

**WEDNESDAY, MARCH 15, 2023**

**1:39 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 Tuesday, March 14th.

Mrs. Peoples-Stokes.

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

dispense with the further reading of the Journal of Tuesday, March the 14th and ask that the same stand approved.

ACTING SPEAKER AUBRY: Without objection, so ordered.

Mrs. Peoples-Stokes.

MRS. PEOPLES-STOKES: Thank you, sir.

Colleagues and guests that are in the Chambers, we are still in Womens' History Month so we're going to start with a quote today from Olive Dennis, who was born in 1885. Olive was the first female engineer whose design innovations changed the very nature of the way people traveled on railways. She went to Goucher College in 1908. She went to Columbia and received her master's degree and she went to Cornell University in 1920 and got her degree in civil engineering. And it was around that time that she said these words, Mr. Speaker. *There is no reason that a woman can't be an engineer simply because no other woman has ever been one.* Well, Alice [sic] Dennis was an engineer. She served well, she lived a good life and since her life very many women are also engineering in this country and we hope that will be more to come.

With that Mr. Speaker, members have on their desks a main Calendar. After any introductions and/or housekeeping we will be calling for a Rules Committee in the Speaker's Conference Room. That Committee will produce an A-Calendar containing our Sunshine Package which we will take up today while the sun is shining. Mr. Speaker, we will begin our work on the floor by taking

up resolutions on page 3. I believe one of our colleagues may have some comments on that resolution. After that we will take up Rules Report No. 100, which is on page 4 by Mr. Zaccaro and it is on debate. As we proceed there may be a need to announce any further legislative floor activity. If so, we will be pleased to let you all know that. However, Mr. Speaker, that's the general outline of where we're going today. If you have introductions and/or housekeeping, now would be a great time, sir.

ACTING SPEAKER AUBRY: No introductions or housekeeping, Mrs. Peoples-Stokes.

MRS. PEOPLES-STOKES: Then, Mr. Speaker, would you please call for the Rules Committee to meet in the Speaker's Conference Room?

ACTING SPEAKER AUBRY: Certainly. Rules Committee, Speaker's Conference Room immediately.

On page 3 --

(Pause)

ACTING SPEAKER SHIMSKY: Resolutions, page 3, the Clerk will read.

THE CLERK: Assembly Resolution No. 185, Reyes. Assembly [sic] Resolution memorializing Governor Kathy Hochul to declare March 11, 2023 to April 12, 2023 as Garifuna-American Heritage Month in the State of New York.

ACTING SPEAKER SHIMSKY: On the resolution, all those in favor signify by saying aye; opposed, no. All those in

favor?

MEMBERS: Aye.

ACTING SPEAKER SHIMSKY: All those opposed?

The resolution is approved.

THE CLERK: Assembly [sic] No. 186, Ms. Jackson.

Legislative Resolution memorializing Governor Kathy Hochul to proclaim March 12, 2023 as Working Moms Day in the State of New York.

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

THE CLERK: Assembly [sic] No. 187, Mr. Lavine.

Legislative Resolution memorializing Governor Kathy Hochul to proclaim March 13-19, 2023 as Neurodiversity Celebration Week in the State of New York.

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

THE CLERK: Assembly [sic] No. 188, Ms. Solages.

Legislative Resolution memorializing Governor Kathy Hochul to proclaim March 22-28, 2023 as Doula Week in the State of New York, in conjunction with the observance of World Doula Week.

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

adopted.

THE CLERK: Assembly [sic] No. 189, Ms. Lupardo. Legislative Resolution memorializing Governor Kathy Hochul to proclaim March 2023 as American Red Cross Month in the State of New York.

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

Page 4, Rules Report No. 100, the Clerk will read.

THE CLERK: Senate No. S00832, Rules Report No. 100, Senator Brisport (A04014, Zaccaro). An act to amend the Public Health Law, in relation to excluding certain runaway youths from being able to consent to certain medical, dental, health and hospital services.

ACTING SPEAKER SHIMSKY: An explanation has been requested, Mr. Zarro [sic].

Mr. Zaccaro.

MR. ZACCARO: Thank you, Mr. [sic] Speaker. This bill amends Chapter 780 of 2022 to make clarifying amendments by removing the term "runaway youth" from those able to consent to certain medical and health and dental, hospital services. This bill here was actually passed by Member Gottfried -- this chapter was passed last Session sponsored by Member Gottfried, and what this does is today clarifies that homeless youth and individuals who have received services at an approved runaway or homeless youth crisis service

program or transitional independent living support program may consent for these health services.

The health of vulnerable populations including runaway and homeless youth is imperative to their future and I urge my colleagues today in voting for this important bill. Thank you.

ACTING SPEAKER SHIMSKY: Ms. Walsh.

MS. WALSH: Thank you, Madam Speaker. Will the sponsor yield?

ACTING SPEAKER SHIMSKY: Will the sponsor yield?

MR. ZACCARO: Of course.

ACTING SPEAKER SHIMSKY: Proceed.

MS. WALSH: Thank you so much. So, understanding that this is a chapter amendment and that you were not here actually when this was passed in the -- the wee hours of the very end of Session, as I recall, around two in the morning on our last day of Session. So, this chapter amendment, as you said, make changes in that it addresses one of the concerns that was raised on debate regarding runaway youth, and yet the -- the bill-in-chief still, and the -- and the chapter doesn't change the fact that homeless youth will be able to consent to a whole range of health care services; is that correct?

MR. ZACCARO: Yes, that's correct.

MS. WALSH: Okay. So a couple of things that I'd like to kind of bring out in our discussion. As far as the nature of the

health services that can be received, there are no limits as far as it could be something as minor as a cavity being filled, to a hospital stay, to any level of medical or health service that's -- that's desired; is that correct?

MR. ZACCARO: Yes, it -- it does. And medical care will have to obviously decide necessity of these -- in special circumstances.

MS. WALSH: But there's nothing in this bill-in-chief or in the chapter that addresses, for example, the cost of those services. It could be something -- \$20 or it could be something that's many, many thousands of dollars; correct?

MR. ZACCARO: That's correct.

MS. WALSH: Okay. Now, as far as the definition of homeless, would a homeless youth include an individual, for example, that was undocumented, coming into New York, staying -- being housed temporarily in hotel, housing or something of that nature in New York City or elsewhere in New York State?

MR. ZACCARO: Yes. So, homeless youth is someone under the age of 18 who is in need of services and is without a place of shelter where supervision and care are available. And this determination usually requires a finding by the State that there's no safe home for the child to return to or an overt statement by a parent that the minor is not welcome home.

MS. WALSH: Okay. So -- so my question had to do with does this include both documented and undocumented

individuals that are in New York State without home? Without regard to them in the definition of homelessness.

MR. ZACCARO: Yes.

MS. WALSH: Okay. Thank you. And what about homeless youth who are homeless with their parents? Does that -- does that come under the definition of homeless youth?

MR. ZACCARO: Right. Particularly for this bill and the purpose of this bill, that would be separate.

MS. WALSH: Oh. And how so?

MR. ZACCARO: Well, in this -- in this instance the bill clarifies that a homeless youth or individual that's receiving services at an approved runaway and homeless youth crisis service center or program or a transitional independent living support program may give consent for medical, dental, health and hospital services for themselves. And they -- and in these cases they would have to be away from the family.

MS. WALSH: Okay. So this -- so this could encompass a runaway youth that is homeless or a homeless youth that is just without any parental support, then. Is that the -- I just want to understand that that's what you said.

MR. ZACCARO: Yes.

MS. WALSH: Okay. Very, very good. All right. I think you have covered the questions that I had, and I'd like to at this time go on the bill.

ACTING SPEAKER SHIMSKY: On the bill.



MS. WALSH: Thank you so much. So as I said, this bill -- the bill-in-chief was passed at around two in the morning. It's kind of funny that we're taking this up in the same day as sunshine -- Sunshine Week, the bill package that we're going to be facing next. Some of you may remember the debate on this bill. I think one of the things I'd like to say first off is that very often the -- the members on my side of the aisle are sometimes perceived as not perhaps having the effectiveness of members in the Majority, and I would like to say that as a direct result, I believe, of the debate that we had on this bill, this chapter amendment came forward to really address the major concern that was raised about the bill which had to do with runaway youth. Because the bill itself didn't define how long the individual -- the -- the minor had to be -- have run away for and so on. I won't repeat that debate. But anyway, it was very heartening for me to see a chapter amendment that actually tracked our debate and tried to correct what we thought was a pretty big problem with the bill-in-chief. So I'd like to say that right off. I think that that is a -- a positive thing. So I have fewer issues with the bill in this chapter than I did with the bill-in-chief that we took up last Session. But I do think that there are a couple of issues that really need to be considered. One is just that this is a completely wide-open proposition in terms of the kinds of medical services that will be -- that a -- that a child, a -- a youth could consent to. It could be -- it could be really anything. There are no guardrails at all in terms of cost of the proceeding -- the procedure, what the procedure is. It could -- it could go to everything from a

hospital stay to a routine dental appointment. So it's pretty wide open, and I think that that's something that this Body should consider.

I think also, I appreciate the clarification from the sponsor as far as the homeless youth that are homeless with their parents. That was a concern that I had because it would have been an interesting question to see if the will or the -- the consent of a -- of a homeless youth could consent to a procedure that a parent that they're with would -- would not -- would not consent to and if that consent could override the parental objection. So it seems as though that's been addressed in the way that this chapter amendment has been -- has been framed.

I think that the -- the other -- just the question, I guess, is -- and it really is beyond, I think, the chapter -- but the larger question that really gets called up is who pays for this? I think we know who pays for this. I personally, and I think most of us, would not have any objection to a homeless youth getting routine care that is either an emergency or is something that if it's taken care of quickly and effectively it won't -- it will -- will prevent a bigger problem from taking place, and the example of a cavity is something that I use. If we fill a cavity for a view bucks, now that prevents maybe a root canal later, for just some -- some kind of an analogy. But this -- the way that this chapter is worded it does -- it's very expansive in terms of the -- there are no limits on the kind of medical, dental, hospital or health care that would be provided to -- to the homeless youth.

And so for that reason I -- I remain concerned about

the bill, but I do think that the chapter is an improvement over the -- the bill that we debated last June. So thank you very much, Madam Speaker.

ACTING SPEAKER SHIMSKY: Mr. Goodell.

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

ACTING SPEAKER SHIMSKY: Will you yield?

MR. ZACCARO: Yes.

MR. GOODELL: Thank you. I just had a couple of very short follow-up questions from my colleague's questions, and again, thank you for -- for helping us understand this better. As I understand it, this would enable someone under the age of 18 to consent to any medical procedure if they were homeless, and you mentioned that well, one of the criteria is they're receiving services. But I'm looking at the statutory language and it seems to say that you would be a homeless youth as defined in Section 535 -- or 32(a) of the Executive Law or you're receiving homeless services. So am I correct, then, that a homeless youth as defined in Section 532(a) of the Executive Law would be eligible under this provision to consent for any medical services even if they're not receiving services?

MR. ZACCARO: So it says here in the bill a person under the age of 18 who is need of services and is without a place of shelter or supervision and care are available. So in this case care must be available.

MR. GOODELL: I -- I apologize, but I -- I'm looking

at the bill language itself, on line 9, 8 and 9 where it says homeless youth as defined in Section 532(a) of the Executive Law or those receiving services. So am I correct, then, that if you met the definition under 532(a) you do not need to be receiving homeless services, correct?

MR. ZACCARO: Yes. However, it -- it still does say in the law a place of shelter where supervision and care are available.

MR. GOODELL: Okay. My colleague asked the question, who is paying for this and your answer is?

MR. ZACCARO: Well, in this case in relation to who's paying for it in this case the -- just give me one second here. It's a -- it's a fiscally-neutral bill; however, if -- if they were off of their parents' insurance they would qualify for Child Health Plus in this case and that's who the medical provider would be paying for the insurance.

MR. GOODELL: So you're saying that a -- a youth under the age of 18 could consent to expensive medical procedures and the parents who did not consent would be stuck with the co-pay, deductible and insurance coverage?

MR. ZACCARO: Yes. So in this case the parents would have to pay for the services. And as I mentioned before, if they are without insurance the State would have to pay under Child Care [sic] Plus.

MR. GOODELL: And of course the Child Care [sic]

Plus under this situation would be -- could be 100 percent State depending on whether the individual is here documented or undocumented, correct?

MR. ZACCARO: Yes.

MR. GOODELL: Thank you for those clarifications.

MR. ZACCARO: Of course.

MR. GOODELL: Thank you, Mr. Speaker.

ACTING SPEAKER AUBRY: Mr. Novakhov.

MR. NOVAKHOV: Thank you, Mr. Speaker.

Would the sponsor yield?

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

MR. ZACCARO: Yes, I will.

ACTING SPEAKER AUBRY: The sponsor yields, sir.

MR. NOVAKHOV: Thank you very much. So, maybe I'm missing something, but I'm curious how the medical facility or the doctor will identify if the person is homeless or not.

MR. ZACCARO: Yeah, so in -- in this case with the facilities it would be defined by the State and OCF [sic] for -- for those who qualify for services.

MR. NOVAKHOV: And what was the procedure?

MR. ZACCARO: Right. So when a homeless youth or individual comes in -- into these programs it would be determined by the State and the program if this particular individual qualifies or is

deemed homeless and qualifies for services.

MR. NOVAKHOV: So he cannot go directly to the doctor or the medical office, he has to come to --

MR. ZACCARO: I'm sorry, could you repeat yourself?

MR. NOVAKHOV: He can't go -- so he can't go directly to the medical office or to a doctor stating that he's homeless and he needs the services?

MR. ZACCARO: Right. This bill -- this bill speaks to the fact that they must be receiving services at an approved runaway and homeless youth crisis service program or a transitional independent living support program.

MR. NOVAKHOV: All right. Thank you.

ACTING SPEAKER AUBRY: Read the last section.

THE CLERK: This act shall take effect in 90 days.

ACTING SPEAKER AUBRY: A Party vote has been requested.

Mr. Goodell.

MR. GOODELL: Thank you, sir. The Republican Conference I believe will be generally opposed, but certainly anyone can vote as they wish here on the floor of the Assembly.

Thank you, sir.

ACTING SPEAKER AUBRY: Thank you.

Mrs. Peoples-Stokes.

MRS. PEOPLES-STOKES: Thank you, Mr.

Speaker. The Majority Conference is generally going to be in favor of supporting young people needing access to health services whether or not they live with their parents. So we're going to be voting in the affirmative on this one, and obviously if people want to vote negative they certainly can.

ACTING SPEAKER AUBRY: Thank you.

The Clerk will record the vote.

(The Clerk recorded the vote.)

Mr. Goodell to explain his vote.

MR. GOODELL: Thank you, Mr. Speaker. I think all of us here on the floor are aware that if an individual shows up at an emergency room and needs emergency health care, they receive it. The emergency room doesn't say, *Who's your insurance agent and we're not going to let you in until you tell us*. They don't hold up care. Emergency care, by law, must be provided to anyone who presents themselves at an emergency room in an emergency situation, regardless of anything else. And I appreciate the sponsor's desire to provide unlimited health care, if you will, to those who are under 18 that present themselves and claim that they're homeless. And as my colleague pointed out, there's no mechanism in this bill to actually identify whether the individual is homeless. And so if you're a parent and your child wants some expensive medical procedure and you don't want to pay the co-pay or deductible, send them to the emergency room and tell them to say that they're homeless, because under this bill apparently the State picks up the cost. This bill is not limited to life-

threatening, serious or emergency situations. It covers everything, including elective surgery. A lot of parents want to know what's going on with their kids under age 18, especially as it relates to elective surgery. So I'm very concerned that while this bill makes a substantial improvement over the original chapter, it still leaves parents out of the loop. It ignores their important role. It doesn't require any effort to contact the parent. It applies even, by the way, ironically, if the parents are homeless with the youth it would still apply. Look, we know that we need an obligation to provide health care in those important situations, but a wide open blank check is not the right approach. And so I would hope that we continue this process of chapter amendments till we narrow this bill down to ensure that we meet the legitimate health care needs of all of our residents without opening the door to fraud and abuse.

For that reason I won't support this change. Thank you, sir.

ACTING SPEAKER AUBRY: Mr. Goodell in the negative.

