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NEW YORK STATE SENATE

THE STENOGRAPHIC RECORD

ALBANY, NEW YORK

April 21, 2026

3:50 p.m.

REGULAR SESSION

SENATOR SHELLEY B. MAYER, Acting President

ALEJANDRA N. PAULINO, ESQ., Secretary

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

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

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

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

8 ACTING PRESIDENT MAYER: Today
9 Rabbi David Okunov, of Chabad Oceanview
10 Jewish Center in Brooklyn, New York, will deliver
11 today's invocation.

12 RABBI OKUNOV: I'd like to thank
13 Jessica for inviting me from South Brooklyn.

14 Almighty God, Master of the
15 Universe, I am humbled to invoke Your blessings
16 upon the members of the New York State Senate to
17 fulfill their divine and sacred mission to make
18 the world a better place for all of humanity, to
19 live by Your divine Will and divine Providence in
20 unity, peace and harmony, with dignity and
21 respect for every human being, for we are all
22 created in Your image.

23 Guide them to be living examples of
24 goodness and kindness, inspired by the seven
25 sacred universal commandments which You gave to

1 Adam and Noah at the dawn of civilization.

2 As recorded in the Bible, in the
3 Book of Genesis:

4 To worship You alone and not to
5 worship idols;

6 Not to blasphemy Your holy name;

7 Not to commit murder;

8 Not to commit adultery, incest,
9 sodomy or any other abomination;

10 Not to steal, lie, or cheat;

11 Not to eat or be cruel to any living
12 animal;

13 And lastly, that every society be
14 governed by just and moral laws which are based
15 on the recognition and acknowledgement of You,
16 O God, as the sovereign ruler of all humanity and
17 all nations.

18 This recognition of You, O God, is
19 the bedrock of the value system of the
20 United States of America. We, the citizens of
21 this blessed country, proclaim this recognition
22 in our Pledge of Allegiance: One nation, under
23 God, indivisible, with liberty and justice for
24 all.

25 We proudly proclaim this recognition

1 on our currency, In God We Trust, which is
2 proudly engraved on the walls of houses of
3 government.

4 Almighty God, grant us that the
5 members of the New York State Senate constantly
6 realize that by enacting just laws, they are
7 fulfilling Your will.

8 Almighty God, I beseech You today to
9 bless the members of the New York State Senate
10 and our entire nation with good health, clarity
11 of mind, wisdom, compassion, and good fellowship.

12 Almighty God, I offer this prayer to
13 You today in honor of our beloved spiritual
14 leader, Rabbi Menachem Mendel Schneerson, as we
15 celebrate 85 years since his miraculous escape
16 from Nazi Europe in 1941, when he arrived
17 together with his wife, Rebbetzin Chaya Mushka
18 Schneerson, to the shores of New York State.

19 The Rebbe encouraged us all to do
20 something additional in the realm of goodness and
21 kindness in order to bring about the prophetic
22 Era of Moshiach, a world of peace and harmony for
23 all of humanity.

24 And together let us all say amen.

25 (Response of "Amen.")

1 RABBI OKUNOV: The Rebbe asked that
2 at opportunities like this, to put a dollar in
3 the charity box to spread acts of goodness and
4 kindness, and to demonstrate that routine acts of
5 charity and philanthropy are central to society.

6 I would like to demonstrate with
7 putting a dollar in the charity box.

8 ACTING PRESIDENT MAYER: Thank you,
9 Rabbi.

10 Reading of the Journal.

11 THE SECRETARY: In Senate, Monday,
12 April 20, 2026, the Senate met pursuant to
13 adjournment. The Journal of Sunday, April 19,
14 2026, was read and approved. On motion, the
15 Senate adjourned.

16 ACTING PRESIDENT MAYER: Without
17 objection, the Journal stands approved as read.

18 Presentation of petitions.

19 Messages from the Assembly.

20 The Secretary will read.

21 THE SECRETARY: Senator Kavanagh
22 moves to discharge, from the Committee on
23 Consumer Protection, Assembly Bill Number 3318
24 and substitute it for the identical Senate Bill
25 926, Third Reading Calendar 411.

1 Senator Ryan moves to discharge,
2 from the Committee on Civil Service and Pensions,
3 Assembly Bill Number 1396 and substitute it for
4 the identical Senate Bill 4773, Third Reading
5 Calendar 467.

6 Senator Krueger moves to discharge,
7 from the Committee on Finance, Assembly Bill
8 Number 2657A and substitute it for the identical
9 Senate Bill 1574A, Third Reading Calendar 593.

10 ACTING PRESIDENT MAYER: So
11 ordered.

12 Messages from the Governor.
13 Reports of standing committees.
14 Reports of select committees.
15 Communications and reports from
16 state officers.

17 Motions and resolutions.

18 Senator Gianaris.

19 SENATOR GIANARIS: Good afternoon,
20 Madam President.

21 Please recognize Senator Persaud for
22 an introduction.

23 ACTING PRESIDENT MAYER: Senator
24 Persaud for an introduction.

25 SENATOR PERSAUD: Good afternoon,

1 Madam President.

2 Today I rise to recognize and warmly
3 welcome a very special group of young folks from
4 my district. They're the students from the
5 High School for Innovation in Advertising and
6 Media, and their school is just down the block
7 from my office.

8 These young leaders are here today
9 as part of their student engagement and
10 legislative advocacy day. This experience
11 provides them with a firsthand look at how
12 government works.

13 I know their time was short here
14 today; they got here a little late. But they
15 were able to speak with a number of my
16 colleagues, and I want to thank my colleagues for
17 meeting with them and thank the leader for
18 meeting with them and answering many of their
19 questions.

20 I know we've asked them to send us
21 their questions that were not answered today, and
22 we'll endeavor to respond to them in writing.

23 They had many meetings. They had a
24 tour of the Capitol. Many of them, this is their
25 first time coming here, and we wanted to welcome

1 them.

2 They are witnessing democracy in
3 action. And that's what we strive to do when we
4 invite students to come up to Albany.

5 So on behalf of everyone,
6 Madam President, we hope that you would give them
7 the cordialities of the house.

8 But I just want to recognize that
9 these students are also joined by Ms. Jaelyn
10 Boisrand, Ms. Starr Lederer, and Mr. Anthony
11 Fusari, who are their chaperones today. And
12 again, they came all the way from Brooklyn, USA,
13 just so everyone understands that, the best
14 borough.

15 (Laughter.)

16 SENATOR PERSAUD: And they are here
17 in Albany, and I want to say welcome. And I hope
18 this is not the last time that you're coming to
19 visit us here in Albany, and I hope that you
20 enjoyed the interactions that you've had with not
21 only my colleagues here in the Senate, but the
22 colleagues in the Assembly.

23 Madam President, if you can give
24 them the cordialities of the house.

25 Thank you.

1 ACTING PRESIDENT MAYER: Thank you,
2 Senator Persaud.

3 To our guests from the High School
4 for Innovation in Advertising and Media, from
5 Brooklyn, we welcome you to the Senate. Please
6 enjoy the cordialities of the house.

7 Please rise and be recognized.

8 (Standing ovation.)

9 ACTING PRESIDENT MAYER: Senator
10 Gianaris.

11 SENATOR GIANARIS: And now
12 Senator Addabbo for another introduction, please.

13 ACTING PRESIDENT MAYER: Senator
14 Addabbo for an introduction.

15 SENATOR ADDABBO: Thank you,
16 Madam President.

17 I am sorry, Senator Persaud, but the
18 other best borough: Queens.

19 (Laughter.)

20 SENATOR ADDABBO: You know, it's a
21 great day when students get to visit Albany,
22 especially on a Tuesday, because they get to
23 witness everything. They get to witness the
24 lobbyists, they get to witness the crowded
25 hallways, waiting for hours by an elevator, the

1 protests, right. I think it's a great day when
2 they get to see our government at work.

3 And so today we welcome students
4 from St. John's University -- right, Red Storm?
5 Not bad, right?

6 But these students look at us with
7 such optimism in their eyes, like we're going to
8 do work for them, we're going to pave the road
9 for them academically and in their career. Not
10 that we're going to pay their tuition, but that
11 we're going to help them, because they look
12 toward us for help. And we're going to answer
13 that call.

14 So, Madam President, I ask that you
15 welcome these great, fine students from
16 St. John's University, and led by Brian Browne,
17 who's been here, coming here for many, many
18 years. And thank you for making part of the
19 panel today.

20 But to the students: Welcome.

21 And, Madam President, thank you.

22 ACTING PRESIDENT MAYER: Thank you,
23 Senator Addabbo.

24 To our guests from St. John's
25 University, welcome to Albany. We welcome you to

1 the Senate and extend the cordialities of the
2 house to you.

3 Please rise and be recognized.

4 (Standing ovation.)

5 ACTING PRESIDENT MAYER: Senator
6 Gianaris.

7 SENATOR GIANARIS: I now move to
8 adopt the Resolution Calendar, with the exception
9 of Resolutions 1859 and 1872.

10 ACTING PRESIDENT MAYER: All those
11 in favor of adopting the Resolution Calendar,
12 with the exception of Resolutions 1859 and 1872,
13 please signify by saying aye.

14 (Response of "Aye.")

15 ACTING PRESIDENT MAYER: Opposed,
16 nay.

17 (No response.)

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

20 Senator Gianaris.

21 SENATOR GIANARIS: Let's take up
22 previously adopted Resolution 1392, by
23 Senator Persaud, read its title and recognize
24 Senator Persaud.

25 ACTING PRESIDENT MAYER: The

1 Secretary will read.

2 THE SECRETARY: Resolution 1392, by
3 Senator Persaud, memorializing Governor Kathy
4 Hochul to proclaim April 11-17, 2026, as
5 Black Maternal Health Week in the State of
6 New York.

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

9 SENATOR PERSAUD: Thank you,
10 Madam President.

11 Today I am proud to stand here
12 sponsoring a resolution that memorializes
13 April 11th through 17th as Maternal Health
14 Week -- Black Maternal Health Week, to be
15 specific.

16 It's an important week because we
17 are highlighting the health disparities that the
18 Black community faces. Too often, Black women
19 during their pregnancy are not treated with the
20 respect that is due to them. They are not given
21 the health services that they should be. And so
22 we have a very high mortality rate.

23 In my district, not too long ago, we
24 had a person who visited a hospital, you know,
25 experiencing difficulties, and she was -- no one

1 took it seriously. The young woman ended up
2 dying, something that should not be happening.

3 No person in the United States
4 should be dying in childbirth, and it's happening
5 too often in the Black community. And unless we
6 highlight that and make an active commitment to
7 change that, we are going to continue having to
8 speak on this floor on a resolution that says we
9 are talking about Black Maternal Health Week.

10 So, Madam President, I want to
11 encourage my colleagues -- when you're talking in
12 your community, please make sure you're
13 highlighting the disparities in Black maternal
14 healthcare. Too often people that do not look
15 like us are always receiving the best treatment.
16 The doctors are listening to them. The
17 doctors -- just in the healthcare space in
18 general, people are listening to people who do
19 not look like me when they're voicing their
20 concerns during pregnancy, et cetera. And that
21 should not be.

22 So I ask everyone, when you're
23 having conversations in the community about
24 healthcare, make sure you highlight the issues
25 about Black maternal healthcare.

1 Madam President, thank you. And
2 I'll now ask my colleague who is the chair of
3 Women's Issues to expound on this.

4 Thank you, Madam President.

5 ACTING PRESIDENT MAYER: Thank you,
6 Senator Persaud.

7 Senator Webb on the resolution.

8 SENATOR WEBB: Thank you,
9 Madam President.

10 I want to thank Senator Persaud and
11 of course our Majority Leader for supporting this
12 resolution. Coming on the heels of Black
13 Maternal Health Week, which was initially led --
14 still is led by the Black Mamas Matter Alliance.
15 This year's theme: Rooted in justice and joy.

16 And when you talk about the
17 childbirth experience, that theme is very true.
18 Having a child can include some of the most
19 profound and most joyful moments in a parent's
20 life, like the first time when you hold your
21 child or watching your baby take their first
22 steps. And at the same time, for Black mothers,
23 it can also be incredibly stressful and
24 traumatic.

25 Black women face significantly

1 poorer health outcomes than their peers, meaning
2 that the stress and trauma surrounding childbirth
3 are even more prevalent. And too often that joy
4 that is deserved gets suppressed because of
5 systemic issues in our healthcare system.

6 New York State is 28th in the
7 country for some of the highest maternal
8 mortality rates. Black women are 60 percent more
9 likely to develop preeclampsia than white women.

10 Multiple scientific studies have
11 found that Black mothers are more likely to
12 experience mental health issues like postpartum
13 depression and anxiety, and yet few are actually
14 diagnosed or connected to mental healthcare
15 services.

16 Black women are up to four times as
17 likely to die during childbirth than white women.
18 And in New York, that rate is even higher --
19 almost nine times more likely to die while giving
20 childbirth.

21 We can and we must do better for our
22 mothers and their infants. And as the chair of
23 Women's Issues in the Senate, we are all
24 committed to fighting to ensure that New York is
25 a safe and supportive place for every single

1 mother, infant, and family.

2 I want to share very quickly a few
3 stories today. I want to talk about
4 Janell Smith, a certified nurse-midwife and
5 Doctor of Nursing Practice. She spent her life
6 protecting mothers through childbirth by
7 providing care before and during pregnancy.

8 While pregnant herself, Janell
9 developed severe preeclampsia and died two days
10 after her emergency C-section from surgical
11 complications.

12 Kimberly Seals Allers, who has
13 become an advocate for Black maternal health
14 after her own traumatic experience in a hospital
15 she trusted and had thoroughly researched. She
16 developed an app called Irth, where women of
17 color can review their prenatal, birthing and
18 postpartum healthcare facilities so that future
19 women can search through the doctor and hospital
20 reviews.

21 In noting this year's theme, I also
22 want to uplift how joyful motherhood can be when
23 we come together as a community.

24 I want to take another moment to
25 talk about Margaret Charles Smith, a Black woman

1 from Alabama who delivered her first baby at
2 five years old and in 1949 became Green County's
3 first officially licensed Black midwife. And she
4 dedicated her life to helping her community, and
5 has been honored many times due to her high
6 delivery success rate. She delivered over
7 3,000 babies. And here's the important piece to
8 lift up as well -- not a single mother died.

9 Now, this was in 1949. We're in
10 2026, and her story is an inspiration to all of
11 us. And it shows us what is possible when we
12 have supportive, culturally competent care and
13 what it means for our future.

14 Now, although our work is far from
15 over, I am truly grateful to our Majority Leader,
16 Andrea Stewart-Cousins, for her support.

17 And I want to thank my colleagues,
18 especially Senators Persaud, Brouk, and our
19 entire conference, for their leadership on these
20 issues. And of course all the advocates who
21 continue to fight hard for this important issue.

22 And I'm very proud to be voting in
23 favor of this resolution, and I hope all of my
24 colleagues will join me in celebrating Black
25 Maternal Health Week by voting aye and, most

1 importantly, continuing to center those who are
2 most impacted by this issue.

3 Thank you, Madam President.

4 ACTING PRESIDENT MAYER: Thank you,
5 Senator Webb.

6 Senator Bailey on the resolution.

7 SENATOR BAILEY: Thank you,
8 Madam President.

9 Leave it to Senator Persaud to have
10 the first ally-ooop in the history of resolutions,
11 how she threw that to our Women's Issues chair,
12 Senator Webb, who both handled it very deftly.

13 But Senator Webb is the chair of the
14 Women's Issues Committee, but this is not just a
15 women's issue. This is an issue for all of us.
16 If you care about humanity, if you care about
17 children coming into the world -- most
18 importantly, if you care about the women birthing
19 children -- then you should care about this
20 issue.

21 If we're realistically looking at
22 the situations and conditions that -- this
23 situation, four times more likely to die during
24 childbirth, this is something that we, whether
25 you are a man or whether you are a person of

1 color or whether you are woman who is not a
2 person of color, it doesn't matter. This is all
3 of our issue, because these are our people dying.

4 So often women -- specifically, in
5 this case, Black women -- have been encouraged to
6 do Cesarean sections and doing other things as
7 opposed to natural childbirth, steering away from
8 midwifery and doulas. And I encourage those who
9 are about to give birth, with child, to ask
10 questions, be critical of the provider.
11 Sometimes they don't hear what you have to say.

12 But we have to support them and make
13 sure that providers hear in these medical
14 institutions what women, what these Black women
15 are saying. Community Board 12 in the Bronx is
16 in part of the district that I represent,
17 Madam President, as you well know, and it's both
18 had the I'll say dubious distinction of having
19 the highest infant mortality rate in addition to
20 the highest Black women maternal mortality rate.

21 There's a lot more that we have to
22 do on this issue. But I'm glad that we have
23 great colleagues like Senators Webb and
24 Senator Persaud to do it, and all of our
25 colleagues here. I think we all care about this

1 issue.

2 And I proudly vote aye on the
3 resolution.

4 Thank you, Madam President.

5 ACTING PRESIDENT MAYER: Thank you,
6 Senator Bailey.

7 The resolution was previously
8 adopted on January 21st.

9 Senator Gianaris.

10 SENATOR GIANARIS: Okay,
11 Madam President, we're going to move on to
12 previously adopted Resolution 1603, by
13 Senator Sepúlveda, once Senator O'Mara gives him
14 his seat back.

15 (Laughter.)

16 SENATOR GIANARIS: Please read that
17 resolution's title and call on Senator Sepúlveda.

18 ACTING PRESIDENT MAYER: The
19 Secretary will read.

20 THE SECRETARY: Resolution 1603,
21 by Senator Sepúlveda, memorializing
22 Governor Kathy Hochul to proclaim April 2026 as
23 Workplace Violence Prevention Month in the
24 State of New York.

25 ACTING PRESIDENT MAYER: Senator

1 Sepúlveda on the resolution.

2 SENATOR SEPÚLVEDA: Thank you,
3 Madam President, for allowing me to present this
4 resolution.

5 Good afternoon, Senate Majority
6 Leader Stewart-Cousins and my distinguished
7 colleagues. I rise today to recognize April 2026
8 as Workplace Violence Prevention Month.

9 This resolution calls attention to a
10 serious reality affecting workers across our
11 state and urges us to take action to ensure
12 workplaces are safe, respectful, and secure.

13 Workplace violence leaves lasting
14 physical and emotional impacts, undermining the
15 sense of safety every worker deserves.

16 As legislators, we must continue to
17 advance solutions that promote prevention,
18 education, and protection. We have a duty not
19 only to bring visibility to this issue, but also
20 to advance concrete solutions that promote
21 prevention, strengthen education, and ensure the
22 protection of every worker in our state.

23 I'm proud that this commitment is
24 strengthened by the enactment of Senate Bill
25 5294, which was signed into law by

1 Governor Kathy Hochul last year. This
2 legislation requires hospitals to develop and
3 implement comprehensive workplace violence
4 prevention programs, including safety
5 assessments, risk identification, and clear,
6 actionable measures to better protect healthcare
7 workers and prevent incidents before they occur.

8 While more work remains, this marks
9 meaningful progress in safeguarding workers and
10 strengthening workplace protections across
11 New York.

12 Today we also recognize those who
13 have dedicated themselves to this cause,
14 reminding us that behind every policy are real
15 people and real stories.

16 Let this month be a call to action
17 to build a culture of dignity, respect, and
18 safety in every workplace.

19 Thank you very much. I vote aye.

20 ACTING PRESIDENT MAYER: Thank you,
21 Senator Sepúlveda.

22 (Pause.)

23 ACTING PRESIDENT MAYER: To our
24 guests -- I am sorry. To our guests who are here
25 in support of workplace violence prevention, the

1 resolution sponsored by Senator Sepúlveda, we
2 welcome you to the Senate. We extend the
3 cordialities of the house.

4 Please rise and be recognized.

5 (Standing ovation.)

6 ACTING PRESIDENT MAYER: Senator
7 Gianaris.

8 SENATOR GIANARIS: Next up is
9 another Senator Sepúlveda resolution,
10 Resolution 1859. Please read that resolution's
11 title and call on Senator Sepúlveda again.

12 ACTING PRESIDENT MAYER: The
13 Secretary will read.

14 THE SECRETARY: Resolution 1859, by
15 Senator Sepúlveda, commemorating April 8, 2026,
16 as the One-Year Anniversary of the Jet Set
17 nightclub tragedy in the Dominican Republic, and
18 paying tribute to the many lives lost and injured
19 in the incident.

20 ACTING PRESIDENT MAYER: Senator
21 Sepúlveda on the resolution.

22 SENATOR SEPÚLVEDA: Thank you,
23 Madam President, for allowing me to present this
24 resolution.

25 Today I rise with a heavy heart to

1 honor the memory of 236 lives that were
2 tragically lost on April 8, 2025, in the
3 collapse of the Jet Set nightclub in the
4 Dominican Republic.

5 Two hundred and thirty-six lives.
6 Not numbers, not statistics. They were families,
7 they were dreams, they were futures that still
8 should be here today.

9 Even though this tragedy did not
10 happen in New York, the pain was felt here
11 immediately. Nearly 335,000 Dominicans live in
12 the Bronx, many of them residents who lost loved
13 ones and whom we continue to stand with and feel
14 their grief.

15 Today we reaffirm something
16 fundamental, that New York stands with the
17 Dominican community, that New York respects their
18 grief, that New Yorkers honor their contributions
19 to this state.

20 Among the victims were Rubby Perez,
21 a voice that brought merengue to the entire world
22 and also who was part of the cultural history of
23 our Dominican community here in New York.

24 We also remember Octavio Dotel and
25 Tony Blanco, athletes who represented the

1 Dominican Republic in Major League Baseball and
2 inspired generations of young people.

3 Today we also remember our beloved
4 Nelsy Cruz, the sister of former Major Leaguer
5 Nelson Cruz. Nelsy was much more than a public
6 servant. She was the governor of a province
7 called Monte Cristi, from 2020. She showed that
8 leadership also means compassion, humanity and
9 service to others.

10 But today we do not only honor
11 public figures, we honor everyone -- every
12 worker, every person, every mother, every young
13 life, every valuable life. Madam Majority
14 Leader, tragedies remind us of something
15 important, that our communities are not separated
16 by borders, they are united by humanity. And
17 today the Senate says clearly: Your pain is our
18 pain. Your community is our community. And your
19 memory will always be respected in this state.

20 Today we remember, honor, and stand
21 in solidarity with those that lost lives in the
22 Dominican Republic. I respectfully ask for the
23 adoption of this resolution in memory of the
24 victims of the Jet Set nightclub tragedy.

25 {Repeating remarks in Spanish.}

1 Thank you. I vote aye.

2 ACTING PRESIDENT MAYER: Thank you,
3 Senator Sepúlveda.

4 The question is on the resolution.
5 All those in favor please signify by saying aye.

6 (Response of "Aye.")

7 ACTING PRESIDENT MAYER: Opposed,
8 nay.

9 (No response.)

10 ACTING PRESIDENT MAYER: The
11 resolution is adopted.

12 Senator Gianaris.

13 SENATOR GIANARIS: Thank you,
14 Madam President.

15 It's now time for the Senate to
16 receive our annual continuing education credits.
17 Please call up the resolution on New York's
18 Constitution Day, by Senator Gounardes, read its
19 title, and recognize Senator Gounardes. That's
20 Resolution 1872.

21 ACTING PRESIDENT MAYER: The
22 Secretary will read.

23 THE SECRETARY: Resolution 1872, by
24 Senator Gounardes, memorializing Governor
25 Kathy Hochul to proclaim April 20, 2026, as

1 New York State Constitution Day in the State of
2 New York.

3 ACTING PRESIDENT MAYER: Senator
4 Gounardes on the resolution.

5 SENATOR GOUNARDES: Thank you,
6 Madam President.

7 Good afternoon, colleagues. I know
8 you have been waiting for this moment as eagerly
9 as I have, because yesterday New York celebrated
10 its 249th birthday.

11 That's right -- April 20, 1777, in
12 the middle of a war, with British troops
13 occupying New York City and the British fleet
14 anchored in our harbor, the State of New York
15 adopted our first constitution, after declaring
16 independence in 1776.

17 And as I do every year, I look
18 forward to this day to talk about a chapter of
19 our state's history that might shed some light on
20 the issues of our time or offer wisdom for the
21 debates that we have here in this chamber.

22 Now, as we know, this year we're
23 celebrating the 250th anniversary of the
24 Declaration of Independence. But before we could
25 even adopt a constitution, we had to decide to

1 become, in the words of Thomas Jefferson, a
2 free and independent state.

3 Now, when most people think about
4 our founding story, they think about the
5 highlights: 56 founding fathers gathered in the
6 Pennsylvania Statehouse, debating the idea of
7 independence, and then ceremoniously agreeing to
8 separate from Great Britain.

9 But if you really know your
10 American history, or if you've seen the
11 John Adams miniseries on HBO, you know the truth
12 was not that simple. It was, in fact, messier
13 and far more complicated than that. And in no
14 place more than New York was the push for
15 independence more controversial and more fraught
16 with dangerous repercussions should independence
17 fail.

18 The tension between colonial
19 patriots and British loyalists created deep
20 fissures amongst New Yorkers, so much so that
21 New York, the state that we all come to believe
22 is first in all things, was the last of the
23 colonies to declare independence.

24 There was a strong loyalist class in
25 New York -- wealthy merchants, Anglican clergy

1 members, large property owners, and a sizeable
2 population of Dutch and German settlers who
3 valued the stability of the colonial status quo
4 above all else.

5 By some estimates, nearly half of
6 New York's population had loyalist sympathies.
7 How about that. New York City, in fact, was so
8 overtly pro-British that it was called,
9 derisively, Torytown.

10 Yet New York also had a strong
11 patriot movement: The Sons of Liberty, the
12 Mechanics Committee, and young guns like
13 Alexander Hamilton, John Jay, and
14 Gouverneur Morris were equally as vociferous in
15 challenging colonial rule.

16 In fact, the radical Sons of Liberty
17 were organizing protests against the British in
18 New York for more than a decade, spanning back to
19 1765 and the imposition of the Stamp Act.

20 The conflict over independence in
21 New York was a battle between these two forces
22 that neutered the political leadership of the
23 colony throughout the early years of the
24 revolution. That political leadership was the
25 Provincial Congress, an elected assembly that

1 governed New York in lieu of the old colonial
2 legislature.

3 In May 1775, the first
4 Provincial Congress was convened to appoint
5 delegates to the Second Continental Congress
6 meeting in Philadelphia, after the
7 loyalist-leaning colonial legislature declined to
8 participate with the other colonies to discuss
9 grievances about British rule.

10 Now, while the purpose of the
11 First Provincial Congress was to better align
12 with the other colonies in countering the heavy
13 hand of British authority, it was very
14 conservative in its approach. It simultaneously
15 adopted a resolution to agree with whatever
16 measures the Second Continental Congress adopted,
17 but then also passed a "Plan of Accommodation
18 between Great Britain and America," which were
19 instructions to its delegates in Philadelphia to
20 seek the restoration of harmony between
21 Great Britain and the colonies.

22 The Provincial Congress disbanded in
23 November of 1775 and was succeeded immediately by
24 the Second Provincial Congress, which convened in
25 New York City and met until May 1776, when it was

1 replaced by the Third Provincial Congress.

2 Now, the Third Provincial Congress
3 was convened specifically to respond to a
4 resolution passed by the Congress in Philadelphia
5 calling on "the respective assemblies and
6 conventions of the United Colonies, where no
7 government sufficient to the exigencies of their
8 affairs have been hitherto established, to adopt
9 such government as shall, in the opinion of the
10 representatives of the people, best conduce to
11 the happiness and safety of their constituents in
12 particular, and America in general."

13 So in other words, the delegates in
14 Philadelphia were telling the colonies to start
15 thinking about a future without the British.

16 As the push for independence was
17 growing in Philadelphia, it was also growing
18 stronger in New York. On May 29, 1776, the
19 General Committee of Mechanicks in union, a large
20 assemblage of laborers and shopkeepers and other
21 artisans, issued a public petition to the
22 Provincial Congress urging them to support
23 independence.

24 They wrote: "When we cast a glance
25 upon our beloved continent, where fair freedom,

1 civil and religious, we have long enjoyed, whose
2 fruitful field have made the world glad, and
3 whose trade has filled with plenty of all things,
4 sorrow fills our hearts to behold her now
5 struggling under the heavy load of oppression,
6 tyranny and death ...

7 "Shall we any longer sit silent, and
8 contentedly continue the subjects of such a
9 Prince, who is deaf to our petitions for
10 interposing his Royal authority in our behalf,
11 and for redressing our grievances, but, on the
12 contrary, seems to take pleasure in our own
13 destruction? When we see that one whole year is
14 not enough to satisfy the rage of a cruel
15 Ministry, in burning our towns, seizing our
16 vessels, and murdering our precious sons of
17 liberty ... and for no other reason than this,
18 that we will not become their slaves and be taxed
19 by them without our consent -- therefore, as we
20 would rather choose to be separate from, than to
21 continue any longer a connection with such
22 oppressors, we ... think proper to instruct our
23 most honourable Delegates in Continental Congress
24 to use their utmost endeavors in that august
25 assembly to cause these United Colonies to become

1 independent of Great Britain ... and we hereby
2 sincerely promise to endeavour to support the
3 same with our lives and fortunes."

4 A few days later, on June 8, 1776,
5 the same day that Virginia's Richard Henry Lee
6 formally proposed independence to the
7 Continental Congress in Philadelphia,
8 New York's delegates wrote home to the
9 Provincial Congress, saying: "Your delegates
10 here expect that the question of independence
11 will very shortly be agitated in the Congress.
12 Some of us consider ourselves as bound by your
13 instructions not to vote on that question, and
14 all of us wish to have your sentiments thereon.
15 The matter will admit of no delay."

16 Now, if you listen to that
17 carefully, you caught something: Some of
18 New York's delegates in Philadelphia thought they
19 could ignore the First Provincial Congress's
20 instructions to seek reconciliation with Britain,
21 and all of them wanted to know what they should
22 do next.

23 Five days later, the Provincial
24 Congress replied that they were "not authorized
25 to give the sense of this colony on the question

1 of declaring it to be an independent state, nor
2 does this Congress incline to instruct you on
3 that point, it being a matter of doubt whether
4 their constituents intended to vest them with the
5 power to deliberate and determine on that
6 question."

