

TUESDAY, FEBRUARY 25, 2020

3:09 P.M.

ACTING SPEAKER AUBRY: The House will come to order.

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

(Whereupon, a moment of silence was observed.)

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

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

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

Mrs. Peoples-Stokes.

MRS. PEOPLES-STOKES: Mr. Speaker, I move to dispense with the further reading of the Journal of Monday, February

the 24th and ask that the same stand approved.

ACTING SPEAKER AUBRY: Without objection, so ordered.

Mrs. Peoples-Stokes.

MRS. PEOPLES-STOKES: Thank you, Mr.

Speaker. If I can have the attention of the members, guests and friends that are in the Chambers. I would like to share a quote for today prior to the beginning of our work. This quote, Mr. Speaker, was from Katherine Johnson, who recently transpired to heaven. She is a former NASA mathematician. She unfortunately has transitioned, as I said, but in her years of work at NASA she played a vital role in shaping how our space missions look. Had it not been for her efforts in 1969 perhaps we wouldn't have successfully gotten to the moon with the Apollo 11. She won Oscar -- the film that she was in, *Hidden Figures*, won an Oscar, and she did fabulous work as a person who was called a "human computer." She was a pioneer in breaking down gender, racial and social barriers and was awarded the Presidential Medal of Freedom by President Barack Obama in 2015. Her quote that she left for us, Mr. Speaker, today is that, *We will always have STEM with us. Some things will drop out of public eye and will go away, but there will always be science, engineering and technology. And there will always, always be mathematics.* She was right when she said it, she's right now, and I'm glad we had this opportunity to share her words.

With that, Mr. Speaker, I will say that members have on their desk a main Calendar and a debate list. And after there are

any introductions and/or -- there's several introductions, but after introductions and housekeeping we will continue our consent of new bills beginning with Calendar No. 408 on page 56. We will also continue to consent from the main Calendar where we were on yesterday. That's on page number 49, Calendar No. 317. And we will also take up bills from our debate list. We will determine what conference needs will be for both sides of our House at the appropriate time.

With that, Mr. Speaker, that's a general outline. If there are those multiple introductions you can probably handle, and I'm sure there's housekeeping as well.

Thank you, Mr. Speaker.

ACTING SPEAKER AUBRY: Thank you, Mrs. Peoples-Stokes. *Hidden Figures* was a movie if you want to watch it, anybody. It was a great movie.

And we have an introduce -- introduction by Mr. Jones.

MR. JONES: Mr. Speaker, I rise today to introduce students from the Franklin-Essex-Hamilton BOCES New Visions Law and Government class. These students participate in an experiential learning program where students shadow professionals in legal and law enforcement professions. Students earn college credits and they perform research projects as community service; for example, having cataloged all the historic signs in Franklin County. This year's class is researching scholarships histories dating back to the 1800s. With us

today are students from Brushton-Moira, Salmon River and Franklin County, all located in my home county of Franklin. We have Caris Hopkinson, Brynn LaPage, Elyssa Rivera, Shannon Ryan, Joshua Tylenda, Cady Wells, Emilie Whitney, and their instructor, Tracy Edwards.

Mr. Speaker, I ask that you extend all the cordialities of the Chamber to this fine group of students.

ACTING SPEAKER AUBRY: Certainly.

MR. JONES: Thank you.

ACTING SPEAKER AUBRY: On behalf of Mr. Jones, the Speaker and all the members, we welcome you here to the New York State Assembly, extend to you the privileges of the floor. Commend you on the work that you are doing while you're in this program, but also on the future service that you will provide the State. We're very proud of you. Know that you are always welcome here. Thank you so very much.

(Applause)

Mr. Jacobson.

MR. JACOBSON: Thank you, Mr. Speaker. It is -- it is my pleasure and honor to introduce today people from the Newburgh Free Library, which is the public library of the Newburgh Enlarged City School District, and students from Newburgh Free Academy West, one of our high schools in the district. We have Mary Lou Carolan, who is the Assistant Director of the Newburgh Free Library. We have Sara Scoggan from the Library; Catherine Gilligan,

also from the Newburgh Free Library; Katherine -- Kathleen Finnerty from the Gidney Avenue School Library and Elementary School; Joan Maldarelli from the Newburgh Free Library; and we have Dennis Maher, who is an English teacher and the advisor to the Student Government Council at NFA West. From NFA West we have students that are on the Council, and we have the officers, some of the officers that are here. We have Jordan Patterson, who is president of the Student Government Council; we have Juanita Clanton, who is the co-president; and Chelsea Amaro, who is the vice-president.

So, Mr. Speaker, would you please extend to them the courtesies of the House.

ACTING SPEAKER AUBRY: Certainly. On behalf of Mr. Jacobson, the Speaker and all the members, we welcome you here to the New York State Assembly, to the People's House. We hope that this is a great day for you. We welcome you here from Newburgh, both teachers and librarians and supervisors and young people. We're happy to have you. Hope that you've enjoyed your time here in Albany and will travel home safely. Thank you so very much for coming.

(Applause)

For the purposes of an introduction, Ms. Niou.

MS. NIOU: Thank you, Mr. Speaker, for allowing me to make these important introductions today. Today we celebrate the Chinese Planning Council and their annual day of advocacy here in the Capitol, as well as their 55th anniversary. I rise to introduce some

of these individuals who are here today in honor of CPC's advocacy day here in Albany. I want to recognize my very good friend, Wayne Ho, the president of CPC. I want to introduce Carlyn Cowen, the Chief Policy and Public Affairs officer at CPC. Shuk King Cheng, a Program Supervisor with our Education and Career Services Division; and two of my very own constituents, Emily Lai - do you want to stand up - and Jenny Zheng. I want to thank this organization and these individuals for their tremendous work in providing senior services, language accessibility in 25 languages, and extremely important resources to over 40 different counties in our State. I am thrilled to welcome our guests to the People's House, and CPC, because they are celebrating their 55th anniversary this year. They were founded right at the end of the Chinese Exclusion Act and worked to welcome new immigrants to their home here in New York. Asian-Americans are actually the fastest-growing population in our State right now, and their resources at CPC provide support for our entire population. I've had the opportunity to work with some of this organization over the years, and I am proud to partner with them as we continue to level the playing field for those most in need and to address the racial wealth gaps that we face today.

I want to thank my colleagues for setting aside this time to introduce these incredible individuals, and I ask that my colleagues and the Speaker extend all of the cordialities of our House to our distinguished guests as we celebrate them on their occasion of CPC's advocacy day here in Albany as well as their 55th anniversary.

Thank you, Mr. Speaker.

ACTING SPEAKER AUBRY: Certainly. On behalf of Ms. Niou, the Speaker and all the members, we welcome you here to the New York State Assembly, extend to you the privileges of the floor. This is the People's House. We congratulate you both on the services you're doing now, and for your 55th-year anniversary. We hope you will continue that tradition and hopefully work yourselves out of a job so that people will have the opportunity to participate in this country and in the freedoms that it offers economically, politically, socially. Continue that great work until that time, and know that you are always welcome here. Thank you so very much. Xie xie.

(Applause)

Ms. Linda Rosenthal.

MS. ROSENTHAL: Thank you, Mr. Speaker.

