

TUESDAY, MAY 9, 2023

2:41 P.M.

ACTING SPEAKER AUBRY: The House will come to order.

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

(Whereupon, a moment of silence was observed.)

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

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

A quorum being present, the Clerk will read the Journal of Monday, May 8th.

MRS. PEOPLES-STOKES: Mr. Speaker, I move to dispense with the further reading of the Journal of Monday, May the 8th and that the same stand approved.

ACTING SPEAKER AUBRY: Without objection, so ordered.

Mrs. Peoples-Stokes.

MRS. PEOPLES-STOKES: Thank you so much. I do have a quote today for our colleagues as well as guests and visitors that are in the Chambers. These words today come from Alice Walker. She's an American novelist, short story writer and a social activist. In 1982, she became the first African-American woman to win a Pulitzer Prize for Fiction, when she was awarded the novel -- awarded for her novel *The Color Purple*. Her words for us today, *The most common thing people give away is their power by thinking that they don't have it* [sic]. Again, these words are from renowned novelist Alice Walker.

Members have on their desk a main Calendar and a debate list. After any housekeeping and/or introductions, we will be calling for a Ways and Means Committee to meet off the floor, and we'll be taking up resolutions on page 3. We will then take up the following bills on debate: Calendar No. 24 by Ms. Rozic, Calendar No. 43 by Mr. Weprin, Calendar No. 69 by Ms. Rosenthal, Calendar No. 72 by Ms. Paulin, Calendar No. 98 by Ms. Rozic, Calendar No. 100 by Mr. Rivera, and Calendar No. 168 by Mr. Zebrowski. There may be a need, Mr. Speaker, to announce additional debates, but if we get to that point we'll be happy to advise.

That's the general of where we're going today, sir. If you have housekeeping, now would be a great time.

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

On a motion by Ms. Paulin, page 9, Calendar No. 37, Bill No. A03245-C, amendments are received and adopted.

Without objection, on a motion by Mr. Burdick to reconsider the substitution of Senate Bill No. S02988 for Assembly Bill No. A00343, said Senate bill is recommitted to the Committee on Corporations, and said Assembly bill is restored to its place on the order of Third Reading. On a motion by Mr. Burdick, the amendments are received and adopted.

For the purposes of a introduction, Mr. Ramos.

MR. RAMOS: Mr. Speaker, I rise for the purpose of an introduction. Today, I have a group of women from an organization in my community called Sepa Mujer. This organization dedicates itself to help women in situations of domestic violence, but it goes a little further than that, as they help so many women, especially immigrant women who find themselves in a situation -- in a foreign country, they find themselves in a situation where there's language barriers, they don't know what the options are for them. This organization is there with hotlines, they go on media, they do all sorts of reach -- outreach to -- to get penetrate our community to get to these women to let them know what the options are and get them help, also immigrant services. But they do a very interesting thing. Once these women are brought into the organization and they are helped, the vast majority, they convert them into activists who actually go out

there and start getting involved in changing policy, in helping other women. Some of them man the hotlines themselves, others come up here and lobby the Legislature to pass laws to help domestic violence victims and other women's issues.

And I'd like to introduce them by name: We have Sofia Argueta, Roxana Alphizar, Nohelia Garcia, Angela Granada, Elidia Alpharo, Marcia Estrada and Dilcia Erazo. They are all from Sepa Mujer. Mr. Speaker, I ask that you please give them a warm welcome and extend them all the privileges of the House.

ACTING SPEAKER AUBRY: Certainly. On behalf of Mr. Ramos, the Speaker and all the members, we welcome you here to the New York State Assembly, commend you on the work that you're doing to assist other individuals. It is the highest form of service we can think of. We hope that you will enjoy your visit, continue your advocacy, and know that you are always welcome here in the Capitol of the State. Thank you so very much.

(Applause)

Mr. Simpson for a introduction.

MR. SIMPSON: Thank you, Mr. Speaker, for allowing me the privilege and honor to introduce guests from the 114th Assembly District on their first visit to the Capitol and to the Assembly Chambers, The People's House. The families who are joining us today include the Morin family, the Carpenters, the Matthews, the Baileys, the Sobeks, the Savaries, Hagers and the Smiths. These families are here today in partnership with Scott and

Erica Matthews of the Adirondack Home Education Fellowship as part of Home School New York Lobby Day.

