

1 NEW YORK STATE SENATE

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3
4 THE STENOGRAPHIC RECORD

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8
9 ALBANY, NEW YORK

10 May 26, 2026

11 10:15 a.m.

12
13
14 REGULAR SESSION

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17
18 SENATOR ROXANNE J. PERSAUD, Acting President

19 ALEJANDRA N. PAULINO, ESQ., Secretary

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

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

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

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

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

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

13 ACTING PRESIDENT PERSAUD: Reading
14 of the Journal.

15 THE SECRETARY: In Senate, Monday,
16 May 25, 2026, the Senate met pursuant to
17 adjournment. The Journal of --

18 ACTING PRESIDENT PERSAUD: May we
19 have order in the chamber, please.

20 THE SECRETARY: The Journal of
21 Sunday, May 24, 2026, was read and approved. On
22 motion, the Senate adjourned.

23 ACTING PRESIDENT PERSAUD: Without
24 objection, the Journal stands approved as read.

25 Presentation of petitions.

1 Messages from the Assembly.
2 Messages from the Governor.
3 Reports of standing committees.
4 Reports of select committees.
5 Communications and reports from
6 state officers.

7 Motions and resolutions.

8 Senator Gianaris.

9 SENATOR GIANARIS: Good morning,
10 Madam President.

11 ACTING PRESIDENT PERSAUD: Good
12 morning.

13 SENATOR GIANARIS: Amendments are
14 offered to the following Third Reading Calendar
15 bills:

16 By Senator Gonzalez, page 15,
17 Calendar 434, Senate Print 7263;

18 Senator Skoufis, page 15,
19 Calendar 435, Senate Print 4037B;

20 Senator Myrie, page 31,
21 Calendar 884, Senate Print 9960A;

22 Senator Scarcella-Spanton, page 49,
23 Calendar 1138, Senate Print 4922A;

24 Senator Skoufis, page 53,
25 Calendar 1181, Senate Print 5998B;

1 Senator Kavanagh, page 53,
2 Calendar 1183, Senate Print 8118A;

3 Senator Skoufis -- I'm sorry,
4 Senator Kavanagh again, 1183 -- that's
5 duplicative.

6 Those, Madam President.

7 (Laughter.)

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

11 Senator Gianaris.

12 SENATOR GIANARIS: Please call on
13 Senator Lanza for a motion.

14 ACTING PRESIDENT PERSAUD: Senator
15 Lanza.

16 SENATOR LANZA: Thank you,
17 Senator Gianaris.

18 Madam President, amendments are
19 offered to the following Third Reading Calendar
20 bills:

21 Senator Stec, page 27, Calendar 784,
22 Senate Print 9318B;

23 Senator Helming, page 61,
24 Calendar 1256, Senate Print 10182.

25 I now move that these bills retain

1 their place on the order of third reading.

2 ACTING PRESIDENT PERSAUD: The
3 amendments are received, and the bills will
4 retain their place on the Third Reading Calendar.

5 Senator Gianaris.

6 SENATOR GIANARIS: There will now
7 be an immediate meeting of the Rules Committee in
8 Room 332.

9 ACTING PRESIDENT PERSAUD: There
10 will be an immediate meeting of the
11 Rules Committee in Room 332.

12 SENATOR GIANARIS: The Senate
13 stands at ease.

14 ACTING PRESIDENT PERSAUD: The
15 Senate stands at ease.

16 (Whereupon, the Senate stood at ease
17 at 10:17 a.m.)

18 (Whereupon, the Senate reconvened at
19 10:21 a.m.)

20 ACTING PRESIDENT PERSAUD: The
21 Senate will return to order.

22 Senator Gianaris.

23 SENATOR GIANARIS: Madam President,
24 there's a report of the Rules Committee at the
25 desk. Please take that up.

1 ACTING PRESIDENT PERSAUD: The
2 Secretary will read.

3 THE SECRETARY: Senator
4 Stewart-Cousins, from the Committee on Rules,
5 reports the following bill:

6 Senate Print 10565, by
7 Senator Serrano, an act making appropriations for
8 the support of government.

9 The bill reports direct to third
10 reading.

11 SENATOR GIANARIS: Move to accept
12 the report of the Rules Committee.

13 ACTING PRESIDENT PERSAUD: All
14 those in favor of accepting the report of the
15 Rules Committee please signify by saying aye.

16 (Response of "Aye.")

17 ACTING PRESIDENT PERSAUD: Opposed,
18 nay.

19 (Response of "Nay.")

20 ACTING PRESIDENT PERSAUD: The
21 report of the Rules Committee is accepted.

22 Senator Gianaris.

23 SENATOR GIANARIS: Please take up
24 the supplemental calendar.

25 ACTING PRESIDENT PERSAUD: The

1 Secretary will read.

2 THE SECRETARY: Calendar Number
3 1327, Senate Print 10565, by Senator Serrano, an
4 act making appropriations for the support of
5 government.

6 SENATOR GIANARIS: Is there a
7 message of necessity and appropriation at the
8 desk?

9 ACTING PRESIDENT PERSAUD: There is
10 a message of necessity and appropriation at the
11 desk.

12 SENATOR GIANARIS: I move to accept
13 the message.

14 ACTING PRESIDENT PERSAUD: All
15 those in favor of accepting the message please
16 signify by saying aye.

17 (Response of "Aye.")

18 ACTING PRESIDENT PERSAUD: Opposed,
19 nay.

20 (Response of "Nay.")

21 ACTING PRESIDENT PERSAUD: The
22 message is accepted, and the bill is before the
23 house.

24 SENATOR LANZA: Lay it aside.

25 ACTING PRESIDENT PERSAUD: The bill

1 is laid aside.

2 Senator Gianaris, that completes the
3 reading of the supplemental calendar.

4 ACTING PRESIDENT PERSAUD: Let's
5 move right to the controversial calendar, please.

6 ACTING PRESIDENT PERSAUD: The
7 Secretary will ring the bell.

8 The Secretary will read.

9 THE SECRETARY: Calendar Number
10 1327, Senate Print 10565, by Senator Serrano, an
11 act making appropriations for the support of
12 government.

13 ACTING PRESIDENT PERSAUD: Senator
14 O'Mara, why do you rise?

15 SENATOR O'MARA: Thank you,
16 Madam President. Would the sponsor yield for
17 some questions?

18 ACTING PRESIDENT PERSAUD: Will the
19 sponsor yield?

20 SENATOR SERRANO: Yes.

21 ACTING PRESIDENT PERSAUD: The
22 sponsor yields.

23 SENATOR O'MARA: Good morning,
24 Senator. I hope you had a nice Memorial Day
25 weekend, and everybody else here as well.

1 Here we are on the Tuesday after
2 Memorial Day, on May 26th. The budget was due
3 many weeks ago. Can you -- this is our
4 15th extender in this budget, and it takes us I
5 believe through Thursday of this week.

6 Do you expect that we will have the
7 remaining budget bills completed by then?

8 SENATOR SERRANO: Through you,
9 Madam President, yes, I do.

10 SENATOR O'MARA: Through you,
11 Madam President, if the Senator will continue to
12 yield.

13 ACTING PRESIDENT PERSAUD: Does the
14 sponsor yield?

15 SENATOR SERRANO: Yes.

16 ACTING PRESIDENT PERSAUD: The
17 sponsor yields.

18 SENATOR O'MARA: Senator, this
19 extender I believe takes us to a total of
20 authorized spending, since April 1st through
21 Thursday, of \$38 billion. Is that about right?

22 SENATOR SERRANO: Through you,
23 Madam President. I have a slightly different
24 number of 36.2 billion, but around that ballpark.

25 SENATOR O'MARA: Through you,

1 Madam President, if the Senator will continue to
2 yield.

3 ACTING PRESIDENT PERSAUD: Will the
4 sponsor yield?

5 SENATOR SERRANO: Yes.

6 ACTING PRESIDENT PERSAUD: The
7 sponsor yields.

8 SENATOR O'MARA: Do you have a
9 final total of what this budget, when finally
10 approved, is going to add up to?

11 SENATOR SERRANO: Through you,
12 Madam President, about \$268 billion.

13 SENATOR O'MARA: Thank you.

14 Madam President, if the Senator will
15 continue to yield.

16 ACTING PRESIDENT PERSAUD: Does the
17 Senator yield?

18 SENATOR SERRANO: Yes.

19 ACTING PRESIDENT PERSAUD: The
20 Senator yields.

21 SENATOR O'MARA: Senator, we've --
22 to my knowledge only have currently two of the
23 remaining seven budget bills in print: The
24 Transportation, Economic Development and
25 Environment bill, and the Health and

1 Mental Health bill.

2 Are other ones in print yet, or are
3 they still being finalized?

4 SENATOR SERRANO: Through you,
5 Madam President. You're correct, Senator O'Mara,
6 those two bills are in print. We are awaiting
7 prints on the other bills.

8 But I do believe that we will have
9 all of that completed in short order.

10 SENATOR O'MARA: Through you,
11 Madam President, if the Senator will continue to
12 yield.

13 ACTING PRESIDENT PERSAUD: Will the
14 sponsor yield?

15 SENATOR SERRANO: Yes.

16 ACTING PRESIDENT PERSAUD: The
17 sponsor yields.

18 SENATOR O'MARA: "In short order."
19 Does that mean that we'll have all of the
20 remaining budget bills in print today?

21 SENATOR SERRANO: Through you,
22 Madam President, that's hard to say. But I do
23 believe that we will have the budget completed
24 this week.

25 SENATOR O'MARA: Thank you.

1 Madam President, if the Senator will
2 continue to yield.

3 ACTING PRESIDENT PERSAUD: Does the
4 sponsor yield?

5 SENATOR SERRANO: Yes.

6 ACTING PRESIDENT PERSAUD: The
7 Senator yields.

8 SENATOR O'MARA: Can you tell us
9 what remaining issues there are that are
10 unresolved and still under negotiation?

11 SENATOR SERRANO: Through you,
12 Madam President. The bill before us is to ensure
13 that we as a state can continue with our
14 obligations, and it does bring us until Thursday.
15 But by that time I believe and all of us within
16 our conference here believe that we will have a
17 final enacted budget completed.

18 As far as different issues that are
19 outstanding, those are being closed down. Those
20 have been widely reported as being taken care of.
21 There are a number of issues that we will be
22 dealing with in the bill today that is already in
23 print, and those issues are -- those issues that
24 were open obviously have been closed in that
25 bill.

1 But I have no further information
2 about any additional items that are not yet in
3 print.

4 SENATOR O'MARA: Thank you.

5 Madam President, if the Senator will
6 continue to yield.

7 ACTING PRESIDENT PERSAUD: Will the
8 sponsor yield?

9 SENATOR SERRANO: Yes.

10 ACTING PRESIDENT PERSAUD: The
11 sponsor yields.

12 SENATOR O'MARA: Senator, there to
13 date have not been any further joint budget
14 conference committees. Do you expect those
15 conference committees to meet before these bills
16 are finalized?

17 SENATOR SERRANO: Through you,
18 Madam President, no.

19 SENATOR O'MARA: Through you,
20 Madam President, if the Senator will continue to
21 yield.

22 ACTING PRESIDENT PERSAUD: Will the
23 sponsor yield?

24 SENATOR SERRANO: Yes.

25 ACTING PRESIDENT PERSAUD: The

1 sponsor yields.

2 SENATOR O'MARA: How is it,
3 Senator, that we can just disregard the
4 requirements in New York State law that we
5 utilize joint budget conference committees in
6 coming to final conclusion on the budget bills?

7 SENATOR SERRANO: Through you,
8 Madam President. This has obviously been a long
9 process, longer than expected. It's certainly
10 not an easy process in dealing with a budget as
11 complex and as large as New York State's budget,
12 and with a lot of different moving parts, a lot
13 of priorities, a lot of different things that we
14 are all trying to do in this budget.

15 Certainly not a perfect process, but
16 we are near the end. And I feel confident that
17 we will have a good budget that speaks to the
18 needs of New Yorkers across our state.

19 SENATOR O'MARA: Thank you. Thank
20 you, Senator.

21 On the bill, Madam President.

22 ACTING PRESIDENT PERSAUD: Senator
23 O'Mara on the bill.

24 SENATOR O'MARA: Therein lies the
25 problem of this whole process. Yes, it's been a

1 long process. Yes, there's been a lot at stake
2 and a lot of behind-closed-doors discussions.
3 Yet no joint budget conference committees, no
4 involvement in this budget process from the
5 rank-and-file members of this body.

6 It's not the way government was set
7 up to run. We deserve better in this chamber.
8 All of us, our constituents, deserve better. We
9 deserve to have the opportunity to present these
10 final bills to the citizens of New York State to
11 get their feedback, get their feedback during the
12 constitutionally required three-day waiting
13 period to take up any bill on this Senate floor.

14 Yet every budget bill so far has
15 been done with a message of necessity, and I'm
16 assuming all the rest of the budget bills are
17 going to be done with a message of necessity,
18 without waiting the three-day period.

19 We deserve better here in New York
20 State, Madam President.

21 ACTING PRESIDENT PERSAUD: Thank
22 you, Senator.

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

25 Seeing and hearing none, the debate

1 is closed.

2 The Secretary will ring the bell.

3 Read the last section.

4 THE SECRETARY: Section 15. This
5 act shall take effect immediately.

6 ACTING PRESIDENT PERSAUD: Call the
7 roll.

8 (The Secretary called the roll.)

9 ACTING PRESIDENT PERSAUD: Announce
10 the results.

11 THE SECRETARY: In relation to
12 Calendar 1327, voting in the negative are
13 Senators Rhoads and Weik.

14 Ayes, 59. Nays, 2.

15 ACTING PRESIDENT PERSAUD: The bill
16 is passed.

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

19 SENATOR GIANARIS: Thank you,
20 Madam President.

21 Returning to motions and
22 resolutions, let's take up previously adopted
23 Resolution 2068, by Senator Sanders, read its
24 title and call on Senator Sanders, please.

25 ACTING PRESIDENT PERSAUD: The

1 Secretary will read.

2 THE SECRETARY: Resolution 2068, by
3 Senator Sanders, commemorating the
4 50th Anniversary of the National Caucus of
5 Black State Legislators.

6 ACTING PRESIDENT PERSAUD:
7 Senator Sanders on the resolution.

8 SENATOR SANDERS: Thank you,
9 Madam President.

10 Even as the nation is mourning the
11 loss of jazz great Sonny Rollins, I am here to
12 speak to this resolution.

13 This resolution commemorates the
14 50th anniversary of the National Black Caucus of
15 State Legislators. Founded in 1977 by
16 approximately 18 visionary lawmakers, the
17 National Black Caucus of State Legislators was
18 established to address the pressing needs of
19 Black constituents and to counter barriers to
20 full participation within traditional legislative
21 organizations.

22 NBCSL has grown into a premier
23 bipartisan nonprofit membership organization
24 representing more than 700 African-American state
25 legislators from across the United States,

1 collectively giving voice to over 50 million
2 African-Americans.

3 NBCSL is dedicated to promoting
4 educational, research and training initiatives
5 that equip its members to make informed decisions
6 on legislation and public policy affecting
7 Black communities and other underserved
8 populations.

9 Through its commitment to fostering
10 collaboration, advancing model legislation, and
11 encouraging the exchange of ideas and
12 information, NBCSL legislators serve as a dynamic
13 force for public policy innovation and effective
14 governance.

15 The organization operates as a
16 strong and unified advocate for African-American
17 state legislators and their constituents at the
18 federal level and state level, while also
19 strengthening the effectiveness of its members
20 within their respective states.

21 As the national vice president of
22 the National Black Caucus of State Legislators, I
23 am proud to join my colleagues in New York and
24 throughout the nation who have contributed
25 meaningfully to the mission and work of NBCSL,

1 advancing policies that promote equity, justice
2 and opportunity for all New Yorkers.

3 The 50th anniversary of the
4 National Black Caucus of State Legislators marks
5 a significant milestone in its enduring legacy of
6 bipartisanship, legislation, advocacy, and
7 service, as well as its commitment to improving
8 the lives of African-Americans and underserved
9 communities nationwide.

10 Never has it been more necessary for
11 this organization to be in existence than the
12 days that we find ourselves in. And we look
13 forward to working with this Legislature and
14 legislators throughout the nation to improve this
15 country.

16 Thank you very much for this
17 resolution. I of course vote aye.

18 ACTING PRESIDENT PERSAUD: Thank
19 you, Senator.

20 The resolution was adopted on
21 May 12th.

22 Senator Gianaris.

23 SENATOR GIANARIS: Okay, at this
24 time, Madam President, I do have a motion.

25 On behalf of Senator Sanders, I wish

1 to call up Senate Print 6952B, recalled from the
2 Assembly, which is now at the desk.

3 ACTING PRESIDENT PERSAUD: The
4 Secretary will read.

5 THE SECRETARY: Calendar Number
6 779, Senate Print 6952B, by Senator Sanders, an
7 act to amend the Highway Law.

8 SENATOR GIANARIS: Move to
9 reconsider the vote by which the bill was passed.

10 ACTING PRESIDENT PERSAUD: The
11 Secretary will call the roll on reconsideration.

12 (The Secretary called the roll.)

13 THE SECRETARY: Ayes, 61.

14 ACTING PRESIDENT PERSAUD: The bill
15 is restored to its place on the Third Reading
16 Calendar.

17 SENATOR GIANARIS: I offer the
18 following amendments.

19 ACTING PRESIDENT PERSAUD: The
20 amendments are received.

21 SENATOR GIANARIS: Please recognize
22 Senator Lanza for a motion.

23 ACTING PRESIDENT PERSAUD: Senator
24 Lanza.

25 SENATOR LANZA: Thank you,

1 Senator Gianaris.

2 Madam President, I have amendments
3 to a bill recalled from the Assembly. I wish to
4 call up Senator Borrello's bill, 7607C, recalled
5 from the Assembly, which is now at the desk.

6 ACTING PRESIDENT PERSAUD: The
7 Secretary will read.

8 THE SECRETARY: Calendar Number
9 780, Senate Print 7607C, by Senator Borrello, an
10 act to amend the Highway Law.

11 SENATOR LANZA: I move to
12 reconsider the vote by which the bill was passed.

13 ACTING PRESIDENT PERSAUD: The
14 Secretary will call the roll on reconsideration.

15 (The Secretary called the roll.)

16 THE SECRETARY: Ayes, 61.

17 SENATOR LANZA: I now offer the
18 following amendments.

19 ACTING PRESIDENT PERSAUD: The bill
20 is restored to its place on the Third Reading
21 Calendar. And your amendments are received.

22 (Laughter.)

23 SENATOR LANZA: I now offer the
24 following amendments.

25 ACTING PRESIDENT PERSAUD: Your

1 amendments are received.

2 Senator Gianaris.

3 SENATOR GIANARIS: Madam President,
4 just to edify my colleagues, we're going to pause
5 to have our Veterans Hall of Fame ceremony at
6 11:00 o'clock, after which we will return to
7 respective party conferences at 1:30. And then
8 session is expect to resume at 3:00 p.m.

9 So we will stand at ease until
10 3:00 p.m.

11 ACTING PRESIDENT PERSAUD: The
12 Senate will stand at ease until 3:00 p.m.

13 (Whereupon, the Senate stood at ease
14 at 10:35 a.m.)

15 (Whereupon, the Senate reconvened at
16 4:45 p.m.)

17 ACTING PRESIDENT PERSAUD: The
18 Senate will return to order.

19 Senator Gianaris.

20 SENATOR GIANARIS: Good afternoon,
21 Madam President.

22 ACTING PRESIDENT PERSAUD: Good
23 afternoon.

24 SENATOR GIANARIS: I have a couple
25 of motions here.

1 On behalf of myself, I wish to call
2 up Senate Print 1180B, recalled from the
3 Assembly, which is now at the desk.

4 ACTING PRESIDENT PERSAUD: The
5 Secretary will read.

6 THE SECRETARY: Calendar Number
7 2092, Senate Print 1180B, by Senator Gianaris, an
8 act to amend the Environmental Conservation Law.

9 SENATOR GIANARIS: I move to
10 reconsider the vote by which that bill was
11 passed.

12 ACTING PRESIDENT PERSAUD: The
13 Secretary will call the roll on reconsideration.

14 (The Secretary called the roll.)

15 THE SECRETARY: Ayes, 63.

16 ACTING PRESIDENT PERSAUD: The bill
17 is restored to its place on the Third Reading
18 Calendar.

19 SENATOR GIANARIS: I offer the
20 following amendments.

21 ACTING PRESIDENT PERSAUD: The
22 amendments are received.

23 SENATOR GIANARIS: On behalf the
24 following members, amendments are offered to the
25 following Third Reading Calendar bills:

1 By Senator Rivera, page 18,
2 Calendar 556, Senate Print 1911B;
3 Senator Cleare, page 21,
4 Calendar 639, Senate Print 5665A;
5 And Senator Baskin, page 44,
6 Calendar 1079, Senate Print 9538.

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

10 Senator Gianaris.

11 SENATOR GIANARIS: Now let's take
12 up previously adopted Resolution 1935, by
13 Senator Cooney, read its title and call on
14 Senator Cooney, please.

15 THE SECRETARY: Resolution 1935, by
16 Senator Cooney, memorializing Governor Kathy
17 Hochul to proclaim August 15, 2026, as
18 Indian Independence Day in the State of New York.

19 ACTING PRESIDENT PERSAUD: Senator
20 Cooney on the resolution.

21 SENATOR COONEY: Thank you,
22 Madam President.

23 I am introducing this resolution in
24 honor of the 79th anniversary of the independence
25 of India and the 77th anniversary of the

1 Indian constitution, a time to celebrate
2 Indian independence and the many brave Indians
3 who risked their lives for the betterment of
4 their fellow countrymen.

5 I want to start by recognizing some
6 of the dignitaries we have on the floor today:
7 We have the Deputy Consul General from New York,
8 Mr. Vishal Harsh, who is here.

9 We have Dr. Vikram Dogra, the
10 founder of the Dogra Art Foundation for
11 South Asian Art, a prominent leader in our
12 Rochester community who recently retired from the
13 University of Rochester.

14 And members of our Indian community
15 across New York State who are joining us in the
16 gallery today, including my very young friend
17 Arjun.

18 India Independence Day is a day we
19 celebrate not just in India but worldwide.
20 Across the globe, Indians are making lasting
21 impacts in their communities. And this is an
22 opportunity to join together and celebrate and
23 reflect on our shared history, culture, and
24 heritage.

25 For nearly 200 years India was

1 controlled by the British Empire. But due to the
2 perseverance of our people and the leadership of
3 figures like Gandhi, a decades-long struggle for
4 independence finally culminated in the Indian
5 independence on August 15, 1947, and the adoption
6 of the constitution on November 26, 1949.

7 The story of resiliency and the
8 fight for self-determination ties our two great
9 nations together. It was that desire for civil
10 and political rights that fueled independent
11 movements both in the United States and in India,
12 making our countries kindred spirits in the fight
13 for independence and sovereignty.

14 Today the Indian diaspora in the
15 U.S. is growing and ascending into leadership
16 positions from tech giants like Google to
17 New York City Hall.

18 This is an anniversary that also
19 holds a special importance for me personally,
20 especially this year as I look forward to
21 welcoming my first-born son in just a couple of
22 weeks, days, hours or minutes -- hopefully not
23 minutes.

24 (Laughter.)

25 SENATOR COONEY: This body knows

1 that I was adopted from an orphanage in Calcutta,
2 and throughout my life I've always worked hard to
3 maintain a strong connection with India and
4 Indians across New York. That connection
5 continues today as we honor these milestones of
6 Indian independence.

7 So congratulations to the Indians
8 across the world who will be celebrating this
9 year. And thank you to our friends from the
10 Indian Consulate for being here to represent
11 Indians across New York State.

