

MONDAY, APRIL 26, 2021

2:58 P.M.

ACTING SPEAKER AUBRY: The House will come to order.

Bishop Doctor H. Bernard Alex will offer a prayer.

BISHOP DOCTOR H. BERNARD ALEX: Heavenly Father, just as You gave in the scripture Moses wisdom to appoint elders among the people, so You blessed our founders with the wisdom to divide our country into individual states. You've empowered those states to have legislators to make laws and decrees which manage our daily lives, make our lives safe, and to protect us. We pray for those who make those decisions. I ask that You give them strength and wisdom to guide their decisions and that they may be guided as they are by Your spirit to make right decisions. Surrounded them with people from all walks of life and many

backgrounds. Bring to them people of high charge and ingenuity that they might come together and make wise decisions in troubled times; that among the many voices which cry out to them every day that they hear the cry of those that are so desperately in need. So, we look to You for assurance and guidance, especially in times of crises. We are the Empire State and every empire must have a sovereign. So, I invite You to be the -- the great sovereign ruler of the universe to guide the decisions and actions of our elected officials. As it is written, we are to pray for those that are in government that we might live a quiet and a peaceable life. We pray today for peace in every city, town, village, hamlet of New York State from all points north as to our neighbors in Canada, to the great Niagara frontier, to the Capital District, to the Hudson Valley, to Westchester, New York City and its boroughs and to the furthest tips of Long Island, let freedom and justice for all people ring. In Your name, O God, let freedom ring. Amen.

MEMBERS: Amen.

ACTING SPEAKER AUBRY: Amen.

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 Saturday, April 24th.

Mrs. Peoples-Stokes.

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

that we dispense with the further reading of the Journal of Saturday, April the 24th and 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 -- welcome colleagues back to our Chambers, both those who are here with us in the Chambers as well as those who are participating remotely.

If I -- I just want to go through the schedule for today Mr. Speaker, but if I could give a quote before I do that, this one comes from none other than Pope John Paul, II. And the Pope is sharing with us today, *The earth will not continue to offer its harvest unless the faithful -- unless we have faithful stewardship. We cannot say we love the land and then take steps to destroy it for its use by our future generations.* Again, Mr. Speaker, that was from Pope John Paul, II.

And colleagues should also acknowledge the point that this is the first Session day of the 17th week of the 244th legislative Session. And as such, we have a main Calendar on our desk with 13 new bills. And after you have taken up any introductions, Mr. Speaker, and/or housekeeping, we will take up resolutions on page 3. Immediately following that, we will go to consent of our new bills beginning with Calendar No. 2 -- 219, and we're going to go right through to Calendar No. 231. We will also

take up a couple of bills on debate. That includes Calendar No. 170 by Ms. Amy Paulin and Calendar No. 217 by Mr. Abbate.

Immediately following this Session, Mr. Speaker, there is definitely a need for a Majority Conference. And obviously, as always, we'll check with our colleagues on other side of the aisle to determine what their needs are.

That, Mr. Speaker, is the general outline of where we're going today. If you have housekeeping and/or introductions, now would be an appropriate time.

ACTING SPEAKER AUBRY: No housekeeping, Mrs. Peoples-Stokes. But we do have an introduction from Ms. Hunter.

MS. HUNTER: Yes. Good afternoon, Mr. Speaker. I just wanted to take an opportunity for any of you who were able to follow the beginning proceedings that the pastor who gave our prayer this -- this afternoon came straight from Syracuse, the Reverend Bernard Alex, who's a very, very dear of mine, who is the lead pastor -- head pastor at Victory Temple Fellowship Church. I hope you all enjoyed his prayer today. He truly is a son servant of God. He has a -- created a environment that he started his church with eight people, Mr. Speaker, and now they're well over 250. He does cook hot food every week, personally cooks hot food with his team that they deliver to folks in Syracuse as well as laundry detergent and giveaways and just really being there for the community every single day in every single capacity.

So, to my very dear friend, Reverend Alex, who I've known for almost 20 years, if you could extend the cordialities of this House, I would truly appreciate it, Mr. Speaker.

ACTING SPEAKER AUBRY: Certainly. On behalf of Ms. Hunter, the Speaker, all the members, Reverend Alex, we welcome you here to the New York State Assembly, even if it's virtually. We appreciate the prayer that you offered. We hope that you will often come back and visit us and continue the great work you are providing to your community and to your church. Thank you so very much. We're happy to have you.

(Applause)

Page 3, Assembly No. 190, the Clerk will read.

THE CLERK: Assembly Resolution No. 190, Mr. Byrne. Legislative Resolution memorializing Governor Andrew M. Cuomo to proclaim February 2021 as Heart Disease Awareness Month in the State of New York.

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

THE CLERK: Assembly Resolution 191, Ms. Solages. Legislative Resolution memorializing Governor Andrew M. Cuomo to proclaim April 2021 as Cesarean Awareness Month in the State of New York.

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

adopted.

Page 4, Calendar No. 219, the Clerk will read.

THE CLERK: Assembly No. A00381-A, Calendar No. 219, Paulin. An act to amend the General Business Law, in relation to the sale of motor vehicle child restraint systems.

ACTING SPEAKER AUBRY: The bill is laid aside.

THE CLERK: Assembly No. A00436, Calendar No. 220, Jones. An act to repeal Section 60 of the General Business Law relating to the prohibition of barbering on Sunday.

ACTING SPEAKER AUBRY: Read the last section.

