE SECRETARY: Calendar Number 84,
4 Senate Print 935, by Senator Kennedy, an act to
5 amend the Real Property Tax Law.

6 ACTING PRESIDENT MAYER: Read the
7 last section.

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

11 ACTING PRESIDENT MAYER: Call the
12 roll.

13 (The Secretary called the roll.)

14 ACTING PRESIDENT MAYER: Announce
15 the results.

16 THE SECRETARY: Ayes, 60.

17 ACTING PRESIDENT MAYER: The bill
18 is passed.

19 THE SECRETARY: Calendar Number
20 151, Senate Print 8109, by Senator Mannion, an
21 act to amend the State Administrative Procedure
22 Act.

23 ACTING PRESIDENT MAYER: Read the
24 last section.

25 THE SECRETARY: Section 3. This

1 act shall take effect immediately.

2 ACTING PRESIDENT MAYER: Call the
3 roll.

4 (The Secretary called the roll.)

5 ACTING PRESIDENT MAYER: Announce
6 the results.

7 THE SECRETARY: Ayes, 61.

8 ACTING PRESIDENT MAYER: The bill
9 is passed.

10 THE SECRETARY: Calendar Number
11 216, Senate Print 1303B, by Senator Parker, an
12 act to amend the Public Service Law.

13 ACTING PRESIDENT MAYER: Read the
14 last section.

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

17 ACTING PRESIDENT MAYER: Call the
18 roll.

19 (The Secretary called the roll.)

20 ACTING PRESIDENT MAYER: Announce
21 the results.

22 THE SECRETARY: In relation to
23 Calendar 216, those Senators voting in the
24 negative are Senators Ashby, Borrello,
25 Canzoneri-Fitzpatrick, Lanza, Martins, Murray,

1 Oberacker, O'Mara, Ortt, Rhoads, Stec, Tedisco
2 and Weik.

3 Ayes, 48. Nays, 13.

4 ACTING PRESIDENT MAYER: The bill
5 is passed.

6 THE SECRETARY: Calendar Number
7 217, Senate Print 1851B, by Senator Hinchey, an
8 act to amend the Public Service Law.

9 ACTING PRESIDENT MAYER: Read the
10 last section.

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

13 ACTING PRESIDENT MAYER: Call the
14 roll.

15 (The Secretary called the roll.)

16 ACTING PRESIDENT MAYER: Announce
17 the results.

18 THE SECRETARY: In relation to
19 Calendar 217, voting in the negative:
20 Senator Griffo.

21 Ayes, 60. Nays, 1.

22 ACTING PRESIDENT MAYER: The bill
23 is passed.

24 THE SECRETARY: Correction. In
25 relation to Calendar 217: Ayes, 61. Senator

1 Griffo in the affirmative.

2 ACTING PRESIDENT MAYER: The bill
3 is passed.

4 THE SECRETARY: Calendar Number
5 218, Senate Print 2432, by Senator Comrie, an act
6 to amend the Public Service Law.

7 ACTING PRESIDENT MAYER: Read the
8 last section.

9 THE SECRETARY: Section 6. This
10 act shall take effect immediately.

11 ACTING PRESIDENT MAYER: Call the
12 roll.

13 (The Secretary called the roll.)

14 ACTING PRESIDENT MAYER: Announce
15 the results.

16 THE SECRETARY: In relation to
17 Calendar 218, those Senators voting in the
18 negative are Senators Borrello,
19 Canzoneri-Fitzpatrick, Palumbo, Weber and Weik.

20 Ayes, 56. Nays, 5.

21 ACTING PRESIDENT MAYER: The bill
22 is passed.

23 THE SECRETARY: Calendar Number
24 266, Senate Print 2623A, by Senator Parker, an
25 act to direct the Department of State and the

1 Public Service Commission to jointly study and
2 report upon the provision to consumer credit
3 reporting agencies.

4 ACTING PRESIDENT MAYER: Read the
5 last section.

6 THE SECRETARY: Section 4. This
7 act shall take effect immediately.

8 ACTING PRESIDENT MAYER: Call the
9 roll.

10 (The Secretary called the roll.)

11 ACTING PRESIDENT MAYER: Announce
12 the results.

13 THE SECRETARY: In relation to
14 Calendar 266, those Senators voting in the
15 negative are Senators Martins, O'Mara and Ortt.
16 Ayes, 58. Nays, 3.

17 ACTING PRESIDENT MAYER: The bill
18 is passed.

19 THE SECRETARY: Calendar Number
20 277, Senate Print 1104, by Senator Comrie, an act
21 to amend the Public Authorities Law.

22 ACTING PRESIDENT MAYER: Read the
23 last section.

24 THE SECRETARY: Section 4. This
25 act shall take effect on the 90th day after it

1 shall have become a law.

2 ACTING PRESIDENT MAYER: Call the
3 roll.

4 (The Secretary called the roll.)

5 ACTING PRESIDENT MAYER: Announce
6 the results.

7 THE SECRETARY: Ayes, 61.

8 ACTING PRESIDENT MAYER: The bill
9 is passed.

10 THE SECRETARY: Calendar Number
11 293, Senate Print 4882, by Senator Mayer, an act
12 to amend the Public Service Law.

13 ACTING PRESIDENT MAYER: Read the
14 last section.

15 THE SECRETARY: Section 8. This
16 act shall take effect on the 90th day after it
17 shall have become a law.

18 ACTING PRESIDENT MAYER: Call the
19 roll.

20 (The Secretary called the roll.)

21 ACTING PRESIDENT MAYER: Announce
22 the results.

23 THE SECRETARY: In relation to
24 Calendar 293, those Senators voting in the
25 negative are Senators Ashby, Borrello,

1 Canzoneri-Fitzpatrick, Gallivan, Griffio, Helming,
2 Lanza, Martins, Mattera, Murray, Oberacker,
3 O'Mara, Ortt, Palumbo, Rhoads, Rolison, Stec,
4 Tedisco, Weber and Weik.

5 Ayes, 41. Nays, 20.

6 ACTING PRESIDENT MAYER: The bill
7 is passed.

8 THE SECRETARY: Calendar Number
9 296, Senate Print 6557A, by Senator Mayer, an act
10 to amend the Public Service Law.

11 ACTING PRESIDENT MAYER: Read the
12 last section.

13 THE SECRETARY: Section 3. This
14 act shall take effect one year after it shall
15 have become a law.

16 ACTING PRESIDENT MAYER: Call the
17 roll.

18 (The Secretary called the roll.)

19 ACTING PRESIDENT MAYER: Senator
20 Borrello to explain his vote.

21 SENATOR BORRELLO: Thank you,
22 Madam President.

23 I understand that the idea here is
24 to create some kind of a standard annual analysis
25 of the return on equity for utilities. But

1 even -- this is being sold as a way to, I guess,
2 level the playing field, but the reality is it is
3 going to hamstring not just the PSC, but also the
4 utility companies as they come in to negotiate
5 their rate negotiations.

6 So really this is going to be --
7 it's going to hinder both sides, in my opinion.
8 That's why I'm opposed to this.

9 But really when you enter into a
10 negotiation, when you're trying to negotiate
11 something as important as a rate that's going to
12 affect hundreds of thousands of people, you want
13 to go in there knowing that each side has their
14 determining point, their starting point, and
15 they're going to meet in the middle.

16 This will handcuff them and make it
17 unable for them to really, I think, fairly
18 negotiate good rates on behalf of the ratepayers.

19 So I'll be a no. Thank you.

20 ACTING PRESIDENT MAYER: Senator
21 Borrello to be recorded in the negative.

22 Announce the results.

23 THE SECRETARY: In relation to
24 Calendar 296, those Senators voting in the
25 negative are Senators Ashby, Borrello, O'Mara,

1 Ortt, Palumbo, Tedisco, Weber and Weik.

2 Ayes, 53. Nays, 8.

3 ACTING PRESIDENT MAYER: The bill
4 is passed.

5 THE SECRETARY: Calendar Number
6 297, Senate Print 6710, by Senator Skoufis, an
7 act to amend the Public Service Law.

8 ACTING PRESIDENT MAYER: Read the
9 last section.

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

12 ACTING PRESIDENT MAYER: Call the
13 roll.

14 (The Secretary called the roll.)

15 ACTING PRESIDENT MAYER: Announce
16 the results.

17 THE SECRETARY: Ayes, 61.

18 ACTING PRESIDENT MAYER: The bill
19 is passed.

20 THE SECRETARY: Calendar Number
21 324, Senate Print 1147A, by Senator Krueger, an
22 act to amend the Tax Law.

23 ACTING PRESIDENT MAYER: Read the
24 last section.

25 THE SECRETARY: Section 3. This

1 act shall take effect on the first of April.

2 ACTING PRESIDENT MAYER: Call the
3 roll.

4 (The Secretary called the roll.)

5 ACTING PRESIDENT MAYER: Announce
6 the results.

7 THE SECRETARY: In relation to
8 Calendar 324, those Senators voting in the
9 negative are Senators Ashby, Borrello,
10 Canzoneri-Fitzpatrick, Gallivan, Griffio, Helming,
11 Lanza, Martins, Murray, Oberacker, O'Mara, Ortt,
12 Palumbo, Rhoads, Stec, Tedisco, Weber and Weik.

13 Ayes, 43. Nays, 18.

14 ACTING PRESIDENT MAYER: The bill
15 is passed.

16 THE SECRETARY: Calendar Number
17 348, Senate Print 258, by Senator Serrano, an act
18 to amend the Executive Law.

19 ACTING PRESIDENT MAYER: Read the
20 last section.

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

23 ACTING PRESIDENT MAYER: Call the
24 roll.

25 (The Secretary called the roll.)

1 ACTING PRESIDENT MAYER: Announce
2 the results.

3 THE SECRETARY: In relation to
4 Calendar 348, those Senators voting in the
5 negative are Senators Ashby, Borrello,
6 Canzoneri-Fitzpatrick, Gallivan, Griffio, Helming,
7 Lanza, Martins, Mattera, Murray, Oberacker,
8 O'Mara, Ortt, Palumbo, Rhoads, Rolison, Stec,
9 Tedisco, Weber and Weik.

10 Ayes, 41. Nays, 20.

11 ACTING PRESIDENT MAYER: The bill
12 is passed.

13 THE SECRETARY: Calendar Number
14 419, Senate Print 2496, by Senator Mannion, an
15 act to amend the Social Services Law.

16 ACTING PRESIDENT MAYER: Read the
17 last section.

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

20 ACTING PRESIDENT MAYER: Call the
21 roll.

22 (The Secretary called the roll.)

