

WEDNESDAY, MARCH 31, 2021

4:42 P.M.

ACTING SPEAKER AUBRY: The House will come to order House.

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

(Whereupon, a moment of silence was observed.)

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

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

A quorum being present, the Clerk will read the Journal of Tuesday, March 30th.

Mrs. Peoples-Stokes.

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

dispense with the further reading of the Journal of Tuesday, March 30th and ask that the same stand approved.

ACTING SPEAKER AUBRY: Without objection, so ordered.

Mrs. Peoples-Stokes.

MRS. PEOPLES-STOKES: Thank you, Mr. Speaker. I want to welcome our colleagues to the Chambers, both those who are here with us and those are with us remotely. I do want to offer a quote today, Mr. Speaker. This one is from Indira Gandhi. She is an Indian politician, a central figure in the Indian National Congress. She was the first and, to date, the only female Prime Minister of India. Her words to share with us today, Mr. Speaker, are *Social change is brought about by those who dare and act, who can think unconventionally and who can court unpopularity.*

Mr. Speaker, colleagues should know that they have on their desk a main Calendar. I would like to remind members that today is the second Session day of the 13th week of the 244th legislative Session, and that our principal work on this second day of the 13th week of the 244th legislative Session, we're going to take up three bills, they are as follows: A Rules bill, Rules Report No. Bill No. 47 by Ms. Richardson; Calendar No. 211 by Mr. Bronson; and Rules Report No. 49 by Mr. Lawler. Mr. Speaker, I would make additional announcement regarding scheduling and other issues should they be necessary. At the conclusion of this Session, though, and without any doubt we will have to have another Majority Conference

and so I'm asking folks who are with us remote to stay on and you will be contacted as to when you should be in Conference. That is a general outline -- of course we will consult with our colleagues to see what their needs are, but that's a general outline, Mr. Speaker, and now would be an appropriate time to do housekeeping.

ACTING SPEAKER AUBRY: We have no other business but to go directly to the bill you announced, that's page 4, Rules Report No. 47, the Clerk will read.

THE CLERK: Assembly No. A06255-A, Rules Report No. 47, Richardson, Peoples-Stokes, Paulin, Gottfried, Cook, Perry, Dinowitz, Colton, Lupardo, L. Rosenthal, Abinanti, Bronson, Quart, Otis, Bichotte Hermelyn, Simon, Seawright, Carroll, Niou, Griffin, Frontus, Fall, Reyes, Stern, Jacobson, Clark, Anderson, Jean-Pierre. An act to amend Chapter 108 of the Laws of 2020, amending the Public Service Law relating to issuing a moratorium on utility termination of services during periods of pandemics and/or state of emergencies, in relation to extending the effectiveness thereof; to amend the Public Service Law and the General Business Law, in relation to issuing a moratorium on utility termination of services; and providing for the repeal of certain provisions upon the expiration thereof.

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

MS. RICHARDSON: Good afternoon, Mr. Speaker. I'm very happy to be on the floor back in the People's House. I say

good afternoon to you and all my colleagues behind the dais, as well as our Majority Leader and all my colleagues who are here in the Chamber. This act prevents utility corporations, municipalities, telephone corporations, cable companies, broadband providers and water authorities from terminating or disconnecting the services of residential and small business customers for the nonpayment of overdue charges during the COVID-19 pandemic on December 31st of 2021 or earlier at the end of the emergency of COVID-19. This is consistent with the current moratorium for 180 days following the expiration of this moratorium. Utility customers who have suffered a COVID related hardship will be able to enter into an installment plan with their utility company in order to avoid shutoffs.

ACTING SPEAKER AUBRY: Mr. Lemondes.

MR. LEMONDES: Thank you, Mr. Speaker.

Appreciate the opportunity to speak. Will the sponsor yield?

MS. RICHARDSON: Absolutely.

ACTING SPEAKER AUBRY: Ms. Richardson yields.

MR. LEMONDES: Thank you. Nice to meet you.

MS. RICHARDSON: Nice to meet you as well.

MR. LEMONDES: I just have a couple very brief questions and then, as the Ranking Minority member on this Committee I'll then turn it over to my colleagues to continue the debate. The first, could you please clarify the covered period?

MS. RICHARDSON: So the covered period, this act

will go until the end of the year so that's December 31st of this year, and if customers can prove that they have an economic hardship, they will then be given an extra 180 days. In that, it is the Department of Public Service who will be determining if folks actually do have an economic hardship, which they have been doing through the current moratorium that's in effect.

MR. LEMONDES: Thank you.

MS. RICHARDSON: You're welcome.

MR. LEMONDES: Second question. With respect to wireless services, does the fact that this bill is Federally preempted mean anything?

MS. RICHARDSON: Does the fact that this bill is Federally preempted mean anything? No.

MR. LEMONDES: Okay. Thank you. And how does the bill protect from abuse of differentiating customers that can pay but don't have -- but don't have to under the coverage of the bill's protections, i.e. having a change in financial circumstances?

MS. RICHARDSON: Well, we are leaning on New Yorkers to self-attest to their economic hardships, much like what we have done around the rent and other areas of bill payment. We are looking for customers to move with the spirit of honesty and, you know, if there's abuse then we'll set up recourse.

MR. LEMONDES: But there is no -- there is no recourse currently, correct?

MS. RICHARDSON: At this time, no. What we're

doing is putting people first, understanding that we are in a national global pandemic and individuals do have a difficulty to pay their utility bills. What we have done as an Assembly Body has provided some fiscal monies that can be used to assist with the payment of these type of bills. So if individuals actually have a true economic hardship, they will then utilize the funding that's available to them.

MR. LEMONDES: Thank you. I appreciate it. And those are the end of my questions, I'll speak on the bill, I promised you I'd be brief and --

MS. RICHARDSON: You did phenomenal.

(Laughter)

MR. LEMONDES: Thank you.

Mr. Speaker, on the bill.

ACTING SPEAKER AUBRY: Mr. Lemondes, on the bill, sir.

MR. LEMONDES: Thank you, sir. The de facto result of this bill is ultimately higher costs for all ratepayers and customers. In my opinion, it's bad for businesses because it circumvents normal recourse for unpaid bills beyond the covered period, thereby placing the burden on essential workers like police, firemen, medical personnel, farmers, those on fixed income like elderly people, retirees, seniors, veterans, SSI recipients. We already pay the second highest utility rates in the nation, and because of regulations like this, it could make that worse. So I ask to please keep that in mind.

And although I understand the sponsor's intent and even agree with it to some extent, I think it weakens our responsibility to pay our own debts. Your debt is not my problem, nor is mine yours. When you transact business and exchange takes place, typically the provision of a product or a service in exchange for payment. I don't think this advantaging either side of the equation is beneficial for all of us in the long run. For these reasons, I'll vote against this and yield back the balance of my time to my colleagues. Thank you, Mr. Speaker.

ACTING SPEAKER AUBRY: Thank you, sir.

Mr. Palmesano.

MR. PALMESANO: Yes. Thank you, Mr. Speaker.

Will the sponsor yield for a few questions?

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

MS. RICHARDSON: Absolutely, Mr. Speaker.

MR. PALMESANO: Thank you, Diana. Quick -- couple -- first thing I wanted to ask you, right now I see in reports, do you -- do you -- are you aware how much in arrears we are right now with utility and other bills? I saw a report in *Newsday* that said we were about \$1.25 billion, and just on -- LIPA, \$187 million that's arrears. Across the State, are you -- are you aware of how much we have in arrears?

MS. RICHARDSON: The exact numbers, Mr. Palmesano, no I am not aware of, but I -- I can assure you, Mr.

Palmesano, that the number is some great figure because we have been in a pandemic for a -- a year's time now.

MR. PALMESANO: That's correct, yeah. I think *Newsday* had it tagged at about \$1.25 billion, that's significant. I guess the question I wanted to ask you also, is there any language in this bill that would require individuals to apply for assistance programs that they're eligible for to qualify for the moratorium? So if there's programs that they're eligible for, requiring them to apply for these assistance programs or anything directing the PSC or Public Service Commission to require them to apply for these programs that they normally might apply for that they're not applying for. Is there any language in this bill that would require that?

MS. RICHARDSON: Requiring individuals, no, Mr. Palmesano, but what we will be doing, we have a notification portion of this bill so on the actual billing statement for consumers, we have a notification portion and I would assume that utility providers would put a blurb there on how -- how their customers can access available funds to them.

MR. PALMESANO: Regarding some of these programs that are out there, I know, I'll just tell you that right now we've got \$1.3 billion in Federal aid for renters that's been given to New York that we haven't applied yet that could be used for some of these programs. Do we know when that's going to be bleeding out to the communities? If we don't use it by September, we forfeit that money back to the Federal government. Do we know is that going to

be used to help in these instances whether it's rent or utility costs?

MS. RICHARDSON: What we have put in the previous bill, Mr. Palmesano, is provisions for the local municipalities to work with non-profit groups that are culturally, linguistically competent to do outreach into communities to educate consumers of the resources that are available to them. Trust me, I am a person whose lived many lives prior to standing on this floor. No one wants to be behind on their bills. No one wants to be facing eviction. No one wants to be facing utility shutoff. Everyone needs their light, their cable, their heat and phone and so forth. So it is my belief and the belief of my colleagues and the people of the State of New York, as these resources are available to them, folks will utilize it. We just have to do a better job as a State Legislature in ensuring that our communication is clear and that the -- the metrics on who qualifies is clear so that folks feel comfortable applying.

MR. PALMESANO: No, that's -- I appreciate that because we definitely need to have these individuals applying for these programs that they're eligible for because we're not seeing that that's happening, at least that's the reports we're getting. And the concern I have and the others have is all we're going to do is see these arrears compound and compound which is just going to make the situation much more difficult for them and just compounding the debt. And so I guess my next question is now what happens if the arrears continue to build up and build up and, you know, these utilities or cable companies are losing significant amounts of money. Isn't it

ultimately that going to pass on to the customer and the ratepayer through rate cases when they go to the PSC; isn't that a possibility? Because those cases have to be -- have to be made up, those funds have to be made up because they're losses if they're not being paid. That's a loss to that individual, that utility company or cable company. So wasn't that possible that that's been the cause for rate case -- increased rates for everybody else?

MS. RICHARDSON: I don't believe that this will cause rate increases, Mr. Palmesano. Honestly, I think that as a State Legislature and a Federal government and even locally, we -- we understand how we are all intertwined and we saw that there was a lot done to help the housing situation. I think if it becomes such a dire situation as to the way you have described that we could probably see some sort of relief and resolution in a different way without passing on the cost to the consumer, so no.

MR. PALMESANO: Okay. Well, I can respect that answer, but I guess the concern we have to realize, there is a process in place where utilities or other companies go before the PSC because they're regulated by the PSC. If there's a significant loss, I mean, the regulators are worried about that. There is a process that they would take those losses if they're documented and significant to present that before the PSC for a rate increase and then that rate increase would not just be borne by all the other ratepayers, it would be borne by the same individuals we're trying to help the shutoff because they'll have the arrears and then on top of it, they'll have a rate increase, that is a

possibility. I know you think it's not, but it is certainly a possibility that could happen under this scenario, correct?

MS. RICHARDSON: No. Again, Mr. Palmesano, let's be very clear about what the text of this bill states. This simply is giving consumers an opportunity to get into a repayment agreement, okay. It does not let people off the hook. I am from Central Brooklyn and from the Caribbean and as we say, *you got to give people a time to pay, you got to give people a time to pay*. This is a pandemic. Individuals have lost their employment, small businesses are struggling and what we are looking at right now is not, you know, the effect of passing on an increase to consumers down the line. We are looking at making sure people stay whole right now. And, again, I don't subscribe to that false principle that this will increase bills.