THE CLERK: This act shall take effect immediately.

ACTING SPEAKER AUBRY: The Clerk will record the vote on Assembly print A-436. 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. This is the first vote of the day.

(The Clerk recorded the vote.)

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

THE CLERK: Assembly No. A02199, Calendar No. 221, Cruz, O'Donnell. An act to amend the Civil Practice Law and Rules, in relation to interest upon judgment.

ACTING SPEAKER AUBRY: The bill is laid aside.

THE CLERK: Assembly No. A02266, Calendar No.

222, Aubry, Richardson, Zebrowski, Epstein, Perry. An act to amend the Penal Law, in relation to criminal mischief in the third degree and criminal mischief in the second degree.

ACTING SPEAKER AUBRY: Lay aside.

THE CLERK: Assembly No. A03920, Calendar No. 223, Dinowitz, Bronson, Cymbrowitz, Benedetto, Cusick, Gunther, Gottfried, Pichardo, Barron, Cook, Galef, Colton, Hunter, Perry, Buttenschon, Byrne, Norris, Cruz, Barrett, Griffin, Jacobson. An act to amend the Vehicle and Traffic Law and the Executive Law, in relation to enabling veterans and reservists to receive benefit information upon applying for or renewing a driver's license.

ACTING SPEAKER AUBRY: Read the last section.

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

ACTING SPEAKER AUBRY: The Clerk will record the vote on Assembly print A-3920. This is a fast roll call. Any member who wishes to be recorded in the negative is reminded to contact the Majority or Minority Leader at the numbers previously provided.

(The Clerk recorded the vote.)

Are there any other votes?

Mr. Santabarbara to explain his vote.

MR. SANTABARBARA: Thank you, Mr. Speaker. I just want to quickly explain my vote. I want to thank -- thank the sponsor of this legislation. We are constantly looking for new ways to

get information out to veterans and reservists, and this is one additional way that we can get that information out. Many good programs and a lot of new programs and new bills we passed this year. This will be a great way of informing our veterans and keeping them up to date on what's available to them when they return home. And I'm proud to -- to support it here on the floor today.

ACTING SPEAKER AUBRY: Mr. Santabarbara in the affirmative.

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

THE CLERK: Assembly No. A04089, Calendar No. 224, Thiele. An act to amend the Highway Law in relation to providing that a county board of supervisors shall be authorized to require that a ferry shall carry without charge or fee of any kind for transportation any member of the United States Armed Forces in uniform during their term of enlistment in the Service of the United States.

ACTING SPEAKER AUBRY: Read the last section.

THE CLERK: This act shall take effect immediately.

ACTING SPEAKER AUBRY: The Clerk will record the vote on Assembly print 4089. This is a fast roll call. Any member who wishes to be recorded in the negative is reminded to contact the Majority or Minority Leader at the numbers previously provided.

(The Clerk recorded the vote.)

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

THE CLERK: Assembly No. A04588, Calendar No. 225, Paulin. An act to amend the Tax Law, in relation to extending the period during which the City of White Plains is authorized to impose an additional sales and compensating use tax.

ACTING SPEAKER AUBRY: The bill is laid aside. Home Rule message is at the desk.

THE CLERK: Assembly No. A04651, Calendar No. 226, Abbate, McDonald, Zebrowski, Otis. An act to amend the General Business Law, in relation to third-party delivery services.

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

THE CLERK: Assembly No. A05689, Calendar No. 227, Cruz. An act to amend the Criminal Procedure Law, in relation to streamlining the assignment of appellate counsel for indigent criminal defendants.

ACTING SPEAKER AUBRY: Read the last section.

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

ACTING SPEAKER AUBRY: The Clerk will record the vote on Assembly print 5689. 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 number previously.

(The Clerk recorded the vote.)

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

THE CLERK: Assembly No. A06041, Calendar No. 228, Rajkumar, Weprin. An act to amend the General Business Law, in relation to requiring motor vehicle dealers to search for recalls and make certain repairs prior to selling a used motor vehicle.

ACTING SPEAKER AUBRY: The bill is laid aside.

THE CLERK: Assembly No. A06173, Calendar No. 229, Gunther, Gottfried, Barron. An act to amend the Public Health in relation to the posting of certain COVID-19 vaccine disbursement information on the website of the Department of Health; and providing for the repeal of such provisions upon expiration thereof.

ACTING SPEAKER AUBRY: Read the last section.

THE CLERK: This act shall take effect on the 10th day.

ACTING SPEAKER AUBRY: The Clerk will record the vote on Assembly print 6173. This is a fast roll call. Any member who wishes to be recorded in the negative is reminded to contact the Majority or Minority Leader at the numbers previously provided.

(The Clerk recorded the vote.)

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

THE CLERK: Assembly No. A06319, Calendar No. 230, Cruz, Griffin, Burdick, Taylor, Barnwell, Zebrowski, Dinowitz, Vanel, Simon, Burgos, Rosenthal L, González-Rojas, Perry, Jacobson, Otis, Pretlow, Stirpe, Fernandez, Clark, Glick, Bichotte Hermelyn, Lavine. An act to amend the Penal Law, the Criminal Procedure Law, the Correction Law, The Social Services Law, the Vehicle and Traffic Law, the Family Court Act, the Civil Rights Law, the Civil Practice Law and Rules, the Agriculture and Markets Law, the Judiciary Law and the Domestic Relations Law, in relation to sex offenses; and to repeal certain provisions of the Penal Law relating thereto.

