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NEW YORK STATE SENATE

THE STENOGRAPHIC RECORD

ALBANY, NEW YORK

February 10, 2026

3:26 p.m.

REGULAR SESSION

SENATOR ROXANNE J. PERSAUD, Acting President

ALEJANDRA N. PAULINO, ESQ., Secretary

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

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

4 I ask everyone 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 PERSAUD: In the  
9 absence of clergy, let us bow our heads in a  
10 moment of silent reflection or prayer.

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

13 ACTING PRESIDENT PERSAUD: Reading  
14 of the Journal.

15 THE SECRETARY: In Senate, Monday,  
16 February 9, 2026, the Senate met pursuant to  
17 adjournment. The Journal of Sunday, February 8,  
18 2026, was read and approved. On motion, the  
19 Senate adjourned.

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

22 Presentation of petitions.

23 Messages from the Assembly.

24 Messages from the Governor.

25 Reports of standing committees.

1 Reports of select committees.

2 Communications and reports from  
3 state officers.

4 Motions and resolutions.

5 Senator Gianaris.

6 SENATOR GIANARIS: Good afternoon,  
7 Madam President.

8 ACTING PRESIDENT PERSAUD: Good  
9 afternoon.

10 SENATOR GIANARIS: At this time I  
11 move to adopt the Resolution Calendar.

12 ACTING PRESIDENT PERSAUD: All  
13 those in favor of adopting the  
14 Resolution Calendar, please signify by saying  
15 aye.

16 (Response of "Aye.")

17 ACTING PRESIDENT PERSAUD: Opposed,  
18 nay.

19 (No response.)

20 ACTING PRESIDENT PERSAUD: The  
21 Resolution Calendar is adopted.

22 Senator Gianaris.

23 SENATOR GIANARIS: Please recognize  
24 Senator Mayer for an introduction.

25 ACTING PRESIDENT PERSAUD: Senator

1 Mayer for an introduction.

2 SENATOR MAYER: Thank you,  
3 Madam President.

4 I'm extremely proud to have a group  
5 of terrific high school students from  
6 Mamaroneck High School here today in the  
7 OCRA program.

8 OCRA stands for Original Civic  
9 Research and Action, a program that was started  
10 by Joe Liberti, a teacher in Mamaroneck  
11 High School who has built his whole program on  
12 civic engagement by young high school students.  
13 Showing that notwithstanding, as Senator Bailey  
14 said earlier today, this impression of young  
15 people is entirely inaccurate.

16 We have students who are here to  
17 witness what happens in the State Capitol, to  
18 make sure their voices are heard, and to learn  
19 how to advocate and advocate for the issues they  
20 care about.

21 So I hope you will recognize them  
22 and give them all the cordialities of the house.  
23 I'm so pleased they could be here and see us in  
24 person, in action.

25 ACTING PRESIDENT PERSAUD: To the

1 students representing the OCRA program, welcome  
2 to the State Capitol. We extend to you the  
3 cordialities of the house.

4 Please rise and be recognized.

5 (Standing ovation.)

6 ACTING PRESIDENT PERSAUD: Senator  
7 Gianaris.

8 SENATOR GIANARIS: Madam President,  
9 I believe we're still on motions and resolutions.

10 I have a motion on behalf of  
11 Senator Ramos. On page 8, I offer the following  
12 amendments to Calendar 134, Senate Print 5990,  
13 and ask that said bill retain its place on  
14 Third Reading Calendar.

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

18 SENATOR GIANARIS: And on behalf of  
19 Senator Mayer, on page 12 I offer the following  
20 amendments to Calendar 176, Senate Print 2598,  
21 and ask that said bill retain its place on  
22 Third Reading Calendar.

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

1                   SENATOR GIANARIS:    Please take up  
2 the reading of the calendar.

3                   ACTING PRESIDENT PERSAUD:    The  
4 Secretary will read.

5                   THE SECRETARY:    Calendar Number  
6 103, Senate Print 4030A, by Senator Fernandez, an  
7 act to amend the Environmental Conservation Law.

8                   ACTING PRESIDENT PERSAUD:    Read the  
9 last section.

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

13                  ACTING PRESIDENT PERSAUD:    Call the  
14 roll.

15                                   (The Secretary called the roll.)

16                  ACTING PRESIDENT PERSAUD:    Announce  
17 the results.

18                  THE SECRETARY:    In relation to  
19 Calendar 103, voting in the negative are  
20 Senators Borrello, Chan, Gallivan, Griffo,  
21 Helming, Lanza, Oberacker, O'Mara, Ortt, Rhoads,  
22 Stec, Tedisco, Walczyk, Weber and Weik.

23                                   Ayes, 47.  Nays, 15.

24                  ACTING PRESIDENT PERSAUD:    The bill  
25 is passed.

1                   THE SECRETARY:     Calendar Number  
2     105, Senate Print 4513, by Senator Ramos, an act  
3     to amend the Environmental Conservation Law.

4                   ACTING PRESIDENT PERSAUD:     Read the  
5     last section.

6                   THE SECRETARY:     Section 2. This  
7     act shall take effect on the 180th day after it  
8     shall have become a law.

9                   ACTING PRESIDENT PERSAUD:     Call the  
10    roll.

11                   (The Secretary called the roll.)

12                   ACTING PRESIDENT PERSAUD:     Announce  
13    the results.

14                   THE SECRETARY:     In relation to  
15    Calendar 105, voting in the negative are  
16    Senators Ortt and Walczyk.

17                   Ayes, 60. Nays, 2.

18                   ACTING PRESIDENT PERSAUD:     Sorry.  
19                   Senator Ramos to explain her vote.

20                   SENATOR RAMOS:     Yes, thank you,  
21    Madam President.

22                   I am of course voting to support my  
23    bill that creates a public review process for  
24    climate projects in communities that are  
25    frontline to the environmental crisis, like mine

1 in Queens.

2 We suffered tremendously during  
3 Hurricane Ida. They tried to put a peaker plant  
4 in the part of Astoria I used to have prior to  
5 redistricting. We just want our communities to  
6 be able to have a say in what happens in them.  
7 We want to make sure that we are able to either  
8 make projects better or to stop bad projects when  
9 we can.

10 So this is about equity. This is  
11 about making sure the voices in disadvantaged  
12 communities are heard. And we are hopeful that  
13 this is only going to strengthen our ability to  
14 meet our climate goals through the CLCPA and  
15 others so that we can make this a leading state  
16 in the fight for sustainability.

17 Thank you so much, Madam President.

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

20 Announce the results.

21 THE SECRETARY: In relation to  
22 Calendar 105, voting in the negative are  
23 Senators Martins, Ortt and Walczyk.

24 Ayes, 59. Nays, 3.

25 ACTING PRESIDENT PERSAUD: The bill

1 is passed.

2 THE SECRETARY: Calendar Number  
3 106, Senate Print 4574B, by Senator May, an act  
4 to amend the Environmental Conservation Law.

5 ACTING PRESIDENT PERSAUD: Read the  
6 last section.

7 THE SECRETARY: Section 4. This  
8 act shall take effect one year after it shall  
9 have become a law.

10 ACTING PRESIDENT PERSAUD: Call the  
11 roll.

12 (The Secretary called the roll.)

13 ACTING PRESIDENT PERSAUD: Announce  
14 the results.

15 THE SECRETARY: Ayes, 62.

16 ACTING PRESIDENT PERSAUD: The bill  
17 is passed.

18 THE SECRETARY: Calendar Number  
19 131, Senate Print 2076, by Senator Mayer, an act  
20 to amend the Labor Law.

21 ACTING PRESIDENT PERSAUD: Read the  
22 last section.

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

25 ACTING PRESIDENT PERSAUD: Call the

1 roll.

2 (The Secretary called the roll.)

3 ACTING PRESIDENT PERSAUD: Announce  
4 the results.

5 THE SECRETARY: Ayes, 62.

6 ACTING PRESIDENT PERSAUD: The bill  
7 is passed.

8 THE SECRETARY: Calendar Number  
9 138, Senate Print 1329, by Senator Parker, an act  
10 to amend the Public Service Law.

11 SENATOR LANZA: Lay it aside.

12 ACTING PRESIDENT PERSAUD: Lay it  
13 aside.

14 THE SECRETARY: Calendar Number  
15 232, Senate Print 925, by Senator Kavanagh, an  
16 act to amend the Real Property Actions and  
17 Proceedings Law.

18 ACTING PRESIDENT PERSAUD: Read the  
19 last section.

20 THE SECRETARY: Section 6. This  
21 act shall take effect on the 90th day after it  
22 shall have become a law.

23 ACTING PRESIDENT PERSAUD: Call the  
24 roll.

25 (The Secretary called the roll.)

1                   ACTING PRESIDENT PERSAUD:    Announce  
2   the results.

3                   THE SECRETARY:    In relation to  
4   Calendar 232, voting in the negative are  
5   Senators Borrello, Oberacker, Palumbo, Stec,  
6   Tedisco and Weber.

7                   Ayes, 56.   Nays, 6.

8                   ACTING PRESIDENT PERSAUD:    The bill  
9   is passed.

10                  THE SECRETARY:    Calendar Number  
11   235, Senate Print 4852, by Senator Skoufis, an  
12   act to amend the Executive Law.

13                  SENATOR LANZA:    Lay it aside.

14                  ACTING PRESIDENT PERSAUD:    Lay it  
15   aside.

16                  THE SECRETARY:    Calendar Number  
17   248, Senate Print 4804, by Senator Ryan, an act  
18   to amend the Vehicle and Traffic Law.

19                  ACTING PRESIDENT PERSAUD:    Read the  
20   last section.

21                  THE SECRETARY:    Section 13. This  
22   act shall take effect on the 180th day after it  
23   shall have become a law.

24                  ACTING PRESIDENT PERSAUD:    Call the  
25   roll.

1 (The Secretary called the roll.)

2 ACTING PRESIDENT PERSAUD: Senator  
3 Ryan to explain his vote.

4 SENATOR RYAN: Thank you,  
5 Madam President.

6 I just want to rise today and speak  
7 in favor of this great piece of legislation,  
8 which takes on a very real and a very urgent need  
9 and concern for our first responders across  
10 New York -- police officers, firefighters,  
11 volunteer firefighters, and our ambulance  
12 companies.

13 In many, many communities, small  
14 communities, particularly in rural areas, we are  
15 heavily dependent on emergency responders. These  
16 are not individuals that are waiting around in a  
17 station. When an alarm sounds, they respond from  
18 home, they respond from work or wherever they  
19 happen to be.

20 In an area of crisis -- in a moment  
21 of crisis, those seconds matter. But  
22 unfortunately the physical layout of many of  
23 these emergency facilities creates unnecessary  
24 hazards. Many of these stations sit along busy  
25 roadways without traffic signals or warning

1 devices to slow motorists. In other cases,  
2 volunteer parking is located across the street,  
3 forcing first responders to cross busy roads when  
4 running to the call.

5 The reality of this is very  
6 troubling. Our first responders put themselves  
7 in danger before they even get to the emergency  
8 by having to dodge traffic.

9 This bill offers a practical  
10 solution. It authorizes local governments and  
11 fire districts to install signage, roadway  
12 markings, and traffic control devices around  
13 emergency stations to better warn drivers and to  
14 protect our important first responders.

15 It also strengthens enforcement by  
16 increasing penalties and establishing a mandatory  
17 one-year license suspension after three  
18 convictions for a failure to yield.

19 Let's please protect our first  
20 responders. And I urge this bill's passage.

21 Thank you.

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

24 Announce the results.

25 THE SECRETARY: Ayes, 62.

1                   ACTING PRESIDENT PERSAUD:    The bill  
2    is passed.

3                   THE SECRETARY:     Calendar Number  
4    255, Senate Print 122A, by Senator Cleare, an act  
5    directing the Departments of Environmental  
6    Conservation and Health to establish  
7    environmental standards for ambient lead and lead  
8    contamination in soils.

