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NEW YORK STATE SENATE

THE STENOGRAPHIC RECORD

ALBANY, NEW YORK

February 26, 2026

11:42 a.m.

REGULAR SESSION

SENATOR ROXANNE J. PERSAUD, Acting President

ALEJANDRA N. PAULINO, ESQ., Secretary

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

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

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

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

8 ACTING PRESIDENT PERSAUD: In the  
9 absence of clergy, let us bow our heads in a  
10 moment of silent reflection or prayer.

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

13 ACTING PRESIDENT PERSAUD: Reading  
14 of the Journal.

15 THE SECRETARY: In Senate,  
16 Wednesday, February 25, 2026, the Senate met  
17 pursuant to adjournment. The Journal of Tuesday,  
18 February 24, 2026, was read and approved. On  
19 motion, the 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 morning,  
7 Madam President.

8 ACTING PRESIDENT PERSAUD: Good  
9 morning.

10 SENATOR GIANARIS: We are going to  
11 take up two resolutions simultaneously, both by  
12 Senator Tedisco: Previously adopted  
13 Resolution 1488 and previously adopted  
14 Resolution 1525.

15 Please have their titles read and  
16 recognize Senator Tedisco.

17 ACTING PRESIDENT PERSAUD: The  
18 Secretary will read.

19 THE SECRETARY: Resolution 1488, by  
20 Senator Tedisco, congratulating the Shenendehowa  
21 High School Girls Varsity Cross Country Team and  
22 Head Coach Rob Cloutier upon the occasion of  
23 capturing the New York State Federation  
24 Cross Country Team Championship.

25 Resolution 1525, also by

1 Senator Tedisco, congratulating Jolie Chichak of  
2 Shenendehowa High School upon the occasion of  
3 capturing the 2025 New York State Public  
4 High School Athletic Association Girls Tennis  
5 Singles State Championship on October 29, 2025.

6 ACTING PRESIDENT PERSAUD: Senator  
7 Tedisco on the resolutions.

8 SENATOR TEDISCO: Thank you so  
9 much, Madam President.

10 And Madam President and my  
11 colleagues, I'm pleased today to welcome a  
12 federation championship team and an individual  
13 state championship to the chamber today, both  
14 from Shenendehowa High School.

15 First I introduce to you the Girls  
16 Cross Country Team and Head Coach Rob Cloutier,  
17 who captured their first-ever New York State  
18 Federation Championship on Sunday, November 22,  
19 2025, at Bowdoin Park in Wappingers Falls,  
20 New York.

21 Prior to their federation success,  
22 the team won the State Class A title at the  
23 New York State Public High School Athletic  
24 Association Girls Cross Country Championship on  
25 Saturday, November 15, 2025, at Queensbury

1 High School in Queensbury, New York.

2 The team garnered an impressive  
3 Suburban Council dual meet record of 10 and 2,  
4 and an overall record of 32 wins and only two  
5 losses.

6 The team also embodied the term  
7 "scholar athletes," achieving enviable success in  
8 the classroom with a team-wide grade point  
9 average of 94.05 percent.

10 I ask you to welcome these  
11 outstanding student athletes. And their names  
12 are, if they could stand as I call them out:  
13 Leyla Bhusri, Addison Morelli, Katie Battle,  
14 Riley Lynch, Courtney Krawiecki, Raquelle Landa,  
15 and Alex Beer.

16 Along with them is Assistant Coach  
17 Beth Haig and Head Coach Rob Cloutier.

18 Also I introduce to you, with them,  
19 another outstanding champion from Shenendehowa  
20 High School, the New York State Public High  
21 School Athletic Association Tennis Single State  
22 Champion Jolie Chichak, here with Coach Bill  
23 MacArthur and her proud mom, Kelly Scott Chichak.

24 Jolie, just a freshman, and a state  
25 champion, captured the 2025 New York State Public

1 High School Athletic Association Tennis Singles  
2 State Championship at the USTA Billie Jean King  
3 National Tennis Center in Flushing, New York, on  
4 Wednesday, October 29, 2025, with a 7-6, 6-4  
5 straight sets victory over her opponent.

6 Jolie is the first singles state  
7 champion from Section 2 since 1998, and  
8 Shenendehowa High School's first ever singles  
9 state champion.

10 Jolie has earned the number-one  
11 singles spot on the Shenendehowa Varsity Girls  
12 Tennis Team each year since her first year as a  
13 7th grader, compiling an outstanding record of 15  
14 and 2, followed by a record of 14 and 1 as an  
15 8th grader -- this is the 8th grader competing  
16 against all grades -- and an undefeated record of  
17 8 and 0 as a 9th grader. Who's going to sign up  
18 to want to be her agent? I don't know, but let's  
19 get in line here.

20 Like the cross country team, Jolie's  
21 success on the court translates into the academic  
22 space with a grade point average of 96.33.

23 And of course the common denominator  
24 to individual and team success starts at the top  
25 with the school's athletic director, who also

1 joins us in the chamber today, Lucas LaBarre.

2 Madam President and my colleagues, I  
3 would ask you to welcome them, congratulate them,  
4 and say we're proud of them and offer them all  
5 the cordialities of this august body.

6 ACTING PRESIDENT PERSAUD: Thank  
7 you.

8 To our guests, the Girls Cross  
9 Country champions and the tennis champion, I  
10 welcome you on behalf of the Senate. We extend  
11 to you the privileges and courtesies of this  
12 house.

13 Please remain standing and be  
14 recognized. Congratulations.

15 (Standing ovation.)

16 ACTING PRESIDENT PERSAUD: The  
17 resolutions were adopted on January 28th and  
18 February 4th.

19 Senator Gianar -- oh,  
20 Senator Serrano.

21 SENATOR SERRANO: Hi.

22 Please recognize Senator Oberacker  
23 for an introduction.

24 ACTING PRESIDENT PERSAUD: Senator  
25 Oberacker for an introduction.

1                   SENATOR OBERACKER:    Thank you,  
2   Madam President.

3                   I rise today to introduce the  
4   members of Downsville Central School Student  
5   Council.

6                   Downsville is in the heart of the  
7   Catskills and in the 51st Senate District.  And  
8   for my esteemed colleagues from the city,  
9   Downsville is the home to the Pepacton Reservoir,  
10  which supplies New York City with nearly a  
11  quarter of its drinking water -- or, as I've come  
12  to I think affectionately say here in the  
13  chamber, dihydrogen oxide.

14                  So with that, I would like to --  
15  Madam President, I would like to introduce  
16  everybody here to the Senate.

17                  And we'll start off with Kendall  
18  Acevedo, we have Raymon Bull, we have Riley  
19  Emerich, we have Jullianna Franco, Ryan Fritz,  
20  Charley Furman, Riley Furman, Avery Howard, Sadie  
21  Kaja, Allison Kirby, Harmony McAdams, Olivia May,  
22  Angelina Noviello, Elizabeth Odell, Aarav Patel,  
23  Tyler Reed, Addyson VanValkenburg, Everet West,  
24  and Kenny Young.

25                  And our advisors are Nickie Odell

1 and Jeannie Langdon.

2 Madam President, I would like to  
3 afford them all the courtesies of this chamber.

4 Thank you.

5 ACTING PRESIDENT PERSAUD: Thank  
6 you.

7 To our guests from Downsville  
8 Central Student Council, I welcome you on behalf  
9 of the Senate. We extend to you the privileges  
10 and courtesies of this house.

11 Please remain standing and be  
12 recognized. Congratulations.

13 (Standing ovation.)

14 ACTING PRESIDENT PERSAUD: Senator  
15 Serrano.

16 SENATOR SERRANO: Let's please take  
17 up the reading of the calendar.

18 ACTING PRESIDENT PERSAUD: The  
19 Secretary will read.

20 THE SECRETARY: Calendar Number  
21 110, Senate Print 487, by Senator Fernandez, an  
22 act to amend the Executive Law.