Mrs. Peoples-Stokes to explain her vote.

MRS. PEOPLES-STOKES: Thank you, Mr.

Speaker, for the opportunity to explain my vote. I do want to point out that what -- what a better place we would be in as Americans if we didn't have to worry about people having access to health care because we had universal healthcare. We don't have universal healthcare. We have all sorts of system that unfortunately, unless you go to the



emergency room you -- they're going to ask for an insurance card. They're going to ask for somebody to pay for it. And I, quite honestly, want to really appreciate the sponsor for standing up on this one because very often when young people leave home, when they become runaways, they didn't do that because everything was perfect at home. Some things were not -- not so right. Sometimes parents, even unbeknownst to them, will abuse their children or allow other people in their lives to abuse them. And they will run. And when they do run, if they need help, if they need health care, if they need counseling, then we as citizens ought to be here for them.

And so I -- I really do commend the gentleman for introducing this legislation and I will be grateful for the day when we are a country that allows people to get health care when they need it as opposed to needing to be on their parents' or needing to be on Medicaid or needing to be on Child Health Plus or needing to be on the Affordable Healthcare Act. Again, Mr. Speaker, this is a good piece of legislation, and we're not at the place in our society where we can exclude people from health care simply because for whatever reason they decided or are homeless. Thank you, Mr. Speaker.

ACTING SPEAKER AUBRY: Mrs. Peoples-Stokes in the affirmative.

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

Congratulations, Mr. Zaccaro, your first bill.

(Applause)

Mrs. Peoples-Stokes.

MRS. PEOPLES-STOKES: Mr. Speaker, we now have an A-Calendar on our desks. Would you please move to advance this A-Calendar?

ACTING SPEAKER AUBRY: On Mrs. Peoples-Stokes' motion, the A-Calendar is advanced.

Page 3, Rules Report No. 106, the Clerk will read.

THE CLERK: Assembly No. A01628, Rules Report No. 106, McDonald, Stirpe, Fahy, Steck, Simon, Colton, Morinello, Lupardo, Otis, DeStefano, Jacobson. An act to amend the Public Buildings Law, in relation to the authority of the Commissioner of General Services to lease public buildings.

ACTING SPEAKER AUBRY: An explanation is requested, Mr. McDonald.

One minute, Mr. McDonald. I think -- shh, shh. Gentlemen -- gentlemen, please. The bill is being explained at the request.

Proceed, sir.

MR. MCDONALD: Thank you, Mr. Speaker. The purpose of this bill is to require the disclosure of the names and residential addresses of the natural persons who are the members, the managers or otherwise authorized persons of an LLC, limited liability company, when such LLC executes a lease agreement with the State of New York as its tenant. As we all know, the State of New York

does lease a significant amount of private property throughout the State of New York. LLCs tend to be a very common, if not the most popular entity to lease those spaces and, therefore, because public funds are involved in the course of that lease, we should make sure that we have an idea who is leasing those properties.

ACTING SPEAKER AUBRY: Mr. Goodell.

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

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

MR. MCDONALD: It would be an honor to yield.

ACTING SPEAKER AUBRY: The sponsor yields.

MR. GOODELL: Thank you, Mr. McDonald. First question I have is, would this apply where the State of New York is a subtenant? In other words, the owner leases the building and the State of New York is a tenant of the tenant?

MR. MCDONALD: So I guess the question -- or the response, not the question, I think I -- I think I understand your question, but the response is would the State of New York be executing a lease in this situation?

MR. GOODELL: Yes. And they'd be leasing it from -- from the tenant.

MR. MCDONALD: Who -- who would -- can you give me an example who the tenant would be?

MR. GOODELL: Well, sure. A lot of times, as an

example, you might have a mall that is owned by one company. They have a leasing agent that's a separate company completely, and the leases are executed not with the owner, but with the sub -- the tenant who's leased the entire place and the State of New York is subleasing an office or space within the mall or within the commercial building or something of that nature. So would it be, then, the tenant that's leasing to the State and the sublease would be the one that would be obligated to disclose their names and residential addresses?

MR. MCDONALD: Based on what you described I would say yes.

MR. GOODELL: Am I correct that there's no obligation to disclose names or -- or your residential address if the State leases property from an individual? Sole proprietor.

MR. MCDONALD: Sole proprietor?

MR. GOODELL: Yes.

MR. MCDONALD: This bill does not address sole proprietors.

MR. GOODELL: And likewise, if they lease from a partnership, there's no obligation to disclose the names or residential addresses of the partners; is that correct?

MR. MCDONALD: This bill only speaks to the LLCs.

MR. GOODELL: And that would apply as well for a lease, say, with a limited partnership, a real estate trust, a real estate investment trust, maybe an inter vivos trust or even a testamentary

trust or even corporations or a PLLC or PC or any other legal entity; is that correct?

MR. MCDONALD: This legislation only speaks to LLCs.

MR. GOODELL: And so the answer is no, it doesn't apply to anyone else, correct?

MR. MCDONALD: That would be correct.

MR. GOODELL: Okay. Now, this provides that if the LLC is owned by any one of those other entities that I mentioned -- and I only listed a half-dozen because we have limited debate. If any of those other entities are a member of the LLC then that member would have to disclose all of their shareholders and residential addresses, for example; is that correct?

MR. MCDONALD: That's correct.

MR. GOODELL: So if a corporation leases a building to the State, the corporation does not have to lease -- disclose any of its shareholders or any of their addresses. But if the corporation is a fractional owner of an LLC then their entire shareholder list has to be disclosed?

MR. MCDONALD: That's the way this bill is stated.

MR. GOODELL: I see. Does this bill provide an exception for those who might, for legitimate reasons, want to keep their residential address confidential? So, for example, a victim of domestic abuse. Does this allow them to get a waiver or an exception from listing their home address?

MR. MCDONALD: So, we've had -- we've had this discussion before. As a matter of fact this is our seventh trip around the moon on this bill, believe it or not.

MR. GOODELL: I keep hoping this law will change.

MR. MCDONALD: No, but --

(Laughter)

I just keep hoping that it gets passed in the Senate.

MR. GOODELL: Hope burns eternal, I understand. But -- but there's no exception in the statutory language, right, for someone who is a victim of domestic abuse from having to disclose a residential address?

MR. MCDONALD: Well, as you know, individuals who are -- are domestic violence victims can register in a program that the State has to make sure that their privacy is protected. I think you might be aware of that. I think the other good news for everybody to know is that the Federal government is actually taking a much more -- a closer look at LLCs in regards to providing more transparency. Because the intent of this goal is not sinister, the intent of this goal is very simple. The LLCs are the most popular vehicle we have for renting out properties. Individuals sometimes try to be influential and we'd like to know who's doing business with the State of New York.

MR. GOODELL: And I appreciate --

MR. MCDONALD: And I think I've mentioned in the past as a --

MR. GOODELL: Well, I appreciate that, and -- and

as you correctly note, we have passed specific legislation to allow victims of domestic abuse to keep their residential address confidential, but those were in specific contexts, right? Each statute that did that had a specific contextual basis, but this law itself is silent, correct?

MR. MCDONALD: Yeah, our belief is that the Address Confidentiality -- Confidentiality Program would take precedence in this situation and, therefore, would address the concern that you -- you appropriately raised.

MR. GOODELL: Now, of course not all victims of domestic abuse have an Order of Protection outstanding. In fact, they may just be the victim of stalking or threats, and that would not put them into the domestic violence category but they are very, very sensitive to their residential address. This doesn't have any exceptions for them, does it?

MR. MCDONALD: No, but I'm advised that they would fall underneath the Address Confidentiality Program. I'm happy to stand corrected, but my understanding is that this would cover them.

MR. GOODELL: I see. And last, what is the sanction if the reporting entity doesn't have the information you're requesting? As an example, let's say one of the LLC partners is a large corporation. Large corporations are not required and normally do not maintain shareholder lists with residential addresses. They use the address that was given to them by their shareholder, and I will

assure you that none of my stockholdings use my home address. What happens in that context? What's the sanction for the corporation?

MR. MCDONALD: So, you know, first of all, you know, this legislation does give OGS the ability to develop regulations in the process. However, this goes back to a comment I've shared before. If you're going to engage in a business relationship with the State of New York, the rules will be very clearly identified what is best. And if you can't comply, you might want to not consider applying to be a landlord in that situation.

MR. GOODELL: Ah, so your recommended solution is that the State be unable to rent --

MR. MCDONALD: No --

MR. GOODELL: -- the property they want because they lease -- or the landlord is not willing to give that information.

MR. MCDONALD: No, my recommendation -- and I'm not a lawyer, I don't play one on TV. I'm a pharmacist and I play a pharmacist on TV. But, you know, just like with law partnerships it's always about having the right partnership and the right team to have a successful outcome.

MR. GOODELL: Thank you very much. I appreciate your comments. And maybe if it comes back on year eight we can look at some amendments.

MR. MCDONALD: You know, I've heard that nine times is a charm, so we'll see what happens.

MR. GOODELL: Thank you, Mr. McDonald.



Mr. Speaker, on the bill.

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

MR. GOODELL: So the obvious question to all of us is, why are we looking at legislation that deals with just one legal entity and requires that legal entity to report home addresses. Not just all their members, but their home address. Not their business address, not the address they might use for every other purpose, but their home address. Why do it? And we don't require it for corporations or individuals or sole proprietorships or partnerships or limited partnerships or real estate trusts or inter vivos trusts or testamentary trusts. We don't require it for PLLCs or PCs or any other business entity in the world. But we want to know where the home address is if the State rents land from an LLC.

Now, if the State rents from a corporation we don't ask under this bill for the list of shareholders and their home address unless the corporation is a fractional owner of an LLC that rents to the State. And then they are obligated to provide us with a complete shareholders list with a home address if they have it? Now, as my colleague correctly pointed out, the solution is if you're a landlord and you're an LLC you don't rent to the State if you don't want to make this disclosure. Why would we say to the taxpayers that the State of New York can't rent the best property at the best price in the best location because the landlord won't rent to us because we have unreasonable requirements on the landlord? What is the public policy

that's promoted by this bill? Now, if I have your curiosity I'll answer your question in my opinion. Pure speculation. But in my opinion this legislation dates back when LLCs formerly could contribute 150,000 to a political campaign, and a lot of the real estate LLCs in New York City were contributing to Republican campaigns. And so all of a sudden this is a crisis, we need to know who these people are because they're backing Republicans. Now it's not an issue, it was never an issue for corporations because corporations were limited to 5,000 a year. Okay, that was the case seven years ago when this bill was introduced as an effort to extract retribution and illuminate those LLCs that had the audacity to support Republicans. That was seven years ago. Since then we have brought the contribution limits for LLCs back to 5,000. They now have the same disclosure requirements, or a cap, on financial contributions as anyone else. And in addition, we require that if they make a financial contribution they must list their members, right? So we've already solved the political problem, and all this bill does is create practical problems with serious unintended consequences of forcing the disclosure of personal residences. And there is no statutory exception contained in this legislation for those who are the victims of domestic abuse, who have an outstanding Order of Protection, who just got divorced and don't want their ex to know where they live, or the victims of threats or stalking or domestic violence or anything else. And what is the public policy of requiring they disclose their personal residence for the privilege of renting to the State of New York who has gone through its

own process to ensure that this is the best location for the best price for the taxpayers?

So this is a bill that creates problems in search of a solution to a problem that was already solved several years ago and, therefore, I won't support it and I don't recommend it to my colleagues. Thank you, sir.

ACTING SPEAKER AUBRY: Read the last section.

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

ACTING SPEAKER AUBRY: A Party vote has been requested.

Mr. Goodell.

MR. GOODELL: Thank you, sir. The Republicans will generally be in the negative on this bill, although obviously with almost all my members here on the floor, anyone who can and wants to can certainly vote in favor of it should they desire.

Thank you, sir.

ACTING SPEAKER AUBRY: Mrs. Peoples-Stokes.

MRS. PEOPLES-STOKES: Thank you, Mr. Speaker. The Majority Conference is generally going to be in favor of this piece of legislation. However, there may be a few who would choose to be an exception. They can feel free to push their button.

Thank you, sir.

ACTING SPEAKER AUBRY: The Clerk will record the vote.

(The Clerk recorded the vote.)

Mr. McDonald to explain his vote.

MR. MCDONALD: Thank you, Mr. Speaker. Just a clarification. I mean, this is our seventh time debating the bill. I -- I have to be honest with you, I have never heard this conversation about Republicans and LLCs. I just -- I have to be honest with you. I've never heard that. So call me blind on that one. This issue came to me from a local news station in the Capital Region. We have a lot of public -- a lot of public leases, and it was a question about accountability. That's what it's all about at the end of the day, and I still stand behind that principle. As a person who has -- in my former life as a business owner I engaged in a lot of relationships with the State in regards to doing business. I knew going into this that I had to have full disclosure. And it also should be noted that leases with the State government are very desirable. And therefore, going back to my earlier comment, I -- know who you're working with. Know who your partners are going to be. Know what these minimum standards are going to be to make sure that we have full accountability of public funds being addressed. My colleague mentions concerns about those individuals of stalking, domestic violence. We're all very sympathetic to that. We feel very comfortable those issues appropriately mentioned are not an issue when it comes to this and, therefore, I encourage my colleagues to give strong consideration to this legislation.

ACTING SPEAKER AUBRY: Mr. McDonald in the

affirmative.

Ms. Walsh to explain her vote.

MS. WALSH: Yes. Thank you, Mr. Speaker, to explain my vote. So, this is the first bill that we're taking up in what the Majority Leader described as the Sunshine Package. And we take up a Sunshine Package every year, we have four bills that we're considering for our Sunshine Package. Four bills, and this is the first one. I -- I won't be supporting this particular bill for the reasons that my colleague, you know, elicited on debate. But -- but can't we do better than that? Can't we do better than four bills to spread some sunshine? And I would say respectfully to my colleagues that we could start with the way that our own House operates. And I -- I look forward to the package that we're going to be putting forward in the Republican Rules reforms shortly, hopefully within the next couple of weeks, about the way that we run our own House. And I think that there's a lot that we can do, right within the way that we work here that would spread a little sunshine on this process.

So I'll be voting no on this bill. Thank you very much, Mr. Speaker.

ACTING SPEAKER AUBRY: Ms. Walsh in the negative.

Mr. Lavine.

MR. LAVINE: I -- I've listened to both sides of this argument -- you'll have to excuse me because I think I pressed my speak -- speaker button by mistake. But I will say this --

(Laughter)

That I had -- I had some grave reservations about this bill, but having listened to both the argument in favor and the argument against, I think this is a much better bill than I thought initially and I am voting for it.

Thank you.

ACTING SPEAKER AUBRY: Mr. Lavine in the affirmative. And Mr. Lavine, in legislative terms you could just say never mind.

(Laughter)

Mrs. Peoples-Stokes.

MRS. PEOPLES-STOKES: Thank you, Mr. Speaker, for the opportunity to explain my vote. I have never heard the whole political conversation around this legislation either. I have listened to this debate for the last seven years. I think it's really interesting, though, because I can tell you that Mrs. Adams, who gave me \$50 the last time I ran, I had to put her address down on the campaign form. That's without a doubt. Everybody who contributes, we have to know where -- where you live at. And I also know people who have LLCs, and some of them set them up because they don't want people to know their business and they don't want the people to know who's in their business. And so it -- it can't be both ways. And the society where everybody wants transparency, well, let's have it. This bill allows us to get that opportunity, so I'm pleased to vote in favor of it.

ACTING SPEAKER AUBRY: Mrs. Peoples-Stokes in the affirmative.

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

THE CLERK: Assembly No. A02873-A, Rules Report No. 107, Kelles, Simon. An act to amend the Public Officers Law, in relation to reporting of cryptocurrency holdings on the annual Statement of Financial Disclosure.

ACTING SPEAKER AUBRY: An explanation is requested, Ms. Kelles.

MS. KELLES: Absolutely. So, this bill is very simple. All it is is to add cryptocurrencies as a form of disclosure for all government employees and officials. So it's very straightforward.

ACTING SPEAKER AUBRY: Mr. Goodell.

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

ACTING SPEAKER AUBRY: Ms. Kelles, will you yield?

MS. KELLES: Sure.