ACTING SPEAKER AUBRY: The bill is laid aside.

THE CLERK: Assembly No. A06966, Calendar No. 231, Bronson. An act to amend the Public Health Law and the Social Services Law in relation to personal caregiving visitors for residents of nursing homes; and to amend a chapter of the Laws of 2021 amending the Public Health Law and the Social Services Law relating to personal and compassionate caregiving visitors for residents of nursing homes, as proposed in legislative bills numbers S.614-B and A.1052-B, in relation to the effectiveness thereof.

ACTING SPEAKER AUBRY: Read the last section.

THE CLERK: This act shall take effect immediately.

ACTING SPEAKER AUBRY: The Clerk will record the vote on Assembly print 6966. This is a fast roll call. Any member who wishes to be recorded in the negative is reminded to contact the

Majority or Minority Leader at the numbers previously provided.

(The Clerk recorded the vote.)

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

Page 17, Calendar No. 170, the Clerk will read.

THE CLERK: Assembly No. A03360, Calendar No. 170, Paulin, Otis, Galef, Vanel, Barron, Jacobson, Santabarbara. An act to amend the Public Service Law and the Public Authorities Law in relation to providing rate payers with reimbursement following prolonged power outages.

ACTING SPEAKER AUBRY: Ms. Paulin, an explanation has been requested.

MS. PAULIN: Thank you, Mr. Speaker. The bill would provide compensation to residential customers of gas and electric corporations experiencing prolonged service outages lasting longer than 48 hours.

ACTING SPEAKER AUBRY: Mr. Palmesano.

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

Will the sponsor yield for a few questions?

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

MS. PAULIN: I would be happy to.

ACTING SPEAKER AUBRY: Ms. Paulin yields, sir.

MR. PALMESANO: Thank you, Amy. This -- this is -- bill is probably one of the series of bills that came about after the storms from last summer and the subsequent -- I think it was a 13-and-a-half-hour hearing we held after the storms. Is this one of those bills that came about after that?

MS. PAULIN: It did.

MR. PALMESANO: And usually, Amy, when we -- when there's a storm or an emergency of some source, isn't in the current law there are storm cost recovery process afterwards where the storm work gets done for cleanup, making safe, dealing with the downed wires and the poles, the man hours worked and infrastructure costs, isn't that part of the current process we have in place under law right now and that's really done -- that recovery process is done as part of the ratemaking process when they go through that process every several years?

MS. PAULIN: I'm not sure exactly what you're saying. I mean, I understand that, yes, they do go through a process to repair lines and all, but I wasn't sure if you were asking -- or what -- what --

MR. PALMESANO: Yes --

MS. PAULIN: -- connection it had to the rate process.

MR. PALMESANO: Every -- right now under the current PSC law, or the way the process works when there's storms that happen at different times over the period of time, there's a process

in place now that utilities utilize to go through the recoup costs, some costs, but it's done through the rate make -- ratemaking process when they -- when they go to the PSC for rate charges approval. That's the current law, correct?

MS. PAULIN: I see. So what you're saying is that's on the utility side. We're talking -- this bill addresses the residents who were out, not the --

MR. PALMESANO: Right.

MS. PAULIN: -- utility who might have lost money and therefore have to impose --

MR. PALMESANO: Right. But I understand it about the residential. But, I guess the point I'm making is when there's storms, when they -- when they go -- those costs come about, that's the process that the utility would go through the ratemaking process to recoup some costs as part of that process.

MS. PAULIN: Yes.

MR. PALMESANO: But this bill specifically does not permit any cost recovery as the current practice allows, correct?

MS. PAULIN: That's correct.

MR. PALMESANO: And I know in the language of the bill it talks about emergency events where widespread outages have occurred in service territory as a result of storms, high heat events, earthquakes, wildfires and other causes. These are all very, very significant events that take place. Some would refer to them as act of God, like what happened with Sandy, Isaias and other storms.

These are really high significant events, correct?

MS. PAULIN: That's correct.

MR. PALMESANO: Now, is the utility responsible for that -- these events that happen now that they have to deal with? You know, especially these hundred-year storms --

MS. PAULIN: They're not of course -- of course they can't be responsible for, you know, for an unpredict -- well, for a storm that comes from God, right. However, what they can be is in their -- in their plan to address those very severe storms they should have a plan in place so that people are restored in a reasonable time period. We do allow, as you know, in the bill for them to appeal to -- to, you know, to the PSC and essentially say, you know, this was larger than we could have ever anticipated, this is more severe than we could have ever anticipated, to be able to get out of doing these things. But for the most part, that's what the emergency plans that they develop are about. These are emergency events, they plan for those emergency events, they're supposed to have restoration and if they -- and if they don't have restoration within a reasonable time, then we're saying in this that they should give a \$25 credit, which is very small. But hopefully will work as an incentive to have the utilities be better actors. And of course the rationale for the medication and food is that --

MR. PALMESANO: Right.

MS. PAULIN: -- I don't know about where -- where you are on Long Island, you have one service provider. We have

multiple in our county, and they have different approaches to it. And so you could have neighbor literally in a town next to a neighbor, one of them has NYSEG, one of them has ConEd. ConEd has some reimbursement, NYSEG doesn't. And then -- and so, it's -- it's erratic, and we just felt there needed to be consistency in the State, there should be some reimbursement for these costs.

MR. PALMESANO: Sure. I understand that being a part of the process discussing it. So, this 48 hours starts right after the onset of the event, not once the restoration process begins, correct?

