

TUESDAY, JANUARY 25, 2022

2:01 P.M.

ACTING SPEAKER AUBRY: The House will come to order.

In the absence of clergy, let us pause for a moment of silence.

(Whereupon, a moment of silence was observed.)

Visitors are invited to join the members in the Pledge of Allegiance.

(Whereupon, Acting Speaker Aubry led visitors and members in the Pledge of Allegiance.)

A quorum being present, the Clerk will read the Journal of Monday, January 24th.

Mrs. Peoples-Stokes.

MRS. PEOPLES-STOKES: Mr. Speaker, I move

that we dispense with the further reading of the Journal of Monday, January 24th and ask that the same stand approved.

ACTING SPEAKER AUBRY: Without objection, so ordered.

Mrs. Peoples-Stokes.

MRS. PEOPLES-STOKES: Thank you, Mr.

Speaker. I certainly want to welcome colleagues in and around the Chambers as well as those that are in their offices and those who are remote as well. I am going to start again today with a quote from Dr. King. I was very honored in our debate from yesterday that Dr. King was quoted so highly and respectful of that opportunity to hear from him at other times. Today's (inaudible) with us, *Whereas, somewhere along the way we must learn that there is nothing greater than to do something for others*. And that, by and large, Mr. Speaker, is our job here as State legislators, is to do something for the many New Yorkers across the State.

So, Mr. Speaker and colleagues, members have on their desk a main Calendar. After any housekeeping we are going to take up resolutions on page 3, and then we're going to consent new bills starting with Calendar No. 291 going to -- oh, that's on page 59. And then we're going to take up Calendar No. 11 and Calendar No. 21 on consent. Finally, we'll take up chapter amendments that had been previously laid aside, beginning with Rules Report No. 9 on page 4. That will be on debate, Mr. Speaker. The Majority members should be aware that we are going to have a conference immediately

following our work on the floor. And as always, we will concur with our colleagues on the other side to see if they have conference needs as well.

Mr. Speaker, that's the general outline of where we're going today. And if there are housekeeping, now would an appropriate time.

ACTING SPEAKER AUBRY: We do have some housekeeping.

At the request of Mr. Gottfried, Calendar No. 79, Bill No. 1538-A is recommitted to the Committee on Codes.

At the request of Mr. Gottfried, Calendar No. 184, Bill No. 5685-A is recommitted to the Committee on Codes.

Page 3, resolutions, the Clerk will read.

THE CLERK: Assembly No. 505, Ms. Buttenschon.

Legislative Resolution memorializing Governor Kathy Hochul to proclaim January 2022 as Firefighter Cancer Prevention Month in the New York.

ACTING SPEAKER AUBRY: On the resolution, all those in favor signify by saying aye; opposed no. The resolution is adopted.

THE CLERK: Assembly No. 506, Ms. Rozic.

Legislative Resolution memorializing Governor Kathy Hochul to proclaim January 27, 2022 as Holocaust Remembrance -- Remembrance Day in the New York.

ACTING SPEAKER AUBRY: On the resolution,

Ms. Rozic.

I will remind you, we are in the -- the new protocol, so any resolution the limit for everybody is 30 minutes all told. We cannot have it on the floor for -- but for 30 minutes. Ms. Rozic. And the time starts.

MS. ROZIC: Thank you, Mr. Speaker, Madam Majority Leader. This Thursday, January 27th, marks the 77th anniversary of the day that Auschwitz-Birkenau, the largest Nazi death camp where 1.1 million people who were killed, was liberated in 1945. In 2005 this date was established as International Holocaust Remembrance Day. A day when we recognize and remember the 6 million Jews and millions of other minority groups, including the disabled and members of the LGBTQ community who were murdered in the Holocaust. Every year in preparation for this day and this resolution, I stand and review remarks I've made in previous years. Year after year I look to find some things new to say. I've spoken about the rise of anti-Semitism and ask that we take it seriously as a legislative Body. I've explained the need for education initiatives and community action. I looked for something that has changed that I can point to to show the progress we've made. Except the only change I've seen was new locations that have been added to the list of those who experienced anti-Semitic attacks. First it was Charlottesville and Pittsburgh, then it was Pawling, Munsey, Jersey City, and less than two weeks ago Colleyville, Texas joined this unfortunate list that no state, city or town wants to be on. According to the ADL,

anti-Semitic incidents continue. Assaults, harassment and vandalism against Jews and our institutions remains at historic levels. We need to give New Yorkers tools needed to combat Holocaust distortion and trivialization, recognizing its connection to the anti-Semitism affecting Jewish people in all of our communities. Despite my standing here year after year and being joined by so many of my colleagues we'll hear from today, 15 percent of New York millennials cannot name a single concentration camp, and more New Yorkers thought Jews caused the Holocaust than in any other state according to a 50-state study done by the Queens Conference. Anti-Semitism has existed long before the Holocaust and it didn't end with the liberation of the death camps. It didn't disappear. It has new forms, and it is thriving in 2022.

So here I am, once again compelled to ask, please include the Jewish community in your activism, teach future generations about the same in history and stand side-by-side in action and legislation so that we can truly live up to our promise of never again.

Thank you.

ACTING SPEAKER AUBRY: Mr. Eichenstein.

MR. EICHENSTEIN: Thank you, Mr. Speaker, for allowing me to speak on this resolution. And I want to thank the sponsor for bringing this resolution to the floor. Commemorating Holocaust Remembrance Day is difficult and especially painful to me, yet it is crucial. It is not only difficult because my own grandparents

are Holocaust survivors, but I have the honor of representing the neighborhood with the highest number of Holocaust survivors anywhere in America. Yet, just 77 years later we are surrounded by millennials and Generation Z who lack basic knowledge of the Holocaust. According to a 50-state survey last year, over one in ten adults under the age of ten can never recall hearing the word "Holocaust." Sixty-three percent of those surveyed did not know that six million Jews were murdered in the Holocaust. The lack of basic knowledge of the Holocaust with our younger generations is appalling and shameful. Seventy-seven years ago on January 27, 1945 as World War II was ending, the Russian army approached the Auschwitz concentration camp complex expecting to liberate its prisoners without knowing what they would see inside. When they got there they were stunned. They found huge piles of bodies along with just a few thousand survivors who were starved, emaciated, sick and dying. It is estimated that 1.3 million people were deported to Auschwitz. Only about 7,000 survived. You don't have to be good at math to realize that that represents just a tiny fraction. It is impossible for us to comprehend the details of what the Russian soldiers reported. The mountains of hair, teeth, shoes, suitcases and bodies. The overwhelming smell of burning flesh. It's simply impossible for us to begin to imagine. So when we stand here today on the floor of the People's House commemorating Holocaust Remembrance Day, we're not just simply commemorating the past, we are creating lessons in the present to understand the real dangers of not addressing

anti-Semitism, not addressing hate - all hate - and allowing hate to rear its ugly head.

May we always remember and never forget. Thank you, Mr. Speaker.

ACTING SPEAKER AUBRY: Thank you.

Mr. Rosenthal.

MR. ROSENTHAL: Thank you to the sponsor for bringing this resolution to the floor today, remembering the six million Jews who were murdered during the Holocaust. Remember entire communities that were eradicated by evil. Remember those who escaped with their lives, but little else. We are now over 75 years past the liberation of Auschwitz, but unfortunately, recent history has shown us that the past is closer than we'd like to realize. With the drastic rise in anti-Semitic hate crimes and hate crimes overall, I would like to read a statement from the Auschwitz-Berkeineau Memorial Museum that I believe is more relevant than ever. *When we look at Auschwitz we see the end of the process. It's important to remember that the Holocaust actually did not start from the gas chambers. This hatred gradually developed in words, stereotypes, progressed to legal exclusion, dehumanization and escalating violence. The Holocaust did not happen overnight. It started with words that fell on deaf ears. Then it became actions that people chose not to see. It grew in the vacuum of silence from voices that simply did not speak out.*

In 2021 anti-Semitic hate crimes in New York City

were up over 50 percent from the already record number we saw in 2020. Just last week, congregants at a synagogue in Texas were held hostage during Shavuot morning prayers. Even closer to home in Brooklyn, a Jewish woman -- sorry, a woman went to young Jewish children and said, *Hitler should have killed you all* and spat in their faces. And again, earlier this week a man -- a Jewish man was once again randomly assaulted on the streets of New York City. We are reminded all too often that anti-Semitism is real and closer to us than we'd like to realize. To turn a blind eye to these stories is spitting on the memories of those we lost in the Holocaust. It allows for hate to once again become the new normal. It is an unimaginable reality that the Jewish community is facing. We must all remain vigilant to make sure that "never again" means never again.

ACTING SPEAKER AUBRY: Thank you.

Ms. Rajkumar.

MS. RAJKUMAR: I'm pleased to rise in support of this resolution. Violent anti-Semitism remains a threat. Just ten days ago, a gunman held Jewish congregants hostage at a Texas synagogue. In New York City, anti-Semitic hate crimes rose a shocking 51 percent. Nationally, a majority of religion-motivated hates crimes are against people of the Jewish faith. In the January 6th Capitol attack, an insurrectionist saw the Democratic Majority Leader of the U.S. Senate, a former member of this very Legislative Body, and shouted an anti-Semitic slur. I would like to posit that it is the responsibility of everyone across the political spectrum, no matter your ideology, to

combat all suggestions of anti-Semitism, and we need to do a better job. We cannot be indifferent. As Elie Wiesel once said, *The opposite of love is not hate, it is indifference. The opposite of life is not death, it is indifference.* When one group is scapegoated and targeted, any group could be next. Hate crimes against Muslim-Americans are up 350 percent in New York City. Hate crimes against Asian-Americans rose by more than any other group last year. If we allow anti-Semitism to continue, any one of us could be next.

A beloved 15-year-old girl named Anne Frank just before she was sent to her death in a Nazi concentration camp famously wrote in her diary these words. She wrote, *In spite of everything, I still believe that people are really good at heart.* Let's prove her right.

Thank you.

ACTING SPEAKER AUBRY: Thank you.

Mr. Goodell.

MR. GOODELL: Thank you, Mr. Speaker. As -- as has been aptly described by my colleagues, the Holocaust was a horrific, horrific blight on human history. And no words can adequately express the repulsion that all of us feel toward that atrocity. And I am deeply moved by the comments of my colleagues. But I also think it's important to recognize that during that most difficult period, there were also people within Germany and the occupied lands that risked their lives to protect Jews and others from persecution, knowing full well that they would face the exact same fate if they

were caught. And after the war when so many Americans were hurting and were in shock and disbelief over the atrocities of the Nazi regime, America took the lead in an incredible statement about justice when it accorded the leadership of the Nazi regime a trial. And rather than follow their example of a firing squad or a gas chamber, America sent a message to the world that we believe in due process. And back then that was not an easy statement to make, even in America.

Because so many Americans had lost their sons or their fathers or their brothers or other relatives in the war effort. And Justice Jackson, who was a Supreme Court judge with a lifetime appointment resigned from the U.S. Supreme Court to lead up the prosecution in Nuremberg. So what's that mean to us today? We need to look back at the lessons that were learned. As my colleague so aptly pointed out, the Holocaust didn't start at the death camps, it started years before with indifference. And so as we pass this resolution it's important for us to recommit to the best aspects of human nature, standing up for our colleagues. Standing up for those who are different than us. Standing up for the rights of minorities. Insisting on justice, insisting on due process and resisting all of the horrific based human characteristics that led to this absolutely despicable and horrific Holocaust.