23 ACTING PRESIDENT MAYER: Announce
24 the results.

25 THE SECRETARY: Ayes, 61.

1 ACTING PRESIDENT MAYER: The bill
2 is passed.

3 THE SECRETARY: Calendar Number
4 453, Senate Print 8456, by Senator Rivera, an act
5 to amend the Public Health Law.

6 ACTING PRESIDENT MAYER: Read the
7 last section.

8 THE SECRETARY: Section 6. This
9 act shall take effect immediately.

10 ACTING PRESIDENT MAYER: Call the
11 roll.

12 (The Secretary called the roll.)

13 ACTING PRESIDENT MAYER: Announce
14 the results.

15 THE SECRETARY: Ayes, 61.

16 ACTING PRESIDENT MAYER: The bill
17 is passed.

18 THE SECRETARY: Calendar Number
19 469, Senate Print 3409, by Senator Skoufis, an
20 act to amend the General Municipal Law.

21 ACTING PRESIDENT MAYER: Read the
22 last section.

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

1 ACTING PRESIDENT MAYER: Call the
2 roll.

3 (The Secretary called the roll.)

4 ACTING PRESIDENT MAYER: Announce
5 the results.

6 THE SECRETARY: In relation to
7 Calendar 469, those Senators voting in the
8 negative are Senators Ashby, Borrello,
9 Canzoneri-Fitzpatrick, Gallivan, Griffio, Helming,
10 Martins, Mattera, Murray, Oberacker, O'Mara,
11 Ortt, Palumbo, Rhoads, Rolison, Stec, Tedisco,
12 Weber and Weik.

13 Ayes, 42. Nays, 19.

14 ACTING PRESIDENT MAYER: The bill
15 is passed.

16 THE SECRETARY: Calendar Number
17 476, Senate Print 2016B, by Senator Krueger, an
18 act to amend the Public Service Law.

19 SENATOR LANZA: Lay it aside.

20 ACTING PRESIDENT MAYER: The bill
21 is laid aside.

22 THE SECRETARY: Calendar Number
23 619, Senate Print 7516, by Senator Salazar, an
24 act to amend the Judiciary Law.

25 ACTING PRESIDENT MAYER: Read the

1 last section.

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

4 ACTING PRESIDENT MAYER: Call the
5 roll.

6 (The Secretary called the roll.)

7 ACTING PRESIDENT MAYER: Announce
8 the results.

9 THE SECRETARY: Ayes, 61.

10 ACTING PRESIDENT MAYER: The bill
11 is passed.

12 Senator Gianaris, that completes --
13 oh, Senator Serrano, that completes the reading
14 of today's calendar.

15 SENATOR SERRANO: Thank you. Can
16 you please go to the reading of the controversial
17 calendar.

18 ACTING PRESIDENT MAYER: The
19 Secretary will ring the bell.

20 The Secretary will read.

21 THE SECRETARY: Calendar Number
22 476, Senate Print 2016B, by Senator Krueger, an
23 act to amend the Public Service Law.

24 ACTING PRESIDENT MAYER: Senator
25 Lanza, why do you rise?

1 SENATOR LANZA: Madam President, I
2 believe there's an amendment at the desk. I
3 waive the reading of that amendment and ask that
4 you recognize Senator Canzoneri-Fitzpatrick to be
5 heard.

6 ACTING PRESIDENT MAYER: Thank you,
7 Senator Lanza.

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

11 SENATOR LANZA: Accordingly,
12 Madam President, I appeal the ruling of the chair
13 and ask that Senator Canzoneri-Fitzpatrick be
14 heard on that appeal.

15 ACTING PRESIDENT MAYER: The appeal
16 has been made and recognized, and
17 Senator Canzoneri-Fitzpatrick may be heard.

18 SENATOR CANZONERI-FITZPATRICK:
19 Thank you, Madam President.

20 I rise to appeal the ruling of the
21 chair. The proposed amendment is germane to the
22 bill at hand because the bill at hand creates
23 provisions that will increase the cost of
24 electricity for families, and my amendment limits
25 the impact those costs will have and ensures we

1 have a comprehensive analysis of how the policies
2 that come out of this body would potentially
3 impact everyday New Yorkers' wallets.

4 We are living through a time of
5 tremendous economic uncertainty. As the cost of
6 living continues to rise, from grocery bills to
7 utility bills, more and more families are
8 struggling to make ends meet. Our job as
9 representatives of the people of New York is to
10 make their lives easier and more affordable. And
11 I can tell you that I have not heard from any
12 constituents asking for Albany to make their
13 electric bills higher.

14 Families' monthly electric bills are
15 already loaded up with taxes that drive up costs.
16 These taxes have been imposed because of policies
17 that this chamber has put in place without
18 consideration of the cost to the middle class.
19 The bill before us today would potentially create
20 additional electricity taxes on 75 percent of
21 this state.

22 The legislation before us follows a
23 common theme we see from this body, passing
24 policy to reach ambitious goals without taking a
25 commonsense first-step assessment of the direct

1 impact those policies have on New Yorkers.

2 For the constituents and families I
3 meet, when they have goals or want to make a big
4 purchase, what's the first thing they do? They
5 make a budget. They plan, they determine their
6 costs and what the benefits are, and if they
7 determine that the benefits outweigh the costs,
8 then they go forward. Other times, when the
9 costs outweigh the benefits, they reassess and go
10 from there.

11 Why should our state government
12 operate any differently?

13 My amendment will prohibit the
14 Public Service Commission and the Legislature
15 from imposing any new surcharge, assessment, tax
16 or fee or cost-bearing regulation on New Yorkers
17 without first conducting an analysis of the costs
18 of the proposed environmental and energy
19 policies that have come and continue to come out
20 of Albany.

21 We owe it to New Yorkers to be
22 transparent on how the policies coming out of
23 this body will impact their lives and their
24 budgets, and this amendment will surely do that.

25 For those reasons, Madam Chair, I

1 strongly urge you to reconsider your ruling.

2 Thank you.

3 ACTING PRESIDENT MAYER: Thank you,
4 Senator.

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

8 Those in favor of overruling the
9 chair, signify by saying aye.

10 (Response of "Aye.")

11 SENATOR LANZA: Show of hands.

12 ACTING PRESIDENT MAYER: A show of
13 hands has been requested and so ordered.

14 Announce the results.

15 THE SECRETARY: Ayes, 20.

16 ACTING PRESIDENT MAYER: The ruling
17 of the chair stands, and the bill-in-chief is
18 before the house.

19 Senator Mattera, why do you rise?

20 SENATOR MATTERA: Thank you,
21 Madam President. Would the sponsor yield for a
22 whole bunch of questions?

23 (Laughter.)

24 ACTING PRESIDENT MAYER: Senator
25 Krueger, do you yield for a whole bunch of

1 questions?

2 SENATOR KRUEGER: Madam President,
3 how many is a whole bunch?

4 (Laughter.)

5 SENATOR KRUEGER: Yes, I will.

6 ACTING PRESIDENT MAYER: Thank you.

7 The Senator yields, and I don't know
8 the answer.

9 (Laughter.)

10 SENATOR MATTERA: Thank you,
11 Senator Krueger.

12 You know, last week we had a
13 discussion also too, but it was very fast. We
14 only had a couple of hours. And I'm -- you know,
15 I'm going to get back into the same question that
16 I did ask.

17 I understand that this legislation
18 abolishes the hundred-foot rule, which obligates
19 a utility to connect any customer within 100 feet
20 of a gas line to a main line, free of charge.

21 Companies I've spoken to that
22 operate in this space have told me that this will
23 lead them to lay off 30 percent or more of their
24 workforce. Again, does this legislation contain
25 any funding to retrain those laid-off workers?

1 All these utility workers, these union utility
2 workers, all the union plumbers, the non-union
3 plumbers, contractors that are going to be losing
4 workers in this field -- what are we doing,
5 again, to retrain?

6 You had a couple of days to think
7 about it, and I was just wondering, have you had
8 any thoughts since?

9 SENATOR KRUEGER: Thank you so
10 much, Senator.

11 So this bill says we don't need to
12 do new gas pipes for the last hundred feet --
13 which, by the way, the ratepayers pay for. Okay?
14 It's not free. The utility companies charge the
15 ratepayers approximately \$200 million a year to
16 put in these pipes for the last hundred feet.

17 And we have passed other laws in
18 this state saying that we're no longer going to
19 be allowing gas- and oil-driven new buildings.

20 So we're going to continue to build
21 new buildings, as we should. We're going to
22 continue to retrofit buildings. But why would we
23 continue to demand ratepayers pay up to
24 \$200 million a year to build pipes that are no
25 longer legally going to be able to be used? So

1 that's the answer to the hundred-foot question.

2 But as far as the specific question
3 about what will happen if people don't have jobs
4 to build these last hundred feet of gas and oil
5 pipes, here's the good news. We are shifting our
6 economy into new renewable energy. We have
7 mandated that in other laws that we have passed
8 in this Legislature, signed by the Governor. We
9 are mandated to do that by international treaties
10 this country has signed.

11 And we are mandated to do that
12 because every scientist in the world has told us
13 if we don't change our behavior when it comes to
14 the use of oil and gas, we're going to burn up.

15 So we know we need to do this. The
16 great news to give you is there will be more jobs
17 building a new renewable economy. And it is true
18 there won't be jobs in certain activities laying
19 oil and gas pipes. But there will be jobs for
20 pipes. You and I have already discussed how
21 great geothermal energy is, ensuring that there
22 will still be pipes being put in the ground
23 needing repair. But there it will be steam and
24 hot water running through them, not oil and gas.

25 We already know and have talked to

1 endless labor about the fact that there will be
2 all kinds of jobs that don't exist now for their
3 workers. They may need to be retrained. Many of
4 them, frankly, will have retired by the time we
5 make the transition, and the new generation of
6 workers will have new kinds of jobs.

7 And we have put money into other
8 parts of the budget -- not this bill --
9 specifically to help with the retraining of
10 workers who might not in fact have jobs in oil
11 and gas anymore. I gave you the list last week.
12 I can get it again, yes. (Pause.)

13 So we put 25 million into the
14 Department of Labor/New York Power Authority for
15 retraining, Office of Just Transition. We put
16 \$90 million into SUNY decarbonization to provide
17 education for retraining. And we've put --
18 that's proposed in our one-house, excuse me. And
19 there's \$200 million, over \$200 million in the
20 Department of Labor Strategic Workforce Program.

21 So we are investing a significant
22 amount of money to make sure that workers who
23 need retraining or workers who want to come into
24 industries that never even existed till now will
25 be able to do so.