7 So essentially the Third Provincial
8 Congress told the delegates in Philadelphia: We
9 cannot authorize you to vote for independence, we
10 will not authorize you to vote for independence,
11 and we are not even sure ourselves that we have
12 the authority to decide whether we could even
13 instruct you on that question otherwise.

14 Now, on the one hand you might think
15 this was a classic response of institutional
16 paralysis, and in many ways it was. But on the
17 other hand, I think it also represented an act of
18 political humility. After all, how many times
19 have any of us declined to express a political
20 opinion because our constituents didn't authorize
21 us to speak on a given topic?

22 The Provincial Congress knew it did
23 not have the power to take this final step
24 towards separation, so instead it voted to
25 disband itself and call for new elections to the

1 Fourth Provincial Congress, which would be
2 instructed by the electors on the great question
3 of independence.

4 The Third Provincial Congress then
5 disbanded itself on June 30, 1776, just as the
6 British began massing an invasion force in
7 New York Harbor, with hundreds of ships and tens
8 of thousands of troops.

9 Two days later, on July 2, 1776,
10 12 colonies voted to declare themselves free and
11 independent. New York's delegates sat silent.
12 They abstained.

13 And then two days later, on July 4,
14 1776, the Declaration of Independence was
15 formally adopted by Massachusetts, New Hampshire,
16 Rhode Island, Connecticut, New Jersey,
17 Pennsylvania, Maryland, Delaware, Virginia,
18 North Carolina, South Carolina, and Georgia. But
19 not New York.

20 So how did we end up joining the
21 rest of the colonies in declaring ourselves
22 independent?

23 Following the instructions of the
24 Third Provincial Congress, New York held what was
25 functionally an election on the question of

1 independence. The people were asked to choose.
2 And the result was unambiguous: Supporters of
3 independence won overwhelmingly, as most of the
4 returning delegates supported separation from
5 Great Britain.

6 And critically, in New York City
7 itself, seven delegates with loyalist
8 affiliations who had been elected to the
9 Fourth Congress refused to take their seats
10 because they would not participate in a body
11 convened specifically to authorize independence.

12 So a new, call it a special election
13 was held to replace them, and seven new delegates
14 were all elected, all pro-independence, to take
15 their place. The conservative reconciliation
16 faction that had strenuously slowed New York's
17 full participation in the colonial struggle had
18 been replaced at the ballot box.

19 The Fourth Provincial Congress
20 convened on July 9, 1776, at the Old Courthouse
21 in White Plains. And as that Congress gaveled
22 into session, a letter from the delegates in
23 Philadelphia was read aloud, with the full text
24 of the Declaration enclosed. The letter and the
25 declaration were immediately referred to a

1 special committee chaired by John Jay.

2 Jay and his colleagues deliberated
3 through the morning, and that afternoon they
4 returned with a resolution, handwritten by Jay
5 and preserved in our State Archives to this day.
6 It read:

7 "Resolved, unanimously, That the
8 reasons assigned by the Continental Congress for
9 declaring the United Colonies free and
10 independent States, are cogent and conclusive;
11 and that while we lament the cruel necessity
12 which has rendered that measure unavoidable, we
13 approve the same, and will, at the risk of our
14 lives and fortunes, join with the other Colonies
15 in supporting it."

16 Now, listen to those words again,
17 because I think they're somewhat extraordinary.
18 We did not declare independence with a cheer. We
19 declared it with a lament -- "the cruel necessity
20 which has rendered that measure unavoidable."

21 We went into it clear-eyed about
22 what we were giving up and what we stood to lose
23 and what that cost might be. The Provincial
24 Congress then voted unanimously to support
25 independence.

1 New York had more to lose from
2 independence than almost any other colony -- more
3 commercial ties to Britain, more loyalist
4 residents, more vulnerability to the British
5 military, who were at that very moment preparing
6 to attack New York City. We knew exactly what we
7 were signing up for, and then we did it anyway.

8 When news of New York's vote reached
9 Philadelphia on July 15th, the Continental
10 Congress formally retitled the Declaration "The
11 unanimous Declaration of the thirteen
12 United States of America."

13 Then, nine months later, on
14 April 20, 1777, as you all know well by now,
15 New York went on to adopt its first constitution
16 as a free and independent state.

17 Now, the reason I find this story
18 worth telling is that, at its core, it's a story
19 about what representative government actually
20 looks like when the stakes are highest. It can
21 be messy. It can be slow. It can be frustrating
22 to those who want to achieve decisive action
23 immediately. And no, this is not a commentary on
24 the late budget.

25 The Third Provincial Congress looked

1 like it was failing, unable to act and issuing
2 letters that essentially said, We can't decide.

3 But something important was
4 happening underneath the surface. The political
5 momentum shifted. New Yorkers got to decide
6 their future for themselves. They acted
7 decisively, and then they fought for that future
8 with great vigor.

9 We talk a great deal in this
10 building about the importance of public trust and
11 a representative legitimacy, of making sure that
12 people's voices are heard before we take
13 consequential action. Two hundred and fifty
14 years ago, on the most consequential question in
15 our history, New York took that obligation
16 seriously -- even when it was inconvenient, even
17 when it looked like failure, and even when we had
18 12 other colonies waiting on us. And you know
19 what? We got there.

20 So, Madam President, with that, I
21 want to say Happy 249th Birthday to the great
22 State of New York, and a very happy
23 Constitution Day to each and every one of you.

24 Thank you.

25 ACTING PRESIDENT MAYER: Thank you,

1 Senator Gounardes, for educating us.

2 The question is on the resolution.

3 All those in favor please signify by saying aye.

4 (Response of "Aye.")

5 ACTING PRESIDENT MAYER: Opposed,
6 nay.

7 (No response.)

8 ACTING PRESIDENT MAYER: The
9 resolution is adopted.

10 Senator Gianaris.

11 SENATOR GIANARIS: Let's move on to
12 previously adopted Resolution 1710, by
13 Senator Scarcella-Spanton, read its title, and
14 call on Senator Scarcella-Spanton, please.

15 ACTING PRESIDENT MAYER: The
16 Secretary will read.

17 THE SECRETARY: Resolution 1710, by
18 Senator Scarcella-Spanton, memorializing
19 Governor Kathy Hochul to proclaim April 2026 as
20 the Month of the Military Child in the State of
21 New York.

22 ACTING PRESIDENT MAYER: Senator
23 Scarcella-Spanton on the resolution.

24 SENATOR SCARCELLA-SPANTON: Thank
25 you, Madam President.

1 And thank you to all my colleagues
2 for joining me in memorializing April as the
3 Month of the Military Child here in New York
4 State.

5 As a mother of two, I know firsthand
6 how difficult military life is for families,
7 especially for children. Our daughter, Emily,
8 was born just 10 days before my husband did his
9 second tour to Afghanistan. I know I have
10 colleagues who also deployed with young
11 children -- Senator Ashby, who's the ranking
12 member, Senator Walczyk as well.

13 Despite these challenges, military
14 children demonstrate remarkable adaptability,
15 courage, and maturity. They learn flexibility,
16 cultural awareness, and leadership skills that
17 shape them into strong leaders for tomorrow.

18 Our military children embody
19 service, pride, and commitment at a young age.
20 This month is an opportunity to not only say
21 thank you, but to renew our commitment to
22 policies and programs that actually support our
23 military families year round.

24 Honoring military children means
25 ensuring they have the tools, support, and

1 opportunities to succeed.

2 As we continue to honor the service
3 of our military, we must never forget the
4 children who stand beside them. And I want to
5 thank my colleagues for their service, their
6 children for their service, my husband as well,
7 and especially my children, Emily and Jack.

8 So thank you. I proudly vote aye.

9 ACTING PRESIDENT MAYER: Thank you,
10 Senator.

11 The resolution was previously
12 adopted on March 10th.

13 Senator Gianaris.

14 SENATOR GIANARIS: At this time
15 please recognize Senator Rhoads for an
16 introduction.

17 ACTING PRESIDENT MAYER: Senator
18 Rhoads for an introduction.

19 SENATOR RHOADS: Thank you,
20 Madam President.

21 We are all incredibly proud of the
22 counties that we represent. I am honored, along
23 with many of my colleagues here, to represent
24 Nassau County, which has been deemed the safest
25 county in America.

1 And that is not by accident. That
2 is through an investment, through a culture where
3 we respect our law enforcement and our
4 first responders. It's through an investment
5 made by our county government in pursuing the
6 best technology, the best training, and the best
7 equipment to make sure that our trained
8 professionals in the Nassau County Police
9 Department have the ability to operate
10 efficiently and effectively to keep the people of
11 Nassau County safe.

12 It's also because of the incredible
13 volunteer program that we have that is provided
14 by the Nassau County Police Department Explorers.
15 These explorers are aged 14 to 21. They are from
16 diverse backgrounds. They receive hands-on
17 training in law enforcement, community service,
18 and leadership.

19 More important than that, though,
20 they are dedicated to the principle of public
21 service. One of the things that we try and
22 instill in all of our kids is the fact that you
23 should be using your gifts and talents to try and
24 make our corner of the world a little bit better
25 for having been here. And these amazing young

1 people demonstrate that every day.

2 The Nassau County Police Department
3 Explorer Program instills the values of
4 discipline, responsibility, and teamwork, as well
5 as a commitment to serving others.

6 And joining us in the gallery today
7 are some representatives of that program.
8 Joining us is Detective Sergeant Daniel
9 Johannessen, whose leadership and mentorship have
10 helped shape countless young lives.

11 And we also have Mario Doyle, who is
12 a member of the Nassau County Police Foundation's
13 executive board, whose continued support ensures
14 that this program thrives.

15 But we also have some members of the
16 Nassau County Police Explorers as well, including
17 a remarkable alumnus. Joining us is Leslie
18 Quintanilla-Lopez, who made history as the first
19 former Nassau County Explorer to serve on the
20 Explorer board, and who now continues her service
21 as a United States Custom and Border Protection
22 agent, an extraordinary testament to what this
23 program can achieve.

24 We're also joined by two exceptional
25 leaders in the program: Kaitlin Paige Slattery,

1 who is the highest-ranking Nassau County
2 Explorer, serving as a two-star assistant chief;
3 as well as Gianna Michelle Gomez, the
4 second-highest-ranking Explorer, serving as a
5 one-star deputy chief.

6 It is their leadership, dedication,
7 and commitment to excellence that sets the
8 standard for what it means to serve.

9 Also joining us are Explorers
10 Joshua Williams, Yaqiao Zheng, Nicole Slattery,
11 Manveer Sahansra, Blair Karpuz, Meylin Santos,
12 Yoselin Polanco, Alejandro Gomez, Zohaib Ali,
13 Angelica Gomez, and Robert Salerno.

14 Madam President, I would ask that
15 you recognize these exceptional individuals.

16 At a time when law enforcement
17 agencies across our state face recruitment
18 challenges, programs like this become more
19 important than ever. These young leaders are
20 stepping up, they're answering the call, and they
21 are preparing themselves to serve their
22 communities with honor, integrity, and respect.

23 I ask that you extend to them the
24 cordialities of the house.

25 Thank you, Madam President.

1 ACTING PRESIDENT MAYER: Thank you,
2 Senator Rhoads.

3 To our guests from the Nassau County
4 Police Explorers and those that have joined them
5 here today, we welcome you to the Senate. We
6 extend to you the privileges and cordialities of
7 the house.

8 Please rise and be recognized.

9 (Standing ovation.)

10 ACTING PRESIDENT MAYER: Senator
11 Gianaris.

12 SENATOR GIANARIS: Madam President,
13 let's open all of today's resolutions to
14 cosponsorship, please.

15 ACTING PRESIDENT MAYER: All of the
16 resolutions today are open to cosponsorship.
17 Should you choose not to be a cosponsor, please
18 notify the desk.

19 Senator Gianaris.

20 SENATOR GIANARIS: I have some
21 motions here, Madam President.

22 Amendments are offered to the
23 following Third Reading Calendar bills:

24 By Senator Cleare, page 11,
25 Calendar 262, Senate Print 4691A;

1 By Senator Hinchey, page 15,
2 Calendar 417, Senate Print 593;

3 By Senator May, page 15,
4 Calendar 416, Senate Print 8666;

5 And by Senator Ryan, page 12,
6 Calendar 355, Senate Print 4832.

7 ACTING PRESIDENT MAYER: The
8 amendments are received, and the bills will
9 retain their place on the Third Reading Calendar.
10 Senator Gianaris.

11 SENATOR GIANARIS: Please take up
12 the reading of the calendar.

13 ACTING PRESIDENT MAYER: The
14 Secretary will read.

15 THE SECRETARY: Calendar Number
16 169, Senate Print 1714, by Senator Brouk, an act
17 to amend the Public Health Law.

18 ACTING PRESIDENT MAYER: Read the
19 last section.

20 THE SECRETARY: Section 5. This
21 act shall take effect immediately.

22 ACTING PRESIDENT MAYER: Call the
23 roll.

24 (The Secretary called the roll.)

25 ACTING PRESIDENT MAYER: Announce

1 the results.

2 THE SECRETARY: In relation to
3 Calendar 169, voting in the negative are
4 Senators Borrello, Canzoneri-Fitzpatrick, Griffo,
5 Helming, Lanza, Martins, Mattera, O'Mara, Ortt,
6 Rhoads, Stec, Tedisco, Walczyk, Weber and Weik.

7 Ayes, 47. Nays, 15.

8 ACTING PRESIDENT MAYER: The bill
9 is passed.

10 THE SECRETARY: Calendar Number
11 260, Senate Print 4046, by Senator Harckham, an
12 act to amend the Environmental Conservation Law.

13 SENATOR LANZA: Lay it aside.

14 ACTING PRESIDENT MAYER: The bill
15 is laid aside.

16 THE SECRETARY: Calendar Number
17 393, Senate Print 3581, by Senator Rivera, an act
18 to amend the Public Health Law.

19 ACTING PRESIDENT MAYER: Read the
20 last section.

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

23 ACTING PRESIDENT MAYER: Call the
24 roll.

25 (The Secretary called the roll.)

1 ACTING PRESIDENT MAYER: Announce
2 the results.

3 THE SECRETARY: In relation to
4 Calendar 393, voting in the negative are
5 Senators Borrello, Chan, Oberacker, O'Mara, Stec,
6 Walczyk and Weik.

7 Ayes, 55. Nays, 7.

8 ACTING PRESIDENT MAYER: Senator
9 Weik wanted to explain her vote.

10 Senator Weik to explain her vote.

11 SENATOR WEIK: Thank you,
12 Madam President. I rise today to explain my
13 vote.

14 Although lead in our service lines
15 is critical to get rid of as it imposes terrible
16 health conditions, I did speak with the sponsor
17 of the bill hoping that he would change the only
18 material used for these pipe replacements.

19 The bill dictates that they can only
20 use copper instead of using other materials from
21 the NSF-approved noncorrosive materials list,
22 which poses a very expensive problem for those
23 areas that are in low-lying water that get
24 floods, like my district.

25 Saltwater corrodes copper very

1 quickly, which means the replacement of these
2 lines is going to be costly and repetitive.

3 I'm disappointed to see that he did
4 not amend the bill to include these other
5 materials. And for that purpose only, I'm voting
6 in the negative.

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

9 Announce the results.

10 THE SECRETARY: In relation to
11 Calendar 393, voting in the negative are
12 Senators Borrello, Chan, Oberacker, O'Mara, Stec,
13 Walczyk and Weik.

14 Ayes, 55. Nays, 7.

15 ACTING PRESIDENT MAYER: The bill
16 is passed.

17 THE SECRETARY: Calendar Number
18 411, Assembly Bill Number 3318, by
19 Assemblymember Dinowitz, an act to amend the
20 General Business Law.

21 SENATOR LANZA: Lay it aside.

22 ACTING PRESIDENT MAYER: The bill
23 is laid aside.

24 THE SECRETARY: Calendar Number
25 467, Assembly Bill Number 1396, by

1 Assemblymember Eachus, an act to amend the
2 Civil Service Law.

3 ACTING PRESIDENT MAYER: Read the
4 last section.

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

7 ACTING PRESIDENT MAYER: Call the
8 roll.

9 (The Secretary called the roll.)

10 ACTING PRESIDENT MAYER: Announce
11 the results.

12 THE SECRETARY: Ayes, 62.

13 ACTING PRESIDENT MAYER: The bill
14 is passed.

15 THE SECRETARY: Calendar Number
16 593, Assembly Bill Number 2657A, by
17 Assemblymember Otis, an act to amend the
18 Public Authorities Law.

19 SENATOR LANZA: Lay it aside.

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

22 THE SECRETARY: Calendar Number
23 594, Senate Print 1833A, by Senator May, an act
24 to amend the Environmental Conservation Law.

25 ACTING PRESIDENT MAYER: Read the

1 last section.

2 THE SECRETARY: Section 5. This
3 act shall take effect one year after it shall
4 have become a law.

5 ACTING PRESIDENT MAYER: Call the
6 roll.

7 (The Secretary called the roll.)

8 ACTING PRESIDENT MAYER: Announce
9 the results.

10 THE SECRETARY: Ayes, 62.

11 ACTING PRESIDENT MAYER: The bill
12 is passed.

13 THE SECRETARY: Calendar Number
14 599, Senate Print 3835, by Senator Hinchey, an
15 act to amend the Private Housing Finance Law.

16 SENATOR LANZA: Lay it aside.

17 ACTING PRESIDENT MAYER: The bill
18 is laid aside.

19 THE SECRETARY: Calendar Number
20 603, Senate Print 6765A, by Senator Harckham, an
21 act to amend the Environmental Conservation Law.

22 ACTING PRESIDENT MAYER: Read the
23 last section.

24 THE SECRETARY: Section 5. This
25 act shall take effect immediately.

1 ACTING PRESIDENT MAYER: Call the
2 roll.

3 (The Secretary called the roll.)

4 ACTING PRESIDENT MAYER: Announce
5 the results.

6 THE SECRETARY: In relation to
7 Calendar 603, voting in the negative are
8 Senators Borrello, Chan, O'Mara, Ortt and
9 Walczyk.

10 Ayes, 57. Nays, 5.

11 ACTING PRESIDENT MAYER: The bill
12 is passed.

13 THE SECRETARY: Calendar Number
14 608, Senate Print 1055, by Senator Serrano, an
15 act to amend the Executive Law.

16 ACTING PRESIDENT MAYER: Read the
17 last section.

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

20 ACTING PRESIDENT MAYER: Call the
21 roll.

22 (The Secretary called the roll.)

23 ACTING PRESIDENT MAYER: Announce
24 the results.

25 THE SECRETARY: In relation to

1 Calendar 608, voting in the negative are
2 Senators Ashby, Borrello, Canzoneri-Fitzpatrick,
3 Chan, Gallivan, Griffio, Helming, Lanza, Martins,
4 Mattera, Murray, Oberacker, O'Mara, Ortt,
5 Palumbo, Rhoads, Rolison, Stec, Tedisco, Walczyk,
6 Weber and Weik.

7 Ayes, 40. Nays, 22.

8 ACTING PRESIDENT MAYER: The bill
9 is passed.

10 THE SECRETARY: Calendar Number
11 630, Senate Print 1668, by Senator Harckham,
12 an act to amend the Public Authorities Law.

13 ACTING PRESIDENT MAYER: Read the
14 last section.

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

17 ACTING PRESIDENT MAYER: Call the
18 roll.

19 (The Secretary called the roll.)

20 ACTING PRESIDENT MAYER: Announce
21 the results.

22 THE SECRETARY: In relation to
23 Calendar 630, voting in the negative are
24 Senators Borrello, Lanza, Mattera, Ortt, Walczyk
25 and Weik. Also Senator O'Mara.

1 Ayes, 55. Nays, 7.

2 ACTING PRESIDENT MAYER: The bill
3 is passed.

4 THE SECRETARY: Calendar Number
5 631, Senate Print 5111A, by Senator Parker, an
6 act enacting the Just Energy Transition Act.

7 SENATOR LANZA: Lay it aside.

8 ACTING PRESIDENT MAYER: The bill
9 is laid aside.

10 THE SECRETARY: Calendar Number
11 644, Senate Print 1463A, by Senator Kavanagh, an
12 act to amend the Environmental Conservation Law.

13 SENATOR LANZA: Lay it aside.

14 ACTING PRESIDENT MAYER: The bill
15 is laid aside.

16 THE SECRETARY: Calendar Number
17 646, Senate Print 2057B, by Senator Webb, an act
18 to amend the Environmental Conservation Law.

19 ACTING PRESIDENT MAYER: Read the
20 last section.

21 THE SECRETARY: Section 6. This
22 act shall take effect one year after it shall
23 have become a law.

24 ACTING PRESIDENT MAYER: Call the
25 roll.

1 (The Secretary called the roll.)

2 ACTING PRESIDENT MAYER: Announce
3 the results.

4 THE SECRETARY: In relation to
5 Calendar 646, voting in the negative are
6 Senators Borrello, Chan, Gallivan, Griffio,
7 Mattera, Murray, O'Mara, Ortt, Stec and Weik.

8 Ayes, 52. Nays, 10.

9 ACTING PRESIDENT MAYER: The bill
10 is passed.

11 THE SECRETARY: Calendar Number
12 648, Senate Print 7809A, by Senator Salazar, an
13 act to amend the Environmental Conservation Law.

14 ACTING PRESIDENT MAYER: Read the
15 last section.

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

18 ACTING PRESIDENT MAYER: Call the
19 roll.

20 (The Secretary called the roll.)

21 ACTING PRESIDENT MAYER: Announce
22 the results.

23 THE SECRETARY: In relation to
24 Calendar 648, voting in the negative are
25 Senators Ashby, Borrello, Canzoneri-Fitzpatrick,

1 Chan, Gallivan, Griffio, Lanza, O'Mara, Ortt,
2 Rhoads, Stec, Walczyk, Weber and Weik.

3 Ayes, 48. Nays, 14.

4 ACTING PRESIDENT MAYER: The bill
5 is passed.

6 THE SECRETARY: Calendar Number
7 650, Senate Print 9268A, by Senator Fahy, an act
8 to amend the Environmental Conservation Law.

9 SENATOR LANZA: Lay it aside.

10 ACTING PRESIDENT MAYER: The bill
11 is laid aside.

12 There's a substitution at the desk.

13 The Secretary will read.

14 THE SECRETARY: Senator Stavisky
15 moves to discharge, from the Committee on Rules,
16 Assembly Bill Number 10711 and substitute it for
17 the identical Senate Bill 9598, Third Reading
18 Calendar 658.

19 ACTING PRESIDENT MAYER: The
20 Secretary will read.

21 THE SECRETARY: Calendar Number
22 658, Assembly Bill Number 10711, by --

23 SENATOR LANZA: Lay it aside.

24 ACTING PRESIDENT MAYER: The bill
25 is laid aside.

1 THE SECRETARY: Calendar Number
2 697, Senate Print 6570A, by Senator Harckham,
3 an act to amend the Environmental Conservation
4 Law.

5 SENATOR LANZA: Lay it aside.

6 ACTING PRESIDENT MAYER: The bill
7 is laid aside.

8 THE SECRETARY: Calendar Number
9 698, Senate Print 8512B, by Senator Krueger,
10 an act to amend the Public Service Law.

11 SENATOR LANZA: Lay it aside.

12 ACTING PRESIDENT MAYER: The bill
13 is laid aside.

14 Senator Gianaris, that completes the
15 reading of the calendar.

16 SENATOR GIANARIS: Thank you,
17 Madam President.

18 We have a lengthy controversial
19 calendar today, so let's move on to that, please.

20 ACTING PRESIDENT MAYER: The
21 Secretary will ring the bell.

22 The Secretary will read.

23 THE SECRETARY: Calendar Number
24 260, Senate Print 4046, by Senator Harckham, an
25 act to amend the Environmental Conservation Law.

1 ACTING PRESIDENT MAYER: Senator
2 Martins, why do you rise?

3 SENATOR MARTINS: Madam President,
4 I was hoping that the sponsor would yield for a
5 few questions.

6 ACTING PRESIDENT MAYER: Senator
7 Harckham, do you yield?

8 SENATOR HARCKHAM: I do,
9 Madam President.

10 ACTING PRESIDENT MAYER: The
11 Senator yields.

12 SENATOR MARTINS: Thank you.

13 And thank you, Senator.

14 How many buildings in New York State
15 currently use No. 4 heating oil?

16 SENATOR HARCKHAM: Through you,
17 Madam President, that's a good question. We've
18 been trying to ascertain that number.

19 We know what the number was in
20 New York City. We know No. 4 fuel oil is still
21 used in certain parts of Western New York. We
22 don't have the exact number. But because there
23 are much cleaner alternatives, even though that's
24 a small number and there are cleaner
25 alternatives, that's why we're going ahead with

1 the legislation for the statewide ban.

2 SENATOR MARTINS: Thank you.

3 Madam President, if the sponsor
4 would continue to yield.

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

7 SENATOR HARCKHAM: I do,
8 Madam President.

9 ACTING PRESIDENT MAYER: The
10 sponsor yields.

11 SENATOR MARTINS: So it's my
12 understanding that there are already prohibitions
13 from certain local governments like the County of
14 Westchester, the City of New York, with regard to
15 No. 4 fuel oil. Are you aware of any other
16 municipalities that have these prohibitions?

17 And as to the prohibitions that
18 exist, do you know when they are actually
19 enforcing the prohibition as to those locations?

20 SENATOR HARCKHAM: Through you,
21 Madam President. Those were the two that we are
22 aware of.

23 The dates for New York City, the
24 timeline has been shortened to New York City
25 buildings after July of 2025 last year. And for

1 all of the other boilers, by 2027. And the
2 number of buildings in New York City is about
3 3200, 3300, something like that.

4 But unfortunately, all of them are
5 in communities referred to as Asthma Alley in
6 Northern Manhattan and the Bronx, high incidence
7 of asthma. These are the older buildings with
8 older boilers.

9 SENATOR MARTINS: Thank you.

10 Madam President, through you, if the
11 sponsor would continue to yield.

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

14 SENATOR HARCKHAM: Yes,
15 Madam President.

16 SENATOR MARTINS: So I understand
17 there are buildings that still have not complied
18 with the transition in New York City, in areas of
19 Manhattan and the Bronx and other places, but
20 predominantly there. There are buildings still
21 in Westchester that have this prohibition, and
22 perhaps they've done a census as to those
23 buildings.

24 And yet we don't know what the
25 impact of this bill would be and the scope of

1 this bill would be to any other community or any
2 other property owner across the state, right?

3 SENATOR HARCKHAM: We know that
4 fuel oil in general accounts for about 19 percent
5 of heating in New York State. We don't know the
6 exact proportion of No. 4. But we do know that
7 it is used in other parts of the state.

8 But to the degree whether it's one
9 home or 5,000 buildings, it's still a very, very
10 harmful fuel to public health. And there are
11 clean alternatives that are in some cases more
12 affordable. Why wouldn't we encourage folks to
13 switch?

14 SENATOR MARTINS: Thank you,
15 Madam President. Through you, if the sponsor
16 would yield.

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

19 SENATOR HARCKHAM: I do,
20 Madam President.

21 ACTING PRESIDENT MAYER: The
22 sponsor yields.

23 SENATOR MARTINS: Do we have a
24 sense of how much it will cost on a per building
25 or per household basis to convert from this type

1 of fuel to an alternative?

2 SENATOR HARCKHAM: Well, through
3 you, Madam President, certain biofuels are less
4 expensive than this. They burn cleaner, less
5 harmful impacts to public health and to the
6 environment.

7 The -- they can switch to propane,
8 which could be a costly transition. They could
9 switch to natural gas. Or they could switch to
10 No. 2 fuel oil, which would not necessitate a
11 change of equipment. It is a little bit more
12 expensive per gallon, but it burns much more
13 efficiently and cleanly because it's lighter, and
14 so the ultimate cost is about a wash.

15 SENATOR MARTINS: Thank you,
16 Madam President. Through you, if the sponsor
17 would continue to yield.

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

20 SENATOR HARCKHAM: I do.

21 ACTING PRESIDENT MAYER: The
22 sponsor yields.

23 SENATOR MARTINS: So as to this
24 transition, if the property owner was not to
25 change equipment, to not have to go through the

1 expense of changing equipment, they would be able
2 to use No. 2 fuel oil and as a result be able to
3 also continue to heat their homes but not have
4 the additional expense with regard to
5 transitioning to an entirely different system,
6 just changing the fuel oil.

7 Is that what I heard?

8 SENATOR HARCKHAM: Through you,
9 Madam President, that is correct. As well as
10 biodiesel.

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

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

16 SENATOR HARCKHAM: Yes.

17 ACTING PRESIDENT MAYER: The
18 sponsor yields.

19 SENATOR MARTINS: Any -- any
20 funding, you know, either in this bill or that
21 you expect may exist in the budget that we are
22 hoping will be resolved any day now, any funding
23 that you see to help with that transition for
24 anyone who's moving away from No. 4 heating oil
25 to an alternative?

1 SENATOR HARCKHAM: I would say
2 right now there is -- (pause).

3 Thank you. Thank you for the
4 clarification.

5 Yes, things like the EmPower+
6 program allow homeowners, with support from
7 New York State, to make upgrades for things like
8 heat pumps, which are more efficient than home
9 heating oil, for instance. Yes, so the EmPower+
10 program is designed to do just this.

11 And then when we talk about our
12 larger building stock, that is one of the things
13 that is talked about when a cap-and-invest
14 program is debated. But that is not something
15 that's on the table right now. But certainly
16 EmPower+ for residential buildings.

17 SENATOR MARTINS: Thank you.

18 Madam President, if the sponsor
19 would continue to yield.

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

22 SENATOR HARCKHAM: Yes.

23 ACTING PRESIDENT MAYER: The
24 sponsor yields.

25 SENATOR MARTINS: As you were

1 preparing this bill and as you were proposing
2 this bill, did you have occasion to determine
3 why, if there is another source of fuel that is
4 readily available rather than No. 4, why that
5 particular -- those building owners or property
6 owners continue to use No. 4 rather than another
7 source of fuel?

8 SENATOR HARCKHAM: Through you,
9 Madam President. No, the focus was really on
10 more why weren't they switching when we know that
11 the other fuels are just as viable.

