

WEDNESDAY, APRIL 27, 2022

11:27 A.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, April 26th.

Mrs. Peoples-Stokes.

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

Speaker, I move to dispense with the further reading of the Journal of Tuesday, April the 26th and that the same stand approved.

ACTING SPEAKER AUBRY: Without objection, so ordered.

Mrs. Peoples-Stokes.

MRS. PEOPLES-STOKES: Thank you, sir. Even knowing Earth Day was on Friday, we're still in the process of (inaudible), we're still on Earth Day. And I'd like to share this comment from -- this quote, rather, from Mahatma Gandhi, which I think is -- is very profound and speaks very much to the work that we've been doing in this House for decades. *Earth provides enough to satisfy man's needs, but not enough to satisfy every man's greed.* Again, that's Mahatma Gandhi, and folks know who he is and the legacy that he left.

Colleagues have on their desk a main Calendar. Mr. Speaker, if there's any housekeeping or introductions, we will take up resolutions on page 3 which I believe that some of our colleagues -- members would like to speak on. We will then follow up on our -- with our Earth Day package with Calendar No. 427 by Ms. Fahy; Rules Report No. 81 by Mr. Pretlow; Rules Report No. 82 by Ms. Fahy; Rules Report No. 85 by Mr. Englebright; Rules Report No. 86, Ms. McMahon; Rules Report No. 87, Ms. Fahy; Rules Report No. 88, Mr. Englebright; Rules Report No. 90, Mr. Englebright. There may or may not be a need for a Majority Conference after our floor work is complete, and clearly we will always consult with our colleagues to

determine what their needs may be as well, Mr. Speaker. There also is going to be a need for a motion to discharge by our colleagues on the other side of the aisle. We will take that up at some point before we leave today.

That is a general outline of where we're going, Mr. Speaker. If you have housekeeping or introductions, now would be a great time, sir.

ACTING SPEAKER AUBRY: Certainly, Mrs. Peoples-Stokes.

MRS. PEOPLES-STOKES: Thank you.

ACTING SPEAKER AUBRY: We will move directly to page 3 on resolutions.

The Clerk will read, 770.

THE CLERK: Assembly Resolution No. 770, Ms. Joyner.

Legislative Resolution memorializing Governor Kathy Hochul to proclaim April 24-30, 2022 as Infertility Awareness Week in the State of New York.

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

THE CLERK: Assembly Resolution No. 771, Mr. Cymbrowitz.

Legislative Resolution commemorating the observance of Holocaust Remembrance Day in the State of New York

on April 28th, 2022.

ACTING SPEAKER AUBRY: Mr. Cymbrowitz on the resolution.

MR. CYMBROWITZ: Thank you, Mr. Speaker. This year I'm proud to once again to introduce the resolution commemorating Yom HaShoah, Holocaust Remembrance Day, in New York State. It's so important that we take the time to reflect on the Holocaust, to learn, to mourn the six million who were lost, and pay tribute to survivors like my parents who had the chance to rebuild their lives. Now in 2022, this period of reflection is more important than ever. Yesterday the Anti-Defamation League released its annual audit of anti-Semitic incidents in the United States. The news was alarming. Nationwide, anti-Semitic incidents hit a record high in 2021, 34 percent over the year before. In New York, the ADL reported 183 incidents of harassment, 182 reports of vandalism, 161 cases involving swastikas, and 51 assaults. The assault figures for our State were the highest that were ever recorded since the ADL began its annual audit almost 45 years ago; a 325 percent jump from the dozen assaults recorded in 2020. This disturbing new report illustrates why Holocaust education is so important. Learning something from history can stop destruction before it happens, diffuse bias motivated behavior, and ensure that our young people have the foundation that they need to treat all people with fairness and compassion.

As the number of Holocaust survivors dwindles and knowledge of the Holocaust here and around the world fades with the

passage of time, it becomes our responsibility to speak for those who can no longer talk about their experiences. It is our job to bear witness for them, to remember those who perished and to remember the price they -- that we pay when people stay silent in the face of wrongdoing. As a society, we cannot afford to pay that price again. *Without memory, there will be no civilization, no society, no future.* Those are the words of Nobel Laureate Elie Wiesel, and they are true and powerful. We commemorate Yom HaShoah in order to remember all who endured the Holocaust. We remember those who perished because of hate, and those who miraculously survived. And most of all, we must -- we must make sure the world never forgets. Never again. Thank you, Mr. Speaker.

ACTING SPEAKER AUBRY: Thank you, sir.

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

THE CLERK: Assembly Resolution No. 772, Mr. Palmesano.

Legislative Resolution memorializing Governor Kathy Hochul to proclaim April 2022 as Organ and Tissue Donator -- Donor Awareness Month in the State of New York, in conjunction with the observance of National Donate Life Month.

ACTING SPEAKER AUBRY: Mr. Palmesano on the resolution.

MR. PALMESANO: Thank you, Mr. Speaker, and my colleagues. Every year we pass a resolution here in this Chamber

to proclaim April as Organ Tissue and Donor Awareness Month in conjunction with Donate Life Month. It's been a privilege for me to work with our former colleague, Assemblyman Ortiz since 2013 on this issue, but from 1992 to 2012, our former colleague and friend, Jim Conte, introduced this resolution on the floor. For those of you that did not know Jim, Jim was a two-time kidney transplant recipient, a great human being, and a staunch and tireless advocate to promote Organ Donation Awareness. He sat right here where Mr. Goodell sits. He was our floor -- he was our floor leader. But even more than that, he was the heart and soul of our Conference. Unfortunately, we lost Jim who passed away in October of 2012. And although his passing left a hole in the heart of this Chamber, his memory mission to promote organ donor awareness lives on.

But it is incumbent upon each and every one of us to carry on his important mission and message because it is literally about saving lives. When Jim spoke about this issue, he spoke about it with emotion, with passion and facts. So let's talk about some of the facts. Currently in New York we have nearly 8,500 New Yorkers waiting for an organ transplant; 1,300 New Yorkers who have been waiting for more than five years. We have 52 registries across our country and we have -- New York is number 50 out of 52. We're only ahead of Puerto Rico and New Jersey for donor registration. The national average is 62 percent. New York is number 50 at 45 percent. We have the third highest need for organ donors, but the third worst donor enrollment rate. And last year in 2021, we lost 450 New

Yorkers, men, women, and children waiting for a lifesaving organ transplant. My colleagues, this is unacceptable. We can and we must do better.

But really the most important fact and stat that you really need to know, one person, just one person who donates at the time of their death can save up to eight lives and impact and improve the lives of 75 others through eye and tissue donations. Remember, one person that donates at the time of their death can save up to eight lives and impact up to 75 others.

We have stories and members of this Chamber who have been impacted by this issue. Former Assemblyman Bill Hoyt died on the Assembly floor waiting for a heart transplant. No one knew until that day. Former Assemblyman Richard Brodsky's wife -- a daughter, Willi, received a kidney from his wife. Our former colleague Assemblyman Ortiz became involved in this issue when his mother was in need of an organ transplant. We have members in this Chamber here today that have been impacted by this. Andy Goodell, his daughter donated to a high school classmate. Mike Fitzpatrick, his staffer donated to a complete stranger, and our distinguished Majority Leader, this issue is important to her and has impacted her and her family.

Mr. Speaker, my colleagues, for me this is a deeply personal issue. When I think about this issue I think about my sister, Teresa. Teresa was a two-time -- Teresa was a juvenile diabetic and the disease impacted her dramatically. She received two transplants,

first in 2000 from the kindness of a stranger and then in 2006 I had the privilege to donate a kidney to my sister. Unfortunately, in 2013 we lost my sister at the age of 50. But I realized, my sister Teresa, she was a lucky one, she received two transplants. I did not know how bad -- the numbers were until I came up here and stepped on the Chamber floor in 2011, but I have seen it firsthand how organ donation can impact a family.

But we've taken many positive steps over the years to help bring awareness and make progress. When I used to talk about this issue years ago, I was talking about a 23 percent organ donation rate, not 45 percent. When I talked about this issue years ago, I was talking about over 10,000 New Yorkers on the wait list, not nearly 8,500. That's because we passed Lauren's Law back in 2012, named after Lauren Shields, a heroic 12-year-old little girl who had a lifesaving heart transplant, but then let her name and not just her name, but her face and her powerful voice become a fierce advocate. So now when you sign up for your license, they ask you the question do you want to be an organ donate -- donor and you have to say yes or skip the question. In 2015, we passed law -- a law that allowed 16- and 17 year olds to register intent to become an organ donor. I have to tell you as a dad, I was never so proud when my daughter and son came home with their driver's permit and the organ donor was checked off on the card, and we didn't really discuss it. We also took some very important action several years ago in 2017 when we activated and created an online donor registry to answer a few

questions about whether you wanted to be -- you answer a few questions and then sign up and you're a registered organ donor. That has helped transform.

So yes, we have made progress, but my colleagues, we can and must do better. And I understand when we talk about this issue some people might not want to think about it because you're talking about one's own death. But then I ask the question, what if one of your loved ones was on the transplant list, your mom or dad, your brother or sister, husband or wife, or God forbid your son or daughter, and they were in need of a lifesaving organ transplant and you heard some of those numbers. Maybe people would think about it a little differently.

You know, we pass a lot of bills in this Chamber, some good, some not so good. But this issue can actually save lives and we should agree to work on it. It does not require a bill, not even a lot of money, but it does require our commitment and our effort on our part to advocate, educate, and promote awareness to encourage people to become an organ donor. You may ask, *What can I do?* Well, number one, if you're not, register to be an organ donor and talk to your family and friends about it. Use your office to promote organ donation awareness through your mail or your social media. Post links on your website and social media. Partner with Donate Life to put that information out there. Let's work together to expand opportunities.

So there's much, much more we can all do together.

Let's work, again, together to expand these opportunities to engage and ask the question to the public to register them. Give them a chance to say yes. I am firmly convinced the more we put the question in front of people, the more they're going to say yes. Because we should put the question when they're filing their taxes, ask them that -- on that, let's do it on college applications for higher ed, for applications for public assistance, professional licenses, all of those things, we should ask that question, give the people in New York a chance to say yes and they will. Let's partner with our libraries. Let's create a Libraries for Life campaign. The more we ask the question, the more generous New Yorkers will commit and sign up to be an organ donor.

You know, in conclusion, Mr. Speaker, you know, I talk about our colleague, Jim Conte. Individually, no one could speak to this issue like Jim did, and what he did as an individual, there's no one better than him at it. But collectively, together as a Body, we can do so much more to bring this issue forward and improve our numbers and to bring awareness and attention to educate the public. And most importantly, yes to save lives. And quite frankly, that is what Jim would want us to do. He would want us to work together. And so after passing this resolution, let's just not move on as April moves into March -- May, let's continue to promote this year round. Let's use our offices to put that awareness out there. Let us talk to people. And, Mr. Speaker and my colleagues, we can improve the quality of lives and, yes save lives.

So I thank Mr. Speaker and my colleagues for your indulgence on time and supporting this important -- important issue in our State. Thank you.

ACTING SPEAKER AUBRY: Mrs. Peoples-Stokes on the resolution.

MRS. PEOPLES-STOKES: Thank you, Mr. Speaker, for the opportunity to express some thoughts regarding this resolution. I'd first like to, of course, honor my colleague for introducing the legislation -- the resolution. This is a very important topic for not just New Yorkers, but for the world. I certainly do want to honor our former colleague, Richard Brodsky, who I had the opportunity to serve with, who became an organ donor to his family, and certainly to Mr. Conte, who I had an opportunity to serve with. And I want to honor my daughter who had an extra two years of life because someone decided to be a donor. And that's just how significant it is, it actually will extend someone's life if you decide to make that decision.

And, by the way, there's so many ways to do it, it's really easy just to decide. None of us are going to get out of here alive, we're all going at some point. Do you have to take everything that's still left with you? Can you leave something as a legacy more than just your resources and your assets? Can you leave an organ that will benefit someone and perhaps give them another two years, another three years or, quite frankly, I know people who have lived for 20 years with a donated organ.

So I'm just going to leave you with another quote,
Mr. Speaker: *A transplant is the ultimate legacy a person can leave
and the greatest gift to community service can be provided.* Please
decide to be an organ donor.

ACTING SPEAKER AUBRY: Thank you.

Ms. Fahy on the resolution.

MS. FAHY: Thank you. I came up this morning for
legislation, so I wasn't planning to speak to this resolution, but I -- I
must stand and commend the sponsors and -- as well as the Majority
Leader for her comments. This issue became very personal to me this
year as we were faced with this issue just eight weeks ago. And
because my son, Brendan Fahy Beckett, was already in the registry,
things happened very fast for him at the end and there were a lot of
conversations we had avoided and had not had. And so we didn't have
to have a conversation with him about donating because he was
already registered. And so in the end because cancer was throughout
his body, he was only eligible to donate his eyes, but I was very proud
that he gave my husband and my daughter and myself and his
girlfriend a lot of comfort to know that somebody might benefit to the
loss of his life.

And again, had we not moved to put those on the
driver's licenses, it prevented us from having to ask him those tough
questions, but it gave us personally great solace to know that even
though the rest of his organs could not be donated, that maybe
somebody would get the vision of sight if they did ultimately accept

his eyes. So I cannot say enough how much I have now personally appreciated your advocacy and your work, because that preregistering does make a difference. And I would be remiss if I didn't also comment, on numerous occasions we had to really advocate to get him blood when his blood levels were low, as well as platelet transfusions, and my son also had three stem cell transfusions. And if it weren't for those who donate blood, donate platelets and more, that would have even been more difficult because of the continual shortages, so thank you for your advocacy on that.

Again, I didn't come out to speak, but you couldn't help but trigger some very personal issues, and I truly admire your work and that of the Majority Leader. Those sacrifices have made a difference in so many lives. Thank you. With that, Mr. Speaker, I support this resolution.

(Applause)

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

THE CLERK: Assembly Resolution No. 773, Mr. Anderson.

Legislative Resolution memorializing Governor Kathy Hochul to proclaim April 2022 as Second Chance Month in the State of New York, in conjunction with the observance of National Second Chance Month.

ACTING SPEAKER AUBRY: Mr. Anderson on the resolution.

MR. ANDERSON: Thank you, Mr. Speaker, on the resolution. So you know, today and this month is so critical and so important. We have an opportunity as a State to recognize the fact that folks who are justice involved deserve a second chance, deserve a second chance and opportunity at life. Deserve a second chance and opportunity for housing, but to properly also integrate back into their communities. Every person of color in some way, shape or form is impacted by the criminal injustice system, and impacted by mass incarceration. And it's so critical that this month we recognize and acknowledge that folks do deserve that second chance.

New York must strive to provide formerly incarcerated individuals, especially those who were incarcerated due to crimes of poverty, and it is vital that we are committed, committed to undoing the harms of racialized policies that led to disproportional representation of Black and Brown communities across the criminal and juvenile systems here in the State of New York.

And so as implementing Second Chance Month for the first time in this particular Body is critical, and acknowledging April as that Second Chance Month is also critical. There are so many barriers that prevent the over 70 million Americans with criminal records from efficiently supporting themselves and their families. And so how long will we continue to be a State, how long will we continue to be a society that allows for perpetual punishment to impact the lives of our folks who are returning home.

I want to read this critical stat: Approximately

700,000 individuals annually in the United States are returning home from prisons, and an additional nine million are released from county jails. Are we now saying that when they return home they must continue to be punished? No, we are not saying that, nor should we. And so we must, as a legislative Body, continue to promote and push legislation that acknowledges that folks have served their time and that there are resources and programs to ensure that they don't end up back or recidivize and end up back in the criminal justice system.

And so we also have to acknowledge that there are many, many stories in which individuals have been wrongfully incarcerated, wrongfully prosecuted. And so to that end, those individuals also deserve a fair chance at reintegrating. I have family members, I have friends and folks and -- and many people across communities of color have been impacted by the criminal justice system and mass incarceration. This is our opportunity to work to right those wrongs and acknowledging April 2022 as Second Chance Month in the State of New York. I also want to acknowledge my colleague who has served time here -- served time, but is now serving a second chance over leadership and commitment for his community, and we're so grateful for his service, but also for the model that he serves for his community here in New York City.

So Mr. Speaker, I'm proud to vote in the affirmative on this very critical resolution in acknowledging April 2022 as Second Chance Month in the State of New York, and I encourage my colleagues to do the same.

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

THE CLERK: Assembly Resolution No. 774, Ms. Bichotte Hermelyn.

Legislative Resolution memorializing Governor Kathy Hochul to proclaim April 2022 as Sexual Assault Awareness Month in the State of New York.

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

THE CLERK: Assembly Resolution No. 775, Mr. DeStefano.

Legislative Resolution memorializing Governor Kathy Hochul to proclaim April 2022 as Bullying Prevention Month in the State of New York.

ACTING SPEAKER AUBRY: Mr. DeStefano on the resolution.

MR. DESTEFANO: Thank you, Mr. Speaker, for the opportunity to speak on this resolution. Far too many people in our State are either bullies or victims of bullying. Thousands of young people stay home from school every day because they fear of getting bullied. Bullying is compromised of direct behaviors such as teasing, taunting, threatening, hitting, and stealing, as well as indirect actions including the spreading of rumors, intentional exclusion, and causing

social isolation, all of which amount to physical or psychological intimidation, harassment, and abuse. Both bullies and the people that harass are at an increased risk for substance abuse, academic problems, and violence both in adolescence and adulthood. In addition, those who stand by passively watching and encouraging bullying are also affected by these hostile acts.

On the other hand, individuals who choose to practice unselfish generosity and who lead by example leave a trail of -- of positive feelings in their wake; therefore, it is imperative that there are continued public awareness around the serious issues of bullying and encourage New Yorkers to practice kindness towards all people.

What can we do to prevent bullying? Parents, school staff and other caring adults have a role to play in preventing bullying. They can help kids understand bullying, talk about what bullying is and how to stand up to it safely, tell kids bullying is unacceptable, make sure kids know how to get help. Keep the lines of communication open, checking with kids often. Listen to them, know their friends, ask about their school and understand their concerns. Encourage kids to do what they love. Special activities, interest in hobbies can boost confidence and help kids make friends and protect them from bullying behavior. Help kids by understanding that bullying is -- can be better identified. They can talk about bullying and if it happens to them, kids need to know ways to stand up to bullying and how to get help. Encourage kids to speak to a trusted adult if they are bullied or see others being bullied. The adult can

comfort, support, and advise them if they can't solve their problem directly, encourage the child to support -- to report bullying.

Mr. Speaker, I -- I want to thank the members on both sides of the aisle for supporting this bill. Either we know someone or we've been ourselves bullied in the past whether we were a child or an adult, and that's why I'm putting my whole heart and support behind this and thank my -- my colleagues on both sides of the aisle and thanking them for making this a very important issue because as a child, I was bullied, I was, you know, short, fat, happy and stupid and I -- I took that a lot and it took me -- it took me to a different level in my life where I wanted to make sure that people did not have to go through that what I had to go through back when I was younger and I was in school. And I thank my colleagues for supporting this resolution. Thank you.

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

THE CLERK: Assembly Resolution No. 776, Mr. Smith.

Legislative Resolution memorializing Governor Kathy Hochul proclaim April 2022 as Mathematics and Statistics Awareness Month in the State of New York.

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

We will go to page 32, Calendar No. 427, the Clerk

will read.

THE CLERK: Assembly No. A05390-B, Calendar No. 427, Fahy, Simon, Thiele, Griffin, Steck. An act to amend the Environmental Conservation Law, in relation to setting conservation goals for the State and including efforts to combat the biodiversity and climate crises in the State's land acquisition policy; and providing for the repeal of such provisions upon the expiration thereof.

ACTING SPEAKER AUBRY: Explanation is requested, Ms. Fahy.

MS. FAHY: Thank you. I feel like I have a knack for timing, but thank you everybody. Really, I appreciate the -- the warmth in this place.

So I rise today on a bill to set a goal, and that goal is that we would set aside at least 30 percent of the State's land and water by 2030. So this bill would direct the DEC, or Department of Environmental Conservation, in consultation with the Office of Parks, Recreation and Historic Preservation to develop strategies to conserve that 30 percent of our -- of our land. Depending on what estimates you use, some put us at about 19 percent right now, but this bill was an outgrowth of a record issued over two years ago, January 2020, when the UN Convention on Biological Diversity issued a global diversity framework and proposed a goal of conserving 30 percent of the planet by 2030. It's intended to protect our -- protect our biodiversity and to avert some of the -- the worst effects of climate change, which I feel like we see every week, quite frankly, but it's also

to protect our food supply chains, our ecosystems, and more. Thank you.

ACTING SPEAKER AUBRY: Mr. Smullen.

MR. SMULLEN: Well, thank you, Mr. Speaker. Would the member from the 109th District kindly yield for some questions?

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

MS. FAHY: I'm happy to.

ACTING SPEAKER AUBRY: The member yields.

MR. SMULLEN: Well, Ms. Fahy, thank you very much for that explanation, and please allow me to express my condolences on your loss and for your courage in coming to the Chamber and speaking out as you did on the previous resolution. It's -- it's very admirable. I appreciate that very much.

MS. FAHY: Thank you. Thank you.

MR. SMULLEN: I do want to ask some questions about this -- the 30x30 bill that we're discussing today and it's really important I think. We talked about this in Committee for the last couple of years and now here we are on the floor attempting to pass it. And, you know, perhaps it becomes law and then we have a goal that becomes law. It's very similar to how the CLCPA set a lot of goals as a law, and then we've had subsequent legislation that's -- that's affected that. And my -- the nature of my questions are how this legislation, and I understand what the legislation is, but how it will

affect the future of land use in New York State and how we as a State view those things. And -- and that will be the -- the gist of my questions.

So how many acres right now would the 30 percent goal affect in New York State overall? What is -- what is your target in this legislation for land to be placed into some sort of conservation management?

MS. FAHY: Well, again right now, again, some estimates, including the DEC estimate, has us at 19 percent. The goal is 30 percent but that includes land and water, so it -- it could be a mix and I don't have the exact estimate of -- of how many acres, but as you know as we've passed many resolutions and we've passed funding to -- particularly in the Adirondacks and the Catskills to -- to conserve more land, as well as water, so we've -- we've made great strides on that. But I -- I don't have an estimate, again, because it would be -- it would be land and water, and I should add it is a goal, it is not -- it's not a mandate, although certainly you're right about the -- the climate goals overall that we passed in 2013. It is -- the idea is to develop strategies to coordinate to really look at the protections and the restoration projects to make sure that we are -- are doing all we can to build climate resiliency, as well.

MR. SMULLEN: Well, certainly I -- but just getting back to the -- the gross amount of acreage. You know, I think in some way we have about 35 million acres of land in New York State and yet 30 percent of -- of say 36 is 12 million acres. If DEC right now only

manages 4.5 million acres, where is that 7 million acres going to come from? And that's the -- the nature of my next questions. If we're -- if we're really looking at this as a goal, that we're going to get to actually 30 percent of our land, and I know this is nested under a Federal goal of 30 percent, do you know how much land in the United States is currently under conservation easement between Federal and state entities in the United States?

MS. FAHY: I don't have the number on conservation easement, but right now the U.S. has roughly 12 percent, again, depending on what numbers you use, and certainly different states have varying numbers. Some would say depending on how you calculate it that it is even higher, but it is land and water and -- and you mentioned what's under management by DEC. This would not necessarily be lands that would be managed by DEC. Conservation easements are not all managed by them. There are -- there are private easements. We just adopted one through legislation here in one of the towns I represent, Guilderland. So those would be private conservation easements and those would count toward this, as well. So it's not all just public lands and they wouldn't all -- my understanding is they wouldn't all have to be managed by DEC.

MR. SMULLEN: Well, all conservation --

MS. FAHY: Just as town water isn't.

MR. SMULLEN: Conservation easements are managed by -- by the DEC --

MS. FAHY: It's managed, but not -- sorry, not under

control. They're -- they're still under private, you know, when a farmer ops for.

MR. SMULLEN: Let me say it another way, private land that is subject to an agreement with the State that's managed by the DEC.

MS. FAHY: Okay, fair enough. I was thinking the private ownership, it still has the -- the private ownership and, again, this does not -- you have also have to add in water, as well.

MR. SMULLEN: And how much -- how much waters are under the jurisdiction of New York State at this point?

MS. FAHY: I don't have the split; we don't have the split on water versus -- water versus land.

MR. SMULLEN: But it's -- but way the -- the bill is set up, it's 30 percent land and 30 percent water, not a cumulative 30 percent total.

MS. FAHY: It is a cumulative total. It is -- in other words, it's 30 percent overall. It doesn't say it has to be 30 percent water, it doesn't have to be 30 percent -- it could be any mix of that, but it's 30 percent overall.

MR. SMULLEN: So the -- the waters under Lake Ontario and Lake Erie should be included in that total today, that 30 percent total.

MS. FAHY: Yes, they're preserved, yes. Yes.

MR. SMULLEN: As well as the waters around the Greater New York City area, Long Island Sound, et cetera, et cetera --

MS. FAHY: Right, and we're making --

MR. SMULLEN: -- where New York State has jurisdiction.

MS. FAHY: Yes. And as you know, we're making every effort to preserve that and to add to that, to protect the biodiversity there as well as the water resiliency.

MR. SMULLEN: Most certainly. But it all counts towards this aggregate 30 percent number, goal, target that we're -- that we're trying to go towards.

MS. FAHY: Yes.

MR. SMULLEN: Okay. I just wanted to clarify that because there have been a lot of questions from a lot of different groups about what lands will count. Will farmland count under this if it's farmland that's farmed in accordance with DEC and Department of Ag and Market regulations?

MS. FAHY: That's what I was referring to earlier. If it has that conservation easement, and my recollection, at least the ones we've done locally, they're up to 100 years and those would count. Those -- those lands that are still being farmed, but part of a conservation easement would -- would count toward this total.

MR. SMULLEN: And -- and what about those that are zoned agriculture that are not developable for any other purpose other than agriculture?

MS. FAHY: That -- that would be left to DEC as they -- as they develop this. And my recollection when we first

started this a couple of years ago is that this -- my understanding was that this is an achievable goal, this is not -- because there are -- we are doing more to expand the conservation easements, more to keep our farmland as farms, and to make sure we are having smarter growth and development.

MR. SMULLEN: Now, one of the things in New York State, through its recent Climate Leadership and Community Protection Act is -- is actually incentivizing land to be put under solar panels. Would solar panels count? That's a -- a 40 year effort. We're going to put a bond on this that requires it to be cleaned up afterwards. Isn't that a way of conserving land?

MS. FAHY: My understanding is that it would be yes as long as that land where those solar developments are put is part of a -- it's also conserved, or part of a conservation easement. So yes, that --

MR. SMULLEN: Can that --

MS. FAHY: -- that would be my understanding.

MR. SMULLEN: -- be done retroactively by a land owner that owns a solar lease, can they put that land under conservation easement after a solar farm is developed?

MS. FAHY: We don't address that but, quite frankly, I think that's a good idea and happy to work with you on it, because we want to incentivize that.

MR. SMULLEN: Well, certainly --

MS. FAHY: But again, it's not addressed -- that's not

addressed in this -- in this legislation.

MR. SMULLEN: And -- and I understand. And what's also in this legislation that is worrisome is having words having to do with land acquisition. So if we look at New York State's history of land acquisition in three major areas, particularly in Upstate, the Adirondack Park, the Catskill Park and the Tug Hill region; about how much of that is under New York State ownership management overall?

MS. FAHY: Well, I know the Adirondacks overall is six million and I think it's more than the majority of it is -- is -- would be part of this 30 percent, and some of that is private. I -- I forget the split, I know I've read it, but -- but certainly the majority of that is. And it's not to -- this doesn't empower DEC to acquire land. Any time we have added to, for instance, the Adirondacks, that's been -- we've -- yes and we've -- we've paid for those, you know, that's been -- the private owner has been compensated for that. So that's something that we have -- we've adopted here repeatedly.

MR. SMULLEN: And -- and one of the other areas of concerns is -- is land -- is land that's managed for -- for timber purposes. Would that count in this that you would be able to conserve the land and then use it for the timber harvesting, which is -- which is its primary purpose, as well as other recreation purposes; would that count towards this number?

MS. FAHY: Again, if it's subject to an easement. So if it's -- if it is -- the timber that's being harvested is subject to one of

these easements as we have done, I'm recalling the Finch, some of the Finch paper lands, that would qualify under this.

MR. SMULLEN: And is there any -- any contemplation of additional conservation mechanisms being proposed that would increase the amount of easement? For instance, we just recently regulated wetlands more thoroughly. There's about a million acres of wetlands; would -- would they count towards this number?

MS. FAHY: My understanding is wetlands would count, and I should say we also -- we gave additional dollars to the Environmental Protection Fund, EPF, and there we did increase the number of dollars for land conservation efforts. So I'd say those efforts are growing every day to try to make sure that we are preserving land and -- and increasing smart growth -- adopting smart growth plans, as well.

MR. SMULLEN: Thank you for that. There are a lot of concerns from a lot of the different entities, including municipalities and school districts, that are dependent on State funding through the State tax that they are paid for these State lands in their districts and that -- it falls disproportionately in many of the areas, one that I represent, but also in other parts of the State where there's a lot of concern that the State is -- is gobbling up more land and adding it to whatever area of State land is. And it's every Governor for the past 100 years has bought more land. We've never sold land in New York State back to the people. It's -- it's been a one-way street, and therein lies the concern. Is there any provision or

contemplation in this or in future bills that the -- the tax structure is then made equitable to support the -- the people in the -- in the public infrastructure in those areas that supports not only the people that live there, but the people that visit and there's tourists there?

MS. FAHY: Well, I can answer in general. I live in and represent the City of Albany where 63 percent of the land is -- is off the tax roll. So it's -- it's not all -- certainly not land that's conserved, but we've made every effort to seek additional dollars to -- to minimize the burden on the property taxpayer so that we are compensating with State dollars because so much of that land is off the tax roll. So just as we've done with increasing education funds to try to minimize the burden on property tax, local property taxpayers, I'd say it's -- it's the same here. Yes, we -- we do need to compensate and I think that we've demonstrated over the last good few years that we have, through either public funding or private efforts when land has been conserved, those owners have been -- have been compensated.

But yes, I understand what you are saying about the local property taxpayers and that's part of why we've increased education funding, for instance, to minimize that local burden. And happy to continue to work with you, it's -- it's probably one of the more challenging issues here in Albany is the fact that so much of our land is -- is off the tax rolls, local tax rolls.

MR. SMULLEN: Well, thank you very much for that. I -- I won't ask you what the percentage of land in Albany

County is as a percentage, if it's 30 percent or not. So -- but I'll go on the bill, Mr. Speaker, so I can finish up in a timely fashion.

ACTING SPEAKER AUBRY: Certainly, sir.

MR. SMULLEN: So what really -- what this bill comes down to is do you trust New York State to manage your land? If you're a private landowner, without buying an extraordinary amount of -- of State land in New York State is do you trust New York State to keep its end of the bargain and not shift the goalposts in an environmental manner on the land that you own and that you can use for private use, which could be a variety of things, anything from farming to timber to perhaps development. You know, I sincerely doubt that the people in the counties in New York City have 30 percent of their land to spare to be able to set aside for an ambitious goal such as this. I sincerely doubt that the people in Long Island have anywhere near 30 percent of their land to set aside.

So what the effects of this bill is going to be is it's going to disproportionately affect the areas of New York State which are already set aside as public land, the Adirondack Park, the Catskill Park, the Tug Hill region and the agricultural areas of New York State where that land is valuable to the private citizens which own it. So here we are again going towards a goal that's undefined that's, in fact, ill-defined, and we're going to leave it to future legislation to be able to explain for what it means to the citizens of those counties where this 30 percent of land is going to come from, because we don't know if it's Lake Ontario or Lake Erie yet. We don't know if it's all the lakes

that are owned by New York State at this point, because the numbers aren't there. The -- the background and the -- the science is not there behind it.

For that reason, I can't support this bill at this time, although I would say that I am in -- in favor of the goals of greater conservation efforts in very targeted, very focused ways in New York State where they benefit not only the citizens of the entire State, but the citizens of the counties in which this land is proposed to be taken, but also the private landowners which have to understand what the bargain they're making with the devil here with New York State and having it help them manage their land. So for that reason, I will be voting no on this measure. I urge all of my colleagues to very carefully consider it and see what the will of the people in their district is when it comes to this, because I know it's going to fall disproportionately on the people in my district and those like mine. Thank you very much, Mr. Speaker.

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

MR. MANKTELOW: Thank -- thank you, Mr.
Speaker. Would the sponsor yield for a question or two, please?

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

MS. FAHY: Yes, happy to.

ACTING SPEAKER AUBRY: Ms. Fahy yields, sir.

MR. MANKTELOW: Good morning, and just a

couple of quick questions, not -- not a lot. One of my concerns here is with the ag land. So if we have neighbors that are contiguous to our ag property and they decide to put this into this program, part of that 30 percent across the State, what -- what happens to the -- the ditches and the streams and the different ways of getting water off of ag land? What -- what happens to those properties that are now in this? Are we still going -- going to be able to perform maintenance on those ditches to the point where we can still have our water moved away from our farmlands?

MS. FAHY: It really -- if it's -- if it's part of a conservation easement and the farmer, for instance, the farm chooses to still farm that land then it would be, as it's -- as it's been, all of those -- all of those efforts would continue to apply if it's -- if it's just land that's been -- that has, you know, forest growth on it, it's again, the same -- the same type of treatment. It doesn't -- it just -- it just qualifies it differently and it -- and it prevents it from being developed and cut up to one acre houses and fueling -- fueling sprawl in -- in certain regions. So it -- again, conservation easements are to help, at least here where we -- where we've seen a number of them in -- in my surrounding towns, it's been to help with easing some of the pressures on development and helping to plan better, to make for a more planned growth. And if anything, that's actually helped to relieve the burden on schools from previous times when lands were, in this area, when lands were being developed and some farm -- many, many farms were developed and the schools were burdened overnight with

additional -- with many additional students and -- and other planning problems. So this doesn't change anything as I understand it.

MR. MANKTELOW: All right. So maybe I misspoke. I -- I appreciate your -- your answer to that and I -- it brings up another question, but my question is, if I'm farming this property and everything to the east of me goes into a conservation easement, it's your land not my land, but this stream or runoff ditch goes through that property, through your property, will we still be allowed to do maintenance on that to remove our water?

MS. FAHY: My understanding is those rights would not be affected by this. Although, again, if -- if land is conserved, it isn't just sitting there, it's -- it would still be farmed or it could still be forested, but what you're referring to, you still have the rights to the water, you know, let's say to the runoff as you -- as you alluded to.

MR. MANKTELOW: Yeah. So -- so what I don't want to happen is DEC comes in, because they'll be overseeing this, and say, *Oh, by the way, we're not going to allow you to clean that stream out, or that ditch to remove the water from the agricultural land that is upstream.*

MS. FAHY: The water access would be unchanged by this. And I should add, DEC, as a part of this legislation, DEC would have to develop a plan, as I mentioned earlier, in consultation with Parks, Historic -- and Historic Preservation efforts. So all -- all of that would have to be laid out, but those would need to be addressed. Again, water -- the access to the water would not change.

Certainly we wouldn't want to -- this is to help farmers and help manage growth in a smart fashion, certainly not to hurt them. We've -- we've made great strides in that effort and -- and as you know, just even in the last budget we -- we did record amounts of grants to help farming and we're really trying to, especially small farms, try to grow that industry or revitalize -- maybe I should say revitalize that industry. So none of this is intended to hurt farming.