1 SENATOR MATTERA: Would the sponsor
2 continue to yield.

3 ACTING PRESIDENT MAYER: Senator
4 Krueger, do you yield?

5 SENATOR KRUEGER: Yes indeed.

6 ACTING PRESIDENT MAYER: The
7 Senator yields.

8 SENATOR MATTERA: So, Senator, we
9 have letters here of opposition from IBEW workers
10 unions, other unions that -- have you had a
11 chance to sit down with them at all? Have they
12 been -- did they approach you at all with any of
13 this to sit there and say, guess what, we -- you
14 know, this is the cart before the horse, this
15 mandate's not good; you know, our goals are
16 great, but mandates are not going to work?

17 Have you sat down and talked to any
18 of these union reps? And when you had the
19 discussion with them you're explaining this to
20 them also?

21 SENATOR KRUEGER: I do. My staff
22 and I have met with quite a few locals, and we
23 have gone back and forth on the materials. And I
24 have to say some are raising the points you
25 raise. Others are admitting the world is

1 changing, the kinds of jobs that they're going to
2 be hiring people into is changing. And they
3 recognize both with their labor hats and their
4 citizens of this country and planet hats that
5 we've got to change. We just have to get off of
6 oil and gas.

7 So it requires transition. You
8 know, fascinatingly, the economy of the world has
9 had major revolutions any number of times.
10 Before the Industrial Revolution, there were no
11 labor jobs relating to industry because it was
12 pre-Industrial Revolution. We were an
13 agricultural society at one time. And we still
14 have a critical agricultural economy and need to
15 protect it. But we have changed. We are now in
16 a completely different universe of what our
17 economy is, what it's going to be.

18 And the job of government is to make
19 sure that we can transition and be ready and that
20 our workers can be ready to move into the new
21 jobs that we will need and want and want to make
22 sure that they're trained and ready to do.

23 So some locals, to be honest, are a
24 little more uncomfortable with change than
25 others. But the fact is, this is what is

1 actually happening on the planet. So I think,
2 with all due respect, saying we're not ready yet
3 or it's too early is simply a little bit like
4 closing your eyes and hoping everything you
5 already know about climate change and what's
6 happening on this planet isn't.

7 But we can't deny it anymore. We
8 see it every day. It's in our press every day.
9 We have to move forward.

10 And with all due respect, you voted
11 no on a whole series of environmental bills
12 today. And it's the same argument on each of
13 them. We can pretend we don't need to do these
14 things, but we do.

15 SENATOR MATTERA: Would the sponsor
16 continue to yield.

17 ACTING PRESIDENT MAYER: Do you
18 continue to yield?

19 SENATOR KRUEGER: Yes, ma'am.

20 ACTING PRESIDENT MAYER: The
21 Senator yields.

22 SENATOR MATTERA: You know what,
23 Senator -- you know, and I was so proud, you
24 know, you came out to my hydrogen tour, the
25 green -- I really, really appreciate that. You

1 got a little, you know, education on geothermal.

2 When do you really feel that this
3 will be transitioned into what we're talking
4 about? I would love it to be tomorrow morning.
5 I really do. But to be honest with you, what's
6 happening right now, wind, solar and battery
7 storage is sucking up all of our money and it's
8 going to cost trillions of dollars, what we're
9 doing to eliminate our natural gas for our
10 future. The cleanest-burning fuel that there is.

11 Oil, we can have another discussion
12 on that. Totally great. But natural gas, to
13 eliminate it the way this is going -- I'm going
14 to ask you a question. When do you really feel
15 that we're going to be transitioning into our
16 geothermal, our green hydrogen, nuclear -- all
17 the stuff, in other words, that I have
18 feasibility studies for in the Energy Committee.

19 SENATOR KRUEGER: Transition is
20 happening now. We're talking about it, but it's
21 happening.

22 Do you know that the State of Maine
23 has more geothermal heat pumps being put into
24 buildings than any other form of energy?
25 Scandinavia is almost all geothermal now, not

1 boilers, not oil/gas. Minnesota, Michigan --
2 some of the coldest states in this country -- are
3 seeing more growth in geothermal and alternatives
4 to any traditional kind.

5 So you can say when will transition
6 happen, and I'll say look at the statistics: It
7 is happening. It's already happening. It's
8 happening successfully.

9 Now, you asked about other sources.
10 Of course we want to explore every possible new
11 model for moving into green technology. You and
12 I may disagree on nuclear; I am not convinced
13 that there's any safe nuclear yet to be built. I
14 could be wrong, but I don't see anybody trying to
15 do it, either, right now in New York.

16 Natural gas was viewed as a stepping
17 stone. Get off of oil, get the other things
18 working, but hold on to natural gas. We're not
19 outlawing natural gas in this bill. There's
20 nothing in this bill that says you can't continue
21 if you're on natural gas. There's nothing in
22 this bill that says the PSC can't make a ruling
23 that they're going to let you put more pipes in
24 specifically for gas for each individual argument
25 that's made to them.

1 It simply makes it clear that this
2 is no longer a mandate to do this in New York
3 State and gives PSC the ability to say, no, that
4 doesn't make sense here. Oh, you're making an
5 argument there. Oh, this is a special kind of
6 manufacturing.

7 And maybe it does work with
8 hydrogen. I don't know. It depends on what it
9 is. But they will allow that. So we're not
10 outlawing gas in this bill. So if you have that
11 impression, you're incorrect.

12 SENATOR MATTERA: Will the sponsor
13 continue to yield, please?

14 ACTING PRESIDENT MAYER: Do you
15 continue to yield?

16 SENATOR KRUEGER: Yes.

17 ACTING PRESIDENT MAYER: The
18 sponsor yields.

19 SENATOR MATTERA: So what you're
20 doing here with your bill is pretty much saying
21 that utilities aren't going to be able to bring
22 it in and it's going to be -- if anybody, the
23 consumer, the resident of New York State wants to
24 have natural gas, you're telling them pretty much
25 that it's going to cost you that much more to do.

1 So what you're doing is you are not
2 helping the public receive the natural gas to
3 come to their home if they would want it. You're
4 telling them: You're going to have to pay for
5 it.

6 SENATOR KRUEGER: We're saying to
7 the vast majority of ratepayers: You're no
8 longer going to have to pay for it for other
9 people.

10 There may be some -- more likely
11 manufacturing than residential who may make an
12 argument for why they need gas pipes moved into
13 new construction. And it's actually up to PSC
14 how the pricing on that kind of project gets
15 done. But no, we're not saying to people this
16 all becomes your expense.

17 I have to say something else, that
18 it's been brought up -- I believe by you several
19 times, perhaps even in the hostile right before
20 it -- the perception that shifting to renewable
21 energy is going to increase utility payers'
22 costs. It's just the opposite.

23 There is no question but fewer and
24 fewer people will be on a gas/oil system as the
25 years go on. Those people will pay more because

1 there will be so many fewer people in the system
2 because most will have transitioned into
3 something more efficient, cleaner, and frankly
4 less costly. Because we're seeing research
5 showing that kilowatt hour costs for electricity
6 from alternative new renewable energy is actually
7 going down, while the price of gas/oil utility
8 costs is going up. So it's the opposite of what
9 you're claiming.

10 And I get that there are companies
11 who are arguing that's the storyline. But it's
12 not. So we're not charging more for people to
13 stay on oil and gas. But they will end up paying
14 more if they do stay on oil and gas, over time.

15 SENATOR MATTERA: Would the sponsor
16 continue to yield, please.

17 ACTING PRESIDENT MAYER: Do you
18 continue to yield?

19 SENATOR KRUEGER: Yes.

20 ACTING PRESIDENT MAYER: The
21 Senator yields.

22 SENATOR MATTERA: So -- Senator, so
23 there it is, I have oil in my home and I want to
24 go and I want to convert to natural gas. And all
25 of a sudden I can't, because they're saying that

1 you're going to have to pay for the main to come
2 to your house. Am I correct by saying that? So
3 you're going to have to -- you would have to pay
4 for that.

5 So do you realize that -- in other
6 words, then you're saying to people, okay, that's
7 going to cost that, that it's going to cost --
8 that studies have seen -- indicate that these
9 conversions could cost up to as much as \$50,000
10 per home. We discussed this last time also too.

11 What allowances does this
12 legislation make to assist those customers with
13 these costs? I understand that we have a certain
14 percentage of low-income. What are we doing to
15 protect our middle class, again, that is going to
16 have an issue with this that can't even afford --
17 right now they're having a hard time paying their
18 taxes, the highest taxes in the whole Union,
19 okay? And how are they going to go and actually
20 pay for something like this?

21 SENATOR KRUEGER: You're combining
22 two sets of questions, which is fine.

23 SENATOR MATTERA: Well, you can
24 answer one and the other.

25 SENATOR KRUEGER: So the question

1 of what if you are transitioning your current
2 system to an alternative system, that's actually
3 not addressed in this bill, but I'm happy to get
4 to that.

5 But as far as the costs being
6 transferred to other utility customers because of
7 the New York HEAT Act, that's not true. We do
8 put in a maximum of how much your utility bill
9 can be as a percentage of your income. Six
10 percent of your income would be the maximum that
11 you can get hit with by utility costs.

12 But the intention of the bill is not
13 to transfer those payments to the
14 non-lower-income people. And there are other
15 sources of funds to address that.

16 When you talk about -- and again,
17 it's not part of this bill, but I'm more than
18 happy to discuss it -- about what is it going to
19 cost to transition your current home into
20 alternative forms of energy, it really, really
21 varies. Okay? There's one set of costs if
22 you're going solar, there's one set of costs if
23 you're doing geothermal. Actually, multiple sets
24 of costs, because there are different kinds of
25 geothermal, including networks, which is an

1 amazing opportunity. There's the actual HVAC
2 cost and the heat pump costs. And they also
3 vary.

4 I think \$50,000 is an incredibly
5 high estimate, but I'd be happy to sit and review
6 whatever materials you have.

7 But the fact is we're all going to
8 try for low-hanging fruit first. We're not going
9 to be mandating these changes on existing. But
10 anything new being built is going to actually use
11 alternative sources of energy. And I am being
12 told that those are actually sometimes cheaper
13 than whatever's being used now, not more
14 expensive.

15 So you have to look at multiple
16 questions, multiple pieces that are moving parts
17 on the game board. But to simply say that a
18 change into an -- a green energy model of heating
19 and electrifying your home or your business is
20 more expensive than the current system is just
21 not factually true.

22 SENATOR MATTERA: Would the sponsor
23 continue to yield, please.

24 ACTING PRESIDENT MAYER: Senator,
25 do you yield?

1 SENATOR KRUEGER: Of course.

2 ACTING PRESIDENT MAYER: The
3 Senator yields.

4 SENATOR MATTERA: If there is no
5 obligation to serve gas manufacturers, how will
6 this impact companies if they can't have access
7 to gas? Last year all-electric buildings
8 manufacturing was carved out. Are there any
9 carveouts of this bill for the manufacturers?