Today I rise to raise awareness of the condition known as lymphedema, which is a condition that often occurs following treatment for cancer or it can be congenital. Lymphedema causes extreme swelling of one's arms or legs and severely impairs a person's mobility. Lymphedema affects well over 10 million people here in the United States, more than those suffering from multiple sclerosis, muscular dystrophy, ALS, Parkinson's and AIDS combined. In 9 -- in 2014, New York State became the first legislature in the world to recognize World Lymphedema Day, and we have done so each year. Some of the incredible lymphedema advocates who made the trip to Albany are here today. From the Lymphedema Education and

Research Network we have the president and CEO, William Repicci; and Colleen McGuire, Chief Operating Officer. Also joining us again this year is staunch advocate Tiffany Detlefsen with 10-year-old Emma, who was born with primary lymphatic disease and who resides in Assemblymember Santabarbara's district. Despite her young age, Emma is already highly involved with the cause, spends time when she's not at school fundraising, giving speeches, lobbying in Washington, D.C. for universal insurance coverage for compression garments used by those with lymphedema. And for the first time this year we are joined by Deborah Carey and her husband, Jim, of Syracuse, New York, constituents of Assemblymember Magnarelli. Deborah is a breast cancer survivor and a powerful activist and fundraiser for lymphedema education and research. Because of strong lymphedema research, Deborah was able to have surgery that reduced her chances of developing lymphedema as a result of her cancer surgery.

The work that all of these advocates in the Chamber with us today are doing will change lives, and it's always my pleasure to work with them in Albany. We are marking World Lymphedema Day today, and so, Mr. Speaker, would you please extend to all of our guests here the cordialities of the House.

ACTING SPEAKER AUBRY: Certainly. On behalf of Ms. Rosenthal, Mr. Santabarbara, Mr. Magnarelli, the Speaker and all the members, we welcome these extraordinary adults here to the New York State Assembly. And especially to the two young ladies

who have accompanied you, we salute you for the courage and the selflessness that you have displayed in providing help to others who can't help themselves. This is the People's House. You are always welcome here. And again, thank you for the efforts that you're providing to help us in this case. Thank you so very much.

(Applause)

Ms. Simon.

MS. SIMON: Thank you, Mr. Speaker. I'd like to welcome 10-year-old Carter Powell and his parents. Carter was born with a cleft pallet, a congenital abnormality that's required reconstructive surgery in infancy and subsequent surgeries and therapies. He and his parents, Jennifer and Aaron, are here today to help educate legislators about the health needs of the 1 in 38 children born in New York with congenital abnormalities. Unfortunately, those needs too often are unmet, and Carter thinks that's wrong and wants to set about to change that.

So please, if you will, Mr. Speaker, extend the cordialities of the House to Carter and his parents, Jennifer and Aaron. Thank you.

ACTING SPEAKER AUBRY: Certainly. On behalf of Ms. Simon, the Speaker and all the members, we welcome you here to the New York State Assembly, extend to you the privileges of the floor. Thank both parents and Carter, you, for coming and sharing this with us and exemplifying the kind of work that can be done if you put your mind and your heart to it. Continue that great work. Know that

you always have our admiration and you are always welcome here.

Thank you so very much.

(Applause)

(Pause)

Mrs. Peoples-Stokes.

MRS. PEOPLES-STOKES: Thank you, Mr.

Speaker. If we could now continue our work with resolutions on page 3, and immediately following that we will go to Calendar No. 408 which is on page 56. In that order, Mr. Speaker.

ACTING SPEAKER AUBRY: Resolutions, the Clerk will read.

THE CLERK: Assembly Resolution No. 781, L. Rosenthal. Legislative Resolution memorializing Governor M. Cuomo to proclaim March 6, 2020, as Lymphedema Day in the State of New York, in conjunction with the observance of the Fifth Annual World Lymphedema Day.

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. 782, Jaffee. Legislative Resolution memorializing Governor Andrew M. Cuomo to proclaim September 2020, as Kinship Care Month in the State of New York.

ACTING SPEAKER AUBRY: Ms. Jaffee on the resolution.

MS. JAFFEE: Mr. Speaker, as we all know, it is custom for this Body to recognize official months to raise awareness of issues that impact the lives of residents of New York State. Kinship Care Month recognizes children who were raised by grandparents, aunts, uncles and other relatives. These caregivers provide these children with a place to grow, promote their well-being and provide them the foundation they need to succeed as they move forward and mature in New York State. Among my priorities is the well-being of children and youth in kinship and foster care. Like many of you, I stand committed to ensuring that the kinship community has the resources, programs and services and needs to support our dedicated caregivers and families, and to help our most vulnerable children and youth build strong and productive lives in safe, secure family settings. With us today is a group of kinship care families - please stand - who have worked hard to raise awareness to the need of kinship and to provide resources for foster care, for foster children and their families. As today is Kinship Care Advocacy Day, I ask that we acknowledge these grandparents, aunts, uncles and other relatives and thank them for their efforts in caring for our foster youth.

And so today, Mr. Speaker, we stand together to recognize September as Kinship Care Month. Thank you so much.

ACTING SPEAKER AUBRY: Certainly. First, on -- on behalf of Ms. Jaffee, the Speaker and all the members, we welcome these dedicated parents and aunts and uncles and family members who take care of their family. We extend to you the

privileges of the floor. Our undying thanks because what you do makes this great State greater. Hopefully that you will continue that work and we will provide the support to you that's necessary.

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

(Applause)

Page 56, Calendar No. 408, on consent, the Clerk will read.

THE CLERK: Assembly No. A09034, Calendar No. 408, McDonald, D'Urso, Braunstein, Williams, Seawright, Cook, Cahill, Rivera, Arroyo, Blankenbush, Ra, Lawrence, Morinello, Gottfried, Blake, Fahy, Otis, Hawley, Taylor, Sayegh, Ashby, Pichardo, Smullen, Walczyk, Stirpe, Byrne, Griffin, Epstein. An act to amend the Public Health Law and the Education Law, in relation to the dispensing of partially-filled prescriptions.

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

Read the last section.

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

ACTING SPEAKER AUBRY: The Clerk will record the vote.

(The Clerk recorded the vote.)

Mrs. Peoples-Stokes.

MRS. PEOPLES-STOKES: This can be our first

vote of the second day of the seventh week of the 243rd Legislative Assembly Session. First vote of today. Please cast your ballot.

ACTING SPEAKER AUBRY: First vote of the day. Members, if you are in your seats please vote now. If you are within the sound of our voice or in the Chambers, please come in, take your seats and cast your vote. Thank you.

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

THE CLERK: Assembly No. A09520, Calendar No. 409, Joyner, Otis. An act to amend the Public Health Law, in relation to the establishment of the obstetric hemorrhage protocols.

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

Read the last section.

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

ACTING SPEAKER AUBRY: The Clerk will record the vote.

(The Clerk recorded the vote.)

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed

THE CLERK: Assembly No. A09524, Calendar No.

410, McDonald. An act to amend the Public Health Law, in relation to requiring that information be made available to parents regarding window blind safety; and to repeal certain provisions of such law related thereto.

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

Read the last section.

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

ACTING SPEAKER AUBRY: The Clerk will record the vote.

(The Clerk recorded the vote.)

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

Mrs. Peoples-Stokes.

MRS. PEOPLES-STOKES: Thank you, Mr. Speaker, for allowing me to interrupt the proceedings for the introduction of two guests that are in the Chambers. First and foremost I would like if you can welcome and give the cordialities of our House to our former colleague and former Senator of New York State who is now the County Executive of the great County of Westchester, Mr. George Latimer.

ACTING SPEAKER AUBRY: Certainly. George,

welcome back.

(Laughter)

On behalf of the Speaker, all the members, as a member you are always welcome back here, always extended the privileges of the floor. Good to see you, and keep doing the great job that you're doing. Thank you.

(Applause)

MRS. PEOPLES-STOKES: Mr. Speaker, I'd also like to at this time introduce two students who are in the Chambers with us. They are students at the Henry Viscardi School, the Viscardi Center, which is based in Nassau County. It is the regional's 4201 school and it currently serves 170 students, kindergarten through the age of 21, more than half of which live in the great City of New York. Mr. Speaker, these students are at one of the best and premier schools in our State. It was founded by a Dr. Henry Viscardi, Jr. back in 1962. Dr. Viscardi who himself wore prosthetic legs and acted as a disability advisor to United -- eight United States presidents. Dr. Viscardi also broke new ground by establishing one of the first organizations in the world to be staffed primarily by men and women from the disability community.