MR. PALMESANO: Okay. Fair enough. Certainly on the broadband issue, we know how critical that is through the pandemic, what we've seen with remote learning, remote work, we've done it here in the Chamber, our kids are doing it at school. I think some of the concerns I have is relative to the problem with the language that my colleague brought up regarding Federal preemption. I guess my question is how do you respond if the State's trying to put regulations and requirements on broadband service and the fact is the Federal law preempts State regulation of broadband as it's defined as interstate information and commerce, which is subject to exclusive really regulatory authority, the FCC, and then also -- there's also language in there that says that you can't effect rates and, in essence,

aren't we, with trying to put this regulation on broadband and on broadband providers and effectively, you know, with the rates, aren't you basically stepping on where the Federal jurisdiction is, where the State doesn't have any jurisdiction in it?

MS. RICHARDSON: No, Mr. Palmesano, you're incorrect. The State has the power to enforce consumer regulation so we are not stepping out of our lane.

MR. PALMESANO: All right. Fair enough. I appreciate your honesty. And I do have another question that I wanted to ask you.

MS. RICHARDSON: Let's go.

(Laughter)

MR. PALMESANO: Last year when I had a conversation with the sponsor on this legislation, and I came to him and I brought up if we had -- I mean, I understand what we're trying to do with this legislation, we want to try to provide relief to help individuals, but if we could have an opportunity right now to provide real, effective, meaningful, immediate relief to ratepayers right now and let them get caught up on their bills, if there's a way to do that and, specifically, we require -- it's just a delay of some of our green energy projects, solar farms and windmills, wouldn't that be at least something to look at? I'm not saying we shouldn't do those in the future, just to delay them and then we could provide immediate relief. I mean, I know wind and solar is for our future, but if we could provide immediate relief to help individuals right now; isn't that

something we should be looking at doing right now?

MS. RICHARDSON: I think you're correct, Mr. Palmesano, in the thought process that we need to be extremely creative and to look and relook at measures we have probably taken in the past to try to see if there are any avenues for us to manipulate to get some excess funding to help with our immediate needs, so I would say yes, but cautiously.

MR. PALMESANO: Thank you. I appreciate -- and thank you for your time.

Mr. Speaker, on the bill.

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

MR. PALMESANO: Certainly I want to applaud the sponsor. I know her intentions behind this bill is to help. We all want to help, and I -- I appreciate that. I think -- I know, you know, some criticisms I'll bring up on this bill, some people are going to say, *well, how can you vote no, you don't have any ideas or a plan*, and I know a lot of times when we hear the word "utility company," we think of a big corporation and shareholders. I think of it a little differently. I hear "utility," I think of a ratepayer, I think of the customer. I think of a small business or farmer. And the fact of the matter is when cost increased on our utilities, on our businesses, our telecom companies, when those costs increase, those costs are going to be covered through increased prices and increase rates. It's just a fact.

But yet, we can help. I talk about what can we do

here today. We can, we have a suggestion, a solution right now. We can provide immediate relief to people who are hurting right now with their arrears. All we have to do is just take some time and delay some of our green energy projects, wind and solar farms. I mean, I know we're spending billions of dollars a year on green energy. We could take some of that money, a portion of it, and let that go right and pay off some of these arrears that we have in place. Last year when we were discussing this, there was \$1.1 billion sitting in a fund waiting to be transferred to NYSERDA for green energy projects. Wouldn't it be better to use that funding to help provide direct, immediate relief to our customers who are hurting right now, to our ratepayers who are behind billions of dollars -- over billions of dollars across the State. Wouldn't it be better to use that? Wouldn't that be a better use of that funding? We collected over \$1 billion a year in tax and fees and assessments on our utility bills. Look at your bill, it's renewable portfolio standard, the systems benefit charge; significant amounts of money. We can help right now. We can make that -- provide that relief right now. The Governor's talking about 24 environmental projects, green energy projects at \$29 billion. Some of that's private money, but some of that is State money. Delay some of these projects for a year or two. I'm not saying don't do them, but just delay them for a year or two. Take that money, \$1.2 billion, we can pay off all the arrears right now. We should be exploring that. That would provide real and meaningful relief to people, families, and businesses. That's what we should be looking at doing.

The other area, too, we talked about that I have some concerns about, there is Federal preemption here. Because really under the law, it clearly preempts under Federal law the Third Jurisdiction for regulation of broadband falls with the FCC and the Federal government, not the State government. And all this is going to do is to lead to more lawsuits, quite frankly, and that's not going to provide the assistance to the people that we need to do. We have to -- when you're effecting the rates that are being paid, when you're trying to have the regulation of broadband Internet access, which is really interstate commerce, interstate service, the FCC has been really clear about that. I think we're going to run into problems with that in the future. And then on top of that, if we're going to try to put this on our broadband providers, this is clearly going to discourage the necessary, needed investment we need to build out our broadband network by our providers, especially in rural areas. Why would they make that investment if we're taking this attack and approach with them? And I think we need to make sure we're making sure people find and apply for these assistance programs, because if they're not, if we're not going to provide that type of assistance I was talking about, these arrears are going to continue to grow. They have to apply for these programs. We need to make them apply for these programs that they're eligible for if they're going to be -- qualify for this moratorium, because what's going to happen, the fact of the matter is when rates go up, rates will go up and costs are going to go up, rates are going to go up, it's going to impact the utility bills of everybody. It's going to impact the utility

bills of our -- our essential workers, the nurse, the grocery clerk; their rates are going to go up and the senior citizens on fixed income, because they may not qualify for financial circumstances, and the seniors on fixed income. That to me, that's problematic. The fact of the matter is we know they bring rate cases before the PCS on the customers when their costs are going up, there's no other alternative other than to increase rates on everyone else to make up that money.

So this is just going to lead to higher utility rates. We're already at like the second highest rates in the country, higher utility rates for everyone else, and on the same people we're trying to help, and that's unfortunate. I just think this isn't a really good situation. I know we're trying to help, and I appreciate the attention of the sponsor doing this, but we really need to make sure that we're encouraging they're applying for assistance because if we do that and we get that help to them, then what we're doing is we're helping the customer lower their arrears, or eliminate their arrears which is what we really want to do, not just have them build up and compound as they continue to do. And it would help a provider be able to get reimbursed for the services that are provided -- providing, which they're entitled for their reimbursement. If they're not being paid, it's going to take forever to get them back, or not get back or it's going to come through the rate increases. And that will -- if we can do that type of action, than that's going to lessen the cost shift that goes to our essential workers, it's going to lessen the cost shift that goes to those individuals across this State through increased utility bills, Internet

bills. That's what we need to be focusing on. We want to protect them and I think, unfortunately, I think this is just going to create some concerns and challenges for everyone else as we move forward, even the very people we're trying to help, because essentially, their arrears are compounding, but their bills are going to go up, too, because there are going to be rate increases across the board.

And I guess I really wanted to stress to my colleagues right now, we have an idea. If we just take the funds that are used for green energy projects, billions of dollars a year that are effected and spent through taxes, fees, and assessments. If we can just delay some of those projects. I'm not saying they're not worthwhile projects, but the critical need is for our constituents right now who are suffering. We can take that money and go and provide direct, immediate relief right now. Get rid of the arrears, get rid of those back bills for our small businesses, for our residents, that's -- that's the solution. We can do that right now in the budget process. I encourage us to explore that. That's real relief, that's going to provide the help to the people we're trying to talk about helping today. That will be real relief.

ACTING SPEAKER AUBRY: Thank you.

MR. PALMESANO: Let's provide real relief.

ACTING SPEAKER AUBRY: Thank you.

MR. PALMESANO: Thank you, Mr. Speaker.

ACTING SPEAKER AUBRY: Mr. Palmesano, you can take a breath now.

(Laughter)

Mr. Jensen.

MR. JENSEN: Thank you, Mr. Speaker. Will my colleague from Central Brooklyn yield for a few questions?

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

MS. RICHARDSON: Absolutely, Mr. Speaker.

ACTING SPEAKER AUBRY: Ms. Richardson yields.

MR. JENSEN: Thank you very much. A couple minutes ago, you -- you mentioned to -- the answer to a question from the Ranking Member of the Committee that it's up to the -- the Public Service Commission to determine if a consumer has the financial ability to pay what they're owed on their bills. Is that for just residential customers or the small business customers as well, or both?

(Pause)

MS. RICHARDSON: Yeah, it's for both. Sorry I needed clarity.

MR. JENSEN: Okay. Thank you. So I'm -- just a follow up on that. I know in the bill it talks about how the moratorium protections need to be extended to small businesses with customers of -- with employees of 25 or fewer.

MS. RICHARDSON: Mm-hmm.

MR. JENSEN: So long as they are not a publicly-held company, seasonal, short-term or temporary customer, a high energy customer as defined by the PSC, or a customer that has

the -- that the utility can demonstrate has the resources to pay the bill. So in that reading, it would appear that the onus is on the service provider to determine whether or not their customer has the financial ability to pay what they owe for their services, and it doesn't fall to the PSC to determine financial ability; would that be an accurate reading of the bill text?

MS. RICHARDSON: Yeah, not really. Ultimately the recourse would be to the PSC.

MR. JENSEN: So the PSC, the utilities do have to provide the small business customer of its reasons and their right to contest the determination through a PSC complaint procedure based on the emergency declaration, but I'm merely just unsure about how utility is able to determine whether or not their customer has financial ability to satisfy their requirements.

MS. RICHARDSON: Yeah. This is more put in place in the language for big, big, big, companies that we all, for instance, like the GE, someone who we know has the ability to pay so that they don't, you know, try to slip into this small business category.

MR. JENSEN: So -- so the -- the big businesses of 26 employees or larger are covered by this bill, or not covered by this bill?

MS. RICHARDSON: They are not as per the language of the bill, and if they were high usage, they wouldn't be covered either.

MR. JENSEN: Okay. But they would still have to,

25 and over, they'd still -- the utility provider would still have to determine if they have the ability before it goes to the PSC. I'm just -- I'm new, so I'm learning, so I just -- I have questions.

MS. RICHARDSON: I would say that's accurate.

MR. JENSEN: Okay. So how would the utility company go about finding out the financial well-being of their customer?

MS. RICHARDSON: Well, there might require some outreach to the businesses to make sure they're not subject to protections of this bill. It's going to cost some legwork and some outreach.

MR. JENSEN: So the utility would have to take certain steps to ensure that their customer is actually experiencing a COVID-related financial hardship and they're just not choosing to decline to pay their bill.

MS. RICHARDSON: Well, when it comes to the small businesses, I would say yes, but to be honest, they're going to have to take a lot of outreach steps anyway --

MR. JENSEN: Okay.

MS. RICHARDSON: -- just given the situation --

MR. JENSEN: Okay.

MS. RICHARDSON: -- but even if it's to the residential customer, right.

MR. JENSEN: So -- and that's certainly, we are, like you said, we are in a national global pandemic so certainly we want to

make sure that the people who need -- need that little help and may need a handoff are able to get it. But what sort of outreach would the utility company have to do, is it a phone call? Is it a certified letter? Is it knocking on the door to find out?

MS. RICHARDSON: Well, we leave the language very open for providers to determine what's the best and maybe cost-effective or most effective way for them to reach out to their consumers. As stated here previously, everyone is getting a bill from their providers on a monthly basis. It's easy to throw a paragraph or two in the bill statement letting folks know what's available to them. I -- you know, they can send e-mails, digital is pretty, you know, good these days, you know.

MR. JENSEN: Well, that's as long as their power's not being shut off.

MS. RICHARDSON: As long as they don't shut it off, hello.

(Laughter)

MR. JENSEN: So -- so thank you very much for answering those questions. I do have a couple more questions based on the 25 employee issue.

MS. RICHARDSON: Okay.

MR. JENSEN: So I know it was amended to have the 25 or fewer, and -- so what type of employees in that number, is it full-time employees, is it part-time employees? So if somebody works a 20-hour work week, do they count for half an employee or do they

count as a full -- full employee? If somebody is an unpaid intern, do they count towards the employee number?

MS. RICHARDSON: Yeah, we are just talking about 25 employees period. It does not matter if you are part-time or full-time.

