

MONDAY, MARCH 21, 2022

2:52 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 Friday, March 18th.

Mrs. Peoples-Stokes.

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

that we dispense with the further reading of the Journal of Friday, March the 18th 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 could have colleagues' and guests' in the Chambers attention for a few moments. I want to share a quote today. This one comes from Harriet Tubman, who was an American political activist that was born into slavery. Tubman escaped and subsequently made 13 missions to rescue approximately 70 enslaved people including family and friends using a network of anti-slavery activists and safehouses known as the Underground Railroad. Her words for us today, Mr. Speaker, *Every great dream begins with a dreamer. Always remember, you have within you the strength, the patience and the passion to reach for the stars to change the world.* Mr. Speaker, we are in some ways change-makers. I hope we all understand that and you can make the changes that impact people's lives in the meaningful ways.

Colleagues have on your desk a main Calendar. It has two new bills in it and there's also a debate list. So, Mr. Speaker, after there's any housekeeping we will take up resolutions on page 3, some of our colleagues may desire to speak on those resolutions, then we will take up the new bills on consent beginning with Calendar No. 493 on page 4. Again, on consent, Mr. Speaker. Then we're going to

go right to the debate list, and on debate today we'll have Mr. Dinowitz. He's going to take up Calendar No. 74. Mr. Santabarbara is going to take up Calendar No. 75. Mr. Sayegh is going to take up Calendar No. 123. Mr. Dinowitz is going to take up Calendar No. 360. And Mr. Epstein is going to take up Calendar No. 364. There may be a need to announce further floor activity, Mr. Speaker, but for right now for sure there will be a need for a Majority conference immediately following our work on the floor today. And as always, I will consult with our colleagues on the other side of the aisle to determine what their needs may be.

That is a general outline, Mr. Speaker. If you have housekeeping, now would be a great time.

ACTING SPEAKER AUBRY: Certainly. We do have housekeeping.

On a motion by Mr. Sayegh, page 47, Calendar No. 480, Bill No. 8934-A, amendments are received and adopted.

And we also have an introduction by Mr. Stern.

Mr. Stern for the purposes of an introduction.

MR. STERN: Thank you, Mr. Speaker. We welcome so many from across the State of New York, many who have experienced challenges, many who have overcome them and have a compelling story to tell. So many of our neighbors that have achieved great success and others who are models for all of us to follow. Today, Mr. Speaker, we welcome someone who is literally all of the above. I'm so proud to be celebrating World Down Syndrome Day in

New York State alongside my colleague from Long Island, Assemblyman Jarett Gandolfo, to welcome my neighbor from Huntington, John and Mark Cronin. John is the Chief Happiness Officer of John's Crazy Socks, a very successful business that also advocates for those with different abilities and provides opportunity for so many of our loved ones to achieve their highest potential. I would like to thank John, as I know my colleagues do as well, and his outstanding team for the work they do each and every day to spread happiness. And I was honored earlier today to join them in delivering the special Unity socks to all of our colleagues today in the New York State Assembly.

Mr. Speaker, on this World Down Syndrome Day, John Cronin is an inspiration and truly a treasure for our entire community. Thank you.

ACTING SPEAKER AUBRY: Certainly. On behalf of Mr. Stern, Mr. Gandolfo, the Speaker and all the members, John and Mark, we welcome you here to the New York State Assembly. We extend to you the privileges of the floor. Our gratitude for the work that you do to help others and to make their lives as meaningful as I'm sure your life is, and we continue to admire that work. Know that you will always be welcome here. Please, thank you so very much for sharing with us.

(Applause)

Page 3, Assembly print 646, the Clerk will read.

THE CLERK: Assembly Resolution No. A00646,

Ms. Reyes.

Legislative Resolution memorializing Governor Kathy Hochul to declare March 11, 2022 to April 12, 2022 as Garifuna-American Heritage Month in the State of New York.

ACTING SPEAKER AUBRY: Ms. Reyes on the resolution.

MS. REYES: Thank you so much, Mr. Speaker. I'm honored to introduce this resolution commemorating Garifuna-American Heritage Month in the State of New York. The Garifuna people are the Afro-Caribbean descendants of Arawak and Carib Indians and the West African people who were brought to the Caribbean during the slave trade to St. Vincent. They were exiled by the British troops in St. Vincent at the end of the 17th Century and shipped to Honduras. The Garifuna people set roots in coastal villages in Belize, Guatemala, Honduras and Nicaragua. The Garifuna people are unique in that they are -- in that they have preserved the language, religion and traditions of their African ancestors. That, as declared by the United Nations Educational, Scientific and Cultural Organization, UNESCO, as a masterpiece of the oral and intangible heritage of humanity. Currently New York City is home to roughly 200,000 Garifuna and over 100,000 call the Bronx their home. The countries of Honduras and Nicaragua are still reeling from the two Category 4 hurricanes that made landfall in late 2019 in a span of two weeks. The Garifuna people are currently living a humanitarian crisis underpinned by a long history of racism,

constant displacement and the worldwide public health crisis. In light of this we take this opportunity to celebrate the contributions and resilient spirit of the Garifuna people and support their efforts for renewed TPS. In the City of New York, Garifuna groups have founded several community-based organizations that address the unique social and cultural needs of the Garifuna people and graciously extend their reach to the broader immigrant community. The social impact of their work, as well as the deep and rich cultural history of the Garifuna people, is an integral part of the fabric of the Bronx.

I am honored to introduce this resolution declaring March 11 through April 12th as Garifuna-American Heritage Month in our State not only to highlight the contributions of the Garifuna people, but to extend a meaningful commitment to the Garifuna community and our shared interests. Thank you, Mr. Speaker.

ACTING SPEAKER AUBRY: Thank you.

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

THE CLERK: Assembly Resolution No. 661, Mr. Santabarbara.

Legislative Resolution memorializing Governor Kathy Hochul to proclaim March 13, 2022 as K9 Veterans Day 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. 662, Mrs. Peoples-Stokes.

Legislative Resolution memorializing Governor Kathy Hochul to proclaim March 20, 2022 as Behavior Analysis Day in the State of New York, in conjunction with the observance of World Behavior Analysis Day.

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

MRS. PEOPLES-STOKES: Thank you, Mr. Speaker, for the opportunity to bring comments on this resolution that is majorly important in the lives of people across the State of New York. The profession of behavior analyst was first developed in 1930 and addresses the question of how human behavior works and how it could be changed to work better in people's lives. Applied behavior analysts have demonstrated experience for building useful skills and reducing behaviors that impede healthy, successful functioning in many clinical and non-clinical populations ranging -- ranging from developmental delays, Autism Spectrum Disorders, psychiatric disorders, substance abuse disorders, sensory processing disorders, anorexia, Alzheimer's, ADHD, Down Syndrome and reactive attachment disorders as well as brain injuries and more. This profession, Mr. Speaker, has finally been recognized for the profession that it is as a result of legislation that was passed in '21. We are grateful to have had that opportunity to do that, and it is my pleasure to stand in recognizing and honoring the behavior analysts in the great

State of New York.

Thank you, Mr. Speaker.

ACTING SPEAKER AUBRY: Thank you.

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

THE CLERK: Assembly Resolution No. 663, Ms. Walsh.

Legislative Resolution memorializing Governor Kathy Hochul to proclaim March 21, 2022 as Down Syndrome Awareness Day in the State of New York, in conjunction with the observance of World Down Syndrome Day.

ACTING SPEAKER AUBRY: Ms. Walsh on the resolution.

MS. WALSH: Thank you, Mr. Speaker. Today we will be passing a resolution memorializing Governor Hochul to proclaim March 21, 2022 as Down Syndrome Awareness Day in the State of New York, in conjunction with the observance of World Down Syndrome Awareness Day. World Down Syndrome Awareness Day is a global awareness day which has been officially observed by the United Nations since 2012, so today would be the 10th anniversary of that. The date for World Down Syndrome Day being the 21st day of the third month was selected to signify the uniqueness of the triplication -- Trisomy -- of the 21st chromosome, which causes Down Syndrome. Down Syndrome Trisomy is a naturally-occurring chromosomal arrangement that has always been a part of the human

condition, being universally present across racial, gender or socio-economic lines in approximately one in 800 live births, although there is considerable variation worldwide. Down Syndrome usually causes varying degrees of intellectual or physical disability and associated medical issues. Over time, Down Syndrome awareness has been promoted through the Lots of Socks Campaign due to chromosomes being shaped like socks, and people with Down Syndrome have an extra chromosome. Many of you are wearing or have received a pair of John's Crazy Socks from John Cronin, who was just introduced a few moments ago, his father Mark and by -- on behalf of our colleagues Assemblymen Gandolfo and Stern.

So today on World Down Syndrome Day I want to put forward this question: What does inclusion mean to you and to the communities that you represent? What is a good life? Is it a job, home, the love of family, friends? For John Cronin and his father, it's about spreading happiness. And certainly from meeting John a little bit earlier today, John is one of the happiest people that I've met who is absolutely determined that although he has Down Syndrome, it does not define him or define what his potential is or get in the way of his life one bit.

Thank you for the opportunity to recognize the importance of raising awareness of this common genetic condition that affects the lives of many residents throughout New York State, and I hope that this Body will continue to work on many initiatives to try to support inclusion of individuals with differing abilities in the

workplace and in our daily lives in this State.

Thank you, Mr. Speaker.

ACTING SPEAKER AUBRY: Thank you.

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

THE CLERK: Assembly Resolution No. 664, Ms. Lupardo.

Legislative Resolution memorializing Governor Kathy Hochul to proclaim March 21-25, 2022 as Agriculture Week in the State of New York.

ACTING SPEAKER AUBRY: Ms. Lupardo on the resolution.

MS. LUPARDO: Thank you very much, Mr. Speaker. As was just mentioned, we are recognizing March 21st through the 25th as Agriculture Week in New York State in conjunction with the observance of National -- National Agriculture Week. I'd like to read one sentence from the resolution which I think covers the broader intent of this -- of this recognition. We are celebrating the abundance provided by agriculture. Every year producers, agricultural associations, corporations, universities, government agencies and countless others across America join together to recognize the contributions of agriculture. As a quick reminder, in New York State we are looking at a \$5 billion industry, over 33,000 farms employing over 50,000 people. We are the number one producer of dairy products such as cottage cheese, sour cream,

yogurt. Number two for apples, maple syrup, pumpkins and cabbage. We have an obligation, my colleagues, to honor and respect the contributions of New York agriculture during this week and during every week of the year. They are vital to New York's economy, every region of the State, and they are vital to our way of life.

During this week and throughout the year, please thank a farmer for their service. Thank you.

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

Mr. Reilly for an introduction.

MR. REILLY: Thank you, Mr. Speaker. Thank you to my colleagues for allowing me to interrupt our proceedings to welcome some members to the Assembly, some family members. Our distinguished colleague Assemblyman Mike Cusick, the Dean of our Staten Island Delegation, the real bosses of the family are here, led by his wife Yasmin, and most of all the real boss, Violet, who we are training to take over. We showed her which buttons to press. But we want to thank them for joining us here today, thank them for allowing us to share some time with her dad, Yasmin's husband, and for loaning him to us. We thank you for coming, and you'll always be a part of our family.

Thank you.

ACTING SPEAKER AUBRY: Certainly. On behalf of Mr. Reilly, the Speaker and all the members, Miss Cusick and Mrs.

Cusick, we welcome you here to the New York State Assembly Chamber. We extend to you as family the privileges of the floor. We're always great and happy to see you both. And I now will have two pictures of you at the rostrum since you took a picture again today. Thank you so very much, and we hope you enjoy your time here and be well. Thank you.

(Applause)

Page 4, Calendar No. 393 [sic], the Clerk will read.

THE CLERK: Assembly No. A08932, Calendar No. 493, Stirpe, Jones, Seawright, Hevesi, Thiele, Dickens, Abbate, Galef, McDonald, Sayegh, Cahill, Braunstein, L. Rosenthal, Smullen, McDonough, Lawler, Brabenec, Montesano, J.A. Giglio, Tague, J.M. Giglio, Sillitti, Simon, Gunther, Davila, Fahy. An act authorizing the Empire State Development Corporation to develop a public awareness campaign promoting businesses located in New York State.

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 8932. 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. Palmesano to explain his vote.

MR. PALMESANO: Yes. Mr. Speaker and my colleagues, I'm going to be voting no on this bill that think that we

need to have taxpayer dollars going out to promote businesses in New York State saying we're open for business. I remember the Open for Business campaign. New York is not open for business. Businesses know it. Taxpayers know it. So we're going to spend taxpayer dollars to say businesses are open? A better thought would be let's -- let's try to cut taxes, let's cut regulations. Let's address some of these mandates that are coming down the line -- down the lines that are going to impact the businesses, like the Green New Deal for New York, the CLCPA, which is going to dramatically increase energy costs for businesses across the State, which is dramatically going to bankrupt families because you're going to require them to convert their homes over to electric, business to convert their homes over to electric. So why don't you run a campaign and let the public now what you're about to shove down the throat with the CLCPA that's going to be disastrous for taxpayers and disastrous for utility payers, disastrous for farmers, disastrous for manufacturers, disastrous for all businesses.

So for that reason I'm going to vote no. We don't need to spend more taxpayer dollars on an Open for Business campaign when we know we're not open for business in New York State.

ACTING SPEAKER AUBRY: Mr. Palmesano in the negative.

Mr. Lawler.

MR. LAWLER: Thank you, Mr. Speaker. I

remember back in 2014 the wonderful Start-Up New York campaign in which we wasted millions upon millions of dollars on television advertising explaining that businesses were going to come to New York and they were going to receive tax breaks for ten years. And not many businesses came and not many jobs were created and a lot of money was wasted. This seems like more of the same. And so while we keep doing the ad campaigns, trying to bamboozle the voters and the residents of New York into thinking that our State is open for business with the high cost of doing business, the high taxes, the burdensome regulations, Florida, North Carolina, Tennessee, Texas and a whole host of other states keep eating our lunch because we have some of the most backwards economic policies in this State. We spend more money trying to attract business than actually generating business. And we should be cutting taxes, cutting regulations, and yet next week we'll be voting on a budget that I'm sure will be higher than it's ever been before, cementing our place as the least economically-free and competitive state in America.

So I vote no on this legislation and certainly encourage all of my colleagues to vote no on another waste of taxpayer money.

ACTING SPEAKER AUBRY: Mr. Lawler in the negative.

Mr. Goodell to explain his vote.

MR. GOODELL: Thank you, Mr. Speaker. I'm voting no on this bill. In addition to the reasons mentioned by my

colleague, I think there's an old saying that says, *Actions speak louder than words*. And if we're serious about helping our local businesses, and I hope we are, then we should show that through our action.

During COVID, as you know, our Governor shut down many businesses all across the State. Literally hundreds and hundreds of businesses were shut down. And they incurred massive unemployment expenses not because they were laying off people on their own will, but because the State (inaudible) itself was ordering them to be closed. We now have a \$9 billion shortfall in our unemployment accounts, created by State government. So let's put our -- our goodwill towards businesses into play and add money from the Federal stimulus funds to offset that huge deficit so we can provide real relief to our businesses, helping them then to compete more successfully with businesses that are outside New York State and enable them to keep their costs lower for our own residents. And if anyone doesn't think that our local businesses aren't competing with everyone else across the nation, you haven't met something called Amazon or the Internet. And so we need to recognize that if we want to help local business succeed, we need to step up to the plate. And putting nothing in the budget to pay down that \$9 billion deficit is not the right approach to go.