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 Fernandez to explain her vote.

7 SENATOR FERNANDEZ: Thank you,  
8 Madam President.

9 Every August 31st families across  
10 our state pause to remember someone they lost.  
11 But remembrance alone is not enough. Overdose  
12 Awareness Day is a commitment -- to prevention,  
13 to treatment, to recovery, and to policies rooted  
14 in evidence instead of fear.

15 Overdose is not a moral failure. It  
16 is a public health crisis. And we know what  
17 works. Access to naloxone saves lives. Drug  
18 checking tools save lives. Harm reduction saves  
19 lives. Treatment without stigma saves lives.

20 As chair of the Committee on  
21 Alcoholism and Substance Use Disorders, I see the  
22 data. But more importantly, I see the people  
23 around it, behind it, supporting it. Parents who  
24 never stopped hoping, siblings who carried grief  
25 quietly, and New Yorkers fighting every day for

1 their recovery. Designating Overdose Awareness  
2 Day in New York sends a clear message that we  
3 will continue to confront the crisis with  
4 compassion, with science, and with resolve.

5 We will remember those that we've  
6 lost. We stand with those in recovery. And we  
7 will keep building a system that saves lives.

8 I proudly vote aye.

9 Thank you.

10 ACTING PRESIDENT PERSAUD: Senator  
11 Fernandez to be recorded in the affirmative.

12 Announce the results.

13 THE SECRETARY: Ayes, 54.

14 ACTING PRESIDENT PERSAUD: The bill  
15 is passed.

16 THE SECRETARY: Calendar Number  
17 228, Senate Print 3574, by Senator Cleare, an act  
18 to amend the Real Property Tax Law.

19 ACTING PRESIDENT PERSAUD: Read the  
20 last section.

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

23 ACTING PRESIDENT PERSAUD: Call the  
24 roll.

25 (The Secretary called the roll.)

1                   ACTING PRESIDENT PERSAUD:    Announce  
2   the results.

3                   THE SECRETARY:    In relation to  
4   Calendar 228, voting in the negative:  
5   Senator Walczyk.

6                   Ayes, 53.   Nays, 1.

7                   ACTING PRESIDENT PERSAUD:    The bill  
8   is passed.

9                   THE SECRETARY:    Calendar Number  
10   249, Senate Print 5003A, by Senator Hinchey,  
11   an act to amend the Public Authorities Law.

12                  ACTING PRESIDENT PERSAUD:    Read the  
13   last section.

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

16                  ACTING PRESIDENT PERSAUD:    Call the  
17   roll.

18                  (The Secretary called the roll.)

19                  ACTING PRESIDENT PERSAUD:    Announce  
20   the results.

21                  THE SECRETARY:    Ayes, 54.

22                  ACTING PRESIDENT PERSAUD:    The bill  
23   is passed.

24                  THE SECRETARY:    Calendar Number  
25   261, Senate Print 4408, by Senator May, an act to

1 amend the Environmental Conservation Law.

2 SENATOR LANZA: Lay it aside.

3 ACTING PRESIDENT PERSAUD: Lay it  
4 aside.

5 THE SECRETARY: Calendar Number  
6 308, Senate Print 378, by Senator Brouk, an act  
7 to amend the Education 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: Ayes, 54.

19 ACTING PRESIDENT PERSAUD: The bill  
20 is passed.

21 THE SECRETARY: Calendar Number  
22 312, Senate Print Number 5392, by  
23 Senator Scarcella-Spanton, an act to amend the  
24 Education Law.

25 ACTING PRESIDENT PERSAUD: Read the

1 last section.

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

4 ACTING PRESIDENT PERSAUD: Call the  
5 roll.

6 (The Secretary called the roll.)

7 ACTING PRESIDENT PERSAUD: Announce  
8 the results.

9 THE SECRETARY: In relation to  
10 Calendar 312, voting in the negative are  
11 Senators Borrello, Helming, Martinez, Rhoads,  
12 Tedisco and Walczyk.

13 Ayes, 48. Nays, 6.

14 ACTING PRESIDENT PERSAUD: The bill  
15 is passed.

16 THE SECRETARY: Calendar Number  
17 316, Senate Print 1424, by Senator Liu, an act to  
18 amend the Education Law.

19 ACTING PRESIDENT PERSAUD: Read the  
20 last section.

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

23 ACTING PRESIDENT PERSAUD: Call the  
24 roll.

25 (The Secretary called the roll.)

1                   ACTING PRESIDENT PERSAUD:    Announce  
2   the results.

3                   THE SECRETARY:     Ayes, 54.

4                   ACTING PRESIDENT PERSAUD:    The bill  
5   is passed.

6                   THE SECRETARY:     Calendar Number  
7   329, Senate Print Number 6274, by  
8   Senator Scarcella-Spanton, an act to amend the  
9   Private Housing Finance Law.

10                  ACTING PRESIDENT PERSAUD:    Read the  
11   last section.

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

15                  ACTING PRESIDENT PERSAUD:    Call the  
16   roll.

17                  (The Secretary called the roll.)

18                  ACTING PRESIDENT PERSAUD:    Announce  
19   the results.

20                  THE SECRETARY:     Ayes, 54.

21                  ACTING PRESIDENT PERSAUD:    The bill  
22   is passed.

23                  THE SECRETARY:     Calendar Number  
24   334, Senate Print 315, by Senator Skoufis, an act  
25   to amend the Alcoholic Beverage Control Law.

1                   ACTING PRESIDENT PERSAUD:    Read the  
2    last section.

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

5                   ACTING PRESIDENT PERSAUD:    Call the  
6    roll.

7                   (The Secretary called the roll.)

8                   ACTING PRESIDENT PERSAUD:    Announce  
9    the results.

10                  THE SECRETARY:     Ayes, 54.

11                  ACTING PRESIDENT PERSAUD:    The bill  
12    is passed.

13                  THE SECRETARY:     Calendar Number  
14    345, Senate Print 5277, by Senator Bailey, an act  
15    to amend the Cannabis Law.

16                  ACTING PRESIDENT PERSAUD:    Read the  
17    last section.

18                  SENATOR LANZA:     Lay it aside.

19                  ACTING PRESIDENT PERSAUD:    Lay it  
20    aside.

21                  THE SECRETARY:     Calendar Number  
22    352, Senate Print 4467, by Senator Mayer, an act  
23    to amend the Workers' Compensation Law.

24                  ACTING PRESIDENT PERSAUD:    Read the  
25    last section.

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

3 ACTING PRESIDENT PERSAUD: Call the  
4 roll.

5 (The Secretary called the roll.)

6 ACTING PRESIDENT PERSAUD: Announce  
7 the results.

8 THE SECRETARY: Ayes, 54.

9 ACTING PRESIDENT PERSAUD: The bill  
10 is passed.

11 THE SECRETARY: Calendar Number  
12 353, Senate Print 4473, by Senator Ramos, an act  
13 to amend the Labor Law.

14 SENATOR LANZA: Lay it aside.

15 ACTING PRESIDENT PERSAUD: Lay it  
16 aside.

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

19 SENATOR SERRANO: Okay. At this  
20 time can we remove the lay-aside on Calendar 345  
21 and take it up on the noncontroversial calendar.  
22 On consent.

23 ACTING PRESIDENT PERSAUD: On  
24 consent, Calendar 345 is restored to the  
25 calendar, the noncontroversial calendar.

1                   The Secretary will read.

2                   THE SECRETARY:     Calendar Number  
3     345, Senate Print 5277, by Senator Bailey, an act  
4     to amend the Cannabis Law.