MR. JENSEN: Okay. And so say I'm a small business.

MS. RICHARDSON: Mm-hmm.

MR. JENSEN: I have -- I maybe have 100 employees and I have --

MS. RICHARDSON: You are not a small business under the definition.

MR. JENSEN: And that's where I'm going with the question. If I have -- you know, I'm based in Rochester but I may have offices in Buffalo, Rochester, Syracuse, Albany, and I have 100 employees across my small business but I maybe have 50 in Rochester, so I wouldn't be covered under the legislation, but I may have 20 in -- 20 in Buffalo, 20 in Syracuse and ten in Albany. Are my three locations that have less than 25, are they covered? Or is it because the larger organization has over 25 I'm not covered for any of my locations?

MS. RICHARDSON: Because the larger organization has over 25, you are not constituted to be a small business under this piece of legislation.

MR. JENSEN: Okay. Thank you very much.

MS. RICHARDSON: You are so welcome.

MR. JENSEN: Thank you, Mr. Speaker.

ACTING SPEAKER AUBRY: Thank you, sir.

Mr. Angelino.

MR. ANGELINO: Will the speaker yield? Excuse me, will the sponsor yield?

ACTING SPEAKER AUBRY: Will you yield, Ms. Richardson? He just gave you a raise, by the way.

MS. RICHARDSON: Oh, absolutely, Mr. Speaker.

MR. ANGELINO: Hello, it's nice to see you here on the floor.

MS. RICHARDSON: Thank you. That's my neighbor.

MR. ANGELINO: Yes, we are neighbors in the LOB.

MS. RICHARDSON: In the LOB, yeah. In the LOB.
(Laughter)

MR. ANGELINO: Real quick. What -- what we're talking about here, the moratorium on some of these, does this absolve the customer from paying the bill?

MS. RICHARDSON: Absolutely not. All New Yorkers are required to pay their bills. All we are simply doing is giving individuals an opportunity to get into a payment agreement without penalty so that they can avoid having their utilities shut off, but we absolutely do not let anyone off the hook. Folks must pay their

bills.

MR. ANGELINO: Are we digging them deeper into debt by putting this off?

MS. RICHARDSON: Absolutely not, because as previously stated here on the floor, we have provided fiscal relief that consumers can apply for, so I don't believe we're putting individuals further into debt. Look, one can argue that naturally by way of this pandemic, a lot of people went into debt because a lot of people simply lost their employment. But right now as the saying goes, you can't get blood from a stone. You're going to give people a chance to pay.

MR. ANGELINO: But they can discontinue their service because -- you can't get it for free without passing it on. Eventually, somebody has to pay.

MS. RICHARDSON: Well, listen. When you talk they can discontinue their service, should people be in the dark? Should people be without gas? Should people be without water in a pandemic because they can't pay and lost their job? I'm asking that rhetorical because I know you know the answer, it's no. So I think that, again, we are here to represent the people of the State of New York and while it may not be ideal for the profit, we are -- we are putting people and the necessary services first and we are not just putting this moratorium, but we are also providing a fiscal avenue for those who qualify to get relief. So I think that it is not the most ideal situation, but in this time we have to be like a rubber band and be

flexible.

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

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

MR. ANGELINO: If we really wanted to help these people, renters, people who are in -- in a bind because of the pandemic, we'd be releasing the \$1.3 billion that the State is sitting on, the Federal money that was sent to us in December to help with renters and small businesses pay rent. That would help maybe free up some money that they could pay their utility bills. And I don't know how many people have been into my district, but I have a Village of Hancock that has a family-owned telecommunication company providing telephone, television, and Internet service. It's a family-run business, the Wrighter family, it's Bob Jr. and Sr., and I think there's a niece or a nephew. I think total they don't have 25 employees and they're providing this. There's no way that they can continue this without getting paid somehow some way. This is a small business that happens to be providing this, and I've got to look out for them.

So I would urge my colleagues to think long and hard about this before we start passing more social legislation like this. Thank you, Mr. Speaker.

ACTING SPEAKER AUBRY: Thank you, sir.

Mr. Goodell.

(Laughter)

MR. GOODELL: Thank you, Mr. Speaker. Would

the sponsor yield?

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

MS. RICHARDSON: Absolutely, Mr. Speaker.

ACTING SPEAKER AUBRY: Absolutely.

MR. GOODELL: Thank you very much, Ms. Richardson. Just to make sure everyone's clear, this is -- if you're an individual, it's triggered by a change in financial circumstances, right?

MS. RICHARDSON: Yes, Mr. Goodell.

MR. GOODELL: And so if there is no change in your financial circumstances then you're not eligible for any of this relief?

MS. RICHARDSON: No, you are not, Mr. Goodell.

MR. GOODELL: So just to be clear, if you are a senior citizen on Social Security, or SSI, or disability with no other income, or a retiree with no other income and obviously that's not changing, you would not be eligible under this, correct?

MS. RICHARDSON: I'm sorry, Mr. Goodell, can you say it again?

MR. GOODELL: Certainly. So just to be clear, if you're on Social Security, you're a senior citizen, or a disability, or a retirement income that's a fixed income, you would not be eligible for any of the relief under this program since your income or your financial circumstances didn't change, correct?

MS. RICHARDSON: You still get the moratorium,

Mr. Goodell. Again, if -- if folks who are on that fixed income as you are saying and still have the same level of service prior to the pandemic and were successfully paying their bills, then they should just continue to pay --

MR. GOODELL: I -- I would certainly agree --

MS. RICHARDSON: -- but they -- they would still fall under, yes.

MR. GOODELL: I would certainly agree with that.

MS. RICHARDSON: Yes.

MR. GOODELL: As you know, many of our programs have income thresholds based on poverty, you know, 100 percent, 150, 200 percent of poverty. Is there any income threshold in this bill?

MS. RICHARDSON: No, Mr. Goodell, no income threshold in this bill.

MR. GOODELL: So in theory, you could be earning five, ten times the poverty limit and still be eligible, correct?

MS. RICHARDSON: It is a moratorium across the State like a blanket, yes, Mr. Goodell, but yet again, much like with other sections that have been effected by this pandemic, we are looking to New Yorkers to do the right thing to pay. So if someone is making five, ten, 100 times, sounds like that person has some money and can afford their light, gas, and water bill; they should pay their bill.

MR. GOODELL: I would certainly hope so, and

likewise, with assets, there's no asset limitation like we normally have on most of our social services programs?

MS. RICHARDSON: No, Mr. Goodell. It's a moratorium across the State.

MR. GOODELL: Now you may be aware, I'm sure you are, that public utilities often have the ability to take an unpaid utility bill and impose a tax lien on the owner. That certainly is a situation in my community with several of the public utilities. Is there any protection under this bill for a landlord who ends up with a tax lien from a tenant that's not paying a utility bill?

MS. RICHARDSON: Yeah, we took care of that in December, Mr. Goodell.

MR. GOODELL: We didn't relieve the landlord of the lien, right, we just delayed the foreclosure on the landlord's property, correct?

MS. RICHARDSON: That is correct, Mr. Goodell.

MR. GOODELL: So the landlord would still end up with a lien if the tenant stops paying but continues to take service, correct?

MS. RICHARDSON: Yes.

MR. GOODELL: One of my colleagues touched base on this, there's -- I think you made it clear there's no requirement for the customer to seek any State or Federal grants, HEAP, for example, in order to offset these payments?

MS. RICHARDSON: Requirement, no, but is the

resource there, yes.

MR. GOODELL: And is there any requirement that the tenant or the -- or the utility customer, it might not be a tenant, but the utility customer make partial payments consistent with what their income or change in income might be?

MS. RICHARDSON: Well, requirement -- the word requirement, again, no, Mr. Goodell, but it is very clear in the language of this bill that we are pushing for consumers to get into payment agreement. We're not letting them off the hook here. We're simply giving New Yorkers an opportunity to get back on their feet.

MR. GOODELL: Now am I correct that if customers do enter into a deferred payment agreement, as you suggest, if they default on that deferred payment agreement, there's still no termination of service, correct?

MS. RICHARDSON: Under the moratorium period, no, Mr. Goodell, but look -- again, the service provider is going to have to put forth some effort to meet individuals halfway. Clearly if someone entered into a payment agreement and then defaulted, there's something wrong with their economic situation and that just does not mean they should be in the dark or without water. I would think that the service provider would then try to reach out to the person, figure out what's going on, as they do with collections, and then figure out a good pathway forward, which is what Richardson is suggesting.

MR. GOODELL: Now as you know, there was legislation previously that allowed landlords to apply for Federal

rental assistance on behalf of the tenant. Is there anything in this bill that would allow a utility company to apply for utility assistance on behalf of a utility customer?

MS. RICHARDSON: At this time, that language is not present in this piece of legislation, Mr. Goodell, but that is a good point well-taken, and perhaps it will see the light of day to this floor sometime soon if the situation continues to be what it is here in New York State.

MR. GOODELL: Now this benefit of the moratorium applies for an individual that has a change in financial circumstances. Is this a financial change that's analyzed each month? In other words, if I'm unemployed in April but I become fully employed again in May, do I have to resume paying my utility bill in May?

MS. RICHARDSON: That -- that particular section is only applicable to the 180 day period, Mr. Goodell, so if individuals' finances are fluctuating in that time, they need to, again, be honest about that and pay their bills because at the end of the day, as previously stated time and time again, this is not a, you know, walk away free and walk away and leave the utility provider holding the bag. Individuals will have to pay. So if you have the ability to pay but you're not paying, you know --

MR. GOODELL: Does this bill authorize the utility company then to request a financial verification of any kind?

MS. RICHARDSON: No, it does not.

MR. GOODELL: And does it allow the utility company to request the customer to recertify on a monthly basis, for example, that they still are experiencing a change in financial circumstances?

MS. RICHARDSON: No, it does not.

MR. GOODELL: So if you lose your job in January -- well, I better be more accurate. Let's say you lose your job April 1st and you lose your job for just a month and then thankfully you get back on your feet, you could still claim this exemption for the balance of the year?

MS. RICHARDSON: You can claim it, but again, Mr. Goodell, you can claim if -- so what you're talking about is abuse and probably fraud of this honor system that we have created and, again, I continue to point out to you that if folks want to play that game with the utility providers, they will still have to ante up, as we say, at the end of this period and they will have to pay their bills. So it is in the best interest for all parties that individuals just pay timely, and if they lost their job one month and was unable to pay then but then can pay the following month because they were able to get back on their feet, then I believe that New Yorkers will do the right thing. I don't think that the average constituent is walking around simply saying, *Oh, I'm not paying my bills and oh, I'm, you know, you know,* they know that the day will come. It's just, this is a -- it's a difficult time right now, we know what the unemployment rates are, we're still in the height of the pandemic. Let's give people the opportunity to

pay.

MR. GOODELL: And I agree, the vast majority of New Yorkers are responsible and honest individuals and, of course, the utility companies aren't worried about the honest and thoughtful customers, they're worried about the few that continue to incur utility bills without paying. On average, outside of the COVID situation, isn't it true utilities are routinely terminating service for nonpayment?

MS. RICHARDSON: Is it true, Mr. Goodell? You tell me.

MR. GOODELL: Well, yes, it is. And do you know how many thousands are terminated every year?

MS. RICHARDSON: No, but I know you're going to tell me now, Mr. Goodell.

MR. GOODELL: I actually don't know the number, although I -- I mean, in the back of my mind it's in the -- in the tens of thousands. But if someone was facing a termination of utility before the pandemic, does this excuse them even though their arrears occurred before this bill, or even before the pandemic?

MS. RICHARDSON: The word "excuse" is being used very loosely and dangerously here, Mr. Goodell.

MR. GOODELL: And I agree, so let me be more accurate. Does this preclude a termination of service even if the termination proceeding had begun prior to COVID?

MS. RICHARDSON: Again, Mr. Goodell, this is a moratorium across the -- the State. If someone had a mounting bill

prior, again, this person would be covered but still would need to pay at the end of this year and/or at the end of the 180 days additional if they're able to prove that they have a fiscal hardship.