MR. MANKTELOW: Well -- well, thank you very much because I'm glad to hear that because as we know here in New York, it's -- it's never ending, it's -- it just ever ends for these farmers, there's always another hurdle they have to jump to get to the end. And we want to make sure we provide safe, healthy food to our population here in New York. So thank you for --

MS. FAHY: I fully --

MR. MANKTELOW: -- for saying that.

MS. FAHY: -- agree and -- and this is intended, I would think, to be helpful with those development efforts. If anything, they have other pressures on them to -- to develop those lands, so this is intended to -- to be of assistance.

MR. MANKTELOW: Okay. Are -- are you familiar with the Montezuma Wetlands?

MS. FAHY: Vaguely, yes -- - out -- out west. Yeah, the wildlife preserve.

MR. MANKTELOW: Yeah.

MS. FAHY: Yes.

MR. MANKTELOW: That's -- that's part of the 30 percent I would assume, correct?

MS. FAHY: That would be -- that would be my assumption, yes.

MR. MANKTELOW: So back to the tax base. You said there was there was money in the budget this year that we provided to schools to lessen the burden.

MS. FAHY: No. Our efforts in the last half dozen years or more have been to really and, as you know, we've put record amounts of money into K-12 in the last half dozen years or so. Those monies, and I can speak to locally what it's done, it's taken tremendous pressure off the local taxpayers. Yes, we've had a two percent local property tax cap, as well, but we've been able to compensate for that with the increase in State funding because, again, that's a big issue here locally that 63 percent of our land in the City of Albany is off the tax rolls, it's State or public -- publically-owned.

MR. MANKTELOW: So -- so we've helped the school tax side of it, but I know there's communities along the Montezuma Preserve that the county tax, the local town tax was affected, and there's no money there. I believe I have a bill actually that's out there to try and to help get some of that money. We're addressing the school side of it, but what about the county side for taxes? What about the local community side for taxes? Especially in our rural areas where the population is much less so even though the money going towards the school districts is a help in our -- in our rural

areas, we don't have as many students so it's not helping as much as it is, as you said, in a -- in the Albany area where the population is much, much greater. What are we going to do there for the local counties and the local municipalities as we continue to put this type of property into these -- into the conservation bowls?

MS. FAHY: Well, I can -- first of all, again, lands would have to be compensated if -- if any lands are acquired through conservation efforts or easement efforts. But in addition, just as we've done with school funding in the last handful, half dozen years, we have moved to relieve a lot of burden on the counties through picking up more of the State share of Medicaid costs, as well. That's not a direct, that's more indirect, but having just met with -- I -- all of my district is encompassed in Albany County so it's what I'm most familiar with, and I will say we just met with a half dozen individuals from Albany, County officials, including the County Exec, and they said that this was the best budget ever that in -- in their eight years. So -- so I think we have done more to help relieve the burden on the counties even if it's not direct, if that's a lot with Medicaid funding and other -- and other sources of funding. But certainly, any lands that would be moved would have to be compensated.

MR. MANKTELOW: Okay. I -- I appreciate that answer, and thank you. Just -- I have a couple of more questions and then I'll be done. In regards to the 30 percent, my colleague had asked earlier, Lake Ontario is part of that 30 percent?

MS. FAHY: Yes, the -- the Albany -- yes, the part of

it that's --

MR. MANKTELOW: Is New York's?

MS. FAHY: Yes, right, that's --

MR. MANKTELOW: Yes.

MS. FAHY: -- New York. Yes.

MR. MANKTELOW: Is that part of the 19 -- you said it was about at 19 percent now; is that where we are?

MS. FAHY: When we first started this over two years ago, I saw different estimates out there. Some were higher. Again, some reports said we already meet the 30 percent depending on how you define the numbers. I don't know if Lake Ontario was part of the 19 percent. I will say the lowest number we saw was 19 percent and that ultimately came from DEC. But other estimates put it -- put it higher. So -- so if it is, that would just -- if it's not included now then that number would obviously be even greater. And I -- I'd be happy to follow up with you, but I don't -- I don't want to say whether it is or not at this point.

MR. MANKTELOW: Yeah.

MS. FAHY: There -- there were varying estimates put out by different folks a -- a few years ago when we started this, and all of them were higher than the -- 19 percent was the lowest number. So if Ontario's not -- Lake Ontario is not counted there, it would only make that number closer to 30 percent.

MR. MANKTELOW: So like Lake Ontario, the Finger Lakes area, all of those?

MS. FAHY: Yes.

MR. MANKTELOW: It'd be nice to know if those -- those bodies of water are actually in that number. If not, that number is going to be really, really high and close to 30 percent.

MS. FAHY: Yes. And that's, again, part of why we do need to lay this out in a plan and, as you know, this bill's been around a couple of years ago now and part of the definitions, that was part of what held it up, as well, so that -- that does have to be laid out a more clear definition and what is in and what's out. And certainly, the plan would address that. But again, the lowest I've seen is 19 percent, so if Lake Ontario is not included it would just make us closer to the 30 percent.

MR. MANKTELOW: Okay.

MS. FAHY: And my recollection when we were first meeting with folks on this is that this is a very achievable number in this State, maybe not -- not in others.

MR. MANKTELOW: Sure. My -- my last question is you said you have quite a bit of -- of this property in your district here in the Albany area.

MS. FAHY: State -- State-owned and non-profit owned, yes.

MR. MANKTELOW: Yes, yes. Does New York City contribute to any of this, of the 30 percent?

MS. FAHY: Yes. They've got a lot of parkland, but I don't know what the number is. Clearly it's a much more dense --

densely populated area. I don't know what the number is off the top of my head there, but...

MR. MANKTELOW: So Central Park -- so Central Park in New York City.

MS. FAHY: I was just going to say, right, they have some of the most beautiful parks in -- in the State so, yes, just not to the -- not to the degree, you know, it doesn't compare to a Adirondack or -- or the others.

MR. MANKTELOW: Sure.

MS. FAHY: But yes, they -- there have been great efforts, as you know, to conserve parkland in New York State, as well -- sorry, in New York City, as well. So all of Riverside Park, all of the neighborhood parks, I think they've -- they've achieved the -- the goal of a park within a ten minute walk. I think that's one of the only areas of the State that has fully -- that has achieved that in most of the City there. So they've got -- they do have parkland.

MR. MANKTELOW: So -- and just to go along with that, my last question, in the City areas of course we're -- we're always constantly pushing our young people to grow their own food. I -- I know some of the members that are down there are constantly trying to come up with ways or locations to grow community gardens, gardens on top of rooftops. Is there any consideration of the abandoned buildings in the City area, taking them out, putting them into food production through community gardens to be part of this 30 percent?

MS. FAHY: I think rooftop gardens is a brilliant idea and I'm happy to relay that, counting that if they're publicly-accessed and -- and the community -- if it's a community garden, I think that's a -- it's a great idea because we want to encourage more rooftop gardening everywhere. It's where -- where we've seen those green roofs and gardening, it's been -- it's been immensely popular. And there's also a push for more community gardens throughout the State. So all of those, I -- I think that would make a lot of sense, I'm happy to relay any of that. Again, we want to incentivize this, and of course we want to incentivize and encourage farming. That's an industry we, you know, we are desperately trying to revitalize, especially through small -- small and first-time farmers.

MR. MANKTELOW: All right. And my -- my last part of that question is on our SUNY campuses, the ones that are involved with ag, they have farmland; is that in that percentage already?

MS. FAHY: I think -- I think so. My understanding is that it would be included and if not, again, that would be part of the plan. But the idea is to -- part of this is even just itemizing -- part of this plan would be to itemize and -- and get a sense of -- of what is out there. Often, you know, we've done that with daycares, we've done with that after school programs, sometimes we don't even have a sense of what's out there and we've passed other legislation to try to map that. So this is not daycare or after school programs, but it -- part of this is to map what would be considered land and land -- conserved

lands and water. So I think that would help identify this and certainly I would categorize it in that way, those SUNY -- those SUNY ag programs and lands.

MR. MANKTELOW: Okay. I -- I wanted to thank you this morning for what you said earlier on the reso. Thank you so much. And thank you for entertaining me, or answering my questions this morning. I'd be more than willing to work with you on this as a team to really identify really where we are, what else can we look at before we start taking in more property. Let's -- let's use the properties that we already have, make sure we have the right number to minimize losing some of our other -- other lands. So thank you, Madam Sponsor, for your time.

MS. FAHY: I -- I fully agree. Thank you, and happy to work with you on any of this. Again, this is a -- this is intended to be beneficial, it will help our tourism and more, so it's -- it's intended to be a win-win. Thank you.

MR. MANKTELOW: Thank you so much. Thank you, Mr. Speaker.

ACTING SPEAKER AUBRY: Mr. Englebright.

MR. ENGLEBRIGHT: Thank you, Mr. Speaker. I stand in support of this measure. It's an especially important one, and try to place it in perspective. New York has a grand, indeed, international tradition of setting the pace for conservation of land and water. Unfortunately, that tradition began from crisis. I'll give you some examples. In the Adirondack Park in the 19th Century, there

was savage logging taking place, destroying the watersheds of the highest peaks of our State from which many of our major rivers flow, including the Hudson River. And wisely, people who were in this Chamber, including Teddy Roosevelt - arguably the greatest conservationist in American history and a Long Islander - helped lead the way to the creation of the Adirondack Park to protect those resources.

The Catskills -- just a second. The Catskills, many people don't remember the kind of logging that was taking place in the Catskills to create basically acid baths for a cattle operation that was on the grand scale, and to tan the hides, all of the hemlocks were cut to an elevation at the top of the peaks of -- of the Catskills to make tannic acid from the hemlocks. It diluted large parts of the Catskills. We have a Catskill Park today in part in response to that crisis.

Niagara Falls. Niagara Falls was rained by industrial discharges into the Niagara River in the late 19th Century. The great painters of New York State at the time painted Niagara Falls in an artistic plea to preserve Niagara Falls. It became, I believe it was 1857, one of the first major conservation and park initiatives in our State and in our nation. Indeed, the Adirondack Park predates the -- the drive for the preservation of -- of Niagara Falls and the -- and the Adirondacks predates the creation of a major part of our national park system and it set the pace for that by daring to think and daring to dream.

So New York's experience is extremely diverse. I -- I

heard some comments about how Long Island is perhaps beyond the pale, those are not the exact words that were used, but how Long Island is -- is really something that ought to be considered. So let me place some thoughts in perspective regarding where sprawl was invented on Long Island after World War II, where suburbia was invented. The destruction of the Hempstead prairie, the easternmost prairie in North America, 50,000 acres in Hempstead reduced down to 19 acres. That's a terrible loss. The Oak Brush Plains, the shrub Savannah on Long Island once went from Brooklyn through the center part of the Island and merged into the Central Pine Barrens in Brookhaven and points east. The Oak Brush Plains was once 60,000 acres, yes; it's been reduced to less than 3,000 acres. Long Island Tidal Wetlands, look at the maps at the beginning of the 20th Century all along the edges, the fringing marshes, all the edges of the Islands, magnificent. Spartina marshes, they've been reduced by 70 percent due to dredge and fill operations.

Yes, we are sensitive on Long Island to some of the losses and the damage to our shellfish and finfish resources has been profound. It led, in the 1970s, to the creation of the Tidal Wetlands Act in 1971, the Freshwater Wetlands Act in 1975 as we discussed just a week ago. And yes, threats to Long Island's drinking water and sole source of drinking water for almost three million people.

But we've got more history than that. The question was -- was posed: Should we trust the State? In the 1920s and '30s, the O'Brien Brothers and others were dredging the North Shore. They

used hydraulic hoses to mine the sand bluffs of the North Shore, and washed the sand down into waiting barges taken to New York City to help make concrete. So severe was this that some parts of the North Shore disappeared completely. There used to be islands in Port Jefferson Harbor, flood-tide deltas, gone. Put into barges and gone. And the people who live in Belle Terre were so threatened by the dredging operation that they formed a village in order to have control over the permitting process. The O'Brien Brothers, after the village was formed, didn't even bother to apply, they just left. But other villages were created. Nissequogue Village and Head of the Harbor Village were created to help preserve Stony Brook Harbor. And if you look at the maps today, Stony Brook Harbor has 900 acres of State ownership at the bottom. It's the only North Shore Harbor in which the harbor bottom is owned by the State. How did that happen? It happened because after they saw what was going on in Port Jefferson, the people of Nissequogue, what is now Nissequogue, of Smithtown really, now the Villages of Nissequogue and Head of the Harbor, donated land to the State, the bottom lands that they own in the harbor. That's how the State came to own that much land. It's not held by the DEC, it's held by the Department of State and has for more than 50 years.

So in answer to the question: Should we trust the State? The good people of Smithtown and Head of the Harbor and Nissequogue trusted the State, and with good reason. And it led to not only preservation of the harbor, the Stony Brook Harbor is the best

preserve of all the North Shore harbors as a result. But not only did that trust have an immediate positive effect, it led to local waterfront revitalization program commitments by those villages in later times, thoughtful planning for conservation that followed.

So yes, I believe it does when you look at the history from Niagara to the Catskills to the Adirondacks to Long Island, it does make sense to trust the State. Why? History tells us that it works. History tells us that what we have done in New York has set the stage for our national park system to be created. And yes, New York, through this resolution, this extraordinary resolution by Member Fahy, has the ability to set the stage for conservation on a global scale. She's mentioned that this is part of a global initiative, how very appropriate that New York has a meaningful role to play.

Let me just also say, I mentioned the Long Island Pine Barrens, the Open Space Program of Suffolk County led the nation when it was authorized almost 30 years ago. And yes, we are interested in protecting Long Island's offshore waters. We passed just three years ago a measure to ban (inaudible) and as a result in places like Long Beach, you can now look out and see whales because they have their food source, it's no longer being packaged up into offshore trawlers and taken away.

Yes, there's reason for optimism. The towns, many of -- I mentioned Stony Brook Harbor, but all of the other harbors with the exception perhaps of Oyster Bay, all of the other harbors are dominated by town ownership. We can refine that. We can dare to

dream to refine the protection of public lands that we can count as part of this 30x30 initiative. That's worth trying to do. I just want to say last year, the people of the State passed an amendment to the Constitution for a Constitutional amendment that we call the Green Amendment. The protection of New York air and water and healthful environment is now a Constitutional right, the people spoke. And we're going to follow this year with an offer to the people to follow up with a similarly entitled or named entity called the Bond Act for Clean Water, Clean Air, and Green Jobs. This is a possibility that builds on last year's victory at the polls for conservation and protection, and for New York to continue to lead the way, in this case, for the greatest challenge of human history which is the global climate challenge.

This bill is part of this march of time toward optimism. Sprawl is not the answer. Conservation of our resources is an investment into the well-being and the quality of life of all of our people. That's why I strongly support this measure. It dares to think, it dares to dream --

ACTING SPEAKER AUBRY: Mr. Goodell, why do you rise?

MR. ENGLEBRIGHT: -- and I am strongly supporting it, urge you all to support it --

ACTING SPEAKER AUBRY: Mr. Englebright.

MR. ENGLEBRIGHT: -- and yes, I will yield.

ACTING SPEAKER AUBRY: -- you want to ask the member to yield, Mr. Goodell?

MR. GOODELL: Yes, and thank you, Mr. Englebright.

ACTING SPEAKER AUBRY: And the member yields.

MR. GOODELL: I always appreciate your observations and comments, especially on environmental matters. You have a well-deserved reputation certainly here, and I was waiting as long as I possibly could before I stood up. You outlined, and as with the knowledge we would expect, the transition in Long Island from having thousands of acres of open land areas to just a few hundred acres in some situations and the efforts that you've seen and the sprawl that you've seen. One of the issues that was raised by one of my colleagues is a concern that this objective of conserving 30 percent of the State's land might mean that we want to conserve a lot more land in somebody else's district than our own, reflecting the fact that when we do conservation easements it often results in lower taxes, lower development, lower tax base. Is it your belief that the thrust of this bill is to try to achieve a 30 percent conservation goal in every Assembly district, including those on Long Island, to revert Long Island, if you will back, to a 70/30 ratio of conserved land versus developed land?

MR. ENGLEBRIGHT: Thank you for your question. Where to begin? No, I do not expect that every Assembly district will meet a formula that is a mathematical abstraction. Opportunity for conservation will depend in large part upon the land itself and the

waters themselves, and that is -- is not something that easily fits into a formula. Some of our Assembly districts are -- in the urban areas are primarily apartment house complexes, for example. And that is very different from some of the other parts of the State. So no, it's not formula driven at the level of -- of our Assembly districts, no. And, indeed, the concept of a formula for the whole State is a goal. That's why I say it's a -- it dares to dream and it builds -- it stands on the shoulders of the grand traditions of conservation of Teddy Roosevelt who was a member of this Chamber and also the Senate before he became Governor.

So for Long Island, let me just observe, we have an area of offshore waters owned by the State that is approximately equal to the land area of Long Island, which is approximately a million acres. That million acres of shallow subtidal into tidal and offshore waters is equal to at least a million acres and is something we haven't really paid much attention to until this measure --

ACTING SPEAKER AUBRY: Gentlemen --

MR. ENGLEBRIGHT: -- pulls our attention toward that.

ACTING SPEAKER AUBRY: Mr. Englebright, we have expended your 15 minutes.

MR. GOODELL: Thank you very much, Mr. Englebright.

ACTING SPEAKER AUBRY: Appreciate it.

MR. ENGLEBRIGHT: Thank you for your question.

Appreciate it. Thank you very much, Mr. Speaker.

ACTING SPEAKER AUBRY: Mr. Simpson.

MR. SIMPSON: Thank you, Mr. Speaker.

On the bill.

ACTING SPEAKER AUBRY: On the bill, sir.

MR. SIMPSON: Thank you. I don't know how many members here would -- would know this, but the origin of the Hudson River actually is within my district at the -- a place they call Lake Tear of the Clouds. And I think all of you, I would recommend all of you to come up to Newcomb, that area, and take a look at it and just for perspective, and go back to your districts and -- and see what a great place the Adirondacks is.

But, you know, I support this important legislation, but I have some concerns just because of my experience so far in the Legislature. Just as recently as last week, the Comptroller came out with a -- with a report, an audit that had been done on the 480-a forest exemptions, which is a form of conservation. And one of the issues that was cited by DEC is lack of resources. We continually, since I've been here, add more responsibility to the DEC. I know that they are capable of doing everything that we need them to do, you know, protect our lands and waters, but we also need to appropriate the correct amount of resources so that they can accomplish their goal. And I just hope that there's a lot of thought put into that budgeting part of this as we do develop a plan and how we're going to address this moving forward.

My colleagues have brought up the other issues that I was most concerned about is equity within our communities and burdens put on -- shifted to other property owners, school districts that we know are vital for our children and our families. So thank you, Assemblymember Fahy, and thank you, Chairman. Thank you.

ACTING SPEAKER AUBRY: Thank you, sir.

Mr. Salka.

MR. SALKA: Would the sponsor yield for a question or two?

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

MR. SALKA: Thank you, Ms. Fahy.

ACTING SPEAKER AUBRY: The sponsor yields.

MR. SALKA: Line 19 through 21 talks about a collaboration with tribal partners to incorporate tribal expertise and traditional ecological knowledge to better understand, so forth and so on --

MS. FAHY: I'm sorry, I'm -- I'm not sure I heard that. Can you -- can you just say that again?

MR. SALKA: Of course. Of course. Lines 19 through 21 talk about --

MS. FAHY: Oh, line 19 --

MR. SALKA: -- collaborating with -- with some of our Native American tribes. Okay. And could you elaborate on that a little bit because it sounds like they'll be invited to add input into the

management scheme of this whole -- this whole proposal.

MS. FAHY: We thought that was important because certainly some of those lands would count toward the 30 percent. And again, the entire tone of this is intended to be a collaborative process.

MR. SALKA: And that's great, and I admire that. You do realize that those lands are usually managed by the Bureau of Indian Affairs which is a Federal agency which oversees the management of -- of tribal land?

MS. FAHY: Yes. Again, this is collaborative just as -- I won't use another example of recent collaborations, but -- but yes, this is intended to be collaborative and -- and even though, again, it wouldn't mean a change of management or anything else, but it certainly counts towards that 30 percent.

MR. SALKA: So any negotiations obviously would have to be done with the Federal government in that respect.

MS. FAHY: If there was a change in the amount or any additional acquisition of -- of setting -- an easement of setting aside additional lands; yes, of course.

MR. SALKA: I see. Because I have contiguous to my Assembly district, you know, thousands and thousands of acres of land that the Oneidas own, who do a great job with -- with managing their property. So thank you, thank you for that -- that answer.

Mr. Speaker, on the bill.

ACTING SPEAKER AUBRY: On the bill, sir.

MR. SALKA: I share my colleagues' -- I think this is

a -- any attempt to open up properties so that the public can enjoy them is a -- it's a great effort. But my concerns, and I'll -- and I'll take this from -- from what I've seen personally as supervisor of a town that has about 14,000 acres of State land in it, and contained what was probably one of the best forest trail systems in the Northeast, Brookfield Horse Trail System, 130 miles of, well, what was once groomed -- well-groomed, well-maintained properties so that people from all over could come and enjoy the equine sports, see some beautiful property. What happened was that that property was maintained by a group from a minimal correctional facility called Georgetown, and they closed that facility down and when they did, the people that were maintaining those properties, the Brookfield Horse Trail System were -- were no longer there, so what happened is it fell into terrible disrepair and if it wasn't for a citizens group that came forward to do a lot of the maintenance, people that were interested in keeping the horses there and riding the horse trail system then it really would have fallen apart.

So I'm concerned and some of my other colleagues have brought up the same concern that is the DEC going to actually be able to handle this. We, as was admitted, have placed an inordinate amount of responsibility in the past couple of years ago on the DEC, and everybody knows they're stretched thin. So I worry about if, in fact, when we do take over certain properties, are they going to be maintained because as my colleague said, he was concerned about drainage and ditch repair and maintenance.

So again, I applaud your efforts, I think this is a great proposal but, of course, the devil's in the details and we just want to make sure that it's going to be maintained. And I have one other concern as a town supervisor that oversaw a town with so much State land in it is when the State did propose to take over more property, of course then it was removed from the tax rolls. And the towns that are really squeezed for revenue, that can hurt when the State comes in and takes over 1,000 acres or 1,500 acres. So I think these have to be carefully considered before something like this is implemented and I would hope that this would be part of a study that's done.

Thank you very much. Thank you for your efforts.
Thank you, Mr. Speaker.

ACTING SPEAKER WOERNER: Thank you, Mr. Salka.

Mr. Walczyk.

MR. WALCZYK: Thank you, Madam Speaker.
Would the sponsor be so kind as to yield for some questions?

ACTING SPEAKER WOERNER: Will the sponsor yield?

MS. FAHY: Yes.

ACTING SPEAKER WOERNER: Ms. Fahy yields.

MR. WALCZYK: Thank you. Section -- Section 3 of this bill states conservation measures shall be undertaken in ways that serve all communities, including low-income, disadvantaged, and vulnerable communities; is that correct?

MS. FAHY: Yes. Catching up with you.

MR. WALCZYK: And with the goal of --

MS. FAHY: Yes. Sorry, go ahead.

MR. WALCZYK: Go ahead.

MS. FAHY: No, I was just trying to find Section 3, but yes, you were asking if it's to consider the low-income and disadvantaged communities, I was just saying yes, agree. Sorry, go ahead.

MR. WALCZYK: No, thank you. And through you, Madam Speaker, so with a -- a goal of 30 percent land acquisition, will the State be making up for the communities that have property taken off of the tax rolls, will there be aid to municipality payments made? Will the State be paying property tax on any new land that it acquires as a result of this legislation?

MS. FAHY: Again, this -- this is a goal and there will have to be a plan tied to it, and thus far we've seen repeatedly where we've expanded parts of the Adirondacks, for instance, that comes to mind because that's where we've done some of the biggest land acquisitions in recent years, and those have been compensated. We've also, as I said, through other measures have tried to relieve the burden as we've increased the State budget to relieve the burden off local property taxpayers. I know it's made a tremendous difference here in Albany through -- through other means. But yes, the intent is that -- that we do try to -- that we would compensate, but there's -- there's no authority embedded in this to -- there's no taking of a land,

there's no authority to take a land. All of this is to -- to develop a plan and any of that would, you know, at this point any land acquisition or conservation easements that we've done locally, those have all been through volunteer efforts, for instance, with local farmers who want to see their lands preserved when there's not a -- when there's not an heir to the -- to the farm.

MR. WALCZYK: Well, it was -- through the -- through the Speaker, it was interesting to me to read in Section 3, you know, as we consider this may be a -- may be a goal, but we are setting the goal and a guideline for State agencies and departments here, even this legislative Body in the future to be able to pass legislation or future budgets that work to meet a goal if it passes both Houses and is signed by the Governor. And so when I think about 30 percent land acquisition goal in the State of New York, wondering how we're going to make up for a loss in tax base for a lot of the communities, and this is why I bring up Section 3 which specifically calls out, including low-income, disadvantaged, and vulnerable communities, many of which are in rural areas in New York like the area that I represent. Will we only be buying land in wealthy communities that won't be disadvantaged by the State coming in and acquiring land in their community, that have a large tax base that could support -- could help offset any land acquisition?

MS. FAHY: I think we've seen land acquired in -- in a variety of areas, wealthy and not as wealthy of -- in the Adirondacks and it's all -- as best I know, it's all been through voluntary efforts.

And again, as we discussed earlier, there has been an effort to move and to relieve that property tax burden, whether folks supported it or did not support it, the two percent property tax cap has gone a long way toward -- toward minimizing the burden at the -- at the local level. And again, the properties have been -- have been compensated. This is -- this is -- there's nothing in here that allows a taking of the lands, it's -- and if anything, it's at times brought up the -- the value of other surrounding properties because, again, it's allowing for -- for smart growth, it's preventing some sprawl that that can be more costly in other ways with burdens on water and sewer systems.

So it's -- it really is a variety here, but the intent is that this be -- that this be laid out and there's no one area targeted. There's not a -- this doesn't mean all regions have to be 30 percent, there will be a variety.

MR. WALCZYK: Understood. I'll move to -- to another section of the bill. So in Section 5 you say on or -- on or before July 1st of 2023, every three years thereafter the Department and office shall submit a plan. Does the -- does the DEC -- but in Section 4, the Department and Office shall prepare a draft plan no later than July 1st, 2022, which as we know is -- is quickly approaching. Does the Department of Environmental Conservation have enough time to put that plan together if the Senate passes this bill and the Governor signs it into law by July 1st, put a draft plan together?

MS. FAHY: My understanding is we already have an

acquisition -- land acquisition plan that will help with this. I'd like to think that we can meet this. These are -- this has been a big issue for a number of years. The UN issued its redraft report in January of 2020 so there's been a lot of interest in this and, again, that is -- it is -- it does say it's a draft plan and that's -- that is all we're looking for to get the conversation started. It's ambitious, but -- but it does allow for input and it doesn't -- and the final plan is not expected for another year until after that. So -- but as you know, we've been ambitious on a lot of plans.

MR. WALCZYK: Thank you. And through you, Madam Speaker, is there anything in this legislation that prevents the State from using eminent domain to take or acquire new lands to meet this goal?

MS. FAHY: No. There is nothing here that authorizes eminent domain nor any type of taking. Nothing is authorized in this. It is a goal, not a mandate, and it starts with a plan.

MR. WALCZYK: Is there anything in this legislation that would prohibit the State from using eminent domain to meet this goal?

MS. FAHY: Yeah, that would have to be -- but generally it's not -- it's just not addressed here, but eminent domain would have to be authorized separately if there was an effort to do that. And again, when we've done this with other lands, those have been compensated. We've adopted a lot of plans, but that is not addressed here and certainly not authorized here in this bill.

MR. WALCZYK: And as I'm sure you're aware, the State used to have a very, very robust, I think all would probably agree too robust, logging industry. We nearly clear cut the entire State. This legislative Body back in the 1800s and a lot of the reasons that we've seen the -- the preservation that this State has gone through and its great history of preserving some, especially significant lands is a result of, you know, the degradation of the Adirondacks and the Catskills through abusive timbering. Is there -- is there anything in this legislation that's going to help increase a moderate amount of timber harvesting? How do you impact -- how do you anticipate this legislation will impact the lumber industry?

MS. FAHY: I would like to think it would be helpful to the forestry industry and timber. We did have a letter of support going back a year ago from the Empire State Forest Products Association and they -- where they noted, and it's a much longer memo, I'll just read one excerpt, *As you assess land for conservation that we'd like to draw your attention to the positive contribution that private working farms can make in enduring conservation outcomes, showing that working lands can be compatible with these conservation goals.* So if what we have heard, we received no opposition memos on this bill, lots of support memos, again, including the Empire State Forest Products. So we'd like to think that this could be helpful and prevent any additional degradation that you -- that you just mentioned. So I think that's also part of why we have seen such strong bipartisan support on the legislation.

MR. WALCZYK: Thanks. And just one final and sort of in the big picture question, and this may have been asked a different way already, what is the ultimate goal of preserving 30 percent of new lands by 2030?

MS. FAHY: It was -- it was triggered, again, by the research and, again, it is science-based, but it's the research going back to the UN's convention on biological diversity. And it was -- it was a target that they put out for the planet, but essentially the more we can prevent -- build climate resiliency, the more we reduce risk to climate-related disasters. And I do recall the former Governor in his State of the State each year would note what the environmental-related disasters are costing the State. And I -- I'm going off memory, I don't have the stat in front of me, but I seem to recall he had noted a year or so ago in his first ten years in office that the State alone, just in State resources, had spent \$50 billion in environmental-related disasters in cleanup. And so the more we build that resiliency, the more we protect our lands and the ecosystem, as well as the wildlife, the more we are -- the more I'd like to think that we will be saving in the long run from -- from other related problems, climate-related problems.

MR. WALCZYK: I appreciate you answering my questions and for, you know, sending forth a laudable goal.

Madam Speaker, on the bill.

ACTING SPEAKER WOERNER: On the bill, sir.

MR. WALCZYK: So shifting tax burden onto -- onto

rural New Yorkers is what we've seen happen over a long period of time as the -- the State, you know, has gone on its million acre marches in the past, or each Governor, as one of my colleagues has pointed out, the State has gobbled up new lands and territories, and in some ways preserving areas that are of significant value so that New Yorkers can enjoy them and recreate in them and so that we have a good balance between natural resources and the 20 million New Yorkers that we have. Critically important, but that also has an impact on our small towns and villages in rural New York, one that I am very sensitive to representing the front yard of America. I would love to see and I'm glad that it came up and good to hear that the Empire Forest Products Association supports this bill, it's a great concern of mine. I've heard a lot of things in this Chamber that have been anti-timber industry in the past and I think if we're really getting smart and scrapping some junk science about preservation, we work with groups like Forest Products in order to put good policy forward that looks at timber frame construction, looks at our lumber industry, looks at a great way for carbon sequestration and biodiversity, working with all of the players involved here.

And to take a big picture, I want to talk about John Locke who gave us our natural, or named our God-given rights of life, liberty, and property and when the founders threw together our Declaration of Independence, we shifted property over to the pursuit of happiness, and here's what I'd be sensitive to is that as New Yorkers who hunt, who use ATVs or UTVs, who pay property taxes, who have

jobs in rural areas in New York State, who enjoy snowmobiling and recreating, the more overbearing regulation that the State brings on additional State lands, the less happiness they'll be able to pursue, whether it's with their -- with their gun in the hunting season or brapping down an old dirt trail that they enjoyed on -- on some private property prior to the State gobbling it up.

But pursuit of good -- good stewardship is a -- we've got a long history in this, as I pointed out in the debate. New York State had nearly clearcut all of the lumber in this State, and it took a lot of action by this House and the House across the way and Governors in the past to preserve some of the significant areas. We've done a good thing. The Chairman of the En Con Committee when he spoke earlier talked about work that we've done in the Long Island Pine Barrens, Niagara Falls, Port Jefferson super fund cleanups, the Catskills and the Adirondacks, but he didn't bring forward that we actually paved a road up Whiteface Mountain in honor of World War I veterans. I don't think anybody would be an advocate of taking that road back away from Whiteface Mountain, just like FDR put a giant, 200-foot tall 3,000 feet across concrete barrier right across the St. Lawrence River, but now we enjoy 2,000 megawatts of power, clean sustainable hydropower that comes out of the St. Lawrence River. So while that project would never get done through this House today, I think we can say it's nice to have that sustainable, clean energy coming our way.

The United Nations doesn't direct our energy policy,

it doesn't direct our preservation policy. I think too often we look back at our history and we forget how far we've come from the time that we almost extinct the white tail deer in the State of New York, and from the time that we actually extincted the turkey from the State of New York. But not to pat ourselves on the back, Madam Chair, don't let the pursuit of good stewardship be blinded by some hot -- Hale-Bopp Comet junk science dogma --

ACTING SPEAKER WOERNER: (Inaudible/mic not on)

MR. WALCZYK: Thanks, Madam Chair.

ACTING SPEAKER WOERNER: Mr. Goodell.

MR. GOODELL: Thanks, Madam Chair.

On the bill.

ACTING SPEAKER WOERNER: On the bill, sir.

MR. GOODELL: So I greatly appreciate the comments of all my colleagues, including the bill sponsor, thank you very much, and they've helped highlight the pros and cons. I think everybody in this Chamber is sensitive to the need to conserve our natural resources, and everyone in this Chamber loves the fact that New York State has some of the most phenomenal parks in the nation, whether it's the Adirondacks Park or, you know, the Honeymoon Capital of the World, Niagara Falls. We have phenomenal natural resources and for that, we thank those who came ahead of us.

I appreciated the sponsor's efforts to clarify that in terms of giving the DEC direction in developing a conservation plan

that we should have a broad definition of what's meant by land that's conserved to include the land that's under the jurisdiction of the State of New York that's underwater. As the Chair of the Environmental Committee noted, there's a million acres of State-owned land adjacent to Long Island that's under our general control, and we have extensive natural resources in Lake Erie, Lake Ontario and all of our inland lakes. And I appreciated the comment, as well, that farmland, the land under solar farms, wetlands that can't be developed because of our own laws or rules, native lands, and I now represent part of the Seneca Nation. All of that I think is important to give clear direction to the DEC in developing this plan that we have a broad view of what we want to be included in the definition of conservation and in the definition of what we expect the DEC to confirm as already being conserved.

At the same time, we've heard some legitimate concerns raised by many of our Upstate colleagues, and I'm mindful that sometimes our urban colleagues urge their country colleagues to conserve more, and we need to be sensitive about that, don't we? Where someone in an urban setting says to their country cousins, *Hey, why don't you guys in the country conserve more so that we in the city feel better about our environment?* And if we're making that statement, all of us, including our urban cousins, need to be sensitive that when we take land that's in the country and we put a conservation easement on it, or the State acquires it for State-owned property, it comes off the tax roll. That means that more residents aren't going to

be moving onto that land. That means that our country colleagues, their Assembly districts aren't going to be growing because more than 30 percent of their land can't be developed anymore. And we need to be sensitive that even if we're paying the landowner the fair market value, which we have to do for due process reasons and under eminent domain, that the State's not making a corollary commitment to pay property taxes on the current market value or even on the developmental value.

So obviously I'd be a lot more comfortable if this bill suggested that we're now going to conserve 30 percent of the land in New York City so that we're going to start slowly acquiring apartment buildings and turning them into parks, or Long Island, reverting back to the (inaudible), and not just my neighbors in the countryside. And I'd be more comfortable if this legislation included a corollary obligation to increase the funding to the DEC so that they can properly maintain the property that goes into conservation.