So I support helping local businesses. Let's put the money where it can best be used. For that reason I'll be voting against this. Thank you.

ACTING SPEAKER AUBRY: Mr. Goodell in the

negative.

Mr. Ra.

MR. RA: Thank you, Mr. Speaker. Just to briefly explain my vote. You know, I voted against this in the past, but I'm actually torn because I read the veto message from the former Governor who talked about ESD has found the most success promoting New York businesses through an industry-specific tailored approach such -- such as in its Start-Up New York, which I find puzzling because we know that that program has been a complete boondoggle for -- for many, many years. And it makes me torn because I know the judgment of our former Governor when it comes to economic development was spend money, send it to your cronies and hope that the money trail doesn't lead back to you. But it makes me wonder, should I vote for a bill because he disagreed with it and, you know, if he thought it was bad for economic development it makes me think maybe it could be good for economic development. But I -- but I do kind of end up back on the side with many of my colleagues that, you know, these types of programs -- we -- we proposed legislation that would take something like this. We need to work with our local business organizations. We need to promote our local businesses. The approach at the State level really just has not worked over time, and for that reason I'm going to be voting no.

Thank you.

ACTING SPEAKER AUBRY: Mr. Ra in the negative.

Mr. McDonough.

MR. MCDONOUGH: Thank you, Mr. Speaker. I am originally sponsored -- cosponsored this bill, but based on the comments that you've already heard and looking at the previous veto message that the previous Governor did and the failure of the, you know, business programs that we've had in the past, I'm going to change my vote to no for the reasons that have already been stated by some of my colleagues.

Thank you, Mr. Speaker.

ACTING SPEAKER AUBRY: Mr. McDonough in the negative.

Mr. Stirpe to explain his vote.

MR. STIRPE: Thank you, Mr. Speaker. It's funny that so many people get up and speak against this that were cosponsors. I mean, the idea behind this bill was creating a database that New York State businesses could use to find other New York State businesses that produce stuff that they use. The, you know, veto message said that they were already doing this, but when I was shown what the database did it proved that that was not true. So if you want to criticize the previous administration for all the bad things they did, you probably should vote for this bill because they didn't want the bill either. So this will definitely help New York State businesses shop within their own neighbors, and I'm happy to sponsor the bill and I was happy that so many people cosponsored it.

So thank you, Mr. Speaker.

ACTING SPEAKER AUBRY: Mr. Stirpe in the affirmative.

Mr. Goodell.

MR. GOODELL: Thank you, sir. Please record the following colleagues in opposition to this legislation: Mr. DiPietro, cosponsor Mr. McDonough --

(Laughter)

-- and Mr. Walczyk. Thank you, sir.

ACTING SPEAKER AUBRY: Some already identified themselves, but we will note the others. Thank you.

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

THE CLERK: Assembly No. A09406, Calendar No. 494, Paulin, Fahy. An act to amend the Transportation Law, in relation to information concerning services for human trafficking victims in commercial service airports.

ACTING SPEAKER AUBRY: Read the last section.

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

ACTING SPEAKER AUBRY: The Clerk will record the vote on Assembly print 9406. This is a fast roll call. Any member who wishes to be recorded in the negative is reminded to contact the Majority or Minority Leader at the numbers previously provided.

(The Clerk recorded the vote.)

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

Mrs. Peoples-Stokes for the purpose of an introduction.

MRS. PEOPLES-STOKES: Thank you, Mr. Speaker, for the opportunity to interrupt our proceedings for the purposes of introducing someone who is not unfamiliar with our Chambers. She is the -- a former Assemblymember from 1994 to '99. She went on to be a New York City Council member and she is now the Queens DA. Please welcome Melinda Katz.

(Applause)

ACTING SPEAKER AUBRY: On behalf of the Speaker, the Majority Leader, the entire Queens Delegation, Melinda, we welcome you back. Once a member, always a member. I noticed that you're just as impatient now as you were in '94. So, it's happy to have you here today. I hope your trip to Albany will be beneficial. Know that you're always welcome here. Thank you so much.

(Applause)

Calendar No. 31 -- page 13, Calendar No. 74, the Clerk will read. On debate.

THE CLERK: Assembly No. A01450, Calendar No. 74, Dinowitz, Galef, Williams, Colton, Dickens, Gottfried, Seawright, Zebrowski, Reyes, Abinanti. An act to amend the General Business Law, in relation to requiring notice of mandatory arbitration clauses in

certain consumer contracts.

ACTING SPEAKER AUBRY: An explanation is requested, Mr. Dinowitz, who I believe is on Zoom.

MR. DINOWITZ: You are correct. The purpose of this bill is to require companies responsible for administering a contract for consumer goods, services or employment to disclose the existence of any mandatory arbitration clause contained within the contract, and to clearly explain what a mandatory arbitration clause is.

ACTING SPEAKER AUBRY: Mr. Goodell.

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

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

MR. DINOWITZ: Yes, I will.

MR. GOODELL: Thank you, Mr. Dinowitz. And thank you for that explanation. So if I understand it correctly, if this bill passes and signed into law, it would require the individual that's proposing the mandatory arbitration clause to disclose it to the consumer, clearly explained in plain language what it means. And if the consumer is signing that electronically to provide a link that provides a plain English explanation. That's pretty much what you just described, isn't it?

MR. DINOWITZ: Yes.

MR. GOODELL: And if say an employer or a seller of goods and services follows the statutory language that you proposed

and explains in plain English what the mandatory arbitration clause means and the consumer then signs the mandatory arbitration clause, would that mandatory arbitration clause then be valid?

MR. DINOWITZ: It would seem so. If -- it would not be otherwise invalid. In other words, if it's otherwise valid then it's otherwise valid. But in order to take effect it would have to be explained in plain language and this -- and disclosed and explained, yes.

MR. GOODELL: Well, I'm -- I'm not entirely sure I understand your answer. If they follow everything that you call for in this law, would that mandatory arbitration clause be valid?

MR. DINOWITZ: Well, let me try to rephrase what I said in plainer English. If the arbitration clause is otherwise valid and they follow this, then the answer would be yes.

MR. GOODELL: And other than other provisions that a -- an employer or a seller of goods would have to comply with for the arbitration clause to be valid in addition to what you're proposing here.

MR. DINOWITZ: There -- there may be other reasons why it might not be valid. But the only thing this bill addresses is the issue of disclosure and explanation.

MR. GOODELL: And this issue of disclosure and explanation, that is intended to apply specifically to consumer contracts and employment contracts, correct?

MR. DINOWITZ: It applies to contracts regarding

employment, consumer goods and services.

MR. GOODELL: And would that apply, then, to both the seller of goods and services as well as the purchaser, then?

MR. DINOWITZ: It applies to -- it requires companies responsible for administering a contract for consumer goods, services and employment to disclose. The person at the other end of the contract is normally not the person requiring a mandatory arbitration clause.

MR. GOODELL: Now, as you know, a lot of employment agreements have mandatory arbitration clauses in it. Collective bargaining agreements often have mandatory arbitration. Would the personnel department, if you will, of an employer that has a collective bargaining agreement with mandatory arbitration be required to explain it to every new employee that they automatically are covered by mandatory arbitration, or would this only apply to those contracts where the consumer actually signs the contract itself?

MR. DINOWITZ: I -- I don't think this is relevant in -- in the case of collective bargaining agreements.

MR. GOODELL: Well, in the past it wasn't --

MR. DINOWITZ: It has to do with contracts.

MR. GOODELL: -- because -- well, in the past it wasn't because the mandatory arbitration language you're talking about only applied to consumer goods. But this bill adds "or employment." So it would apply not only to consumer goods but employment. So my question, then, in the employment context is

there a carveout in this language for collective bargaining agreements that contain a mandatory arbitration clause?

MR. DINOWITZ: This bill does not make any reference to collective bargaining agreements.

MR. GOODELL: So neither an exception nor an inclusion, it's just silent; is that correct?

MR. DINOWITZ: I -- the bill is pretty short. I don't see anything in here about collective bargaining agreements, so the answer would be it does not make reference to that.

MR. GOODELL: Thank you, Mr. Dinowitz. I always appreciate your comments.

On the bill, sir.

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

MR. GOODELL: You know, as legislators we -- we vote on actual bill language. We don't vote on concepts, we vote on bill language. And this bill has two things that are somewhat curious: First, it defines consumer good -- consumer goods to mean employment. So, provisions dealing with mandatory arbitration under the terms of this amendment would automatically apply to every employment situation which would include collective bargaining agreements. And that's a problem, of course, because this says the act will take effect in 180 days. And so once again we're being asked to pass legislation that would impair the validity of an existing contract or impose a new obligation on personnel departments to explain that

even though the individual may not be signing a contract because it's covered by collective bargaining, that there's a mandatory arbitration clause. But the more interesting issue from my perspective as an attorney is that the existing law has an absolute prohibition on mandatory arbitration clauses and consumer -- consumer transactions. There's an absolute prohibition in existing law. So then we say even though there's an absolute prohibition in existing law, when it comes to consumer contracts you're supposed to explain what it means? Now, for the lawyers here, we all know that courts when faced with what appears to be an absolute contradiction on one hand barring all mandatory contracts and on the other hand saying, *And by the way, when you have a mandatory contract you've got to explain it in plain English*, they would read the later legislation as amending the earlier legislation. So the irony is I think this language removes the absolute prohibition and replaces it with a disclosure requirement. This -- I don't think there's any other way to read this. Because if it's absolutely prohibited you most assuredly don't need to explain it. The only time you need to explain it in plain English is if it's allowed. And that's exactly what this language would do.

Now, for those of you who hate arbitration clauses, you should probably vote against this because I think it replaces the absolute prohibition with an explanation. For those of you who love or support arbitration clauses, I would recommend you vote for this because it allows an arbitration clause to be in the consumer context as long as it's explained in plain English. For those of us who actually

practice law, we understand that the court system is extraordinarily slow and expensive. Your filing fees just to walk through the front door in Supreme Court is over \$300. Just your filing fees. So then you might ask, if you have a consumer complaint would you rather have arbitration which is fast and efficient, or if you're a consumer would you rather be forced to go into the Small Claims Court -- which in my county is now backed up by months -- or maybe in Supreme Court where it's going to cost you a small fortune in legal fees and filing fees? And so most companies that use mandatory arbitration clauses correctly point out that for the vast majority of consumers, arbitration is less expensive and much faster than going to court.

So there's the dilemma. If you like arbitration then I think you should vote for this because it expands it. And if you don't like arbitration you should probably vote against this bill because it appears to carve out an exception for the absolute prohibitions and allow arbitration in those cases where the arbitration clause is explained in plain English. Thank you, sir.

ACTING SPEAKER AUBRY: Thank you, sir.

Read the last section.

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

ACTING SPEAKER AUBRY: The Clerk will record the vote on Assembly print 1450. This is a Party vote. Any member who wishes to be recorded in the negative is reminded -- or wishes to be recorded as an exception to their Conference position is reminded

to contact the Majority or Minority Leader at the numbers previously provided.

Mr. Goodell.

MR. GOODELL: Thank you, sir. I think the Republican Conference is generally opposed to this legislation. I'm about to find out. Those who support it should certainly call the Minority Leader's Office. And as I mentioned, in a moment -- as I will mention in a moment, I will be supporting it. But it is -- just so there's no confusion -- we will start with a no vote and those who support it can vote yes on the floor or call the Minority Leader's Office.

Thank you, sir.

ACTING SPEAKER AUBRY: Thank you, Mr. Goodell.

Mrs. Peoples-Stokes.

MRS. PEOPLES-STOKES: Thank you, Mr. Speaker. I would like to remind my colleagues that this is a Party vote in favor of this piece of legislation. However, there may be some colleagues who would choose to be an exception. Feel free to contact the Majority Leader's Office and your vote will properly be recorded.

Thank you, Mr. Speaker.

ACTING SPEAKER AUBRY: Thank you ma'am.

(The Clerk recorded the vote.)

Mr. Goodell to explain his vote.

MR. GOODELL: Thank you, sir. I -- I suspect my

prior comments may have just confused many members more than illuminated them. But let me make it clear. I think that arbitration clauses are often a great benefit to the consumer. As a practicing attorney I can assure you that taking a case to court is extraordinarily time-consuming and expensive. And arbitration is a fast and efficient alternative. And as I read this bill, as I mentioned, it takes what is currently an absolute prohibition and opens it up to allow these arbitration clauses as long as they're properly explained. I like the concept of allowing arbitration provisions to be available if they're properly explained, and that's why I will be voting for this. For those who are wondering why, then, would I suggest the Republican Conference is against it, and that's because the last time this bill came up there were a lot of Republican votes against it.

Thank you, sir. I will be in favor of allowing more arbitration clauses to be valid in an effort to save money for consumers. Thank you, sir.

ACTING SPEAKER AUBRY: Thank you for clearing that up.

(Laughter)

Ms. Walsh.

MS. WALSH: Thank you, Mr. Speaker, to explain my vote. I will continue to be voting no on this piece of legislation because I think that this whole entire area of the law regarding arbitration has become so muddled by bills sequentially brought that make little changes. But holistically, I think we have to look at this

area of the law and figure it out. So I don't think that this one bill is going to make or break this area of the law, but I think that overall, as we do these little bills one after another after another, I think it just -- it just confuses us to the point where even my colleague to my right can't explain it in a way that is maybe satisfying to all of us.

I'm going to vote no. I do believe in arbitration. I think it is a -- it is a positive thing to direct individuals to arbitration in appropriate circumstances. But I -- I can't continue to -- I can't support a bill that I think make things more confusing. We do enough of that already in Albany. 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 13, Calendar No. 75, the Clerk will read.

THE CLERK: Assembly No. A01451-A, Calendar No. 75, Santabarbara, Steck, J. Rivera, Bronson, Galef, Dickens, Cahill, Abinanti, Montesano, Brabenec, Lemondes, Lawler, J.A. Giglio, DeStefano, Sillitti, Stirpe. An act to amend the Agriculture and Markets Law, in relation to authorizing the delivery of liquefied petroleum gas in times of emergency.

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

MR. SANTABARBARA: Thank you. Yes, this bill

allows homeowners leasing propane tanks to receive emergency deliveries from any supplier during (inaudible) need and periods of high demand regardless of customer status. Those that rely on propane gas to heat their homes are unfortunately met with long wait times and some have gone without heat because deliveries were unable to make it to their destination for a number of different reasons. This bill would clarify that in those situations, those customers can go to an alternate -- alternate supplier to receive the fuel they need to heat their homes.

ACTING SPEAKER AUBRY: Mr. Palmesano.

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

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

MR. SANTABARBARA: Yes.

ACTING SPEAKER AUBRY: The sponsor yields, sir.

MR. PALMESANO: Thank you, Angelo. I know we've talked about this bill in the past. I certainly understand the intentions behind the legislation, but I do have a couple of questions I want to get into regarding contract issues, property right issues and liability issues. I know this legislation kind of originated, if I'm not mistaken, back in 2018 when there was some problems with particularly one propane company issues and that was ultimately settled with a suit with the Attorney General's Office; is that correct?