ACTING SPEAKER AUBRY: The sponsor yields.

MR. GOODELL: Thank you, Ms. Kelles. As you mentioned, this only applies to cryptocurrency, correct?

MS. KELLES: Correct.

MR. GOODELL: Is there a reason why we don't

include other currencies?

MS. KELLES: So, all cryptocurrencies are included in this. This is not a discussion of proof of work or proof of stake or proof of authority or proof of time. It's all cryptocurrencies. If you are referring to other technologies that use blockchain, which is the technology that all of them are based on, many of those are not currencies. For example, it's used to help people register to vote, it's used to transfer medical data. It's used for any number of things, and those are clearly not currencies. But this does cover over 6,000 cryptocurrencies that exist, and this is just adding it to our existing disclosures that are already quite comprehensive.

MR. GOODELL: I see. Is there a reason why we currently do not have any obligation to report, for example, cash or U.S. currency or foreign currency?

MS. KELLES: We do disclose our U.S. currency and foreign currencies. I mean, I -- I know I do when we get forms. I don't know exactly what you're referring to. Can you --

MR. GOODELL: Well, there's no obligation under the current form to report cash, foreign currency, gold, silver, precious metals.

MS. KELLES: True. I mean, if you have cash on hand I understand.

MR. GOODELL: Right.

MS. KELLES: That is not -- I mean, I -- if there's someone who has \$500,000 sitting in cash in their house I think there



are other things we should be discussing. But this is really intended to be for in addition to our existing reporting.

MR. GOODELL: So if --

MS. KELLES: If we want to do the -- the other types I'm happy to discuss that with you, but this is specific to cryptocurrencies.

MR. GOODELL: So I understand why we report stocks, bonds and notes and mortgages because all of those impact corporations and business entities that we might be voting on here on the floor that could impact on their value. Am I correct, though, that there's nothing that we can do here on the floor of the New York State Assembly that would impact the value of -- certainly nothing we would do that would impact the value of cash, foreign currencies or even cryptocurrencies; is that correct?

MS. KELLES: I would not put cryptocurrencies in that same category at all. Cryptocurrencies are obviously, as you know, a new technology. They are sold on digital exchanges. They are used for wealth. There are companies that are cryptocurrency companies. There are companies that are cryptocurrency mining companies that invest heavily in specific cryptocurrencies and have certainly a policy and political agenda with respect to how we should deal with currencies, specifically cryptocurrency. So I would never put them in the same category as cash in your pillow under your bed.

MR. GOODELL: I see. Thank you for your comments. Thank you, Mr. Speaker.

ACTING SPEAKER AUBRY: Read the last section.

THE CLERK: This act shall take effect January 1st.

ACTING SPEAKER AUBRY: The Clerk will record the vote.

(The Clerk recorded the vote.)

Ms. Kelles to explain her vote.

MS. KELLES: Thank you, Mr. Speaker, to explain my vote. I just wanted to acknowledge why this is important. We have a lot of un -- uncertainty around cryptocurrencies, and there's still discussion, for example, at the Federal level; is it a commodity, is it a security. You know, where does it fall on the spectrum of wealth. But we do all recognize that it does fall on that spectrum, and we do also recognize that there are, as I said, cryptocurrency mining companies, there are platforms that have agendas. We have seen tremendous amounts of influence of cryptocurrency on political debate and discussion, and for that reason it seems prudent to make sure that we are all clear when we are engaging in those discussions about future regulation of cryptocurrency that we are all being straightforward and transparent about our associations with the companies that will clearly have a very robust perspective on -- on the issue. So I think that this will -- as -- as is clear that it's in this package, it is a good-government bill. The reason that we had it, the language that we did, it very closely models the language already existing in State law for the securities, but we did not add it to the security section because there is still the discussion of which

cryptocurrencies are securities, is it -- are they commodities, so we created a separate section. I wanted to make that very clear so that everybody understood.

So thank you so much, Speaker, and I stand obviously in the affirmative.

ACTING SPEAKER AUBRY: Ms. Kelles in the affirmative.

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

THE CLERK: Assembly No. A04453, Rules Report No. 108, Raga. An act to amend the Public Officers Law, in relation to the ability of government agencies in New York to claim copyright protection.

ACTING SPEAKER AUBRY: An explanation is requested, Mr. Raga.

MR. RAGA: Thank you. This bill would clarify that State agencies can only claim copyright protection under certain circumstances. In essence, this bill reinforces the principle that business and government is a public business and, therefore, the public should have access to records of our government without any unnecessary barriers. The Federal Copyright Act states that copyright protection is not available for any work of -- of the United States government. However, they admitted state and local governments. It's important that the same apply here in New York State. Currently,

the State and all the local governments and agencies can seek copyright protection on work that was commissioned as a fundamental duty of government.

ACTING SPEAKER AUBRY: Mr. Ra.

MR. RA: Thank you, Mr. Speaker. Will the sponsor yield?

MR. RAGA: Yes, I yield.

ACTING SPEAKER AUBRY: The sponsor yields.

MR. RA: Thank you. I'm looking forward to discussing this with you as I had the opportunity to for many years with Mrs. Galef. So, welcome -- welcome to the copyright FOIL debate.

(Laughter)

So this bill, you know -- and it's been around a number of years, like I said, and I don't know if you're familiar with the matter that I think talked a lot about this years ago which was a -- a case between Suffolk County on Long Island and First American Real Estate. And at the time they had produced tax maps in Suffolk County and an entity reproduced those maps without the consent of Suffolk County and they claimed that FOIL was in direct conflict, basically, with the Copyright Act. And the case made its way through the courts and the courts concluded that that wasn't the case, that -- that they were able to meet -- their accounting was able to meet the purpose of FOIL which was -- is disclosure without having to give up, you know, copyright claims. So is that the type of situation, though,

that -- like, is the intent of this to basically change the law to -- to do the opposite of what that decision did?

MR. RAGA: Thank you. This bill does not change the process of -- does not change the process. In fact, it will -- instances like that will be up to a case-by-case basis, it could be taken up by the courts.

MR. RA: Okay. If -- so -- but what this requires, right, is the copyright would have to be waived, anything produced by the State and local governments as well, correct?

MR. RAGA: Yes, so it would be waived by a State agency.

MR. RA: And what about local governments? Would they be required to waive copyright as well?

MR. RAGA: No, they will not.

MR. RA: Okay. Then they have been one of the changes that's been made over the years with regard to this bill. So my question, though, is copyright, you know, by its nature is -- is designed to -- to protect a -- a work. And, you know, if the agency were to produce something that they have copyrighted, it can be FOILED, they could disclose it, but really what the copyright would allow is say some business takes that government record now and is trying to sell it. If you have a copyright you can say, *Hey, you -- you have to license this information from us or this -- this work. You can't just sell it for your -- for your gain.* If this were to become law there would be no such ability to control the use of that work. So are you

concerned that if the agency is going to waive the copyright, if some entity -- I think we all agree that the taxpayers paid for the work, right, so it should be able to be disclosed, they should have access to it. But if some entity now FOILs it and says, *Hey, I'm going to sell it*, what recourse would the State have if this bill becomes law?

MR. RAGA: Sure. I think if a profit -- if a private company took this information like you're saying and turned it around to be used for profit, that would of course be unfortunate. I'm not aware that that's a common occurrence. I think what's more important is that us members of the Legislature are often in the position of requiring an agency to do something, to produce something. And the primary intent of this bill, and I think what's -- what's at focus is that if a non-profit may be -- would be able to use information produced in a manner that the State record in whatever way may be useful to them and to -- to add value to the public they serve.

MR. RA: Yeah, and -- and again, I think the disclosure part of it is fine, but -- but where I've always had a difference of opinion regarding this bill is the fact that once you waive the copyright you have no way of having any control over the use of that information. So, I mean, you literally can have something that the public has paid to be produced and some business can now start selling it to that taxpayer who already paid to have it be produced in the first place. And that was the issue in this -- in this case I'm talking about. These tax maps were being sold. I'll give you another example, and it came up in one of the memos that we've received in

opposition. We -- I'm sure you're familiar with when we go on the -- you know, when we go on our computers here we have LRS. It, you know, tracks legislation and you can set alerts and all that type of stuff. We're able to license that to people, you know, outside of these walls who have an interest in what's -- what's going on. If we couldn't, some lobbying firm could take all the data and technology, basically, that the State has invested in and sell it to their clients, and the State has no recourse because we can't -- we don't have any copyright.

MR. RAGA: Thank you. I think what's our focus here also is that the scope of -- of its application, it's not like we could take trade secrets and -- and that's part of this. It only applies to documents that are already disclosed by the FOIL request and there's already exemptions at hand.

MR. RA: Okay. Can you just -- I guess last question. Can you give me any kind of example as to what you would see as being something that would meet the exception here?

MR. RAGA: For sure. If an agency produces a generic type of record a potential copyright could be waived. Under this bill, for example, the -- the Department of Transportation should not be able to copyright their own road networks. If an agency produces something that includes artistic work, that would be an exception. Where maybe it could still be subject to copyright, but that particular agency, in its own discretion, can elect to waive the copyright. So, for example, they have their logo and it's appearing on their official materials. If they know those materials are intended to

be shared with the public and that was the primary reason for their preparation, that would be included.

MR. RA: Thank you.

Mr. Speaker, on the bill.

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

MR. RA: So -- so just to, you know, make -- make this point again, I think what we want here is the disclosure of the information. That's fine. I think this can be done without waiving the copyright. We can have language that says, you know, an agency can't deny a FOIL request because the information's copyrighted without them waiving it. Because my concern, again, is with no copyright, anybody can take that work, whatever it is, and utilize it any which way they want including for commercial purposes. And I think the last thing we should want to see is information that the taxpayers paid for now being sold to them by some entity. The other thing is, copyright at its very core is -- is designed to really incentivize work. People, you know -- you know, if I was going to write a -- a book, but if you wanted to you could just take the book and sell it yourself, I wouldn't have a lot of incentive to write a book. And that's the purpose, is incentivizing work. So some of the things that I mentioned, LRS or -- or -- or that type of database or some other work that comes from -- from a State agency that they can, you know, license out for whatever reason, it helps cover the cost, A, but that -- that is the incentive to -- to doing that.

So I -- I think we can have a bill that makes sure



anything that we want to get out in public, you know, FOIL a particular report from an agency or whatever it is, that we can get it out to the public without the State having to actually waive any rights to that work. So because of that I'm going to be voting in the negative. Thank you.

ACTING SPEAKER AUBRY: Read the last section.

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

ACTING SPEAKER AUBRY: A Party vote has been requested.

Mr. Goodell.

MR. GOODELL: Thank you, sir. The Republican Conference is generally opposed to this, but certainly the Republican members are free to vote in favor of it here on the floor of the Assembly.

Thank you, sir.

ACTING SPEAKER AUBRY: Thank you.

Mrs. Peoples-Stokes.

MRS. PEOPLES-STOKES: Thank you, Mr. Speaker. The Majority Conference is generally going to be in favor of this piece of legislation. However, there may be some who will desire to be an exception. They should feel free to do so.

Thank you, sir.

ACTING SPEAKER AUBRY: Thank you.

The Clerk will record the vote.

(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. A04591-A, Rules Report No. 109, McDonald. An act to amend the New York State Printing and Public Documents Law, in relation to requiring State agencies to make available all public documents in a digital format on their website.

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.

(The Clerk recorded the vote.)

Mr. McDonald to explain his vote.

MR. MCDONALD: Thank you, Mr. Speaker. And it's great that we're in unison to round out our Sunshine Package today. And just on this bill, this is a bill that former member Sandy Galef had carried for years, and it required State agencies to make public documents available on their respective websites. And as you know, this Body, the legislative Body, does pass a lot of bills requiring task force studies, reports, to be made available, but what we noticed at times is it's not always publicly available. So this bill will clarify that process that they're in a digital format. That way you can print it,

you can share it, you can store it, you can do whatever you want with it but, more importantly, hopefully become better informed about the proceedings and operations of the State of New York.

Thank you.

ACTING SPEAKER AUBRY: Mr. McDonald in the affirmative.

Ms. Walsh.

MS. WALSH: Thank you, Mr. Speaker, to explain my vote. And -- and I certainly don't mean to rain on -- on my colleague's parade here a little bit. I will be supporting this bill, but I would like to point out that this legislation only says that annual reports and public documents have to be posted on line. Its definition of State agency includes any State office, department, division, board, bureau, commission or corporation, which is great. But it does not include the New York State Legislature or any of its standing special select and joint committees, subcommittees and legislative commissions, and I would just respectfully say to -- to everybody, why not? I mean, why not? I think that if we really want to spread some sunshine that would be a good next bill.

So thank you very much, Mr. Speaker. I'm in favor.

ACTING SPEAKER AUBRY: Ms. Walsh in the affirmative.

Ms. Giglio to explain her vote.

MS. GIGLIO: Thank you, Mr. Speaker, to explain my vote. And while we're speaking of sunshine, it would be great if

third-party contractors that do business with the State or that are hired by State agencies, if they also made their forms readily available either on the State website or on their own website. And that -- that comes with people with developmental disabilities and forms such as the CAS assessments and then also any appeals processes that any candidate may be eligible for.

Thank you, Mr. Speaker.

ACTING SPEAKER AUBRY: 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 and colleagues, if we could now turn our attention to Rules Report No. 101 by Ms. Paulin - this is a chapter amendment - as well as Rules Report No. 79. That one is by Ms. Fahy. In that order, Mr. Speaker.

Thank you, sir.

ACTING SPEAKER AUBRY: Thank you.

That's on the main Calendar, page 5, Rules Report 101, the Clerk will read.

THE CLERK: Senate No. S00837, Rules Report No. 101, Senator Rivera (A04132, Paulin). An act to amend the Public Health Law, in relation to protecting the confidentiality of vaccine information; and to repeal provisions of the Public Health Law relating thereto.

ACTING SPEAKER AUBRY: An explanation is requested, Ms. Paulin.

MS. PAULIN: Yes, of course. The bill is a chapter amendment and changes when the Commissioner of Health may share identifiable information to the CDC without written commitments from Federal health officials and when they will not share that information.

ACTING SPEAKER AUBRY: Mr. Goodell.

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

MS. PAULIN: I would be happy to.

ACTING SPEAKER AUBRY: The sponsor yields, sir.

MR. GOODELL: Thank you, Ms. Paulin. I note that the original legislation passed this Legislature unanimously and had multiple cosponsors, including several Republicans. And the original legislation had that unanimous support in large part because it was very clear that the original legislation prohibited the disclosure of personal identifying information in immunization records beyond what was necessary by the person that was administering it, correct?

MS. PAULIN: Mm-hmm. Yes, of course.

MR. GOODELL: And this chapter amendment eliminates or dilutes many of those protections, correct?

MS. PAULIN: I would say that one of the chapter -- one -- there are two parts of this and the, you know, one of them is a

result of another law that we passed allow -- and so what this would do to compliment that provision is to allow this information to be shared with law enforcement in case fraud was taking place.

MR. GOODELL: But it also --

MS. PAULIN: (Inaudible). I'm sorry.

MR. GOODELL: So the original said, as an example, identifiable registrant information is not subject to discovery, subpoena, warrant or other means of legal representation with very few exceptions. That was completely deleted in this chapter amendment and replaced with language that says a person to whom this information is provided to shall not disclose the identity of such person except as necessary for the best interests of the person or other persons.

MS. PAULIN: So that was -- that's -- that's referring to a slightly different section, and that has to do with the fact that there's been public health outbreaks. So, you know, we had measles, and polio and other things that, you know, have come back, unfortunately, and so the Health Department believed that the burden of requiring a signoff, actually to sign off on -- on the disclosure was just too burdensome, so there was a concern that we would need the information sooner. So there's two parts to this: One, that we would no longer require the signoff. It could -- it's optional; and two, that the information could be disclosed to law enforcement if fraud is involved.

MR. GOODELL: Regarding the language I just

quoted on page 2, who makes the decision that it's in the best interest of a person to disclose their personal identifiable information? I mean, most assuredly any individual can sign a consent, but this is not in a situation where a person signs a consent. They would be involuntary. So who makes the determination that disclosing their personal information is in their own best interest even though they don't give a waiver?