10 SENATOR KRUEGER: If a company
11 takes the position that they need to have gas or
12 oil to function, they go to the PSC and make a
13 case and the PSC can say yes.

14 Interestingly, the PSC has to do
15 that now. Anytime you build anything new you
16 have to get permission from the PSC to get
17 whatever connected in. So that role for the PSC
18 will be continued, it's just that there will no
19 longer be an odd mandate in state law that you
20 have to put in oil and gas pipes.

21 SENATOR MATTERA: Would the sponsor
22 continue to yield, please.

23 ACTING PRESIDENT MAYER: Do you
24 continue to yield?

25 SENATOR KRUEGER: Yes indeed.

1 ACTING PRESIDENT MAYER: The
2 Senator yields.

3 SENATOR MATTERA: Are there any
4 thoughts to mitigate the costs to consumers aside
5 from taxing entities that will simply pass it on
6 to customers?

7 SENATOR KRUEGER: I'm sorry, I
8 didn't quite understand. Can you repeat that?

9 SENATOR MATTERA: All right, so we
10 continue to go down a dangerous path, banning
11 natural gas. Are there any thoughts to mitigate
12 the costs to consumers aside from taxing entities
13 that will simply pass it on to the consumers?

14 SENATOR KRUEGER: If you choose to
15 want to continue with oil and gas -- right? Is
16 that -- that's the question?

17 SENATOR MATTERA: Mm-hmm.

18 SENATOR KRUEGER: But the cost of
19 oil and gas is going up, is there anything in
20 this bill that addresses that?

21 SENATOR MATTERA: Yup. Yes.

22 SENATOR KRUEGER: So no, actually.
23 Because it doesn't -- it doesn't do anything to
24 mandate an increase in utility costs. (Pause.)

25 Oh, thank you. Thank you, staff.

1 So there's nothing specifically in
2 this bill that addresses it one way or the other.
3 But the other point of our being able to stop
4 putting in unnecessary oil and gas pipes and stop
5 fixing unnecessary oil and gas pipes is the
6 economists project that this state can save
7 \$150 billion not modernizing and keeping from
8 continued leakage the old pipes. And that money
9 clearly could be made available for all kinds of
10 utility improvements and savings for ratepayers
11 as they move to green energy alternatives.

12 Of course you are right -- I think
13 you were referencing this, perhaps -- there are
14 tax credits at the state level, at least in
15 New York City at the local level, and from the
16 federal government that are already being used by
17 significant numbers of people to help decrease
18 the costs of new energy models.

19 SENATOR MATTERA: Would the sponsor
20 continue to yield.

21 ACTING PRESIDENT MAYER: Sponsor,
22 do you yield? Senator Krueger?

23 SENATOR KRUEGER: I do.

24 ACTING PRESIDENT MAYER: The
25 Senator yields.

1 SENATOR MATTERA: Senator Krueger,
2 your bill, do you feel that it's making it harder
3 on the residents of New York State to have
4 natural gas supplied to their homes, businesses,
5 et cetera?

6 SENATOR KRUEGER: If you already
7 have it, no. I don't think it's making it
8 harder. Hopefully -- and I emphasize
9 "hopefully" -- more and more people will actually
10 realize the advantages of wanting to voluntarily
11 move off of oil and gas. And certainly we are
12 already seeing, as I cited earlier, that people
13 who build new homes, new apartment buildings, new
14 manufacturing plants are already making the
15 decision that it is in their best interest not to
16 use oil and gas and to use alternatives, and more
17 people will be doing so.

18 But no, I do not think that is
19 actually a problem being caused by this bill at
20 all.

21 SENATOR MATTERA: All right, I'm
22 going to -- just a couple more questions, please.
23 Will the sponsor continue to yield, please?

24 ACTING PRESIDENT MAYER: Senator
25 Krueger? Yes, she yields, Senator.

1 SENATOR KRUEGER: After all, you
2 said lots of questions.

3 (Overtalk.)

4 SENATOR MATTERA: Lord knows you're
5 going to have a lot more. Not just me. Not just
6 me, Senator, which is good. And I appreciate
7 you --

8 (Overtalk.)

9 SENATOR KRUEGER: No, no, I'm happy
10 to answer.

11 SENATOR MATTERA: I don't
12 believe -- I don't agree with everything that
13 you're saying because I just know for a fact that
14 the jobs are going to be lost. You're asking
15 somebody that's 50 years old, that they're going
16 to lose their whole career -- you're asking them
17 to become an electrician, that's what you're
18 asking them to do.

19 But do you -- no, that wasn't --
20 that wasn't a question. But here's the question.
21 Do you know that there is a lawsuit right now
22 that it's against federal law, against the
23 Constitution of the United States, to ban natural
24 gas?

25 SENATOR KRUEGER: No, I do not know

1 that.

2 SENATOR MATTERA: Well, I would
3 love to have that conversation with you. That's
4 something that you need to look at, please. Just
5 like Berkeley, California, had a lawsuit, right
6 -- Berkeley, California, the Restaurant
7 Association sued --

8 SENATOR KRUEGER: That wasn't a
9 national ban. I know that lawsuit.

10 SENATOR MATTERA: No, that was
11 against natural gas.

12 ACTING PRESIDENT MAYER: Excuse me,
13 Senator Mattera. Are you asking a question?

14 SENATOR MATTERA: Okay. All right.
15 So obviously she -- she answered it. Excuse me,
16 Senator, you did answer that question, you do not
17 know. But hopefully you'll get the --

18 SENATOR KRUEGER: If I can clarify,
19 I am familiar with that lawsuit, so please let me
20 correct myself. And that is not a lawsuit at the
21 federal level -- it was in federal court and it
22 ruled against one town, Berkeley, California,
23 that the way they wrote their law seemed to be in
24 violation of the Constitution.

25 We didn't write a law like that.

1 Our law has no parallel to their law. So we're
2 quite confident that there would not be a
3 parallel decision in the courts if somebody
4 decided to sue here.

5 SENATOR MATTERA: Would the sponsor
6 continue to yield for a question?

7 ACTING PRESIDENT MAYER: Do you
8 continue to yield?

9 SENATOR KRUEGER: Yes, I will.

10 ACTING PRESIDENT MAYER: The
11 Senator yields.

12 SENATOR MATTERA: So let me explain
13 to you, there is a lawsuit right now against
14 New York State banning natural gas. It is
15 against the Constitution, against federal law.
16 There's a lot of plaintiffs and everything like
17 that. So please, that's something that we
18 could -- we could definitely look at.

19 You know what, on the bill, please.

20 Senator, thank you.

21 ACTING PRESIDENT MAYER: Senator
22 Mattera on the bill.

23 SENATOR KRUEGER: Thank you.

24 SENATOR MATTERA: Thank you so
25 much.

1 You know, like last week I was here
2 and I was telling everybody in this room, in this
3 beautiful chamber, and I'm letting all
4 New Yorkers know again that what is happening
5 here is unacceptable to most New Yorkers -- I'm
6 going to say probably 85 percent New Yorkers --
7 to ban our natural gas.

8 All this bill does, it mandates that
9 you cannot afford to put natural gas in your
10 homes, your buildings. That's all it's doing.
11 It's preventing you to run natural gas to your
12 homes, to your buildings. That's exactly what
13 this is doing.

14 And, you know, to sit there and say,
15 yes, we care about our environment -- but natural
16 gas is something very important to all of us in
17 our lives. Right now you have a situation with
18 this bill. There it is. We have something
19 happens, we have, God forbid, a Superstorm Sandy,
20 God forbid we have a snow blizzard. Right now,
21 when somebody wants to put natural gas that's
22 right down the block, they want to go put natural
23 gas to their homes for a generator, it's going to
24 cost them a fortune to do it.

25 All you're doing is stopping

1 New Yorkers from living, from living their lives
2 the way they want to have their fuel choice,
3 their energy choice. That's all you are doing.
4 It is a complete mandate.

5 I love goals. Goals are important.
6 Mandates are a disaster. And it's not fair to
7 all New York State residents. Just -- New York
8 State residents watching this right now, what's
9 happening right here with banning our natural
10 gas and banning our fuels and going
11 all-electric -- wind, solar and batteries are
12 going to cost New York Staters, New York State
13 residents trillions of dollars. Not millions,
14 not billions, but trillions.

15 And you know what? If anybody wants
16 to see somebody that deals with Cornell
17 professors, I'm not just saying this. I have a
18 nice pamphlet to give everybody in this chamber
19 that survey, that data.

20 So this is a disaster happening to
21 all New York State residents. California, we are
22 showing everybody, in other words, that we want
23 to go and deal the way California is dealing with
24 their energy needs and their energy -- look at
25 them. They're in dire straits. They've got a

1 lot more sunny days than we do. They have a lot
2 more windier days than we do. Now, frankly, look
3 at the months of January and February. Solar
4 panels, I have no idea what it generated. It
5 didn't generate enough with this happening right
6 now.

7 We are not putting money into other
8 renewable energies that will be something that
9 will work for the future of New York State. I
10 have feasibility study bills that's out there.
11 My colleague on the other side pretty much says
12 that, guess what, we do have put in place --
13 there is nothing put in place that technology is
14 there, other technologies like geothermal to
15 really -- yes, it's there.

16 But where is it out there with
17 manufacturers? Where are there businesses that
18 are right now -- and residents of New York is
19 using this, using this source of energy?

20 The problem is we're focusing on
21 wind, solar and battery storage, which has been a
22 total -- sorry, an experiment. That's what I
23 call that. Yes, wind and solar is important.
24 Battery storage, all that is is a total
25 experiment.

1 So this right here is just hurting
2 all New Yorkers. This bill is a bad bill. And
3 please, everybody on both sides, you need to look
4 at this and care about New York residents, to
5 make sure that they have a choice. Because right
6 here you're stopping the choice of all
7 New Yorkers from living.

8 And you know what? I will totally,
9 always be against this. Everybody knows that I'm
10 vocal. And again, we need a plan, not a ban.
11 And that's what this bill does. It's banning our
12 natural gas, and I will be a big no.

13 Thank you.

14 ACTING PRESIDENT MAYER: Thank you,
15 Senator Mattera.

16 Senator Helming on the bill.

17 SENATOR HELMING: Thank you,
18 Madam President. On the bill.

19 I listened closely to the debate.
20 Great questions, Senator Mattera.

21 I thought at one point that I heard
22 the sponsor mention that this legislation
23 proposes to save ratepayers money. I see it very
24 differently after reading the legislation.

25 While this legislation includes a

1 goal, that's all it is, is a goal, that certain
2 residential customers not bear an energy burden
3 greater than 6 percent of their household income.
4 That's all it is, is a goal. It's not a
5 requirement, it's not a certainty.