MR. SANTABARBARA: I think your numbers are correct, 2018. Just to clarify, since then the problem has continued and this year there was a spike again during the cold months where deliveries were not made and people were in the same situation. They were --

MR. PALMESANO: I'm having a hard time hearing you.

MR. SANTABARBARA: Oh, sorry.

MR. PALMESANO: That's all right. That's all right.

MR. SANTABARBARA: Where were we again?
Just to clarify, that the problem still has persisted since then.

MR. PALMESANO: Okay.

MR. SANTABARBARA: It has not gone away.
And this year it spiked up again. We got some more calls that people weren't receiving their propane deliveries, sometimes waiting as much as a week, and it was during a very cold time. And there were some other things going on with supply and delivery issues, but this bill's intended to clarify, you know, what can happen during those situations.

MR. PALMESANO: Okay. So it is for right now -- for, like, anyone who has propane there are two options: One, they would buy their own tanks and with that they can -- they can have anyone come in and fill those tanks because they're an owner of the tank. They can have anyone come in, or they can lease a tank from a company with a contract that they can either -- that the -- they pay for

the cost of that tank through the -- through the delivery and the service of the propane that's provided by that -- that supplier, correct?

MR. SANTABARBARA: Exactly.

MR. PALMESANO: Okay, great. And sometimes these -- these tanks are at no cost because it's recouped as part of that -- it is recouped as part of those reimbursements through -- through the lease --

MR. SANTABARBARA: I think there's a number of different arrangements that exist out -- out there. One is probably what you just described, but there might be a few others as well, as how they arrange, how they pay, whether they rent the tank or if it's paid for over time. So there's a probably a number of different situations.

MR. PALMESANO: In the bill when you talk about severe whether in -- in (inaudible) declaring an emergency, does a customer have a right to -- to declare an emergency based on the situation involved or does it have to depend on what the municipality or the State does?

MR. SANTABARBARA: I'm sorry, I'm going to have to have you repeat that. Okay, go ahead. Can you repeat that, please?

(Pause)

I didn't hear that. Can you say that again?

MR. PALMESANO: Yeah, I'm sorry about that. Right now does (inaudible) -- I mean, an emergency declared by the

State or local, does the customer have the right to declare an emergency based on the situation or is that to be defined by the -- the local municipality to make that decision?

MR. SANTABARBARA: There's a number of ways. Part -- part of it is it can be defined by local -- by a -- a local Body, or there can be situations where the supplier -- you know, a lot of these people are on auto delivery where they just -- a certain time of the month they come and they deliver. They do have to make the call to their supplier to attempt to get a fuel delivery and I think they have 24 hours to respond.

MR. PALMESANO: Okay.

MR. SANTABARBARA: So there are some -- some safeguards in it to allow that primary supplier to be able to make that delivery, but the truth is sometimes they just can't do it. And there's been a number of different situations. You know, during the pandemic there were, you know, supply and delivery issues. Sometimes it's weather. Sometimes you get hit with snowstorms and you just can't -- one company can't make it, but another company may be able to cover that delivery, and I think this is intended to be able to clarify how these companies can actually help each other out so that we don't leave someone without heat.

MR. PALMESANO: All right. So right now my understanding is 45 states have container laws, which basically means that someone else can't refill a propane tank of -- of another company; is that correct? There's 45 states that have had those laws where you

can't --

MR. SANTABARBARA: I know -- I know there are other states. The exact number, I'm going to --

MR. PALMESANO: All right. And New York -- but New York --

MR. SANTABARBARA: I'll take your word for it.

MR. PALMESANO: New York is not one of them, correct, though?

MR. SANTABARBARA: We're not -- yeah, we're not in it, no.

MR. PALMESANO: Okay. But right now under the law can't you technically -- can't an individual -- is there nothing in the law prohibiting someone from having another provider come in to fill their tank anyway under the law, but usually it's just not common practice because of the contractual obligation. But there's nothing in the law right now prohibiting that from happening, correct?

MR. SANTABARBARA: Most propane companies will not do it without -- without the procedure and clarification on the books as to what they can and cannot do. They don't -- they won't do it. Some may do it, I don't know. Some are doing it. The people that I've talked to, the companies are not willing to do it until something was -- you know, until this clarification is passed and then they'd be willing to do it. But there are, you know, inspections and procedures --

MR. PALMESANO: Right.

MR. SANTABARBARA: -- that they have to follow anyway, so it's -- it's -- you know, they're -- they're all under the same umbrella of rules and regulations. So they're -- whatever tank they arrive at, whether it's -- it's their own or a leased tank, they have to go through the same procedure to ensure safety, and once they've done that they've done their duty, their due diligence to be able to fill that tank.

MR. PALMESANO: So like if someone -- I know you talked about if they're not filling the tank, wouldn't that be ultimately violating the contract so then that would (inaudible) under the law -- if they're not filling the tank they're violating the contract but then not give the ability for that individual then to go out and have someone fill the tank for them. So why is this legislation needed if that's the case?

MR. SANTABARBARA: So right now I don't think that's the case. I don't think that they have to go fill another tank. This would -- would clarify that they -- they could fill another tank. So right now that's not the case. And there is -- I'm sure there's recourse on this. Okay, someone doesn't fill a tank, they -- they violate the contract. The issue is, you know, when does that happen? So we get a cold snap, you know, days, weeks later. Eventually it may show up or they have the ability to fill that tank. But what we're trying to prevent here is that period in between when there is just no heat in the house and people have had to leave their house or abandon it and go somewhere else because they're not sure when that delivery

is going to arrive.

MR. PALMESANO: Okay. But right now a consumer can change suppliers upon notice and invite another company to come and supply them and -- and service their supply -- service them if they so choose under the law right now.

MR. SANTABARBARA: Well, a same issue is that that could happen and that has happened. I've -- I've gone to people's homes where, you know, we called another company and they delivered another tank. That's a lengthy procedure. People were already waiting for a delivery that never arrived. So days turn into weeks. By the time you get another tank on site, switch -- switch companies, there's a period of time where the temperature drops.

MR. PALMESANO: Sure.

MR. SANTABARBARA: And this was a -- this was a couple that was an elderly couple, you know, and we don't want them to have to be in that home without heat when there is an alternative -- there's a procedure in place -- that we can put in place to allow just for that one -- maybe that one delivery to say, *Hey, you know, this company can't make it. I'm going to fill that tank* so they -- they can continue to have heat and then when they get back online and can make that delivery, they can step back in and -- and -- continue -- continue filling if they're doing business with them at that point.

MR. PALMESANO: Sure. Is this a -- a rampant problem that's happened with a lot of different companies? I know we talked about the one company that was cited by the Attorney General.

Is this a number of companies? How many companies are we talking about are having these issues that are causing individuals to have these problems?

MR. SANTABARBARA: I guess -- I guess I don't really have, you know, the exact number. I know that I have gotten calls since I first introduced the bill back in 2018. This year there have been more calls that there -- where deliveries weren't made for a number of reasons. So the problem kind of surfaced again, that it's still out there and hasn't gone away.

MR. PALMESANO: Is it more that they're, one, running out of propane or, two, that they are afraid they're going to run out of propane -- propane to make that call because they wanted that delivery, or is it a combination of both? Are you seeing people who actually run out of propane or is it more that they're afraid that they're going to run out of propane because they're -- they're the will call, they're not the ones that have the auto fill. Is it that they're afraid that they're going to run out of propane so then they're calling -- is that more of the problem of the case?

MR. SANTABARBARA: I -- I can say this, is that more people this year are on auto fill because of what happened. Maybe they weren't, but I think almost everybody that I talked to this year, even if they weren't on auto fill before they are now. So there's really -- it's just a missed delivery. You know, it's just people didn't show up and didn't -- didn't deliver the fuel. That's what it comes down to.

MR. PALMESANO: It's happening more and more.

MR. SANTABARBARA: And, you know, I -- I call the propane companies, too, and there's a number of different reasons and excuses that I get. And, you know, the -- the answer is we can't leave people, you know --

MR. PALMESANO: I understand.

MR. SANTABARBARA: If you can't get there, someone has to get there.

MR. PALMESANO: I -- I -- and I understand that, too. Because the reason I'm asking this question is you're really talking about fundamentally changing contracts that are established and so that's kind of what I'm getting at in these questions. In the bill I know it talks about a good faith effort to -- to really -- if they reasonably believe they're in danger to make a notification to the propane supplier and then -- so I make that notification to you and you can't supply me within 24 hours, then now I -- now I have a right to go to another propane dealer on that -- in that situation? I guess what about the reason -- what about the responsibility for the individual? Do they have to notify them within a certain period of time? Especially on the will call who are on auto fill where it's my understanding they're notified by the propane supplier, *You can't just call us 24 hours ahead. You have to give us a few days so we can get you on the schedule.* So how does that -- how does that -- is there any responsibility for them to have to do it within a certain period of notification?

MR. SANTABARBARA: Yes. So the language in the bill has language in it that indicates you do have to try and get the delivery from your propane supplier. But a lot of times when they do call the company and they can't deliver -- I mean, I've called myself, too, and they will say, *We can't make this delivery or, It's on the way and it may be late.* But they may say something like it's on the way or it's coming but we -- we really have -- we've had no indication as to when. So when I -- when I call on behalf of a constituent and say, *Hey, when is this delivery supposed to be there,* it's hard to get an answer because something's happened where -- because they want to deliver. They want to deliver the propane.

MR. PALMESANO: Right.

MR. SANTABARBARA: No question about it. They want to sell the fuel. Something's happened and it's stopping them from doing it. It's not that they don't want to show up, something's stopping them. And it could be a number of things. We just want to have the safeguard in place to say, *Hey, okay, we're going to go -- you know, this constituent's going to go to an alternate supplier now because you just can't deliver.*

MR. PALMESANO: So if a -- a customer say that they're the will call, that they call at will, and they're down and they realize, *Okay, I'm down to maybe five or ten gallons* and they call the provider and the provider says, *Well, listen, I can't provide to you now because I have a route, I have a situation that we're dealing with. I don't -- you know, I can get to you in a couple days.* Is that -- in that

situation, if it's beyond 24 hours does that -- does that individual, even though the provider says, *I will deliver to you but I can't get delivery to you tomorrow because you're just letting me know*, so does that -- does that --

MR. SANTABARBARA: So, on the normal --

MR. PALMESANO: Does that customer have the right to go to another provider at that point?

MR. SANTABARBARA: So I guess -- to answer your question, under normal circumstances, even if they were down to five percent the delivery could be made under normal circumstances. There's nothing stopping -- you know, people go down to really low numbers and people have been able to deliver. The problem is when there's something else, whether if it's a time of high demand or if there's a shortage, if there's a snowstorm --

MR. PALMESANO: Right.

MR. SANTABARBARA: -- and they may say, *I can't get there*. Now we do have an emergency because they're about to run out of fuel. So, you know, that qualified -- running -- the whole idea of the bill is to prevent people from being out in the cold, literally.

MR. PALMESANO: And I understand. I'm not disagreeing with you. I'm just trying to get some technical --

MR. SANTABARBARA: Yeah.

MR. PALMESANO: -- and legal questions --

MR. SANTABARBARA: That's fine.

MR. PALMESANO: -- what the bill brings up that I wanted to point out.

MR. SANTABARBARA: I understand.

MR. PALMESANO: What if -- what if I -- I'm the customer and I call you and you say to me, *Well, Phil, you owe me for this amount of money, do I -- you know, I need to be filled up. Can you -- if you don't come out and you say -- you're telling me, I need you to pay before I come out. If you tell me that you're not going to come out and fill up until I pay and it's going to be more than 24 hours and I don't pay you, do I have the right to go to another provider at that point in time even though I have the contract with you and I haven't paid you?*

MR. SANTABARBARA: Let me -- I'm not sure I understand what your question is.

MR. PALMESANO: All right. You're -- you're the propane company and I'm the -- I'm the customer and then I call you and I say, *Angelo, I need more propane for my house. And you go, Phil, I'd love to bring it to you, but, you know, you still have an outstanding bill of \$500, \$1,000.*

MR. SANTABARBARA: Oh, I see. Okay.

MR. PALMESANO: Now do you, as the propane company, have to come out within 24 hours and fill that tank without me paying for that, or if you don't, do I, as a customer, get to -- if you're not going to come out in 24 hours as your bill says, 24 hours, do I have the right to go out to another propane supplier and have

them deliver heat -- deliver propane to me?

MR. SANTABARBARA: So I think the answer to that from what I understand from the bill language, if there is an emergency and they do need a fill to heat their home, the supplier still has an obligation to go deliver that fuel. Just like other sources of fuel, you don't just cut people off and leave them out in the cold.

MR. PALMESANO: So the supplier wouldn't be able to ask for the payment of the fuel to come out there that they owe, but they would still have to go out there and fill it and if they don't then they can go to someone else, correct?

MR. SANTABARBARA: So, I -- Phil, I don't know if the bill progresses the payment (inaudible). Is that --

MR. PALMESANO: Okay.

MR. SANTABARBARA: Are you finding that somewhere in the bill? I don't know if this -- this really changes any of the -- it doesn't change that relationship between the customer and the propane company.

MR. PALMESANO: Okay.

MR. SANTABARBARA: Whatever payment arrangement they have will continue, just as any inspections or procedures that need to be done. That doesn't change any of that. This just allows that window to open up for another supplier to be able to deliver, and hopefully it's in partnership with the other propane --

MR. PALMESANO: Right.

MR. SANTABARBARA: -- company that can't

deliver (inaudible) to help them out.

MR. PALMESANO: Okay. Got it. I want to talk about liability a little bit.

MR. SANTABARBARA: Yeah.

MR. PALMESANO: So, Angelo, I -- I'm the -- the customer and I have a contract with you as the propane dealer. Now, you're not coming out -- you can't come out in 24 hours. I call someone else. Now, you own the tank. It's your property. And when people come out to check the tank they're supposed to do a valve check, pressure check, leaks check.

MR. SANTABARBARA: Yep.

MR. PALMESANO: Now, I am a -- a new -- if someone else comes in and a -- and a new dealer comes in there to deal with that, isn't there -- who's the -- where does the liability fall because you, as the propane owner -- dealer, the tank -- who owns the tank, now you don't have no idea what the other person's doing. Where does that liability fall? You still, as the propane tank owner, have the liability of the tank if a tragedy happened, if it explodes, even though your people who aren't the ones who came out and serviced it. Someone else from another company came out. Because we've heard stories of rogue dealers who just go out and service tanks. Especially I've heard it on Long Island. I don't know if it's true or if I'm just hearing some stories. Where does the liability fall? Does the liability still fall with you, the -- the owner of the tank, or does it fall with the person who worked on it and how does that get reconciled?

MR. SANTABARBARA: So, let me just clarify. This doesn't change -- this bill doesn't change liability. But to answer your question, there --

(Buzzer sounds.)

ACTING SPEAKER AUBRY: I'm told, Mr. Palmesano, that you're going to take a second 15.