9                   ACTING PRESIDENT PERSAUD:    Read the  
10   last section.

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

14                  ACTING PRESIDENT PERSAUD:    Call the  
15   roll.

16                                   (The Secretary called the roll.)

17                  ACTING PRESIDENT PERSAUD:    Senator  
18   Cleare to explain her vote.

19                  SENATOR CLEARE:     Thank you,  
20   Madam President.

21                                   Special thanks to our leader,  
22   Andrea Stewart-Cousins, and our fearless  
23   Environmental Conservation Committee chair,  
24   Pete Harckham, for bringing this bill to the  
25   floor.

1                   You know, I have been working to  
2                   eradicate the toxic substance known as lead for  
3                   most of my entire adult life. We've made great  
4                   strides, particularly in housing. But to truly  
5                   finish the job we must stop lead poisoning from  
6                   all sources, direct and ambient, from soil, air,  
7                   and water.

8                   So I proudly sponsor this bill  
9                   because no amount of lead is safe in any form or  
10                  fashion. Therefore, we must have the highest  
11                  standards. Lead poisoning is a completely  
12                  preventable condition, and we must join in unison  
13                  to forever eradicate lead from our homes, from  
14                  our soil and from our water supply.

15                  And this commitment must be a  
16                  generational one with complementary policy funds  
17                  and interventions that revolve and are  
18                  replenished each and every year for as long as it  
19                  takes to make us, as a whole, healthy.

20                  Thank you to my colleagues in the  
21                  Senate Democratic Conference for always leading  
22                  on these issues. I look forward to a day when we  
23                  can live lead-free.

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

1                   Announce the results.

2                   THE SECRETARY:    Ayes, 62.

3                   ACTING PRESIDENT PERSAUD:   The bill  
4 is passed.

5                   THE SECRETARY:    Calendar Number  
6 266, Senate Print 9073A, by Senator Harckham, an  
7 act --

8                   SENATOR LANZA:    Lay it aside.

9                   ACTING PRESIDENT PERSAUD:   Lay it  
10 aside.

11                   THE SECRETARY:    Calendar Number  
12 267, Senate Print 9074, by Senator Harckham, an  
13 act to amend the Environmental Conservation Law.

14                   ACTING PRESIDENT PERSAUD:   Read the  
15 last section.

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

19                   ACTING PRESIDENT PERSAUD:   Call the  
20 roll.

21                   (The Secretary called the roll.)

22                   ACTING PRESIDENT PERSAUD:   Announce  
23 the results.

24                   THE SECRETARY:    In relation to  
25 Calendar 267, voting in the negative are

1 Senators Martins, Oberacker and Walczyk.

2 Ayes, 59. Nays, 3.

3 ACTING PRESIDENT PERSAUD: The bill  
4 is passed.

5 THE SECRETARY: Calendar Number  
6 269, Senate Print 1062, by Senator Serrano, an  
7 act to amend the Arts and Cultural Affairs Law.

8 ACTING PRESIDENT PERSAUD: Read the  
9 last section.

10 THE SECRETARY: Section 2. This  
11 act shall take effect on the 120th day after it  
12 shall have become a law.

13 ACTING PRESIDENT PERSAUD: Call the  
14 roll.

15 (The Secretary called the roll.)

16 ACTING PRESIDENT PERSAUD: Senator  
17 Serrano to explain his vote.

18 SENATOR SERRANO: Thank you very  
19 much, Madam President.

20 Today was -- is Arts Day in Albany.  
21 We had a series of panel discussions with arts  
22 groups from throughout the State of New York  
23 talking about how the arts are so important to  
24 their communities in so many different ways.

25 This legislation in a lot of ways

1 speaks to that need statewide. By creating arts  
2 and cultural districts throughout the State of  
3 New York, we will find ways to better nurture the  
4 growing arts communities in places throughout the  
5 state that historically have not had that level  
6 of support from our state government.

7 We all know that the arts are  
8 transformative. We know that the arts bring  
9 about so many important things. Yes, of course  
10 they are a huge economic engine. But the arts  
11 have the ability to promote social discussion  
12 that many other mediums can't foster. And they  
13 do it in a way that unites us, something that we  
14 need now more than ever.

15 So the arts are important on so many  
16 different levels, yet they've overlooked when we  
17 think about all of the different priorities that  
18 we have to deal with as a State Legislature.

19 But I really believe that this  
20 legislation will go a long way in ensuring that  
21 local arts organizations in places -- in  
22 different areas throughout the state that  
23 historically don't have a lot of support will be  
24 able to form cultural districts that they can  
25 nurture the artists' community there and have a

1 really strong economic and social impact on those  
2 communities.

3 I vote aye.

4 ACTING PRESIDENT PERSAUD: Senator  
5 Serrano to be recorded in the affirmative.

6 Announce the results.

7 THE SECRETARY: Ayes, 62.

8 ACTING PRESIDENT PERSAUD: The bill  
9 is passed.

10 THE SECRETARY: Calendar Number  
11 270, Senate Print 1377, by Senator Serrano, an  
12 act creating a legislative task force on outdoor  
13 environmental education.

14 ACTING PRESIDENT PERSAUD: Read the  
15 last section.

16 THE SECRETARY: Section 5. This  
17 act shall take effect immediately.

18 ACTING PRESIDENT PERSAUD: Call the  
19 roll.

20 (The Secretary called the roll.)

21 ACTING PRESIDENT PERSAUD: Announce  
22 the results.

23 THE SECRETARY: Ayes, 62.

24 ACTING PRESIDENT PERSAUD: The bill  
25 is passed.

1                   THE SECRETARY:     Calendar Number  
2     272, Senate Print 83, by Senator Liu, an act to  
3     amend the Penal Law.

4                   ACTING PRESIDENT PERSAUD:     Read the  
5     last section.

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

8                   ACTING PRESIDENT PERSAUD:     Call the  
9     roll.

10                   (The Secretary called the roll.)

11                   ACTING PRESIDENT PERSAUD:     Announce  
12     the results.

13                   THE SECRETARY:     In relation to  
14     Calendar 272, voting in the negative:  
15     Senator Brisport.

16                   Ayes, 61. Nays, 1.

17                   ACTING PRESIDENT PERSAUD:     The bill  
18     is passed.

19                   THE SECRETARY:     Calendar Number  
20     280, Senate Print 195, by Senator Martinez, an  
21     act to amend the Public Health Law.

22                   ACTING PRESIDENT PERSAUD:     Read the  
23     last section.

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

1                   ACTING PRESIDENT PERSAUD:    Call the  
2    roll.

3                   (The Secretary called the roll.)

4                   ACTING PRESIDENT PERSAUD:    Announce  
5    the results.

6                   THE SECRETARY:    Ayes, 62.

7                   ACTING PRESIDENT PERSAUD:    The bill  
8    is passed.

9                   THE SECRETARY:    Calendar Number  
10   282, Senate Print 353, by Senator Rivera, an act  
11   to amend the Public Health Law.

12                  SENATOR LANZA:    Lay it aside.

13                  ACTING PRESIDENT PERSAUD:    Lay it  
14   aside.

15                  THE SECRETARY:    Calendar Number  
16   283, Senate Print 1287B, by Senator Persaud, an  
17   act to amend the Public Health Law.

18                  ACTING PRESIDENT PERSAUD:    Read the  
19   last section.

20                  THE SECRETARY:    Section 2. This  
21   act shall take effect on the 30th day after it  
22   shall have become a law.

23                  ACTING PRESIDENT PERSAUD:    Call the  
24   roll.

25                  (The Secretary called the roll.)

1                   ACTING PRESIDENT PERSAUD:    Announce  
2   the results.

3                   THE SECRETARY:     Ayes, 62.

4                   ACTING PRESIDENT PERSAUD:    The bill  
5   is passed.

6                   THE SECRETARY:     Calendar Number  
7   291, Senate Print 672B, by Senator Hinchey, an  
8   act to amend the Environmental Conservation Law.

9                   ACTING PRESIDENT PERSAUD:    Read the  
10  last section.

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

13                  ACTING PRESIDENT PERSAUD:    Call the  
14  roll.

15                  (The Secretary called the roll.)

16                  ACTING PRESIDENT PERSAUD:    Announce  
17  the results.

18                  THE SECRETARY:     Ayes, 62.

19                  ACTING PRESIDENT PERSAUD:    The bill  
20  is passed.

21                  THE SECRETARY:     Calendar Number  
22  292, Senate Print 1180B, by Senator Gianaris, an  
23  act to amend the Environmental Conservation Law.

24                  ACTING PRESIDENT PERSAUD:    Read the  
25  last section.

1 THE SECRETARY: Section 3. This  
2 act shall take effect on the 30th day after it  
3 shall have become a law.

4 ACTING PRESIDENT PERSAUD: Call the  
5 roll.

6 (The Secretary called the roll.)

7 ACTING PRESIDENT PERSAUD: Announce  
8 the results.

9 THE SECRETARY: In relation to  
10 Calendar 292, voting in the negative are  
11 Senators Borrello, Chan, Gallivan, Griffo,  
12 Helming, Lanza, Murray, O'Mara, Ortt, Stec,  
13 Walczyk, Weber and Weik.

14 Ayes, 49. Nays, 13.

15 ACTING PRESIDENT PERSAUD: The bill  
16 is passed.

17 THE SECRETARY: Calendar Number  
18 294, Senate Print 9072A, by Senator Harckham, an  
19 act to amend the Environmental Conservation Law.

20 SENATOR LANZA: Lay it aside.

21 ACTING PRESIDENT PERSAUD: Lay it  
22 aside.

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

25 SENATOR SERRANO: Let's please go

1 to the reading of the controversial calendar.

2 ACTING PRESIDENT PERSAUD: The  
3 Secretary will ring the bell.

4 The Secretary will read.

5 THE SECRETARY: Calendar Number  
6 138, Senate Print 1329, by Senator Parker, an act  
7 to amend the Public Service Law.

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

10 SENATOR WALCZYK: Madam President,  
11 would the sponsor yield for some questions?

12 ACTING PRESIDENT PERSAUD: Will the  
13 sponsor yield?

14 SENATOR PARKER: Yes,  
15 Madam President.

16 ACTING PRESIDENT PERSAUD: The  
17 sponsor yields.

18 SENATOR WALCZYK: So in Section 2  
19 of your bill it reads: The department -- meaning  
20 the Department of Public Service -- shall adjust  
21 each utility corporation's residential fixed  
22 charges upon such corporation's filing with the  
23 department of an amendment of rate schedules  
24 pursuant to Article 4 of this chapter to recover  
25 only the fixed charges and operation and

1 maintenance expenses directly related to  
2 metering, billing, service connections, and the  
3 provision of customer service.

4 And it's that definition that I  
5 really would like to ask you about, those fixed  
6 charges. Utilities can only bill for metering,  
7 billing, connections, customer service,  
8 et cetera, that you've lined out.

9 So are systems benefit charges  
10 included in that definition?

11 SENATOR PARKER: So as you know,  
12 the Democratic Conference in the State Senate has  
13 really been the leader in the state around  
14 utility affordability. For a number of years we  
15 have really been suffering as a state,  
16 particularly our constituents, with very high and  
17 unexpected surges in their bills.

18 The purpose of this legislation is  
19 to narrowly define what utilities can add on and  
20 not create, you know, a whole bunch of extra  
21 charges to make bills, you know, balloon, and us  
22 to create some real deep affordability for  
23 constituents around those bills.

24 So the systems benefit charge does  
25 not -- is not included in these particular

1 charges. It's a separate charge.

2 SENATOR WALCZYK: And through you,  
3 Madam President, would the sponsor continue to  
4 yield?

5 ACTING PRESIDENT PERSAUD: Will the  
6 sponsor yield?

7 SENATOR PARKER: Yes.

8 ACTING PRESIDENT PERSAUD: The  
9 sponsor yields.

10 SENATOR WALCZYK: Are costs of  
11 mandated infrastructure from the State of  
12 New York included in the definition that you've  
13 provided there?