So what I think we're going to find when we go to vote is that those of us who already have more than 30 percent in conservation, which would include my county, by the way, especially if you include all the lakes and Lake Erie, we're not too worried about this. And our urban colleagues who are pretty sure they're not going to conserve 30 percent of their property and make it -- take it off the tax rolls, well, they probably think it's a pretty good idea that somebody else conserves more land, too. And I suspect that many of my rural colleagues are going to say, *Hey, thank you very much. Our*

rural Assembly districts are not the source of all that greenhouse gas and we're conserving enough already; it's time that the rest of you step up to the plate.

So being sensitive to that, when we call for a vote I think you'll see a number of my Republican colleagues for good reason will support this legislation, and a number of my colleagues for good reason will oppose it. Our caucus is going to be split, no doubt, and I urge all of us to be sensitive to the needs of being fair and equitable to everyone and not just pat ourselves on the back as we shift the obligations and responsibilities from one party to somebody else, that we also, if we're asking our rural colleagues to conserve more land, that we also step up to the plate and support them with additional financial resources to offset that property tax loss and to help them with alternative development to ensure that all of our State moves forward in a positive way. Thank you, Madam Chair.

ACTING SPEAKER WOERNER: Thank you, Mr. Goodell.

Read the last section.

THE CLERK: This act shall take effect immediately.

ACTING SPEAKER WOERNER: The Clerk will record the vote on Calendar No. 427, A5390. This is a fast roll call. Any member who wishes to be recorded in the negative is reminded to contact the Majority or Minority Leader at the numbers previously provided.

(The Clerk recorded the vote.)

Mr. Burdick to explain his vote.

MR. BURDICK: Thank you for the opportunity to explain my vote. I rise in support of this measure not only as a cosponsor of the bill, but also as a member of the Environmental Conservation Committee. But also based on personal knowledge and involvement in land preservation through my seven years as supervisor of the Town of Bedford and prior to that, nine years as Chair of Bedford's Wetlands Control Commission. So I do have some considerable knowledge and experience.

And I'd like to address attainability and concern about tax burden. Attainability, there are vast areas that are not mentioned in this discussion. Thinking of the New York City Watershed which New York City owns throughout the State, tens of thousands of acres that are permanently preserved, other watersheds for other water quality protection, thousands of privately held acres such as The Nature Conservancy, Audubon, and scores of other conservancy organizations. And, by the way, those are easements, as well, not just lands that are owned. And those easements are maintained by the organizations to which they are granted, such as The Nature Conservancy. There also are privately protected areas that through the planning process, developers and other property owners will protect land as a set aside that are part of larger plots and which are permanently protected.

As to the tax burden, I couldn't agree more that, in fact, this benefits tax values, tax -- and -- and we hear time and again,

I certainly do in my town and in other communities across the State, realtors will boast about properties that are adjacent to nature conservancies and other lands that are preserved. And there also are many municipalities throughout the State that voluntarily add to their tax levy of voluntary open space levy, as does my Town of Bedford, for the acquisition of more lands.

This is a measure that not only helps us to reach the goals of the CLCPA, but helps to protect sensitive lands for generations to come. And as the Chair of the Environmental Conservation Committee had mentioned, this helps us to stay in the lead in the nation as the protector of the environment. Thank you very much. I vote in the affirmative.

ACTING SPEAKER WOERNER: Mr. Burdick in the affirmative.

Mr. Abinanti to explain his vote.

MR. ABINANTI: Thank you, Madam Speaker. First of all, I'd like to thank the sponsor and the Committee Chair, and all of the others who worked to bring this legislation before us today. And to cogently explain why it is so important. This legislation directs the Office of Parks to develop a strategy to achieve a goal of acquiring some 30 percent of State lands and State waters by 2030. It prioritizes protections from water sources and habitats. It's important because it emphasizes an important tool to protect our environment, acquire land that is important to our ecosystem. I have been a strong advocate of saving land, particularly Downstate. As a county legislator, I led the

way to county/State partnerships to preserve over 400 acres in my Assembly district. And I applaud this legislation because I look forward to this fostering more relationships, more partnerships between the State and the local governments.

I just want to cite one example right now, where a developer seeks to develop some 35 acres of very sensitive land around the Pocantico Lake in my district. It has steep slopes, it drains into a backup drinking water source, and it's adjacent to a county park of about 100 acres, and adjacent to a State preserve. This is a perfect site for this type of action. So I'm looking forward to combining this with a successful Bond Act referendum and having the State and the county work together to preserve this very important, this very sensitive piece of land. Let us remember, as someone once said, we did not inherit this Earth from our ancestors, we borrowed it from our grandchildren. This legislation is a step putting into effect that (inaudible). Thank you, Mr. -- Madam Speaker. I vote in the affirmative.

ACTING SPEAKER WOERNER: Mr. Abinanti in the affirmative.

Mr. Angelino to explain his vote.

MR. ANGELINO: Thank you, Madam Speaker. I pushed my nay button and I'd like to explain why. The -- the State land that I represent is a large portion of many of the counties, and to add a lofty goal of 30 percent of the State, you know, the county I particularly live in might have to give some land back, but the area

that I live in, I use the State land a lot. I'm a member of the Finger Lakes Trail Conference, I'm a trained maintainer on a section of that trail, and I'm in the State lands and it sometimes crosses private property with easements, and I appreciate it. And this is a laudable goal, but what I have concerns about is the depopulation of an already rural area, having more land taken off the tax rolls, the fewer people left behind are going to be picking up the -- that burden of taxes.

Another section of my district is in the New York City Watershed, and that property was taken by eminent domain many, many years ago and it happens very occasionally that I meet an old-timer who still feels the sting of having that land taken from him at what he thought was a, you know, a lowball price.

I -- I laud the sponsor for this and I know that we're -- we're trying to do good things here, but I do have concerns about the rural areas and that's why I'll be voting in the negative, Mr. Speaker.

ACTING SPEAKER AUBRY: Mr. Angelino in the negative.

Mr. Englebright to explain his vote.

MR. ENGLEBRIGHT: Thank you, Mr. Speaker. I rise in strong support of this measure and compliment the sponsor, a very thoughtful and -- and far-thinking proposal. Open space is our best buy. Taxes are lower, not higher, where you don't have to pay for roads or build new schools or pay for retirements for all of the people who work in those institutions. Clean land equals clean water, and clean water is the basis of New York's largest recreational industries.

It's also the basis of our positive human health and the quality of life for our communities. This measure seeks balance between preservation and development. It's not anti-development, it's pro-quality of life. It builds on last year's voter-approved Constitutional Amendment for clean water, clean air, and a healthful environment. It is a prelude to planning and good thought regarding the use of our natural resources. It is a measure that seeks a pathway to optimism, and within that context, it is congruent with New York's grand tradition of conservation and some of the great leaders of conservation that have predated anyone in this Chamber.

It's a vote today for optimism, for balance, and for open space. The bill will establish conservation goals that will protect our communities and our people for all time. I vote yes and thank the sponsor.

ACTING SPEAKER AUBRY: Mr. Englebright in the affirmative.

Mrs. Griffin.

MRS. GRIFFIN: Thank you, Mr. Speaker. I commend the sponsor for introducing this vital measure to get a -- to get a conservation goal for New York State. It is paramount that we conserve more land to create more green spaces, parks, and conserve our natural resources. This measure is long overdue. In my Assembly district in southwestern Long Island, I am so grateful that decades ago an abundance of land was conserved to create our beautiful State Parks, like Hempstead Lake State Park, Jones Beach, Robert Moses,

and these parks offer the residents of Nassau County so much.

Just this past weekend, I hosted Earth Day community cleanup at a local preserve and at Hempstead Lake State Park, and I am proud to sponsor community cleanups throughout the year to take care of our waterways and preserve our green spaces. As a result -- as a result, we have beautiful beaches, coastlines, and parks to welcome residents and tourists to fish, swim, bike, boat, play sports, gather, camp, and much more. I also appreciate the -- the many parks from our villages, county and towns. If these measure to conserve hadn't been taken, we would even be more overdeveloped than we already are on Long Island. These green spaces and parks make Long Island a great place to live, work, and play.

I commend the sponsor for advocating so strongly to conserve more land which fortifies our shorelines and makes them more resilient. This measure will positively impact our State. I'm proud to vote in the affirmative and I was proud to cosponsor this bill, as well. Thank you.

ACTING SPEAKER AUBRY: Thank you. Mrs. Griffin in the affirmative.

Mr. Manktelow.

MR. MANKTELOW: Thank you, Mr. Speaker, to explain my vote. I know we've talked about here the -- I guess this afternoon already, that we've talked about can we trust New York State. Well, New York State is the people that live here. The part that's scary is as we look across our floor, all the elected officials from

throughout New York State, that's the scary part because each and every one of us will not be here forever. These chairs will be filled with someone else in the future. Will they make those changes? Will they take what we're doing here and change it to a -- a positive or more of a negative? That's why I think we can't -- or why the people say we can't trust New York State.

I applaud the sponsor for answering my questions. I would like to support this, I just can't at the moment and I'm going to work with you on some of the questions to get me there. I really want to know what the percentage is at this point in time. And as some of us have talked about, making sure we fund our municipalities as they lose land that is on the tax rolls and how do we get there. And one of the frustrating parts is, there's a lot of State property out there in New York State that the State owns. There are a lot of individuals and businesses that want to buy that property, but the State will not or it takes forever to move on it. Let's see if we can do something there, as well, to get those properties back on the tax roll, which will also help our local municipalities.

So again, thank you, Madam Sponsor, and thank you, Mr. Speaker, for allowing me to explain my vote and, unfortunately, I'll be voting in the negative at this point.

ACTING SPEAKER AUBRY: Mr. Manktelow in the negative.

Mr. Walczyk.

MR. WALCZYK: Thank you, Mr. Speaker, to

explain my vote. You don't need more land. I know that you probably haven't visited a lot of the State land that they purchased recently, don't worry, almost nobody has. Why? Because the State uses the Environmental Protection Fund to buy the least expensive, wow, in a -- in a rare move by New York State, they're being good fiscal stewards here, they buy the least expensive land in New York State. Where is that land? In insignificant areas in rural towns across New York State. Great. What does that do for you as a taxpayer? Nothing. What does that do for the environment in New York State? Well, the same forest management applies, so really nothing. What does it do to the town where the State now owns that property? Well, for the taxpayers in that town, their tax bill just went up because the State has taken more off of the tax rolls.

Section 3 of this says conservation measures shall be undertaken in ways that serve all communities, including low-income, disadvantaged, and vulnerable communities. I guess we'll see. If this is truly the goal that we're passing here today, we'll see; will the State buy land in those poor rural areas, or will they only be able to purchase the land that is in wealthy areas of New York State that won't be disadvantaged.

Mr. Speaker, I vote no because I think that they're going to continue to buy up land that's taken off of the tax rolls, and my constituency in the front yard of America feels like this State doesn't even want them to live there anymore. I vote no.

ACTING SPEAKER AUBRY: Mr. Walczyk in the

negative.

Mr. Lawler.

MR. LAWLER: Thank you, Mr. Speaker.

Representing Rockland County, which is the smallest geographic county outside the City of New York, a third of our land is dedicated as parkland. I represent the area from the Hudson River and the Western portion of the Tappan Zee Bridge all the way to the Harriman State Park border. We have a beautiful county, and as I said, a third of it being parkland, we believe very strongly in preserving open space, in protecting our environment, protecting our waterways. And I think this bill is important to set that goal. I do agree with some of my colleagues who brought up the fact that it should not just impact Upstate districts, but all across the State. And the goal should be bore out across the State. And that's why living in the suburbs of New York City, certainly I am proud of the fact that a third of our land is dedicated parkland, so we are helping meet those goals throughout the State.

I think this is an important bill. I think it's a good step forward. Open space is something that I believe strongly in, it's why I've introduced legislation to create a community preservation fund for the Town of Orangetown. We passed that last year in this -- in this Chamber. I hope to get it across the finish line this year, and it would give the municipalities the tools they need to help meet these goals across the State. So I think that's something that we should also look to do Statewide and help our municipalities support us in this

effort. So with that, I thank the sponsor and I vote in the affirmative.

ACTING SPEAKER AUBRY: Mr. Lawler in the affirmative.

Mrs. Peoples-Stokes to explain her vote.

MRS. PEOPLES-STOKES: Thank you for the opportunity to explain my vote. I want to commend the sponsor of this legislation, and I will say this, I think it might be a couple decades late. As a person who was born and raised in the City of Buffalo, I have watched that community go from the City of Buffalo to the region of a suburban sprawl, to the region of rural sprawl, and every time that happens, there's a new and further road out. There's more and more infrastructure for access to water, as well as sewer systems. There's more and more taxpayers complaining about the cost of taxes and quite honestly, Mr. Speaker, there's more and more corporate and retail development that goes that way also, but we're not at the same time in spending rapid transit. We're not at the same time expanding rapid rail. And when we do that, then we're creating job in places where people can't even get to work. And now we've got to find a solution for that.

And so I think, Mr. Speaker, that this is a good idea and again, I do think it's a couple decades late. And I know that there are people who live in and around farms who complain that they smell manure. Well, if you move into a development that's around a farm, you are going to smell manure because there's a farm next door. And at the same time, Mr. Speaker, people are beginning to be

empty-nesters and move back to urban areas. And when they do that, they leave the area where they raised their children at and some of those roads out there now are beginning to look like reforestation because nobody's riding on them as much. And so sometimes our thought process drives us to move development in ways that are negative to the environment, and it's negative to the impact that it has on taxpayers.

And so I think that this not only is good for the environment, the water, the land, the air, et cetera, but it's also good for our tax base to figure out how do you stop expanding yourself if the only thing you have to do is spend money on running a government that keeps you with all the vital services that you need when you could stay where you were and you had access to those services. Again, Mr. Speaker, I like this legislation and I'm happy to vote in favor of it.

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

Ms. Fahy to explain her vote.

MS. FAHY: Thank you, Mr. Speaker, and I want to thank all those who participated today again. This bill is about an effort, a plan, and a goal to conserve 30 percent of the State's land and water by 2030. These conservation efforts would include farmland preservation, as well as increased climate resiliency, and reduce the risk of flooding and protecting our water quality which we've talked so much about in this -- in this House over the last good few years.

I have an unusual district. I live in Albany which is a very urban area, but I also represent three wonderful towns that are suburban and rural, including New Scotland, Guilderland and Bethlehem. So I understand much of the debate and many of the concerns, but I've also been proud to sponsor two bills to allow Guilderland and Bethlehem to do more conservation easements such that they can do planned growth, that they can work and relieve some of the pressures on development; yet, have a balance in the -- in the town of what is conserved, what is parkland and, yet, what is available for -- for development. And they are -- have become highly, highly desirable communities. This is about, again, increasing climate resiliency and reducing risk. As I mentioned earlier, the last estimates I saw in that -- in just over ten years, we've spent over \$50 billion just as a State in environmental disaster cleanup, it's just a stunning number. We've had tremendous support on this legislation. A whole host of advocates have supported this, but I think it is worth reiterating one of those includes the Empire State Forest Products who have said a positive contribution from private working forests can help make enduring conservation outcomes. Again, lots of bipartisan support which has been appreciated, and I'm happy to work with all those with concerns, and I want to thank the Chair and the Speaker. I do think this is a valid goal that will come back to benefit us in the decades to come. And with that, I vote in the affirmative. Thank you, Mr. Speaker.

ACTING SPEAKER AUBRY: Ms. Fahy in the

affirmative.

Mr. Goodell.

MR. GOODELL: Thank you, sir. Please record the following colleagues in the negative: Mr. Brabenec, Ms. Byrnes, Mr. DiPietro, and Mr. Friend.

ACTING SPEAKER AUBRY: So noted.

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

Mrs. Peoples-Stokes.

MRS. PEOPLES-STOKES: Thank you, Mr.

Speaker. Two hours later, we've completed our first bill of the day. Two hours later, we've completed our first day of the bill. We actually have seven more to go, Mr. Speaker. So if we could now go to Rules Report No. 81 by Mr. Pretlow, and we can go through the list again, but if it takes two hours to go through the next bill then I'll stand up and go to our next Rules Report. But right now, we're going to go to Rules Report No. 81. Thank you, sir.

ACTING SPEAKER AUBRY: The Clerk will read.

THE CLERK: Senate No. S08830, Rules Report No. 81, Senator Stewart-Cousins. An act to amend the Environmental Conservation Law, in relation to the location of environmental facilities (Pretlow--A02103-D).

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

MR. PRETLOW: Absolutely, Mr. Speaker, but I will give extremely short and succinct answers and not to delay this proceeding any longer than we have to.

Certain disadvantaged communities have been forced to bear disproportionate and inequitable share of environmental facilities like landfills, hazardous waste facilities. This bill would require the consideration of existing pollution on such communities under the State Environmental Quality Review Act, better known as SEQR, and when the Department of Environmental Conservation makes certain permitting decisions under the Uniform Procedures Act, the DEC determines that a project would increase the existing permit, it would be prohibited from issuing a permit.

ACTING SPEAKER AUBRY: Mr. Smullen.

MR. SMULLEN: Well, thank you, Mr. Speaker. Would the member from the 89th Assembly District kindly yield for some questions?

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

MR. PRETLOW: Absolutely --

ACTING SPEAKER AUBRY: Mr. Pretlow yields.

MR. PRETLOW: -- any time an Assembly district which is -- includes a sewage treatment plant in the great City of Yonkers.

MR. SMULLEN: My Assembly District includes a joint wastewater treatment plant in the fine City of Johnstown, so...

MR. PRETLOW: Welcome to the club.

MR. SMULLEN: I think we've got lots in common to talk about here today.

So I just wanted to get into some of the definitions. I saw -- I noticed the last time this bill came up was 2012, I obviously -- I wasn't in that -- this Body back then, but I did notice that some of the language has changed from the previous bill to this bill and I just wanted to make sure it was well-defined because we're talking about definitions here, and specifically definitions under the Environmental Conservation Law. Could you reflect on what the differences are between then and this bill, and what the meaning of a *disadvantaged community* is in your legislative intent, sir.

MR. PRETLOW: Well, since this bill is celebrating its 28th birthday, the names have changed to protect the innocent, I suppose, but a disadvantaged community has the same meaning as the term as defined in the Climate Leadership and Community Protection Act, better known as CLCPA. It required the Climate Justice Working Group to establish criteria for the definition. While the proposed definition is still under draft form until July, disadvantaged communities are expected to be identified at the Census tract level and bear the burdens of negative public health effects, environmental pollution impacts of climate change and possess certain socio-economic criteria, while comprised high concentrations of low- and moderate-income households. As currently proposed, 47 counties outside of New York City would have at least one eligible Census

tract. When put in another way, only nine counties outside of New York City do not have sites, and those are Essex, Hamilton, Lewis, Livingston, Otsego, Saratoga, Schuyler, Warren and Wyoming Counties.

MR. SMULLEN: So certainly by your definition then, this would include many of the old industrial areas in Upstate New York.

MR. PRETLOW: Yes.

MR. SMULLEN: And then -- so how are we going to go about making the regulation that then gets promulgated that's going to ensure that it includes many of the legacy environmental sites in the areas I represent. I'm talking about Brownfield sites, super fund sites. How is that going to be worked out in our -- in our law here?

MR. PRETLOW: Well, the way this -- this will be a law is designed is that when an entity is looking for a permit to build a site that we think will be detrimental to a community, they have to go through a certain checklist and determine whether that facility would adversely affect the people that live within that Census tract.

MR. SMULLEN: And if it's done by Census tract, you know, we get that down to the -- that's really a fine -- fine tooth comb. So say if we were going to develop an old industrial site into a new industrial site, would that be included in that -- in that definition?

MR. PRETLOW: Yeah, we're just looking at if it would have an adverse affect. This is project specific.

MR. SMULLEN: I'm sorry, can you say that again?

MR. PRETLOW: This will be project specific. If it's going to increase the hazardous output of the facility, then it would come under this and fall under this bill.

MR. SMULLEN: So therefore it wouldn't apply if it was an old industrial site that we were cleaning up and then repurposing for a -- some other purpose that's not included under the criteria in this law.

MR. PRETLOW: I believe so.

MR. SMULLEN: Okay. Thank you very much, Mr. Pretlow, I appreciate the opportunity to ask questions.

ACTING SPEAKER AUBRY: Mr. Goodell.

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

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

MR. PRETLOW: Oh, I was expecting this. Absolutely, Mr. Goodell.

ACTING SPEAKER AUBRY: Mr. Pretlow expectingly yields.

MR. GOODELL: Thank you, Mr. Pretlow. Of course, a lot of concerns have been raised that one reason -- well, that these facilities environmentally impact both facilities were located in areas where the land was the least expensive and, of course, it's not likely that any of our local municipalities will choose the most expensive, wealthiest neighborhoods to put in a sewer treatment plant.

MR. PRETLOW: Well, I don't believe that the cost of land should determine the life of an individual. If a facility is causing life-threatening illnesses to individuals just because the land is cheap there, that's no reason to put a facility that will be detrimental to their health. I will give you an example of what we call environmental justice. I'm sure that you have been to the City of New York and driven down the West Side Highway, and when you get to around 155th Street, you may notice some odd smells. That is a sewage treatment plant. This plant was built back in Robert Moses' day and it was proven the best site for that sewage plant was 72nd Street, not 155th Street, but 72nd Street on the West Side of Manhattan didn't want the sewage treatment plant, so what did they do? They stuck it in Harlem, and it's there to this very day.

MR. GOODELL: I think we both would agree that no one's health should be threatened by any facility whether they're rich or poor; would you agree?

MR. PRETLOW: Absolutely.

MR. GOODELL: And so shouldn't our focus then be in ensuring that nobody's health is injured --

MR. PRETLOW: We would like no one's health --

MR. GOODELL: -- and ensure that regardless of where a facility is located that it meets the highest appropriate standards?

MR. PRETLOW: Absolutely. But what this bill is addressing is if a facility is put into a community that already has a

high incidence of various ailments, this would only exasperate that.

MR. GOODELL: So is the theory that if we have a neighborhood that is relatively healthy we'll locate dangerous facilities in --

MR. PRETLOW: Well, we're not looking to put dangerous facilities, we don't want to build dangerous facilities in the first place. But we also don't want to put several of these sites in one community because it becomes detrimental to the health and well-being of the individuals that live in that area.

MR. GOODELL: Okay. Thank you for clarifying that. Thank you, sir.

ACTING SPEAKER AUBRY: Thank you.

Read the last section.

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

ACTING SPEAKER AUBRY: The Clerk will record the vote on Senate print 8830. This is a fast roll call. Any member who wishes to be recorded in the negative is reminded to contact the Majority or Minority Leader at the numbers previously provided.

(The Clerk recorded the vote.)

Mr. Goodell.

MR. GOODELL: Thank you, just to explain my vote. This particular bill focuses on siting environmental facilities in minority communities, or an economically-distressed area. Since a substantial portion of my district and many of the Upstate districts are

already economically distressed, I'm not quite sure where we're going to put any of these facilities. But I share the sponsor's concern that no community should be disproportionately impacted and that all facilities, wherever they are located, should be appropriate environmental standards so that nobody's health or safety is jeopardized. Thank you, sir. I will be supporting it.

ACTING SPEAKER AUBRY: Mr. Goodell in the affirmative.

Mrs. Peoples-Stokes to explain her vote.

MRS. PEOPLES-STOKES: Thank you, Mr. Speaker. We started out earlier today - well, I did - honoring Mr. Brodsky for his service here as well as the fact that he was a transplant donor, and to think that we are now here actually hopefully passing a bill that he introduced in 2000 that is important to the lives of all people, regardless of their ethnicity or their income level. So I, this time, want to congratulate the sponsor of today's legislation. That -- this is important work. Every time we do something that negatively impacts people's health, particularly those that are of low-income or poor, we end up paying at the other end of it because we pay for their health care costs, we pay for their education costs. And so this, to me, is a preventative measure that can help in the future not have to have the State increasing the cost for Medicaid and/or educational higher ed. So again, I want to commend the sponsor and vote in the affirmative. Thank you, sir.

ACTING SPEAKER AUBRY: Mrs. Peoples-Stokes

in the affirmative.

Mr. Goodell.

MR. GOODELL: Thank you, sir. Please record my colleagues Mr. DiPietro and Mr. Friend in the negative. Thank you, sir.

ACTING SPEAKER AUBRY: So noted, thank you.

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

Page 5, Rules Report No. 82, the Clerk will read.

THE CLERK: Senate No. S02838-C, Rules Report No. 82, Senator Parker. An act to amend the Executive Law, in relation to the purchase or lease of zero emission vehicles for State-owned vehicle fleets (Fahy--A02412-B).

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

MS. FAHY: This bill A2412 is a transportation sector bill to -- sorry, let me switch -- I hadn't switched gears fast enough. Sorry. Here we go, sorry. It amends the Executive Law in relation to the purchase or lease of zero emission vehicles for State-owned vehicle fleets. And it lays out a timeline, but essentially the primary goal is by 2030 that all of the State passenger vehicles would be zero emission vehicles. And the intent is to do this as they are phasing out other -- other vehicles, so in other words we recognize that this can't happen tomorrow. We did -- there was \$17 million put

in the budget earlier this month in an effort to help support the transition to zero emission vehicles and this sets a goal of moving toward all zero emission vehicles again with the State fleet. And the intent here is we talk a lot about moving the transportation sector which accounts, depending on what numbers you use, it accounts for about 30 percent of the State's greenhouses gas emissions, and this is an effort to have the State lead on what we believe is an important goal and an important need, and that is to bring down those transportation emissions.

ACTING SPEAKER AUBRY: Mr. Palmesano.

MR. PALMESANO: Mr. Speaker, will the sponsor yield for a few questions?

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

MS. FAHY: Yes, happy to.

ACTING SPEAKER AUBRY: Ms. Fahy yields, sir.

MR. PALMESANO: Thank you, Ms. Fahy. First before I start, I just want to say thank you for your comments on the floor earlier. Very heartfelt, very powerful. The heart and soul of this Chamber is with you and your loss, but your words resonated with everyone here and is certainly a powerful voice on the issue and discussion of organ donation, so thank you for that.

MS. FAHY: Very kind, thank you very much.

MR. PALMESANO: I do have just a couple questions I kind of want to get to, some -- but then I'm going to try to

speaking more on the bill, so I just wanted to touch on a couple issues with you if I could. I know, and I obviously have been a, as you know, pretty critical of the CLCPA, not because we haven't -- I haven't said we shouldn't be investing in renewable technology, we should. My criticism has really been that, you know, New York only contributes .5 percent of the total carbon global emissions while China's at 29 percent and building coal plants, and us doing it alone, but I know you mentioned that -- on this issue that it's really about leading and trying to hopefully have others come along; is that right, to try to comply with the CLCPA, is that fair?

MS. FAHY: Yes.

MR. PALMESANO: Okay. On the cost side of it, I know you mentioned \$17 million in the budget, do you have any estimates on what this might cost from full implementation of where we're heading?

MS. FAHY: I don't have an overall estimate and, again, this is a phase-out. This bill has been around for a couple of years so we recognize we're already a little bit behind and, as you know, with many of the State vehicles, State-owned vehicles or State-leased vehicles, there's already been an effort to begin to transition, but \$17 million is an effort and I should add, one of the problems with moving toward electric vehicles, and we see this in the private marketplace, is that there is often a higher upfront cost, but a much lower life cycle cost. And so even though that's changing very rapidly as -- especially with the price of gasoline, but it is the

operating cost that become cheaper, but it's the initial outlay of capital so I should have mentioned that's \$17 million in capital to begin to transfer the State fleet, or transition the State fleet.

MR. PALMESANO: And as we -- as we move forward to the all electric vehicles by 2035 and then obviously the State fleet, it's going to require a great deal of electricity and stress on the system, so there's going to have to be major improvements to the infrastructure to go to this full electrification, right? So who is going to be accountable for those costs with the full upgrade to electrification of our network and charging? Is that going to ultimately fall on the ratepayers and the residents of this State?

MS. FAHY: I don't have numbers in front of me and I should have some of those memorized, actually, but as you know we have also put money in the budget to really increase and improve the electric vehicle infrastructure. Personally, I have bought plug-in electric hybrids because -- because of the range anxiety and because the infrastructure is not there. We're getting there and as you know, there's some pretty ambitious goals to increase the electric vehicle infrastructure, but it's not there yet along with -- and I know you're -- you're alluding to more than that, but all of these -- all of these efforts need to move simultaneously, and certainly we have designated millions of other dollars to increase the EV infrastructure. For example, here in this region, the Capital District Transportation Authority, part of when we designated dollars to them from the Volkswagen settlement dollars, a lot of that went to build up the

electric vehicle infrastructure as well as to purchase electric vehicle buses, and I would assume that's the same for you.

MR. PALMESANO: Okay. You mentioned about the range and an estimate issue I'm concerned about, as well, because I know part of this bill talks about the heavy duty, like our snow -- snow plows or dump trucks, our excavation vehicles. Isn't this is going to pose a -- you said further upfront cost and then given that range issue that we have with electric vehicles, you know, how far they can go, we talked about the school buses, aren't basically the State and then ultimately our local governments going to have to invest -- spend more money on these vehicles given that range issue and how they address it, especially when there's a snowstorm or when there's major flooding and we have to do major excavation work and if these are all electric-powered vehicles, they can't just run and fill up on gas, it takes time to charge them. So aren't they going to have to invest more money in some of these vehicles probably?

MS. FAHY: Again, you -- first of all, we have more years, it's 2035 for the medium and heavy duty trucks, and the technology is changing so rapidly it's actually hard to keep up with. I own a 2018 and I -- 2018 plug in electric and I can't believe how much things have changed in just the few years. But in addition, again, it is this issue of and we're seeing this again in the overall marketplace, the -- it's the upfront cost that is a little pricier at this point; the long-term operating cost, the life cycle cost, the maintenance costs are a fraction of what that upfront cost is so I -- we

do think that this will ultimately be a savings in operating and maintenance costs, as well as this -- this isn't, as you know, at the end, this is also being done to protect or to bring down the amount of transportation emissions, the greenhouses gas emissions from our transportation sector. So it's not -- so there's multiple goals here, as well, but in the end we do think and we're seeing this already, the electric vehicle market, if I had been speaking here a year ago, I would've said we're not in the top ten yet, we're not even close, whereas now, that market has changed dramatically as a result -- partly because of the horrific Ukrainian war, but the market has changed dramatically and the prices are coming down and more competitive.

MR. PALMESANO: Right, and the upfront cost is certainly significant, I might mention that a little bit in my comments, but one other question, you know, has this legislation probably doesn't but is it something we should be looking at as we move forward as a State since this is specifically on State, something I've talked about on the floor, some of the human rights and environmental impacts, negative environmental impacts of the rare Earth materials and extraction and mining that's going on in other parts of the world like the Democratic Republic of Congo and other places. Is that something we should be addressing and looking at as we move forward given that some of the doc -- well-documented impacts of the human rights, use of child labor and the negative environmental impacts. So if it's not addressed in this bill, isn't that something the

State should really take consideration of and address as well as we move forward in the acquisition of and purchases of these electric vehicles on where this material is coming from and how they're being extracted and by who?

MS. FAHY: Human rights violations should always be a consideration in everything we do, although those are -- because those are international issues, those are addressed at the Federal level and I do appreciate you raising those because I think there are some very valid concerns raised there, but again those are international issues that need to be addressed at the Federal level and -- but in addition, I should add that NYSERDA, our State energy agency, is also looking at alternatives, well, as is the marketplace looking at alternatives including with batteries and battery storage. So there are -- there are efforts to do that, but I don't want to minimize the concerns raised about human rights violations. Those are -- those are -- those are legitimate concerns, but that is -- that is a little beyond the purview of this. It certainly -- they have been addressed, as you recall there were a number of issues with cell phones years ago and a number of those have been addressed. Not to the degree that you're referencing, but certainly we have made serious progress there and need to do the same. So I wouldn't argue the point.

MR. PALMESANO: All right. Thank you, Ms. Fahy, I appreciate your time.

Mr. Speaker, on the bill.

ACTING SPEAKER AUBRY: On the bill, sir.

MR. PALMESANO: Mr. Speaker and my colleagues, as I have talked about this in the past, my concerns with the CLCPA and the implementation of these policies is not that we shouldn't be looking at investments in renewable energy technology, it's the fact that we're doing it alone. Whenever I bring that up when I talk about New York State being .5 percent of the total local carbon emissions, but yet China's at 29 percent and building coal plants hand over fist, India's at 7 percent, they're still using coal, and Russia is at 4 percent and they're in the process of building \$110 billion Arctic oil port. So there's really no interest on those individuals and groups to help us meeting our climate goals, it's not going to make a major impact. But I think where I get frustrated with this issue as well as we say, you know, we're going to lead. When I talk about China, this, you know, even the other day on the floor they said it was kind of a rhetoric that I use, it's not rhetoric, it's fact. The fact of the matter is we're .5 percent and when China's emitting at 29 percent and I think the first quarter of 2021 carbon emissions increased by 9 percent. But I think where my frustration comes with this issue and I think, believe me, is really when we talk about leading but how we always -- we can lead on this, but when it comes to the human rights and environmental impacts that's happening in the Democratic Republic of Congo and these other foreign nations that's well documented, the answer is it came from the Commissioner of DEC saying the Federal government needs to do it or anyone else. It's always that the Federal government needs to do it.

How can we be expected to lead on the CLCPA, how can we say we're going to lead on that but when it comes to these human rights and environmental issues that are well documented, how can we just kind of -- really kind of turn a blind eye and be silent and say it's the Federal government's responsibility? That's not leading, that's punting the responsibility and it's not appropriate, especially when you know that 70 percent of the cobalt is extracted in the Democratic Republic of Congo where it is well documented and these mining collapses that they use child labor. There's about 40,000 estimated children mining these artisan -- hand mining these -- these mines. And unfortunately, these children are dying, they're being maimed, and you think why aren't they in school? Well, because the government charges them \$6 a day to be in school, but these kids who are mining these mines are getting paid about a \$1 a day. They kind of round them up and group them up (inaudible) and that's what they're getting -- it's just really sad that we as a State that's supposed to be a progressive State, and we say we're going to lead on the CLCPA, we're going to lead on these goals, but when we talk about the environmental impact and with water pollution, water use, and these human rights violations we know, the child labor and slave labor in China with solar extraction. I just think it's not appropriate for us to turn a blind eye and just say it's the Federal government's responsibility. That's not a good enough answer for me, it shouldn't be a good enough answer for all of us.

And the other part of this issue is our energy security.

Eighty-seven percent of the rare Earth materials that are being mined are processed in China. So we're going to full electrification, we're getting away from natural gas and being independent from that perspective, which we have an abundance of natural gas, 60 percent of the people heat their homes with natural gas, we're going to get away from that, but yet we're going to rely on China for these rare Earth materials which comes for batteries and which we're going to deal with our electrification. We're going to rely on China while they're emitting 29 percent of the total carbon emissions? We're going to be dependent upon them for the rare Earth materials? They're going to control the market, they're going to -- they will have us and have a major impact on our electric energy security, which is a national security issue, let alone a human rights issue.