MS. PAULIN: Well, the restoration process does begin after the storm ends.

MR. PALMESANO: Okay. Because I know like when you have a significant storm the first day is really dealt with assessing it and making safe, making sure the employees are safe as they go out there. Does the severity of the storm come into play regarding the time frame of that, starting the process?

MS. PAULIN: I think, again, we leave some flexibility to the Public Service Commission. But after those 13 hours, which I sat with very few breaks, we learned about a variety of ways that the -- the different companies, utility companies, address storms. And for the most part, they are all on the ground right away. You know, I remember where we had storm after storm, I think that was a couple of summers ago, you know, Riley and Quinn. We had the problem of them being on top of each other, and that was a problem and that might have to be, you know, there might have to be

some addressing of a situation like that. But normally, in a storm when it's over, 48 hours later there should be -- most of the restoration should have occurred.

MR. PALMESANO: Yes, I -- and I understand. I think the question about the 48 hours come into play, does any other state use 48 hours? I think Connecticut uses 96 hours.

MS. PAULIN: We did copy this bill, we didn't get it ourselves, I forget now which state. And I -- I don't -- I think -- I think you -- I don't know if it was 96, but I -- I do think they amended it to be less than 48.

MR. PALMESANO: Okay.

MS. PAULIN: I mean not more than 48.

MR. PALMESANO: All right. Now, regarding the -- the \$250, is there -- does everyone just basically qualify for that or do they need a providing sort of documentation at all? Or how does that exactly work? Or does the PSC have to determine that?

MS. PAULIN: Well, you know, anybody that would still be out, clearly now we're all going to have smart meters in our State soon in most of the areas, so we will know. And prior to that, you know -- you know, the -- people report outages. And, you know, so if they're still out after that time period they would be entitled.

MR. PALMESANO: Right now under the current law too, Amy, doesn't 24 hours after a restoration process begins, the utilities must provide dry ice and bottled waters to help with food spoilage and medicines? And if they don't do that, then they are fined

-- if they don't provide that within 24 hours, aren't they fined by the PSC?

MS. PAULIN: Yes. And unfortunately, in this last storm that was hard and they did not really provide, at least in many of the areas, we learned. But yes, then they are fined.

MR. PALMESANO: So if they're -- if they're required to provide the dry ice and the bottled water, but now you're saying to -- that they have to provide the credit and the \$25 per day that the storange is out, or the \$250 credit, so they -- now, does this eliminate that providing the dry ice or the bottled water?

MS. PAULIN: So I'll give you my personal example of what happened to me in this last storm. My electricity went out. I therefore couldn't open my garage, I couldn't get my car out. I was the only one home and the door was too heavy. So because of COVID I didn't want to call a neighbor to help me. So I didn't have a car. I could not have gotten dry ice. All my food spoiled. And even if I had gotten out, the dry ice was not available because they did not make it available. So they were penalized, perhaps, for that, but it didn't help my food. Nor did I get compensated. So -- so that's just one example. The other part of the problem is that the dry ice is often provided at very distant faraway locations. It's not -- it's not easy to drive all the way down to Yonkers or up to Peekskill from where I live. So, most of the people in the middle of the county would not have -- would not go because of the -- the distances. So, so they -- all of their food spoiled, too.

MR. PALMESANO: Okay.

MS. PAULIN: So -- but Con Edison does reimburse. And I was reimbursed for my food. What it -- what didn't happen is my neighbors who use NYSEG, they did not get reimbursed.

MR. PALMESANO: Okay.

MS. PAULIN: So I just think in the spirit of fairness, in the spirit of reasonableness and practicality, we know what happens during these storms, that medication and food spoilage should -- there should be some uniformity in the State.

MR. PALMESANO: All right. Thank you, Amy. I appreciate your time, I know your intentions behind the bill.

Mr. Speaker, on the bill.

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

MR. PALMESANO: Yeah. I know -- I was going to get in an additional question. I think what -- when -- if we're looking this as a way to go, I think that it's best probably to go through the PSC proceedings, we're going to get everyone in agreement on the best way to move forward. But, again, I had intend -- expense -- intentions behind the sponsor, and after the storms of last summer we have to be looking to do more to help. These emergency events, these superstorms, these -- what -- if they come about from power outage or earthquakes, these are significant acts of God. It's not the utilities' fault for that happening. So yes, they need to work to restore as safely and quickly as possible. That's what we want them to do. I remember

-- and that's what they do do, they try their best to do that.

I remember last year after the -- the storm, 24 hours after the Governor was doing a press op and he out -- he went out there and criticized them for not doing their jobs and not getting it done. And I remember at that -- the public hearing we held, that lasted 13-and-a-half hours talking to the union workers and he said -- the Governor making that statement saying they're not doing their jobs was really demoralizing to them, and when they -- here they are out working a very dangerous process trying to make it safe and looking at hot wires to make it safer for people. I understand we have -- there was a lot of questions and concerns that came about after that storm, and I get that, and that's why you have an investigative review process. Of course there'll be fines I'm sure from this, that's where the PSC and the follow-up comes from that, then maybe they make adjustments. But currently under the current law there is a storm cost recovery process that's been in place, so these utilities, when there are storm costs -- we're not looking to put these additional costs on, whether it's these credits based on the number of residents who are impacted or businesses are impacted. You know, they're out there with other costs as well. Again, making it safe, dealing with the hot wires, dealing with the man hours worked, the infrastructure replacement and improvement. That's all part of the ratemaking process, every three to five years that -- those storm costs can be included in that.