14 SENATOR PARKER: It's not in the  
15 definition. Usually those things are decided  
16 within the context of rate cases.

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

20 ACTING PRESIDENT PERSAUD: Does the  
21 sponsor yield?

22 SENATOR PARKER: I do.

23 ACTING PRESIDENT PERSAUD: The  
24 sponsor yields.

25 SENATOR WALCZYK: Are customer

1 benefits, solar contributions, are they included  
2 in the definition that you've provided?

3 SENATOR PARKER: Not that I know  
4 of.

5 SENATOR WALCZYK: And through you,  
6 Madam President, will the sponsor continue to  
7 yield?

8 ACTING PRESIDENT PERSAUD: Does the  
9 sponsor yield?

10 SENATOR PARKER: Yes,  
11 Madam President.

12 ACTING PRESIDENT PERSAUD: The  
13 sponsor yields.

14 SENATOR WALCZYK: Are state taxes  
15 included in the metering, billing, connections,  
16 customer service fixed charges that you've  
17 outlined here in this definition?

18 SENATOR PARKER: Through you,  
19 Madam President, they are not.

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

23 ACTING PRESIDENT PERSAUD: Does the  
24 sponsor yield?

25 SENATOR PARKER: Madam President, I

1 yield.

2 ACTING PRESIDENT PERSAUD: The  
3 sponsor yields.

4 SENATOR WALCZYK: Are local taxes  
5 included in that definition?

6 SENATOR PARKER: Through you,  
7 Madam President, local taxes are not included.

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

11 ACTING PRESIDENT PERSAUD: Does the  
12 sponsor yield?

13 SENATOR PARKER: Yes.

14 ACTING PRESIDENT PERSAUD: The  
15 sponsor yields.

16 SENATOR WALCZYK: Are state and  
17 local surcharges included in the definition  
18 you've provided here?

19 SENATOR PARKER: No, it is not.

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

23 ACTING PRESIDENT PERSAUD: Does the  
24 sponsor yield?

25 SENATOR PARKER: Madam President, I

1 yield.

2 ACTING PRESIDENT PERSAUD: The  
3 sponsor yields.

4 SENATOR WALCZYK: Are sales taxes  
5 included in that definition of metering, billing,  
6 connections, customer service?

7 SENATOR PARKER: Madam President,  
8 through you, they are not.

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

12 ACTING PRESIDENT PERSAUD: Does the  
13 sponsor yield?

14 SENATOR PARKER: Yes.

15 ACTING PRESIDENT PERSAUD: The  
16 sponsor yields.

17 SENATOR WALCZYK: Are gross  
18 receipts taxes included in that definition of  
19 fixed charges on someone's bill?

20 SENATOR PARKER: Madam President,  
21 no.

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

25 ACTING PRESIDENT PERSAUD: Does the

1 sponsor yield?

2 SENATOR PARKER: Yes.

3 ACTING PRESIDENT PERSAUD: The  
4 sponsor yields.

5 SENATOR WALCZYK: What about the  
6 state assessment that people see on their bill,  
7 is that included in those fixed charges?

8 SENATOR PARKER: Madam President,  
9 they are not.

10 SENATOR WALCZYK: Thank you.

11 Madam President, on the bill.

12 ACTING PRESIDENT PERSAUD: Senator  
13 Walczyk on the bill.

14 SENATOR WALCZYK: This bill  
15 purports to reduce and -- as the sponsor said,  
16 purports to reduce fixed charges on energy bills.  
17 But none of the fixed charges that the state  
18 mandates, making up somewhere between 30 and  
19 50 percent of your bill, are even included in the  
20 definition of this legislation.

21 And even if any fixed charges are,  
22 utility companies will raise rates to pay for the  
23 mandates through supply charges.

24 In fact, if this bill does anything  
25 at all, it may actually reduce the cost for the

1 fixed charge that is on someone's vacation home  
2 or a residence that they don't live at, nobody's  
3 spending power at, or a vacant apartment building  
4 that has nobody living in it whatsoever.

5 If there were any fixed charges --  
6 and I tried to enumerate a number of them. I  
7 couldn't think of any more because the state has  
8 put so many charges on your utility bills. But  
9 even if it did reduce anybody's energy bill, it  
10 would be reducing them for vacant apartments and  
11 vacation homes.

12 This do-nothing bill will not lower  
13 the cost for New Yorkers in any type of real way,  
14 and I vote no.

15 Thank you.

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

18 Seeing none, the debate is closed.

19 Senator Serrano.

20 SENATOR SERRANO: Upon consent,  
21 we've agreed to restore this bill to the  
22 noncontroversial calendar.

23 ACTING PRESIDENT PERSAUD: Read the  
24 last section.

25 THE SECRETARY: Section 2. This

1 act shall take effect immediately.

2 ACTING PRESIDENT PERSAUD: Call the  
3 roll.

4 (The Secretary called the roll.)

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

7 SENATOR MARTINS: Thank you,  
8 Madam President.

9 You know, I appreciate the debate,  
10 certainly appreciated the questions and the  
11 answers. But there was a comment that was made  
12 during the debate -- I'll be voting no,  
13 Madam President. But it says "the very high and  
14 unexpected surge in bills." That was said just  
15 during this last debate, the very high and  
16 unexpected surge in utility bills.

17 When this chamber starts to consider  
18 the impact of policies on our ratepayers, on our  
19 constituents, on their ability to pay for energy  
20 before we pass bills -- and we have discussed  
21 this. On every one of the bills, including the  
22 CLCPA, we have consistently warned about the  
23 impact on our ratepayers of paying for all of  
24 these costs and the implementation.

25 Now, someone can say,

1 Madam President, that the cost of solar is less  
2 than any other form. Sure, if solar is working.  
3 But that doesn't take into consideration all of  
4 the subsidies that have been paid, the  
5 infrastructure that is required, and the costs of  
6 not being able to access that when there are  
7 snow-covered solar panels that don't allow for  
8 the transmission of electricity, much like the  
9 last few weeks here in New York.

10 I'll be voting no.

11 ACTING PRESIDENT PERSAUD: Senator  
12 Martins to be recorded in the negative.

13 Senator Harckham to explain his  
14 vote.

15 SENATOR HARCKHAM: Thank you very  
16 much, Madam President. I just want to rise to  
17 vote yes.

18 And I'm glad to hear my colleague  
19 mention that we should be cognizant of policies  
20 especially when we see that the ISO, the  
21 Independent System Operator, releases a report  
22 pinpointing the cost of natural gas for the surge  
23 in the price of electricity.

24 I'll say that again. The  
25 Independent System Operator just released a

1 report pointing to natural gas for the surge in  
2 electrical prices. Because natural gas is no  
3 longer some home-grown energy efficiency, it's  
4 now an international commodity. So I wanted to  
5 put that on the record.

6 I thank Senator Parker for this  
7 bill. I'll be voting aye.

8 ACTING PRESIDENT PERSAUD: Senator  
9 Harckham to be recorded in the affirmative.

10 Announce the results.

11 THE SECRETARY: In relation to  
12 Calendar 138, voting in the negative are  
13 Senators Borrello, Canzoneri-Fitzpatrick,  
14 Gallivan, Griffo, Lanza, Martins, Mattera,  
15 Murray, Oberacker, O'Mara, Ortt, Rhoads, Stec,  
16 Tedisco, Walczyk and Weik.

17 Ayes, 46. Nays, 16.

18 ACTING PRESIDENT PERSAUD: The bill  
19 is passed.

20 THE SECRETARY: Calendar Number  
21 235, Senate Print 4852, by Senator Skoufis, an  
22 act to amend the Executive Law.

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

25 SENATOR WALCZYK: Madam President,

1 I hope the sponsor would yield for some  
2 questions.

3 ACTING PRESIDENT PERSAUD: Will the  
4 sponsor yield?

5 SENATOR SKOUFIS: Of course.

6 ACTING PRESIDENT PERSAUD: The  
7 sponsor yields.

8 SENATOR WALCZYK: What does this  
9 bill do?

10 SENATOR SKOUFIS: Through you,  
11 Madam President. This bill is very  
12 straightforward. It requires New York's  
13 Code Council to incorporate revisions, updates  
14 within 18 months of revisions and updates being  
15 offered by international and national code  
16 standards.

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

20 ACTING PRESIDENT PERSAUD: Does the  
21 sponsor yield?

22 SENATOR SKOUFIS: Yes.

23 ACTING PRESIDENT PERSAUD: The  
24 sponsor yields.

25 SENATOR WALCZYK: Thank you for

1 that.

2 The Codes Council, they already meet  
3 four times a year, is that right?

4 SENATOR SKOUFIS: Through you,  
5 Madam President, I take your word that that is  
6 accurate. That sounds accurate. I know they  
7 meet a number of times a year.

8 I will note, given I think I know  
9 where you're going with this, that the most  
10 recent revision of the international standards  
11 took our state's Code Council five years to  
12 incorporate. That's why we're taking up this  
13 bill.

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

17 ACTING PRESIDENT PERSAUD: Does the  
18 sponsor yield?

19 SENATOR SKOUFIS: Yes.

20 ACTING PRESIDENT PERSAUD: The  
21 sponsor yields.

22 SENATOR WALCZYK: They're already  
23 required in statute to update the code every  
24 three years, though, is that correct?

25 ("No, not correct," from counsel.)

1                   SENATOR SKOUFIS:    I think you heard  
2 the answer through my microphone.

3                   (Laughter.)

4                   SENATOR SKOUFIS:    But through you,  
5 Madam President, I'm advised by counsel that that  
6 is not correct.

7                   SENATOR WALCZYK:    Thank you for the  
8 clarification.

9                   Through you, Madam President, would  
10 the sponsor continue to yield?

11                  ACTING PRESIDENT PERSAUD:    Does the  
12 sponsor yield?

13                  SENATOR SKOUFIS:    Yes.

14                  ACTING PRESIDENT PERSAUD:    The  
15 sponsor yields.

16                  SENATOR WALCZYK:    And one of the  
17 ASHRAE standards, that's already standard and  
18 they have to update our code to comply with that  
19 when it comes out already currently, is that  
20 correct?

21                  SENATOR SKOUFIS:    Through you,  
22 Madam President, that is correct.

23                  If you look under -- I guess it's  
24 Section B, line 47, you see that in addition to  
25 that one organization, we are expanding that to a

1 list of three standards.

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

5 ACTING PRESIDENT PERSAUD: Will the  
6 sponsor yield?

7 SENATOR SKOUFIS: Yes.

8 ACTING PRESIDENT PERSAUD: The  
9 sponsor yields.

10 SENATOR WALCZYK: Yet one of those  
11 three standards is the American National  
12 Standards Institute. Aren't we already more  
13 stringent in our building code than the  
14 American National Standards Institute?

15 SENATOR SKOUFIS: Through you,  
16 Madam President. My understanding, confirmed by  
17 counsel, is that -- that these standards, these  
18 national or international standards, can be  
19 considered as floors here in New York. And so  
20 yes, it stands to reason that we may be more  
21 strict than some or all of these three.

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

25 ACTING PRESIDENT PERSAUD: Does the

1 sponsor yield?

2 SENATOR SKOUFIS: Yes.

3 ACTING PRESIDENT PERSAUD: The  
4 sponsor yields.

5 SENATOR WALCZYK: Why are the IESNA  
6 standards included in this new requirement?

7 SENATOR SKOUFIS: Through you,  
8 Madam President. What we're attempting to do  
9 with this legislation is really reflect the menu  
10 of options that are available to the state's  
11 Code Council. That particular agency and those  
12 standards are a -- a -- a very credible and  
13 renowned set of standards. And so we decided to  
14 add that to the set of three options.

15 SENATOR WALCZYK: And through you,  
16 Madam President, would the sponsor continue to  
17 yield?

18 ACTING PRESIDENT PERSAUD: Does the  
19 sponsor yield?

20 SENATOR SKOUFIS: Yes.

21 ACTING PRESIDENT PERSAUD: The  
22 sponsor yields.

23 SENATOR WALCZYK: Yeah, so the IES  
24 is the group that gives some lighting standards  
25 recommendations. In 2010, the IES changed their

1 name to the IES; they dropped the "North America"  
2 from IESNA. But in your legislation you say the  
3 IESNA standard. Is that a 16-year-old typo?