So I am proud to support this resolution. I'm proud of my colleagues who have spoken up and others who will vote for this. And I hope that all of us recommit ourselves to the importance of standing up for what is just and right. Thank you, Speaker.

ACTING SPEAKER AUBRY: On the resolution, all

those in favor signify by saying aye; opposed. The resolution is adopted.

Page 59, Calendar No. 291, the Clerk will read.

THE CLERK: Assembly No. A00266, Calendar No. 291, Paulin, Mitaynes. An act to amend the General Business Law, in relation to providing notice of certain scams when selling gift cards.

ACTING SPEAKER AUBRY: Read the last section.

THE CLERK: This act shall take effect on the 90th day.

ACTING SPEAKER AUBRY: The Clerk will record the vote Assembly print 266. This is a fast roll call. Any member who wishes to be recorded in the negative is reminded to contact the Majority or Minority Leader at the numbers previously provided.

(The Clerk recorded the vote.)

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

THE CLERK: Assembly No. A00599, Calendar No. 292, Cahill, Jacobson. An act to amend the Insurance Law, in relation to personal and commercial lines insurance.

ACTING SPEAKER AUBRY: The bill is laid aside.

THE CLERK: Assembly No. A03276, Calendar No. 293, Gunther, Jackson, Lavine, Jacobson. An act to amend the Insurance Law, in relation to prohibiting the application of fail-first or step therapy protocols to coverage for the diagnosis and treatment of

mental health conditions.

ACTING SPEAKER AUBRY: The bill is laid aside.

THE CLERK: Assembly No. A04908, Calendar No. 294, Solages. An act to establish a task force to identify evidence-based and evidence-informed solutions to reduce children's exposure to adverse childhood experience.

ACTING SPEAKER AUBRY: The bill is laid aside.

THE CLERK: Assembly No. A07363, Calendar No. 295, Gottfried, Dinowitz, Steck, Fahy, McDonald, Reyes, Hevesi, Braunstein, L. Rosenthal, Mamdani, Seawright, Simon, Woerner, Cruz, Burgos, Galef, González-Rojas, Epstein, Solages, Bichotte Hermelyn, O'Donnell, Mitaynes, Burdick, Forrest. An act to amend the Civil Practice Law and Rules, in relation to protecting patients from certain penalties due to money judgments arising from actions brought by hospitals or health care professionals.

ACTING SPEAKER AUBRY: The bill is laid aside.

THE CLERK: Assembly No. A08272-A, Calendar No. 296, Woerner, Jones, Galef, Thiele, Simon, Abinanti, Magnarelli, L. Rosenthal, Barrett, Griffin, McDonald, Englebright, Gottfried, Glick, Stirpe, Bronson, Rozic, Dinowitz, Steck, Kelles, O'Donnell, Lawler, Smith, Lunsford, Gunther, Jacobson, Otis. An act to amend the General City Law, the General Municipal Law, the Public Authorities Law, the Real Property Law, the Town Law and the Village Law, in relation to replacing all instances of the words "councilman" or "councilmen" with the words "council member" or

"council members."

ACTING SPEAKER AUBRY: Read the last section.

THE CLERK: This act shall take effect immediately.

ACTING SPEAKER AUBRY: The Clerk will record the vote on Assembly print 8272-A. This is a fast roll call. Any member who wishes to be recorded in the negative is reminded to contact the Majority or Minority Leader at the numbers previously provided.

(The Clerk recorded the vote.)

Ms. Walsh.

MS. WALSH: Thank you, Mr. Speaker. Would you please record Mr. Fitzpatrick as a no on this bill? Thank you.

ACTING SPEAKER AUBRY: So noted. Thank you.

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

THE CLERK: Assembly No. A08486, Calendar No. 297, Abinanti, Hevesi, Stirpe, Fahy, McDonald, Cusick, Thiele, Zebrowski, Paulin. An act to amend the Mental Hygiene Law, in relation to due process procedures for persons who will become eligible to receive transitional care or certain care at a future date.

ACTING SPEAKER AUBRY: Read the last section.

THE CLERK: This act shall take effect immediately.

ACTING SPEAKER AUBRY: The Clerk will record

the vote on Assembly print 8486. This is a fast roll call. Any member who wishes to be recorded in the negative is reminded to contact the Majority or Minority Leader at the numbers previously provided.

(The Clerk recorded the vote.)

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

THE CLERK: Assembly No. A08690, Calendar No. 298, Cruz. An act to amend the Mental Hygiene Law, in relation to the Autism Detection and Education Program and mapping of autism locations; and to amend a chapter of the Laws of 2021 amending the Mental Hygiene Law relating to the Autism Detection and Education Program and mapping of autism locations, as proposed in legislative bills numbers S.2911 and A.1953, in relation to the effectiveness thereof.

ACTING SPEAKER AUBRY: Read the last section.

THE CLERK: This act shall take effect on the 90th day.

ACTING SPEAKER AUBRY: The Clerk will record the vote on Assembly print 8690. This is a fast roll call. Any member who wishes to be recorded in the negative is reminded to contact the Majority or Minority Leader at the numbers previously provided.

(The Clerk recorded the vote.)

Ms. Walsh to explain her vote.

MS. WALSH: Thank you, Mr. Speaker. This -- this

is a great bill. This bill -- the reason why we've got a chapter amendment is that the Governor stated that she was concerned about the expanse of mandates and unfunded mandates within the existing board who could incorporate the program responsibilities into their own. So it -- it claws back some of the -- the original, like, breadth of the bill. So, autism mapping, which is really is important, now with this bill will be the only mapping based on previously mapped locations of autism occurrence. I would just say that this is a really important issue. Every single year we hear on the news that there are a greater and greater incidence of reported autism in New York State, around the country. And I think it's really important to understand where the hotspots for autism are, if that's really truly a thing. And to -- to map -- we need to map in order to do that. So if there's not enough funding in order to justify it right now, I'm asking that as we're developing this year's budget that the -- the Governor seriously look at that. We need to put appropriate resources in understanding where autism is, and then we can best know how to address it.

So, I of course will be supporting this bill and I -- I encourage my colleagues to do the same as we did on -- on the original bill. But I just think that we need to put significant financial resources behind this very important issue. Thank you.

ACTING SPEAKER AUBRY: Ms. Walsh in the affirmative.

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

THE CLERK: Assembly No. A08693, Calendar No. 299, Bronson. An act to amend the Alcoholic Beverage Control Law, in relation to providing for alternative penalties for a first-time violation of certain provisions of the Alcoholic Beverage Control Law.

ACTING SPEAKER AUBRY: On a motion -- no.
Excuse me.

Read the last section.

THE CLERK: This act shall take effect on the 45th day.

ACTING SPEAKER AUBRY: The Clerk will record the vote on Assembly print 8693. This is a fast roll call. Any member who wishes to be recorded in the negative is reminded to contact the Majority or Minority Leader at the numbers previously provided.

(The Clerk recorded the vote.)

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

THE CLERK: Assembly No. A08695, Calendar No. 300, Woerner. An act to amend the Alcoholic Beverage Control Law, in relation to license applications.

ACTING SPEAKER AUBRY: On a motion by Ms. Woerner, the Senate bill is before the House. The Senate bill is advanced.

Read the last section.

THE CLERK: This act shall take effect on the 60th day.

ACTING SPEAKER AUBRY: The Clerk will record the vote on Senate print 7707. This is a fast roll call. Any member who wishes to be recorded in the negative is reminded to contact the Majority or Minority Leader at the numbers previously provided.

(The Clerk recorded the vote.)

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

THE CLERK: Assembly No. A08697, Calendar No. 301, Peoples-Stokes. An act to amend the Insurance Law, in relation to prescription drug formulary changes during a plan year; to amend a chapter of the Laws of 2021 amending the Insurance Law and the Public Health Law relating to prescription drug formulary changes during a contract year, as proposed in legislative bills numbers S.4111 and A.4668, in relation to the effectiveness thereof; and to repeal Section 4909 of the Insurance Law and Section 4909 of the Public Health Law relating thereto.

ACTING SPEAKER AUBRY: On a motion by Mrs. Peoples-Stokes, the Senate bill is before the House. The Senate bill is advanced.

Read the last section.

THE CLERK: This act shall take effect on January

1st, 2023.

ACTING SPEAKER AUBRY: The Clerk will record the vote on Senate print 7767. This is a fast roll call. Any member who wishes to be recorded in the negative is reminded to contact the Majority or Minority Leader at the numbers previously provided.

(The Clerk recorded the vote.)

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

THE CLERK: Assembly No. A08698, Calendar No. 302, Hunter. An act to amend the Insurance Law, in relation to providing for a policy term of less than one year in certain situations.

ACTING SPEAKER AUBRY: Read the last section.

THE CLERK: This act shall take effect on the 30th day.

ACTING SPEAKER AUBRY: The Clerk will record the vote on Assembly print 8698. This is a fast roll call. Any member who wishes to be recorded in the negative is reminded to contact the Majority or Minority Leader at the numbers previously provided.

(The Clerk recorded the vote.)

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

THE CLERK: Assembly No. A08699, Calendar No. 303, Dickens. An act to amend the Alcoholic Beverage Law Control

Law, in relation to the issuance of temporary retail permits.

ACTING SPEAKER AUBRY: On a motion by Ms. Dickens, the Senate bill is before the House. The Senate bill is advanced.

Read the last section.

THE CLERK: This act shall take effect immediately.

ACTING SPEAKER AUBRY: The Clerk will record the vote on Senate print 7784. This is a fast roll call. Any member who wishes to be recorded in the negative is reminded to contact the Majority or Minority Leader at the numbers previously provided.

(The Clerk recorded the vote.)

Ms. Glick to explain her vote.

MS. GLICK: Thank you, Mr. Speaker, for the opportunity to explain my vote. This temporary license, granting it without concern for the 500-foot rule which would limit or require a hearing if there are more than three licensed premises within 500 feet, in my district, this -- the elimination of that prohibition or requirement and allowing these to go forward without any review is actually very detrimental to my community. And so I will be voting in the negative and wish that this piece of legislation was not before us.

ACTING SPEAKER AUBRY: Are there any other votes? Announce the results.

I'm sorry. I'm sorry.

Ms. Walsh.

MS. WALSH: Thank you, Mr. Speaker. On this bill

would you please record Mr. Montesano in the negative?

Thank you.

ACTING SPEAKER AUBRY: So noted.

Are there any other votes? Announce the --
announce the results.

(The Clerk announced the results.)

The bill is passed.

THE CLERK: Assembly No. A08706, Calendar No. 304, Jean-Pierre. An act to amend the Education Law, in relation to the issuance of diplomas to youth who are placed, committed, supervised, detained or confined in certain facilities.

ACTING SPEAKER AUBRY: Read the last section.

THE CLERK: This act shall take effect immediately.

ACTING SPEAKER AUBRY: The Clerk will record the vote on Assembly print 8706. This is a fast roll call. Any member who wishes to be recorded in the negative is reminded to contact the Majority or Minority Leader at the numbers previously provided.

(The Clerk recorded the vote.)

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

THE CLERK: Assembly No. A08707, Calendar No. 305, Fahy. An act to amend a chapter of the Laws of 2021 relating to permitting the use of municipal space for outdoor dining, as proposed in legislative bills numbers S.6353-A and A.7733, in relation to

permitting the use of contiguous and non-contiguous municipal public space by certain licensees under the Alcoholic Beverage Control Law.

ACTING SPEAKER AUBRY: On a motion by Ms. Fahy, the Senate bill is before the House. The Senate bill is advanced.