So why -- if we're going to do that, why would they

-- these costs not be included as part of that ratemaking process because it's due to a storm, it's due to a significant event, which isn't their fault, so they're trying to act and -- and adjust that from that perspective. I think there's some other questions again regarding the 48 hour period, you know, whether that's too quick or not, the -- and -- and whether it happens at the -- after the outage or when the recovery process happens. You know, and I think with the -- you know, the \$25 per day or \$250 credit, is there any kind of proof or authorization or showing that the people are eligible for that, I think we need to look at that. And whether providing -- required under the law to provide bottled water and dry ice, and I think if we're looking to do one, we should look to modify or figure out a better way. And that's why I think the ratemaking process comes into play.

Again, and I understand the intent, what we're trying to do here to help. I understand a lot of people will vote for this bill, I get that, it makes sense. But I think it's really looking at the details of this and if we could do it a better way, and work through the process, work with the PSC through the proceedings with the stakeholders so they can come together and agree upon, as it often happens when PSC goes through proceedings. We absolutely have to work on improving and resiliency of our infrastructure, that's a very critical piece. That's something that costs dollars. That needs to be improved. That needs to be a part of this discussion as well. And I think all these things need to be taken into consideration as (inaudible).

So hopefully the sponsor will look at some of these

things as we move forward, whether it's the time frame, whether it's some of these other areas, and I'm hoping the PSC will look at this as well. I just think we have to look at this process. I think often -- too often I see how -- what's going on with this process is it's more of a let's penalize or let's -- not enough working together, especially in situations like this when there's an emergency, when there's a travesty like we saw, there needs to be a collaboration in coming together. And I think that's a better approach to continue to do. And I think if we're going to look at this type of system, let's work with the PSC to develop it. Let's look at what we're doing now and what needs to be modified. But those costs, whatever they may be, are part of the whole cost of the storm recovery, from the equipment to all of this. That should be taken into consideration. I -- I think just to say that there can't be any recovery of it, I don't know how you can do that necessarily when it's part of the process. I don't know if they will look at doing business interruption insurance if that happens. If -- if they can't get it on the other side, they could probably do that from that perspective. I just think there's a few more things to look at here from this perspective.

I get the intention behind the bill. I get the intention of the sponsor. What happened last summer was devastating, we needed to do -- there needs to be more of a -- a better approach in working and dealing with these storms and -- and given the resources that need to be done. So, because of the questions, you know, and some of the concerns I have that I'd like to see be implemented as we

move forward with this issue, I'm going to be voting in the negative. But I do understand there'll be some yes votes on this bill as well, so I just hope we could take this as a more collaborative approach working together -- working together rather than more penalty and -- and finger-pointing. Thank you, Mr. Speaker.

ACTING SPEAKER AUBRY: Thank you.

Mr. Goodell.

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

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

MS. PAULIN: I'd be happy to.

MR. GOODELL: Thank you very much, Ms. Paulin. Following up a little bit on my colleague's question. On the \$250, that's a flat amount? It's not based on the documented loss; is that correct?

MS. PAULIN: No, you know, I was -- I was wondering that myself last night when I was rereading the bill. I believe that you could -- you could read so that -- because it says, you know, it does say *in the aggregate*. But I -- I would think that there would still be some flexibility to prove loss. You know, that -- we meant to imply, and I'll just say on the record on the floor here, that that would be the -- the maximum amount.

MR. GOODELL: And I appreciate those comments and if we get an opportunity to address that, whether through a

chapter amendment or otherwise, I would certainly encourage it to eliminate any of that confusion. After Superstorm Sandy, approximately how many customers were without power 24 hours later?

MS. PAULIN: Oh, you're asking me a question that I would have to look up and I don't -- because I don't know off the top of my head. Maybe --

MR. GOODELL: Am I correct, though, that virtually all the customers on Long Island and most of the customers in ConEd service area were without power?

MS. PAULIN: I wouldn't say most but I would say significant number, probably more than half.

MR. GOODELL: So, as you know, ConEd has 3.3 million customers and the Long Island Power Authority has 1.1, so combined they have 4.4 million customers. So, if this bill were in play, you have --

MS. PAULIN: Well, just let me -- let me just stop you there because Con Edison's customers throughout the City, with the exception of very few areas, New York City, are underground. So they don't go out in a storm. It's only the aboveground customers that go out, which is the Hudson Valley and Westchester, and a little part of Brooklyn and Queens and the Bronx.

MR. GOODELL: As you know, of course, ConEd's district goes beyond New York City, right? I think you mentioned that it covers Westchester --

MS. PAULIN: No, no. And we all are aboveground and we all go out. There's a million -- there's roughly a million residents in West -- Westchester.

MR. GOODELL: And am I correct under Superstorm Sandy they had a considerable amount of saltwater flooding from the storm surge that affected their underground lines?

MS. PAULIN: I don't -- in Sandy, absolutely, yes. Not -- not subsequently. And actually, through the rate hearings that Phil was talking about, they did apply for storm hardening money and they addressed most of those.

MR. GOODELL: Is there anything in this bill that would affect the ability of a utility to buy business interruption insurance or something comparable?

MS. PAULIN: No. There -- there's nothing in the bill that addresses insurance at all.

MR. GOODELL: And if they were to buy business interruption insurance just like they have insurance on all their vehicles and other property and casualty insurance, am I correct that those insurance premiums would then be included in the rate base?