12 So if you don't want to switch
13 equipment, there are two other fuels, as we
14 mentioned, No. 2 and biodiesel, that don't
15 require retrofits. As we discussed, if you
16 wanted to change to something like a heat pump,
17 that would require a more expensive retrofit but
18 there's EmPower+ and programs like that.

19 SENATOR MARTINS: Thank you.

20 Madam President, on the bill.

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

23 SENATOR MARTINS: And I want to
24 thank Senator Harckham.

25 My concern, Madam President, when it

1 came to this bill was how this would transition
2 and whether or not having an accurate or complete
3 picture as to how many households or buildings
4 are actually affected across the state, whether
5 or not putting an artificial date and forcing
6 people to transition could actually put people in
7 harm's way.

8 So it should be, I think, a concern
9 for all of us as we consider it. Some of these
10 areas certainly in New York State, but certainly
11 in Western New York, prone to snow effect and the
12 effects of winter, we'd have to be very careful
13 that we aren't forcing people into a situation
14 where they would not be able to heat their
15 buildings or their homes. And yet here we are.

16 And I want to thank Senator Harckham
17 for the explanation. There are alternative fuels
18 out there that are readily available and that are
19 certainly more environmentally, frankly, better
20 than -- not perfect, but certainly better than
21 No. 4.

22 And so, you know, hearing from my
23 colleague, I am still concerned about the costs
24 of perhaps these buildings being retrofit. But I
25 think in the context of the environment and those

1 things that we try to do here, certainly a bill
2 that's worth supporting, and I'll be voting aye.

3 ACTING PRESIDENT MAYER: Are there
4 any other Senators wishing to be heard?

5 Seeing and hearing none, debate is
6 closed.

7 The Secretary will ring the bell.

8 Senator Serrano.

9 SENATOR SERRANO: Madam President,
10 upon consent, we've agreed to restore this bill
11 to the noncontroversial calendar.

12 ACTING PRESIDENT MAYER: The bill
13 is restored to the noncontroversial calendar.

14 Read the last section.

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

17 ACTING PRESIDENT MAYER: Call the
18 roll.

19 (The Secretary called the roll.)

20 ACTING PRESIDENT MAYER: Announce
21 the results.

22 THE SECRETARY: In relation to
23 Calendar 260, voting in the negative are
24 Senators Borrello, Chan, Gallivan, Griffo,
25 Helming, Lanza, Mattera, Oberacker, O'Mara, Ortt,

1 Ryan, Stec, Walczyk, Weber and Weik.

2 Ayes, 47. Nays, 15.

3 ACTING PRESIDENT MAYER: The bill
4 is passed.

5 THE SECRETARY: Calendar Number
6 411, Assembly Bill Number 3318, by
7 Assemblymember Dinowitz, an act to amend the
8 General Business Law.

9 ACTING PRESIDENT MAYER: Senator
10 Canzoneri-Fitzpatrick, why do you rise?

11 SENATOR CANZONERI-FITZPATRICK:
12 Thank you, Madam President. I was wondering if
13 the sponsor would yield for a few questions.

14 ACTING PRESIDENT MAYER: Senator
15 Kavanagh, do you yield?

16 SENATOR KAVANAGH: Happily,
17 Madam President.

18 ACTING PRESIDENT MAYER: The
19 Senator yields.

20 SENATOR CANZONERI-FITZPATRICK:
21 Through you, Madam President. Thank you,
22 Senator Kavanagh, for agreeing to discuss this
23 bill.

24 In the litigation world, arbitration
25 is a very useful tool. It creates judicial

1 economy, it takes cases out of our court system,
2 and it allows for cases to be settled without
3 going through the judicial process.

4 Typically arbitration is
5 confidential between parties and it is not
6 subject to public disclosure to the extent that
7 there's a settlement, there's agreement on
8 certain terms, and typically there may be complex
9 settlement terms.

10 So if I understand your bill
11 correctly, this bill would require that private
12 arbitration organizations that handle 50 or more
13 consumer cases must publicly report detailed
14 information, including the parties' identities,
15 the outcome, the arbitrator's fees, the number of
16 arbitrations that that company has been involved
17 in, and a lot of detailed information.

18 So my question for you is, why is
19 this bill necessary? Why have you proposed this
20 bill?

21 SENATOR KAVANAGH: Thank you.
22 Through you, Madam President, thank you for the
23 question.

24 This is a bill that, you know, I
25 know that my colleague across the aisle has a

1 great deal more experience with some litigated
2 matters where this might be relevant than I do,
3 but -- and certainly where arbitration is an
4 important tool. And this bill is not in any way
5 intended to diminish its usefulness as a tool.

6 It does, however, intend to do three
7 things. First of all, it is intended to create
8 some basic transparency about how our arbitration
9 organizations are working. It does not require
10 the disclosure of all parties to arbitration.

11 It requires disclosure of the
12 results of arbitration cases when -- it
13 effectively requires it when there's a
14 non-consumer party in consumer arbitration. It
15 discloses the non-consumer party, meaning the --
16 typically a corporate entity that has a dispute
17 about a consumer transaction with an individual
18 consumer.

19 It does provide a series of other
20 data, including summary data about the results of
21 arbitration and the types of disposition of the
22 cases and other data about how that arbitration
23 organization is functioning.

24 In addition, the bill has provisions
25 that are intended to prevent conflicts of

1 interest. It says that the entity arbitrating
2 can't be an entity that either owns or is owned
3 by one of the parties to the arbitration. And
4 there's definitions about what would constitute
5 ownership.

6 And finally, it creates some
7 enforcement provisions for this -- for these
8 provisions and for existing provisions of state
9 law in the General Business Law, including the
10 opportunity for the Attorney General to enforce
11 on behalf of the public.

12 So in terms of why we're doing this,
13 we have seen that in other jurisdictions these
14 laws have been implemented successfully. The
15 first of them has been in place for nearly
16 20 years in Washington, D.C., but Maryland and
17 California have also implemented very similar
18 laws.

19 And the idea is that if arbitration
20 organizations are purporting to be places where
21 people can go to get, you know, credible,
22 objective adjudication of their disputes, that
23 there ought to be some basic transparency about
24 how they work. And in particular, there ought to
25 be some transparency about their relationships

1 with the corporate entities and the business
2 entities that might be using them and directing
3 arbitration to those organizations.

4 SENATOR CANZONERI-FITZPATRICK:
5 Through you, Madam President, will the sponsor
6 continue to yield?

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

9 SENATOR KAVANAGH: Yes,
10 Madam President.

11 ACTING PRESIDENT MAYER: The
12 sponsor yields.

13 SENATOR CANZONERI-FITZPATRICK: So
14 the Business Council has noted for us that the
15 American Arbitration Association already
16 publishes redacted awards, maintains public
17 registries, and supervises what goes on with
18 arbitration.

19 So can I ask you, is the AAA not
20 doing enough to monitor what's going on?

21 SENATOR KAVANAGH: I have the
22 Business Council's memo. I actually don't read
23 anything in their memo that is a criticism of
24 this bill, other than to say -- correctly -- that
25 the Arbitration Association does provide some

1 data about how members of that association
2 operate.

3 Again, I don't believe that all
4 arbitrating organizations are members of this
5 particular AAA. But there's nothing in this bill
6 that criticizes that process. This bill does go
7 substantially further in terms of the kind of
8 data that would be necessary and the manner in
9 which it's disclosed to the public.

10 And so again -- and their memo,
11 again, it doesn't -- I don't read anything in the
12 Business Council's memo that is critical of this
13 bill other than to say they believe the
14 Arbitration Association is doing a good enough
15 job.

16 And obviously the State of
17 California and the State of Maryland and the
18 District of Columbia have disagreed over the
19 years and passed bills very, very similar to the
20 one that's before us.

21 SENATOR CANZONERI-FITZPATRICK:
22 Through you, Madam President, will the sponsor
23 continue to yield.

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

1 SENATOR KAVANAGH: Yes,
2 Madam President.

3 ACTING PRESIDENT MAYER: The
4 sponsor yields.

5 SENATOR CANZONERI-FITZPATRICK: So
6 has there been a question posed -- or who has
7 requested this legislation to say that we're not
8 seeing that the AAA is monitoring the arbitration
9 world sufficiently?

10 SENATOR KAVANAGH: Again, through
11 you, Madam President, arbitration -- again, it's
12 an important process, it's a good process to have
13 available, but it is not a process that has been
14 above reproach.

15 There have been criticisms in
16 various industries about the secrecy around
17 arbitration. My colleague across the aisle
18 mentioned that sometimes the results of
19 arbitration are not disclosed. The reasons for
20 that are not necessarily reasons that are in the
21 public interest.

22 That some people think that that
23 kind of nondisclosure, for example, permits
24 someone to engage in practices that are contrary
25 to the public interest, repeatedly. And then

1 when a particular party challenges that, they go
2 to arbitration, they settle it, and they keep the
3 results of that secret so that there can't be a
4 broader question of whether those policies --
5 whether those practices ought to be ongoing.

6 So again, this bill is intended and
7 has -- again, this has been around for a number
8 of years. I've been carrying it for years. The
9 Assembly has passed it a few times in the past.
10 And, you know, various consumer organizations and
11 others who are concerned that arbitration happens
12 in a way that's not sufficiently transparent to
13 assess how particular organizations are
14 functioning have suggested that a little more
15 transparency in New York would be useful, as has
16 been found to be the case in other states.

17 SENATOR CANZONERI-FITZPATRICK:
18 Through you, Madam President, will the sponsor
19 continue to yield.

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

22 SENATOR KAVANAGH: Yes,
23 Madam President.

24 ACTING PRESIDENT MAYER: The
25 sponsor yields.

1 SENATOR CANZONERI-FITZPATRICK: So
2 I'm not sure if the Senator is aware that FINRA,
3 the Financial Industry Regulatory Authority, also
4 wrote a memorandum regarding this legislation.

5 And that FINRA is governed by the
6 Securities and Exchange Act of 1934, and that
7 they are consistently working with the New York
8 Investor Protection Bureau regarding arbitration.

9 And that this bill could create a
10 conflict between state and federal law concerning
11 FINRA's arbitration forum.

12 And I'll note that there are several
13 states that have removed FINRA from their
14 arbitration proposals, specifically Arizona,
15 California, District of Columbia, Maryland,
16 Nevada, and West Virginia.

17 And I'm wondering if that was a
18 consideration for you to remove FINRA and -- I'm
19 sorry, to propose an exemption that any
20 arbitration-related proposals that were governed
21 by FINRA would be exempt from your statute.

22 SENATOR KAVANAGH: Yes. Through
23 you, Madam President, yes. We -- my own staff
24 met with FINRA, our central staff met with FINRA.

25 I'm in possession of a letter from

1 FINRA that was addressed to the Consumer
2 Protection Committee chair, Senator May, and
3 copied to me and some other Senators, dated
4 February 24th, where FINRA has laid out their
5 arguments.

6 I will note that in recent
7 conversations they seem to be upping the argument
8 and asserting that the bill before us would be
9 preempted by federal law because FINRA does
10 function in a manner that has some interaction
11 with the SEC.

12 However, I -- and I am aware that
13 some other states have been lobbied successfully
14 by FINRA to be excluded from these kinds of
15 statutes.

16 However, the sufficiency of the
17 FINRA reporting is -- you know, this bill would
18 have some different standards, some additional
19 standards of reporting, and it would also make
20 FINRA consistent with a wider -- with the broader
21 general obligations in New York for arbitration
22 organizations to report.

23 I will also note that FINRA itself,
24 although, you know, it's a worthy organization
25 and it's done some good work in various cases,

1 has also not been above reproach. There have
2 been physical strong assertions with substantial
3 evidence behind them that sometimes FINRA has
4 improper relationships with parties to their own
5 arbitration, including, you know, a couple of bad
6 cases we saw that went to federal court
7 challenging how FINRA was operating.

8 But again, there's nothing in this
9 bill -- again, in reading FINRA's concerns, I
10 understand that they think that the data that
11 they report is sufficient. This bill would have
12 them reporting a few additional items. And
13 again, it would permit them basically to report
14 that by posting it on their own website.

15 So the way I read this, the FINRA --
16 FINRA's website would have to have a few
17 additional data points for arbitrations that they
18 do in New York. And I don't think it's a major
19 imposition on them. And there's nothing in this
20 bill that suggests that FINRA is any better or
21 any worse than any other arbitration
22 organization.

23 But they did not make a compelling
24 case, in my mind, for being excluded or exempted
25 from the bill.

1 SENATOR CANZONERI-FITZPATRICK:
2 Through you, Madam President, will the sponsor
3 continue to yield?

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

6 SENATOR KAVANAGH: Yes,
7 Madam President.

8 ACTING PRESIDENT MAYER: The
9 sponsor yields.

10 SENATOR CANZONERI-FITZPATRICK: So
11 in a climate where we have financial institutions
12 leaving New York because of overregulation and
13 other financial considerations, we're now
14 creating an additional burden on financial
15 service companies by requiring them to now comply
16 with this dual regulatory system that you're
17 creating by this bill.

18 And is there any consideration of
19 the fact that we're going to lose companies when
20 we need tax revenue in this state, we need these
21 financial companies to stay here and not take
22 their jobs. And if we put more burden on them,
23 aren't they going to leave New York?

24 SENATOR KAVANAGH: Through you,
25 Madam President. I do -- as it happens, I do

1 represent Wall Street, the physical street, as
2 well as many folks that work in that industry. I
3 have great respect for that industry, it's a very
4 important driver of economic activity in our
5 state.

6 But I don't think there's anything
7 about this bill that would alter either the
8 business prospects or the business decisions of
9 Wall Street firms.

10 Again, we would be simply imposing
11 some basic standards of transparency and
12 accountability on their arbitration processes, to
13 the extent that they are arbitrating cases in
14 New York with New York parties.

15 And, you know, having to summarize
16 -- if you're an arbitration organization like
17 FINRA and having to summarize how many cases you
18 did and what the disposition of those cases were,
19 and a few -- I mean, the bill has basically
20 10 data points total that they would have to make
21 available to the public. They are already making
22 a number of data points available. FINRA itself
23 asserts that transparency and making data
24 available is a valuable thing.

25 Again, my view is that this bill,

1 although I respect FINRA's desire to be excluded
2 from this generally applicable rule that we'd be
3 imposing in New York, I don't think it's going to
4 have a meaningful effect on FINRA's operations or
5 their expenses.

6 SENATOR CANZONERI-FITZPATRICK:
7 Through you, Madam President, will the sponsor
8 continue to yield.

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

11 SENATOR KAVANAGH: Yes,
12 Madam President.

13 ACTING PRESIDENT MAYER: The
14 sponsor yields.

15 SENATOR CANZONERI-FITZPATRICK: So
16 a question I have is, how will this information
17 now be shared with the public? I believe it's
18 through a state-specific database that now these
19 organizations have to upload the information.

20 Could you explain to me how that
21 process is going to work?

22 SENATOR KAVANAGH: Through you,
23 Madam President. The arbitration organization
24 would basically be required to publish the data
25 and make it available to the public.

1 So it would -- they would be able
2 to -- they would have to provide it in written
3 form if requested, but if they make it available
4 digitally, they would be able to charge the
5 actual cost of publishing it. And I think it's a
6 safe bet that if it's available on their website,
7 you know, people paying them to print it would be
8 unlikely.

9 But basically for arbitrations
10 commenced after January 1st of 2027, they would
11 have to publish -- they would have to make public
12 basic data about their -- on a web platform about
13 their various arbitrations.

14 SENATOR CANZONERI-FITZPATRICK:
15 Through you, Madam President, will the sponsor
16 continue to yield.

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

19 SENATOR KAVANAGH: Yes,
20 Madam President.

21 ACTING PRESIDENT MAYER: The
22 sponsor yields.

23 SENATOR CANZONERI-FITZPATRICK: So
24 you just brought me to another question that I
25 have regarding the effective date. Because my

1 understanding is that is -- this is effective for
2 January 1st of 2027 for all arbitrations after
3 that date.

4 But one of the things I'm wondering
5 about is the companies are required to post
6 historical data for six months in the past, if my
7 understanding is correct -- I'm sorry, five years
8 of historical data. And is six months a
9 realistic time frame to allow them, these
10 companies, time to upload all this information
11 and make it public in requirement to the statute?

12 Because my understanding is if we
13 don't, we're sort of setting them up for
14 violations immediately upon the effective date of
15 this legislation. And my understanding, again,
16 is that the penalty could be \$2,000 for every
17 violation. And I'm concerned that we don't have
18 enough time to set this up in compliance with the
19 statute.

20 SENATOR KAVANAGH: Thank you.

21 Through you, Madam President, I did
22 want to confirm my impression before I responded
23 to the question. But the way I read this bill
24 and the way our counsel reads this bill, it
25 applies to arbitrations commenced on or after

1 January 1, 2027.

2 And so there will be an ongoing
3 basis to keep five years of data available, but
4 only for arbitrations that were required to
5 report on by this statute.

6 So by January 1, 2032, they will
7 have five years of data that they will need to be
8 reporting on, and then the obligation to retain
9 that data will expire each day.

10 But it doesn't -- there's nothing
11 about this bill that would require data to be
12 reported from, you know, 2001, 2002, 2003. It
13 only applies as indicated in subdivision 3,
14 paragraph (c), it only applies -- shall apply to
15 consumer -- for arbitrations, only those
16 commenced after January 1, 2027.

17 The bill does go into effect 180
18 days after enactment. So, you know, if we pass
19 it during the course of calendar 2026 and it gets
20 signed later in the year, people might have to
21 report data on things that were commenced after
22 the effective date, but it wouldn't go back
23 further than January 1, 2027.

24 SENATOR CANZONERI-FITZPATRICK:

25 Through you, Madam President, will the sponsor

1 continue to yield?

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

4 SENATOR KAVANAGH: Yes,
5 Madam President.

6 ACTING PRESIDENT MAYER: The
7 sponsor yields.

8 SENATOR CANZONERI-FITZPATRICK: So
9 I touched on this a little bit before, but I
10 wanted to revisit it. The bill requires
11 publication of a consumer's zip code, the type of
12 dispute, the prevailing party. And it even
13 requires the disclosure of annual wage range for
14 employees in employment-related disputes. And
15 that is troubling to me since we're talking about
16 employment issues.

17 I'm wondering, too, have you
18 considered the fact that many settlements have a
19 nondisclosure agreement as part of it? So with
20 this required disclosure, are we eliminating the
21 ability of parties to bargain for a nondisclosure
22 agreement?

23 SENATOR KAVANAGH: Through you,
24 Madam President. I suppose there could be some
25 circumstance where somebody would write a

1 nondisclosure agreement that was so aggressive
2 that it would violate this statute.

3 But just, again, the bill does not
4 require -- it requires that summary data about
5 the range of incomes of parties who are otherwise
6 not disclosed be included in a database.

7 So it would not say "Brian Kavanagh,
8 who as a Senator makes \$142,000 annually, was the
9 subject of this dispute." It would say there was
10 a party to an employment dispute, and it was
11 settled and the range of -- that person's income
12 fell within a broad range, between \$100,000 and
13 \$250,000 I think is the range that would be
14 applicable there. Although I can verify that, if
15 you'd like.

16 So I don't think that that kind of
17 disclosure would be likely to violate a standard
18 nondisclosure agreement, which typically is
19 about, you know, the assertions that each party
20 made about each other. And even the fact that
21 they've resolved their dispute would not
22 necessarily be indicated by the summary data that
23 this bill would require.

24 SENATOR CANZONERI-FITZPATRICK:

25 Through you, Madam President, will the sponsor

1 continue to yield.

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

4 SENATOR KAVANAGH: Yes,
5 Madam President.

6 ACTING PRESIDENT MAYER: The
7 sponsor yields.

8 SENATOR CANZONERI-FITZPATRICK: One
9 of the other items that caught my attention was
10 the fact that the bill applies to the financial
11 threshold of having a 1 percent or a
12 \$1500 interest that you are -- you know, you're
13 treated as having a financial interest in these
14 arbitration companies for quite a small amount.

15 And I'm wondering why that threshold
16 is set so low.

17 SENATOR KAVANAGH: Through you,
18 Madam President. I think that the -- the idea --
19 what we're going for here is if an entity is
20 arbitrating a matter that's before your -- that
21 entity, that the parties should not have an
22 ownership interest in the entity.

23 What we've basically created is a
24 de minimis exemption to that. So we could have
25 just said no ownership interest whatsoever, but,

1 I don't know, it might be the case that the
2 entity is publicly traded or broadly owned, and
3 maybe -- you know, maybe I own a few shares of
4 stock. And so somebody could say, Well, you own
5 1/10,000th of a percent of that company because
6 you're a holder of stock in a company that has an
7 interest in that.

8 So this is basically just a
9 de minimus exception. But the goal is such that
10 basically people -- if you own a piece of the
11 entity, it shouldn't be arbitrating your dispute.

12 SENATOR CANZONERI-FITZPATRICK:

13 Madam President, on the bill.

14 ACTING PRESIDENT MAYER: Senator
15 Canzoneri-Fitzpatrick on the bill.

16 SENATOR CANZONERI-FITZPATRICK: I
17 want to thank Senator Kavanaugh for the discussion
18 regarding this bill. It's always a pleasure to
19 discuss things with him.

20 As you heard in the very beginning,
21 arbitration is a useful tool to bring resolution
22 to matters when it's more efficient to take it
23 out of the court system, and it allows for
24 judicial economy on a number of levels.

25 This bill requires that everything

1 be disclosed. It puts a burden on our financial
2 service organizations. It puts a burden on our
3 arbitration companies. And those are the people
4 that we're employing in this state, that are
5 paying taxes, that we're trying to keep here in
6 New York.

7 And I think this is just another
8 level of regulation that is going to push
9 companies out of New York State.

10 I understand the concept of
11 transparency. I'm all for it. But in litigation
12 there are reasons why we don't always disclose
13 the employment settlement -- because of wage
14 concerns, we don't necessarily want all of the
15 details disclosed all the time. Which is why we
16 frequently bargain for nondisclosure agreements
17 in our settlements.

18 For these reasons, I'll be voting
19 nay, and I encourage my colleagues to do the
20 same. Thank you.

21 ACTING PRESIDENT MAYER: Thank you.

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

24 Senator Serrano.

25 SENATOR SERRANO: Madam President,

1 upon consent, we've agreed to restore this bill
2 to the noncontroversial calendar.

3 ACTING PRESIDENT MAYER: I'm sorry,
4 I see Senator Martins.

5 Why do you rise?

6 SENATOR MARTINS: Before we restore
7 it to the noncontroversial calendar, I was hoping
8 the sponsor would yield.

9 Actually, on the bill,
10 Madam President.

11 ACTING PRESIDENT MAYER: Senator
12 Martins on the bill.

13 SENATOR MARTINS: So let's talk for
14 a minute about arbitration.

15 There are arbitration clauses in
16 contracts, folks. People decide they want to
17 arbitrate rather than litigate. There's a reason
18 for this. They may not want it to be public.
19 That's their right.

20 They decide that it's going to be
21 arbitrated either before an association, the
22 American Arbitration Association, but there are
23 several organizations that provide for
24 arbitration services. They don't perform the
25 arbitration. The arbitration is performed by

1 individuals.

2 Subject matter experts, that's what
3 this is about. You want people who are
4 arbitrating who understand the concepts that
5 you're going to be presenting to them.

6 They provide you with their C.V.s,
7 they tell you who they are. And then when they
8 find out about the case, they tell you whether or
9 not there are any conflicts, because they don't
10 want to be involved in a case that may involve a
11 conflict of interest.

12 So you pick and you rank a number of
13 arbitrators on either side. When both sides
14 agree on an arbitrator or, if it's a panel, three
15 arbitrators, you move forward and you have the
16 case decided. It makes sense.

17 There's no public disclosure. We
18 don't have a public right to know what two
19 private entities will or will not do or how they
20 want to resolve their particular dispute. We
21 want them to resolve it amicably, and we want to
22 make sure that they stay out of court because our
23 judicial system is already overwhelmed.

24 So I frankly don't understand,
25 Madam President, why we would put this kind of a

1 burden on the businesses and those individuals
2 who actually have contracted to require for
3 alternative dispute resolution rather than go to
4 litigation. That's what this is all about.
5 We're supposed to make it easy, get out of the
6 way.

7 But yet here we are, once again,
8 inserting ourselves into a process that's not
9 broken. It's not broken. Yet we're going to
10 find a solution to a problem that doesn't exist.
11 Once again, congratulations, here we are.

12 And for what? What right does
13 anyone have to know how two parties who
14 contracted to go to arbitration decided to
15 resolve their case?

16 So we talked about FINRA, we'll talk
17 about the American Arbitration Association. But
18 you know what? I've tried cases and I've
19 arbitrated cases in front of an individual, a
20 single person that both sides decided, you know
21 what, we believe this person is capable and we
22 want that person to be the arbitrator for our
23 case. And we had a right to do it. The parties
24 agreed, and so be it.

25 Why would we insert requirements

1 into a process and make it even more complicated,
2 costly? It just doesn't make sense, frankly.
3 And I think what it's actually going to do, with
4 respect to our colleague and to the sponsor, it's
5 going to make it more difficult for people to
6 arbitrate.

7 Madam President, you look at any
8 construction contract between an owner and a
9 design professional, between an owner and a
10 general contractor or project manager, between a
11 general contractor and a subcontractor -- you
12 look at contracts between suppliers and
13 contractors, every one of them has an arbitration
14 clause. Every one of them -- many of them have
15 nondisclosure agreements as well. It's not done
16 by the association. It's done by the parties.

17 So this idea that somehow we're
18 going to make this process easier by simply
19 requiring public disclosure -- of what? So no,
20 no, there isn't a problem that needs to be fixed.
21 No, this isn't necessary. And frankly, we're
22 adding layers that have no place in a system that
23 wants it to be resolved quickly, efficiently.
24 And the system is there.

25 So Madam President, I'll be voting

1 no. I encourage all of my colleagues to,
2 although I know where this is going to end up.
3 We all do. But the reality is we're making a
4 mistake today, again. Because there is no reason
5 why we would complicate ADR as a source of
6 dispute resolution and put additional burdens on
7 our communities, private consumers, or business
8 entities. And to what end?

9 I vote no.

10 ACTING PRESIDENT MAYER: Senator
11 Serrano.

12 SENATOR SERRANO: Thank you,
13 Madam President. As I mentioned before, upon
14 consent, we've agreed to restore this bill to the
15 noncontroversial calendar.

16 ACTING PRESIDENT MAYER: The bill
17 is restored to the noncontroversial calendar.

18 Read the last section.

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

22 ACTING PRESIDENT MAYER: Call the
23 roll.

24 (The Secretary called the roll.)

25 ACTING PRESIDENT MAYER: Senator

1 Kavanagh to explain his vote.

2 SENATOR KAVANAGH: Thank you,
3 Madam President.

4 I rise first of all to thank my
5 colleagues, you know, for debate and also for
6 some commentary on this bill. I think it's
7 always good to, you know, share perspectives.

8 Just a few clarifying points. First
9 of all, there's nothing in this bill that would
10 require any particular obligation on an
11 arbitrating party. And in fact, also it would
12 not impose any obligation on a particular
13 individual who is doing arbitrations unless that
14 person constitutes an arbitration organization
15 doing 50 or more arbitrations annually, which
16 would be, you know, at least a modest-sized
17 arbitration company.

18 Secondly, the data that is required
19 is basically minimal data about the disposition
20 of various arbitrations, about the kinds of
21 parties. It does not violate the confidentiality
22 of the particular parties.

23 And just to respond, just to -- I
24 see I've inspired a response to my response. But
25 just to respond to this notion that we are --

1 that people are freely agreeing to arbitrate.

2 It is a fact that as we go through
3 our lives and purchase consumer products and
4 services of various kinds, we are very often
5 agreeing to arbitration clauses without giving
6 much thought to how that's going to play out if
7 we have a dispute with the cellphone company,
8 with our utility, with many other parties that
9 might be bringing us into a situation where we're
10 required to go to an arbitration.

11 Again, there's nothing in this bill
12 that prevents those, that makes those clauses
13 invalid or prevents from applying. It simply
14 says that if you are in the business of
15 arbitrating cases, if you're an arbitration
16 organization of a substantial size, of a
17 substantial amount of activity, there will be
18 some basic data.

19 And yes, if I were somebody in a
20 construction dispute, I might be interested to
21 know that the arbitration organization that we're
22 talking to, you know, has found 100 percent of
23 the time in favor of the builder, which is an
24 adverse party to me as maybe a homeowner or an
25 individual trying to buy a home.

1 So again, this is a bill about basic
2 transparency. It doesn't meaningfully impede the
3 ability of people to arbitrate. It doesn't
4 meaningfully alter the terms of arbitration
5 agreements. It simply requires 10 items of basic
6 data that as an arbitration organization I would
7 have to publish.

8 And I vote aye. Thank you.

9 ACTING PRESIDENT MAYER: Senator
10 Kavanagh to be recorded in the affirmative.

11 Senator Martins to explain his vote.

12 SENATOR MARTINS: Thank you,
13 Madam President.

14 And again, I want to thank the
15 sponsor.

16 But maybe there's a basic
17 misunderstanding, Madam President. Associations
18 don't arbitrate. They don't decide. Arbitrators
19 do. Individuals do. And that's where the
20 parties agree on a person, and that's where the
21 disclosure takes place.

22 And there's obviously a reason why
23 people may not want to know that they're
24 arbitrating. Companies and individuals may not
25 want their names published. They have a right to

1 privacy.

2 If they're able to reach agreement
3 on something, why would this body force them to
4 actually be disclosed? And to what end? What
5 public policy can there possibly be to have
6 somebody have to provide their name or the name
7 of their company and that they arbitrated a
8 dispute with somebody else. It's wrong.

9 I'll be voting no.

10 ACTING PRESIDENT MAYER: Senator
11 Martins to be recorded in the negative.

12 Announce the results.

13 THE SECRETARY: In relation to
14 Calendar 411, voting in the negative are
15 Senators Ashby, Borrello, Canzoneri-Fitzpatrick,
16 Chan, Gallivan, Griffo, Helming, Lanza, Martins,
17 Mattera, Martinez, Murray, Oberacker, O'Mara,
18 Ortt, Palumbo, Rhoads, Rolison, Stec, Tedisco,
19 Walczyk, Weber and Weik.