MR. GOODELL: Thank you very much, Ms. Richardson. I always appreciate your answers.

MS. RICHARDSON: Me, too.

MR. GOODELL: You always answer in a direct way, which is appreciated by all of us. Thank you so much.

On the bill, sir.

ACTING SPEAKER J.D. RIVERA: On the bill.

MR. GOODELL: I appreciate the desire of my colleague to help those who are not making utility payments during the COVID situation and facing a loss of service, and it is certainly a laudable objective. What's interesting is when you look at how other states and the Federal government has approached this issue, they've -- they've done it in a dual manner. They said, *We want to help those who are helping themselves. We want to help those who need the help the most.* And so, for example, the Federal rent eviction moratorium is income-based because the Federal guidelines on the rental moratorium say you have to be low -- you have to be below a certain income in order to qualify. But this, as my colleague noted, has no income threshold at all. The Federal standard also goes on to say that you can get a moratorium on rental eviction but you need to be making partial payments that reflect the change in your financial circumstance. This bill doesn't require any partial payments, none,

regardless of your financial circumstances. The Federal bill says that -- that was just signed by President Biden said you can avoid rental eviction if you've applied for all grants and aid that you are eligible for to reduce the liability. This bill doesn't require any, any effort by the individual to apply for any grants or other assistance. And this has a very real impact on our utilities, because my local utilities are -- is advising me that many of their customers aren't even applying for home energy assistance. And many of them are no longer eligible for emergency home energy assistance because the eligibility for emergency HEAP, which sometimes is larger than the original HEAP, is that you're facing termination.

So we have a strange situation where our legislation is precluding people from applying for Federal aid to help the local utility. Unfortunately, many of these people who aren't making any partial payments, who are incurring an increasingly large bill, if they can't pay their utilities now, the chance they'll be able to pay a year's worth of utilities, or a year and a half worth of utilities or two years worth of utilities is somewhere going to be close to zero. And when they default, it has a ripple effect. And that ripple effect is that the utility companies facing uncollectible accounts receivable will seek a rate increase to cover the loss, and they have no choice because their revenues and their expenses are all regulated. Utility companies are not allowed by regulation to make excessive profit. So when they have excessive losses, their only remedy is to go back and raise the rates. And who's going to pay the higher rates? All those senior

citizens who didn't have a change in financial circumstances, all those retirees living on a fixed income, all of those frontline workers who never had a change in circumstances. Let's encourage people to help themselves and let's limit our help to those who need it. Thank you, sir.

ACTING SPEAKER J.D. RIVERA: Thank you.

Ms. Gallagher.

MS. GALLAGHER: Thank you.

On the bill.

ACTING SPEAKER J.D. RIVERA: On the bill.

MS. GALLAGHER: I want to gratefully thank the sponsor for bringing this forward. This issue is one that I've heard from many constituents as a major problem in their ability to live, and I was afraid that it was going to be left unresolved. I think that the economic impacts of this pandemic haven't been resolved yet. The government asked people to stay home and those who could, did and many had to use even more power and utilities because then they were doing everything from home. We need to deal with the utility debt that this has caused, and I believe that, yes, we will have a surmounting debt crisis, just as we are with rent and with other forms of payments that just have occurred because the government has decided to put our State on pause for our safety. We are still in the middle of our COVID crisis and it's important that we are still doing everything we can to make sure that everyone is safe in their homes. That includes making sure that people have access to utilities. And I

am very grateful and will be voting yes on this. Thank you.

ACTING SPEAKER AUBRY: Mrs. Peoples-Stokes.

MRS. PEOPLES-STOKES: Thank you, Mr.

Speaker. Will the sponsor yield for a quick question, please?

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

MS. RICHARDSON: Absolutely, Mr. Speaker.

MRS. PEOPLES-STOKES: Thank you, colleague.

Just if you could tell me who is responsible for making sure that the ratepayers are aware of the possibility of them getting their rates deferred until they are able to pay, is it the company, the municipal -- or the municipality?

MS. RICHARDSON: It's the company.

MRS. PEOPLES-STOKES: Okay. Thank you.

Thank you very much.

On the bill, Mr. Speaker.

ACTING SPEAKER AUBRY: On the bill, Mrs. Peoples-Stokes.

MRS. PEOPLES-STOKES: I want to commend my colleague for this legislation. Believe it or not, it's critically important for a lot of people and I'm, you know, really happy to hear her say that, you know, this is not about people not being able to pay. People probably are able to pay, but they just may need to pay at a slower pace. And we actually had this opportunity in the great City of Buffalo, but the company did not do the proper acknowledgement to

the constituents so people didn't know that they had this availability to make these arrangements. And so instead of the company saying, *We can make arrangements with you and help you figure out how to pay*, they would just send disconnect notices. That's not the way to treat people during the middle of a pandemic.

And so I think that sometimes we do have to ask companies and ratepayers to, you know, increase your humanity here. Let's figure out how we work these things together. And so I think what Ms. -- our colleague has proposed here is an opportunity to ensure that that happens, and for at least the folks that I represent, it's critical and I appreciate it. So I want to thank the sponsor for her leadership on this issue and I look forward to voting in support of this legislation.

ACTING SPEAKER AUBRY: Thank you.

Mr. Anderson.

MR. ANDERSON: Thank you, Mr. Speaker.

On the bill.

ACTING SPEAKER AUBRY: On the bill, sir.

MR. ANDERSON: Thank you. I want to thank the sponsor of this bill and I want to voice my support for this bill as it extends the existing moratorium on utility termination services. We've had constituents who've come in and have complained and have explained to myself and my office that the need for support in this moment, in the middle of the COVID-19 pandemic that has caused a great deal of financial hardship to many families for a

reprieve, for a break, for an opportunity to pay, as my colleague just said, in slower -- in slower increments because job has slowed down, income is not coming in at the same, and we, as a Legislature, have the opportunity to protect these working-class families by extending this moratorium and allowing services like water, gas, electricity, to not be turned off simply for the profit of these companies, large companies that would seek to turn off utilities in this moment of need and great importance.

So I'm so thankful for my colleague, Assemblywoman Richardson, for introducing this bill, and my fellow colleagues who have cosponsored this very important bill. We look forward to ensuring that the working-class families who are struggling in this moment are protected by this Body. So I vote -- I plan to vote in the affirmative on this bill. Thank you, Mr. Speaker.

ACTING SPEAKER AUBRY: Thank you, sir.

Mr. Barron.

MR. BARRON: Thank you, Mr. Speaker. First, I want to commend my colleague, Assemblymember Richardson. I love your style, your intelligence, your assertiveness, your bring it because I can handle it. I like how you handle those hypotheticals that some of the colleagues throw at you that probably will never happen. I just like how you handled yourself.

This bill is very basic and simple, very humanistic, very people-friendly. Extend the moratorium, give us a chance to pay, extend the moratorium and give people a chance to pay; how cold can

you get? You want to turn people's lights, gas off during a pandemic, but people are suffering from a psychological and mental strains because of the loss of income, not knowing -- the food insecurity, all of this and you don't want to have a bill that simply says extend and give us an opportunity to pay. Not we don't want to pay anything, ask me, this rich country should pay the bills of everybody that's in need during this pandemic. They do it in other countries where they are paying bills for people during this pandemic. But this is simply saying extend the moratorium and give us a chance to pay. We are very, very proud of you. We are very, very glad that you came up with this, and the people of this State will appreciate it greatly regardless of some of the distraction, hypotheticals that are irrelevant. Good work, my comrade; keep up the good work. I will support this bill 1,000 percent.

ACTING SPEAKER AUBRY: On a motion by Ms. Richardson, the Senate bill is before the House. The Senate bill is advanced. Read the last section.

THE CLERK: This act shall take effect immediately.

ACTING SPEAKER AUBRY: The Clerk will record the vote on Senate print 1453-B. This is a Party vote. Any member who wishes to be recorded as an exception to the Conference position is reminded to contact the Majority or Minority Leader at the numbers previously provided.

Mr. Goodell.

MR. GOODELL: Thank you, sir. The Republican

Conference is generally opposed to this bill. Those who would like to support it should call the Minority Leader's Office and we'll ensure that their vote is properly counted. Thank you, sir.

ACTING SPEAKER AUBRY: Thank you.

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 legislation. Colleagues desiring to vote otherwise should please contact the office and let us know and we will be happy to properly record your vote.

ACTING SPEAKER AUBRY: Thank you ma'am.

(The Clerk recorded the vote.)

Ms. Glick to explain her vote.

MS. GLICK: Thank you, Mr. Speaker, briefly to explain my vote. I want to thank the sponsor. I think it is desperately dreadful for people in the middle of a pandemic to have their water turned off. It's happened in a number of places. I don't know if it's been in New York State, but it's been shocking. We tell people that it's crucial to stay safe and washing your hands regularly, and the inability to stay warm, cook food for your family, sanitize your hands is vital to all of us. So I commend the sponsor and I very, very strongly support this measure. I withdraw my request and vote in the affirmative.

ACTING SPEAKER AUBRY: Ms. Glick in the affirmative.

Mr. Palmesano to explain his vote.

MR. PALMESANO: Thank you, Mr. Speaker. I just wanted to say thank you to the sponsor for her civility and cordiality during this discussion. I applaud you. I know you're trying to help those in need. I think we all are. I think I'm just concerned that we're possibly exasperating a problem, making it worse with growing arrears that individuals can't get out of.

But, ladies and gentlemen, we can make some immediate impact relief now. We collect over \$1 billion a year in taxes, surcharges and fees and assessments on our energy bills. Much of that goes for green energy projects through NYSERDA for wind and solar. I'm not saying wind and solar aren't important priorities -- or important need, but it isn't an urgent need. The urgent need is for those families right now and the small businesses who have been crippled and crushed by these arrears. We need to provide assistance for them. Just delay some of these green energy projects and provide those resources to help get rid of those arrears now. Help the people in need. I think that makes sense. I think the people would support that.

The Governor's proposed 24 projects for about \$29 billion for green projects. Let's use some of that money to help those in need right now and get those arrears taken care of. We have -- we know there's over \$1 billion in arrears right now. We can use that as resources to help those in need -- in urgent need right now and to just delay those for a little bit. It's not going to hurt anything by delaying

those projects, but we can provide real assistance right now if we were able to do that. And by doing that, we will also avoid real and true cost shifts of higher rates, higher utility rates, higher bills to all the ratepayers, to all the customers. And also, maybe if we do that, maybe we would encourage more broadband investment and build out rather than discourage the broadband build out, which I think this bill ultimately does because of the Federal preemption and other issues that go along with it. But the most important thing, if we were to take that suggestion I talked about, it would provide real significant meaningful relief right now to those that are hurting, facing an urgent need. Let's do that, that's the better option.

For those reasons, I'll be voting no.

ACTING SPEAKER AUBRY: Mr. Palmesano in the negative.

Mr. Walczyk.

MR. WALCZYK: Thank you, Mr. Speaker. To explain my vote. I vote no, Mr. Speaker. The Messina Electric Department has respected the moratorium and at this point, they have five percent of their customers base which is not paying. That means others in Messina are footing the bill for that five percent that is not paying. And I appreciate the benevolence of some in this -- in this Chamber with other people's money, but this is real money that we're talking about and -- and those other ratepayers in Messina deserve an opportunity as well. What's interesting is the Messina Electric Department, eight out of their 100 most delinquent residential

customers have applied for HEAP at this point in time. Eight, the number eight, out of 100 have even applied. They're all eligible for HEAP at this time. They're worried about the -- the delinquency rates.

This -- look, I mean the points have been made here but the bottom line is you need to consider when you're moving forward with legislation like this what the actual -- what this actually means for the ratepayers at the end of the day. It's a bad piece of legislation. I urge all of my colleagues to vote no. There's a reason that we have these agreements, that DPS is in place and that there are agreements within municipalities. It's going to be extra hard-hitting for some of these municipal electric companies, so I vote no. Thanks, Mr. Speaker.