MR. PALMESANO: Hopefully not the whole 15, Mr. Speaker. I just want to -- this way I'm not talking 100 miles an hour because I know I get criticized for that and joke about that. So I hope that -- I appreciate --

ACTING SPEAKER AUBRY: At your pleasure, Mr. Palmesano.

MR. PALMESANO: I'm -- I'm -- I'm nearing the end, I think, so I just want to get -- just follow back up on the line --

MR. SANTABARBARA: So you don't have to repeat the question. I'll just pick up from where I --

MR. PALMESANO: So on the liability factor, so the liability -- so the liability (inaudible). So the owner of the tank still has liability if something happens even though they're not the one servicing the tank, even though some other company came in, we don't know the history of them. They went in and they messed with the tank. They could have messed with the valve, the regulator and caused damage, a leak. All of that, and then a tragedy happens. The owner of the tank who did not do the work on it, the other person has liability, you would have -- you would have liability, you, as the

owner, but the role -- the other company that came and filled it, there'd be no liability with them. How do you reconcile that? Because it's personal property. It's property that you own, now you're being held responsible for that.

MR. SANTABARBARA: So there's always -- so propane companies, they all have a certain amount of liability when they fill tanks, whether they're leased or whether they're -- they're owned. When the tanks are not leased and they're owned, technically those tanks are not their own property. So they're filling someone else's tank anyway because they don't own it. So there's procedures in place for filling a tank. So there's things that they are required to do. And I think that covers them once they've gone through those and they can show that they did what they were supposed to do, all the safety checks in place to be able to fill that tank, that's the part that they're required to do. That's the part that their insurance companies or whatever covers them is going to want them to do whether it's a leased tank or it's a tank that someone else owns besides the propane company. When I -- when I own my own tanks, you know, a company -- I -- that's my property and they're coming to fill my tank. So what's their liability? They're supposed to check that tank. It doesn't matter if they don't own it, they've still got to check it and make sure they don't do anything wrong.

MR. PALMESANO: Right. And I think that's the thing, the concern I have. Because the owner of the tank, who has the obligation to come in and recertify and has the obligation to come in

and examine it, do the leak tests, do the valve regulator test examinations of -- of their tank because it's their property. If someone else comes in there and maybe -- what if they don't do those things and then damage happens? Now that responsibility, that liability still falls on the owner of the tank even though they weren't the ones who did the work. That's -- that's the concern I think we're getting to, a liability issue.

MR. SANTABARBARA: The answer to that is they're required to do it. They have no choice, they have to do it. If they don't do it and they miss something, then certainly I think they do have liability if they just go fill the tank without doing things that they're supposed to do. You know, everybody has -- every company has procedures, you know, whether it's propane or some other sort of fuel, they have procedures they have to follow because there's -- there's safety checks in place to make sure things don't go wrong.

MR. PALMESANO: Okay. What about on -- the liability issue for the owner? So -- the -- the owner of the home, the property owner. If they're providing access to someone who doesn't own the tank, isn't there a possibility -- if they're -- especially if they're not notifying their insurance company that they're having someone else come in and work on the tank that they run the risk of having a problem with their insurance company covering issues or voiding their contract because it's not the owner of that? Isn't there -- isn't there a possibility of a liability issue being transferred to the homeowner or losing their homeowner's insurance because they're letting someone

else come in and work on property that's not theirs that -- who are certified to own that and work on that tank. Isn't there in that case an issue if they're not letting that insurance company know?

MR. SANTABARBARA: That is an insurance question. I don't know what everybody's homeowner's policy has in it, but I -- I mean, it's my understanding if I have somebody come on my property to fill a propane tank, whether it's leased or I own it, I have homeowner's -- homeowner's insurance for these situations. I don't think this changes any -- any insurance issues. I think whatever's in place now would be in place after. Again, the bill is limited as to what it does.

MR. PALMESANO: Yeah, because I think that's an issue I think that should be examined because if there's -- if there could be any possibility that an insurance company could said, *Hey, you know what? You allowed someone to come over --*

MR. SANTABARBARA: I -- I don't know if there's a possibility. You're saying that, but I don't know.

MR. PALMESANO: So you don't know if there is a possibility, but you don't know if there isn't a possibility.

MR. SANTABARBARA: Again --

MR. PALMESANO: That's fair, that's fair, right?

MR. SANTABARBARA: Well, it depends -- it depends. You know, look. People have different homeowner's insurance policies. It depends what's in it. Some things are covered, some things are not. Situations like this where people come on your

property, certainly homeowner's -- a homeowner's policy would cover damage or anything that would happen on the property like any other situation.

MR. PALMESANO: I wanted to ask you another question from a property rights perspective. You know, we talked about the liability. Now isn't it by -- by allowing a customer to allow someone to come in and service a tank that they don't own, that's owned by someone else and the government validating that, isn't it possible -- possible a taking because it's that property owner, it belongs to that individual, that tank is owned by that propane company but now you're saying ok, someone else can come work on your property and -- and make changes to it, possibly work with the (inaudible) and cause problems. Isn't there a possible taking because it's private property that could be looked at in this situation which the government might have an obligation or the customer from that perspective if they're -- if they're basically allowing someone else to work on someone else's property?

MR. SANTABARBARA: Whether a tank is owned or leased by an individual, that tank is on that property for a specific purpose and that is to provide something essential, which is heat. So I don't think this bill changes -- you know, goes into that area or changes any sort of relationship with their -- their ownership status of the tank.

MR. PALMESANO: Okay. The other thing I -- kind of going back to the issue of the owning versus leasing. You know, if

people want to buy their own tank -- we talked about they want to buy their own tank, I can go out and pay a couple -- \$2- or \$3,000 to have my own tank and I get to choose anyone to come fill it up. But again, if I lease it, that -- with that contract that's signed, that (inaudible) is done, brought back in through the propane that's serviced over the period of that contract. That's kind of the theory behind it, correct?

MR. SANTABARBARA: I guess I -- I'm sorry, I missed the question.

MR. PALMESANO: No, I'm sorry.

MR. SANTABARBARA: I know you explained it, but I don't know if you asked a question.

MR. PALMESANO: No. That's all right. I'm kind of glad I've got nine minutes left. So --

MR. SANTABARBARA: Okay.

MR. PALMESANO: As we said before that if a -- if I -- a customer wants to go out -- the two things, they can buy their own tank, go out and pay \$2- or \$3,000 for it and get -- and then have it filled by whoever they want, whenever they want. They don't have to deal with contracts necessarily, unless they set that up. But -- or they lease it. They set up a contract with another company and they recoup the cost of that tank -- the price of -- the cost of that tank through the propane that's delivered. It's part of the fuel cost and delivery. It's all part of that charge, right? So the customer basically might not have to pay two to three grand out-of-pocket because they're leasing it and there might not be any charge or a small charge,

negligible charge and they're getting that money, paying back as they recoup -- almost like a rent-to-own lease but it's not owned. So in that case right there that's how the situation works now, but my question is if something like this were to go through and -- and -- and the propane companies see that now they're allowing individuals to basically have whoever they want to come and fill a tank even if they don't own it, they get to the point where, you know, *This isn't our property. We -- you know, we don't know who's working on it.* They might -- they're supposed to be (inaudible) certified, they're supposed to be doing the right thing on the leak test, the -- the regulators. But if they're not, if you're going to put this band-aid on me now, why would I want to do the lease if, you know, if there's that possibility, couldn't -- couldn't they -- specifically if they wanted to go out there and do that and just said I'm not going to lease them, I'm just going to charge and you're going to have to pay \$2- to \$3,000 for a tank if they want, where most people can't really afford that.

MR. SANTABARBARA: Well, let me start by saying, again, it doesn't change the contractual relationship. What it does is it provides an opportunity to do something that that primary company can't do. You know, propane companies that aren't filling tanks and leaving people in the cold. And, you know, there's -- there's health and safety, there's property damage. There's a number of things that mount up when you don't show up and you have an obligation to fill in any case. So what most propane companies I think are going to see that this is something that can help them. If they can't get there,

they don't want property damage, they don't want people having to leave or move little kids having to go to Grandma and Grandpa's --

MR. PALMESANO: Of course.

MR. SANTABARBARA: -- house because there's no -- no heat in the home. So I think this -- this addresses a -- a liability that's occurring right now where they're facing, you know, problems because if they can't get there, there's a lot of damage and they could end up -- they could end up having to pay for a -- a number of different items that -- as a result of not delivering propane fuel.

MR. PALMESANO: Okay. One more issue on the part of the liability issue. Like, I know back in 2018 when we were talking about the one company, they were working with a co-op. How does that -- you know, it's my understanding like a co-op, they might not necessarily do the deliveries but they contract that to have other people come in. How -- what role does a co-op -- like in that situation, what responsibility or liability falls on the co-op in this whole process or not, or is that not addressed in this bill or is the same as it was?

MR. SANTABARBARA: So, it's the -- it's the same, Phil. It's -- it's -- you know, it's -- the liability is the same for all propane companies. They're all under the same umbrella. Ag and Markets is going to come up with regulations and procedures to address this. You know, what they're supposed to be doing when this situation kicks in. So they're going to spell that out for them. You know, what -- if -- if you're this type of company -- if you're -- they're going to spell out exactly what they need to do to cover themselves.

MR. PALMESANO: Okay. Angelo, thanks for your time. I appreciate it.

Mr. Speaker, on the bill.

ACTING SPEAKER AUBRY: On the bill, sir.

MR. PALMESANO: Thank you. Certainly, I -- I know the sponsor is well-intended behind this legislation. I know he's committed. You know, obviously when people aren't having heat they want to do everything they can to make sure they get the heat they need. I know he's well-intentioned but I believe this flawed bill is equally flawed in certain categories I think that really need to be worked out and addressed before moving forward with this, from several different areas. One on the con -- contractual issues, second on the property rights issues and third, and probably one of the most important issue, on the liability issues. On the contractual issues, this really does kind of almost fundamentally change contractual relationships by -- you know, when someone signs a contract, they sign a contract, someone will service that and then if there's issues and the responsibility's on them, on the person who's signing, the customer. And I know with the at will, if they're not calling, if they're not on auto fill -- and the auto fill doesn't seem to have these problems as much, but when they're at will and they're calling, there needs to be some responsibility on when that contract -- contact is being made. And I think -- and when -- when there is a contract, the lease is basically they're paying back the cost of those things. Those tanks are expensive. The company invests in those, they pay thousands of

dollars to do them. They set them up on the property, and part of that lease agreement is to recoup some of the costs of that tank through the lease payments and in paying for those services. But in the same situation we were discussing that even if someone wasn't making their payment, they would still be -- have to make the delivery or they would ask someone else, find a delivery, even if they were -- owed money (inaudible). The property rights issue, I believe, Mr. Speaker and my colleagues, is an issue that needs to be addressed. I think -- I have to look at this. I mean, when the company owns those tanks, they invested in those tanks. It's their property. But now letting a customer or someone who has signed with someone else where you don't know if they have the background or expertise because we've heard stories of rogue dealers out there just going around filling tanks, don't know if they're messing up the regulator, the valves or if they're causing problems to the tank. And then that responsibility -- you know, the -- the company is the one that's supposed to come in and do the inspection, check those things, recertify it. That's what the -- what the lease agreement is supposed to do if you don't have those assurances when someone else comes in to fill that up. On the liability issue, though, I think is a -- is a major, major issue. The fact that someone could go in and basically have someone else fill a tank that is owned and the property of someone else, not knowing -- that company doesn't know who the people are that are working on it. They don't work for the company that owns the thing. It's someone else. It could be a fly-by-night, it could be a rogue. Hopefully it's a

good person and will do the right thing. But they don't know. And if there's a tragedy that happens, this bill doesn't address for that. The sponsor says the -- the liability should remain the same, and that would fall back on the owner of the tank even though they weren't the ones that worked on this issue. And I think that's very, very problematic from that perspective. I think that needs to be addressed before going forward. I do think the -- I do think that, you know, the issue of the container law, as we talked about, right about 45 -- there's 45 states that don't allow it. We already recognized that really under the law there's nothing stopping someone from making the call to have someone come fill it up anyway. There's nothing precluding that from happening. So really even on that side of it, I do have some concerns relative to, again, on the property -- the property rights issue of the taking. Because when you're allowing someone to take someone's private property and not -- and do what they want with it and not being compensated for it, I think there's a liability issue and a taking issue that could create a liability for the -- the homeowner or the government by allowing this taking which I think this bill would ultimately do. And I do think on the liability issue, the other area that concerns me is from the perspective if they're filling up the tank and -- and they're not notifying their insurance company and they're letting someone else come in to fill up the tank who isn't the owner of the tank, isn't certified by the tank owners, come in to work on it and God forbid a tragedy were to happen, I think that that could pose an issue that might possibly result in that individual losing their homeowner's

insurance to cover any type of damage because they're not notifying the insurance company that they're letting someone else come in to work on the tank that doesn't belong to them. And I guess that's a real -- that's a real risk. That's a real responsibility. I know the sponsor said you can't say that's going to happen, but we can also say -- we can't say it's gonna -- not going to happen.

And I just think these are just some of the things that I wanted to point out regarding contract issues, personal property right issues and, significantly, the liability issue that really, I think, need to be addressed on this bill. I understand the intention behind the legislation. I applaud the sponsor for what he's trying to do. He's trying to help people to make sure they get heat. We all want people to have heat. I haven't heard rampant issues on this, but we want to make sure that if we're going to move forward in this -- this way, we need to make sure it's done properly and the contract issues are -- are addressed properly, the property rights issues are addressed properly, and certainly the liability issues. I think we need to resolve those issues before moving forward with this type of legislation because of the ramifications it's going to have on contract law, on personal property rights and certainly the impact of the liability and what this legislation would do. So, Mr. Speaker, for that reason I'm going to be voting no on this legislation and I would encourage some of my colleagues to join me in voting no as well. Thank you. Thank you to the sponsor again for your time.

ACTING SPEAKER AUBRY: Thank you. You

gave us back 18 seconds.

(Laughter)

Mr. Gallahan.

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

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

MR. SANTABARBARA: Yes.

ACTING SPEAKER AUBRY: Mr. Santabarbara yields, sir.

MR. GALLAHAN: Thank you, sir. A couple quick questions. First, I want to preface this with I bought my own tanks. I own my own tanks, and the reason I did that was because the contract, the pricing was -- was -- was way -- way -- way too high. So when I bought my own tanks I had to have inspections done before any company would come and service my tanks. So they come do the inspection and then they come and replace the fuel when it was low. So the difference in -- in pricing is sometimes 50 to 75 percent in difference. I'll give you an example. Three weeks ago I got -- I bought propane three -- three-and-a-half weeks ago for \$2.20 a gallon. My next-door neighbor who uses the same company and has a contract paid over \$4.00. The same week. So there's a definite advantage there. So, my question. I don't see anything -- I read the bill. I don't see anything in the bill where it would protect the consumer if I were to run low. And I would -- and I have a contract.

And I would call my propane company, Santabarbara, Incorporated, and say, *Mr. Santabarbara, I need -- well, you can't get there. I can't get there, Jeff. I'm sorry, I can't get there.* So I call Mr. Palmesano's company and -- and he says, *Yeah, I can be right there.* But his price is \$8.00 a gallon. I mean, isn't this a prime situation where gouging can occur? And -- and I can see that happening, especially in emergency situations. We all know that generators -- you know, we had an ice storm and generators doubled, tripled in price. So I'm curious as to how -- how you would regulate gouging from happening to the -- to the consumer.