Read the last section.

THE CLERK: This act shall take effect immediately.

ACTING SPEAKER AUBRY: The Clerk will record the vote on Senate print 7826. This is a fast roll call. Any member who wishes to be recorded in the negative is reminded to contact the Majority or the Minority Leader at the numbers previously provided.

(The Clerk recorded the vote.)

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

THE CLERK: Assembly No. A08710, Calendar No. 306, Gunther. An act to amend a chapter of the Laws of 2021 relating to the provision of records upon the receipt of a complaint of an incident of abuse or neglect of an individual with a disability, as proposed in legislative bills numbers A.7731 and S.7024, in relation to the provision of such records.

ACTING SPEAKER AUBRY: Read the last section.

THE CLERK: This act shall take effect immediately.

ACTING SPEAKER AUBRY: The Clerk will record the vote on Assembly print 8710. This is a fast roll call. Any member who wishes to be recorded in the negative is reminded to contact the

Majority or Minority Leader at the numbers previously provided.

(The Clerk recorded the vote.)

ACTING SPEAKER EICHENSTEIN: Announce the results.

(The Clerk announced the results.)

The bill is passed.

THE CLERK: Assembly No. A08711, Calendar No. 307, Gunther. An act to repeal Article 6-B of the County Law; and in relation to a 9-8-8 suicide prevention and mental health crisis hotline system.

ACTING SPEAKER EICHENSTEIN: On a motion by Ms. Gunther, the Senate bill is before the House. The Senate bill is advanced.

Read the last section.

THE CLERK: This act shall take effect immediately.

ACTING SPEAKER EICHENSTEIN: The Clerk will record the vote on Senate print 7850. This is a fast roll call. Any member who wishes to be recorded in the negative is reminded to contact the Majority or Minority Leader at the numbers previously provided.

(The Clerk recorded the vote.)

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

THE CLERK: Assembly No. A08714, Calendar No.

308, Burke. An act to amend the General Business Law, in relation to the hiring of security guards by public sports venues with a capacity of at least 60,000 people located in the County of Erie; and to amend a chapter of the Laws of 2021 amending the General Business Law relating to the applicability of the Security Guard Act of 1992 to facilities owned by a public sports venue, as proposed in legislative bills numbers S.7142-A and A.7960-A, in relation to the effectiveness thereof.

ACTING SPEAKER EICHENSTEIN: Read the last section.

THE CLERK: This act shall take effect immediately.

ACTING SPEAKER EICHENSTEIN: The Clerk will -- the Clerk will record the vote on Assembly print 8714. This is a fast roll call. Any member who wishes to be recorded in the negative is reminded to contact the Majority or Minority Leader at the numbers previously provided.

(The Clerk recorded the vote.)

Ms. Walsh.

MS. WALSH: Thank you, Mr. Speaker. On this bill would you please record Mr. Montesano in the negative?

ACTING SPEAKER EICHENSTEIN: So noted.

MS. WALSH: Thank you.

ACTING SPEAKER EICHENSTEIN: Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

THE CLERK: Assembly No. A08764, Calendar No. 309, L. Rosenthal. An act to amend a chapter of the Laws of 2021 directing the Urban Development Corporation to conduct a study regarding the assistance needed to encourage women and minorities to pursue technology careers in science, technology, engineering and mathematics (STEM), as proposed in legislative bills numbers S.531-B and A.530-B, in relation to the frequency of updates to the report on such study.

ACTING SPEAKER EICHENSTEIN: Read the last section.

THE CLERK: This act shall take effect immediately.

ACTING SPEAKER EICHENSTEIN: The Clerk will record the vote on Assembly print 8764. This is a fast roll call. Any member who wishes to be recorded in the negative is reminded to contact the Majority or Minority Leader at the numbers previously provided.

(The Clerk recorded the vote.)

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

Page 9, Calendar No. 11, the Clerk will read.

THE CLERK: Assembly No. A00217, Calendar No. 11, Paulin, Gottfried, Galef, Dickens, Colton, Cook, Epstein, Seawright, Taylor, Woerner, McDonough, Jean-Pierre, Fernandez,

Walker, Hyndman, Buttenschon, Jacobson, Griffin, Ashby, Simon, Otis, Sayegh, González-Rojas, Jackson, Rajkumar. An act to amend the Public Health Law, in relation to informing maternity patients about the risks associated with cesarean section.

ACTING SPEAKER EICHENSTEIN: Read the last section.

THE CLERK: This act shall take effect on the 180th day.

ACTING SPEAKER EICHENSTEIN: The Clerk will record the vote on Assembly print 217. This is a fast roll call. Any member who wishes to be recorded in the negative is reminded to contact the Majority or Minority Leader at the numbers previously provided.

(The Clerk recorded the vote.)

ACTING SPEAKER AUBRY: Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

Page 11, Calendar No. 21, the Clerk will read.

THE CLERK: Assembly No. A00299-B, Calendar No. 21, Gottfried. An act to amend the Social Services Law, in relation to including applied behavioral analysis under standard coverage for Medicaid recipients.

ACTING SPEAKER AUBRY: Read the last section.

THE CLERK: This act shall take effect on the 180th

day.

ACTING SPEAKER AUBRY: The Clerk will record the vote on Assembly print 299-B. This is a fast roll call. Any member who wishes to be recorded in the negative is reminded to contact the Majority or Minority Leader at the numbers previously provided.

(The Clerk recorded the vote.)

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

Page 4, Rules Report No. 9, the Clerk will read.

THE CLERK: Assembly No. A08700, Rules Report No. 9, Dinowitz, Vanel. An act to amend the Penal Law, in relation to the crime of falsifying COVID-19 vaccination records.

ACTING SPEAKER AUBRY: Read the last section.

THE CLERK: This act shall take effect immediately.

ACTING SPEAKER AUBRY: The Clerk will record the vote on Assembly print 8700. This is a Party vote. Any member who wishes to be recorded as an exception to their Conference position is reminded to contact the Majority or Minority Leader at the numbers previously provided.

Mr. Goodell.

MR. GOODELL: Thank you, sir. For the reasons I will explain in a moment, the Republican Conference is generally opposed to this legislation. However, those who would like to support

it are encouraged to call the Leader's Office so that we can properly record their vote.

MS. SOLAGES: Mr. Speaker, I would like to remind my colleagues that this is a Party vote. Majority members will be recorded in the affirmative. If there are any exceptions I ask Majority members to contact the Majority Leader's Office at the number previously provided and I will announce their name accordingly.

ACTING SPEAKER AUBRY: Thank you so much, Majority Leader.

(The Clerk recorded the vote.)

Mr. Goodell to explain his vote.

MR. GOODELL: Thank you, sir. This legislation adds new criminal sanctions for any changes or falsification of a COVID-19 vaccination card. It takes legislation that was passed last year and expands it slightly. We extensively debated this and voted on it last year on June 3rd and we had 43 no votes. The bill was amended and narrowed somewhat, and on June 10th there were again 43 no votes. This legislation doesn't address any of the concerns that were raised in the previous debate, but rather actually expands the scope of the previous bills that had 43 no votes. Our concern on this bill and its previous versions is that the criminal forgery law already applies. There's no need for special legislation. We should treat this type of forgery the same as we treat any other forgery.

And for that reason I will be opposing it and recommend that my colleagues likewise oppose it. Thank you, sir.

ACTING SPEAKER AUBRY: Thank you.

Mr. Goodell.

MR. GOODELL: Thank you, Mr. Speaker. Please record my colleague Mr. Morinello in the affirmative.

Thank you, sir.

ACTING SPEAKER AUBRY: So noted.

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

Page 4, Rules Report No. 11, the Clerk will read.

THE CLERK: Assembly No. A08708, Rules Report No. 11, Bronson. An act to amend the Workers' Compensation Law, in relation to claims for attorney's fees; and to amend a chapter of the Laws of 2021 amending the Workers' Compensation Law relating to attorney's fees, as proposed in legislative bills numbers S.946-B and A.1034-B, in relation to the effectiveness thereof.

ACTING SPEAKER AUBRY: Read the last section.

THE CLERK: This act shall take effect immediately.

ACTING SPEAKER AUBRY: This is a Party vote. The Clerk will record the vote on Assembly print 8706 [sic]. This is a Party vote. Any member who wishes to be recorded as an exception to their Conference position is reminded to contact the Majority or Minority Leader at the numbers previously provided.

(The Clerk recorded the vote.)

Mr. Goodell.

MR. GOODELL: Thank you, Mr. Speaker. The Republican Conference will be generally in the negative on this for the reasons that I will explain shortly.

ACTING SPEAKER AUBRY: Certainly.

Ms. Solages.

MS. SOLAGES: I would like to remind my colleagues that this is a Party vote. Majority members will be recorded in the affirmative. If there is any exceptions I ask Majority members to contact the Majority Leader's Office at the number previously provided and I will announce your name accordingly.

ACTING SPEAKER AUBRY: Thank you.

(The Clerk recorded the vote.)

Mr. Goodell to explain his vote.

MR. GOODELL: Thank you, sir. Last year we had a bill that changed the way lawyers were paid in Workers' Comp cases, and that was extensively debated and there were at least 40 no votes last year. And the reason there were a lot of no votes last year is because it changed the methodology from one where the Workers' Compensation Board would review the time and effort and complexity of the case and the hours spent in determining a fair and reasonable wage. And they took that process in the prior legislation and changed it so that lawyers earn a flat contingency fee. And so you -- if you are a lawyer that advertised widely and were lucky enough to get a simple Workers' Comp case, with very little effort you could earn a very handsome fee, which is one reason why we now see a lot of lawyers

advertising on television as "Your Workers' Comp attorney." And of course the more you pay your lawyer, the less the claimant gets to put in their own pocket to compensate them for the very injuries that they sustained. And this chapter amendment does two things: First, it says that the form for the attorneys fees, the form prescribed by the Board *shall not* require a description of the services rendered or time records. So by statute, we bar the Workers' Comp Board from even asking how much time and effort an attorney put in on a case before awarding a fee, which takes a bad situation and makes it worse. Now, in fairness, there is some positive aspects to this because this bill also amends it to make it clear that future medical awards are not included in the calculation of the fee. But overall, because I think it takes a bad bill and emphasizes how bad it is, I would recommend it -- recommend against it to my colleagues.

Thank you, sir.

ACTING SPEAKER AUBRY: Thank you.

Mr. Goodell.

MR. GOODELL: Thank you, sir. Please record my colleagues Mr. Brabenec and Mr. Schmitt in the affirmative.

Thank you, sir.

ACTING SPEAKER AUBRY: So noted.

Mr. Goodell.

MR. GOODELL: Thank you, sir. Also please add Mr. Michael Lawler as an affirmative vote on this bill.

Thank you, sir.

ACTING SPEAKER AUBRY: Thank you.

Ms. Solages.

MS. SOLAGES: Mr. Speaker, can you please add Ms. Buttenschon in the negative?

ACTING SPEAKER AUBRY: So noted. Thank you.

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

Page 4, Rules Report No. 14, the Clerk will read.

THE CLERK: Assembly No. A08718, Rules Report No. 14, Englebright, Colton. An act to amend the Environmental Conservation Law, in relation to providing that 100 percent of in-State sales of new passenger cars and trucks shall be zero emissions by 2035.

ACTING SPEAKER AUBRY: On a motion by Mr. Englebright, the Senate bill is before the House. The Senate bill is advanced.

Mr. Goodell.

MR. GOODELL: Thank you, Mr. Speaker. Would the sponsor yield?