20 Ayes, 39. Nays, 23.

21 ACTING PRESIDENT MAYER: The bill
22 is passed.

23 THE SECRETARY: Calendar Number
24 593, Assembly Bill Number 2657A, by
25 Assemblymember Otis, an act to amend the

1 Public Authorities Law.

2 ACTING PRESIDENT MAYER: Senator
3 Walczyk, why do you rise?

4 SENATOR WALCZYK: Madam President,
5 I hope the -- someone would stand in for the
6 sponsor and answer some questions.

7 ACTING PRESIDENT MAYER: Senator
8 Liu will be responding to questions.
9 Senator Liu, do you agree to
10 questions?

11 SENATOR LIU: Yes. The sponsor is
12 not able to join us today and asked me to stand
13 in.

14 ACTING PRESIDENT MAYER: The
15 Senator yields.

16 SENATOR WALCZYK: Thank you.
17 Through you, Madam President.

18 So this bill would provide funds
19 collected by NYSERDA from utility bills, from
20 ratepayers, to offer landscaping companies
21 rebates on battery-operated equipment.

22 Why should people fund this program
23 through their utility bills?

24 SENATOR LIU: Through you,
25 Mr. President, NYSERDA already has similar

1 programs in place funded in the same way. There
2 is no anticipation that this particular bill
3 would necessitate any increase in those fees.

4 SENATOR WALCZYK: Through you,
5 Mr. President, would the sponsor continue to
6 yield.

7 ACTING PRESIDENT BAILEY: Will the
8 sponsor yield?

9 SENATOR LIU: Yes, Mr. President.

10 ACTING PRESIDENT BAILEY: The
11 sponsor yields.

12 SENATOR WALCZYK: Through you,
13 Mr. President. So which programs will we be
14 directing NYSERDA to take away from if no
15 additional costs are going to be associated with
16 this new program?

17 SENATOR LIU: Through you,
18 Mr. President. NYSERDA is a substantially sized
19 entity with a substantial amount of resources.
20 NYSERDA will decide where they can aggregate the
21 amount of funding necessary for this program.
22 Which is not anticipated to be a very large
23 amount.

24 SENATOR WALCZYK: Mr. President,
25 would the sponsor continue to yield?

1 ACTING PRESIDENT BAILEY: Will the
2 sponsor yield? Senator Liu, do you yield?

3 SENATOR LIU: Yes, I do,
4 Mr. President.

5 ACTING PRESIDENT BAILEY: The
6 Senator yields.

7 SENATOR WALCZYK: Through you,
8 Mr. President.

9 Many of the programs that NYSERDA
10 has in place now are statutory. We require them
11 to. Others, green pots of money that are taken
12 out of utility bills, are not.

13 I'm looking specifically -- are
14 there programs that you anticipate NYSERDA will
15 discontinue in order to pay for the
16 battery-operated landscaping equipment for these
17 companies?

18 SENATOR LIU: Through you,
19 Mr. President. Certainly not.

20 SENATOR WALCZYK: Would the sponsor
21 continue to yield.

22 ACTING PRESIDENT BAILEY: Will the
23 sponsor yield?

24 SENATOR LIU: Yes, Mr. President.

25 ACTING PRESIDENT BAILEY: The

1 sponsor yields.

2 SENATOR WALCZYK: Through you,
3 Mr. President. The Governor vetoed this bill,
4 explaining that some landscaping companies are
5 already doing this where it makes sense.

6 Why is this bill required if there's
7 already landscaping companies adopting
8 battery-operated equipment where it makes sense
9 to them?

10 SENATOR LIU: Through you,
11 Mr. President. There are some landscaping
12 companies that are making the switch to electric
13 and battery-powered equipment, but there are many
14 that have not and have articulated some financial
15 hardship in doing so.

16 What this bill does is encourage the
17 use and the switch-over to these battery-powered
18 devices, again for the primary purposes of
19 reducing air pollution and noise pollution.

20 SENATOR WALCZYK: Mr. President,
21 would the sponsor continue to yield?

22 ACTING PRESIDENT BAILEY: Will the
23 sponsor yield?

24 SENATOR LIU: Yes, Mr. President.

25 ACTING PRESIDENT BAILEY: The

1 sponsor yields.

2 SENATOR WALCZYK: And I know this
3 isn't your bill, but on page 2 when you're
4 talking -- when the sponsor is talking about lawn
5 care devices, saying to NYSERDA that they shall
6 include, but not limited to, such devices as
7 walking and riding lawnmowers, lawnmower
8 attachments, lawn edgers and trimmers, hedge
9 trimmers, leaf blowers, leaf vacuums, mulchers,
10 chippers, chainsaws, polesaws, augers,
11 cultivators and tillers, snowblowers and snow
12 shovels -- which I brought up the last time I
13 talked about this bill on the floor -- as well as
14 batteries, chargers and power management
15 equipment.

16 What is the definition of power
17 management equipment? Are we talking about
18 generators?

19 SENATOR LIU: Through you,
20 Mr. President. The devices envisioned here are
21 what most people in my community, and I'm
22 guessing in your community as well, would
23 understand to be landscape maintenance devices.
24 And that -- and these landscape maintenance
25 devices, particularly with if they're battery

1 powered, will require power.

2 Power management -- I cannot speak
3 to the specific device here, but I would imagine
4 that they include chargers.

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

8 ACTING PRESIDENT BAILEY: Will the
9 sponsor yield?

10 SENATOR LIU: Yes, Mr. President.

11 ACTING PRESIDENT BAILEY: The
12 sponsor yields.

13 SENATOR WALCZYK: And just so that
14 I understand this correctly, when you talk about
15 chargers, because batteries are already
16 specifically outlined, does that mean a fossil
17 fuel generator, in order to charge batteries for
18 landscaping equipment -- I didn't see any
19 prohibition, so I just wanted a clear definition
20 of power management equipment and whether that
21 included fossil fuel generators.

22 SENATOR LIU: Through you,
23 Mr. President. That is not contemplated in this
24 bill.

25 SENATOR WALCZYK: Thank you.

1 And would the sponsor continue to
2 yield?

3 ACTING PRESIDENT BAILEY: Will the
4 sponsor yield?

5 SENATOR LIU: Yes, Mr. President.

6 ACTING PRESIDENT BAILEY: The
7 sponsor yields.

8 SENATOR WALCZYK: California,
9 usually out of the curve on some of these things
10 for -- compared to New York, they passed a
11 similar program to this and they actually
12 mandated high-quality and professional batteries
13 would be the only ones eligible.

14 Is there any such mandate in this
15 bill? Or will NYSERDA just be able to decide
16 who's eligible and what batteries are?

17 SENATOR LIU: Through you,
18 Mr. President, we leave that decision to
19 NYSERDA's expertise.

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

23 ACTING PRESIDENT BAILEY: Will the
24 sponsor yield?

25 SENATOR LIU: Yes, Mr. President.

1 ACTING PRESIDENT BAILEY: The
2 sponsor yields.

3 SENATOR WALCZYK: There's been, at
4 least from some in this body, a growing swell of
5 legislation -- some of them actually on the
6 agenda today -- for extended producer
7 responsibility.

8 Is there any responsibility for the
9 producers of those batteries to see that they get
10 recycled in the State of New York? Or should we
11 just anticipate that all of these additional
12 batteries that ratepayers are helping to fund,
13 specifically for landscaping companies, will end
14 up somewhere out in the stream or in a landfill?

15 SENATOR LIU: Through you,
16 Mr. President, we already have a rechargeable
17 battery extended producer program.

18 SENATOR WALCZYK: Thank you.

19 Mr. President, on the bill.

20 ACTING PRESIDENT BAILEY:

21 Senator Walczyk on the bill.

22 SENATOR WALCZYK: And I appreciate
23 the answers and the stand-in today.

24 Ratepayers cannot afford to
25 subsidize equipment for landscaping companies. I

1 think that's the overall message that I want to
2 convey today.

3 They want us to lower their energy
4 bills, not to heap on additional programs to
5 subsidize little pots of money for specialty
6 projects like this.

7 I haven't had a single constituent
8 ever approach me and say, I would like you to add
9 some cost onto my energy bill so that I can help
10 out my local landscaper get more batteries.

11 And that what's you need to
12 remember, that people's bills are paying for
13 this.

14 So I'll be voting no.

15 Thank you, Mr. President.

16 ACTING PRESIDENT BAILEY: Thank
17 you, Senator Walczyk.

18 Are there any other Senators wishing
19 to be heard?

20 Seeing and hearing none, debate is
21 closed.

22 Senator Serrano.

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

1 ACTING PRESIDENT BAILEY: On
2 consent, the bill is restored to the
3 noncontroversial calendar.

4 Read the last section.

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

7 ACTING PRESIDENT BAILEY: Call the
8 roll.

9 (The Secretary called the roll.)

10 ACTING PRESIDENT BAILEY: Announce
11 the results.

12 THE SECRETARY: In relation to
13 Calendar 593, voting in the negative are
14 Senators Gallivan, Mattera, Murray, O'Mara, Ortt,
15 Stec, Walczyk and Weik.

16 Ayes, 54. Nays, 8.

17 ACTING PRESIDENT BAILEY: The bill
18 is passed.

19 THE SECRETARY: Calendar Number
20 599, Senate Print 3835, by Senator Hinchey, an
21 act to amend the Private Housing Finance Law.

22 ACTING PRESIDENT BAILEY: Senator
23 Martins, why do you rise?

24 SENATOR MARTINS: Mr. President, if
25 the sponsor would yield for some questions.

1 ACTING PRESIDENT BAILEY: Will the
2 sponsor yield?

3 SENATOR HINCHEY: I do.

4 ACTING PRESIDENT BAILEY: The
5 sponsor yields.

6 SENATOR MARTINS: Thank you.

7 Senator, is -- this bill is
8 restricted to not-for-profits or municipal
9 entities purchasing a right to a manufactured
10 home community or, in this case, manufactured
11 home parks.

12 Are these parks owned as co-ops by
13 the people who live in those units? Or is the
14 land owned and then rented to people who place
15 their mobile parks or their manufactured homes on
16 the land?

17 SENATOR HINCHEY: Through you,
18 Mr. President, many of these mobile home parks,
19 the land is actually owned by an individual and
20 the folks who live there own their homes, they
21 own the mobile homes, but they do not own the
22 land underneath it.

23 There are different sets for how
24 those agreements go about, but they do not own
25 the land.

1 Which is why it's important to be
2 able to give them an ability to have security in
3 their housing.

4 SENATOR MARTINS: Mr. President,
5 through you, if the sponsor would continue to
6 yield.

7 ACTING PRESIDENT BAILEY: Will the
8 sponsor yield?

9 SENATOR HINCHEY: I do.

10 ACTING PRESIDENT BAILEY: The
11 sponsor yields.

12 SENATOR MARTINS: So if they don't
13 own the land, is it the owner of the manufactured
14 home on the property that would have a right to
15 finance and reach these agreements? Or is it the
16 underlying property owner that would have the
17 ability to sell or finance that property, under
18 this bill?

19 SENATOR HINCHEY: Through you,
20 Mr. President, this would be an agreement between
21 the owner of the land and a not-for-profit or a
22 community organization or a municipality that is
23 looking to preserve that land as a manufactured
24 or mobile home park.

25 SENATOR MARTINS: Through you,

1 Mr. President, if the sponsor would continue to
2 yield.

3 ACTING PRESIDENT BAILEY: Will the
4 sponsor yield?

5 SENATOR HINCHEY: I do.

6 ACTING PRESIDENT BAILEY: The
7 sponsor yields.

8 SENATOR MARTINS: So I see in the
9 bill that they would be able to sell not only
10 their development rights, but to -- excuse me, to
11 finance and transfer the development rights but
12 also to finance the property itself. And that
13 we're going to provide them, through the bill,
14 with the right to access funding and I guess
15 advice from the commissioner of DHCR.

16 Is there anything in the bill that
17 would require as a condition that they continue
18 to use the park as a manufactured home or mobile
19 park?

20 SENATOR HINCHEY: Through you,
21 Mr. President. Yes, that is the entire purpose
22 of this bill.

23 The folks who would be negotiating
24 or engaging in that discussion with the owner of
25 the property would be then creating that land in

1 perpetuity for mobile home or -- for a mobile
2 home park.

3 SENATOR MARTINS: Through you,
4 Mr. President, if the sponsor would continue to
5 yield.

6 ACTING PRESIDENT BAILEY: Will the
7 sponsor yield?

8 SENATOR HINCHEY: I do.

9 ACTING PRESIDENT BAILEY: The
10 sponsor yields.

11 SENATOR MARTINS: And so just so
12 we're clear, the not-for-profits that we're
13 talking about, or the municipalities, how
14 would -- they would access funding, and what
15 would they get back for the community for
16 purposes of, you know, repayment of that loan in
17 order to purchase those development rights?

18 SENATOR HINCHEY: Through you,
19 Mr. President. If I understand my colleague
20 correctly, he's asking what's in it for the
21 nonprofit, what's in it for the municipality.

22 I would answer the organizations,
23 like a land bank, their entire purpose is to help
24 make homes affordable and to keep people in their
25 homes.

1 Mobile home parks and manufactured
2 homes in communities like mine and in many
3 communities across the state, especially in
4 upstate, mobile home parks account for the
5 majority of our affordable housing. And so the
6 benefit is to help people stay in their homes.

7 We do a lot in this body, as a
8 state, to help build different kinds of housing,
9 especially workforce affordable housing. But
10 oftentimes mobile homes and manufactured homes
11 are not included in those programs.

12 And so this is a specific program to
13 help protect manufactured homes and mobile home
14 parks because they are at greatest risk of
15 development. The land, you can imagine --
16 especially in places in the Hudson Valley or on
17 Long Island, that land can be pretty valuable.
18 But it has been a place where people have lived
19 often for generations, and it's the only
20 affordable housing that exists in those
21 communities.

22 And we see time and time again
23 owners of these properties sometimes having that
24 property fall into disrepair because it's either
25 too expensive to maintain the infrastructure or

1 they'd rather sell the land than be a landlord of
2 that facility and make the money instead for
3 being able to sell it for something else.

4 And so this bill is working to
5 protect the affordable housing that we have in
6 communities like mine, like many on Long Island,
7 like many across upstate New York, so that the
8 concern for folks who have been living on these
9 properties and in these homes, they become much
10 more stable than they are today.

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

14 ACTING PRESIDENT BAILEY: Will the
15 sponsor yield?

16 SENATOR HINCHEY: I do.

17 ACTING PRESIDENT BAILEY: The
18 sponsor yields.

19 SENATOR MARTINS: So a property
20 owner that has a mobile park decides to transfer
21 the development rights to a municipality or a
22 not-for-profit, and they come to an agreement on
23 a number. And as a result, they receive a set
24 amount of money. And the person or the
25 not-for-profit or the municipality has access to

1 a loan, which they're going to be responsible for
2 repaying, and the property owner receives this
3 quantity of cash. Right?

4 (Pause.)

5 SENATOR HINCHEY: Through you,
6 Mr. President, that is correct.

7 However, the folks that are living
8 on this property, the manufactured home owners,
9 pay rent. They often pay rent for the people who
10 own the land, and that is a way to pay it back.

11 SENATOR MARTINS: Through you,
12 Mr. President, if the sponsor will continue to
13 yield.

14 ACTING PRESIDENT BAILEY: Will the
15 sponsor yield?

16 SENATOR HINCHEY: I do.

17 ACTING PRESIDENT BAILEY: The
18 sponsor yields.

19 SENATOR MARTINS: Who would be
20 taking out the loan and have access to funding in
21 order to provide that funding to the property
22 owner?

23 SENATOR HINCHEY: Through you,
24 Mr. President. They are the folks that we've
25 talked about before that are outlined in the

1 bill. That could be the municipality, that could
2 be a community land bank, a community
3 organization, an affordable housing corporation.

4 SENATOR MARTINS: Thank you.

5 Mr. President, through you, if the
6 sponsor would continue to yield.

7 ACTING PRESIDENT BAILEY: Will the
8 sponsor yield?

9 SENATOR HINCHEY: I do.

10 ACTING PRESIDENT BAILEY: The
11 sponsor yields.

12 SENATOR MARTINS: So they took out
13 the loan, the municipalities, the
14 not-for-profits; they transferred that money to
15 the property owner in return for development
16 rights. That property owner hopefully will
17 invest that money into the property in order to
18 maintain it as a manufactured home park.

19 And I guess it wasn't clear, because
20 I didn't see it in the bill, how does the
21 not-for-profit or the municipality get repaid if
22 the individual property owners, the manufactured
23 home owners, are paying rent to the property
24 owner who received the cash?

25 SENATOR HINCHEY: Through you,

1 Mr. President. I just want to clarify. The
2 owner, the original, the initial owner of the
3 property is selling that land. So they are
4 removing themselves from this equation. So it is
5 now up to the, again, community land bank, the
6 municipality, the affordable housing corporation,
7 to maintain that property and to be the owner of
8 the land in which these mobile homes and
9 manufactured homes are on. Therefore providing
10 stability for the folks who have been living
11 there and will continue to live there.

12 SENATOR MARTINS: Thank you.

13 Through you, Mr. President, if the
14 sponsor will continue to yield.

15 ACTING PRESIDENT BAILEY: Will the
16 sponsor yield?

17 SENATOR HINCHEY: I do.

18 ACTING PRESIDENT BAILEY: The
19 sponsor yields.

20 SENATOR MARTINS: Well, so let's
21 say that they didn't sell the land because
22 there's an alternative here where they sell their
23 development rights. They still own the land,
24 they just sold the right to develop the property
25 in some way, and therefore they receive that bag

1 of cash for selling their development rights.

2 They're still collecting rent.

3 They're still the owners of the property. So the
4 person who gave them that money and took out the
5 loan, how do they get repaid? Or is that then
6 the responsibility of the not-for-profit or the
7 municipality to make those payments?

8 Because we know they certainly don't
9 own the property, right?

10 (Pause.)

11 SENATOR HINCHEY: Through you,
12 Mr. President. Again, they are still collecting
13 rent from the tenants who are living on the
14 property. I mean, that is the primary way in
15 which they will continue to be able to make money
16 from the property and which they continue to
17 have.

18 SENATOR MARTINS: Through you,
19 Mr. President, if the sponsor would continue to
20 yield.

21 ACTING PRESIDENT BAILEY: Will the
22 sponsor yield?

23 SENATOR HINCHEY: I do.

24 ACTING PRESIDENT BAILEY: The
25 sponsor yields.

1 SENATOR MARTINS: But in this
2 scenario, they don't own the land. They're not
3 collecting rent. They are the not-for-profit,
4 the land bank, the municipality that decided to
5 purchase the development rights, but they didn't
6 buy the property. And therefore they're not
7 collecting rents.

8 Those rents are going to continue to
9 go to the property owner who received the cash
10 from the municipality. So how does the
11 not-for-profit or the municipality who purchased
12 the development rights, but didn't purchase the
13 property, get repaid?

14 (Pause.)

15 SENATOR HINCHEY: Through you,
16 Mr. President. Sorry, I'm trying to make sure
17 that I understand the question correctly, because
18 I was a little confused.

19 But what we're talking about here is
20 development rights, but it's development rights
21 in partnership with the sale of the land. The
22 whole point of this bill is to ensure that
23 people -- that the land in the mobile home park
24 is going to a -- either a municipality or a
25 community organization or a land bank who will

1 then, for the long term, maintain that property
2 as a manufactured home park or a mobile home
3 park.

4 If you're asking for repayment from
5 the nonprofits, like -- can -- if you're asking
6 something other than what I'm answering, I'd love
7 for you to clarify, please.

8 ACTING PRESIDENT BAILEY: Senator
9 Martins, would you clarify the question, please?

10 SENATOR MARTINS: On the bill,
11 Mr. President.

12 ACTING PRESIDENT BAILEY: Senator
13 Martins on the bill.

14 SENATOR MARTINS: Thank you. Thank
15 you, Senator Hinchey.

16 SENATOR HINCHEY: Thank you.

17 SENATOR MARTINS: Here's my
18 concern, Mr. President. The bill doesn't say
19 that. It says a not-for-profit or a municipality
20 can purchase development rights. They in turn,
21 for purchasing development rights -- which don't
22 involve buying the property -- will hand over --
23 will borrow money, essentially from a state
24 agency, will get support from a state agency,
25 they'll take that money, give it to over to the

1 property owner, not the people who are living
2 there, necessarily, but the people who own the
3 land and are renting it to them.

4 We're giving that landlord
5 effectively a loan from a municipality and a
6 not-for-profit for development rights to make
7 sure they don't put up an apartment building
8 there.

9 The property owner will continue to
10 collect rent. And there's nothing here that
11 says, there is nothing here that says how the
12 municipality or the not-for-profit actually
13 receives money to repay it.

14 Now, if we were talking about a land
15 bank, which came up, we understand how that
16 works. The organization acquires the property,
17 fixes it, sells it, and receives money back so
18 they can continue their mission. That's what a
19 land bank does.

20 This bill doesn't do that. And
21 that's the concern I have, Mr. President, with
22 this, is that although I understand the intent,
23 that's not what it does.

24 So if we are going to -- let's
25 insert some names into this. If we take a

1 village or a town in the state and they decide
2 that they're going to -- because they also want
3 to preserve affordable housing, they are going to
4 buy the development rights. That means that
5 they're going to take out a loan. Those
6 taxpayers in that village are going to all be
7 responsible for repaying it for the benefit of
8 fixing up this mobile park.

9 Which it may be what they want to
10 do, but let's be clear about what we're doing
11 here and what this bill actually does.

12 Now, I would agree if they in
13 turn -- if the municipality were to buy that, it
14 would be a little unusual for a municipality to
15 buy a property in order to then get the loan in
16 order to purchase the property and fix it up and
17 then go into the -- you know, the land ownership
18 business and be able to rent those out. I guess
19 we have examples of that in the past -- not
20 directly by municipalities, but through housing
21 authorities. And not necessarily, you know, the
22 Village of Mineola or the City of Yonkers or --
23 you know, you fill in the blank.

24 But that's what we're doing here.
25 Or we'll find a not-for-profit that's going to

1 come up with some money they'll have access to, a
2 loan, based on development rights, to prevent it
3 from being developed. But how do they get that
4 money back to repay it to whatever agency and
5 obligation they have?

6 So that's my concern. I hope, you
7 know, that it's clear. But that's what the bill
8 says.

9 And so, Mr. President, under these
10 circumstances, on this bill I'll be voting no.
11 And certainly, you know, if there's an iteration
12 of the bill that comes back that has a different
13 format, we'll look for that as well.

14 Thank you very much. And I want to
15 thank the sponsor.

16 ACTING PRESIDENT BAILEY: Thank
17 you, Senator Martins.

18 Senator Murray, why do you rise?

19 SENATOR MURRAY: Thank you,
20 Mr. President. Would the sponsor yield for a few
21 questions?

22 ACTING PRESIDENT BAILEY: Will the
23 sponsor yield?

24 SENATOR HINCHEY: I will.

25 ACTING PRESIDENT BAILEY: The

1 sponsor yields.

2 SENATOR MURRAY: Thank you.

3 Through you, Mr. President.

4 You know, maybe we can walk through
5 and get clarification. First let me start with
6 the concept itself. This really isn't new. We
7 have things like open space preservation funds
8 where the government and the taxpayers will fund
9 a program to purchase land, set it aside and make
10 sure it's not developed. It can be a pocket park
11 or open space in perpetuity.

12 And that's kind of the concept of
13 what we're doing here, is that correct?

14 SENATOR HINCHEY: Through you,
15 soon-to-be-Madam President --

16 (Laughter.)

17 SENATOR HINCHEY: -- yes, it is.

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

21 ACTING PRESIDENT MAYER: Will the
22 sponsor yield?

23 SENATOR HINCHEY: Yes.

24 ACTING PRESIDENT MAYER: She will
25 yield.

1 SENATOR MURRAY: Thank you.

2 Through you, Madam President.

3 So let's go through. From the
4 previous questions, let's walk through a scenario
5 where we have a particular mobile home park. It
6 is owned by an individual. We've passed this
7 legislation. Explain to me the process of where
8 this fund will be used. Will they purchase the
9 property from the owner? Will they get
10 development rights to freeze them? How will that
11 happen?

12 SENATOR HINCHEY: Through you,
13 Madam President, both of those options are on the
14 table. And of course additional regulations to
15 be promulgated by the commissioner, who would
16 oversee this program.

17 The entire purpose of the program is
18 to make sure and stop what we are already seeing
19 today, and that is organizations like private
20 equity are buying mobile home parks and
21 manufactured homes across the state. We see a
22 number of owners allowing their properties to
23 fall into disrepair because they want to sell or
24 have people choose to leave so that they then can
25 sell.

1 You know, the nonprofits and
2 community organizations that we have outlined in
3 this bill, their missions are to protect
4 affordable housing. Per some previous
5 questioning, I understand the intent of trying to
6 find out what's in it for an organization. Their
7 entire purpose of being is to create and protect
8 affordable housing for folks across the state,
9 and that's what they would be doing in this
10 instance.

11 SENATOR MURRAY: Thank you.

12 Madam President, would the sponsor
13 continue to yield?

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

16 SENATOR HINCHEY: I do.

17 ACTING PRESIDENT MAYER: The
18 sponsor yields.

19 SENATOR MURRAY: Thank you.
20 Through you, Madam President.

21 So continuing that scenario, the
22 situation that the owner, the previous owner has
23 given up the right to the property, now it's
24 being run -- the tenants continue to pay the
25 rent.

1 Most of those, if I'm not mistaken,
2 sign leases for 99 years or so. So if they were
3 to sell, this protects it so it continues and
4 cannot then change.

5 You had mentioned the property
6 values, like, for example, Long Island, the
7 Hudson Valley. The property values are very,
8 very high. So right now what this bill says, if
9 I'm reading it correctly, is that so that we're
10 not concerned that the taxpayers will be
11 overpaying, they're paying the value of the
12 property in its current state, not how it could
13 be developed in the future. Correct?

14 SENATOR HINCHEY: Through you,
15 Madam President, that is correct.

16 SENATOR MURRAY: Okay.

17 Madam President, on the bill.

18 ACTING PRESIDENT MAYER: Senator
19 Murray on the bill.

20 SENATOR MURRAY: And thank you,
21 Senator.

22 So I think -- personally, I think
23 this is a great bill. The sponsor brought up a
24 particular point of we have a problem right now
25 with affordable housing, a big problem. You're

1 looking at a Senator who grew up in a
2 double-wide, in a mobile home park. And I will
3 tell you that there's pride in owning, but it's
4 all not completely there when you don't own the
5 land underneath you. I own a home now. It's a
6 different feeling.

7 So giving that sense of home, if you
8 will, that insurance, if you will, that you will
9 be there, this will be your home, is invaluable.

10 But it also allows our next
11 generation to obtain affordable housing. Many
12 times the mobile homes or manufactured homes are
13 lower in cost. And if we can keep this land in
14 its current use, at its current value, then it
15 will make it affordable.

16 So I think it's a great bill. I
17 think it's something that we should be
18 supporting. I'll be voting yes, and I hope my
19 colleagues will join me.

20 Thank you.

21 ACTING PRESIDENT MAYER: Thank you,
22 Senator Murray.

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

25 Senator Canzoneri-Fitzpatrick, why

1 do you rise?

2 SENATOR CANZONERI-FITZPATRICK:

3 Madam President, I was wondering if the sponsor
4 would yield for a question.

5 ACTING PRESIDENT MAYER: Will you
6 yield for a question?

7 SENATOR HINCHEY: Sure.

8 ACTING PRESIDENT MAYER: The
9 Senator yields.

10 SENATOR CANZONERI-FITZPATRICK:

11 Thank you, Senator.

12 SENATOR CANZONERI-FITZPATRICK:

13 Thank you, Senator.

14 Listening to the discussion, I'm
15 trying to scenario if this program is taking
16 funds from the mortgage insurance program and
17 allowing a municipality to purchase land, is
18 there an obligation by the municipality to repay
19 that loan or that financial assistance to this
20 fund?

21 SENATOR HINCHEY: Through you,
22 Madam President. That's not specified in this
23 bill, no.

24 SENATOR CANZONERI-FITZPATRICK:

25 Would the sponsor continue to yield.

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

3 SENATOR HINCHEY: Yes.

4 ACTING PRESIDENT MAYER: The
5 sponsor yields.

6 SENATOR CANZONERI-FITZPATRICK:
7 Thank you, Senator.

8 So the financial assistance that
9 this program is providing for is not necessarily
10 a loan. It may be a grant. It may be money that
11 just goes to a municipality that can purchase
12 this land and now there's no obligation to repay
13 it. Is that correct?

14 SENATOR HINCHEY: Through you,
15 Madam President, yes, that is correct.

16 SENATOR CANZONERI-FITZPATRICK:
17 Thank you.

18 ACTING PRESIDENT MAYER: Now, are
19 there any other Senators wishing to be heard?

20 Seeing and hearing none, debate is
21 closed.

22 Senator Gianaris.

23 SENATOR GIANARIS: Madam President,
24 we've agreed to restore this bill to the
25 noncontroversial calendar.

1 ACTING PRESIDENT MAYER: This bill
2 has been restored to the noncontroversial
3 calendar.

4 Read the last section.

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

7 ACTING PRESIDENT MAYER: Call the
8 roll.

9 (The Secretary called the roll.)

10 ACTING PRESIDENT MAYER: Senator
11 Weik to explain her vote.

12 SENATOR WEIK: Thank you,
13 Madam President.

14 I think there's an unintended
15 consequence with this bill that needs to have
16 some attention drawn to it, which is presently
17 the way it works -- and I've got quite a few of
18 these communities in my district -- is that the
19 property owner owns the land and pays taxes on
20 that land while leasing out these individual
21 homes to those individuals. And those exemptions
22 that people qualify for are then applied to the
23 taxes that that property owner has to pay.

24 My concern, of course, is that if a
25 municipality or a not-for-profit owns those

1 properties, they are tax-exempt.

2 Which is going to hurt the
3 community, because the funds that are brought in
4 through property taxes for things like school,
5 town, county taxes are now going to be exempted
6 because a municipality or a not-for-profit now
7 owns that property.