5                   ACTING PRESIDENT PERSAUD:     Read the  
6     last section.

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

9                   ACTING PRESIDENT PERSAUD:     Call the  
10    roll.

11                   (The Secretary called the roll.)

12                   ACTING PRESIDENT PERSAUD:     Announce  
13    the results.

14                   THE SECRETARY:     In relation to  
15    Calendar 345, voting in the negative are  
16    Senators Ashby, Helming, Lanza, Martinez,  
17    Mattera, Ortt, Palumbo, Rhoads, Stec, Tedisco and  
18    Walczyk.

19                   Ayes, 43.  Nays, 11.

20                   ACTING PRESIDENT PERSAUD:     The bill  
21    is passed.

22                   Senator Gianaris, that completes the  
23    reading of the noncontroversial calendar.

24                   SENATOR GIANARIS:     Let's move on to  
25    the controversial calendar, please.

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

3                   The Secretary will read.

4                   THE SECRETARY:    Calendar Number  
5   261, Senate Print 4408, by Senator May, an act to  
6   amend the Environmental Conservation Law.

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

9                   SENATOR WALCZYK:    If the sponsor  
10   would yield for some questions, Madam President.

11                   ACTING PRESIDENT PERSAUD:    Will the  
12   sponsor yield.

13                   SENATOR MAY:    I will.

14                   ACTING PRESIDENT PERSAUD:    The  
15   sponsor yields.

16                   SENATOR WALCZYK:    So this bill  
17   would allow different energy projects to be put  
18   on state reforestation areas.  It points to  
19   Article 7 of the Public Lands Law, which  
20   establishes a fee paid to the Secretary of State  
21   for \$50.

22                   Is that how much the fee would be  
23   for a solar developer to put solar panels on a  
24   state reforestation area?

25                   SENATOR MAY:    Through you,

1 Madam President. Could I ask my colleague for  
2 the specific reference in law that stipulates  
3 that fee?

4 SENATOR WALCZYK: Yeah. Your bill  
5 points to Article 7 of the Public Lands Law.  
6 This is the area where in public lands you can  
7 have different purposes in reforestation areas.  
8 It talks a lot about mining.

9 And then in Section 82, subsection  
10 3, a fee of \$50 shall be paid to the Secretary of  
11 State for each such notice of the filing.

12 So is that -- it's a very old fee.  
13 Will that be the fee that a solar company will be  
14 paying the State of New York for developing a  
15 solar field on a state reforestation area?

16 (Pause.)

17 SENATOR MAY: Through you,  
18 Madam President. We can get more information on  
19 that, but my understanding is that it's just the  
20 initial filing fee. It stands as is.

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

24 ACTING PRESIDENT PERSAUD: Does the  
25 sponsor yield?

1                   SENATOR MAY:     I do.

2                   ACTING PRESIDENT PERSAUD:     The  
3     Senator yields.

4                   SENATOR WALCZYK:     Now, that same  
5     section of law that you reference in your bill --  
6     notwithstanding any provisions of Article 7 of  
7     the Public Lands Law, which is the one that you  
8     point to -- really focuses on mining operations  
9     with a minor footprint.  It requires mines, if  
10    the state allows them on public lands, to pull  
11    anything out of the ground.  A minimum royalty of  
12    not less than 2 percent of fair market value.

13                   What royalties will a solar company  
14    have to pay to the residents of the State of  
15    New York for having the pleasure of having a  
16    solar field on a state reforestation area if your  
17    bill becomes law?

18                   SENATOR MAY:     Through you,  
19    Madam President.  So any such project will  
20    involve a negotiation with the state and the  
21    setting of a fair market fee.

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

25                   ACTING PRESIDENT PERSAUD:     Does the

1 sponsor continue to yield?

2 SENATOR MAY: I will.

3 SENATOR WALCZYK: But a solar panel  
4 harvests electrons from the sky and they're not  
5 pulling minerals out of the earth, so Article 7  
6 wouldn't really apply to them.

7 Would it be a 2 percent royalty or  
8 some other royalty? Is it negotiable? Or should  
9 we assume that there's no royalty paid to the  
10 residents of the State of New York for using land  
11 that they currently own to have solar fields on?

12 SENATOR MAY: Through you,  
13 Madam President. My understanding is that it's  
14 negotiable.

15 I also want to point out that most  
16 of the projects that we imagine will be built in  
17 this -- under this law would be transmission  
18 lines running across state reforestation lands  
19 from a solar or wind site that is not on state  
20 reforestation land. So those negotiations would  
21 be separate.

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 MAY: I will.

3 ACTING PRESIDENT PERSAUD: The  
4 sponsor yields.

5 SENATOR WALCZYK: I don't -- I'm  
6 not aware that the state has allowed much mining  
7 operations on state-owned land or forest --  
8 reforestation areas that are owned by the people  
9 of the State of New York in a while. And that's  
10 probably why Article 7 of the Public Lands Law  
11 Section 83 says "for each tree measuring 4 inches  
12 or more in diameter, at a height of one foot from  
13 the ground, which shall be cut, the party  
14 operating the mine shall pay the State Treasury  
15 the sum of one dollar."

16 Will that also apply for solar  
17 companies when they're cutting down trees on our  
18 state reforestation areas? Will it be one dollar  
19 per tree no matter what the size?

20 SENATOR MAY: Through you,  
21 Madam President. First of all, we did pass  
22 Senator Serrano's bill last year that bans new  
23 leases for mining on state reforestation lands.  
24 So that those provisions aren't applicable  
25 anymore for -- in terms of new mining projects.

1                   For these, like I said, there will  
2 be a negotiation. The language of the bill and  
3 the underlying law and practice of DEC is to  
4 minimize any tree cutting or other disturbance of  
5 the land, where possible. A lot of state  
6 reforestation lands are -- have been logged, are  
7 already devoid of trees, and they're an  
8 opportunity for more trees to grow up. But there  
9 already are transmission corridors or potential  
10 transmission corridors that don't require cutting  
11 trees to begin with.

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

15                   ACTING PRESIDENT PERSAUD: Does the  
16 sponsor yield?

17                   SENATOR MAY: I will.

18                   ACTING PRESIDENT PERSAUD: The  
19 sponsor yields.

20                   SENATOR WALCZYK: So what will be  
21 the charge for a solar company, if your bill  
22 becomes law, that comes into a state  
23 reforestation and cuts trees? What will that  
24 charge be if the Public Lands Law, as it's  
25 currently written at \$1, doesn't apply and it's

1 negotiable?

2 (Pause.)

3 SENATOR MAY: Through you,  
4 Madam President. The way this actually works,  
5 and we envision it working in the future, is that  
6 for any project that it might involve cutting  
7 down trees, there would be a mitigation plan that  
8 would involve planting more trees than the number  
9 of trees that were cut down.

10 So this would be -- the negotiation  
11 would be less about money and more about  
12 mitigation of the site.

13 SENATOR WALCZYK: Through you,  
14 Madam President, would the sponsor continue to  
15 yield?

16 ACTING PRESIDENT PERSAUD: Does the  
17 sponsor yield?

18 SENATOR MAY: I will.

19 ACTING PRESIDENT PERSAUD: The  
20 sponsor yields.

21 SENATOR WALCZYK: Yeah, so I didn't  
22 write this bill or reference Article 7 of Public  
23 Lands Law, but currently the law says it's a  
24 dollar per tree. You've essentially taken the  
25 mining operation section, repeated it, and put in

1 green energy. So I think that same section of  
2 law would apply.

3 Are you saying you're just hopeful  
4 that DEC or ORES will negotiate that it is a  
5 dollar or more per tree, \$1 being the minimum in  
6 statute? And then what would protect our  
7 forestlands from a solar company that wanted to  
8 cut those trees? What would ensure that the  
9 residents of the State of New York would at least  
10 get that dollar?