And Mr. Speaker and my colleagues, this really is one of a bigger package of issues that's really going to systematically change our economy, our energy infrastructure and the reliability of our energy grid. We're putting all our eggs in one basket going to full electrification. The scariest thing, the sponsor mentioned that, you know, these upfront costs but there's savings at the back end. Well, let's talk about one of the major upfront costs, this is well documented. By 2030, if you heat your home with natural gas, you have a natural gas boiler or furnace, that natural gas boiler or furnace goes, based on the draft scoping plan that's being advanced, you cannot replace that natural gas boiler or furnace with a natural gas -- you have to electrify your home, meaning you have to change the whole exterior, your

shell, installation, other costs. It's been estimated by three groups, Consumer Energy Alliance said it's going to cost each homeowner more than \$35,000 to convert their homes to electrify. With everything in the appliances and geothermal heat pump, that's significant cost. How many of our residents can afford that? Are we talking to our constituents that that's coming, but yet, we're leading in climate change when it's not going to make a difference when we only contribute .5 percent. Even the Climate Action Council said it's going to cost \$20- to \$50,000. How can the public afford that? It just seems like affordability is being set to the side all in the name of clean and renewable here in Earth Week, and reliability as well.

We talk about reliability. You know, based on the plan that's been out there, we're talking about 15 to 25 gigawatts short of the energy demands that we need by 2040. We need to (inaudible) resources. That 15 to 25 gigawatts is enough to power every home in New York State and the equivalent of ten nuclear power plants and ten hydroelectric power plants. NYISO, which is responsible for managing our grids, says we have ten percent in unidentified resources need to be addressed to make up for that shortage.

Affordability and reliability are being put to the side all for the name of clean energy, renewable energy because we're going to save our environment. Well let me remind you, if we're contributing just .5 percent of the total carbon emissions, we can get to zero, but if China continues to build coal plants and we let them do that, if India keeps doing it and Russia is building \$110 billion oil

port, they're not going to help us. We're not going to make a difference in climate change and we're just going to be dismantling our economy, sending our businesses, our farmers, our families continuing -- what we're going to lead in is continuing an exodus out-of-State of our people, our farmers, our businesses and manufacturers. We're not going to make a difference in climate change with this. I tell you, you watch the numbers, but it will impact our economy and our jobs without a doubt.

So I wish we could look at affordability and reliability in this discussion and, unfortunately, I just don't see that happening and that's a sad thing for New York State. With that, Mr. Speaker, I'll be voting in the negative and I urge my colleagues to do the same.

ACTING SPEAKER AUBRY: Mr. Goodell.

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

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

MS. FAHY: Yes, happy to.

MR. GOODELL: Thank you, Ms. Fahy. As you know, New York State currently utilizes and distributes about 52 terawatts of electrical power a year, and it has been estimated that a conversion of all of our vehicles to electric would take an additional 72 terawatts, more than double our current generating capacity, more than double our distribution capacity. Do you have an estimate of

how many additional terawatts would be involved in converting the State's electrical vehicle fleet to electricity?

MS. FAHY: No. But remember that the State fleet is a tiny, tiny fraction of the number of vehicles on the road. So -- and again, that's part of why we -- why I think it's important that the State lead as we move down -- move towards this effort that brings down the costs of vehicles in general, it brings down the cost of infrastructure and brings down -- makes this more readily available. And the technology is changing so rapidly that I think it will assist the more we fuel this market, no pun intended.

MR. GOODELL: But at this point we don't have an estimate of the number of terawatts that would be required?

MS. FAHY: No, not for State fleets. I mean, the number -- one estimate I saw for the number of State fleets is only 6,000 vehicles, so it's a very finite number of State vehicles which is very different than the --

MR. GOODELL: But this also applies to vehicles used by the DEC, the Department of Health, certainly our State DOT and all State vehicles, right? It's not just State Police, it's all State vehicles.

MS. FAHY: Yes, and I meant all State vehicles, yes.

MR. GOODELL: Okay. With regard to the cost, we've had a lot of quotes saying that an electric school bus, for example, runs two to three times more expensive than a diesel. Is that the same type of cost comparison that you would anticipate for heavy

use vehicles like dump trucks, snow plows or similar vehicles in the State?

MS. FAHY: I'm more familiar with the passengers -- passenger vehicles and light trucks, and those have become very comparable. They are still more expensive in general, but very comparable. I'm also familiar with the buses, again, because of what we did here locally with our Capital District Transportation Authority, so a bus I know is not the equivalent of a dump truck, but they're -- about five years ago it was still about double the cost and that has come down rather dramatically, as well. So I -- the school buses, we think those prices are going to continue to come down and that's why we also, though, stress the life cycle cost. The intent is -- or the -- what we'll help here is the fact that there are lower fuel costs, lower maintenance costs and overall, the life cycle should be more comparable once you factor in that initial upfront cost.

MR. GOODELL: And I appreciate the focus on life cycle cost. Does this bill also do a life cycle environmental analysis and does it provide for an exception from its requirement, its mandates if a life cycle environmental analysis indicates that the electric vehicle actually results in an increase in greenhouses gases?

So just as an example, we know that if we convert medium or heavy duty DOT snowplow that we are going to be using a massive amount, certainly under current technology, of lithium and rare Earth. We know those have a huge environmental impact in terms of their mining in China. We know they're refined using coal

power in China. Then we locate such a dump truck, for example, or snowplow, we know the Southern Tier in -- of New York is powered by coal plants out of Pennsylvania. And so we know that the daily air emissions that are attributable to the power exceed that of a normal high efficiency diesel or particularly a compressed natural gas diesel.

So if that analysis indicates we have a net increase in greenhouse gases by switching to coal-powered snowplows throughout Western New York, does this bill provide for an exception?

MS. FAHY: The bill provides for an exception with meeting the goals, but not due to the life cycle environmental cost. And again, the intent is in the end, the life cycle costs would be lower. I understand the concerns you are raising, but I don't think one would outweigh the other. And certainly those are issues that are rapidly being addressed, and some of those we've already made progress on and we know NYSERDA, as I mentioned earlier, is very focused on alternatives, as is the -- as is the global marketplace is very focused on alternatives. So I think just as we've seen dramatic change in electric vehicles just in the last few years, I expect we will continually see change with heavy -- medium and heavy duty trucks, as well. So -- but there are exceptions to meeting the goals overall where it's not available, but not, again, back to your question, not the environmental ones.

MR. GOODELL: Okay. As you know, a few weeks ago we debated a bill that would require utilities to provide generators

to all emergency management facilities throughout the State in the event of a power failure. Of course, all those generators would be fossil fuel-operated. Does this bill contemplate that all of our DOT facilities and State Police facilities would have diesel or other fossil fuel generators as a backup so that if we do have a Hurricane Sandy, our entire transportation fleet isn't down for lack of recharging capability.

MS. FAHY: No, it does not address this and it really is just about the State fleet itself. Certainly, those generators, nobody's -- those generators may still be available in an emergency but, again, I think that as we are seeing technology catch up I think that we will be addressing those matters in the next -- these are ten to 15 years of addressing those, so this is -- this is very focused on just the State fleet.

MR. GOODELL: Now as you know, the New York State Independent Service -- Independent System Operators, the ISO is responsible for coordinating the acquisition and distribution of electric power throughout New York State.

MS. FAHY: Yes.

MR. GOODELL: It's an independent entity and has no political affiliation or acts as far as I can tell, they're very technical. And just last -- a year ago in November, they issued a report and what they said is that the 2020 reliability network analysis, reliability needs assessment has identified violations or potential violations of reliability criteria in the base case throughout the entire study period

from 2024 to 2030 due to dynamic instability, transmission overloads and resource deficiencies. And to translate that into layman's language, what they are basically saying is that our existing generating capacity and distribution capacity in New York State without even considering converting additional buildings or cars to electric is insufficient to meet projected demands. And they put it in a very technical way, which is basically translates into we cannot ensure system reliability, particularly on Long Island, New York City, and Downstate. And they know that we've lost two gigabytes by shutting down Indian Point. The replacement line from Quebec has been held up in litigation, it's not online, and they're predicting another 1.5 gigawatt loss on peaker stations that enable New York City's lights to stay on or the air conditioning to stay on in high demand. Does this bill in any way address the existing projected shortfall in electrical generation and distribution for New York State?

MS. FAHY: This bill is very narrowly focused. It's focused on the State fleet, again, which is the one estimate I saw was 6,000 vehicles. It may be a little higher and may have changed since an early draft came out, but the ISO is also continually updating their projections as well, and this is narrowly focused. We think it is achievable. We have had a lot of support for this and, again, I think the more -- just as we have seen the dramatic change in the electric vehicle market, the more we are purchasing, the more we are incentivizing these markets, the more the private sector market will benefit as well.

So -- and again, I think if we are going to set -- we all admit we have ambitious climate goals, the more we use the State resources to help -- to increase our purchases and lead by example with electric vehicles, the more we will make it more achievable for others to reach these and bring down the cost. So I -- but again, this is very narrowly focused. It certainly -- and the ISO report that you're referring to as I recall was talking about the overall reliability of the system.

MR. GOODELL: It was indeed, and obviously if New York City is experiencing brownouts, it's either we're going to have to have emergency backup generators for our State Police and the DOT, or they're not going to be on the road until the power is restored. Again, thank you so much for your comments.

On the bill, sir.

MS. FAHY: Thank you.

ACTING SPEAKER AUBRY: On the bill.

MR. GOODELL: You know, when we address issues of the environment it's extraordinarily important that we take the big picture view. And that means we must, if we are really serious about the environment, look at the life cycle impact of our laws on the environment. And so if we say, and it's so easy to do, that look, it's this vehicle that has zero emissions, it's electric, but we're charging that vehicle using a coal-powered plant, we're not reducing emissions, we're increasing emissions. And the vast majority of power in New York State comes from fossil fuels. The vast majority of electrical

power comes from fossil fuels, and for the Souther Tier, it's coal.

So here we're asking our taxpayers to pay twice as much for medium and heavy duty trucks so that they can be powered by coal. It makes no environmental sense, and it makes no financial sense. And then we go one step further because we know the State Police have to be on the road 24/7, which means that half their fleet has to be down at any given time, or one-third of their fleet has to be down at any given time to be recharged. And we know that when there's a snowstorm, those plows have to be on the road 24/7. And if it takes eight hours to recharge a heavy duty truck, that means we are buying one-third more trucks at a cost that is currently twice as much per truck, so that we can have coal-powered trucks in New York State. And for this, we're congratulating ourselves for our environmental leadership? It makes no financial sense, it makes no environmental sense. And we're doing this in the face of a report from our own experts telling us that we do not have sufficient generating capacity or distribution capacity in the New York City area and on Long Island starting next year. So while all of our experts are saying we face the risk of brownouts and blackouts in New York City, we are full steam ahead, let's place more demands on an overtaxed system without the backup power that's needed to make this happen.

So what are we going to do? We're going to buy more diesel-powered generators to make sure our State Police are on the road because we can't rely on the grid? My friends, let's step back. Let's focus on what's important. What's really important for New

York is to minimize greenhouse gases and to reduce the cost to our taxpayers. And so instead of relying on China, why don't we rely on Cummins engines and their duel-fueled diesels that are state-of-the-art, they use compressed natural gas that have virtually no emissions, don't rely on China, don't rely on child labor, don't rely on an unreliable grid and cost a fraction of the amount. We have a solution where we can have lower emissions and lower costs, and this takes us in the opposite direction. For that reason, I'll recommend against it. Thank you, sir.

ACTING SPEAKER AUBRY: Read the last section.

THE CLERK: This act shall take effect immediately.

ACTING SPEAKER AUBRY: The Clerk will record the vote on Senate print 2838-C. This is a Party vote. Any member who wishes to be recorded as an exception to the Conference position is reminded to contact the Majority or Minority Leader at the numbers previously provided.

Mr. Goodell.

MR. GOODELL: Thank you, sir. The Republican Conference is generally opposed, but those who support it can vote here on the floor in favor or call the Minority Leader's Office. Thank you, sir.

ACTING SPEAKER AUBRY: Thank you.

Mrs. Peoples-Stokes.

MRS. PEOPLES-STOKES: Thank you, Mr. Speaker. The Majority Conference will generally be in favor of this

piece of legislation; however, there may be a few of our colleagues that would like to be an exception. They should please feel free to contact the Majority Leader's Office so their vote might be properly recorded. Thank you, sir.

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

(The Clerk recorded the vote.)

Mr. Epstein to explain his vote.

MR. EPSTEIN: Thank you, Mr. Speaker. I rise to explain my vote. I want to applaud the sponsor here for taking a smart, reasonable approach to dealing with moving our State-owned fleet to renewable energy. It is critical that New York State lead by example, and we need to ensure that when we are purchasing vehicles, we ensure that those vehicles come from renewable sources. Why does that matter? Because if we're leading, we help create the infrastructure. Yesterday we heard real opposition to cryptocurrency mining because we were stifling industry. The opportunity today is to put our energy sources into renewable spaces like EV vehicles and use our energy outlets to ensure there's more EV vehicles across the State.

This is a smart way for government to act. It is an important way for government to act. It's a fine way to ensure that we are living up to our CLCPA values. Again, I applaud the sponsor and I encourage all of my colleagues to vote in the affirmative.

ACTING SPEAKER AUBRY: Mr. Epstein in the affirmative.

Mr. Goodell.

MR. GOODELL: Thank you, sir. Please record the following colleagues in support of this legislation: Mr. Brown - Mr. Keith Brown, Ms. Giglio, Mr. Michael Lawler, Mr. Mikulin, Mr. Smith, and Ms. Walsh. As you can see, we're trying to make our life a little bit more interesting by having multiple people with the same last name. Thank you, sir.

ACTING SPEAKER AUBRY: They send them to us, we don't choose them. So noted.

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

ACTING SPEAKER AUBRY: Page 6, Rules Report No. 85, the Clerk will read.

THE CLERK: Assembly No. A07429-A, Rules Report No. 85, Englebright, Griffin, Burdick, Thiele, Paulin, Epstein, Barnwell, Simon, Forrest, Gottfried, Steck, L. Rosenthal, Dickens, Jackson, Dinowitz, Otis, Sillitti, Glick, Zinerman, Jacobson, Colton, Stern, Niou, Kelles, Gallagher, Fahy, Rajkumar, Abinanti, Mamdani, González-Rojas, Cymbrowitz, Anderson, Lavine, Reyes, Burgos, Carroll, Seawright, Pheffer Amato. An act to amend the Environmental Conservation Law, in relation to enacting the Birds and Bees Protection Act.

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

MR. ENGLEBRIGHT: Thank you, Mr. Speaker.

This bill will act to protect pollinator populations of our State. They have undergone significant and drastic decline in recent years and a good portion of the cause of that seems to be the use of certain insecticides that are sometimes generally related to a neonic -- or neonicotinoid classification. So this bill is an attempt to address this. As you may know, pollinators are critical to the reproduction of plants and as that is the case, it is critical to the farming industry and the production of food. It's also critical for wild populations of animals and plants. So pollinators are a hinge or a linchpin really in the ecology of our State and in the economy of our State.

So this bill will address this by banning the sale of neonicotinoid coated seeds for corn and soybean and wheat, unless there are acceptable alternatives. It also bans neonicotinoids for non-agricultural turf and ornamental uses except to treat invasive species, and directs the State DEC in conjunction with Cornell University and the SUNY College of Environmental Science and Forestry to study alternatives and give us more information because this is something that we need going forward as this is an evolving policy area.

ACTING SPEAKER CUSICK: Mr. Manktelow.

MR. MANKTELOW: Thank you, Mr. Speaker.

Would the sponsor yield, please?

ACTING SPEAKER CUSICK: Would the sponsor yield?

MR. ENGLEBRIGHT: I yield.

ACTING SPEAKER CUSICK: The sponsor yields.

MR. MANKTELOW: Thank you, Chair Englebright and, again, thank you for taking the time to answer a couple of my questions.

As I read through the bill and the bill text, I see we're taking out corn, soybeans and wheat seed, that those are the three primary seeds that I saw for seed treatment. Do you by chance know when corn seed is ordered?

MR. ENGLEBRIGHT: What is the question, please?

MR. MANKTELOW: Do you by chance know when corn seed is ordered for a crop year?

MR. ENGLEBRIGHT: I don't know, but I'll bet you do because you have a meaningful background in agriculture so I would defer to you in this case.

MR. MANKTELOW: Well, thank you, I appreciate the comment and I probably do, so... but thank you.

My second question, are you familiar with the emerald ash borer?

MR. ENGLEBRIGHT: With what?

MR. MANKTELOW: With the emerald ash borer?

MR. ENGLEBRIGHT: Oh, yes.

MR. MANKTELOW: Taking out all of our ash trees here in New York State and in other areas. This is absolutely devastating --

MR. ENGLEBRIGHT: Yes.

MR. MANKTELOW: -- our ash tree population.

MR. ENGLEBRIGHT: It's an invasive species, yes.

MR. MANKTELOW: Okay. Belief it or not, those are the only two questions I have for you, so thank you for taking the time to answer my questions.

MR. ENGLEBRIGHT: You're welcome.

MR. MANKTELOW: And, Mr. Speaker, on the bill.

ACTING SPEAKER CUSICK: On the bill.

MR. MANKTELOW: Again, I want to thank Mr. Englebright for his answers and I really just want to go on the bill this afternoon just to explain what this bill is really going to do. The bill is called the Birds and the Bees Protection Act, and talking about seed and, as I said, on Section 1, line 7, it outlines what three seeds -- or what three different seeds, corn, soybean, and wheat seeds, that are coated or treated with a pesticide, will not be able to do that. On line 9, though, of the following few sentences -- or few lines, it says this: That the Governor may, by issuing an Executive Order, temporarily suspend the provisions of this paragraph with the Commissioner of Agriculture and Markets and the Department -- that there is a lack of commercially available seed. And in this it says she will make that determination -- or the Governor, at this point it says *she*.

So my question is how will the Governor and her staff make that determination? Are they going to contact all of the seed companies throughout the United States? Are they going to

reach out to the farmers to find out when they expect to get their seed? I just cannot feasibly see how this will take place. And to answer my first question that Mr. Englebright gave back to me, for next year's crop, 2023, sir, we will probably -- the seed will be ordered in October of this year, this year, preparing to -- for seed for the following year.

Also, in that same paragraph on page 2, line -- Section 2, page 2, line number 1, it says that we -- would also result in a financial hardship to agricultural producers. I looked this bill over and over, I looked for answers of what is a financial hardship. How do they define a financial hardship? Is it a location, is it how much money I have in my bank versus the farmer down the road? Is it what kind of seed I grow, because I always grew Pioneer Seed which I always thought was the best, but other people grew DEKALB Seed, off-brand seed, Asgrow; thank you, sir. Who is going to make that determination that it is a financial hardship for me and my farm? I can't find that answer. I don't know how you could feasibly do it.

On the same page it also says the provisions of this paragraph shall not apply where the Commissioner in consultation with the Department of Ag and Markets by written order would determine that an environmental emergency exists. I believe this will be done by DEC. It says the Commission, so I'm assuming it's DEC, the Commissioner. So what is an environmental emergency? Is my ground too wet? Is the snow staying too long? Is the air being compressed into planting season of 30 days instead of 45 days? Is the emergency that we're not able to get the seed to New York State? Is

the emergency the cost is too high? What is that emergency? And, oh, by the way, in the planting season, how on earth -- as someone said earlier today, we're going to put more pressure on DEC to make a determination of an emergency. What staff is going to do that, who's going to direct them to do that, and how do they get the knowledge of where that emergency is? I really don't know.

And one last thing, as we talked about further down on page 2, Section C, line 23, it also talks about the environmental emergency again. And in that line and the few lines following, they can make a determination at any point that there is an exotic or foreign pest. So I'll give an example. A few years ago we had an infestation of army worms. They moved into the area, we had probably two days to make sure we put an insecticide on our wheat crop, otherwise the wheat crop would have been gone.

So again, we're going to put more pressure on DEC to make a judgment call in regards to environmental emergencies. How, again, are they going to do this? Who's going to call them and say, *Hey, you've got to come out to Mr. Manktelow's field in Wayne County to tell me*, that those army worms coming across the road that you can actually walk on and not touch the road because there was so many, *oh, that's an emergency*. Then I'm going to have to wait one or two days to get that clarification. That's what this bill is going to do, it's going to take risk management tools that we use as farmers, safe tools, and take them away.

As I talked about reducing risk, risk management that

farmers do, back in the '80s when I first started farming, a unit of seed corn cost about \$65. We would plant about 2.85 acres to a tune of about \$22.08 an acre. Today, seed costs on average, \$280 a unit. There's 80,000 seeds in that unit, that's 80,000 possible plants. Today, that plants 2.29 acres at a cost of \$122 per acre, again, just for the seed. And there's a reason why we use the tools of seed treatment. Again, it's a risk management tool for us as ag producers. And, by the way, we don't want to spend any more money than we have to because we're frugal and we want that money in our pocket. So if we truly do not need the seed treatment, we're not going to use it. If our handler says, *Nope, we don't need it*, or our handler says, *Nope, we can go without it there*, we're not going to use that seed treatment.

So as I was saying, the first thing that the seed treatment does, and I'll give the example of corn, it stops seed corn maggot. And what seed corn maggot does is when you put that seed in the ground, depending on the temperature of the soil, it's going to take maybe three days to come up, five days - now you're getting a little nervous because you don't see anything poking through the ground - seven days, now we're at ten days, now we're at 14 days. Oh, and by the way, the seed didn't come up because the little seed maggot screwed himself into that seed and took out the heart of that seed so you just lost that plant. So if you tell me at that point without a treatment on that seed how am I going to be able to rescue that crop, take out 30 percent of these chairs in this room and that's -- that's what can happen. If all of a sudden we didn't take care of all these chairs,

all of a sudden in five days 30 percent of these chairs are gone, what are you going to do? Go buy new ones. That's what New York is about. Wireworm comes in, too, which seed treatment takes care of. But that's over -- an over-the-top spray after the plant is up. There are insecticides out there that will take care of them, more costly and more dangerous and, again, spending money, putting more things in the environment that we don't want to do.

So I spoke to some of the industry leaders, John Deere, and a lot of us have vacuum planters. A vacuum planter sucks the seed with a vacuum plate. So you have a big vacuum that creates vacuum, the plate turns in the seed box, as it turns by it sucks up a seed into the plate and drops it into the ground. After it gets to a certain point, the suction is dropped, the seed falls down. We knew about the discharges, we knew about the blowers and the fans that actually create the suction, but today, there are things that the industry is doing. They're putting a filter on the backside of that fan that creates the suction so any discharge is actually being caught in that filter, and also so it's not going out into the environment. Also, it's putting -- putting the seed to the ground with different types of coatings. We use talc in the air -- air combers, we also use, oh, graphite in the finger pickups, a different way, and I'm just watching my time because I know I'm going to run out of time.

So in reality the industry is doing the right thing and we're doing the right thing, things are moving forward, we really do not have to take this step today. And I'll give the other example. I

grow a lot of soybeans. All of my soybeans are treated, every seed, absolutely, because in New York State our conditions like this year, our ground temperature is so cold, we have X amount of days to plant that seed, and if the seed doesn't come up because our seasons are so short in New York, we don't have time to replant. So we use this, again, as a risk management tool so we don't have to spend tons of money on insurance companies, and we all know how insurance companies work; sometimes they're good, sometimes they're not.

So we're putting that product in the ground and in my soybean fields, the beekeepers, they bring their hives to our farms and put those hives around our fields. Those bees go out and get the nectar out of the soybean plant that's -- that's in blossom. I have never had a problem one time with bees dying. I don't really understand what -- what the issue seems to be. My one concern is, though, if we don't -- if we don't use the seed treaters on soybeans, which allows us to maybe not have to do another spray of insecticide because the -- the product's in the plant and it kills spider mites and aphids, it saves, again, another trip across the field, no carbon-based fuel in our -- in our tractor, no chemicals going onto the ground, nothing going into the water stream, nothing killing the good insects that are on the plant. Yes, there are good insects that are on those plants.

So really, what -- what are we looking at? What are we doing here? Let us as professionals, professional farmers, professional ag producers, we're doing the right thing. The industry is moving in the right direction. So let's really think about what we're

doing here because, yes, just because we think it's good doesn't mean it's always the best thing to do. Let's trust the professionals.

So I see I've got two minutes left. So really, what is the end game? We have the neonicotinoid -- neonicotinoids. We actually have a great product here that is being used in a proper way that, yes, stops a lot of bad insects and -- but doesn't harm the birds, doesn't harm the bees. Oh and by the way, Mr. Sponsor, why I asked the question about the emerald ash borer, there are about four chemicals that we can use; two of those that are really effective in saving the ash trees are neonicotinoids. I would tell you the two, but I have a hard time saying the two words, so I'd be happy to share them if you'd like.

The industry is doing the right thing by moving forward. Let us as professionals, as ag producers, as farmers, as the industry, as the seed people, let us do the right thing and do this without having legislation. Allow us to do that so we can continue to produce a safe food source here in New York that is safe for all of our residents that does not come out of -- on the outside. And the last thing I really want to share here is there are a lot of new chemicals out there that are being brought forward. It takes ten to 20 years, two decades on some of these chemicals to come to fruition. And then, by the way, because we live in New York where we are like the -- the top of the line looking and scrutinizing every chemical, it may take another ten years to get it here in New York, a safer product that will be safer for the environment, safer for the handler, safer for the food

product, but because it takes another ten years of added cost, a lot of those new chemicals aren't coming to New York.

So just to finalize all of this, did you know -- did you know that birds actually eat the bees? That's one of the sources of the bees disappearing. Also -- (buzzer going off)

May I have my other 15 minutes, is that possible?

Mr. Speaker, is that possible? I only need one minute.

ACTING SPEAKER CUSICK: Mr. Manktelow?

MR. MANKTELOW: Yes, Mr. Speaker?

ACTING SPEAKER CUSICK: Are you requesting?

MR. MANKTELOW: Yes. May I -- Mr. Speaker, may I have my additional 15? I don't need that long --

ACTING SPEAKER CUSICK: Proceed, Mr.

Manktelow.

MR. MANKTELOW: Thank you, Mr. Speaker. As I was saying, I was looking up all of the things that actually take bees out and as the -- as the bill says, it's the Birds and the Bees Act, that's when I saw that birds actually eat bees. But that's not the only thing that takes bees out. We talked earlier, urban sprawl, all of our urban areas that are sprawling out into our rural areas, we talked about it earlier on this floor, that sprawl that we talked about on Long Island earlier is actually taking out more of the property that is really beneficial to the bees, allowing them to do their job. Another one that came out, air pollution. Air pollution actually takes out bees. And yesterday on the floor, we looked at Bill No. 7389, it was a

moratorium on carbon-based fuel. With that bill and if it passes - well, it passed here - if the Governor signs that into law, now we're going to take an industry here in New York that is highly regulated above any other state, maybe California would be close, of any other state out there in the continental United States and we're going to allow it to move that industry out of State and if it moves west, the western side of Pennsylvania, Ohio, Michigan, they still have carbon-based fuel plants. So those pollutions out of those plants are going to go predominantly with the trades -- the winds, and they're going to come West. So again, we're adding more stress to the bees that we're actually trying to save, and that's a great example yesterday of sometimes a good bill may be good in one way but really is detrimental in another way.

The other stress factor for our bees, the changing weather patterns. We all know it, we all see it, it's blamed on the climate. Yeah, it could be, maybe not, I don't know. I'm sure it's part of it. More vehicles on the road, how many bees are killed by a moving vehicle? I have no idea, but we know they are because I clean them off my window. How about the windmills? We talk about saving birds when they hit the windmill props, that that really does happen, so I'm sure they may take out -- take out the bees as well. But what this does, it really all adds up.

On this floor, let's take make sure we don't strangle our agricultural community. Our producers that do everything in their power to do the right things, to use the -- use the least amount of

chemicals, to use the least amount of fertilizers. We have GPS, we have the technology to make sure we don't overlap or underlap, making sure everything is done within two inches; yes, within two inches. We must trust the industries here in the United States, whether it's the chemical producers, the equipment producers, or we as farmers and our families that do the right thing. We, of all people, want to be stewards of our properties, of our land and, most of all, the bees that we're talking about, we don't want to see a single bee killed because they help me produce more soybean seeds. Not so much with the corn because they're not in the cornfields, not so much with the wheat because they're not there as well.

So let us continue to move forward in the right direction. Let's not stop something that's working. And it's working in the proper way because people do the right thing. Let's not blame the chemical for something that we can control and make sure it's done in a proper way. We're moving forward in that direction much faster than ever before because with today's world, we know so much sooner the technology. So Mr. Speaker, Mr. Chair of the Committee and the sponsor, please, let's take a step back and slow this process down. Let us develop alternatives, let us check and look at the process here in New York so we can get safer chemicals here much sooner like the states around us. Let our producers do the very best they can that we have a secure, safe food source not only for the United States, but here in New York, especially in New York City where we have so many people. We've seen this in COVID, we can

do it, let us do it, let's take a step back and slow this down. Thank you, Mr. Speaker.

ACTING SPEAKER CUSICK: Thank you.

Mr. Miller.

MR. MILLER: Thank you, Mr. Speaker.

On the bill.

ACTING SPEAKER CUSICK: On the bill.

MR. MILLER: I'm was going to start my debate with a series of questions, but my colleague has answered every one of them extremely well, and I'm going to read them again. This bill is an important tool to seed coatings for corn, soy, and wheat that farmers rely on to enable soil health practices. One question I had, how will this bill impact the New York farmer's ability to plant after a cover crop? The answer was given. How will this bill impact the New York farmer's ability to continue their no tilling system? The answer was given. How will this bill impact the New York farmer's ability to utilize compost and animal manure to supplement their soil inputs? Or, should New York farmers just purchase synthetic fertilizer at today's cost? I believe the answer was given. How will this bill impact the New York farmer's ability to plant in early spring in order to maximize meals in the short northeast U.S. growing season? The answer was given.

This legislation does not adequately address the concerns of corn and soybean farmers in New York State. More importantly, the changes create an unrealistic process which allows

policy to be changed by -- by Executive Order in the case that there are seed shortages or heavy burdens on agricultural products. Bill A7429 does not allow for -- for a provision by the Governor or Commissioner of the D -- of the DEC, Seggos; however, this provision lacks an understanding of the plant process that farmers undergo to prepare for their season. Once economic impact is determined, it is too late and the farmer's bottom line is already greatly affected. Roughly 75 percent of corn and soybeans used in New York are treated with neonics because they are highly effective and no other viable alternatives have been proven to work as well; in fact, research shows that alternatives are more costly, less effective, and pose a greater threat to the environment and human health.

And I know we're talking about the birds and the bees, but we're all in this -- we're all in this game together. For example, a 2020 Cornell study showed that neonics consistently increased the net income, reduced crop damage, or provided superior pest control compared to likely substitutes for New York farmers, at a cost of 2 to \$4 per acre. Again, there's no alternative out there at this time to replace this important pesticide. Another fact here from the Cornell report, dust drift, and that's what we're talking about with seed coatings, can be nearly eliminated by using high quality seed coating adhesives, lubricating agents, planters, as my colleague talked about, and planting techniques that -- that minimize abrasion of seeds and release of contaminated dust. There's a mechanical way that these -- this issue can be taken care of, it's already being used in some places

of the U.S. and in Canada.

Last September, we had a hearing, an Assembly hearing, on neonics, and there was a certified crop specialist that gave testimony. He told the Committee how New York farmers are leading the way on soil health practices, and this includes the use of neonics and these practices: By planting -- planting cover crops, adapting to no-tilling systems, utilizing compost as soil amendment. These soil health practices have significant -- significant environmental benefits including sequestering carbon, reducing greenhouse gas emissions, storing water, reducing sediment runoff in the streams and lakes, and helping make land more resilient to climate change. We've been debating these climate bills all week and we've talked about these things. With this tool that we're allowing our agricultural community to use to grow soy and corn, we can help with our environmental situations.

Many neonic-based products have important advantages that are difficult to quantify with existing data, safety for pesticide applicators or the insurance value of preventative products that protect against unpredictable pests. One of the not qualified important advantages that seeds need to be part of the examination here is the role on neonicotinoids, and particularly neonic-based seed coatings to play and do play not only in the farmer's pest management strategy, but in their soil health management plans. Following pest management practices for soil health is important for sequestering carbon and reducing greenhouse gas emissions, storing water, and

helping make land more resilient to climate change again.

I was an apple grower for many years. We used pesticides to produce a crop. Along with being an apple grower, we needed -- we needed pollinators, so I was a beekeeper who kept between 50 to 100 hives in the orchard. And I know there's another bill in the Senate that will talk about (inaudible). We know we need these pollinators, we're not here to do anything to hurt them at all. They're needed for pollination to -- to help mankind stay here on this planet. So please, I'm going to ask all my colleagues to take a step back, look at this bill really hard and see where this pesticide truly helps, and it helps in more ways than -- than all the ways I've just explained and I'm asking all my colleagues to vote no on this -- on this legislation. Thank you, Mr. Speaker.

ACTING SPEAKER CUSICK: Thank you.

Mr. Lemondes.

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

ACTING SPEAKER CUSICK: Will the sponsor yield?

MR. ENGLEBRIGHT: I yield.

ACTING SPEAKER CUSICK: The sponsor yields.

MR. LEMONDES: Thank you, Chairman. I understand the premise of the bill and the reduction of, quote/unquote, "dangerous compounds" from our environment, I understand that. But then I -- that forces me to ask what's the acceptable cost for our food

production with this -- with this particular compounds removed? And so with that, are you proposing alternatives simultaneously for the replacement of this particular compound, these compounds?

MR. ENGLEBRIGHT: So a couple of thoughts. You know, we're in an inflationary spiral right now so to ask about costs, you have to understand that costs vary depending upon -- even upon what the overall economic climate is. So we recognize that and we have written into the bill discretion for excessive economic crisis. That discretion is in the bill for the very reason that we can't be totally predicted. So that's an important point.

You asked about what is the basic premise of the bill and why -- why are we doing the bill, and part of the reason we're doing the bill is because the biomass of insects is dramatically reduced because of the use of these -- of these painted seeds. It used to be, and you I'm sure will remember this, you could drive across the State and your windshield would be covered with --

MR. LEMONDES: Of course.

MR. ENGLEBRIGHT: -- with bugs. When you got back, the grill was covered. You don't have that happen anymore. The biomass is dramatically decreased because of the use of neonicotinoids. Do we need to use the neonicotinoid in this manner, the answer is no. This bill doesn't ban the use of neonicotinoid. There was a question before about the emerald ash borer and whether or not there was a crisis whether we would have access. The answer is yes, we've written that discretion into the bill if there is a situational crisis,

the discretion is there for the use of these neonics.

But the biggest problem is that the use of neonics is essentially in a prophylactic manner. It's being used when there is no need, and part of the reality is that the 2020 Cornell report which we paid for, by the way, out of the Environmental Protection Fund. That report indicated that 87 percent of field trials observed no increase in corn yield when neonicotinoid seeds were used, and the results were similar for soybeans. That is to say the prophylactic use, or the unnecessary use of these painted seeds doesn't give us any additional profit, it only gives us additional risk to the pollinators who are so fundamental to our food production.

MR. LEMONDES: But again, in an IPM -- from an IPM perspective, integrated pest management perspective, the wholesale immediate removal, or near term immediate removal removes the -- removes even the option unless --

MR. ENGLEBRIGHT: Well, the reality is that we anticipated that as well. Part of this is because we did have a hearing and we listened closely. We have -- one of the questions from earlier was did we anticipate that next year we would need to buy the seeds this year. Well, the answer is yes, we anticipated that which is why the enactment time frame for this is on 2015 -- excuse me, 2025, on January 1st of 2025 which is several years out. It gives time for adjustments to be made. By the way, we're not the first municipal jurisdiction to be concerned about this. In 2015, Quebec added to the level of concern by acting to ban neonicotinoids in the province;

province is equivalent of a state in Canada. So our sister state, or province immediately to our North, has already shown us through their actions that this is not going to have a deleterious effect if properly applied. It will reduce the negative effects without harming the industry's base.