4 SENATOR SKOUFIS: Through you,  
5 Madam President. We'll take that back and take a  
6 look. This is a bill that dates back to at least  
7 2017. And I -- we will take that back and take a  
8 look.

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

12 ACTING PRESIDENT PERSAUD: Does the  
13 sponsor yield?

14 SENATOR SKOUFIS: Yes.

15 ACTING PRESIDENT PERSAUD: The  
16 sponsor yields.

17 SENATOR WALCZYK: I brought up some  
18 of these concerns in the Housing Committee, where  
19 that probably should have rested. It certainly  
20 would have if my vote carried the day there. And  
21 I hope you would continue that back, to take that  
22 back.

23 Will any of the changes proposed  
24 here require Codes Council to revert to a less  
25 stringent code than we already have?

1                   SENATOR SKOUFIS:    Through you,  
2   Madam President.  The answer is no, it just  
3   requires the Council to make an adoption or at  
4   least a consideration of these standards.

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

8                   ACTING PRESIDENT PERSAUD:   Does the  
9   sponsor yield?

10                  SENATOR SKOUFIS:    Yes.

11                  ACTING PRESIDENT PERSAUD:   The  
12   sponsor yields.

13                  SENATOR WALCZYK:    So how will this  
14   adaptation of a new requirement with a couple of  
15   additional codes and a requirement for  
16   Codes Council to adopt them within 18 months, how  
17   will that lower the cost of building new  
18   construction, including houses, in New York  
19   State?

20                  SENATOR SKOUFIS:    Through you,  
21   Madam President.  I don't know that it has any  
22   meaningful bearing whether that -- these  
23   standards are adopted five years later versus  
24   18 months later, ideally sooner, as it relates to  
25   cost.

1                   What I am more concerned about in  
2                   advancing this bill is protecting your and my  
3                   constituents. As you know, embedded in our  
4                   Building Code, at the core of our Building Code,  
5                   are safety standards.

6                   Likewise, I'm interested in  
7                   protecting your and my firefighters who run into  
8                   smoke-filled buildings and rely on code  
9                   enforcement and strict building codes so that  
10                  amidst the smoke in these houses and buildings  
11                  they are not bumping into walls that should not  
12                  exist, illegally, in especially apartment  
13                  buildings.

14                  So that is really the reason why we  
15                  are looking to make sure that the standards are  
16                  adopted expeditiously, is to make sure that we  
17                  have safe construction here in New York State.

18                  SENATOR WALCZYK:    And through you,  
19                  Madam President, will the sponsor continue to  
20                  yield.

21                  ACTING PRESIDENT PERSAUD:    Does the  
22                  sponsor yield?

23                  SENATOR SKOUFIS:    Yes.

24                  ACTING PRESIDENT PERSAUD:    The  
25                  sponsor yields.

1                   SENATOR WALCZYK:   How -- you know,  
2                   and I appreciate your wanting safety.  As we  
3                   already pointed out in this debate, our code is  
4                   already more stringent than all of these codes,  
5                   including the additional codes that you're  
6                   bringing in.

7                   But I'm curious how lighting  
8                   standards would make it more safe for a  
9                   firefighter if you're using the Illuminating  
10                  Engineering Society of North America, which would  
11                  be a code that's 16 years old.

12                  SENATOR SKOUFIS:   Through you,  
13                  Madam President.  A couple of things.

14                  First, certainly in addition to  
15                  safety standards within our Building Code, there  
16                  are plenty of standards that speak to efficiency  
17                  and other factors in construction.  And so it's  
18                  not an either/or; they all exist.

19                  As far as lighting, I think if you  
20                  were to ask most of your firefighters and most of  
21                  your fire departments, they would absolutely tell  
22                  you that lighting is a safety matter.  And making  
23                  sure that there is efficient and -- I should say  
24                  sufficient lighting within our buildings here in  
25                  New York State absolutely is relevant to safety,

1 in addition to efficiency, energy efficiency.

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

5 ACTING PRESIDENT PERSAUD: Does the  
6 sponsor yield?

7 SENATOR SKOUFIS: Yes.

8 ACTING PRESIDENT PERSAUD: The  
9 sponsor yields.

10 SENATOR WALCZYK: Yeah, I'm not  
11 sure the 16-year-old code and whether the  
12 LED light bulbs versus an incandescent would  
13 really make a difference when we're talking about  
14 lighting standards and our standard already being  
15 more stringent than that.

16 But I did want to point to a section  
17 of your bill on page 2. From the top, you talk  
18 about the State Climate Leadership and Community  
19 Protection Act: "The Legislature hereby directs  
20 that a State Energy Conservation Construction  
21 Code be adopted to protect the health, safety and  
22 security of the people of this state and to  
23 assure a continuing supply of energy for future  
24 generations, and that such code mandate that  
25 economically reasonable energy conservation

1 techniques be used in the design and construction  
2 of all public and private buildings in the  
3 state."

4                   And that is true now in law, except  
5 for two lines. You have added in the state's  
6 "Climate Leadership and Community Protection  
7 Act," and you have removed in this bill that  
8 anything be "economically" reasonable. Why is  
9 the -- why is the word "economically" removed  
10 from statute in your proposal here today?

11                   SENATOR SKOUFIS: Madam President,  
12 I'd like to first note this is the fourth time --  
13 assuming it does pass after this debate, this is  
14 the fourth time this bill will have passed this  
15 chamber.

16                   I know that my colleague is a  
17 voracious reader of these bills and voracious  
18 debater, and this has never been brought up  
19 before? And so I question, what took you so long  
20 to have this conversation?

21                   Nevertheless, I'm happy to answer  
22 the question. The CLCPA, in the statute, in the  
23 Scoping Plan section of the CLCPA statute, it  
24 already requires that the Code Council consider  
25 the CLCPA. This is an incidental update to the

1 statute. This is an incidental change --  
2 basically, a codification of what already exists.

3 And similarly, the deletion of  
4 "economically" is incidental. If you look  
5 several lines down, lines 14 through 19, this is  
6 one of a number of examples where the Code  
7 Council shall -- they must -- consider cost  
8 effectiveness among other considerations.

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

12 ACTING PRESIDENT PERSAUD: Does the  
13 sponsor yield?

14 SENATOR SKOUFIS: Yes.

15 ACTING PRESIDENT PERSAUD: The  
16 sponsor yields.

17 SENATOR WALCZYK: Yeah, the same  
18 question I would ask back again: Why  
19 specifically did you remove "economically  
20 reasonable" from what the code should be  
21 considering, the Codes Council should be  
22 considering?

23 SENATOR SKOUFIS: Through you,  
24 Madam President. Whether that word is there or  
25 not does not have any impact as to the Council's

1 discretion and ability to consider cost  
2 effectiveness. It's an incidental change, as I  
3 noted before.

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

7 ACTING PRESIDENT PERSAUD: Does the  
8 sponsor yield?

9 SENATOR SKOUFIS: Yes.

10 ACTING PRESIDENT PERSAUD: The  
11 sponsor yields.

12 SENATOR WALCZYK: Yeah, it's pretty  
13 glaring. And on my sheet of paper it is -- it's  
14 struck out and highlighted in red,  
15 "economically." If it's incidental, then why  
16 even remove that?

17 What this suggests to me -- and this  
18 is why I ask it -- is people are very concerned  
19 about the cost of energy and the feasibility in  
20 paying for all of the mandates under New York's  
21 CLCPA.

22 And what you've taken here is a  
23 couple of code changes that seem semi -- maybe  
24 not even relevant whatsoever to the State of  
25 New York and you've subbed in, in a little line,

1 New York CLCPA and the Codes Council will, within  
2 18 months, publish a new code under the CLCPA  
3 without considering how much this is going to  
4 cost.

5 So I say again, why would you remove  
6 "economically reasonable"? How unreasonable  
7 should the housing costs and construction costs  
8 be in New York State?

9 SENATOR SKOUFIS: Through you,  
10 Madam President. Most of that commentary is not  
11 germane to this bill.

12 You answered -- or, rather, you  
13 asked several questions that are not germane to  
14 this bill, and I have answered the -- I believe  
15 the core of your question. I'll answer it for a  
16 third time, which is that, again, despite or in  
17 light of striking that word or not, there is no  
18 impact whatsoever as to whether the Council can  
19 maintain its discretion and ability to consider  
20 cost effectiveness.

21 And again, I will point you to  
22 lines 14 through 19, literally just several lines  
23 under the word in question we're talking about.

24 As far as whether the public looks  
25 at this bill language or not -- and I suspect

1 that there aren't too many people of the  
2 19.5 million who will examine this markup that we  
3 are examining here. But to the extent that  
4 people have concern about that line being struck,  
5 even though it has no relevance to the Council's  
6 ability to consider cost-effectiveness, they will  
7 have that concern because elected officials like  
8 yourself will try and -- despite the facts,  
9 despite my answers -- go onto social media and  
10 cause a firestorm of craziness with  
11 misinformation and untruths.

12 And we've seen that even in just  
13 recent weeks on your social media page, where you  
14 talk about hostile amendments and, you know, give  
15 people all sorts of ideas and grief and  
16 misconstrue what happens on this floor.

17 To the extent anyone is going to be  
18 concerned about this word that has no impact or  
19 relevance whatsoever on the Council's discretion,  
20 it is because you will mislead them and convince  
21 them otherwise.

22 SENATOR WALCZYK: Through you,  
23 Madam President, would the sponsor yield.

24 ACTING PRESIDENT PERSAUD: Does the  
25 sponsor yield?

1                   SENATOR SKOUFIS:    Yes.

2                   ACTING PRESIDENT PERSAUD:    The  
3 sponsor yields.

4                   SENATOR WALCZYK:    Well, you could  
5 have just called me a liar --

6                                   (Laughter.)

7                   SENATOR WALCZYK:    -- but I didn't  
8 write this bill.  And I didn't remove -- I didn't  
9 bring a bill into this chamber, ignore the  
10 suggestions that were given in the  
11 Housing Committee, and bring a bill into this  
12 chamber that removes "economically reasonable."

13                                   You might call that a lie, but you  
14 wrote the bill.  Misinformation, disinformation,  
15 you wrote this bill.  You sponsored it.  You  
16 brought it into this chamber.

17                                   And what it means, by your own  
18 admission here today, is that you're taking the  
19 CLCPA, you're bringing that to the Codes Council,  
20 you're forcing them to redo the code on a faster  
21 timeline.  You've removed the --

22                   ACTING PRESIDENT PERSAUD:    Excuse  
23 me, Senator.  Could you not address the Senator,  
24 either of you.  Could you address the chair.  Not  
25 "you."

1                   SENATOR WALCZYK:     Sure, yeah.  On  
2     the bill, Madam President.

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

5                   SENATOR WALCZYK:     Let me try and be  
6     informative with misinformation.

7                   The problem is it's too costly in  
8     New York State.  We have a robust code.  Our  
9     Code Council meets four times a year.  We take  
10    international building standards, we go above and  
11    beyond them.  Bringing in lighting standards from  
12    2010 and pretending like that's going to make the  
13    life safer for firefighters is not going to  
14    change a thing in New York State.  Bringing in  
15    the Climate Leadership and Community Protection  
16    Act and then removing "economically reasonable"  
17    from the Codes Council when they consider changes  
18    to New York State Building Code, that has an  
19    impact on everyday New Yorkers.

20                   I know why it's done.  We still  
21    don't know how much it's going to cost to have  
22    the CLCPA fully implemented in New York State.  
23    The Comptroller a year and a half ago said  
24    \$340 billion.  Well, we're just ripping the lid  
25    off and saying even if it's economically

1 unreasonable, the Codes Council still has to do  
2 it.