11 SENATOR MAY: So first of all --  
12 through you, Madam President -- we're talking  
13 about reforestation lands, not just, you know,  
14 like old growth forest or that sort of thing.

15 But also all of these projects would  
16 have a whole process, there would be a SEQ  
17 review process of these. There will be  
18 mitigation plans put in place.

19 So that the \$1 amount I think is a  
20 red herring. There are many, many other ways  
21 that DEC will be involved in protecting those  
22 lands.

23 And I will point out that this is in  
24 stark contrast to what the federal government is  
25 trying to do right now with our federal lands,

1 where they are just opening up federal lands to  
2 mining and basically raping and pillaging of the  
3 land without any kind of oversight or need for  
4 repair.

5 So what we're doing in New York is  
6 much more responsible.

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

10 ACTING PRESIDENT PERSAUD: Does the  
11 sponsor continue to yield?

12 SENATOR MAY: I do.

13 ACTING PRESIDENT PERSAUD: The  
14 sponsor yields.

15 SENATOR WALCZYK: I'll focus on the  
16 germane parts of that response.

17 So I'm not sure if you're aware, but  
18 the Governor of the State of New York has  
19 proposed in her budget this year rolling over  
20 SEQR for green energy projects. That would apply  
21 if your bill also becomes law. There would be no  
22 SEQR review.

23 Unless there's a provision that I've  
24 missed here. Is there?

25 SENATOR MAY: Through you,

1 Madam President. We will be negotiating in the  
2 budget to substitute her proposal with my bill,  
3 which actually does have robust protections and  
4 keeps SEQR review much stronger in these kinds of  
5 situations.

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

9 ACTING PRESIDENT PERSAUD: Does the  
10 sponsor yield?

11 SENATOR MAY: I will.

12 ACTING PRESIDENT PERSAUD: The  
13 sponsor yields.

14 SENATOR WALCZYK: What is the  
15 purpose of a state reforestation area?

16 SENATOR MAY: Through you,  
17 Madam President, there is -- are a variety of  
18 purposes. These are parcels of land that are  
19 acquired by the state either to -- after logging  
20 has occurred to, you know, reforest, put the  
21 trees up.

22 But some of them are also acquired  
23 for recreational purposes. Maybe they're good  
24 hunting or fishing areas. There are quite a few  
25 different purposes.

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

4                   ACTING PRESIDENT PERSAUD:   Does the  
5   sponsor yield?

6                   SENATOR MAY:    I do.

7                   ACTING PRESIDENT PERSAUD:   The  
8   sponsor yields.

9                   SENATOR WALCZYK:    Would you say  
10   that it's in line with Article 14 of the New York  
11   State Constitution (reading) that the dedication  
12   thereof for the practice of forest or wildlife  
13   conservation? Does that sound right to you?

14                   SENATOR MAY:    Through you,  
15   Madam President. I -- I agree with that.

16                   And I will say in many cases these  
17   are lands that will be leased for forestry, so  
18   they might be -- they might be acquired in order  
19   to grow the trees for future logging. So to say  
20   that it's just for conservation is a -- is a  
21   simplification.

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

25                   ACTING PRESIDENT PERSAUD:   Does the

1 sponsor yield?

2 SENATOR MAY: I do.

3 ACTING PRESIDENT PERSAUD: The  
4 sponsor yields.

5 SENATOR WALCZYK: Yeah, the  
6 regrowing of trees or good forest management  
7 practices would be directly in line with the  
8 New York State Constitution Article 14 that says  
9 "the dedication thereof for the practice of  
10 forest or wildlife conservation."

11 Is your bill in line with Article 14  
12 of the New York State Constitution.

13 SENATOR MAY: Through you,  
14 Madam President, yes.

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 MAY: I do.

21 ACTING PRESIDENT PERSAUD: The  
22 sponsor yields.

23 SENATOR WALCZYK: How is putting  
24 solar panels on a reforestation in line with the  
25 dedication thereof for the practice of forest and

1 wildlife conservation?

2                   SENATOR MAY:    Through you,  
3 Madam President.  As it is for the practice of  
4 logging, this is the -- some of the -- as I  
5 mentioned before, some of these lands have  
6 multiple uses.  And solar panels or wind  
7 production on state reforestation lands would be  
8 in accord with the CLCPA and with other state  
9 laws that are designed to protect the overall  
10 environment over time so that we can be  
11 protecting our forests and our waterways and all  
12 of our resources from the depredations of rapid  
13 climate change.

14                   So there are -- there are always  
15 tradeoffs, but this is one where I think it is a  
16 positive for our environment.

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 MAY:    I do.

23                   ACTING PRESIDENT PERSAUD:  The  
24 sponsor yields.

25                   SENATOR WALCZYK:  Yes, so I think I

1 understand the spirit of what you're trying to do  
2 here now. You want to take state reforestation  
3 areas, open them up to green energy projects.  
4 The idea is that that development, whether it be  
5 wind, solar, battery storage on a state  
6 reforestation area, the benefit will then be used  
7 for other lands somewhere else.

8           Does your legislation require a  
9 solar company to purchase and preserve like  
10 lands, additional state reforestation areas  
11 somewhere else in the state that would be  
12 preserved?

13           SENATOR MAY: Through you,  
14 Madam President. It clearly states in the bill  
15 that this would only allow uses that are in --  
16 that do not interfere with the operation of the  
17 reforestation areas for the purposes for which  
18 they were acquired.

19           Which is why we primarily expect  
20 that this will be used for transmission lines  
21 that could be put through that would not  
22 interfere with reforestation or with recreation  
23 or whatever the purpose was.

24           And they would facilitate production  
25 of green energy. That is something that we have

1 agreed that this state needs.

2 But not production on the land, just  
3 transmission through the land.

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 MAY: I will.

10 ACTING PRESIDENT PERSAUD: The  
11 sponsor yields.

12 SENATOR WALCZYK: Yeah, that's  
13 something that I wanted to talk to you about  
14 because I agree that "shall not interfere with  
15 the operation of such reforestation areas for the  
16 purposes for which they were acquired," as you  
17 just cited, a state reforestation area is  
18 acquired for reforestation.

19 But the bill also says, which I  
20 think contradicts that, such installation shall  
21 include but not be limited to solar power and  
22 wind power -- include but not be limited to,  
23 under such terms.

24 How is a solar-powered facility in  
25 line with the purpose of a state reforestation

1 area? How can you grow a forest and have solar  
2 panels in the same spot?

3 SENATOR MAY: Through you,  
4 Madam President. This is why it says -- you  
5 didn't finish that sentence -- under such terms  
6 as may be prescribed by the department and upon  
7 such conditions that the exercise of such  
8 agreement rights shall not interfere with the  
9 operation of such reforestation.

10 So this probably, as I said, will  
11 mean there might be wind production on some of  
12 those sites, but solar is unlikely to be on-site  
13 on the reforestation land. It's the transmission  
14 lines that are so important.

15 We know across upstate there are  
16 many, many proposals for solar and wind  
17 installations. And local people often organize  
18 to make sure that those are not in their  
19 viewshed, on their prime farmland, in certain  
20 places where they don't want them. So there's a  
21 push to put these kinds of facilities in places  
22 that are out of the way.

23 And that means you need to figure  
24 out a way to get transmission lines through --  
25 often through state reforestation lands. This

1 has been one of the major barriers to getting  
2 some of these projects built that will ultimately  
3 bring down energy costs and allow us to fulfill  
4 the climate law.