ACTING SPEAKER AUBRY: Mr. Englebright, will you yield, sir?

MR. ENGLEBRIGHT: I yield.

ACTING SPEAKER AUBRY: The sponsor yields.

MR. GOODELL: Thank you, Mr. Englebright. I think this is the first time we've had an opportunity to talk this year.

MR. ENGLEBRIGHT: Happy New Year.

MR. GOODELL: Likewise. So, as I understand this bill, one of the things it does is it requires all new off-road vehicles and equipment purchased after 2035 to be zero emission if feasible.

MR. ENGLEBRIGHT: It doesn't require it, it's an aspiration, however. It's a goal.

MR. GOODELL: I see. So it's non-binding?

MR. ENGLEBRIGHT: It is not binding.

MR. GOODELL: I see. And just so we know what this goal means, off-road vehicles and equipment, that would include all farm equipment?

MR. ENGLEBRIGHT: There's no delineation of how a piece of equipment is utilized at that level of specificity in the language of the law. But what we're talking about here, though, is not the language of the law, we're talking about an amendment which basically actually provides, I think, for a greater level of input from people who might be confused.

MR. GOODELL: But the amendment does not relate to its reference to off-road vehicles and equipment. In fact, that's specifically what the amendment refers to, correct?

MR. ENGLEBRIGHT: The amendment actually only clarifies that it is for new, not used vehicles.

MR. GOODELL: And so can you define for us

what's meant by off-road vehicles and equipment?

MR. ENGLEBRIGHT: Basically it mimics California, and it is, again, an aspiration for vehicles that are designed primarily for recreational use or for emergency responders' use to go off of paved roads.

MR. GOODELL: I see. Of course the reference to off-road equipment in California, they've taken the step of banning lawn mowers and weedwackers and leaf blowers; am I correct?

MR. ENGLEBRIGHT: I don't believe that that has relevance here.

MR. GOODELL: Okay. So this is isn't really referring to California's approach as it relates to off-road equipment?

MR. ENGLEBRIGHT: It -- it is an echo of California's overall intent, but our intent is the one that really matters here. And the intention here in New York is to encourage various manufacturers to work with the relevant State agencies toward zero-emissions vehicles.

MR. GOODELL: And when you refer to zero emission --

MR. ENGLEBRIGHT: And now is the time to do that.

MR. GOODELL: And when you refer to zero emission, would that exclude vehicles, for example, that use hydrogen? Because, of course, they do emit water vapor. I mean, that's a by-product of burning hydrogen and oxygen. Are they within

the scope of zero emissions, or -- (inaudible/cross-talk)

MR. ENGLEBRIGHT: It could be. There's no -- no limit that would exclude hydrogen.

MR. GOODELL: I see. So --

MR. ENGLEBRIGHT: Yeah.

MR. GOODELL: But it would exclude natural gas-powered vehicles; am I correct?

MR. ENGLEBRIGHT: It would hopefully bring us to a point where we would no longer be using combustion of hydrocarbons, yes.

MR. GOODELL: And would that be irrespective of the pollution control equipment that's attached to the equipment? In other words, could you have a natural gas or a compressed gas vehicle with pollution control equipment?

MR. ENGLEBRIGHT: There -- again, there is a -- an aspiration here to move toward zero emission. There may be innovations that result from this, and that's part of the goal, quite frankly, of the underlying law which is to encourage creative responses in the field of invention. So we may see something that makes use of some of these technologies that are already implemented, as well as some technology that we haven't seen yet. There's no limit, though, so it's possible.

MR. GOODELL: I see. And when we talk about requiring all off-road vehicles and equipment to be zero emission by 2035 if feasible, can you give us an idea of what's meant by "if

feasible"? And the reason I ask is, as you know, the Governor's budget proposal would require all school districts to buy zero-emission school buses. That's part of her budget proposal. Even though those school buses typically cost two to three times more money than a current school bus.

MR. ENGLEBRIGHT: That's very interesting but it's not relevant. And I would again reinforce that the use of the word "requirement" is not appropriate here. This is not a requirement in law. There may be other actions that government is contemplating that are being proposed in a budget that hasn't happened yet. What this is is a simple budget amendment, which is not a requirement in the underlying law, but instead, a goal. And I hope that we can achieve that goal. And this underlying law as well as the amendment provides for a mechanism for that. I think the most important thing to be aware of is that the amendment would shift the primary responsibility from the DEC to NYSERDA. NYSERDA is more skilled, let's say, and practiced in marketing. And so the goal here is to work with the manufacturers and to stimulate inventiveness, as we've already discussed, and to take advantage of the 13 to 23 years that is outlined here and a time in which we hope that these goals can be achieved.

MR. GOODELL: But at least -- I'm going back to my question -- but at least as far as this language is concerned, there is a caveat word, "feasible." We know the Governor thinks that a school bus that costs three times more than a current school bus is feasible.

Is it your expectation or your goal that feasible might mean multiple times more expensive?

MR. ENGLEBRIGHT: I'm not going to comment on a budget that I haven't had a chance to fully read yet. The paper is still hot from the printing press as we speak here today, and that's not what's before us today.

MR. GOODELL: Indeed. I look forward to someone who has actually read the full thousand-plus pages.

(Laughter)

MR. ENGLEBRIGHT: I certainly appreciate your question but it's -- it's not relevant to the -- the matter that's before us.

MR. GOODELL: Thank you very much, Mr. Englebright. I appreciate your comments.

MR. ENGLEBRIGHT: You're welcome.

MR. GOODELL: On the bill, Mr. Speaker.

ACTING SPEAKER AUBRY: On the bill, Mr. Goodell.

MR. GOODELL: Our agricultural industry is facing a severe stress for many reasons. Just like everyone else, they're subject to the high rates of inflation. But unlike other producers they simply can't pass the cost along. What they receive for milk or for their produce is often set by regional or national markets that are outside their control. And so of course to be a successful farmer or in the agricultural market it's essential that you have off-road equipment. That's how you run the farm. It's all designed for off-road, and

sometimes they're massive. Just massive combines or tractors or other farm equipment. And it's always interesting when we talk about what's feasible because that is a very subjective term. If you're the one that has to buy it, feasible means the lowest possible cost that is consistent with your budget. But if you're someone else who is not buying it who has some other mission other than farming or other than keeping you in business, feasible might mean requiring you to buy a piece of equipment that's two to three times more expensive than a conventional piece of equipment. And we see that in the Governor's budget because obviously she thinks buying school buses that cost three times more than a regular school bus is presumably something that's feasible. So not surprisingly, all of those who rely on off-road vehicles and equipment are deeply concerned about this language, especially as they wrestle with potential increases in overtime costs, the effects of COVID and the general increases that they have to face in maintaining their operations.

For that and other reasons, we had 40 no votes on the original bill. And while I appreciate that these chapter amendments clarify that we're applying it only to new vehicles, I think the original concerns are still well-founded and need to be clarified before we vote in favor of this type of approach. For that reason I'm recommending against it to my colleagues.

Thank you, sir.

ACTING SPEAKER AUBRY: Thank you.

Mr. Smullen.

MR. SMULLEN: Thank you, Mr. Speaker. Would the sponsor yield for a few questions?

ACTING SPEAKER AUBRY: Mr. Englebright, will you yield?

MR. ENGLEBRIGHT: Yes, Mr. Speaker, I yield.

MR. SMULLEN: Well, thank you very much, Mr. Englebright. I wanted to continue the line of questioning that Mr. Goodell had been on, because it -- the -- the bill itself is seemingly simple, but it's in -- in my mind this can be very complex in its implementation. And even though it's said to be a goal, it says that new vehicles after a certain time frame that will then -- it's designed to provide an incentive to industry to answer the call. But I want to make sure I know which industries I should be telling folks that this is what the law is going to be in New York State. And we specifically talk about a potential list of off-road vehicles to which this law would apply for this -- this goal. Because the language says new off-road and equipment operations. First question, what does equipment operations mean to various industries around not only New York State but the nation, that provide this equipment? Does this mean landscaping-type equipment? Does it mean industrial equipment? How does that -- how do equipment operations figure out under this -- this law?

MR. ENGLEBRIGHT: Well, there is no list. And so as NYSERDA -- which is a change to -- the original law required the DEC, so this is NYSERDA -- will basically deal with the equipment

and with the manufacturer of the equipment on an item-by-item or a case-by-case basis.

MR. SMULLEN: So the intent -- the legislative intent is to leave the regulatory framework to NYSERDA to develop that which will affect the industry. When will we come back as a Body to legislate specifically on the various categories -- the types of equipment or the types of vehicles that I think will be involved in this?

MR. ENGLEBRIGHT: Let -- let me again be real clear. This is not a requirement. This is not an imposition of a definition. This is a general goal that NYSERDA is going to try to encourage be met as we move through time with, according to many experts, time running out. So there is an imperative, but the imperative does not translate in law in this case into a requirement. It is aspirational. It is a goal. It is what we hope we can achieve. And we give a -- a rather generous time frame to do that. I believe that the market forces will be regulated not by us, but by events, the frequency of extra tropical storms that are going to devastate my part of the State, perhaps yours as well. The hurricane of '38, for example, knocked down 25,000 acres in the High Peaks area. We're -- we're seeing the frequency of the so-called 100-year storms, flood events, storm events such as September 2nd which devastated New York City. This, I believe, sets the stage for people who are the consumers - we call them constituents - are going to demand that and ask for and be preferential in the way that they spend their money to help try to solve the problem of climate change through their own sales and

purchase desires. We will have a cheering section of sorts. The several State agencies here that will be coordinating with NYSERDA include the Department of Economic Development, the Public Service Commission, the DOT, the DMV and the DEC. But I believe as we have seen with some other things, I remember it didn't take ten years for solar panels to go from impossibly expensive to something that is available through Home Depot. So the market can react when there is a desire for the good. I believe that the good and the goods will converge in this case.

MR. SMULLEN: Well, I would certainly agree that we would much rather have a market-based approach than a -- than the heavy hand of a regulatory state by guiding policy in this case. But in -- in the specifics of this bill, so then it would be back to us in the Legislature as to be the mechanism to change any of the goals of this bill?

MR. ENGLEBRIGHT: We, I believe, are going to give a chance for this bill to be implemented. And again, I -- I don't believe we're going to see a heavy-hand approach. I -- I believe that -- I believe in this institution and I believe in a sense of reasonableness that often -- not always, but often -- is the result of our deliberations. So while the Legislature might change to make things more oppressive, I don't believe that it's going to be necessary. I think that the people who sent us are going to lead us in this case.

MR. SMULLEN: Well, thank you for your -- your words.

Mr. Speaker, on the bill.

ACTING SPEAKER AUBRY: On the bill, sir.