12 Madam President, I vote aye.

13 ACTING PRESIDENT PERSAUD: Thank
14 you, Senator.

15 Senator Gianaris.

16 SENATOR GIANARIS: Madam President,
17 before we continue on this resolution let's call
18 an immediate meeting of the Finance Committee in
19 Room 332, to operate simultaneously with the
20 ongoing session.

21 ACTING PRESIDENT PERSAUD: There
22 will be an immediate meeting of the Finance
23 Committee in Room 332.

24 Senator Ramos on the resolution.

25 SENATOR RAMOS: Thank you,

1 Madam President.

2 And thank you to my seatmate
3 Senator Jeremy Cooney for introducing this
4 resolution.

5 I too want to honor the
6 extraordinary contributions of the
7 Indian American community to New York, and of
8 course to my home borough of Queens.

9 And when I think about those
10 contributions, I think about 74th Street in
11 Jackson Heights. I think about the sari shops
12 glowing with color late into the evening, the
13 jewelry stores that generations of families have
14 visited for weddings and celebrations, and of
15 course the smell of fresh chai and pani puri on
16 the corner -- and of course the legendary
17 Jackson Diner, which helped introduce generations
18 of New Yorkers to Indian cuisine and became a
19 cultural institution in its own right.

20 For decades 74th Street has been one
21 of the great gateways of immigrant New York, a
22 place where families built businesses, created
23 community, and transformed Jackson Heights into
24 one of the most vibrant neighborhoods anywhere in
25 the world.

1 And while the Indian community in
2 Jackson Heights may not be as large as it once
3 was, the strength of its cultural and commercial
4 legacy remains unmistakably. You can still feel
5 it in the music, the language, the festivals, the
6 storefronts, and the life of the avenue itself.

7 And I want to especially recognize
8 the 74th Street Merchants Association for helping
9 sustain that corridor and preserve the energy and
10 identity that make it so special.

11 Indian Independence Day reminds us
12 not only of the triumph of self-determination,
13 but also of the enduring contributions of the
14 Indian diaspora across the world, including in
15 Queens.

16 So today we celebrate India's
17 independence, the resilience of immigrant
18 communities, and the generations of Indian
19 New Yorkers who help build Queens and New York
20 today and always.

21 I vote aye.

22 ACTING PRESIDENT PERSAUD: Thank
23 you, Senator.

24 Senator Addabbo on the resolution.

25 SENATOR ADDABBO: Thank you,

1 Madam President.

2 I too want to thank Senator Cooney
3 for the resolution recognizing and celebrating
4 India's independence, and to honor the
5 Indian American community in my district in
6 Queens. Queens has one of the largest
7 populations of Indian Americans in the state.

8 And so to my areas of Richmond Hill,
9 South Richmond Hill, Ozone Park, South Ozone
10 Park, I want to say thank you for their
11 contributions there.

12 The India independence is truly a
13 celebration. It's a symbol of freedom and
14 diversity and resilience and opportunity for
15 Indian Americans.

16 Gandhi once said that the future
17 depends on what we do in the present. The future
18 depends on what we do in the present. That
19 message of Gandhi is an inspiration for Indian
20 Americans today, for future generations too.
21 Because, again, them coming here, the Indians
22 coming here and celebrating their independence is
23 truly a sign of them acclimating into our area,
24 becoming part of our community.

25 And I want to thank and welcome our

1 guests, and I vote yes on this resolution.

2 Madam President, thank you.

3 ACTING PRESIDENT PERSAUD: Thank
4 you.

5 Senator Zellner on the resolution.

6 SENATOR ZELLNER: Thank you,
7 Madam President.

8 Thank you, Senator Cooney, for
9 bringing this forward, this resolution
10 recognizing India's Independence Day.

11 And welcome to our honored guests as
12 well.

13 I'm proud to rise in support to
14 recognize so many of the Indian American families
15 who make the 61st District such a vital place to
16 be.

17 The Indian American community is
18 woven into the fabric of our everyday life in the
19 61st District. At the University at Buffalo, one
20 of the largest public universities in our region,
21 you see students from India studying alongside
22 their peers, along with faculty and professionals
23 who are part of the broader campus community.

24 Across Western New York, in our
25 hospitals, in our schools and small businesses,

1 they are part of the workforce that keeps things
2 moving day to day.

3 And in Amherst, Williamsville and
4 the surrounding communities, they're our
5 neighbors, raising families here, working in
6 critical professions, and helping shape the
7 character of our region.

8 As India marks almost 80 years of
9 independence, it's a moment to reflect on the
10 meaning of that -- freedom, self-determination,
11 and what it takes to build and sustain a
12 democracy. So I want to thank Senator Cooney
13 again.

14 Thank you, Madam President. I vote
15 aye.

16 ACTING PRESIDENT PERSAUD: Thank
17 you, Senator.

18 Senator Stavisky on the resolution.

19 SENATOR STAVISKY: Thank you,
20 Madam President.

21 And welcome to our friends who have
22 joined us today.

23 And thank you to Senator Cooney,
24 because there were a number of issues that he
25 brought up. And as I was listening to it and to

1 my colleagues, it hit home.

2 I used to represent 74th Street many
3 years ago when I was first elected to the
4 Senate -- and yes, the Jackson Diner. But it's
5 more than that. It's the culture. It's the
6 exuberance, the small business people. And today
7 I represent many people from India.

8 But I used to represent also
9 Flushing. And I spent many, many hours at the
10 Hindu Temple of North America, because each year
11 they would have a commemoration, about this time
12 of the year, of the relationship not just between
13 our countries, but about the leaders of our
14 nations. And there was always the theme of
15 Mahatma Gandhi and Martin Luther King, Jr., and
16 every year -- and I think Nelson Mandela.

17 And the theme is very clear, and
18 that is of nonviolence, of working together, of
19 peace and prosperity.

20 So I welcome our friends. And as I
21 said, I'm proud to represent so many people who
22 have come to the United States, achieved so much,
23 whether it be in science and technology, all of
24 the arts, et cetera.

25 And let us continue our tradition of

1 friendship. What we have in common is more than
2 what separates us, and that is independence from
3 Great Britain. We did it 250 years ago; India
4 did it in 1947.

5 So again, we share so much, and let
6 us continue that relationship.

7 Thank you, Madam President. I vote
8 aye.

9 ACTING PRESIDENT PERSAUD: Thank
10 you, Senator.

11 Senator Rhoads on the resolution.

12 SENATOR RHOADS: Thank you,
13 Madam President.

14 And I want to thank Senator Cooney
15 for bringing forward today's resolution and for
16 it coming to the floor.

17 I thought there was a chance --
18 Indian Independence Day is August 15th; I thought
19 there was a chance we might still be in session
20 August 15th. Thankfully we're not.

21 But I do want to rise to recognize
22 and celebrate Indian Independence Day and honor
23 the vibrant Indian American community. It's such
24 an important part of the Fifth Senate District.

25 President Ronald Reagan had said the

1 special thing about America is that in America
2 our origins matter less than our destinations.
3 Where we came from matters less than where we're
4 going together. And I think no one represents
5 that better certainly in the Fifth Senate
6 District than the Indian American community.

7 I'm proud to represent a district
8 that is enriched by a dynamic and growing Indian
9 population whose culture, traditions and
10 entrepreneurship and community spirit really
11 strengthen our neighborhoods every single day.

12 And from spectacular cultural
13 celebrations like the annual India Day Parade
14 that draws thousands of Indian Americans and all
15 members of our community to our district on
16 Long Island, to the incredible work of the
17 organizations like the India Association of
18 Long Island, which promotes and celebrates the
19 rich heritage and traditions of India through
20 education and community engagement, the impact of
21 this community is truly extraordinary.

22 And over the four years that I've
23 had the opportunity to represent the 5th Senate
24 District, I've had the privilege of attending
25 Diwali gatherings, holy celebrations, India Day

1 festivities and many other cultural celebrations
2 that showcase the pride, unity and traditions of
3 the Indian American community that embodies the
4 values that resonate deeply with all of us -- the
5 importance of family, of hard work, or
6 perseverance, of individual freedoms, helping one
7 another, and a commitment to making our
8 communities stronger for future generations.

9 Those values are reflected every
10 single day in the countless Indian American
11 business owners, restaurateurs, entrepreneurial
12 titans, professionals, healthcare professionals
13 and community leaders who contribute so much to
14 our local economy and to our civic life.

15 To all those celebrating, I wish you
16 a very happy India Independence Day, and I am
17 proud to report such a vibrant, hardworking and
18 inspiring Indian American community.

19 Thank you, Senator Cooney, again.

20 And I am proud to vote aye.

21 ACTING PRESIDENT PERSAUD: Thank
22 you, Senator.

23 Senator Martins on the resolution.

24 SENATOR MARTINS: Thank you,
25 Madam President.

1 You know, we've heard from many of
2 our colleagues regarding this resolution. And
3 certainly there are large Indian American
4 communities throughout New York State. But there
5 cannot be a full discussion of the
6 Indian American communities in New York State
7 without including the North Shore of
8 Nassau County in the 7th Senate District,
9 Madam President.

10 Communities like New Hyde Park,
11 Herricks, Manhasset Hills, where so many have
12 called those communities home. They have become
13 integral to our communities, not only
14 participating as business owners and civic
15 leaders, but also academically excelling in our
16 schools. They truly are the path to the future.

17 So I want to echo many of the
18 sentiments from my colleagues but also recognize
19 that as we are celebrating nearly 80 years of
20 independence for India, it is now the most
21 populous country in the world. And how great is
22 it that when we start to compare democracies and
23 opportunities that exist between our great
24 countries, that it really boils down to an
25 understanding of freedom, self-sufficiency,

1 responsibility.

2 And so how great is it also that we
3 have those ties between New York State and the
4 great country of India as represented through
5 those members of the Indian American community
6 that choose to live here in New York.

7 I am thankful to the sponsor for the
8 resolution, and I am proud to vote aye.

9 ACTING PRESIDENT PERSAUD: Thank
10 you, Senator.

11 Senator Liu on the resolution.

12 SENATOR LIU: Thank you,
13 Madam President.

14 You know, when you hear that it's
15 the 79th anniversary of the independence of
16 India, people kind of compare it to our
17 independence anniversary, 250 years, India's
18 79 years. Madam President, India's been around
19 thousands of years. It's been a civilization,
20 it's been a country, it has been a model of
21 democracy for actually a lot longer than our
22 country.

23 But we celebrate the contributions
24 of Indian Americans to our communities right here
25 in New York and in the United States. It's

1 already been said so many times they've
2 contributed so much to the vitality of our
3 communities and our state.

4 Senator Stavisky talked about the
5 Hindu Temple Society of North America, where we
6 annually do celebrate the parallels between what
7 Mahatma Gandhi taught and the teachings of
8 Dr. Martin Luther King, Jr., as well as
9 Nelson Mandela. So there's a lot to celebrate.

10 But I also want to celebrate one
11 thing here, which is this dude right here. The
12 first Indian American elected to the Legislature
13 outside of the New York City area, Senator Jeremy
14 Cooney. Let's give a hand clap, please.

15 (Applause.)

16 SENATOR LIU: Thank you,
17 Madam President, for not ruling us out of order.

18 But Senator Cooney represents -- and
19 he really -- I know he's mortified right now, so
20 that's why I'm enjoying this much more.

21 (Laughter.)

22 SENATOR LIU: He represents really
23 the diversity and the strength of the AAPI
24 community in all parts of New York State.

25 And I also remind all of our

1 colleagues here that a couple of years ago we
2 passed legislation that marks Diwali, arguably
3 the most important holiday to many Indian
4 Americans, or many Indians around the world, as a
5 public school holiday in all New York City
6 schools. Senator Cooney says we've got to make
7 that a statewide holiday.

8 And so with that, Madam President,
9 thank you for indulging my outbursts.

10 And thank you, Senator Cooney, for
11 this wonderful resolution.

12 Thank you.

13 ACTING PRESIDENT PERSAUD: Thank
14 you, Senator.

15 To our guests in the chamber,
16 Deputy Consul General Vishal Harsh, Dr. Dogra,
17 and our guests in the gallery, I welcome you on
18 behalf of the Senate. We extend to you the
19 privileges and courtesies of this house.

20 Happy Independence.

21 Please rise and be recognized.

22 (Standing ovation.)

23 ACTING PRESIDENT PERSAUD: Senator
24 Gianaris.

25 SENATOR GIANARIS: Madam President,

1 there is a privileged resolution at the desk by
2 Majority Leader Stewart-Cousins. Please take
3 that up, read its title, and begin by recognizing
4 Senator Scarcella-Spanton.

5 I want to point out for my
6 colleagues that we have agreed that
7 Senator Scarcella-Spanton and Senator Ashby will
8 be the only members speaking on this resolution.

9 ACTING PRESIDENT PERSAUD: There is
10 a privileged resolution at the desk.

11 The Secretary will read.

12 THE SECRETARY: Resolution 2203, by
13 Senator Stewart-Cousins, honoring the
14 distinguished veterans from the State of New York
15 upon the occasion of their induction into the
16 New York State Senate 2026 Veterans Hall of Fame.

17 ACTING PRESIDENT PERSAUD: Senator
18 Scarcella-Spanton on the resolution.

19 SENATOR SCARCELLA-SPANTON: Thank
20 you, Madam President.

21 It is truly an honor today to
22 recognize the brave men and women who have been
23 added to the Veterans Hall of Fame.

24 I want to especially thank
25 Majority Leader Stewart-Cousins for giving me

1 this honor of being able to speak about it at
2 today's session.

3 Today's event was just absolutely
4 amazing. I have to say every year I look forward
5 to this. I actually do go through the book and
6 read people's biographies, see the history, if
7 they were in -- we had World War II veterans in
8 today, someone as old as 104. Just think about
9 the amount of history that they have seen and
10 that they have experienced.

11 We read about veterans who helped
12 with suicide prevention, veteran homelessness,
13 people who have worked at the VA.

14 And of course I have to recognize my
15 own honoree, Mr. Robin Dana Blocker, who was in
16 the United States Navy. And he was discharged as
17 a Specialist E4 rank.

18 Currently Mr. Blocker is the
19 president of the 369th Veterans Association on
20 Staten Island. He's truly an amazing addition to
21 today's Veterans Hall of Fame.

22 I also wanted to recognize -- I know
23 Senator Lanza's honoree, a fellow Staten
24 Islander, is here in the gallery with us, Jamie,
25 who is a U.S. Marine Corps veteran. Thank you

1 for your service.

2 But truly I say it is an honor of my
3 lifetime to be able to serve as the Veterans
4 chair. And we should not just thank you for your
5 service, but also show it with the policies we
6 put forward. Which is something that everybody
7 in this room, whether you are a Democrat or a
8 Republican, everybody in between, can agree on.

9 So thank you for this honor. Thank
10 you for your service, for those who are still
11 here. I appreciate you all.

12 And I proudly vote aye.

13 ACTING PRESIDENT PERSAUD: Thank
14 you, Senator.

15 Senator Ashby on the resolution.

16 SENATOR ASHBY: Thank you,
17 Madam President.

18 Thank you to Chairwoman
19 Scarcella-Spanton, along with
20 Leader Stewart-Cousins and Leader Ortt, for
21 today's ceremony.

22 And thank you to the staff who put
23 together an amazing ceremony that really
24 transcended generations, with the sacrifice and
25 service of so many, and with humor as well.

1 There was a lot going on in today's ceremony.

2 But what struck me the most was the
3 generational contributions that we get to
4 witness, from the Battle of the Bulge to Baghdad,
5 and how it continues on. And that doesn't happen
6 by accident. That happens because of the lasting
7 remembrance. And it's the meaning of those
8 sacrifices that continues to drive us on and work
9 for a better today and tomorrow because of our
10 veterans.

11 I proudly vote aye.

12 ACTING PRESIDENT PERSAUD: Thank
13 you, Senator.

14 To our guests, the veterans who are
15 still here, and to the ones who have already
16 left, we thank you for your service. We
17 appreciate the sacrifices that you've made on our
18 behalf that we can all stand here today.

19 I extend to you the privileges and
20 courtesies of this house.

21 Please rise and be recognized again.
22 (Standing ovation.)

23 ACTING PRESIDENT PERSAUD: And now
24 the question is on the resolution.

25 All those in favor signify by saying

1 aye.

2 (Response of "Aye.")

3 ACTING PRESIDENT PERSAUD: Opposed,
4 nay.

5 (No response.)

6 ACTING PRESIDENT PERSAUD: The
7 resolution is adopted.

8 Senator Gianaris.

9 SENATOR GIANARIS: And now let's
10 move on to previously adopted Resolution 2102, by
11 Senator May, read its title and call on
12 Senator May.

13 ACTING PRESIDENT PERSAUD: The
14 Secretary will read.

15 THE SECRETARY: Resolution 2102, by
16 Senator May, commemorating the 50th Anniversary
17 of InterFaith Works of Central New York.

18 ACTING PRESIDENT PERSAUD: Senator
19 May on the resolution.

20 SENATOR MAY: Thank you,
21 Madam President.

22 We are joined here by Chris Foley,
23 the president and CEO of InterFaith Works, and
24 Sonali McIntyre, communications manager, and
25 Jennie Prouty, community engagement manager.

1 InterFaith Works was founded in 1976
2 as the Syracuse-Area Interreligious Council. It
3 was founded by faith and civil rights leaders who
4 believed that religious communities could bridge
5 racial and religious divides together.

6 This year it celebrates 50 years of
7 its service to the community. And in that time,
8 it has grown into one of Central New York's
9 primary institutions for refugee resettlement,
10 racial equity, elder care, and interfaith
11 dialogue.

12 Through the Center for
13 New Americans, InterFaith Works has resettled
14 hundreds of refugees annually and provided
15 post-settlement services to nearly 2,000 new
16 Americans per year, including employment,
17 housing, English language classes, medical case
18 management, mental health services, and
19 immigration assistance.

20 The Trump administration's
21 restrictions on refugee admissions have halted
22 new arrivals for now, but the people already here
23 still need employment support, legal assistance,
24 and community connection.

25 Because InterFaith Works continued

1 such work during the first Trump administration,
2 Syracuse was first in line to receive refugees
3 when our country came back to its roots in 2021
4 and began admitting refugees once again.

5 Thanks to InterFaith Works, we had
6 the infrastructure, we had the muscle memory to
7 be welcoming to newcomers, and this was a key
8 reason why our population has grown in recent
9 years, because we were accepting refugees right
10 along.

11 In addition to refugee resettlement,
12 InterFaith Works is the umbrella to multiple
13 other efforts, including the El-Hindi Center for
14 Dialogue & Action, the longest-standing
15 community-wide dialogue on racism in the country;
16 the Center for Healthy Aging; and the Roundtable
17 of Faith Leaders.

18 InterFaith Works' model is not
19 charity, it is civic infrastructure. It treats
20 religious and moral communities as active
21 partners in governance and public life, and it
22 models this principle in its own structure.

23 The 72 employees are every bit as
24 diverse in their experience and backgrounds as
25 the populations they serve.

1 Fifty years in, this organization
2 represents what local institutions can do when
3 they take seriously both the diversity and the
4 dignity of the people they serve. That is worth
5 not just commemorating, but protecting and
6 supporting.

7 I ask everyone here to join me in
8 congratulating InterFaith Works on 50 years of
9 making Central New York and our whole society a
10 better place.

11 Thank you.

12 ACTING PRESIDENT PERSAUD: Thank
13 you, Senator.

14 To our guests from InterFaith Works,
15 congratulations on your 50th anniversary. I
16 welcome you on behalf of the Senate. We extend
17 to you the privileges and courtesies of this
18 house.

19 Please rise and be recognized.

20 (Standing ovation.)

21 ACTING PRESIDENT PERSAUD: The
22 resolution was adopted on May 19th.

23 Also, Resolution 1935 was adopted on
24 April 28th.

25 Senator Gianaris.

1 SENATOR GIANARIS: Madam President,
2 there's a report of the Finance Committee at the
3 desk. Let's take that up, please.

4 ACTING PRESIDENT PERSAUD: The
5 Secretary will read.

6 THE SECRETARY: Senator Krueger,
7 from the Committee on Finance, reports the
8 following bill:

9 Senate Print 9008C, Budget Bill,
10 enacts into law major components of legislation
11 necessary to implement the State Transportation,
12 Economic Development and Environmental
13 Conservation Budget for the 2026-2027 state
14 fiscal year.

15 The bill reports direct to third
16 reading.

17 SENATOR GIANARIS: I move to accept
18 the report of the Finance Committee.

19 ACTING PRESIDENT PERSAUD: All
20 those in favor of accepting the report of the
21 Finance Committee please signify by saying aye.

22 (Response of "Aye.")

23 ACTING PRESIDENT PERSAUD: Opposed,
24 nay.

25 (Response of "Nay.")

1 ACTING PRESIDENT PERSAUD: The
2 report of the Finance Committee is accepted.

3 Senator Gianaris.

4 SENATOR GIANARIS: Please take up
5 the reading of the supplemental calendar.

6 ACTING PRESIDENT PERSAUD: The
7 Secretary will read.

8 There is a substitution at the desk.
9 The Secretary will read.

10 THE SECRETARY: Senator Krueger
11 moves to discharge, from the Committee on
12 Finance, Assembly Bill Number 10008C and
13 substitute it for the identical Senate bill
14 9008C, Third Reading Calendar 1328.

15 ACTING PRESIDENT PERSAUD:
16 Substitution so ordered.

17 The Secretary will read.

18 THE SECRETARY: Calendar Number
19 1328, Assembly Bill Number 10008C, Budget Bill,
20 an act to amend Part U1 of Chapter 62 of the Laws
21 of 2003.

22 SENATOR GIANARIS: Is there a
23 message of necessity at the desk?

24 ACTING PRESIDENT PERSAUD: There is
25 a message of necessity at the desk.

1 SENATOR GIANARIS: Move to accept
2 the message.

3 ACTING PRESIDENT PERSAUD: All
4 those in favor of accepting the message please
5 signify by saying aye.

6 (Response of "Aye.")

7 ACTING PRESIDENT PERSAUD: Opposed,
8 nay.

9 (Response of "Nay.")

10 ACTING PRESIDENT PERSAUD: The
11 message is accepted, and the bill is before the
12 house.

13 SENATOR LANZA: Lay it aside.

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

16 Senator Gianaris, that completes the
17 reading of the supplemental calendar.

18 SENATOR GIANARIS: Please go to the
19 reading of the controversial calendar.

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

22 The Secretary will read.

23 THE SECRETARY: Calendar Number
24 1328, Assembly Bill Number 10008C, Budget Bill,
25 an act to amend Part U1 of Chapter 62 of the Laws

1 of 2003.

2 ACTING PRESIDENT PERSAUD: Senator
3 Walczyk --

4 SENATOR GIANARIS: As a reminder,
5 we're going to be doing the whack-a-mole style of
6 debating again. So if the members of the
7 Minority can identify which part they're
8 debating, I can direct it to the appropriate
9 member.

10 ACTING PRESIDENT PERSAUD: Senator
11 Walczyk, why do you rise?

12 SENATOR WALCZYK: Madam President,
13 I hope someone would answer some questions on
14 Part S.

15 SENATOR GIANARIS: Part S would be
16 Senator Harckham.

17 ACTING PRESIDENT PERSAUD: Senator
18 Harckham, do you yield?

19 SENATOR HARCKHAM: Yes.

20 ACTING PRESIDENT PERSAUD: The
21 Senator yields.

22 SENATOR WALCZYK: Through you,
23 Madam President. So currently if a municipality
24 buys one of Elon Musk's Teslas they can get a
25 \$7500 rebate from New York State.

1 What does this proposal increase
2 that rebate amount to?

3 SENATOR HARCKHAM: Through you,
4 Madam President, they can also buy a Chevy
5 Equinox, they can buy a Ford Mustang, they can
6 buy a Ford F-150.