ACTING SPEAKER AUBRY: Mr. Walczyk in the negative.

Ms. Richardson to explain her vote.

MS. RICHARDSON: Mr. Speaker, I want to say thank you to you as well as all of my colleagues for having this bill come to the floor. And I want to thank my colleagues on the other side of the aisle for a very spirited debate. We are one year into a global pandemic that has wreaked havoc on the lives of New Yorkers. Individuals were forced to shelter in place, stay at home and as a result, it has led to a loss of income. New Yorkers are not off the hook, but we do have to give individuals an opportunity to truly get back on their feet. This legislation, with putting a moratorium on utilities shutoff and including cable and broadband is so essential to

the everyday viability of New Yorkers to get through.

So I just want to say thank you to all of my colleagues for all of their support, and I know that with this legislation we are creating meaningful impacts on the ground. Thank you, thank you, and thank you again.

ACTING SPEAKER AUBRY: Ms. Richardson in the affirmative.

MR. GOODELL: Thank you, sir. Please record the following in the affirmative: Mr. Brown, Mr. Durso, Mr. Gandolfo, Michael Lawler, Mr. Montesano, Mr. Reilly, Mr. Tannousis, and Mr. Schmitt. Thank you, sir.

ACTING SPEAKER AUBRY: So noted.

Mrs. Peoples-Stokes.

MRS. PEOPLES-STOKES: Thank you, Mr. Speaker. If you could please record our colleague, Ms. Buttenschon, in the negative.

ACTING SPEAKER AUBRY: So noted.

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

We will go to page 22, Calendar No. 211, the Clerk will read.

THE CLERK: Assembly No. A06475, Calendar No. 211, Bronson, Otis. An act to amend the Education Law, in relation to absentee ballots for school district elections during a declared

disaster emergency; and providing for the repeal of such provisions upon expiration thereof.

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

MR. BRONSON: Yes, Mr. Speaker. This bill would allow an individual to request an absentee ballot for the 2021 school board election and school budget votes if voting in person would present a risk of contracting or spreading an illness. It's intended to address the current pandemic, and the bill would only be in effect for this calendar year after which it would expire.

ACTING SPEAKER AUBRY: Mr. Goodell.

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

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

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

MR. GOODELL: Thank you, Mr. Bronson, and I think your explanation is pretty straightforward, but I just wanted to touch base with you on a couple of issues. Am I correct that you could apply for this absentee ballot even though you are perfectly healthy and don't anticipate any surgery or medical procedures or anything of that nature?

MR. BRONSON: Yes. The bill expands the definition of "illness" to include a concern of contracting or spreading,

in this case COVID-19 during this particular pandemic, but it would include any type of illness.

MR. GOODELL: Would this not be available, am I correct it would not be available if you've already had, for example, the COVID vaccine since you would no longer be at risk?

MR. BRONSON: I don't believe that would be the case. I think you can still have a concern of a risk of contracting or spreading an illness. Vaccinations, although I encourage everyone to get a vaccination - I'm very pleased, I've already gotten mine - but they're not 100 percent. And we have three different variations of vaccinations that are available to citizens right now and each one of them have a different percentage of effectiveness.

MR. GOODELL: And under this bill, could a person apply for an absentee ballot even though they've already had COVID, and most experts believe that that would present a high likelihood that you would not contract it again; not -- apparently not 100 percent, but a very high probability; is that correct?

MR. BRONSON: Certainly. The person would still be able to apply for the absentee ballot because, once again, the science isn't 100 percent proof and we know that some people may still be concerned of contracting or spreading the COVID virus.

MR. GOODELL: Now this bill doesn't restrict absentee ballot applications to those who may be at higher risk based on their age or comorbidities or anything of that nature; is that correct?

MR. BRONSON: The bill does not expressly address evaluating or quantifying what the risk may be. It indicates that if a person feels that a risk may present, then they're able to apply for the absentee ballot.

MR. GOODELL: Is there any ability of a Board of Elections or anyone else for that matter to question whether or not the concern of possibly having a risk of becoming infectious -- infected is reasonable or not? There's no review --

MR. BRONSON: No.

MR. GOODELL: -- process is there?

MR. BRONSON: That is correct, there's no review process.

MR. GOODELL: As you know, back in December the Governor issued an amazing chart outlining in extraordinary detail Statewide contact tracing data for over 30 types of activities, broken all the way down to two-hundredths of one percent. Apparently he didn't know how many people died in nursing homes or hospitals, but he could tell you with extraordinary accuracy how many people got COVID in a gym, for example, or at child care. That list which went all the way down to two-hundredths of one percent for accommodations, for example, didn't list any reported COVID transfer from those who voted. Are you aware of any data indicating that anyone who voted in person contacted COVID?

MR. BRONSON: Well, first of all, Mr. Goodell, it's intriguing to me that you're referring to a Governor's report at this

point in connection with this, but no, I am not aware of it. But the point of the bill is if our citizens who want to fully participate in their civic duty of voting but, at the same time, are concerned under this extraordinary pandemic that they may contract or spread an illness, that concern should be recognized and we should balance that concern with the desire to have each and every person who wants to vote be able to vote. That's the purpose, that's the intent of this piece of legislation.

MR. GOODELL: Mr. Bronson, am I correct that roughly 30 percent of New Yorkers have already been vaccinated?

MR. BRONSON: I would have to look up what the percentage is, but if you have a reference that indicates that, we can go forward with your hypothetical.

MR. GOODELL: And if we believe our President, and I have no reason not to, they're vaccinating nationwide about three million a day. He's projecting that we should be able to resume almost all social activities in June or July if I'm not mistaken. If that's correct, what is the real risk here?

MR. BRONSON: Once again, the bill is balancing the right and the civic duty of individuals to vote in some of the most important elections we have when we select those who will be in control of our various schools and the education of our children and the funding related to running our schools, balancing that with the real concern people have of contracting or spreading the COVID virus. So I think it's reasonable for us to move forward in this direction. We

have done that in previous legislation, previous legislation that dealt with other types of elections. That -- that chapter that we passed in 2020 will expire on January 1st, 2022. This piece of legislation, if signed by the Governor, which I expect he will, will also expire on January 1st, 2022.

MR. GOODELL: Is this legislation for school board elections limited in any way to schools that are not yet fully open, or does it apply even if the school is fully open for in-person instruction?

MR. BRONSON: The legislation does not make a distinction.

MR. GOODELL: Well, again, Mr. Bronson, thank you very much. I appreciate your comments.

On the bill, sir.

MR. BRONSON: Thank you, sir.

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

MR. GOODELL: I appreciate my colleague's desire to provide basically no excuse absentee balloting for anyone who has a fear, whether well-founded or not, that they may or may not contract an illness if they vote in person. As the sponsor acknowledged, and I appreciate his -- his honesty and forthright answers, you can apply for this even though you're perfectly healthy; you've been vaccinated or you've already had COVID; there's no restriction in terms of whether the school is open, the school may be fully open; your business or where you're employed or where you work could be fully open; you

could be attending and enjoying shopping and restaurants and everything else in the private sector except, of course, for our court system because they're still closed to in-person even as everyone is seeking to open. It doesn't matter what safety precautions might be applied or available and, certainly, when I went to vote in person everyone was wearing masks or Plexiglass shields, we all recognized social distancing and separating. And we're asked to enact this law even though there's absolutely no data indicating that there's any actual transmission based on what appears to be extraordinarily detailed contact tracing data issued by our Governor.

Now some may say, *Well, what do you care?* And some of us may actually support no excuse absentee balloting. Well the problem is that our State Constitution is very clear on what the standards are for absentee balloting. And it says that absentee ballots shall be available to qualified voters who on the occurrence of any election may be unable to appear personally at the polling site because of illness or physical disability, or because they're outside of the area. Now we all took an oath of office to uphold the Constitution, and until we amend the Constitution, we should not pass legislation that clearly is intended to circumvent the Constitutional language and the Constitutional restrictions. That's my objection. I don't care if somebody wants to vote by absentee ballot if they're sick or they're out of the office or they're disabled. I don't even mind if we want to look at amending the Constitution. But until we amend the Constitution, we should follow it and we shouldn't introduce legislation that says

you can vote by absentee ballot even though you're not sick, you're not disabled, you're not absent from the area, just -- even though you have virtually no risk whatsoever, just because you want to.

Let's play by the rules. Let's make sure we're acting in a Constitutional manner. And if we want to change the Constitution, let's pass the Constitutional amendment and let the voters vote on it, although when they vote on it, hopefully they will vote with absentee ballots that are consistent with the Constitutional Amendment. Thank you, sir.

ACTING SPEAKER AUBRY: Read the last section.

THE CLERK: This act shall take effect immediately.

(Pause)

ACTING SPEAKER AUBRY: Let's start it again.

Read the last section.

THE CLERK: This act shall take effect immediately.

ACTING SPEAKER AUBRY: The Clerk will record the vote on Senate print 5545. This is a Party vote. Any member who wishes to be recorded as an exception to the Conference position is reminded to contact the Majority or Minority Leader at the numbers previously provided.

Mr. Goodell.

MR. GOODELL: The general -- the Republican Party will be generally voting in the negative, but those who would like to support this bill are encouraged to call the Minority Leader's Office and advise them so that we can properly record their vote.

Thank you, sir.

ACTING SPEAKER AUBRY: Thank you.

Mrs. Peoples-Stokes.

MRS. PEOPLES-STOKES: Thank you, Mr.

Speaker. Majority colleagues will be voting in the affirmative on this one. Those desiring to be an exception should please contact the office and we will be happy to properly record your vote.

ACTING SPEAKER AUBRY: Thank you, ma'am.

(The Clerk recorded the vote.)

Mr. Lavine to explain his vote.

MR. LAVINE: Thank you, Mr. Speaker. So I guess the -- if I understand correctly, the arguments being made that what we're doing here providing for absentee ballots expressly doesn't pass Constitutional muster, but, you know, I don't know. So I'm looking at the State Constitution, Article II, Section 2, and it says that you could have absentee ballots when there's a danger because of illness. Well, if we don't have a danger because of illness as a result of this pandemic then -- then there is no such thing as danger and there is no such thing as illness. There is obviously illness about. People are in danger. What we are doing with this bill, and I want to commend the sponsor, is not only perfectly consistent with the Constitution, but darn it, the people who wrote the Constitution would agree with what I'm saying 100 percent. And either we, as Americans, fight to protect the rights of Americans to vote or we will no longer be Americans. This is a controversy raging throughout the nation and I think it's

about time that we stand strongly for the proposition that we are all in this together and if we don't protect the rights of our brothers and sisters to vote, we are going to lose our rights to vote. I'm very pleased to vote for this. I'm voting in the affirmative. Thank you.

ACTING SPEAKER AUBRY: Mr. Lavine in the affirmative.

Mr. Otis to explain his vote.

MR. OTIS: Thank you, Mr. Speaker and thank you, Mr. Bronson, for sponsoring this bill. I am a cosponsor of this bill and I'd like to remind everybody that we are still in a pandemic and that if you look at the statistics in New York and around the country, the infection rates are actually on the uprise right now. This is very much of a concern. There is a false sense of security regarding the heightened vaccination rates but the reality is that all the medical people seem to be saying that even if you've been vaccinated, you can actually carry the virus to somebody else. And so we may have people who've been vaccinated who have people in their household who have not been vaccinated yet and people should be given the ability to follow their concerns and still have the right to vote. This action is no different than what we did last year in the elections that were held last year, primary and general, to make accommodation despite the Constitutional provision that we're in a situation, we're going to let people vote and as a right, vote if they have this concern.

So I vote aye. This is a -- a -- a -- a simple bill but a very important bill to protect the health of our citizens and the right to

vote without inhibition. Thank you, Mr. Speaker, and thank you, Mr. Bronson.

ACTING SPEAKER AUBRY: Thank you, Mr. Otis. Mr. Montesano.