MR. SANTABARBARA: So, the -- the fees, you know, that they -- that the propane companies charge under whatever -- you know, whatever those fees are set at, if different companies charge different rates or different -- different prices for -- for the propane, whatever those fees are those remain the same. I believe there was something in the bill that you can't charge above -- so you -- so they -- they can't charge -- they -- they can't charge anything that they normally wouldn't charge. So if that's what you're asking, if they can tack on another fee because of an emergency delivery?

MR. GALLAHAN: No, just -- just -- just charge an extra \$4.00 a gallon for the -- the product.

MR. SANTABARBARA: They -- so --

MR. GALLAHAN: Because if you're not one of our customers, we're going to charge -- we're going to charge you \$8.40 a gallon.

MR. SANTABARBARA: The answer to that, of course, you know, there's -- this bill -- there's going to be regulations for that. Ag and Markets, they're going to work with the AG's office to make those regulations. The answer to that is they can charge what they normally charge. And I don't know if there was a provision -- there is a provision somewhere in the bill that says they can't tack on an additional, you know, emergency -- *Because you're calling me I'm going to bill you this much more.*

MR. GALLAHAN: Sure.

MR. SANTABARBARA: So there is a safeguard for that. But if -- if they were normally charging more for the propane, they could charge -- you know, you shop around when you buy propane and try and get the lowest price.

MR. GALLAHAN: Sure.

MR. SANTABARBARA: If you have to go to another supplier because it's an emergency and -- and they do charge more, if they normally charge more to other customers, certainly that's what they -- they are allowed to charge.

MR. GALLAHAN: Thank you. Also -- I don't know how to put this. Let me think about this for a minute. If -- that's all right. That's okay. Thank you. Thank you. Thank you for your time. Thank you, Mr. Speaker.

ACTING SPEAKER AUBRY: Thank you, sir.

Mr. Goodell.

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

yield?

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

MR. SANTABARBARA: Yes.

ACTING SPEAKER AUBRY: The sponsor yields.

MR. GOODELL: Thank you, Mr. Santabarbara. I understand that this law would be triggered and would allow a consumer to purchase propane from any supplier they want if -- if the consumer reasonably believes that the amount of propane they have is not sufficient. Is there any qualification on verification, and is it just a self-certification or is there any certification at all?

MR. SANTABARBARA: So I guess there's a couple of parts to this. So there has to be an emergency circumstance as defined by the bill, and there has to be an attempt to -- there has to be an attempt to get -- to get the delivery made from your primary supplier.

MR. GOODELL: But then --

(Cross-talk/inaudible)

-- but for this to trigger, the customer has to have a belief that they don't have enough propane; is that correct?

MR. SANTABARBARA: So, if you're on auto-delivery and that delivery is missed. So then there -- if they make a call and they don't -- and they still don't get that delivery, that would trigger this bill under an emergency circumstance.

MR. GOODELL: Now, once a customer on their

own believes there's -- that they might run out of gas, is there any certification that the customer has to make? Any type of -- or is it simply subjective on worried about running out?

MR. SANTABARBARA: So, the answer to that is the -- if there's a missed delivery, if a delivery was supposed to show up and they missed that delivery, that is what would qualify the -- the -- that is what would trigger the circumstances of the bill.

MR. GOODELL: Well, the -- the statutory language says, "...failed to make a scheduled delivery or -- or -- fulfill a customer's request," right? So it's -- let's say the supplier is making all of the scheduled deliveries. Under this language a customer could still go with someone else, correct? If they thought, on a subjective basis, that they might not have enough propane to make it to the next scheduled delivery; is that correct?

MR. SANTABARBARA: So there has to be a weather emergency or some sort of -- so there's different -- there's three different -- there's different parts on this. So there has to be an emergency situation happening.

MR. GOODELL: I -- I understand that. I'm just getting back to the question of what's -- what do you mean by "a customer reasonably believes?" Is there any quantifiable objective standard or is it just subjective? I understand there's a number of other factors, but is this just a subjective evaluation by the customer that they don't have enough gas to make it to the next scheduled delivery?

MR. SANTABARBARA: I guess it could be. There

are -- you know, depending on the size of the home, how much fuel it burns, the rate it burns at. There's a number of different reasons people schedule their deliveries.

MR. GOODELL: But at the end of the day it's a subjective evaluation by the customer?

MR. SANTABARBARA: So I guess they -- so you're -- you're asking me if the customer -- when the customer calls for a delivery what their reasoning is for that?

MR. GOODELL: Yeah. I mean, there's no obligation here, right, for the customer to say, *I don't have enough gas to make it to my next scheduled delivery*. There's no requirement for that, right? It's just a subjective evaluation by the customer that they want to go with a lower-cost supplier who's not renting them the tank. I -- maybe I put it in a different way. That they want to go with a lower cost -- I'm sorry. They just don't want to wait, right?

MR. SANTABARBARA: So, I -- I mean, if you go through the bill, there has to be an emergency happening. There's a reason why a propane company cannot deliver. As far as the heating needs of the individual, they -- they should be able to determine that and to say, *Hey, I need -- if I don't get a delivery by this time I'm going to run out of fuel*. So there's some attempt to contact the company and to explain why they need that delivery. And there could be a number of different things. You know, again, sometimes small homes burn fuel less. Sometimes there's bigger homes. Sometimes there's a -- everything in between. So, you know, someone could be at a different

level and only have a few days left, and if it's a smaller home at that same percentage on your tank it could go for a very long time.

MR. GOODELL: Now, this would apply even if all the scheduled deliveries --

MR. SANTABARBARA: So to answer your question, there's some -- I guess some -- I don't know what the word is. There is some -- some leeway there as to what the customer's needs would be.

MR. GOODELL: Okay. Now this is triggered even if all scheduled deliveries are being delivered exactly on time; am I correct?

MR. SANTABARBARA: So if the delivery is --

MR. GOODELL: Right on time. Let's say it's a scheduled delivery -- a hypothetical -- a scheduled delivery delivered right on time, never missed a scheduled delivery. This bill would still allow a customer to go with a different supplier, correct, if the customer didn't think they had enough gas to make it to the next scheduled delivery; is that correct?

MR. SANTABARBARA: I think the point we're missing though, this is just for that period of time when there is an emergency in place. So if my propane company -- if I call --

MR. GOODELL: No, I understand all that. But am I correct, though, that --

MR. SANTABARBARA: But it's relevant, though. It's relevant to what you're asking.

MR. GOODELL: It can be --

ACTING SPEAKER AUBRY: Gentlemen, gentlemen. We were --

MR. GOODELL: Thank you, Mr. Speaker.

ACTING SPEAKER AUBRY: We're not in court, so we don't cross-examine.

MR. GOODELL: Thank you. To clarify my question. This bill says either you missed a scheduled delivery or -- or the customer needs -- thinks they need gas even though you meet the scheduled delivery, right? I'm looking on page 2, line 13.

MR. SANTABARBARA: To meet their heating needs.

MR. GOODELL: Right. So even though you meet every delivery right on time, this could be triggered if the customer, using a subjective evaluation, thinks they need gas before the scheduled delivery, correct? And -- and there's all these other factors going on.

MR. SANTABARBARA: If there is an emergency situation. If there is a supply and demand problem. If their propane company cannot deliver and the customer needs a fill to meet their heating needs, the language of the bill -- then that would trigger this -- this temporary provision to go to an alternate supplier. It doesn't mean they can go to an alternate supplier for the rest of their contract, it just means they can get that delivery and then when the emergency is over they go back to their prior -- it doesn't eliminate the primary provider.

So there's no way to say I'm going to switch companies and use this emergency provision to do it. If they wanted to switch companies they could do that right now. They could just switch -- switch companies. They could (inaudible) tanks. There's a number of -- of ways to switch propane companies as it is. Why would they use an emergency provision and make up a reason to get a propane delivery to switch suppliers? It doesn't make sense.

MR. GOODELL: Unless, of course, the cost of the emergency delivery is one-third less expensive as noted by my colleague, in which case they've got a lot of financial incentives. Or in case the original company won't deliver anymore because they haven't been paid. I mean, there's a lot of great financial reasons why someone could have used this, right?

MR. SANTABARBARA: For one delivery?

MR. GOODELL: What?

MR. SANTABARBARA: It would amount to one delivery.

MR. GOODELL: Oh, so let's ask about that. When they come on this emergency delivery, are they limited to putting just the amount of propane needed to cover that emergency or are they authorized to fill the tank completely?

MR. SANTABARBARA: That -- I've gotten my propane tanks filled on both situations. Sometimes I want it halfway. Sometimes I want the full delivery. I -- I guess it's whatever the customer requests and it's whatever they request under normal

recurring circumstances.

MR. GOODELL: Now, if the customer calls for an alternative delivery -- and as noted by my colleague, that cost could be one-third less expensive because it doesn't include the lease payment -- can the owner of the tank sue the customer for the balance needed for the lease payment?

MR. SANTABARBARA: This bill does not address the contractual relationship with -- that exists. This just allows the customer to go to an alternate source when their propane provider can't deliver. It doesn't change the terms of their contract. It allows for a window to open up for an emergency delivery, again, because the alternative is the supplier just can't deliver for whatever reason. This allows them to go somewhere else. I mean, if it's -- sometimes even a few days could be disastrous. And there's -- there's people that are -- that have gone weeks without propane deliveries.

MR. GOODELL: Now, you -- we keep talking about this only applies during a qualified emergency, and there's two criteria. The one is really easy, a state of emergency declared by an elected official, right? A Federal or State official, right? That's one. But the other one is severe weather. So is this severe weather in the eyes of the customer who's looking at getting his tank filled up for one-third less, or is it a certain level like a declared hurricane, superstorm, code blue for an extended time period of time? Is there any definition of what you mean by severe weather?

MR. SANTABARBARA: So the circumstance of

whatever the situation is, whether it's weather or something else, it would be something that would prevent the propane company from being able to fulfill their obligation and deliver that fuel. So whether it's a thunderstorm or a snowstorm, it could be a number of different things. Something is stopping them from delivering that fuel. So, you know, Section B, *severe weather or any other similar circumstance exists that may result in an individual being placed in imminent danger or death or injury or may -- may result in a building structure and/or its fixtures may put those -- those items at risk.* So, it's Section B. I don't know, you can -- so...

MR. GOODELL: Thank you, Mr. Santabarbara. I appreciate your comments.

Sir, on the bill.

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

MR. GOODELL: As has been noted by my colleague, under current law anyone who wants to can buy their own tank. And if they buy their own tank they can have it filled by anyone they want, whenever they want. And the advantage of owning your own tank is that the cost of the natural gas is about a third less because that cost does not include the lease payment that you'd otherwise have to pay. So this bill allows you to circumvent that lease payment in the event of severe weather, which is not triggered by a state of emergency. So we're talking about severe weather that is not a state of emergency -- that would qualify -- where the customer reasonably

believes they need more fuel. But that's not defined. And you can get it even though every scheduled delivery has been on time. It's just fundamentally unfair. Under current law you can decide to lease a tank and then you agree to buy the propane from that supplier. And if this were just limited to those situations where the supplier can't supply, I wouldn't have a problem with it. Why? Because that's existing law. In existing law, if your supplier can't give you gas you have a duty to mitigate damages, which means under existing law if they're missing a delivery you can cover it. So where's this differ from existing law? It differs because it says -- it gives a blank check, if you will, for consumers using a subjective evaluation of whether or not they might need gas to call up their supplier and say, *Get here within 24 hours*. Now, imagine if the supplier says, *Well, what's -- how much propane do you have in that tank? I got a quarter of a tank. Well, that lasts you two weeks*. Does it matter under this bill? Not really, because it's a subjective evaluation by the customer. So before the State of New York starts rewriting contracts all across the State and disrupt an existing situation which has checks and balances already, I think we should respect contractual rights, respect the options that consumers have, and don't legalize a way for consumers to stick it to a company that's providing them with a tank by enabling to buy propane at one-third off by not paying the lease payment.

For that reason and for the reasons mentioned by my colleague in his short questioning, I will be opposed to this legislation and recommend that my colleagues vote against it. Thank you, sir.

And again, thank you to my colleague. I appreciate your comments.

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 1451-A. This is a Party vote. Any member who wishes to be recorded as an exception to their Conference position is reminded to contact the Majority or Minority Leader at the numbers previously provided.

Mr. Goodell.

MR. GOODELL: Thank you, sir. The Republican Conference is generally opposed to this legislation. Those who support it are encouraged to vote on the floor in favor or call the Minority Leader's Office and we will record your vote accordingly.

Thank you, sir.

ACTING SPEAKER AUBRY: Thank you.

Mrs. Peoples-Stokes.

MRS. PEOPLES-STOKES: Thank you, Mr. Speaker. Majority colleagues are generally going to be in favor of this piece of legislation. However, should there be colleagues who desire to be in the negative, they can feel free to contact the Majority Leader's Office and their vote will be properly recorded.

Thank you, Mr. Speaker.

(The Clerk recorded the vote.)

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

Mr. Santabarbara to explain his vote.

MR. SANTABARBARA: Thank you, Mr. Speaker.

Just to explain my -- my vote. This bill simply allows people that have no -- have no alternative when they are leasing their propane tanks with nowhere to go and literally being left out in the cold. These are constituents of mine, but it's happened across the State. People that have been met with long delivery times, sometimes going weeks without heat in their homes. People that have had to leave their homes and go to a friend or relative because they can no longer stay in their homes and they were either getting no response from their propane companies or a response with no definite time on when that fuel was going to arrive. What this does is when temperatures drop really low, these deliveries become critical. They're crucial. And vulnerable residents -- I've seen people with disabilities, I've seen families with little ones that have gone through this. This gives these families an opportunity to go to another supplier when their supplier cannot deliver. That's what triggers this bill, when your supplier cannot deliver. That is the key component of this bill. Your supplier can't make it? Can I go somewhere else? The bill will spell out how you can do that, how that procedure works. It will be understood by customers and by propane companies. This makes the industry stronger, especially in some of these rural areas. This is their only source of heat. So to deny them an opportunity to find another supplier when temperatures drop low is something that we -- we cannot do. And that's what this bill does. It corrects -- it corrects

something that is not working right now. And I know it's not working because people call my office and tell me that they have no heat. And when I call propane companies, just as they do, their response is not good. So this will correct that. No household should be forced to go without heat, especially when we're seeing dangerously cold temperatures and when families are forced to abandon their homes because deliveries never come.

Thank you, and I encourage everybody to join me in -- in supporting this bill.

ACTING SPEAKER AUBRY: Mr. Santabarbara in the affirmative.

Ms. Woerner to explain her vote.