Mr. Speaker, if you would welcome these two students who are with us from the Viscardi Center, Paul Navarro, Jr., and Andrew Cherico. These are both guests of Mr. Tony D'Urso.

ACTING SPEAKER AUBRY: Certainly. On behalf of Assemblymember D'Urso, the Speaker and all the members, we

welcome these extraordinary students here to the New York State Assembly, extend to you the privileges of the floor. Thank you for visiting with us. And to those who have come and traveled with them, we also extend you the privileges of the floor. Thank you for the support that you're giving this great institution. We hope you will continue to do that work forever and ever. And obviously, Mr. D'Urso is very proud, as well as Mr. Ra, as others, to stand with you and support you on this occasion. Thank you so very much.

(Applause)

Mrs. Peoples-Stokes.

Quiet, please.

MRS. PEOPLES-STOKES: Mr. Speaker, if we can continue our work by going to the debate list, we're going to start with Calendar No. 197. It's on page 35 and it's by Mr. Thiele. Following that we'll go right to Calendar No. 152 by Mrs. Gunther, and number three, we'll go to Mr. Abinanti at Calendar No. 355. In that order, Mr. Speaker.

ACTING SPEAKER AUBRY: The Clerk will read.

THE CLERK: Assembly No. A05187, Calendar No. 197, Thiele, Cook, Galef, Jaffee, Santabarbara, Zebrowski, McDonough, Rozic, L. Rosenthal. An act to amend the General Business Law, in relation to zone pricing of gasoline, and to amend Chapter 579 of the Laws of 2008, amending the General Business Law relating to zone pricing of gasoline, in relation to zone pricing for retail motor fuel based on geographic location.

ACTING SPEAKER AUBRY: An explanation is requested. Ladies and gentlemen, we are on debate. Please take your conversations either out of the Chamber or take your seats.

Mr. Thiele, an explanation has been requested.

MR. THIELE: Thank you, Mr. Speaker. This legislation deals with the subject of zone pricing of gasoline. In 2008 the Legislature adopted and the Governor signed a law that prohibited zone pricing of gasoline, which generally means that gasoline prices could not be set based solely on the basis of geography. And that legislation -- subsequently, the Attorney General found that the way the bill was drafted that it required more specificity to be able to be enforced, and thus, the Attorney General's Office has never enforced this law. So this bill revises the definition of zone pricing to mean the establishment of a price difference is based on geographical location of the retail outlet within the regional -- within the relevant geographic market without regard to posted terminal price and any additional costs where the effect is to injure competition. It provides a definition of additional costs, which means all replacement and transportation costs and taxes incurred. And it also provides a definition of "relevant geographic market" as the geographic area which is supplied by the same terminal or facility. It also provides some provisions with regard to enforcement which includes the Attorney General as well as any competitor who happens to be injured under this law.

ACTING SPEAKER AUBRY: Mr. Friend.

MR. FRIEND: Thank you, Mr. Speaker. Will the

sponsor yield for a few questions?

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

MR. THIELE: I will.

ACTING SPEAKER AUBRY: Mr. Thiele yields.

MR. FRIEND: Thank you, Fred. I appreciate that you've already mentioned that this would allow for transportation costs and taxes. Would it also apply if that individual, like, had a gas card at that location and were to receive a discount by using that gas card? Would that still --

MR. THIELE: I don't think this law would affect that at all.

MR. FRIEND: Okay.

MR. THIELE: If you had a gas card that -- that entitled you to a discount?

MR. FRIEND: Correct.

MR. THIELE: Yeah, this wouldn't have any effect on that.

MR. FRIEND: And how about the same thing for -- a lot of our convenient stores and gas retailers now have, like, membership possibilities. So if you have a membership, typically, like, a 10 or 20 cent discount per gallon, would that still be allowed?

MR. THIELE: Yeah, that -- this is not affected by this.

MR. FRIEND: Okay.

MR. THIELE: Those situations would not be affected by this law.

MR. FRIEND: Now, how about if an -- if an individual convenience store that has gas pumps wanted to lower their price to bring people into the convenience store so as a way to bring people to their -- to their market, essentially?

MR. THIELE: Yeah.

MR. FRIEND: Would they be allowed to do that?

MR. THIELE: The only thing this bill does is that you cannot set that -- the price based solely on geography. You can't -- that is really what the definition of zone pricing is. So, if you're in one portion of the State and based not on any of these other factors but based solely on geography, you set a different price having nothing to do with costs or any other of these competitive factors that you're mentioning, that's what we would be -- would be outlawed by this particular statute.

MR. FRIEND: Okay. And just one more example in that case. What if you wanted to pay a little bit higher price in order to guarantee your supply? So in case of an emergency, a flood, something like that, you would be the first one to receive that gasoline shipment compared to maybe other local stores.

MR. THIELE: Again, that's not a factor related solely to geography, so I don't think there would be any issue with that.

MR. FRIEND: Okay. I appreciate those answers,

Fred.

On the bill, Mr. Speaker.

MR. THIELE: Thank you.

ACTING SPEAKER AUBRY: On the bill, Mr.

Friend.

MR. FRIEND: Again, I thank Assemblyman Thiele for his answers to our questions. I do, however, have some memos of opposition from various organizations. I'm first going to start with an opposition memo from the New York Association of Convenience Stores. And -- and their belief -- they say, *The sponsor has claimed that over the past several years, motor fuel prices have greatly fluctuated. In reality, data on the NYSERDA website shows the New York pump prices have been remarkably stable for the past five years, generally staying between \$2.30 a gallon and \$2.95 a gallon after a five years -- five-year period of extreme volatility. The existing zone pricing definition outlines our arbitrary establishment of such price differences, but the term would be removed under this bill, eliminating the flexibility of retailers the very prices within a given market for legitimate reasons. Not all gas stations and not all markets are the same. A multi-store operator with low volume may charge more for gas than a high volume site across town because that low volume site needs to make more per gallon to cover their overhead costs. The chain may price gas at a larger site to see to try to get customers on the lot so they'll come inside and try the sandwiches, soups and coffee, while charging more at a smaller site where they have no food service*

offering to contribute to the overall sales revenue. These market-based pricing decisions are based on sound business principles. Government interference in such decisions -- decisions is unwarranted, arbitrarily forcing all four of the above locations to change -- to charge the same pump price makes no sense. In fact, if they were doing that right now it'd be accused of price fixing. Representing more than 5,000 neighborhood convenience stores that sell motor fuel, the New York State Association of Convenience Stores respect -- respectfully opposes the passage of this anti-business legislation.

Then I have another memo from NFIB, New York's leading small business advocacy organization, and their opposition to this memo. They bring up the fact, *The studies have shown that prohibiting zone pricing has negative consequences for both consumers and competition. A 2007 Quinnipiac's University study conducted -- conducted in Connecticut showed that a ban on zone pricing would likely result in higher wholesale prices in most regions of the State, and higher retail prices in some parts of the State. If zone pricing is banned, stations in highly competitive markets would have to fight to stay in business with other gas retailers, especially those in proximity to the border of neighboring states with lower tax structures.*

And then a third memo, from the Business Council. They bring up the unique fact that this bill memo states that this legislation is needed to address issues associated with price gouging,

and they believe that existing law Section 396(r) of the General Business Law is adequate and appropriate. It addresses price gouging and gives enforcement authority to the State's Attorney General. It allows for injunctive relief, civil penalties up to \$25,000, maximum civil penalty was increased from \$10,000 just a -- a previous Session ago, as well as court-ordered restitution to aggrieved customers. And it's their belief that if this law were to pass, that it would provide an opportunity for an individual to bring lawsuits before individuals and thereby keep them out of actually providing a -- a service to our communities. Their belief is that this law would be anti-business. And just as an example of all the increased regulations what they've already done to our gas retailers and convenience stores across our State, in 1972 there were 11,359 retail gas outlets across New York. Today, there are fewer than 6,000. So we've already hampered the ability for our citizens to have access to gas within their communities. We've had less competition, and it's their belief and my belief that this bill would continue that trend going in the wrong direction.