8 And for that reason,
9 Madam President, I'll be voting in the negative.

10 ACTING PRESIDENT MAYER: Senator
11 Weik to be recorded in the negative.

12 Announce the results.

13 THE SECRETARY: In relation to
14 Calendar 599, voting in the negative are
15 Senators Borrello, Canzoneri-Fitzpatrick, Chan,
16 Griffo, Martins, Rhoads, Walczyk and Weik. Also
17 Senator Gallivan. Also Senator Weber. Also
18 Senator Mattera.

19 Ayes, 51. Nays, 11.

20 ACTING PRESIDENT MAYER: The bill
21 is passed.

22 THE SECRETARY: Calendar Number
23 631, Senate Print 5111A, by Senator Parker, an
24 act enacting the Just Energy Transition Act.

25 ACTING PRESIDENT MAYER: Senator

1 Walczyk, why do you rise?

2 SENATOR WALCZYK: Madam President,
3 I hope the sponsor would yield for some
4 questions.

5 ACTING PRESIDENT MAYER: Senator
6 Parker, do you yield?

7 SENATOR PARKER: I do.

8 ACTING PRESIDENT MAYER: The
9 Senator yields.

10 SENATOR WALCZYK: Through you,
11 Madam President. Forty to 50 percent of New York
12 State's electricity is currently generated by
13 fossil-fuel burning facilities.

14 Pretty stark contrast between
15 upstate and New York City, with electricity
16 produced for New York City 90 percent -- and
17 these are rough estimates, obviously. It changes
18 day by day -- but roughly 90 percent fossil-fuel
19 generation for electricity. And in upstate,
20 roughly 90 percent generation is zero emissions,
21 largely because of hydro nuclear power in upstate
22 New York.

23 How does this bill, called the
24 Just Energy Transition Act, propose to change
25 that?

1 SENATOR PARKER: Through you,
2 Madam President. The Just Energy Transition bill
3 really is not about to change the dynamic you're
4 speaking of.

5 But the reality is that we have the
6 CLCPA, which is the Climate Leadership and
7 Community Protection Act, which is the ruling
8 guide for how we, you know, deal with climate
9 change in our state. The most ambitious
10 climate-change goals in the entire country.

11 What this bill does is actually
12 works in tandem with the CLCPA in order to look
13 at developing a plan that gets us to the dirtiest
14 and most-needed areas of transition from a
15 fossil-fuel-dependent system to a sustainable
16 energy system.

17 And so what we're doing here with
18 this legislation is looking at, again, the
19 dirtiest and -- the systems that need to be
20 changed by doing a study. And then once the
21 study is done, then NYSERDA makes a series of
22 recommendations on how we change the system in
23 those particular areas to provide clean, safe,
24 reliable and hopefully cheaper energy options for
25 our communities.

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

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

5 SENATOR PARKER: Yes,
6 Madam President.

7 ACTING PRESIDENT MAYER: The
8 Senator yields.

9 SENATOR WALCZYK: Through you,
10 Madam President. At peak demand -- and that
11 would be in the summer heat for electricity --
12 New York City uses over 100K megawatts for power
13 daily. Where's all that power going to come from
14 if this transition act becomes law?

15 SENATOR PARKER: Through you,
16 Madam President. When this bill becomes law,
17 there will be a study. And the study then will
18 make a series of recommendations that then will
19 dictate what types of new sustainable-energy
20 sources should be developed and generated in
21 order to replace the dirty fossil-fuel energy
22 that we're using now.

23 SENATOR WALCZYK: Would the sponsor
24 continue to yield?

25 ACTING PRESIDENT MAYER: Do you

1 continue to yield?

2 SENATOR PARKER: Yes,

3 Madam President.

4 ACTING PRESIDENT MAYER: The

5 Senator yields.

6 SENATOR WALCZYK: Through you,

7 Madam President.

8 And NYSERDA would be conducting that
9 study and they'd have six months after this
10 becomes law in order to fully conduct that study
11 to decide where to make up 100K megawatts per
12 hour daily for New York City?

13 SENATOR PARKER: Through you,

14 Madam President. Yes, roughly that.

15 SENATOR WALCZYK: Madam President,

16 would the sponsor continue to yield?

17 ACTING PRESIDENT MAYER: Do you

18 continue to yield?

19 SENATOR PARKER: Yes.

20 ACTING PRESIDENT MAYER: The

21 sponsor yields.

22 SENATOR WALCZYK: So just by my

23 calculation, if you looked at solar capacity,

24 which has a capacity factor of 15 percent, if you

25 were making that 100K megawatts per hour daily

1 for New York City, if you were making that
2 capacity up, that would be about 277,000 acres of
3 solar panels. Does that sound about right to
4 you?

5 SENATOR PARKER: Through you,
6 Madam President. So the -- in this bill the
7 Just Energy Transition Act is looking at
8 4 gigawatts. Right? And so it's going to say,
9 what are the -- you know, what are the dirtiest
10 4 gigawatts in the state? Let's do a study on
11 it. Let's figure out how to transition it.

12 There will be a study done. There
13 will be a set of recommendations. And then that
14 set of recommendations hopefully will be complied
15 with to get us quickly on a track of not just
16 developing sustainable energy in our state, which
17 is needed everywhere, but also looking at the
18 communities that are suffering the most --
19 because they have dirty peaker plants and other
20 types of fossil fuels burning in their
21 communities, as opposed to sustainable energy --
22 and addressing that top 4 gigawatts of energy.

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

25 ACTING PRESIDENT MAYER: Do you

1 continue to yield?

2 SENATOR PARKER: Yes,
3 Madam President.

4 ACTING PRESIDENT MAYER: The
5 sponsor yields.

6 SENATOR WALCZYK: Through you,
7 Madam President. So of those 4 gigawatts, this
8 bill would decommission those 4 gigawatts of
9 peaker plants in New York City in the next
10 three and a half years. Since Indian Point was
11 decommissioned, we've actually produced less
12 power despite the \$88.7 billion in ratepayer and
13 tax money that has gone into investments in our
14 grid and in green-energy power production.

15 With that much power coming offline,
16 how high should ratepayers expect their bills to
17 be when this is fully implemented?

18 SENATOR PARKER: Madam President,
19 through you. If and when the Just Energy
20 Transition Act is fully implemented, actually I
21 expect that ratepayers' bills are going to be
22 less. Because developing and using sustainable
23 energy is actually cheaper than fossil fuels.

24 And I don't -- and my sense is,
25 because we're not in charge of the

1 implementation, that they will not end the dirty
2 fossil fuels until the sustainable energy is
3 ready. And so that it will be a switch-off, not
4 a cutting off of one and then waiting for the
5 other to be developed.

6 But that will also -- again, will go
7 within the context of the plan that NYSERDA
8 develops.

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

11 ACTING PRESIDENT MAYER: Do you
12 continue to yield?

13 SENATOR PARKER: Yes, Madam
14 President.

15 ACTING PRESIDENT MAYER: The
16 Senator yields.

17 SENATOR WALCZYK: So if this is
18 signed into law soon but fully implemented in
19 three and a half years, would the cost savings of
20 all of that investment and the decommissioning of
21 plants, at least in your view that would reduce
22 bills three and a half, four years from now?

23 SENATOR PARKER: Madam President,
24 through you. When we will realize a cost savings
25 based on this legislation I think is -- you know,

1 for any of us to talk about it, you know,
2 intelligently, there are a lot of factors that
3 have nothing to do with this bill and that have
4 nothing to do with this particular energy.

5 I do not claim that this is a silver
6 bullet for in fact all of the energy problems and
7 the environmental problems that the State of
8 New York has.

9 However, it is a step forward to
10 in fact see that the CLCPA is implemented and
11 that we develop a plan to develop more
12 sustainable energy throughout our great state.

13 And we do ultimately understand,
14 because it is part and it works in conjunction,
15 in tandem, with the CLCPA, that a full
16 implementation of the CLCPA and cap-and-invest
17 and all those things will get us to a place where
18 we will not just see, you know, clean, breathable
19 air in all parts of our state, clean water, but
20 we will also have an energy system that is
21 reliant, that is cost-effective, that is safe and
22 that provides the kind of utility savings that
23 this, you know, Democratic Conference of the
24 State Senate has fought to see, you know, year
25 after year in our great state.

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

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

5 SENATOR PARKER: Yes,
6 Madam President.

7 ACTING PRESIDENT MAYER: The
8 sponsor yields.

9 SENATOR WALCZYK: So New York State
10 has a nonprofit Independent Systems Operator that
11 is in charge of the buying and selling of
12 electricity on our grid and the overall
13 management of our grid. They produce regular
14 reports on the sustainability of our grid and
15 have warned pretty consistently, especially in
16 the last few years, about taking peaker plants in
17 New York City offline too early.

18 How does this square up with the
19 warnings that we've heard from the independent
20 and nonpartisan ISO that's warned against this?

21 SENATOR PARKER: Madam President,
22 through you. The ISO actually is one of the
23 champions for sustainable energy in this state.
24 You can read report after report where they have
25 in fact talked about the need for a transition

1 from dirty fossil fuels to sustainable energy in
2 our state.

3 So this actually is not just in line
4 and in tandem with the CLCPA, but it also is in
5 line with the ISO and what the Independent System
6 Operator has argued.

7 This is not something that simply
8 says "take dirty peaker plants offline." That's
9 not what this says. This says let's do a study.
10 Let's understand where the dirtiest 4 gigawatts
11 of energy in this state is being produced. Let's
12 develop a plan around those 4 gigawatts and
13 figure out what is the best way to do that, and
14 the fastest and cleanest way to do that.

15 Once we have a plan, then there
16 hopefully will be an implementation of that plan
17 that then decommissions those dirty plants while
18 simultaneously developing clean, sustainable
19 generation for our communities that will be safe
20 for generations to come.

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

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

25 SENATOR PARKER: Yes,

1 Madam President.

2 ACTING PRESIDENT MAYER: Yes, the
3 Senator yields.

4 SENATOR WALCZYK: I think we may be
5 reading different reports from the NYISO. But
6 I'm happy to get with you offline and find out
7 what the facts are there.

8 But I do want to focus on your bill
9 here, because I think it's more than a hope that
10 there will be implementation and certainly more
11 than a study by my reading of your bill.

12 So this requires that the study be
13 completed in six months after the signing of this
14 legislation. And then page 3, line 32, the
15 Public Service Commission shall (reading)
16 commence a proceeding to implement the
17 strategies, programs, standards and requirements
18 described in the study referred to in section 3
19 of this act within 90 days of delivery of the
20 study to the Governor, the Senate and the
21 Assembly, and then issue an order regarding
22 implementation of the strategies, programs,
23 standards and requirements described in the study
24 referred to in that same section no later than
25 July 30, 2027.

1 Next summer, have it ready to go and
2 issue an order to take those 5 gigawatts offline
3 is -- or 4 gigawatts offline is what I'm reading
4 in the bill that you're proposing today. Am I
5 wrong?

6 SENATOR PARKER: Madam President,
7 when I was growing up -- I just turned 59,
8 thank God. And they say good things don't last,
9 Mike.

10 (Laughter).

11 SENATOR PARKER: -- we used to have
12 a program they used to talk about on television
13 all the time. John Liu might remember this.
14 There was a program called RIF. You all familiar
15 with that?

16 SENATOR GIANARIS: Reading Is
17 Fundamental.

18 SENATOR PARKER: Right, reading is
19 fundamental. There is no way that you read the
20 contents of this bill that says that there will
21 be a study and then, based on the study, there
22 will then be an implementation of that -- nowhere
23 in the language does it say taking anything
24 offline.

25 And in fact we may find, in the

1 context of the study, that the 4 gigawatts of the
2 dirtiest energy in the state may not come from
3 peaker plants. Theoretically, it could come from
4 a plant that is a regular running plant. Or
5 several regular running plants.

6 That's why there is a study. And in
7 the context of that study, Madam President, they
8 then will set a set of criteria and standards and
9 a plan. And then the plan will be implemented.

10 There's nowhere in that plan does it
11 say to reduce the amount of energy before you
12 replace it with clean, sustainable energy. I
13 can't imagine that NYSERDA or the PSC would in
14 fact take energy offline prior to replacing it
15 with clean, sustainable energy. That is not how
16 we have operated year to date.

17 And so if there's an issue with
18 that, then that's a different conversation. But
19 that is not in fact what the bill before us calls
20 for.

21 The bill before us calls for a study
22 of the 4 dirtiest gigawatts of energy being
23 produced in the state, to provide a study --
24 standards, criteria -- and then to implement said
25 study. Or sorry, implement said recommendations

1 that are contained within that study.

2 And so whether it's a peaker plant
3 or other types of, you know, dirty energy that
4 might be included, I'm not jumping to that
5 conclusion. I'm saying let NYSERDA and the
6 people who are experts at figuring this out
7 figure it out and move us into a place in which,
8 as soon as possible, we will in fact be receiving
9 sustainable energy -- clean, sustainable energy
10 in this state.

11 SENATOR WALCZYK: Madam President,
12 would the sponsor continue to yield.

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

15 SENATOR PARKER: Yes,
16 Madam President.

17 ACTING PRESIDENT MAYER: The
18 Senator yields.

19 SENATOR WALCZYK: I'd agree --
20 through you, Madam President, I'd agree that
21 reading is certainly fundamental. And I'm glad
22 that you noticed that I read this bill in
23 committee and made some of the changes to the
24 dates that were wrong before you brought it to
25 the Senate floor. I appreciate that read.

1 If there is no requirement of
2 implementation that is wired into this, and my
3 read is totally wrong -- which I would disagree
4 with that -- why wouldn't you just have them
5 return their study to the Legislature so that we
6 could review what NYSERDA's plan is and the
7 Governor could review what NYSERDA's plan is,
8 before we say the Public Service Commission shall
9 implement that plan?

10 SENATOR SERRANO: Madam President,
11 through you. First, let me thank Senator Walczyk
12 for his thorough reading of the bill, because
13 there were, in our last committee meeting, some
14 errors that needed to be updated and amended,
15 which have been done.

16 And now we bring this bill before
17 you, understanding that we are in desperate
18 times. And we should understand that this kind
19 of bill would not be necessary if it wasn't for a
20 Republican Trump administration in Washington
21 that is doing everything it can to slow down the
22 transition to a clean energy economy by being a
23 climate-change denier and stopping things like
24 our offshore wind project, to name one. Right?

25 But we could kind of go on and on

1 about what the federal administration has been
2 doing in terms of trying to thwart our attempts
3 to save the environment of future generations,
4 not just here in the State of New York but across
5 the country and across the globe.

6 And we're not going to have a
7 conversation, Madam President, about how the
8 price of energy is up because of both Putin's war
9 and Trump's illegal war in Iran and his inability
10 to understand the Hormuz Strait and the
11 implications of blockades and -- we're not going
12 to have any of those conversations. But they are
13 relevant to why, you know, prices are so high
14 here in the State of New York and across the
15 country.

16 What this bill will in fact do, and
17 how it in fact addresses the needs of
18 New Yorkers, is that we have an increasing load
19 here in terms of energy load. Every single day
20 people are buying devices, they're plugging them
21 in, and we need more energy.

22 And so producing energy is going to
23 be necessary regardless of whether the CLCPA
24 existed or not.

25 But we have the CLCPA in place.

1 It's the law of the land. And so it is important
2 that as we make decisions both around our
3 environment and around energy, that we take that
4 into consideration and do our work in the context
5 of that.

6 And so here we have a bill that I
7 believe falls in tandem with the CLCPA and
8 provides a path to go forward.

9 Part of the dynamic that we have
10 seen is delay, delay, delay, delay, delay. And
11 things have not gone as fast or as smooth as they
12 could have. So there is actually several things
13 happening, the first of which is that there is a
14 report that is supposed to come back to the
15 Legislature. It says that here in the language.

16 And then, simultaneously, the
17 experts who run the energy operation are in fact
18 going to do their work. By the vote here passing
19 in this body, passing in the Assembly, and the
20 Governor signing it, it not just tacitly but
21 directly says we give you permission to do this.
22 Right?

23 And at the end of the day the people
24 at NYSERDA and the PSC and other agencies that
25 will in fact do the implementation of this work

1 are far more expert at what needs to be done and
2 the interpretation of both the data, the results
3 of the study, and the recommendations than the
4 State Legislature.

5 So there's no need for it to come
6 back to the State Legislature. We're here to do
7 what our job is, which is to provide policy, a
8 policy direction for agencies, in tandem with the
9 Governor. And so this bill will in fact provide
10 all of the oversight that needs to happen.

11 We also continue, within the context
12 of our legislative function, to have an oversight
13 responsibility to agencies like the PSC and the
14 Department of Energy as well as NYSERDA.

15 And so that when we have questions,
16 comments, concerns, it is easy enough to bring
17 them before the committee or to see them when
18 they come in to discuss their budgets during the
19 finance period, to ask these questions and to
20 have significant oversight.

21 And so to slow the process down by
22 doing a report, providing recommendations, and
23 then NYSERDA and the report having to come back
24 to the Legislature for another round of
25 expedition {sic} by a set of people who frankly

1 are not qualified to go into the deep dive on
2 energy implementation not only doesn't make
3 sense, but is anti-productive or
4 counterproductive to the work that we're trying
5 to get done here.

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

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

10 SENATOR WALCZYK: You may not like
11 it, but New York City is entirely dependent on
12 fossil-fuel generation to get their electricity.

13 So I understand that this is
14 attempting to get at that. And I would agree
15 that we are in desperate times. I would disagree
16 on the reasons why. Our ratepayers are in
17 desperate times. New York State has higher
18 electricity rates, 50 percent higher than the
19 national average. It has nothing to do with the
20 federal administration. All of these
21 United States are in the same United States of
22 America. And yet the policies that we pass here
23 are the reasons why ratepayers are paying so much
24 more in this state.

25 Those experts, the same experts that

1 you're leaning on for advice for how to implement
2 this and then tell at PSC to issue an order to
3 take more power offline in New York State --
4 those are the same experts that have been
5 discounted by members in this body as soon as
6 they say how much this is going to cost the
7 ratepayers.

8 Currently, before this bill, they're
9 already saying it's going to cost the ratepayers
10 four grand more per household to heat their home.
11 Two-dollars-plus more per gallon of gas in the
12 State of New York. With the laws you've already
13 passed, before you do this thing to take more
14 generation offline in New York.

15 This bill -- if this becomes law,
16 there will likely be, and this is what the NYISO
17 has warned about, there will likely be brownouts
18 and blackouts in New York City unless there's a
19 substitution for the power that they're producing
20 right now. That's the warning that we've heard
21 from the independent, nonpartisan NYISO.

22 And guaranteed, if you're pulling
23 more production offline, you're going to see
24 supply charges continue to increase. New Yorkers
25 are already feeling this. Since Indian Point was

1 pulled offline in 2019, we've actually produced
2 fewer electrons in New York State. And what has
3 that done to supply charges? Well, your
4 constituents know their bills have skyrocketed.

5 So I'll be voting no and encourage
6 my colleagues to do the same.

7 Thank you, Madam President.

8 ACTING PRESIDENT MAYER: Thank you,
9 Senator Walczyk.

10 Senator Mattera -- you wanted to
11 explain your vote, we're not there yet.

12 Are there any other Senators wishing
13 to be heard?

14 Seeing and hearing none, debate is
15 closed.

16 Senator Gianaris.

17 SENATOR GIANARIS: Madam President,
18 we have agreed to restore this bill to the
19 noncontroversial calendar.

20 ACTING PRESIDENT MAYER: The bill
21 will be restored to the noncontroversial
22 calendar.

23 Read the last section.

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

1 ACTING PRESIDENT MAYER: Call the
2 roll.

3 (The Secretary called the roll.)

4 ACTING PRESIDENT MAYER: Senator
5 Mattera to explain his vote.

6 SENATOR MATTERA: Thank you,
7 Madam President.

8 New York State has experts already
9 that are very vocal on our energy needs -- NYISO,
10 PSC. Matter of fact, Senator Parker was on a
11 call just before session started and you know,
12 right now New Yorkers, we cannot afford to come
13 off of fossil fuels, especially our natural gas.
14 Which I explained also too, just recently, the
15 honor of groundbreaking with the great NESE
16 pipeline that is coming into our state. That is
17 very, very important that we have to keep our
18 natural gas at this time frame.

19 This bill is just something that is
20 going to hurt all New Yorkers in a lot, a lot of
21 ways. It is always the cart before the horse
22 that's happening with bills like this. Our
23 electric grid is antiquated in New York State,
24 and especially on Long Island. We need to invest
25 in infrastructure first and then transition to

1 all sources of renewable energy. Like retooling
2 our existing power plants for carbon capture,
3 thermal energy, green hydrogen, and nuclear.

4 Matter of fact, in committee
5 meetings even Senator Parker has stated that
6 having Indian Point being closed down was a
7 disaster for New York State.

8 And this timeline of this bill is
9 not feasible. And again, New York State has
10 agencies -- NYISO, PSC -- that are the experts
11 that already have come out and stated, stated
12 this already, that we cannot come off of our
13 fossil-fuel plants at this time.

14 So instead of hurting all
15 New Yorkers in their pocketbooks and wallets --
16 and that's what we have been doing with this
17 energy situation -- we need to make sure that we
18 move ahead with the right sources of renewable
19 energy.

20 And that's why, Madam President, I
21 vote no.

22 ACTING PRESIDENT MAYER: Senator
23 Mattera to be recorded in the negative.

24 Senator May to explain her vote.

25 SENATOR MAY: Thank you,

1 Madam President.

2 I was fascinated to hear
3 Senator Walczyk say, quote, our ratepayers are in
4 desperate times. Even though yesterday he spent
5 a lot of time arguing against making our grid
6 more efficient and more affordable.

7 Yesterday he convinced most of his
8 colleagues on the Republican side to vote against
9 the interests of their constituents and bring
10 down energy rates.

11 So this bill is one of many that is
12 designed to reduce our dependence on peak oil and
13 gas and to steer us into a 21st-century energy
14 future where we will be both more affordable and
15 more gentle on our climate.

16 And I vote aye.

17 ACTING PRESIDENT MAYER: Senator
18 May to be recorded in the affirmative.

19 Senator Parker to explain his vote.

20 SENATOR PARKER: Madam President,
21 to explain my vote.

22 We could again have different
23 opinions about things, but the facts are the
24 facts. And the reality and the fact of the
25 matter is that energy rates are affected more by

1 the global price of natural gas than any other
2 factor, period. That's not a debate. That's
3 literally the fact.

4 And so anything, you know, beyond
5 that, you're just making up things and just
6 trying to have something to say.

7 But if we had a, you know,
8 presidential administration that was competent,
9 that, you know, understood science, that didn't
10 tell people to drink bleach, that didn't tell
11 people that, you know, they're not seeing what
12 they're actually seeing -- you know, they're
13 telling people that, you know, it's okay to have
14 high gas prices.

15 I mean, the reality is we all have
16 watched gas prices -- you know, now I'm not
17 talking about natural gas, I'm now talking about
18 gasoline -- the price of gasoline shoot up \$2 in
19 the last month since this war went on. We all
20 experienced that. I had to come to Albany -- I
21 need a bank loan just to come up to Albany. More
22 than I get paid. Tell me how you do it when
23 times is hard.

24 Anyway, that being said, is that,
25 you know, we can make up all kinds of facts, but

1 the reality is that what's happening with the
2 federal administration is a travesty, and that's
3 what's having the hard effect on the pocketbooks
4 of the people of this great state.

5 And what we've done, as the
6 Democratic Conference of the state Senate, is
7 stand in that breach, stand in the midst and say
8 we are going to take this on despite what the
9 federal government has tried to do.

10 And there is nothing that -- in the
11 context of this bill that says that we should get
12 rid of any energy. In fact, what it says is we
13 should have a plan to get rid of the dirtiest
14 plants while we simultaneously look for
15 opportunities to build sustainable energy. It is
16 what we've done and what we've continued to talk
17 about.

18 And even when we get clarification
19 on it, you know, folks just want to say what they
20 want to say. If we're going to have a debate,
21 let's have an honest debate, let's have a clear
22 debate, let's listen to each other and let's move
23 with some integrity to make sure we're protecting
24 the people of this great state.

25 Thank you, Madam President.

1 ACTING PRESIDENT MAYER: Senator
2 Parker to be recorded in the affirmative.

3 Senator Lanza to explain his vote.

4 SENATOR LANZA: Thank you,
5 Madam President.

6 I'll be voting no. I thought I
7 heard my good friend Senator Parker a few moments
8 ago talk about the fact that he was not going to
9 talk about President Trump and the war and all
10 those things. And I thought to myself, well, if
11 he's not going to do that, I'm not going to talk
12 about the fact that it was the four-year period
13 during which President Biden was the president
14 that we saw the largest period of inflation in
15 the history of the country, when we saw gas
16 prices for four years go up and never come down.
17 And we saw a whole lot of other things that
18 really wrecked the country.

19 But I want to say this. I'm tired
20 of hearing my colleagues across the aisle propose
21 bills that are going to lower the energy costs
22 and the utility bills for people across New York.
23 Every time I hear one of my colleagues say they
24 have a bill that's going to reduce utility bills,
25 they go up. So please, stop saying it.

1 ACTING PRESIDENT MAYER: Senator
2 Lanza to be recorded in the negative.

3 Senator Martins to explain his vote?

4 SENATOR MARTINS: Madam President,
5 I just want to take the opportunity. I know it's
6 the custom of this house to restrict comments
7 when we refer to another Senator. I believe that
8 one of my colleagues was referred to with regard
9 to statements that were made and votes that were
10 taken, and I would wish that that would be
11 corrected in the moment rather than allow it to
12 go unchecked.

13 Thank you.

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

16 I do not think it is out of order to
17 refer to a debate that occurred yesterday. I'm
18 not aware that reference to a debate that
19 occurred yesterday is out of order.

20 But your point is heard.

21 SENATOR MARTINS: Thank you.

22 ACTING PRESIDENT MAYER: Thank you,
23 Senator.

24 Senator Rhoads to explain his vote.

25 SENATOR RHOADS: Yeah. I will be

1 voting in the negative as well, not that
2 Senator Lanza's comments need to be supplemented
3 at all.

4 But I would remind my colleagues
5 across the aisle who continuously talk about
6 facts and then ignore the fact that New York, in
7 comparison to every other state that lives under
8 the same federal administration, that lives under
9 the same federal administrative decisions and
10 policies -- that New York, by every measurable
11 aspect, is failing on energy policy.

12 Utility rates in the New York State,
13 residential, 51 percent higher than the national
14 average. Commercial utility rates, 60 percent
15 higher than the national average.

16 So please, I know that the other
17 side is fascinated with talking about the
18 presidential administration and how it's
19 impacting New York State. What's impacting
20 New York State are the policies that we're
21 talking about right here, policies like the one
22 we're voting on now, which will make utility
23 rates even more expensive. And years from now
24 we'll be sitting here complaining about the same
25 exact thing. I'll be voting no.

1 Thank you, Madam President.

2 ACTING PRESIDENT MAYER: Senator
3 Rhoads to be recorded in the negative.

4 Senator Stec to explain his vote.

5 SENATOR STEC: Thank you,
6 Madam President.

7 I too will be voting no. And I
8 wasn't going to speak, but I want to associate my
9 remarks with Senator Rhoads' and Senator Lanza's
10 remarks.

11 I've talked about this before. I
12 will not let this chamber in Albany try to pass
13 off the exorbitant energy prices that New Yorkers
14 are paying on the world economy or the federal
15 government, when no one has offered an
16 explanation how New York's energy rates are
17 50 percent above the national average. And no
18 one is objecting to NYSERDA's own reports that
19 say the CLCPA is going to cost every New Yorker
20 \$4,000 more in energy costs.

21 That is New York's doing. That is
22 not a federal administration, that is not a war,
23 that is not the global energy market. That is
24 mistakes that have been made and continue to be
25 made, ignored, and glossed over in this building.

1 ACTING PRESIDENT MAYER: Senator
2 Stec, I assume you're voting in the negative.

3 SENATOR STEC: I led with that.

4 ACTING PRESIDENT MAYER: You led
5 with that; I wanted to clarify that.

6 Senator Stec to be recorded in the
7 negative.

8 Announce the results.

9 THE SECRETARY: In relation to
10 Calendar 631, voting in the negative are
11 Senators Ashby, Borrello, Canzoneri-Fitzpatrick,
12 Chan, Gallivan, Griffio, Helming, Lanza, Martins,
13 Mattera, Murray, Oberacker, O'Mara, Ortt, Rhoads,
14 Stec, Tedisco, Walczyk, Weber and Weik.

15 Ayes, 42. Nays, 20.

16 ACTING PRESIDENT MAYER: The bill
17 is passed.

18 THE SECRETARY: Calendar Number
19 644, Senate Print 1463A, by Senator Kavanagh, an
20 act to amend the Environmental Conservation Law.

21 ACTING PRESIDENT MAYER: Senator
22 Borrello, why do you rise?

23 SENATOR BORRELLO: Madam President,
24 just when you thought this day couldn't get more
25 exciting, I'm wondering if he would -- if the

1 sponsor would yield for some questions about used
2 mattresses.

3 ACTING PRESIDENT MAYER: Senator
4 Kavanagh, do you yield to a question on
5 mattresses?

6 SENATOR KAVANAGH: Madam President,
7 I am honored to debate this bill on this floor
8 again. And if reading is fundamental, mattresses
9 are foundational --

10 (Laughter.)

11 SENATOR BORRELLO: Ooh,
12 foundational --

13 SENATOR KAVANAGH: And so I'm very
14 proud to be able to have this conversation once
15 again.

16 SENATOR BORRELLO: -- I saw what
17 you did there.

18 ACTING PRESIDENT MAYER: The
19 Senator yields.

20 SENATOR BORRELLO: Thank you,
21 Madam President. Through you.

22 So again, I believe this is the
23 third or fourth time that you and I have debated
24 this bill -- three, thank you. And I know others
25 have as well.

1 And I guess the thing that struck me
2 this time around that maybe didn't the previous
3 three times is that there are actually models for
4 us to follow. In fact, your legislative
5 justification talks about Connecticut,
6 California, Rhode Island and Oregon. But yet
7 you're actually ignoring and diverting away from
8 what they've done, apparently with some success,
9 in other states.

10 Can you explain why we're not just
11 following that model? Why are we trying to
12 reinvent the wheel here?

13 SENATOR KAVANAGH: Through you,
14 Madam President, I think my colleague is
15 referring to a conversation we've had before,
16 which is the question of whether this program
17 should be funded by charging every consumer a
18 fixed fee or whether the industry that is
19 responsible for complying with this program ought
20 to internalize those costs, find the most
21 efficient way both to minimize the costs and
22 distribute them among producers. Otherwise, the
23 program in Connecticut and other states --
24 Connecticut is the earliest -- would be quite
25 similar to this one.