MS. PAULIN: So, this really has to do much more so with the Health Department being able to get that identifying information, again, dealing with public health emergencies.

MR. GOODELL: I see. And likewise, then, it would be the Health Department that would decide whether or not personal identifiable information is to be disclosed in the best interest of third-parties, correct?

MS. PAULIN: For the most part, yes.

MR. GOODELL: Now, the original bill required covered entities to delete personal identifying information except to the extent necessary to maintain records. That has been largely deleted in this chapter amendment, correct?

MS. PAULIN: Again, two purposes are public health and for law enforcement.

MR. GOODELL: I see. Thank you very much, Ms. Paulin.

On the bill, sir.

ACTING SPEAKER AUBRY: On the bill, Mr.

Goodell.

MR. GOODELL: Last year we, as the Legislature, unanimously passed a comprehensive privacy protection bill that dealt with personal identifying information relating to immunizations. And we passed that because we wanted to assure people who are getting vaccines that their personal information could not be widely shared. This chapter amendment eliminates many of those protections. The chapter amendment, in fact, provides that the Health Department can disclose personal identifying information when the Health Department determines it's in your best interest without contacting you or seeking a waiver or consent from you or any of your neighbors. So we now authorize the Health Department, a huge bureaucracy, to basically waive all the personal protections without the consent of individuals. And it goes on to say we delegate now to the Health Department the authority to make the determination that waiving all the personal privacy protections that we gave last year can be done if they think it's in the best interest of other unidentified individuals.

I was a cosponsor on the original legislation because I recognized the need to have strong and effective privacy protections, and I joined with my colleagues last year in supporting the original legislation. Sadly, this chapter amendment eliminates or dilutes the very privacy protections that we, as the Legislature, passed unanimously last year, and for that reason I cannot support it. Thank you, sir.

ACTING SPEAKER AUBRY: Thank you, sir.



Read the last section.

THE CLERK: This act shall take effect immediately.

ACTING SPEAKER AUBRY: A Party vote has been requested.

Mr. Goodell.

MR. GOODELL: Thank you, sir. The Republican Conference is generally opposed to trusting the State Health Department with all of our personal data, and assuming that they will act responsibly after we just got a Federal -- or a State court decision throwing out their quarantine rules that would allow them to quarantine someone with absolutely no due process without even a finding that they were ill. But, those Republicans who support the losses of these privacy protections can certainly vote in favor of this legislation here on the floor.

Thank you, sir.

ACTING SPEAKER AUBRY: Thank you.

Mr. Benedetto.

MR. BENEDETTO: Mr. Speaker, without giving any speeches in favor of the bill, the Majority Conference will generally be in support of this legislation, and those who might have objections are certainly more than free to vote negative.

Thank you.

ACTING SPEAKER AUBRY: Thank you, Mr. Benedetto.

The Clerk will record the vote.

(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. 79 the Clerk will read.

THE CLERK: Senate No. S02222, Rules Report No. 79, Senator Harckham (A00606, Fahy, Levenberg, Kelles). An act to amend the Environmental Conservation Law, in relation to the public awareness and involvement in the 30x30 Conservation Plan.

ACTING SPEAKER AUBRY: An explanation is requested, Ms. Fahy.

MS. FAHY: Thank you. Thank you, Mr. Speaker. This bill is a -- a chapter amendment which follows up on the legislation from last year, and that is -- the intent here is to bolster the resilience to climate change by establishing a goal of preserving 30 percent of our lands and water by 2030. Again, it's a chapter amendment and this technically removes the requirement that we had in last year's bill that would require DEC to provide a written plan and notes that they would still hold one hearing, but post on their website the strategies, methodologies and include the -- this information annually or -- and update that website annually.

ACTING SPEAKER AUBRY: Mr. Smullen.

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

ACTING SPEAKER AUBRY: Ms. Fahy, will you

yield?

MS. FAHY: Sure.

ACTING SPEAKER AUBRY: The sponsor yields.

MR. SMULLEN: Thank you, Ms. Fahy. Just a -- I know we spoke about this in Committee and we also spoke about it on the floor last year when this bill passed. I still have some reservations and I just want to be made clear in public about what the responsibilities of the State in implementing this goal and/or plan because I have some concerns about the actual goals themselves. Thirty by 30 it seems to be is open ended. First question just to make sure what is your appreciation right now from DEC or from whomever about the percentage of land that New York State has under that would qualify for this that's currently under conservation?

MS. FAHY: In rough numbers - and that's part of why we're seeking this legislation - but in rough numbers we've seen anywhere from 17 to 19 percent lower estimates at the federal level and again that's part of why we are looking for this goal. We've been very open to how it is defined. We recognize that that would be done via -- via the regulatory process through DEC because -- because we know we have work to do, but if those estimates are truly that low but because we don't have a good gauge of that it is part of the impetus for this legislation.

MR. SMULLEN: Well, I think it's just the opposite. I think we ought to have good transparency up front. Who signed Executive Order 14008?

MS. FAHY: It would have been the Governor. Oh, do you mean --

MR. SMULLEN: You mentioned the Federal government. What is their role in this process?

MS. FAHY: Oh, you mean President Biden. The Biden Administration did issue an Executive Order again with the similar intent that was after we had introduced this bill a few years ago but yes. This comes out of a -- a report from the UN so this is a national effort as well as a global effort to protect the planet because we know we are having weather-related disasters, we know we are having serious problems with weather -- weather-related disasters as well as climate change throughout the -- throughout the world. So this was tied or the impetus again for this came out of a UN report. President Biden, it was one of the first things he did in 2021 was to issue an Executive Order.

MR. SMULLEN: So, we're following -- we're following the goals of the UN and then we're taking that at the federal level and putting it on the United States. Thirty by 30 is that the goal for the United States?

MS. FAHY: It was issued again by the President as an Executive Order as a goal. This bill was introduced before then but happy to give the President kudos for doing it as well and again the report was by the UN because of the alarming rate that we are losing properties and -- and water.

MR. SMULLEN: But no enabling federal legislation

which would authorize or help the State buy land for either the Federal government or the State to conserve?

MS. FAHY: This is only about New York State, this is only about a goal here in the State. The fact that it has gotten recognition beyond that is I think just fueling the need and recognizing the need to -- to reach these types of goals as a part of climate action.

MR. SMULLEN: So if we pass this amendment and we're essentially going to pass this to our environmental regulation organization the DEC --

FAHY: Yes.

MR. SMULLEN: -- to be able to do it. But does this legislative Body have any further action in the outcome or the results of the planning the DEC is doing? Would we have to approve anything?

MS. FAHY: Would what?

MR. SMULLEN: Would we have to approve anything further?

MS. FAHY: No. Although again it does ask that the website be updated annually. And but again, it's not -- it's not a mandate, there's no funding attached to this, but we will certainly be following those annual reports and what is issued. Again, there will be a hearing held on this. We think it's very important and, once again, I hope New York will help lead these efforts as we have led on so many climate action.

MR. SMULLEN: So, we'll have a public hearing on

this. We, the Legislature, or the -- the -- the Executive branch have some sort of public hearing.

MS. FAHY: The legislation requires that DEC, the Executive branch hold the hearing. But certainly as you know we've held many hearings. We have a new Chair, I'm sure she will have many related hearings but this legislation only calls for the Executive to hold that hearing.

MR. SMULLEN: So there is no Legislative public hearing as a result of this.

MS. FAHY: No, no.

MR. SMULLEN: And this also requires -- obviates any need for a formal plan for DEC to actually come to the public with a formal plan as to how we're going to implement these goals?

MS. FAHY: Exactly. There's nothing formal, there will not be a formal written plan. They will however be required to explain the strategies as well as the methodologies on -- as part of this hearing process as well as document all of this in a website and again do that annually. So it doesn't negate that there's serious interest in doing this given the serious erosion of lands and waters. And again, really hope that we can lead the country in this type of effort.

MR. SMULLEN: And does this forthcoming budget that we're about to pass or are supposed to pass by April 1st of this year, does it have any funding for DEC to implement this initiative?

MS. FAHY: There's a lot of funding for DEC including some increases that we have proposed --

MR. SMULLEN: For this -- for this initiative.

MS. FAHY: Not -- not on this. And this bill again does not require any type of incentives or fundings so no.

MR. SMULLEN: It seems to me that this is a big job and it would be millions of dollars worth of work. It would seem to me to be sensible that we have a line item in this budget. If we're going to pass a law telling DEC to do work that we as a Body ought to give them the resources to do so. It ought to be quite specific if this is such an important issue, let's do it.

MS. FAHY: I -- I think that DEC has supported this and has shared the importance of this. But we also would separately in the budget, as you know the Governor and we have supported increases in their staffing, but there's no -- this is -- this is something we recognize there is a need to do regardless so there was no specific request for funding. And I -- I'm happy -- I appreciate your interest in a line item, quite frankly, but at this time nothing was requested and we think that this is something that really should be available. We should have a good sense of what -- what is available and what we have. I know many of us have passed bills regarding land property -- property easements to -- to help incentivize especially farmers without any particular heirs to give some relief on property taxes and to incentivize appropriate conservation easements. But aside from that this is -- this is something that we hope there's an interest in regardless.

MR. SMULLEN: Thank you. One last technical

question about the percentage of land does the current open space plan which is referenced in the Governor's memo. How much of that is farmland and how much of that is lands of the State of New York that are under water?

MS. FAHY: Yeah, it's not -- it's not delineated at this point again to us that -- that points to the need to have a better grasp of this. Many cases at least Upstate we mostly hear about these types of issues with regard to the Adirondacks. I think we need this for the whole State, we need to have a better sense of what is farmland, what are -- what -- where are our water conservation efforts, where are regular land. So it is not delineated now but that's again part of the reason why we think this is important and that's why also that this goal is important.

MR. SMULLEN: Right. Thank you very much.

Mr. Speaker, on the bill.

ACTING SPEAKER AUBRY: On the bill, sir.

MR. SMULLEN: As we've brought out last year in the bill, the underlying bill-in-chief and this amendment, in my mind this is far too open-ended without clear delineated guardrails as to what this actually means for the people of the State of New York. It's quite easy for legislators in the dense urban areas or the great suburbs around the dense urban areas to say yeah, 30 percent sounds really good. But if you're from the Mohawk Valley and the Adirondacks, a park that has six million acres of public and private land which is way over 30 percent at this point. In my region, in my district, we're --



we're way over 30 percent. What it's essentially doing is taking a good idea and a goal which we've seen in the climate leadership in the Community Protection Act which has been passed, you take a goal-oriented bill and then a climate action counsel led by DEC changes the rules in the middle. You go from playing football to now you're playing basketball and the rules change in the middle of the game. And that's why I was against this before and I would remain so because this will primarily affect the people in districts like mine where there is no 87 square miles of New York City. If you were forced to go to conserve 30 percent of your land, what would that do to New York City? If you were in the suburbs of Long Island or Westchester County or the City of Buffalo or Syracuse, you certainly had to do 30 percent of your land to be conserved this would be a great -- a great change in your districts. And what I don't want it to be done is just simply on the backs of rural Upstate districts that don't have the votes to stop something like this or the votes to create a fair and transparent process in getting to that number. Because I think the number's way over 19 percent. I think that the lands under the State bodies of water, I think lands that are farmland that are -- that are right now being used to produce crops for the benefit of the people of New York State are conserved in a good way. And I think they should be conserved and I think all of the change that's going on with solar, acreage going in -- and the various schemes to change how we use land in New York State ought to be considered before we vote on it. This is in my mind is putting the cart before the horse and no one is a

better or more ardent conservationist than I being from the great area of the Adirondacks. But we want it to be on openly and transparency -- and transparently so we can't change the game again in the future with a simple vote of this legislature. And I understand the merits of conservation but I don't see where it fits in in a federal plan just yet where the lands of the west that are owned by the federal government that are under the Bureau of Land Management. How many are they and how many are already under conservation? Do those count? Are the lands of Wyoming, does that count to offset land in Upstate New York? I don't know. I can't tell from this plan. So therefore, I urge caution and I urge reservation in going forward with a well-meaning gesture that's open-ended and goal-oriented. I urge all of my colleagues to consider it very carefully before voting. I will be voting in the negative as I did on the bill-in-chief. Thank you, Mr. Speaker.

ACTING SPEAKER AUBRY: Thank you.

Mr. Manktelow.

MR. MANKTELOW: Thank you, Mr. Speaker.

Would the sponsor yield?

ACTING SPEAKER AUBRY: Ms. Fahy, will you yield?

MS. FAHY: Sure.

ACTING SPEAKER AUBRY: Ms. Fahy yields, sir.

MR. MANKTELOW: Thank you, Ms. Fahy. Back in the 17 and 19 percent that you spoke of earlier, and I believe that was the same number that we -- we heard last year, I believe when we

had this bill in front of us. Where are we -- where are we coming up -- how are you or whoever coming up with the 17 and 19 percent?

MS. FAHY: Again, we're going off estimates that have been recorded. As best we know they're -- they're rough estimates. We've seen estimates as low as 13 percent of the national level for national numbers. That's part of the impetus for this legislation is one, we need a better sense of this. I actually think we -- we share the same goals as the -- the previous speaker. We know we need to be protective of our farms. We've -- we've spent -- we have a -- a lot of provisions in the one-House budget to help grow our farms and particularly protect the federal farms. So this is -- this is about getting a grasp of what we have and making sure that we are strategically promoting smart development and smart land protections where appropriate.

MR. MANKTELOW: So is it safe to say that the 17 to 19 percent is based off of the Federal government or based off of New York State?

MS. FAHY: It's -- it's an estimate that we receive from DEC and again told that it is a -- a rough estimate and that's why we've decided to reintroduce the legislation to more formalize this process and get a serious accounting as well as get an annual update on where we are given the extraordinary erosion of what we are seeing. There's an estimated -- I think it's one million in the US, again because we don't have good breakouts on this, but in the US an estimated one million acres are lost annually -- annually to

development. And we know from the extreme weather patterns that we are having, as well as a host of related climate change issues, we know we're going in the wrong direction so that is part of why the UN has recommended this across the world to begin to quantify, measure and -- and try to preserve 30 percent of our land and water.

MR. MANKTELOW: So -- so let me ask the next question. In the -- in the Governor's budget if she continues to propose, you know, new housing across New York State and in our rural communities that are very small, the new housing's going to have to go some place. So we're going to want new housing, we're going to want solar power and now we're talking about conserving 30 percent of our land. So if you go outside of a small rural town or village, where are we going to go?

MS. FAHY: I -- I think there's -- I live here in Albany and there's plenty of places. But this bill is about a goal of 30 percent, this is not about the Governor's proposal on the Housing Compact or other related proposals. But this is also tied to what is often referred to as smart growth. When we see developments that have a 12-acre development when the bulk of the actual building is on one acre and we reserve some -- some space, there's a way to do the development to -- to make sure that some of it is condensed as well as leaving some open space on any large development. So it's part of a smart design, smart growth and there's many ways to achieve this. Again, this is about trying to get a sense of what we do have and making sure that we are encouraging smart development as well as

being very again strategic about our farms, our land protection, our forests, our rivers and -- and water bodies, bodies of water.

MR. MANKTELOW: I -- I agree with much of what you said but I -- the one thing I disagree with is part of the Governor's budget with the new housing. That actually does play into this because we in our small communities where we don't have an over-abundance of extra land that's not being used, that -- that plays into everything that we do here on this floor. And the people that we represent back in these communities, they do have grave concern over what the Governor's pushing with housing, why we're pushing the solar projects and now 30 by 30. So another question that my colleague had asked about the water. We are very fortunate to have Lake Ontario, we are very fortunate to have part of Lake Erie, the Finger Lakes, the Erie Canal, our Montezuma Wetlands. Again, I want to ask the question. How much of that property, how much of those water areas are in this 17 to 19 percent?