MS. PAULIN: Yes, I -- I would imagine that they would be included in the rate base.

MR. GOODELL: Thank you very much. And as always, I -- I really appreciate your direct straightforward answers, it really helps us understand this bill. Thank you so much, Ms. Paulin.

On the bill, sir.

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

MR. GOODELL: On the surface this bill sounds like a great bill that if your utility company can't restore service within 24 hours then you get \$25 a day as a credit and up to \$250 for lost food or -- or medicine. And to top it all off, this bill provides that any costs incurred by the utility company pursuant to this section shall not be recoverable from the ratepayers. There's that old saying, *If it's too good to be true, it probably is too good to be true.* The problem is that this obligation on the part of utility companies to pay its customers when it can't provide service is triggered by storms, high heat events, earthquakes, wildfires and other causes, all of which are outside the control of the utility. Imagine a business model where we say to the company that if you can't sell your services you have to pay your customers. Even if you can't sell your services because of events that are completely outside your control. That's a unique business model that has so many practical issues.

To put it in perspective, if ConEd for some reason lost power, it has 3.3 million customers, at the end of 24 hours, this bill would subject them to liability in the range of a billion dollars. For the Long Island Power Authority, in ten days their liability would be a half a billion dollars. In the meantime, the utility is doing everything it can to restore service as fast as it can so it can restore its income stream, because it doesn't sell power when it can't deliver power. And so, in the event of a horrific storm or earthquake or

wildfire, the utility is spending a lot of money. All of their staff are working overtime. They're doing everything they can and expending tremendous amounts of money to restore service. And then on top of that, we ask them to pay the customers cash even though the customers -- I mean pay the customers cash because it can't provide -- can't sell them electricity.

Now, if there's anyone in this Chamber that actually thinks that all that cash isn't going to affect your rates, think again. There's no way a utility can spend a half a billion dollars on top of the cost of repairs and not recoup the money. If they don't actually recoup the money, then they're going to be a half a billion dollars short in ten days and that's going to affect their ability to continue their capital investment program that we all want them to do so that we have service free reliability going into the future. And God help us if ConEd were to lose power like they did in Superstorm Sandy when salt water flooded some of the underground lines where they could lose a billion dollars in less than a week.

My colleague mentioned one way the utility companies might address this. And that is, they might buy business interruption insurance. And as my colleague, the sponsor, noted, that insurance could be included in your rate base. At the end of the day, my friends, no matter what we say here, at the end of the day, the ratepayers always pay because there's no other choice. So let's not be fooled. When we say we want the utility company to start paying all of its customers \$25 a day because they can't sell them a product, plus

up to \$250 for whatever might be in their refrigerator, and you'd be amazed how many high-price steaks will be in refrigerators after this event, it's going to cost customers a lot of money. And that means the already high rates on Long Island and in New York City and in Westchester and throughout the State, are going to be even higher as those costs in one way or the other are passed on to us. And if they can't be passed on to us, we're going to see the results and lower capital investments, lower maintenance and lower long-term reliability.

So while I appreciate the efforts, and I'd love to get checks from my utility company when I don't have to buy anything from them. It would be great, by the way, if I got checks from other customers that are -- other retailers when I didn't buy a product from them. But at the end of the day, there is no free ride and we will pay and it will hurt our senior citizens and everyone else who is on a fixed income, our families that are struggling to pay their electric bill, it's all going to come back and hurt them. And for that reason, I will be opposing it. But thank you again to the sponsor for her forthright answers. Thank you, Mr. Speaker.

ACTING SPEAKER AUBRY: Read the last section.

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

ACTING SPEAKER AUBRY: The Clerk will record the vote on Assembly print 3360. 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.

(The Clerk recorded the vote.)

Mr. Goodell.

MR. GOODELL: Thank you, sir. The Republican Conference will be generally opposed, but those who support this legislation should call the Minority Leader's Office so we can make sure we properly record your vote. Thank you very much, sir.

ACTING SPEAKER AUBRY: Thank you.

Mrs. Peoples-Stokes.

MRS. PEOPLES-STOKES: Thank you, Mr. Speaker. Majority colleagues will generally be in the affirmative on this one. Should members decide to be an exception, they should feel free to contact the Majority Leader's Office and your vote will be properly recorded.

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

Ms. Glick to explain her vote.

MS. GLICK: Thank you, Mr. Speaker, to explain my vote very briefly. I would just like to point out that in 2019, the date most available -- most current date available, president of ConEd was making 2.6 million in compensation while the Chair and CEO was making 8.9 million, Senior Vice-President and General Counsel was making 1.9 million and the Senior Vice-President and CFO was making 3.4 million. So, before we get out our violin for ConEd and

other utilities, their compensation packages demonstrate that they have substantially more on hand than -- than many of their customers. I withdraw my request and vote in the affirmative.

ACTING SPEAKER AUBRY: Ms. Glick in the affirmative.

Mr. Byrne to explain his vote.

MR. BYRNE: Thank you, Mr. Speaker. To explain my vote. I just want to commend the sponsor on this bill. I have great respect for all of my colleagues that were asking questions about this bill, they -- they raised some very good points. But the sponsor of the bill actually worked extremely hard I think with a group called United Westchester, it started with our former colleague David Buchwald several years back after some other earlier storms in the Hudson Valley that ravaged our area. And quite frankly, like so many of my colleagues from the area, I'm sick and tired of having hearings after hearings and hearing the same exact feedback from our constituents to people that we -- we serve, and people crave action. I think this does that, so I will be voting in the affirmative and I thank the sponsor for her work on this initiative.