And for those reasons, I urge a no vote on this bill.

Thank you, Mr. Speaker.

ACTING SPEAKER AUBRY: Thank you, Mr.

Friend.

Mr. Goodell.

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

MR. THIELE: Yes.

ACTING SPEAKER AUBRY: Mr. Thiele yields.

MR. GOODELL: Thank you, Mr. Thiele. And I appreciate the comments and your previous answers and my colleague's comments as well. I just wanted to make sure I understand this bill. This bill is separate and distinct from price gouging, right? So you would --

MR. THIELE: There is a price gouging statute in the -- which usually relates, as I recall -- this is -- this is separate from that. But as I recall, the price gouging statute usually is in times of emergency and weather and things of that nature.

MR. GOODELL: So this bill would basically require a wholesaler to charge the same price to everyone regardless of where their gas station was located. Is that correct?

MR. THIELE: It's -- you know, to just restate it again, you -- you couldn't set the -- the price of gasoline arbitrarily just based on geographic location.

MR. GOODELL: So, you --

MR. THIELE: If there are costs that are taxes, other costs, replacement costs, transportation that affect that, this has no effect on that.

MR. GOODELL: So if we go back to the distributor, the wholesaler, if you will, at the terminal, this says the terminal price has to be the same for everyone who's buying from that terminal?

MR. THIELE: Well, the terminal price is what the terminal price is.

MR. GOODELL: But as you --

MR. THIELE: At any given point in time.

MR. GOODELL: You may be aware that a -- a refinery might provide gasoline not only to its own named gas stations, but to gas stations run by third-parties or maybe even under a different name.

MR. THIELE: Correct.

MR. GOODELL: Sometimes with or without some formula changes. Are you saying, then, that an Exxon-owned refinery must charge the same for Exxon stations than it does for other stations?

MR. THIELE: No, we're not regulating the terminal price here. All we're saying is that whatever the terminal price is, it's the terminal price plus the other factors that I mentioned, costs, taxes, replacement costs, transportation.

MR. GOODELL: So your position is that the terminal pricing could vary?

MR. THIELE: It could -- certainly it could vary.

MR. GOODELL: And is that also true, then, for the wholesale distributor?

MR. THIELE: I'm not sure I understand your question.

MR. GOODELL: Well, sometimes the refinery will sell the gasoline to a third-party that distributes it to then multiple gas stations. So does this apply the price charged by the wholesaler to the

retailer?

MR. THIELE: As long as they're not setting the price solely based on geography. That's all that this law deals -- this proposed law would deal with.

MR. GOODELL: So under this bill it would be okay, for example, for a refinery to raise the price on everybody or a wholesaler to raise the price on everyone as long as they didn't raise the price on just some people based on geography.

MR. THIELE: On -- on -- based on geography.

MR. GOODELL: So if this changes the amount of income coming to a wholesaler, won't the wholesaler naturally respond then by raising the price to everybody? And how does that help the consumer?

MR. THIELE: Well, you know, that -- that argument gets made a lot, and I would just say that if refiners and wholesalers and distributors thought that they could raise the price and make more money on this, we wouldn't have all these memos of opposition based on it.

MR. GOODELL: Well, I will give a specific example if it's helpful. I have a refinery that's located about 20 miles from me. And you might think that the gas price right next to the refinery would be lower than the gas price in a major urban area like Buffalo or Erie, Pennsylvania. But that's not the case because the competitive market automatically adjusts prices. And so if you buy gas from the refinery, right at the refinery itself, the refinery is right

there, you pay the same price as you would for their competitor's price down the street. And this would make that illegal, right?

MR. THIELE: Are they setting the price --

MR. GOODELL: In other words, they're actually charging --

MR. THIELE: -- solely based on geography.

MR. GOODELL: So they're actually charging more because it's close.

MR. THIELE: So competition is -- this -- this -- if prices are lower in another area because of competition, this law does not affect that.

MR. GOODELL: But it --

MR. THIELE: That's based on competition.

MR. GOODELL: But it does.

MR. THIELE: Not the -- the setting of the wholesale price solely based on geography.

MR. GOODELL: Well, keep in mind it does affect it, and here's why: The gas price at the refinery has zero transportation costs. But the gas sold at the competitors have substantial transportation costs. As a result, the refinery has a higher markup on its own gas because it pays nothing for distribution and its competition does. This would make it illegal for that refinery to charge a higher the price at the refinery, right? It would force them to drop that price.

MR. THIELE: Why are they charging a higher price?

MR. GOODELL: Because the market -- because of

market competition.

MR. THIELE: It's competition. Is that based solely on geography?

MR. GOODELL: Yes.

MR. THIELE: No, it's based on the competition.

Are there other competitors in the area?

MR. GOODELL: Maybe --

MR. THIELE: It's not based solely on geography.

MR. GOODELL: It is, and here's why: All of their competition has to truck their gasoline from another location. And so the cost of trucking is added into the costs of their competition. And so -- and this is true not just in my district but in your district as well. So when you have two gas stations right next to each other and they're competing with each other, right, and we hope they're both successful, they're both paying the same wholesale price even though the actual price is different because one may be getting a lower transportation charge and the dealer charges more for the costs, it's a higher markup. The other gets a -- a different transportation charge. In other words, what each gas station is actually paying the distributor is directly related to the geographic location because of the additional transportation or lack of it. So this bill would force some people to cut their price - which would be unfair to their competition because they're near a distribution point and give them an unfair competitive advantage - and in return, the business would raise the prices for everyone else to make up for lost revenue. Isn't it better to rely on the

competitive market to set prices?

MR. THIELE: We are relying. That's exactly the point.

MR. GOODELL: But isn't the whole point of this is to eliminate the competitive market pricing --

MR. THIELE: This is talking about price --

MR. GOODELL: -- and controls government pricing.

MR. THIELE: -- fixing based on geography, not market forces.

MR. GOODELL: Well, I mean geography is taken into the competitive market. I mean, the competitive market considers geography, location, competition, all those things. And what this bill does is --

MR. THIELE: Well, it should be taking into account things such as costs, is what it should be.

MR. GOODELL: No, they take into account competition. That's the nature of it. I mean, if I am a -- if I'm a gas station and I can buy my gas from a nearby terminal and you're my competitor and you buy it from a far away terminal, the price to deliver to your gas station is going to be higher, or might be higher than mine. Competition keeps that in check. But we are trying to replace the competitive market with government-imposed price fixing, right?

MR. THIELE: I -- I think we're -- there's no price

fixing by government here. I think we're just going to disagree as to what constitutes geography versus what constitutes competition.

MR. GOODELL: All right. And under this bill, I think my colleague mentioned that even if the price per gallon is exactly the same delivered to two competing gas stations, they can charge differently based on their overhead?

MR. THIELE: If the costs are different, sure.

MR. GOODELL: The overhead of the retailer itself.

MR. THIELE: The retail -- obviously, yes.

MR. GOODELL: And can the wholesaler charge different based on the differences in the wholesale price?

MR. THIELE: In costs, yes.

MR. GOODELL: Okay. Thank you very much, Mr. Thiele.

MR. THIELE: Thank you.

MR. GOODELL: I appreciate it.

Mr. Speaker.