7 What this will do is increase the
8 amount from -- 7500? Yeah -- from 7500 to
9 \$30,000 in terms of repayment.

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

13 ACTING PRESIDENT PERSAUD: Does the
14 Senator yield?

15 SENATOR HARCKHAM: Yes.

16 ACTING PRESIDENT PERSAUD: The
17 Senator yields.

18 SENATOR WALCZYK: That new increase
19 of a \$30,000 dollar rebate for an electric
20 vehicle that's purchased by a municipality, is
21 that paid out of the EPF, the Environmental
22 Protection Fund?

23 SENATOR HARCKHAM: Through you,
24 Madam President, it is not paid through the EPF.

25 SENATOR WALCZYK: Through you,

1 Madam President, would the sponsor continue to
2 yield?

3 ACTING PRESIDENT PERSAUD: Does the
4 sponsor yield?

5 SENATOR HARCKHAM: Yes.

6 ACTING PRESIDENT PERSAUD: The
7 sponsor yields.

8 SENATOR WALCZYK: Which fund is
9 that paid out of?

10 SENATOR HARCKHAM: Through you,
11 Madam President. That is through NYSERDA.

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

14 ACTING PRESIDENT PERSAUD: Does the
15 sponsor yield?

16 SENATOR HARCKHAM: Yes.

17 ACTING PRESIDENT PERSAUD: The
18 Senator yields.

19 SENATOR WALCZYK: Through you,
20 Madam President. So that would be ratepayers
21 paying for rebates up to top \$30,000 in order for
22 municipalities to buy the litany of electric
23 vehicles that you've described?

24 SENATOR HARCKHAM: Through you,
25 Madam President, correct.

1 SENATOR WALCZYK: Thank you.

2 Madam President, briefly on the
3 bill.

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

6 SENATOR WALCZYK: We have enough
7 costs built into ratepayers' bills already.
8 New Yorkers can't afford their energy bills
9 today. They don't need to be paying \$30,000 for
10 some municipalities that for some reason want to
11 go out and buy electric vehicles.

12 If you happen to live in one of
13 those municipalities that loves to tax people in
14 order to buy EVs, congratulations. They don't
15 have to do so on the backs of ratepayers that
16 already can't afford their bills.

17 And with that, Madam President, I
18 would ask someone to yield on Part III.

19 SENATOR GIANARIS: Madam President,
20 that would be Senator Parker.

21 ACTING PRESIDENT PERSAUD:
22 Senator Parker, do you yield?

23 SENATOR PARKER: I do.

24 ACTING PRESIDENT PERSAUD: The
25 Senator yields.

1 SENATOR WALCZYK: Through you,
2 Madam President.

3 People who sign up to give utilities
4 control -- if people sign up to give their
5 utilities control of their thermostats, they'll
6 get a bill credit in this case, is that what
7 you're proposing here?

8 SENATOR PARKER: Through you,
9 Madam President, yes.

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

13 ACTING PRESIDENT PERSAUD: Does the
14 sponsor yield?

15 SENATOR PARKER: I do.

16 ACTING PRESIDENT PERSAUD: The
17 sponsor yields.

18 SENATOR WALCZYK: Through you,
19 Madam President. How would that bill credit get
20 paid for? Is that coming into the next rate case
21 in order to give them a credit? Or how is that
22 credit paid for?

23 SENATOR PARKER: Madam President,
24 through you. Currently there is an appropriation
25 of \$33 million, which then turns into that

1 \$25 per month payment to each ratepayer.

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

5 ACTING PRESIDENT PERSAUD: Does the
6 sponsor yield?

7 SENATOR PARKER: Yes, ma'am.

8 ACTING PRESIDENT PERSAUD: The
9 sponsor yields.

10 SENATOR WALCZYK: Where does that
11 appropriation sit? I'm sure -- maybe that's in a
12 later budget bill. Which fund is that out of?

13 SENATOR PARKER: Madam President,
14 through you. It's through each locality's -- it
15 hasn't become live yet, so you haven't -- that's
16 why you haven't seen it yet.

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

20 ACTING PRESIDENT PERSAUD: Does the
21 sponsor yield?

22 SENATOR PARKER: Yes,
23 Madam President.

24 ACTING PRESIDENT PERSAUD: The
25 Senator yields.

1 SENATOR WALCZYK: Through you.

2 And so someone will sign up for one
3 of these thermostats that then the utility has
4 control over. And I understand from reading the
5 language here, based on extreme cold and extreme
6 heat, they'll actually be able to change the
7 temperature in someone's home if they've
8 subscribed to this program.

9 How is extreme cold and extreme heat
10 defined for the utilities?

11 SENATOR PARKER: Madam President,
12 it's going to be defined by DPS via a proceeding.

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

16 ACTING PRESIDENT PERSAUD: Does the
17 sponsor yield?

18 SENATOR PARKER: I do in fact
19 yield.

20 ACTING PRESIDENT PERSAUD: The
21 sponsor yields.

22 SENATOR WALCZYK: So the Department
23 of Public Service is really in charge of making
24 sure that there is safe, reliable, affordable
25 energy for New Yorkers. Not necessarily, you

1 know, they -- I'm sure they do a little bit of
2 weather forecasting over there.

3 But what energy load would they
4 consider or affordability would they consider
5 when making these decisions? Or does that not
6 have to be a part of making the decision for
7 extreme heat or cold at all?

8 (Pause.)

9 SENATOR PARKER: Madam President,
10 they will consider all of those factors in the
11 context of the proceeding. They've already done
12 a percentage on extreme heat, and so that
13 certainly could be used as data within the
14 context of the decisions they make going forward.

15 SENATOR WALCZYK: Thank you,
16 Madam President.

17 Would someone yield on Part PP?

18 SENATOR GIANARIS: What part is
19 that? Is that PP?

20 ACTING PRESIDENT PERSAUD: PP,
21 yeah.

22 (Laughter.)

23 SENATOR GIANARIS: That is still
24 Senator Parker.

25 ACTING PRESIDENT PERSAUD:

1 Senator Parker, do you yield?

2 SENATOR PARKER: I do yield,
3 Madam President.

4 ACTING PRESIDENT PERSAUD: The
5 Senator yields.

6 SENATOR WALCZYK: Through you,
7 Madam President. Is Micron building a natural
8 gas turbine?

9 SENATOR PARKER: Through you,
10 Madam President, no.

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

14 ACTING PRESIDENT PERSAUD: Does the
15 sponsor yield?

16 SENATOR PARKER: Yes.

17 ACTING PRESIDENT PERSAUD: The
18 sponsor yields.

19 SENATOR WALCZYK: What's the
20 purpose of this section?

21 SENATOR PARKER: Madam President,
22 they are building some emergency generation.

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

1 SENATOR PARKER: I do.

2 ACTING PRESIDENT PERSAUD: The
3 sponsor yields.

4 SENATOR WALCZYK: Through you,
5 Madam President. What type of emergency
6 generation?

7 SENATOR PARKER: Through you,
8 Madam President, diesel.

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

12 ACTING PRESIDENT PERSAUD: Does the
13 sponsor yield?

14 SENATOR PARKER: Yes.

15 ACTING PRESIDENT PERSAUD: The
16 sponsor yields.

17 SENATOR WALCZYK: And this bill
18 would exempt the diesel generating facility from
19 Article X?

20 (Pause.)

21 SENATOR PARKER: Madam President,
22 through you. There already exists an exemption
23 for this purpose.

24 However, the particular generation
25 that Micron is doing exceeds the limit. And so

1 this is essentially to create essentially a
2 variance to allow them to opt into the
3 existing -- the existing exemption that exists.

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

7 ACTING PRESIDENT PERSAUD: Will the
8 sponsor yield?

9 SENATOR PARKER: Yes,
10 Madam President, I do yield.

11 ACTING PRESIDENT PERSAUD: The
12 Senator yields.

13 SENATOR WALCZYK: Through you,
14 Madam President, how many megawatts will this
15 diesel generating facility that's exempted from
16 Article X be?

17 SENATOR PARKER: Madam President,
18 through you, 295 megawatts combined.

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

22 ACTING PRESIDENT PERSAUD: Does the
23 sponsor yield?

24 SENATOR PARKER: Yes.

25 ACTING PRESIDENT PERSAUD: The

1 sponsor yields.

2 SENATOR WALCZYK: Through you,
3 Madam President. And this is still considered a
4 Green CHIPS site?

5 SENATOR PARKER: Madam President,
6 through you, correct.

7 SENATOR WALCZYK: Thank you,
8 Madam President.

9 I would ask someone to yield on
10 Part P.

11 SENATOR GIANARIS: That's one P
12 this time? Also Senator Parker.

13 ACTING PRESIDENT PERSAUD: Does the
14 Senator yield?

15 SENATOR PARKER: Yes,
16 Madam President, I yield.

17 ACTING PRESIDENT PERSAUD: The
18 Senator yields.

19 SENATOR WALCZYK: Through you,
20 Madam President.

21 In this section you're asking
22 utilities to collect data on people's incomes to
23 determine what they can afford to pay. Is that
24 right?

25 SENATOR PARKER: Madam President,

1 through you. That is something that can be done,
2 but it's not necessarily compelled to do that
3 specific procedure.

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

7 ACTING PRESIDENT PERSAUD: Does the
8 sponsor yield?

9 SENATOR PARKER: I do yield.

10 ACTING PRESIDENT PERSAUD: The
11 sponsor yields.

12 SENATOR WALCZYK: And through you,
13 Madam President.

14 You're appointing a special monitor
15 through the Public Service Commission in order to
16 determine income eligibility and index incomes
17 based on an affordability index to be considered
18 in rate cases, as I understand it. Am I reading
19 your language correctly?

20 SENATOR PARKER: No,
21 Madam President, that's not what happens here.

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

25 ACTING PRESIDENT PERSAUD: Does the

1 sponsor yield?

2 SENATOR PARKER: I do yield.

3 ACTING PRESIDENT PERSAUD: The
4 sponsor yields.

5 SENATOR WALCZYK: Through you,
6 Madam President, what happens here?

7 SENATOR PARKER: Madam President,
8 through you.

9 What happens with the special
10 monitor is -- essentially what we are proposing
11 in this legislation is that if in fact there is
12 determined to be something that -- a utility is
13 in fact exceeding costs in that way, a monitor
14 can be assigned and then that monitor over the
15 course of the year would make a set of
16 recommendations to lower costs and maintain the
17 service to ratepayers.

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

20 ACTING PRESIDENT PERSAUD: Does the
21 sponsor yield?

22 SENATOR PARKER: Yes.

23 ACTING PRESIDENT PERSAUD: The
24 sponsor yields.

25 SENATOR WALCZYK: So through you,

1 Madam President. So this doesn't require
2 utilities in any way to collect people's income?

3 (Pause.)

4 SENATOR PARKER: Madam President,
5 through you.

6 The monitor will in fact, you know,
7 create a index and can look at tiers. But it's
8 not a requirement of going through and making
9 sure that they know every single ratepayer's
10 income.

11 But an understanding of what the
12 ratepayer income is within the context of the
13 service area is necessary in order to make the
14 proper determinations around affordability in
15 that particular service zone.

16 SENATOR WALCZYK: Madam President,
17 would the sponsor continue to yield?

18 ACTING PRESIDENT PERSAUD: Does the
19 sponsor yield?

20 SENATOR PARKER: I do yield.

21 ACTING PRESIDENT PERSAUD: The
22 sponsor yields.

23 SENATOR WALCZYK: Thank you.
24 Through you, Madam President.

25 Yeah, and that's -- I appreciate the

1 clarification. So will that be census tract data
2 that they're pulling down from somewhere else?
3 Or will the utilities be expected, under this
4 monitor, to collect income data from specific
5 customers?

6 SENATOR PARKER: Madam President,
7 through you. We don't necessarily determine the
8 modality and the methodology that's used by the
9 monitor to derive that information.

10 SENATOR WALCZYK: Thank you.
11 Madam President, would someone yield
12 on Part W?

13 SENATOR GIANARIS: That would be
14 Senator Baskin.

15 SENATOR WALCZYK: Oh, I'm sorry,
16 Part VV, which looks like a W the way that I
17 wrote it down.

18 SENATOR GIANARIS: Ah. You know,
19 in Spanish it's "doble ve," which means double V,
20 actually.

21 Okay, Part VV would in fact be
22 Senator Harckham.

23 ACTING PRESIDENT PERSAUD: Does the
24 Senator yield?

25 SENATOR HARCKHAM: I do.

1 ACTING PRESIDENT PERSAUD: The
2 Senator yields.

3 SENATOR WALCZYK: Thank you.
4 Through you, Madam President.

5 In 2006 Al Gore said we had 10 years
6 to address the planetary emergency or we would
7 reach the point of no return. Can you explain
8 the science behind the 10 years' extension of the
9 CLCPA that's proposed in this bill today?

10 SENATOR HARCKHAM: Through you,
11 Madam President. I don't know that there was
12 necessarily as much science as there was a desire
13 to get out from under a lawsuit.

14 So we have not seen the scientific
15 calculations on this.

16 SENATOR WALCZYK: Madam President,
17 would the sponsor continue to yield?

18 ACTING PRESIDENT PERSAUD: Does the
19 sponsor yield?

20 SENATOR HARCKHAM: Yes.

21 ACTING PRESIDENT PERSAUD: The
22 sponsor yields.

23 SENATOR WALCZYK: Through you,
24 Madam President.

25 So no science went into the 10-year

1 calculation, this was just based on a legal
2 issue? Is there a lawsuit that we expect to be
3 settled within the next decade?

4 SENATOR HARCKHAM: Through you,
5 Madam President. As widely publicly reported,
6 the Governor was sued by a group of environmental
7 organizations for not having followed a law that
8 was passed in the '22 budget on cap-and-invest.

9 The Governor lost that lawsuit and
10 then has publicly said she needed relief from the
11 lawsuit. And so this is largely a response to
12 that.

13 I would say that it was probably
14 realistic to say that some of the emissions
15 targets might not have been met in the short
16 term. Other targets were ahead of schedule. For
17 instance, the solar target was well ahead of
18 schedule.

19 But no, there was no scientific
20 calculation that we have seen to result in the
21 10-year change.

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

25 ACTING PRESIDENT PERSAUD: Does the

1 sponsor yield?

2 SENATOR HARCKHAM: Yes.

3 ACTING PRESIDENT PERSAUD: The
4 sponsor yields.

5 SENATOR WALCZYK: And through you,
6 Madam President.

7 The cost estimate for implementation
8 of cap-and-invest under current law was an
9 additional \$4100 in annual energy costs for
10 upstate residents and \$2300 for residents in
11 New York City, along with an extra 2.23 on the
12 price of a gallon of gas.

13 I don't need to rehash the NYSERDA
14 memo that we've talked about here today, but they
15 did provide us some insight as to what it could
16 cost New Yorkers to see that implementation.

17 Has that been updated? What will
18 this cost over this time period for New Yorkers?

19 SENATOR HARCKHAM: Through you,
20 Madam President.

21 First, with all due respect, I
22 reject the premise of the NYSERDA memo as the
23 Holy Grail. The NYSERDA memo was not a policy
24 document. The NYSERDA memo was a political
25 document designed to scare people. If you look

1 at the numbers that were used in the NYSERDA
2 memo, they used a price per carbon that was five
3 times higher than the price in California. So
4 California is about \$37 per ton. The NYSERDA
5 memo quoted a price of over \$175 per ton.

6 Nowhere in anyone's wildest
7 imagination was it foreseen that New York would
8 implement a program five times higher than the
9 cost of California's.

10 So I just want to -- through you,
11 Madam President -- make the record clear that
12 there are many of us who pushed back on the
13 so-called NYSERDA memo that others have sort of
14 hung their hat on but many of us reject the
15 validity of.

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

19 ACTING PRESIDENT PERSAUD: Does the
20 sponsor yield?

21 SENATOR HARCKHAM: Yes.

22 ACTING PRESIDENT PERSAUD: The
23 sponsor yields.

24 SENATOR WALCZYK: Through you,
25 Madam President. So if NYSERDA's memo was a

1 political memo, fine. What does your policy memo
2 say that it's going to cost New Yorkers to
3 implement this?

4 SENATOR HARCKHAM: Well, through
5 you, Madam President, there is no cap-and-invest
6 program right now.

7 Under this legislation, the
8 cap-and-invest regulations will be promulgated in
9 2028. And so that is the time when the
10 regulations will be promulgated. There will be a
11 cost analysis that will go along with that.

12 But what should be kept in mind for
13 a cap-and-invest program, especially a
14 well-designed cap-and-invest program, is there
15 will be a cap on the cap price. That is
16 reasonable to hold costs down. There will be
17 rebates to low- and moderate-income ratepayers.
18 There will be industries who will be protected.

19 So for instance, energy-intensive
20 industries like the steel industry, where there
21 are no -- not yet commercially viable
22 non-carbon-based smelters. I believe there's one
23 in the world, in Europe, that just first came
24 online. But we want to protect those jobs. We
25 want to keep the aluminum industry and the steel

1 industry here in New York State. Those folks
2 will be protected as well.

3 However, it's up to NYSERDA and DEC
4 between now and 2028 to promulgate those rules,
5 and that was what the lawsuit was over. So this
6 is giving them three more years' time to do the
7 calculations, to come up with the least impactful
8 plan, but then also plan that we can begin having
9 revenue to invest into our economy to decarbonize
10 the economy and create good-paying jobs as well.

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

14 ACTING PRESIDENT PERSAUD: Does the
15 sponsor yield?

16 SENATOR HARCKHAM: Yes.

17 ACTING PRESIDENT PERSAUD: The
18 sponsor yields.

19 SENATOR WALCZYK: So New Yorkers
20 for Clean Air have estimated that this will cost
21 about \$57 billion in the next 10 years. I think
22 that's a pretty conservative estimate. The
23 Governor has said just in the last few years
24 we've spent \$88.7 billion in New York on green
25 energy projects.

1 Is there any estimate that you have
2 that you could communicate to taxpayers and
3 ratepayers in the State of New York for how much
4 this is going to cost them?

5 SENATOR HARCKHAM: Through you,
6 Madam President. The Climate Action Task Force
7 did calculations this will be saving New Yorkers
8 \$130 billion over the life of the program,
9 compared to not doing anything.

10 The public health costs are real and
11 significant. The infrastructure costs are real
12 and significant. I use the example of just one
13 intersection in my district. And forgive me, but
14 I've said this on the floor before. The
15 Annsville Circle was just raised at a cost of
16 \$25 million. It had to be raised 8 feet because
17 the Hudson River at high tide constantly floods
18 there as a result of sea level rise. That's one
19 intersection in one Senate district in one
20 community.

21 So the costs we are paying are real.
22 The home insurance costs are primarily driven by
23 catastrophic losses and storm damage -- mostly in
24 other states, some in New York State. So we are
25 paying costs right now.

1 So to pretend that investing in
2 improving our health and our economy is somehow a
3 burden as opposed to a benefit, depends on which
4 side of the aisle you are on.

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

8 ACTING PRESIDENT PERSAUD: Does the
9 sponsor yield?

10 SENATOR HARCKHAM: Absolutely.

11 ACTING PRESIDENT PERSAUD: The
12 Senator yields.

13 SENATOR WALCZYK: Through you,
14 Madam President. You said somewhere around
15 \$150 billion in savings. But, I mean, on the
16 ratepayer side, what can ratepayers expect to pay
17 for energy over the next 10 years or pay for
18 energy investments while they're saving all of
19 this money on healthcare and other ancillary
20 things that people probably --

21 SENATOR HARCKHAM: Well, through
22 you, Madam President. Thank you for the
23 question.

24 I would suggest a few things. One,
25 through energy efficiency programs, when we use

1 less energy we are paying for less energy. When
2 we're using electric vehicles, which you
3 disparaged in our previous discussion, you are
4 saving money. All right?

5 Senator May and I were just talking
6 about how we are paying, with our electric
7 vehicles, less than a third of what we did to gas
8 our vehicles. And that was before the Strait of
9 Hormuz closed and prices skyrocketed.

10 So I'm probably paying a quarter of
11 what I used to spend on gasoline in my car. That
12 is a real savings that other folks will have.

13 Heat pumps are far more efficient
14 and cost-effective than propane or oil or natural
15 gas. So there are real savings.

16 Secondly, by investing in clean
17 energy -- as we've discussed before,
18 Madam President -- a kilowatt of clean energy,
19 especially solar, is less expensive than a
20 kilowatt of fossil fuel energy.

21 And part of what we talk about, and
22 I'm sure there will be some questions later in
23 this debate, elements of the ASAP Act have been
24 in there.

25 There is a group that did an

1 analysis of the ASAP Act that says if New York
2 gets up to 20 gigs of distributed solar, we will
3 be saving ratepayers a billion dollars annually.
4 That's a real, comprehensive, concrete savings
5 that our ratepayers in New York State will see.
6 And that's just from this one aspect of solar,
7 just from distributed solar, not from the
8 utility-scale solar.

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

12 ACTING PRESIDENT PERSAUD: Does the
13 sponsor yield?

14 SENATOR HARCKHAM: Yes.

15 ACTING PRESIDENT PERSAUD: The
16 sponsor yields.

17 SENATOR WALCZYK: Through you,
18 Madam President. Earlier you said that the
19 decision to push back the CLCPA by 10 years
20 wasn't based on science. Based on that, are you
21 going to be supporting this legislation today?

22 SENATOR HARCKHAM: Through you,
23 Madam President. I will be voting for this bill
24 today.

25 But my job here today is to answer

1 questions Senators may have on the legislation
2 before us, as opposed to what I favor or what I
3 don't favor. But I will be voting for this
4 legislation today.

5 SENATOR WALCZYK: Thank you.

6 Madam President, on the bill.

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

9 SENATOR WALCZYK: Subsidies aren't
10 actually saving anyone money. The subsidies come
11 from ratepayers or taxpayers. You can say, Well,
12 they saved this person money, yes. But that
13 person got it from everybody else.

14 And I mean no offense to my
15 colleague, but nobody in New York State believes
16 that the direction that you're headed in energy
17 policy is going to save them money. They've seen
18 this experiment happen over the last seven years,
19 and they've only seen their bills skyrocket to be
20 70 percent higher than the national average.

21 And the answer here: All right,
22 kick the can down the road a little bit more, but
23 keep on trucking.

24 New Yorkers don't want what you're
25 selling.

1 Thank you, Madam President.

2 ACTING PRESIDENT PERSAUD: Senator
3 Harckham on the bill.

4 SENATOR HARCKHAM: Through you,
5 Madam President, just very briefly on the bill.

6 When we talk about the price of
7 energy in New York, let's be very clear. NYSERDA
8 has said the rate spikes in utility prices in
9 New York have been caused by the price of natural
10 gas. Not renewables.

11 The New York State Independent
12 System Operator has said very clearly the rise in
13 utility prices is because of the spike in the
14 price of natural gas, not renewables.

15 ACTING PRESIDENT PERSAUD: Thank
16 you, Senator.

17 Senator Mattera, why do you rise?

18 SENATOR MATTERA: Yes, thank you,
19 Madam President. Would the sponsor yield for
20 some questions on VV?

21 SENATOR GIANARIS: VV is still
22 Senator Harckham.

23 ACTING PRESIDENT PERSAUD: Senator,
24 do you --

25 SENATOR HARCKHAM: He still yields.

1 ACTING PRESIDENT PERSAUD: The
2 Senator yields.

3 SENATOR MATTERA: Senator, who has
4 the appointments on the commission right now with
5 the Blue Ribbon Commission? Who will be doing
6 the appointments?