MR. LEMONDES: I see your point. In a perfect world, we would -- we would not want to be reliant on any chemistry, but we find ourselves in a developed State in a first world nation where, I think, that would be unrealistic is my -- is my point.

My -- my second question, since our hearing, do you know if there has been either from the Department of Ag and Markets or the DEC a composed, written determination of emergency for the removal of these chemicals?

MR. ENGLEBRIGHT: It's created in this bill. I should also point out we do want to continue to learn and so we have built into the bill a requirement that by 2023 that we have a report and that report, as I indicated earlier, will be by the DEC in conjunction with Cornell University and the SUNY College of Environmental Sciences and Forestry. So yes, we anticipate that we will have continued use of pesticides, we will -- we built discretion in when there's an emergency that can be identified. And the question is who will identify that, obviously the DEC in cooperation with the Commissioner of Agriculture will help make a recommendation to the -- to the Governor. So we built flexibility in and that's a consequence of having listened closely to the concerns about a sudden adjustment

of totality, of a total ban. So that's not what this is, but this is a measure that is designed to take away the excessive or prophylactic use of these very, very, in fact overly successful pesticides.

MR. LEMONDES: But on that -- on that point, and I -- I understand your perspective, would you recognize the scientific assessment of Cornell as we previously mentioned, and Farm Bureau that varroa mites and American Foulbrood have been the preeminent stressors for northeastern colonies --

MR. ENGLEBRIGHT: For the European honey bee --

MR. LEMONDES: -- in addition to (inaudible) that my colleagues have offered.

MR. ENGLEBRIGHT: For the European honey bee, that is -- that is certainly something that has created colony collapse and colony disorder. We know that the mites are a serious problem. It's a relatively new problem, we're not really clear yet, the science is not clear as to exactly what is driving this. There's a good deal of controversy and inquiry still going on. But I would also point out that the concern for pollinators is not just the European honey bee --

MR. LEMONDES: Agreed.

MR. ENGLEBRIGHT: -- more than 100 native species of bees, about 40 percent of them are near extinction. We have a very serious problem with -- all across the entire spectrum of pollinators that is being driven by these neonicotinoid painted -- or coated seeds.

MR. LEMONDES: But I understand, again, your perspective, but on that point, the research I've done has led me to believe that the actual total number of U.S. colonies has increased from 2019 to 2020 to 2021. So I understand what this bill's intent is, but the data that -- that -- that I have come across shows me that the actual number of hives is increasing.

MR. ENGLEBRIGHT: There is hives of European honey bees?

MR. LEMONDES: Bee colonies was the definition, domestic bee colonies.

MR. ENGLEBRIGHT: Okay. There is a ongoing problem with -- with mites attacking the colonies of European honey bees in particular. That is not necessarily what we see with the solitary bees or with the wild bee populations. It is apparently, according again, there's research going on here but it seems that some of that is associated with stress and that the mites are more harmful in situations where there's already been harm in the form of stress to the colony. Again, this is being researched, but putting neonicotinoid toxics on all of the seeds that are used is just a guarantee that we're going to have serious problems beyond just the European bees. So keep a perspective here. We have built flexibilities into this measure that are intended to make it so that we do not -- we talk about stress here, we do not necessarily stress our farmers. We don't want to cut down food production, but again, the 2020 report showed that there was no -- no meaningful mathematical correlation between the

application on every seed for these three main crops and the incidents of decreased production, that that correlation was not demonstrated and that's by Cornell, which is widely respected.

MR. LEMONDES: Ironically, I'll offer anecdotally as I did in our hearing my own hives, chemically untreated intentionally and I lost them all. So that -- every professional I consulted said, *You should have treated, you wouldn't have lost them all*. So there's a -- my point in putting that out is there's a delicate balance. I don't think the removal of any -- of any significant tool in the package of those available so quickly and I would even define the terms of this bill in 2025 still too quickly, but -- beneficial. I think that this removal would result as a forcing function, as I think was mentioned by one of my colleagues. It would force the return to the use of older chemistries which may, and most likely would require higher application rates, increased drift, less overall effectiveness, which I think we could agree are all -- are all bad things. I'm not trying to pin you in a corner on this --

MR. ENGLEBRIGHT: Well, I think you raise an important point and certainly, that's been within our field of vision and concern. That's why we built discretion into -- into the bill. But let me just point out, the neonicotinoids are extremely persistent. Some of the older chemicals and some of the alternatives that we've asked for a report on, our information is that they do not have the same length of persistence as the neonicotinoids. Neonicotinoids go into the environment, they go into every part of the plant, they go into the

roots, they are washed out of the plant into the soil and out of the soil into the local streams. Neonics are really toxic. That's both good and bad. It's good for circumstances that are, in many cases, very specific, but it's bad when it's across the entire State and entire continent. I have a colleague who drove -- he's a professional biologist, who drove all the way to Alaska and back and his windshield was clean and he was alarmed. This is a PhD in Ecology. He was alarmed by the loss of biomass and he could ascribe it only to neonicotinoids. That's the breadth of the problem of the use of these chemicals, painting onto the seeds of every crop that's planted across the face of our -- of our agricultural regions. And so that's a real problem, the persistence of neonicotinoids and their distribution not just within the flower of the plant, but throughout the roots and all of its parts.

MR. LEMONDES: I understand. I agree with respect to the persistence; however, the persistence is what let the persistence of the intended targets of this -- of these compounds is what led to their development. They are equally as persistent and dangerous to our destruction of our food supply. I would like to thank you for -- for the discourse and, Mr. Speaker --

MR. ENGLEBRIGHT: Thank you.

MR. LEMONDES: -- if I could go on the bill.

ACTING SPEAKER AUBRY: Quickly.

MR. LEMONDES: Thank you. Treated seeds enable greater crop yields, decreased total application rates resulting in cost, water, time, labor, fuel, and financial savings to farms,

businesses and decreased prices ultimately for consumers all across all categories of crops and food. Additionally, failure to identify effective alternatives is not a viable course of action. We have to have effective alternatives identified as well.

Mr. Speaker, I had a lot more, I'll stop there. Thank you.

ACTING SPEAKER AUBRY: Mr. Tague.

MR. TAGUE: Good afternoon, Mr. Speaker.

ACTING SPEAKER AUBRY: Good afternoon, sir.

MR. TAGUE: Would the sponsor yield for a couple quick questions; Mr. Chairman, quick.

ACTING SPEAKER AUBRY: We love quick questions. Mr. Englebright, will you give him some quick answers?

MR. ENGLEBRIGHT: I quickly yield, yes.

ACTING SPEAKER AUBRY: All right, there's a quick everywhere.

MR. TAGUE: First of all, Mr. Chairman, it's always an honor and a pleasure to have a discussion with you, except for the last time you stole 90 percent of my 15 minutes so I'm going to try to avoid that this time. But anyways, quick question. I assume that you, like every other human being, eats; am I correct?

MR. ENGLEBRIGHT: We are having a hard time with some of the acoustics.

MR. TAGUE: Okay. I can assure you that this is a question that none of your lawyers need to help you answer. You do

eat, correct, sir?

MR. ENGLEBRIGHT: Oh, do I eat?

MR. TAGUE: Yes.

MR. ENGLEBRIGHT: Yes. Sometimes too much, yes.

MR. TAGUE: Me, too, as if you couldn't notice. Let me ask you this, and you're aware that your food doesn't just come from the supermarket, it originates somewhere else, correct?

MR. ENGLEBRIGHT: That is correct.

MR. TAGUE: Thank you. Do you know, by any chance, how many ag safety professionals were involved in putting this bill together?

MR. ENGLEBRIGHT: I -- I haven't a specific number, but I will say we had a public hearing. It was widely advertised and we drew comments from all quarters and corners of the State.

MR. TAGUE: And, you know, you had -- you had previously said about the hearing, which I also agree with, but there were dissenting comments about this bill from other entities in that hearing; am I correct?

MR. ENGLEBRIGHT: We had varying points of view, yes.

MR. TAGUE: And you are aware that Farm Bureau, New York State Vegetable Growers Association and Northeast Dairy Producers are all highly opposed to this bill?

MR. ENGLEBRIGHT: We have a number of organizations that are opposed. We have an -- an equal or greater number that is strongly supportive.

MR. TAGUE: But I would argue with you that those that are supportive are more advocates groups. They're not people that are actually engaged in supplying food or growing food for the people of the State of New York.

MR. ENGLEBRIGHT: Some of the people who spoke are medical professionals. We had testimony during the hearing indicating that there were serious problems, adverse health implications, in fisheries -- that's a food -- as well as birth defects in large mammals including deer, and concerns in that direction regarding potential health concerns for humans and water supply contamination. All of that is consumable. Water, fish, deer and human health, they're all interconnected, absolutely.

MR. TAGUE: I want to just ask one last question before I go on the bill. Actually, it might turn into -- into a couple. But are you aware of (inaudible)? It's -- and I'm assuming that you probably have never planted corn before.

MR. ENGLEBRIGHT: I -- I'm -- I'm not sure I heard you.

MR. TAGUE: When I -- when I planted corn back in the day we used a product called (inaudible) and we used to dump it right in the bin with the corn seed and that's what was our insecticide.

MR. ENGLEBRIGHT: I see.

MR. TAGUE: Now, neonics -- neonics are much safer than the old (inaudible) that we used to use. So my point is that over time and through technology we have made it safer. And the problem here is if you take this technology away in what we're using right now, number one, it's going to kill the yield. And the yield is how the farmer is able to produce and make money to continue moving on. It leads to other things: Food shortages, feed shortages for -- you know, let's not forget, not only do our farmers feed the people, but they also feed the animals, like livestock, that we eat, those of us that eat meat. If you're aren't able to feed those animals plus the people, it's like I said before, no farms, no food. No food, you and I don't live.

So with that, Mr. Speaker, on the bill.

ACTING SPEAKER AUBRY: On the bill, sir.

MR. TAGUE: Neonicotinoids are critical to the success of New York agriculture. Developed as a revolutionary seed treatment, neonicotinoids offer targeted action against crop-destroying pests and the disease that those pests carry. Neonics instill in plant system -- system (inaudible) protection, particularly early in the growing season. It reduces the need to spray crops. Those of you that have been around for a long time can remember those crop sprayers going through the fields. Combined with their very low toxicity to mammals, neonics have proven to be a massive advance in safety and effectiveness. Neonics are also useful as a foliar spray and a (inaudible) for certain applications. This bill defines seeds treated

with neonicotinoids as a pesticide subject to State regulations. It bans the sale and purchase of neonic-treated corn, soybean and wheat seeds. It bans the use of neonic foliar sprays on outdoor plants and grass beginning in July of 2023, and it requires the Department of Environmental Conservation, also known as DEC, to review the scientific evidence and restrict or prohibit any other neonic usage the Department determines is reasonably likely to harm these (inaudible).

Folks, banning neonics would be a step back for safety and the health for New York State agriculture. New York has 33,400 farms. And let me tell you, 98 percent of those -- those farms are family farms, family-owned. They spread across 6.9 million acres, generating over \$5.8 billion - with a B - not quite as much as the budget that we just passed but \$5.8 billion in revenue. The ban on treated seed for corn, soybean and wheat would take options away from our farmers responsible for managing 1.4 million acres, putting 929,000,000 in production at risk. Only five percent of New York corn farmers use insecticides other than neonic seed treatments. And more than half of our soybean growers rely on neonic-treated seeds. Again, let me repeat. Not only do people consume these products of corn and soybean and wheat, but so do the animals that we raise for other reasons. Whether it's for milk, whether it's for beef, lamb, chicken. Whatever it may be. These seed treatments are used at very low rates, generally less than ten grams an acre. A modern planter prevents the dusting off of these seed treatments. Depending on seeding rates, quality seed corn typically costs growers between \$110

to \$180 an acre. Soybean seed typically costs about \$75 an acre. And many seed companies offer replant policies whereby replacement seed is given to growers that experience (inaudible) loss due to insect pressure. These programs will be eliminated -- eliminated if growers do not take the proper measures to control these insect pests. A large percentage of New York's potato, onion and cabbage crop receives neonic seed treatments and (inaudible) applications of neonics. These treatments control Colorado potato beetle, onion maggot, water worms and other pests. I don't know about you, but the next time I go into a baked potato I hope the hell I don't have one of those onion maggots in there or a root worm. These in-soil treatments help minimize (inaudible) treatments of insecticides. My friends, neonics are critical to the success of New York agriculture.

I also just want to interject, seed treatments are already highly regulated. The U.S. Environmental Protection Agency, also known as the EPA, and State agencies already thoroughly evaluate seed treatments before they can be sold. The Federal Insecticide, Fungicide and Rodenticide Act, FIFRA, contains a treated article exemption under which the EPA follows the sale of seeds treated with an already-approved and registered pesticide. This is meant to avoid duplicative paperwork and red tape when the active ingredient is exactly the same. Seed treatment applicators and the sale and use of seed treatments are all Federally regulated. Claims that neonics harm birds or pollinators like bees are based on dubious science. Honey bees, the numbers are on the rise. There are 2.8

million colonies today compared to 2.6 million in 1996, when neonics were first hitting the market. The biggest threat to bee health comes from parasites like the varroa destructive mite. But it doesn't hide quality field experience -- experiments have consistently shown there are no observable adverse effects to bees for being exposed to neonics at field realistic levels. The exposure predictions in the Cornell report that has been referred to several times by my colleagues and the sponsor, are inconsistent with what the New York State Beekeeper Tech Team has reported. Recent research measuring real world exposure to 120 different pesticides in 1,055 apiaries over seven years across the U.S. found that neonicotinoid residues are among the least, the least, detected of all pesticides. This fact was confirmed by the New York State Beekeeper Tech Team's pesticide residues report which concluded while neonicotinoids are not the -- are not -- aren't the most used insecticides worldwide, it is not common for them to be present at acutely toxic levels in beehives. And we just heard that from my colleague down the -- down the -- a couple desks from me.

My friends, listen. I understand what folks are trying to do, and it's great. We all are going to save the world. But this is going to do nothing but hurt the people that feed us again. There's no need for it. There's no need for it. So I would ask all my colleagues to use some commonsense again to think about those that feed us, and instead of making it harder for them to do their jobs and harder for them to feed -- feed us, to do the right thing. Vote no on this nonsense. Vote no.

Thank you, Mr. Speaker.

ACTING SPEAKER AUBRY: Thank you, sir.

Mr. Goodell.

MR. GOODELL: Thank you, sir. This bill calls on us to pass legislation that bans the use of a pesticide that's highly regulated, highly studied and not banned by any of the regulators. That's critical to the success of the agricultural industry. Our DEC consists of scientists whose mission is to ensure that these products are safe and effective and applied properly. The U.S. EPA, whether under Republican or currently under a Democrat administration, has the same mission, and they're filled with scientists who are focused on these issues. So today we've heard that the EPA doesn't ban this, and their scientists haven't banned it. And we've heard today that the DEC and our own scientists are not recommending a ban. And then we've heard from our agricultural representatives. And one of the great strengths of our -- of our Assembly is that we have people with expertise. And indeed, on the floor of this Assembly we have people who have spent their entire life in agriculture. And they've pointed out that the process of using a treated seed is one of the most effective and environmentally responsible manner of controlling pests. So, why are we talking about a total ban? If the scientists at our DEC, if the scientists at the EPA are not recommending it and our agricultural industry points out that it's being used in a very responsible manner and the toxicity is a fraction of what it used to be and the data shows that bee colonies are increasing, not going down, why are we banning

it? It's almost as though we come here to Albany, and as we get closer and closer to the Capitol Building we become more and more expert about subjects we've never considered. So expert that we feel comfortable banning chemicals that we can't pronounce, that we've never studied, that we have no scientific background on, and that all of the experts in both the industry and in the DEC and the EPA say does not need to be banned. And in the process we hurt real people. We hurt the farming families whose livelihood depends on a successful crop. We hurt our friends and neighbors who are very concerned about the increase in cost of food which is directly related to supply and demand. We hurt our friends and neighbors who keep hoping that the cost of gas will go down along with the cost of the ethanol that's used to produce it. That's not the right approach. The reason we've debated this so much today, on a getaway day, is because it is so incredibly important to the agricultural industry. And we cannot afford to ignore their wisdom and their expertise by banning a product that's not banned by the EPA or the DEC.

So my friends, let's listen to the people who know what they're talking about. And while I appreciate everyone's comments, none of the people who spoke today are chemical scientists or environmental scientists, and none of the people who we hire as scientists are telling us that we need to ban this. But we know from those who study this that it can have a devastating impact on our agriculture if we ban this effective treatment. Indeed, I didn't read the entire 400-page report but I did look at page 236 of the Cornell report

which pointed out that in regional field trials where there was high pest pressure, yielding crops using this chemical was almost 35 percent higher than if the chemical wasn't used. Imagine losing 35 percent of your crop. That's why we're here today. That's why we're debating this. That's why we're taking the time to review this. And I urge all of my colleagues, let's listen to the experts in the agricultural field. Let's listen to the experts in the regulatory field. Let's consider the impact this will have on our friends and neighbors across the State.

And for that reason I will be recommending against it and will recommend that to my colleagues as well. Thank you, sir.

ACTING SPEAKER AUBRY: Thank you.

Mr. Englebright.

MR. ENGLEBRIGHT: Thank you, Mr. Speaker. So, just, you know, a perspective here. I'm reading from a memorandum of support from the Natural Resources Defense Council. I'd like to read just a portion of it. *Widespread scientific* -- this is quote -- *Widespread scientific consensus identifies neonics as a leading and preventable cause of the pollinator crisis, including a recent massive State-commissioned Cornell University analysis of over 1,100 peer-reviewed neonic studies. A significant and growing body of research links neonics to losses of birds, the collapse of fisheries and birth defects in white-tailed deer. Fortunately, most neonic uses are not needed. The Cornell report finds that neonic-treated corn, soybean and wheat seeds pose a substantial risk for pollinators, but, quote, no overall net income benefits to farmers.* We've spent most of our time

here talking about bees, appropriately, but I have a memorandum of support for this measure from Audubon New York. I'll read just a portion of that. Quote, *Bird species that use farmlands, grasslands or shrublands as habitat are expecting strong and pervasive declines. Populations of grassland birds have declined by 40 percent since 1966, including a 74 percent decline of farmland bird species and a 61 percent decline of insect -- insectivorous bird species. The pattern of these declines suggest that agricultural pesticides such as neonics are impacting these populations. Birds are also directly impacted when neonics leech into nearby ponds and wetlands where they kill the larvae of non-target insects such as midges and caddisflies which are important as food sources for insectivorous birds. Due to these impacts, the use of neonicotinoids insecticides, particularly in areas where vulnerable birds species or their prey may come into contact with neonics, should be greatly reduced or eliminated. Reduction in the use of neonicotinoids and other pesticides may help ensure the conservation of vulnerable grassland, farmland and backyard birds that are already suffering due to habitat loss and the effects of climate change.* There is an overwhelming amount of information that suggests that we should be proceeding in the direction that this very well-written measure, which is the compilation of hundreds of individuals who have studied this, the Cornell study alone is 1,100 professional ecologists and -- and medical researchers. I think it is prudent when we see the biomass -- I mean, we don't have like to have insects bothering us. I -- I get that. But when the biomass of insects is

decreased, the entire ecology of the State is at risk. That's what we're looking at and that's what this measure is meant to address.

I strongly urge my colleagues to vote yes. Thank you, sir.

ACTING SPEAKER AUBRY: Read the last section.

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

ACTING SPEAKER AUBRY: The Clerk will record the vote on Assembly print 7429-A. This is a Party vote. Any member who wishes to be recorded as an exception to the Conference position is reminded to contact the Majority or Minority Leader at the numbers previously provided.

Mr. Goodell.

MR. GOODELL: Thank you, sir. The Republican Conference is generally opposed to this bill. Those who support it can certainly vote so on the floor of the Assembly or by contacting the Minority Leader's Office and advising them.

Thank you.

ACTING SPEAKER AUBRY: Thank you, sir.

Mrs. Peoples-Stokes.

MRS. PEOPLES-STOKES: Thank you, Mr. Speaker. The Majority Conference is generally going to be in favor of this environmentally-friendly piece of legislation. However, should there be colleagues that decide to be an exception they should reach out to the Majority Leader's Office so that we might properly record

their vote.

Thank you, sir.

ACTING SPEAKER AUBRY: Thank you, ma'am.

(The Clerk recorded the vote.)

Mr. Lemondes to explain his vote.

MR. LEMONDES: Thank you, Mr. Speaker. I'd just like to say that very simply, boiling this down to its most basic element, treated seeds enable greater crop yields and decreased application rates, all of which drive more responsible behavior. We will lose that if we have to return to (inaudible) chemistries. Additionally, failure to identify effective alternatives is not a viable course of action in any endeavor anywhere, any time. It simply would create a void that would ultimately cost all of us more and reduce our food availability and our yields. Additionally, the lack of a written statement of emergency from the DEC and Ag and Markets to withhold use of this -- of these compounds does not exist -- or excuse me, it is not present. Therefore, those -- those organizations chartered to manage the use of these compounds have not said that they should not be used. Structurally, if we legislate above and over their authority we set a -- a dangerous precedent of infringing on the purpose for which we've established those organizations. What's next? Last, produce -- the producers of our food need options. As our Minority Chair has said so many times, no farms, no food. This boils down to scientific principles in their application, and there's a balance between public safety and a balance for food production. And that

food production has to be available for all of us. It has to be cheap enough for people to buy and access, and without that we -- we lose -- we lose our food base.

Last, I would ask you to recognize that every input that every farmer applies to their land costs money. So this comes down to the issue of trust. Do you trust us, those of us who produce the food for all of us, our own families eat it as well, do you trust us to make the right decision? That's what I would leave you with.

Thank you, Mr. Speaker.

ACTING SPEAKER AUBRY: Thank you, sir.

Ms. Griffin.

MS. GRIFFIN: Thank you, Mr. Speaker. I applaud the sponsor of this bill since numerous studies scientists have conveyed that neonicotinoids and their derivatives have proven to be extremely harmful to wildlife and humans. A recent study cited from 2021 with the increased rainfall in the growing months caused runoff that has literally wiped out sea life such as oysters, clams and lobsters. There's just numerous studies that will tell the same thing. This bill provides time for scientists to present safer alternatives that farmers can use, as this won't be prohibited until 2025. Clearly, it is essential to protect our children, ourselves, wildlife and sea life from these dangerous pesticides.

I am proud to cosponsor this bill, I applaud the sponsor and I vote in the affirmative. Thank you.

ACTING SPEAKER AUBRY: Ms. Griffin in the

affirmative.

Mr. Goodell to explain his vote.

MR. GOODELL: Thank you, sir, to explain my vote.

Obviously I've explained a lot of the rationale when I spoke on the bill, but I just wanted to point out that as our colleagues have mentioned, Cornell University did a very comprehensive study on this subject. As was mentioned, they cited over 1,000 different studies. The report is about 400 pages long. And what's not in the report is the recommending -- a recommendation that this process be banned. So if Cornell, who studied this report and is recognized as experts by everyone, and listed over 1,000 different studies, did not recommend banning this product when used properly we shouldn't either, and that's the reason, amongst others, that I'm voting no.

Thank you, sir.

ACTING SPEAKER AUBRY: Mr. Goodell in the negative.

Mr. Manktelow.

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

ACTING SPEAKER AUBRY: To explain your vote, sir.

MR. MANKTELOW: As my colleague to my left had just said, this is about a trust factor as well. I've looked at all the studies pros and cons. There's hundreds of studies out there. Hundreds. And not one study was that study inclusive to the neonics

for taking out birds or bees. There are many different factors, including, as I said, the weather, migratory flights of birds that come in and out of our areas. And as a farmer who dealt -- who has worked with these products for -- for as long as I've been around, if I truly thought they were an issue to the public I would be the first one up here pushing a bill to stop the use of those products. My children, who are in our fields, in our soybean fields, in our cornfields, eating some of those products, the sweet corn that we grew. And I trust our EPA, I trust our DEC, I trust us as farmers and growers that if it's truly an issue, they would let us know. I would be saying something. So again, we're providing a safe food product through agriculture that if we ban this we'll be getting more products in from outside of our State, outside of our country, that are not regulated by the EPA or DEC. So really, what's in those? Let's -- let's continue to move forward. Let -- as I said, let the industry help make the changes that are necessary. We, as Americans, we, as farmers, we, as producers, we can do this and we know we can. We just sent four -- four individuals to the Space Station. If we can do that, we can take care of this.

So again, I'm going to say let's work through this and I'll be voting in the negative. Thank you, Mr. Speaker.

ACTING SPEAKER AUBRY: Thank you, sir. Mr. Manktelow in the negative.

Ms. Gallagher to explain her vote.

MS. GALLAGHER: I would like to compliment the

Speaker on this fantastic piece of legislation. I truly believe that we are not just here to protect humankind, we are here to protect the entire ecosystem because the entire ecosystem actually protects us. And it is incredibly important that we're thinking about the interconnectedness of the communities that we live in with the -- the things that are living that are not human. But you're right.

So I -- I really want to commend the sponsor. I'm voting in the affirmative and I look forward to more legislation that regulates industry for the safety of our -- our earth. Thank you.

ACTING SPEAKER AUBRY: Ms. Gallagher in the affirmative.

Mr. Goodell.

MR. GOODELL: Thank you, sir. Notwithstanding my recommendations on this bill, please record the following colleagues in the affirmative: Mr. DeStefano, Mr. Durso, Mr. Michael Lawler, Mr. Mikulin, Mr. Schmitt and Mr. Smith.

Thank you, sir.

ACTING SPEAKER AUBRY: Thank you.

Mrs. Peoples-Stokes.

MRS. PEOPLES-STOKES: Mr. Speaker, if you would please record our colleagues Mr. Stirpe, Ms. Lupardo and Ms. Buttenschon in the negative on this piece of legislation. Thank you, sir.

ACTING SPEAKER AUBRY: So noted. Thank you.

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

Page 6, Rules Report No. 86, the Clerk will read.

THE CLERK: Senate No. S06919, Rules Report No. 86, Senator Kennedy (A07703, McMahon). An act to amend the Public Service Law, in relation to allowing certain customer-generators who generate solar electricity to donate credit for such electricity to low-income families.

ACTING SPEAKER AUBRY: Mr. Goodell.

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

MS. MCMAHON: Certainly.

ACTING SPEAKER AUBRY: Ms. McMahon yields, sir.

MR. GOODELL: Thank you, Ms. McMahon. As I understand this, what the bill does is provide that if you are engaged in net metering, which means your meters runs backwards in a sense, if you're generating your own power and you feed it into the grid that you can take any excess credit that you've accumulated by supplying more power than you use and donate it for low-income customers; is that correct?

MS. MCMAHON: That is exactly correct, Mr. Goodell.

MR. GOODELL: And the question is a practical

question. How are those low-income credits then allocated? Are they allocated on an income basis so that if you're -- the lower your income the more the credits you get, or is it -- and is it allocated by the utility company or is it allocated Statewide? Can you explain how those are allocated?

MS. MCMAHON: Certainly. The Public Service Commission would take care of setting up the system, and they would use criteria similar to the -- employed by programs like the HEAP program which we're all familiar with, the heating assistance programs. And the criteria they would use would include the presence of individuals under the age of six or over 60, individuals with permanent disability, household size, household income and primary heating and/or cooling source, similar to what we do with HEAP.

MR. GOODELL: Is it -- I -- I understand that the bill falls on the Public Service Commission to figure it out so that we don't have to. That's probably a wise move. Is there any indication in the bill whether the credits are reallocated on a utility basis or on a geographic basis or on a Statewide basis?

MS. MCMAHON: It would be through each individual utility.

MR. GOODELL: Okay. Thank you very much.

MS. MCMAHON: You're welcome.

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 on Senate print 6919. This is a fast roll call. Any member who wishes to be recorded in the negative is reminded to contact the Majority or Minority Leader at the numbers previously provided.

(The Clerk recorded the vote.)

Mr. Goodell to explain his vote.

MR. GOODELL: Thank you, sir. I -- I like the concept of the encouraging people to donate to the poor, and I hope that we can revisit this in the future because I'm not exactly sure how utility companies are supposed to know how many people live in a household, how many of them are under the age of six, how many of them are over the age of 60, whether they have an adverse situation that would justify a special treatment. I mean, normally when a utility company is just delighted to know what my meter number is, what my address is and whether I've paid. So it would be an interesting experiment in social science to see how a utility company calculates the household demographics for the purposes of allocating these credits. But the general concept of being able to donate a utility credit certainly I find appealing and I suspect we may be back to flesh out some of those details.

Thank you, sir.

ACTING SPEAKER AUBRY: Mr. Goodell in the affirmative.

Mrs. Peoples-Stokes to explain her vote.

MRS. PEOPLES-STOKES: Thank you, Mr.

Speaker. I actually am trying to (inaudible) exactly what Mr. Goodell

just said because I think this is an interesting concept. It actually in some ways already works. In the City of Buffalo a couple years back National Grid actually installed solar panels on people's homes who live in and around the Medical Corridor in Buffalo. It's called the Fruit Belt neighborhood, and it is mostly a low-income neighborhood. And the fact that they installed these solar panels on these low-income folks' homes it actually saved them energy and they were allowed to share their credits not just with their neighbors but with the larger grid at the Medical Corridor, the hospitals that are in around there. So I think this is a great concept. I like the way it's going with this conversation. And I think we should try to grow on this as an issue because it is the way to ensure that we have a sustainable environment of our electricity and access to energy into the years coming.

So I want to congratulate the sponsor of this legislation and I'm very excited about the opportunity to vote for it. Thank you, sir.

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

Ms. McMahon to explain her vote.

MS. MCMAHON: Thank you, Mr. Speaker. I would just like to acknowledge my constituent, Dr. Trevor Krabbenhoft, who actually brought this idea to me and I thought it was just a -- a practical yet really wonderful idea and a way to sort of share the wealth among those who may have the ability to take advantage of renewable energy and those lower-income customers who do not.

So thank you, Dr. Krabbenhoft, for helping bring this idea to the floor. Thank you.

ACTING SPEAKER AUBRY: Thank you. Ms. McMahon in the affirmative.

Mr. Goodell.

MR. GOODELL: Thank you, sir. Please record my colleagues Mr. DiPietro and Mr. Friend in the negative.

Thank you, sir.

ACTING SPEAKER AUBRY: So noted.

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

Page 6, Rules Report No. 87, the Clerk will read.

THE CLERK: Assembly No. A08143-A, Rules Report No. 87, Fahy, Cusick, McDonald, L. Rosenthal, Burke, Steck, Seawright, Simon, Jacobson, Davila, Galef, Kelles, Thiele, Forrest, González-Rojas, Carroll, Hevesi, Paulin, Englebright, Gallagher, Stern, Sillitti, Lunsford, Meeks, Burdick, Abinanti, Otis, Stirpe, Mitaynes, Dilan. An act -- an act to amend the Energy Law, the Executive Law and the State Finance Law, in relation to establishing the "Advanced Building Codes, Appliance and Equipment Efficiency Standards Act of 2022."

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

MS. FAHY: Thank you, Mr. Speaker. This bill,

A.8143, is designed to align the Energy Conservation Construction Code, commonly referred to as the Energy Code, with our clean energy and climate policy goals of the State and increase the State's efficiency standards for appliances.

ACTING SPEAKER AUBRY: Mr. Palmesano.

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

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

MS. FAHY: Certainly. Thank you.

MR. PALMESANO: Thank you, I appreciate it. The first question I had, right now, you know, the Climate Action Council is holding public hearings around the State on their draft scoping plan. Why are we moving forward with this legislation before they finish the draft scoping plan and bring it back to us for consideration? What's the -- what's the urgency to move ahead with this and put this in place without hearing the comments that are coming in on these -- these very important hearings that's really going to transform the way energy and electricity is delivered in our State? Shouldn't we wait until we get through that process first?

MS. FAHY: First of all, in general I think that there is an urgency overall on -- on climate, but secondly, this was in the original plan. So this is -- this was already in the plan and not -- sorry -- yes, it's dated already in the plan.

MR. PALMESANO: All right. And the code

changes can really have a significant impact on cost effects on both the construction of new facilities, new homes and also the rehabilitation of existing homes, correct?

MS. FAHY: Yes.

MR. PALMESANO: Okay. And currently the Code Council, when they make changes to energy code it has to ensure that the code remains cost-effective. It's really to determine whether the code remains cost-effective. The Council considers whether the cost of the materials and their installation would be equal to or less than the present value of the energy savings that could be expected over a 10-year period. This bill replaces that language with a different methodology that considers (inaudible) the lifecycle costs for a building and how that would be covered through the designed life of the building. How does this -- the secondary and societal effects to whether -- whether there's changes to the energy code remain affordable for consumers with this change to the 10-year lifecycle that take into account affordability?

MS. FAHY: We've received a couple of dozen support memos on this, and partly because every estimate we've seen is that there would be a savings for the consumer. The -- the importance of the lifecycle cost is that it would take into consideration acquisition, the operation, the maintenance, the long-term maintenance and the construction, as well as the fuels, materials and -- and other ancillary parts and services. So the -- we think this is the better way to address these issues, and we spoke about that earlier

today, actually, the lifecycle cost. So essentially this is being -- this is considered to be a savings for the consumer and -- and setting a new bar and floor on these appliances.

MR. PALMESANO: I know you were taking societal benefits supposedly into account now as well, but that -- that's something I -- I know we want to consider. But shouldn't we take that separately? I mean, how can we ensure this mandate won't increase costs for homeowners, for buildings, for manufactures, for reconstruction if we don't have a really strict cost-benefit analysis in that 10-year payback period to be considered? Because now there's no 10 back -- 10-year paycheck. When you spread it out over the life of the building that could be longer.

MS. FAHY: I -- I would say that in many cases the lifecycle cost would be shorter in some regard, just as we talked a little bit about electric vehicles earlier today. That is much -- the payout on that is often considered much less than ten years, and it's the same with an appliance. Many appliances -- I'd like to use the example of toaster ovens. Most people don't have those for ten years, and -- but it would help the consumer -- those are often low-cost appliances -- it would help if we knew there was a bar that was being met for efficiency such that the consumer would -- would benefit long before ten years in -- in that -- in a redefined lifecycle cost and -- and have savings on what are often referred to as vampire electronics.

MR. PALMESANO: Well, the other part of that I'd -- I'd like to ask is I know even, I think, in the -- the climate -- the

draft scoping plan was just talking about electric retrofitting indicates that you need to make substantially -- make changes to the shell of a building, which can be anywhere from, you know, the basic shell which could be \$6,400, but even deep shell improvements as much as \$45,000 which, again, which upfront costs, significant costs that we're talking about. How can we expect any homeowner or construction cost [sic] to be able to handle those types of increase cost because it has to be part of that equation?

MS. FAHY: First of all, there's -- there's no requirement here to retrofit a building, so that's -- it's not considered mandatory. You know, there's nothing in here that requires you to retrofit, it just that it is setting new standards for that efficiency with the intent that -- and every estimate that we've seen is that it would pay out in long-term savings through efficiencies and -- efficiencies and other related cost-savings. You know, fuel savings, materials savings. Hopefully longer-term life of the -- the appliance or -- or the building. So it is intended as a savings across the board.

MR. PALMESANO: I -- I know with the 10-year savings payback program we have now that's in current code, that's used to determine what type of incentives and rebates can be used to help make these changes affordable to residents. How do you determine the lifecycle cost, you know, for the -- the life of the -- life of the property, those lifecycle costs. (Inaudible) do an analysis in this determination because it's over the cost of the lifecycle instead of in that 10-year period.