5 SENATOR WALCZYK: Through you,  
6 Madam President, would the sponsor continue to  
7 yield?

8 ACTING PRESIDENT PERSAUD: Does the  
9 sponsor yield?

10 SENATOR MAY: I will.

11 ACTING PRESIDENT PERSAUD: The  
12 sponsor yields.

13 SENATOR WALCZYK: Well, I don't  
14 think anybody -- despite the giant solar sprawl  
15 that we've seen across upstate New York, I don't  
16 think anybody has seen the cost savings of that  
17 or believes that it will provide it.

18 But if you don't envision that solar  
19 panels will be on state reforestation areas, then  
20 why did you write it in this legislation? Why  
21 did you even provide for it? If this was just  
22 about transmission and not wind and solar, then  
23 why even outline those things and say "but not  
24 even limited to"?

25 I mean, is battery storage going to

1 be allowed on state reforestation areas?

2 SENATOR MAY: Through you,  
3 Madam President. As I mentioned, reforestation  
4 lands are not necessarily forested. There may be  
5 some lands where it is appropriate to site a  
6 solar installation.

7 But whatever activity is envisioned  
8 on these lands, it has to fit with these  
9 criteria, that it doesn't interfere with what the  
10 purposes were for which that land was acquired.

11 But it may be that they are ideal  
12 places for transmission lines, for example,  
13 because they have been forested in the past -- or  
14 have been logged in the past and are now being  
15 reforested.

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

19 ACTING PRESIDENT PERSAUD: Does the  
20 sponsor yield?

21 SENATOR MAY: I do.

22 ACTING PRESIDENT PERSAUD: The  
23 sponsor yields.

24 SENATOR WALCZYK: So you are saying  
25 that the state has purchased state reforestation

1 areas that are out of line with Environmental  
2 Conservation Law that states in order to -- and  
3 I'm looking at 9-0501, the state's power to  
4 acquire reforestation areas. "In order to  
5 provide for the acquisition of lands outside the  
6 Adirondack Park and the Catskill Park as defined  
7 in subdivisions 1 and 2 of Section 9-0101, which  
8 are adapted for reforestation and establishment  
9 and maintenance thereon of forests for watershed  
10 protection, the production of timber and other  
11 forest products" -- that's the logging that you  
12 referenced -- "and for recreation and kindred  
13 purposes, the department may acquire in the name  
14 of the state a gift, purchase, appropriation."  
15 It goes on to say how.

16 So are solar panels on state  
17 reforestation areas a kindred purpose? Is that  
18 the reach that we have here?

19 SENATOR MAY: Through you,  
20 Madam President. That is up to DEC to decide if  
21 it is compatible with the purposes of the land.

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 MAY: Yes.

3 ACTING PRESIDENT PERSAUD: The  
4 sponsor yields.

5 SENATOR WALCZYK: So under  
6 Section 480 of Real Property Tax Law, counties  
7 can't tax reforestation areas.

8 Will counties be able to assess a  
9 solar farm or negotiate a PILOT in a  
10 reforestation area under this legislation?

11 SENATOR MAY: Through you,  
12 Madam President. I do not know the answer to  
13 that.

14 But I -- since the likelihood is  
15 that those kinds of production facilities will be  
16 outside of the reforestation lands, that would be  
17 presumably perfectly possible.

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

21 SENATOR MAY: I would.

22 ACTING PRESIDENT PERSAUD: The  
23 sponsor yields.

24 SENATOR MAY: Yup.

25 SENATOR WALCZYK: I just want to be

1 clear on that. You believe that counties will --

2 ACTING PRESIDENT PERSAUD: Senator,  
3 can you continue to go through the chair. Not  
4 directly to the member.

5 SENATOR WALCZYK: Oh, I'm sorry I  
6 thought that I did.

7 ACTING PRESIDENT PERSAUD: Thank  
8 you.

9 SENATOR WALCZYK: Through you,  
10 Madam Chair. So just for the record, you believe  
11 that counties will be able to tax, assess,  
12 negotiate PILOTs with solar fields, wind farms,  
13 battery storage facilities that are sited on  
14 state reforestation areas?

15 SENATOR MAY: Through you,  
16 Madam President. No, what I said was the  
17 likelihood is that those production facilities  
18 will not be on the state reforestation lands.  
19 They will be off of that land. But if they are  
20 on the state reforestation land, I believe the --  
21 that that's a different matter.

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 MAY: Yes.

3 ACTING PRESIDENT PERSAUD: The  
4 sponsor yields.

5 SENATOR WALCZYK: Yeah, I just want  
6 to go back to your bill --

7 ACTING PRESIDENT PERSAUD: Senator.

8 SENATOR WALCZYK: Oh. Through you,  
9 Madam President.

10 ACTING PRESIDENT PERSAUD: Thank  
11 you.

12 SENATOR WALCZYK: I just want to go  
13 back to the bill here. In line 10 you say such  
14 installations "shall include," not may include,  
15 but not be limited to solar power and wind power  
16 under such terms as may be prescribed by the  
17 department. Meaning the Department of  
18 Environmental Conservation.

19 So why write that they shall include  
20 solar and wind power if your intent in this  
21 legislation isn't even to bring solar and wind  
22 power on to state reforestation areas?

23 (Pause.)

24 SENATOR MAY: Through you,  
25 Madam President. Whether it's "shall" or "may,"

1 the bill was intended for completion of  
2 connectivity across state reforestation lands.

3 And earlier in the bill it says  
4 that, siting in connectivity of renewable energy  
5 installations and the transmission and  
6 distribution of electricity therefrom.

7 That is the main purpose of this  
8 bill. And so we should focus on that  
9 transmission issue, which is the primary reason  
10 why we need to make sure that state reforestation  
11 lands are available for these purposes.

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

15 ACTING PRESIDENT PERSAUD: Does the  
16 sponsor yield?

17 SENATOR MAY: I do.

18 ACTING PRESIDENT PERSAUD: The  
19 sponsor yields.

20 SENATOR WALCZYK: Is there a ban on  
21 the --

22 ACTING PRESIDENT PERSAUD: Senator.

23 SENATOR WALCZYK: Oh, I thought I  
24 went through you, Madam Chair.

25 Through you, Madam Chair, would the

1 sponsor continue to yield.

2 ACTING PRESIDENT PERSAUD: Yes, the  
3 sponsor yields.

4 SENATOR WALCZYK: Is there a ban on  
5 herbicides used in reforestation areas in this  
6 bill?

7 SENATOR MAY: Through you,  
8 Madam President, that is not part of this bill.

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 MAY: I do.

15 ACTING PRESIDENT PERSAUD: The  
16 sponsor yields.

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

20 (Laughter.)

21 ACTING PRESIDENT PERSAUD: I think  
22 the sponsor yielded.

23 SENATOR WALCZYK: Will solar  
24 companies be able to use Roundup and other  
25 products like that? Is there any provision in

1 your bill that would protect our state  
2 reforestation areas from products that they can  
3 use that they've used in a number of their solar  
4 facilities in New York?

5 SENATOR MAY: Through you,  
6 Madam President. I'll repeat again that these  
7 projects shall not interfere with the operation  
8 of such reforestation areas for the purposes for  
9 which they were acquired.

10 That is, the DEC will put guardrails  
11 on any of these projects so that they don't  
12 interfere with reforestation.

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

16 ACTING PRESIDENT PERSAUD: Does the  
17 sponsor yield?

18 SENATOR MAY: I do.

19 ACTING PRESIDENT PERSAUD: The  
20 sponsor yields.

21 SENATOR WALCZYK: Is there a  
22 prohibition on battery storage facilities in this  
23 bill, or would those also -- because there's  
24 often -- solar fields are usually congruent with  
25 battery storage facilities because of the way

1 that power peaks when a solar field harvests the  
2 power. And then the way that our energy demand  
3 requires that power, they're often paired up with  
4 battery storage facilities.