MR. SMULLEN: The concern that I have is that we in New York State are leading with our chin on this in regards to what the -- what the people of this State view as their preference in the market for off-road vehicles or equipment operations. I -- I don't know what equipment operations means, but I do know what off-road vehicles mean. And the goal that's being sent out here is very aggressive based on the assessment of where the technology is today, what is in development and what might be in the future to produce new vehicles by 2035. The vehicles that I would consider to be off-road that are currently in use today are things like snowmobiles. So does this bill apply to snowmobiles in 2035? That it must be an electric snowmobile new in 2035. Does it apply to all-terrain vehicles, four-wheelers, which not only are used for recreation but are heavily used by many people in Upstate New York for their businesses in which they earn their livings? Does it includes side-by-sides that are greater than 1,500 pounds which are currently not registered in New York State? Does it include motorcycles? Will -- will those people who currently have gas-powered motorcycles be no longer allowed to buy motorcycles that are not electric in 2035? Does this bill apply to motor boats? There's a gigantic recreational industry across all of New York State. Is this going to force manufacturers to put electric batteries on the water for our recreational industry? Does this apply to jet skis, which not only, again, recreation

but also have commercial uses. Will all golf carts have to be electrified by 2035 under this bill? And I know there's a -- there's a great industry out there that already is, but some people still have gas-powered golf carts. Will it apply to lawn tractors? Again, applying to the landscaping industry, zero-turn mowers. Anything that needs the energy density that are currently provided by fossil fuels. Is it going to be required after 2035 to buy new vehicles if this Body comes back in and then further raises the bar, or in this case moves the goal post for the industry. And lastly, will it apply to things like airplanes? I'm -- I'm a big aviation aficionado. I'm looking at electric airplanes. Will it apply to electric airplanes that are sold in New York State? We don't know these things, which therein lies the danger. The danger is is that we are putting goals out there that the current state of technology cannot meet. And I have a fair amount of experience in the transition of experimental technology to apply technology in the military, including developing the requirements by which those things are transitioned from a concept into an idea into a prototype into actual physical things that are used in the field and in this case would be used in our State. And I have great reservations about this bill, because now we have taken not only our transportation industry which was contained in the bill-in-chief, but now we're adding those things which are the last things in the technology spectrum that are transitioned. So while you can incentivize things like the automotive industry, even the trucking industry, shipping, the train transportation industry, it's very hard for these smaller pieces of

equipment, these smaller vehicles and these smaller pieces of gear that people use to then say you're going to force them to be fully electrified for the new vehicle and new equipment category in 2035. And I think that New Yorkers ought to be aware that this is the direction that their state is headed. And I don't think that's the case. This bill was -- was brought up only a few days ago in committee and now is being discussed here on the floor. And I want to warn everybody across many industries in New York State what full electrification, what these goals mean. When you give the power to -- to control these, to regulate, to organizations like the Climate Action Council which has DEC and NYSERDA and various other industry and environmental advocates on it, you're getting one approach to how the future will look. And that -- that approach doesn't take into account the vast market forces and the innovation that are happening across the United States. It's very specific and it gets to be very specified in how we're shaping our climate action plan. And therein lies my concern. Therein lies the road for all of the people that live in Upstate New York that use these off-road vehicles and these equipment for their -- their -- for their personal recreation, for their businesses and for their livelihoods. The overly rapid electrification of the economy in -- in New York is particularly egregious to those in Upstate New York, without an adequate transition period. And I do not believe that 2035 is a short enough period to do that based on my assessment of the industries, my assessment of the livelihoods, and my assessment of the needs and wants of the people in Upstate New York. And what I

think it's going to do is deemed punitive to them. That their pastimes, their livelihoods are being taken away in New York State but not necessarily in other states. And it's going to put us in a -- in a continued competitive disadvantage for all of those industries that rely on equipment and these off-road vehicles for their livelihoods.

For that reason, I urge all of my colleagues, especially those outside of the dense urban areas, to think about what your people would think about this proposed bill. Not only the -- the initial bill, but in this case this amendment that's going to have this also apply to off-road vehicles and all of the equipment. For that reason, I urge all of my colleagues to vote no on this bill and to make all of their constituents aware of what we are doing today. Not only what we did last year, but what we're doing today and what that's going to mean in the future.

Mr. Speaker, thank you very much.

ACTING SPEAKER AUBRY: Thank you, sir.

Mr. Gandolfo.

MR. GANDOLFO: Thank you, Mr. Speaker. Will the sponsor please yield for a few brief questions?

ACTING SPEAKER AUBRY: Mr. Englebright, will you yield?

MR. ENGLEBRIGHT: I yield.

ACTING SPEAKER AUBRY: The sponsor yields.

MR. GANDOLFO: Thank you, sir. The question I have, so NYSERDA, they're going to be developing the market

strategy. Are they also then in charge of determining what the feasibility is come 2035?

MR. ENGLEBRIGHT: So, we've shifted from the DEC being entirely in charge of determining feasibility to a shared responsibility amongst consulting agencies. Again, though, I want to be real clear because some of what we've just heard would leave the impression that this is a mandate. This is not a mandate. This is a goal. It is an expression of thoughtfulness that is relevant to the climate crisis that we're in.

MR. GANDOLFO: Right.

MR. ENGLEBRIGHT: So I want to be clear. The matter before us is really quite limited. We're not relitigating the question of the underlying law at this point. We're only trying to clarify that, for example, if you want to buy a used vehicle even after 2035 and it happens to be a combustion engine-powered vehicle you can do so. That's not limited.

MR. GANDOLFO: I -- I -- I think you've made your intention clear and I really do appreciate that, that this is not a requirement. It is a goal, it's an aspiration. So is my understanding correct that come 2035 the agencies would then determine if it's feasible? Not the Legislature but, you know, these -- all the agencies that are in the partnership will determine if the cost was feasible, the power grid, the infrastructure; is that correct?

MR. ENGLEBRIGHT: I -- I hope to still be here with you in 2035. I can't predict for sure who will be here or what the

Legislature in 2035 may choose to do. I can't tell you how serious the incidences of climate insults will be. But I -- I do believe very strongly that it is prudent for us to try to think ahead and to try to establish general goals. And this is one of -- of the pieces of legislation that asks government to think, to coordinate between agencies instead of working in silos and to try to arrive at a -- at a place where there -- there is a -- a concurrence of expectation between the operation of government and the operation of the marketplace.

MR. GANDOLFO: Right. I -- I understand. But my question is, you know, the feasibility. Is that something that, you know, these agencies will just decide when -- (inaudible/cross-talk)

MR. ENGLEBRIGHT: The feasibility I think is a term of art. It really is not feasibility within the context of a mandate. So, that's very different from the -- the usual way that we hear the word feasibility used, which is within the context of a -- a mandate or a threshold of expectation that is precise to begin with.

MR. GANDOLFO: Okay, so, again, this is a goal. Is there any mechanism here that if all of those agencies say this is feasible, would the Legislature still have to convene and pass legislation to then make that move to --

MR. ENGLEBRIGHT: The Legislature always has the ability to amend legislation, create new legislation. You know --

MR. GANDOLFO: But it won't be a requirement --

MR. ENGLEBRIGHT: We're not -- we're not able to predict what future Legislatures may do.

MR. GANDOLFO: But is it a requirement for the Legislature -- (inaudible/cross-talk)

MR. ENGLEBRIGHT: There's no requirement here for present or future Legislatures (inaudible) different other than what's before us which is the -- (inaudible/cross-talk)

MR. GANDOLFO: Okay. So the transition -- the transition to, you know, fully electric new cars sold. That -- so then that would just be set if the agencies determined it was feasible? There's no further action needed from the Legislature to transition --

MR. ENGLEBRIGHT: There's no -- again, I repeat. There's no requirement here. So the -- the question of feasibility is not a question that is set within the context of a legal demand that we would call a mandate. There is no mandate.

MR. GANDOLFO: So if it is deemed feasible, then what happens?

MR. ENGLEBRIGHT: Say again?

MR. GANDOLFO: If -- if the transition in 2035 to only fully electric cars sold in New York, if that's determined to be feasible, then what would happen? That wouldn't automatically go into effect, would it?

MR. ENGLEBRIGHT: If that happens, congratulations to all of us. As Tiny Tim would say, *God bless us, every one.*

MR. GANDOLFO: Well, I would agree there. But I -- I'm just trying to understand what exactly would codify the

transition for fully electric new cars here, if -- if the Legislature would have to take action if it's deemed feasible or --

MR. ENGLEBRIGHT: I think you're going to see that what's feasible will be determined by what the marketplace makes available. I'm hopeful that electric vehicles will be more popular and more cool to purchase and drive. We already see that. It's kind of cool when you see that Tesla --

MR. GANDOLFO: I agree.

MR. ENGLEBRIGHT: -- in front of you in the market of our current intersections.

MR. GANDOLFO: And I do agree. I -- I do personally hope -- agree that the market is taking us in that lane and eventually we will be there. You know, a concern I have and that's why I'm looking for clarity is whether or not an affirmative step is needed to stop the sale of new -- (inaudible/cross-talk).

MR. ENGLEBRIGHT: There are no penalties contemplated in -- in this bill.

MR. GANDOLFO: Okay.

MR. ENGLEBRIGHT: I think I -- I'm starting to hear the inflection of your question in -- in the direction of whether people will be penalized or punished, and the answer is no, they will not.

MR. GANDOLFO: Okay. All right. Well, thank you for your responses. I appreciate the time.

MR. ENGLEBRIGHT: You're quite welcome.

ACTING SPEAKER AUBRY: Mr. Manktelow.

MR. MANKTELOW: Thank you, Mr. Speaker.

Would the sponsor yield for a few questions?

ACTING SPEAKER AUBRY: Mr. Englebright?

MR. ENGLEBRIGHT: I yield.

ACTING SPEAKER AUBRY: Mr. Englebright yields.

MR. MANKTELOW: Thank you, Mr. Englebright.

As we've talked about this in -- in committee as well and now here on the floor, what we're basing this off from the footprint of what's happening in California; is that correct?

MR. ENGLEBRIGHT: We're on a -- sort of aware that California has taken a lead, but this is the Empire State and we also know how to lead. Our approach is a little different from California's, so we're not copying California, no. We are hopeful, though, that along with California and all of our other sister states that New York can help stimulate a national conversation.

MR. MANKTELOW: Would the electric vehicles that we have on the roads now here in New York State, throughout the country, probably throughout the world, but specifically here in New York State, Mr. Englebright, has there been any legislation that has helped get them here today?

MR. ENGLEBRIGHT: Say again?

MR. MANKTELOW: Has there been any legislation on this floor in New York State that has helped get electric vehicles in

New York today?

MR. ENGLEBRIGHT: Yes. We -- we've -- the underlying bill that -- that this amendment modifies is certainly one of those. The Climate Leadership and Community Protection Act sets broad sweeping goals as well. So this is not a singularity in that regard. We do have several bills, now law, that move in that direction, yes.

MR. MANKTELOW: But there were -- there were electric vehicles prior to that -- that law, correct?

MR. ENGLEBRIGHT: Electric vehicles have been on the marketplace since about 1900, 1903, something like that. They didn't do very well in the earlier years. Battery technology was not nearly as good as it is today.

MR. MANKTELOW: Okay. Another question for you. You know, we've talked about off-road equipment. We talked about it in committee. We've talked about it here on the floor a little bit. And being a -- a farmer, a former farmer working with farm equipment, do I want to see them go electric? Yes.

MR. ENGLEBRIGHT: It would be a good thing to happen. Farm equipment does wear out and the replacement equipment, if the market has produced adequate replacement equipment, would certainly be something that a farmer might want to think about.

MR. MANKTELOW: So, if we --

MR. ENGLEBRIGHT: (Inaudible) --

MR. MANKTELOW: I'm sorry.

MR. ENGLEBRIGHT: -- do that simply because they, too, are suffering from the ill effects of climate change. But this is not a bill that forces under punishment or threat a farmer to -- to even think about making a decision from duress caused by this State Legislature. That -- that is not what is before us here at all.

MR. MANKTELOW: Speaking of farmers and being stewards of the land and being stewards -- stewards of property, we always want to do what's best for -- for the environment, absolutely.

MR. ENGLEBRIGHT: That's true.