MS. WOERNER: Thank you, Mr. Speaker, to -- for allowing me the opportunity to explain my vote today. I would like to thank the sponsor for bringing this issue forward and for his persistence in -- in making sure that it got a hearing and a vote on the floor today. I, too, have been troubled by the number of constituent calls I received this winter of people who contacted their -- their propane provider and were unable to reach them, or if they reached them were -- were unable to secure a delivery of -- of critical heating fuel. And, you know, it is -- it is -- it is true that companies could do a better job of anticipating what the demand is, given that they know what the temperature is better than we do sometimes. And they could put in place cooperating agreements if they are concerned that they won't have enough supply or they won't have enough drivers to meet

the demand. So I think that this bill will not only provide consumers with protections and tools, but hopefully it will also encourage the industry as a whole to take a better -- a better look at their processes to ensure that they can meet customer demand, particularly in the most cold weather that we have.

So again, thank you to the sponsor, and with that I vote in the affirmative.

ACTING SPEAKER AUBRY: Ms. Woerner in the affirmative.

Mrs. Peoples-Stokes to explain her vote.

MRS. PEOPLES-STOKES: Thank you, Mr. Speaker, for the opportunity to explain my vote. I, too, want to applaud my colleague for introducing legislation that is pro-consumer. It supports consumers when they have issues. We are here as representatives of the people, and quite honestly, when our people have problems we need to figure out how to fix them. So I admire his strategy in trying to figure that out. And I don't want to necessarily suggest that people will always find a way to scam a business. People are not interested in scamming, they're interested in living. And they want to have heat. They wanted to be comfortable in their homes. And so when there are businesses who act disingenuous as it relates to consumers, they need to be called to task and I think this is the right way to do it.

So I commend my colleague and vote in favor of this consumer-friendly legislation.

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

Mr. Goodell.

MR. GOODELL: Thank you, sir. Please record my colleague Mr. Brabenec in the affirmative on this bill.

Thank you, sir.

ACTING SPEAKER AUBRY: Certainly. So noted. Thank you.

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

Page 19, Calendar No. 123, the Clerk will read.

THE CLERK: Assembly No. A03318-B, Calendar No. 123, Sayegh, Dickens, Griffin, Simon, Galef, Buttenschon, Montesano, Seawright, DeStefano, Gottfried, Otis, Thiele, Santabarbara, Tague, Lawler, Ra. An act to amend the Public Service Law and the Public Authorities Law, in relation to requiring electric corporations and the Long Island Power Authority service provider to prioritize restoring services to police departments, fire departments and ambulance services when electric services are interrupted.

ACTING SPEAKER LUNSFORD: An explanation has been requested, Mr. Sayegh.

MR. SAYEGH: Yes, sure. This legislation requires utility companies, electric companies, companies like ConEd, like Long Island Power Authority, to set a priority when there is an

interruption of power. And over the last number of years, rather than talking about the Storm of the Century, we're now having ongoing occurrences where the storms are hurricanes, that there's power outages. And we know when there is a power outage, some organizations and some individuals on life support systems require a more advanced priority to get their service restored. Three very important entities that each and every one of us relies on is police, fire and ambulance services. And we know that when service is interrupted and the police can't get to you or the fire department can't get to you or ambulance service that can be a life and death situation can't get to you, then there's a tragic loss of life. Although utility companies do set priorities, many don't do priorities as required or as necessitated. And some counties across the State and my County of Westchester has an emergency management system, and Con Edison and all the utility companies also have emergency response teams. There's already liaisons in place to address these emergencies, and there is compliance to a large extent. But there's also many instances where there is not proper compliance. This legislation requires these utility companies to set up a list of priority that restores within a 24-hour time period electric and other power sources to police, fire and ambulance.

ACTING SPEAKER LUNSFORD: Mr. Goodell.

MR. GOODELL: Thank you, Madam Speaker.

Would the sponsor yield?

MR. SAYEGH: Of course.

ACTING SPEAKER LUNSFORD: The sponsor yields.

MR. GOODELL: Thank you very much.

MR. SAYEGH: You're welcome.

MR. GOODELL: Now as you mentioned, a lot of police and fire departments already have their own emergency --

MR. SAYEGH: Correct.

MR. GOODELL: -- generator, correct? And of course if you have your own emergency generator it's already hardwired in your system. It's already properly sized. It's already available in the event of an emergency, right?

MR. SAYEGH: Yes.

MR. GOODELL: Why shouldn't we just simply encourage others that haven't yet installed one to install their own? Wouldn't that be a more appropriate response?

MR. SAYEGH: And correct, you're right. Many -- many police, fire, ambulance do have their backup generators, and many that are in depressed communities don't have it. And the concern we have is that this should be mandatory. Every police, fire and ambulance service should have a backup generator available within 24 hours. It is historically fine for those that have, but even looking at an example we had in Westchester County when we had hurricane -- a twin -- a "twin punch", as they say, with Hurricane Quinn and Riley back in 2018, power in a generator at one of the local municipality, such service was cut and failed to operate and, therefore,

there had to be an outreach at that time to Con Edison to come and fuel and put the power back on. So it does help to have these in place, and many, you're right, are in place. But this requires a system in place that if for whatever reason there isn't a generator or you have a generator that does not function, that the Con Edison or the utilities or Long Island Power, working with the emergency teams, has the available generator on site within 24 hours.

MR. GOODELL: Now, with your permission I wanted to walk through some of the language of the bill just so we're all understanding.

MR. SAYEGH: Correct.

MR. GOODELL: So the first thing is that it's not triggered unless the utility thinks the power will be out for more than 24 hours, correct?

MR. SAYEGH: Correct.

MR. GOODELL: And so is there -- so the utility, in theory, could wait 24 hours, hoping to get the power back up before this is triggered. Once it's triggered -- let's say it's going beyond the 24-hour period -- does this bill include any language on how quickly the utility is to deliver the backup generators?

MR. SAYEGH: Well, the understanding is the bill requires that after 24 hours -- you know, the understanding with the language of the bill is that it would be an immediate response. That's why we have the requirement of a priority as far as (inaudible).

MR. GOODELL: I appreciate the understanding, but

there's no actual language that requires a response after the 24 hours, correct? There's no language.

MR. SAYEGH: It just urges an immediate response.

MR. GOODELL: So then the next question I have is presumably if there's a power outage, we want the utility company focused on restoring power to everyone as fast as possible, right?

MR. SAYEGH: Correct.

MR. GOODELL: Do we have any idea how many staff members would be taken away from that process in order to deliver these generators?

MR. SAYEGH: Well, presently these utility companies have liaisons in place as a result of the norm that has occurred with hurricanes and storms in many parts of the State, and part of the emergency teams that are in place. Utility companies already have liaisons working closely with these management teams. So I don't believe at this stage it would require additional staffing.

MR. GOODELL: But, I mean, you need staff to actually tie the generator on the back of a truck, make arrangements, deliver it, pick up the next generator, deliver that. Right? And these generators could run --

MR. SAYEGH: Correct.

MR. GOODELL: -- from small up to, like, a semi tractor trailer --

MR. SAYEGH: Correct.

MR. GOODELL: -- (inaudible) in power. So how

many staff members do you envision the utility would have to have to make these deliveries, keeping in mind that these deliveries would occur right after a major storm?

MR. SAYEGH: Correct.

MR. GOODELL: So how many staff members would you envision?

MR. SAYEGH: My understanding is that when you have the emergency teams in place, the -- the norm -- and it depends on the size of the village, if it's a town, if it's a city. It depends on how large the fire station is, the ambulance service, the police department is. How many generators, maybe the size of a generator. So all that is taken into consideration. And I believe there's a lot of planning presently taking place that assures that they're put in backup. And a lot of this legislation has really come into existence more recently, the last decade or so, because we've witnessed, whether it was intentional or not, utility companies not responding as quick as they did.

MR. GOODELL: And I appreciate that planning. My question was very specific. Do you have an estimate of the number of employees that would be needed, say, in a Superstorm Sandy situation, to deliver these generators? And I might back up and say how many generators would be needed in order to meet this bill --

MR. SAYEGH: Correct.

MR. GOODELL: -- and how many staff members would be needed? And this is a number. Do you have a number of staff?

MR. SAYEGH: No, there isn't a number. And --

MR. GOODELL: And do you have a number of how many generators would be needed?

MR. SAYEGH: The generator depends on the size --

MR. GOODELL: Right. But how many?

MR. SAYEGH: -- and whether they exist or not.

MR. GOODELL: Right. But this is a --

(Cross-talk)

MR. SAYEGH: (Inaudible).

MR. GOODELL: I'm sorry.

MR. SAYEGH: (Inaudible) legislation would be to require the planning and the network and the establishment of -- of these priorities so that we -- we're not caught in a situation where we don't have adequate staff.

MR. GOODELL: Let me ask a corollary question. Do you know how many -- and this would be a number -- how many fire departments, volunteer fire services, ambulance companies or police departments currently do not have a backup generator? Do you know that number?

MR. SAYEGH: Exactly, no. But whether they do or not --

MR. GOODELL: Do you have a cost estimate of what it would cost for a utility company to buy enough generators to cover all of those entities? Do we have a cost estimate?

MR. SAYEGH: An estimate as of now, no. But this

will provide a system in place because of the safety -- the safety factor is so crucial that to put a price tag on losing a life or having a building burn is -- is such where this fixes that problem and authorizes or requires utility companies to make sure that part of their emergency planning is to know exactly who has a generator, who does not. What needs to happen to assure that service is restored after the 24 hours.

MR. GOODELL: Now I understand you don't know how many generators would be required or what the size would be or what the cost would be, but I see this provides by statute that the service provider shall not increase charges.

MR. SAYEGH: Correct.

MR. GOODELL: So how would the utility pay for these if they can't charge for them? I mean, I assume that they don't have a gold -- a vault of gold in the basement, right?

MR. SAYEGH: Good question.

MR. GOODELL: So how do they pay for it?

MR. SAYEGH: And when I looked at the data, Federal funds amount to nearly \$20 billion. New York State puts nearly \$1.6 billion in subsidies, in tax credits, energy credits to utility companies in our State that allows them -- and -- and mind you, we looked at the profit margins of utility companies. I think now more than ever, I think we've learned the urgency of making sure that we need to set priorities to make sure that we're safe.

MR. GOODELL: Now, assuming that the utility company delivers a generator, and let's say it's a big municipality so it

would be a big generator. And you've seen them, I'm sure, where they're as large as a tractor trailer.

MR. SAYEGH: That's right.

MR. GOODELL: Who is responsible for keeping that generator fueled?

MR. SAYEGH: The utility representative --

MR. GOODELL: Does that state that in this bill?

MR. SAYEGH: The utility companies are required. We wouldn't want the first responders, of course, to get away from -- whether they're a fireman or police officer or an ambulance, to be worried. So this will be the requirement of utility companies to make sure that the power is on or off, to make sure that there's adequate fuel, to make sure that the process is set to go where there's no issues with the generator.

MR. GOODELL: Now, I appreciate your desire, but looking at the actual bill language all it says is that the utility has to provide a generator. There's no mention of fuel or maintenance; am I correct?

MR. SAYEGH: No, it does -- the bill does provide for a power source. So I think --

MR. GOODELL: Source, right?

MR. SAYEGH: (Inaudible).

(Cross-talk)

MR. GOODELL: That would be generator, correct?

MR. SAYEGH: Excuse me?

MR. GOODELL: That's the generator, correct?

MR. SAYEGH: The generator -- the power source is the generator and the fuel and making sure it goes on and off. I mean, you -- do you get specific or do you talk about making sure there's adequate power? Because the whole issue here is power outages and making sure that they address these outages.

MR. GOODELL: Thank you very much. I appreciate -- appreciate your comments.

On the bill, Madam Speaker.

ACTING SPEAKER LUNSFORD: On the bill.

MR. GOODELL: So I -- I truly appreciate my colleague's desire to make sure that there's emergency backup power for fire, ambulance and police. Which is exactly why most of those organizations already have their own backup power. And indeed, that is exactly what they should do. So this is a bad solution to a situation where you might have an individual police department or fire department that doesn't have its own backup. And here's the problem. The power -- power is off for 24 hours. This bill requires the utility to provide backup power. So, first question: What size of a generator should they deliver? Let's assume the utility company does the algorithm and figures it out from past usage. They now show up at the front door of the police department with a generator. How do they connect it? You know, you may have noticed, buildings don't have a plug-in like a Prius might where you just plug it in. If you have an emergency generator, you have to do all of the electrical connections

inside the building to accept the power. That's why it should be done by the person who owns the building and not by the utility company.

Let's move to the next issue. The utility company shows up, they drop off a generator. They say, *Here's how you start it. Good luck. It's up to you to connect it.* The ability of a fire department or a police department to get a contractor in the emergency of a -- in the middle of an emergency to figure out all the connections and start it up is near zero. That's why it should be done in advance. Then the sponsor says in addition to taking all their staff off from the emergency efforts to restore power, we're going to have them running around delivering generators and then keep them fueled. Well, those who have generators know the amount of fuel that's burned is directly related to power draw. I love it when I look at individual generators and they say that they'll run up to 80 hours on a tank. Unless, of course, you're actually using the power in which case it's only three-and-a-half hours. So now what? The utility company is going to hire a fleet of gasoline or diesel trucks to drive around and refuel these? On the other hand, by the way, if the fire department or police department is planning in advance, as they should, they'll hook up their emergency generator to natural gas so they have an uninterrupted supply. And by the way, those who went through Superstorm Sandy, they knew that just finding and delivering fuel is a challenge, isn't it? Good concept, bad implementation. The solution is simple. Instead of requiring utilities to have a warehouse of generators of varying size and a standby crew of using, you know, of

using hundreds or thousands of employees to drive around to deliver generators that can't be connected without electrical wiring, that can't be fuel -- fueled on a regular basis and don't provide reliable power in any event, the solution is simple. Let's encourage fire departments and police departments and ambulances to put in their own backup generators. And if we really want to do it and we want to encourage them, we can provide funding in the State Budget that we're about to adopt. My colleague indicated there may be billions of dollars in Federal funding available. Let's provide a grant or a financial incentive. Let's do this right. And of course I love the provision that says and the utility can't charge anyone. Now wouldn't it be sweet if utilities just had an unlimited supply of money and they could do whatever we want. But we all know that's not the case. And so ultimately, someone's going to have to pay. And at the end of the day it's the ratepayers one way or the other that are going to end up paying. And that means every responsible police and fire and ambulance service that made the commitment to have their own emergency generator, properly sized, properly connected to their electrical system and a fuel source, all of them ultimately end up paying more to cover the cost of those who didn't plan ahead. Let's stop treating the utility like it's an unlimited source of staffing, of power, of money, and instead encourage responsible behavior on the part of all of our emergency services so that they can provide that backup generation without creating chaos.

Thank you, Mr. Speaker.

ACTING SPEAKER AUBRY: Thank you, sir.

Mr. Palmesano.

MR. PALMESANO: Yes, Mr. Speaker. Will Mr. Sayegh yield for a couple of questions?

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

MR. SAYEGH: Of course.

ACTING SPEAKER AUBRY: The sponsor yields.

MR. PALMESANO: Thank you. My colleague covered a lot of what I was going to talk about, but I just wanted to kind of address a couple of questions, if I could. Isn't after a storm, especially what we -- some of the storms we see down on the Island, the City, across the State, the number one priority after the storm is for the utility company to make, say, make sure the wires, the trees, the downed -- the downed trees, the branch -- everything is all cleared up and to make sure there's no immediate danger to the public. That's the first and foremost, and then to move forward to restore power as soon as possible. That's the number one goal and responsibility of the utility company, correct?