6 Further, the bill allows the PSC to
7 establish per-customer caps on the amount of
8 energy subject to the cap. For all the people
9 who have been in the Capitol recently protesting,
10 I've had the opportunity to talk to them.
11 They're in support of the HEAT Act. They want it
12 passed. But in talking to them, they think that
13 there's certainty around them seeing a reduced
14 energy bill. Not the case in energy -- yeah, an
15 invoice from their energy company. Not the case
16 with this bill. This is just a goal.

17 The goal, I think it's also
18 important to point out, only applies to
19 residential customers. It ignores the
20 catastrophic impact that increased energy costs
21 will have on local businesses, especially our
22 manufacturers. I've talked to those who
23 manufacture steel, glass, other products that
24 can't get those high temps through the use of
25 electric. They need gas.

1 Look, I want to support them. I
2 want to see more manufacturing in New York State.
3 I want to see less imports from China and other
4 countries. And this bill will not allow us to
5 achieve that.

6 As Senator Mattera noted, in
7 addition to increased costs, the HEAT Act will
8 cost many New Yorkers their jobs.

9 I support the development and the
10 use of diverse energy sources. I always have.
11 But we need to implement those over realistic and
12 reasonable time frames. And we need full
13 transparency about the costs and the reliability
14 of the electric grid.

15 And this bill and so many of the
16 other of the all-electric things that we are
17 seeing pushed, it doesn't deliver that
18 transparency. We need to know costs. We need to
19 know how reliable the systems are.

20 For those reasons and so many
21 others, I'll be voting in the negative.

22 Thank you.

23 ACTING PRESIDENT MAYER: Senator
24 Helming to be recorded in the negative.

25 Senator Borrello, why do you rise?

1 SENATOR BORRELLO: Madam President,
2 would the sponsor yield for a question.

3 ACTING PRESIDENT MAYER: Senator
4 Krueger, do you yield?

5 SENATOR KRUEGER: Just one, as
6 opposed to a lot? Just checking.

7 ACTING PRESIDENT MAYER: The
8 Senator yields.

9 SENATOR BORRELLO: I'm not making
10 any promises.

11 SENATOR KRUEGER: Yes, of course,
12 Madam President.

13 SENATOR BORRELLO: Through you,
14 Madam President. You said that that goal of this
15 was to ensure that people that fall in 80 percent
16 of median income or below would have their
17 utility bills capped to 6 percent. Is that
18 correct?

19 SENATOR KRUEGER: (Pause.) Excuse
20 me. We changed the bill. It's for everyone.

21 SENATOR BORRELLO: Madam President,
22 will the sponsor continue to yield.

23 ACTING PRESIDENT MAYER: Do you
24 continue to yield?

25 SENATOR KRUEGER: Yes.

1 ACTING PRESIDENT MAYER: The
2 Senator yields.

3 SENATOR BORRELLO: I'm glad you
4 said that, because that's actually what I read in
5 the bill, that it's not for just 80 percent and
6 below.

7 So we're going to cap everyone's
8 utility bill at 6 percent. Who's going to pick
9 up the difference?

10 SENATOR KRUEGER: (Pause.) So
11 because higher-income people basically have no
12 evidence of paying more than 6 percent of their
13 income towards utilities, while this bill would
14 apply to everyone equally, it won't actually
15 increase the cost because people at the higher
16 end don't pay more than 6 percent of their income
17 now.

18 SENATOR BORRELLO: Madam President,
19 will the sponsor continue to yield.

20 ACTING PRESIDENT MAYER: Do you
21 continue to yield?

22 SENATOR KRUEGER: Yes.

23 ACTING PRESIDENT MAYER: The
24 Senator yields.

25 SENATOR BORRELLO: But yet if

1 you're going to limit someone's income -- or the
2 percentage they're paying of their income to
3 6 percent, that means we expect that some people
4 are already paying more than that in that lower
5 income. So who's going to pick up the difference
6 if you're limiting -- if someone's paying, let's
7 just make it easy, \$100 a month and we're now
8 saying, you know, you're only going to pay \$80 a
9 month, who's picking up that extra \$20?

10 SENATOR KRUEGER: (Pause.) So yes,
11 so there's already various programs within the
12 PSC and state law that help to pay the utility
13 costs for people who have a disproportionately
14 high utility expense. So we think that will
15 actually be able to be absorbed.

16 As we said, if the utilities aren't
17 spending 200 million a year to build unnecessary
18 new pipes, if they're not spending \$150 billion
19 over the next several decades, we'll also be able
20 to lower utility costs because we're redirecting
21 how they can spend the money that they've been
22 collecting.

23 And let's not forget, before this
24 bill New York has some of the highest utility
25 rates in the country. We have actually some of

1 the biggest blackout problems. I know it
2 referenced, suppose the new kinds of energy don't
3 work, what happens if there's a snowstorm? Well,
4 when there's a snowstorm and the electricity goes
5 out, the current electricity, the boilers don't
6 work.

7 So we already have exactly the
8 problems that people think would somehow be
9 created by the new sources of energy that will
10 actually be more secure and less at risk. And
11 considering we already have the most expensive
12 utility costs in the country, I really don't
13 think this is our problem.

14 SENATOR BORRELLO: Madam President,
15 will the sponsor continue to yield?

16 ACTING PRESIDENT MAYER: Do you
17 continue to yield?

18 SENATOR KRUEGER: Yes.

19 ACTING PRESIDENT MAYER: The
20 Senator yields.

21 SENATOR BORRELLO: We can have that
22 discussion later, because I would disagree with
23 you on some of those points, particularly because
24 natural gas powers most backup generators, which
25 is what keeps people -- keeps their lights on,

1 you know, keeps their energy on, their heat on in
2 many places like Western New York, where I'm
3 from, when the power goes out. And that's going
4 to go away if this goes into place.

5 But with that being said, you said
6 we already have programs in place that would make
7 sure that people at low incomes are not going to
8 pay more than 6 percent. Are we going to have to
9 increase those funds -- because those are
10 typically state and federal funds -- in order to
11 achieve this goal that you set for everybody, not
12 just people at a certain income level?

13 SENATOR KRUEGER: (Pause.) So we
14 usually address these cost issues through rate
15 structures. So we don't actually think it will
16 be a new real cost for the state and that we can
17 control for these within the context of how we do
18 rate structures.

19 We also have a number of programs
20 that frankly I don't think do work so well. So
21 we had a program for \$200 million that -- I
22 forgot the name of it -- the Energy Affordability
23 Program. And I think -- I don't know whether
24 we're all to blame or the interpretation of what
25 they were supposed to do. But rather than that

1 being money targeted to people who were really in
2 need on the utility bills, it eventually got
3 decided that everybody, residential or
4 commercial, would each get \$25.

5 That's not solving a problem. I
6 think you and I would both agree a program that
7 took \$200 million and turned it into \$25 checks
8 missed the point.

9 So hopefully we can also reevaluate
10 some of the things we've been doing that aren't
11 working and apply this money more effectively.

12 SENATOR BORRELLO: Madam President,
13 if the sponsor will continue to yield.

14 ACTING PRESIDENT MAYER: Do you
15 continue to yield?

16 SENATOR KRUEGER: Yes.

17 ACTING PRESIDENT MAYER: The
18 Senator yields.

19 SENATOR BORRELLO: I would agree
20 with you that the government does a lot of things
21 that spend a lot of money and have very little
22 impact. I recall getting checks with our current
23 Governor's and our former governor's name on
24 them. Instead of just giving us a credit on our
25 tax bill, we have to get a check in the mail so

1 we're reminded who wrote that check -- even
2 though we're being bribed with our own money.

3 So with that being said, let's move
4 on to the next question here. You kept saying
5 over and over again this is not going to
6 eliminate natural gas. So you're saying that
7 there's nothing in this law that would eliminate
8 the use of natural gas in New York State?

9 SENATOR KRUEGER: (Pause.) So
10 we've passed other laws, Madam President, that do
11 say that this state needs to get off of oil and
12 gas over X period of time, and there are
13 different target years.

14 This bill doesn't change any of
15 that, but it does give PSC the tools to be able
16 to stop oddly requiring pipes to be put in the
17 ground that they know they have other laws
18 mandating that these pipes don't get used after
19 X date.

20 So the concept that you would spend
21 literally hundreds of billions of dollars
22 repairing and continuing an existing gas and oil
23 pipe system, requiring gas/oil pipes to be
24 connected to buildings being built that have no
25 intention to use them or even legal ability to

1 use them, and then say, yeah, that's not a
2 problem -- but that's crazy, I think. And all of
3 that money could be better used for the things
4 you and I are talking about and Senator Mattera
5 and I were talking about.

6 Let's use the money we're wasting in
7 our current utility model to be more effectively
8 used to help control costs for ratepayers and
9 help us transition to models that meet our CLCPA
10 goals and our international treaty goals and our
11 scientists begging for us goals to transition to
12 clean energy.

13 SENATOR BORRELLO: Madam President,
14 will the sponsor continue to yield.

15 ACTING PRESIDENT MAYER: Do you
16 continue to yield?

17 SENATOR KRUEGER: Yes.

18 ACTING PRESIDENT MAYER: The
19 Senator yields.

20 SENATOR BORRELLO: So you brought
21 up that we're wasting lots of money, but it's
22 actually the utility company that's choosing --
23 that we're saying you have to hook up a new
24 service for natural gas. In return, that utility
25 company now has a new customer. That customer

1 will be paying over time -- usually over many,
2 many years, decades -- a bill, and that money
3 will be returned back to that company eventually.

4 So I don't know how -- when you say
5 we are wasting money, so you're suggesting that
6 whatever money is spent currently now on the
7 hundred-foot rule be redirected -- in other
8 words, confiscated from the -- let's say
9 National Fuel or whoever else provides service,
10 and directed where? Where is that money going to
11 go?

12 SENATOR KRUEGER: It's not
13 confiscated. I mean, it's not their money.
14 They're just hitting ratepayers up with that
15 cost.

16 So we're saying you don't need to do
17 this anymore, so you can't hit up the ratepayers
18 for the cost because you're not needed -- you
19 don't need to do this.

20 SENATOR BORRELLO: Madam President,
21 will the sponsor continue to yield?

22 ACTING PRESIDENT MAYER: Do you
23 continue to yield?

24 SENATOR KRUEGER: Yes.

25 ACTING PRESIDENT MAYER: The

1 Senator yields.

2 SENATOR BORRELLO: So when we
3 closed the NRG plant -- not we, when NRG closed
4 the NRG plant in Dunkirk back in 2013, I think it
5 was, you know, one of the things they started
6 doing, and they've done this throughout New York
7 State, is to run transmission lines to other
8 states in order to import power.