7 SENATOR HARCKHAM: Through you,
8 Madam President, that's Part TT.

9 SENATOR MATTERA: I'm sorry,
10 Part TT. I'm sorry about that.

11 SENATOR GIANARIS: Okay, that would
12 be Senator Parker.

13 SENATOR MATTERA: Senator Parker.

14 ACTING PRESIDENT PERSAUD: Senator,
15 do you yield?

16 SENATOR PARKER: Of course I yield
17 for Senator Mattera.

18 ACTING PRESIDENT PERSAUD: The
19 Senator yields.

20 SENATOR MATTERA: Sorry about that.
21 The Blue Ribbon Commission, who has
22 the appointments on this commission?

23 SENATOR PARKER: Madam President,
24 through you, the majorities and the Governor.

25 SENATOR MATTERA: And through you,

1 Madam President, would the sponsor continue to
2 yield, please?

3 ACTING PRESIDENT PERSAUD: Does the
4 sponsor yield?

5 SENATOR PARKER: I do yield.

6 ACTING PRESIDENT PERSAUD: The
7 sponsor yields.

8 SENATOR MATTERA: Is there a reason
9 why, Senator, that the minority leaders of the
10 Senate and the Assembly do not have any
11 appointments at all?

12 SENATOR PARKER: Madam President,
13 that's how it was negotiated.

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

17 ACTING PRESIDENT PERSAUD: Does the
18 sponsor yield?

19 SENATOR PARKER: Yes.

20 ACTING PRESIDENT PERSAUD: The
21 sponsor yields.

22 SENATOR MATTERA: And that wasn't
23 negotiated at all? That means that in other
24 words, that we have a minority leader and we
25 have -- in both houses. And do you feel that

1 that is right that we do not have any kind of --
2 anybody that is there that's going to be
3 responsible for any kind of interviews, resumes
4 to move forward?

5 SENATOR PARKER: Madam President,
6 through you.

7 I was not involved specifically in
8 this part of the negotiation. It is, you know,
9 what was negotiated between the majorities and
10 the Governor. And I'd suggest that if there are
11 questions, that they direct it to the Governor.

12 SENATOR MATTERA: Through you,
13 Madam President, would the sponsor continue to
14 yield, please?

15 ACTING PRESIDENT PERSAUD: Does the
16 sponsor yield?

17 SENATOR PARKER: Yes,
18 Madam President.

19 ACTING PRESIDENT PERSAUD: The
20 sponsor yields.

21 SENATOR MATTERA: This bill creates
22 a nine-member rates commission task force to
23 study skyrocketing utility costs and names the
24 Long Island Power Authority as an entity that
25 must turn over data.

1 You know, looking at the appointment
2 structure, the Governor gets five picks, the
3 Senate gets two, and the Assembly gets two, with
4 zero requirements for the several members who
5 actually live on, represent and understand the
6 unique captive ratepayer structure of Long
7 Island, where I live.

8 Given that Long Islanders
9 historically pay some of the highest electricity
10 bills in the entire country, how can the sponsor
11 justify creating a so-called blue ribbon panel
12 that completely shuts out guaranteed, dedicated
13 seats for Long Island consumer advocates like
14 union leaders of utility unions? Just like, you
15 know, not-for-profit energy companies like IPPNY
16 and New York Affordable Energy? These people,
17 they're experts.

18 So what kind of -- again, what kind
19 of people that we -- what kind of members that
20 are going to be part of this commission are going
21 to be qualified? And again, nobody on our side,
22 the Minority is not going to get a look at it.
23 We have experts that can't be part of any kind of
24 organization. So where are we finding these
25 people?

1 SENATOR PARKER: Madam President,
2 two points to answer my colleague's question.

3 The first of which is that the
4 appointment structure of this Blue Ribbon
5 Commission follows the appointment structure of
6 like 99.9 percent of the appointment structures
7 of commissions in the State of New York. And
8 literally having been here 24 years, I never
9 heard of this complaint when my colleagues on the
10 other side of the aisle were in the Majority.

11 And so this is pattern and practice
12 and, you know, is the way that, again,
13 commissions have been structured for a very long
14 time in this state.

15 I would also point out, as my second
16 point, that in both majorities, in the Assembly
17 and Senate, there are members from Long Island.
18 And those members are more than capable and
19 qualified to pick members of this Blue Ribbon
20 Commission that can represent the views and
21 provide the expert information that is needed to
22 make proper decisions.

23 SENATOR MATTERA: Through you,
24 Madam President, can I have the sponsor for VV
25 now, please.

1 ACTING PRESIDENT PERSAUD: Senator
2 Harckham, you're up. Do you yield?

3 SENATOR HARCKHAM: I do.

4 ACTING PRESIDENT PERSAUD: The
5 sponsor yields.

6 SENATOR MATTERA: Thank you so
7 much.

8 Senator, why is it that this is
9 extending the deadline to reduce greenhouse gas
10 emissions by 40 percent from 2030 to 2040?

11 SENATOR HARCKHAM: Through you,
12 Madam President. The Governor felt she needed
13 more time to reach those objectives.

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

17 ACTING PRESIDENT PERSAUD: Does the
18 sponsor yield?

19 SENATOR HARCKHAM: Yes.

20 ACTING PRESIDENT PERSAUD: The
21 sponsor yields.

22 SENATOR MATTERA: Senator, why are
23 affordability protections only being emphasized
24 now instead of when the original CLCPA law was
25 passed?

1 Will this bill lower our ratepayer
2 bills right away? You know, right now, you know,
3 since the CLCPA has been passed, our rates have
4 gone up over 100 percent in certain areas in
5 New York State. And everybody can sit there and
6 say, Senator, like you said before, it's part of
7 doing business.

8 What are we doing to help our
9 ratepayers? And how is the -- right now, this
10 change that everybody's blaming the Governor, so
11 that means that this side of the aisle had no say
12 at all? Everything's with the Governor, picks
13 for appointments?

14 SENATOR HARCKHAM: If the Senator
15 would care to hear a response, or is he on the
16 bill?

17 SENATOR MATTERA: No.

18 SENATOR HARCKHAM: You don't care
19 to hear a response?

20 SENATOR MATTERA: No, response,
21 please. I want to hear a response.

22 SENATOR HARCKHAM: Through you,
23 Madam President, I never said this is business as
24 usual. I never said that.

25 Through you, Madam President, both

1 NYSERDA and others have said that because we have
2 not yet implemented CLCPA, it is not responsible
3 for cost increases. That is also an unfounded
4 accusation.

5 In the pre-memo, back in 2023,
6 before regs were supposed to come, 30 percent of
7 a cap-and-invest program were supposed to go
8 directly back to ratepayers, as I had mentioned
9 before, to low- and moderate-income ratepayers, a
10 portion was supposed to go to small businesses.
11 And as I said, a portion was to go to energy
12 efficiency to save homeowners, landlords,
13 business owners, money on their utility bills.
14 That is the intent of a cap-and-invest program.

15 We also spoke of the ASAP program,
16 elements which will be contained in this budget,
17 restarting NY-Sun, which will create 15,000 jobs
18 for electrical workers and laborers and, at the
19 same time, will lower New York's utility bills by
20 a billion dollars annually when it's fully
21 implemented.

22 So yes, there are elements of this
23 that will directly save ratepayers money.

24 The problem with our utility
25 rates -- and I've said it before, I'll say it

1 again -- is the high mix of natural gas in our
2 energy portfolio. States like Texas and others
3 that have much lower rates have a higher
4 proportion of renewables.

5 Yes, they still have nuclear, they
6 still have natural gas, as we will have for years
7 to come. But it's developing that balance,
8 Madam President, to lower the cost.

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

12 ACTING PRESIDENT PERSAUD: Does the
13 sponsor yield?

14 SENATOR HARCKHAM: Yes.

15 SENATOR MATTERA: So -- so,
16 Senator, you're telling me that --

17 ACTING PRESIDENT PERSAUD: Senator,
18 the sponsor yields.

19 SENATOR MATTERA: I'm sorry.
20 Sorry, Madam President.

21 So, Senator, are you telling me that
22 in other words since wind -- all the investment
23 that we've had so far, wind, solar and battery
24 storage, has cost trillions of dollars right now.
25 That only creates what percentage, 12 percent of

1 our energy? You're going to say, How did they
2 get paid for?

3 SENATOR HARCKHAM: Through you,
4 Madam President, we have not spent anywhere near
5 trillions of dollars in New York State on --

6 SENATOR MATTERA: Close to it.

7 SENATOR HARCKHAM: -- on clean
8 energy. That's just simply a fabrication.

9 Our wind, all of our wind, with the
10 exception of one project, has been put on hold
11 because of the president. Much of battery
12 storage has been stymied by local opposition.

13 The one successful area has been
14 solar. The CLCPA called for 6 gigs of
15 distributed solar. We have created well beyond
16 8 now, which was why the push to go for 20. That
17 was the one thing that is working. It's the one
18 thing that is creating jobs.

19 SENATOR MATTERA: Through you,
20 Madam President, will the sponsor continue to
21 yield, please?

22 ACTING PRESIDENT PERSAUD: Will the
23 sponsor yield?

24 SENATOR HARCKHAM: Yes.

25 ACTING PRESIDENT PERSAUD: The

1 sponsor yields.

2 SENATOR MATTERA: It's trillions.
3 That's what it's costing us right now to do wind,
4 solar, and battery storage. We put all our eggs
5 in one basket.

6 Is the change and endorsement of the
7 necessity of the NESE and the Constitution
8 pipelines, since they will be able to deliver
9 clean natural gas directly to our residents -- my
10 question is, you keep on mentioning that -- in
11 other words, having that NESE gas pipeline coming
12 in, Senator, with taking off 60 percent of the
13 trucks, 7 pounds of CO2 a mile, are you sitting
14 there saying that natural gas, that there's
15 already data saying it's going to save \$6 billion
16 to have that pipeline, especially the
17 NESE pipeline, coming to Long Island, my area
18 where I am -- so are you saying, in other words,
19 that that's not a savings that we're going to
20 have for our utility ratepayers?

21 SENATOR HARCKHAM: Through you,
22 Madam Pipeline --

23 (Laughter.)

24 SENATOR HARCKHAM: Not pipeline.
25 Through you, Madam President.

1 Through you, Madam President, the
2 bill before us is silent on the NESE pipeline.
3 This bill does not address anything in the
4 NESE pipeline. The NESE pipeline applied for its
5 approvals, it got approvals from DEC. It will
6 happen. There's nothing in this legislation that
7 speaks to the NESE pipeline.

8 ACTING PRESIDENT PERSAUD: Thanks
9 for breaking the tension, Senator.

10 SENATOR MATTERA: Through you,
11 Madam President, will the sponsor continue to
12 yield.

13 ACTING PRESIDENT PERSAUD: Will the
14 sponsor yield?

15 SENATOR HARCKHAM: Yes.

16 ACTING PRESIDENT PERSAUD: The
17 Senator yields.

18 SENATOR MATTERA: So I wish you
19 would have answered that. We always had our nice
20 talks about this, about the pipeline. You know,
21 we need a plan and not a ban. And again, it will
22 save \$6 billion alone for that pipeline to be
23 coming into. Now we need the Constitution.

24 Are the changes in the bill an
25 acceptance of reality? And if so, are we not

1 going back to square one with the full repeal of
2 the CLCPA that has cost our ratepayers billions
3 already? Meaning, do you feel that in other
4 words this is just a Band-Aid fix right now? And
5 that's how this is. All this is is a Band-Aid
6 fix. It's an election year, and you --
7 everybody's saying here in this chamber, blaming
8 the Governor, blaming the Governor. But there's
9 no blame here because, guess what, we're going to
10 see how people are going to be voting for this
11 today in this chamber, how members are going to
12 be voting.

13 So my question too, do you feel that
14 we should do a full repeal and start from
15 square one?

16 SENATOR HARCKHAM: Through you,
17 Madam President, I do not.

18 But this is not a full repeal. What
19 this bill does -- and a lot of talk about it, but
20 let's just be very clear. What this does is it
21 eliminates the 2030 target, replaces it with a
22 slightly more stringent target for 2040, up to
23 60 percent in emissions reduction. And then the
24 normal -- the normal in 2050.

25 So this is a modification of the

1 CLCPA. This is not a wholesale repeal, as was
2 suggested.

3 SENATOR MATTERA: On the bill,
4 please.

5 ACTING PRESIDENT PERSAUD: Senator
6 Mattera on the bill.

7 SENATOR MATTERA: And thank you,
8 Madam President. Thank you, Senator Parker and
9 Senator Harckham.

10 To all New Yorkers, everybody needs
11 to know that right now this bill -- this is
12 hurting, and it's a Band-Aid fix. And I know
13 it's a Band-Aid fix because it's an election year
14 and everybody knows that.

15 Everybody is sick and tired of being
16 gouged in their pocketbooks. And this has been
17 happening since the inception of the CLCPA. The
18 CLCPA put us in danger by costing all ratepayers
19 more money with the utility bills. Right now
20 NYSERDA has \$2.4 billion -- again, with a B -- in
21 their account. And it's amazing that nothing is
22 being released that we didn't see so far in this
23 budget, nothing at all to help out those
24 1.6 million ratepayers that right now can't pay
25 their bills because of everything is so

1 expensive.

2 Keep on blaming the federal
3 government. This was way -- this was from -- the
4 Biden administration started all this.

5 Again, I am so proud that we do have
6 the NESE pipeline that's coming in. We proved it
7 to the Governor also that we're going to take
8 60 percent of the trucks off the roadways,
9 7 pounds of CO2 a mile -- 60 percent.

10 The PSC, Rory Christian -- anybody
11 wants to give him a call, he'll tell you that
12 it's a necessity that we have natural gas. Wind,
13 solar and battery storage is not going to do it.
14 It is not going to give us enough. Yes,
15 nuclear's down the road. I love that we have
16 thermal energy. Very important.

17 This conference, our conference,
18 cares about renewable energy. We care about the
19 environment. But at what cost? I say it all
20 the time, we need to retool our existing power
21 plants, especially on Long Island. Carbon
22 capture. Right now Caithness II, over 50 percent
23 carbon-free. That will happen with the NESE
24 pipeline coming in.

25 Back in the day, with Governor Cuomo

1 and the environmentalists wanted to make sure
2 that that NESE pipeline wasn't coming in -- but
3 again, we had to prove the point that it's a
4 necessity again. And to make sure it's going to
5 save our ratepayers over \$6 billion when that is
6 a -- 2.3 million homes and businesses will
7 benefit from that pipeline.

8 The Constitution will be next. It
9 is necessity, everybody here. Wind, solar and
10 battery storage is not going to do it. Nuclear
11 will be 15 to 20 years down the road. That is
12 not doing it. We need to worry about today. We
13 need to care about our ratepayers.

14 And this did nothing. This is
15 another Band-Aid fix just like putting congestion
16 pricing on pause, and after the election press
17 play. That's exactly what's happening here. It
18 is nothing but a Band-Aid fix.

19 Thank you, Madam President.

20 ACTING PRESIDENT PERSAUD: Thank
21 you, Senator.

22 Senator Borrello, why do you rise?

23 SENATOR BORRELLO: Well,
24 Madam President, would the sponsor yield for a
25 question on VV, Victor Victor.

1 ACTING PRESIDENT PERSAUD: Senator
2 Harckham, do you yield?

3 SENATOR HARCKHAM: I do.

4 ACTING PRESIDENT PERSAUD: The
5 sponsor yields.

6 SENATOR BORRELLO: Through you,
7 Madam President. Senator Harckham, do you
8 consider climate change to be an existential
9 crisis?

10 SENATOR HARCKHAM: Through you,
11 Madam President. Personally I do, yes.

12 SENATOR BORRELLO: Thank you,
13 Madam President. Will the sponsor continue to
14 yield?

15 ACTING PRESIDENT PERSAUD: Will the
16 sponsor yield?

17 SENATOR HARCKHAM: Yes.

18 ACTING PRESIDENT PERSAUD: The
19 sponsor yields.

20 SENATOR BORRELLO: So with that
21 said, is the purpose of the CLCPA to reduce
22 global greenhouse gas emissions?

23 SENATOR HARCKHAM: Through you,
24 Madam --

25 SENATOR BORRELLO: The New York

1 contribution, I should say.

2 SENATOR HARCKHAM: Through you,
3 Madam President. The CLCPA is quite honestly
4 about -- as much about public health as it is
5 about carbon or methane. You know, because
6 carbon and methane are co-pollutants.

7 And for instance, in New York
8 1200 New Yorkers die prematurely every year from
9 respiratory ailments due to air pollution. Tens
10 of thousands of our children have unnecessary
11 asthma and respiratory and developmental
12 difficulties due to their proximity to the
13 burning of extensive amounts of fossil fuel.

14 People think of the counties I
15 represent -- Westchester, Rockland, Putnam -- as
16 bucolic places. Our counties get an F from the
17 American Lung Association for air quality.

18 So the CLCPA is as much about public
19 health as it is about air quality.

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

22 ACTING PRESIDENT PERSAUD: Does the
23 sponsor yield?

24 SENATOR HARCKHAM: Yes.

25 ACTING PRESIDENT PERSAUD: The

1 sponsor yields.

2 SENATOR BORRELLO: You know, I
3 would agree with you also in the sense that, you
4 know, we live downwind from other states and
5 Canada where they are producing fossil fuels --
6 and, by the way, supplying them to New York State
7 in a greater number than they ever have before.

8 So with that being said, why would
9 this bill exempt fossil-fuel power that is being
10 imported into New York State from the emissions
11 calculations for New York State? It's being
12 done. It's being generated to supply New York
13 State with power. So why are we exempting that
14 power from our greenhouse gas emission
15 calculations?

16 SENATOR HARCKHAM: Through you,
17 Madam President. It's interesting to hear,
18 because we have heard in prior debates from the
19 other side of the aisle where we've been
20 criticized, or the policies have been criticized
21 that we were counting and accounting for
22 out-of-state emissions as opposed to in-state
23 emissions.

24 However, having said that, the
25 ultimate goal, Senator, to your point is we want

1 to produce as much as we can in-state. And
2 that's where wind, when we can get back to a
3 reasonable national wind policy, and solar
4 contribute. Because we are not dependent upon
5 other states and their fossil fuels. We're not
6 dependent upon geopolitical events and wars,
7 either in Ukraine or the Persian Gulf.

8 And so the more renewables that we
9 can generate here in New York, the more energy
10 independence we will have from those other
11 states, to your very point.

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

14 ACTING PRESIDENT PERSAUD: Does the
15 sponsor yield?

16 SENATOR HARCKHAM: Yes.

17 ACTING PRESIDENT PERSAUD: The
18 sponsor yields.

19 SENATOR BORRELLO: But again, that
20 doesn't answer my question as to why you're
21 exempting that.

22 I understand -- if we're on a path
23 to increase so-called clean energy, renewable
24 energy, nuclear power, then why not just continue
25 to calculate in the dirty power that we're

1 importing so as to incentivize that changeover?

2 No?

3 SENATOR HARCKHAM: Through you,
4 Madam President. We do. Because we are not
5 exempting greenhouse gases for power generation.
6 It's the other forms that we are exempting from
7 the calculation.

8 But from -- for utility generation,
9 for electrical generation, we are not exempting
10 that.

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

13 ACTING PRESIDENT PERSAUD: Does the
14 sponsor yield?

15 SENATOR HARCKHAM: Yes.

16 ACTING PRESIDENT PERSAUD: The
17 sponsor yields.

18 SENATOR BORRELLO: So if we're
19 importing power from Ontario, Canada, if we're
20 importing power from Pennsylvania and Ohio, that
21 power is coming in as electricity. How it's
22 generated in Pennsylvania or wherever else,
23 you're saying that that's still going to count
24 against our greenhouse gas emissions?

25 (Pause.)

1 SENATOR HARCKHAM: Thank you. If I
2 may, Madam President, paragraph 13, line 8
3 (reading): Statewide greenhouse gas emissions
4 means the total amount of emissions of greenhouse
5 gases produced within the state from
6 anthropogenic sources and greenhouse gases
7 produced outside of the state that are associated
8 with the generation of electricity imported into
9 the state. Statewide emissions shall be
10 expressed in tons of carbon dioxide equivalents.

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

13 ACTING PRESIDENT PERSAUD: Does the
14 sponsor yield?

15 SENATOR HARCKHAM: Yes,
16 Madam President.

17 ACTING PRESIDENT PERSAUD: The
18 sponsor yields.

19 SENATOR BORRELLO: So how is this
20 going to help us reduce greenhouse gas emissions
21 if we're going to continue to import power?

22 Because if we're not going to have
23 more baseload power here in New York State and
24 we're going to continue to rely on, you know,
25 wind and solar, which really is not going to meet

1 the need -- it's only single digits that we're
2 providing right now -- aren't we just going to
3 have to continue to rely on importing more power?
4 Which, by the way, is probably going to cost us
5 more money than generating it here.

6 Why wouldn't we just generate better
7 energy here, cleaner, lower emission energy here
8 than importing power from other states?

9 SENATOR HARCKHAM: Through you,
10 Madam President. That is the plan to generate
11 cleaner renewable energy right here in the state.
12 That's exactly the plan.

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

15 ACTING PRESIDENT PERSAUD: Does the
16 sponsor yield?

17 SENATOR HARCKHAM: Yes.

18 ACTING PRESIDENT PERSAUD: The
19 sponsor yields.

20 SENATOR BORRELLO: Well, what I'm
21 saying is, is that then shouldn't we just not be
22 importing power from other states?

23 SENATOR HARCKHAM: Through you,
24 Madam President. We have economic realities
25 where we have a certain level of power that we

1 need to make.

2 In fact, you know, the New York
3 Independent System Operator, in one of their
4 power projections, was talking about a potential
5 shortfall for New York City as early as this
6 summer. And so hydropower was contracted from
7 Canada. A cable called the CHPE pipeline came
8 down through the Hudson, came ashore in Rockland
9 County, through my district, Senator Weber's
10 district, and then went back into the Hudson.

11 And that just recently connected
12 into the grid full power, and that will address
13 some of New York City's reliability concerns for
14 the next several years out.

15 So -- so we're doing exactly what
16 you're talking about, Senator.

17 SENATOR BORRELLO: Madam President,
18 will the sponsor continue to yield?

19 ACTING PRESIDENT PERSAUD: Does the
20 sponsor yield?

21 SENATOR HARCKHAM: Yes.

22 ACTING PRESIDENT PERSAUD: The
23 sponsor yields.

24 SENATOR BORRELLO: You mentioned
25 earlier in a previous debate that the reason that

1 our electricity prices are so much higher is
2 because of the high price of natural gas.

3 Yet you cited Texas. Well, Texas,
4 48 percent of their electricity is generated
5 through natural gas. Ours is 39 percent. And
6 yet our rates are about 70 percent higher than
7 the national average.

8 Pennsylvania is about -- we're about
9 40 percent higher than Pennsylvania, who also has
10 a reliance on natural gas of more than
11 50 percent. So how could those that are actually
12 using more national natural gas to generate
13 electricity have much lower electricity prices?

14 SENATOR HARCKHAM: Through you,
15 Madam President. With all due respect, Senator,
16 we have not seen numbers like that for Texas.
17 So I --

18 SENATOR BORRELLO: You can Google
19 it. I just did.

20 SENATOR HARCKHAM: No, I appreciate
21 that. I appreciate the numbers. But the -- you
22 know, the facts are that's what NYSERDA, that's
23 what the New York Independent System Operator are
24 reporting.

25 And because, you know, they also --

1 for instance, Texas has domestic sources of gas.
2 We're buying power on the spot market. We don't
3 have natural gas here in New York. So we are
4 paying more of a commodity price than Texas is.

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

7 ACTING PRESIDENT PERSAUD: Does the
8 sponsor yield?

9 SENATOR HARCKHAM: Yes.

10 ACTING PRESIDENT PERSAUD: The
11 sponsor yields.

12 SENATOR BORRELLO: I'll have to
13 disagree with you. I'm from Fredonia, New York,
14 which is the site of the very first natural gas
15 well. We have tremendous amounts of natural gas
16 in Western New York, one of the highest reserves
17 in the country.