3 So as we have a housing shortage in  
4 New York State -- housing gets more expensive  
5 when you pass bills like this. I'll be voting no  
6 and encourage my colleagues to do the same.

7 Thank you.

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

10 Seeing none, the debate is closed.

11 Senator Serrano.

12 SENATOR SERRANO: Upon consent,  
13 we've agreed to restore this bill to the  
14 noncontroversial calendar.

15 ACTING PRESIDENT PERSAUD: Read the  
16 last section.

17 THE SECRETARY: Section 4. This  
18 act shall take effect immediately.

19 ACTING PRESIDENT PERSAUD: Call the  
20 roll.

21 (The Secretary called the roll.)

22 ACTING PRESIDENT PERSAUD: Senator  
23 Skoufis to explain his vote.

24 SENATOR SKOUFIS: Thank you,  
25 Madam President.

1 I always appreciate debate. I  
2 appreciate inquisitive questions and the  
3 back-and-forth. But in this instance I fail to  
4 understand why questions are asked if you're just  
5 going to ignore the answers.

6 I stated literally at least three if  
7 not four times that what my colleague just  
8 remarked upon multiple times is just patently,  
9 factually, evidentiarily not true. And yet I  
10 imagine this will be a clip on a social media  
11 page in the coming days and he will somehow --  
12 and I'm not going to use the L word, but he will  
13 misconstrue, he will misinform his own  
14 constituents.

15 The reason why we're passing this  
16 bill is very straightforward. We are requiring  
17 the Code Council to adopt --

18 SENATOR LANZA: Madam President.  
19 Madam President.

20 SENATOR SKOUFIS: -- to adopt  
21 national and international standards in a timely  
22 manner.

23 ACTING PRESIDENT PERSAUD:  
24 Senator -- Senator Skoufis.

25 SENATOR SKOUFIS: Everything we

1 just heard a moment ago has nothing to do with  
2 this bill.

3 Thank you. I vote yes.

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

6 Senator Lanza.

7 SENATOR LANZA: It would -- it  
8 would be nice if we can keep the personalities  
9 out of the debate on this floor as best we can.

10 ACTING PRESIDENT PERSAUD: Thank  
11 you, Senator. I did ask our colleagues to do  
12 that. Not one, I did I say both, and I pointed  
13 to both. Thank you.

14 Announce the results.

15 THE SECRETARY: In relation to  
16 Calendar 235, voting in the negative are  
17 Senators Ashby, Borrello, Canzoneri-Fitzpatrick,  
18 Chan, Griffio, Helming, Lanza, Martins, Mattera,  
19 Murray, Oberacker, O'Mara, Ortt, Palumbo, Rhoads,  
20 Stec, Tedisco, Walczyk, Weber and Weik.

21 Ayes, 42. Nays, 20.

22 ACTING PRESIDENT PERSAUD: The bill  
23 is passed.

24 THE SECRETARY: Calendar Number  
25 266, Senate Print 9073A, by Senator Harckham, an

1 act to amend the Environmental Conservation Law.

2 ACTING PRESIDENT PERSAUD: Senator  
3 Stec, why do you rise?

4 SENATOR STEC: If my friend and  
5 colleague Senator Harckham would please yield for  
6 a few polite questions.

7 (Laughter.)

8 SENATOR HARCKHAM: Madam President,  
9 for my friend Senator Stec --

10 (Laughter.)

11 SENATOR HARCKHAM: -- I absolutely  
12 look forward to a few friendly questions.

13 SENATOR STEC: Thank you.

14 ACTING PRESIDENT PERSAUD: Thank  
15 you, Senators. Can we keep it cordial.

16 Thank you.

17 SENATOR STEC: Thank you. If the  
18 sponsor would please yield.

19 ACTING PRESIDENT PERSAUD: The  
20 sponsor yields.

21 SENATOR HARCKHAM: Absolutely,  
22 Madam President.

23 SENATOR STEC: Thank you,  
24 Madam President.

25 What is wrong with this bill?

1 (Laughter.)

2 SENATOR STEC: No, I'm just  
3 kidding.

4 (Laughter.)

5 SENATOR STEC: Just kidding.  
6 There's no reason this can't be a little fun.

7 In all seriousness, if the sponsor  
8 would yield for a few questions.

9 SENATOR HARCKHAM: Absolutely.

10 ACTING PRESIDENT PERSAUD: The  
11 sponsor yields.

12 SENATOR STEC: Thank you all.

13 Senator, PFAS is something that  
14 certainly this state and every other state in the  
15 country has been trying to wrestle with and make  
16 improvements on, so I understand where you're  
17 coming from with your intent on the bill.

18 I'm sure this will come as no  
19 surprise to you: A lot of opposition memos and  
20 concerns specifically about the effect that it's  
21 going to have on cookware. And I know you've  
22 talked to -- you're aware of those, and I believe  
23 the -- I think the PFAS Action Network has spoken  
24 with you, asked you about conforming the  
25 definition in your bill to be -- to conform with

1 the EPA standards under the Biden administration  
2 that are still in effect, to make it more  
3 manageable.

4 And they point to other states and  
5 jurisdictions that have had some issues with it  
6 and have gone there and also pulled back.

7 Are you willing to consider  
8 something similar to that?

9 SENATOR HARCKHAM: Well, thank you,  
10 Madam President. Thank you to the Senator for  
11 the question.

12 You know, we as states are -- cannot  
13 pass legislation weaker than the federal  
14 government, but we can stronger. And that was  
15 the original author's intent -- remember, this  
16 legislation was carried by a former colleague,  
17 Senator Hoylman-Sigal, for a while, and I'm proud  
18 to pick it up -- is that we wanted to have the  
19 strongest protection for New Yorkers as we can,  
20 particularly as we see the federal government has  
21 weakened PFAS regulation in other areas and has  
22 weakened other environmental regulations that we  
23 wanted to set the bar in a high fashion. And  
24 that we wanted to include cookware. You remember  
25 the first -- the first version did not.

1                   Part of that was because there was  
2 litigation in Minnesota. And we saw that  
3 litigation dismissed, so that was no longer a  
4 concern.

5                   SENATOR STEC: Thank you. If the  
6 sponsor would continue to yield.

7                   ACTING PRESIDENT PERSAUD: Does the  
8 sponsor yield?

9                   SENATOR HARCKHAM: Absolutely.

10                  ACTING PRESIDENT PERSAUD: The  
11 sponsor yields.

12                  SENATOR STEC: Thank you, Senator.

13                  So a series of questions I just want  
14 to ask here along -- to show a train of thought  
15 here.

16                  You're aware that multiple major  
17 health and regulatory authorities, including the  
18 FDA, the American Cancer Society, the German  
19 Federal Institute for Risk Assessment, have  
20 repeatedly evaluated these chemicals with the  
21 non-stick coatings and publicly concluded they  
22 are safe for intended use in cookware and for  
23 food contact applications. You're aware of that?

24                  SENATOR HARCKHAM: Through you,  
25 Madam President, I am.

1                   And for every organization that says  
2 they're safe, there are other organizations that  
3 say they're not safe. There are studies that  
4 show when -- when Teflon is heated just as low as  
5 350 degrees, it becomes a threat to transmit PFAS  
6 to food that's being cooked. Also that it  
7 vaporizes, gets into the air.

8                   And so, you know, we take very  
9 seriously that PFAS -- the NIH estimates that  
10 annually PFAS costs our healthcare system between  
11 37 billion and 59 billion dollars. And what we  
12 are also seeing, from places like Hoosick Falls  
13 in New York and places all over New York State  
14 that now have to invest tens of millions of  
15 dollars to remediate PFAS from our drinking water  
16 system, is that rather than, you know, include  
17 PFAS in consumer products and then fight to  
18 justify it's safe, we need to stop including it  
19 in the production cycle in the first place to  
20 keep it out of our water supply when there are  
21 perfectly fine alternatives like stainless steel,  
22 ceramic, and cast iron, just to name three.

23                   SENATOR STEC: Thank you.

24                   If the sponsor would continue to  
25 yield.

1                   ACTING PRESIDENT PERSAUD:    Does the  
2 sponsor yield?

3                   SENATOR HARCKHAM:    Absolutely.

4                   ACTING PRESIDENT PERSAUD:    The  
5 sponsor yields.

6                   SENATOR STEC:    Thank you.

7                   So are you aware that several  
8 jurisdictions have recently decided to exclude  
9 fluoropolymers or non-stick cookware applications  
10 from proposed bans or restrictions, and these  
11 include some cowboy anti-health jurisdictions  
12 like California, New Mexico, Vermont, Canada,  
13 France and Illinois?

14                  SENATOR HARCKHAM:    Through you,  
15 Madam President, I am aware of that.

16                  But there are also Colorado,  
17 Connecticut, Maine, Minnesota, Rhode Island and  
18 Vermont that now have included cookware.

19                  So there is a growing body of  
20 states -- more states are banning it than those  
21 who are choosing not to.

22                  SENATOR STEC:    Will the sponsor  
23 continue to yield?

24                  ACTING PRESIDENT PERSAUD:    Will the  
25 sponsor yield?

1                   SENATOR HARCKHAM:    Yes,  
2    Madam President.

3                   ACTING PRESIDENT PERSAUD:    The  
4    sponsor yields.

5                   SENATOR STEC:    Thank you.

6                   There's one specific concern that  
7    was brought up under the bill here.  Starting  
8    next year, on the cookware PFAS, cookware appears  
9    to be defined as "refers to durable items used in  
10   homes, restaurants, institutional settings, and  
11   commercial kitchens for preparing, dispensing or  
12   storing food, foodstuffs or beverages.  These  
13   items are designated for indoor and outdoor use  
14   and include pots, pans, skillets, grills, baking  
15   sheets, molds, trays, bowls, camping gear and  
16   cooking utensils."

17                  And there's concern with the  
18   language of "and include" because it certainly  
19   suggests or raises concern about this isn't an  
20   exclusive list but the list is beyond what's  
21   listed there.

22                  So are you -- are you -- do you  
23   share -- how would you address those that are  
24   concerned that -- that the language that says  
25   "and include" doesn't exclude others?

1                   SENATOR HARCKHAM:    Through you,  
2   Madam President, let me just confer with counsel,  
3   and quick -- a quick sec and we'll get you  
4   answers.

5                   SENATOR STEC:     Okay, thank you.  
6                   (Pause.)

7                   SENATOR HARCKHAM:    Thank you.  
8   Through you, Madam President.  Thank you for the  
9   question, Senator.

10                   We're -- it's not just the -- the  
11   actual cookware itself.  We're also thinking in  
12   terms of the production, the disposal, and the  
13   end of life cycle.

14                   And again, the goal is to -- to  
15   eliminate PFAS from the broadest spectrum of  
16   categories that we can, because it's not just the  
17   PFAS on the product, it's in the production and  
18   it's also in the end of life cycle when we're  
19   talking about landfill leachate and leaking into  
20   our aquifers and fragile drinking water systems.

21                   And again, we -- we talk about  
22   Hoosick Falls, with the two settlements combined,  
23   it was over \$92 million.  And we -- we see  
24   municipalities all across the state spending  
25   millions of dollars to remediate PFAS of

1 different sorts in public drinking water. And  
2 whether that's from the production side or the  
3 end of life cycle side.

4 And, you know, then we -- we look  
5 at, you know, some other examples. New Jersey  
6 just settled with DuPont for \$2 billion. So this  
7 is not good for the businesses, and it's not good  
8 for our municipalities.

9 SENATOR STEC: On the bill,  
10 Madam President.

11 ACTING PRESIDENT PERSAUD: Senator  
12 Stec on the bill.

13 SENATOR STEC: I thank the Senator  
14 for answering the questions.

15 To just circle back, the "and  
16 include" language raises concerns about what  
17 products would be incorporated into this ban. It  
18 could potentially include any product in the  
19 kitchen, including several major appliances such  
20 as your microwave, your stove and your  
21 refrigerator.