MR. MONTESANO: Thank you, Mr. Speaker. To explain my vote. First, I want to thank the sponsor for this thoughtful piece of legislation that's very necessary at this time. It was just pointed out, we're in the middle of an emergency, a pandemic, and I believe -- it's my understanding that as the Governor has issued orders in the past, there's certain exceptions to our Constitutional obligations in the case of an emergency, albeit also that school board voting and budget voting comes under the Education Law and not under the Election Law, so it's a whole different standard.

Now as we talk about people having vaccinations and not vaccinated, I know for a fact in my community and outside my community, there's two hospitals that have major admission of patients with COVID who have already been vaccinated the two times and one month later, they're down with COVID and they're hospitalized. While the illness hasn't hit them as hard as it may have, they're still sick. There's one in the local -- I believe in the *Post* or the *Newsday* today of a woman who works in a school, vaccinated a month ago, went to a meeting and came into contact with people and she contracted COVID and she's back in the hospital.

So while we think we're safe with these vaccinations, it doesn't always stop you from getting the -- the virus. You know, it

minimizes some of the causes that you may get, you know, from it, but I think this is a timely piece of legislation. I believe it's necessary, especially in a lot of our school board votings and budget. I know in my district here, my community, the senior citizens are a big population that come out, and I know they're very apprehensive to gather in these places to take part, you know, in the school board voting. So thank you, and I'll be voting in the affirmative.

ACTING SPEAKER AUBRY: Mr. Montesano in the affirmative.

Ms. Glick.

MS. GLICK: Thank you, Mr. Speaker, for allowing me to explain my vote. I think that the right to vote is really the bedrock of Democracy and whether it is a local race, a school board race, or our own elections which -- during which we -- we allowed people to vote absentee. This is not over. It might be over had we moved more expeditiously and if everyone would actually wear a mask, but we know that there are lots of people who, for whatever reason, refuse to remain masked; even in our own halls that is true. And so infections are on the rise, hospitalizations in some instances are on the rise, especially among young people, and it is inexcusable for us not to act to protect people's right to vote by allowing them to protect their own health and safety, and the health and safety of their family members. I find it perplexing. Recent polls showed that 49 percent of Republican men said they wouldn't even get vaccinated. I don't know if that holds true for New York State where we tend to be

more sane, but it is concerning when you have large numbers of people who won't even agree to be vaccinated.

So I commend the sponsor and withdraw my request and vote in the affirmative.

ACTING SPEAKER AUBRY: Ms. Glick in the affirmative.

Ms. Walsh.

MS. WALSH: Thank you, Mr. Speaker. To explain my vote. So I -- I do support this bill. I supported it in Committee, I'm going to support it here on the floor. It sunsets January 1st, 2022. I will say that if there's a bill after that to further extend it, I might not be so inclined. I just think that -- I'm troubled by the definition of illness being very broad in this bill, but I'm still going to support it because I do think that, you know, even without a pandemic the schools have a difficult time getting enough people to come out and vote at budget time anyway.

And it was interesting, I was reading an article from *Democrat and Chronicle* that said that turnout has plummeted 37 percent at school board elections since around 2012, and I think that there's just generally been an erosion of a sense of civic responsibility to get out and vote. That's troubling, too, but I think that, you know, I think it's worth supporting this bill at this time. I just think that at some point, we're going to have to draw the line and say, you know, fear of illness is -- is not going to be enough to change our system unless, as one of my colleagues said, we want to go ahead and, you

know, change -- change the broader sense of what our goals are.

So I'll support this bill, but I think that January 1st, 2022 is a great sunset date and I hope we don't have to go beyond it.

Thank you.

ACTING SPEAKER AUBRY: Ms. Walsh in the affirmative.

Mrs. Peoples-Stokes.

MRS. PEOPLES-STOKES: Thank you, Mr.

Speaker. In a time where, you know, the most recent election that we had, more people voted than ever before. And I think that that's really powerful and it's powerful enough to want to add every advantage, particularly to a school board race because in those races, you don't see everybody voting that really should. And so I want to commend the sponsor of this legislation because I think anything you can do to remove a barrier to encourage people to get to the polls, in particular for a school board election, is a good thing.

And so again, now more than ever we should be trying to do whatever we can to encourage people to use the power that they have. I know across the country and some other places people are doing whatever they can to remove that right or to suppress that right. I am ecstatic to be a New Yorker where we are not going to suppress people's votes, but we're going to add value to their opportunity to get to the polls and cast the vote. So I want to commend the sponsor and I'm gratefully voting in the positive for this.

ACTING SPEAKER AUBRY: Mrs. Peoples-Stokes

in the affirmative.

Mr. Goodell.

MR. GOODELL: Thank you, sir. Contrary to my prior announcement, the majority of the Republican Conference supports this legislation --

(Laughter)

-- including, specifically: Mr. Ashby, Leader Barclay, Mr. Blankenbush, Mr. DeStefano, Mr. Gallahan, Ms. Giglio, Mr. Giglio, Mr. Hawley, Mr. Jensen, Mr. Lawler, Mr. Mikulin, Mr. Miller, Mrs. Miller, Mr. Montesano, Mr. Morinello.

(Phone ringing)

That's another positive vote.

(Laughter)

I forget where I left off: Mr. Norris, Mr. Palmesano, Mr. Ra, Mr. Reilly, Mr. Salka, Mr. Schmitt, Mr. Simpson, Mr. Smith, Mr. Tague who just changed his vote, Mr. Tannousis, Ms. Walsh, and Mr. McDonough I think. And Mr. Fitzpatrick.

(Laughter)

So the four of us who are not supporting this, thank you, sir.

(Laughter)

ACTING SPEAKER AUBRY: Are there any other votes? You still have a chance.

(Laughter)

Announce the results.

(The Clerk announced the results.)

The bill is passed.

Rules Report No. 49, page 4.

THE CLERK: Assembly No. A06711, Rules Report No. 49, Lawler, Sayegh. An act in relation to permitting the Suffern Central School District to move the date of their annual meeting and election for the 2021 year so that it does not conflict with religious observances; and providing for the repeal of such provisions upon expiration thereof.

ACTING SPEAKER AUBRY: On a motion by Mr. Lawler, the Senate bill is before the House. The Senate bill is advanced. Read the last section.

THE CLERK: This act shall take effect immediately.

ACTING SPEAKER AUBRY: The Clerk will record the vote on Senate print 5943. This is a Party vote. We've got two parties here. Well, there are two parties.

(Laughter)

This is a fast roll call --

MR. GOODELL: Yeah, this is a Party vote. We're all going to have a party after this vote, and we're all up on it, I hope.

(Laughter)

ACTING SPEAKER AUBRY: That's why we have two parties.

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. Lawler to explain his vote.

MR. LAWLER: Thank you, Mr. Speaker. I was -- I came prepared today for a rigorous debate, but I appreciate the fast roll call vote. This bill is necessary because the Suffern School District failed to meet the March 1st deadline to change its election from the third Tuesday in May to the second Tuesday in May in order to avoid a conflict with a religious observance.

So I thank my colleague in the Senate, Senator Reichlin-Melnick, for helping carry this bill forward. I also want to thank Leader Barclay and the great staff at 933, especially Judy Skype and Jason Kehoe. I want to thank our Floor Leader, Andy Goodell, and Mary Beth Walsh, as well as Michelle Pellegrini for helping shepherd this bill through. And I want to thank the Speaker and the Majority Leader and their staff on the Majority side for helping move this bill forward as quickly as possible, as well as Chairman Benedetto in the Education Committee for moving it along. Finally I want to thank my staff for their hard work in getting this bill passed here today, and I will be voting in the affirmative.

ACTING SPEAKER AUBRY: Mr. Lawler in the affirmative.

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

Mr. Lawler, congratulations, your first bill.

(Applause)

On the 31st of March.

(Applause)

Mrs. Peoples-Stokes.

MRS. PEOPLES-STOKES: Mr. Speaker, I now move that the Assembly stand at recess and that we reconvene at the call of the Speaker.

ACTING SPEAKER AUBRY: The Assembly stands at recess.

(Whereupon, at 6:19 p.m., the Assembly stood at recess.)

* * * * *

AFTER THE RECESS

10:15 P.M.

ACTING SPEAKER HYNDMAN: The House will come back to order.

Mrs. Peoples-Stokes.

MRS. PEOPLES-STOKES: Madam Speaker, colleagues have on their desk a one-bill A-Calendar. I now move to advance that A-Calendar.

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

Mrs. Peoples-Stokes.

MRS. PEOPLES-STOKES: Thank you, Madam Speaker. We will now take up that A-Calendar directly.

ACTING SPEAKER HYNDMAN: The Clerk will read.

THE CLERK: Assembly No. A03002-B, Rules Report No. 50, Budget Bill. An act making appropriations for the legal requirements of the State debt service and lease purchase payments and other special contractual obligations.

ACTING SPEAKER HYNDMAN: On a motion by Ms. Weinstein, the Senate bill is before the House. The Senate bill is advanced. Governor's Message is at the desk, the Clerk will read.

THE CLERK: I hereby certify to an immediate vote, Andrew M. Cuomo, Governor.

ACTING SPEAKER HYNDMAN: Ms. Weinstein, an explanation has been requested.

MS. WEINSTEIN: Yes, Madam Speaker. The bill that is before us today provides for \$16.41 billion in appropriations to support debt service payments of \$7.1 billion. Debt service payments in this bill are estimated to decrease by \$4.8 billion from the 2021 year and will remain in compliance with the limitations set forth by the Debt Reform Act of 2000. As I think my colleagues know, this bill is necessary for the State to make legally required debt service payments on outstanding bonds and new State supported issuances. Bond service pays the State's general obligation bonds, lease purchase agreements, special contractual payments and revenue bond financing agreements. Debt service will remain under the debt cap for the State supported bond payments of principal interest and other related

expenses. Debt service payments support \$67.8 billion in outstanding debt and State debt, supports transportation, public protection, infrastructure, SUNY, CUNY, and other educational facilities, Economic Development projects, as well as housing and parks initiatives. So I'd be happy to respond to any questions that our colleagues -- Mr. Ra has.

ACTING SPEAKER HYNDMAN: Mr. Ra.

MR. RA: Thank you, Madam Speaker. Will Chairwoman Weinstein yield, please?

MS. WEINSTEIN: Yes, I'm happy to yield.

MR. RA: Thank you. So I think despite, you know, the hour and uncertainty, I think we're happy to be taking up this bill because it means the process is moving along. And it looked like perhaps we wouldn't continue the tradition of this being part of that first step, but we're doing so which is great. So I just wanted to ask a few questions for the record starting with just the general top line number: How much does this bill appropriate?

MS. WEINSTEIN: You know, so I think I just said, right, that it's \$16.41 billion in appropriations to support the cash payments of \$7.1 billion.

MR. RA: Okay. Thank you. And one thing that I think we see here, as we had last year, the appropriation is larger than -- than maybe we're used to in this bill, and part of that is that, you know, last year we approved \$11 billion in short-term borrowing. I know the Governor requested to do that again this year. That number

seems to have been negotiated down to an agreed upon \$5 billion number.

MS. WEINSTEIN: Correct.

MR. RA: Now I know that, you know, since the Executive Budget proposal was initially made, we've -- we've had the revisions to our tax receipts, we've gotten the certainty from the Federal government in the \$12.6 billion coming, and recently the Budget Director said that we had enough money with those tax receipts and the Federal aid that we could restore all of the reductions in the Executive Budget proposal. So my question is what is the necessity to continue to allow for this short-term debt issuance?

MS. WEINSTEIN: The short-term debt is just there in case things change. We don't -- you know, hopefully we're on a good track with controlling the COVID-19 in our State, but we don't know the trajectory that it will take so this is just an appropriate -- dry appropriation that's there in case it's needed later in the year. As you noted, we've reduced the PIT notes from the \$8 billion the Executive asked for down to \$3 billion, and the line of credit from \$3 billion to \$2 billion. So we greatly reduced the ability to have this short-term borrowing, but we're having it, but we need it there just in case.