MR. MANKTELOW: No doubt about it. I want our farmers to get there and be part of it as we are today. Less fertilizer, GPS technology. Cleaner fuels coming out of the back of the engines. Remarkable where we have gotten already today.

MR. ENGLEBRIGHT: This is true.

MR. MANKTELOW: And here in New York, no legislation pushing that. The companies are pushing that and we as farmers are pushing that. We as people are pushing that.

My other concern is if we decide to continue to move this forward, are we putting the cart before the horse?

MR. ENGLEBRIGHT: I don't believe we're putting the cart before the horse. No pun intended.

(Laughter)

My father grew up on a farm and actually tended the horses, which is -- which is why as we look at the evolution of

technology for farms, it's pretty rapid.

MR. MANKTELOW: It is.

MR. ENGLEBRIGHT: The market for first-rate equipment and equipment that returns greater profitability is a strong market.

MR. MANKTELOW: Yes.

MR. ENGLEBRIGHT: Led by innovative thinkers and stewards of the land that we call farmers.

MR. MANKTELOW: Yes. And why I was asking that question is, if we're going to -- if we're going to continue down this path we need to know first of all, can this State produce enough electricity to provide for all these things that we are pushing for? That's first. Secondly, who is going to make that electricity? How is it going to get here? Because I don't want these companies spending all this time and money and effort to produce an electric combine if we cannot get that power to that combine. I can -- you look at the astronomical numbers of getting those numbers -- or getting that electricity to a farmer's field that's three miles up the road.

MR. ENGLEBRIGHT: I -- I hear where you're going. I -- first, I would just like to say your questions are very thoughtful, as always. They, in this particular instance, do not relate specifically to the measure before us. But in a -- in a larger sense, we're going to have to make sure that the -- that the electrification of our State is advanced by having renewable energy ramped up in -- in a time frame that is even shorter than some of the -- the deadlines that

we see for -- hoped for accomplishment here. I can only tell you that if we get all of the people in the State pulling in the same direction, if they see this all in their best interest, including farmers, but not limited to farmers, I believe that we will see electrification take place in a pretty short time frame. I went to the University of Tennessee and the Tennessee Valley Authority ramped up inside of about ten to 15 years. Most of the farms in the TVA service territory had no electricity when that program began. So if Tennessee can do it, I know -- I know that New York can.

MR. MANKTELOW: Absolutely. I totally agree with you. Like I said, I'm just not sure we're starting this in the right direction.

Two more questions on off-road equipment. On many of our farms, our hospitals, our fire departments, our ambulance stations, our schools, there are multiple, multiple fuel-based electric generators, off-road generators. Where are they in this?

MR. ENGLEBRIGHT: I don't believe that they are what we're talking about because they don't have wheels. They may be located on wheeled vehicles, but they're not built to be transportation mechanisms by themselves.

MR. MANKTELOW: So it is my understanding, then, this is only for wheeled vehicles?

MR. ENGLEBRIGHT: You know, it is primarily going to be wheeled vehicles. There may be some propeller blades in here somewhere, but this is for transportation, yes.

MR. MANKTELOW: Okay. I appreciate that.

My second question is, in our area Upstate we have many, many, many new communities of Amish. Amish have no electricity in their homes. They use kerosene for their lamps. Sometimes they use generators to run electricity to pump their water and then shut the generator off. Is there any thought process of what we're going to do for those types of communities?

MR. ENGLEBRIGHT: Yeah, I don't think they're going to be part of the audience buying new vehicles, for the reasons you state. They are very, very capable at repairing horse-drawn vehicles and keeping them on the road sometimes for more than 100 years.

MR. MANKTELOW: Yes.

MR. ENGLEBRIGHT: So I -- I hold them in great regard and with a great deal of respect. But I note with -- with -- within the context of your question that they are not likely to be trying to purchase new vehicles.

MR. MANKTELOW: Mr. Englebright -- Englebright -- excuse me -- I -- I thank you for taking my questions, as always. You're very courteous and you listen and I really appreciate that because we can come together and make this work for all of us, and that's the goal.

MR. ENGLEBRIGHT: I thank you for your questions. They help advance the overall progress of our State. Thank you very much.

MR. MANKTELOW: You're very welcome.

Mr. Speaker, (inaudible) on the bill, please.

ACTING SPEAKER AUBRY: On the bill, sir.

MR. MANKTELOW: As our Chair of the En Con Committee said, we want to be ahead of California. Absolutely. If we're going to do this, we're going to lead our nation, we're going to lead the world. We are New Yorkers. Absolutely. I love the goal, I love where we're going. We need to get there. But at the same time, we need to take a hard look at is it this first or is it that first. Do we have the capability of getting enough power here for everyone to use? We talked about electric cars in this bill. If we have a high-rise with 100 electric cars in that high-rise, they all show up at the end of the day from work, who's going to put the substation in that high-rise to put the electricity in those cars? Oh, and by the way, what about everything in their -- in their -- in their homes and their apartments? We want to get there. We need to identify how to get us there.

So I'm encouraged by where we're going. I'm encouraged -- encouraged by Chair Englebright that -- this is -- this is fine what he wants to do and we need to help him get there. We need to get there together. So let's work on this as a committee. Let's take a look at how we're going to get the power there, where is it going to come from. What's it really going to cost? How many power lines? What infrastructure needs to be there? How it's going to affect every single individual, every single community? We want to lead, I want to lead. I want to lead with you.

So I appreciate this bill. I just wish there was a better outline of off-road vehicles. And I hope -- and I will be more than willing to work with you and sit in your office or wherever and come up with that list of off-road vehicles so we can tell the people of New York State, the businesses, what we're up against, where we're going so they have a good idea.

So again, Mr. Speaker, thank you for your time. Mr. Englebright, thank you again for being courteous and answering my questions. I want to support this bill so bad, but I want to see that outline first. So thank you, sir.

ACTING SPEAKER AUBRY: Certainly.

Mr. Durso.

MR. DURSO: Thank you, Mr. Speaker. Will the sponsor yield for a couple of quick questions?

MR. ENGLEBRIGHT: I yield.

ACTING SPEAKER AUBRY: Mr. Englebright yields.

MR. DURSO: Thank you, Mr. Englebright. I appreciate it. Just a couple of quick questions. I know we've probably gone over a couple of them already, but I just want to get some clarification.

MR. ENGLEBRIGHT: Redundancy is good pédagogie. Please, proceed.

MR. DURSO: When we spoke about this last year and we spoke about it in committee, when you have it set as a goal,

right? So we said it last year, there was no penalty if they haven't reached that goal by 2035. If -- if we're having it as a goal, right, but then we're leaving it up to NYSERDA, right, when it comes 2035 to see if it's feasible, right? And I know my colleague was asking some of the questions, but I didn't get quite to the point where I wanted to. What happens if NYSERDA in 2035 says it is now feasible to have it that there is no new electric -- I mean, combustion vehicle cars, you know, farm equipment and/or off-road vehicles. Does that then become law at that point that you cannot sell gas vehicles in a car dealership?

MR. ENGLEBRIGHT: No. There's no automatic conversion. The Legislature in 2035 would have to take that up. I'm sure there would be some debate. I believe that if we're able to work together as the prior speaker indicated, that we might be able to actually make the transition even more feasible. So I -- I just want to say thank you to you and your colleagues for the offer to work together.

MR. DURSO: No, 100 percent and I look forward to it. So just -- just for clarity and for everybody's sake, 2035 NYSERDA says this is now feasible, you do not have to stop selling gas vehicles in dealerships, correct? The Legislature would have to make that decision.

MR. ENGLEBRIGHT: That is a separate decision, a separate piece of legislation or a separate event, as the case may be.

MR. DURSO: Correct. And again, like we said,

we're hoping it gets to that point where electric vehicles can be more on the road, have more charging stations, be more feasible, as you said.

MR. ENGLEBRIGHT: They are faster, by the way.

MR. DURSO: Well, that doesn't matter to me.

MR. ENGLEBRIGHT: I'm a motor head, so I -- I appreciate --

MR. DURSO: Well, that will come into my -- my last question.

MR. ENGLEBRIGHT: I appreciate what internal combustion motors can do, but I am astonished at the speed of -- of some of the -- the electric vehicles that are on the marketplace now.

MR. DURSO: I would agree with you. But the motorcycles don't make the same sound.

MR. ENGLEBRIGHT: That's the problem.

MR. DURSO: That's -- that is true.

MR. ENGLEBRIGHT: (Inaudible.)

MR. DURSO: Maybe we can figure out something with that.

MR. ENGLEBRIGHT: -- that sound and play it back.

MR. DURSO: Right. The sound is a big part of it. But so I -- I -- like we had said, the -- so by 2035 there's nothing that's within these -- this bill or last year's bill that completely enacts that where we hit this goal somewhere in there by NYSERDA now that

we'll be deciding if that it automatically becomes law and there's no more gas vehicles that can be sold. Nothing in either one of these bills has that in it, correct?

MR. ENGLEBRIGHT: That's correct.

MR. DURSO: Okay. So, just for clarification also, you said off-road vehicles, right? I -- my first question is why are we now adding in off-road vehicles that weren't in there before? Are -- to your knowledge, do off-road vehicles really cause -- well, and the amount of off-road vehicles that we have in New York State and I know on Long Island, we don't have a ton of them, obviously. They're more to Upstate and farmland. But the -- what was the reasoning why you've added off-road vehicles into this?

MR. ENGLEBRIGHT: They -- they weren't added. They've been there all along. There's just been a clarification.

MR. DURSO: Okay.

MR. ENGLEBRIGHT: So let me reinforce that clarification; this isn't a new add to -- to the underlying legislation.

MR. DURSO: So this was in the original legislation?

MR. ENGLEBRIGHT: Yes, it was.

MR. DURSO: Okay. Just -- just for a point of clarity only because you said it within the last debate, so I have to ask. You said anything with wheels, right? So I know --

MR. ENGLEBRIGHT: Or propellers. Maybe a hovercraft of the 1950's perhaps.

MR. DURSO: So -- so my question would be, our

boats, right? We live on Long Island, right? We have a big, very large boating community. Would boats -- and again, I know this is not a mandate and this is not something by 2035, this is going to be completely enacted, it --

MR. ENGLEBRIGHT: Other than -- than antique amphycars, boats are not included.

MR. DURSO: Okay.

MR. ENGLEBRIGHT: And antiques are probably not included simply because of the way the bill is written. If you're buying a new -- buying another vehicle in 2035 you can buy an antique or pre-used vehicle. That's -- that's not going to be outside of the expectation of this law.

MR. DURSO: Understood. So again, sir, I thank you for your time.

MR. ENGLEBRIGHT: My pleasure.

MR. DURSO: I'm going to ask one more time just so I have it on the record. If and when and if 2035 rolls around and NYSEDA says it is now feasible to only have electric vehicles sold in New York State, there is nothing in either one of these current bills, the ones that we're voting on today or the one last year, that would enact that without the Legislature voting on it, correct?

MR. ENGLEBRIGHT: It would not require automatic -- or lead to automatic conversion of feasibility into a mandate, no.

MR. DURSO: Right. So we -- the Legislature would

have to reconvene and vote on a separate piece of legislation --

MR. ENGLEBRIGHT: If we make this into a mandate it would be a completely different piece of law.

MR. DURSO: A different law, a different bill that we would now be saying now in New York State we are no longer selling combustion engine vehicles, we're now only selling electric, that would be a completely separate bill as opposed to what we're doing here.

MR. ENGLEBRIGHT: It is a completely separate line of possibility. This one does not inevitably lead to that.

MR. DURSO: Thank you so much for your time, sir. I appreciate it.