1 And basically our choice is to
2 follow the way other states have done mattress
3 EPR or follow the way our state has done EPR
4 programs for most products. And we're choosing
5 the latter.

6 In our electronic recycling, in our
7 waste recycling law, in our carpet EPR law, in
8 the e-mobility scooter and bike battery bill that
9 we did last year, our preference for various
10 reasons is to, again, have the industry
11 internalize the costs rather than charging our
12 consumers an artificial fee.

13 And I think it's unfortunate the
14 other states have done that. But nonetheless
15 their programs are otherwise quite successful,
16 and I don't think the fee is the primary thing
17 that drives whether these programs are
18 successful. It is an element of making sure that
19 the program is minimally costly to consumers.

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

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

24 SENATOR KAVANAGH: Yes,
25 Madam President.

1 ACTING PRESIDENT MAYER: The
2 Senator yields.

3 SENATOR BORRELLO: Well, we also
4 can turn and conversely say that we have fees
5 for, you know, paint and tires and other things.

6 So it's not entirely a fee-free
7 world out there when you're returning something
8 that you're done using.

9 And with that being said, you know,
10 you talk about the fee that you do not want to
11 charge on this. But you're basically going to
12 then burden primarily New York companies with the
13 cost involved in recycling mattresses that they
14 did not produce. Nationwide, it's about
15 30 percent of mattresses are made overseas.

16 In New York, unfortunately, we've
17 had plants close here in New York State that made
18 mattresses, including one in my district
19 recently.

20 But how are we going to ensure that
21 we're not unfairly burdening those businesses
22 with the cost of recycling someone else's used
23 mattress?

24 SENATOR KAVANAGH: Through you,
25 Madam President. The way these programs are

1 typically operated and the way this bill would
2 permit them to be operated is that the industry
3 would create usually a single organization that
4 is statewide, called the producer responsibility
5 organization. That is the way the industry has
6 chosen to implement this in four other states.

7 Theoretically an individual producer
8 would be able to do something different. But it
9 is quite likely, for efficiency's sake, that
10 there would be a single producer organization.

11 And there is no distinction at all
12 in this bill, and no disadvantage to New York
13 producers of mattresses, as opposed to producers
14 anywhere else. The burden of complying with this
15 law falls on the producers of mattresses that are
16 sold in New York State.

17 About a million mattresses are
18 discarded each year in New York State. And
19 regardless of where they're made, we want the
20 mattress industry to take responsibility for
21 that. Because of course the alternative to the
22 industry taking responsibility for that is for
23 our local governments to assume the cost of that
24 in the disposal of these mattresses through
25 increasingly scarce landfills.

1 So again, there's no disadvantage in
2 this bill for New York producers. If they are
3 producing mattresses in New York and shipping
4 them to other states, they wouldn't be affected
5 by this. If producers in other places are
6 shipping them to New York, they would be affected
7 by this.

8 The question is, who is responsible
9 for mattresses that are used and discarded in the
10 State of New York?

11 SENATOR BORRELLO: Madam President,
12 would the sponsor continue to yield.

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

15 SENATOR KAVANAGH: Yes, Madam
16 President.

17 ACTING PRESIDENT MAYER: The
18 sponsor yields.

19 SENATOR BORRELLO: Well, look, I'm
20 certain right now, if you went on Amazon or any
21 other online -- Temu -- you could probably find
22 literally thousands of people selling mattresses.
23 Probably several manufacturers from all points
24 across the globe.

25 How are we going to enforce all of

1 those manufacturers, most of which, you know --
2 at least a third of which are not based in the
3 United States, how are we going to enforce, you
4 know, that responsibility for someone that's not
5 even based in the United States, let alone
6 New York?

7 SENATOR KAVANAGH: Through you,
8 Madam President, most of the products that we
9 consume each day are not produced within the
10 State of New York. And the enforcement challenge
11 is probably about the same if it comes from
12 Pennsylvania as it is if it comes from China.

13 But we live in a global economy, and
14 enforcing rules in that economy involves
15 basically identifying the people participating in
16 the economy and making sure they're complying
17 with the law.

18 In this case there are mattresses
19 now sold through direct to consumer mail.
20 There's been a lot of innovation in the mattress
21 industry. Some of the things that are -- purport
22 to be mattresses would not qualify as mattresses
23 in this bill.

24 But if you're purchasing a mattress,
25 then you're purchasing it from typically a

1 large-scale producer, and we would ensure that
2 that producer complies with the law and that DEC
3 would have that responsibility.

4 It would be illegal to sell
5 mattresses into the state if you're not complying
6 with this law and you don't have -- you're not
7 participating in the effort of the industry to
8 collect them.

9 I would note that the industry
10 itself would be very likely -- like industry
11 participants would be very likely to take note if
12 there's some overseas producer that is selling
13 mattresses and not participating in the
14 collective effort of the mattress industry itself
15 to comply with this law, because they would have
16 free riders.

17 So I don't believe that has been a
18 problem with EPR in other states. I don't think
19 it's been a problem with EPR for products in this
20 state. Certainly our electronics are not mostly
21 manufactured within the State of New York, and
22 certainly one buys electronics from Dell, which
23 is a Texas-based company but is probably shipping
24 a lot of their products from overseas. And yet
25 we've managed to do that for two decades now with

1 electronic products.

2 I don't believe that would be a
3 particularly difficult challenge for the DEC and
4 for the mattress industry to meet.

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

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

9 SENATOR KAVANAGH: Yes,
10 Madam President.

11 ACTING PRESIDENT MAYER: The
12 Senator yields.

13 SENATOR BORRELLO: I think you're
14 comparing apples and oranges when you're talking
15 about electronics.

16 First of all, many times people are
17 going to take in electronics, and there are
18 valuable things to take out of there and to
19 recycle, reuse, that have value, things like
20 silver and other precious metals, copper,
21 so forth. So I don't think it's a fair
22 comparison.

23 You're talking about a mattress,
24 something that is really big, really heavy, and
25 has no real -- that I'm aware of, any real reuse

1 opportunities.

2 So with that being said, and with
3 the fact that we have mattresses being produced
4 all over the world, a third of which are not made
5 in the United States that are sold here in
6 New York -- probably even higher than 30 percent
7 here in New York, I would imagine -- why not just
8 put in a fee? And then it's agnostic, it doesn't
9 matter which mattress producer did, because
10 you're going to use that fee to fund a
11 centralized recycling program.

12 Which is what those other states
13 you've referenced have done. That is the major
14 difference. They have been able to fund the
15 recycling, not have to worry about where the
16 mattress came from, and just ensuring that it is
17 recycled in a responsible way.

18 Would why we not just do that?

19 SENATOR KAVANAGH: Through you,
20 Madam President.

21 First of all, just -- EPR is, by
22 definition, a program that one applies to
23 products that otherwise would not be collected
24 because of the intrinsic value of the product.

25 When we imposed EPR on electronics,

1 we were recognizing partly that some of those
2 large items, although they have valuable
3 components, they are unlikely to get recycled
4 through the normal course because the cost of
5 implementing a particular recycling program by a
6 particular producer is going to be greater than
7 the value of the extracted products.

8 And we do EPR because the companies
9 are otherwise free-riding on our governmental
10 entities, our taxpayer-funded entities, by
11 forcing those entities to dispose of the
12 products.

13 So we're saving money at the end of
14 life. We're also reducing the environmental
15 burden by diminishing the amount of raw materials
16 that need to go into the products. That is true
17 of electronics, it's true of tires, it's true of
18 mattresses. EPR works for a wide range of
19 products because it is a very versatile tool.

20 In terms of the question of why we
21 don't -- back to the question of why we don't
22 want to impose a fee, basically because
23 government-mandated fixed fees for services are
24 not typically efficient from the perspective of
25 consumers.

1 What would be efficient here is if
2 we require the industry to provide a service at a
3 certain level, which this bill does, and then we
4 tell the industry, which private industry is very
5 good at minimizing cost. They are very good at
6 distributing cost among their different
7 participating entities, the different companies
8 in the business. And that is the most efficient
9 way to minimize the cost of this program.

10 And again, that is the premise of
11 most of our EPR programs in New York. Although I
12 would acknowledge my colleague mentioned one
13 where we did a different -- we went a different
14 direction, and that was paint. And that program
15 was held up for many years by a dispute over the
16 paint collection fee.

17 I was in the Assembly at the time
18 that that was being debated. I do believe that
19 there was divided control of government at the
20 time, and it was decided there would be a fee for
21 paint.

22 But again, the EPR programs we have
23 in New York, especially the modern EPR programs
24 that have been passed since 2010 or so, basically
25 operate on the same principle as this program.

1 And again, that is to maximize the efficiency
2 from the perspective of consumers.

3 SENATOR BORRELLO: Madam President,
4 will the sponsor continue to yield?

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

7 SENATOR KAVANAGH: Yes,
8 Madam President.

9 ACTING PRESIDENT MAYER: The
10 sponsor yields.

11 SENATOR BORRELLO: Look, our
12 landfills are filled with things that people
13 throw out. You know, you typically pay what's
14 referred to as a tipping fee, and I can tell you,
15 after being county executive in Chautauqua
16 County, that our county-owned landfill actually
17 produces profit and actually puts money into the
18 general fund.

19 So it's not that there isn't money
20 being made by those local governments that may
21 have, you know, a municipal landfill. And like I
22 said, they're filled with things that we don't
23 have an EPR on, obviously.

24 A mattress, on the other hand, is
25 something that people use 10, 20 years or more.

1 And why not a simple fee -- again, I'll go back
2 to the question -- because this is a long-term
3 durable good. You know, if I get rid of my stove
4 that I used for 20 years, you know, scrap metal,
5 maybe, but for the most part that's not going to
6 be handled the same way as this mattress. The
7 manufacturer is not responsible for my used stove
8 when it's done. Why are we making manufacturers
9 responsible for a used mattress?

10 SENATOR KAVANAGH: Through you,
11 Madam President. I do have legislation I would
12 offer to my colleague for consideration, which is
13 EPR for various household appliances. They
14 actually are a pretty good target for EPR.

15 But that is not the law in New York
16 or any other state in America that I'm aware of.
17 Although it is -- many other economies that are
18 more advanced in this matter have considered it.
19 I think some stoves and other appliances would be
20 subject to EPR requirements in other states.

21 But again, mattresses have valuable
22 components. They have steel, often; they have
23 wood; they have cotton. They have reusable
24 components. It is the case that it is unlikely
25 in our current system, if I have a mattress and I

1 want to dispose of it, but I want to do it
2 responsibly, I don't really have a mechanism for
3 the valuable components of that to be extracted,
4 and the industry has not provided such a
5 mechanism.

6 And an individual producer of
7 mattresses would have trouble setting that up in
8 an economically effective way.

9 Charging me \$20 to dispose of that
10 mattress, as the four states -- that's roughly
11 the fee in the four other states; it varies by a
12 dollar or two. But roughly speaking, charging
13 each consumer \$20 every time they either want to
14 purchase a mattress or dispose of a mattress, is
15 not a way to minimize impacts on consumers.

16 It is something that the industry
17 has requested, because it would be to their
18 benefit because they would not then need to run
19 the program with maximum efficiency.

20 I would note also that there is a
21 difference of opinion among mattress producers.
22 We do have mattress producers that our selling in
23 our state that have insisted that they would
24 prefer that the bill provide for a fee, but they
25 would like the state to specify how the industry

1 should choose the fee. And in particular, they
2 think the fee should be lower for a cheaper
3 mattress and higher for a more expensive
4 mattress.

5 And there are other sellers of
6 mattresses that disagree with that principle and
7 agree there should be a single fee, as there has
8 been in four states. So even within the industry
9 there are people lobbying the government to set a
10 fixed price for this service, which is something
11 that, generally speaking, my colleagues on the
12 other side of the aisle see as not the role of
13 government. And with respect to this particular
14 service, it is not likely to make it -- to lower
15 the net cost to consumers by the government
16 mandating a \$20 or so fee.

17 SENATOR BORRELLO: Madam President,
18 will the sponsor continue to yield?

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

21 SENATOR KAVANAGH: Yes,
22 Madam President.

23 ACTING PRESIDENT MAYER: The
24 Senator yields.

25 SENATOR BORRELLO: I would agree

1 that on this side of the aisle we don't think
2 used mattresses are a role of government. I
3 think we could probably all agree about that over
4 here on the Republican side.

5 So that being said, you bring up an
6 important point. I mean, you can buy a mattress
7 for \$100, you can buy a mattress for \$10,000.
8 you know, a \$20 fee on a \$100 mattress is
9 significant. A \$20 fee on a \$10,000 mattress is
10 not.

11 But a fee at the point of purchase
12 which is built into the cost could fund the
13 ability to have this recycling, to do all the
14 things you're talking about. And if there are
15 things of value in there, that would also fund
16 this recycling program.

17 Why not do that?

18 SENATOR KAVANAGH: Through you,
19 Madam President. My colleague is pointing out
20 one of the deficiencies of the approach that the
21 mattress industry is trying to -- some of the
22 main purveyors of the mattress industry are
23 trying to tell us to adopt.

24 If I am someone who chooses to buy a
25 mattress for \$100, and the government is saying

1 you've got to pay \$20 on your purchase of that
2 mattress, and someone else is choosing to buy a
3 \$1000 mattress and the government is telling that
4 person they also pay \$20, regardless of the cost
5 of actually making the mattress or of recycling
6 it, that is an odd thing, in my view, for the
7 government to do, to impose a single fixed fee
8 regardless of other circumstances.

9 It's not efficient and it is
10 probably not fair to the person who's economizing
11 and purchasing a \$100 mattress.

12 And in any case, what this bill says
13 is that the same entities that make up the
14 Sleep Products Association that are lobbying us
15 on this bill would have the opportunity to create
16 a rational set of factors to determine how the
17 cost of that program should be paid.

18 And again, this is not, in my view,
19 a primary element of this program. We haven't
20 talked about other elements. But this program --
21 I've conceded that the other four states have
22 programs that work well. Connecticut is
23 collecting 90 percent of all mattresses about 10
24 years after implementation of the program. But I
25 don't think the success of the program in

1 collecting is a result of the fee.

2 And I don't think a different cost
3 structure of this program is going to have a
4 material effect on whether the industry complies.
5 They will comply, as they do, because they're,
6 you know, law-abiding companies, and we'll have
7 high rates of collection.

8 And again, consumers will benefit
9 because they'll have a convenient way of
10 disposing of the product. Large-scale consumers
11 like housing authorities and hospitals and people
12 who be disposing of a hundred mattresses at a
13 time will have the industry come collect those
14 mattresses and do something efficient for them.

15 So again, there's a variety of
16 efficiencies here. We have differed -- we've had
17 this conversation about this fee before. I doubt
18 I will convince my colleague that this is the
19 optimal way to do this. I think it's an optimal
20 way to do it, and that's why it's in the bill.

21 But in any case, what we're doing
22 here is moving forward with a program that will
23 save localities a lot of money, that will reduce
24 resource use. And that these programs are
25 popular with consumers, because most consumers

1 don't think putting their mattress out on the
2 curb or bringing it to a landfill and watching it
3 be buried somewhere is a particularly good thing
4 to do.

5 I will note that in the two years
6 the industry has been opposing this bill, about
7 2 million mattresses have gone to landfills all
8 over our state, and that is a waste.

9 SENATOR BORRELLO: Madam President,
10 on the bill.

11 ACTING PRESIDENT MAYER: Senator
12 Borrello on the bill.

13 SENATOR BORRELLO: I think we've
14 beat this used mattress to death, so I appreciate
15 you taking the time here.

16 You know what, mattresses going to
17 landfills -- it will be great if we could find a
18 way to not have that happen, I agree. But there
19 are a lot of things that go into landfills. And
20 like I said, landfills are particularly
21 profitable for municipalities.

22 That being said, the real issue here
23 is that you have quality American-made,
24 New York-made mattresses that aren't cheap. But
25 they're high-quality. You know, I sleep on one

1 made by Jamestown Mattress. Not an inexpensive
2 mattress to buy, but a good mattress. And an
3 extra \$20 on that, you know -- I'm not going to
4 say how much -- several thousand dollar mattress
5 would not have impacted my decision to buy it or
6 not.

7 But some cheap mattress from China
8 that you can buy on Temu for a hundred dollars,
9 yeah, it would.

10 And that's really the issue here.
11 We're basically saying that we do not want to
12 burden foreign mattress producers with this fee
13 to help fund their mattresses ending up in our
14 landfills. That's the problem I have with this.

15 Charge the fee if that's what you
16 think we need to do, create a uniform system that
17 works well, and knowing that, you know what,
18 those hundred-dollar mattresses might have to be
19 120, but that American-made, New York-made
20 \$2,000 mattress, well, you know what, maybe we'll
21 sell a few more of those. And maybe people will
22 choose the quality over the cheap things that are
23 going to end up in our landfill or, God forbid,
24 on the side of a road.

25 So with that being said,

1 Madam President, I am going to end this
2 discussion on mattresses and vote no.

3 Thank you.

4 ACTING PRESIDENT MAYER: Thank you,
5 Senator Borrello.

6 Are there any other Senators wishing
7 to be heard?

8 Seeing and hearing none, debate is
9 closed.

10 Senator Gianaris.

11 SENATOR GIANARIS: Thank you,
12 Madam President.

13 I would like to let you know that we
14 have agreed to restore this bill to the
15 noncontroversial calendar.

16 ACTING PRESIDENT MAYER: The bill
17 has been restored to the noncontroversial
18 calendar.

19 Read the last section.

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

22 ACTING PRESIDENT MAYER: Call the
23 roll.

24 (The Secretary called the roll.)

25 ACTING PRESIDENT MAYER: Senator

1 Kavanagh to explain his vote.

2 SENATOR KAVANAGH: Thank you. I'll
3 be brief.

4 I appreciate the -- another
5 opportunity to discuss this, perhaps the last
6 time in this chamber because maybe the Assembly
7 will join us in passing it.

8 I do want to say that EPR is a very
9 important tool to deal with a wide range of our
10 environmental problems, our waste system. It
11 creates a lot of our climate-changing emissions.
12 Our continued effort to produce new raw materials
13 to make products that we use and then dispose of
14 is very detrimental to the environment across the
15 world.

16 I want to thank the Environmental
17 Conservation chair, Pete Harckham, for bringing
18 this forth once again through the committee, and
19 the leader for including it in today's Earth Day
20 package.

21 And I proudly vote aye, perhaps for
22 the last time on this bill in this chamber.

23 Thank you very much.

24 ACTING PRESIDENT MAYER: Senator
25 Kavanagh to be recorded in the affirmative.

1 Announce the results.

2 THE SECRETARY: In relation to
3 Calendar 644, voting in the negative are
4 Senators Ashby, Borrello, Canzoneri-Fitzpatrick,
5 Chan, Cooney, Gallivan, Griffo, Helming, Lanza,
6 Martinez, Mattera, Murray, Oberacker, O'Mara,
7 Ortt, Palumbo, Rhoads, Scarcella-Spanton, Stec,
8 Tedisco, Walczyk, Weber and Weik.

9 Ayes, 39. Nays, 23.

10 ACTING PRESIDENT MAYER: The bill
11 is passed.

12 THE SECRETARY: Calendar Number
13 650, Senate Print 9268A, by Senator Fahy, an act
14 to amend the Environmental Conservation Law.

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

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

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

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

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

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

8 SENATOR HELMING: Thank you,
9 Madam President.

10 This amendment is clearly germane.
11 The bill before us bans PFAS in consumer products
12 like anti-fogging sprays and wipes. The
13 amendment that I brought forward -- it's Senate
14 Bill 8933 -- addresses banning the exact same
15 chemicals, PFAS, where the potential for impact
16 is far greater.

17 This chamber has already taken
18 action to restrict PFOS in products like food
19 packaging and apparel because of the risks that
20 they pose. So, Madam President, I'm standing up
21 to ask the question, why would we allow them in
22 solar panels that cover thousands of acres of our
23 land, solar panels that potentially contain PFAS?

24 These forever chemicals can leach
25 into soil and move into our food supply, water

1 bodies, and drinking water.

2 SENATOR GIANARIS: Excuse me,
3 Senator Helming. Just one clarification.

4 Far be it from me to interfere in a
5 hostile amendment presentation, but the hostile
6 amendment that was presented, that is not what
7 you're referring to now? So I'm just trying to
8 understand what --

9 SENATOR HELMING: I'm on the
10 Fahy --

11 SENATOR GIANARIS: What we were
12 presented is actually word for word the
13 underlying bill, so I didn't know what
14 Senator Helming was referring to.

15 That's what we were presented. I
16 don't know if the desk has anything different.

17 (Off the record.)

18 SENATOR GIANARIS: Yeah,
19 Madam President, can we have the desk just see if
20 they have the bill that Senator Helming was
21 referring to as the hostile or what was presented
22 to us?

23 (Pause.)

24 ACTING PRESIDENT MAYER: Senator
25 Gianaris.

1 SENATOR GIANARIS: Madam President,
2 it's my understanding that the desk has the same
3 version I have, which is the actual underlying
4 bill presented as the hostile amendment.

5 SENATOR HELMING: Madam President,
6 on the bill.

7 (Laughter.)

8 ACTING PRESIDENT MAYER: Hold on.

9 Senator Lanza, yes.

10 SENATOR LANZA: Madam President,
11 apparently there is not an amendment at the desk.

12 (Laughter.)

13 SENATOR LANZA: And so I ask that
14 you recognize Senator Helming on the bill.

15 ACTING PRESIDENT MAYER: Senator
16 Helming on the bill.

17 (Laughter.)

18 SENATOR HELMING: Okay, we're all
19 good? All right. On the bill. Thank you,
20 Madam President.

21 So the bill before us bans PFAS in
22 consumer products like anti-fogging sprays and
23 wipes, something that I totally support. These
24 are very dangerous chemicals. I have a
25 Senate bill that I'm hoping the Majority will

1 consider, Senate Bill 8933, that addresses
2 banning the same chemicals, PFAS, where the
3 potential impact is far greater.

4 This chamber, in addition to the
5 bill that's before us right now, has already
6 taken action to restrict PFAS in products like
7 food packaging and apparel because of the risks
8 that they pose.

9 So we need to follow through and ban
10 the same in solar panels that cover thousands of
11 acres of land, solar panels that may contain
12 PFAS. These forever chemicals can leach into
13 soil and move into our food supply, water bodies,
14 and drinking water. The DEC has focused
15 extensively on PFAS in drinking water,
16 determining this to be a major pathway for human
17 exposure. And that's exactly why we must take
18 further action, we must take the necessary steps
19 to protect public health. We must do more in
20 addition to the bill that's before us.

21 The bill that I have would prohibit
22 the use of intentionally added PFAS in solar
23 panels. In my district, the Avon community
24 recognized this very real risk and adopted a law
25 in 2021 prohibiting PFAS-containing solar panels.

1 But currently New York State law --
2 some in this body created ORES. And under ORES,
3 ORES has the ability to override local laws it
4 deems unreasonably burdensome that puts local
5 protections like the one that Avon has put in
6 place, at risk.

7 That's why it's so important to pass
8 not only the bill that's before us, but a bill
9 like mine to ban unnecessary PFAS in solar
10 panels.

11 And I just want to comment, I heard
12 earlier the same thing I heard last week, that
13 facts are facts. So here are a few of my facts.

14 First, all 50 states have the same
15 president.

16 Second fact: New York rates are
17 well above the national average despite having
18 the same president as the other states.

19 There's a third fact, that our
20 residential electric rates are rising faster than
21 the national trend.

22 Another fact. I heard conversations
23 today around bills that -- this body has proposed
24 a number of bills and passed them and touted them
25 as ways to lower our energy costs. And that just

1 hasn't been the case at all.

2 We need to continue to work to
3 reduce energy costs, and we also need to work by
4 passing bills like my banning PFAS in solar
5 panels, to address a public health issue.

6 So, Madam President, I appreciate
7 the opportunity to kind of stretch my hostile
8 amendment into an explanation of the bill.

9 Thank you.

10 ACTING PRESIDENT MAYER: Thank you,
11 Senator Helming.

12 Are there any other Senators wishing
13 to be heard?

14 Seeing and hearing none, debate is
15 closed.

16 Senator Gianaris.

17 SENATOR GIANARIS: Madam President,
18 let's restore this bill to the noncontroversial
19 calendar, please.

20 ACTING PRESIDENT MAYER: This bill
21 is restored to the noncontroversial calendar.

22 Read the last section.

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

1 ACTING PRESIDENT MAYER: Call the
2 roll.

3 (The Secretary called the roll.)

4 ACTING PRESIDENT MAYER: Announce
5 the results.

6 THE SECRETARY: Ayes, 62.

7 ACTING PRESIDENT MAYER: The bill
8 is passed.

9 THE SECRETARY: Calendar Number
10 658, Assembly Bill Number 10711, by
11 Assemblymember Paulin, an act to amend the
12 Public Health Law.

13 ACTING PRESIDENT MAYER: Senator
14 Rhoads, why do you rise?

15 SENATOR RHOADS: Madam President, I
16 was hoping that the sponsor would be willing to
17 yield to a few questions.

18 ACTING PRESIDENT MAYER: Senator
19 Stavisky, are you willing to yield?

20 SENATOR STAVISKY: The sponsor
21 would be delighted to yield.

22 ACTING PRESIDENT MAYER: Senator
23 Stavisky would be delighted to yield.

24 SENATOR RHOADS: Thank you.
25 Thank you, Senator Stavisky.

1 Through you, Madam President.

2 Senator, I see that this is a bill
3 that's been introduced at the request of the
4 Governor. Is this one of the Governor's program
5 bills?

6 SENATOR STAVISKY: Yes.

7 SENATOR RHOADS: Thank you.

8 Will the sponsor continue to yield?

9 SENATOR STAVISKY: Yes.

10 ACTING PRESIDENT MAYER: Do you
11 continue to yield?

12 SENATOR STAVISKY: Yes.

13 ACTING PRESIDENT MAYER: Yes. I
14 think you have to speak into the mic,
15 Senator Stavisky, a little more.

16 It's hard to hear Senator Stavisky.

17 (Off the record.)

18 SENATOR STAVISKY: Okay, sorry
19 about that.

20 SENATOR RHOADS: Madam President --

21 SENATOR STAVISKY: It's still part
22 of the Governor's program bill.

23 ACTING PRESIDENT MAYER: Senator
24 Rhoads, go ahead.

25 SENATOR RHOADS: Thank you.

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

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

5 SENATOR STAVISKY: Yes.

6 ACTING PRESIDENT MAYER: Yes, the
7 Senator yields.

8 SENATOR RHOADS: Through you,
9 Madam President. It's my understanding that the
10 bill actually amends two sections of the
11 Public Health Law:

12 Section 2164, that actually deals
13 with immunizations for all children initially,
14 and then for 6th-grade immunizations,
15 7th-through-12th-grade immunizations, and then
16 adult immunizations; and Section 2803, which
17 deals specifically with immunization scheduling
18 for newborns.

19 I'm going to stick with 2164 to
20 start.

21 Under this bill, does it remove the
22 requirement that immunizations be administered
23 under federal guidelines?

24 SENATOR STAVISKY: First of all,
25 there are several laws that are being amended,

1 not just the Public Health Law -- the Education
2 Law, as well as the Social Services Law.

3 The -- there's no requirement on
4 this legislation. It simply makes it -- the
5 federal available.

6 I should add that this
7 legislation -- I can almost put it in one
8 sentence. This bill allows pharmacists to
9 administer the COVID vaccine to children under
10 2 years old, and older, with, as in the past, a
11 non-patient or patient-specific prescription.

12 SENATOR RHOADS: And will the
13 sponsor continue to yield.

14 SENATOR STAVISKY: Yes.

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

17 SENATOR STAVISKY: Yes.

18 ACTING PRESIDENT MAYER: The
19 Senator yields.

20 SENATOR RHOADS: Through you,
21 Madam President. The bill does quite a bit more
22 than that, in fact, Senator Stavisky.

23 The legislation, it appears, removes
24 the requirement that the scheduling of the
25 immunizations and the administration of the

1 vaccinations -- removes the need to comply with
2 the standards approved by the United States
3 Public Health Service for such biological
4 products. And is approved by the -- and removes
5 the requirement that they be approved by the
6 department under conditions as may be specified
7 by the Public Health Council. Is that correct?

8 SENATOR STAVISKY: The term
9 "United States Public Health Service" is an
10 antiquated term. It's no longer in use.

11 And instead we do, though, authorize
12 the federal government and look to them for
13 advice.

14 SENATOR RHOADS: Thank you.

15 Will the sponsor continue to yield?

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

18 SENATOR STAVISKY: Yes.

19 ACTING PRESIDENT MAYER: The
20 Senator yields.

21 SENATOR RHOADS: So while the
22 United States Public Health -- through you,
23 Madam President. While the Public Health Service
24 may no longer be the terminology, it is now the
25 FDA -- the Advisory Committee for Immunization

1 Practices, in Health and Human Services, that
2 federally controls immunization practices. Is
3 that not correct, Senator?

4 SENATOR STAVISKY: It also
5 authorizes the Advisory Committee on Immunization
6 Practices, known as ACIP.

7 The changes in this legislation,
8 it's more -- it gives them more flexibility and
9 helps define who can do what. With the -- with
10 the advice of the New York State Department of
11 Health.

12 SENATOR RHOADS: Will the sponsor
13 continue to yield.

14 SENATOR STAVISKY: Yes.

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

17 Yes, the sponsor yields.

18 SENATOR RHOADS: Immunization
19 practices currently -- if this were not to become
20 law, our immunization schedule -- our
21 immunizations would be bound by guidelines passed
22 by Health and Human Services and ACIP, the
23 Advisory Committee for Immunization Practices.
24 Is that not correct?

25 SENATOR STAVISKY: Yes. But I must

1 say that I get a little nervous with the
2 Department of Health and Human Services and its
3 leader, Robert F. Kennedy, in terms of
4 vaccinations and other fake science that seems to
5 come out of his office.