9 That's been a multi-billion-dollar
10 expense that has been borne by ratepayers. And
11 we're actually running transmission lines to some
12 of the dirtiest old-fashioned coal plants in
13 America, like Homer City, Pennsylvania, which now
14 supplies a significant amount of coal-powered
15 electricity to New York State.

16 So with that being said, should we
17 eliminate any future transmission lines, any
18 expenses, so we can return that money to the
19 ratepayers?

20 SENATOR KRUEGER: No. I actually
21 think we'll have more need for transmission lines
22 with the new forms of energy. And in fact there
23 is a mandate also for the state to improve our
24 transmission system.

25 So I would agree with you, importing

1 dirty coal energy, whether it's by truck or car
2 or transmission line, isn't a great plan. But
3 that's what CLCPA is about, getting us off of
4 those sources of energy, whether we're importing
5 them or whether they're home-grown.

6 But we'll still need transmission
7 lines, absolutely. Because whether you make your
8 energy through solar, through wind, through
9 geothermal, it becomes electricity and you need
10 it to get to all of us. So I'm a big believer in
11 supporting transmission lines and a modernization
12 of them.

13 SENATOR BORRELLO: Madam President,
14 will the sponsor continue to yield?

15 ACTING PRESIDENT MAYER: Do you
16 continue to yield?

17 SENATOR KRUEGER: Yes.

18 ACTING PRESIDENT MAYER: The
19 Senator yields.

20 SENATOR BORRELLO: Maybe I wasn't
21 being clear. I'm talking about transmission
22 lines explicitly to import power from outside of
23 New York State. Because what you're talking
24 about -- I understand we need to upgrade our
25 grid. And that is sorely, I think,

1 underperforming there.

2 But you mentioned that we should be
3 getting off fossil fuels, even importing fossil
4 fuel energy, is that correct?

5 SENATOR KRUEGER: And by the way, a
6 transmission line is an electric wire. So once
7 energy's been produced, it becomes electricity.
8 So we can use the same transmission lines, right?
9 So that's not a problem. It's just let's get
10 energy that doesn't destroy the planet into our
11 energy system.

12 SENATOR BORRELLO: Madam President,
13 will the sponsor continue to yield?

14 ACTING PRESIDENT MAYER: Do you
15 continue to yield?

16 SENATOR KRUEGER: Yes.

17 ACTING PRESIDENT MAYER: The
18 Senator yields.

19 SENATOR BORRELLO: Well, I would
20 argue we would actually -- we're actually going
21 backwards in that. Because when we failed to
22 repower the plant at Dunkirk with natural gas, we
23 instead are importing coal power. So we're
24 actually going backwards in that effort by not
25 using natural gas to power power plants.

1 And certainly we know shutting down
2 Indian Point also sent us backwards, requiring us
3 to import more power. New York now imports more
4 power than it ever has, and on high-load days
5 it's as much as 50 percent of the power that
6 comes into New York State is from outside of
7 New York State, largely from fossil fuel plants.

8 So with that being said, my question
9 is, is there anything in the CLCPA that mandates
10 that we stop importing fossil fuel power?

11 SENATOR KRUEGER: I'm pretty sure
12 there is. But we don't have a citation for you,
13 so we will get back to you.

14 But I will tell you if asked now,
15 yes, we should stop using dirty power from
16 wherever it starts. And in fact the faster we
17 move towards more zero-carbon-created energy, the
18 faster we can get off of those sources as well as
19 oil and gas from here.

20 SENATOR BORRELLO: Madam President,
21 will the sponsor continue to yield?

22 SENATOR KRUEGER: I'm sorry, and
23 just clarification, the majority of the fuels
24 we're bringing in from Canada are hydropower, not
25 fossil fuels or fossil-fuel-created energy.

1 SENATOR BORRELLO: Madam President,
2 will the sponsor continue to yield.

3 ACTING PRESIDENT MAYER: Do you
4 continue to yield?

5 SENATOR KRUEGER: Yes.

6 ACTING PRESIDENT MAYER: The
7 Senator yields.

8 SENATOR BORRELLO: So I just want
9 to make sure I've got this correct. Section 7
10 says that, you know, essentially that the PSC --
11 it would acknowledge that "gas service may be
12 limited or discontinued to facilitate achievement
13 of the CLCPA climate justice and emissions
14 reduction mandates."

15 So essentially you're saying that
16 PSC has the authority at will to discontinue
17 natural gas service, is that correct?

18 SENATOR KRUEGER: PSC already has
19 authority within the CLCPA to make sure that
20 we're moving off of gas.

21 This bill doesn't add any mandates
22 to them of what they should do. So it's
23 referencing that there is an existing standard,
24 but it is not saying we're going to shut down
25 your gas because of the HEAT Act.

1 SENATOR BORRELLO: Madam President,
2 will the sponsor continue to yield?

3 ACTING PRESIDENT MAYER: Do you
4 continue to yield?

5 SENATOR KRUEGER: (No response.)

6 SENATOR BORRELLO: Well, I would
7 disagree with what you just said --

8 ACTING PRESIDENT MAYER: Whoa,
9 whoa. Excuse me --

10 SENATOR KRUEGER: Well, just
11 reading the next paragraph --

12 SENATOR BORRELLO: Yes, that's what
13 I'm reading too, how about that.

14 SENATOR KRUEGER: -- okay, "Nothing
15 in this subdivision shall be construed to
16 prohibit existing gas customers, in accordance
17 with Section 30 of this article and subject to
18 any other regulations implemented by the
19 commission, from reconnecting to the gas
20 distribution system following a gas interruption
21 due to emergency repairs or remediation of
22 leaking equipment."

23 So yes, my bill doesn't force
24 anybody off of gas, and in fact makes clear that
25 if there is some kind of interruption, PSC should

1 allow you to continue afterwards.

2 SENATOR BORRELLO: Madam President,
3 will the sponsor continue to yield.

4 ACTING PRESIDENT MAYER: Do you
5 continue to yield?

6 SENATOR KRUEGER: Yes.

7 ACTING PRESIDENT MAYER: The
8 Senator yields.

9 SENATOR BORRELLO: Yeah, what your
10 bill says is that if there's some kind of an
11 emergency that causes an interruption, that that
12 service can be restored. But it still doesn't
13 change the fact that the PSC has the authority,
14 the broad authority, to -- in order to meet the
15 climate justice and emission-reduction mandates,
16 to eliminate or discontinue to facilitate the --
17 to limit, discontinue the use of natural gas.
18 That's what it says right in that -- in
19 Section 7.

20 Also Section 9 says it grants the
21 commission authority for -- over the curtailment
22 or discontinuance of use of gas for any
23 customer -- any group of customers or any section
24 of the gas distribution system where the
25 commission has determined that such curtailment

1 or discontinuance is reasonably required to
2 implement the state's energy policies.

3 So this is saying unequivocally that
4 any customer can be discontinued for any reason
5 as long as it meets the state's climate goals.
6 Isn't that what this says?

7 SENATOR KRUEGER: So in fact the
8 PSC has the authority now to approve or
9 disapprove uses of different forms of energy.

10 And we passed a much larger
11 overriding piece of legislation through the CLCPA
12 which does mandate PSC move us down this road. I
13 don't believe this bill is giving any new
14 authority to the PSC that they don't already have
15 under existing CLCPA laws to do what they believe
16 they need to do. So it clarifies or repeats
17 what's already there, but I don't believe it does
18 give them anymore power than they already have to
19 make decisions, yes for you, George; no for you,
20 Liz.

21 SENATOR BORRELLO: Madam President,
22 will the sponsor continue to yield.

23 SENATOR KRUEGER: Of course -- I'm
24 sorry, I'm reading more. Because this actually
25 limits them more than the CLCPA. So this

1 actually increases the limitations if you look
2 on -- if you look at page 9 of the bill, Section
3 I think 9 -- Section 9, towards the end of it, it
4 actually clarifies it actually takes away some of
5 their power and puts it back in the hands of
6 people.

7 But I didn't mean to cut you off
8 from your next question.

9 Sorry, Madam President.

10 SENATOR BORRELLO: I still have an
11 opportunity to ask questions, is that correct?

12 ACTING PRESIDENT MAYER: Yes, the
13 Senator -- do you yield?

14 SENATOR KRUEGER: Yes, I do.

15 ACTING PRESIDENT MAYER: Senator
16 Krueger yields.

17 SENATOR BORRELLO: Well, you
18 mentioned that they already have this authority.
19 So if they already have the authority, the PSC,
20 why do we need to outline it in these paragraphs
21 here? If they already have the authority to do
22 this, why are we restating it?

23 SENATOR KRUEGER: I think we're
24 trying to be exceptionally careful about
25 clarifying what it does and doesn't do.

1 And the one thing in law that it's
2 very important -- I believe important -- is that
3 we take away the obligation for gas and oil pipes
4 into any buildings. That's what we're -- that's
5 really what the primary purpose of this bill is,
6 to take away the obligation of utilities to have
7 to do this and then charge ratepayers for it, to
8 take away the requirement that PSC says you must
9 put these pipes into the ground no matter what.

10 And it just seems foolish to
11 continue the "no matter what," since we already
12 know, Madam President, the "no matter what" is
13 stop doing more oil and gas construction.

14 SENATOR BORRELLO: Madam President,
15 will the sponsor continue to yield?

16 ACTING PRESIDENT MAYER: Do you
17 continue to yield?

18 SENATOR KRUEGER: Yes, of course.

19 ACTING PRESIDENT MAYER: The
20 Senator yields.

21 SENATOR BORRELLO: I want to go
22 back -- Senator Mattera brought up the fact that
23 currently -- I believe it was in the Governor's
24 last year's budget, and the final budget, that
25 there are exemptions from these natural gas bans

1 for manufacturing, agriculture and the food
2 industry. How will this bill impact those
3 exemptions?

4 SENATOR KRUEGER: Any of those
5 industries, if they wanted to put in new oil/gas
6 pipes or new oil/gas -- or hydrogen. Oh, where's
7 my friend? He left. I wanted to make sure I
8 said the word "hydrogen." So Senator Mattera --
9 okay, thank you.

10 -- that if you ask for the PSC to
11 allow you to do that, they will review and, if
12 they determine that's in the best interests, they
13 will say yes. Nothing in this bill stops them
14 from doing that.

15 SENATOR BORRELLO: Madam President,
16 will the sponsor continue to yield?

17 ACTING PRESIDENT MAYER: Senator
18 Krueger, do you continue to yield?

19 SENATOR KRUEGER: I do.

20 ACTING PRESIDENT MAYER: The
21 Senator yields.

22 SENATOR BORRELLO: Well, I
23 understand that that's essentially, then, at the
24 PSC's discretion. So that's not an exemption.