MS. FAHY: That is again one of the reasons why we are adopting this -- this bill and this measure is to get a better accounting because by their own admission we do not have a good accounting. And again, while this is not about the Governor's proposed housing development, I will add that the Governor has also talked about trying to encourage development around the TOAs, the transportation opportunity areas, to make sure that it is tied to more condensed environmentally-friendly type developments. So where -- where this may help with guiding some of that, that would be

wonderful if -- if the two -- if one helps to guide the other. But again, this all preceded the Governor's first proposal. But back to my 12-acre example. If -- if some of those 12 acres have a wetland on them, it just means you have more condensed housing being built on one of those 12 acres while reserving that, the use of that for the residents. There's -- there's many ways to do it. I represent -- one of the towns I represent is Guilderland and they have been years ahead of folks with trying to do smart planning, smart growth. We've just last year or two years ago just passed a conservation easement for them to again to be able to work with their farmers or large land owners to make sure they are -- it's a highly attractive area and to make sure that they are making appropriate plans and yet keeping that quality of life that the town residents want and that is having -- having lots of open space that makes their -- makes the entire community desirable.

MR. MANKTELOW: Sure. And I -- I remember you talking about that before and they -- they are much further ahead than other areas. Back home as I talked about the water. It's 30 by 30 land and water. Is it going to be 50 percent land, 50 percent water? Can it be 90 percent water, ten percent land? Can it be any mix of that?

MS. FAHY: Again, I answered that earlier. At this point we are not delineating what percent we are -- and we are leaving that up to the DEC to report back. They may come back and say they would like to add in more lands or more types of lands, how much they count farms, wetlands, water bodies. Again, that is -- that is

something that we are going to leave to them and that's part of why we have such rough estimates that we have not been as specific nationally or here in the State.

MR. MANKTELOW: So if DEC does come back and say we need this much more land, where does it come from?

MS. FAHY: Again, it's a goal. There's no funds attached to this. If they come back and say through their assessment over the next year we're only at 27 percent, it will give us a goal and -- and -- and know that we either need to discuss additional conservation easements to encourage or incentivize more or we may come back at 35 percent and recognize we're doing something right in a whole host of communities and that may be a model then to replicate in other counties where there are highly-dense neighborhoods or where -- where we may want to modify other plans. So we don't have a good sense. I think New York, especially when you think of so much of Upstate and Downstate suburban, quite frankly when we first introduced this I was surprised to hear the estimates were only 19 percent.

MR. MANKTELOW: Okay. So when DEC does their public hearing they're going to do a public hearing, correct?

MS. FAHY: Mm-hmm, yes.

MR. MANKTELOW: At that public hearing, will they tell us what percentage we're at and what percentage is water and what percentage is land?

MS. FAHY: What we've required in the bill at this

point is what they're -- what -- that they be explicit about what the strategies are and what the methodologies are. So they may say these are the types of bodies of water they are going to count, they may say a farm, county preserves, local municipal parks. That is something for again, for them to delineate as a part of the strategies and methodologies on their website and as well as the hearing. Whether they would do that before the hearing or after the hearing we are not -- we are not mandating that. The entire piece of this is -- is that this is a goal. We are leaving the flexibility just as -- by the way this was similarly done by the President in the Executive Order. There's a lot of open language as we try to get our arms around this. And again, that -- that's part of the impetus for doing this because we don't have a good number on it here in the State, nationally or around the world.

MR. MANKTELOW: Okay. So DEC comes out with their recommendation, this is what they say we want to do. What recourse at that time does this legislative Body have? If we don't agree with it, what recourse do we have then?

MS. FAHY: We have plenty of recourse. We're a legislative Body. We can deliberate again, we can propose if we're well under a goal of 30 percent, we can start to look at additional incentives, if we're well over we may want to revisit the goal itself. So at this point again nothing is mandated here. We are trying to get just as we've done with a whole host of studies or reports that we require, we are trying to get our arms around this knowing that at least nationally we're losing a million acres a year. That's a pretty



significant number nationally. We know -- we know our weather-related disasters and climate change is getting worse, not better at this time, so this is part of that multiprong effort to -- to look at a whole host of areas that may help us address our goals. And if preserving -- we know that preserving land and water and smart growth -- we just passed a Bond Act a year ago or last fall I should say that is putting billions of dollars into resiliency efforts to help us -- to help protect us from water-related disasters.

MR. MANKTELOW: So -- yeah, I understand the land. I understand, you know, you talk about losing a million acres. We've lost a huge amount of acres to solar and wind projects Upstate and across New York State. My last question to you is, we talk about New York City and we talk about how big it is. What are they going to do to contribute to the 30 percent?

MS. FAHY: As I just mentioned earlier, part of this I would hope includes - but it's not for me to decide - but I would hope includes municipal parks, includes the State parks and -- and more. The rivers that abut so much of -- of New York. So again, I -- I think there's a part of this for all and I would hope at the appropriate time we will see a breakout of what regions have already achieved 30 percent and what regions need work. So that may help direct some of our future efforts with incentives. But again, until we -- until we get a good sense of the measurements here or a good sense of where we are as a part of this, it's hard to develop any strategic plans without having a good sense of exactly --

MR. MANKTELOW: Sure.

MS. FAHY: -- where we are that -- that is -- when we first saw this, when the UN first began talking about this knowing how tied this is to climate change, that's why it made so much sense that we need to have a better accounting. Hard to know what to spend if you don't know what's in your budget. It's the same --

MR. MANKTELOW: I don't mean to cut you off.

MS. FAHY: Sure.

MR. MANKTELOW: I've only got a minute left. I agree with you. I just wish attached to this bill was where we are right now, what's going to be used for this -- for the land, what's going to be used for the water. And I was glad to hear you talk about New York City. So I'm hoping that Central Park, the Hudson River and other areas of New York City will be part of the whole solution, because I know, as you said earlier, some of the things that -- that we have to look at Upstate, I think the whole State needs to be a player in this, they need to have some skin in the game and we can't constantly look to the North to the West, Upstate New York where we're taking up all of our properties, because we are losing them as I said to solar projects, wind projects, the high water from Plan 2014, how much property that took from our lakeshores. And now we're looking at again the possibility of losing property to -- to make this 30 by 30 happen. I -- I want to see the goals. I want to see -- I know what the goal is. I want to see the -- the parameters around that and where we are today. So thank you for your time.

MS. FAHY: Yes. That last thing. Again, I've been proud to sponsor two bills for two of the towns that I represent for conservation easements especially targeted at family farms to make sure that they don't feel those development pressures and that we do encourage smarter growth in those regions. So I -- you know, protecting, helping to grow our family farms, helping to make sure that we are doing this in a smart way throughout the State is part of this goal.

MR. MANKTELOW: So really quick, what percentage of those communities are considered in this?

MS. FAHY: In my region -- in my district, I don't know. There is no -- we don't have -- again, we don't have a percentage of -- I'm part of Albany County and don't have a number.

MR. MANKTELOW: Thank you, Madam Sponsor for that and thank you for the information. Thank you, Mr. Speaker.

ACTING SPEAKER MAGNARELLI: Thank you.  
Mr. Lemondes.

MR. LEMONDES: Thank you, Mr. Speaker. Will the sponsor yield?

ACTING SPEAKER MAGNARELLI: Will the sponsor yield?

MS. FAHY: Certainly.

MR. LEMONDES: Thank you. Two quick questions. One I wanted to go back to the same question I asked in committee. If lands currently encumber and/or those becoming

encumbered with solar projects will count towards the 30 percent or not?

MS. FAHY: I think that's an excellent question. Again, we've left this -- this is a -- a rather short chapter amendment as well as the -- the legislation. We have really put this in the hands of DEC. If for some reason they come back with an answer that we think needs refinement, we will go back at this. But at this point we have not made a requirement one way or the other as to whether solar farms count towards this 30 percent. And I can see arguments on both sides of that.

MR. LEMONDES: Thank you for that answer. And secondly, due to the large acreage footprints around airfields, airports and airstrips, will that land be considered conserved as well for purposes of this?

MS. FAHY: I think that's another excellent question. We've heard a number of examples of this. Again, I see where you could argue this both ways. Those are open spaces but certainly with very protected air rights and access rights, but that is by definition an open space. So we have not delineated how this would be defined, but that is something we will look to DEC to do. And certainly we can revisit it if the -- what they come back with, if there's a debate to be had. We want to encourage more, we want to encourage proper use and -- you know, this is a goal toward climate change and smarter growth. So all of this can be revisited but at this point we are not being specific.

MR. LEMONDES: Thank you. I raise that issue because much of the land in many places in that category is ranched, grazed, farmed, etc. It does -- it does serve multi-purpose uses. And I would think that if it's good enough to be either open space or dual use agriculture, etc. that that would count towards that goal, therefore reduce pressure of which various types of my colleagues have -- have raised.

MS. FAHY: Personally, I think it makes a lot of sense but it's not for me to decide on that but yes, I agree. I mean I think open space is open space even if -- like for instance an air -- an airport it has limited access and limited air rights but it still is on open space. So I think there's a definite argument to be made there but we are leaving that to first be visited by DEC and we can certainly come back.

MR. LEMONDES: Thank you. Thank you, Mr. Speaker.

ACTING SPEAKER MAGNARELLI: Mr. Tague.

MR. TAGUE: Thank you, Mr. Speaker.

On the bill, please.

ACTING SPEAKER MAGNARELLI: On the bill.

MR. TAGUE: Unfortunately this bill, the bill-in-chief, originally I was supportive of and I voted yes, but today unfortunately I'm going to have to vote no. This bill takes transparency away, takes away the involvement of local governments and residents. We did the same thing in the budget three years ago

under a former Governor. We gave all the power to NYSERDA, we took away home rule and now we have a problem with solar farms all across productive farmland in rural Upstate New York. So without the transparency in this and government again telling people what's what and people not having the opportunity to sit in a hearing and ask questions, I'm going to have to vote no on this bill and I would encourage each and every one of my colleagues to do the same. I don't understand why the original bill wasn't signed into law. I -- I just don't get it. Instead we want to take more transparency out of the procedure and give local governments less to say than the residents. So for those reasons unfortunately a bill that I was supportive of now I have to vote no. And if any of you folks care about agriculture or eating or productive farmland in rural Upstate New York, I would encourage you to vote no on this bill. Thank you.

ACTING SPEAKER MAGNARELLI: Mr.

Palmesano.

MR. PALMESANO: Yes, Mr. Speaker. Will the sponsor yield for some questions?

ACTING SPEAKER MAGNARELLI: Will the sponsor yield?

MS. FAHY: Certainly.

MR. PALMESANO: Thank you, Ms. Fahy.

ACTING SPEAKER MAGNARELLI: The sponsor yields.

MR. PALMESANO: Just a couple quick questions.

I'd like to hit on some of the points my colleagues may have mentioned but with this plan for 30 by 30 conservation, these lands that are put in this -- this range, would that basically prohibit the industrial operations from being built with construction on these -- on these properties?

MS. FAHY: Construction on -- on what properties?

MR. PALMESANO: On -- on -- on the lands. Like if you have -- you have open -- open land area, you know, that you're looking for conservation that's 30 by 30 whether it's farmland, whether it's a field, whether it's a forest, will that -- will this -- if this were put in place as these lands go into that -- to meet that 30, does that prohibit any industrial commercialization or construction on those properties?

MS. FAHY: No. This bill has no funds in it to take lands, no takings authority and, you know, again, it is a goal which requires it be published each year via its website and the DEC do this accounting and tell us what their strategies and methodologies are, seek that input via a public hearing so I think there's plenty of transparency here. But certainly there's no takings authorized and no prohibitions on the lands that -- that there are now. There's certainly other processes for that if -- if there's a development for a -- an existing open space that's, you know, as there is with the Adirondacks again. There's plenty of processes in place for those to be reviewed. This legislation would not impact that at all.

MR. PALMESANO: So these open space areas, this

land, they -- there could be developments on this land, you could basically put a solar farm on this land, you could put a wind farm on this land?

MS. FAHY: This -- again, there's other processes for that. This is silent on that. It's a goal trying to get an accounting of what is out there, but it is silent on, you know, on impacting whether a current farm becomes a solar farm. Again, we have many other ways to -- to address that than with a whole host of other layers to go through in order to establish a -- a commercial -- commercial construction or a solar farm.

MR. PALMESANO: I think also on open land we're talking about it could be -- if it's not wind or solar it could be a manufacturing plant could be placed on these lands that you're saying as well? I mean are you saying it just doesn't speak to that?

MS. FAHY: It does not speak to that. You know, we've talked about more about it than the length of the bill at this point. The bill is really open-ended. It is trying to get an accounting and assessment of what we do have. It does not give any explicit authority for additional construction on open space nor does it give any funding for any type of taking or set-aside for -- of additional lands.

MR. PALMESANO: A lot -- a lot during this debate you said well that's going to be up to the DEC to decide.

MS. FAHY: Yes.

MR. PALMESANO: So will the DEC make the



decision on these lands if they can put a solar farm or a wind farm on these properties whether it's a open space land or a forest land?

MS. FAHY: Not through this bill. No. There is no authority on that is granted through this bill. There are other ways for that to be examined and deliberated on but not through this bill. This bill is really about trying to get an assessment of what we have now which, quite frankly, I think is long overdue. The fact that we only have the roughest of estimates here in New York as well as nationally and the fact that we don't have a good sense of what exactly New York City has versus what Upstate has tells me there is an overdue need for this.

MR. PALMESANO: And basically we're putting all of the authority with the DEC to determine which one of these lands -- these lands as they make this assessment how much land is open space, declared open space to meet this conservation plan by 2030?

MS. FAHY: Yes. I had a similar plan about three or four years ago for parks to establish and lay out a trails plan for -- for multi-module hiking, biking, walking, it's very similar. This is -- this is a plan without establishing -- without requiring a written plan, but it is really to give us a sense of what is out there and then happy to continue those conversations but no additional authority is embedded in this legislation.

MR. PALMESANO: Certainly. I think you can appreciate the conversations coming from someone on our side who have great concerns about seeing which we've already seen in Upstate

New York tremendous amount of agricultural land needs to be taking -- not being taken, being used for solar and wind farms. And I mean, quite frankly, you can't blame the farmers. They're getting -- they're getting killed by everything else and policies are being implemented by this Governor and this House. So you can't blame them for wanting to take some funding to help get somebody coming to the bank, but you can certainly understand the concerns many of us have about prime agricultural land being taken off the book or forest land being taken off the book for these commercialized wind and solar farms, right?

MS. FAHY: Yes. I'm -- I am the daughter of two farmers. I more than value our farms, particularly our family farms. So I would hope this type of legislation will help to give us a better accounting and where we need additional incentives to encourage that all the better.

MR. PALMESANO: Okay. Thank you, Ms. Fahy.

Mr. Speaker, on the bill.

ACTING SPEAKER MAGNARELLI: On the bill.