6 SENATOR RHOADS: Will the sponsor
7 continue to yield.

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

10 SENATOR STAVISKY: Yes.

11 ACTING PRESIDENT MAYER: The
12 Senator yields.

13 SENATOR RHOADS: Well, I certainly
14 appreciate the commentary, Senator.

15 But the question was the federal
16 standards that currently New York State must
17 abide by in order for immunizations are removed
18 by this bill, is that not correct?

19 SENATOR STAVISKY: The legislation
20 provides for the New York State Department of
21 Health, with the advice of the federal
22 government.

23 SENATOR RHOADS: Will the sponsor
24 continue to yield.

25 ACTING PRESIDENT MAYER: Do you

1 continue to yield?

2 SENATOR STAVISKY: Yes.

3 ACTING PRESIDENT MAYER: The
4 Senator yields.

5 SENATOR RHOADS: So the standards
6 that are approved by the Advisory Committee for
7 Immunization Practices, ACIP; Centers for Disease
8 Control; and the Department of Health and
9 Human Services are now vested solely in the
10 Commissioner of Health under this legislation,
11 correct?

12 SENATOR STAVISKY: Yes. However,
13 they are required to consult with the other
14 organizations.

15 SENATOR RHOADS: Will the sponsor
16 continue to yield.

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

19 SENATOR STAVISKY: Yes.

20 ACTING PRESIDENT MAYER: Yes, the
21 Senator yields.

22 SENATOR RHOADS: Through you,
23 Madam President. And which other organizations
24 would that be?

25 SENATOR STAVISKY: The American

1 Academy of Pediatrics -- which, incidentally, has
2 filed a memo of support for this bill -- as well
3 as the American Academy of Family Physicians.
4 Quite a few others also.

5 SENATOR RHOADS: And will the
6 sponsor continue to yield?

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

9 SENATOR STAVISKY: Yes.

10 ACTING PRESIDENT MAYER: The
11 Senator yields.

12 SENATOR RHOADS: Through you,
13 Madam President.

14 Senator Stavisky, are you not
15 concerned that the commissioner, the
16 Health Commissioner would no longer be bound by
17 any federal standard and that the guardrails of
18 transparency and disclosure and requirements that
19 organizations on those federal committees who
20 make decisions on vaccines must disclose
21 conflicts of interest of any direct financial or
22 institutional conflicts?

23 SENATOR STAVISKY: ACIP still needs
24 to be consulted. And the Commissioner of Health
25 in New York State has been confirmed by the

1 people as well as by the State Senate.

2 SENATOR RHOADS: Will the sponsor
3 continue to yield?

4 SENATOR STAVISKY: Yes.

5 ACTING PRESIDENT MAYER: Yes, the
6 Senator yields.

7 SENATOR RHOADS: Through you,
8 Madam President. Senator Stavisky, I note that
9 the language that's actually in the
10 legislation --

11 SENATOR STAVISKY: Madam President,
12 it's my understanding the rules do not permit
13 individual names from being mentioned.

14 ACTING PRESIDENT MAYER: I believe
15 he's just addressing you directly, Senator.

16 SENATOR STAVISKY: I'm sorry.
17 Proceed.

18 ACTING PRESIDENT MAYER: We're
19 going to review the rules after this session.

20 SENATOR RHOADS: Yes, certainly I
21 don't intend any disrespect. As the sponsor of
22 the legislation, I'm simply referring to you by
23 name as opposed to saying "the sponsor."

24 SENATOR STAVISKY: Understood.
25 Thank you.

1 SENATOR RHOADS: The language in
2 the legislation says (reading) in accordance with
3 regulations issued by the commissioner utilizing
4 generally accepted medical standards, and taking
5 into consideration recommendations of the
6 American Academy of Pediatrics, the American
7 Academy of Family Physicians, the American
8 College of Obstetricians and Gynecologists, the
9 American College of Physicians, the Advisory
10 Committee on Immunization Practices and/or other
11 similarly nationally or internationally
12 recognized scientific organizations.

13 Where is the requirement in here
14 that the Advisory Committee on Immunization
15 Practices' guidelines must be followed by the
16 commissioner?

17 SENATOR STAVISKY: Madam President,
18 there is no requirement.

19 And I thank the Senator for bringing
20 this up, because that's the reason we're passing
21 this bill.

22 SENATOR RHOADS: Will the sponsor
23 continue to yield.

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

1 SENATOR STAVISKY: Yes.

2 ACTING PRESIDENT MAYER: The
3 Senator yields.

4 SENATOR RHOADS: So back to my
5 earlier question -- through you, Madam President.

6 Back to my earlier question, the
7 federal government has guidelines, guardrails for
8 transparency such as disclosure, requirements
9 that organizations and those on federal
10 committees who make decisions on vaccines have to
11 disclose any conflicts of interest or any direct
12 financial or institutional conflicts.

13 Where is there similar protection
14 within this legislation for the bodies that are
15 recommended by this legislation that our
16 Health Commissioner now look at it?

17 SENATOR STAVISKY: I mentioned two
18 of the organizations that have to be consulted,
19 provided a long list of others. We have to get
20 back to you on the specific questions regarding
21 the conflict of interest.

22 SENATOR RHOADS: Thank you.
23 Will the sponsor continue to yield?

24 SENATOR STAVISKY: Let me just
25 finish.

1 SENATOR RHOADS: Oh, I'm sorry.

2 SENATOR STAVISKY: The -- when the
3 commissioner was confirmed, I'm sure that he
4 submitted an ethics statement, et cetera.

5 SENATOR RHOADS: Will the sponsor
6 continue to yield.

7 SENATOR STAVISKY: Yes.

8 ACTING PRESIDENT MAYER: The
9 Senator yields.

10 SENATOR RHOADS: Through you,
11 Madam President. I'm not asking about conflicts
12 that the commissioner may have.

13 I'm asking about conflicts that may
14 exist with respect to the bodies that are
15 included in the legislation that you're
16 suggesting that the Health Commissioner should
17 seek advice from when determining these vaccine
18 standards.

19 SENATOR STAVISKY: It would be
20 extremely onerous on the part of government to
21 try to investigate that whole litany of
22 organizations that are part of the equation, so
23 to speak.

24 SENATOR RHOADS: Will the sponsor
25 continue to yield?

1 SENATOR STAVISKY: Yes.

2 ACTING PRESIDENT MAYER: The
3 Senator yields.

4 SENATOR RHOADS: Through you,
5 Madam President.

6 Well, the federal government does
7 that. And we're now replacing the federal
8 government with this new state standard which
9 you're now saying is too onerous to be able to
10 avoid potential conflicts of interest and
11 financial considerations.

12 Why would that be too onerous? And
13 why are we replacing the federal regulation if
14 it's too onerous for the state to be able to do
15 it and the federal government already does it?

16 SENATOR STAVISKY: If you're
17 referring to the mention of the ACIP board, as
18 well as other people appointed by the Secretary
19 of Health and Human Services, there have been a
20 lot of questions raised about their conflicts of
21 interest. And that's one of the reasons why I
22 think we need some reform.

23 SENATOR RHOADS: Will the sponsor
24 continue to yield.

25 SENATOR STAVISKY: Yes.

1 ACTING PRESIDENT MAYER: Yes, the
2 Senator yields.

3 SENATOR RHOADS: Under this bill,
4 the language indicates that not only can the
5 commissioner consult with the organizations that
6 are listed, it specifically says "and/or similar
7 nationally or internationally recognized
8 scientific organizations" -- organizations which
9 would not be answerable to anyone within the
10 United States.

11 Are you at all concerned that power
12 is going to be vested in international
13 organizations that are not accountable to anyone
14 in the United States?

15 SENATOR STAVISKY: Well, first of
16 all, the membership of these organizations are
17 constantly in transition. Membership changes
18 probably several times a year. People either
19 join or leave these organizations. So it's very
20 difficult to respond to that question.

21 SENATOR RHOADS: Will the sponsor
22 continue to yield?

23 SENATOR STAVISKY: Yes.

24 ACTING PRESIDENT MAYER: The
25 Senator yields.

1 SENATOR RHOADS: My concern
2 specifically is with respect to this legislation
3 now authorizing the Commissioner of Health to
4 consult with international organizations, which
5 have no allegiance to or no standards recognized
6 by state or federal government.

7 Is there any concern -- do you have
8 any concern about using those organizations --
9 for example, such as the World Health
10 Organization -- as a source for how New York
11 State is now basing its vaccination policy?

12 SENATOR STAVISKY: I'm glad you
13 mentioned New York State, because the New York
14 State Department of Health also is involved. And
15 as I said, membership changes.

16 There's no requirement that they
17 consult the World Health Organization, and they
18 can do so or not do so.

19 SENATOR RHOADS: Under --

20 ACTING PRESIDENT MAYER: Are you
21 asking if the Senator will yield?

22 SENATOR RHOADS: Yes, I'm sorry,
23 will the sponsor continue to yield?

24 SENATOR STAVISKY: Yes.

25 ACTING PRESIDENT MAYER: Yes, the

1 Senator yields.

2 SENATOR RHOADS: Under this
3 legislation, since the federal government is no
4 longer part of the equation as far as how
5 New York State makes its decisions with respect
6 to vaccinations, are you concerned that only
7 vaccines that are recommended for routine use by
8 the federal Advisory Committee on Immunization
9 Practices are eligible for Medicaid or federal
10 Vaccines for Children funding?

11 SENATOR STAVISKY: You know,
12 there's no requirement that a parent bring a
13 child for the vaccination. That's I think the
14 major point. This is optional on the part of the
15 parent or guardian, because this pertains to
16 COVID.

17 (Pause.)

18 ACTING PRESIDENT MAYER: One
19 minute. Senator Rhoads, one minute.

20 SENATOR STAVISKY: The first
21 section -- I don't know if that was the section
22 you were citing -- are obviously required for
23 children attending school. Others are optional.

24 SENATOR RHOADS: Will the sponsor
25 continue to yield?

1 SENATOR STAVISKY: Yes.

2 ACTING PRESIDENT MAYER: The
3 Senator yields.

4 SENATOR RHOADS: With respect to
5 the amendments to Section 2803 of the
6 Public Health Law, which deals specifically with
7 respect to the vaccine schedule for newborns, it
8 appears as though there are no standards that are
9 set forth as to how those decisions are to be
10 made. It's simply vested in the Governor's
11 Commissioner of Health.

12 SENATOR STAVISKY: Those I
13 understand are optional. It would be up to the
14 Department of Health.

15 SENATOR RHOADS: Right. It's --
16 will the sponsor continue to yield.

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

19 SENATOR STAVISKY: Yes.

20 ACTING PRESIDENT MAYER: The
21 Senator yields.

22 SENATOR RHOADS: So I do understand
23 that it would be solely up to the Commissioner of
24 Health to make a decision as to when those
25 vaccines are supposed to be administered, when

1 those doses are -- if there's supposed to be
2 multiple doses of those vaccine, and in what
3 order those vaccines are supposed to be
4 administered.

5 One question that I do have with
6 respect to that is that it does contain language
7 in Section 8A of the bill that says the
8 immunization schedule shall chart out recommended
9 immunizations against certain diseases and
10 illnesses and age-appropriate times for the
11 administration of each immunization.

12 My question is, the language that
13 says "shall chart out recommended immunizations,"
14 does that vest the Health Commissioner with
15 additional authority to add immunizations not
16 listed by law in earlier sections to the
17 immunization schedule?

18 SENATOR STAVISKY: That -- this --
19 what you just mentioned is currently in the law.
20 There's no change on that.

21 SENATOR RHOADS: Will the sponsor
22 continue to yield.

23 SENATOR STAVISKY: Yes.

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

1 Yes, the Senator yields.

2 SENATOR RHOADS: So my question,
3 though, specifically is because we're setting out
4 a new process for how these immunizations are to
5 be determined as to what conditions or diseases
6 we're going to immunize children against, does
7 this section give the commissioner the ability to
8 make those decisions independently of the changes
9 that you're putting into Section 2164 of the
10 Public Health Law?

11 (Pause.)

12 SENATOR STAVISKY: No, that is not
13 the case. There are two different sections. One
14 deals with children starting school, requiring
15 certain immun -- immuniz -- certain vaccines.
16 And the other is totally different.

17 SENATOR RHOADS: On the bill.

18 ACTING PRESIDENT MAYER: Senator
19 Rhoads on the bill.

20 SENATOR RHOADS: Thank you,
21 Senator Stavisky. I appreciate your answers.

22 SENATOR STAVISKY: Thank you.

23 SENATOR RHOADS: I'm concerned
24 about several things in this legislation.

25 Initially, I'm concerned that

1 vaccine decisions for our most vulnerable
2 newborns can potentially be privatized under this
3 legislation. The DOH commissioner and, in
4 effect, the Governor would be allowed to defer to
5 private trade organizations like the American
6 Academy of Pediatricians, the American College of
7 Obstetricians and Gynecologists, even though
8 these organizations have direct financial and
9 institutional conflicts of interest and are not
10 answerable to legislators or to the public.

11 Passing this bill means that the FDA
12 approval standard, which currently anchors every
13 vaccine on New York State's schedule, is gone.
14 This means that the commissioner could recommend
15 a vaccine product approved by a foreign body or
16 anybody he personally chooses to designate.

17 There's no requirement that it
18 follow any of those recommendations. It's only
19 that recommendations are sought. The
20 commissioner ultimately can pick or choose which
21 organization he decides to listen to or which
22 organization he doesn't.

23 It's also any foreign body or
24 anybody he personally chooses to designate as a
25 recognized scientific organization, even if that

1 product hasn't been licensed by the FDA. And
2 that concerns me greatly and should concern
3 everyone of you in this chamber.

4 Concerns about language in this bill
5 that would allow organizations to directly
6 influence the commissioner's decisions.

7 Organizations that could fall under the vague
8 definition in the bill of "similar recognized
9 international organizations" are the World Health
10 Organization -- which, we may be aware, the
11 administration pulled the U.S. out of recently
12 due to its mishandling of the COVID-19 vaccine --
13 UNESCO, the United Nations Educational,
14 Scientific and Cultural Organization; the
15 People's Health Movement, which is an overtly
16 Marxist organization, and the Islamic
17 Organization for Medical Sciences, a premier
18 international nongovernmental scientific
19 organization that serves as a leading global
20 authority dedicated to bridging modern medical
21 advancements with Islamic jurisprudence, which is
22 Sharia law.

23 I'm concerned that the vague
24 language of the bill allows such dangerous
25 influence in our state's healthcare system. Only

1 vaccines that are recommended for routine use by
2 the federal ACIP are actually eligible for
3 reimbursement through the vaccine program, the
4 federal vaccine program. Which means that the
5 state would lose \$350 million at least coming
6 from the federal Vaccines for Children program,
7 not including the cost to administer the shots.
8 There's no plan for how that's actually going to
9 be replaced.

10 I understand that there may be
11 another program bill that's coming. But that
12 program bill simply says what Albany always says,
13 which is that health insurance companies are
14 going to have to bear the cost. Which ultimately
15 means you all that are paying health insurance
16 premiums, and everyone out there watching is
17 going to be the ones that actually wind up
18 bearing the cost that would have been covered by
19 the federal government.

20 Also, legal liability protection is
21 removed. The federal Vaccine Injury Program only
22 applies to vaccines that are approved by the
23 federal government. Which means that you are now
24 exposing doctors, you're exposing insurance
25 companies to potential liability, you're exposing

1 vaccine manufacturers and administrators to legal
2 liability for injuries that are caused by the
3 shots. And no doctor or healthcare company will
4 provide the vaccines without legal immunity.

5 This bill is certainly not
6 well-thought-out. And the issue is that it
7 creates certainly more problems than it solves.
8 The standards that we have now, the policies that
9 we have now have been working. For the state to
10 step in at this point and attempt to reinvent the
11 wheel, the Governor has done so in her bill very,
12 very poorly.

13 So I will be voting against this
14 bill, and I would recommend that my colleagues do
15 the same.

16 Thank you, Madam President.

17 ACTING PRESIDENT MAYER: Are there
18 any other Senators wishing to be heard?

19 Seeing and hearing none, debate is
20 closed.

21 Senator Gianaris.

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

25 ACTING PRESIDENT MAYER: The bill

1 is restored to the noncontroversial calendar.

2 Read the last section.

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

5 ACTING PRESIDENT MAYER: Call the
6 roll.

7 (The Secretary called the roll.)

8 ACTING PRESIDENT MAYER: Senator
9 Weik to explain her vote.

10 SENATOR WEIK: Thank you,
11 Madam President.

12 This is a very concerning bill.
13 This bill -- just one of the things this bill
14 does is to amend the definition of immunization
15 in the state statute, changing the law to provide
16 that it is not necessary to be based on the
17 federal recommendations, which should concern all
18 of us.

19 Once again, New York State, so
20 heavy-handed in mandating one-size-fits-all
21 medicine. Which we know, if I asked everybody in
22 this room to take an aspirin, many of you could
23 not, due to health concerns or other medication
24 you're taking, because there's no such thing as
25 one-size-fits-all medicine.

1 This eliminates individual medical
2 choice, which I know my colleagues on the other
3 side are very supportive of individual medical
4 choice. It eliminates individual medical
5 decisions. And it totally eliminates parental
6 consent, which is so important.

7 And for those reasons I'll be voting
8 in the negative.

9 ACTING PRESIDENT MAYER: Senator
10 Weik to be recorded in the negative.

11 Senator Stavisky to explain her
12 vote.

13 SENATOR STAVISKY: Yes, thank you,
14 Senator, for the questions.

15 I too am concerned. I'm concerned
16 about the widespread issue of communicable
17 diseases such as measles coming from Texas,
18 et cetera. I'm concerned about the fake science
19 coming out of Robert F. Kennedy, Jr.'s
20 department. There are many issues that concern
21 me.

22 And the issue -- one of the issues,
23 and I'm delighted to hear my friends on the other
24 side of the aisle talk about choice. But I also
25 want to emphasize that nobody -- aside from the

1 school part, nobody is saying to anybody that you
2 must immunize your child with the COVID vaccine.

3 Madam President, I vote aye.

4 ACTING PRESIDENT MAYER: Senator
5 Stavisky to be recorded in the affirmative.

6 Senator Gonzalez to explain her
7 vote.

8 SENATOR GONZALEZ: Thank you,
9 Madam President.

10 I just want to thank the bill's
11 sponsor. I do think this is a well-thought-out
12 bill. I'll be voting in the affirmative because
13 I believe in science and keeping children safe.

14 So thank you.

15 ACTING PRESIDENT MAYER: Senator
16 Gonzalez to be recorded in the affirmative.

17 Announce the results.

18 THE SECRETARY: In relation to
19 Calendar 658, voting in the negative are
20 Senators Ashby, Borrello, Canzoneri-Fitzpatrick,
21 Chan, Gallivan, Griffo, Helming, Lanza, Martinez,
22 Martins, Mattera, Murray, Oberacker, O'Mara,
23 Ortt, Palumbo, Rhoads, Rolison, Stec, Tedisco,
24 Walczyk, Weber and Weik.

25 Ayes, 39. Nays, 23.

1 ACTING PRESIDENT MAYER: The bill
2 is passed.

3 THE SECRETARY: Calendar Number
4 697, Senate Print 6570A, by Senator Harckham, an
5 act to amend the Environmental Conservation Law.

6 ACTING PRESIDENT MAYER: Senator
7 Walczyk, why do you rise?

8 SENATOR WALCZYK: Madam President,
9 I hope the sponsor would yield.

10 ACTING PRESIDENT MAYER: Senator
11 Harckham, will you yield?

12 SENATOR HARCKHAM: I do.

13 ACTING PRESIDENT MAYER: The
14 Senator yields.

15 SENATOR WALCZYK: Through you,
16 Madam President.

17 This bill increases the distributed
18 solar requirement of the CLCPA from 6 gigawatts
19 to 20 gigawatts, tripling even more the
20 requirement. Why?

21 SENATOR HARCKHAM: Through you,
22 Madam President.

23 While a lot can be said about the
24 CLCPA, distributed solar has been one of the
25 successes. We've already met the 6-gig mark. We

1 are now on track to surpass the 10-gig mark.

2 And so this bill, in addition to
3 increasing the goal -- you know, we've had a lot
4 of talk in this chamber about saving our
5 ratepayers money. This will save a billion
6 dollars annually, because this will lower
7 wholesale costs. And because this is distributed
8 solar, basically rooftop and subscription
9 community solar, people will also save directly
10 on their utility bills.

11 So as we talk about things like --
12 through you, Mr. President -- you know, in a
13 prior debate you were talking about, you know,
14 how do we replace the 4 or the 5 gigs of dirty
15 power. This could certainly be a way.

16 SENATOR WALCZYK: Through you,
17 Mr. President, would the sponsor continue to
18 yield?

19 ACTING PRESIDENT BAILEY: Yes,
20 Senator Walczyk, I'm back and better than ever.

21 Senator Harckham, do you yield?

22 SENATOR HARCKHAM: Through you,
23 Mr. President.

24 ACTING PRESIDENT BAILEY: The
25 Senator yields.

1 SENATOR WALCZYK: Through you,
2 Mr. President. Now, we're talking about solar
3 capacity, the nameplate, we're not talking about
4 capacity factor of solar when we say that
5 20 gigawatts, is that correct?

6 (Pause.)

7 SENATOR HARCKHAM: Through you,
8 Mr. President.

9 The capacity factor on the grid is
10 different than just the 20 gigs, and that is
11 regulated by things like demand, storage,
12 traffic.

13 And those are some of the other
14 things that this bill addresses, is using smart
15 technology to regulate the flow and the demand
16 and the peak and those sort of things that you're
17 referring to.

18 SENATOR WALCZYK: Would the sponsor
19 continue to yield?

20 ACTING PRESIDENT BAILEY: Will the
21 sponsor yield?

22 SENATOR HARCKHAM: Yes.

23 ACTING PRESIDENT BAILEY: The
24 Senator yields.

25 SENATOR WALCZYK: Yeah, but just

1 specifically, we're talking about nameplate
2 20 gigawatts, we're not talking about capacity
3 factor?

4 SENATOR HARCKHAM: Yeah. Through
5 you, Mr. President, yes.

6 SENATOR WALCZYK: And would the
7 sponsor continue to yield.

8 ACTING PRESIDENT BAILEY: Does the
9 sponsor yield?

10 SENATOR HARCKHAM: Yes.

11 ACTING PRESIDENT BAILEY: The
12 sponsor yields.

13 SENATOR WALCZYK: The capacity
14 factor for solar in New York is anywhere between
15 10 and 20 percent. That's the efficiency
16 obviously, you know, at nighttime, you're getting
17 close to zero solar. And we live in a climate
18 that's a little bit darker and a little bit more
19 cloudy than others, so we don't get as much
20 efficiency out of solar panels in New York.

21 How much energy do you anticipate
22 will actually be produced and put into the grid
23 from this 20 gigawatts of nameplate solar
24 capacity?

25 SENATOR HARCKHAM: Through you,

1 Mr. President. I just want to address one thing,
2 and then I'll check with counsel on the factoid.

3 But just because we don't have
4 sunlight in the evening doesn't mean in the
5 evening we can't take advantage of energy
6 produced via solar.

7 That's where battery storage comes
8 in, is that we are able to store low-cost power
9 from the sun and then we release it back into the
10 grid at times of higher demand, thereby lessening
11 our reliance on the spot market. And, you know,
12 that's another thing that we've spoken about
13 here.

14 But let me check on exact numbers.

15 (Pause.)

16 SENATOR HARCKHAM: Through you,
17 Mr. President, sorry for the delay.

18 It's really tough to quantify that
19 number because it does depend on a number of
20 factors, some of which you elicited.

21 However, solar has been such a
22 success in New York at driving down individual
23 residential rates, folks who have solar.

24 We look at the State of Texas. And
25 as colleagues know, I'm not one to often quote us

1 as saying we need to emulate Texas. But when we
2 talk about the difference in utility rates, it's
3 because of the high blend of renewables in their
4 portfolio. After they had the great blizzard of
5 a decade ago, all of their new generation -- all
6 of their new generation -- has been in
7 renewables. And according to the Texas state
8 comptroller, they've saved their ratepayers
9 \$30 billion.

10 So we know the smart use of
11 distributed solar and other renewable
12 technologies can lower costs, and that's what
13 this bill aims to do with this additional
14 deployment.

15 SENATOR WALCZYK: Would the sponsor
16 continue to yield?

17 ACTING PRESIDENT BAILEY: Will the
18 sponsor yield?

19 SENATOR HARCKHAM: Yes.

20 ACTING PRESIDENT BAILEY: The
21 sponsor yields.

22 SENATOR WALCZYK: I think it's kind
23 of a New York apples to Texas belt buckles
24 comparison, given the climates of the different
25 states. Texas also burns coal to keep their grid

1 stable, certainly something that we banned a
2 while ago in New York State.

3 But I want to ask, how many acres of
4 land across New York State would it require to
5 get to 20 gigawatts of the solar capacity that
6 you're proposing here?

7 SENATOR HARCKHAM: Through you,
8 Mr. President, that's a good question.

9 This is the smaller-size solar.
10 These are not the big projects that go before
11 ORES. These are not the big projects that, you
12 know, take up an entire valley of farmland.

13 A lot of this can be done on
14 individual rooftops. It can be done on warehouse
15 rooftops, on solar canopy over carports.

16 This is a much smaller footprint.
17 This also would allow farmers to use a portion of
18 their farmland and retain lease income as a way
19 to supplement their income and still have the
20 majority of their land for farming.

21 So this is -- this is really only up
22 to 5 megawatts. It's 1 megawatt to 5 megawatts.
23 That's about enough power for a little less than
24 a thousand homes.

25 So this is really the smaller,

1 low-impact. A lot of -- perfectly suitable for
2 urban and semi-urban communities as well.

3 SENATOR WALCZYK: Would the sponsor
4 continue to yield?

5 ACTING PRESIDENT BAILEY: Will the
6 sponsor yield?

7 SENATOR HARCKHAM: Yes.

8 ACTING PRESIDENT BAILEY: The
9 sponsor yields.

10 SENATOR WALCZYK: By my
11 calculations of the requirement for 20 gigawatts
12 of solar, you're looking at somewhere between
13 200,000 and 300,000 acres of land.

14 Do we have that many rooftops in
15 New York State?

16 SENATOR HARCKHAM: Through you,
17 Mr. President.

18 You know, with respect, I just don't
19 know where you got that calculation, so I'm not
20 going to comment on the calculation.

21 But through you, Mr. President. As
22 we discussed before, this is the smaller-scale
23 solar. This can be on individual rooftops, this
24 can be on warehouse rooftops, this can be on
25 shopping mall carports. This can be on municipal

1 parking lots.

2 In my district, the Village of
3 Croton, their Metro-North parking lot built a
4 massive solar canopy, which is a great use.

5 And so with the technology as
6 evolved as it has, panels are much, much more
7 efficient. They don't need the concentration of
8 sun that they used to. They can work quite well
9 in partial sun, partial shade.

10 I think -- I think one of the
11 biggest differences -- you know, we were talking
12 about Texas before. I think one of the biggest
13 differences, Mr. President, is that they don't
14 have local zoning. They -- you know, you can
15 have a Home Depot next to a residence, you know,
16 and that's just Texas's state policy.

17 All of these would be subject to
18 local planning zoning or special-use permit,
19 depending on the local municipality's laws and
20 zoning surrounding these things.

21 So there will be local control. I
22 know we like to talk a lot about local control
23 and mandates. With this size project, all of
24 them will be under local control.

25 SENATOR WALCZYK: Mr. President,

1 would the sponsor continue to yield?

2 ACTING PRESIDENT BAILEY: Will the
3 sponsor yield?

4 SENATOR HARCKHAM: Yes.

5 ACTING PRESIDENT BAILEY: The
6 sponsor yields.

7 SENATOR WALCZYK: Through you,
8 Mr. President. You mentioned that these are just
9 the smaller projects, but you're moving the
10 threshold in the CLCPA from 6 to 20 gigawatts.

11 Where in this bill can I find that
12 these are just smaller projects and just going on
13 rooftops, not on farmland, as we've seen thus
14 far?

15 SENATOR HARCKHAM: Through you,
16 Mr. President. To answer your question, those
17 details are in the NY-Sun program, which is part
18 of this bill. NY-Sun was part of the stimulus
19 program that helped us get to -- we're now at
20 about 8 gigawatts. We've surpassed the 6.

21 And so one of the elements of this
22 bill, one of the three major components, calls
23 for the PSC and NYSERDA to restart NY-Sun.
24 That's where those criteria are laid out, between
25 1 and 5 megawatts.

1 And just by their nature, those
2 projects are not the massive -- they can't be
3 greater than 5 megawatts, and so those are not
4 the massive ones.

5 For instance, I saw a proposed site
6 with Senator Hinchey in Columbia County where
7 this company literally wanted to take an entire
8 valley that was, by my guess, what, a mile, two
9 miles long? You know, it would have been
10 massive.

11 These are nothing, nothing like
12 that.

13 SENATOR WALCZYK: Mr. President,
14 would the sponsor continue to yield?

15 ACTING PRESIDENT BAILEY: Will the
16 sponsor yield?

17 SENATOR HARCKHAM: Yes.

18 ACTING PRESIDENT BAILEY: The
19 sponsor yields.

20 SENATOR WALCZYK: Yeah, back to the
21 amount of land. So we've seen, you know, often,
22 in order to fall into that part of the program,
23 I've seen solar developers pair up multiple
24 5 megawatt solar fields next to each other in
25 order to meet that requirement.

1 My question is specifically, is
2 there a land prohibition here? This is just for
3 rooftops, as you've displayed, or will people
4 also be able to put solar panels on land?

5 SENATOR HARCKHAM: Through you,
6 Mr. President. They will be able to put solar on
7 land.

8 SENATOR WALCZYK: Would the sponsor
9 continue to yield.

10 ACTING PRESIDENT BAILEY: Will the
11 sponsor yield?

12 SENATOR HARCKHAM: Momentarily, I
13 will yield. I may need to amend the answer.

14 ACTING PRESIDENT BAILEY: The
15 sponsor will yield momentarily.

16 (Pause.)

17 SENATOR HARCKHAM: So through you,
18 Mr. President, New York City alone -- again, just
19 talking about the amount of rooftops, New York
20 City alone has 40,000 acres of rooftop. So
21 that's not to say we're going to put solar panels
22 on every building in New York City.