5 Is there any prohibition for  
6 battery storage facilities to be on state  
7 reforestation areas in your bill?

8 SENATOR MAY: Through you,  
9 Madam President, there is not.

10 But I will reiterate that if the  
11 purpose of this is transmission, that  
12 transmission could make it possible to site the  
13 storage elsewhere.

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 MAY: I do.

20 ACTING PRESIDENT PERSAUD: The  
21 sponsor yields.

22 SENATOR WALCZYK: So if the purpose  
23 is transmission, then why have we said "shall  
24 include, but not limited to" solar power and wind  
25 power?

1                   SENATOR MAY:    Through you,  
2   Madam President.  This bill is intended to be  
3   permissive, to allow a variety of green energy  
4   options and not to stipulate restrictions on  
5   them.

6                   SENATOR WALCZYK:   Thank you.  
7                   Madam President, on the bill.

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

10                  SENATOR WALCZYK:    I am not the  
11   Lorax, but I speak for the trees.

12                  I speak for the trees, for the trees  
13   have no tongues.  And I'm asking you, ma'am, at  
14   the top of my lungs, you are making a thneed, a  
15   new kind of thneed, a shiny black glass-covered  
16   solar-power thneed.

17                  It's a panel, it's a charger, a  
18   green energy fix.  But you're chopping down trees  
19   to make room for these sticks.

20                  But it's power, you yell, it's clean  
21   and it's bright.  It brings us the sun in the  
22   dark of the night.

23                  But I say, Senator Once-ler, you're  
24   crazy with greed.  There is no one on earth who  
25   will need that much thneed.  You're hacking down

1 cherries, maple soft as the silk, with the sweet  
2 calming smell of fresh butterfly milk.

3           You are chopping them down for a  
4 sustainable plot. If you ruin the place, tell  
5 me, what have you got? A factory for sunshine, a  
6 sterile dead ground where the beaver once  
7 frisked, now there's no one around.

8           They loved living there, in the  
9 shade of the trees. Now they've got no more  
10 home. Out, out, with the bees!

11           You are destroying the air to make  
12 clean air, you say? If you kill off the trees,  
13 you are throwing away the machine that God made,  
14 the true breathing machine that turned bad air to  
15 good with their lush leafy greens.

16           And the Eastern bluebird waking up  
17 before dawn has no branch for a nest. Now the  
18 hollows are gone.

19           You can't fix the planet by  
20 stripping it bare. You are making power without  
21 cleaning the air. A tree is living, breathing  
22 and green -- far better than any black  
23 solar-paneled machine.

24           So stop with your axes, stop with  
25 your hacking. Please cease. Let the trees grow.

1 Let them breathe, give them peace. For a tree  
2 falls the way that it leans, and you're leaning,  
3 I fear, towards some very dark scenes.

4 Unless (pause) you vote no.

5 (Laughter; applause.)

6 ACTING PRESIDENT PERSAUD: Are  
7 there any other Senators wishing to be heard?

8 Senator Lanza.

9 SENATOR LANZA: (Whistling.)

10 Madam President, thank you. If I could put some  
11 prose to that poetry.

12 You've heard me tell the story  
13 before. On Staten Island we had this wonderful  
14 forest, pretty old growth, thousands of several  
15 different species of oak trees, maples. There  
16 were wetlands. It was one of the most beautiful  
17 areas you ever saw.

18 And a few years ago they came in and  
19 they killed every tree, they killed every animal,  
20 and they filled in every wetland. And they  
21 replaced it with a solar panel field, which is  
22 now, like Staten Island's roads, covered with  
23 snow.

24 We don't know how much electricity  
25 is being generated there. No one can tell us

1 where it's even going. And I'm told recently  
2 that these solar panels are ending -- are nearing  
3 the end of their useful life.

4 So if the choice is between killing  
5 our trees and having solar panels with dubious  
6 efficacy, clearly the example I've just cited to  
7 you on Staten Island is an environmental  
8 disaster, not an environmental benefit.

9 There is plenty of vacant land  
10 across New York State where we could be engaging  
11 in these green energy plans. We should not be  
12 cutting down forests and killing wildlife in  
13 order to do it.

14 I vote no.

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

17 Senator Borrello.

18 SENATOR BORRELLO: Thank you,  
19 Madam President.

20 First of all, nothing I'm going to  
21 say is going to rhyme. But let me say this.

22 You know, Senator May mentioned  
23 that, you know, we have people that have  
24 organized to push back against solar panels that  
25 are their sight lines around forestland or

1 farmland. Yeah, they do, and they lose. Every  
2 single time. Thanks to the bad policies that are  
3 passed in this chamber.

4           You know, I don't think people  
5 realize this. These people are not in the energy  
6 business, they are in the taxpayer-subsidy  
7 business. They want the cheapest way to do it  
8 for the maximum return. And the only profit, the  
9 only profit is from taxpayer dollars.

10           If there was no subsidies, there  
11 would never be another wind or solar project  
12 built anywhere in the United States, period, end  
13 of sentence. Because there's no profit in it.

14           So instead we created these ways to  
15 clear things out for them. And that's what's  
16 going to happen here too. These guys are the  
17 kings of the bait-and-switch. Every time we have  
18 a new solar project go up in my district, they  
19 say, yeah, we're fine with a 500-foot setback.  
20 And then all of a sudden, Well, we have to have a  
21 -- you know, we're going to file a grievance,  
22 we're going to ask for that 500 feet to be  
23 200 feet.

24           Happens every single time. They're  
25 con artists. And we allowed this to happen.

1                   When I was county executive in  
2 Chautauqua county, we had a company that wanted  
3 to put solar panels on our landfill. We have  
4 good closed landfill sites. Things are never  
5 going to ever -- they're brownfields that are  
6 never going to be used for anything again.

7                   So let's do that. We'll put those  
8 flexible solar panels -- and when I got to the  
9 meeting, the guys that were there selling me the  
10 solar panels were like, Oh, no, no, no, no. We  
11 can't do that. It's too expensive. We want to  
12 cut the forest around the landfill to put up the  
13 solar panels, because that's easier and cheaper  
14 and faster.

15                  And then you have the fact that  
16 you've got ORES that can just roll over all the  
17 DEC regulations. They send a guy out to say, Oh,  
18 yeah, there's no bats in those trees, I don't see  
19 them right now, we're all good. You can start  
20 cutting.

21                  And the idea that this is cheaper is  
22 ridiculous. If it's cheaper, why do we have to  
23 have these 20- and 30-year power purchase  
24 agreements? Where someone, typically a public  
25 utility, has to buy the electricity at this price

1 from the solar developer and sell it on the open  
2 market for this price {indicating}. That's what  
3 a power purchase agreement does.

4 This is not cheaper. It's certainly  
5 not cleaner. But it is going to actually impede  
6 our ability to have good farmland, forestland in  
7 the beautiful place that we all love here in  
8 New York State. We are letting these con artists  
9 roll over us. And to do it on reforested areas  
10 in our public lands is shameful.

11 And I'm also voting no.

12 Thank you, Madam President.

13 ACTING PRESIDENT PERSAUD: Are  
14 there any other Senators wishing to be heard?

15 Seeing and hearing none, the debate  
16 is closed.

17 The Secretary will ring the bell.

18 Senator Gianaris.

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

22 ACTING PRESIDENT PERSAUD: On  
23 consent, the bill is restored to the  
24 noncontroversial calendar.

25 Read the last section.

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

3 ACTING PRESIDENT PERSAUD: Call the  
4 roll.

5 (The Secretary called the roll.)