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

MR. GOODELL: Thank you very much, sir. We already have protection from price gouging which occurs when there's a natural disaster that interferes with the normal market price. The rest of the -- our market, whether it's gasoline or groceries or any other product, that price that we pay is based on the competitive market. And everyone who wants a larger share of the market tries to lower the

price and encourage more people to come. And it's that competitive pressure that keeps the system fair and as inexpensive as possible and as efficient as possible. And so I would encourage my colleagues to be extremely careful when we replace the competitive market system that has served this country so well for over 200 years with a government-regulated price that applies to just this product. And next it'll be food, and next it'll be clothes, and next it'll be the economy. Let the market work. It is proven over and over to be cost-effective over hundreds of years. It is not appropriate for us, absent an unusual situation where we're already protecting, to replace the competitive market with government-regulated pricing.

Thank you, sir.

ACTING SPEAKER AUBRY: Thank you.

Read the last section.

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

ACTING SPEAKER AUBRY: The Clerk will record the vote.

(The Clerk recorded the vote.)

Mr. Thiele to explain his vote.

MR. THIELE: Yes, thank you, Mr. Speaker. I'm -- I'm going to urge my colleagues to vote in favor of this bill, and I want to point out also that among the biggest supporters of this legislation historically have been the local gasoline retailers themselves, such as in my area, the Long Island Gasoline Retailers Association, LIGRA.

And why do they support this bill? Because they are sometimes at a competitive disadvantage with the big wholesalers, with the big oil companies who can dictate the price to them based on geography. So this bill is about fostering competition, but it's also about making sure it's a level playing field.

So, I would urge my -- my colleagues who are interested in a -- in a fair playing field and allowing competition to -- to -- to do its work, to support this bill because all this bill does is outlaw price fixing based solely on the geographic location of the product.

Thank you.

ACTING SPEAKER AUBRY: Mrs. Peoples-Stokes to explain her vote.

MRS. PEOPLES-STOKES: Thank you, Mr. Speaker, for the opportunity to explain my vote. I would like to commend the sponsor of this legislation. You know, I -- I think this bill is not about stopping competition, this bill is about just having a fair -- opportunities with people to fair -- pay a fair price. If you have a McDonald's in a suburban community, you don't charge more for a fish sandwich than you do in an inner city community. You can get the fish sandwich wherever -- wherever -- whatever McDonald's you go to. But in gas stations in most inner cities, the gas prices are much higher than they are in other communities. And even in rural communities they tend to sometimes be higher. That -- that's unfair because it -- what ends up is that people who have the least end up

paying the most for the same product. So I think if we can move towards what Mr. Thiele was suggesting in this legislation that it might be fairer and a better opportunity for people who have less resources to still be able to drive their automobiles with quality purposes that they can make from -- from gas stations.

So, again, I want to commend the sponsor of this legislation and encourage all of my colleagues to support this as an opportunity for fair pricing.

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

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

Page 28, Calendar No. 152. The Clerk will read.

THE CLERK: Assembly No. A03705-B, Calendar No. 152, Gunther, Woerner, Santabarbara, Lavine, Taylor, L. Rosenthal, Abinanti, Brabenec, D'Urso, Niou. An act to amend the Public Health Law, in relation to the employment of persons to function as infection preventionists in certain general hospitals.

ACTING SPEAKER AUBRY: Read the last section.

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

ACTING SPEAKER AUBRY: The Clerk will record the vote.

(The Clerk recorded the vote.)

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

Page 53, Calendar No. 355. The Clerk will read.

THE CLERK: Assembly No. A04398-A, Calendar No. 355, Abinanti, D'Urso, L. Rosenthal, Ortiz, Griffin, Gottfried, Thiele, Steck, Fahy, Weprin. An act to amend the Environmental Conservation Law, in relation to requiring supermarkets to make excess food available to qualifying entities.

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

Ladies and gentlemen, we are on debate. Please, conversations, take them to the rear.

Proceed, Mr. Abinanti.

MR. ABINANTI: Thank you, Mr. Speaker. This bill amends the Environmental Conservation Law to add a provision designed to increase food donations by large supermarkets and -- and similar types of entities. We have an estimated 50 million Americans, some 2.8 million New Yorkers, who face hunger and food insecurity. This is an attempt to encourage food donations and get more food out to those people who -- who need it.

ACTING SPEAKER LIFTON: Mr. Salka.

MR. SALKA: Will the sponsor yield?

MR. ABINANTI: Yes, Mr. [sic] Speaker.

ACTING SPEAKER LIFTON: The sponsor yields.

MR. SALKA: Thank you. Don't get me wrong, this

looks like a great bill. As a matter of fact, I remember when I was young my mother and I taking the bus to the local armory twice a month to get surplus government food, and that's a lot of times how we got a meal on the -- on the table. So I think this is -- is -- the intent of this bill is very good, and I -- I commend you for it. And I also --

MR. ABINANTI: Hopefully the supermarket food will be better tasting than the government food.

MR. SALKA: Well, the government food wasn't that bad.

MR. ABINANTI: Okay.

(Laughter)

MR. SALKA: The -- the chipped beef actually was quite good, and the cheese. But, you know, I -- I -- I have to admit, I -- I find it -- take issue with the fact that we even have to have food pantries in one of the wealthiest countries in the world, and it's unfortunate. And maybe we can spend a little bit more energy on solving that problem. There's just a couple of things here that I want to clarify. One in particular is, I'm the Ranking Member on the Food, Farm and Nutrition Task Force. We would've loved to have known about this bill and help you work on this. But maybe on next one we'll be able to do some -- some work together.

MR. ABINANTI: Sure.

MR. SALKA: Just -- just I -- I need to know, a good faith arrangement -- arrangement with a qualifying entity, what would that -- what would that involve, anyway, good faith?

MR. ABINANTI: Well, we have to start with the beginning of the bill, which requires supermarkets to respond to a request by a food pantry or a soup kitchen. And the language that you've referred to is an -- is an assistance to the supermarkets to give them some guidance as to what their response has to be. And what it says is, that if a supermarket makes a good faith effort to set up a relationship with one of these food pantries that asks for the food, then they've complied with the law.

MR. SALKA: So this is -- this is really a policy. This will be a -- setting up a policy that guides the -- the supermarkets on how to go about distributing the food.

MR. ABINANTI: Yeah, it's really a first step to involve large food stores in solving the hunger problem. We find that a lot of the large super -- supermarkets and food stores already do this, and we want to encourage the rest to do that. And what we've done in here is we've also relaxed the liability for a supermarket that does it. So it's a real encouragement, because what we're saying is that no liability for food transferred in the absence of gross negligence or intentional misconduct. So a supermarket that does join in doing this gets a little bit more protection. And we put a little bit more of a burden on the food pantry and the -- and the soup kitchen who are already exercising that care because they're collecting food from various places, so they're skilled at looking at what, you know, what's the date on the can, how long will this food last, et cetera.

MR. SALKA: So the --

MR. ABINANTI: We're trying really to encourage supermarkets to do this.

MR. SALKA: So the onus or responsibility of the liabilities will be on the part of the food pantry and not the supermarket, not the vendor.

MR. ABINANTI: Well, except in the case of gross negligence or intentional misconduct.

MR. SALKA: Right. Right. I also notice that there's no penalties. There's no penalties involved.

MR. ABINANTI: Correct. Again, this --

MR. SALKA: Is that another incentive to allow the -- the vendor or the supermarkets to be able to have a -- a kind of a clear conscience just in case something happens, or...

MR. ABINANTI: Well, yes. But if you take a look at the penalties in the Environmental Conservation Law, the penalties there talking about the distribution of items seem to apply to other circumstances and really don't apply in this circumstance. So we wanted -- rather than try to rewrite the penalties, we said let's just try to rely on the good faith of the supermarkets the first time around.

MR. SALKA: Have we ever considered maybe offering the supermarkets some kind of incentive, some kind of a financial incentive? Maybe a tax break or something that would encourage them even more? Do they -- is there something like that now?