22 Again, I don't doubt the -- the  
23 sponsor's intent here to try to -- to address  
24 something. I do question the precision of the  
25 language, the unintended consequences that I've

1 pointed out, the numerous other states that again  
2 are inclined to head down this path and have  
3 started down this path and have found that for a  
4 variety of reasons it's unmanageable, that you're  
5 talking about potentially 15,000 different  
6 compounds that we would try to manage.

7 And, frankly, having every state do  
8 its own thing and requiring manufacturers to --  
9 to try to make a product that's going to be  
10 saleable in New York State and then another one  
11 that's -- that can be sold in Illinois and  
12 another one that can be sold in Texas.

13 You know, I question the wisdom of  
14 the economics of that, the science. It seems  
15 like, once again, New York has identified an  
16 issue and has gone far -- far farther than need  
17 be to try to get ahold of something when, again,  
18 we can benefit from the experience of other  
19 states, other jurisdictions, other countries.

20 I don't know that the EPA has a  
21 reputation -- or certainly the American Cancer  
22 Society has a reputation for being cavalier on  
23 public health. But, you know, they have  
24 expressed concerns with overly applying, you  
25 know, a ban to apply to all cookware.

1                   There's debate as to whether these  
2 alternatives are truly alternatives. You know,  
3 certainly tried and true technology, but not the  
4 same as the cookware that we're talking about  
5 here.

6                   I think that the bill just goes too  
7 far. It's not the first time that I think I've  
8 seen this in Albany. And I will be voting no and  
9 encourage my colleagues to do the same until ours  
10 is a little more in line with what the federal  
11 government and other states are doing as far as  
12 the definition.

13                   Thank you.

14                   ACTING PRESIDENT PERSAUD: Thank  
15 you, Senator.

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

18                   Seeing and hearing none, debate is  
19 closed.

20                   Senator Serrano.

21                   SENATOR SERRANO: Upon consent,  
22 we've agreed to restore this bill to the  
23 noncontroversial calendar.

24                   ACTING PRESIDENT PERSAUD: Read the  
25 last section.

1 THE SECRETARY: Section 5. This  
2 act shall take effect January 1, 2028.

3 ACTING PRESIDENT PERSAUD: Call the  
4 roll.

5 (The Secretary called the roll.)

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

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

10 And I just want to assure you that I  
11 was being sincere, and so was Senator Stec, at  
12 the beginning when we said we would have a  
13 cheerful debate. I have nothing but the highest  
14 regard for Senator Stec and always appreciate a  
15 good vigorous debate.

16 But I think it is so important that  
17 not a day goes by where we don't learn more about  
18 the dangers of PFAS. And as counsel mentioned to  
19 me in the midst of the debate and reminded me  
20 that it's not just about the product itself, it's  
21 the production cycle, it's the product, and it's  
22 the end of life cycle. And we need to think  
23 broadly about that as it costs our municipalities  
24 tens of millions of dollars a year. And  
25 according to the NIH, it's costing us anywhere

1 from -- close to \$59 billion annually in  
2 healthcare costs. You know, the dangers from  
3 PFAS are real.

4 And so I understand there is a  
5 reluctance to take a broad approach, and some  
6 want to take a more incremental approach. But I  
7 would argue as New York goes, so goes the rest of  
8 the nation.

9 We're proud of this bill. We want  
10 to thank former Senator Hoylman-Sigal, now the  
11 Manhattan Borough president, for his work on the  
12 bill. And I'm proudly voting aye.

13 Thank you.

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

16 Senator May to explain her vote.

17 SENATOR MAY: I want to thank  
18 Senator Harckham for this bill.

19 Earlier today we passed my bill  
20 about measuring and reporting PFAS emissions into  
21 our waterways from -- from industrial and waste  
22 management sources. And the only reason we need  
23 that is because PFAS is getting into the  
24 environment upstream through products that are  
25 being sold in the stores and through the way we

1 use those products in our lives.

2 Almost -- pretty much everyone in  
3 this room has got PFAS in our bodies, in our  
4 organs. It's found in mother's milk. We need to  
5 get these products out of our stores. And I as a  
6 cook and a mom, I want to know that I'm using  
7 products when I'm cooking that are free of PFAS  
8 so that I'm not poisoning my family.

9 We're not talking about taking  
10 anyone's cookware away, we're just talking about  
11 making sure that what's being sold going forward  
12 is safe. And I think that is our job. I am  
13 proud that we're voting for this.

14 I again thank Senator Harckham for  
15 this bill, and I vote aye.

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

18 Announce the results.

19 THE SECRETARY: In relation to  
20 Calendar 266, voting in the negative are  
21 Senators Chan, Griffo, Lanza, Oberacker, Ortt,  
22 Rhoads, Stec, Walczyk and Weik. Also  
23 Senator Tedisco.

24 Ayes, 52. Nays, 10.

25 ACTING PRESIDENT PERSAUD: The bill

1 is passed.

2 THE SECRETARY: Calendar Number  
3 282, Senate Print 353, by Senator Rivera, an act  
4 to amend the Public Health Law.

5 ACTING PRESIDENT PERSAUD: Senator  
6 Lanza, why do you rise?

7 SENATOR LANZA: Madam President, I  
8 believe there's an amendment at the desk. I  
9 waive the reading of that amendment and ask that  
10 you recognize Senator Borrello.

11 ACTING PRESIDENT PERSAUD: Thank  
12 you, Senator Lanza.

13 Upon review of the amendment, in  
14 accordance with Rule 6, Section 4B, I rule it  
15 nongermane and out of order.

16 SENATOR LANZA: Accordingly,  
17 Madam President, I appeal the ruling of the chair  
18 and ask that Senator Borrello be heard on the  
19 appeal.

20 ACTING PRESIDENT PERSAUD: Thank  
21 you, Senator. The appeal has been made and  
22 recognized, and Senator Borrello may be heard.

23 SENATOR BORRELLO: Thank you,  
24 Madam President. Well, I'm hoping that my words  
25 here today, combined with this suit that I'm

1 wearing, will convince you that this bill is  
2 indeed germane to the bill-in-chief.

3 ACTING PRESIDENT PERSAUD: Nice  
4 suit.

5 (Laughter.)

6 SENATOR BORRELLO: Thank you.

7 (Laughter.)

8 SENATOR BORRELLO: So today we're  
9 here to talk about this bill that is about having  
10 the Senate approve the Medicaid director, which I  
11 think is a good idea. I think this chamber  
12 should absolutely be approving someone who has  
13 control of what is now approaching nearly half of  
14 New York State's budget.

15 That's right. Right now, Medicaid  
16 accounts for \$115 billion of a \$260 billion  
17 budget proposal.

18 So what our bill actually calls for,  
19 this amendment, is for us to qualify and ensure  
20 that the people that are getting Medicaid  
21 benefits actually exist and are qualified.

22 And also we need to do a  
23 comprehensive audit. Medicaid has gotten out of  
24 control here in New York State, and it's costing  
25 New York State taxpayers literally billions of

1 dollars.

2           On top of that, it's estimated by  
3 the Empire Center that only about 5.5 million  
4 New Yorkers actually qualify for Medicaid. Yet  
5 8.5 million New Yorkers actually receive  
6 Medicaid. That's a 3 million delta there.

7           On top of that, our  
8 Medicaid Director has refused a FOIL request,  
9 fully. It took nine months for the Empire Center  
10 to get an answer from the Department of Medicaid  
11 on whether or not everyone's qualified that's  
12 actually receiving benefits.

13           And the last million people he -- he  
14 refused to actually identify are qualified and  
15 are actually eligible for Medicaid. It's called  
16 the Medicaid Missing Million report. You should  
17 look it up. A million people. If each one of  
18 those million cost us just \$10,000 a year, that's  
19 \$10 billion.

20           Addressing that alone, and finding  
21 that fraud -- if it is indeed fraud -- would  
22 actually eliminate all of the money that we are  
23 losing from federal government. I know that's a  
24 big topic for the Governor, all this money the  
25 federal government's cutting back. That's

1 because they don't want to continue to support  
2 the fraud, waste and abuse in New York State's  
3 Medicaid system.

4                   So we need to do this. We need to  
5 do a forensic audit of our Medicaid system. We  
6 need to verify that everybody that's actually  
7 receiving benefits actually is qualified. And by  
8 the way, I would imagine that a lot of those  
9 folks are not people that aren't qualified,  
10 they've actually fraudulently submitted service  
11 requests.

12                   In other words, providers,  
13 healthcare providers who are fraudulently  
14 submitting payments and are getting -- receiving  
15 payments for fraudulent work that was never  
16 provided. That's probably a couple of  
17 billion dollars a year right there alone.

18                   We need to do this now. It is  
19 unbelievable that it has swelled as much as it  
20 has. It is now nearly half of New York State's  
21 budget, Medicaid alone. If any part of our  
22 budget needs to be evaluated and cleaned up, it's  
23 Medicaid.

24                   And that's why this amendment to  
25 this bill is germane and needs to be done as soon

1 as possible. The taxpayers of New York deserve  
2 transparency, honesty and to restore integrity to  
3 the most expensive system in New York State and  
4 the most expensive system in United States of  
5 America: New York State's bloated and fraudulent  
6 Medicaid system.

7 Thank you, Madam President.

8 ACTING PRESIDENT PERSAUD: Thank  
9 you, Senator.

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

13 Those in favor of overruling the  
14 chair, signify by saying aye.

15 (Response of "Aye.")

16 ACTING PRESIDENT PERSAUD: Senator  
17 Lanza?

18 SENATOR LANZA: Request a show of  
19 hands.

20 ACTING PRESIDENT PERSAUD: A show  
21 of hands has been requested and so ordered.

22 Announce the results.

23 THE SECRETARY: Ayes, 22.

24 ACTING PRESIDENT PERSAUD: The  
25 ruling of the chair stands, and the bill-in-chief

1 is before the house.

2 Senator Serrano.

3 SENATOR SERRANO: Upon consent,  
4 we've agreed to restore this bill to the  
5 noncontroversial calendar.

6 ACTING PRESIDENT PERSAUD: Read the  
7 last section.

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

10 ACTING PRESIDENT PERSAUD: Call the  
11 roll.

12 (The Secretary called the roll.)

13 ACTING PRESIDENT PERSAUD: Announce  
14 the results.

15 THE SECRETARY: Ayes, 62.

16 ACTING PRESIDENT PERSAUD: The bill  
17 is passed.

18 THE SECRETARY: Calendar Number  
19 294, Senate Print 9072A, by Senator Harckham, an  
20 act to amend the Environmental Conservation Law.

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

23 SENATOR MURRAY: Thank you,  
24 Madam President. Would the sponsor yield for  
25 some friendly and hopefully informative

1 questions?

2                   ACTING PRESIDENT PERSAUD: Will the  
3 sponsor yield?

4                   SENATOR HARCKHAM: Through you,  
5 Madam President, for my friend Senator Murray,  
6 anything.

7                   ACTING PRESIDENT PERSAUD: The  
8 sponsor yields.

9                   SENATOR MURRAY: Thank you,  
10 Madam President, Senator.

11                   Senator, I just want to kind of  
12 cover who is covered under this bill and how they  
13 are covered. So let's start with the who.

14                   If I gave you an example of two  
15 companies -- one is a concrete-crushing company  
16 that makes \$999 million in revenue; the other, a  
17 solar panel manufacturing company that makes  
18 1.5 billion -- which of those two or would they  
19 both be covered under this bill?

20                   SENATOR HARCKHAM: It depends. If  
21 the concrete manufacturer has net worldwide sales  
22 less than a billion dollars and -- and they're  
23 less than -- or they're less than -- yeah,  
24 they're less than a billion dollars, then they're  
25 just not included. No one under a

1 billion dollars is included.

2 The solar panel company must also,  
3 in addition to the billion-dollar threshold, must  
4 have at least a million dollars in direct  
5 revenues in New York State. So if they operate  
6 in New Jersey or Connecticut but have no  
7 operations in New York, they would not fall under  
8 the guidelines of this bill.