Please, Mr. Speaker, on behalf of all of us, would you welcome these families to our Chambers and offer them the cordialities of the House.

ACTING SPEAKER AUBRY: Certainly. On behalf of Mr. Simpson, the Speaker and all the members, we welcome you here to the New York State Assembly, pleased that such great families have come to join us. We extend to you the privileges of the floor, hope you enjoy the proceedings today and hope your trip to Albany has been successful. Thank you so very much. Know you are also always welcome here. Thank you.

(Applause)

Ms. Shimsky for the purposes of a introduction.

MS. SHIMSKY: Thank you very much, Mr. Speaker. I'd like to acknowledge the presence here today of Greenburgh Town Councilwoman Gina Jackson. Ms. Jackson has been a stalwart advocate for social and economic justice and economic development in all parts of our large and diverse town. She is here today largely for her day job with the New York Power Authority, and she attended the -- the MWBE discussions today with William Choi, the Director of Supplier Diversity at the New York Power Authority, as well. They've been doing great work in our area and I'm happy to have them acknowledged, and I ask, Mr. Speaker, that you welcome them to our Chamber and give them the full

courtesies of the House.

ACTING SPEAKER AUBRY: Certainly. On behalf of Ms. Shimsky, the Speaker and all the members, we welcome you both here to the New York State Assembly, extend to you the privileges of the floor. Thank you for the work that you do at home, as well for all of us in the State, and we hope that you continue to be successful in your endeavors. Thank you so very much.

(Applause)

Ms. Paulin for the purposes of an introduction.

MS. PAULIN: Thank you very much. I am very proud today to recognize the -- well, we're -- we're actually recognizing later in a resolution proclaiming August as Ambulatory Surgery Center Month in the State of New York, and in honor of passing the resolution we have a group who represent that Center. So, ambulatory surgery centers are a critical component of the health care system in New York State, providing access to high quality and safe surgical care as well as cancer screenings. More than 2,000 different procedures are performed at ASCs, including the most common, which we'll all recognize, cataract surgeries, colonoscopies, endoscopies - hope I'm saying that right - and orthopedic procedures. One of the most important lessons of COVID-19 is just how important ambulatory surgery centers are to all of us.

Joining me today in the back of the Chamber from the New York State Association of Ambulatory Surgery Centers is Jon Van Valkenburg, who is the President; Jeffrey Flynn, Vice President;

Helen Lowenwirth, Treasurer; and members Elisa Auguste, Austin Chang, John Goehle, Steven Housberg and Susan Sullivan.

I ask you, Mr. Speaker, to give them the cordialities of the House and welcome them to our impressive and fine Chamber.

ACTING SPEAKER AUBRY: Certainly. On behalf of Ms. Paulin, the Speaker and all the members, we welcome you here to the New York State Assembly. We extend to you the privileges of the floor. And it sounded to me like I needed at least three of those ambulatory surgeries as we stand here today. Thank you so very much. Continue your great work.

(Applause)

Ms. Solages for the purposes of a introduction.

MS. SOLAGES: Thank you, Mr. Speaker. Later today, the House will take up a resolution proclaiming May 7th to the 13th Fibro -- Fibromyalgia Awareness Week in New York State. This is a complex disorder that can cause widespread pain, fatigue and chronic difficulties, and it's often gone undiagnosed because there's, you know, challenges with proper diagnosement [sic] and treatment. And despite the significant impact that it has on people's lives, the lack of awareness of this condition is disabling. And so it's my honor and privilege to introduce New Yorkers that are working to raise awareness, and also to provide accurate information to those individuals. So in the back of the Chamber we have Brian Hart, who is a board member of the International Institute for Human Empowerment; we have Sue Shipe, who is the Chair of the

Fibromyalgia Task Force of New York State; Simone - and I'm going to get this wrong - Albercious [sic]; and Phil Albercious [sic], who is with Integrated Tissue Dynamics; and Nicole McFarland, who is the Executive Director of Senior Hope.