MR. PALMESANO: Yes, Mr. Speaker. I appreciate the sponsor's answers to our questions and trying to clarify some of this issue. I really think this issue kind of boils down to some concerns many of us on our side of the aisle have, certainly for myself when I say it's in the DEC's hands, I don't get a warm fuzzy feeling in my stomach when I hear the DEC is going to make the decision. I like Commissioner Seggos. I don't like some of the decisions I've seen

them make time and time again. One such decision is where they basically continue to deny air permits for construction of natural gas power plants or for renewals. I mean things like that to ensure the reliability -- the great -- but I think in this issue I think a lot of my colleagues you saw the questions directed to the sponsor is about open space and land because we have very strong concerns about prime agricultural land being taken off the -- taken -- taken off the -- off the -- off from agricultural to put solar farms and wind farms. And quite frankly, when it comes to our farmers, who could blame them for wanting to advantage of leases where they could pay thousands of dollars to get some money in their pocket because unfortunately the policies in this House, time and time again all you have to do is go to the Farm Labor Act which is going to be devastating to our family farms. And I remind my colleagues, 98 percent of the farms in New York State are family-owned farms so the family farms. And then also with our -- our forests. You know, we're very concerned about clear-cutting of our forests. I remember a former colleague in a hearing said I don't think -- see the need to clear-cut trees and forests to put up solar farms and wind farms but that's kind of -- kind of -- counterintuitive to what we learned in elementary school where trees absorb carbon dioxide through the process of photosynthesis. I think my concern is putting it in the DEC's hands and what's going to happen if we have this open space, these lands that are in these conservation plans and then are they just going to put up more solar farms and more wind farms across Upstate because we have to meet

our clean energy goals. And quite frankly, you know, I will remind my colleagues, right now in all -- in all this land is being taken from Upstate New York, not from New York City. It's coming off Upstate New York. And I will remind my colleagues, 90 percent of the energy generation in Upstate New York is energy -- is emission free, 90 percent with our wind, our hydro and our solar. Eighty-seven percent of the generation in New York City is fossil fuel, it was like 75 percent before you guys decided to close down Indian Point which provided 25 percent of the power to New York City with clean energy. So I think what I'm concerned about is also this land acquisition that's going to be required and a lot of my colleagues don't realize. Just to -- just to put up -- it takes eight acres of land for one megawatt of energy generation. Think about that for solar, eight acres of land for one megawatt of solar. The climate action council plan calls for 60 gigawatts of new solar, 60 gigawatts. One megawatt -- 1,000 megawatts equals one gigawatt. We're talking about 480,000 acres of solar farms that need to be added to Upstate New York because you can't put them in New York City unless you start doing some rooftop solar. I think there's a great deal of concern from us on our side of the aisle and from I think residents across Upstate New York. And if you talk to local town boards, very concerned. You took away all home rule now allowing local governments and the municipalities and the people decide yes, we want a wind farm in our community. We think we can benefit from it. Or yes, we want a solar farm in our community. We think we can benefit from it. No. You

took away that control just like -- you think New York State knows best just like you're trying to do with the housing plan -- the Governor's trying to do with the housing plan to overrule local control, local input and local authority. And that's the type of policies we continue to see come out of this House and especially with the -- with the so-called green agenda that you're advocating which is, quite frankly, going to bankrupt families, farmers and manufacturers and you're going to continue to see an exodus of more and more New Yorkers and businesses leaving the State. We've already seen 500,000 New Yorkers leave the State in the past two years. You're going to continue that exodus when you're putting plant, place and energy policy, which this is a part of obviously, that requires that type of generation. I mean when you talk about by 2030 anyone who has a gas boiler or furnace, if that gas boiler and furnace goes, you can't replace it with a gas boiler or a furnace. At that point in time you have fully electrify your home and go out and get a geothermal heat pump and the cost associated with that -- it will cost an average homeowner more than \$35,000. The public doesn't understand that. The public doesn't know about it. Are you telling your people in your districts that it's going to cost them \$35,000 to convert their homes over to fully electric? You should be because that's what's happening and it's a runaway freight train. This is all part of an energy policy that basically is going to jeopardize the reliability of the grid and the affordability of our people of the State. And when you talk to businesses and families when you talk about energy policy, the two

things they care about is affordability and reliability. If our businesses can't get affordable and reliability in New York State, you better believe they're going to go some place else where they can do it. So I think this is part of an overall plan. I think the concept of it makes sense but there's too much uncertainty at least for me. I think too much uncertainty for a number of people on our side of the aisle. There needs to be some -- some more guidelines to make sure we can preserve our agricultural land, to make sure we can preserve our forest land, make sure that they're not just clear-cut and putting up solar farms across Upstate New York so we can meet these so-called green energy goals. And it's not green energy goals. Don't believe it. I'm not going to get into that debate about the Congo here -- I'm just saying that's for another time but -- but -- but there's a time and place for that. I'm not going to do it here, but it is part of my concerns with this overall energy plan which this is a part of. And so I just say public awareness is good but public awareness is also good to help educate our constituents about the CLCPA how much it's going to cost them, how it's going to jeopardize reliability of the grid, those things you need to talk about because you're not. Alls you're talking about is green and so-called clean energy. And it's not green and clean and it's not -- certainly not reliable and it's certainly not affordable. So for those reasons, Mr. Speaker, because there's too much uncertainty in this to say that we're going to leave it up to the DEC, again I like Commissioner Seggos as person. I don't have tremendous confidence in the Department of Environmental Conservation on some of the

policies I've seen come out of them and certainly what they've done as far as the CLCPA. There's too much at stake here for our families, our farmers, our manufactures, our small businesses across the State and for that reason I'm going to be voting no on this bill at this particular time. Thank you.

(Applause)

ACTING SPEAKER MAGNARELLI: Read the last section.

THE CLERK: This act shall take effect immediately.

ACTING SPEAKER MAGNARELLI: Party vote has been requested.

Mr. Goodell.

MR. GOODELL: Thank you, Mr. Speaker. The Republican Conference is generally opposed for the reasons mentioned by my colleagues. Certainly those who support this legislation can vote in favor of it here on the floor of the Assembly. Thank you, sir.

ACTING SPEAKER MAGNARELLI: Thank you.

Mrs. Peoples-Stokes.

MRS. PEOPLES-STOKES: Thank you, Mr. Speaker. The Majority Conference is generally going to be in favor of this piece of legislation. However, there may be a few that would desire to be an exception. They should feel free to do so. Thank you, sir.

ACTING SPEAKER MAGNARELLI: The Clerk

will record the vote.

(The Clerk recorded the vote.)

Mr. Lemondes to explain his vote.

MR. LEMONDES: Thank you, Mr. Speaker. I'd like to explain my vote. And one of -- one of the things that I can't support this for is there are significant land masses that have not been taken into account which again would reduce pressure on prime farmland. One of them is simply Fort Drum, 107,000 acres; United States Military Academy, 16,000 acres; Fort Hamilton, 120 acres. Two installations right here in the Capital area NSA Saratoga Springs and Watervliet Arsenal just down the street. I think for those installations that have been -- that are -- that are federally-managed are oftentimes the best conserved land that we have and are highly-managed by federal conservation officers and programs, etc. That has not been taken into account from what I can tell in this bill and should be. Thank you, Mr. Speaker.

ACTING SPEAKER MAGNARELLI: 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 and colleagues, if we could now turn our attention to Rules Report No. 92 by Ms. Fahy, as well as Rules Report No. 93 by Ms. Fahy.

ACTING SPEAKER MAGNARELLI: Page 4, Rules



Report No. 92, the Clerk will read.

THE CLERK: Senate S01346, Rules Report No. 92, Senator Parker, (Fahy, Kelles, Steck -- A00993). An act to amend the State Finance Law, in relation to decarbonization plans for state-owned fleet vehicles; and to repeal certain provisions of the Executive Law relating thereto.

ACTING SPEAKER MAGNARELLI: An explanation has been requested, Ms. Fahy.

MS. FAHY: Sure. Mr. Speaker, this again is a chapter amendment to the bill passed last year that requires -- it's related to the State's implementation of its fleet decarbonization plan. The chapter amendment would eliminate requirements for the Public Authorities to prepare implementation decarbonization plan and just focus on the State agencies themselves. It also requires some interim targets but does not require -- does not establish a statutory concrete timeline for the zero emission fleet conversion and it shifts the planning requirement from Executive Law to State Finance Law. So again, rather technical amendments directing OGS, DEC and NYSERDA to prepare a State fleet procurement plan with the goal, I should add, of -- of having zero emission vehicles by 2035, all new emission vehicles by 2035 and larger vehicles by 2040.

ACTING SPEAKER AUBRY: Mr. Palmesano.

MR. PALMESANO: Yes, Mr. Speaker. Would the sponsor yield for some questions?

ACTING SPEAKER AUBRY: Ms. Fahy, will you

yield?

MS. FAHY: Yes.

ACTING SPEAKER AUBRY: The sponsor yields.

MR. PALMESANO: Thank you, thank you, Ms.

Fahy. I know you this said this is a chapter amendment, but the bill we passed last year, if I'm not mistaken, said that the State of New York would by 2025 ensure that 25 percent of their vehicles State fleet would be electric vehicles; by 2030 50 percent of the State fleet would be electric vehicles and by 2035 the entire fleet would be electric vehicles or light-duty, correct?

MS. FAHY: Yes, that was last year's plan.

MR. PALMESANO: Right. And this one basically removes the benchmark of having 50 percent by 2025 --

MS. FAHY: Yes.

MR. PALMESANO: -- and 50 percent by 2030. So what was the reason for changing any of those benchmarks of 2025 and 2030?

MS. FAHY: It's flexibility. It's flexibility for the Executive.

MR. PALMESANO: Right. So basically they have more planning to make sure things can go -- get along -- go along right that pathway so they can plan it out rather than say okay, I have to have all these done by 2025 and this percentage by 2050. But also -- so just to provide that flexibility in understanding the fact that things could change and you want to have that flexibility and things

can -- you know, the grid might not be ready for it, there may be costs associated with it so it just provides you're saying flexibility for them and to take those benchmarks away, right?

MS. FAHY: Yes.

MR. PALMESANO: Okay. And for heavy-duty it's 2040, correct?

MS. FAHY: 2040, yes.

MR. PALMESANO: Okay. So for everyone else, public, beginning in 2030, that's all new vehicles would have to be electric purchased, correct?

MS. FAHY: You're asking for everyone, not the State fleet now?

MR. PALMESANO: I think -- I think the way I understand just so I get a better idea of this. I mean the reason I'm asking these questions I often hear how the State's going to lead, the State's going to lead. So, and it's really, quite frankly, the State should lead with, you know, decarbonizing, (inaudible) our fleet before we ask anyone else to do so. Wouldn't you agree with that?

MS. FAHY: Yes, but again this bill is only focused on the State fleet.

MR. PALMESANO: Yes, yes. But I'm just trying to understand so -- so heavy-duty is 2040 and it says unless it's not feasible for a particular application. So that means that that would provide flexibility to the State by saying okay, we can't have our heavy-duty fleets be electric for these because of one, maybe there's

cost, maybe the reliability, the range issues, the infrastructure issues because we know we need a tremendous amount of infrastructure both (inaudible) installation and also to the grid, correct, so we can provide some flexibility with that.

MS. FAHY: Again, there's flexibility but keep in mind we've had a lot of chats over the years about electric vehicles and the most recent reports show that electric vehicles now are a comparable price to a traditional vehicle. And I think it was just today I read that GM is planning to within one year has gone up more than tenfold in terms of the electric vehicles they are producing. So actually these goals may be more than achievable now given the extraordinary rapid rate of change and with the prices lowering on traditional or everyday electric vehicles as well as the way we are seeing Detroit just pivot overnight to electric vehicles.

MR. PALMESANO: Right, right. I mean so I mean the marketplace directive certainly would be the best place -- I think the marketplace might be heading in that direction on its own but we're mandating it here in the State of New York.

MS. FAHY: We are mandating it for electric vehicles again because, once again, we are, you know, while we have ambitious goals, we recognize we have to put our -- the incentives and our own use of our own State dollars to make -- to help demonstrate these goals are achievable.

MR. PALMESANO: Right. So, so just to go to the heavy-duty. Heavy-duty for the State is 2040. Heavy-duty for the rest

of the State or heavy-duty for the State fleet is 2040, heavy-duty for the rest of the public beginning after 2040 that's when their new purchases have to be electric for heavy-duty based on the law, correct?

MS. FAHY: 2040, yes.

MR. PALMESANO: Okay. Now, school buses, and I know this is about the State fleet but I think this brings up an important example. If any of you have been taking to your school districts lately, they're in a panic because the budget that was passed last year by your side of the aisle with this issue, now every new school bus beginning in 2027 has to be an electric vehicle school bus purchase, correct?

MS. FAHY: The school buses are not addressed here.

MR. PALMESANO: I understand that. I understand that.

MS. FAHY: And yes, we have heard from some of the school districts on that. But just as we've seen here locally with the CDTA we know the prices of electric buses are coming down --

MR. PALMESANO: No, they're not.

MS. FAHY: -- and we will access. I mean --

MR. PALMESANO: They're not.

MS. FAHY: -- we've given flexibility just as we're modifying this to get more flexibility. We'll get the flexibility I'm sure with the school buses if it's not achievable but we said two years ago we didn't think passenger vehicles would be affordable and now

they're saying they're quite comparable to the -- the passenger vehicles are comparable to a traditional.

MR. PALMESANO: Let me ask you this question: Would you define a school bus as a light duty vehicle or would that be more classified as a heavy-duty vehicle?

MS. FAHY: It has its own classification. I think --

MR. PALMESANO: But if you had to put it in a category, I know it has its own -- (inaudible) --when you -- (inaudible) heavy-duty given the amount of batteries and weight of it, wouldn't you say it's more heavy-duty?

MS. FAHY: Again, I -- they -- they do have categories for those and I don't have it in front of me.

MR. PALMESANO: Of course.

MS. FAHY: Certainly it's not -- it's not a passenger vehicle if that's what you're getting at. It's not -- it's certainly not a traditional sedan so it is definitely much heavier than a passenger vehicle.

MR. PALMESANO: Right. And I think my concern is I mean here we are in this bill because you wanted flexibility, the Governor wanted flexibility, she signed it with that caveat, so now there's no benchmarks that you have to have your fleet 25 percent -- 50 percent -- 25 percent of your fleet by 2025, 50 percent of your fleet by 2030. They just have to have -- the State just has to have their entire fleet converted by 2035, but yet for our school districts a tremendous talk about the electrification unfunded mandate of all

mandates, that's what we're placing on our school districts. I know this doesn't deal with school districts -- school buses, but it's completely relevant and germane to the discussion because when we talk about this issue over and over again, the State talks about how we're going to lead. But yet we're taking our benchmarks out and saying we're only going to need it by 2035 but every school district now, every new bus we have to purchase has to be electric and they're not coming down with all due respect. Last year they were around \$300-350,000. Now they're over \$400-450,000 and becoming more. And there's more to it than just cost, too. There's the reliability of these vehicles as far as where they can go and travel to, you know, as far as territory as well; wouldn't you agree?

MS. FAHY: We have absolutely have work to do but we are over all across the board seeing the cost come down. And remember, we have to take the --

MR. PALMESANO: That is just not true.

MS. FAHY: -- lifecycle here because the operating costs are also lower and we've seen just locally here our CDTA, our transit authority, the buses they have bought, if anything there's a demand for more now just as we're seeing downstate a demand for more because they're quieter, they're cleaner and in our -- in many of the neighborhoods they are -- there's a welcome for that because of the -- of the high rates of childhood asthma. So we've actually seen transit buses become more in demand and more popular. Again, while the cost is still higher absolutely, given what -- how quickly the

conversation has changed on passenger vehicles, our hope is, you know, as we approach these deadlines, we'll see that conversation changing with -- with costs and accessibility on -- on larger vehicles.

MR. PALMESANO: Okay. Thank you, Ms. Fahy.

MS. FAHY: Thank you.

MR. PALMESANO: Mr. Speaker, on the bill.

ACTING SPEAKER AUBRY: On the bill, sir.

MR. PALMESANO: I know this bill and I know my colleagues said well, this just a chapter amendment, why are we debating it? In my opinion this is not just a chapter amendment. This really substantially changes the bill because we totally removed the targets saying by 2025, 50 percent of the electric vehicle fleet for the State for light-duty had to be electric, 50 percent by 2030 had to be electric and by 2035 the entire fleet, light-duty fleet had to be electric, in 2040 the heavy-duty fleet has to be electric. You're totally removing the benchmarks at 2025 and 2030 and for that actually I commend the sponsor. That's what we should be doing. We should be removing these mandates and these benchmarks and if they're goals let's work towards it. Let's see how the market develops, let's make sure the infrastructure develops. But what we're not doing and when we -- when I hear -- we talk about the CLCPA and the clean energy and the green energy, climate change, we always talk about how the State is going to lead. I hear that come over and over from your guys side of the aisle. The State's going to lead, we're going to lead. But yet here we are leaving our school districts out on a limb. If you've



been talking to them they're scared to death about this electric vehicle school bus mandate. The costs are exorbitant. It's going to increase school budgets by -- transportation budgets by over \$2.5 billion a year according to the associations. The -- the -- the electric vehicle infrastructure that needs to be in place is significant. We have one school district in our region in the Horseheads School District, it was said it was going to cost them \$10 million just to bring the power in from the grid into the school. Who's going to pay for that? Is that going to get spread out all over the State like all these other policies that are being implemented as far as like the Quebec line that comes from Quebec, that's going to go from Quebec to New York City that's already going to be increasing our electricity bills by ten percent on the rates. So that's -- we're doing a disservice to our school districts. We really need to put the brakes on the electric school bus. I hope your side of the aisle looks at that issue, too, because they're -- they're scared to death. Come 2027 every new school bus has to be electric. They might get a two-year delay but that's not enough time. They need time to implement this. The infrastructure's not in place. The electric infrastructure's not in place because we got to triple our energy grid, our generating capacity to meet this demand. And so I would hope your side of the aisle would work with us and let's delay this on our school buses and, quite frankly, at a minimum their whole fleet shouldn't be -- the State of New York -- the school buses and school districts shouldn't be ahead of the State of New York in implementing their fleet. The -- the heavy-duty fleet for the State is

2040 but yet every school district has to have their whole fleet converted by 2035? And I would imagine most of you say if you're comparing a school bus fleet, it's more of a heavy-duty given the batteries and the weight and everything else. So we shouldn't be asking our school districts to do it before the State of New York can do it and show they can do it successfully and responsibly. And the State of New York has an out in this language because if not feasible. Well, we should do it for our school districts as well. The Commissioner of Education during the budget hearing raised the alarm about this. She didn't want to come out and say no, that we shouldn't be doing it, but it's on their radar screen and they're concerned about it. I would urge your side of the aisle, please pump the brakes on this mandate on our school districts. If you're talking to your school districts and you're hearing them, they are scared to death of this. There's not enough money to pay for it. I don't care how much money you put into it. There's not enough money to pay for it. It's -- it's a substantial cost. And it's not just the cost remember. It's the range issue of the electric vehicles. Yes, maybe the technology is getting better. Let's let the technology get better first before we put this mandate on them.