MS. FAHY: First of all, it's a -- it's a regulatory process. There will be public input into all of this. But I will also say just as we've addressed in the budget and I think we need to address more and more, we need to incentivize some of this. There's a lot of talk in some of the other legislation that we've done about, for instance, some of the cost of -- of heat pumps has come up. Just as we used to talk about the cost of electric vehicles, the more the market grows, the more those costs will come down. But we also need incentives to even out those costs, the upfront costs of some of these newer emerging technologies of --

MR. PALMESANO: And you -- and you mentioned geothermal heat pumps. We were at a public hearing and I spoke to one of the -- a person from industry. I asked what the cost of a geothermal heat pump was and she said, *Well, basically it depends on the variety and (inaudible)*. I said, *Well, give me your best estimate*. She said, *It's \$35- to \$45,000*. And then she said, *But with rebates and other incentives it gets it down*. I go, *How much does it get down to that at that point?* She said about \$20,000. I guess my question, how many people -- you know, low- or moderate-income people can afford that? And to have a geothermal heat pump you have to make those shell improvements that we talked about, including installation and other important investments that are significant upfront costs that people might not -- and seniors and businesses that have to take into consideration their decision if they're going to stay in New York and families are going take those considerations if they can stay in New

York and at home because of the cost of the improvements. How is that taken into account in that matter?

MS. FAHY: Personally, I think we need to increase those incentives, just as we have been doing. And again, I keep going back to electric vehicles because we've had incentives to try to lower the cost, the initial cost, and then there's many, many savings afterwards. So the lifecycle cost is actually cheaper than traditional vehicles, passenger vehicles, at this point. It's the same with heat pumps. We -- there are incentives out there. We'll need to do more. This goes much beyond that. This is for traditional appliances, and if the appliances last longer, the appliances save you more on your utility costs. The estimates are that the cost of upgrading all of this could be in the billions of dollars for consumers and there's many estimates along that line. So again, that's important. That's why it is important that we talk about this lifecycle, because in some cases it is much less than the ten years. And I think it's a -- I think it's a better way to define and to approach this, which is part of why we are upgrading this and -- but the materials are included, machinery, other -- other devices are also included. But just as we've incentivized some of this already, we need to increase that because of the higher -- often because of the higher upfront costs --

MR. PALMESANO: What about the --

MS. FAHY: -- the payout in the long run.

MR. PALMESANO: All right. And I respectfully disagree about lifecycle costs versus the ten-year payback that -- as far

as affecting affordability but that's another discussion. But what about the reason for authorizing NYSERDA to adopt regulations for products not specifically listed in the Energy Law Section 6104?

What kind of products do you envision NYSERDA adopting standards for under this provision? Is it -- usually under this case there is an immediate need or urgency for efficiency, why couldn't they come back to the Legislature (inaudible) products you've considered under this matter?

MS. FAHY: My understanding is we haven't expanded the scope of what falls under this.

MR. PALMESANO: Yeah, I think we've changed somewhere in the neighborhood of 79 different definitions -- up to 60 to 79 different definitions in this -- in this bill. A whole list of them.

MS. FAHY: Yes. It's very much a public process that to -- to work across the industry and to work across other states, but essentially it is the same scope that -- that exists now with the energy code. And although certainly there have been -- you know, if you look at media and the electronics there are -- there are newer electronics that are growing that can't be -- that can't be -- I -- you know, we can't identify every single product in the legislation if -- if that's what you mean. There is a growing -- there is a growing list just as we, you know, didn't --

MR. PALMESANO: And -- and you think it's in the best interest to give this authority, regulatory authority, broad authority to NYSERDA rather than having them come back to the

Legislature to make those updates?

MS. FAHY: Yes, and to -- again, to raise the bar. I mean -- sorry, to set a minimum floor. When I go to buy an appliance -- you know, many years ago we didn't know what type of refrigerator we were buying. Now we know that there is a floor of energy efficiency when you buy a refrigerator. You would apply that in the same way to a TV or to a, again, a toaster oven so that you might have some type of floor. It's also help -- it's helping -- in my view it's helping to educate the consumer because if you pay \$5 more on a toaster oven you might get a much more efficient, longer-lasting, better-built toaster oven for a small -- a slight incremental increase. So I just think it's --

MR. PALMESANO: Okay.

MS. FAHY: Let me also just add, we also are -- one of the problems that we have with cheaper low-end appliances is that they end up -- they are filling our landfills, and we saw that when we transitioning with TVs about five or eight years ago. So inefficient appliances become a dumping ground. We want to make sure that we are working with other states as we -- as we raise that floor, if you will.

MR. PALMESANO: Would this provision authorize NYSERDA to adopt efficiency standards for industrial and/or commercial equipment?

MS. FAHY: Yes. Yes.

MR. PALMESANO: Okay.

MS. FAHY: They are -- that -- that's not expanded authority, they already have that authority under the energy code, again.

MR. PALMESANO: Another big issue in this bill that I noticed and that some of my colleagues noticed is relative to historic buildings. Because currently before this passes and is signed into law, historic buildings are exempt from the energy code. But this bill would require the Code Council to provide exemptions for historic buildings to the extent that the code requirements would threaten, degrade or destroy the historic form, fabric or function of the building. So my question is, does this mean that the Code Council will now provide a list of automatic exemptions for historic buildings or that every single exemption requested for an historic building has to be separated -- separately considered and determined by the Code Council?

MS. FAHY: My understanding this is conforming with other -- with other international law and codes. Yes, so we're removing the current exemption, but it does require the -- consultation with the -- the Code Council as well as with Parks and Recreation, and will still authorize exemptions where it would threaten or degrade or destroy the -- the historic nature of the building.

MR. PALMESANO: But will they have -- will they be listed out or would it have to come --

MS. FAHY: I'm sorry?

MR. PALMESANO: Would they already be listed

out what those exemptions are or they going to have to apply for each and every one? Because right now they just have exemption from the law.

MS. FAHY: Right now there -- it is an exemption that's being removed but they still have the ability to authorize exemptions, again, where it would threaten or -- or degrade --

MR. PALMESANO: But this would have to be done on a case-by-case -- because we have I don't know how many historic buildings throughout the State.

MS. FAHY: No. This -- this can be done as part of the planning process and the -- the regulatory process. I would hope it's not on an individual basis. I think we need --

MR. PALMESANO: So we don't have any --

MS. FAHY: -- some standardization here, but we are -- but yes, the -- the broad exemption is being removed but the intent is not to make it case-by-case. It is meant to -- to continue to have this just -- to continue to have -- offer exemptions, but those would be more narrowly defined.

MR. PALMESANO: Okay. So we really -- we're not looking at a case-by-case basis (inaudible) --

MS. FAHY: I would hope not.

MR. PALMESANO: (Inaudible) a process--

MS. FAHY: That's not the intent here.

MR. PALMESANO: Or how long -- do we have any idea how long this process is going to take? Is it going to be

developed -- these processes and regulations are put in place? Because I know right now the Executive Law requires that the Code Council meet four times a year, so would -- will the exemption requests for these items that need to be fixed or replaced in historic buildings be made quarterly or what will be the time frame on getting responses? Because if they have to be delayed until there (inaudible) is a challenge as well.

MS. FAHY: I -- I would hope it would be done ahead of time, but obviously this is -- you know, this is a pretty broad-reaching or far-reaching legislation so it is -- it is going to take some time. But again, some of that is being done -- so much of this is being done already with historic buildings. We see -- we know many historic buildings are -- are getting, you know, platinum-lead certifications, so there's --

(Buzzer sounds)

-- there is a track record here.

ACTING SPEAKER AUBRY: Told you're on your second 15, Mr. Palmesano.

MR. PALMESANO: Thank you, Mr. Speaker.

I have another question, and I know there's some subpoena language in here. It seems really kind of concerning about -- where it talks about -- I think it was on page 20 where it talks about any person that sells, authors or sells leases all the way through these divisions. It seems like a broad subpoena power when we're just talking about dealing with energy-efficient appliances, but they can

almost subpoena and fine for any broad perspective. Is that the case, and what is the purpose of that?

MS. FAHY: It is intended to be conforming language that is already in existence, and it is based on existing Department of State statutory powers, including, for example, the General Business Law as well as the Children's Product Safety and Recall Effectiveness -- Effectiveness Act. Quite frankly, I had some of the same questions when I was first looking at some early drafts of this, but simply it is -- it is -- simply put, it is conforming language.

MR. PALMESANO: And we have a great deal of public housing in our State, especially down in New York City with the NYCHA housing which we know is a disaster from our colleagues who talk about it on the floor. You know, I visited there. I visited tenants there, saw like having to wait for repairs, just for simple repairs, but now we're talking about total retrofits of some of these buildings at a significant cost when they can't even do that. How much is that going to cost, you know, with these improvements that have to be made on top of what's already in place? Isn't it going to be a significant cost to our public housing and where is that money going to come from? Because -- I mean, who is going to pay for that?

MS. FAHY: First of all, a lot of our NYCHA public housing funding does come from the Federal government. We've supplemented that, as you know, at the State level, and this year we made a special effort to put funding in for those -- for those solar and other efficiency upgrades that you just referred to. Those are, again,

intended to have savings overall, just as the -- this legislation is intended to be in the billions in savings for the consumer ultimately because of efficiency -- of raising efficiency standards.

MR. PALMESANO: So again, on the billions in savings, those are on the back end, but there still would be significant upfront costs and retrofitting improvements, investments, whether it's the shell, home or property, whether it's any other appliances. Those upfront investments or costs are going to have to be taken into account, but it's your argument that the -- the benefits on the back-end are going to more than make up for that and the societal benefits that come from reused greenhouses gas emissions. Is that -- is that a fair --

MS. FAHY: Well, you're taking out a, let's say, to retrofit your home and you're taking out a loan as your part of a renovation that you choose to do, there's nothing mandatory here. Those -- some of those upfront investments would have that long-term payout. And again, when -- I'm with you on providing more incentives to make -- just as we just did with NYCHA. We're giving them additional funding to -- to upgrade efficiencies and add in solar panels. It's -- it's the same with what we've done elsewhere. So we need to -- we are trying to stimulate those -- those -- those efforts -- encourage those efforts and to provide the incentives. But yes, there -- in many cases it's a higher upfront cost, but with an overall tremendous savings, just as we've seen with lighting, for example.

MR. PALMESANO: Right. And I know you said that -- I mean, really -- this is really -- you said there was no mandated

changes being made, but in fact, we're on a full step to full electrification because we already talked about in 2030 and if you own a natural gas boiler, furnace or a stove or a dryer, if that needs to be replaced you can't replace it with natural gas. Now you have to fully electrify your home, which means you have to increase -- improve -- make the shell improvements to the house like I talked about, which would be \$6,000 to \$45,000 in different ranges. Install a geothermal heat pump because that what's going to be required to generate the energy instead of a -- so there are mandates with this when you combine this with the electrification mandates that are out there in codes. So there are significant upfront costs that people are going to have to bear, correct? (Inaudible) the back-end savings but that's -- that's just a matter of fact with this issue, correct?

MS. FAHY: That one is not addressed in this bill. That example is not -- we are not addressing that at this point in -- this legislation does not address that.

MR. PALMESANO: Yeah, but it is hand-in-hand. Ms. Fahy, thank you for your time. I really appreciate it.

MS. FAHY: Thank you.

MR. PALMESANO: I know it's been a long day.

Mr. Speaker, on the bill.

ACTING SPEAKER AUBRY: On the bill, sir.

MR. PALMESANO: Mr. Speaker and my colleagues, this is just really another step in my opinion in the playbook to dismantle our State's economy and -- and stop to ensure

affordability and reliability in our energy supply and will ultimately just increase costs for families, for farmers, for seniors, small businesses and manufacturers. A couple of issues I just wanted to touch on is this change to the code for lifecycle concerning the significant cost impacts on construction of both new and rehabilitation for existing homes. That really should be addressed in -- and addressed in a transparent manner. This doesn't. Simply by eliminating the ten-year payback we're basically removing affordability and cost as a consideration for new code changes. And that's kind of unfortunate because there -- as we talked about, there are tremendous upfront costs for these code changes that need to be replaced whether talking about appliances, whether you're talking about the building shell, installation. All those things add up and this is all part of that cost to electrify. And I guess that's just kind of business as usual when it comes to policies with -- around these -- the -- the green energy policies that we're trying to address. What about the need for affordable energy? We talk about that all -- all the time. That continues to grow. But there will be a significant cost increase that are going to be -- have to be considered that are not going to help make our housing affordable. In fact, it's going to make it more expensive for the homeowner, it's going to make it more expensive for the senior, it's going to make it more expensive for businesses, and it's certainly going to make it more expensive for the tenants across the State, whether New York City or Upstate or wherever they may be, who are going to have to pay for those increased costs whether it's in

public housing like NYCHA or just any type of tenant situation. Are you guys going to be okay with the landlords passing those costs on to the tenants or are we going to stop and fight any rent increases as well? Because there are -- let's make no mistake about it, there are significant increases with this. I also have very strong concerns about the historic building aspect of this. Right now they're all currently exempt, and now to me (inaudible) I feel like we're creating a more bureaucratic and lengthy process and, yes, costly. And -- and really will create a challenge for our, you know, property owners who have historic homes. But also those individuals who have older homes that can't afford, you know, to make those changes. I mean, when we have older historic homes they might not be designated historic, but there are significant cost increases that need to be met for them. I don't think there's enough to tell them that you're going to save it on the back end by paying it forward on the front end because for a senior citizen who is, you know, older that's not -- they're not going to see those savings. Or our manufacturers who are looking to leave the State, they're going to look at what the upfront costs are if they're going to make that investment and that payback over a lifetime might not make enough when they can go to Pennsylvania or Ohio and have less taxes, have less burdensome regulations on a whole host of issues. But then this is being implemented here in New York only. Again, not in any other countries because this only affects New York, not in any other states nearby us. That's going to have a challenge. And again, this is really all a step in that full electrification to deal with

climate change. And I think that's where I've been frustrated because I want to be clear to my colleagues. I know a lot of times when we talk about these issues and, you know, you said, *Well they're climate deniers*. We're not climate deniers, we're just saying New York should not do it alone, and that's what the CLCPA and these guide -- these regulations (inaudible) going through the draft scoping plan continue to do. It's just hard for me to envision that. And when we talk about the benefits outweighing the cost I don't see it. I don't understand how New York only contributes 0.5 percent of the total carbon emissions and other countries, including China, contributes 29 percent of those global -- global emissions. And they continue to build coal plants. It's just -- I don't understand the savings and benefits that are going to come from this. And also, again, when we talk about the electric vehicle issue and the batteries and things of that nature, the energy security and the fact that China controls 87 percent of the rare earth materials market so we're putting our whole energy security -- future energy security in China's hand because we're not going to use the natural resources for heating. We're going to go to full electrification and wind and solar which is not reliable. We know it's not reliable in -- in -- you know, for people in Buffalo -- when we talk about retrofitting homes and making them code efficient, the people in Buffalo or the North Country having to rely on wind and solar to heat their homes, I don't know if that's really a welcome option for them and I don't think they realize come 2030 they're going to have to spend \$35,000 to upgrade their homes and convert it to

electric, all on the benefit of climate change when, again, we're only .5 percent of the total carbon emissions. We're not going to make a dent in this with China out there continuing to build coal plants all over and over again. And India, same thing. And Russia. Again, they invested \$110 billion in an oil arctic plant port. So I just don't see where the win is there. I'm very, very concerned. There are significant upfront costs that come into when we talk about building shells for properties, whether it's a simple or more deep building shells that need to be made. I think that's where we have to look at this. I don't think -- again, when we talk about this issue, affordability gets put to the back burner. Reliability gets put to the back burner. But as long as we're saying clean and green and renewable, it's okay. But affordability, reliability they put it to the back burner, and that's going to be a problem because businesses -- especially in the wintertime. They -- you know, with the power, we've had so many storms happening in the Binghamton area I know just recently the power was out. It happens in New York City when they're all dependent on electricity to heat their homes. We're not -- if you have natural gas you can keep -- and your power can be out but you can still have the gas delivering that power. So these are things that really I'm just afraid my colleagues on the other side of the aisle aren't taking into consideration when we advance these policies. It's great to say, *Hey, we're for green and clean*, but it's not addressing affordability or reliability. And all that's going to end up doing, my colleagues, is it's just going to drive more and more people out of the State. Because

they say, yes we're going to lead. Well, the only thing you're going to lead with is businesses leaving our State, families leaving our State, farmers leaving our State. Why? Because they can't afford to be here. The tax and regulatory burden is already difficult enough for everyone and then we're going to throw this on top of it? I ask you again, how many of your constituents know come 2030 that they -- when 60 percent of the people heat their home with natural gas, how many of them are going to be able to afford \$35,000-plus dollars to convert their home over to electric, which will be a requirement. I don't see -- I wonder if any of you are going to be putting mailers out on that to let them know about that. That's just a dangerous thing. That's something that needs to be considered. We can balance this if you bend the balances out. But it's not enough just to talk about clean and renewable. We have to talk about affordability for our families, our seniors and our businesses and we want them to stay here and reside here. And that's just the concern I have. Those things aren't being discussed in these packages that we're talking about. I apologize, I'm going to continue to talk about it because it's important and the public needs to know about it. We can't just brush it under -- under the rug and think that if we just talk about climate change it would (inaudible) more people talk about the benefits of electric vehicles without talking about the negativity that goes along with that and how those minerals are extracted and the impact it has on human rights, child labor, the Democratic Republic of Congo, how 70 percent of the cobalt comes from there. The lithium, the fires, the dangerousness of this. If we're

not going to talk about that, I don't know how you can -- how can you say you're going to lead on the CLCPA but not lead on the other side and talk about these dangerous human rights and environmental -- negative environmental impacts that are well-documented. And it's not enough to say it's up to the Federal government. You can't say we're going to lead on one front and then we're going to pass the buck on the other. It's disingenuous to do that. I'm going to continue to speak out on that. I'm going to continue to call you all out on that because you have to have accountability on this because it's not working. It's not selling to me, it's not going to sell with the public, especially when they get that bill for that issue.

So with that, Mr. Speaker, I'll end my comments. I will rest and I will encourage my colleagues to vote no on this legislation because I certainly am.

ACTING SPEAKER AUBRY: Mr. Walczyk.

MR. WALCZYK: Thank you, Mr. Speaker. Would the sponsor yield for a couple of questions?

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

MS. FAHY: Yes, happy to.

ACTING SPEAKER AUBRY: The sponsor yields, sir.

MR. WALCZYK: So, with -- with the change in the building code here that you're proposing, how -- how are residents of New York State going to be heating their homes for removing fossil

fuels?

MS. FAHY: This -- this legislation does not affect that, but I'm not sure what you're -- I'm not sure what you're getting at, if you can -- this legislation doesn't affect that.

MR. WALCZYK: So you're not impacting the use of fossil fuels at all with the advancement of the advanced building code change here?

MS. FAHY: We're -- we're trying to upgrade the standards and raise efficiency. It doesn't -- it doesn't say -- at this point it's silent on -- on how those efficiency standards are derived, but certainly -- certainly, we are -- I am -- I am personally in favor of moving away from the fossil fuels, if that's what you're -- and the more efficient we make our buildings, the more we will rely less on fossil fuels, if that's what you're asking.

MR. WALCZYK: Okay. Thanks. Thanks, Mr. Chair.

ACTING SPEAKER AUBRY: Read the last section.

THE CLERK: This act shall take effect immediately.

ACTING SPEAKER AUBRY: The Clerk will record the vote on Assembly print 8143-A. This is a Party vote. Any member who wishes to be recorded as an exception to the Conference position is reminded to contact the Majority or Minority Leader at the numbers previously provided.

Mr. Goodell.

MR. GOODELL: Thank you, sir. The Republican

Conference is generally opposed for the reasons my colleague mentioned. Those who would like to support it can certainly vote so on the floor or by calling the Minority Leader's Office.

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 one. However, there may be some that would like to be an exception. They should feel free to contact the Majority Leader's Office, their vote will be properly recorded.

Thank you.

ACTING SPEAKER AUBRY: Thank you, Mrs.

Peoples-Stokes.

(The Clerk recorded the vote.)

Ms. Gallagher to explain her vote.

MS. GALLAGHER: I would like to thank the very brave sponsor of this bill. This is going to help us attack the climate crisis head on. I know many of my colleagues are very concerned about the cost and efficiency of new appliances and buildings, and I have to tell you that it's provably true that these are more efficient and more affordable. We've been subsidizing the cost of gas and oil for most of our lifetime, so we don't truly externalize the reality of the cost of gas and oil. There's also something known as committed emissions, which are the emissions that will continue to happen

because appliances, cars or buildings that we already have will continue to emit their emissions for the rest of their lifetimes. This particular bill is going to help us tackle that head on and build the supply side of energy-efficient, clean energy usage and of the appliances that we need to be converting to. As we convert to these appliances and convert to these modes of operation they will become second nature. We will be subsidizing them. In fact, we already are beginning to subsidize some of them, like geothermal, at the Federal level. And I'm sure that we are going to be building more programs for this. So I am someone that lives on the waterfront of -- of Brooklyn, and my community feels the impacts of climate change head on. My community is at risk, as are many communities in this room, and it is my job here in the Assembly to protect my community and my community's future, and that's what the sponsor's bill and the leadership of bringing it to the floor is enabling me to do.

So thank you very much. I will be voting absolutely yes.

ACTING SPEAKER AUBRY: Ms. Gallagher in the affirmative.

Mr. Goodell to explain his vote.

MR. GOODELL: Thank you, sir. For many years, actually 20 years, I served as the chairman of a not-for-profit housing rehabilitation corporation, and our mission was to provide high-quality affordable housing. And it's a great, great personal interest of mine to ensure that we have the maximum amount of

affordable housing in the State. And not all of us are fortunate enough to be working here in the Assembly and have a great job with great benefits. But a lot of people, especially senior citizens, really struggle to make ends meet. And so while it's nice in theory that we talk about the highest energy standards that are around and it's great we talk here about the need to buy more expensive utilities and appliances, the reality is there's a lot of people out there that really struggle to make ends meet. And we need to be sensitive to the fact that individuals know better than we do about what their budget is and what their priorities are. And absolutely, it makes sense for some individuals to buy a less expensive appliance that might fit their budget. And the option might not be a high-efficiency expensive appliance. For them the option might be no appliance or one that they can't afford. So we need to be sensitive to the fact that not everyone is wealthy, not everyone has the means of buying the latest and greatest energy-efficient appliance. So, recognizing that and recognizing that different people have different interests and different financial stress, I think the better approach is to say to individual consumers, *We'll make sure that you understand what the energy efficiency rating is, and then you use your own decision on whether or not that's the product that you want that makes the most sense to you.* And in that way we can provide the most cost-effective housing for all of our residents and not just the wealthy.

For that reason I will be opposing it. Thank you.

ACTING SPEAKER AUBRY: Mr. Goodell in the

negative.

Ms. Fahy to explain her vote.

MS. FAHY: Thank you, Mr. Speaker. I rise in support of my legislation, again, to align the energy conservation construction code with our clean energy climate goals in the State as well as to increase efficiency standards. We've talked a lot about that today, but the part of this is to make sure that we are pushing toward cost-effective, high-efficiency appliances as well as buildings. And for all the reasons that were talked about today, we are in the midst of a climate crisis, and the last estimate I saw for the last ten to 12 years this State alone has spent over \$50 billion in weather-related disaster cleanups. So it's -- there are reasons to push to raise efficiencies, to increase what we are doing to conserve energy as well as to reduce pollution, and the more we reduce that pollution the more we improve health, and in the end also make sure that we are saving consumers dollars. I was very proud to sponsor about seven years ago the ability for municipalities to own their streetlights and that saved millions of dollars for most municipalities across this State. So many of these measures may have higher upfront costs, but in the end have tremendous savings. And as other speakers have noted, we do need to incentivize that. We need to subsidize that, and I think we have a pretty decent track record of doing that need, although as other speakers have noted, we have more work to do as well there to address these -- these upfront costs. But the -- the further along we've move, just as we're seeing with wind, solar and batteries, these costs

are coming down and making these products more affordable. And what this bill does is begin to raise that floor on efficiencies in our -- more appliances as well as in our building codes.

Thank you, and with that, Mr. Speaker, I vote in the affirmative.

ACTING SPEAKER AUBRY: Ms. Fahy in the affirmative.

Mr. Goodell.

MR. GOODELL: Thank you, sir. Please record my colleague Mr. Keith Brown in the affirmative.

Thank you, sir.

ACTING SPEAKER AUBRY: Certainly. So noted.

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

Page 6, Rules Report No. 88, the Clerk will read.

THE CLERK: Senate No. S07453-A, Rules Report No. 88, Senator Krueger (A08327-A, Englebright, Epstein, McDonald, Burdick, Kelles, Gottfried, O'Donnell, Burgos, Fahy, Griffin, Zebrowski, Darling, Simon, Thiele, Steck, Septimo, Lunsford, Otis, González-Rojas, L. Rosenthal). An act to amend the Public Authorities Law, in relation in relation to establishing the Electric Landscaping Equipment Rebate Program; and providing for the repeal of such provisions upon expiration thereof.

ACTING SPEAKER AUBRY: An explanation is

requested, Mr. Englebright.

MR. ENGLEBRIGHT: Thanks, Mr. Speaker. This is a measure designed to reduce greenhouse gases, smog and deafening sometimes noises that wake you up on Sunday morning all too often, the use of gas-powered devices for lawns. I come from Long Island where the pun is intended and we -- we suffer in all these ways from the presence of these very irritating machines. What they produce, of course, is a beautiful lawn and a landscape for the neighborhood, and so we want to keep that benefit and what we do want to do is reduce the greenhouse gas and the smog and the lung disease and the asthma. And so to do that we put forward this measure to give electric landscaping equipment a rebate program through NYSERDA. And I just want to make mention that this has a lot of benefits. It fights global warming, this measure promotes human health by better air quality resulting from the use of the electric batteries. It fights asthma and lung disease, and the noise is dramatically lowered. Lower decibels, less pain in many cases from the -- the neighbor's lawn while you're trying to have your morning coffee. And the great benefit of this, of course, is that it is noncoercive. We will get better and longer-lasting electric equipment, also. So by the time this expires in the year 2030 we will have a win-win-win conversion. This is an incentivizing measure. It uses carrots, not sticks. It is good for all the lawns of the State, but especially for the lawns of Long Island.

ACTING SPEAKER AUBRY: Mr. Palmesano.

MR. PALMESANO: Mr. Speaker, will the sponsor

yield for some questions?

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

MR. ENGLEBRIGHT: I yield.

ACTING SPEAKER AUBRY: The sponsor yields.

MR. PALMESANO: Thank you, Mr. Englebright. I know probably you and your colleagues on the other side of the aisle are probably tired of hearing me say this will be the last time. I'm sure some of my colleagues on this side of the aisle are tired of hearing me as well. But I do appreciate the opportunity to discuss this bill with you a little bit. My first question for you is, what is the cost of this? Because I think in the memo it says it's going to be operated out of current NYSERDA funds; is that correct?

MR. ENGLEBRIGHT: It -- that is correct.

MR. PALMESANO: So --

MR. ENGLEBRIGHT: There is no dollar figure applied. The language in the legislation says that the authority shall determine the rebate eligibility of each applicant in accordance with the requirements of this section and rules that are promulgated by the authority. And the total amount of rebates allocated to certified applicants in each fiscal year shall not exceed the amount of funds available. And so it will depend upon availability.

MR. PALMESANO: And so really -- so there's no cap and whatever the funds are available. So right now with NYSERDA funds -- I know we talked about this at the -- the Clean

Energy Fund hearing -- with NYSERDA they put proposals to the Public Service Commission, correct, for approval and then if the PSC approves it then they have those funds to disburse for clean energy goals and obligations, correct?

MR. ENGLEBRIGHT: That's correct.

MR. PALMESANO: All right. So this could be any amount of money. The reason I ask that question, I know looking back at NYSERDA, one of their proposals of their four-year plan had a \$12.4- -- \$12.7 billion request over a four-year period, and when I brought that up to the NYSERDA representative they said, *Well, we just put the proposal first but then the PSC has to approve it.* So when the PSC approves it, who does that cost fall upon? Does that -- doesn't that not fall upon the ratepayer through their higher increase in electric bills as far as this -- you know, for the Clean Energy Fund, right? It's all part of that. It would fall on the consumer and the ratepayer, correct?

MR. ENGLEBRIGHT: It -- the costs fall upon the same people that would get the benefits. So --

MR. PALMESANO: I understand that.

MR. ENGLEBRIGHT: -- overall you know, it evens out.

MR. PALMESANO: Right, but --

MR. ENGLEBRIGHT: We call that a wash sometimes.

MR. PALMESANO: Well, I don't know if I'd call it

a wash, but I mean obviously you're talking about assumed benefits that might happen --

MR. ENGLEBRIGHT: You can call it an equivalency, then.

MR. PALMESANO: Well, I'll let that be your word. But ultimately, the cost, the dollars, upfront dollars as we talked about for the (inaudible) the upfront dollars will be borne by the ratepayer through increased utility bills, electricity bills, correct? Based on how it's set up. Because they have to go to the PSC to approve it and when the PSC approves it, it gets put on the ratepayer. Right?

MR. ENGLEBRIGHT: NYSERDA has many sources of funding. Most of this is off-budget, and it invites the authority to use its many sources creatively to meet the need.

MR. PALMESANO: Sure. Sure. I -- I know California has a similar program. I was reading an article this past -- are you aware about some concerns that have been raised about -- when we talk about the range issue, we talked about the range issue with electric school buses, we talked about the range issue with high durable equipment, whether it's a snowplow, truck or a dump truck or excavation equipment, that battery range issue continues to be an issue. And in this article landscapers were saying, *You know, I used to be able to do ten to 15 homes in a day, now I'm only doing seven to five homes maybe in a day at a loss of about \$1,000 per week.* How do we address that issue? Are they just going to have to buy more equipment and more batteries?

MR. ENGLEBRIGHT: This is a measure that we have heard more positives than negatives about the idea. And in neighborhoods where conversion has already been made from gas to electric we hear only praise.

MR. PALMESANO: Right. And I can understand that. And so the other thing he mentioned -- what it mentioned in this article -- these are people in the business in California -- they said not only did --

MR. ENGLEBRIGHT: This is different from California.

MR. PALMESANO: No, I know they -- they have a different program.

MR. ENGLEBRIGHT: They're very different in this instance anyhow.

MR. PALMESANO: Correct.

MR. ENGLEBRIGHT: But this is, again, noncoercive. This is meant to attract, not to compel with the heavy hand of government.

MR. PALMESANO: But when you noncoercive, ultimately, these businesses are going to have to make that full transition to electric anyway with the electrification. Are they always going to be able to be gas-powered? Because by, you know, we're going to zero -- near zero --

MR. ENGLEBRIGHT: I think that the neighbors will compliment the neighbors, and that will be what will drive this.

There'll be talk over the back fence, *Boy, thank you for bringing such a -- a quiet mowing apparatus into your lawn. It's so much appreciated.* And that will get back and will drive the conversion that we're really looking for and anticipate by the year 2030 in this manner.

MR. PALMESANO: And you -- and you don't believe -- is it your belief maybe on your side of the aisle the range issue that we're talking and talking about a lot here today, whether it's with this or electric vehicles, that's something that really needs to be taken into consideration and account for relative to cost and reliability?

MR. ENGLEBRIGHT: In one word, no.

MR. PALMESANO: Okay. Fair enough. I've got to respect that. Let me ask you another question, if I could. And I'm -- I'm nearing the end. Often I hear when we talk about the CLCPA and you've heard me mention it, my biggest issue with it is not that we're trying to get renewable technology on -- onto the part of our portfolio, but it's that New York's just doing it alone. And what I often hear is that New York will lead. I've heard -- I remember you mentioned that time when we debated the CLCPA back in 2019 for 30 minutes. Is it your contention that by doing this we are leading and that people will follow us going forward?

MR. ENGLEBRIGHT: I think that that has historically been what New York has done. Our first national capital was in this State. We sent more men to defend the Union in the Civil

War than any other state.

MR. PALMESANO: Sure.

MR. ENGLEBRIGHT: We lead in conservation. We set the model with the Adirondack Mountains for their establishment of a national park system that has been copied around the world. We are the Empire State. We are a great state.

MR. PALMESANO: That's a --

MR. ENGLEBRIGHT: And yes, we need to lead to meet the greatest challenge of our civilization, which is climate change.

MR. PALMESANO: That's -- that's a great point. It leads me -- leads me to my next question. If we're going to lead on this -- I brought this up at hearings, I brought this up today, I brought this up during the budget debate -- how can we say we're going to lead on the CLCPA when there are well-known documented human rights violations going on and environmental impact violations going on regarding the extraction and processing of these rare earth materials? Specifically I want to mention to you, my colleague and friend, the Democratic Republic of Congo, 70 percent of the cobalt which is used in electric batteries, whether it's electric vehicles, is being hand mined, and there is some 40,000 children. These children have died, they've been maimed in these mining collapses. When I brought this up to the Commissioner and I brought this up on the floor, everyone always says that's the Federal government's responsibility. I've been talking about the CLCPA. This is not letting New York do it all. If we're

going to do this we've got to do this all together. China, India, Russia. None of this affects China, India or Russia. It doesn't affect Pennsylvania or Ohio --

MR. ENGLEBRIGHT: Is there a question here?

MR. PALMESANO: Yes. Don't we have an obligation to lead on human rights violations and environmental degradations that's happening in countries in Asia, South America and Central Africa based on this rare earth materials insurrection?

MR. ENGLEBRIGHT: Yes. And we are developing new sources of cobalt in -- in our western part of our country, in Canada. Part of the cobalt problem, of course, as you rightly point out in the Congo is because they've entered into an agreement with -- with China with an almost exclusive extraction agreement and mining agreement with that nation. And yes, it is that nation that we should put pressure on. The many violations of human rights that are associated with the nation of China deserve attention. The second largest source of cobalt is Russia.

MR. PALMESANO: Right.

MR. ENGLEBRIGHT: So yes, we should -- we should be very concerned about the access to these sources. Cobalt is not limited -- although almost 70 percent of cobalt globally does come from the deposits in the Congo, but it is a common element. And concentrations of it at extractive -- extractable or minable levels can be found in many places, and indeed are found in many places. And we should encourage the extraction to take place preferentially in

these alternate sites. So I agree with you.

MR. PALMESANO: You mentioned --

MR. ENGLEBRIGHT: So I agree with you.

MR. PALMESANO: China, I mean it -- because not only 70 percent of the cobalt extracted in the Democratic Republic of Congo, but 87 percent of the rare earth materials that are being mined and processed are being processed out of China. So China owns this. And as my colleague said, when they -- when they process it they're using coal technology --

MR. ENGLEBRIGHT: What China owns is the human rights violations that you rightly point at.

MR. PALMESANO: Yes, and --

MR. ENGLEBRIGHT: They can't have it both ways. They can't capture the largest single source on earth and ignore the fact that it's -- it's being done at the -- the point of a -- a great suffering, especially from children.

MR. PALMESANO: Sure. Exactly.

MR. ENGLEBRIGHT: But to point to New York and say that we're the problem --

MR. PALMESANO: I'm not saying --

MR. ENGLEBRIGHT: -- is I think, you know, misses the point.