25 An exemption, which is what

1 currently is in place, is an exemption. The PSC
2 can't challenge it. So for example, if you are
3 currently using natural gas in a manufacturing
4 process and you can't use -- you can only use
5 electricity but it would cost you five times as
6 much to use electricity in that manufacturing
7 process instead of natural gas, will the PSC
8 consider the cost difference? My understanding
9 is no, they don't have to consider the cost
10 difference if there's an alternative, even if
11 it's a more expensive alternative.

12 SENATOR KRUEGER: So my
13 understanding is that that is up to their
14 discretion. And frankly the PSC doesn't wish to
15 do harm to the economy. So if you can show that
16 this is in your best interests and that choosing
17 another option would be a far, far greater
18 expense for you, I do believe, clearly, that the
19 PSC has the authority to make that decision. And
20 I don't really question that they won't do the
21 right thing.

22 SENATOR BORRELLO: Madam President,
23 will the sponsor continue to yield?

24 ACTING PRESIDENT MAYER: Do you --

25 SENATOR KRUEGER: They are required

1 to evaluate feasibility in this law. So actually
2 they would have to win an argument that their
3 alternative, if they choose to say no to you on
4 your hydrogen or gas request, that that's a
5 feasible option.

6 SENATOR BORRELLO: Madam President,
7 will the sponsor continue to yield?

8 ACTING PRESIDENT MAYER: Do you
9 continue to yield?

10 SENATOR KRUEGER: Yes.

11 ACTING PRESIDENT MAYER: The
12 Senator yields.

13 SENATOR BORRELLO: I understand
14 that. But as someone who has had to deal with
15 government agencies many times, you are guilty
16 until you prove yourself innocent.

17 And that's the problem. We're
18 giving the PSC and the bureaucrats within the PSC
19 the authority to essentially say whether or not
20 they consider it feasible.

21 By the way, "feasible" is much
22 different than "practical." So why wouldn't we
23 just allow this exemption to continue if the true
24 goal is not to harm industry -- that's what
25 you're saying, right? We don't want to make

1 negative economic impact. But yet we have a --
2 currently an exemption in place, and we are now
3 changing that with the HEAT Act.

4 SENATOR KRUEGER: (Pause.) Okay,
5 so it turns out I believe you're referencing the
6 exemption language that -- in the All-Electric
7 Building Law we actually allow an exemption for
8 manufacturing. And you're saying here we're
9 saying the PSC has final determination, but
10 there's all kinds of protections in it for them
11 to have to prove that basically saying no to the
12 exemption would be feasible and realistic.

13 And I just personally don't think
14 the PSC is in the business of trying to stop
15 successful things from happening. And
16 technically they have say over everything now.
17 When you want to build something new, you still
18 have to get their permission. They can still say
19 no.

20 So it's not clear that we're
21 changing the storyline when you are somebody who
22 wants to have a disagreement with PSC about the
23 kind of energy you're using.

24 SENATOR BORRELLO: Madam President,
25 will the sponsor continue to yield?

1 ACTING PRESIDENT MAYER: Do you
2 continue to yield?

3 SENATOR KRUEGER: Yes. Sure.

4 ACTING PRESIDENT MAYER: The
5 Senator yields.

6 SENATOR BORRELLO: See, I would
7 disagree with that. Because again, what we're
8 saying here is that essentially the most
9 important goal for the PSC is not reliable,
10 affordable energy but is in fact to facilitate
11 the achievement of the CLCPA climate justice and
12 emissions-reduction mandates. So that's their
13 number-one goal.

14 If you've ever dealt with an agency,
15 they're going to -- they're going to blame it on
16 us, the State Legislature. The State Legislature
17 said we have to do this.

18 So with this language, why wouldn't
19 they just point to this and say, I realize that
20 this is probably going to drive you out of
21 business or drive you out of New York State, but
22 I have an obligation to meet the goals of the
23 CLCPA?

24 SENATOR KRUEGER: So one of the
25 primary goals of the CLCPA, and it's spelled out

1 multiple times, is the importance of reliability.
2 So the CLCPA, which is a larger, broader bill
3 than this, is very explicit that reliability of
4 our energy system is the top priority moving
5 forward.

6 So PSC already has that mandate, as
7 does the Power Authority, as does NYSERDA, as
8 does DEC. So that's a prime directive, so to
9 speak, within the context of the larger
10 overriding CLCPA law.

11 So no, I don't think New York State
12 is going to wake up one day and say, Let's make
13 it impossible for anybody to have their lights go
14 on or their heat working or we will drive them
15 all out of the state. I just don't believe, even
16 on my worst days about not thinking government
17 always gets it right, that we are going to want
18 to drive everybody out of our state and not
19 provide a reliable utility system. So I'm not
20 worried about that.

21 SENATOR BORRELLO: Madam President,
22 one last question. Will the sponsor continue to
23 yield?

24 ACTING PRESIDENT MAYER: Do you
25 continue to yield?

1 SENATOR KRUEGER: Yes.

2 ACTING PRESIDENT MAYER: The
3 Senator yields.

4 SENATOR BORRELLO: So to kind of
5 dovetail off of that, are you aware that recently
6 the Public Service Commission, NYSERDA, ISO have
7 all changed their mission statements very
8 dramatically? They used to be focused on exactly
9 what you said. They were supposed to be focused
10 on affordable, reliable, safe energy. And now
11 they have been changed to renewable, just energy
12 supplies that meet climate goals.

13 Are you aware that those mission
14 statements have all been recently changed?

15 SENATOR KRUEGER: I haven't looked
16 at those. And yet I'm still not worried.

17 SENATOR BORRELLO: Madam President,
18 on the bill.

19 ACTING PRESIDENT MAYER: Senator
20 Borrello on the bill.

21 SENATOR BORRELLO: Thank you,
22 Senator Krueger. I appreciate that.

23 So that last point is an important
24 one. It is no longer in the mission statements
25 of the PSC, NYSERDA, the -- all the other

1 governing bodies that have to do with energy,
2 it's not at the top of their priority list to
3 make sure it's affordable, reliable and safe.
4 It's all now about green, renewable, just.
5 That's an important distinction. Because the
6 mission statement is what they go back to when
7 they determine what they are going to do.

8 The HEAT Act says to the PSC:
9 Reliability, affordability? No. It's about
10 meeting the goals of the CLCPA. That's job
11 number one.

12 And I know Senator Krueger said no,
13 no, no, it's not the case. It is in the bill,
14 basically twice, in Section 7 and Section 9,
15 stated in different ways. That's the goal.

16 Anyone who's dealt with government
17 agencies, particularly low-level bureaucrats,
18 will know that they're just going to show up at
19 your facility saying "I'm just following orders.
20 I'm just doing what I was told by the people
21 above me and ultimately by the Legislature and
22 the Governor. You may not like it, I may not
23 even agree with it, but I'm just following
24 orders. That's what they say every single time
25 they come to you with some bad news about how

1 New York State is going to put a nail in the
2 coffin of your business. That what this is.

3 We are going to eliminate natural
4 gas. That's what it says in the bill. That's
5 what the folks that supply natural gas to
6 millions of New Yorkers say it's going to do.
7 And that's ultimately what the goal is.

8 We're no longer going to supply
9 domestically produced natural gas -- in other
10 words, natural gas that's originated here in
11 New York State. Now, we might import power from
12 other places to pretend that we're net zero, that
13 we're 100 percent renewable, because we're not
14 going to cut those transmission lines to other
15 states. That's what was said in this debate.
16 Instead, we're just going to make it impossible
17 for people to supply it reliably and affordably
18 here in New York State.

19 Now, as far as the hundred-foot
20 rule, right now if you build a new business, if
21 you build a new home, if you build a new
22 subdivision of housing -- because we all know how
23 important housing is. I've been hearing all day
24 chants about housing justice. If you're going to
25 put in new housing, particularly where I live in

1 Western New York, the best, most reliable, most
2 affordable way to heat those homes is with
3 natural gas.

4 And right now those utilities are
5 required to make sure that hookup happens. In
6 the end, people are going to have reliable,
7 affordable natural gas service to heat their
8 homes, and in the end also the gas company is
9 going to make that money back over time by
10 supplying that gas service.

11 So this whole idea that that
12 hundred-foot rule elimination is going to save
13 \$200 million is a fallacy. When was the last
14 time we were concerned about saving money for big
15 corporations in this chamber? I can't think of
16 one. But we are all of a sudden now, because
17 that's just a red herring. It's a red herring
18 for what's really going on here.

19 Because you can't stand up here and
20 say, Guess what, folks, in order to achieve our
21 crazy goals, we're going to make sure that you no
22 longer have safe, affordable, reliable power.
23 You no longer have the ability to heat your home
24 with natural gas, which is what the vast majority
25 of Western New Yorkers use. You can't stand up

1 and say, hey, guess what, folks, we've got a
2 great idea here -- no more natural gas. No.
3 Instead, you're going to say, We're going to make
4 it affordable for you, and we're going to limit
5 it to 6 percent.

6 The math doesn't add up. It didn't
7 add up, by the way, when it was just those who
8 are 80 percent of median income or below. The
9 math still didn't add up. But now the bill has
10 been changed so it applies to everybody. Nobody
11 is going to pay more than that. And somehow
12 that's not going to be an issue. If it wasn't
13 going to be an issue, why do we need a cap? If
14 you don't have a problem, then why do you need a
15 cap?

16 Because we know there is a problem.
17 We know that there is -- it is going to cost
18 more. We know that as we transition to more
19 expensive renewable energy, it's going to cost us
20 more. And we're going to be reliant on importing
21 power from other states and Canada to keep the
22 lights on in New York State. That's outrageous.
23 And for what? Because we're going to address
24 climate change. We're going to save the planet.
25 The 0.4 percent of greenhouse gas emissions that

1 New York State is responsible for is going to
2 save the planet.

3 It's a lie. In the end, what we're
4 going to do is we're actually going to increase
5 our impact on global greenhouse gas emissions by
6 importing more power. In the end, New York State
7 is going to pretend we're doing something great,
8 but at the expense of our quality of life, of our
9 manufacturing, our industry base. That's what's
10 going to happen here.

11 And this? This is a big step into
12 that mud puddle for New Yorkers. And I hope that
13 each and every one of my colleagues realizes that
14 when they vote yes on this bill, they're going to
15 have to go back and explain to their constituents
16 why they're not going to be able to use natural
17 gas in a very short period of time.

18 So I'll be voting no. Thank you.

19 ACTING PRESIDENT MAYER: Senator
20 Borrello to be recorded in the negative.

21 Senator Palumbo on the bill.

22 SENATOR PALUMBO: Thank you,
23 Madam President. Would the sponsor yield for
24 just a quick question?

25 ACTING PRESIDENT MAYER: Excuse me

1 one minute.