ACTING SPEAKER AUBRY: Mr. Byrne in the affirmative.

Mr. Abinanti to explain his vote.

MR. ABINANTI: Thank you, Mr. Speaker. I want to urge my colleagues to vote in the affirmative on this legislation. Ms. Paulin carried a -- the -- the burden of putting together a series of

hearings or meetings with utilities and consumers and other interested parties in Westchester County as we were reviewing what had happened as a result of the various storms over the last few years. My conclusion from all of that work is that what we saw was management failures. We saw a company like Con Edison have overreliance on what they call mutual aid. Because it's too expensive to them to have the people on -- on staff who can respond quickly. So, instead they had to rely on those who were coming from various other parts of the country, and of course those workers were not on -- on hand, especially in events which were broader than just localized in our metropolitan area. And so, they may -- these utilities made a conscious decision that they were going to value the cost to the company over the safety of -- of our residents. And so I believe that this legislation is appropriate, it is using the capitalistic system to prod these companies to make the right decision, and to penalize them if they make the wrong decision for the wrong reasons. So, they should no longer rely only on mutual aid, they should properly staff. And if they don't, and our residents are -- are injured as a result of their bad decisions, then those residents will be compensated for the loss. I think this is a good piece of legislation. I urge all of my colleagues to support it.

ACTING SPEAKER AUBRY: Mr. Abinanti in the affirmative.

Mr. Goodell to explain his vote.

MR. GOODELL: Thank you, sir. I appreciate very

much the -- the sponsor's desire and the comments that have been made. I would want to point out that the Public Service Commission closely regulates the profitability of the utilities. And so, unlike other entities that can simply raise their price and earn an unusual rate of return, the rate of return on utilities is also closely regulated. So if we as a Legislature want utilities to rely on paid staff and staff for a major event, well, that can happen of course. And the Public Service Commission will then authorize a rate increase, and we all pay for it. And so it's not like there's two separate entities, the taxpayer and the utility. They're, when it comes to financing under a very tight regulatory scheme, really one in the same. The amount of profit the utility gets is regulated, and it's reflected in the utility rates. So if we want the company to spend a lot more money we can do that as a Legislature, and sure enough, we'll get the bill for it. That's the way the system works. So let's not pretend that there's a big bag of gold underneath the utilities power plant protected by Uncle Scrooge. At the end of the day, it's each of us ratepayers that pay. Thank you, sir.

ACTING SPEAKER AUBRY: Mr. Goodell in the negative.

Mr. Goodell.

MR. GOODELL: Thank you, sir. Please record my colleagues in the affirmative on this bill: Mr. Tannousis, Mr. Schmitt, Mr. Reilly, Mr. Ra, Mr. Montesano, Ms. Miller, Mr. Mikulin, Mr. Mike Lawler, Mr. Giglio -- no. Ms. Giglio and Mr. Giglio, spelled the same. Mr. Gandolfo, Mr. Durso, Mr. DeStefano, Mr. Byrne, Mr.

Brown, and Mr. McDonough. Thank you, sir.

ACTING SPEAKER AUBRY: So noted.

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

Page 4 -- page 21, Calendar No. 217, I'm sorry.

THE CLERK: Senate Bill No. S04201-A, Calendar No. 217, Senator Savino (A04063-A, Abbate, Zebrowski, Barron, Colton, Galef.) An act to amend the Civil Service Law, in relation to prohibiting public employers from retaliating against employees for absences related to COVID-19.

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

MR. ABBATE: I'm here.

ACTING SPEAKER AUBRY: Mr. --

MR. ABBATE: Sure. This bill would basically amend the Civil Service Law to prohibit public employees from taking any action against employees who call in absent or absentee COVID-19.

ACTING SPEAKER AUBRY: Thank you, Mr. Abbate.

Mr. Goodell.

MR. GOODELL: Thank you, sir. Would Mr. Abbate yield?

MR. ABBATE: Yes.

ACTING SPEAKER AUBRY: Mr. Abbate yields.

MR. GOODELL: Thank you, Mr. Abbate. As I understand it, last year we passed legislation granting various rights to employees in response to the COVID emergency, including the right to take time off from work for quarantining or testing or treatment related to COVID. And am I correct that while employers -- some public employers have been honoring it, some pub -- all public employers as far as we know have been honoring that law. But some public employers have been making the notation in the personnel records noting that there was a -- an absence or a chronic absence; is that correct?

MR. ABBATE: That is correct.

MR. GOODELL: And am I correct, then, that what this legislation is intended to say is that in addition to complying with everything we passed last year, a public employer cannot make those types of negative personnel comments --

MR. ABBATE: Yeah. Basic --

MR. GOODELL: -- am I right?

MR. ABBATE: Yeah. Basically, it doesn't, you know, extend any rights. What you're basically doing is trying to really say that they should be following the law to -- you know, to the T and making sure they put nothing in the report or take any action against them -- not only are they doing a -- putting in a report, they might give them a different assignment when they come back and all, so not to take any action against the employee for taking off time

whether to quarantine, or just ill for a couple of days.

MR. GOODELL: Thank you very much, Mr. Abbate, I appreciate our comments.

On the bill, sir.