MR. PALMESANO: I'm -- I'm not saying we're the problem. It seems to me that the end justifies the means, and when I bring up let's lead on this, you guys -- maybe not you --

MR. ENGLEBRIGHT: But we have --

MR. PALMESANO: (Inaudible/cross-talk) local government.

MR. ENGLEBRIGHT: We have a small amount of cobalt produced today from the United States and that's going to increase simply because the demand is going to increase. We do have mineralogic sourcing for that, and in other nations, Western nations as well. So, I believe that if you give the market a chance to react to the demand that we will see alternatives to this terrible situation in the Congo that you quite correctly point out is a problem. But it is not a problem that should undercut our understanding of what the human rights violations are of global warming with the -- with the rise of sea level destroying whole island nations.

MR. PALMESANO: And -- and I understand that, but my -- I wanted to go in a minute -- but what impact are we making here in New York when New York only contributes .5, 0.5 percent of the total global carbon emissions, but China's at 29 percent, India is at 7, Russia's at 4. China is building coal plants --

MR. ENGLEBRIGHT: Our role is to lead.

MR. PALMESANO: Then why aren't we leading on the human rights --

MR. ENGLEBRIGHT: We are trying to lead by example. It doesn't mean that we should not do our best within our own campsite --

ACTING SPEAKER AUBRY: Gentlemen, will we

-- we confine ourselves to this Chamber, this bill --

MR. ENGLEBRIGHT: Well, that's a good point.

ACTING SPEAKER AUBRY: You want to wander across the world to discuss those problems I think that's appropriate sometime else.

MR. PALMESANO: All right. I --

ACTING SPEAKER AUBRY: But we've been here all day, you'd like to possibly get out --

MR. PALMESANO: I'm going to wrap it -- I'm going to wrap it for now. Excuse me --

ACTING SPEAKER AUBRY: Thank you.

MR. PALMESANO: Thanks for your time. I appreciate it very much. And always appreciate --

MR. ENGLEBRIGHT: Thank you very much --

MR. PALMESANO: -- talking to you so --

MR. ENGLEBRIGHT: Thank you very much. I appreciate your perspective and your concern --

MR. PALMESANO: Thank you.

MR. ENGLEBRIGHT: And we should take the advice of the -- of the Speaker and -- and talk further about this when we have a chance to --

MR. PALMESANO: Yes. That's why I'm going to go on the bill and wrap it up. I think -- I didn't mean to raise my voice with the sponsor, I just get passionate about this issue because when I always hear the other side or the Governor saying we're going to lead,

when I -- when I bring up my concerns about the CLCPA, which this is all tied into, I say we shouldn't be doing it alone. But they say we're going to lead, people are going to follow. I think the only thing we're going to lead is this continued exodus of businesses, manufacturers and families leaving our State, especially when they see the repercussions of some of this from a fiscal perspective. Upfront costs, full electrification, \$35,000 to convert your home over. But I have to admit, I have a fundamental problem with the argument on the other side saying we're going to lead, but then we talk about what's going on with this rare earth materials extraction and processing, particularly in the Democratic Republic of Congo, I'm going to say it again --

ACTING SPEAKER AUBRY: Sir --

MR. PALMESANO: I'm -- I'm almost done.

ACTING SPEAKER AUBRY: You -- you have more than made your case --

MR. PALMESANO: All right.

ACTING SPEAKER AUBRY: -- on the Democratic Republic of the Congo --

MR. PALMESANO: Well --

ACTING SPEAKER AUBRY: -- and China.

MR. PALMESANO: Very well --

ACTING SPEAKER AUBRY: You have done that succeedingly this whole week --

MR. PALMESANO: Fair enough.

ACTING SPEAKER AUBRY: If we hear it one

more time --

MR. PALMESANO: All right.

ACTING SPEAKER AUBRY: -- I'm going to the Democratic Republic of Congo.

(Laughter)

Please try and stay on the bill at the moment.

MR. PALMESANO: Fair enough. If we're going to do this, then we need to make sure everyone else is helping and participating along when we're only contributing .5 percent of the total carbon emissions. We have to work together. And if we're going to lead on one end we have to lead on both.

But on that note, Mr. Speaker, I appreciate your indulgence and my colleagues on the other side of the aisle and my colleagues on this side of the aisle. I will stop speaking now for the rest of the day, but I want to be very clear I am voting no on this legislation. Thank you.

ACTING SPEAKER AUBRY: As long as you're on the bill, Mr. Palmesano, as long as you're on the bill. Thank you, sir.

Mr. Manktelow.

MR. MANKTELOW: Thank you, Mr. Speaker. I apologize for laughing. Am I allowed to ask any questions on the Republic or not?

(Laughter)

Mr. Speaker, may -- may I ask the sponsor to yield for a question, please?

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

MR. ENGLEBRIGHT: I yield.

ACTING SPEAKER AUBRY: Mr. Englebright yields.

MR. MANKTELOW: Thank you, Mr. Speaker, and thank you, Mr. Sponsor. Mr. Englebright, just the one question. As we -- as we move forward to pass this bill today, are we as legislators allowed to partake in this?

MR. ENGLEBRIGHT: I believe the answer is yes.

MR. MANKTELOW: So we're passing legislation knowing that we're -- we are now going to be allowed to partake in something that we're passing to benefit us?

MR. ENGLEBRIGHT: You know, it is not unusual to see that. We authorize road repairs and drive on those roads. We authorize sewer installations and flush our toilets. We authorize the acquisition of parkland and bring our children. It -- it is not that unusual.

MR. MANKTELOW: Okay. That was my only question. I just -- with all the ethics stuff going on I want to be sure we're in the right place. So I appreciate your answers.

MR. ENGLEBRIGHT: Thank you for your question.

MR. MANKTELOW: Thank you, Mr. Speaker.

ACTING SPEAKER AUBRY: Thank you, sir.

Mr. Walczyk.

MR. WALCZYK: Mr. Speaker, will the sponsor yield?

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

MR. ENGLEBRIGHT: I yield.

MR. WALCZYK: Through you, Mr. Speaker --

ACTING SPEAKER AUBRY: Mr. Englebright yields.

MR. WALCZYK: Through you, Mr. Speaker, I heard the -- the sponsor recently talk about New York State leading the way, leading by example. My colleague -- and not to rehash all of the points about the Democratic Republic of Congo and what's going on there with cobalt mines -- but I wondered if the sponsor, through you, could tell me if he'd be supportive or if there's any policy in the State of New York of opening cobalt mines in this State.

MR. ENGLEBRIGHT: Do I answer through you? Or do I -- do -- have I yielded and am allowed to speak?

(Laughter)

ACTING SPEAKER AUBRY: You have yielded and you can answer him directly. It is --

MR. ENGLEBRIGHT: Okay.

ACTING SPEAKER AUBRY: -- right.

MR. ENGLEBRIGHT: We do not have cobalt deposits that are of commercial viability in New York.

MR. WALCZYK: Through you, Mr. Speaker, are

you aware that in the Lower Hudson Valley and in Northern New York there are indeed cobalt deposits?

MR. ENGLEBRIGHT: Cobalt is widespread, it is a common element. I said we don't -- to my knowledge -- you can correct me if you have other information -- but to my knowledge we do not have commercially-viable concentrations of that element in this State. That's a market analysis, it is not a -- a geographic analysis.

MR. WALCZYK: Through you, Mr. Speaker, if the sponsor would continue to yield, commercial viability seems a little bit subjective when we're comparing our cobalt deposits to those of the Democratic Republic of Congo or other places that have been mentioned in the world. If it is indeed your intent for this legislation and many other pieces that are brought before us today and in the future for us to indeed lead, wouldn't it be our obligation, then, to put forward policies that -- that show the world this is how you mine for cobalt the correct way?

MR. ENGLEBRIGHT: Well, if we can do that we should do that. I agree with the premise. Sometimes we don't always get there instantly. Cobalt is concentrated in nature in several different ways. Hydrothermal deposits in the Congo, it's associated with meteorite deposits. Meteorite impact and nickel deposits in Canada. It depends upon where you look on the earth. And so our -- our cobalt deposits vary in their extraction for commercial purposes potential. And I think we should let the market to a large extent determine the viability of that while keeping an eye on the issue that

our colleague has rightly raised on numerous occasions about the human rights considerations. I think that that is a viable part of the array of considerations that we need to make.

MR. WALCZYK: Thank you for yielding for my questions, Mr. Chair.

MR. ENGLEBRIGHT: Pleasure.

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

ACTING SPEAKER AUBRY: On the bill, sir.

MR. WALCZYK: I -- I agree with my colleague and the Chair of the Environmental Conservation Committee in -- in a couple of ways, and that's one that we in New York State have the opportunity to lead. Sometimes we should absolutely take that opportunity. And if that means mining in the State of New York to show the world that we can use our -- our resources very well and be good stewards of our environment at the same time, great. There's a number of mines that are very viable in Northern New York and many other places in New York State, but this State has been against and been overregulating and to shut down for the purpose of they're just mines. So, you know, respectfully, if we're going to lead we have the opportunity to do so in that way. And the good sponsor of this legislation also concluded with let the market lead, which I thought was one of my favorite things that he said today. This bill, which establishes electric landscaping equipment rebate program probably isn't going to save us from a global climate crisis, I'm -- I'm going to assume. And I think when it comes to advancements in technology

we really don't need to force people, whether it be EVs or what appliances they use in their homes or what landscaping equipment we think is proper, I think to the Chair's point, let the market lead is probably going to figure out a lot of these emerging technologies and a lot better than anybody in this room is going to figure out on behalf of free market capitalism.

And with that I conclude my comments. Thank you, Mr. Speaker.

ACTING SPEAKER AUBRY: Thank you, sir.

Mr. Goodell.

MR. GOODELL: Thank you, Mr. Speaker. Would the sponsor be willing to answer some questions about the --

ACTING SPEAKER AUBRY: Mr. --

MR. GOODELL: -- the language?

ACTING SPEAKER AUBRY: -- Englebright, will you yield, sir?

MR. ENGLEBRIGHT: I would be pleased to yield.

MR. GOODELL: Thank you. I see that the bill on page 3 lists various percentages and -- and caps on rebates. A 70 percent cap at a certain value.

MR. ENGLEBRIGHT: Yeah.

MR. GOODELL: Looking at page 3, line 17, for example, you can get a rebate of 70 percent of the purchase price of a walk-behind mower not to exceed \$500. And on line 18 you can get a rebate on a new ride-on lawnmower, 70 percent not to exceed \$5,000,

correct?

MR. ENGLEBRIGHT: Correct.

MR. GOODELL: But then when I look on the page before on line 28 it says an individual applicant shall receive no more than \$300 in rebate per year. Does that mean, then, that we don't really mean \$5,000, we just mean 300?

MR. ENGLEBRIGHT: What you're looking at is variability by class of user. Individuals have the \$300 figure for an individual homeowner, but if you are a commercial entity you have eligibility for the larger amounts.

MR. GOODELL: I see. Thank you for clarifying it. So in other words, if you're a homeowner and you buy a ride-on lawnmower your maximum reimbursement would be \$300.

MR. ENGLEBRIGHT: I don't think so. I think the homeowner who wants to -- to spend that kind of money to buy that kind of equipment would be eligible, also. I don't -- I don't see it limited. Let me just see if the brain trust over here has another opinion. Just a second.

(Pause)

Yes, so what I said a moment ago is apparently accurate. I surprise myself sometimes. If you are a commercial entity you're eligible for up to \$15,000. These larger numbers are subunits of that. And an individual homeowner would be up to \$300.

MR. GOODELL: I see. Now, I also note that --

MR. ENGLEBRIGHT: It's an annualized basis.

MR. GOODELL: Mm-hmm. I also note that it provides that the funding is on a first come, first served basis.

MR. ENGLEBRIGHT: Yes.

MR. GOODELL: That's on page 2, line 36. When you say first come, first served, is that based on a calendar year or our year? When does the clock start running?

MR. ENGLEBRIGHT: We don't proscribe a beginning moment in the law, we do -- other than the eligibility once this is signed for NYSERDA to set the rules. So as soon as they do that and make this available to the public, first come, first served.

MR. GOODELL: I guess my question is how do we determine who's first if we don't know when we start measuring the time period?

MR. ENGLEBRIGHT: Well, I know who's first and who's last. Who's first is who gets there firstest with the mostest and who's last is the person before the door closes on available resources in a given year.

MR. GOODELL: If you applied in -- in year one and were first, does your application then continue over automatically the next year so you're a lot closer to being first?

MR. ENGLEBRIGHT: So this is a point of sale, you go to your -- your Home Depot or your Lowe's, your garden center, you purchase the equipment and if this program is in effect, it's eligible at that moment.

MR. GOODELL: I see. So if you buy one of these

pieces of equipment thinking that you're getting a refund or a rebate up to 70 percent, you might not get it at all then if you're not first or near the beginning; is that correct? You wouldn't know until after you -- you spend all the money?

MR. ENGLEBRIGHT: You -- you get your reduction at the point of sale, NYSERDA has to -- the program --

MR. GOODELL: But the rebates -- the rebates were first come, first served, so if you go and buy it --

MR. ENGLEBRIGHT: Yeah.

MR. GOODELL: -- after they've exhausted the funds, you wouldn't get any rebate, right?

MR. ENGLEBRIGHT: Look, I'm going to leave this to NYSERDA. We didn't try to figure out the intricate details of commercial activity at -- at all levels of a sales process.

MR. GOODELL: I see.

MR. ENGLEBRIGHT: I am going to rely upon the legislative authorization and the will of the Legislature and the Governor to be something that is well received by NYSERDA and anticipate that they will work out ways to get the money to the point of sale.

MR. GOODELL: Does this envision any appropriation by the State Legislature to --

MR. ENGLEBRIGHT: No.

MR. GOODELL: -- NYSERDA?

MR. ENGLEBRIGHT: No. This is all good, all

positive from existing resources that NYSERDA has and we're asking them to cobble those resources together on an annualized basis to meet this imperative that we are -- that we're in the process of discussing.

MR. GOODELL: Now, I note also on page 2, line 42, if NYSERDA projects that the funds aren't -- won't have enough funds available, it says that the Authority can reduce the eligible lawn care rebate amounts if the Authority determines that the funds would otherwise be exhausted prior to the end of the fiscal year, right?

MR. ENGLEBRIGHT: Correct.

MR. GOODELL: So how would a consumer know how much is available or do we anticipate --

MR. ENGLEBRIGHT: We're trying to incentivize a consumer to transition from the use of gas devices to the use of -- of battery driven devices. And I just want to give you a sense of what we're talking about there. One --

MR. GOODELL: I -- excuse me, I --

MR. ENGLEBRIGHT: One hour of operating a gas power lawnmower is the equivalent in --

MR. GOODELL: Excuse me, Mr. Englebright.

MR. ENGLEBRIGHT: -- smog of driving a car 300 miles --

MR. GOODELL: No. I -- and I -- I really appreciate it. My -- my question is just a financial one really and that is this legislation is pretty clear that these rebates, the 70 percent and the

dollar amounts are maximum, they're not floors, they're caps then because it goes on to say that if NYSERDA believes it's not going to have enough money to make it through the end of the year, we expressly say that NYSERDA can reduce the amount of the rebate. My question then is very, very simple. If I'm a consumer and I'm thinking of buying an electric chainsaw for my wife, how do I know how much the rebate will be or do I have to --

MR. ENGLEBRIGHT: Well, the rebate is -- is -- you've already pointed to some parts of it, but in the larger sense you're asking about information exchange. This requires that NYSERDA keep the information posted on their website, available to the public, available to the merchants of the State who sell this equipment. And we anticipate the merchants will use this as a way to draw people to the store for the purchase of the equipment, and that they will help us with the public education component.

MR. GOODELL: Now, will this rebate be available for purchases from out-of-State retailers? My -- my district is -- has -- is Pennsylvania on two sides, not just one; I only have New York on side, I have Pennsylvania on two sides, a lot of cross the border on retail sales. If I buy an electric weedwacker from the Lowe's in Pennsylvania, will I be eligible for this rebate?

MR. ENGLEBRIGHT: I've got to leave that to NYSERDA. I can only tell you that the legislative purpose here is for the benefit to be to people who live and are citizens of New York State, live within our borders, and that they would go to a -- a market.

Now, you're saying what if the market is out-of-State. That we should -- we should probably clarify with an instruction of intent, of legislative intent if it isn't already clear enough.

MR. GOODELL: Thank you very much.

MR. ENGLEBRIGHT: This is directed toward New York residents and New York merchants, and I anticipate that that is probably the way that NYSERDA will write -- write the regulations.

MR. GOODELL: Thank you, Mr. Englebright. I appreciate it.

MR. ENGLEBRIGHT: You're welcome.

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

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

MR. GOODELL: You know, just a week or two ago we had an extensive debate about the retail stores that offer sales and run out of the product right before the sale is over, remember that debate? It went on for several hours about whether or not a retail store would have to give you a rain check. Well, here's the irony. That debate pointed out that the retail market is a really pretty complicated. There's a lot of complexities to it. And this bill has the same issues, doesn't it? Because this bill says to the consumer you're entitled to a rebate of up to 70 percent up to a certain dollar cap, but first come, first served. Wait a minute, what happened to that rain check? First come, first served and you don't find out whether you're first or you're last until after you bought the product. Ouch.

And then it goes on to say, by the way, if NYSERDA doesn't think it has enough money to make it through the end of its fiscal year, it can reduce the amount of the rebate. Okay. But if I'm a consumer, I want to know what I'm paying, don't you? I mean, this is like advertising there's a 70 percent off sale and after you buy the product you find out oh no, it's only 35 percent, or whatever the amount is that NYSERDA decides. Or maybe you don't get anything because they ran out of money.

So you know, when we try to regulate the complexities of the private sector, we need to think about these issues and we need to address them before our consumers go out and find out to their great dismay that they're actually not getting the rebate that we promised. So if a resident from Pennsylvania comes over the border and stops at Home Depot and buys a -- an electric lawn care piece of equipment, are they getting the rebate? Does Home Depot have to demand a license and then only process it for New Yorkers, and what about the reverse? If you're in New York and you go across the border and buy a lawn care, do you get the rebate from NYSERDA then? My friends, we need to answer these questions before we pass the bill, not afterwards.

And I love the concept my colleague, my friend, I like the concept of encouraging these purchases, but just like a retail business, if we were John Deere and we said in an advertisement we're going to give you 70 percent off, you can bet within John Deere we would know what stores, what consumers, and what the eligibility

standards are, right? So before we pass a bill that says, hey, we're going to give you 70 percent off, read it on the front page of your local newspaper, and then wait for the calls from your constituents who come back and say, *Hey, wait a minute, NYSERDA told me first come, first served and I wasn't first.* Or NYSERDA said, *Hey, we didn't have enough money so we cut it from 70- to you fill in the blank, ten percent, zero, five.*

My friends, before we create this raftload of consumer complaints because we don't specify what we're actually doing, let's sit down with NYSERDA, let's come up with a budget, let's come up with a plan, let's decide who gets what and at what percent before we advertise that we're moving forward on the rebate program and the rebate is somewhere between zero and 70 percent depending on whether you're first or last, and somewhere between zero and 70 percent depending on how much money NYSERDA has, and we haven't defined that either.

So before we try to implement a project and we make promises to consumers, let's make sure that we can deliver and that what we're telling the consumers is what's actually going to happen. And for those reasons, while I like the concept, I think we need to work on it a little bit more to nail down these practical details. And when we do, we might want to reach out to a couple of executives from, you know, Home Depot and Lowe's and some of the local retailers and say, *Hey, how do you guys run this type of program? How do you price it? How do you structure it? How do you deliver*

it? Because until we deliver, we're going to look like -- like we're making promises we can't keep.

So I would recommend that we actually delay on this great concept until we work out those details. Thank you, sir. And again, I appreciate my colleague and his thoughtfulness, and I like the concept, but I think we need to put a little more flesh and bones on it. Thank you, sir.

ACTING SPEAKER BRAUNSTEIN: Thank you, Mr. Goodell.

Read the last section.

THE CLERK: This act shall take effect immediately.

ACTING SPEAKER BRAUNSTEIN: The Clerk will record the vote on Senate Bill 7453-A. This is a fast roll call. Any member who wishes to be recorded in the negative -- correction, this is a Party vote. Any member who wishes to be recorded as an exception to the Conference position is reminded to contact the Majority or Minority Leader at the numbers previously provided.

Mr. Goodell.

MR. GOODELL: Thank you very much, Mr. Speaker. And it was not your mistake, it was our mistake. When we -- when we looked at the bill we failed to realize that almost all, but not all, (inaudible) in almost all of our colleagues in Committee had noted no, but not all. And so we are going to have some happy supporters of this bill, but in general the Republican Conference is opposed. And for those who are happy to support this bill, of course

we look forward to their vote being cast on the floor or by contacting the Minority Leader's Office.

Thank you, Mr. Speaker, and again, I apologize for the misleading suggestion at the beginning.

ACTING SPEAKER BRAUNSTEIN: Thank you, Mr. Goodell.

Mrs. Peoples-Stokes.

MRS. PEOPLES-STOKES: Thank you, Mr. Speaker. We tend to start making mistakes. We've been here a long time today and haven't had warm food yet today. But I do want to say that this -- generally our Conference is going to be in favor of this piece of legislation. However, there may be a couple of us will choose to be an exception. Please feel free to contact the Majority Leader's Office. We will be pleased to record your vote.

ACTING SPEAKER BRAUNSTEIN: Thank you.

(The Clerk recorded the vote.)

Mr. Englebright to explain his vote.

MR. ENGLEBRIGHT: Thank you, Mr. Speaker. You've just heard some concerns about planning. I am always very favorable to the idea of thinking and planning to the extent that it is possible. And I believe that this bill includes that expectation on the part of NYSERDA. I should point out we're not inventing a new wheel here. NYSERDA and similar programs are really redundant. For example, low-floor -- low-flow shower heads are made available through a similar program through utilities and (inaudible). Low-

electric usage light bulbs are available through NYSERDA and thermostats are available through a similar program and through utilities. And so we have a model that has been working as an incentivization for other devices and this follows that model. So it isn't as if we need to wait until we learned whether or not the model works, we have examples to point at that work very well. This will follow in that tradition.

I vote yes and encourage my colleagues to do the same. Thank you.

ACTING SPEAKER BRAUNSTEIN: Mr. Englebright in the affirmative.

Mr. Smullen to explain his vote.

MR. SMULLEN: Yeah, thank you, Mr. Speaker, to explain my vote. One thing I just wanted to make sure was put on the record here is there's still some serious questions on energy density having to do with battery-powered small devices being able to supplant current fossil fuel gas-powered devices. Right now the battery technology doesn't support it. I did some analysis and research into the actual devices that are out on the market, and at this point they are not competitive with the other commercial devices that are out there. And while I understand that this is supposed to generate the demand for these devices so the technology can catch up, I have some serious doubts whether that can be done in a timely manner for NYSERDA to be able to subsidize up to 70 percent of what will definitely be a game-changer for the landscaping energy. And what it

will create that has been brought out in this debate, is this does not account for how this is going to actually disrupt the industry in a negative way by incentivizing the wrong thing at the wrong time. And I -- I would encourage that we -- we continue down this path of thinking. But we look at these devices themselves, see whether the market is ready for them and whether we are prematurely picking winners and losers in the technology game, that does not do well for our citizens.

So for those reasons I will not be supporting this legislation, although I understand the intent and support the movement towards battery-powered technology. Thank you.

ACTING SPEAKER AUBRY: Thank you. Mr. Smullen in the negative.

Mr. Goodell.

MR. GOODELL: Thank you, sir. Please record my colleagues Mr. Ashby, Mr. Brown and Mr. Brown, Mr. DeStefano, Mr. Michael Lawler and Ms. Walsh in the affirmative.

Thank you.

ACTING SPEAKER AUBRY: So noted.

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

Page 7, Rules Report No. 90, the Clerk will read.

THE CLERK: Assembly No. A09279-A, Rules Report No. 90, Englebright, Kelles, Griffin, Lunsford, L. Rosenthal,

Burdick, Glick, Thiele, Colton, Abinanti, Jean-Pierre, Ramos. An act to amend the Environmental Conservation Law, in relation to establishing a carpet collection program.

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

MR. ENGLEBRIGHT: Thank you, Mr. Speaker. This is a measure that would basically be in the mold of an extended producer responsibility for carpets. Most carpets are plastic. Something like 94 percent of all of the carpets on the market are plastic. And despite the fact that the plastics industry says that plastic is recyclable, the amount of plastic carpeting that is being recycled is 1 percent or less. And so where does it go at the end of the useful life of a carpet? It typically goes to our landfills rather than to a recycling facility, and our citizens, our constituents, pay for the disposal of tons and tons of -- of plastic in the form of old carpets. We believe that there's a better way, and a cradle to grave approach for carpets is warranted. And this measure would require carpet producers, either individually or collectively, to submit a plan to the Department of Environmental Conservation outlining a carpet collection program by December 31st of the year 2023. And it would require that that plan provide for carpets free of charge to consumers and carpet installers to be collected. This would also establish a 13-member stewardship advisory board to make recommendations to the DEC regarding carpet collection plans specifically, and it would also authorize and prohibit the use of PFAS on carpets. That's a very toxic substance and is very,

very harmful, for example, to infants who might be crawling on that carpet and chewing on it, and that would not be good. And so it would prohibit the use of PFAS on carpets and establishment on post-consumer content requirements for the manufacturer of new carpets and establish civil penalties for producers who violate provisions of the title or fail to meet program obligations. And so that's the core of it. But we also ask the DEC to submit a report on the program to the Executive and to the Legislature by April 1st of 2025, two years, more or less a year-and-a-half, after its enactment and every two years thereafter.

ACTING SPEAKER AUBRY: Mr. Smullen. Thank you.

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

ACTING SPEAKER AUBRY: Mr. Englebright?

MR. ENGLEBRIGHT: I yield.

MR. SMULLEN: Well, thank you, Chair. You know, I know we discussed this in Committee, but one of the things that we didn't discuss there is, you know, who this really affects from a manufacturing standpoint. Do we -- do we produce any of our own carpets in New York anymore?

MR. ENGLEBRIGHT: Not too much. I'm not a scholar on this topic, but it's my understanding that not very much is produced in our State.

MR. SMULLEN: Certainly, we used to.

Amsterdam, near by district, used to called the "Rug City." They had some massive factories that produced carpets for all over America. They moved, you know, down to the America South, maybe they moved overseas. So what's the percentage of carpets that we're -- we're buying here in New York that are bought in the United States where we could actually have some influence on the manufacturers?

MR. ENGLEBRIGHT: We have many manufacturers from our nation. Most, in fact, of the producers are from our country. They would -- they would be covered by this bill.

MR. SMULLEN: So certainly, you're saying that most of the carpets sold in New York are made in the United States where we would have a direct influence on the producer?

MR. ENGLEBRIGHT: Yes.

MR. SMULLEN: And -- and how are -- how is this bill going to influence the producers to make the carpets out of recyclable materials?

MR. ENGLEBRIGHT: Well, there's an upfront requirement. Standing just behind the curtain, so-to-speak, is the reality that we are a giant market, large enough to be a nation. Our State is a mighty state. There are great incentives both direct incentives and instructions in the law to come up with recommendations to the DEC by submitting a plan, and implicitly, the inspiration to make money by being viable in this market.

MR. SMULLEN: Well, you know, certainly manufacturers would want to sell to a 20 million-person market out of

a total population of 330 million people in the United States and 507 million in North America, and a billion or so in North and South America where the -- you know, the products are typically retail. But how is this going to encourage producers? Will it any way -- will it stop producers from selling carpets that do not meet the recycling requirements on the back side?

MR. ENGLEBRIGHT: Yes, it would prohibit the sale of carpets that don't meet the criteria of the plan.

MR. SMULLEN: So, are carpets that are made of more recyclable materials, are they more or less expensive than other materials?

MR. ENGLEBRIGHT: The -- I'm not sure what your question is.

MR. SMULLEN: Are carpet prices going to increase for New Yorkers because of this bill because they will not be allowed to buy cheaper alternatives that are perhaps not as much recyclable materials?

MR. ENGLEBRIGHT: I don't anticipate that that would be an increase in cost. There may be a modification in -- in the manufacturing process to make recycling more viable but right now the manufacturers are not even inspired to think about that. They're -- they don't really contemplate recycling the carpets, they anticipate that is it's a one-way sale and they never have to think about it again.

MR. SMULLEN: Well, isn't this sort of being done already on a -- on a voluntary basis with the CARES [sic] program?

MR. ENGLEBRIGHT: What is your question? I -- I -- I didn't hear your question, I'm sorry.

MR. SMULLEN: Well, isn't this -- isn't a recycling being done voluntarily on -- on the basis of the CARES [sic] program?

MR. ENGLEBRIGHT: Oh, there was an understanding with the Environmental Protection Agency at the national level some years ago to have voluntary recycling taking place with this industry. I think that's what you're referring to. That has been a massive failure. The industry has recycled less than 5 percent of its product. In our State it's less than 1 percent.

MR. SMULLEN: I'm sorry?

MR. ENGLEBRIGHT: In New York it's less than one 1 percent.

MR. SMULLEN: And the rest go to landfills.

MR. ENGLEBRIGHT: The rest goes to landfills and our constituents pay for that carpet to be disposed of.

MR. SMULLEN: So -- so supposing that the carpets get more expensive, are there other cheaper alternatives besides carpeting to replace flooring with?

MR. ENGLEBRIGHT: Yes. In fact, the amount of carpeting -- I'm not sure whether this affected Amsterdam -- the loss of rug manufacturing does correlate closely, though, with the rise of the use of other materials, most particularly, laminated wood and wood and plastic products that are used instead of carpets on many surfaces and homes.

MR. SMULLEN: And this wouldn't include any woven products that would be say, like, removable area rug-type things or would it?

MR. ENGLEBRIGHT: Area rugs I am led to believe are excluded. This would not be rugs -- or -- or it would -- it would be more of what you would normally associate with a wall-to-wall.

MR. SMULLEN: It would or would not? I'm sorry, I have some hearing issues.

MR. ENGLEBRIGHT: It would not -- it would not affect rugs. You know, area rugs. Wall-to-wall installations are what this basically is contemplating.

MR. SMULLEN: And -- and commercial activities, turf fields that are being changed over to artificial turf?

MR. ENGLEBRIGHT: They are included.

MR. SMULLEN: So for instance, if a school district had put in an artificial turf field, would they have to replace it?

MR. ENGLEBRIGHT: They don't have to replace it. It's prospective. But, you know, when -- when they put in a new field and then they decide after it's worn out to, you know, to change it over it would have to comply with this -- this measure, yes.

MR. SMULLEN: So let's talk a little bit about the, I guess, some of the details of the program. How do you envision it working over, say, a 10-year time horizon for the standing up of these carpet collection sites? How is this going to work?

MR. ENGLEBRIGHT: The 13-member Stewardship

Advisory Council would make recommendations to the DEC regarding carpet collection plans and sites. Those -- those would be something that the manufacturers would have direct access to the planning process.

MR. SMULLEN: So then -- and I looked and I noticed that many of the Carpet Stewardship Advisory Council members were actually nominees from industry. Is that going to work on a majority vote based on the number of -- of people that they -- these would be the recommendations that would be made to the DEC?

MR. ENGLEBRIGHT: They will determine how they want to operate. We're not giving them instructions as to --

MR. SMULLEN: But they're giving recommendations to the Commissioner, not guidelines that must be followed in regulation?

MR. ENGLEBRIGHT: That's correct.

MR. SMULLEN: So it's ultimately, it's the DEC Commissioner who has the power here to decide how this program will be run?

MR. ENGLEBRIGHT: That's -- that's -- that's correct, but in consultation with the manufacturers. He's not going to operate in parallel universe. He's going to receive input, and then we have a single point of responsibility rather than --

MR. SMULLEN: So the Executive panel --

MR. ENGLEBRIGHT: We don't know who is responsible. No, we don't know who's responsible. It's one person,

it's the Commissioner. The Commissioner, if he's wise, will listen to the manufacturers and listen to all of the stakeholders throughout our State.

MR. SMULLEN: Well, I mean, certainly we know the current DEC Commissioner is a good active listener --

MR. ENGLEBRIGHT: He is.

MR. SMULLEN: But the Executive authority resides with the Governor through whom the DEC Commissioner is appointed.

MR. ENGLEBRIGHT: Ultimately, that Commissioner serves at the pleasure --

MR. SMULLEN: So this is a State-run program--

MR. ENGLEBRIGHT: Yes, that's correct.

MR. SMULLEN: -- and that's the important thing. Because, you know, one of the things about the mechanics of this is that there has to be a lot of sites all over New York State. And this -- this also implies that they are transportation costs to get to those sites from wherever you are. You have to get to the transfer station or to the landfill to be able to put them into this recycling program because presumably they're not going to be landfilled, they're going to be sent somewhere else to be processed.

MR. ENGLEBRIGHT: There's no formula. I'm hoping and anticipating, indeed, that the advisory panel will recommend entering into contracts at the local level with local municipalities who have collection capability already set up. But the

disposal right now is something like 17 pounds of carpet per person in our State per year. So we really, really have a serious problem. You know, on a national basis it's about 5.5 billion tons of waste from carpet disposal each year. So we can't affect the whole nation, but our proportional part of that is costing our taxpayers money and is a product that with just a little bit of -- of thought in planning can be reused and recycled, and that's what we're ultimately aiming for. So that then they continue the imposition of cost upon our -- our constituents.

MR. SMULLEN: So back -- back to the mechanics of the program. I'm -- I appreciate your digression into the value of the program. But does each collection site that's going to be set up by the DEC, is it going to have to be permitted and inspected by DEC?

MR. ENGLEBRIGHT: That's at the discretion of the DEC in consultation, again, with local jurisdictions, local municipalities and the manufacturing industry.

MR. SMULLEN: Very -- very good. Thank you very much, Mr. Englebright.

Mr. Speaker, on the bill.

ACTING SPEAKER AUBRY: On the bill, sir.

MR. SMULLEN: Thank you. The -- you know, the mechanics -- the devil is always in the details when it comes to a State-run program. You know, I can't say -- I can't think of hardly any programs that my constituents use that are run by the State which are exemplary and efficient. And I'm afraid this is going to be another

one that's going to be run by an underfunded, undermanned agency that's going to have to deal with it on a -- on a base -- on a local basis and then basically transfer the responsibilities and the tasks of monitoring and managing it to the municipalities which are being enlisted unwillingly in this process, which -- that sounds to me like an unfunded mandate on towns and counties and cities. Because one of the things that I noticed that was very disturbing in this bill is that the DEC may establish an alternative convenience standard for New York City after consultation with the New York City Department of Sanitation. So this is or isn't going to apply to New York City? It may or may not apply to large counties, but it's certainly going to pinch all of the counties in Upstate New York that have to take various goods great distances to dispose of them. So where is all this stuff going to go? And again, I think this is a very well-meaning program, but it looks to me like another unfunded mandate which is going to fall disproportionately on the Upstate counties.

For that reason I'm -- I'm very hesitant to support it even though I understand the goal of recycling and I understand the goal of taking this out of the waste stream. In many ways I think we're back to the -- the arguments that I've talked about, and what I believe is that we need to get really serious about the waste that goes into the great urban areas, into the metro areas of New York City, and plan for it on the -- on the -- on the other side. But without also affecting detrimentally Upstate New York with one-size-fits-all legislation which does no favors to those small counties.

Thank you very much, Mr. Speaker.

ACTING SPEAKER AUBRY: Thank you. Mr. Smullen.

Mr. Durso.

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

ACTING SPEAKER AUBRY: Mr. Englebright?