6 ACTING PRESIDENT PERSAUD: Senator  
7 May to explain her vote.

8 SENATOR MAY: Thank you,  
9 Madam President.

10 If we're going to talk about con  
11 artists, let's talk about the fossil fuel  
12 industry, which learned in the early 1960s, if  
13 not sooner, from the geologists that they hired  
14 to go and find oil deposits around the world,  
15 they learned from those geologists back then that  
16 their business model was putting earth on a  
17 collision course with global warming that was  
18 going to destabilize the climate. They knew it  
19 then.

20 They leaped into action. Not to  
21 change their business model, but to sow  
22 disinformation, lies and misinformation all  
23 across the world, but especially in this country.  
24 They hired lobbyists by the thousands all across  
25 this country to persuade government officials

1 that there was nothing to see there, we didn't  
2 have to worry about it.

3 And they've been doing it ever  
4 since. They have put trillions of dollars,  
5 probably at this point, into misinformation about  
6 fossil fuels. And they continue to do it even  
7 now. They are sponsoring all kinds of hate  
8 campaigns against green energy as well.

9 While, elsewhere in the world, we  
10 are seeing people's -- countries' carbon  
11 emissions -- in China, their carbon emissions are  
12 coming down because they have made massive  
13 investments exactly in the kind of energy that is  
14 the energy of the future.

15 Here in New York State, if you want  
16 to see the kinds of -- the kinds of savings we  
17 get from solar energy, just last summer, in the  
18 two hottest days in June, behind the meter solar  
19 saved ratepayers over \$180 million in two days.

20 And a lot of that was community  
21 solar, much of which only works if you can put  
22 the transmission lines on some of these kinds of  
23 remote areas or through forested lands.

24 So this bill actually could bring  
25 our energy costs down while also pushing back

1 against the greatest con artists of all time, the  
2 fossil fuel lobby that has captured this country,  
3 has shaped how we use cars, it has shaped what  
4 our cities look like, it has shaped everything  
5 about how we live in this country in order to  
6 make us dependent on fossil fuels.

7 And I am proud that here in New York  
8 we are working hard to get off that dependence.

9 I vote aye. Thank you.

10 ACTING PRESIDENT PERSAUD: Senator  
11 May to be recorded in the affirmative.

12 Senator Lanza to explain his vote.

13 SENATOR LANZA: Madam President, in  
14 spite of the two wrongs make a right argument,  
15 I'll be voting no.

16 ACTING PRESIDENT PERSAUD: Senator  
17 Lanza to again be recorded in the negative.

18 Senator Harckham to explain his  
19 vote.

20 SENATOR HARCKHAM: Thank you very  
21 much, Madam President.

22 I would like to thank Senator May  
23 for bringing this bill.

24 I just want to address a couple of  
25 comments that we've heard here -- first of all,

1 about fixed prices for solar energy. That's  
2 actually a good thing. If you look at the graph  
3 of where Community Choice Aggregation prices were  
4 last year, before the PSC, in its infinite  
5 wisdom, decided to kill Community Choice  
6 Aggregation, the graph looks like this  
7 (gesturing).

8                   And if you look at electricity and  
9 natural gas prices for those who didn't have  
10 Community Choice Aggregation, it's like this  
11 (gesturing). A very stark difference.

12                   And that's why those fixed rates are  
13 a very powerful thing for consumers. And physics  
14 are physics. A kilowatt of clean energy is  
15 cheaper than a kilowatt of fossil fuel energy, a  
16 kilowatt of nuclear energy. And that's simply a  
17 fact of the marketplace. Which is why 95 percent  
18 of all the world's new generation is clean  
19 energy.

20                   The petro state of Texas, which  
21 doesn't even believe in climate change, all of  
22 their new generation has been wind, solar and  
23 battery storage. We heard the savings in  
24 New York in two days from the Senator. In  
25 10 years -- and this comes from the Texas state

1 regulators; this is not some green tree-hugger  
2 number -- \$30 billion in savings for Texas  
3 ratepayers.

4 What do we have against saving money  
5 for our ratepayers? That's all we talk about in  
6 this chamber, is the high price of utilities.

7 The answer to climate change and the  
8 answer to high utility prices is the same: It's  
9 clean energy.

10 I vote aye.

11 ACTING PRESIDENT PERSAUD: Senator  
12 Harckham to be recorded in the affirmative.

13 Announce the results.

14 THE SECRETARY: In relation to  
15 Calendar Number 261, voting in the negative are  
16 Senators Ashby, Borrello, Gallivan, Helming,  
17 Lanza, Mattera, Oberacker, Ortt, Rhoads, Stec,  
18 Tedisco, Walczyk and Weber.

19 Ayes, 42. Nays, 13.

20 ACTING PRESIDENT PERSAUD: The bill  
21 is passed.

22 THE SECRETARY: Calendar Number  
23 353, Senate Print 4473, by Senator Ramos, an act  
24 to amend the Labor Law.

25 ACTING PRESIDENT PERSAUD: Senator

1 Walczyk, why do you rise?

2 SENATOR WALCZYK: Of course through  
3 you, Madam President, I hope to ask some  
4 questions.

5 ACTING PRESIDENT PERSAUD: Are you  
6 asking the sponsor to yield?

7 SENATOR WALCZYK: Of the sponsor.

8 Yeah, would the sponsor yield for --

9 ACTING PRESIDENT PERSAUD: Will the  
10 sponsor yield?

11 SENATOR RAMOS: Through you,  
12 Madam President, I intend to answer such  
13 questions.

14 ACTING PRESIDENT PERSAUD: The  
15 sponsor yields.

16 SENATOR WALCZYK: Thank you,  
17 Madam President.

18 In line 30 of page 2, you've added  
19 statutory damages. What does statutory damages  
20 entail in this context?

21 SENATOR RAMOS: Statutory damages  
22 in the context of this bill means 100 percent of  
23 the liquidated damages.

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

1 yield?

2 ACTING PRESIDENT PERSAUD: Does the  
3 sponsor yield?

4 SENATOR RAMOS: Yes.

5 ACTING PRESIDENT PERSAUD: The  
6 sponsor yields.

7 SENATOR WALCZYK: Yeah, so -- and  
8 that's part of the reason for my question.  
9 Because it's listed just before liquidated  
10 damages. So what's different here? What's  
11 the -- what's the statutory damages mean?

12 SENATOR RAMOS: Through you,  
13 Madam President. The intent of this bill overall  
14 is to provide clarification over language that  
15 has been misconstrued in the way different state  
16 courts have applied the law.

17 And so I am hoping that by including  
18 both terms, there is no confusion over how  
19 recovered wages should be obtained through  
20 class-action lawsuits.

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

24 ACTING PRESIDENT PERSAUD: Does the  
25 sponsor yield?

1                   SENATOR RAMOS:     Yes.

2                   ACTING PRESIDENT PERSAUD:     The  
3 sponsor yields.

4                   SENATOR WALCZYK:     The bill does not  
5 differentiate between intentional wage theft and  
6 good-faith payroll mistakes, does it?

7                   SENATOR RAMOS:     Through you,  
8 Madam President.   Wage theft is wage theft.  
9 Sometimes it is administrative.   Sometimes it is  
10 not.

11                   The idea behind the bill and any and  
12 all recovery efforts through our court system,  
13 whether in individual cases or class-action  
14 cases, is for a worker to recover the entirety of  
15 their wages.

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

19                   ACTING PRESIDENT PERSAUD:     Does the  
20 sponsor yield?

21                   SENATOR RAMOS:     Yes.

22                   ACTING PRESIDENT PERSAUD:     The  
23 sponsor yields.

24                   SENATOR WALCZYK:     So this bill  
25 would be allowing class-action lawsuits against a

1 small business who makes an innocent mistake that  
2 they would gladly correct; this would still allow  
3 a class-action lawsuit to be brought in that  
4 case?