MR. SAYEGH: Now, that's true, but also coupled with -- according to the legislation -- requiring part of that priority is to make sure that police, fire and ambulance -- because if you're trying to restore or fixed a downed tree and meanwhile your local police, fire department or ambulance doesn't have power, then again, lives could be at risk. So it's really a couple --

MR. PALMESANO: Yeah. Well, first they have to make sure it's safe so they can --

MR. SAYEGH: Well, it's a combination (inaudible)

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(Cross-talk)

MR. PALMESANO: (Inaudible).

MR. SAYEGH: And I'm saying you really have to take the initiative of making sure you deal with the emergency at hand.

MR. PALMESANO: Now, this would apply to all police departments, all fire departments. So all volunteer fire departments. So there's 866 independent fire districts, 1,200 fire -- fire companies. This would apply -- they would have to provide, you know, to all if there's a need for it, correct?

MR. SAYEGH: Correct. If -- if they don't have one already.

MR. PALMESANO: So as my colleague said, wouldn't it be -- I mean, to require the utility company to go out and buy and have these, wouldn't it make more sense for the -- the municipality to -- to handle that? Or the fire company themselves to be responsible for dealing with purchasing the generation -- generators they need? You know, why -- why should that fall on the utilities when their goal was to restore power as quickly as possible?

MR. SAYEGH: Because the legislation requires with -- after the 24-hour period. I'm sure most -- as I would want to make

sure that I get my power restored as soon as possible, so having a generator assures you that you don't have to wait 24 hours. So yes, it's true that the incentive is there for them to presently have generators. This is really an assurance. It's almost an assurance to make sure that if your generator -- as I stated earlier, it happened in my county where this municipality had a generator that failed to function and then Con Ed was required to back up and support and assure that the service was restored.

MR. PALMESANO: So, these -- these generators, they're not really just easy and quick to install. You need somebody like a licensed electrician. What about the -- the -- the facility itself? You know, what if they need to upgrade their voltage or they need to upgrade their amps needed to -- to handle it? Who would -- the bill says the utility company. Is it the utility company's responsibility to make sure that they have what they need to accept that generator and they have to stay there through that whole process?

MR. SAYEGH: According to the bill, utility company. In my communication with representatives of the utility companies, you know, to the point of labor and extra they have presently a staff of labor. Is there a storm or hurricane on a daily basis? No. So the requirement would be with this plan and in this priority network is to make sure that rather than sitting in offices, they're going around to all the police, fire, ambulance services and making sure to be a little bit more proactive. I think our concern is, you know, it forces -- it forces the legislative Body to look at

initiatives and legislative pieces to make sure the job is done right. For example -- just to give you an example, the last storm, because of legislation passed in this House requiring utility companies, I was passing a day before Storm Ida recently over the Cuomo, also known as the Tappan Zee Bridge, and the night before because they knew there was a storm coming. There was utility company trucks, repair trucks coming across the -- the bridge.

MR. PALMESANO: I understand that. But you're saying the utility company is responsible for not just bringing the generator and transferring with their staff there, then they're responsible for making sure the building is set up to take care of it and be able, you know, to handle the generator that's there. That's putting all of this on the utility, but yet your bill says you're going to put all this cost on to the utility company but they're not able to recoup that through the -- the storm and expenses that come through the storms (inaudible).

MR. SAYEGH: Like I said, they -- they have storm incentives, they have subsidies. They have -- as I stated earlier, they have the sources to assure that when these diasters, when these emergencies occur, there's sources and grants and subsidies and credits that they apply for. And trust me, they've been applying and they've been receiving them.

MR. PALMESANO: All right. So what happens after that 24-hour period? The utilities companies don't have an abundance of generators at their disposal. So what happens if they

don't get the generators there? Is there going to be fines, is there going to be penalties and sanctions on the utility company as well? Is that what could happen with this process if they don't --

MR. SAYEGH: The Public Service Commission, it's up to them to enforce whether there's penalties applied. They'll make the determination. Our concern through legislation is to make sure that there's a system in place where these services are restored.

MR. PALMESANO: Well, in that -- in that same manner, the responsibility -- the utility companies have to provide storm plans and emergency response plans to the PSC that they need to approve. And the PSC -- you know, a lot of these utility companies do prioritize police, fire and emergency responders. But if the PSC reviews it, if they think anything needed to be changed, the PSC has the authority to change that or modify that. So why are we asking -- if they have to submit a plan that's being approved by the PSC, then we're going to ask for more and ask for more costs put on upon them? And then you're saying the PSC can add other things on the back end. So where are we going with that?

MR. SAYEGH: Well, we've learned with the Public Service Commission there's been issues where the -- the amount of compliance or the amount of, you know, legislative decisions are merely such where, you know, we have to mandate. And we have to mandate through legislation. And I got to tell you, through the established emergency -- for, you know, management teams that presently exist, the risk plan. But we're saying make it mandatory so

that's it's not a -- you know, one county does it and the other county doesn't do it. Let them be more preventive. Let them be more proactive. Let them put the effort in before a storm comes, when there's a calm and there's a quiet, where they need to focus and assure and send down liaisons and send their electricians and their specialists to make sure they visit --

MR. PALMESANO: Gotcha.

MR. SAYEGH: -- every facility.

MR. PALMESANO: Isn't the -- but this year in the Governor's State of the State, she directed the New York Power Authority to commence resiliency installations, including solar storage, backup generators for police and fire stations. So she's already got through her proposal to ask the Power Authority to address this issue, so it's duplicative of that. Plus, after Hurricane -- Superstorm Sandy, the State bought a bunch of generators. Why aren't we just utilizing those or following the plan for the -- instead of going to put the mandate onto the utility companies, which ultimately will be borne by the ratepayer, you're not going to -- they're going to figure out a way to do that. And how do you -- how do you -- we've got the New York Power Authority with the Governor's proposal and the Department of State that has generators in their possession, hundreds upon hundreds of generators in their possession after Superstorm Sandy, why aren't we utilizing those instead of, you know, asking the utilities to purchase them?

MR. SAYEGH: Well, if they -- if they -- if a

generator is provided, then that saves everybody a headache. I mean, this is to assure that there's generators and there's power, backup systems available. In cases where they have one, fine and dandy. But in cases that they don't, and we appreciate the Governor's initiative to recognize the safe concern, this goes a step further by making sure that they're each going to be police, fire, and an ambulance service has the power --

MR. PALMESANO: It certainly --

MR. SAYEGH: -- backup.

MR. PALMESANO: It goes -- it goes more than a step further. It goes a few hops, skips, and a jump further because you're putting a mandate on these utility companies. Their sole purpose is really to restore power as quickly as possible, to put the teams on the field. Now you're going to divert important resources delivering generators to -- to fire departments and police departments, now you're going to divert important resources to -- to monitor and have to fill up the generators with gas, make sure if there's gas, make sure there's people there and electricians to make sure that building can handle it. You're diverting important resources from restoring the power from the storm and by having them run around the State and deal with these mandates. Why -- what is the purpose? What are we accomplishing other than putting more of a mandate and -- and slowing down the storm restoration process?

MR. SAYEGH: Well, you know, I'd rather -- I'd rather have the utility companies take the responsibility, that's their

expertise, than taking away --

MR. PALMESANO: But what about the responsibility of the -- the police department, the municipality. They're their responsibility. That's the point they're --

MR. SAYEGH: But why the first responders? You don't want them worrying about how to put power back on.

MR. PALMESANO: No, make sure that they have --

MR. SAYEGH: To worry about what's in the fuel. You want them to be focused on if they need a fire put out or if they need to save a life, or especially during storms or emergency, you don't want them worrying about they don't have power and they have to worry about putting the power back on.

MR. PALMESANO: All right. One more question.

MR. SAYEGH: Sure.

MR. PALMESANO: So these -- these generators are using fossil fuel, they're using natural gas to generate. What about the CLCPA that you talk about and you advocate that you won't want to -- you don't want to see more natural gas and fossil fuels being used so why not in that situation? Is it -- it's okay for this purpose, but not in other purposes, correct?

MR. SAYEGH: Yeah, but this is really for emergency --

MR. PALMESANO: Yeah --

MR. SAYEGH: -- purposes so it really doesn't apply

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MR. PALMESANO: Well --

MR. SAYEGH: -- when the situation's taken care of and they have their generators and they're working. This is really to assure --

MR. PALMESANO: I understand.

MR. SAYEGH: -- that emergency services are taken care of.

MR. PALMESANO: All right. Thank you.

MR. SAYEGH: You're welcome.

MR. PALMESANO: Mr. Speaker, on the bill.
Thank you. On the bill.

ACTING SPEAKER AUBRY: On the bill, sir.

MR. PALMESANO: Listen, the number one job of a utility company is make sure the situation is safe, to clear the wires, clear the debris, make sure the wires are out of the way, trees are down. That's number one. Many already prioritize police and fire and emergency services when they're doing their emergency response plans, which have to be submitted to the PSC and have to be approved by the PSC. Making the -- the responsibility of the utility to have to provide generators for every fire company, police department in the State of New York, there's 860 -- there's 90,000 volunteer fire -- emergency workers in the State, 18,000 paid. There's 866 fire -- independent fire districts and over 1,200 fire departments. That's a great deal of responsibility that this bill will mandate and place on the utilities. And to think that none of this is going to come back to the

ratepayer, that obligation really falls and falls on the (inaudible) of the municipality, the -- the organization to have the expertise, the electricians that deal with that. It shouldn't fall on the utility who has to divert resources. And what happens after that 24-hour period if they can't provide it, are we going to allow the PSC to penalize them and fine them even more like we see in other -- other instances?

This is very duplicative because the Governor, in her State of the State, talked about using the New York Power Authority to come forward and put -- put a plan in place for fire and police companies to make sure there's backup generators there, so that's in place. The Department of State already has hundreds of generators at their disposal that they have after Superstorm Sandy. Why aren't we using them, getting those out, letting them work with the emergency management offices? There's a State Emergency Management, working with county emergency management, working with the fire companies, police. It should not fall on the utilities' lap because they don't have the resources to just go out and pay for all this. Ultimately, what this bill is going to do is it's going to increase costs for ratepayers, there's no way around it. Even though this bill says they can't do it, there's no way to circumvent that. This is going to increase costs to the ratepayer. Ultimately, you're diverting important -- diverting important attention and resources away from their main responsibility, which is to make safe and restore power as quickly as possible. They shouldn't -- the utility companies shouldn't be delivering generators around the State, have to sit there to fill them up

with gas and make sure they're filled and watch them and monitor them while they could be out in the community restoring the power to our farmers, to our municipalities, to our small businesses.

We -- this is not the appropriate way to handle this situation. It's just going to, again, just divert these important resources away from their main goals: Restoring service and getting peoples' power back on, and this is going to increase costs for utility -- for our customers around the State because these costs will ultimately be borne by the utility payer. This responsibility shouldn't fall on their lap, it should fall on the -- the company or the municipality to make sure they have the proper power. What's next? Are we going to make sure that they provide generators for all people around the State just because we want to? I mean, this is costly, it's -- it's an -- it has an impact on everyone, and there's a better way to go about this. I think we should work and look at -- reexamine this bill before we move forward with it.

But for those reasons, Mr. Speaker, I'm going to be voting in the negative and I urge my colleagues to do the same.

ACTING SPEAKER AUBRY: Mr. Montesano.

MR. MONTESANO: Thank you, Mr. Speaker.

On the bill, please.

ACTING SPEAKER AUBRY: On the, sir.

MR. MONTESANO: So as a cosponsor of this bill, I'm kind of put in a predicament here where I have to voice some issues, a little bit contrary to those of my colleague's. I understand --

I don't have any questions. I was going to speak on the bill. Thank you.

Is -- you know, this is a -- this is a very tough issue for everyone that's involved. Now, since Superstorm Sandy, and we suffered as well as a lot of other people did, dramatically in Nassau County, Suffolk County it was very bad, and I was a regular down on the Emergency Management Office in Bethpage. And I watched everything brought in from out of State, we had to bring in buses, we had to bring in 100-some-odd ambulances had to be trucked in, and the military came in to bring us fuel. And -- because most of our service stations were out. What's interesting was, when they brought the fuel trucks in, and there was plenty of them, they came to realize that the nozzle on their fuel trucks do not fit regular commercial vehicles, cars, ambulances, fire trucks. So it took an extra two days to get the nozzles changed so they could even fit into the vehicles that were needed.

Now, there's been a lot of talk about the police departments and fire departments and the ambulance departments should be getting their own generators. And the fact is, on Long Island where they all enjoy a good tax revenue and support, that they do have generators. Most Nassau County police stations have generators, especially the ones that have been remodeled. All new homes in Nassau County for the most part when they're built have generators, and it's -- it's a very common occurrence today. So the percentage of these emergency places are going to need assistance, it's

really not going to fall so much on Long Island except in those smaller villages out East in Suffolk County.

But let's look at the rest of the State where those fire departments and police departments that consist of 20 people, 30 people, they don't have that kind of revenue to put in these commercial generators. They just don't. And I know a lot of my colleagues are already detective of the utilities, and I'm very considerate of the utilities also because like everybody else, I pay. But I also know that utilities already have emergency plans in place. They already have to provide emergency services to people's residences who are on life-dependent machinery, all right. And I've had many a constituent that -- that are on the list that gets serviced immediately when there's an outage, when they know they can't correct it in several hours, they have to go there and hook up. Most of these places, when we talk about a hookup, have hookups. And if not, then maybe they've got to go out and put their own hookup ready for when the utility company comes. And I've seen the size of those generators. And -- and they're based on the need. But the utility companies don't truck those -- for the most part, do not truck those generators anywhere. They have a contract with providers that go out there and put those generators and deliver them to the different spots where they're needed. We had them at the hospitals, we had them all over. Even hospitals that have their own generators sometimes don't have enough to cover everything. Most hospitals are generated for the operating rooms and for the emergency rooms. That's it.

So when we're going to need these emergency services, at the most, when something goes bad, really bad, we need our emergency services functioning fully because they're going to be coming to us, you know, when we call them. They have to be able to get out. So while this bill is -- is going to cause maybe some friction with the utility companies, maybe some upgrade in costs that of course they always pass along to everybody, no matter what it is, especially on Long Island, they do a great job of doing that, but also the utility company on the Island, PSE&G who's the contractor for LIPA, has a lot of these contingencies addressed. I think they do a phenomenal job when we have an emergency in restoring power. The things that I did learn in our last couple of major storms that we had is that it's not easy as we think for the mechanics to go out there and restore the power because of OSHA regulations. If the wind is above a certain amount of knots, they can't go into buckets and fix the line. If there's thunder or lightening they can't go up, and depending on the nature of the rain, how heavy it is, they can't go up. So there's a lot of things that stop these things from being implemented.