MR. ABINANTI: We -- we would have to look into

that, but I would think that when you look at the -- this is just is from my own knowledge as a -- as a lawyer -- when you look at the way the tax code is constructed, business expenses and losses include an awful lot of things. So this would be food that they would otherwise just throw away, just dispose of, and so here we're going to be using it to help people who are -- who are really in need.

MR. SALKA: Thank you. Thank you, Mr. Sponsor.

MR. ABINANTI: Okay.

MR. SALKA: On the bill.

ACTING SPEAKER LIFTON: On the bill.

MR. SALKA: I want to commend the sponsor for this bill because what it does essentially is allows for local businesses to add to their communities, to help those poor, those indigent that might have a hard time putting food on the table. So other than just a couple of the questions I had, I would encourage my colleagues to vote up on this bill. Thank you.

ACTING SPEAKER LIFTON: Mr. Goodell.

MR. GOODELL: Thank you, Madam Speaker.

Would the sponsor yield?

ACTING SPEAKER LIFTON: Would the sponsor yield?

MR. ABINANTI: Yes, Mr. [sic] Speaker.

ACTING SPEAKER LIFTON: The sponsor yields.

MR. GOODELL: Thank you, Mr. Abinanti. And I appreciated your comments and responses to Mr. Salka.

MR. ABINANTI: Mm-hmm.

MR. GOODELL: I thought he had great questions and I thought you had great answers.

MR. ABINANTI: Thank you.

MR. GOODELL: I had a -- a constitutional question. I know that -- that might be shocking. So, clearly, government has the power to require supermarkets to give any surplus food over to the government itself, correct? I mean, we certainly could do that as long as we were willing to pay for it.

MR. ABINANTI: Okay.

MR. GOODELL: You would agree we'd have to pay for it, though, if we did that.

MR. ABINANTI: Correct.

MR. GOODELL: And -- and so if we pass a bill that requires a supermarket to give their food not to government but to someone that government selects, don't we still have to pay for it?

MR. ABINANTI: This is materials that would probably be deemed to be zero value because this -- we're saving the supermarket the cost of disposing of the product.

MR. GOODELL: And I --

MR. ABINANTI: -- and throwing it away, and in exchange we're lessening the liability for them to facilitate their -- their transferring it to a -- a place that could use it.

MR. GOODELL: So if it had a fair market value, net of disposal costs, then you would agree that we have a due process

issue because we're basically passing a law directing a supermarket that owns a product to instead of selling the product to the government for distribution but require the supermarket to give it to a third-party that we designate. If it has a fair market value there's a constitutional issue, isn't there?

MR. ABINANTI: It's, frankly, not an issue that I've looked at. But if you take a look at the bill itself, we do say in here that no supermarket shall be required to provide a particular quantity. So I think that avoids the issue that you're raising, although it is an interesting issue that I suppose we could look at.

MR. GOODELL: Thank you, Mr. Abinanti.

And, Madam Speaker, on the bill.

ACTING SPEAKER LIFTON: On the bill.

MR. GOODELL: I -- I am very lucky that many of the supermarkets in my area voluntarily contribute to the food pantry and I commend them for that. But I'm always sensitive about the situation that occurs when we, as government, require someone who owns property to donate that property for free to some third-party that we want them to donate it to. Because our Constitution is very clear that if government takes your property, you are entitled to be paid the fair market value. We certainly could accomplish this objective by giving funding in the State budget for food pantries to buy surplus food at fair market value. That would be constitutional. It wouldn't involve taking property. It would accomplish our objectives. As my colleague Mr. Abinanti correctly noted, this bill is almost -- well, it

doesn't have any enforcement mechanism, it doesn't have any minimum quantities, it doesn't have any minimum schedule that has to be complied with. But I am concerned about setting the precedent of taking other people's property and distributing it to third-parties without payment. That's right on the edge of what's unconstitutional taking.

Thank you, Madam Speaker, and again, thank you, Mr. Abinanti for your comments and -- and the questions from Mr. Salka.

ACTING SPEAKER LIFTON: Read the -- read the last section.

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

ACTING SPEAKER LIFTON: The Clerk will record the vote.

(The Clerk recorded the vote.)

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

Mrs. Peoples-Stokes.

MRS. PEOPLES-STOKES: Thank you, Madam Speaker. If we can continue our work with Calendar No. 67. It's on page 15, it's by Mr. Crespo. Immediately following that we'll be going to Calendar No. 174. It's on page 31 by Ms. Jean-Pierre. In that order, Mr. Speaker -- Madam Speaker.

ACTING SPEAKER AUBRY: The Clerk will read.

THE CLERK: Assembly No. A01326, Calendar No. 67, Crespo, De La Rosa, Cruz, Rivera, Arroyo, Sayegh, Griffin, Reyes, Ortiz, Fernandez. An act to amend the Workers' Compensation Law, in relation to covered employment as a domestic worker for temporary disability benefits.

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

MR. CRESPO: Thank you, Mr. Speaker. In 2010, we passed a Domestic Worker -- Domestic Workers Bill of Rights which granted new rights and protections to domestic workers including overtime pay, a day of rest in each and every calendar week, protections against harassment under the New York State Human Rights Law, and expanded eligibility for temporary disability benefits. However, due to a technical deficiency in the legislation, employers of domestic workers are not legally required to provide the disability benefits insurance that we intended for such workers. This bill would clarify the original intent of the Domestic Worker Bill of Rights by providing that personal and domestic employees working in a private home who work at least 20 hours per week for such employer and meet the duration of employment standard are eligible for temporary disability benefits under the Labor Law.

ACTING SPEAKER AUBRY: Mr. Goodell.

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

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

MR. CRESPO: Absolutely.

ACTING SPEAKER AUBRY: Mr. Crespo yields.

MR. GOODELL: Thank you, Mr. Crespo. You mentioned that the threshold would now be 20 hours a week and the time period would be 30 days. And if you had somebody who is working that would be, like, four hours a day for a month, they would then be eligible for ten weeks of Paid Family Leave?

MR. CRESPO: So just to give you the summary. An -- an employer of one or more personal or domestic employees in a private home working a minimum of 20 hours per week for such employer on each of 30 days in any calendar year would become a covered employer for the purposes of temporary disability insurance as of four weeks after the 30th day of such employment.

MR. GOODELL: And so I just want to make sure I

--

MR. CRESPO: I had to read it for a reason, Andy.

MR. GOODELL: Does that then, therefore, mean that if somebody works four hours a week for 30 days, they would then be eligible for up to 12 weeks of Paid Family Leave?

MR. CRESPO: You have to work a minimum of 20 hours per week.

MR. GOODELL: Right. That's four hours a day, five days a week for 30 days. They would then be eligible after the

end of the month for 12 weeks of family leave? Paid Family Leave?

MR. CRESPO: No. This is for temporary disability benefits.

MR. GOODELL: But temporary disability benefits would also include Paid Family Leave benefits, right?

MR. CRESPO: I'm under the understanding it may be in a separate section.

MR. GOODELL: Well, I -- I mean, part of the disability benefits law that we enacted a few years ago included Paid Family Leave. That's part of the disability benefits law, right?

MR. CRESPO: Yes, but I guess our understanding is that we are -- the -- the 2010 Domestic Worker Bill of Rights spoke to access or eligibility for the temporary disability benefits. So we're focused on that program. I am not clear that it would impact the Paid Family Leave program.

MR. GOODELL: So are you suggesting that only some of the temporary disability benefits and not all of them would be available under this bill? Because it was my understanding that this would provide all the temporary disability benefits for someone who worked that time period.

MR. CRESPO: Very honest, Andy, I would have to go back and take a second look. I mean, if -- if the eligibility timeframe would be the same, then I would be more than happy to see those employees have access to the Paid Family Leave as well. But I -- and the -- the limitations for eligibility would be the same, so...