5 SENATOR RAMOS: Through you,  
6 Madam President. Very seldom do -- does a  
7 situation of that kind reach the bench if it was  
8 indeed a administrative error.

9 This is in order for our state law  
10 to be in compliance with federal law so that when  
11 workers at a workplace present a class-action  
12 lawsuit against an unscrupulous employer, they  
13 are able to recover the entirety of their wages,  
14 just as a worker would if the case was brought  
15 individually.

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

19 ACTING PRESIDENT PERSAUD: Does the  
20 sponsor yield?

21 SENATOR RAMOS: Yes.

22 ACTING PRESIDENT PERSAUD: The  
23 sponsor yields.

24 SENATOR WALCZYK: So why wouldn't a  
25 plaintiff's attorney use this framework to

1 pressure small businesses into settlements? Are  
2 you creating kind of an incentive structure for  
3 that here?

4 SENATOR RAMOS: Through you,  
5 Madam President. The word "settlement" is not  
6 in the language of this bill.

7 What the bill's intent is, is to  
8 bring the state into compliance with federal law  
9 so that when there is a bad boss, they are being  
10 held accountable and that the recovered wages  
11 equal the recovered wages they would be awarded  
12 if they brought the suit in an individual  
13 capacity.

14 SENATOR WALCZYK: Through you,  
15 Madam President, would the sponsor continue to  
16 yield?

17 ACTING PRESIDENT PERSAUD: Does the  
18 sponsor yield?

19 SENATOR RAMOS: Yes.

20 ACTING PRESIDENT PERSAUD: The  
21 sponsor yields.

22 SENATOR WALCZYK: Couldn't this be  
23 used to pursue class actions for even technical  
24 violations for recordkeeping, violations like  
25 incorrectly listing an address on a pay stub and

1 leaving off the correct phone number?

2 I understand that's not the intent,  
3 but don't you open the door for that?

4 SENATOR RAMOS: Through you,  
5 Madam President. The Senator already asked this  
6 question in -- previously when he was talking  
7 about administrative errors. Now he's just  
8 enumerating them.

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 RAMOS: Yes.

15 ACTING PRESIDENT PERSAUD: The  
16 sponsor yields.

17 SENATOR WALCZYK: Thanks for that.

18 The New York Labor Law provides that  
19 if the employer fails to give an employee a wage  
20 notification form at hiring, the damages are up  
21 to \$5,000. In 195, 198. Or if a pay stub is not  
22 compliant, the damages are up to \$5,000. Because  
23 state courts have held those are penalties. They  
24 have not permitted class actions for these  
25 violations just as an individual action.

1                   So under this bill, now a small  
2 business could be sued in state court on a class  
3 basis for \$5,000 for each employee if the  
4 employer makes a recordkeeping mistake.

5                   Do you think a small business owner,  
6 say with 20 employees, should be sued for  
7 \$100,000 because of a pay stub error?

8                   SENATOR RAMOS:    Through you,  
9 Madam President.  No, it doesn't.  This does not  
10 establish any new grounds for a lawsuit.  The  
11 language of this bill is exclusively about paying  
12 out the wages to a group of workers who bring  
13 about a class-action lawsuit instead of doing so  
14 in an individual capacity.

15                   We are not expanding or amending the  
16 law on the grounds of what type of lawsuits can  
17 be brought.

18                   SENATOR WALCZYK:   Thank you,  
19 Madam President.

20                   ACTING PRESIDENT PERSAUD:   Thank  
21 you.

22                   Are there any other Senators wishing  
23 to be heard?

24                   Senator Borrello.

25                   SENATOR BORRELLO:    Thank you.

1 Thank you so much, Madam President.

2 I'm a proud member of the NFIB, the  
3 National Federation of Independent Businesses,  
4 representing 11,000 small businesses. So I want  
5 to just bring up an important salient point here.

6 I know the discussion has been on  
7 wage theft. But essentially what this is saying  
8 is if this bill were to pass, plaintiff's  
9 attorneys will sue countless small businesses in  
10 New York State court for up to \$10,000 per  
11 employee over wage theft notice and pay stub  
12 violations, not actual wage theft.

13 These cases are easy to allege and  
14 win, making them extremely attractive for  
15 plaintiff's attorneys. So once again we are  
16 making it easy here for lawyers to sue small  
17 businesses.

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

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

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

23 The Secretary will ring the bell.

24 Senator Gianaris.

25 SENATOR GIANARIS: Madam President,

1 let's restore this to the noncontroversial  
2 calendar, please.

3 ACTING PRESIDENT PERSAUD: On  
4 consent, the bill is restored to the  
5 noncontroversial calendar.

6 Read the last section.

7 THE SECRETARY: Section 5. This  
8 act shall take effect immediately.

9 ACTING PRESIDENT PERSAUD: Call the  
10 roll.

11 (The Secretary called the roll.)

12 ACTING PRESIDENT PERSAUD: Senator  
13 Ramos to explain her vote.

14 SENATOR RAMOS: Thank you,  
15 Madam President.

16 You know, right now a group of  
17 20 employees cannot bring about a class-action  
18 lawsuit. There is a minimum of 40.

19 Now, I know that there are varying  
20 definitions, perhaps even personal definitions  
21 about what a small business is or isn't. But  
22 very rarely does an innocent mistake in a firm or  
23 a small business of very few employees constitute  
24 the level of class-action wage recovery that we  
25 are trying to make easier through the amending of

1 this language.

2 This body back in 2009 actually had  
3 already amended the law with regard to the  
4 Fair Labor Standards Act. And so we have seen  
5 since that, then, that the interpretation across  
6 state courts has not been uniform and has not  
7 allowed workers to actually get all of the wages  
8 back.

9 And I believe that no matter what  
10 side of the aisle you may sit on, what we do want  
11 to do is utilize the law to uplift good  
12 businesses, whether they're small businesses,  
13 mid-sized businesses, the biggest businesses you  
14 can think of.

15 The point is to uphold standards and  
16 be able to even perhaps reward good businesses.  
17 We're not -- this isn't about administrative  
18 mistakes that more often than not can be  
19 clarified and fixed way before a lawsuit actually  
20 comes before a judge.

21 So, you know, my colleague across  
22 the aisle might not be the Lorax, but perhaps  
23 he's the Monopoly guy. What do I know?

24 Regardless, we want people to get  
25 every single dime that they're entitled to

1 because they've worked and they deserve that  
2 money. And they deserve the clarification in the  
3 law so that we can protect them and every worker  
4 in New York.

5 There's a gross affordability issue  
6 in this state, and this is one of the many ways  
7 that as a body we have been able to protect  
8 workers. And I'm very proud to vote aye.

9 ACTING PRESIDENT PERSAUD: Senator  
10 Ramos to be recorded in the affirmative.

11 Announce the results.

12 THE SECRETARY: In relation to  
13 Calendar 353, voting in the negative are  
14 Senators Borrello, Gallivan, Helming, Oberacker,  
15 Ortt, Stec, Tedisco and Walczyk.

16 Ayes, 47. Nays, 8.

17 ACTING PRESIDENT PERSAUD: The bill  
18 is passed.

19 Senator Gianaris, that completes the  
20 reading of today's calendar.

21 SENATOR GIANARIS: Is there any  
22 further business at the desk?

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

25 SENATOR GIANARIS: I move that we

1 adjourn until Wednesday, March 4th, at 3:00 p.m.,  
2 with intervening days being legislative days.

3 ACTING PRESIDENT PERSAUD: On  
4 motion, the Senate stands adjourned until  
5 Wednesday, March 4th, at 3:00 p.m., with  
6 intervening days being legislative days.

7 (Whereupon, at 12:48 p.m., the  
8 Senate adjourned.)

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