MR. RA: All right.

MS. WEINSTEIN: So that's really the answer. We don't -- we don't anticipate that being used, but things can change so it's better to have it there than not.

MR. RA: Okay, thank you. So is it anticipated that

all of this short-term debt would be issued and, in turn, repaid in Financial Year 2022? I know that the debt from the last year, the Comptroller reported earlier today that all of that debt had been repaid by the end of the fiscal year. Is it anticipated that'll be the same thing with this short-term debt, that it'll be issued and repaid within Financial Year '22?

MS. WEINSTEIN: You know, at the moment we don't plan to have debt issued, but I believe if it would be that, in fact, it would be paid by the end of the coming fiscal year.

MR. RA: Okay, thank you. And then one of the conditions or issues last year with the \$11 billion and this year we're doing \$5- was there was a provision that allowed it to be converted to long-term debt. Now I assume any such condition might come in a future budget bill, but could you tell us are negotiations at the stage that there's an agreement as to whether or not this debt could be convertible to long-term debt?

MS. WEINSTEIN: I do believe it's still being negotiated, but it would be in the PP -- Public Protection and General Government, Article VII for Public Protection and General Government.

MR. RA: Okay, thank you. So one of the things that really kind of differed between the Executive Budget proposal and the one-House, you know, I mentioned earlier there are tax receipts coming in stronger, as well as the Federal funds, in the updated Financial Plan, the Governor basically projected a State surplus in the

Fiscal Year '21 and '22 and used some of these funds coming in to make prepayments on debt service to bring down the out-year deficit. In the one-House proposal issued by the Majority here, a lot of that was instead utilized for additional spending. Has there been any agreement among the parties as to how this additional tax receipts and Federal aid is going to be used in this budget?

MS. WEINSTEIN: Yes. So last year there was \$450 million to prepayment, so the prepayment on debt service for the '21-'22 Budget will be \$676 million.

MR. RA: Okay. And the Executive Budget also included several proposals that could impact State debt service, including the smart bond refinancing, secured hospital project bond refinancing, realignments of the revenue bond tax fund, debt service transfers for Mental Health Services Fund, the Dedicated Highway Bridge Trust Fund and HCRA, the Empire State complex bond issuance and the MTA bond issuance. Are we expecting any of those proposals to be included or excluded from future bill text that we may see over the next couple of days?

MS. WEINSTEIN: It's possible we will -- we will see how that is resolved over there in the near future, but it is not yet resolved; it's still being discussed.

MR. RA: Okay. Do we know at this point what the total outstanding debt will be projected to be for the State Fiscal Year 2021-'22? The Governor had projected \$67.8 billion in the Executive Budget proposal.

MS. WEINSTEIN: We're -- we're basically the same, \$67.70 billion.

MR. RA: Okay.

MS. WEINSTEIN: Which is \$8 billion over the prior year.

MR. RA: And as you know, when it comes to our State debt, we've, you know, increasingly really relied upon personal income tax receipts and sales tax receipts to back our bonds, and certainly there's been concerns that have been raised certainly on our side of the aisle as well as in the Executive that tax increases and things like that could lead to continued outmigration, which we've seen during this pandemic. Is there any concern that we've become too reliant on bonds backed by our personal income tax receipts and sales tax receipts in light of that?

MS. WEINSTEIN: No. And as you noted earlier, the -- our tax receipts are higher than had been originally projected so we believe they will still continue.

MR. RA: Okay, thank you. I do want to, before I think we get into the debt cap numbers, but I also wanted to ask there has been a topic of a negotiation and discussion about excluding debt issued from the Debt Reform Act which -- which the Governor had that proposed and done last year. Is there any agreement with regard to that issue in this budget at this point?

MS. WEINSTEIN: Not at this point.

MR. RA: Okay, thank you. So in terms of the debt

cap, how much do we have remaining under the debt outstanding cap for Fiscal Year 2022?

MS. WEINSTEIN: So the remaining under the debt cap would be the \$15.4 billion.

MR. RA: Okay, thank you. And in what year does the debt outstanding cap reach its lowest capacity, and what's that number?

MS. WEINSTEIN: So I have numbers through the Fiscal Year '25-'26 and it goes down to \$5.8 billion.

MR. RA: Okay. And how much room is under the Debt Service Cap for Fiscal Year 2022?

MS. WEINSTEIN: \$4.17- -- or \$4.7-.

MR. RA: \$4.7 billion, correct?

MS. WEINSTEIN: \$4.706- to be exact, yes.

MR. RA: Okay. Thank you very much.

Madam Speaker, on the bill.

ACTING SPEAKER HYNDMAN: On the bill.

MR. RA: And thank you to Chair Weinstein for -- for answering those questions. I just want to quickly state with regard to this bill, you know, it's the first budget bill we're doing. Debt is certainly a topic of concern, paying our debt is certainly important, but there are some items of concern in this particular bill. I mentioned earlier, you know, the proposal that we saw last year and the Governor put forward this year regarding excluding debt from the Debt Reform Act, and that was something that was done to try to get our State debt

over control -- under control. It's been estimated by our State Comptroller that we are only second in the nation in terms of the debt we have, only to California. And I would urge the parties that as we conclude negotiation that we do not exclude debt from the Debt Reform Act because, really, it just puts us in a more precarious situation with our debt going forward.

One of the other topics that I know comes up often when we talk about our State debt, we have provisions that require debt to go out to the voters for approval, and that's for good reason. They're going to shoulder the burden of that, their children, their grandchildren, their great-grandchildren are going to shoulder the burden of that and, unfortunately, a very small percentage of that does that actually happen. And we rely on things like back-door borrowing through -- through Public Authorities and when you look at our total debt, not just our State-issued debt, but through the Public Authorities, it's many times over what -- what it shows on paper just in terms of the State-issued debt.

So I hope that this is a topic that as negotiations conclude, we're paying attention to, we're taking advantage hopefully of a situation that we are currently in where we fortunately have gotten the help from the Federal government that we needed. We have thankfully had upward revisions with regard to our own tax situation, and I think the approach of perhaps trying to pay down some of that debt, trying to make sure that as we get into the out-years we're in a much better position as opposed to the deficits that we may have

been looking at when the Executive first proposed this budget back in January, that we keep that in mind. And I hope that as we conclude these negotiations, we realize that, you know, yes as a State we try to meet so many different needs and the needs are, perhaps, greater than ever during this pandemic, but we have an opportunity that we can meet those needs but put ourselves on sound financial footing going forward.

So -- so I hope we keep that in mind as we go through this budget. We think about the implications of tax increases that could cause further outmigration, that could damage those tax receipts into the future, and that we really, really take a hard look that we do what we need to do to respond to the pandemic, but we make sure we put New York on the best path forward so that a year from now, two years from now, three years from now as we're looking at these numbers in our budget, we're not in a position that we have to continue to raise more taxes, to issue more debt to continue to meet those needs.

Thank you, Madam Speaker.

ACTING SPEAKER HYNDMAN: Mr. Goodell.

MR. GOODELL: Thank you, Madam Speaker.

Would the sponsor yield?

ACTING SPEAKER HYNDMAN: Will Ms.

Weinstein yield?

MS. WEINSTEIN: Yes, happy to.

ACTING SPEAKER HYNDMAN: She yields.

MR. GOODELL: Thank you very much. As you mentioned earlier and as my colleague mentioned, the entire fiscal impact of this bill is projected at \$16.4 billion; is that correct?

MS. WEINSTEIN: Yes.

MR. GOODELL: And our current estimated debt is \$59.9 billion but is projected to increase to \$67.8 billion; is that correct?

MS. WEINSTEIN: Yes.

MR. GOODELL: So does this bill include debt payments on \$8 billion that we have not yet authorized in borrowing?

(Pause)

MS. WEINSTEIN: So we -- some of it is for prior year and some of it is for new debt that's going to be issued.

MR. GOODELL: And so the prior year debt is roughly \$60 billion and there's another almost \$8 billion that we anticipate, right \$7.9 billion that's going to be added under our projections, correct?

MS. WEINSTEIN: Yes.

MR. GOODELL: And the \$7.9 billion, the debt payment on that is included in this bill then?

MS. WEINSTEIN: Yes.

MR. GOODELL: So we're being asked to approve debt payments on debt we have not yet authorized, correct?

MS. WEINSTEIN: Yes.

MR. GOODELL: Now I see that the amount of

projected income tax based on the amazing document, the Economic and Revenue Report that was put together under your leadership. Am I correct that we are projecting personal income tax revenues in the amount of \$54.3 billion next year? I was referencing the chart on page 153 of that report.

MS. WEINSTEIN: I believe that you are correct, I'm just looking at...

(Pause)

Yes. I mean, I'm looking at the same page you're looking at now.

MR. GOODELL: Okay, I thank you for that. So to put this in perspective, the \$16.4 billion that we're being asked to approve tonight on debt payments is equal to about just over 30 percent of our entire personal income tax revenues that are projected for next year, right, 30.2 percent?

MS. WEINSTEIN: You know, I think you're mixing up the appropriation with the actual spending.

MR. GOODELL: That's true, I am looking at the appropriation. We're being asked to appropriate \$16.4 billion, right?

MS. WEINSTEIN: Debt service payment, the cash is \$7.1-

MR. GOODELL: But this bill appropriates \$16.4- right?

MS. WEINSTEIN: Yes, it does.

MR. GOODELL: And that \$16.4 billion is equal to

30.2 percent of our entire projected income tax revenues, right? I mean, it's simple math, 16.4 divided by 54.3 is 30.2 percent.

MS. WEINSTEIN: Right, but you're mixing actual anticipated revenues with a number that's really just a dry number; it doesn't have cash behind it.

MR. GOODELL: Yes; in fact, a lot of this legislation I find very dry, but I think that's a different subject. So you're saying the real number is closer to \$7 billion?

MS. WEINSTEIN: \$7.1-, yes.

MR. GOODELL: \$7.1-, which is about 14 or 15 percent of our total personal income tax then, right?

MS. WEINSTEIN: I'll take your math. Without being able to do some quick calculations, I'll -- I'll accept your -- your percentages.

MR. GOODELL: I think you mentioned earlier that of the projected \$67.8 billion in debt, only \$2.7 billion has been approved by the taxpayers, correct?

MS. WEINSTEIN: Yes.

MR. GOODELL: So just to put that in perspective, if we only borrowed the money that was authorized by the taxpayers instead of spending \$7.1- or \$7.2 billion this year and appropriating \$16.4- to cover contingencies, we could have had a 15 percent cut in income tax, right?

MS. WEINSTEIN: Well, as you know, and I believe Mr. Ra stole some of your -- your points that you normally make on

this issue, the Constitutionality of the way that we have debt without having to go is -- is enacted without having to go to the voters is Constitutional and it allows us to move forward in this limited amount that are -- have gone to the voters.

MR. GOODELL: So by utilizing back-door borrowing, a method that's not acknowledged in the Constitution and circumventing, certainly, the intent of the Constitution, that enables us then to borrow a projected \$67.8 billion, which looks like it's \$13 billion more than our annual income tax revenue; is that correct?

MS. WEINSTEIN: First of all, I would not characterize this as back-door borrowing. It's been, as you all know, in Schulz v New York State in 1994, this was upheld as a Constitutional way to borrow for our State, so it's not -- it's not backdoor. This is a Constitutional construct that we -- we use in New York State.

MR. GOODELL: And I'm familiar with some of that complexity. It -- to be honest, it flies in the face of the plain language of the Constitution, but that's a different issue altogether. At what point will we be asked to approve the additional \$7.9 billion in debt, is that going to be a different bill?

(Pause)

MS. WEINSTEIN: Yeah, so -- you know, and as we have every year, this bill has the authorize -- is the authorizing appropriation. We'll see the capital projects as we go forward in having bills before us.

MR. GOODELL: Thank you very much, Ms. Weinstein. By the way, it is a great pleasure seeing and hearing you this year. Your colleague, Mrs. Peoples-Stokes, did a phenomenal job last year when you were out sick, but it's great to see you back -- back here in this debate.