MR. ENGLEBRIGHT: Yes, I am pleased to yield.

MR. DURSO: Thank you, Chairman Englebright. I just have a couple of questions about this bill. Obviously we spoke about it in Committee. I'm in agreement with the bill, I mean, we may not agree with every single thing that comes up with it, but the intent of it. But a couple of questions. Where it says it requires carpet producers to submit a plan, what exactly are they submitting the plan for? Is it on how to recycle it? Is it what's getting recycled or where it will be recycled?

MR. ENGLEBRIGHT: Yes, yes and yes.

MR. DURSO: Perfect. Okay. Other than establishing and submitting these -- I don't want to say the word "requirements" -- but plans for recycling it, what other costs may fall on the producers for these possible carpet recycling programs?

MR. ENGLEBRIGHT: I -- I think that they -- they may have to modify their manufacturing process because we're asking them not to put PFAS onto the product, for example. They may have to do some things that they haven't done before simply because we're

asking them to use recycled context when they make new carpet and bring it to the marketplace. By the way, I just want to mention, the New York State Association of Counties has issued a memorandum of support. And if you look at that you'll see that one of the reasons for that is because of the need to relieve financial burden on local governments. This is not an unfunded mandate. It is, in fact, a relief to our local governments, and I think it's important to note that the Association of Counties is strongly supporting it.

MR. DURSO: Understood, sir. I thank you for that. And -- and as -- as someone that worked in local government for 15 years and was a sanitation worker and has physically picked up carpet (inaudible) transfer station works and the amount of weight that goes into it, so that's one of the questions I had for you. Or -- or and I'm sure you know about it. So when carpet gets thrown out, whether it gets wet, whether it's, you know, full of dirt it obviously weighs more. Which then that cost falls upon the municipality to pay that amount that's going out, right, because we pay by the pound or the ton technically with it. So, will this save money for the local municipalities?

MR. ENGLEBRIGHT: It will. The answer to your question is yes, it will save money because those costs will not fall upon those municipal jurisdictions. And you're quite right to point out the variability of our weather. I remember going to some incinerators in the past and watching the water pour out of the -- the waste trucks because it rained heavily last night and everybody had their garbage

out and it absorbed all the rain water. So there are some variables here that we're going to ask the Commissioner and the companies and -- and the counties to -- to consider. One of them, as you quite wisely point out, is the weather itself. And so the collection methodology ideally should be such that you try to have it collected very quickly before it becomes saturated and very, very heavy and tough to deal with.

MR. DURSO: But even with that -- and that was part of my question. So even with that, with extra added weight due to weather, say for instance if a sanitation crew or recycling crew went out, picked up MSW, you know, the municipal solid waste, put that in the truck and then went back out for a second run like we do with some recycling products, kept carpet separate and those programs were taking place on the transfer station property which we're already currently dropping off garbage, separating recyclables, would that be an added cost in any way to those municipalities or would it actually save money in the future? Also by keeping it out of the waste stream and keeping it out of the landfills like Brookhaven that is now almost full.

MR. ENGLEBRIGHT: So, we anticipate that a lot of the process -- again, we're adding a new component to the use of carpets which is end-of-life of -- of the carpet being returned to the manufacturer. And in between there are the carpet installers. And the carpet installers are an important part of this -- of this mechanism of -- of returning it, and we need to encourage the manufacturers and the

DEC and the municipal jurisdictions to find a way to make it so that those carpet installers, as they tear up the old carpet, are inspired to alert the municipality, give the municipality time to get there before there are some rain events or find other ways to incentivize the return to the -- to the manufacturer of the carpet in as pristine a condition as possible.

MR. DURSO: So there is a way to possibly incentivize it so that not the burden falls on the municipalities and the local counties, but that the installer and/or company could then bring that back and possibly have a monetary value within that returned carpet that's now being recycled?

MR. ENGLEBRIGHT: Yes.

MR. DURSO: Okay. So my last question for you, Mr. Englebright, is the 13-person panel, who picked this advisory board? Where would this come from?

MR. ENGLEBRIGHT: Seven --

MR. DURSO: I know it's made up of -- I'm just wondering who actually picks --

MR. ENGLEBRIGHT: Seven picks from the Governor and six from each legislative Chamber.

MR. DURSO: From each legislative Chamber.

MR. ENGLEBRIGHT: I'm sorry, three from each Chamber, six total. Three from the Senate, three from the Assembly.

MR. DURSO: And all would be picked by the Majority, though, correct?

MR. ENGLEBRIGHT: No, I think -- we -- we have a role for the Minority to play as well.

MR. DURSO: Perfect. Thank you, Chairman Englebright.

MR. ENGLEBRIGHT: You're welcome.

MR. DURSO: I appreciate your comments.

On the bill, sir.

ACTING SPEAKER AUBRY: On the bill, sir.

MR. DURSO: So just, Mr. Speaker, again, as someone who worked in the municipality understands that the amount of carpet that goes into the waste stream, the weight that's -- that comes with it and the possibility that it will be sitting there for years, whether it's in a transfer station, whether it's in a landfill or we're now trucking or training it out of certain areas, it does add weight to the garbage, which in turn, adds a cost to the municipality which gets pushed upon the residents. I understand that this at some point may incur a little bit more cost to the manufacturers because of the recyclable carpets, or even coming up with a plan, and I understand that. But that's not guaranteed in this. We are still working through a plan, which is my understanding. But as of right now any plan that will be able to save the taxpayers money, save the municipalities money and keep these out of the waste stream I think is a good idea.

So that's why I will be supporting this bill and I encourage my colleagues to do the same. Thank you, sir.

ACTING SPEAKER AUBRY: Thank you, sir.

Mr. Goodell.

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

ACTING SPEAKER AUBRY: Mr. Englebright?

MR. ENGLEBRIGHT: I yield, Mr. Speaker.

MR. GOODELL: Thank you, Mr. Englebright. I -- I've read the bill a couple times and -- and I'm not entirely sure how it works, so I was hoping you could kind of flesh it out. So as an example, let's say I have a house, my carpet's -- was a high-quality carpet when I bought it, mostly wool, wall-to-wall. I've had it for 20 or 30 years, it's time to replace it. Would I be able to take that carpet that's 20 or 30 years old to one of these sites?

MR. ENGLEBRIGHT: Yes.

MR. GOODELL: So --

MR. ENGLEBRIGHT: The carpet's wool.

MR. GOODELL: So the carpet I take didn't have to come from any of the producers who are offering the site; is that correct?

MR. ENGLEBRIGHT: That is correct, yes.

MR. GOODELL: And the carpet I take to them, if it's a wool carpet, might not be recyclable at all, correct?

MR. ENGLEBRIGHT: No, no, no. Wool is very recyclable, just into a different direction. It might end up being part of paper recycling because it is -- it is sometimes an animal of fur. And that's what wool is basically. It is useful for certain types of

manufacturing and is a stabilizer for certain types --

MR. GOODELL: So we then anticipate that whoever's offering this would have some method of separating all the different types of carpet --

MR. ENGLEBRIGHT: Oh, sure.

MR. GOODELL: -- and then hopefully recycling them all, correct?

MR. ENGLEBRIGHT: And hopefully going forward, the manufacturers will understand that they have a role to play and that they will try to make their product more recyclable and think about that before they release it to the public.

MR. GOODELL: Now, when I go to replace my carpet, if I decide I just want to go with just beautiful hardwood, I have no obligation to buy new carpet for any of those producers; am I correct?

MR. ENGLEBRIGHT: That's correct.

MR. GOODELL: And let's say I -- I belong to a school board and we think it's finally time to replace the artificial turf. And as you know, the artificial turf is typically a loose plastic filled with ground-up tires often. Is that recyclable?

MR. ENGLEBRIGHT: It's not filled up with tires. Often there are -- it's a layered effect where you'll have ground-up tire material as an underlayment. That probably wouldn't be replaced. You -- look, I'm not -- I'm not an installer, but I would not see a need -- subject to learning more about this, I don't see a need to replace the

underlayment. When you're replacing the surface that is been subjected to all sorts of athletic activities and erosion, that's what you would roll up and replace.

MR. GOODELL: But to be clear, when I bring the carpet in, unlike when you're recycling plastic and you have a recycling symbol, they're -- as far as the consumer bringing it in or a municipality bringing it in or a school, they're not limited to what they can bring in, right? Any type of carpet, any type of artificial turf. Whether or not they bought it from that producer or not, they just bring it in and drop it off, right?

MR. ENGLEBRIGHT: Yes, that's correct.

MR. GOODELL: Now, I saw that you want to make this as convenient as possible. So if I read this correctly, you want at least one recycling center for every 30,000 people and one for every municipality that has at least 10,000 people; is that correct?

MR. ENGLEBRIGHT: It's part -- part of our plan, yes.

MR. GOODELL: So my county, which is, by the way, about the size of an Assembly District so that would be four, and I have three municipalities that exceed ten, so -- or four, so that's another four sites. So I'd have eight carpet sites in my county. Would that -- is that what you envision?

MR. ENGLEBRIGHT: If you do the math to your computation, it doesn't sound incorrect. But I -- I'm not going to try to verify it other than to say that you look like you probably were a star

in your math class in junior high school.

MR. GOODELL: Well, thankfully it did not exceed the number of fingers I have, so...

(Laughter)

Now, is there any -- any prohibition from any consumer buying carpet on their own outside of New York State and -- and bringing it back or have someone bring it back and install it?

MR. ENGLEBRIGHT: There is no specific prohibition for that, but it does seem to me to not be logical to anticipate that this would be a common practice.

MR. GOODELL: I see. Unless of course the cost of these disposal sites is passed on to the consumer in the -- in the form of higher carpet prices, right?

MR. ENGLEBRIGHT: We -- we have not seen that adverse experience.

MR. GOODELL: Have we done this before?

MR. ENGLEBRIGHT: California has, yes.

MR. GOODELL: But we haven't.

MR. ENGLEBRIGHT: We have not.

MR. GOODELL: Okay.

MR. ENGLEBRIGHT: No, we're trying to establish our own program. It's similar but not the same with California, but we did not see in California that this inspired out-of-state trucks full of carpets rushing into California. No, we didn't see that.

MR. GOODELL: Okay. And I apologize. I forgot to

ask, but this obligation to have all these recycling centers, it's an individual obligation and responsibility of each carpet company that wants to sell carpet in New York State but they can join together in an alliance or an association; is that correct?

MR. ENGLEBRIGHT: That's correct. It can be done either individually or through a commercial association.

MR. GOODELL: Gotcha. And of course if you have, you know, like, four or five carpet manufacturers that sell a lot of carpet in a particular area it would make a lot of sense for them to join together and cut their costs. On the other hand, if you only had one or two then you might have a less likely association. But -- but they can if they want. But in any event they must have at least that number.

MR. ENGLEBRIGHT: There -- there -- we do not proscribe, but we anticipate that there is a market in New York, the sale of carpet, and that that will cause conversations to occur within industry leaders.

MR. GOODELL: Now, my colleague mentioned that sometimes these rugs come in and they're kind of in rough shape. Well-used, abused. Sometimes wet, maybe even moldy. If a carpet comes in and it's not recyclable because of its condition, am I correct that the producer would be free to dispose of that in any way that's appropriate?

MR. ENGLEBRIGHT: We did not provide for the burning of carpet. I think that's what your question anticipated --

MR. GOODELL: No, I would anticipate they'd take it to the landfill.

MR. ENGLEBRIGHT: We would like to see the landfills used for municipal solid waste, not carpets.

MR. GOODELL: But to be clear, there's nothing in here that bans them from disposing --

MR. ENGLEBRIGHT: No, that is correct. We didn't -- we didn't single that out. You're correct.

MR. GOODELL: So if there's not a market that covers the cost of this and if the cheapest alternative is a landfill disposal, then are we just simply requiring -- if that situation occurs are we simply requiring carpet manufacturers to put it in in my county eight transfer stations to collect that carpet that they didn't manufacture and that they can't recycle and then transport it to the landfill anyway?

MR. ENGLEBRIGHT: Well, the premise of your question is based on an earlier question, which is is there a market. According to the national manufacturers and their communications to the Environmental Protection Agency of our national government, they say that there is a market. In fact, they plan to do a voluntary compliance. Of course they didn't because it really wasn't as convenient to do that as to have to think and coordinate and try to save costs for the people they were selling the product to. We're asking them to do those things. But we do believe that they were telling the truth when they said that there is a -- a market for recycling and that

they are capable of doing it.

MR. GOODELL: Now, in terms of the obligation on the producer, that obligation applies as of the date of sale of the carpet? That is, at the time you sell it you have to be participating in one of these centers?

MR. ENGLEBRIGHT: So, they have to comply with a planning process to set this in motion, and after that -- that implementation date they would have to comply.

MR. GOODELL: But they don't have to participate if they're not selling carpets here, right? It's only if they're selling carpet here in New York State?

MR. ENGLEBRIGHT: That's correct, yes.

MR. GOODELL: Yeah. Okay. Thank you very much for clarifying some details.

MR. ENGLEBRIGHT: You're welcome.

MR. GOODELL: Sir, on the bill.

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

MR. GOODELL: I -- I always -- I always love seeing bills that -- that come before us that say this shall be at no expense. This program shall be free to the consumer. Well, you know there's no free lunch and there's no free utilities and there's no free student loans and there's really no free carpet collection either. And if there was a market and the carpet companies could make money by recycling it, you know what? They don't need us to tell them how to

make money. They know how to do it. And we helped a little bit in the market when we put in a nickel deposit. Remember when we did that? And we didn't have to tell recyclers they could set up and collect a nickel on all these cans. And in fact, from time to time I'll actually see people with a big bag collecting those cans just for the nickel and recycle them. So the fact that the carpet manufacturers tell us they're recyclable but haven't actually set up anything is a pretty good indication there's no money in it, and for good reason.

Now, this bill says that it doesn't matter if you didn't buy the carpet from that manufacturer, it doesn't matter if that manufacturer is no longer even in business. You can come in with that worn-out, soiled carpet that's been sitting in the backyard collecting water and mold for months and get a few of your neighborhood kids because it weighs a ton and you can take it to this recycling center and the carpet company says, *Hey, are you buying carpet from me? Nope. Did you buy this carpet from me? Nope. Do you think I can recycle it? It's rotted and it's full of mold. Nope.* And we in New York State think this is fair to say to the carpet companies, *You have to set up all these sites, one for every 10,000 people in a municipality.* One for every 10,000 people. You know what the size of our districts are, 130,000. That's an average of 13 recycling centers in every one of our districts, and tell them they have to collect all of this carpet from manufacturers who they never knew who may not even be in existence, and they've got to take care of it. And then when -- oh, by the way, don't locate that carpet recycling center in a poor or

disadvantaged neighborhood because that would be a violation of -- of our -- of our equity --

MRS. PEOPLES- STOKES: Environmental justice.

MR. GOODELL: Environmental justice. Thank you, Majority Leader. At the end of the day I start to lose these key phrases. But so we can't locate them where the poor people are because that would be a violation of environmental justice when the poor people have to haul their carpets somewhere else. My friends, there is no free carpet recycling. And so what happens? What will happen? Well, carpet companies that are willing to stay in business in New York State, they'll jack the price up. They have to. They -- they don't have any choice. They're not in the business of providing free carpet to New Yorkers, as much as they might love us. So they have to jack up their price. They have to jack up their price to cover the disposal of other manufacturers' carpet. And I'll tell you what will happen. They're commercial companies. They'll hire a carpet company from outside of New York and they'll pull up with a moving van and they'll unload the carpet they bought from some neighboring state. And they'll put it in because it's going to cost them a way lot more money to buy that carpet from out-of-State and then they're going to take the old carpet, they're going to roll it up and they'll take it to the local recycling center where they can get rid of it for free. And that process will continue until it costs you a small fortune, if you can even find it, to buy a carpet in New York.

So look, guys. If we want to encourage recycling of

carpet, and I think we do, let's focus our efforts in developing a market so we wouldn't have to force people to take it. Because if we develop a profitable market they'll set it up themselves, because the great thing about a competitive society, a free open competitive society is if people can make money, they will do it. And we don't have to force them.

So while I support the objective of encouraging carpet recycling - I think it's a great idea - let's do it by making it profitable for recyclers to locate in New York. This is not the right approach, and sadly, I don't think it will work for that reason. But I do appreciate and endorse and support your desire to increase recycling.

Thank you, Mr. Englebright. Thank you, Mr. Speaker.

ACTING SPEAKER AUBRY: Thank you.

Mr. Manktelow.

(Laughter)

ACTING SPEAKER AUBRY: Your colleague, sir.

MR. MANKTELOW: Thank you, Mr. Speaker. Just one question to the sponsor of the bill, please.

ACTING SPEAKER AUBRY: Certainly. Mr. Englebright?

MR. ENGLEBRIGHT: Yes, Mr. Speaker.

MR. MANKTELOW: Thank you, Mr. Englebright. What are we going to do to hold the manufacturers out of country responsible?

MR. ENGLEBRIGHT: All manufacturers from our out of our State, no matter how far they may be from out of our State, would have to comply with the law to sell product in our State and to have access to our market.

MR. MANKTELOW: So then what -- what you're saying -- I'm sorry.

MR. ENGLEBRIGHT: By the way, we also have penalties built into the law for bad actors.

MR. MANKTELOW: So the penalties that are built into law, if the carpet is coming from out of country, how would we recoup those penalties? How -- how would we go after those penalties?

MR. ENGLEBRIGHT: Somebody is importing that material into New York. That company would be responsible. They have to be part of a plan to continue to access the market in our State. And I believe that they would try to avoid the penalties as well.

MR. MANKTELOW: Okay. Thank you, Mr. Englebright.

MR. ENGLEBRIGHT: You're welcome.

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

ACTING SPEAKER AUBRY: On the bill, sir.

MR. MANKTELOW: If I was a manufacturer or a distributor of carpet and I'm in New York, I'm going to move my business out of New York. Why would I want to stay here and be part of this when I can go 100 miles down the road, ten miles down the

road to the next State to be part of that manufacturing chain or doing business out-of-state. I agree with some of the -- the previous questions that were asked here that I applaud the idea of this, but the way we're going at this is just going to exorbitantly increase the cost to the consumer. I don't know how it can not. I do not know how any business can sustain the extra cost without raising the cost to the consumers. So I just -- I think in the long run we're going to see more adverse effects for our people here in New York, and I think we need to take a step back again and retake a look at what we're doing here with some better ideas and more -- more hard -- hard plans that are already created and we know what's going to happen.

So, Mr. Speaker, thank you. I just wanted to -- my main question was the out-of-country manufacturers, so thank you for allowing me to speak. Thank you, sir.

ACTING SPEAKER AUBRY: Thank you, sir.

Read the last section.

THE CLERK: This act shall take effect immediately.

ACTING SPEAKER AUBRY: The Clerk will record the vote on Assembly print 9279-A. This is a Party vote. Any member who wishes to be recorded as an exception to the Conference position is reminded to contact the Majority or Minority Leader at the numbers previously provided.

Mr. Ra.

MR. RA: Thank you, Mr. Speaker. Due to the excellent points raised by Mr. Goodell, this is going to be Party vote in

the negative. Any of our Republican colleagues who wish to support the bill can contact the Minority Leader's Office.

Thank you.

ACTING SPEAKER AUBRY: Thank you, sir.

Mrs. Peoples-Stokes.

MRS. PEOPLES-STOKES: Thank you, Mr.

Speaker. The Majority Conference is going to generally be in favor of this environmental-friendly piece of legislation. However, there may be some of our colleagues who would choose to be an exception. They should feel free to contact the Majority Leader's Office, their vote will be probably recorded.

Thank you, sir.

ACTING SPEAKER AUBRY: Thank you, Madam.

Mr. Brown to explain his vote.

MR. ARI BROWN: Thank you, Mr. Speaker, for allowing me to explain my vote, and thank you, Mr. Englebright, for your passion and care and concern for our environment. It's very apparent. Having been in the construction business for over four decades, we've installed a lot of carpeting. And I will tell you that -- that the carpet industry has been in decline for over two decades with -- primarily in residential and commercial applications, you'll see hardwood and more of the veneer and laminate and engineered flooring. Carpeting is used in very few applications. And my concern is that we'll create all of these recycling facilities which will have tremendous cost and there just isn't the need for it. There may be

another way of recycling the material, but not to create these plants. And in fact, to the point of what one of my other colleagues had brought out, this cost will be passed along to the local retailer to the point where the people in the construction industry will go outside of the State. That does happen, and it is a very standard practice to buy construction material outside of New York. What we're doing today is actually driving business and industry out of New York. I used to sit on an industrial development board -- association boards. I -- I run a small business community, I have a few hundred stores. We need to create mechanisms to create -- to keep industry local in New York State and not drive them out. I, myself, owned a cabinet manufacturing facility for many, many years in Peru, Indiana, because it just wasn't feasible. But I tried to manufacture in New York. This is unfortunately one of those mechanisms that will drive prices up in New York and industry outside of New York. Let's try to put our efforts towards that end. I -- I took a small village that had 20 percent vacancies, and in a few years' time I have less than 2 percent vacancy, doubled my 283 stores. You get involved locally not in putting more laws into place, but working to create mechanisms to bring industry to town.

And I thank you for your time, everybody.

ACTING SPEAKER AUBRY: Mr. Brown, you will be in the negative I assume?

MR. BROWN: I'm sorry?

ACTING SPEAKER AUBRY: You will vote in the

negative?

MR. BROWN: I'm voting in the negative.

ACTING SPEAKER AUBRY: Excellent, sir.

Congratulations on that first opportunity to speak.

(Applause)

Mr. Englebright to explain his vote.

MR. ENGLEBRIGHT: I would just like to first say thank you to all of my colleagues who have stayed to the end of our Session here on Earth Week, and thanks for the participation and sincerity that you all bring. Thank you all very much for helping to advance the environment and the interests of the people of our State.

I also just want to say this is a measure that doesn't come without any cost because the disposal costs of carpet right now are being borne by our municipalities. So, you know, we don't have to necessarily have a brand-new square city block dedicated to carpet in 18 different places. The likelihood is that it would be at the point of sale behind the Home Depot or behind the carpet store that they would have a place where the carpets can be stored prior to them being shipped back to the manufacturers. We have many products right now that are recycled in this way; thermostats, for example. All sorts of electronic devices, and just last year we passed a paint recycling measure. So it is possible to deal with some of these attractable problems that are -- that are very, very costly to our municipal jurisdictions. This is an effort to go in that direction and to save our constituents as they pay those local taxes, to save those dollars for our

constituents.

I urge a yes vote on Earth Day and on Earth Week and again, thank all of my colleagues. Thank you, Mr. Speaker.

ACTING SPEAKER AUBRY: Mr. Englebright in the affirmative.

Mrs. Peoples-Stokes to explain her vote.

MRS. PEOPLES-STOKES: Thank you, Mr. Speaker. I rise to applaud the sponsor of this legislation. I think he has a clear vision on where we need to be going as a society and how we deal with not just carpet but any other product that comes through our stream that needs to be either recycled and/or into a landfill. And I really do see it as an opportunity to express conservatism. One, because you're going to try to reuse a product, and two, because you're not going to charge a municipal government to put it in the landfill. And I see that as an opportunity to reduce the costs of taxpayers. And I know that, you know, there are some who see this as a -- a burden on business. But business should understand that if you sell a product it has to end up somewhere at some point. You should be a part of making that decision where it goes. And if it costs you more money, as was said earlier, you might add that to the price of your product, but at the end of the day it's not going to cost the taxpayers more money to put it into a landfill and maintain it.

So I again want to commend the sponsor of this legislation. I am pleased to vote in favor of it. Thank you, sir.

ACTING SPEAKER AUBRY: Mrs. Peoples-Stokes

in the affirmative.

Mr. Goodell.

MR. GOODELL: Thank you, sir. Please record our colleagues Mr. Keith Brown, Mr. Joseph DeStefano, Ms. Giglio and Ms. Walsh in the affirmative.

Thank you, sir.

ACTING SPEAKER AUBRY: So noted. Thank you.

Mrs. Peoples-Stokes.

MRS. PEOPLES-STOKES: Mr. Speaker, if you could please record our colleague Mr. Bronson in the negative on this one.

Thank you, sir.

ACTING SPEAKER AUBRY: So noted.

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

Mrs. Peoples-Stokes.

MRS. PEOPLES-STOKES: Thank you, Mr. Speaker. I'll just throw this in, Happy Earth Day. We took all day to honor New York with the legislation that we passed here today. I want to thank colleagues who both participated and also hung around to hear the debates.

Now, Mr. Speaker, would you please recognize Mr. Norris for the purposes of a discharge, Motion to Discharge?

ACTING SPEAKER AUBRY: Mr. Norris for the purposes of an -- motion.

MR. NORRIS: Thank you, Mr. Speaker. I move to discharge the Committee on Higher Education from further consideration of Assembly Bill No. A.4272 to discharge the bill sponsored by myself for the purpose of bringing the same before the House for its immediate consideration and request permission to explain it.

ACTING SPEAKER AUBRY: The motion is in order, sir.

On the motion, Mr. Norris.

MR. NORRIS: Thank you, Mr. Speaker. I know it's been a very long day, and I appreciate the opportunity today to discuss this important bill that I brought forward before the House for consideration. All of us, you know, have ran for office, came to this Assembly to try to do good for our district and also for the entire State. We may disagree on items from time to time, but I think our common purpose is that. I also believe that public safety is paramount to our State. We've talked about a lot of things today, internationally and nationally. But when we come also to our State, public safety is important. When you call 911 you really want to make sure someone responds to you when you have an emergency. Whether it be having a heart attack, a crisis. You know, an accident, a fire. And I can tell you, when I was first elected, as many of you probably have done this, particularly in rural and suburban parts of the State, is met with our

volunteer fire service. And I went to a company, East Shelby Fire Company, and also the Shelby Fire Company joined us that day, and I asked them, *What are your needs?* And really, the number one thing they told us -- other than funding, of course, everyone talks about funding -- is recruitment and retention for the future. So what I thought about, and we have done this for other types of situations such as our nursing programs, the Senator Patricia Magee program for our nurses, also for our Gold Star families, we create scholarship funds to help those individuals. And today I would like to just talk about briefly the Volunteer Firefighter Scholarship Program to help with recruitment and retention, which is basically making sure that we incentivize our young people to come out to join the ranks of the volunteer fire service and provide them incentive to do so. And over the past two years it's been challenging for all New Yorkers, particularly through all of the uncertainty of COVID. But our State fire responders and our first responders, including our volunteers, showed up every day to serve their communities. With 90.2 percent of registered fire departments in New York State being fully volunteer, an additional 4 percent being mostly volunteer, it is absolutely critical for us to think of new and innovative ways to recruit and retain more volunteer firefighters. Unfortunately, as I stated before, there has been a drastic decline in the number of volunteer firefighters providing these vital services to New Yorkers in recent years. A 2020 report by the National Volunteer Fire Council stated that two-thirds of fire departments have trouble with volunteer

firefighter retention. One of the reasons cited for this high rate of decline was the lack of support and flexibility in juggling the responsibilities of volunteering with other life commitments, including financial constraints. In New York State the problem of retaining volunteer firefighters has become an issue we can no longer ignore. One recent news article stated it is estimated over the last two decades New York State has gone from having 120 -- 120,000 volunteer firefighters down to 80,000, a reduction of 40,000. If we are to begin reversing this trend, it is my belief and the belief of the Minority colleagues that this bill will be a critical turning point in our State's efforts to retain volunteer firefighters. This bill creates a scholarship for those who become volunteer firefighters in an amount of up to four times the current tuition rate at a State University of New York college rate. The current tuition rate is \$7,070 per year. The maximum scholarship -- scholarship amount would be \$28,280. And to be eligible, I thought it was important to make sure that individuals have skin in the game so they serve as an active volunteer firefighter and attend over 25 percent of emergency calls each year. They agree to reside exclusively in New York State and shall not be employed in any other state for eight years and annually submit an affidavit verifying participation of at least 25 percent of emergency calls. This bill is estimated to cost \$1 million in appropriation per year. We don't anticipate this to take effect until the next budget, because I'm sure that would be one of the questions if there's one raised. This legislation is necessary to help end the trend of New York losing vital

volunteers who make up the vast majority of our departments. The time is now to pass this legislation, as we need to act swiftly in order to reward those who serve us throughout our communities. And I would just like to say, as I know my time is running out and I also know it's been a very long day. I know what's likely going to happen. The motion will likely be defeated today on procedural grounds. But I also know that I have sponsored other legislation in this House as well as colleagues on this side of the aisle, and Majority members have picked up that legislation and they've ran with it. And I see one of my colleagues over there. I appreciate that. And I would ask all of you to think about this because this is a serious problem that's facing our rural communities, it's facing our suburban communities, and this will help our young people. And this will also help them get involved with the volunteer fire service and they will also then be involved for generations to come. And I just think this is a good idea -- of course it's one I put forth -- but really for the people of the State of New York, and I would just ask all of my colleagues to please vote yes on this legislation and that in the event that the Motion to Discharge is defeated today that one of my colleagues from the other side of the aisle hopefully pick it up and let's get this thing done as we near the end of Session.

Thank you, Mr. Speaker. I appreciate the opportunity to be heard today, particularly after a long day.

ACTING SPEAKER AUBRY: Thank you, Mr. Norris.

Mrs. Peoples-Stokes.

MRS. PEOPLES-STOKES: Thank you, Mr.

Speaker. And I certainly want to thank our colleague for his comments regarding this piece of legislation. However, I need to remind folks that this is not the proper way to dispense of a bill. It is going through the committee process is the proper way. This is -- this is a great idea and I think he's spot on with it. I'm a person who has the benefit of a professional fire department, but I do live in rural communities where fire departments are volunteers. But I also know that at this point this is a \$1 million appropriation that he's talking about. We just went through a budget process, we added additional resources to both SUNY and CUNY, and I think there are opportunities to create what he's looking for here, but this is not the appropriate time. I did hear him reaching out to colleagues across the aisle to consider being supportive of him, and I don't -- I don't -- I wouldn't suggest that they not do that. But I will suggest it is inappropriate to discharge this bill today, particularly since it has such a huge annual appropriation that will impact our budget.

With that, Mr. Speaker, I ask my colleagues to vote against this motion and continue to entertain our colleague on the other side of the aisle about his ideas. Thank you, sir.

ACTING SPEAKER AUBRY: Thank you.

Members are reminded that the motion before the House is a procedural question and not a vote on the merits of the bill.

On Mr. Norris' motion, the Clerk will record the vote.

This is a Party vote. Any member who wishes to be recorded as an exception to the Conference position is reminded to contact the Majority or Minority Leader at the numbers previously provided.

Mr. Goodell.

MR. GOODELL: Thank you, Mr. Speaker. This is one of those Party votes that we're enthusiastically supporting the legislation on. But if there's someone who doesn't they can, if they wish, vote no on the floor or by calling the Minority Leader's Office.

Thank you, sir.

ACTING SPEAKER AUBRY: Thank you, sir.

Mrs. Peoples-Stokes.

MRS. PEOPLES-STOKES: Mr. Speaker, this is one of those opportunities where the Majority Conference is going to be voting in the negative on this one. However, there may be some colleagues who want to be an exception. They should feel free to press the button on the floor and/or call the Majority Leader's Office and we will make sure their vote is properly recorded.

Thank you, sir.

ACTING SPEAKER AUBRY: So noted. Thank you.

(The Clerk recorded the vote.)

Mrs. Peoples-Stokes.

MRS. PEOPLES-STOKES: Mr. Speaker, please record our colleagues Mr. Santabarbara, Ms. Wallace and Mrs. Barrett in the affirmative on this piece.

ACTING SPEAKER AUBRY: So noted.

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The motion is defeated.

Mrs. Peoples-Stokes.

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

ACTING SPEAKER AUBRY: We do have housekeeping and resolutions.

On a motion by Mr. Steck, page 9, Calendar No. 17, Bill No. A.263-A, the amendments are received and adopted.

On a motion by Ms. Woerner, page 25, Calendar No. 240, Bill No. 7356-A, amendments are received and adopted.

On a motion by Ms. Rosenthal, page 27, Calendar No. 280, Bill No. 7926, amendments are received and adopted.

On a motion by Mr. Abinanti, page 28, Calendar No. 310, Bill 7443, amendments are received and adopted.

Resolution 777, the Clerk will read.

THE CLERK: Assembly Resolution No. 777, Ms. Pheffer Amato.

Legislative Resolution honoring the life and heroic actions of Timothy Klein, renowned firefighter, distinguished citizen and devoted member of his community.

ACTING SPEAKER AUBRY: Ms. Pheffer Amato on the resolution.

MS. PHEFFER-AMATO: Thank you, Mr. Speaker, for the opportunity to speak on this resolution. I say it with a heavy heart today. This resolution recognizes the loss of a courageous and hard-working firefighter who dedicated his purposeful life and career and faithful service to both his family and the residents of New York State. It is with profound sadness that this legislative Body record the tragic and untimely passing of firefighter Timothy Klein, who made the ultimate sacrifice on Sunday, April 24th, 2022 at the young age of 31. Firefighter Timothy Klein, a six-year veteran of the Department assigned to Ladder Company 170 were working at Engine Company 257, responded to the scene of a fire in under five minutes as their fellow firefighters took on a fire in Brooklyn. It was without hesitation or regard for his own safety, firefighter Timothy Klein began battling the blaze, which quickly escalated to a three-alarm fire. As conditions in the building rapidly deteriorated, the Incident Commander ordered the members from the building. It's during this time that Firefighter Timothy Klein became trapped under a ceiling collapse and critically injured. He was removed from the building by his fellow firefighters, rushed to Brookville -- Brookdale University Hospital and where he succumbed to his injuries.

Timothy was a resident of Queens, Belle Harbor, my district. His family had a rich history of service in the FDNY. His father -- he bravely followed the footsteps of his father, fellow firefighter -- firefighter -- I just lost my place, I apologize -- Firefighter Patrick Klein -- I apologize -- his mother -- he's left behind

his mother, Diane, and three sisters; Erin, Tara and Bridget. Through his honorable life, Timothy Klein touched many through his kindness and commitment to service. As we recall the loss of this great man, we memorialize his remarkable life and the enormous impact he had on everyone with whom he came in contact.

As a member of the Rockaway Beach community, an area that knows so well about our heroes, we suffered so many losses from 9/11, my community always rises to this occasion. But as a mother of two, my heart is heavy for his family and our community, his girlfriend. We're a tight community, and all of New York State honors and -- and gives our condolences.

We must not forget our heroes. If there are any first responders, our firefighters, our police, they put their lives for us. They give service of life, because that's what their job is. Then run to fire, they run to -- and are veterans, let me just say that. They run to war. And we're always happy to honor them and support them. That's what we do here.

Thank you, Mr. Speaker, for the opportunity to speak on this resolution.

ACTING SPEAKER AUBRY: Thank you.

On the resolution, all those in favor signify by saying aye.

We can stand in honor of this fallen firefighter, please.

The resolution is adopted.

We have numerous other 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. 778-785 were unanimously adopted.)

Mrs. Peoples-Stokes.

MRS. PEOPLES-STOKES: Mr. Speaker, I now move that the Assembly stand adjourned until Thursday, April the 28th, tomorrow being a legislative day, and that we reconvene at 2:00 p.m. on May the 2nd, Monday being a Session day.

Thank you, sir.

ACTING SPEAKER AUBRY: The Assembly will stand adjourned.

(Whereupon, at 6:42 p.m., the House stood adjourned until Thursday, April 28th, that being a legislative day, and to reconvene on Monday, May 2nd at 2:00 p.m., that being a Session day.)