18 And we would have even more --

19 ACTING PRESIDENT PERSAUD: Senator,
20 are you on the bill.

21 SENATOR BORRELLO: I'm asking a
22 question, but I'm -- it's a long lead-up to it.

23 So we would have even more if we
24 were able to unleash the power of the gas that's
25 stuck in the cracks and crevices of the

1 Marcellus Shale in the Southern Tier.

2 So why wouldn't we do that so we
3 could compete and not have to import that power?

4 SENATOR HARCKHAM: Through you,
5 Madam President. With respect to my friend, I'd
6 be happy to discuss over a cup of coffee the
7 Marcellus Shale and fracking policy.

8 That is not contemplated in this
9 legislation before us today. And I would like to
10 confine our discussion to what's in the bill, but
11 would be happy to discuss that at another time.

12 SENATOR BORRELLO: Madam President,
13 on the bill.

14 ACTING PRESIDENT PERSAUD:
15 Senator Borrello on the bill.

16 SENATOR BORRELLO: Thank you,
17 Senator Harckham. I'm up for that cup of coffee
18 whenever you would like, so -- decaf after
19 5 o'clock.

20 So the real issue here is we've been
21 trying to promote this narrative that New York
22 State is -- our high cost of energy is due to
23 external effects like the price of natural gas
24 and so forth. But that's just simply not true.

25 The reality is we have the highest

1 rates in the country, 70 percent higher than the
2 national average, higher than our neighboring
3 states, higher than states that have a higher mix
4 of natural gas than we do. Every indicator is
5 that this is a uniquely New York problem.

6 Now, what we're saying today is you
7 all were wrong about the CLCPA. What we're
8 saying today is you guys were wrong and now we're
9 going to spend another 10 years. Maybe. I think
10 all this is kind of written on an Etch A Sketch,
11 quite honestly, and you're going to shake it up
12 after the election and start over again. But at
13 least for now, you're going to kick it out over
14 10 years.

15 And why? Because we've been telling
16 you since day one that this wasn't going to work.
17 And now it's an election year. Now you have to
18 remember the fact that everybody opens their
19 electric bill or their utility bill every month
20 and they have in front of them a very painful
21 reminder of the horrible energy policy here in
22 New York State -- this disjointed, nonsensical
23 energy policy. And nothing in here is going to
24 change that.

25 Now, you had an opportunity, you had

1 an opportunity to say -- to do what NYSERDA has
2 said you should do, what the New York Power
3 Authority said you should do, or quite frankly
4 the Governor says you should do. Let's invest in
5 those traditional baseload powers once again.
6 Let's power with natural gas. Let's reduce the
7 cost of energy right now -- not 10 or 20 or
8 30 years from now, right now.

9 But instead, we're going to pretend
10 that this isn't happening, that there are some
11 other reasons, that somehow the high cost of
12 electricity in New York State is the fault of
13 someone else other than the policy here.

14 So I'm disappointed that this bill
15 doesn't have anything in it that's going to
16 reduce energy prices for New Yorkers as soon as
17 it's signed.

18 So Madam President, I don't think I
19 can support this. Thank you.

20 ACTING PRESIDENT PERSAUD: Thank
21 you.

22 Senator Palumbo, why do you rise?

23 SENATOR PALUMBO: Thank you,
24 Madam President. I wonder if a Senator would
25 yield on Part EE, Echo Echo. Pipeline ends in

1 "e".

2 ACTING PRESIDENT PERSAUD: Thank
3 you, Senator Palumbo. That would be
4 Senator Bailey.

5 ACTING PRESIDENT PERSAUD: Senator
6 Bailey, do you yield?

7 SENATOR BAILEY: Through you,
8 Madam President, I will yield on questions
9 related to Jalen Brunson and the New York Knicks.

10 (Laughter.)

11 ACTING PRESIDENT PERSAUD: The
12 Senator yields.

13 SENATOR BAILEY: Also Part EE,
14 Senator Palumbo.

15 SENATOR PALUMBO: Go, Knicks, on
16 their way to the finals.

17 Thank you, Madam President. And
18 thank you, Senator.

19 SENATOR BAILEY: Sure.

20 SENATOR PALUMBO: There are four or
21 five sections in this part, and I'd like to
22 unpack them separately, if I could.

23 And the first section here,
24 Section 1, makes changes to the "serious injury"
25 statute. And just as a kind of a precursor for

1 the non-lawyers in the group, to recover in an
2 automobile accident can we agree that you need to
3 establish that you suffered a serious injury in
4 accordance with Section 5102 of the
5 Insurance Law? Is that accurate?

6 SENATOR BAILEY: Through you,
7 Madam President, the Senator is correct about the
8 subsection that he named in reference to the
9 definition of "serious injury."

10 SENATOR PALUMBO: Thank you,
11 Senator.

12 Will the sponsor yield?

13 SENATOR BAILEY: Yes.

14 ACTING PRESIDENT PERSAUD: Will the
15 sponsor yield? The sponsor yields.

16 SENATOR PALUMBO: Thank you,
17 Madam President.

18 And through you, this section here
19 strikes the final, quote, "serious injury" manner
20 in which you can prove damages in an automobile
21 case. And it's basically when it's medically
22 determined that your injury or impairment is of a
23 non-permanent nature, but it prevents the injured
24 person from performing substantially all the
25 material acts which constitute such person's

1 usual and customary daily activities for not less
2 than 90 days of the 180 days following the
3 accident.

4 And that is stricken and no longer a
5 cause of action as a result of this bill. Is
6 that true?

7 SENATOR BAILEY: Through you,
8 Madam President. That portion is stricken.

9 But, Senator Palumbo, what you would
10 note is that -- bless you -- the rest of the
11 section in 5102 does in fact remain.

12 SENATOR PALUMBO: Thank you. Will
13 the sponsor yield?

14 ACTING PRESIDENT PERSAUD: Does the
15 sponsor yield?

16 SENATOR BAILEY: I yield.

17 ACTING PRESIDENT PERSAUD: The
18 sponsor yields.

19 SENATOR PALUMBO: Thank you,
20 Senator.

21 And do we know, are there any
22 empirical or is there any empirical data or have
23 we attributed any dollar amount to those specific
24 claims that would be saved in the event we strike
25 that and reform the law with respect to proving

1 serious physical injury or serious injury in an
2 automobile accident?

3 SENATOR BAILEY: Through you,
4 Madam President. Senator Palumbo, speaking from
5 my heart, I have often spoken to you all about
6 data and why we need data. And I'm glad you've
7 come to the realization that we also need data.

8 And I don't have any to that effect
9 that would prove what you're saying, but I
10 don't -- I think that sometimes it's important,
11 in the vein of affordability and what many of
12 your constituents and my constituents are -- all
13 of those measures are attempting to cut to the
14 heart of what we're trying to do vis-a-vis
15 affordability and as it goes towards insurance,
16 Madam President.

17 SENATOR PALUMBO: Does the sponsor
18 yield, continue to yield?

19 ACTING PRESIDENT PERSAUD: Does the
20 sponsor yield?

21 SENATOR BAILEY: Absolutely.

22 ACTING PRESIDENT PERSAUD: The
23 sponsor yields.

24 SENATOR PALUMBO: Thank you.

25 And of course, Senator, any

1 plaintiff may also plead their injury through the
2 rest of the statute. That still will exist, of
3 course, if there's death, dismemberment,
4 significant disfigurement, a fracture, loss of a
5 fetus, permanent loss of use of a bodily organ,
6 member, function or system, or permanent
7 consequential limitation of use of a body organ
8 or member, or significant limitation of use of a
9 body function or system.

10 But what is being stricken here is
11 that if it's -- those are all essentially
12 permanent injuries. And my -- just for
13 clarification, I guess, and legislative intent,
14 that now if there's a nonpermanent injury that
15 impairs this person from their regular duties for
16 at least 90 days of the 180 days following the
17 accident, they cannot recover. Is that accurate?

18 (Pause.)

19 SENATOR BAILEY: Through you,
20 Madam President, not necessarily.

21 It does have language in that
22 subsection about a significant limitation, which
23 as you've determined, based upon legislative
24 intent or any arbiter or finder of fact, they
25 could determine what significant limitation is

1 based upon one factor or a number of factors
2 based upon the specific injury, the nature of the
3 injury, the situs of injury, and so many other
4 contextual things that a reasonable finder of
5 fact would be able to determine.

6 SENATOR PALUMBO: Will the sponsor
7 yield?

8 ACTING PRESIDENT PERSAUD: Does the
9 sponsor yield?

10 SENATOR BAILEY: I do.

11 ACTING PRESIDENT PERSAUD: The
12 sponsor yields.

13 SENATOR PALUMBO: Thank you,
14 Senator.

15 And if we could move on to the next
16 section. Section 2 makes a change to a little
17 bit different section of the Insurance Law, 5104,
18 and it adds language at the end. And this
19 statute is basically you cannot recover -- and
20 let me break it down a little bit so we can --
21 our non-lawyer friends, as I said before, can
22 follow along. It addresses non-economic losses.

23 And can we agree non-economic
24 losses are pain and suffering losses, not
25 specific out-of-pocket losses. Is that accurate?

1 SENATOR BAILEY: Madam President, I
2 just want to make sure that the subsection of the
3 law that you mentioned is right.

4 Could you mention the subsection
5 again, Senator Palumbo?

6 SENATOR PALUMBO: Oh, sorry,
7 Subsection 2. It's on page 1, line 30, is where
8 it begins. And then it adds some language at
9 line 42. But it's essentially just reciting the
10 current 5104 statute.

11 SENATOR BAILEY: Sorry. Yes, that
12 is correct.

13 SENATOR PALUMBO: Thank you.
14 Will the sponsor continue to yield?

15 SENATOR BAILEY: I yield, yes.

16 ACTING PRESIDENT PERSAUD: The
17 sponsor yields.

18 SENATOR PALUMBO: And I'm going to
19 read this one section because I think it makes a
20 really significant change to the way we try
21 automobile cases in the State of New York.

22 It says: "No liability for
23 non-economic loss shall be fixed unless and until
24 the trier of fact has determined the existence of
25 a serious injury. In any action" -- this is the

1 more important part -- "to recover non-economic
2 loss pursuant to this article, the trier of fact
3 shall not determine the question of whether an
4 injury is a serious injury until the trier of
5 fact has determined the party or parties at
6 fault."

7 So when we try automobile cases
8 they're almost always bifurcated. And without
9 tossing it back to Senator Bailey, just to
10 describe, that means that we try liability first
11 and then damages second. Would you agree with
12 that?

13 SENATOR BAILEY: Through you,
14 Madam President. Senator Palumbo is correct on
15 the order of liability.

16 But I would proffer that -- and I
17 think I know where you're going to go, but I
18 guess I should let you ask the question. But
19 you're wondering, I imagine, why the order is
20 changed. Would that be accurate, Senator
21 Palumbo?

22 SENATOR PALUMBO: Exactly.

23 SENATOR BAILEY: Trying to figure
24 it out can improve judicial efficiency. We can
25 figure out earlier whether the threshold question

1 about the nature of a serious injury has been met
2 so as to not waste precious judicial resources.

3 I know that dockets are clogged
4 where you are; they certainly are clogged where
5 I'm at. And we want to make sure that while
6 first and foremost we respect the victim's
7 rights -- I want to be very clear about that,
8 that we respect and need to make sure that if you
9 are involved in a crash or an accident that we're
10 respecting your rights. I want to be very clear
11 about that, that at the baseline you deserve the
12 right to have your day.

13 But we also want to have a modicum
14 of judicial efficiency, and this is what this
15 change is predicated upon.

16 SENATOR PALUMBO: Will the sponsor
17 yield?

18 ACTING PRESIDENT PERSAUD: Will the
19 sponsor yield?

20 SENATOR BAILEY: I yield.

21 ACTING PRESIDENT PERSAUD: The
22 sponsor yields.

23 SENATOR PALUMBO: Thank you,
24 Senator. And that I guess is because later on in
25 this bill there's a change to 1411, which is the

1 comparative or contributory negligence statute
2 that if someone -- if a claimant is 51 percent at
3 fault or collectively the person who has more
4 liability than everyone else, they cannot recover
5 non-economic damages. Is that accurate, that's
6 what this does later on in the bill?

7 SENATOR BAILEY: As related to
8 comparative negligence, Senator Palumbo, that
9 would be correct, Senator Palumbo.

10 SENATOR PALUMBO: Thank you.

11 Will the sponsor continue to yield?

12 ACTING PRESIDENT PERSAUD: Will the
13 sponsor yield?

14 SENATOR BAILEY: I yield.

15 ACTING PRESIDENT PERSAUD: The
16 sponsor yields.

17 SENATOR PALUMBO: And so,
18 Senator -- and this is really the heart of this
19 section that I'm asking about, this question --
20 through you, Madam President -- is that there are
21 occasions where we have a unified trial, where we
22 have a trial in an automobile case, and in many
23 personal injury cases, where we try liability and
24 damages together.

25 So I guess for the purposes of

1 judicial intent or legislative intent, I just
2 want to be sure that we are now not mandating, by
3 this statute, that liability must be resolved
4 before we get to the serious injury question,
5 that we're no longer allowed to have unified
6 trials on auto cases.

7 Because there are a plethora of
8 cases and decisions in Appellate Court decisions
9 in the State of New York where we are -- where it
10 was error to not unify an automobile case. For
11 example, in a traumatic brain injury case, where
12 you have someone who has a loss of memory or the
13 mechanism of injury actually clarifies the
14 liability of each party.

15 So the mechanism of injury you
16 usually wouldn't be able to do that, because it's
17 prejudicial to talk about the manner or the
18 injuries themselves, not just the liability. But
19 there are certain circumstances -- it's somewhat
20 rare, but there absolutely are circumstances
21 where the mechanism of injury is probative to
22 liability and the courts allow it.

23 So the way I read this, it's a
24 "shall" statute. So can you please clarify that
25 for me?

1 SENATOR BAILEY: Senator Palumbo,
2 that was a great portion of legislative intent,
3 but I would just ask that you -- that you I would
4 say Shepardize that, so to speak, and give me a
5 little bit more of a distilled question, if you
6 don't mind.

7 SENATOR PALUMBO: Certainly. If
8 you would yield for a new question --

9 SENATOR BAILEY: Absolutely.

10 SENATOR PALUMBO: -- or the same
11 question worded a little bit more clearly.

12 Does this section of law that we're
13 amending or adding this language to, does this
14 now bar unified trials in automobile accident
15 negligence cases, yes or no?

16 (Pause.)

17 SENATOR BAILEY: Through you,
18 Madam President. As a great lawyer, as
19 Senator Palumbo would be, that there is no
20 yes-or-no response to that. It merely refers to,
21 as you know, the order of operations, so to
22 speak. Serious injury first, then liability.

23 SENATOR PALUMBO: Thank you,
24 Madam President. On the bill for that particular
25 section, if I may.

1 ACTING PRESIDENT PERSAUD: Senator
2 Palumbo on the bill.

3 SENATOR PALUMBO: So Senator
4 Bailey, you're a good witness. You never answer
5 my yes/no questions --

6 (Laughter.)

7 SENATOR PALUMBO: -- so you're a
8 professional.

9 But that's good to know. And that's
10 why I'm hoping that at least we would have an
11 order of verdict sheet that if we do get a -- if
12 there is a unified trial in an automobile case,
13 it's very, very important that that still be
14 permitted because it's extremely important to
15 plaintiffs so they can get a fair trial in the
16 State of New York.

17 So if we can -- if we do have a
18 unified trial, I hope that we can just be clear
19 that the order of operation will be "if and then"
20 type of verdict sheet where we would find a
21 verdict -- if you find more than, according to
22 the second half of this, or less than 51 percent
23 liability of the plaintiff, then you can proceed
24 to the serious injury question in one trial.

25 So thank you, Senator.

1 Would you continue to yield for
2 another question in another area of that bill?

3 ACTING PRESIDENT PERSAUD: Does the
4 Senator yield?

5 SENATOR BAILEY: Absolutely.

6 ACTING PRESIDENT PERSAUD: The
7 Senator yields.

8 SENATOR PALUMBO: Thank you,
9 Senator.

10 Now we'll move on to the -- that was
11 2(a). This is Section 2(d), as in "dog." And
12 this is the one that has to do with a limitation
13 on non-economic loss recoveries to those
14 claimants or operators of motor vehicles who are
15 operating uninsured, operating while impaired, or
16 operating by way -- during the commission or
17 flight from a felony.

18 So my question is -- and this is
19 really, I guess -- we'll hone in. There are a
20 couple of different questions I have here. But
21 look on line 7, if you don't mind, as far as --
22 let's do one section at a time, please.
23 Operating an uninsured motor vehicle and
24 responsible under Article 6.

25 So regarding the insured question or

1 uninsured question, does it have to be an owner?

2 SENATOR BAILEY: Through you,
3 Madam President, this is precisely why we phrased
4 it the way that it was.

5 I can give you a hypothetical.
6 Often people borrow cars from friends, neighbors,
7 and well-intended individuals in the community.
8 The previous iteration of the language -- and I'm
9 grateful to the Governor and the Assembly for
10 hearing us out -- indicated that was much more
11 strict. This would permit that if somebody
12 well-intended -- you loan your car to somebody
13 and your automatic payment deduction for some
14 reason isn't taking it out. You are legally
15 uninsured. So we put in a provision of 30 days
16 so that in the event that things like that
17 happened, that you would not be deemed uninsured.

18 Thirty days is a reasonable amount
19 of time to be able to proceed whether someone is
20 willfully and intentionally simply not being
21 insured or if it's a reasonable or one -- a lapse
22 that one could consider to be reasonable in the
23 nature of being uninsured.

24 SENATOR PALUMBO: Thank you.

25 Will the sponsor yield?

1 SENATOR BAILEY: I yield.

2 ACTING PRESIDENT PERSAUD: The
3 sponsor yields.

4 SENATOR PALUMBO: Thank you,
5 Senator.

6 And in that regard, if it's outside
7 of the 30 days, but say it's someone else's
8 vehicle, would they also be exempt from this
9 \$100,000 limitation? Because they would not have
10 knowledge and they're not, quote, as it says in
11 the statute, responsible under Article 6 of the
12 Vehicle and Traffic Law for insuring such motor
13 vehicle.

14 SENATOR BAILEY: Senator Palumbo,
15 you're saying if somebody is not aware of the
16 insurance lapse past 30 days?

17 SENATOR PALUMBO: Correct. I
18 borrow a friend's car and it hasn't been insured
19 in years, and I'm operating -- I'm not the owner,
20 but I'm operating it.

21 SENATOR BAILEY: Well, in that
22 case, if it would be beyond 30 days, there would
23 be a reasonable expectation that you knew or
24 should have known that the car, the motor
25 vehicle, whatever vehicle it may be, was in fact

1 uninsured.

2 SENATOR PALUMBO: Will the sponsor
3 continue to yield.

4 SENATOR BAILEY: I yield.

5 ACTING PRESIDENT PERSAUD: The
6 sponsor yields.

7 SENATOR PALUMBO: So in that
8 hypothetical the driver would be restricted to
9 \$100,000 in damages only?

10 SENATOR BAILEY: In that
11 hypothetical you are correct, Senator Palumbo.

12 SENATOR PALUMBO: Okay, thank you.

13 And Senator, would -- could you --
14 would you continue to yield?

15 SENATOR BAILEY: Absolutely.

16 ACTING PRESIDENT PERSAUD: The
17 sponsor yields.

18 SENATOR PALUMBO: And, Senator, the
19 other two are pretty obvious. But I'd like to go
20 back up to the end of line 4, the beginning of
21 line 5 in that same section. This is my last
22 question in here. That it says (reading): shall
23 be limited to \$100,000 in the case of a serious
24 injury in any action by or on behalf of an
25 injured person who is at fault, is not barred

1 from recovery by Section 1411 of the CPLR.

2 So that is -- that person could be
3 barred if they're 51 percent responsible or if
4 they're not -- if they're less than 51 percent
5 responsible, then those other provisions apply.

6 Is that fair to say, that we just
7 went through the uninsured, the impaired, or the
8 operating during the commission of a felony or
9 flight therefrom?

10 SENATOR BAILEY: Through you,
11 Madam President. If they qualify in those
12 categories as you enumerated and they are at
13 fault at all, Madam President, that would be
14 accurate.

15 SENATOR PALUMBO: Will the sponsor
16 continue to yield?

17 SENATOR BAILEY: I yield.

18 ACTING PRESIDENT PERSAUD: The
19 sponsor yields.

20 SENATOR PALUMBO: Thank you. And I
21 appreciate you indulging -- through you,
22 Madam President, Senator Bailey indulging these
23 hypotheticals. Because there are thousands and
24 thousands of automobile cases with just about
25 every scenario in New York State every year.

1 And this is one that I've
2 encountered many times in my own practice over
3 the years, where someone is drinking or impaired
4 by drugs and they're at a red light and they have
5 zero percent fault, and someone strikes them and
6 seriously and badly injures them, are those
7 individuals able to recover in excess of \$100,000
8 of non-economic damages? Or are they limited by
9 this statute?

10 (Pause.)

11 SENATOR BAILEY: Through you,
12 Madam President. In that hypothetical that you
13 mentioned, I'd venture to say that in the event
14 that there was such a hypothetical, that would be
15 accurate.

16 SENATOR PALUMBO: Will the sponsor
17 continue to yield?

18 SENATOR BAILEY: I yield.

19 ACTING PRESIDENT PERSAUD: The
20 sponsor yields.

21 SENATOR PALUMBO: Thank you,
22 Senator.

23 I'm going to move on to this last,
24 Section 1411, which is Section 3. There is a new
25 section added regarding contributory negligence

1 or modified contributory negligence, which is
2 what we're calling it.

3 And just for clarification, kind of
4 given the general rule now that your damages are
5 proportionately reduced based upon your
6 liability, so if I'm in an accident currently and
7 I'm 75 percent responsible, the defendant is
8 25 percent responsible, my damages are reduced by
9 75 percent. Is that accurate?

10 SENATOR BAILEY: Through you,
11 Madam President. Under current law, that
12 hypothetical would be accurate.

13 SENATOR PALUMBO: Thank you.

14 And will the sponsor continue to
15 yield.

16 SENATOR BAILEY: I yield, yes.

17 ACTING PRESIDENT PERSAUD: The
18 sponsor yields.

19 SENATOR PALUMBO: Thank you,
20 Senator.

21 And so now we have these -- the
22 claimant conduct. And it uses the word
23 "claimant." And I'll read it again: "In any
24 action to recover damages for personal injury
25 subject to Article 51 of the Insurance Law, the

1 culpable conduct attributable to the claimant
2 shall bar recovery if the culpable conduct
3 attributable to the claimant is greater than the
4 culpable conduct of the person against whom
5 recovery is sought or is greater than the
6 combined culpable conduct of the persons against
7 whom recovery is sought."

8 So that's that 51 percent rule.
9 Just to make it easy, we'll talk about two
10 individuals. So they get zero non-economic
11 damages of they're 51 percent or greater, is that
12 accurate?

13 SENATOR BAILEY: Through you,
14 Madam President. Preserving the rights of all
15 involved in accidents is important. That would
16 be accurate.

17 But no-fault would still be
18 available in such an action as you've described
19 in your hypothetical.

20 SENATOR PALUMBO: Thank you.
21 Will the sponsor continue to yield?

22 SENATOR BAILEY: I yield, yes.

23 ACTING PRESIDENT PERSAUD: The
24 sponsor yields.

25 SENATOR PALUMBO: Thank you.

1 And understood, Senator. I
2 appreciate that, that just the non-economic, the
3 pain and suffering damages would not be
4 available. All others would be available, is
5 that true?

6 SENATOR BAILEY: Senator Palumbo,
7 repeat that one more time?

8 SENATOR PALUMBO: Sure. The pain
9 and suffering damages, also known as non-economic
10 damages, would not be recoverable, but all the
11 other damages would.