You know, in rural areas like my - Steuben County is 1,400 square miles. What are you going to do to these schools now that they're going to need more electric school buses to travel to these rural areas. What about when there's transportation from, you know, during a -- you might not think about this because a lot of times I

would say your side of the aisle doesn't think about the long-term implications to some of this stuff. I mean what about sports? When our sectional teams like they have to travel from Jamestown to Syracuse. How many buses are they going to need to bring along the way? How many issues from that perspective? So it's cost issues, there's affordability issues, there's range issues and there's certainly safety issues because we -- you've seen the fires that have been happening with the lithium-ion batteries with -- down in New York City. I know one of my colleagues have put in a bill, we've put in bills on that. This is a big issue with our school buses. What if one of those things catches on fire with our kids on it. I mean there's some safety concerns. We need to make sure we're making -- mapping that all first to make sure we're not going to have this type of risk to our kids. I mean how are you all going to feel the first time there's a school bus -- electric school bus fire and children die on it. Then what are you going to do? Well, we should have thought about that before. We can't be a reactant. We need to be proactive. Our children are our most valuable people, we need to make sure we're protective of them. And I will say, you know, from a -- from an ironic perspective, how ironic is it that our kids are going to be riding on school buses with batteries, batteries that produce -- are made from cobalt lithium and we know that 70 percent of the cobalt is extracted in the Democratic Republic of Congo using child labor -- using child labor -- they use child labor --

(Applause)

ACTING SPEAKER AUBRY: Gentlemen,  
gentlemen.

MR. PALMESANO: And so they use child labor so that visual kids from the Congo making these batteries that our -- our kids here are riding on the school bus from a safety perspective. I wish my colleagues -- and when I bring up the Congo, when I bring up the child labor issue, I never hear your side of the aisle talk about we're going to lead on that. Commissioner Seggos during testimony says *we're not going to lead on that, that's up to the Federal government to do it*. But when I talk about New York State being just 0.4 percent of the total global emissions, 0.4 and China being 29 percent of the global emissions, it has 1,000 coal plants and building more. Two weeks ago they announced they're going to expand their coal capacity by 70 gigawatts. How smart is this to go down this pathway just to balance climate change on the backs of New Yorkers, families, farmers, seniors, manufactures and small businesses and not take into consideration the affordability, reliability energy grid and just only talk about clean and green, which it's not clean and green because these materials that also -- I talked about Congo producing it, extracting it, but these elements that produce these batteries live in the cobalt, they're produced from China. They control 87 percent of that market just like they control 87 percent of the solar market. Those -- those elements, the materials are produced in China. How do they produce them? Using coal energy. So it's almost like the end justifies the means to all of you. It's like you don't care what the implications

are. You don't care that there's kids dying, being maimed in the Congo as long as it's not happening in New York or the U.S. --

ACTING SPEAKER AUBRY: Mrs. Peoples-Stokes, why do you rise?

MR. PALMESANO: You don't care.

MRS. PEOPLES-STOKES: I'm not going to have this gentleman telling me what I don't care about. He can voice his opinion on the bill, don't tell me how I feel.

MR. PALMESANO: Okay, all right. Fair enough. I'll just leave it at that.

ACTING SPEAKER AUBRY: I think that would be

--

MR. PALMESANO: I'm going to be voting no because there's a lot of problems that need to be addressed. Thank you.

ACTING SPEAKER AUBRY: Certainly.

Mr. Smullen.

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

ACTING SPEAKER AUBRY: Ms. Fahy, will you yield?

MS. FAHY: Yes, certainly.

ACTING SPEAKER AUBRY: Ms. Fahy yields.

MR. SMULLEN: Thank you, Ms. Fahy. I had a couple technical questions that will lead to some responses, I believe.

In the summary of provisions it says this chapter amendment would narrow the scope of the original legislation to exclude public authorities. Could you explain that, please?

MS. FAHY: The last year's version included public authorities in addition to State agencies and this would take up a public authorities and keep the focus on directing the State agencies just because we have so many public authorities it was a little more (inaudible) and the focus is about directing OGS, DEC and NYSERDA to prepare this State flee procurement.

MR. SMULLEN: So this is going to limit this bill to simply those State agencies that New York State in front of their name?

MS. FAHY: Essentially, yes.

MR. SMULLEN: Okay. So how many public authorities are there in New York State? Not a trick question.

MS. FAHY: Yeah. There's a lot -- there's a lot. I think it's in the --

MR. SMULLEN: And would you say that those public authorities at which there are hundreds that are listed on the public authority's control board website, do they have more vehicles or less vehicles than the State of New York proper has?

MS. FAHY: I don't know.

MR. SMULLEN: The answer is they have a lot more.

MS. FAHY: Okay. Combined, yes, combined --

MR. SMULLEN: They have a lot more. Would that include the Metropolitan Transportation Authority will now no longer have to decarbonize its fleet?

MS. FAHY: They're already -- yeah. They're already tied to other provisions.

MR. SMULLEN: I'm just saying they're no longer bound by -- we're passing a chapter amendment on a law from last year that says New York shall decarbonize its public dollar funded transportation assets. And now we're saying public authorities don't have to be included.

MS. FAHY: Last year was focused on the State fleet, this year is also focused on the State fleet as well and more -- and again focused on the State agencies.

MR. SMULLEN: So if you're -- if you're in the Metropolitan Transportation Authority that runs buses all over New York City, do you now no longer have to comply with the elements of the law that we passed last year?

MS. FAHY: They are aggressively moving towards electric --

MR. SMULLEN: But they don't have to --

MS. FAHY: Let me finish -- let me finish. That's under a different plan and under a different proposal. This is focused on the State agencies.

MR. SMULLEN: So they're being let out the decarbonization --

MS. FAHY: They are moving quite rapidly to electrification. If anything the buses they're approved quite popular -- electric buses.

MR. SMULLEN: And I -- and I fully agree. They ought to be moving first and they ought to be moving fastest and they ought to be doing the most to decarbonize in the dense urban areas, that's a good thing.

MS. FAHY: Thus far they are.

MR. SMULLEN: But what my colleague pointed out and which I just like to emphasize is, we're saying as a Body that this fleet of vehicles in the dense urban area that moves millions of people everyday, if it's not good for them they don't have to do it but they can do it on their timeline. But we're saying to the vast majority of public school districts in Upstate New York, you will decarbonize by 2027 because you're going to now be forced to buy electric school buses.

MS. FAHY: First of all, this is not about school buses. This is about the State fleet. Second of all, the MTA is on its own timeline which as I understand is a more aggressive timeline which they've been rapidly moving ahead on and moving -- they're moving faster and further than we are at this point. This is to the State fleet under State agencies. As far as I'm concerned we should all be moving, but the school buses that was addressed last year. There's also a waiver process embedded in that legislation so where a waiver is needed per the comments from the previous speaker, that can be addressed as well where, you know, in -- in certain areas where it



becomes a --a feasibility issue. There is a waiver process. It's the same as we -- it's similar to what we came back at here as to try to provide some flexibility and to better focus to this legislation but that doesn't mean that the MTA or others or school buses aren't also moving toward electric vehicles --

MR. SMULLEN: And who pays for that? And here's the question and this is (inaudible). And this is why this issue is -- is so regionally-based is who is paying for the MTA's transition to electric buses? And they're asking the State to bear that cost. And I understand why, but it's really hard to see --

ACTING SPEAKER AUBRY: So, hold it. One minute, one minute. You asked the question and then you answered your own question. So she can sit down if you want to go on the bill.

MR. SMULLEN: Mr. Speaker, on the bill.

ACTING SPEAKER AUBRY: Go on the bill. I think that's -- thank you, sir.

MR. SMULLEN: My -- my -- my point is here and -- and this is -- is no discredit to the S=sponsor or to the idea of decarbonization, but it's a fundamental fairness issue of having to do with regions of New York State. They have different levels of technology and different timelines to do this actual transition. And this is what's been so irritating about the climate leadership in the Community Protection Act and the subsequent actions of the Climate Action Council and now what the legislature is forcing some areas of the State to do prematurely before the technology is ready. And it's

fundamentally unfair that organizations like the New York Power Authority, the Metropolitan Transportation Authority and all of the State-funded entities that run transportation fleets, whether they're light-duty, whether they're medium-duty or whether they're heavy-duty are now required to do this at the same speed and rapidity in which publicly-funded school districts are required to do so under New York State law as of today. So what we should be doing is repealing the requirement that all electric school buses be done at the same time, and then we can talk about fairness and we can talk about equity for rural communities. So yes, Mr. Speaker. This is a big issue and it was brought on us this afternoon with very little preparation for debate. And if you wonder why there is suddenly such resistance to these ideas and this hypocrisy, now you know why. Because you're asking my school districts to pay and you're letting the people in the dense urban areas --

ACTING SPEAKER AUBRY: Mr. Smullen, we can hear you. You don't need to scream.

MR. SMULLEN: I really appreciate that, Mr. Speaker, because apparently we're not being heard and now you are. I am voting against this bill. It's preposterous, hypocritical and completely, completely preposterous. Thank you, Mr. Speaker.

ACTING SPEAKER AUBRY: Thank you, sir.  
Mr. Goodell.

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

ACTING SPEAKER AUBRY: Ms. Fahy, will you yield?

MS. FAHY: Yes, thank you.

ACTING SPEAKER AUBRY: Ms. Fahy in all graciousness yields.

(Laughter)

MR. GOODELL: Thank you, Ms. Fahy.

MS. FAHY: You're welcome.

MR. GOODELL: This chapter amendment requires these plans to be prepared by every State agency in the next eight or nine months by the end of this year, correct?

MS. FAHY: Yes. Yes. The date is still -- yes, but again this bill has been in the works for I think three years. It's been on our bill list for the last month so with regard to the last comment this bill has been on Third Reading for -- for at least a month but yes, yes.

MR. GOODELL: And this bill now requires that in less than nine months each State agency have a plan on how to convert all of their vehicles to all electric within 12 years, correct?

MS. FAHY: Yes, 20 -- yes, and more for heavier duty vehicles. And let me -- if I may, let me just -- I eluded to this earlier on how plans are so rapidly changing. There's been so much criticism of GM and Detroit over the last few years about moving very slowly on electric vehicles. As we all know they are ramping up dramatically. And it was coincidental because with regard to today's

debate but just today I read that Ford plans to have its factories on pace to crank out 600,000 electric vehicles by the end of this year -- this calendar year which is a sixfold, sixfold increase from what they had in 2022. And they plan to be on pace for two million vehicles by 2026. So, you know, when we first debated this bill over a year ago there was quite a price difference on electric vehicle -- passenger vehicles. Now we are seeing the reports that they are comparable costs. We are moving there. There is a -- there's a waiver process on school buses. We have shown flexibility, we are trying to put in the incentives. We received a lot of money under the Inflation Reduction Act in terms of a domestic made batteries. And in fact we've been awarded some of those right here in Rochester. We are growing jobs in this State as a result of these initiatives and these investments.

Thank you.

MR. GOODELL: Thank you. Now a few weeks ago we passed a bill requiring that as part of this transition that New York State only buy American-made electric vehicles primarily composed of American-made components. And a few weeks ago you acknowledged that there are currently no vehicles that meet that criteria. So my question then is how do we expect the agencies to develop plans to comply with our prior legislation when there are no vehicles that meet that criteria?

MS. FAHY: This bill has been in play for about two to three years. Again, given the extraordinary pivoting of Detroit and others, and the fact that they are ramping up so quickly, faster than --

than anticipated, the agencies are telling us they can meet this. That is part of why we modified some of this. But as you yourself just noted we've got a minimum of 12 years here. Within just a few years of these debates of having some of this legislation, we're now seeing passenger vehicles comparably priced to traditional vehicles. So I tend to be an optimist.

MR. GOODELL: Yes, and I appreciate the points you've been making up. Now the original law that we passed required OGS to do this implementation. And this chapter amendment takes it away from OGS and has every agency developing a plan. But don't all State agencies rely on OGS or State offices and State buildings?

MS. FAHY: It is the three -- it is the three in conjunction that are doing it. Yeah. The agencies requested this type of flexibility because of their own fleets but it's still being led, essentially being led by --

MR. GOODELL: But all the buildings are still under the jurisdiction of OGS, right?

MS. FAHY: Yes.

MR. GOODELL: And in order to implement this plan, all those buildings and the related parking has to be converted to electric charging stations, correct?

MS. FAHY: Yes. Many of them already --

MR. GOODELL: So how is it that the individual agencies can come up with a thoughtful plan on how to make a conversion when the conversion relies on a separate agency OGS that

has to make the infrastructure changes? Shouldn't the planning remain with OGS so that the implementation of the infrastructure corresponds to the conversion of the vehicles? Why are we separating it into two agencies rather than keeping it in one agency?

MS. FAHY: Again, the infrastructure -- every agency is working on this now and as you know we've received billions, there's been billions allocated for this infrastructure just last fall as a part of the Inflation Reduction Act so we're also receiving billions federally to help with this infrastructure, but the agencies themselves have requested this type of flexibility. I would assume the entire plan is still being primarily led by OGS since they are -- they have the bulk of the -- the State fleet as well as in consult with DEC and NYSERDA.

MR. GOODELL: Thank you, Ms. Fahy. I appreciate your comment.

MS. FAHY: I should add and NYPA who is also working on the infrastructure.

MR. GOODELL: Thank you, Ms. Fahy.

On the bill.

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

MR. GOODELL: Thank you, sir. So this bill actually makes a couple of chapter amendments to the original bill. The first chapter amendment is it eliminates the required phase-in of electric vehicles until 2035 for light vehicles, in 2040 for heavy-duty.

So it eliminates the required phase-in. And it instead replaces that phase-in with a requirement that within nine months all the State agencies develop a plan that doesn't need to be implemented in full for 12 to 17 years. And based on legislation we passed a few weeks ago that plan has to show how they're going to convert to American-made electric vehicles with American-made components even though we acknowledge that no such vehicles are commercially manufactured in the United States today. And they're supposed to come up with a plan in nine months on how they're going to make this conversion when each agency relies on an entirely separate State agency OGS to make all the infrastructure changes necessary to provide the charging. And this chapter amendment takes that whole process away from OGS and gives it to State agencies who have no control over OGS even though OGS is the one that has to make the infrastructure changes. Now we're told that the industry is changing dramatically, that prices are going up by the way for school buses, they went up about six percent on a State bid, that just came out a few months ago, but we're told they're going down on light-duty and that the changes are massive. So why are we coming up with a plan in such a changing environment when we know that the plan won't be worth the paper it's written on within a few months after it's written. Instead of making plans that go out 12 years on a changing landscape, set goalposts, set requirements, make more sense. So we're in a situation where this bill fractures the process, takes responsibility away from OGS for the implementation of the conversion, but leaves the actual infrastructure to OGS, fails to

acknowledge that the components necessary for this transition like transformers, which I'm told now have a two-year lead time completely ignores that. It eliminates all the benchmarks that we had in the original bill, requires agencies to come up with a plan on how they're going to convert when they don't have the electric infrastructure and we prohibit them by law from buying any vehicles that are currently commercially available. And then at the same token, as my colleagues mentioned, we set a hard deadline for all the electric school buses. And in my district, most of my district in the Southern tier, we're powered by coal out of Pennsylvania. So we raise the price of school buses from 120,000 to 400,000 so they can run on coal and send billions of dollars to China to finance their huge coal construction. And we import a massive amount of product from the worst polluter in the world so we can run our school buses on coal on a timeline that's completely indefensible. And while we're patting ourselves on the back we excuse ourselves from having to actually make any changes for at least 12 years and instead of having guidelines that are enforceable against ourselves, we replace it with a planning obligation by each agency to come up with a realistic plan on how they're going to act over the next dozen years within guidelines that we know are impossible currently to meet. Other than that I think it's a good idea. I should say somewhat facetiously. Thank you, Mr. Speaker, and again, I do appreciate my colleague's comments and I recognize that these chapter amendments were not initiated by my colleague, but she gets the great opportunity to try to defend them here



on the floor when -- when I suspect some of the changes were kind of forced by the Second Floor Governor's Office. So thank you to my colleague, thank you, Mr. Speaker.