MS. WEINSTEIN: I figured I'd have to come back. Otherwise I'd owe her some cash from my stipend.

(Laughter)

MR. GOODELL: I might add that Mrs. Peoples-Stokes was saying her amens as I said that.

(Laughter)

On the bill.

MS. WEINSTEIN: I don't want to take any more of your time, Mr. Goodell, so thank you for your comments.

MR. GOODELL: Thank you.

On the bill, Madam Speaker.

ACTING SPEAKER HYNDMAN: On the bill.

MR. GOODELL: As my colleague mentioned, our debt load in New York State is second behind California even though California is several times larger than we are. And to put it in perspective, the total appropriation which includes the actual cash we know we have to have as well as contingency in case the interest rate and things change, the total appropriation of \$16.4 billion is equal to 30 percent of our entire projected personal income tax revenues. Even if we look at just the amount we know we have to pay, the \$7.1- or .2

billion, that's about 14 percent. It's an astounding debt load. And the Constitution, as we've discussed, states that -- it's very interesting language. I know the courts and the Legislature have found a way around it, but it said with certain exceptions that don't apply here, *No debt shall be hereafter contracted by or on behalf of the State unless such debt shall be authorized by law or some single work or purpose, and no such law shall take effect until it shall, at a general election, have been submitted to the people and received a majority of all the votes cast for and against it at an election.* So the amount that's been approved out of the \$67.8 billion projected debt is only \$2.7 billion. It's a small fraction.

I understand that the Legislature and with the implicit approval or even explicit approval of the court system has figured out a way around all this language in the Constitution, but I would suggest that the voters who approved that language really meant it and really wanted to control the amount of debt that they have to pay for. And if the voters realized that they could have a 30 percent tax cut if we didn't have to appropriate \$16.4 billion, I think they would be quite concerned about how we take up a bill after almost all the hard-working New Yorkers are asleep because it's way past their bedtime and pass it in the middle of the night. For those reasons, I'll be voting against it and recommend the same to my colleagues. Thank you, Madam Speaker and, again, thank you to Ms. Weinstein from all of us.

ACTING SPEAKER HYNDMAN: Mr. Brown.

MR. BROWN: Thank you, Madam Speaker. Will Chairwoman Weinstein yield for one question?

ACTING SPEAKER HYNDMAN: Will Ms. Weinstein yield?

MS. WEINSTEIN: Yes, be happy to.

ACTING SPEAKER HYNDMAN: Ms. Weinstein yields.

MR. BROWN: Chairwoman Weinstein, I realize that I'm a freshman in this House, but I'm astounded to hear for the first time that the Comptroller ranks New York State as the second most indebted state behind California, and I just did a quick Google search to find that the population of California is 40 million people, whereas the population of New York is 19.5-. So I just have one simple question: For every tax dollar in revenue that New York receives, how much is -- is used for debt servicing?

MS. WEINSTEIN: Hold on one moment, let me just look through my notes.

MR. BROWN: Sure.

(Pause)

MS. WEINSTEIN: Unfortunately I don't believe I have an actual -- actual number here for you, but I would just remind you, as others, that this debt supports, as I mentioned earlier, SUNY projects, CUNY, education facilities, Economic Development projects throughout the State, housing, park initiatives, transportation initiatives. So, you know, we want to have -- make sure we have the

best infrastructure we -- we have.

MR. BROWN: And I can appreciate that. I do know that both the IRS and the New York State Office of Taxation and Finance, when they put out the tax form for taxpayers to actually pay their taxes, it usually has a pie chart on the back and it usually shows what the level of debt service is for every dollar that's brought in. So I'm just asking, and I apologize, you know, I think the taxpayers of New York State deserve to know just how much of their money that's going to pay taxes is being used for actual services versus how much is being used for debt service. And I just want to add, as a small business owner, this is how I always run my business and I think it's a really important question to know the answer to.

MS. WEINSTEIN: So I believe that debt -- you know -- debt per capita is approximately \$3,000.

MR. BROWN: And -- \$3,000 per person in New York State?

MS. WEINSTEIN: Per person, yes.

MR. BROWN: So every person, if they paid \$3,000 to the Office of Taxation and Finance would wipe out the debt?

MS. WEINSTEIN: Yeah -- yes.

MR. BROWN: Okay. And just, if you could educate me since I am a freshman member, has that number stayed the same over the past couple years or is it growing?

MS. WEINSTEIN: It's been -- it has been growing slightly over the, you know, depending on the time frame that you're

looking at.

MR. BROWN: Okay. And if at all possible, if you could let me know what that number is, I'd be very curious during the budget negotiations to understand what that percentage of debt service is. So at any point in time, if you could relay that to Mr. Ra, I'd be curious.

So on the bill, Madam Speaker.

MS. WEINSTEIN: We do have a chart that we can share.

MR. BROWN: Okay.

ACTING SPEAKER HYNDMAN: On the bill.

MR. BROWN: I want to thank Chairwoman Weinstein for -- for her answers to the question but, you know, I'm sitting here a little perplexed at the fiscal policy of this State. It seems to me that, you know, as a small business owner I know that I can't run my business like this and it's not very sustainable to continue to have debt service in the neighborhood of -- of \$3,000 per person for every person that lives in the State of New York, and the fact that we're the second-most indebted state behind California is really troubling on top of the fact that we have a population that's less than half of the State of California. So based on that, I will be voting in the negative. Thank you.

ACTING SPEAKER HYNDMAN: Mr. Smullen.

MR. SMULLEN: Thank you, Madam Speaker.

Would the sponsor yield for a few questions, please?

MS. WEINSTEIN: Sure, happy to.

ACTING SPEAKER HYNDMAN: She yields.

MR. SMULLEN: Thank you very much, Chair Weinstein. I really appreciate the opportunity to discuss New York State's debt here, heading towards midnight on a Message of Necessity as we typically do in the budget sort of thing. This is a bit of an unusual year in that we've had quite a bit of Federal money being sent to New York State to respond to the coronavirus pandemic, and I just have a -- my first question I think is fairly simple and straightforward, is are we using any of this Federal money to pay any of New York State's past debts that we have incurred in order to lighten the State's load on debt so we can have that space to potentially borrow (inaudible) during this crisis?

MS. WEINSTEIN: So, you know, I mean the short answer would be no to you that we're not doing the Federal dollars. The Federal dollars is going to restore what were projected cuts because of loss of revenue that we had because of the pandemic, and our loss of sales tax, and personal income tax and other hits that the State took.

MR. SMULLEN: Sure. Now had we actually had a loss of revenue at this point?

MS. WEINSTEIN: We -- we started the year with a loss of revenue.

MR. SMULLEN: At this point.

MS. WEINSTEIN: At this point --

MR. SMULLEN: -- for next year --

MS. WEINSTEIN: We still are -- we still are a little bit below where we were last year.

MR. SMULLEN: How much?

MS. WEINSTEIN: I know it -- a couple of billion -- I know there's a big difference between a couple of billion and, you know, an exact number. I always say to my constituents when I'm in Albany talking millions and billions but when I'm back home, it's \$10 and \$20.

MR. SMULLEN: No, I understand. In the Pentagon, we used to talk billions all the time sort of thing and it was -- it was -- you know, a few billion here, and a few billion there and pretty soon you're talking real money sort of thing.

MS. WEINSTEIN: You got it.

MR. SMULLEN: I'm very -- I'm very concerned, you know, for our debt load that we're carrying, not only at the State level but at the national level, particularly with this coronavirus pandemic and with the money that was borrowed with the first couple rounds of stimulus and now the \$1.9 trillion that's been being borrowed, and we're talking now about a \$2 trillion infrastructure plan that the President actually talked about.

One of the things I was -- I was concerned about is the usage of Federal money to be able to make New York whole in this crisis sort of thing. And one of the things that obviously is concerning that we've talked about already, and I looked at the 2020

annual report by the Authorities Budget Office on Public Authorities debt, is how we're going to go forward in the future, not only in this year but in the out-years as far as our debt and how much it's going to increase and it's, to me, it's very worrisome. You know, I think that since we're borrowing Federal money and since New York is a net donor State to the Federal government according to most people's projections, that if we're borrowing money from ourselves to give money to the Federal government to give it back to us and then to not actually service that debt, it seems a little bit backwards in a crisis that we ought to maybe be tightening our belts as opposed to spending more and, you know, raising taxes to spend even more when we actually don't have much a revenue shortfall in the overall State Budget. So I do really appreciate the time you engaged.

Madam Speaker, on the bill.

ACTING SPEAKER HYNDMAN: On the bill.

MR. SMULLEN: So I think I've said what I need to say about this. Debt is very worrisome, not only at the State level but at the national level. And I think all of our -- our taxpayers and all of the people in the State that benefit from our programs, you know, really ought to see -- to see how this process works. And, you know, I think this -- this bill that it is the first of our ten budget bills, you know, just shows how the system that we've got set up here in New York is -- is really not only complicated and convoluted, but it's -- it's not very transparent, it's not very friendly for people to be able to understand what's going on and I think we could do very much better

and I hope to contribute to that conversation going forward in my service here in the Assembly. Thank you very much. I appreciate it.

ACTING SPEAKER HYNDMAN: Read the last section.

THE CLERK: This act shall take effect immediately.

ACTING SPEAKER HYNDMAN: The Clerk will record the vote on Rules Report No. 50, Senate Bill No. S02502-B. This is a Party vote. Any member who wishes to be recorded as an exception to the Conference position is reminded to contact the Majority or Minority Leader at the numbers previously provided.

Mr. Goodell.

MR. GOODELL: Thank you, Madam Speaker. The Republican Conference will generally be voting in the negative on this bill. Those who would like to vote in the affirmative should contact the Minority Leader's Office. Thank you.

ACTING SPEAKER HYNDMAN: So noted.

Mrs. Peoples-Stokes.

MRS. PEOPLES-STOKES: Thank you, Madam Speaker. I want to remind my colleagues that this is a Party vote and the Majority members should be voting in the affirmative, but if there are any exceptions, you should feel comfortable in contacting the office and we will make sure that your vote is properly recorded.

ACTING SPEAKER HYNDMAN: So noted.

(The Clerk recorded the vote.)

Mr. Lawler to explain his vote.

MR. LAWLER: Thank you, Madam Speaker. It's obviously critical that when we borrow money we pay it off, but what's deeply disturbing about this bill is, you know, approximately 51 percent of our debt service costs are going towards principal, in other words, to retire the debt. So about \$7.1 billion will be used to pay down that debt; yet, we're projecting that we're going to add about \$8 billion in new debt. We just received \$12.5 billion from the Federal government, and I'm not sure if any of that is even being allocated towards this. It's amazing to me that we would consider borrowing \$8 billion and increase spending by anywhere up to 15 percent at a time when we clearly don't have the money. We should be using more funds to pay down our debt and end our record of being the second-most indebted state in the country. And for that reason, I can't support a bill that is focused on adding \$8 billion in new debt and making that appropriation. So I will be voting in the negative.

ACTING SPEAKER HYNDMAN: Mr. Lawler in the negative.

Mr. Goodell.

MR. GOODELL: Thank you, Madam Speaker. Please record the following Republicans in the affirmative on this legislation: Mr. Ashby, Mr. Fitzpatrick, Ms. Giglio, and Mr. Smith. Thank you, Madam Speaker.

ACTING SPEAKER HYNDMAN: So noted.

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

Mrs. Peoples-Stokes.

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

ACTING SPEAKER HYNDMAN: We have neither.

MRS. PEOPLES-STOKES: Then I move that the Assembly stand adjourned until Thursday, April the 1st, tomorrow being a Session day, and that we reconvene at the call of the Speaker.

ACTING SPEAKER HYNDMAN: The Assembly stands adjourned.

(Whereupon, at 11:02 p.m., the Assembly stood adjourned until Thursday, April 1st at the call of the Speaker.)