But I think together, everybody will work together. We also passed legislation that all new service stations that are located in the proximity of the water have to have generators now. So little by little through pieces of legislation we can remedy a lot of this, but we have to stop -- we have to start somewhere and, you know, provoke these people to come forward and do what they need to do. You know, I don't look to put burdens on utility companies, but they have a

job to do, they get paid to do it, you know, and they should be out there doing it. We always bring in people from Canada, from every interstate in this country to help us the way we go to them with the interagency mutual agreements that we have, but somewhere along the line they have to, you know, help us. And they have to get the power back when it has to be. And one of the things I found out in our last big storm, so I get a phone call that the utility company from Texas restored power in Garden City along the whole strip in Garden City, which is not my district. So they get this whole strip put up. Under the agreement that the union representing LIPA has and PSE&G is if an out-of-state utility restores the power to the line, they cannot energize the line until the PSE&G union worker goes there and reviews their work to pass on it that it's okay. So even though the guys broke their bananas to get that line up and everything restored, it took eight hours more for somebody to go there and check off the box to say, *Okay, you can energize the line.*

So when this stuff goes on, there's a lot of interplay that gets done and none of it has to do with the need of the people; in fact, if the people recall back in Superstorm Sandy and we had one other storm with that, okay, the then-Governor had to go make a visit to that union and make a substantial contribution to the Health and Welfare Fund for them to get off their duff because they said the overtime being paid to the out-of-town mechanics was their overtime that they should be getting. I mean, how much more could they work? They were working almost 24 hours a day themselves. So that just

goes to show you the nonsense that goes on when we have emergencies, when we have power down and stuff like that.

So while I'm sympathetic to some of the issues that were raised by my colleagues and some of the concerns, we also have to sometimes look on the other side to see, you know, what we do for the people -- what we do for our -- the public agencies that we're so dependent on. So for that reason, I'll be voting in the affirmative and I would encourage my colleagues to do the same. Thank you.

ACTING SPEAKER AUBRY: Thank you, sir.

Mr. Manktelow.

MR. MANKTELOW: Thank you, Mr. Speaker, would the sponsor yield?

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

MR. SAYEGH: Yes.

ACTING SPEAKER AUBRY: The sponsor yields.

MR. MANKTELOW: Good afternoon.

MR. SAYEGH: Hello, how are you?

MR. MANKTELOW: Good, how are you? Just a couple -- just a couple of questions. We're talking about generators, I've heard both sides, okay? Have you ever been around a dairy farm when there's a power outage?

MR. SAYEGH: I did -- I'm sure I passed by -- dairy farms?

MR. MANKTELOW: Yes.

MR. SAYEGH: I'm sure over the years I did a number of times.

MR. MANKTELOW: So most of the dairy farmers that I know of have their own generators because a lot of our rural dairy farms are away from the town central or the -- their populated areas so it takes awhile for electricity to go out there if there are power outages. Some of our apple cold storages up in our area, as well, they also have their own generators because they know they're not going to get power because it's going to go to our hospitals, to our first responders, to our ambulances, to our nursing homes. Grocery stores also as well, most of them have enough power to keep the frozen stuff froze and the cold stuff cold. Even our County Health Departments have generators on hand, especially we've seen this through the pandemic of the COVID-19, keeping the vaccines completely cold. What are your thoughts about the emergency -- the EMOs, the Emergency Management Offices of our county, a lot of the stuff that you're asking the utility companies to do is already road mapped out for every single scenario that's going to happen within the county. Have you ever looked at one of those to see what that -- what that looks like?

MR. SAYEGH: No, I mean, I -- back to the earlier statements, the emphasis is on holding utility companies responsible. I'm sure there's many other situations where we can get into the question of who would be entitled and who's -- who's not entitled, but as a -- as an initial responsibility, I think as a society, as a necessity in

our communities, you have to first of all make sure that those agencies and those entities that are there to protect us are given the resources and, in this case, the energy and the power to make sure they do their job. You know, we can get into who does and who doesn't, and who complies and who doesn't comply, but at this point the matter is making sure that these utility companies put the energy, the time, the planning, working with county and local and Statewide agencies to assure that these compliances are addressed. Too often we wait for emergencies to occur. This requires more proactive and more planning.

MR. MANKTELOW: I like those words, *proactive and more planning*. I agree with some of my colleagues that -- let's be proactive, let's make sure that doesn't happen. But I'm going to give you an example of what happened back in Upstate New York, I believe it was 1992. We had probably one of the most severe ice storms in history and a lot of our emergency management -- or emergency responders couldn't get through. A lot of our utility companies couldn't get through. Not for one day, not for two days, not for three days, sometimes seven to ten days.

MR. SAYEGH: That's terrible.

MR. MANKTELOW: So in -- in this bill that you're bringing forward, in that case, how on Earth are we going to hold the utility company responsible if they cannot get through?

MR. SAYEGH: I think, you know, it's -- it's a -- it's a combination. We spoke about a couple system where they have in

place their teams, they -- especially if there's a forecast of a storm, as we said earlier, we now hold them more accountable to make sure, again, the planning aspects, not to wait for a storm and then have trucks come from Ohio and Canada and Pennsylvania that we witness where people stayed in your community and elsewhere through the State weeks sometimes without power because of these delays. So this is a major piece of addressing the concerns we all have. And maybe we need to go steps further with other legislation, but the bottom line is you've got to preserve those that are safeguarding us to move forward to other initiatives.

MR. MANKTELOW: Have you spoke with any of the utility companies?

MR. SAYEGH: I've spoken to representatives.

MR. MANKTELOW: And what are their thoughts on this?

MR. SAYEGH: Excuse me?

MR. MANKTELOW: What are their thoughts on this?

MR. SAYEGH: Their thoughts -- if -- if the mainstream or the leadership of utility companies was required to put a little more effort into working closely with emergency management teams and to really be more proactive, they feel it would be a win-win. And this is individuals that work for utility companies that said, *You know what? A lot of what should take place doesn't take place.* And maybe in a lot of situations it does take place. So we're not say saying

the system is totally a failure, we're saying we need to mandate and set guidelines and rules and procedures, especially to address those that should be provided emergency services first. And then it doesn't take away, it's not do one and not do the other, and it shouldn't be packaged as, well, if you preserve and protect and restore energy to first responders, you're therefore taking away emergency services for the community-at-large. That's not the intent of this.

MR. MANKTELOW: So I know in our county, our EMO office, our Emergency Management Office, I have been involved with those drills that we have. And in our command center around that table are members from NYSEG, New York State Electric and Gas; RG&E, Rochester Gas and Electric. They're a part, they have boots on the ground in that office as soon as that disaster happens. So they are doing their part. One of the problems is they are on such a fine line of people because they only have so much -- so much money. And we all know in business, you can't have ten people just standing around if there's an emergency, it just doesn't work like that. So I think that's it for my questions, sir. I appreciate your time.

MR. SAYEGH: Thank you very much.

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

ACTING SPEAKER AUBRY: On the bill, sir.

MR. MANKTELOW: Having dealt with these situations firsthand at the county level, at the town level, the local level, we have to be proactive and not reactive, Mr. Speaker. I -- I applaud you for bringing this forward and the thoughts of doing it that

way, but in reality when the roads are closed, the power is not there, those generators need to be on location with fuel, electric lines run, already hooked up and ready to go at the onset of the disaster. And again, to put that responsibility back on a private company to do this -- so I'd like to say let's hold off on this bill, let's take another look at it, let's get all the players around the table so we can see what's the best approach is. In the Assemblyman's area, that may be the best approach there, but I know in Upstate, in rural New York State, the game is totally different. And if we're going to pass legislation across the board, we really need to slow it back, bring it back and take our time. Absolutely we need to be proactive and not reactive.

And -- and my last thought was, one of my colleagues had talked about the overtime and how much the workers are making that came in from out-of-state to help us. That's pretty sad. Our frontline workers, our union workers from New York State should be getting that money, not people from out-of-state. And I've heard this from our local nurses over this past week that our nurses coming in to help are making more money than our nurses that are -- that live here and -- and work for us and are part of our unions, part of our makeup. We need to make sure that happens.

So let's put these workers to work, Mr. Speaker, let's get these generators out there now, let's get the fuel set up now and let's make all of our first responders prepared and ready to go and, again, let our utility companies work on finding out how many lines they need, how many poles they need, who's going to put them in the

ground. Oh, and by the way, where are we going to source all this stuff because the storm that we thought was only going to affect one or two counties in New York State affected half the State, half the poles are gone. They are the experts for running the lines, getting the poles. Let them do their job. Again, let's be proactive and get those necessary generators and fuel on hand so it's always there. It takes that risk out of the picture.

So as much as I'd like to support this, I will not because I think there are better ways of doing this, at least in our area and in most of the State. So thank you, Mr. Speaker.

ACTING SPEAKER AUBRY: Read the last section.

THE CLERK: This act shall take effect immediately.

ACTING SPEAKER AUBRY: The Clerk will record the vote on Assembly print 3318-B. This is a fast roll call. Any member who wishes to be recorded in the negative is reminded to contact the Majority or Minority Leader at the numbers previously provided.

(The Clerk recorded the vote.)

Mr. Goodell to explain his vote.

MR. GOODELL: Thank you, sir. In my county our county buildings, our major cities, our hospitals, our essential emergency services already have emergency generators. And the reason is because as soon as the power goes out, those emergency generators kick on. And that's the way it should be. And they're all tied into natural gas, it hasn't yet been banned from the State of New

York, they're all tied into natural gas so you don't have to refuel them. And they're routinely tested so we know they're reliable. And they're hardwired into the emergency system because all of these require a licensed electrician to wire them in. And so they're properly wired, they're on standby, they're ready to go at a moment's notice.

And what this bill says is if you happen to be one of those fire departments that hasn't planned proactively, then don't spend the money to be ready at a moment's notice, instead hope that a utility company will come within 24 hours and help set you up. Ignoring for the fact that when a utility company delivers a generator, they can't tie it into your building. It's the building owner that has to get the licensed electrician, that has to run the wiring to the outside, who has to put in a separate fuse box. So what this bill says is those who are responsible, you're suckers; those who are irresponsible and haven't done it, we'll deliver a generator that you can't connect anyway. Not a good approach.

Let's encourage everyone to be proactive. Let's encourage everyone to install a generator. Let's ensure that our Emergency Management Services have the power they need when they need it, not days or weeks later when they finally get an electrician to figure out how to hook the generator up. For that reason, I'll be voting no and urge my colleagues to vote no as well. Thank you, sir.

ACTING SPEAKER AUBRY: Mr. Goodell in the negative.

Mr. Sayegh to explain his vote.

MR. SAYEGH: To explain my vote, Mr. Speaker. I appreciate the comments of my colleagues and the concerns addressed and -- and -- but the bottom line is in times of emergency, I know myself, I want to make sure that loved ones and -- and people that I care about are safeguarded. When we look at municipalities, we look at our communities-at-large, you know, we want to make sure that the people that are responsible to protect us are protected and they're shielded from power outages that last more than 24 hours. This legislation may have questions as to who should and who shouldn't, but these times of emergencies require that people be held accountable to plan better and to assure us that whether it's their emergency command teams or the liaisons that work for utility companies are communicating, that they're planning, that they're assuring that the generators and the power and the electrical service is up to par. This requires more planning and more responsibility. And those of us that have witnessed people that lost their lives, the suffering that was unnecessary because there was a lack of adequate resource and response is -- is -- is something that shouldn't be looked upon in a minor way. So Mr. Speaker, I vote in the affirmative and urge my colleagues to do so.

ACTING SPEAKER AUBRY: Mr. Sayegh in the affirmative.

Mrs. Peoples-Stokes to explain her vote.

MRS. PEOPLES-STOKES: Thank you, Mr.

Speaker, for the opportunity to explain my vote. I understand that we live in very changing times, I'll call them changing times. It seems like of recent years we've experienced a number of storms all over the State of New York, rainstorms, snowstorms, and we have to react differently when these things happen because at the end of the day we all have loved ones and constituents that we want to be protected in the midst of a storm. And if this is the way to get that done then I think it's the right thing that we should be doing.

Clearly the biggest storm that we've all had to experience has been the pandemic, and everybody's life has changed to some extent. And I think it's incumbent upon all utility companies that offer people opportunities for power to be -- get prepared. If you're not already figuring out how to do these things so that should someone's mother need an ambulance they can get to her. They should be figuring these things out now and if they haven't already figured them out, I think it makes sense for us as legislators to start laying out some strategies that they can use. They -- they could turn that down and decide to do it a different way, but right now we need to have some results because at the end of the day, we need people to be protected and taken care of in the midst of the multiple storms that we could still yet to see. With that, I'm pleased to vote in favor of this legislation.

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.

Mrs. Peoples-Stokes.

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

ACTING SPEAKER AUBRY: We have both.

On a motion by Ms. Walker, page 33, Calendar No. 244, Bill No. A-7480, amendments are received and adopted.

On a motion by Mr. Eichenstein, page 50 -- 45, Calendar No. 448, Bill No. 8809-A, the amendments are received and adopted.

On behalf of Mr. Abinanti, Assembly bill recalled from the Senate. The Clerk will read the title of the bill.

THE CLERK: An act to amend the Mental Hygiene Law.

ACTING SPEAKER AUBRY: There is a motion to reconsider the vote by which the bill passed the House. The Clerk will record the vote.

(The Clerk recorded the vote.)

The Clerk will announce the results.

(The Clerk announced the results.)

The bill is before the House and the amendments are received and adopted.

Resolution No. 669, the Clerk will read.

THE CLERK: Assembly Resolution No. 669, Mr.

Lawler.

Legislative Resolution congratulating the Suffern Boys Hockey Team upon the occasion of winning the Division 1 New York State Hockey Championship.

ACTING SPEAKER AUBRY: The Clerk -- excuse me. Mr. Lawler on the resolution.

MR. LAWLER: Thank you, Mr. Speaker. As a proud graduate of the class of 2005 of Suffern High School, I want to congratulate the Suffern Men's Hockey Team upon winning the Division 1 New York State Hockey Championship. The Suffern Mounties finished the season 21-1, defeating West Genesee, sorry Mr. Lemondes, 5-2 in the Championship game. This is the third State Championship in hockey for the Suffern Mounties and I want to congratulate Coach Rob Schelling and the entire team, our school district, and community in Suffern. This is a tremendous victory for a team that has battled through over the last many years dealing with COVID and other -- other such challenges, and we're very proud of them and I want to congratulate them on a great victory. Thank you.

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

Mrs. Peoples-Stokes, we have numerous other fine resolutions which we will take 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. 665-668 and 670 were unanimously approved.)

Mrs. Peoples-Stokes.

MRS. PEOPLES-STOKES: Mr. Speaker, would you please call on Ms. Hunter for the purposes of an announcement?

ACTING SPEAKER AUBRY: Ms. Hunter for the purposes of an announcement.

MS. HUNTER: Yes, Mr. Speaker, we're not done yet. There will be an immediate need for a Majority conference at the conclusion of our Session.

ACTING SPEAKER AUBRY: Majority conference immediately following Session.

Mrs. Peoples-Stokes.

MRS. PEOPLES-STOKES: Mr. Speaker, I now move that the Assembly stand adjourned until 1:00 p.m., Tuesday, March the 22nd, Tuesday being a Session day.

ACTING SPEAKER AUBRY: The Assembly stands adjourned.

(Whereupon, at 5:48 p.m., the Assembly stood adjourned until Tuesday, March 22nd at 1:00 p.m., Tuesday being a Session day.)