23 But just as an example of the kind
24 of real estate there is, that's just in the five
25 boroughs of New York City.

1 However, having said that, when I
2 was in Israel 12 years ago -- I guess 13 years
3 ago now -- literally every building and every
4 home had solar on it. And that was 13 years ago.
5 So others are ahead of us in this game.

6 But certainly the thing about
7 rooftop solar is that is the one thing that best
8 lowers utility rates, because we're allowing
9 folks to generate their own power. And so, you
10 know, that hasn't been -- rooftop solar hasn't
11 really been a partisan thing, because people just
12 enjoy saving money, and they're generating their
13 own power.

14 So what we're trying to do is bring
15 back the program that enabled that, that's been
16 so successful, and expand it.

17 And we also, when we talk about --
18 through you, Mr. President -- you had mentioned
19 in an earlier debate, and you're correct, about
20 clean power upstate, dirty power downstate. This
21 is an opportunity to get more solar generation
22 down in our population centers where we do need
23 the generation.

24 And so we're not recommending only
25 expensive transmission, you know, to send power

1 hundreds of miles, but we're actually generating
2 it where we need it, and thus making the grid
3 more resilient.

4 SENATOR WALCZYK: Mr. President,
5 would the sponsor continue to yield.

6 ACTING PRESIDENT BAILEY: Will the
7 sponsor yield?

8 SENATOR HARCKHAM: Yes.

9 ACTING PRESIDENT BAILEY: The
10 sponsor yields.

11 SENATOR WALCZYK: That's a great
12 figure -- through you, Mr. President, that's a
13 great figure, 40,000 acres in New York City.

14 So I calculated between 200,000 and
15 300,000 acres would be required to meet that
16 20 gigawatts that you're adding here in this
17 bill.

18 Where would that acreage come from,
19 or what is your number on what that acreage
20 requirement would be for the amount of
21 distributed solar in New York?

22 SENATOR HARCKHAM: Through you,
23 Mr. President, we don't have that calculation.
24 However, we talked about individual homes, we've
25 talked about warehouses, we talk about

1 parking lots, we talk about SUNY campuses, we
2 talk about Metro-North and other mass transit
3 parking lots. We talk about alongside the
4 right-of-ways of our highways.

5 In the Netherlands -- a friend of
6 mine was there not too long ago from the
7 Assembly, and she sent me a video, just along the
8 median was solar for as long as they were
9 driving. And that was not taking up farmland,
10 that was not taking up private property. That
11 was simply the median. And it was also serving
12 as a sound barrier to the folks who lived on the
13 other side.

14 The Koreans are now using what are
15 called solar trees. So we're not spreading solar
16 out all -- you know, they're going vertical.

17 The Chinese have really invested in
18 floating voltaics. They did a 1-gigawatt system,
19 and 1 gigawatt is massive -- that was the first
20 nuclear goal that the Governor had for the
21 state -- they did a 1 gigawatt off their shore.

22 So there are plenty of places that
23 we can look to do solar that the rest of the
24 world is actually doing without taking up
25 prime farmland. I know that is a concern of our

1 conference, I know it's a concern of your
2 conference. Senator Hinchey has been very vocal
3 on this issue.

4 And that's the beauty of this versus
5 utility-scale solar, because utility-scale solar
6 has to have that kind of land. This does not.
7 This can fit in with the local environment.

8 SENATOR WALCZYK: Would the sponsor
9 continue to yield.

10 ACTING PRESIDENT BAILEY: Will the
11 sponsor yield?

12 SENATOR HARCKHAM: Yes.

13 ACTING PRESIDENT BAILEY: The
14 sponsor yields.

15 SENATOR WALCZYK: But use of
16 farmland is not prohibited in this legislation,
17 as long as it's 5 megawatts or less. The
18 projects could be next to each other, is that
19 correct?

20 SENATOR HARCKHAM: Through you,
21 it -- no, farmland is not prohibited, other
22 than -- but this is subject to local control and
23 local zoning.

24 So if a local zoning board, a local
25 planning board or if they needed to go to a town

1 board for a special-use permit, the local
2 municipality could deny that use. Because this
3 is not a state-implemented zoning override, there
4 is still local control. So it's subject to local
5 planning authorities.

6 SENATOR WALCZYK: Would the sponsor
7 continue to yield?

8 ACTING PRESIDENT BAILEY: Will the
9 sponsor yield?

10 SENATOR HARCKHAM: Yes.

11 ACTING PRESIDENT BAILEY: The
12 sponsor yields.

13 SENATOR WALCZYK: Utility companies
14 would have to build interconnection by order of
15 the PSC under this legislation. How much will
16 that cost ratepayers?

17 SENATOR HARCKHAM: Well, ultimately
18 this is going save ratepayers money. Because
19 what's happened is the cost of interconnection
20 has risen over fivefold in the last five years.

21 And a big part of that is because
22 the costs are not disclosed, there's no
23 transparency. It's hard to plan. And utility
24 companies get reimbursed for big capital costs,
25 so it's in their interests to build the more

1 expensive project.

2 So this would use best technology
3 available. In some cases we're talking about
4 using software instead of hardware to make our
5 grid smarter and to really study where we need to
6 make those grid improvements. There are places
7 where we can -- we can just connect to the grid
8 without having to build a million-and-a-half-
9 dollar substation, you know.

10 And these are the kind of things
11 that have been hampering the industry, the
12 private sector, from really being able to
13 explode. And so these are the kind of things
14 this bill will address. And ultimately lower
15 costs, not increase costs.

16 SENATOR WALCZYK: Would the sponsor
17 continue to yield?

18 ACTING PRESIDENT BAILEY: Will the
19 sponsor yield?

20 SENATOR HARCKHAM: Yes.

21 ACTING PRESIDENT BAILEY: The
22 sponsor yields.

23 SENATOR WALCZYK: Through you,
24 Mr. President. And I know you've included some
25 cost transparency requirements for the utility

1 companies on that. I would ask for some cost
2 transparency requirements for the ratepayers.

3 I know you say ultimately they're
4 going to enjoy cost savings. Many of my
5 constituents see this buildout and don't believe
6 that they're ever going to see cost savings.

7 Could you be honest and let the body
8 know how much this is going to cost ratepayers
9 up-front to build the interconnection for
10 distributed solar?

11 (Pause.)

12 SENATOR HARCKHAM: Okay, one of the
13 things, one of the provisions in here -- and
14 thank you for your patience, Senator -- is it --
15 it has to do with greater certainty for cost
16 overruns. Because right now the company that is
17 doing the development has no ability to address
18 the interconnection and the cost overruns,
19 because utilities traditionally build that.

20 So built into this bill are
21 self-serve provisions where Avangrid and
22 National Grid already have very successful pilots
23 that allow the company to build the
24 interconnection themselves using the labor
25 standards -- because our utilities are union

1 shops, they would use union labor. But they can
2 build them on a much faster timetable, and they
3 have a vested interest in controlling the cost.

4 And so then the commission (reading)
5 shall issue an order to increase cost certainty
6 and counteract utility cost overruns within
7 180 days of the effectiveness of that section.

8 So it does address cost overruns,
9 and it does provide for mechanisms where
10 companies have an incentive to do the work
11 themselves and lower costs for consumers.

12 SENATOR WALCZYK: Would the sponsor
13 continue to yield?

14 ACTING PRESIDENT BAILEY: Will the
15 sponsor yield?

16 SENATOR HARCKHAM: Yes.

17 ACTING PRESIDENT BAILEY: The
18 sponsor yields.

19 SENATOR WALCZYK: My question was
20 specifically how much is it going to cost the
21 utility ratepayers up-front.

22 SENATOR HARCKHAM: Through you,
23 Mr. President. We are not aware of that yet
24 because this is a project-by-project basis and a
25 utility-by-utility basis.

1 Right now these costs are eaten by
2 the development company. That's one of the
3 reasons why there's an argument against allowing
4 utilities to do these projects. Because if
5 utilities can develop and own solar, they will
6 pass along the costs directly to the ratepayers.

7 These contracts are competitive
8 through NYSERDA. And so therefore these
9 companies can't pass the costs along to
10 ratepayers because they are the developers of the
11 project.

12 And it's competitively bid. And so
13 if there is a cost overrun, it's up to the
14 developer to eat that cost, as opposed to a
15 utility can pass that cost along.

16 SENATOR WALCZYK: Would the sponsor
17 continue to yield.

18 ACTING PRESIDENT BAILEY: Will the
19 sponsor yield?

20 SENATOR HARCKHAM: Yes.

21 ACTING PRESIDENT BAILEY: The
22 sponsor yields.

23 SENATOR WALCZYK: There's a perfect
24 illustration. So currently solar developers are
25 also in charge of that interconnection at the

1 cost of ratepayer subsidies, in some cases for
2 PILOTs, taxpayer money, tax credits, all of the
3 things that the developers put together to pay
4 for that interconnection.

5 My question, again, is how much is
6 it going to cost the ratepayers when you shift
7 that interconnection onto the utility companies
8 so now people are paying for the interconnection
9 on their utility bills?

10 (Pause.)

11 SENATOR HARCKHAM: Through you,
12 Mr. President. We need to look at the net
13 number. And the net number is a billion dollar
14 savings annually. That's what the net number is.

15 So there may be an initial cost --
16 and let's be frank. If we don't build another
17 solar panel in the State of New York, we still
18 have a lot of expensive grid work to do. We are
19 not going to shield ratepayers from that. Like,
20 we just cannot go on with the 1850s grid that we
21 have now.

22 I think we all recognize that our
23 grid is not capable of the demand, whatever
24 source that is. Whether it's natural gas,
25 whether it's coal, whether it's burning wood, you

1 know, we still need to upgrade our grid.

2 These upgrades will lead to
3 efficiencies of a billion dollars a year savings.
4 The aggregate total will be 50 billion over the
5 life of those panels in direct utility bill
6 savings, and then 28 billion in indirect savings
7 through wholesale prices. And employ an
8 additional 15,000 jobs; an estimated 3.6 billion
9 in benefits for host communities. That's
10 property taxes that's going to our local
11 communities.

12 You know, and we haven't even
13 mentioned, you know, because it's no longer
14 something folks want to talk about, but let's
15 talk about the greenhouse gas emissions and
16 displacement, as we had the debate earlier about
17 the peaker plants.

18 SENATOR WALCZYK: Mr. President,
19 would the sponsor continue to yield.

20 ACTING PRESIDENT BAILEY: Will the
21 sponsor yield?

22 SENATOR HARCKHAM: Yes.

23 ACTING PRESIDENT BAILEY: The
24 sponsor yields.

25 SENATOR WALCZYK: I see that it's

1 going to be difficult for me to find out how much
2 the ratepayers are going to be paying for
3 probably various portions of this bill, so I'm
4 going to skip some of those.

5 But I do have a question. On
6 page 3, under 6A, you're talking about
7 distributed energy resource capacity expansion.
8 And the -- so line 10, create distributed energy
9 resource hosting capacity. Are you talking about
10 batteries in that section?

11 SENATOR HARCKHAM: Through you,
12 Mr. President. No, that would not mean
13 batteries.

14 Distributed solar energy --
15 distributed energy would be -- would be the solar
16 energy.

17 SENATOR WALCZYK: Okay, thanks.

18 Mr. President, on the bill.

19 ACTING PRESIDENT BAILEY: Senator
20 Walczyk on the bill.

21 SENATOR WALCZYK: This bill would
22 require that the state see more than, by my
23 calculation, one out of every 200 acres in the
24 State of New York, whether it be rooftop -- well,
25 we don't have that many rooftops -- be covered in

1 solar panels.

2 It requires ratepayers to pay
3 directly for the cost of connecting solar to the
4 grid, and indirectly for this whole experiment.

5 Solar panels are getting better.
6 They're still only 10 to 20 percent efficient in
7 our state. And covering New York State with
8 solar panels to have less reliable, more
9 fluctuating power is not fiscally prudent, in my
10 opinion not smart, and not very forward thinking.

11 ORES has ignored the will of the
12 people and their local governments.

13 Last week a package of bills
14 pretended that we were going to do something
15 about energy costs in the State of New York.
16 This bill does not pretend. This bill will lower
17 property values, it will reduce natural beauty
18 and, ultimately, New York's population. The only
19 thing that will continue to go up is our electric
20 rates in the State of New York.

21 I'll be voting no and encourage my
22 colleagues to do the same.

23 ACTING PRESIDENT BAILEY: Thank
24 you, Senator Walczyk.

25 Are there any other Senators wishing

1 to be heard?

2 Seeing and hearing none, debate is
3 closed.

4 Senator Gianaris.

5 SENATOR GIANARIS: Mr. President,
6 we've agreed to restore this bill to the
7 noncontroversial calendar.

8 ACTING PRESIDENT BAILEY: The bill
9 is restored to the noncontroversial calendar.

10 But as a point of personal
11 privilege, we have three new viewers. Hello,
12 Giada, Carina and Julian, watching at home. Hope
13 you're not watching for too long, because it's
14 bedtime.

15 Read the last section.

16 THE SECRETARY: Section 8. This
17 act shall take effect immediately.

18 ACTING PRESIDENT BAILEY: Call the
19 roll.

20 (The Secretary called the roll.)

21 ACTING PRESIDENT BAILEY: Senator
22 May to explain her vote.

23 SENATOR MAY: Thank you,
24 Mr. President.

25 And I want to thank Senator Harckham

1 for this good piece of legislation.

2 Residential solar is wildly popular,
3 and cutting red tape for permitting rooftop solar
4 is even more so. I heard a statistic of a poll
5 that showed 90 percent of New Yorkers support
6 this.

7 Cutting red tape also leads to
8 cutting costs, because it delivers economies of
9 scale and it reduces the amount of staff required
10 to process the paperwork and all that kind of
11 thing.

12 So this kind of policy really is
13 going to bring a new day, in some ways, to
14 New York's energy landscape.

15 The petrochemical industry has been
16 investing heavily in sowing fear and loathing
17 about solar power, because this is precisely the
18 type of innovation that can free us from the
19 expensive peak energy from gas and oil and
20 coal-fired power plants that are what drive up
21 our costs so much.

22 If people can power their own
23 air-conditioners in a heat wave, all of a sudden
24 the oil interests can't just price-gouge us when
25 we have a heat wave.

1 This is a game-changer. It is one
2 that politicians who are funded by fossil fuel
3 dollars no doubt oppose, but the rest of us see
4 this as progress. And I proudly vote aye.

5 Thank you.

6 ACTING PRESIDENT MAYER: Senator
7 May to be recorded in the affirmative.

8 Senator Harckham to explain his
9 vote.

10 SENATOR HARCKHAM: Thank you,
11 Madam President.

12 You know, it's been sort of a
13 curious experiment the last couple of weeks as
14 we've taken up a number of energy bills and
15 energy affordability bills. We'll have very
16 interesting debates with probing questions, and
17 then we just hear conclusions from the other side
18 of the aisle that are -- just don't fit any fact
19 pattern that has come from the debate.

20 And I was really encouraged by some
21 of the questions that we were talking about.
22 But, you know, the notion that somehow solar
23 power decreases property values -- the absolute
24 opposite is homes that have solar panels on them
25 have higher property values, because folks have a

1 cheaper cost of living because they're generating
2 their own electricity.

3 This bill is a very simple bill. As
4 Senator May mentioned, it cuts red tape to let
5 the private sector do what they do well. It will
6 save our constituents a billion dollars a year.
7 That's not Pete Harckham saying that, that's
8 Synapse Energy Economics. They did an
9 independent analysis. We're looking at
10 \$58 billion over the life of the bill.

11 You know, we talk in this chamber
12 about saving our constituents money, and when we
13 have an easy way to do it all of a sudden we go
14 back to the fallback position that no, we can't
15 do that, it's got to be fossil fuels.

16 The simple fact is a kilowatt of
17 renewable energy is cheaper than a kilowatt of
18 fossil-fuel energy. That's just a fact. And
19 that's why 88 percent of the world's new
20 generation last year, of the entire world, was
21 renewable.

22 And so the state of Texas, the red
23 state of Texas, all of their new generation has
24 been in renewables, because it saves their
25 constituents \$30 billion.

1 This should not be a partisan issue.
2 Kelly Ann Conway is now on the solar bug. Newt
3 Gingrich is on the solar bug. Recent polling has
4 shown the majority of the Republican Party has
5 gotten the solar bug.

6 So our conference to the other side
7 of the aisle is clearly on the extreme of this
8 issue. This is a nonpartisan issue. This is a
9 bill that's good for New York ratepayers. I
10 thank colleagues for standing strong.

11 I vote aye.

12 ACTING PRESIDENT MAYER: Senator
13 Harckham to be recorded in the affirmative.

14 Senator Walczyk to explain his vote.

15 SENATOR WALCZYK: Thank you,
16 Madam President.

17 Throughout the course of the debate
18 I think I asked at least five times what this
19 would cost ratepayers, and I was given an answer
20 of ultimately they'll save a lot of money, over
21 and over again, not what it will cost them. So
22 you can't even do a cost-benefit analysis.

23 It's going to be expensive. People
24 across the State of New York have seen how much
25 solar we've installed. They're asking, when do I

1 get to save money? I'm asking the same question,
2 and I can't get an answer for how much this is
3 going to cost.

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

5 ACTING PRESIDENT MAYER: Senator
6 Walczyk to be recorded in the negative.

7 Announce the results.

8 THE SECRETARY: In relation to
9 Calendar 697, voting in the negative are
10 Senators Borrello, Canzoneri-Fitzpatrick, Chan,
11 Gallivan, Griffo, Helming, Martins, Oberacker,
12 O'Mara, Ortt, Stec, Walczyk, Weber and Weik.
13 Also Senator Tedisco.

14 Ayes, 47. Nays, 15.

15 Excuse me. And also Senator Rhoads.

16 Ayes, 46. Nays, 16.

17 ACTING PRESIDENT MAYER: The bill
18 is passed.

19 THE SECRETARY: Calendar Number
20 698, Senate Print 8512B, by Senator Krueger, an
21 act to amend the Public Service Law.

22 ACTING PRESIDENT MAYER: Senator
23 Walczyk, why do you rise?

24 SENATOR WALCZYK: Madam President,
25 I hope someone will answer some questions.

1 ACTING PRESIDENT MAYER: Yes, I
2 believe that Senator Parker is going to handle
3 this bill on behalf of Senator Krueger.

4 Do you agree to questions?

5 SENATOR PARKER: If I must.

6 (Laughter.)

7 ACTING PRESIDENT MAYER: Yes, the
8 Senator agrees.

9 SENATOR WALCZYK: Through you,
10 Madam President.

11 There's no obligation, but thank you
12 for yielding.

13 The CLCPA has renewable targets
14 overseen by the Department of Public Service. I
15 understand balcony solar could reduce some of the
16 net load in the grid.

17 How would this fit into the
18 framework of the CLCPA?

19 SENATOR PARKER: Madam President,
20 through you.

21 As you know, the CLCPA, which, you
22 know, we lovingly call the Climate Leadership and
23 Community Protection Act, is the ruling guide for
24 environmental energy policy in our state. The
25 whole idea is to reduce methane and -- and carbon

1 footprint across the State of New York.

2 And part one of the big drivers for
3 both methane and CO2 is natural gas and other
4 fossil fuels that are burnt in the production of
5 energy.

6 The more sustainable clean energy we
7 can produce, the less reliant both our
8 constituents and the state is on fossil fuels.

9 What this bill does is allow for
10 plug-in solar. It actually puts the power
11 literally in the hands of our constituents. It
12 allows them to generate their own electricity and
13 simultaneously both reduce their carbon footprint
14 and their energy bills, immediately.

15 These systems are used widely across
16 the world, particularly in Germany, where there's
17 over 4 million units being used as we speak. In
18 fact, 4 million and one, because they just
19 apparently just added one just recently as I was
20 talking.

21 So there is a, you know, widely used
22 energy technology that's being used by
23 residential energy customers in Germany. We
24 believe that this is going to be important for
25 here in New York. And we believe that it's going

1 to help our customers reduce the carbon footprint
2 of New York, both their own and the collective
3 carbon footprint. It will produce energy for
4 folks and simultaneously reduce their energy
5 bills.

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

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

10 SENATOR PARKER: Of course,
11 Madam President.

12 ACTING PRESIDENT MAYER: The
13 sponsor yields.

14 SENATOR WALCZYK: My question was,
15 how does this fit into the framework of the
16 CLCPA?

17 SENATOR PARKER: Madam President,
18 again, the CLCPA is the ruling guide for the
19 state. It directs us to reduce our carbon
20 footprint and our methane footprint by producing
21 less energy than using fossil fuels.

22 This bill encourages residential
23 solar. The more residential solar we are
24 producing, the less carbon-producing fossil fuels
25 we have to burn to produce energy.

1 So this fits within the context of
2 the CLCPA by giving residents an opportunity to
3 produce their own electricity, thus reducing
4 their CO2 and methane footprint and the
5 collective footprint of us in the state, as well
6 as simultaneously producing energy and lowering
7 their energy costs.

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

10 ACTING PRESIDENT MAYER: Do you
11 continue to yield?

12 SENATOR PARKER: Yes,
13 Madam President.

14 ACTING PRESIDENT MAYER: The
15 sponsor yields.

16 SENATOR WALCZYK: Through you,
17 Madam President, let me ask it another way, if I
18 can.

19 Will the utility companies be
20 getting credit for the zero emissions from
21 balcony solar or will the -- how does that get
22 calculated within the framework of the CLCPA? I
23 understand the goal here. I just want to know
24 how it fits into the framework.

25 (Pause.)

1 SENATOR PARKER: Okay. Through
2 you, Madam President. The expert analysis that
3 I've been provided is indicating a couple of
4 things. It's really primarily bifurcated.

5 Overall, offset usage is going to be
6 somewhere between 12 and 18 percent. Everything
7 under 390 kilowatts is going to be credited to
8 residential customers. Above that, 391 and
9 above -- and I think it's to 1200, will then be
10 net-metered.

11 And so that's how the crediting will
12 happen by the utility and the customer.

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

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

17 SENATOR PARKER: Yes,
18 Madam President.

19 ACTING PRESIDENT MAYER: The
20 sponsor yields.

21 SENATOR WALCZYK: This bill caps
22 systems at 1.2 kilowatts per meter. I'm assuming
23 that's because of the wire requirement within our
24 code because these are plug in right off of your
25 balcony.

1 How does it address multiple systems
2 in aggregate if you're getting more than one of
3 these balcony solar systems?

4 SENATOR PARKER: Madam President,
5 through you. It can't be more than 1200 --
6 what's the unit?

7 Madam President, through you, it
8 cannot be collectively more than 1200 kilowatts
9 per resident.

10 SENATOR WALCZYK: Madam President,
11 would the sponsor continue to yield.

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

14 SENATOR PARKER: Yes,
15 Madam President.

16 ACTING PRESIDENT MAYER: The
17 sponsor yields.

18 SENATOR WALCZYK: On page 2,
19 line 17, you require -- the sponsor requires
20 compliance with the Fire Code. The Fire Code I
21 assume would be addressing egress, because we're
22 talking about balcony solar here.

23 Does the Fire Code requires GFIs or
24 circuit breakers or something to ensure that that
25 area of whatever room is plugged into is not

1 overloaded?

2 SENATOR PARKER: Madam President,
3 through you.

4 The requirements around allowing
5 these systems to be safely operated by residents
6 is actually regulated through the Department of
7 State through the Fire Code Council of -- in the
8 State -- the Secretary of State's office. Right?

9 And so it is a code that is used
10 generally statewide, right, and is congruous with
11 local fire rules and regulations.

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

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

16 SENATOR PARKER: Yes.

17 ACTING PRESIDENT MAYER: The
18 sponsor yields.

19 SENATOR WALCZYK: Through you,
20 Madam President, there is an anti-islanding
21 feature required to ensure that the power needs
22 to shut off and that the panel isn't feeding into
23 the grid when the power needs to be shut off. I
24 saw that in this bill.

25 Is that correct?

1 SENATOR PARKER: Madam President,
2 yes, that is correct.

3 SENATOR WALCZYK: Would the sponsor
4 continue to yield?

5 SENATOR PARKER: Yes.

6 ACTING PRESIDENT MAYER: The
7 sponsor yields.

8 SENATOR WALCZYK: Through you,
9 Madam President.

10 So how do -- how, if you're
11 net-metering, does the utility have -- does the
12 utility have some kind of mechanism within these
13 panels to control its power if they're
14 net-metering?

15 SENATOR PARKER: Madam President,
16 through you. These plug-in devices have a
17 built-in control for that purpose.

18 SENATOR WALCZYK: Would the sponsor
19 continue to yield?

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

22 SENATOR PARKER: Yes,
23 Madam President.

24 ACTING PRESIDENT MAYER: The
25 sponsor yields.

1 SENATOR WALCZYK: Through you,
2 Madam President. The National Electric Code --
3 and I know you mentioned Germany. It took
4 Germany a few years to get their national
5 electric code ready for this.

6 Our National Electric Code hasn't
7 addressed this at all, but I know a number of
8 states across the country, because of consumer
9 demand, and understandably so, a number of states
10 are passing it.

11 Is there anything in New York
12 State's code that specify addresses this?

13 SENATOR PARKER: Madam President,
14 through you. The current code that we have is
15 adequate to address this.

16 As we talk about, you know, globally
17 where these systems are used, and specifically
18 Germany, where over 4 million are being -- what,
19 4 million and 10 now, because there have been a
20 number added since we started this debate. They
21 have all worked with relative harmony and without
22 incident.

23 So, you know, the safety concerns,
24 you know, that are trying to be raised here
25 really are a red herring for I guess something

1 else, because there's no record of significant
2 problems with these systems.

3 (Pause.)

4 SENATOR WALCZYK: Would the sponsor
5 continue to yield?

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

8 SENATOR PARKER: Yes.

9 ACTING PRESIDENT MAYER: The
10 Senator yields.

11 SENATOR WALCZYK: Sorry about the
12 awkward pause. I thought you were going to give
13 something else, but you were just reading.

14 SENATOR PARKER: Thank you. No,
15 for sure.

16 SENATOR WALCZYK: Through you,
17 Madam President.

18 And I see that there's a requirement
19 like there is in Germany for users to tell their
20 utility when they purchase one of these balcony
21 solar devices.

22 Is there an incentive in this bill
23 for users to tell -- because you mentioned
24 4 million and 10, but I think there are in the
25 hundreds of thousands of registered devices. So

1 obviously there's millions more than have
2 registered in Germany.

3 Is there an incentive for
4 New Yorkers to tell their utility -- I know there
5 are requirements there, but anything that would
6 encourage them to do so?

7 SENATOR PARKER: Madam President,
8 through you. There's no incentive, but there is
9 a requirement that the utility be notified.

10 SENATOR WALCZYK: Thank you.
11 Madam President, on the bill.

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

14 SENATOR WALCZYK: I appreciate your
15 answers.

16 I think especially as New Yorkers
17 are facing high utility costs, consumers are
18 looking for options, and I think this is one
19 smart way that they can control some of those
20 things.

21 I do think we have more work to do.
22 So as I will support this bill and encourage my
23 colleagues also to consider the things that we
24 discussed in the debate, I don't think we're done
25 yet.

1 I think there's some things that we
2 need to address on safety and how this syncs up
3 with our entire grid as these start to pour into
4 New York if this bill becomes law.

5 And with that, thank you,
6 Madam President.

7 ACTING PRESIDENT MAYER: Thank you,
8 Senator Walczyk.

9 Are there any other Senators wishing
10 to be heard?

11 Seeing and hearing none, debate is
12 closed.

13 Senator Gianaris.

14 SENATOR GIANARIS: Madam President,
15 for the final time today, we've agreed to restore
16 this bill to the noncontroversial calendar.

17 ACTING PRESIDENT MAYER: The bill
18 has been restored to the noncontroversial
19 calendar.

20 Read the last section.

21 THE SECRETARY: Section 5. This
22 act shall take effect immediately.

23 ACTING PRESIDENT MAYER: Call the
24 roll.

25 (The Secretary called the roll.)

1 ACTING PRESIDENT MAYER: Senator
2 May to explain her vote.

3 SENATOR MAY: Thank you,
4 Madam President.

5 I rise to express my support for
6 this bill, but also to read a statement by the
7 sponsor. I think it's appropriate, at the end of
8 this long day, to give her the last word and just
9 to say, Liz, if you're watching, your stamina is
10 tremendous. And we miss you. And we're -- I'm
11 very proud to be able to support your bill.

12 And this is what Senator Krueger
13 sent me to say:

14 "I'd like to thank all my colleagues
15 for supporting the SUNNY Act. This is a
16 commonsense bill that should be a no-brainer to
17 allow so many more of our constituents to have
18 access to cheap, clean solar power, be part of
19 the solution to the climate crisis, and shave a
20 little bit off of their electric bill every
21 month.

22 "That's why there are already
23 4 million of these systems safely deployed in
24 Germany and why bills like SUNNY are sweeping
25 across the U.S. this year.

1 "Plug-in solar won't radically
2 transform the grid or your energy bill, but it
3 could save you a few hundred dollars a year and
4 it could help shave off the peak demand on the
5 grid that requires the most expensive investments
6 from all ratepayers.

7 "Adding together many small changes
8 at an individual and societal level, like SUNNY
9 and the other bills we're passing today is the
10 way we will beat climate change, save New Yorkers
11 money, and deliver real energy independence.

12 "It is far too late in the day to be
13 considering rolling back our climate progress and
14 our ambitions. We must keep moving forward."

15 I vote aye.

16 ACTING PRESIDENT MAYER: Thank you,
17 Senator May, for reading Senator Krueger's
18 comments on today's bill.

19 Announce the results.

20 THE SECRETARY: Ayes, 62.

21 ACTING PRESIDENT MAYER: The bill
22 is passed.

23 Senator Gianaris, that completes the
24 reading of the controversial calendar.

25 SENATOR GIANARIS: Is there any

1 further business at the desk?

2 ACTING PRESIDENT MAYER: There is
3 no further business at the desk.

4 SENATOR GIANARIS: I move to
5 adjourn until tomorrow, Wednesday, April 22nd, at
6 11:00 a.m.

7 ACTING PRESIDENT MAYER: On motion,
8 the Senate stands adjourned until Wednesday,
9 April 22nd, at 11:00 a.m.

10 (Whereupon, at 8:28 p.m., the Senate
11 adjourned.)

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