MR. GOODELL: This also applies whether or not the individual was working as a family member, correct?

MR. CRESPO: No. Actually, we have clear language that if you are a blood relative or through marriage or adoption you are not considered a domestic worker.

MR. GOODELL: Is there anything in this language that excludes them, or are you saying it excludes them in -- in some other language?

MR. CRESPO: There was guidance issued by -- by the Department of Labor for the Domestic Worker Bill of Rights, and in it there's a specific reference to family caregiving and coverage under the law. And the question as to whether a family member is taking care of a loved one would they be covered by domestic workers, and the answer is no. If you're a relative by blood, marriage or adoption of the person to whom you are providing services, you are not considered a domestic worker covered by this law.

MR. GOODELL: And it's your belief that that would apply to the new law, not just the old law?

MR. CRESPO: I'm sorry, could you say that again?

MR. GOODELL: I mean, we're looking at changing the law. Wouldn't this new law change that guidance, also?

MR. CRESPO: It -- it's not a change to the definition, so it would be consistent with the guidance.

MR. GOODELL: Thank you very much, Mr. Crespo.
On the bill.

MR. CRESPO: Thank you.

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

MR. GOODELL: There are a lot of residents in the State of New York that receive personal care. And it's really, really a valuable service, particularly if you're a senior citizen and you need a little bit of help with laundry or cleaning or bathing or food. And it's not at all unusual for one of our senior citizens to be receiving, you know, four hours a day of personal care. And that's quite common. What this bill would say is if you are a senior citizen and you're getting four hours of care from someone who's not employed by an agency, a trusted friend, after just one month, you, the senior citizen, has to buy disability insurance. And as part of that disability program, it's my understanding based from our analysis that you are now offering that personal care aide Paid Family Leave. So this has substantial ramifications both from a financial level, but more importantly from a personal level, where we are going to say to all of our senior citizens who are relying on private personal care services that after a month they'll be violating the law unless they buy disability insurance and included within that up to now ten weeks of Paid Family Leave. There are some areas of our economy that are probably much better left in the private sector without imposing all these restrictions, particularly when we're dealing with that critical personal care component of a senior citizen or an individual who's disabled.

Thank you very much, sir, and again, I appreciate the

comments from my colleague.

ACTING SPEAKER AUBRY: Read the last section.

THE CLERK: This act shall take effect immediately.

ACTING SPEAKER AUBRY: The Clerk will record the vote.

(The Clerk recorded the vote.)

Mr. Epstein to explain his vote.

MR. EPSTEIN: Thank you, Mr. Speaker. I just rise in support of this bill. I know before I got into the Assembly, the -- so many domestic workers across this State were inspired by New York State which took the first step to represent -- to support the domestic workers with the Domestic Workers Bill of Rights. This important bill just supports domestic workers all over State -- the State who need this additional insurance for whatever happens along the way. And I'm proud that Assemblymember Crespo introduced this bill, I'm proud to support this.

I vote in the affirmative.

ACTING SPEAKER AUBRY: Mr. Epstein in the affirmative.

Are there any other votes?

Ms. Walsh to explain her vote. I'm sorry.

MS. WALSH: Thank you, Mr. Speaker. Just in the nick of time. I wanted to just explain my vote because I do think that this -- this bill comes from a really good place, but I think it's important to think about the practical applications of this bill. And I'm

just going to give you one quick example. My mom is 93 years old and she lives in an apartment not far from here. She requires care in the mornings. She has very little vision. She needs help navigating, getting up, getting showered, getting dressed, getting ready for her day. She needs about three or four hours of work a day. That help in the home is keeping her out of an assisted living facility or a nursing home. And it's really important to her that she has this care, and it's really important that she has a consistent person who she knows and trusts to provide that care. She doesn't want to have to pick two or three different people to come during the week so that she doesn't hit this 20 hour per week threshold with one person. So this would be an enormous burden on individuals like my mother who are very -- have really very little income other than Social Security and a small pension from my dad. So, I -- I -- I encourage people -- I mean, I think that, like I said, this is coming from a good place, but we have to think about the real people that this is going to affect. I think it's just too costly.

So, for that reason I'm in the negative. Thank you.

ACTING SPEAKER AUBRY: Ms. Walsh in the negative.

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

Page 31, Calendar No. 174. The Clerk will read.

THE CLERK: Assembly No. A04574, Calendar No.

174, Jean-Pierre, D'Urso, Steck, Gottfried, Thiele, Seawright, Montesano, Walker, Vanel, Ra, Otis, Epstein, Reyes. An act to amend the Public Service Law, in relation to requiring utility companies to include a notice of public hearings concerning rate increases.

ACTING SPEAKER AUBRY: An explanation is requested, Ms. Jean-Pierre.

MS. JEAN-PIERRE: Yes, of course. This bill amends the Public Service Law to require utility companies to include on their utility bill notice of any and all of upcoming public hearings concerning proposed rate increases.

ACTING SPEAKER AUBRY: Mr. Palmesano.

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

ACTING SPEAKER AUBRY: Ms. Jean-Pierre, will you yield?

MS. JEAN-PIERRE: Yes.

ACTING SPEAKER AUBRY: The sponsor yields.

MR. PALMESANO: Thank you, Ms. Jean-Pierre. I have a few questions. I know we discussed this bill last year. Has any change -- thing changed since we debated this bill last year? Is it the same language as before? Has anything changed in this legislation since we passed it last year?

MS. JEAN-PIERRE: No.

MR. PALMESANO: Okay. Right now, aren't all -- don't -- right now, are you -- this bill just affects our utilities, correct?

MS. JEAN-PIERRE: Correct.

MR. PALMESANO: It does -- does it affect LIPA?

MS. JEAN-PIERRE: Well, under Section 2, LIPA is considered the Long Island Power Authority, which is PSEG Long Island. So that would -- that would apply to them, too.

MR. PALMESANO: They would be required to comply with this as well.

MS. JEAN-PIERRE: Correct.

MR. PALMESANO: Right now, don't all utility customers receive a bill insert that advises of a -- a filing of a rate case immediately upon its onset?

MS. JEAN-PIERRE: I'm sorry, I can't hear you.

MR. PALMESANO: Right now, don't all utility customers receive a bill insert that advises them of the filing of a rate case immediately after its onset?

MS. JEAN-PIERRE: That would -- that may be true, but this just basically allows a -- a method of transparency, and it allows for it to be on the bill. And it may be a cost savings to some of the utility companies.

MR. PALMESANO: All right. Along that line, in addition to that insert that's in the bill, that comes in the bill, isn't it also followed up by four consecutive weeks of newspaper publications of the rate case as required under the law? That's right -- that's done right now. So after the insert is included, then there's four weeks of newspaper advertisements and publications to get the word out that

there's a -- a rate case, correct?

MS. JEAN-PIERRE: Right. But that -- that -- that insert also doesn't require that they publish the public hearing rate increase notice. And also, a newspaper -- I mean, this was protecting our seniors, our senior population, my senior population, your senior population, my constituents, your constituents. So this is just a -- a -- a step of transparency and a step to ensure that our consumers know when there's a public hearing for a rate increase.

MR. PALMESANO: The -- the one question that I wanted to get to, too, is because the language says any and all public hearings. And the thing is with the Public Service Commission publishes calendar hearings on a weekly basis. Now, these hearings could be hearings, prehearing conferences, evidentiary hearings, public statement hearings or technical conferences. All that might have nothing to do necessarily with the price increase but could have reference to that. So if that any and all hearings have to be publicized, isn't that creating more burdensome paperwork and regulations and things that aren't needed?

MS. JEAN-PIERRE: And this is -- this is just -- this is -- this is for rate increases, public hearings on the notices. These are large companies. And for me, it's like, who are we protecting? Are we protecting the consumers or are we protecting large companies?