MR. ENGLEBRIGHT: My pleasure.

ACTING SPEAKER AUBRY: Mrs. Peoples-Stokes.

MRS. PEOPLES-STOKES: Thank you, Mr. Speaker. Would the sponsor yield for a question?

ACTING SPEAKER AUBRY: Mr. Englebright, will you yield?

MR. ENGLEBRIGHT: I yield.

MRS. PEOPLES-STOKES: So would this legislation allow my current vehicles that maybe use a little bit of gas and more electricity to still be operating?

MR. ENGLEBRIGHT: Yes.

MRS. PEOPLES-STOKES: In the State of New York?

MR. ENGLEBRIGHT: I believe the answer is yes.

MRS. PEOPLES-STOKES: Yes. Thank you. And so what you hope to see happen in 2035 is that there would be no gas use at all, or smaller portions of gas being used?

MR. ENGLEBRIGHT: It's not while I hope. I can tell you what I hope. I hope that the only combustion engines that are in use are, you know, on Saturday going to the antique car show. But that's just what I hope. What this leads us toward is a change taking place in the marketplace through the process of informing and engaging our public and their buying habits, in consultation with the cross-fertilization of thought between many of the State agencies that are stakeholders governmentally, and to work in a cooperative way toward a common goal because it makes sense. Because if we don't do that, increasingly we're seeing that the consequences are terrible.

MRS. PEOPLES-STOKES: Thank you, sir. So do you know how many American manufacturers are intent on meeting a 2035 goal of electric vehicles without emissions?

MR. ENGLEBRIGHT: I don't know how many will be available. I know that it isn't just Tesla. If you read the car magazines you'll see there are more than a dozen major manufacturers now that are marketing just sports cars for electric use. So this is an expanding market, to say the least. It's an exploding market. And it is becoming pretty clear that if you drive an electric vehicle that you have the cool car on the block. Sociologically, from a point of history, that has led to car sales. So I anticipate that will continue.

MRS. PEOPLES-STOKES: Thank you, sir. I appreciate your response.

Mr. Speaker, on the bill. I do want to mention that in January 2021, General Motors actually stated that they plan to have their cars electric by 2035. And -- and this January of 2022, a recent announcement was that they were going to build these electric cars in a Lockport, New York plant that they've currently built cars in by 2035. Which as you know, Mr. Speaker, Lockport is one of the great municipalities within our community. It provides a lot of jobs for a lot of people. And so I'm encouraged by this legislation. And I believe that by the time this legislation gets even close to 2035, there will be multiple manufacturers who will be doing exactly what my colleague here is introducing and asking people to do because it is the way of the future. And not just isn't the market going that way but consumers are going that way as well.

So, I'm excited about voting for this bill again. I appreciate that the sponsor did allow for opportunities for a chapter amendment, but I say let's go, it's time, and we need to be ready. Thank you, Mr. Speaker.

ACTING SPEAKER AUBRY: Thank you very much, Mrs. Peoples-Stokes.

Mr. Englebright.

MR. ENGLEBRIGHT: Thank you, Mr. Speaker. I just have a real quick final thought. I just want to express appreciation for all that I've heard here today is very thoughtful

comments from both sides of the aisle. I want to thank my colleagues for the investment of your time and thought into this critical matter. I also want to say thank you to the Governor. Governor Hochul's approach that has led to the matter before us here, this amendment, has also been very thoughtful and considerate. I just want to express my appreciation to all involved. Thank you.

ACTING SPEAKER AUBRY: Thank you.

Read the last section.

THE CLERK: This act shall take effect immediately.

ACTING SPEAKER AUBRY: The Clerk will record the vote on Senate print 7788. This is a Party vote. Any member who wishes to be recorded as an exception to their Conference position is reminded to contact the Majority or Minority Leader at the numbers previously provided.

Mr. Goodell.

MR. GOODELL: Thank you, sir. The Republican Conference is generally opposed to this legislation. Those who support it are encouraged to call the Minority Leader's Office so we can properly record your vote.

Thank you, sir.

ACTING SPEAKER AUBRY: Thank you.

And Mrs. Peoples-Stokes.

MRS. PEOPLES-STOKES: Mr. Speaker, I'd like to remind my colleagues that this is a Party vote and we would encourage the Majority be voting with us on this item. However,

should there be some colleagues that would like to do otherwise, please feel free to contact the Majority Leader's Office and your vote -- vote will be properly recorded.

ACTING SPEAKER AUBRY: Thank you both.

(The Clerk recorded the vote.)

Mr. Goodell to explain his vote.

MR. GOODELL: Thank you, sir. I -- I appreciate my colleague's goal to focus on zero-emission vehicles starting in 2035. What I -- I find perplexing is that the information I've seen indicates that in order to convert our transportation (inaudible) to zero-emission vehicles, electric vehicles, would require an increase in the capacity of New York State's electrical facilities by 72 terawatts. To put that in perspective, the current entire electrical capacity in New York State is about 54 terawatts. Which means we would have to more than double the amount of electricity produced and transported in New York State to meet this type of goal. And this goal was that in just 13 years we'll electrify our transportation. If we're serious about that, we need to start now in encouraging and developing enough power to meet that need. And not just imported power from other states that have lower environmental standards. And that means we've got to be talking about the equivalent of about 25 nuclear power plants to be constructed within the next ten years or we just won't have enough electricity. And while I appreciate the great strides we're trying to achieve with solar and wind, the truth of the matter is everyone gets home after working all day, they want to plug in their

electric car at night and charge it up. And 72 terawatts is a lot of power. More than double what we currently produce and transport.

So while I appreciate these goals, I'd love to see some implementation that would make them a reality. In the meantime, everyone else is making plans about whether they're going to locate here or build here or farm here, and those plans are not based on the speculative at this point in practical legislation. For that reason I oppose it.

Thank you, sir.

ACTING SPEAKER AUBRY: Mr. Goodell in the negative.

Mr. Otis to explain his vote.

MR. OTIS: Well, thank you. And I want to thank Chair Englebright for his presentation and everybody for their questions. In 2019 we passed really nation-leading legislation to deal with climate change. But honestly, that was the easy part. That was goals and targets. What we have to do is we have to remove from the air the (inaudible) and pollutants, the greenhouse gases, that create this problem. Automobiles, trucks, buses are a major part of that. And so we -- we are taking another step with this legislation and the legislation we passed last year, but the technology that we have today isn't going to solve -- the electric cars that we have today are not going to be the electric cars we have 15 years from now because there will be new inventions and new advances. But we have to get moving. If you speak to the car manufacturers, if you speak to the car dealers, if

you speak to the folks that produce electrical vehicle charging stations around the country, they all say, *We are moving full steam ahead.*

New York has to be there. The biggest reason people don't buy electric cars is because there isn't the range on the vehicles and we don't have the charging capacity to deal with it, and that's something else we'll be dealing with this year. But this is an important legislation and we have to move ahead. And there is hope, because in the Governor's budget and in the Federal infrastructure bill there's a big priority to deal with electric vehicles and trying and promote this to expand usage around the country and to get those charging stations out there.

I'm proud to vote in favor of this bill, but we have a lot to work to do. We have to clean up the air and clean up these greenhouses gases or else we're going to be in big trouble. Thank you, Mr. Englebright, and thank you for allowing me to speak. I vote aye.

ACTING SPEAKER AUBRY: Mr. Otis in the affirmative.

Mr. Smullen.

MR. SMULLEN: Thank you, Mr. Speaker, to explain my vote.

ACTING SPEAKER AUBRY: Proceed.

MR. SMULLEN: I just want to say that there is no such thing as a zero-emission vehicle. You always must ask yourself, *Where does the electricity come from?* It comes from a variety of power sources including some renewables like hydropower, which is

20 percent of New York's renewable energy such as solar panels and wind. It comes from natural gas and it comes from other states around our great State of New York. All of our power isn't produced here. We're planning, in fact, on bringing some of it from Canada to support New York City in the future. But that electricity comes at a cost. Just like in economics where there's no free lunch, there is no free electricity. And that mix of electricity is very important. Now, this bill is a goal bill, and it sets very lofty goals which I think are technologically beyond the market and the physics of the problem of today. That's why I argue so strenuously that we need to be careful and haste in slowly into this -- this goal system we have. And the reason is, if you just -- although this is a carrot, there's a stick right behind it. That stick is a carbon tax, and that's Assembly Bill A.77 which has been currently introduced last year and in this Body this year, which is going to tax New Yorkers approximately \$15 million for the carbon that they use. So this goal bill, this carrot, seems like a -- like a good thing, but when in reality for New Yorkers, everyday average New Yorkers, the carbon tax is the stick which is going to compel them to make this demand destruction, this demand signal that we're setting by regulators so onerous.

For that reason I urge all of my colleagues to vote no and I will certainly be doing so today. Thank you, Mr. Speaker.

ACTING SPEAKER AUBRY: Mr. Smullen in the negative.

Mr. Gandolfo to explain his vote.

MR. GANDOLFO: Thank you, Mr. Speaker, and thank you to the sponsor for some of the clarifications we heard today. I supported the original bill because I personally read it as a goal, not a mandate (inaudible). So I do appreciate the clarification and I'm going to support this chapter amendment as well. This legislation, there's been some misreporting of it in the media as an outright ban on gas-powered vehicles in the State of New York. So what the sponsor clarified for us today is that this is setting a goal and directing State agencies to develop a market strategy to get us to that goal.

Come 2035, gas cars and gas vehicles will not be banned without a separate act of the Legislature, and for that reason I'm happy to support this legislation. Thank you, Mr. Speaker.

ACTING SPEAKER AUBRY: Mr. Gandolfo in the affirmative.

Ms. Glick.

MS. GLICK: Thank you, Mr. Speaker, to explain my vote. I don't think there's any question but that we have to move towards renewable energy and the use of electric. Now, between now and then, yes, we might have some dirty fuels that are generating the electricity. But that will be easier to deal with the emissions from a particular location rather than having the fuels and volatile organic compounds generated all around us. So, yes, we're going to have to make some changes. We have to start making them now. We can't be sitting on our hands. And I'd like to have an electric vehicle. And we have been pressing Mr. Epstein -- my colleague, rather, in front of me

as opposed to his name. We have been pressing the City to have more charging stations available because of people's concern about access. If you live in a house you might be able to have a charger in your garage, but if you live in an apartment building you've got fewer options. But this is the wave of the future and it's time that we get moving. And we can deal with the emissions in a fixed location much more readily.

So I withdraw my request and vote in the affirmative.

ACTING SPEAKER AUBRY: Ms. Glick in the affirmative.

Mr. Epstein.

MR. EPSTEIN: Thank you, Mr. Speaker. I rise to explain my vote. I just want to applaud the sponsor's efforts here to get us to zero-emissions vehicles. We said here two years ago that we need to deal with climate change. We need to have a comprehensive solution. The hard work is issue by issue by issue dealing with it. As we've heard speakers before, we need to grapple with it. This gets it to that goal. We -- this is not going to be the only solution. We have to have multiple solutions. But making sure people across this great State will be able to buy electric vehicles is a direction we all need to go on. I want to applaud this effort because we now have set a deadline to make sure that happens. Now we have to live up to that deadline for our kids and our grandkids and our future.

Thank you. I vote in favor of the bill.

ACTING SPEAKER AUBRY: Mr. Epstein in the

affirmative.

Mr. Goodell.

MR. GOODELL: Thank you, sir. Please record my colleagues Mr. Brown and Mr. Simpson in the affirmative.

Thank you, sir.