2 SENATOR PALUMBO: Thank you. Just
3 one question, really, or one area.

4 SENATOR KRUEGER: I was chatting
5 with Senator Lanza. I apologize.

6 ACTING PRESIDENT MAYER: Do you
7 yield?

8 SENATOR KRUEGER: Of course.

9 ACTING PRESIDENT MAYER: The
10 Senator yields.

11 SENATOR PALUMBO: Thank you,
12 Senator. And through you, Madam President.

13 I'm just curious as to what the
14 mechanism is to determine the income of the
15 ratepayer, for us to make the determination as to
16 whether or not they are low or moderate. Because
17 the ratepayers are tenants, the ratepayers are
18 owners.

19 What is this mechanism going to be?
20 How will we actually be able to determine what
21 their income is and to verify that they're being
22 accurate?

23 SENATOR KRUEGER: There are eight
24 different criteria in the bill, so you have to
25 meet one of those criteria. And that can include

1 tax documents, that can include being eligible
2 for certain government programs that have income
3 maximums such as SNAP and other public benefits.
4 So there's a variety of ways to show.

5 SENATOR PALUMBO: Will the sponsor
6 yield for another question, please.

7 SENATOR KRUEGER: It's not in the
8 bill because it's already in PSC regulations for
9 eligibility for affordability programs.

10 SENATOR PALUMBO: Will the sponsor
11 yield for another question, then,
12 Madam President?

13 ACTING PRESIDENT MAYER: Do you
14 continue to yield?

15 SENATOR KRUEGER: Sure.

16 ACTING PRESIDENT MAYER: The
17 Senator yields.

18 SENATOR PALUMBO: Thank you.

19 Then PSC would promulgate rules in
20 that regard and -- would you yield for another
21 question? That was a question, I guess.

22 SENATOR KRUEGER: Of course.

23 SENATOR PALUMBO: So in that
24 regard, then, how often do you need to reverify
25 what your income is?

1 If someone's out of work, then of
2 course they can -- their income would be lower.
3 But if they ultimately secure a job -- is it just
4 an honor system? Or is this, again, something
5 that sounds like it might end up being quite
6 convoluted? Would that just be up to PSC and
7 we'll leave it at that for now and not be able to
8 give a clear answer?

9 SENATOR KRUEGER: The income is
10 annual. They already have programs that use this
11 criteria, so it won't be anything new for them.

12 SENATOR PALUMBO: Okay. And would
13 the sponsor yield for one last question.

14 SENATOR KRUEGER: Yes,
15 Madam President, I will.

16 ACTING PRESIDENT MAYER: The
17 Senator yields.

18 SENATOR PALUMBO: Thank you.
19 So if someone fails to comply,
20 they'll just be deemed to be over the limit, is
21 that probably accurate? That if they just choose
22 to not disclose their income.

23 SENATOR KRUEGER: Well, it's not
24 being over the limit. There's no limit. It's
25 just they'll fail to prove that their utility

1 costs are greater than 6 percent of their income.
2 So therefore they wouldn't be eligible for
3 assistance because they hadn't proved that their
4 income-to-utility ratio made them eligible.

5 SENATOR PALUMBO: Thank you,
6 Madam President. Thank you, Senator Krueger.

7 SENATOR KRUEGER: Thank you.

8 ACTING PRESIDENT MAYER: Are there
9 any other Senators wishing to be heard?

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

12 Read the last section.

13 THE SECRETARY: Section 16. This
14 act shall take effect immediately.

15 ACTING PRESIDENT MAYER: Call the
16 roll.

17 (The Secretary called the roll.)

18 ACTING PRESIDENT MAYER: Senator
19 Gianaris.

20 SENATOR GIANARIS: Madam President,
21 we've agreed to restore this bill to the
22 noncontroversial calendar.

23 ACTING PRESIDENT MAYER: Read the
24 last section.

25 THE SECRETARY: Section 16. This

1 act shall take effect immediately.

2 ACTING PRESIDENT MAYER: Call the
3 roll.

4 (The Secretary called the roll.)

5 ACTING PRESIDENT MAYER: Senator
6 Krueger to explain her vote.

7 SENATOR KRUEGER: Thank you very
8 much.

9 So just -- there was a couple of
10 questions that were asked and I felt like I
11 didn't necessarily totally have the answers.

12 But I am very happy to report that
13 imported power already counts towards our
14 calculations of clean or not-clean energy, so we
15 can't pretend we're not emitting dirty energy by
16 importing. So I think it resolves the concern
17 that we are getting away with something. We're
18 not.

19 And then also, we read the PSC
20 mission on their website, and the primary mission
21 of the New York State Department of Public
22 Service is to ensure affordable, safe, secure and
23 reliable access to electric, gas, steam,
24 telecommunications and water services for
25 New York State's residential and business

1 consumers at just and reasonable rates while
2 protecting the natural environment.

3 The department also seeks to
4 stimulate effective comprehensive markets for
5 clean, renewable and distributed energy resources
6 that benefit New York consumers as well as
7 products and service innovations.

8 So I don't know what it used to say,
9 but I'm quite comfortable with what they
10 currently say is their mission.

11 Thank you, Madam President. I vote
12 yes.

13 ACTING PRESIDENT MAYER: Senator
14 Krueger to be recorded in the affirmative.

15 Senator May to explain her vote.

16 SENATOR MAY: Thank you,
17 Madam President.

18 I want to thank Senator Krueger for
19 her hard work on this bill and the Majority
20 Leader for bringing it to the floor.

21 Over the weekend we detected a very
22 strong smell of gas in my house and called
23 National Grid, and they said to evacuate all the
24 people and animals from the house until they
25 could send someone over. So we held our utterly

1 bewildered cats out in the front yard in the cold
2 for about 40 minutes until the technicians
3 arrived, wondering if we were going to hear an
4 explosion in the house.

5 They arrived, they tested the air,
6 they didn't find any gas leak, thankfully. But
7 when they tested the old gas stove they found
8 very high levels of carbon monoxide when they
9 turned it on, and they had to wait about
10 10 minutes for it to come down to what they said
11 were acceptable levels or normal levels, as they
12 put it, and they left.

13 This episode brought home to me,
14 literally brought home to me what the everyday
15 risks are that we take when we use natural gas to
16 power our homes. And I definitely support this
17 bill because it is -- the purpose of it is to
18 address the mounting climate crisis. But I am
19 also voting aye on behalf of the health and
20 safety of New Yorkers everywhere.

21 Thank you.

22 ACTING PRESIDENT MAYER: Senator
23 May to be recorded in the affirmative.

24 Senator Rhoads to explain his vote.

25 SENATOR RHOADS: Thank you,

1 Madam President.

2 The HEAT Act is just the latest
3 salvo in the CLCPA energy shell game that the
4 Majority seems to be playing on the residents of
5 the State of New York.

6 The sponsor made the comment that
7 the PSC is not in the business of stopping
8 successful things from happening. That appears
9 to be the responsibility of this Legislature, and
10 we seem to be doing it quite well.

11 We are making gas -- as much as the
12 sponsor would say that we are not trying to
13 eliminate the possibility of using natural gas,
14 we are making it impossible to get natural gas,
15 we are making it impossible to service
16 natural gas, and we are making it impossible to
17 afford natural gas. And the HEAT Act is one more
18 step in that course.

19 Section 5 of this bill removes a
20 residential customer's legal entitlement to gas
21 services. Section 12 bans new gas expansions of
22 infrastructure after December 31st of this year,
23 and there will be no exceptions -- despite the
24 sponsor's comments to the contrary, no exceptions
25 that could be granted by the PSC after

1 December 31st of 2027.

2 There will be a 6 percent cap on
3 residential electricity costs, but the PSC gets
4 to control how much energy you can use that
5 qualifies for the cap. And how are we are
6 supposed to determine that? Are we now supposed
7 to submit our income taxes to the Public Service
8 Commission so that the Public Service Commission
9 can make a determination?

10 And who actually pays for the cost
11 that residents now will not pay, supposedly, by
12 this cap? Is it going to go to commercial
13 ratepayers, which will drive up inflation and the
14 costs of goods and services and products all over
15 the state or drive businesses out of business?
16 Or will it be paid for by the tax dollars, the
17 242 billion tax dollars that this state already
18 spends that comes directly from the taxpayer's
19 pocket? Is that going to drive up that cost?

20 The bottom line is this legislation
21 is one more step to putting the state's eggs in
22 one basket, that one basket being electricity,
23 electrifying --

24 ACTING PRESIDENT MAYER: Senator
25 Rhoads, how do you vote?

1 SENATOR RHOADS: -- electrifying
2 everything, giving consumers fewer options, and
3 having government make the choice that consumers
4 should have the choice to make for themselves. I
5 vote against this bill, Madam President, and I
6 urge my colleagues to do the same.

7 ACTING PRESIDENT MAYER: Senator
8 Rhoads to be recorded in the negative.

9 Senator Borrello to explain his
10 vote.

11 SENATOR BORRELLO: You know, Ronald
12 Reagan said that the nine scariest words in the
13 English language are "I'm from the government and
14 I'm here to help."

15 And that's exactly what this bill
16 is. It's being sold as an affordable transition,
17 the HEAT Act. We're going to save people money.

18 That's not what this is, folks. If
19 it was, and if it was exactly what was described
20 in the debates as already existing, don't need
21 it, it's not going to cost any more, we're going
22 to save you money, then we wouldn't need this
23 legislation.

24 Be concerned, folks. The
25 government's here to help, and this is not going

1 to be a help at all.

2 I'll be voting no. Thank you.

3 ACTING PRESIDENT MAYER: Senator
4 Borrello to be recorded in the negative.

5 The Secretary will announce the
6 results.

7 THE SECRETARY: In relation to
8 Calendar 476, those Senators voting in the
9 negative are Senators Ashby, Borrello,
10 Canzoneri-Fitzpatrick, Felder, Gallivan, Griffo,
11 Helming, Lanza, Martins, Mattera, Murray,
12 Oberacker, O'Mara, Ortt, Palumbo, Rhoads,
13 Rolison, Ryan, Stec, Tedisco, Weber and Weik.

14 Ayes, 40. Nays, 22.

15 ACTING PRESIDENT MAYER: The bill
16 is passed.

17 Senator Gianaris, that completes the
18 reading of the calendar.

19 SENATOR GIANARIS: Is there any
20 further business at the desk?

21 ACTING PRESIDENT MAYER: There is
22 no further business at the desk.

23 SENATOR GIANARIS: I move to
24 adjourn until tomorrow, Wednesday, March 20th, at
25 3:00 p.m.

1 ACTING PRESIDENT MAYER: On motion,
2 the Senate stands adjourned until Wednesday,
3 March 20th, at 3:00 p.m.

4 (Whereupon, at 5:01 p.m., the Senate
5 adjourned.)

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