ACTING SPEAKER AUBRY: Thank you.

Ms. Byrnes.

MS. BYRNES: Thank you very much, Mr. Speaker.

Would the sponsor yield just for a couple questions?

ACTING SPEAKER AUBRY: Ms. Fahy?

MS. FAHY: Certainly.

ACTING SPEAKER AUBRY: Ms. Fahy yields, Ms. Byrnes.

MS. BYRNES: My question is obviously we're talking about decarbonization by moving to electric. Would -- in your opinion, does hydrogen constitute electric? Hydrogen buses, other vehicles run by hydrogen, do they constitute electric?

MS. FAHY: Yes.

MS. BYRNES: So if there are, for example, city buses that run via hydrogen, they would meet whatever requirements might be necessary in the future.

MS. FAHY: Yes.

MS. BYRNES: For school buses.

MS. FAHY: Oh, are we talking -- oh, sorry. You're talking about the school --

MS. BYRNES: Well, no. I mean, let's just talk about the city buses.

MS. FAHY: Sorry, I thought you were talking about the fleet, but either way the hydrogen --

MS. BYRNES: Well, either way, there are also vehicles, there's a number of vehicles that are also out there that run on hydrogen. I mean, does hydrogen under the law constitute electric?

MS. FAHY: Yes. We have a new, brand-new plant just a few miles from here that's about on track with already hundreds of employees on track to create 1,200 jobs in the next year all because of our investments in the green hydrogen, so yes.

MS. BYRNES: So what will the State be doing then in order to try not to just effectuate the use and purchase of plug-in batteries, but also the use, potential use of hydrogen-powered batteries? Because obviously the infrastructure necessary is going to be 100 percent different, my understanding is, from just being plugged in to this huge infrastructure grid that we don't have, hydrogen requires a different process and they can even do it mobile. So what would the State be doing to effectuate all options?

MS. FAHY: That's, again, part of a planning process and that flexibility at this point is something we want to see. Plug Power just opened a new plant, again, right on the edge of my district, my former district, and are moving toward from zero to 1,200 jobs practically I think within a year. So yes, there's huge potential for that and -- and there's flexibility. Again, that's part of this planning process. That's why this industry, as I keep saying, this industry is

changing so extraordinarily rapidly, and we are seeing billions in investment to -- to get to achieve these goals.

MS. BYRNES: And the last question I'll have and then we'll move on, is that if things are changing so fast, but also, our -- our schools, our municipalities, the fleet that you want to convert, these decisions, and everything is going to have to be done so quickly, how in the world when things -- when the deadlines are so short and so mandatory at this point and so quick, is there even an opportunity to look out there and make educated decisions financially on the best ways to proceed?

MS. FAHY: Again, this is about the State fleet. The goals are 2035, 2040. So 12 years, 17 years.

MS. BYRNES: Well, maybe --

MS. FAHY: That's -- the planning is this year, but that doesn't mean it's a -- the plan is in blood, it's, you know, certainly it will be adjusted as, you know, as the environment changes or as the, you know, as State fleets are retired and new ones are -- are brought on. But I, you know, and sorry, I was reflecting on in just 2019, we adopted the CLCPA goals --

MS. BYRNES: Right.

MS. FAHY: -- and at that time those were considered quite, quite ambitious. We are moving very rapidly toward those goals. I see this very similarly.

MS. BYRNES: And for the State fleet, you're talking about this timeline, but in other aspects that are being jammed, people

believe, jammed down their throats, you have much shorter times where they have to make major decisions of 450,000 vehicles, you know, with no infrastructure, with no idea what's going on. Does that seem very fair to them?

MS. FAHY: Again, this is about the State fleet, but if you are referring to school buses again, not part of this bill --

MS. BYRNES: Right.

MS. FAHY: -- But if you are referring to that, keep in mind a waiver process was embedded in that and there is new funding being freed up on that, so I'm -- I'm working with my school districts as well, and where we need to give flexibility, we will do that, they have time to do that. It's -- they're not trying to make those purchases --

MS. BYRNES: But isn't the waiver only like for one, maybe two years and only a one-time deal? And then after that you're S-O-L and you have no other opportunities for waivers.

MS. FAHY: That's, again, not this bill so I forget the specifics of it but --

MS. BYRNES: But you can understand our frustration.

MS. FAHY: I represent -- I represent multiple school districts, I have an urban, rural, suburban school district. Where we need flexibility, I will be working with them. In the meantime, though, we want to move forward. We have found with the Transit Authority, transit buses have proved immensely popular, especially

given our asthma rates, especially given quiet zones, so they have so far proved immensely popular. I'm hoping we'll see the same with the State fleet and again with other legislation this -- the school buses.

MS. BYRNES: Thank you for your courtesies.

MS. FAHY: Thank you.

ACTING SPEAKER AUBRY: Ms. Woerner.

MS. WOERNER: Thank you, Mr. Speaker. Will the sponsor yield for one question?

ACTING SPEAKER AUBRY: Ms. Fahy, will you yield for one question, Ms. Woerner?

MS. WOERNER: Yes, thank you.

ACTING SPEAKER AUBRY: Okay. I'll hold you to that.

MS. FAHY: Okay. Thank you, Mr. Speaker. Yes, I will yield.

MS. WOERNER: I think there may be some confusion on the floor, I just want to clarify. This bill has nothing to do with electric school buses; is that correct?

MS. FAHY: That is quite correct.

MS. WOERNER: Thank you very much.

MS. FAHY: Thank you.

ACTING SPEAKER AUBRY: You're a woman of your word, Ms. Woerner.

Mr. Pirozzolo.

MR. PIROZZOLO: Mr. Speaker, if I may, on the

bill.

ACTING SPEAKER AUBRY: On the bill, sir.

MR. PIROZZOLO: So, I would like to call this bill out for what it is. It's just bad. Now I'm not calling it bad because of the green energy initiatives, which you could consider admirable, I'm calling it bad because it's an attack once again on the private sector. This bill is going to negatively affect small business and independent business while we, as the government Body, look down upon the small people and say you must do this, but we are not going to do this for ourselves. And we know what's going to happen in 12 years or 17 years, we're just going to vote to extend and push the can down the road, just like we have with class-size bills, okay? I don't know how many times it's probably happened in this Chamber. But I think that anyone who votes in favor of this amendment that lets the government off the hook on -- we should be taking the lead and we should be showing the private sector this is how you do it. We should be holding ourselves to the same standards that we impose upon everybody else. And until the day that happens, anybody who votes for this should be ashamed of themselves for what they are doing to their district. I will be voting no.

ACTING SPEAKER AUBRY: Mr. Eachus.

MR. EACHUS: Thank you, Mr. Speaker. Will the sponsor yield?

ACTING SPEAKER AUBRY: Ms. Fahy, will you yield?

MS. FAHY: Certainly.

MR. EACHUS: Thank you. First of all, I'd like to thank my colleague, Ms. Byrnes, for bringing up the fact that I believe this bill, am I correct, says zero emission vehicles.

MS. FAHY: Yes, you're correct.

MR. EACHUS: Okay, so I don't know why so many people are so up about electric vehicles. There are other zero emission vehicles being made right now. I believe you made reference to, perhaps a hydrogen plant that's producing hydrogen engines, which by the way, do produce electricity. They do not need batteries, they produce electricity themselves as long as they're supplied with hydrogen. We have such things as biodiesel, and those are out there. And if I'm correct, all you're asking is for these agencies to come up with a plan in nine months, or a little bit less, on how they're going to change, not necessarily to electric, but I'm sure there will be electric involved, but to zero emission vehicles.

MS. FAHY: That is correct, and I will just add this bill has been in play for a few years. The original bill was passed last year, so they have had, in terms of notice on this, for over a year now. But yes, that is correct, the plan itself would be due at the end of this year.

MR. EACHUS: I thank you very much.

ACTING SPEAKER AUBRY: Mr. Eachus, thank you, sir.

MS. FAHY: Thank you.

ACTING SPEAKER AUBRY: Read the last section.

THE CLERK: This act shall take effect immediately.

ACTING SPEAKER AUBRY: A Party vote has been requested.

Mr. Goodell, just in time.

MR. GOODELL: Thank you, sir. It's always good to be on time. The Republican Conference will be generally opposed, but those who support this are certainly encouraged to vote in favor on the floor. Thank you.

ACTING SPEAKER AUBRY: Thank you, sir.

Mrs. Peoples-Stokes.

MRS. PEOPLES-STOKES: Thank you, Mr. Speaker. The Majority Conference is going to be in favor of this piece of legislation. There could be a few who want to be an exception, they certainly have the opportunity to vote at their preference. Thank you, sir.

ACTING SPEAKER AUBRY: Thank you.

The Clerk will record the vote.

(The Clerk recorded the vote.)

Mrs. Peoples-Stokes to explain her vote.

MRS. PEOPLES-STOKES: Thank you, Mr. Speaker, for the opportunity to explain my vote. I just have to remind myself that I'm so grateful that none of us were in the room back in 1941 when a similar conversation was going on about lead paint, whether lead should be in paint. Here we are in 2023 and we're still



paying for that decision that protected business and gave public away. We're still spending money on education, we're still spending money on health care. We're still spending money on trying to rehab and get paint out of communities. We're still seeing children suffer from lead poisoning so at some point, the responsible people in the room have to make some decisions as to what we're using right now in our everyday lives and how it impacts our health status, and how it impacts our environment. So I'm grateful to be here in 2023 and having the opportunity to support this piece of legislation by my colleague Fahy. Zero emissions, there's nothing wrong with wanting to accomplish that goal. It's a great goal, let's go for it and congratulations to the young lady who sponsored the legislation.

ACTING SPEAKER AUBRY: Mrs. Peoples-Stokes in the affirmative.

Mr. Goodell to explain his vote.

MR. GOODELL: Thank you, sir. This is somewhat of an interesting bill because what it actually does is eliminate all the hard phase-in deadlines that were contained in the original. So those who are environmentalists might be quite upset that instead of making a commitment to have 25 percent of our vehicles zero emission by 2025, we've eliminated that. And we've eliminated the requirement that we'd be 50 percent at 2030. And we've eliminated any requirement at all for heavy-duty vehicles until 2040. So rather than forge ahead with leadership in meeting our own objectives, this bill does the opposite. And so I support the environment and I think we

need to lead by example. And why many of my Republican colleagues are opposed to this is not because this bill is taking the lead, it's gone backwards. And they're upset not only is it going backwards, but we're imposing different standards on everyone else. So the public authorities have been eliminated from this requirement to go green, they've all been eliminated. The original statute required them to meet those deadlines, this eliminates that. Yet, when it comes to rural school districts, those buses that went from 120,000 to \$400,000 a piece, that standard stays in place. Let's lead by example, let's treat everyone fairly and equitably, let's do it in a rationale basis, and let's pretend -- stop pretending that we're leading by example when we pass a bill that eliminates all the requirements that were contained in the original bill and put them all off for 12 to 17 years. Thank you, sir.

(Applause)

ACTING SPEAKER AUBRY: Ms. Walker to explain her vote.

MS. WALKER: Thank you, Mr. Speaker. I grew up in Brownsville, Brooklyn, as most people know, and in Brownsville we have a rate of asthma, even for adults, at 14 out of every 100 people suffer from asthma. And as a child, I was one of those individuals. There are roads that go through our community such as Linden Boulevard which, you know, lots of trucks, some of them State-owned, some not, are emitting dirty air into the atmosphere. And particulate matter, once it's emitted into the atmosphere, once it's

breathed in, it affects your lungs, you start seeing symptoms such as runny noses and a lot of things that might resemble to you to be something like the common cold, but not realizing that it is your environment that's making you feel this way. And so from an environmental justice perspective, since we know that there are a lot of roadways that are going through many communities that are Black and Brown within the State of New York. I want to commend the sponsor on her forward thinking because, quite frankly, we do look forward to a time when all states, all vehicles, are no longer emitting dirty atmos -- dirty air into the atmosphere. But I think we, as a State, have an opportunity to lead the way and be the example that we are seeking for everyone to be and become, and so it comes a time when we need to walk the talk. And so congratulations and I look forward to its passage. I vote in the affirmative.

ACTING SPEAKER AUBRY: Ms. Walker in the affirmative.

Ms. Fahy to explain her vote and close.

MS. FAHY: Thank you, Mr. Speaker. Again, I rise in support of this bill and quite pleased and proud of it. And let me just use a line that we used last year in talking about this. The transportation sector accounts for approximately 36 percent of New York's total annual greenhouse gas emissions, 36 percent. So this commitment, this type of plan is long overdue. I'm a little surprised to hear that something we're rolling back so excessively to make this not as effective. This again, applies to all State agencies. Yes, we are

trying to get flexibility just as we've given some flexibility on school buses with waiver authority, and we're giving incentives all along the way, including additional incentives on batteries as the -- as the battery development -- as the Feds have just done.

So this is, again, is long in the works. Just as we've adopted ambitious CLCPA goals in 2019, we are on target to meet those. Do we have a lot of work to do? Absolutely we have a lot of work to do. Will we all be healthier? As my colleague just pointed out as a result, yes, or we wouldn't be making this multibillions of dollars in investments if it wasn't to make ourselves healthier and if it wasn't to prevent additional weather-related environmental disasters that are costing this State and costing this country billions upon billions. I think our previous Governor said in his first ten years in office, 50 billion of State dollars were spent on weather-related disasters. We're either going to address climate change one way and make our residents healthier or address it another.

Again, this is New York leading, this is leading with a plan to get us there starting with our State agencies and having goals that we are already seeing, Detroit is meeting in a -- in a rather rapid way. Thank you, Mr. Speaker. And with that I again vote in the affirmative.

ACTING SPEAKER AUBRY: Ms. Fahy in the affirmative.

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

Mr. Goodell for an announcement.

MR. GOODELL: Thank you, Mr. Speaker. Would you recognize Mr. Norris for an important reminder?

ACTING SPEAKER AUBRY: Mr. Norris for an important reminder.

MR. NORRIS: Thank you, Mr. Speaker. Republican Conference will meet at 5:30 sharp, and that is on time at 5:30.

ACTING SPEAKER AUBRY: Republican Conference at 5:30 sharp in the parlor.

MR. NORRIS: No, via Zoom, via Zoom.

ACTING SPEAKER AUBRY: Via Zoom.

MR. NORRIS: Thank you, Mr. Speaker.

ACTING SPEAKER AUBRY: Mrs. Peoples-Stokes.

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

ACTING SPEAKER AUBRY: Housekeeping, first I believe of this year.

On a motion by Mr. Dinowitz, page 7, Calendar No. 11, Bill No. 1880, the amendments are received and adopted.

Numerous fine resolutions, we will take them up with one vote.

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

(Whereupon, Assembly Resolution Nos. 191-193

were unanimously adopted.)

Mrs. Peoples-Stokes.

MRS. PEOPLES-STOKES: I now move that the Assembly stand adjourned until 10:00 a.m., Thursday, March the 16th, tomorrow being a Session day.

ACTING SPEAKER AUBRY: The Assembly stands adjourned.

(Whereupon, at 5:16 p.m., the Assembly stood adjourned until Thursday, March 16th at 10:00 a.m., Thursday being a Session day.)