ACTING SPEAKER AUBRY: Certainly. So noted.

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

Page 4, Rules Report No. 22.

THE CLERK: Assembly No. A08727, Rules Report No. 22, Bronson. An act to amend the Labor Law, in relation to the payment of prevailing wage for work involving the delivery to and hauling of aggregate supply construction materials.

ACTING SPEAKER AUBRY: On a motion by Mr. Bronson, the Senate bill is before the House. The Senate bill is advanced.

An explanation is requested, Mr. Bronson.

MR. BRONSON: Yes, Mr. Speaker. This bill is a chapter amendment to a bill that we passed last year, and it would provide for a prevailing wage public works -- work sites for work involving the hauling and delivery of aggregate supply materials.

ACTING SPEAKER AUBRY: Mr. Goodell.

MR. GOODELL: Thank you. Would the sponsor yield?

ACTING SPEAKER AUBRY: Mr. Bronson, will you yield?

MR. BRONSON: Yes, I will, Mr. Speaker.

ACTING SPEAKER AUBRY: The sponsor yields.

MR. GOODELL: Thank you very much, Mr.

Bronson. As I understand this amendment, it clarifies the scope of the original bill by making it clear that the transportation of raw materials or products for construction only applies to public work work sites. Not the entire project, but the work that's on the work site or between the work site and a common storage area; is that correct?

MR. BRONSON: Yeah. The change in this chapter amendment is because it -- it was considered in our discussions that a project really isn't a physical location, it's concept. And so the desire in -- in particular by the Governor's team was that we be more specific and -- and call it a work site instead of a project.

MR. GOODELL: I see. Thank you very much for that clarification.

On the bill, sir.

ACTING SPEAKER AUBRY: On the bill, Mr. Goodell.

MR. GOODELL: As the sponsor noted, this chapter amendment clarifies that prevailing wage would apply to the transportation of materials at a work site or between a work site and a common storage area. And that clarification is important because otherwise the -- there could be confusion about whether or not you

would have to pay prevailing wages, for example, on a transportation from California to New York of lumber. And this makes it clear that we're talking about site-specific application of prevailing wages rather than a prevailing wage requirement that might even be international in scope. And with that clarification I think the bill has addressed a lot of the concerns that were raised last year, and I appreciate the comments of my colleague in clarifying this. Last year there were 31 no votes, but I think this clarification certainly has changed my position and I will be supporting it and recommending it to my colleagues.

Thank you again to the sponsor, and thank you, Mr. Speaker.

ACTING SPEAKER AUBRY: Read the last section.

THE CLERK: This act shall take effect immediately.

ACTING SPEAKER AUBRY: The Clerk will record the vote on Senate print 7811. This is a fast roll call. Any member who wishes to be recorded in the negative is reminded to contact the Majority or Minority Leader at the numbers previously provided.

(The Clerk recorded the vote.)

Mr. Manktelow to explain his vote.

MR. MANKTELOW: Thank you, Mr. Speaker. I again agree with my colleague, and I want to thank the sponsor of this bill that he was able to make the changes that we brought up, that he listened and he was willing to work with the betterment of New York State. So I just want to say to the sponsor thank you very much for

doing that. Thank you for moving it forward this way, and I will be voting yes today.

So again, thank you. And thank you, Mr. Speaker.

ACTING SPEAKER AUBRY: Thank you, sir.

Mr. Goodell.

MR. GOODELL: Thank you, Mr. Speaker. Please record my colleagues Mr. DiPietro, Mr. Fitzpatrick, Mr. Friend and Mr. Tague in the negative on this.

Thank you, sir.

ACTING SPEAKER AUBRY: So noted. Thank you.

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

Mrs. Peoples-Stokes.

MRS. PEOPLES-STOKES: Mr. Speaker, do you have any further housekeeping or resolutions?

ACTING SPEAKER AUBRY: We certainly have some housekeeping first and some fine resolutions afterwards.

On a motion by Ms. Rozic, page 13, Calendar No. 34, Bill No. A.477, amendments are received and adopted.

On a motion by Ms. Bichotte Hermelyn, page 38, Calendar No. 176, Bill No. A.5531, amendments are received and adopted.

On a motion by Mr. Gottfried, page 41, Rules --

Calendar No. 190, Bill No. A.5841-A, amendments are received and adopted.

We have a resolution, 510, the Clerk will read.

THE CLERK: Assembly No. 510, Mr. Jensen.

Legislative Resolution celebrating the life and legacy of Sergeant Gary Beikirch.

ACTING SPEAKER AUBRY: Mr. Jensen on the resolution.

MR. JENSEN: Thank you, Mr. Speaker. I rise this afternoon to recognize the life and legacy of Sergeant Gary Beikirch. On December 26th of 2021, Gary Beikirch passed away. One of the Town of Greece's in Monroe County's greatest sons, Gary left an indelible impact on our community, our State, our nation, and all those who were privileged to spend a moment of time with him.

In 1973 Sergeant Beikirch was awarded the Medal of Honor for action performed three years prior in Vietnam at Camp Dak Seang where he defended his fellow soldiers, his -- his comrades and Vietnamese villagers, saving lives while sustaining life-threatening injuries of his own. Those actions in and of themselves would be worthy of recognition by this Body and by this State. And certainly, I could use much more time than I have to describe his heroism that day. But after his dedication to service for our nation in uniform, Gary continued to devote his life to the benefit and service of others. For over 30 years he was a middle school counselor in the Greece Central School District, changing the lives of thousands of the

students he worked with on a daily basis. He was a co-founder of the Veterans Outreach Center (inaudible) open its doors to today and for many years in the future, has served veterans among our county and across our region with every need that they may encounter as they try to reenter society and find some normalcy in their daily life. He was involved in his church and the faith community. He was an ordained minister. He devoted himself to countless veterans organizations and other community groups that helped to make the lives of other people better.

At his funeral service a few weeks ago, I was touched as -- as many speakers talked about Gary Beikirch and how he lived his life. And the overwhelming message was that he lived a life that was guided by above. Love of his fellow man, God's love for him. For his life and his service for others was made possible because a 15-year-old Vietnamese brother-in-arms sacrificed his own life by shielding Sergeant Gary Beikirch on the field of battle. Gary's service and lifetime dedication to others were guided by that love a young man name Dao showed him and the sacrifice of his own life for his. He wanted to make sure his life was worthy of that love and that sacrifice.

My thoughts and prayers today and for the future will be with Gary's wife Lolly, who after coming home from war and enduring what we would call post-traumatic stress, Gary Beikirch went to seminary in New Hampshire where he literally lived in a cave. And it was love of Lolly that brought him out of the darkness and into

the light. My thoughts and prayers are with his three children, his 14 grandchildren and his great-grandchild, his brothers- and sisters-in-arms and our community and the people who live there who've been touched and had their lives changed by Gary Beikirch's love.

While Gary may be gone and no longer with us, our community, our nation, are a better place because of him. And while he may be gone, may his legacy of love live on for all those who he touched.

Thank you, Mr. Speaker.

ACTING SPEAKER AUBRY: Thank you, sir.

Mr. Bronson.

MR. BRONSON: Mr. Speaker, through this resolution today we honor and celebrate the life of Gary Beikirch. I extend -- I extend my deepest condolences to all in Gary's family for their loss, and wish for them peace in the many loving memories of Gary.

You know, American culture has always been drawn towards super heroes. We see that in so many of the recent movie releases. With all this hero hype, we sometimes forget that heroes aren't just supernatural fictional characters, but very real people with very real stories. One such hero is Gary Beikirch. A Sergeant in the U.S. Army, an insightful pastor, an intuitive guidance counselor, a mentor. A loving son, husband and father, and a doting grandfather and great-grandfather. For many people in our greater Rochester

community, Gary will be forever remembered for his actions in Vietnam on April 1, 1970. On that day and in that moment, Gary exhibited the highest qualities of character, courage, sacrifice, patriotism, citizenship, integrity and commitment. Gary, like the other heroes that have been awarded the Medal of Honor, exhibited exceptional character qualities in situations most of us cannot even imagine. And for Gary, those traits are not unique to the battlefield, but in fact translate into every endeavor he undertook throughout his life. Being the kind, caring person putting others before himself, adding a helping hand and guidance continued throughout Gary's life as a civilian.

The legacy of Gary's work and his love will last through the life journey of many whom he has touched over the years. For that we say thank you to Gary. And thank you also to his family for allowing us to share in the benefits of his caring and of his love. A good soul has passed on. A good man has gone to Heaven.

Thank you, Mr. Speaker.

ACTING SPEAKER AUBRY: Thank you.

Mr. Angelino on the resolution.

MR. ANGELINO: Mr. Speaker, please don't let my -- my brevity of speaking in any way diminish the accomplishments that are recognized in this resolution. The word "hero" is used constantly, and particularly in the last of couple years we heard the word "hero" used describing grocery store clerks and gas station attendants. But this, my friends, this is a hero bonafide and certified

by an act of Congress, presented by the President of the United States the Congressional Medal of Honor. Those of -- those who served in the military and particularly those who served in combat know that this is a real hero. And not only did he serve in combat, he served in combat not carrying a weapon, but carrying a first aid bag and coming to the -- to the lifesaving efforts of his brothers-in-arms. When you look in the dictionary under hero, people like this, Mr. Beikirch, are the ones that should be depicted there. This man selflessly gave everything he had, and luckily was able to be presented with his Medal of Honor. Many are presented posthumously. This man deserved the recognition that we are giving today, and the Rochester community mourns this man. But he is a reminder that heroes do walk amongst us, and he is one.

Thank you very much.

ACTING SPEAKER AUBRY: Thank you.

Mr. Lemondes.

MR. LEMONDES: Thank you, Mr. Speaker. I never met Mr. Beikirch, but I can assure you when he received the Medal of Honor, I can guarantee you he was not seeking to be a recipient of it, but instead was acting out of complete and total conviction to his brothers-in-arms and their mission. To put this in perspective, the stringency in which the Medal of Honor is awarded, there have only been approximately 4,500 since its inception in 1861. Over 150 years. The significance of what he did, his character, his acts, cannot be honored enough in words. The extraordinary circumstances of each

recipient's gallantry and extreme risk to their own life and oftentimes with complete disregard to their own life are accorded and displayed in the Pentagon Hall of Heroes. This iconic display should be visited by everyone at least once in their lives. Mr. Beikirch's story is there with so many other great Americans. And in commemoration of his life, on behalf of his family and in note to his commitment to duty and personal sacrifice to our nation in its most revered institution in the military, please join us as we console his family and honor him.

Thank you, Mr. Speaker.

ACTING SPEAKER AUBRY: On the resolution, all those in favor signify by saying aye; opposed. The resolution is adopted.

We do have numerous fine resolutions. We will take them up in one vote.

On the resolutions, all those in favor signify by saying aye; opposed, no. The resolutions adopted.

(Whereupon, Assembly Resolution Nos. 507-510 were unanimously adopted.)

Mrs. Peoples-Stokes.

MRS. PEOPLES-STOKES: Mr. Speaker, members of the Majority should be aware that there is a conference immediately following the close of Session, and they should make their way to the Speaker's Hearing Room. I also want to move that the Assembly stand adjourned, Mr. Speaker, and that we reconvene at 10:00 a.m. on Wednesday, January the 26th, tomorrow being a Session day.

ACTING SPEAKER AUBRY: The Assembly stands adjourned.

(Whereupon, at 5:07 p.m., the House stood adjourned until Wednesday, January 26th at 10:00 a.m., that being a Session day.)