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

MR. GOODELL: I appreciate the -- Mr. Abbate's legislation here. I -- I will be supporting it. I especially appreciate his comments clarifying that this was not intended to grant new rights that aren't already in place, but rather, to make it's absolutely clear that the exercise of the existing rights, including whatever might be under collective bargaining or -- or what we passed last year, cannot result in any negative action against the employee. And for that reason, I will be supporting this legislation. Thank you, sir.

ACTING SPEAKER AUBRY: Thank you.

Read the last section.

THE CLERK: This act shall take effect immediately.

ACTING SPEAKER AUBRY: The Clerk will record the vote on Senate print 420A -- 01-A. 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. Abbate to explain his vote.

MR. ABBATE: Yes, I -- I'm sorry, Mr. Goodell, that

I forgot to mention, last time we debated a bill you were a little nervous on the COVID death marriage benefits, that you were worth more dead than alive, you were worried about your wife, and I'm just happy to see you're still here with us.

(Laughter)

MR. GOODELL: Thank you, Mr. Abbate.

ACTING SPEAKER AUBRY: Mr. Goodell.

MR. GOODELL: Thank you, sir. Please record my colleague, Mr. DiPietro, opposed to this legislation. Thank you, sir.

ACTING SPEAKER AUBRY: So noted.

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

Mrs. Peoples-Stokes.

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

ACTING SPEAKER AUBRY: We have both, Mrs. Peoples-Stokes. One minute while I sign the bill.

Housekeeping. On behalf of Mr. Pretlow, Bill No. A-5765-A, Assembly bill recalled from the Senate. The Clerk will read the title of the bill.

THE CLERK: An act to amend the Racing, Pari-Mutuel Wagering and Breeding Law.

ACTING SPEAKER AUBRY: Motion to reconsider the vote by which the bill passed the House. The Clerk will record the

vote.

(The Clerk recorded the vote.)

The Clerk will announce the results.

(The Clerk announced the results.)

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

We have a few fine resolutions which we will take up with one vote. On the resolutions, all those in favor signify by saying aye; opposed no -- oh, I'm sorry.

That is Resolution No. 185, the Clerk will read.

THE CLERK: Assembly Resolution No. 185, Ms. Solages. Legislative Resolution mourning the death of Hammerin' Hank Aaron, longstanding home run king for Major League Baseball, role model and humanitarian.

ACTING SPEAKER AUBRY: Ms. Solages on the resolution.

Mr. Pichardo on the resolution.

MR. PICHARDO: Thank you, Mr. Speaker, for indulging me in this. And I want to thank my colleague, the Chair of the Black Hispanic Puerto Rican and Asian Legislative caucus in this House and in -- well, in this Legislature in introducing this legi -- this resolution honoring the life of Hammerin' Hank Aaron who recently passed away back in late January of this year. We can go really very quickly into the stats. He was a -- he's a Hall -- he was a Hall of Famer, he broke many records across his 21 years within the Major

Leagues and the newer leagues during his career. He had 755 home runs, broke Babe Ruth's all-time home run record, and his stats go on and on and on.

But I wanted to speak on this resolution to really talk about the humanitarian and the Civil Rights leader that Hank Aaron really paved the way for many players within the Major Leagues, particularly players of color. And particularly many Dominicans who consider and are Major League Baseball players, it would not have been possible without the path and the trailblazing path that Hank Aaron blazed.

I know that a few years ago, Mr. Speaker, in this House we were able to recognize and honor Pedro Martinez and his contributions to the sport as a New York Met and, you know, for -- to the chagrin of many other people and a member of the Boston Red Sox. But the importance of making sure that we pave a path for folks to not only participate in sports but to participate in other aspects and walks of life, I believe that the -- this House should take a moment and recognize the life that we lost this year, but more importantly, remember the humanitarian that was Harry -- Henry Hank -- Hammerin' Hank Aaron and his contributions not only to the sport of baseball but to our State and to our a nation. And I know it's a little late in the year, but we wanted to make sure that, to his family, to his friends, his loved ones, to a -- to a grieving nation, to Hammerin' Hank, Rest In Peace, but more importantly, your contributions will never be forgotten.

And thank you -- with that, thank you, Mr. Speaker, and thank you to the sponsor of this legislation.

ACTING SPEAKER AUBRY: Thank you, Mr. Pichardo.

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

And now we have numerous fine resolutions, all which will be taken up with one vote. On the resolutions, all those in favor signify by saying aye; opposed no. The resolutions are adopted.

(Whereupon, Assembly Resolution Nos. 192-202 were unanimously approved.)

Mrs. Peoples-Stokes.

MRS. PEOPLES-STOKES: Mr. Speaker, would you please call on Pam Hunter for an announcement?

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

MS. HUNTER: Yes, Mr. Speaker. We will be having a Majority Conference at the conclusion of our Session today.

ACTING SPEAKER AUBRY: Majority Conference at the conclusion of Session.

Mrs. Peoples-Stokes.

MRS. PEOPLES-STOKES: Thank you, Mr. Speaker. I might remind colleagues, the Majority colleagues, that you'll want to stay on the existing Zoom where you are now, and as Ms. Hunter said, there's an immediate conference.

I now move that the Assembly stand adjourned until 3:00 p.m., Tuesday, April the 27th, tomorrow being a Session day.

ACTING SPEAKER AUBRY: The Assembly stands adjourned.

(Whereupon, at 4:07 p.m., the Assembly stood adjourned until Tuesday, April 27th, at 3:00 p.m., Tuesday being a Session day.)