12 SENATOR BAILEY: That is correct.
13 Through you, Madam President.

14 ACTING PRESIDENT PERSAUD: Thank
15 you.

16 Will the sponsor continue to yield?

17 SENATOR BAILEY: I yield.

18 ACTING PRESIDENT PERSAUD: The
19 sponsor yields.

20 SENATOR PALUMBO: So, Senator --
21 through you, Madam President -- when I see the
22 word "claimant" here, that applies to all
23 claimants, not just drivers of automobiles --
24 pedestrians, bicyclists, and so forth.

25 Is that accurate?

1 (Pause.)

2 SENATOR BAILEY: Through you,
3 Madam President. Theoretically, because
4 accidental crashes can involve multiple people.

5 But the amount of fault, as you've
6 described in that hypothetical, it would be quite
7 difficult for a bicyclist or a pedestrian to be
8 that much at fault, just for the record.

9 SENATOR PALUMBO: Will the sponsor
10 continue to yield?

11 SENATOR BAILEY: Yes, I yield.

12 ACTING PRESIDENT PERSAUD: The
13 sponsor yields.

14 SENATOR PALUMBO: And regardless
15 of -- and as -- through you, Madam President.
16 Regardless of the difficulty of it, certainly if
17 a jury found that a bicyclist was 75 percent at
18 fault or, for example, a child ran out into a
19 street between two parked cars, chasing a ball --
20 which happens often -- that that child could be
21 held responsible to an extent that it was their
22 fault, the driver was unable to avoid the
23 accident. And even though there's a percentage
24 of fault attributable to the defendant, if it's
25 not more than 49 percent, that child can't

1 recover in that example.

2 SENATOR BAILEY: Through you --
3 through you, Madam President. Let's bifurcate
4 that.

5 As far as the child goes, I would
6 think that a reasonable judge, a trier of facts,
7 would consider the child's age in that
8 hypothetical.

9 On the bicyclist one, in the event
10 that that fault would happen -- which is highly
11 unlikely -- then that would likely be accurate.
12 Through you, Madam President.

13 SENATOR PALUMBO: Thank you,
14 Senator.

15 Would the sponsor continue to yield?

16 ACTING PRESIDENT PERSAUD: Does the
17 sponsor yield?

18 SENATOR BAILEY: I will yield.

19 ACTING PRESIDENT PERSAUD: The
20 sponsor yields.

21 SENATOR PALUMBO: And thank you,
22 Senator, for getting in the weeds a little on
23 this.

24 I have one last question, and it's
25 Section 4, the enactment clause. That it takes

1 effect immediately upon becoming law, which I
2 expect will happen today or tomorrow, and it
3 shall be applicable to all actions or proceedings
4 commenced on or after such date.

5 So it's actions or proceedings, it's
6 the filing date. And typically you would have
7 three years to file a negligence action in an
8 automobile case. So these are for cases that
9 happened, say, this morning and two months ago
10 that are certainly viable actions that have not
11 been filed yet.

12 This limitation and reduction on the
13 ability to recover, for plaintiffs to recover,
14 will immediately take effect. Was there any
15 discussion about possibly amending that to the
16 cause of action date instead of the filing date?

17 SENATOR BAILEY: There was not any
18 discussion, to my -- from my understanding, about
19 changing that date. Through you,
20 Madam President.

21 SENATOR PALUMBO: Thank you,
22 Senator. And one last general question regarding
23 judicial efficiency.

24 Will the sponsor continue to yield?

25 SENATOR BAILEY: Certainly.

1 ACTING PRESIDENT PERSAUD: Does the
2 sponsor yield?

3 SENATOR BAILEY: Absolutely.

4 ACTING PRESIDENT PERSAUD: The
5 sponsor yields.

6 SENATOR PALUMBO: Thank you,
7 Senator.

8 Was there any study regarding the
9 backlog? Because the way I almost see this is
10 that when there's proportionate liability
11 concerns, you usually can settle that case.

12 Do you have any concerns that now
13 that we have this new rule that it will actually
14 be litigated more? That in really more
15 significant catastrophic injury cases the
16 insurance company may take a shot at it and be
17 unreasonable and not settle those cases? Where
18 in the comparative-negligence state that we are
19 as of this moment -- and it's about to change --
20 that might be a case that would settle, that this
21 might actually be counterintuitive to reducing
22 backlog.

23 SENATOR BAILEY: Through you,
24 Madam President. First and foremost, everything
25 is contextual when it depends on an action like

1 this.

2 Again, as I mentioned, the nature of
3 the crash, who the victims are, the pendency, the
4 nature of the serious injury, all of these things
5 are totality-of-circumstance-based. And they
6 would, I guess, contribute -- no pun intended,
7 Senator Palumbo -- towards the -- whether a claim
8 would settle or not.

9 Also it depends on, you know, how
10 clear is liability. Right? I'm sure in your
11 practice you've dealt with clear liability on a
12 rear-end, 25,000 attendant policy and you're
13 gone.

14 But there are other cases that take
15 a little bit longer to develop because, as you
16 know, injury creep and many different things that
17 take place in any personal injury action,
18 including but not limited to motor vehicle
19 accidents.

20 But as far as a specific study from
21 OCA or -- we have not engaged in one. I'd be
22 happy to have a conversation with anybody to
23 figure out these parts. But I know that in
24 speaking to attorneys and judges, that sometimes
25 these motor vehicle parts are significantly

1 clogged and they have significant backlogs and
2 they're not able to meet standards and goals.
3 And it doesn't really speak to judicial
4 efficiency as we would like it, especially as a
5 practitioner as you would like it.

6 SENATOR PALUMBO: Thank you.

7 Would the sponsor yield?

8 SENATOR BAILEY: I yield, yes.

9 ACTING PRESIDENT PERSAUD: The
10 sponsor yields.

11 SENATOR PALUMBO: Thank you,
12 Senator. And I just -- one last question. You
13 made me think of it with your last answer.

14 So we know that this applies to
15 operators who fall within those categories, and
16 then individuals at fault, whether they're
17 pedestrians or bicyclists or some other
18 vehicle -- on a horse, who knows.

19 Does this apply -- it only applies
20 to the claimant themselves and their fault with
21 respect to the accident, not passengers or any
22 other individuals who could possibly recover. Is
23 that accurate?

24 (Pause.)

25 SENATOR BAILEY: Through you,

1 Madam President. Before I answer the question, I
2 just want to say -- like stating for the record,
3 also legislative intent -- that we value the
4 crash victim, the injured individual, and anybody
5 that's involved in this. And I just want to make
6 sure that we state that clearly for the record.

7 As far as your actual question goes,
8 we have to get back to you, because that is an
9 interesting technical question that I want to be
10 absolutely certain with you on.

11 SENATOR PALUMBO: Okay. Thank you,
12 Senator, I appreciate that.

13 If we could move -- I don't know who
14 would handle Part KK, more exciting insurance
15 regulations.

16 SENATOR BAILEY: That would be me,
17 and I yield.

18 ACTING PRESIDENT PERSAUD: The
19 Senator yields.

20 SENATOR PALUMBO: Thank you,
21 Senator. This is with -- regarding anticipated
22 underwriting profits and some obligations of
23 insurance carriers to provide some relief to the
24 ratepayers. At least that's what it says.

25 I'm on the section regarding about

1 the underwriting gain and anticipated
2 underwriting profits. Can you explain to us what
3 that is?

4 SENATOR BAILEY: Through you,
5 Madam President. It would compare insurance
6 combined three-year average of underwriting gains
7 against their anticipated underwriting profit
8 plus an additional 5 percent of earned premiums.

9 SENATOR PALUMBO: Would the sponsor
10 continue to yield.

11 ACTING PRESIDENT PERSAUD: Does the
12 sponsor yield?

13 SENATOR BAILEY: I yield.

14 ACTING PRESIDENT PERSAUD: The
15 sponsor yields.

16 SENATOR PALUMBO: Are those gains
17 based upon only the gains that that insurance
18 carrier realizes in the State of New York? Or
19 are those nationwide?

20 SENATOR BAILEY: Through you,
21 Madam President. Those gains would be based upon
22 those in the State of New York.

23 SENATOR PALUMBO: Does the sponsor
24 yield?

25 ACTING PRESIDENT PERSAUD: Will the

1 sponsor yield?

2 SENATOR BAILEY: I yield.

3 ACTING PRESIDENT PERSAUD: The
4 sponsor yields.

5 SENATOR PALUMBO: In that regard,
6 Senator, it looks like it's a three-year average,
7 the way I'm reading this. And in the event that
8 the underwriting sees an increase in profits that
9 exceed that 5 percent, can't they just anticipate
10 in Year 2, you know, a 20 percent increase in
11 profits? And that would be an anticipated
12 underwriting profit versus an unanticipated
13 underwriting profit and would not require them to
14 provide the ratepayer with a rebate.

15 (Pause.)

16 SENATOR BAILEY: Through you,
17 Madam President. It would be based on the annual
18 statements that they filed with DFS. So like it
19 would not be something that would be attributable
20 to guesswork or projection. It would have to be
21 something that would be contained in the filing
22 that they would file, the insurer would file with
23 the Department of Financial Services.

24 SENATOR PALUMBO: Will the Senator
25 continue to yield?

1 ACTING PRESIDENT PERSAUD: Will the
2 sponsor yield?

3 SENATOR BAILEY: I do.

4 ACTING PRESIDENT PERSAUD: The
5 sponsor yields.

6 SENATOR PALUMBO: Thank you,
7 Senator. And I think it's just -- I'm thrown off
8 by the word "anticipated" underwriting profit. I
9 think that's where when we say "anticipated,"
10 there clearly is some sort of predetermination
11 made by someone.

12 Is that just kind of a term of art?
13 Am I missing that?

14 SENATOR BAILEY: Well, we're
15 trying -- through you, Madam President, we're
16 trying to actually provide clarity through --
17 through defining excess profits predicated upon
18 underwriting gains and earned premiums.

19 So that's, you know -- and just for
20 your knowledge and also anybody else's knowledge,
21 to date nobody has hit those thresholds.

22 SENATOR PALUMBO: Thank you,
23 Senator.

24 And I'll wrap up pretty quick. I
25 know we have other speakers. Would you yield for

1 another couple of questions or two?

2 ACTING PRESIDENT PERSAUD: Will the
3 sponsor yield?

4 SENATOR BAILEY: Sure.

5 ACTING PRESIDENT PERSAUD: The
6 sponsor yields.

7 SENATOR PALUMBO: Thank you.

8 Later on, further down that bill in
9 Part KK, there's certain notice that needs to be
10 provided. And line 30, "The insurer shall
11 provide notice to the policyholders of this
12 credit and indicate that the credit was due to
13 the reforms enacted in the state fiscal year
14 2026-2027 budget. This notification shall be
15 made at the time the credit is distributed."

16 That unusual language that I see
17 there, is there any precedent for that kind of
18 language?

19 SENATOR BAILEY: Through you,
20 Madam President -- wait. Senator Palumbo, if you
21 could repeat your last line. I'm sorry, I
22 apologize.

23 SENATOR PALUMBO: Sure. Is there
24 any precedent for that? Because I see, you know,
25 that basically they need to say that this is due

1 to the budget reforms.

2 And my next question will be do they
3 have to also say that when the rates go up, that
4 this is due to the '26-'27 budget?

5 SENATOR BAILEY: Through you,
6 Madam President, I am -- there are voluminous
7 sections of law in our great state. I would not
8 be able to proffer whether this has existed in
9 any budget prior to this.

10 I do think it is important to be
11 able to tell ratepayers or people that have
12 compulsory insurance that your state elected
13 officials are working for you to try to provide
14 some sort of relief, some relief where you don't
15 have to make the determination between insuring
16 your car or paying your car note.

17 That is the difference that -- that
18 is a choice that many of our constituents are
19 making.

20 So I think it is important for us to
21 be unafraid to let our constituents know and
22 message accordingly that we are working on their
23 behalf to do what they've asked us to do, which
24 is handle affordability.

25 SENATOR PALUMBO: Will the sponsor

1 yield?

2 ACTING PRESIDENT PERSAUD: Does the
3 sponsor yield?

4 SENATOR BAILEY: I do.

5 ACTING PRESIDENT PERSAUD: The
6 sponsor yields.

7 SENATOR PALUMBO: Senator, from
8 your lips to God's ears. I hope it works, I
9 really do.

10 Would this information produced to
11 DFS, I guess, and the underwriting information
12 from the insurance carriers, would that be
13 publicly available information?

14 (Pause.)

15 SENATOR BAILEY: Through you,
16 Madam President, I'd venture to say -- I would
17 say yes. Through you, Madam President.

18 SENATOR PALUMBO: Thank you,
19 Senator Bailey.

20 On the bill, please,
21 Madam President.

22 ACTING PRESIDENT PERSAUD: Senator
23 Palumbo on the bill.

24 SENATOR PALUMBO: Madam President,
25 this is -- like most budget bills in my 13 years

1 in this town, there is a mixed bag. Some of it's
2 good, some of it's not so good.

3 I think we really need to revisit
4 the automobile negligence reform. This is going
5 to have very, very impactful unintended
6 consequences that will bar people from recovering
7 in a catastrophic situation, people who are not
8 intended to be captured in this net.

9 We get it, drunk and impaired
10 drivers, people who are not insuring their
11 vehicles. We all pay a lot of money in
12 insurance. I totally get it that you need to
13 insure your vehicle. You need to not be fleeing
14 a felony or committing a felony during the
15 operation of that vehicle. I'm with you. I get
16 it.

17 But the real concern is when you
18 have the innocent bystander or you have a
19 situation where someone is in an uninsured
20 vehicle that they've borrowed from their friend
21 that's been uninsured for two months and you're
22 sitting at a red light and someone cripples you,
23 the fact that you could be limited in recovery I
24 don't think is what we want in this body.

25 So we do have some work to do on

1 that. We have some work to do -- I hope this
2 insurance, quote, unquote, transparency,
3 Section KK, really works. But we'll wait and
4 see.

5 And I would appreciate it, if the
6 rates go up, that we can also say that it was my
7 friends on that side of the aisle who caused them
8 to go up. Because I don't know if this is going
9 to do anything. I hope it does.

10 But I do appreciate your indulgence,
11 Madam President.

12 ACTING PRESIDENT PERSAUD: Senator
13 Rhoads, why do you rise?

14 SENATOR RHOADS: Thank you,
15 Madam President.

16 I certainly don't want
17 Senator Bailey to sit for far too long, I don't
18 want him stiffening up. So if you'll just yield
19 to one more question on Part VV.

20 ACTING PRESIDENT PERSAUD: Will the
21 sponsor yield?

22 SENATOR BAILEY: Absolutely.

23 ACTING PRESIDENT PERSAUD: The
24 sponsor yields.

25 SENATOR RHOADS: Thank you.

1 Through you, Madam President.

2 Was any consideration given in
3 trials that are bifurcated or trials that are
4 unified to the reason why liability is tried
5 first and the concern that if you try damages
6 first it would improperly influence the jury in
7 terms of sympathy if there is a serious injury?

8 SENATOR BAILEY: Through you,
9 Madam President. One, we believe that juries are
10 sophisticated enough to make intelligent
11 decisions regardless of the way -- I believe that
12 a jury of our peers is one of the greatest
13 foundational things in the American justice
14 system.

15 And secondly, we're trying serious
16 injury. Serious injury comes first in that
17 hypothetical, Senator.

18 SENATOR RHOADS: Thank you,
19 Senator Bailey.

20 Through you, Madam President, will
21 the sponsor yield to one additional question?

22 ACTING PRESIDENT PERSAUD: Will the
23 sponsor yield?

24 SENATOR BAILEY: Yes.

25 ACTING PRESIDENT PERSAUD: The

1 sponsor yields.

2 SENATOR RHOADS: The concern is
3 that if you do have a traumatic injury, if you
4 have a serious injury, and the jury hears about
5 the seriousness of the injury first, that they
6 may be influenced in terms of their decisional
7 liability -- because of the seriousness of the
8 injury, that they want to find someone else
9 responsible.

10 (Pause.)

11 SENATOR BAILEY: Again, through
12 you, Madam President. In the -- so we're going
13 to -- in the traumatic brain injury, again, I
14 think that a jury would be able to determine
15 reasonably well what the Senator is indicating.

16 But I think that's what we're trying
17 to do here. We're trying to achieve some
18 balance. And if the -- (pause). If there's no
19 serious injury, there's no need to have a trial.

20 Thank you, Andrew. You're the
21 greatest.

22 SENATOR RHOADS: Thank you,
23 Senator Bailey.

24 Will the -- I just need a couple of
25 questions on Part M, as in Mary.

1 ACTING PRESIDENT PERSAUD: Senator
2 Parker, do you yield?

3 SENATOR PARKER: I do,
4 Madam President.

5 ACTING PRESIDENT PERSAUD: The
6 sponsor yields.

7 SENATOR RHOADS: Thank you,
8 Senator Parker.

9 Through you, Madam President. If
10 you can, what is the purpose of the annual
11 NYSERDA special assessment? What is the purpose
12 of the NYSERDA special assessment?

13 (Pause.)

14 SENATOR PARKER: Madam President,
15 through you. This assessment is used to fund a
16 number of things that NYSERDA does, including
17 some of their planning process and implementation
18 of their programs.

19 SENATOR RHOADS: Will the sponsor
20 continue to yield?

21 ACTING PRESIDENT PERSAUD: Does the
22 sponsor yield?

23 SENATOR PARKER: I do.

24 ACTING PRESIDENT PERSAUD: The
25 sponsor yields.

1 SENATOR RHOADS: Through you,
2 Madam President. Obviously the overall goal is
3 to reduce utility costs for consumers, is that
4 not correct?

5 SENATOR PARKER: Madam President,
6 through you. In part.

7 NYSERDA, which is the New York State
8 Energy Research and Development Authority, does,
9 as the name implies, not just look at reducing
10 the cost of utilities but also is involved with
11 the development and oversight of research to
12 expand our ability to provide energy to the
13 people of the State of New York, as well as
14 implement programs that help consumers save
15 money, as well as implement strategies and
16 modalities that produce more generation
17 throughout the great State of New York.

18 SENATOR RHOADS: Thank you,
19 Senator Parker.

20 Through you, Madam President, will
21 the sponsor continue to yield?

22 ACTING PRESIDENT PERSAUD: Does the
23 sponsor yield?

24 SENATOR PARKER: I do.

25 ACTING PRESIDENT PERSAUD: The

1 sponsor yields.

2 SENATOR RHOADS: I was referring
3 more, Senator -- through you, Madam President --
4 to this package of -- this portion of the
5 legislation is designed to impact utility rates
6 that have become so high. Correct?

7 (Pause.)

8 SENATOR PARKER: Madam President,
9 through you. Yes, it does do some of that.

10 But it really -- this assessment
11 particularly is used to fund a myriad of programs
12 that NYSERDA runs, some of which are helpful in
13 terms of reducing the cost of energy. So it may
14 not necessarily reduce utility rates, but it may
15 in fact do things like reduce the carbon
16 footprint of homeowners or commercial owners, and
17 provide programs that in fact help homes or
18 businesses become more energy efficient, which
19 may reduce the cost of energy for that particular
20 ratepayer but not necessarily reduce the cost of
21 utilities. If that makes sense.

22 SENATOR RHOADS: I think I follow
23 you.

24 SENATOR PARKER: I'm not -- so it
25 doesn't -- it doesn't affect the utility as much

1 as it affects the ratepayer.

2 SENATOR RHOADS: Will the sponsor
3 continue to yield?

4 ACTING PRESIDENT PERSAUD: Does the
5 sponsor yield?

6 SENATOR PARKER: Yes.

7 ACTING PRESIDENT PERSAUD: The
8 sponsor yields.

9 SENATOR RHOADS: Thank you.

10 Through you, Madam President. I
11 notice that Part N limits expenses that a
12 utility, a gas and electric company may be able
13 to claim as part of a rate case. Is the
14 special -- is the special assessment for NYSERDA
15 one of the elements that a utility will not be
16 able to claim as part of a rate case?

17 (Pause.)

18 SENATOR PARKER: Madam President,
19 through you. These two things are actually
20 separate from each other. Right? So that is not
21 necessarily part of the special assessment.

22 SENATOR RHOADS: On the bill,
23 Madam President.

24 ACTING PRESIDENT PERSAUD: Senator
25 Rhoads on the bill.

1 SENATOR RHOADS: Briefly on the
2 bill.

3 Thank you, Senator Parker.

4 Part of the reason why utility
5 rates are so expensive is the fact that we
6 continue to pile on surcharges, taxes, fees onto
7 our utilities. One is the NYSERDA special
8 assessment. That is a \$28.7 million fee that is
9 going to be charged to utilities that ultimately
10 will be passed along to ratepayers.

11 The reason that I referenced Part N
12 for Affordable Utilities Omnibus Legislation, as
13 it was titled, is that there's a bunch of fees
14 that are exempt, but this special assessment is
15 not one of them.

16 The end result of this is going to
17 be to increase rates as it is ultimately the
18 ratepayer, as is so often the case, that is going
19 to have to pay the burdens that this body
20 continues to seek to impose on utilities. Those
21 burdens are ultimately paid by ratepayers.

22 I would just like to ask a question
23 on Part P, which I think is also Senator Parker.

24 ACTING PRESIDENT PERSAUD: Yes.

25 Will the sponsor yield?

1 SENATOR PARKER: Yes,
2 Madam President.

3 ACTING PRESIDENT PERSAUD: The
4 sponsor yields.

5 SENATOR RHOADS: Thank you.
6 Through you, Madam President.

7 This legislation refers to
8 differentiated income tiers. Can you explain
9 what those are?

10 (Pause.)

11 SENATOR PARKER: Madam President,
12 through you. These differentiated tiers really
13 segment the different programs that are provided
14 by NYSERDA.

15 SENATOR RHOADS: Through you, will
16 the sponsor yield to another question?

17 ACTING PRESIDENT PERSAUD: Does the
18 sponsor yield?

19 SENATOR PARKER: Yes,
20 Madam President.

21 ACTING PRESIDENT PERSAUD: The
22 Senator yields.

23 SENATOR RHOADS: Through you,
24 Madam President. Senator Parker, you'd been
25 asked earlier, I believe by Senator Walczyk, with

1 regard to -- with regard to whether these income
2 tiers would be considered by the Public Service
3 Commission and how it was that the Public Service
4 Commission would determine the economic impact
5 upon income in terms of utility rates.

6 And I believe that the answer was
7 that we don't require the methodology in the
8 legislation as to how they're supposed to do
9 that.

10 Do we know exactly how the
11 Public Service Commission is supposed to
12 determine what income is of the individual users
13 or a category of users in determining whether the
14 utility rates for that category are overly
15 onerous?

16 SENATOR PARKER: Madam President,
17 through you. In this particular program it
18 doesn't require the PSC to actually know the
19 individual incomes of those ratepayers.

20 Within the context of the service
21 area of the utility, they simply need to
22 understand essentially what the income is
23 generally of that category and then what the
24 energy rates are, and to be able to determine
25 whether in fact the utility is essentially

1 overcharging for rates in that particular service
2 area.

3 So it does not require them to do
4 that. Nor do we dictate to the PSC how they in
5 fact -- the modality or the metric that they use
6 in order to get to that point.

7 SENATOR RHOADS: Through you,
8 Madam President, will the sponsor yield to
9 another question?

10 ACTING PRESIDENT PERSAUD: Does the
11 sponsor yield?

12 SENATOR PARKER: Yes,
13 Madam President.

14 ACTING PRESIDENT PERSAUD: The
15 sponsor yields.

16 SENATOR RHOADS: Since the
17 legislation is silent as to how that is to be
18 done, would the Public Service Commission be able
19 to require that individual ratepayers submit
20 their personal income taxes?

21 SENATOR PARKER: Madam President,
22 through you. I would say no, because the
23 legislation does not permit that. It doesn't
24 provide for that.