MR. PALMESANO: Well, I guess the question when you talk about consumers, the more you require utilities to print and put paperwork out there in addition to what they're doing already

that cost has to be borne by someone, which is going to be --

MS. JEAN-PIERRE: It's a simple notice. It could be on -- it can be on the front of the bill. It doesn't have to be an additional insert. It could be -- the bill -- the language is not to say there needs to be an additional document, it could be simply on the front of the bill or anywhere on the bill. However the company decides to put it. But as long as we let our consumers know that there's a public hearing.

MR. PALMESANO: And I understand that. And with repeat -- in regard to the rate cases, the dates, times, locations and statement hearings, they're all established by the PSC administrative law judge assigned to the case, not the utility. Correct?

MS. JEAN-PIERRE: Right. Correct.

MR. PALMESANO: So, I guess where I'm getting at, you could have a situation where based on the timing it might miss and the utility might not have the ability to get that out to the customer beforehand, even though they've been notifying them all along, now they're violating what they're required to do. So you could have some people getting a notification and some others simply because the utility doesn't dictate the timing of those hearings. It's all set by the PSC administrative law judge. So that's going to be problematic. Wouldn't that cause some problems as far as getting that notification out there?

MS. JEAN-PIERRE: So this is -- this is better than doing nothing, and this is an opportunity for us to, whether it be the

utility companies or the PSC having more dialogue with utility companies to have those public hearing notices sent out to their consumers. And I don't see this being a (inaudible) problem. This is not saying that a utility company's going to get fined because they didn't get enough notice to get to their consumers in time for their -- their public hearing notice.

MR. PALMESANO: And I know this bill back several years ago was -- I know this bill has been around for a long time -- was vetoed by the previous Governor who cited concerns about additional burdens and costs and -- to the -- to the utility which would be borne by the ratepayers. But you -- it is your position that this is not something that's going to be borne by the ratepayer as far as duplication, additional paperwork if they have to do this notification for all these hearings? And even if it mentions rate increase in the hearings, but if it's pre-trial -- if it's -- if it's before the pre-hearing conferences, evidentiary hearings, the public statements, all these hearings, based on your language it says "any and all," all these would be -- have to be included even if it has any mention of rate increase in there. So all those would have to be on the bill, several hearings beyond just one bill that there's a rate increase, correct? Because it says "any and all."

MS. JEAN-PIERRE: Well, I like that you asked me the questions in different ways, the same question.

(Laughter)

But so this is just a transparency. It doesn't have to

be a -- an insert. It could just -- it's just an opportunity for the utility companies to show that they're transparent with their consumers so consumers can know what -- what's ahead. If there's a rate increase and there's a public hearing, people should know. It should not be on the back of a -- a paper where we're not -- not really people are -- how many people read print now? It's all on -- on your phone. So, I'm sure you don't pick up a newspaper and read, as you probably read all your news on your phone. So this is an opportunity for it, whether it be if you get e -- electronic statements, it's -- it's on the -- it's on the -- it's your bill.

MR. PALMESANO: Okay. Thank you, Ms.

Jean-Pierre --

MS. JEAN-PIERRE: You're welcome.

MR. PALMESANO: -- for your time. I appreciate it.

I have to -- I have to say, too, I enjoyed you moving your hands like that as well, so --

(Laughter)

-- because I happen to do that a lot and my son picks on me all the time.

Mr. Speaker, on the bill.

ACTING SPEAKER AUBRY: On the bill, kindred spirit. Go right ahead.

MR. PALMESANO: I certainly -- I certainly appreciate the intent of the sponsor. I know her heart's in the right place with this legislation. Unfortunately, I just think it's something

that's not necessary or needed. I think right now our utilities provide that information. They put out in bill inserts, it's followed by four weeks of publications and newspapers. Whenever there's a rate increase hearing going on there's a tremendous amount of publication about that so people can see, people can comment on it. I think, too, when you put this requirement on a utility there's going to be costs associated with it. Do not think there won't be. Especially when there's times when a -- the -- these hearings are not even set by the utility. They don't even know. It's set by the PSC -- PSC administrative law judge. So when that happens, the utility might not be able to react quick enough, so some people would get the notice, some people wouldn't. And it's just basically creating an additional burden. I think there will be costs. And I know the -- the sponsor was concerned about the -- the customer, the ratepayer, and so am I, so are we. And I think when you add additional costs to a utility, it's not just the utility, it's the ratepayer is going to pay for that additional cost. This just I think complicates things and it's going to make things more difficult. And there's already a process in place to address this issue. There's no -- it's not needed, and I think it's just going to end up to being higher cost passed onto the ratepayers.

So based on this, based on the duplicity, not necessary -- being necessary, I'm going to be voting in the negative and I would encourage my colleagues to do the same. Thank you, Mr. Speaker.

ACTING SPEAKER AUBRY: Read the last section.

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

ACTING SPEAKER AUBRY: The Clerk will record the vote.

(The Clerk recorded the vote.)

Mr. Lavine to explain his vote.

MR. LAVINE: I certainly want to commend -- commend the sponsor. The plight that people who live near me in Nassau County have faced as a result of New York American Waters' inordinate hikes in -- in -- in rates is despicable and deplorable. And I know that I'm not the only Long Island representative whose constituents have this sense of cynicism and distrust of the entire PSC process. If this costs anything in addition, the amount to produce an extra notice is what is called in law di minimus. Next to nothing. A tiny, tiny fraction of a -- of a -- of a cent for each ratepayer. I think the more we do to make sure that our citizens are fully aware of developments in terms of their utilities requesting increases, the better off we will all be.

I'm going to be voting in favor of this, and I am fairly confident that my Long Island colleagues and other colleagues who live in areas in which there have been inordinate rate increases will find the way to vote in favor of this. I'm voting in the affirmative.

ACTING SPEAKER AUBRY: Mr. Lavine in the affirmative.

Ms. Jean-Pierre to explain her vote.

MS. JEAN-PIERRE: This bill is more about transparency and protecting our vulnerable population. It's about consumer engagement. And I -- I really want to thank all of my colleagues, and I hope that you will be voting in the affirmative to protect all of our constituents in New York State.

Thank you.

ACTING SPEAKER AUBRY: Ms. Jean-Pierre in affirmative.

Mr. Montesano.

MR. MONTESANO: Thank you, Mr. Speaker, to explain my vote. Just to echo the comments of the -- my colleague from Nassau, he's absolutely right. There isn't one month that I don't get a bill from PSE&G or National Grid with an insert in there advertising one of their projects, one of their services. Something that they want to advertise. So I don't see why they can't include in the insert when their next meeting is for -- before the Public Service Commission or a public hearing. In fact, it should even go a step further and have these hearings locally so people don't have to travel to Albany and distant places to attend these hearings. So I don't see where there's any kind of strain on any kind of public utility company to keep people advised of something that's really pertinent to them.

So I'll be voting in the affirmative and thanking the sponsor.

ACTING SPEAKER AUBRY: Mr. Montesano in the affirmative.

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

Mrs. Peoples-Stokes.

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

ACTING SPEAKER AUBRY: Housekeeping.

On a motion by Ms. Wright, page 39, Calendar No. 225, Bill No. A.5976-A, amendments are received and adopted.

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

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

(Whereupon, Assembly Resolution Nos. 783-790 were unanimously adopted.)

Mrs. Peoples-Stokes.

MRS. PEOPLES-STOKES: Mr. Speaker, I now move that the Assembly stand adjourned until 12:30 p.m., Wednesday, February the 26th, tomorrow being a Session day.

ACTING SPEAKER AUBRY: The Assembly stands adjourned.

(Whereupon, at 5:14 p.m., the Assembly stood adjourned until Wednesday, February 26th at 12:30 p.m., that being a Session day.)