9 SENATOR MURRAY: Thank you.

10 Madam President, would the sponsor  
11 continue to yield?

12 ACTING PRESIDENT PERSAUD: Does the  
13 sponsor yield?

14 SENATOR HARCKHAM: Absolutely.

15 ACTING PRESIDENT PERSAUD: The  
16 sponsor yields.

17 SENATOR MURRAY: Thank you.

18 So on the -- on the bill language,  
19 I'm looking at Section 74-0101, under  
20 "Definitions." That would be Section 3, line 21:  
21 "'Scope 1 emissions' means all direct greenhouse  
22 gas emissions that stem from sources that a  
23 reporting entity owns or directly controls,  
24 regardless of location, including, but not  
25 limited to, fuel combustion activities."

1           The next section, line 25, "'Scope 2  
2 emissions' means indirect greenhouse gas  
3 emissions from consumed electricity, steam,  
4 heating or cooling purchased or acquired by a  
5 reporting entity, regardless of location."

6           So I'll go back to my example. We  
7 have the concrete-crushing company that's located  
8 in Albany, and again, their revenue is under a  
9 billion, so they're not covered. It doesn't  
10 matter.

11           But the solar panel company  
12 manufacturing company now say they're  
13 manufacturing in Florida but they have a  
14 distribution center here in New York. And their  
15 revenue, as we said, was over -- over a  
16 billion dollars. And yes, 1 percent of that is  
17 generated here in New York.

18           Does that qualify under this bill?  
19 Would they still -- would both entities -- would  
20 both sections have to report under this bill?

21           SENATOR HARCKHAM: They would,  
22 because we're talking about global emissions.  
23 Right? Because we understand emissions don't  
24 recognize state borders. This is a global or a  
25 planetary issue, and that's why they -- they

1 would qualify.

2 SENATOR MURRAY: Madam President,  
3 would the sponsor continue to yield.

4 ACTING PRESIDENT PERSAUD: Does the  
5 sponsor yield?

6 SENATOR HARCKHAM: Yes.

7 ACTING PRESIDENT PERSAUD: The  
8 sponsor yields.

9 SENATOR MURRAY: Thank you.

10 And I think you covered it under  
11 that answer, but I'm going to ask it to get it on  
12 the record anyway. We're going to use that same  
13 example, but the solar panel company is  
14 manufacturing now in China, but they have a  
15 distribution center here in New York with  
16 1 percent of their revenue coming from New York.

17 Still required to report both  
18 New York and China?

19 SENATOR HARCKHAM: They are.

20 And it's a good question because  
21 the -- a lot of the companies that are covered  
22 under this are multinationals. I would say not  
23 all of them. But -- but, you know, when you're  
24 talking companies over a billion dollars, you  
25 know, a lot of those are multinational.

1           So those are covered, for instance,  
2           in the EU. And the EU actually goes a step  
3           further and requires a qualitative climate change  
4           analysis in addition to those emissions which are  
5           billed as not due.

6           Our bill is really to get public  
7           transparency so that consumers can make educated  
8           decisions from the companies that they patronize,  
9           and that institutional investors who have a  
10          certain social investing filter can also make  
11          those qualified and educated decisions.

12          And because the EU and now  
13          California are doing this, and many institutional  
14          investors -- the pension funds, as I mentioned  
15          before, who have a social screen on their  
16          investment, are requiring many of the large  
17          companies to do this anyhow.

18          And so a lot of the companies are  
19          doing this. We are just saying we need you to  
20          report in New York. And those who are not yet  
21          doing this, we add them to the list.

22                    SENATOR MURRAY:    Madam President,  
23                    would the sponsor continue to yield.

24                    ACTING PRESIDENT PERSAUD:    Does the  
25                    sponsor yield?

1                   SENATOR HARCKHAM:    Yes.

2                   ACTING PRESIDENT PERSAUD:    The  
3 sponsor yields.

4                   SENATOR MURRAY:    And thank you for  
5 that answer.

6                   Now, if this same company -- we'll  
7 stick with the solar panel manufacturing company,  
8 if they fail to report emissions that occur  
9 outside of New York, can they be punished under  
10 this bill?  And how would they be punished?

11                   (Pause.)

12                   SENATOR HARCKHAM:    Through you,  
13 Madam President.  Yes, they -- they would be.  
14 For -- for the reason that we mentioned before,  
15 that this is a global issue and it's also a  
16 transparency issue for consumers and investors  
17 here in New York.  So they would be.

18                   But I should also note that under  
19 "Scope 3 emissions," number one, there's a year  
20 lag in the reporting.  And then the penalties  
21 would -- for Scope 3 would not take effect until  
22 2032, assuming that the bill is passed this year.

23                   SENATOR MURRAY:    Thank you.

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

1                   ACTING PRESIDENT PERSAUD:    Does the  
2 sponsor yield?

3                   SENATOR HARCKHAM:    Yes.

4                   ACTING PRESIDENT PERSAUD:    The  
5 sponsor yields.

6                   SENATOR MURRAY:    Since we're on the  
7 scenario, I'm going to bring that company out of  
8 China and back to the United States.  So they're  
9 going to be manufacturing in Florida for the --

10                  SENATOR HARCKHAM:    We like that.  
11 We want to bring those Chinese companies to the  
12 United States.

13                  SENATOR MURRAY:    We like the  
14 manufacturing part.  I don't know about the  
15 penalizing them.

16                  But -- so them being in Florida,  
17 does New York have the right to regulate  
18 interstate commerce?  Isn't that what we're doing  
19 here?

20                  SENATOR HARCKHAM:    Well, through  
21 you, Madam President -- through you,  
22 Madam President, as I thought, this was a  
23 contested issue in the California litigation, and  
24 the courts dismissed this.

25                  So there were three -- three

1 different allegations brought in the California  
2 lawsuit. Two of them were dismissed, and this  
3 was one of them.

4 SENATOR MURRAY: Madam President,  
5 would the sponsor continue to yield.

6 ACTING PRESIDENT PERSAUD: Does the  
7 sponsor yield?

8 SENATOR HARCKHAM: Yes.

9 ACTING PRESIDENT PERSAUD: The  
10 sponsor yields.

11 SENATOR MURRAY: Thank you.

12 Now, that's the California bill.  
13 I'd like to discuss this bill and -- and go back  
14 to the original question, which is aren't we  
15 regulating interstate commerce with this bill?

16 If we're going to penalize Florida  
17 and New York -- say, for example, under this  
18 situation, this solar panel manufacturing  
19 company, their main headquarters is Florida,  
20 that's where they do most of the business, but  
21 they have a distribution center in New York that  
22 generates 1 percent or more in revenue, but their  
23 main headquarters is Florida. We're still  
24 punishing a Florida company. New York is doing  
25 this.

1                   Isn't that exactly what regulating  
2 interstate commerce is?

3                   SENATOR HARCKHAM:    Through you,  
4 Madam President.  No, because they're doing  
5 business in New York.  And this is designed to  
6 protect New York consumers and New York investors  
7 so that New Yorkers can make qualified decisions.

8                   SENATOR MURRAY:    Madam President,  
9 would the sponsor continue to yield?

10                  ACTING PRESIDENT PERSAUD:   Does the  
11 sponsor yield?

12                  SENATOR HARCKHAM:    Yes.

13                  ACTING PRESIDENT PERSAUD:   The  
14 sponsor yields.

15                  SENATOR MURRAY:    Thank you.

16                  And, Senator, you had mentioned that  
17 it is a global problem, that pollution or such is  
18 a global problem, a national problem.

19                  But again, I go back to aren't we --  
20 then aren't we, through this legislation --  
21 isn't -- wouldn't this be considered national  
22 legislation or federal?

23                  This -- this is exactly what the  
24 definition of regulating interstate commerce  
25 would be, if we are -- if we are passing laws

1 that will govern another state and the commerce  
2 between the states.

3 SENATOR HARCKHAM: Through you,  
4 Madam President. We are not governing another  
5 state, we are -- we are not punishing other  
6 states. We are asking for transparency for  
7 New York consumers and New York investors to make  
8 educated decisions.

9 SENATOR MURRAY: Madam President,  
10 will the sponsor continue to yield?

11 ACTING PRESIDENT PERSAUD: Does the  
12 sponsor yield?

13 SENATOR HARCKHAM: Yes.

14 ACTING PRESIDENT PERSAUD: The  
15 sponsor yields.

16 SENATOR MURRAY: So I'm going to go  
17 with the -- California. Now, when California  
18 introduced theirs, they had given us an estimate  
19 that about 4,000 companies would be required to  
20 report.

21 Do we have an estimate as to how  
22 many companies would be affected by this bill?

23 (Pause.)

24 SENATOR HARCKHAM: Through you,  
25 Madam President, we don't have that exact number.

1                   What we can say is that a number of  
2 the companies will be the same. There will be a  
3 lot of overlap.

4                   The other thing we should say is  
5 that these are huge companies that have the  
6 ability and the wherewithal to comply with this,  
7 Madam President. These are not your  
8 mom-and-pops. These are not even, you know, your  
9 regional companies. You know, with a billion  
10 dollars in revenue, you know, this is a sizable,  
11 sizable company.

12                   SENATOR MURRAY: Madam President,  
13 would the sponsor continue to yield.

14                   ACTING PRESIDENT PERSAUD: Does the  
15 sponsor yield?

16                   SENATOR HARCKHAM: Absolutely.

17                   ACTING PRESIDENT PERSAUD: The  
18 sponsor yields.

19                   SENATOR MURRAY: So I do want to  
20 talk about the penalty aspect of it. And yes, I  
21 understand we're reaching larger companies  
22 with -- with deeper pockets. But the bill has  
23 civil penalties for willful violation, including  
24 nonfiling, late filing, or any other compliance  
25 issues, of up to \$100,000 per day, up to 500,000

1 per filing year.

2 Why are these penalties so high?

3 And won't that have an impact on these very  
4 consumers we're talking about?

5 SENATOR HARCKHAM: Through you,  
6 Madam President. Number one, as we said, many  
7 companies are already complying with this --  
8 either through the EU, or will be -- in  
9 California.

10 There are software packages that  
11 help companies comply with this. This is not the  
12 heavy lift it might have been 10 years ago.

13 And so the reason the penalties are  
14 so high is when you're talking about a pension  
15 fund who is going to be investing billions of  
16 dollars in a company, based on a certain value  
17 set, they have a right to have true transparency.

18 You know, unfortunately, what we  
19 have seen far too often is many companies make  
20 grandiose but unfortunately not always true  
21 statements about their commitments to  
22 sustainability.

23 And so the statement sounds great,  
24 but then when you look under the hood, you know,  
25 either they're not complying with what they're

1 doing or they're backtracking. Some would call  
2 that greenwashing. I would like to, you know,  
3 give some companies the benefit of the doubt on  
4 that.

5 But this is -- this is about  
6 protecting, you know, investors who are investing  
7 in some cases billions of dollars in these  
8 companies on a value proposition or what's called  
9 a social screen, and they should have the  
10 transparency, as do New York consumers, to know  
11 that the company that -- that they're buying  
12 products from is indeed who they say they are.

13 SENATOR MURRAY: Madam President,  
14 would the sponsor continue to yield.

15 ACTING PRESIDENT PERSAUD: Does the  
16 sponsor yield?

17 SENATOR HARCKHAM: Absolutely.

18 ACTING PRESIDENT PERSAUD: The  
19 sponsor yields.

20 SENATOR MURRAY: Thank you.

21 And I just have one more kind of a  
22 technical question. New York State DEC just  
23 finalized its Part 253 GHG reporting rule. How  
24 do the reports under this bill compare to those  
25 under Part 253?

1                   SENATOR HARCKHAM:    Thank you,  
2   Madam President.  Thank you for that question.

3                   There will be a little overlap, but  
4   not always exclusively overlap.  Because we're --  
5   you know, that is really on local emitters.  And  
6   some of those folks are not going to have a  
7   billion in revenue.  Or -- or they will, and they  
8   will comply with both.