25 SENATOR RHOADS: Through you,

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

3 ACTING PRESIDENT PERSAUD: Does the
4 sponsor yield?

5 SENATOR PARKER: Yes,
6 Madam President.

7 ACTING PRESIDENT PERSAUD: The
8 sponsor yields.

9 SENATOR RHOADS: I understand your
10 earlier comment -- through you, Madam President,
11 of course -- your earlier comment that it doesn't
12 spell out the methodology in the legislation. My
13 concern is that the absence of any instruction to
14 the Public Service Commission leaves it open to
15 them to determine income by whatever means they
16 see fit.

17 Are there any protections within the
18 legislation to prevent them from requiring that
19 there's income information for individual
20 neighbors or individual ratepayers that has to be
21 submitted to the Public Service Commission for
22 the purpose of what's attempting to be
23 accomplished in the legislation?

24 SENATOR PARKER: Madam President,
25 through you. It actually would be inefficient

1 for the PSC to canvass 20 million people in the
2 State of New York to determine their income.
3 There are a lot more efficient, you know,
4 methodologies and metrics that can be used to do
5 that.

6 So I don't see a dynamic in which
7 that would be the way that the PSC sees to
8 implement this law.

9 SENATOR RHOADS: Thank you,
10 Senator Parker. I certainly would hope not.

11 Switching to Part U.

12 SENATOR GIANARIS: One moment,
13 Madam President, while we get the member who
14 would answer to that. It was not on the list, so
15 we're not ready.

16 Ready in a moment, Senator Rhoads.
17 Just one second.

18 SENATOR RHOADS: I apologize.

19 SENATOR GIANARIS: No problem.

20 Let's stand at ease for a moment,
21 Madam President.

22 ACTING PRESIDENT PERSAUD: The
23 Senate will stand at ease.

24 (Whereupon, the Senate stood at ease
25 at 6:56 p.m.)

1 (Whereupon, the Senate reconvened at
2 6:58 p.m.)

3 ACTING PRESIDENT PERSAUD: Senator
4 Gianaris.

5 SENATOR GIANARIS: Thank you,
6 Madam President. We're ready to resume.

7 Senator Kavanagh will be answering
8 any questions on this part.

9 ACTING PRESIDENT PERSAUD: Senator
10 Kavanagh, do you yield?

11 SENATOR KAVANAGH: I do, thank you.
12 And apologies for the delay.

13 SENATOR RHOADS: Thank you,
14 Senator Kavanagh.

15 Through you, Madam President.
16 Referring to Part U, Subpart C, will the New York
17 State Department of Transportation -- well, will
18 the state entity constructing housing within the
19 Town of Babylon be required to comply with local
20 zoning?

21 SENATOR KAVANAGH: Through you,
22 Madam President, there's nothing in this bill
23 that overrides local zoning.

24 So yeah. The short answer is as far
25 as we know, yes.

1 SENATOR RHOADS: Thank you,
2 Senator Kavanagh.

3 Thank you, Madam President.

4 ACTING PRESIDENT PERSAUD: Thank
5 you, Senator.

6 Senator O'Mara, why do you rise?

7 SENATOR O'MARA: Thank you,
8 Madam President. I have a couple of questions on
9 Part XX regarding the changes to Tier 6.

10 SENATOR GIANARIS: Madam President,
11 that will be Senator Jackson.

12 ACTING PRESIDENT PERSAUD: Senator
13 Jackson, do you yield?

14 SENATOR JACKSON: Yes,
15 Madam President, I yield.

16 ACTING PRESIDENT PERSAUD: The
17 Senator yields.

18 SENATOR O'MARA: Senator, what is
19 the fiscal impact to the state and local
20 governments as a result of these changes to
21 Tier 6 here?

22 SENATOR JACKSON: It depends on the
23 environment of the negotiations that took place
24 as far as New York City, upstate New York. So it
25 depends.

1 But there is a cost factor because
2 of the negotiations that have taken place with
3 respect to the parties in order to ensure that an
4 increase of what they wanted at the table was put
5 in place.

6 SENATOR O'MARA: Thank you,
7 Senator.

8 Madam President, if the Senator will
9 continue to yield.

10 ACTING PRESIDENT PERSAUD: Senator
11 Jackson, do you yield?

12 SENATOR JACKSON: Yes.

13 ACTING PRESIDENT PERSAUD: The
14 Senator yields.

15 SENATOR O'MARA: Senator, the
16 figures that I've reviewed relative to this
17 section estimate the total cost impact of this to
18 both the state and all local governments and
19 school districts to be about \$557 million a year.

20 SENATOR JACKSON: To be more
21 specific, 546.

22 SENATOR O'MARA: Okay, so --
23 through you, Madam President, if the Senator --

24 SENATOR JACKSON: Five hundred
25 forty-six million.

1 SENATOR O'MARA: Through you,
2 Madam President, if the Senator will continue to
3 yield.

4 ACTING PRESIDENT PERSAUD: Does the
5 Senator yield?

6 SENATOR JACKSON: Yes, I yield.

7 ACTING PRESIDENT PERSAUD: The
8 Senator yields.

9 SENATOR O'MARA: Thank you.
10 Senator, of that \$546 million
11 figure, how much of that is to be paid by
12 New York State as opposed to local governments?

13 SENATOR JACKSON: The one-year cost
14 estimate for New York State will be \$105 million.

15 SENATOR O'MARA: Okay.
16 Through you, Madam President, if the
17 Senator will continue to yield.

18 ACTING PRESIDENT PERSAUD: Does the
19 Senator yield?

20 SENATOR JACKSON: Yes.

21 ACTING PRESIDENT PERSAUD: The
22 Senator yields.

23 SENATOR O'MARA: Senator, so if
24 basically we take the 546 and subtract the 105,
25 then the impact to the rest of the local

1 governments and school districts in this state is
2 an aggregate of \$441 million.

3 SENATOR JACKSON: I believe so.
4 But I believe you, because you're who you are.

5 SENATOR O'MARA: Through you,
6 Madam President, if the Senator will continue to
7 yield.

8 ACTING PRESIDENT PERSAUD: Does the
9 Senator yield?

10 SENATOR JACKSON: Yes, I yield.

11 ACTING PRESIDENT PERSAUD: The
12 Senator yields.

13 SENATOR O'MARA: Senator, what was
14 the involvement in the negotiations of this
15 Tier 6 with our local governments and school
16 districts in making these changes?

17 (Pause.)

18 SENATOR JACKSON: Well, we've heard
19 from the unions regarding what their goal and
20 objective is to bring more of the Tier 6
21 performance to the members. And the bottom line
22 is that as far as it depends on the area where
23 they live.

24 SENATOR O'MARA: Thank you,
25 Madam President. If the Senator will continue to

1 yield.

2 SENATOR JACKSON: Yes.

3 ACTING PRESIDENT PERSAUD: The
4 Senator yields.

5 SENATOR O'MARA: So this cost of
6 441 million is going to be borne by the real
7 property taxpayers in those various local
8 governments and school districts. Yet it seems
9 there was little to no involvement of the actual
10 administrators of those school districts, the
11 leaders of those local governments, counties,
12 towns, villages, on that \$441 million.

13 Senator, what -- the impact of these
14 increased costs on our local governments, first
15 of all, why wasn't it picked up by the state?

16 (Pause.)

17 SENATOR JACKSON: Based on the
18 information that I have, it would be good for the
19 recruitment and retention of employees that are
20 being hired by the municipalities, and all done
21 within the context of the unions.

22 SENATOR O'MARA: Thank you.

23 Madam President, if the Senator will
24 continue to yield.

25 ACTING PRESIDENT PERSAUD: Does the

1 Senator yield?

2 SENATOR JACKSON: Yes.

3 ACTING PRESIDENT PERSAUD: The
4 sponsor yields.

5 SENATOR O'MARA: Thank you,
6 Senator. And I realize the motivation of the
7 stated reasons for trying to make these changes
8 to Tier 6. Yet the lack of involvement of the
9 actual local governments being impacted by this,
10 and those real property taxpayers that they
11 represent, is very concerning.

12 You know, we are talking here about
13 a \$268 billion budget, increasing spending this
14 year by about \$15 billion at the state. And we
15 couldn't find a way to cover \$441 million for
16 local governments?

17 SENATOR JACKSON: I'm not at the
18 table, so I can't speak on that.

19 SENATOR O'MARA: Through you,
20 Madam President, if the Senator will continue to
21 yield.

22 ACTING PRESIDENT PERSAUD: Will the
23 sponsor yield?

24 SENATOR JACKSON: Yes.

25 ACTING PRESIDENT PERSAUD: The

1 Senator yields.

2 SENATOR O'MARA: That's the
3 problem, Senator. You're not at the table, and
4 you're the lead of this issue. And it goes for
5 so many of these issues that we're talking about
6 here today, that those that are responsible for
7 making the ultimate decisions here aren't here to
8 answer questions.

9 SENATOR GIANARIS: Madam President,
10 can I remind Senator O'Mara that his comments
11 should be directed through you, not directly to
12 Senator Jackson. Thank you.

13 SENATOR O'MARA: Thank you,
14 Madam President. Through you, if the Senator
15 will continue to yield.

16 ACTING PRESIDENT PERSAUD: Will the
17 Senator yield?

18 SENATOR JACKSON: Yes.

19 ACTING PRESIDENT PERSAUD: The
20 Senator yields.

21 SENATOR O'MARA: Senator, what
22 factor does the local government's tax cap play
23 in what the increase in spending may be as a
24 result of this Tier 6 change?

25 SENATOR JACKSON: I don't know that

1 information. But they are the ones that make the
2 decisions about whether or not they're going to
3 be involved in the part as far as how much money
4 is there available.

5 SENATOR O'MARA: Through you,
6 Madam President, if the Senator will continue to
7 yield.

8 ACTING PRESIDENT PERSAUD: Does the
9 Senator yield?

10 SENATOR JACKSON: Yes, I will
11 yield.

12 ACTING PRESIDENT PERSAUD: The
13 Senator yields.

14 SENATOR O'MARA: Is the increased
15 cost related to this Tier 6 change to local
16 governments, is that going to be an exception to
17 the 2 percent property tax cap?

18 SENATOR JACKSON: I don't believe
19 so.

20 SENATOR O'MARA: Through you,
21 Madam President, if the Senator will continue to
22 yield.

23 ACTING PRESIDENT PERSAUD: Does the
24 Senator yield?

25 SENATOR JACKSON: Yes.

1 ACTING PRESIDENT PERSAUD: The
2 Senator yields.

3 SENATOR O'MARA: If there's an
4 impact to a local government or school district
5 of greater than 2 percent as a result of this
6 Tier 6 change, will that local government have to
7 have the supermajority vote to exceed the
8 property tax cap?

9 (Pause.)

10 SENATOR JACKSON: Those decisions
11 are made at the level of the location with
12 respect to what's good for the people of their
13 district and for their children.

14 SENATOR O'MARA: Through you,
15 Madam President, if the Senator will continue to
16 yield.

17 ACTING PRESIDENT PERSAUD: Does the
18 Senator yield?

19 SENATOR JACKSON: Yes.

20 ACTING PRESIDENT PERSAUD: The
21 Senator yields.

22 SENATOR O'MARA: Well, it's not
23 really, Senator, because if this change in this
24 law increases their budget by more than
25 2 percent, they have no choice but to override

1 the property tax cap and get a 60 percent vote.
2 Unless there is some exception to this that I
3 don't see in this legislation.

4 (Pause.)

5 SENATOR JACKSON: The localities
6 and schools will make decisions about their
7 budget. That's why they're there. But if in
8 fact it does go over 2 percent, that's with their
9 knowledge, because they're -- when they agree to
10 something, it's like you have a contract and you
11 know what it's going to cost.

12 SENATOR O'MARA: Thank you,
13 Madam President. On the bill briefly.

14 And then I'll have a question on
15 Part TT, if that member is here. I think he
16 left.

17 ACTING PRESIDENT PERSAUD: Senator
18 O'Mara on the bill.

19 SENATOR O'MARA: You know, that's
20 the problem with this change here. The
21 concerning part of it is that the implications to
22 local governments and school districts of this
23 increase, who were not engaged in the discussions
24 and ultimate negotiation and resolution of this
25 very heralded change to Tier 6 that's been worked

1 on for several years -- we left out a very
2 important player and party to that process and
3 what the implications will be.

4 And no language in here on what the
5 implication will be to the property tax cap of
6 that local government if it's forced to exceed
7 that.

8 I have a question on Part TT,
9 Madam President.

10 ACTING PRESIDENT PERSAUD: Senator
11 Parker, do you yield?

12 SENATOR PARKER: I do.

13 ACTING PRESIDENT PERSAUD: The
14 sponsor yields.

15 SENATOR O'MARA: Senator, on this
16 blue ribbon commission that's being set up here,
17 this was a legislative language add to this
18 budget, right? This wasn't the Governor's
19 proposal.

20 SENATOR PARKER: Yes,
21 Madam President.

22 SENATOR O'MARA: Through you,
23 Madam President, if the Senator will continue to
24 yield.

25 ACTING PRESIDENT PERSAUD: Does the

1 Senator yield?

2 SENATOR PARKER: Yes.

3 ACTING PRESIDENT PERSAUD: The
4 Senator yields.

5 SENATOR O'MARA: Senator, there's
6 various appointments that are made here.
7 Basically, the Governor gets seven of the 11
8 appointments. Two of them are designated as the
9 PSC chair and the NYSERDA president, and then the
10 government gets another five. So there's seven
11 overall, of the 11 that the Governor gets to
12 pick, correct?

13 SENATOR PARKER: Madam President,
14 through you, no. That seems to be a previous
15 draft that's been changed.

16 SENATOR O'MARA: Through you,
17 Madam President, if the Senator will continue to
18 yield.

19 ACTING PRESIDENT PERSAUD: Does the
20 Senator yield?

21 SENATOR PARKER: Yes, Madam
22 President, I yield.

23 ACTING PRESIDENT PERSAUD: The
24 sponsor yields.

25 SENATOR O'MARA: You know, again,

1 one of the ramifications of dealing with messages
2 of necessity and not the constitutionally
3 required three-day waiting period, so that
4 last-second changes to these bills are actually
5 recognized, identified and clarified.

6 So, Senator, what is the makeup of
7 the board, and who has those appointments?

8 SENATOR PARKER: Madam President,
9 through you. The makeup of the board are five
10 voting members that are designated by the
11 Governor; two voting members each by each
12 majority of the Legislature; and two additional
13 nonvoting members that are designated by the
14 Governor.

15 SENATOR O'MARA: Through you,
16 Madam President, if the Senator will continue to
17 yield.

18 ACTING PRESIDENT PERSAUD: Does the
19 Senator yield?

20 SENATOR PARKER: Yes,
21 Madam President.

22 ACTING PRESIDENT PERSAUD: The
23 Senator yields.

24 SENATOR O'MARA: Are those two
25 additional nonvoting members not identified as

1 the chair of the PSC and the president of
2 NYSERDA?

3 SENATOR PARKER: Madam President,
4 through you, they are not designated in that
5 manner in the legislation.

6 SENATOR O'MARA: Through you,
7 Madam President, if the Senator will continue to
8 yield.

9 ACTING PRESIDENT PERSAUD: Does the
10 Senator yield?

11 SENATOR PARKER: Yes,
12 Madam President.

13 ACTING PRESIDENT PERSAUD: The
14 Senator yields.

15 SENATOR O'MARA: Is the New York
16 Independent System Operator required to be part
17 of this commission?

18 SENATOR PARKER: I'm sorry?

19 SENATOR O'MARA: Is NYISO required
20 to be part of this?

21 SENATOR PARKER: Two things.

22 Mr. President, first, I'd like to
23 strike my last answer. I am corrected that they
24 in fact are designated, Senator O'Mara, as the
25 president of the Public Service Commission and --

1 and -- Mr. President, through you, it's the
2 president of the PSC and the president of
3 NYSERDA.

4 Sorry, the chair of the PSC. So
5 through you, Mr. President, the chair of the PSC,
6 of the Public Service Commission, and the
7 president of NYSERDA are in fact designated in
8 the legislation as the two nonvoting
9 appointments.

10 SENATOR O'MARA: Through you,
11 Mr. President, if the Senator will continue to
12 yield.

13 ACTING PRESIDENT BAILEY: Will the
14 sponsor yield?

15 SENATOR PARKER: Yes.

16 ACTING PRESIDENT BAILEY: The
17 Senator yields.

18 SENATOR O'MARA: Why is the
19 New York State Independent System Operator not
20 required to be on this commission?

21 SENATOR PARKER: Mr. President,
22 through you. That is not what the parties
23 involved in negotiating it thought that they
24 should be included in that way.

25 Now, that does not preclude them

1 from being involved if one of the parties that
2 make a designation decide that somebody from the
3 ISO should be the appointee to the board.

4 So they're not excluded, but they're
5 not specifically included.

6 SENATOR O'MARA: Through you,
7 Mr. President, if the Senator will continue to
8 yield.

9 ACTING PRESIDENT BAILEY: Will the
10 sponsor yield?

11 SENATOR PARKER: Yes.

12 ACTING PRESIDENT BAILEY: The
13 sponsor yields.

14 SENATOR O'MARA: The language of
15 the draft that I have -- and again, I'm not sure
16 if it's the final draft or not, and I'm moving on
17 from that point -- is that "any person employed
18 by a utility corporation, or employed by a
19 corporation that owns or operates an electric
20 plant, or any current consultant, advisor, board
21 member, or any other person similarly affiliated
22 with any such corporation, shall not be eligible
23 to be appointed to the blue ribbon commission."

24 Now, with that language, Senator,
25 can members of various trade industry groups be

1 chosen to be appointed to this by the appointing
2 authorities, such as the Alliance for Clean
3 Energy, IPPNY, NY-BEST, New York Solar Energy
4 Industries, New York Affordable Clean Power --
5 those trade organizations, can individuals from
6 them be appointed on this commission?

7 SENATOR PARKER: Mr. President,
8 through you. They would be excluded because the
9 language excludes those who are representing the
10 industry.

11 SENATOR O'MARA: Thank you,
12 Mr. President. That's all I have.

13 ACTING PRESIDENT BAILEY: Thank
14 you, Senator O'Mara.

15 Senator Helming, why do you rise?

16 SENATOR HELMING: Thank you,
17 Mr. President. I'd like to speak on the bill
18 before us.

19 ACTING PRESIDENT BAILEY: Senator
20 Helming on the bill.

21 SENATOR HELMING: Thank you.

22 Since the start of the 2026
23 legislative session, there has been a lot of
24 discussion about affordability and how we can
25 reduce costs, make New York more affordable for

1 everyone. And a whole lot of that conversation
2 has focused on energy and utility costs.

3 So as I was reviewing the bill
4 before us, I was really hoping to find a clear
5 plan to reduce costs for utility ratepayers and
6 for taxpayers. But what I found instead was in
7 this bill Part M, which authorizes 28.7 million
8 in assessments on gas and electric utilities to
9 fund NYSERDA-administered programs.

10 There was a question during the
11 debate on what programs are we talking about, but
12 no clear answer.

13 I have no doubt that those costs
14 will be passed on to ratepayers, who are already
15 struggling.

16 Part P of this bill creates an
17 energy affordability monitor who will be
18 appointed by the PSC, the same organization that
19 reviews rate cases. I'm pretty sure when I go
20 home and talk to people in my district about
21 this, they're going to say, Hold the phone, we
22 don't need another person. Just tell the PSC to
23 stop raising our rates.

24 Part TT of this bill creates a blue
25 ribbon commission on residential affordability

1 with appointments by the Governor and the
2 majority. This group is going to be given at
3 least a year to come back with recommendations.
4 In the meantime, utility bills will continue to
5 rise.

6 We already know that New Yorkers pay
7 some of the highest utility costs in the entire
8 nation. And when it comes to CLCPA changes that
9 are outlined in this bill, still no information
10 on what the implementation costs will be to
11 ratepayers.

12 And I wanted to mention Part PP,
13 which exempts major electric generating
14 facilities from Article 10. Why is that
15 important? I'll tell you why it's important to
16 people in my district. Because they're sick and
17 tired of being cut out of the conversation, and
18 that's what this will do. They won't have a seat
19 at the table on important discussions involving
20 their communities.

21 While this bill contains some
22 provisions outside of energy and utilities that
23 may be beneficial for some New Yorkers, in my
24 opinion they don't outweigh my constituents'
25 concerns regarding affordability, accountability,

1 or local input.

2 Taxpayers and ratepayers need
3 relief, and I'll be voting no.

4 ACTING PRESIDENT BAILEY: Thank
5 you, Senator Helming.

6 Very timely, as the two-hour debate
7 limit has concluded.

8 Are there any other Senators wishing
9 to be heard?

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

12 Read the last section.

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

15 ACTING PRESIDENT BAILEY: Call the
16 roll.

17 (The Secretary called the roll.)

18 ACTING PRESIDENT BAILEY: I'm
19 compelled to remind my colleagues again that the
20 vote explanation is two minutes. Not two minutes
21 and five seconds or 10 seconds -- two minutes.

22 The first person to explain their
23 vote will be Senator Jackson.

24 SENATOR JACKSON: Thank you,
25 Mr. President. I rise today at the end of a long

1 and difficult road.

2 After days of intense negotiations,
3 we are called to vote on a budget that carries
4 both progress and disappointment. I cast my vote
5 not with ease, but with conscious effort, while
6 harboring serious concerns about portions of this
7 legislation.

8 There are meaningful gains. As
9 chair of the Civil Service and Pensions
10 Committee, I welcome the progress we fought for
11 alongside labor, long-overdue Tier 6 reform for
12 teachers and improved benefits for firefighters,
13 correction officers, sanitation workers,
14 police officers and other public servants whose
15 labor sustains this state every single day.

16 And several of these provisions come
17 directly from legislation championed by my team.
18 And I want to particularly recognize the Didarul
19 Islam Police Recruitment Act, which allows Tier 3
20 NYPD members to receive pension credit for prior
21 service as correction officers, traffic
22 enforcement agents, school safety agents, and
23 police cadets.

24 We named this bill in honor of the
25 police officer that was killed, Didarul Islam, so

1 that his service, sacrifice and commitment to the
2 people of New York continues to live on not only
3 in memory, but in law.

4 Because public service must mean
5 something, the people who have dedicated decades
6 of their lives in this state deserve every bit of
7 a retirement system that recognizes the full
8 value of their sacrifice.

9 But Mr. President, I must also speak
10 to my concern regarding the climate provisions in
11 this bill. When we debated the Climate Act in
12 2019, one of the principles was early and
13 meaningful actions -- not delays, not proponent
14 postponements, but action.

15 And as we move forward the
16 Legislature must push the Department of
17 Environmental Conservation to set and enforce
18 periodic emissions targets by regulations,
19 ideally annual targets --

20 ACTING PRESIDENT BAILEY: Senator
21 Jackson, how do you vote?

22 SENATOR JACKSON: I vote yes.

23 ACTING PRESIDENT BAILEY: Senator
24 Jackson to be recorded in the affirmative.

25 Senator Walczyk to explain his vote.

1 SENATOR WALCZYK: Thank you,
2 Mr. President.

3 I was told today we have to save the
4 planet by bumping this timeline out a decade so
5 that we don't get sued by the green energy people
6 that say that we're not saving the planet fast
7 enough and that there is no science involved in
8 the decision whatsoever. But everybody knows
9 there is a giant cost involved here, and people
10 cannot afford it.

11 Pushing the targets back may avoid a
12 suit from dark money, but every program still
13 exists. You closed Indian Point, a 2-gigawatt
14 facility, built out of that three natural gas
15 facilities to actually make less power than that
16 one nuclear power facility. You spent
17 \$88.7 billion on green energy projects; taxed,
18 assessed, fee'd and surcharged utility bills;
19 sprawled solar panels all over New York and added
20 batteries everywhere; built a power line to
21 Canada.