9                   But -- but we don't expect there  
10  will be a huge amount of crossover because,  
11  again, we're talking about, you know, the  
12  multinational corporations in many cases.

13                  SENATOR MURRAY:    Thank you.

14                  Madam President, on the bill.

15                  ACTING PRESIDENT PERSAUD:  Senator  
16  Murray on the bill.

17                  SENATOR MURRAY:    Thank you,  
18  Senator.  I appreciate that.  And I appreciate  
19  what -- what you're kind of trying to accomplish  
20  here.  I appreciate that, and I get it.

21                  But I do have a problem with the  
22  aspect of New York saying -- I mean, listen, we  
23  have -- we have state lines.  We have boundaries.  
24  We have borders.  They need to be respected.  We  
25  don't legislate other states.

1                   We -- if we want to penalize a  
2                   polluting company in New York that is polluting  
3                   in New York, I get that. But to say you've got a  
4                   company doing business in New York but they have  
5                   other areas or operations in either other states  
6                   or even other countries -- to then reach that far  
7                   out and say, Well, you're polluting in China or  
8                   you're polluting in France or Italy, we're going  
9                   to penalize you for that, I think that's a  
10                  little -- well, no, way out of our scope and out  
11                  of our boundary.

12                  I'd like to see us just concentrate  
13                  here on New York, because I do believe that is  
14                  the definition of interstate commerce, especially  
15                  when we're talking about other states.

16                  So for that reason, and the fact  
17                  that I think to a degree it is a bit duplicative  
18                  with some of the rules we already have in place,  
19                  for that reason I'll be voting no.

20                  Thank you.

21                  ACTING PRESIDENT PERSAUD:     Senator  
22                  Borrello.

23                  (No response.)

24                  ACTING PRESIDENT PERSAUD:     Senator  
25                  Martins?

1                   SENATOR MARTINS:    Would the sponsor  
2 yield for a few questions?

3                   ACTING PRESIDENT PERSAUD:    Will the  
4 sponsor yield?

5                   SENATOR HARCKHAM:    Certainly.

6                   SENATOR MARTINS:    Thank you,  
7 Senator.

8                   ACTING PRESIDENT PERSAUD:    The  
9 sponsor yields.

10                  SENATOR MARTINS:    I just want to  
11 understand a couple of points, and I'm going to  
12 discuss it in terms of jobs.

13                  And so if we have a multinational  
14 corporation and they do no manufacturing in  
15 New York -- but I think we'd all agree New York  
16 City is the capital of the world in many  
17 respects, and there are many companies that enjoy  
18 the benefits of having headquarters in New York  
19 City and they employ many people.

20                  And so through this bill, if that  
21 company, multi-billion-dollar company,  
22 internationally, you know, positioned in many  
23 parts of the world, but with headquarters in  
24 New York -- if they relocated their headquarters  
25 from New York City to Jersey City, would they

1 have to comply with this requirement?

2 SENATOR HARCKHAM: Through you,  
3 Madam President. Good question.

4 If they were assuming, because  
5 they're multinational, they have the  
6 billion-dollar threshold, do they do a  
7 million dollars worth of business in New York, a  
8 million dollars worth of revenue derived just  
9 from New York? And if they do, then the answer  
10 is yes.

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

14 ACTING PRESIDENT PERSAUD: Does the  
15 sponsor yield?

16 SENATOR HARCKHAM: Yes, absolutely.

17 ACTING PRESIDENT PERSAUD: The  
18 sponsor yields.

19 SENATOR MARTINS: Yes, but if they  
20 are in New York, they're located in New York,  
21 their headquarters are in New York, they're  
22 employing people in New York, they otherwise have  
23 no other presence in New York, would they have to  
24 comply with this law and this -- and this -- and  
25 this reporting requirement?

1                   SENATOR HARCKHAM:    Through you,  
2   Madam President.  If they don't earn a  
3   million dollars -- so let's say, to your point,  
4   Senator, that it's a multinational corporation,  
5   they're headquartered on Park Avenue, but all of  
6   their business is in Europe and Central America  
7   and South America, they just have their  
8   headquarters in New York because they think  
9   that's where they should be because they have  
10  access to global capital and, you know, all of  
11  the things that New York has to offer -- but they  
12  don't -- they don't have any sales in New York,  
13  they would not be.

14                   So if their markets are Europe and  
15  South America and other parts of the country, but  
16  as long as they don't have that million-dollar  
17  sale threshold in -- million revenue in New York,  
18  no, they're exempt from this.

19                   SENATOR MARTINS:    Madam President,  
20  through you, if the sponsor will continue to  
21  yield.

22                   ACTING PRESIDENT PERSAUD:   Does the  
23  sponsor yield?

24                   SENATOR HARCKHAM:    Yes.

25                   ACTING PRESIDENT PERSAUD:    The

1 sponsor yields.

2 SENATOR MARTINS: So let's take  
3 another example. Let's say Amazon was looking to  
4 build one of their national headquarters and  
5 they're looking for a place to do it. Let's say  
6 they decide to build that -- or they're  
7 considering building one of those national  
8 headquarters here in New York, maybe even in  
9 Queens.

10 And they -- they promise that  
11 they're going to bring 50,000 dollars -- or  
12 50,000 jobs, but they have an extensive system of  
13 sales in New York through their network.

14 They would still have to comply with  
15 this law regardless of whether or not that  
16 headquarters was actually in New York, correct?

17 SENATOR HARCKHAM: Through you,  
18 Madam President, they would most certainly have  
19 to comply, because they sell -- they have more  
20 than a million dollars of revenue in New York.  
21 They're a billion-dollar company.

22 But they are already complying with  
23 this in the EU, I can assure you. They will  
24 qualify to do this under California. So either  
25 way, whether their headquarters is here or not,

1 they would need to comply.

2 But I want to go back to the issue  
3 of the cost of compliance and the fees. Which --  
4 all right, so here's your Apple {sic}, to use  
5 your example. Talking about a \$237,000 cost  
6 is -- that was proposed -- a survey of corporate  
7 entities by Environmental Resources Management in  
8 2022 of companies that are already doing this,  
9 the average cost was \$237,000. And for a  
10 multinational corporation, that's not a huge  
11 price tag, I would -- I would submit.

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

15 ACTING PRESIDENT PERSAUD: Does the  
16 sponsor yield?

17 SENATOR HARCKHAM: Yes, absolutely.

18 ACTING PRESIDENT PERSAUD: The  
19 sponsor yields.

20 SENATOR MARTINS: Thank you.

21 So our healthcare systems here in  
22 New York, whether they are a Northwell or an  
23 NYU Langone or any of the other healthcare  
24 systems that we have, would they have to comply  
25 with this law and provide a report to the DEC as

1 well?

2                   SENATOR HARCKHAM: Through you,  
3 Madam President. If they earn more than a  
4 billion dollars and have more than a million in  
5 revenue from New York, they would, because their  
6 operations have greenhouse gas emissions and  
7 climate impact.

8                   So for instance, one of the  
9 hospitals used to be in my district -- not  
10 anymore, with redistricting -- they're a Title 5  
11 emitter. They do their own power generation for  
12 their healthcare facility.

13                   The power they buy -- we often talk  
14 on this floor about where we get our power. Is  
15 it clean power, is it coal power, is it coming  
16 from Pennsylvania? And those are always, you  
17 know, good discussions that we should be having.

18                   And then is the third level, the  
19 Scope 3 emissions, is like where they're -- if  
20 we're using the hospital example, you know, where  
21 are their supplies coming from, where is their  
22 equipment coming from, and what are the  
23 greenhouse gas emissions there?

24                   Again -- and we do this because  
25 greenhouse gas emissions don't recognize state

1 boundaries -- it impacts all of us.

2 SENATOR MARTINS: Thank you.

3 And Madam President, if the sponsor  
4 would yield for just one more question.

5 ACTING PRESIDENT PERSAUD: Will the  
6 sponsor yield?

7 SENATOR HARCKHAM: Certainly,  
8 Madam President.

9 ACTING PRESIDENT PERSAUD: The  
10 sponsor yields.

11 SENATOR MARTINS: To be clear, your  
12 bill speaks to sales and sales of either --

13 SENATOR HARCKHAM: Of revenue.  
14 Revenue.

15 SENATOR MARTINS: -- revenue that  
16 either comes from sales, services or products  
17 within the state and does not and would not  
18 include payroll or any expenses that a company  
19 has that is here within the state, even if it's  
20 over a million dollars, even if it's, frankly,  
21 whatever that number is above that  
22 million dollars, it has nothing to do with their  
23 presence in New York, it has nothing to do with  
24 employment in New York, but only with that  
25 million-dollar threshold with regard to revenue

1 tied to -- tied to -- sales or services or  
2 products.

3 SENATOR HARCKHAM: Through you,  
4 Madam President, you're absolutely correct. It's  
5 payroll -- it's not payroll. It has to do with  
6 sales and products or services.

7 But to your first example, they're  
8 in New York, they just want to be -- have access  
9 to global capital markets. They don't -- they  
10 don't do any -- any business here other than pay  
11 their employees. They're not covered under this.

12 SENATOR MARTINS: Madam President,  
13 I said that was my last one, but I do have one  
14 more.

15 (Laughter.)

16 SENATOR MARTINS: If the sponsor  
17 would yield for one more question. And I  
18 appreciate this, I really do, Senator.

19 ACTING PRESIDENT PERSAUD: Does the  
20 sponsor yield?

21 SENATOR HARCKHAM: Yeah,  
22 absolutely.

23 ACTING PRESIDENT PERSAUD: The  
24 sponsor yields.

25 SENATOR MARTINS: Thank you.

1 I mean, we've used the word  
2 "revenue" as well, and I'm concerned and I just  
3 want some clarity on that. You know, access --

4 (Off the record.)

5 SENATOR MARTINS: Senator, passive  
6 revenue, is that included in your definition or  
7 not?

8 SENATOR HARCKHAM: Through you,  
9 Madam President, the language in the law which is  
10 taken from other section -- Section 209 of the  
11 Tax Law, it says does business in this state and  
12 is deriving receipts from activity in this state  
13 within the meaning of Section 209 of the Tax Law.

14 SENATOR MARTINS: Madam President,  
15 thank you.

16 Senator, thank you.

17 SENATOR HARCKHAM: Thank you.

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

20 Seeing and hearing none, the debate  
21 is closed.

22 Senator Serrano.

23 SENATOR SERRANO: Upon consent,  
24 we've agreed to restore this bill to the  
25 noncontroversial calendar.

1                   ACTING PRESIDENT PERSAUD:    Read the  
2    last section.

3                   THE SECRETARY:       Section 5.  This  
4    act shall take effect on the 180th day after it  
5    shall have become a law.

6                   ACTING PRESIDENT PERSAUD:    Call the  
7    roll.

8                   (The Secretary called the roll.)

9                   ACTING PRESIDENT PERSAUD:    Announce  
10   the results.

11                   THE SECRETARY:       In relation to  
12   Calendar 294, voting in the negative are  
13   Senators Ashby, Borrello, Canzoneri-Fitzpatrick,  
14   Chan, Gallivan, Griffio, Helming, Lanza, Martins,  
15   Mattera, Murray, Oberacker, O'Mara, Ortt,  
16   Palumbo, Rhoads, Rolison, Stec, Tedisco, Walczyk,  
17   Weber and Weik.

18                   Ayes, 40.  Nays, 22.

19                   ACTING PRESIDENT PERSAUD:    The bill  
20   is passed.

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

23                   SENATOR SERRANO:       Is there any  
24   further business at the desk?

25                   ACTING PRESIDENT PERSAUD:    There is

1 no further business at the desk.

2 SENATOR SERRANO: I move to adjourn  
3 until tomorrow, Wednesday, February 11th, at  
4 11:00 a.m.

5 ACTING PRESIDENT PERSAUD: On  
6 motion, the Senate stands adjourned until  
7 Wednesday, February 11th, at 11:00 a.m.

8 (Whereupon, at 4:55 p.m., the Senate  
9 adjourned.)

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