22 And after seven years of this
23 experiment, people's prices are 70 percent higher
24 than the national average. And that is because
25 you're inflating demand and you're reducing

1 supply.

2 And here's the solutions that were
3 offered up today on energy cost. You're not --
4 you're not creating serious power production, not
5 removing any of the fees, and not eliminating
6 baked-in subsidies. But your solution is a
7 nine-member commission of all appointed Democrats
8 to identify the problems. I'll save them a year
9 before their report: Stop.

10 Your other solution: Appoint a
11 monitor to determine what people's incomes are.
12 Well, I got news for you. New Yorkers can't
13 afford their energy bills.

14 And your final solution, a program
15 to give utilities control over people's
16 thermostats. Wow.

17 In the words of C.S. Lewis: We all
18 want progress ... but if you're on the wrong
19 road, progress means doing an about-turn. In
20 that case, the man who turns back soonest --

21 ACTING PRESIDENT BAILEY: Senator
22 Walczyk, how do you vote?

23 SENATOR WALCZYK: -- is the most
24 progressive.

25 It's time to turn around. I vote

1 no.

2 ACTING PRESIDENT BAILEY: Senator
3 Walczyk to be recorded in the negative.

4 Senator May to explain her vote.

5 SENATOR MAY: Thank you,
6 Mr. President.

7 I want to mention a part of the bill
8 that hasn't been mentioned today, Part R,
9 reforming our State Environmental Quality Review
10 process. This is a tremendous win for New York
11 State, and I'm grateful to our Majority Leader
12 and to our amazing staff who worked so hard to
13 get this policy right.

14 SEQR reform removes a barrier to
15 building housing more quickly, more affordably,
16 and in places where it is most needed.

17 With this policy we continue to
18 protect the environment from harm while also
19 stopping environmental law from being weaponized
20 by wealthy litigants who just don't want new
21 housing built in their communities.

22 That weaponization drives up
23 construction costs more than 10 percent, blocks
24 many projects altogether, and results in pushing
25 new housing out of town centers and into

1 sprawling developments.

2 On behalf of young families,
3 retirees, and workers who want walkable, vibrant
4 neighborhoods, varied housing types at attainable
5 costs, and short commutes, I vote aye.

6 ACTING PRESIDENT BAILEY: Senator
7 May to be recorded in the affirmative.

8 Senator Ryan to explain his vote.

9 SENATOR RYAN: Thank you,
10 Mr. President.

11 I want to rise in support of this
12 important legislation, and I also want to
13 highlight a couple of measures that I believe are
14 included that will make a real difference to
15 New Yorkers.

16 Number one, very, very pleased to
17 see the significant action taken to address
18 rising utility costs. Families across my
19 district and across the state have opened their
20 monthly bills and wondered why and how they're
21 supposed to keep up.

22 This budget bill includes reforms
23 that increase transparency, limit unjustified
24 rate increases, crack down on improper utility
25 spending, and put greater focus on affordability.

1 These are commonsense steps.

2 Number two, I want to talk about
3 real-long-overdue reforms to Tier 6 -- teachers,
4 first responders, public employees who dedicate
5 decades of their lives. Lowering contribution
6 rates, adjusting retirement provisions, and
7 modernizing overtime caps will not help retain
8 our current workforce, but will also attract the
9 next generation of town, village, county and
10 state employees.

11 I want to also highlight these
12 reforms and the pension and the benefit increases
13 to our friends in corrections, NYSCOPBA; also our
14 Police Benevolent Association of New York State.
15 They need help, we're helping them, and it's
16 about time we help them even more in their
17 pocketbooks.

18 So these provisions reflect a budget
19 that responds to their real concerns for every
20 day.

21 I support this, and I vote aye.

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

24 Senator Ramos to explain her vote.

25 SENATOR RAMOS: Thank you,

1 Mr. President.

2 Back in 2022 my district was ravaged
3 by Hurricane Ida. I believe it was
4 Governor Hochul's first or at least one of her
5 first days in her new charge. She came back to
6 East Elmhurst three days in a row. She saw how
7 so many of my neighbors drowned, others almost
8 drowned. Many lost their cancer medication,
9 mementos and pictures that were special to their
10 family.

11 And so I thought that maybe this
12 year we would really push the pedal to the metal
13 on the improvements we need to see in our climate
14 law implementation, which would lead to the lower
15 bills that our constituents are looking for.

16 And so despite this grave
17 disappointment to my neighbors in East Elmhurst
18 and in the surrounding areas, I am voting aye
19 because there are big wins for working people in
20 this budget bill, particularly on Tier 6 reform.

21 I know that many union members have
22 been vocal about how necessary that reform is to
23 recruiting and retaining talent to our state
24 agencies and our city agencies back home.

25 So I am thankful, above all, to

1 Majority Leader Andrea Stewart-Cousins. I know
2 it hasn't been an easy process this year. This
3 bill has many flaws, as do others. But I know my
4 coworkers and I are steadfast in our journey to
5 ensure that this state works for everyone.

6 Thank you.

7 ACTING PRESIDENT BAILEY: Senator
8 Ramos to be recorded in the affirmative.

9 Senator Zellner to explain his vote.

10 SENATOR ZELLNER: Thank you,
11 Mr. President.

12 I rise in support of this bill.
13 This is a large and complex agreement, but the
14 through line for me is pretty clear:
15 Affordability and accountability.

16 Across this state people are feeling
17 the pressure of rising costs, especially when it
18 comes to utilities, housing, insurance and
19 everyday expenses. This bill takes steps to
20 address that by putting more focus on ratepayer
21 protections, transparency, and how costs are set,
22 and in cutting red tape so people are not paying
23 more than they should.

24 Just as important, it moves us
25 towards a system where there's more clarity,

1 where families can actually understand what's
2 driving their bills and whether there's real
3 accountability when decisions are made that
4 affect affordability.

5 For my community, we're working hard
6 to grow the economy and strengthen our
7 neighborhoods. But none of that works if people
8 can't afford to stay here. Affordability is what
9 determines whether progress is sustainable.
10 That's why I'm voting aye on this bill.

11 Thanks, Mr. President.

12 ACTING PRESIDENT BAILEY: Senator
13 Zellner to be recorded in the affirmative.

14 Senator Mayer to explain her vote.

15 SENATOR MAYER: I rise to support
16 this legislation. And like most complex pieces
17 of legislation, I'm not happy with every part of
18 it. But I'm very happy with some parts of it
19 that we did not discuss today, Part N and Part O.

20 Real changes to the ratemaking
21 process by which the Public Service Commission
22 determines the rates that are the cause of so
23 many of our constituents' complaints here, and
24 have come up repeatedly without discussion of the
25 process.

1 Credit to this conference for
2 leading the way on reform of the ratemaking
3 process. And so many of the bills that are
4 included, in whole or in part, in this budget
5 reflect a commitment to changing that process and
6 making the process work for ratepayers and not
7 for utility companies.

8 There are multiple bills which were
9 included here that would not have been included
10 had not the constituents that we represent spoken
11 up and made clear they want a change that puts
12 their interests ahead of the utility companies.

13 So for that reason and many others,
14 I'm proud to be voting aye.

15 ACTING PRESIDENT BAILEY: Senator
16 Mayer to be recorded in the affirmative.

17 Senator Rhoads to explain his vote.

18 SENATOR RHOADS: Thank you,
19 Mr. President.

20 In the four years that I've had the
21 honor of being in this chamber, and for -- since
22 2019, when the CLCPA was passed, the Republican
23 Conference has been warning that the CLCPA and
24 the provisions of the CLCPA would drive up
25 utility costs.

1 And now we're seeing it. The proof
2 is in the pudding. Utility rates in New York are
3 70 percent higher than the national average. And
4 the reason that we're hearing so much from our
5 constituents about the fact that their bills
6 continue to go higher and higher is a reflection
7 of that reality.

8 As much as my colleagues on the
9 other side try to find excuses for why that may
10 be the case, this bill says the quiet part out
11 loud and tells the story. NYSERDA, the energy
12 experts, are the ones that said that the
13 deadlines couldn't be met, are the ones that said
14 that it would drive up the cost of utilities for
15 the average family within the next five years by
16 \$4100 above what's already been done.

17 And this bill says the quiet part
18 out loud because my colleagues on the other side
19 of the aisle secretly know it too.

20 We've now pushed back deadlines. We
21 are now no longer considering electricity, gas
22 and oil that's produced from other states in our
23 carbon footprint. It's time for us to
24 acknowledge the simple reality that it does not
25 work.

1 The only way that the CLCPA is going
2 to work as it's presently constituted is if, just
3 like the million New Yorkers that have already
4 left New York over the course of the last five
5 years, the 19.5 million that are left follow
6 behind them to North Carolina and Florida and
7 Texas. And when New York has zero population, we
8 will have zero carbon footprint.

9 Mr. President, I vote in the
10 affirmative.

11 ACTING PRESIDENT BAILEY: Senator
12 Rhoads to be recorded in the affirmative.

13 Senator Chan to explain his vote.

14 SENATOR CHAN: Thank you,
15 Mr. President.

16 So as my -- some of my colleagues
17 have previously just pointed out the negative
18 aspects of this particular bill, particularly the
19 unrealistic goals of the CLCPA, which we need a
20 lot of time, a lot more time to complete.

21 So I'm all for green energy, but my
22 colleagues also pointed out -- I'm being
23 redundant. My then 10-year-old daughter, in the
24 year 2020, in her award-winning science project,
25 said that -- warned everybody that their

1 electrical rates are going to skyrocket if we
2 shut down IPEC.

3 But the part about this bill that I
4 want to speak about is about New York's finest,
5 New York's bravest, New York's strongest, and our
6 teachers. All the civil service workers who are
7 vital to our community, people that we love so
8 dearly in our neighborhood.

9 I walked this path before. I'm
10 there, I'm home, and now I'm paying it forward.
11 So I'm going to vote aye on this bill on behalf
12 of them.

13 Thank you.

14 ACTING PRESIDENT BAILEY: Senator
15 Chan to be recorded in the affirmative.

16 Senator Fahy to explain her vote.

17 SENATOR FAHY: Thank you,
18 Mr. Speaker.

19 This has been a long-awaited budget.
20 I rise today to vote aye as well. But we are
21 beginning to tackle the worst affordability
22 crisis since 2008.

23 I think SEQR, the SEQR reforms that
24 have not been talked about as much tonight but
25 are truly important and really moving us in

1 addressing the worst housing crisis in modern
2 history. It will help to address the demand in
3 terms of trying to build 800,000 new housing
4 units over the next decade or so.

5 That as well as many compromises, if
6 you've heard tonight, have been made with regard
7 to our climate goals. But we will hear more this
8 week on other budgets about investments, critical
9 investments that will continue to build us toward
10 energy investment and climate resiliency, given
11 all the extreme weather patterns that we have
12 seen.

13 So we've got to continue to do more,
14 to build more. And at that, I also support a
15 number of the utility pieces that have gone in
16 here for utility relief, with some commonsense
17 safeguards against future rate increases. We
18 have a lot more work to do, but we think we have
19 some safeguards to minimize those rate increases
20 and put profits back into ratepayers.

21 I'm also very pleased with the
22 Tier 6 changes. I represent a very large state
23 workforce, and I think this will help with our
24 long-term stability and competitive benefits.

25 With that, Mr. Speaker, I vote aye.

1 Thank you.

2 ACTING PRESIDENT BAILEY: Senator
3 Fahy to be recorded in the affirmative.

4 Senator Gounardes to explain his
5 vote.

6 SENATOR GOUNARDES: Thank you,
7 Mr. President.

8 I join my colleagues who have
9 already spoken about the good provisions in this
10 bill, particularly around utility reform and SEQR
11 reform and Tier Six reform. And I share a lot of
12 the concerns that I know my colleagues have
13 around some of the climate provisions of this
14 budget bill.

15 I want to speak about two pieces of
16 this bill that didn't get much attention during
17 the debate that I want to lift up.

18 The first is Part Y, which is a
19 version of my Stop Online Predators Act. The
20 internet today isn't a place where kids just
21 visit anymore. In many ways it's a place where
22 they live. They learn there, they play there,
23 and they make friends there. And for far too
24 long the same games and applications that our
25 kids open every single day have become hunting

1 grounds for predators.

2 Now, this is not just speculation.
3 On Roblox alone, last year more than 13,000 --
4 there were more than 13,000 reported incidents of
5 child exploitation and more than 1300 requests
6 for law enforcement.

7 Big Tech has had every chance to fix
8 this, but they have not.

9 We are taking steps in this bill to
10 protect kids from the worst of online predators
11 and shutting off the conveyor belt that delivers
12 kids on these online platforms to predators
13 seeking to do them harm.

14 I also want to lift up Part D, the
15 super-speeders provision of this bill to require
16 super-speeder installation -- speed-limiting
17 device installation in the vehicles of the worst
18 of the worst or the worst drivers in New York
19 City. This is a measure that I know will help
20 save lives.

21 And if there's anything we can say
22 we do in this chamber, what a gift it is to be
23 knowing that we're going to save someone's life
24 from being killed in a car crash because we have
25 taken measures to curb the worst of the worst of

1 reckless driving in our communities.

2 And for those reasons and many
3 other, Mr. President, I vote aye.

4 Thank you.

5 ACTING PRESIDENT BAILEY: Senator
6 Gounardes to be recorded in the affirmative.

7 Senator Martins to explain his vote.

8 SENATOR MARTINS: Thank you,
9 Mr. President.

10 You know, I appreciate the Tier 6
11 reforms that we have in this bill. I've often
12 said that we should eliminate Tier 5 and Tier 6
13 and move everyone back to Tier 4.

14 But I do think that these Tier 6
15 reforms will make a meaningful difference to our
16 state workers, our local workers, our police
17 officers, correction officers and teachers.

18 I appreciate the rollback of the
19 CLCPA -- you know, the commitment to the
20 environment while still giving time to get it
21 right. Because I still don't think we've gotten
22 it right, but I do appreciate the fact that we're
23 going to give time before we enforce all of our
24 local communities and residents to have to absorb
25 the impacts of the CLCPA -- especially for us who

1 live on an island, Mr. President.

2 I appreciate the housing that's
3 going to be built on Long Island, the jobs that
4 means to our building trades.

5 I have concerns about the SEQR
6 reforms, but I count on our local governments to
7 look out for the welfare of their local
8 communities even though I know that this is
9 undermining their ability to take a hard look at
10 the environmental impacts for projects in their
11 communities.

12 And, Mr. President, I have concerns
13 about the insurance reforms insofar as there has
14 been no showing that it's actually going to
15 reduce the cost of insurance premiums for people
16 who are paying the highest insurance rates in the
17 country. But I'm willing to go along because I
18 understand that we have to move the process
19 forward and we have to make sure that we provide
20 real relief.

21 I'll be voting aye.

22 ACTING PRESIDENT BAILEY: Senator
23 Martins to be recorded in the affirmative.

24 Senator Gianaris to explain his
25 vote.

1 SENATOR GIANARIS: Mr. President, I
2 just want to take a moment to point out that
3 Senator Martins and all Republican colleagues who
4 were here at the time voted for Tier 6 when the
5 Democrats walked out of the chamber in protest.

6 So I should just like to say that
7 he's welcome that we're fixing his horrible
8 mistake and glad that he's supporting what we're
9 doing today.

10 Thank you, Mr. President.

11 ACTING PRESIDENT BAILEY: Senator
12 Gianaris to be recorded in the affirmative.

13 Senator Parker to explain his vote.

14 (No response.)

15 ACTING PRESIDENT BAILEY: Senator
16 Parker to explain his vote.

17 SENATOR PARKER: Oh, okay.

18 Will all of my colleagues across the
19 aisle who asked me questions rise? No, I'm just
20 joking.

21 (Laughter.)

22 SENATOR PARKER: Let me say this,
23 Mr. President, and explain my vote. I proudly
24 vote yes on this bill. It's not perfect.
25 There's a lot of issues that are being dealt with

1 in the context of this legislation.

2 I want to thank the leader and the
3 staff of the Democratic Conference of the
4 State Senate for their intrepid work to make sure
5 that we get a budget of the 12st largest economy
6 in the world done in a way that looks out for all
7 New Yorkers.

8 In the context of this debate, we
9 should understand that we again, you know, we can
10 have our own opinions, we can't have our own
11 facts. The reality is the cost of utility prices
12 that relates to energy is dictated by the global
13 cost of natural gas, period. No matter what else
14 that you like to say.

15 By the way, just so my colleagues
16 know, the CLCPA hasn't even been properly
17 implemented yet. So like the notion of this
18 \$88 billion -- you know, I don't know where
19 they're getting this number from. But, you know,
20 people just spewing things and not having to
21 relate it to reality is not real. Right?

22 And not to talk about, you know --
23 well, not to not talk about it, let's talk about
24 the fact that Trump has started this illegal war
25 with Iran that has closed the Strait of Hormuz.

1 The strait didn't close on its own, it closed
2 because we're in an unsanctioned war. Right?
3 And because we failed our responsibility as a
4 nation to deal with Russia and its encroachment
5 on Ukraine. Those are the things that are
6 raising energy prices. Right?

7 And let's -- you know, let's talk
8 about the fact that your president, Donald Trump,
9 stopped our offshore wind projects. That's
10 what's raising prices here.

11 So let's be very, very clear about
12 what's going on. We're trying to save the nation
13 and the state on energy prices, and we've done
14 more than really almost any other state.

15 Lastly --

16 ACTING PRESIDENT BAILEY: Senator
17 Parker, how do you vote?

18 SENATOR PARKER: I vote yes because
19 Tier 6 had to go.

20 ACTING PRESIDENT BAILEY: Senator
21 Parker --

22 SENATOR PARKER: And this is a good
23 first step.

24 ACTING PRESIDENT BAILEY: Senator
25 Parker to be recorded in the affirmative.

1 Senator Webb to explain her vote.

2 SENATOR WEBB: Of course I go after
3 Senator Parker.

4 I want to thank the Majority Leader
5 and the staff for the work they've done on this
6 budget. This was a very difficult vote to take,
7 given the rollbacks to the CLCPA.

8 And I want to be very clear. It's
9 not only disappointing, but we are essentially
10 making the work that we aimed to address with
11 that legislation even more difficult with regard
12 to ensuring that we are protecting the health and
13 well-being of our communities.

14 And so it is my hope that what we
15 will do as a body, that we will continue to
16 address issues around climate change even more
17 intentionally, as we do most certainly as a
18 conference.

19 The reason why I voted yes for this
20 bill is because of the reforms that are needed,
21 still that are needed to Tier 6. We know in our
22 communities that we are often struggling with
23 recruiting individuals to work in the public
24 sector. But one of the greatest draws to public
25 sector jobs was the benefits, and Tier 6 has

1 created nothing but barriers to many folks who
2 are in Tier 6. A number of us in this chamber
3 are in Tier 6, myself included.

4 And so it is my hope that with this
5 vote that we are taking today to try to repair
6 the harm that Tier 6 has created, that we will
7 create much more opportunities for individuals in
8 public service to have benefits.

9 And with that, Mr. President, I vote
10 aye.

11 ACTING PRESIDENT BAILEY: Senator
12 Webb to be recorded in the affirmative.

13 Senator Harckham to close.

14 SENATOR HARCKHAM: Thank you very
15 much, Mr. President.

16 I want to thank colleagues on both
17 sides of the aisle for an interesting debate here
18 today.

19 Just want to focus on Part VV and
20 some of the climate things for a moment. This is
21 not necessarily the way many of us in the
22 Majority would have gone about addressing
23 challenges with the climate law. I've got to say
24 this has been the most complicated, intense
25 negotiation I've been a part of in the eight

1 years I've been here.

2 I want to thank our Majority Leader
3 and our staff for truly mitigating what could
4 have been a lot worse, better. And to fight for
5 some meaningful programs that will have a direct
6 result on utility rates moving forward.

7 It was our leadership that went to
8 the mat to include the New York ASAP Act in here.
9 It was our leadership that went to the mat to
10 include \$200 million to restart the NY-Sun
11 program. It was our leadership that went to the
12 mat to get another billion dollars in
13 Sustainable Futures and climate mitigation
14 projects.

15 All of these -- and it was our
16 leadership that went to the mat to talk about the
17 utility issues and addresses what Senator Mayer
18 brought up -- bills by Senator Hinchey,
19 Senator Parker, Senator Mayer and others to truly
20 address how the PSC does business and how our
21 rates are addressed. All of this will have a
22 direct impact on the ratepayers of the State of
23 New York.

24 But I want to address one thing
25 about the CLCPA as I close, Mr. President -- and

1 I will be voting yes on this if I get cut off by
2 the orchestra playing -- which is in this
3 conference we take very seriously environmental
4 justice. And that's what's the core of the
5 CLCPA.

6 And many of the folks who talk about
7 and criticize the CLCPA don't have massive fossil
8 fuel infrastructure in your districts.
9 Unfortunately, it's the kids in other districts
10 that are dealing with the particulate matter, the
11 fumes and the pollution. And so we take that
12 very seriously.

13 So the CLCPA is not just about
14 accounting. It's not just about carbon and
15 methane. It's about public health for children.
16 And we should never apologize for taking that
17 seriously, and we should never apologize for
18 fighting to address that in every way we can.

19 I vote yes.

20 ACTING PRESIDENT BAILEY: Senator
21 Harckham to be recorded in the affirmative.

22 Announce the results.

23 THE SECRETARY: In relation to
24 Calendar 1328, voting in the negative are
25 Senators Borrello, Gallivan, Griffo, Helming,

1 Lanza, Oberacker, O'Mara, Ortt, Stec, Tedisco and
2 Walczyk.

3 Ayes, 52. Nays, 11.

4 ACTING PRESIDENT BAILEY: The bill
5 is passed.

6 Senator Gianaris, that completes the
7 reading of the controversial calendar.

8 SENATOR GIANARIS: Mr. President, I
9 have a couple of motions here.

10 On behalf of Senator Kavanagh, I
11 wish to call up Senate Print 1462, recalled from
12 the Assembly, which is now at the desk.

13 ACTING PRESIDENT BAILEY: The
14 Secretary will read.

15 THE SECRETARY: Calendar Number
16 583, Senate Print 1462, by Senator Kavanagh, an
17 act to amend the Public Authorities Law.

18 SENATOR GIANARIS: Move to
19 reconsider the vote by which the bill was passed.

20 ACTING PRESIDENT BAILEY: Call the
21 roll on reconsideration.

22 (The Secretary called the roll.)

23 THE SECRETARY: Ayes, 63.

24 ACTING PRESIDENT BAILEY: The bill
25 is restored to its place on the Third Reading

1 Calendar.

2 SENATOR GIANARIS: I offer the
3 following amendments.

4 ACTING PRESIDENT BAILEY: The
5 amendments are received.

6 SENATOR GIANARIS: On behalf of
7 Senator Salazar, on page 34 I offer the following
8 amendments to Calendar Number 930, Senate Print
9 9928, and ask that said bill retain its place on
10 the Third Reading Calendar.

11 ACTING PRESIDENT BAILEY: The
12 amendments are received, and the bill will retain
13 its place on the Third Reading Calendar.

14 Senator Gianaris.

15 SENATOR GIANARIS: Mr. President,
16 the resolutions we took up earlier today are open
17 for cosponsorship.

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

22 Senator Gianaris.

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

25 ACTING PRESIDENT BAILEY: There is

1 no further business at the desk.

2 SENATOR GIANARIS: I move to
3 adjourn until tomorrow, Wednesday, March 27th --
4 May 27th, excuse me. It should be March 27th --
5 May 27th at 12:00 p.m.

6 ACTING PRESIDENT BAILEY: On
7 motion, the Senate stands adjourned until
8 Wednesday, May 27th, at 12:00 p.m.

9 (Whereupon, at 7:46 p.m., the Senate
10 adjourned.)

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