And so if you could please extend the cordialities to House and thank these fine New Yorkers for all the work they're doing to raise awareness around this condition.

ACTING SPEAKER AUBRY: Certainly. On behalf of Ms. Solages, the Speaker and all the members, we welcome this distinguished group here to the New York State Assembly, extend to you the privileges of the floor. Thank you for the work that you're doing in ensuring other people's health. Please continue the work, know that you are also always welcome here. Thank you so very much.

(Applause)

Mrs. Peoples-Stokes for the purposes of a introduction.

MRS. PEOPLES-STOKES: Thank you so much, Mr. Speaker. I'm honored to have the opportunity to introduce to you and ask you to offer her the cordialities of the House to Elder Kelly Diane Galloway. She is the founder of Ramp Global Missions, a Christian humanitarian organization that serves the needs of the broken, impoverished and exploited around the globe. She also serves as the Founder and President of Mona's House, a holistic restorative program that exists to serve those who have been exploited through human

trafficking and those who are at risk. Since 2005, she locked arms with Bishop Younger and 40 other passionate college students to plant the Ramp Church International in a small town in Alta Vista, Virginia. Today, there are Ramp churches around the world. While establishing -- Kelly and her team oversought [sic] and served in orphanage schools, safe houses for children in needs in India, Nepal, Pakistan, and Guatemala. She admits that her most heartbreaking encounter - it breaks my heart to even think about it - was when she rescued four girls, the youngest of which was four years old, from the garbage dumps in Guatemala. They were being sold to garbage truck drivers for the first and best pickings. Kelly is an award-winning and highly sought-after international speaker, humanitarian, author, global philanthropist and abolitionist. However, her greatest achievements in life are to be known as a servant of God and mankind. She has with her, Mr. Speaker, Bella Lasreniere and Teenan Benay (phonetic). They are here today advocating for an issue that's very close to Ms. Galloway's heart and is close to many of ours as well, which is human sexual trafficking.

Please welcome them to our Chambers and offer them the cordialities of the House.

ACTING SPEAKER AUBRY: Certainly. On behalf of Mrs. Peoples-Stokes, the Speaker and all the members, we welcome this distinguished group of women here to the New York State Assembly, extend to you the privileges of the floor. Our congratulations on your accomplishments and continuing efforts on

behalf of others. Continue that work. Know that you also always have a friend here in Albany. Thank you so very much.

(Applause)

Ms. Dickens for the purposes of a introduction.

MS. DICKENS: Thank you, Mr. Speaker. On behalf of my colleagues Assemblymember Rebecca Seawright and on behalf of all of us, I want to ask you to please acknowledge the MWBEs that have joined us today, because as we all know that that has been an ever-changing and living program that all of us have fought for. We've been joined by - just some of the few, but I want all to stand - Sandra Wilkin, Vice Chair of CUNY, City University, if she would stand; Christine Roithmayr, President of the Women's Business Association; Simone Peele, a New York contractor, MWBE; Martin Sturla - please stand up - Chief Procurement and Supplier, Diversity Officer for the City University of New York; Michelle Sloane, CEO of the Stoner Cannabis Lifestyle Board. I acknowledge each and every one of them because they have fought and been to the forefront for the fight for MWBEs. Particularly, I've known Sandra Wilkin for years, who has fought and was one of the early fighters who mobilized women to stand up and fight for the right to own businesses and to be able to apply successfully for bids for contracts. But I want to thank all of them for continuing the fight. Some of them have owned their businesses for more than 30 years, and they are registered as MWBEs and I'm so very proud of them. And on behalf, also, of Michaele Solages and our Assemblymember from Brooklyn, as well, I'd like

you to all please stand and be recognized.

Mr. Speaker, I'm asking for the cordialities and privileges of the House to be extended to each and every one as we welcome them in the House of the People. (Inaudible)

ACTING SPEAKER AUBRY: Certainly. On behalf of Ms. Dickens, the Speaker and all the members and all members who have been mentioned, we welcome you here to the New York State Assembly, commend you on the work that you are doing to enhance the lives and the well-being of those who run MWBE businesses. Please continue that work. Know that we are going to always be supportive of you. Thank you.

MS. DICKENS: Thank you.

(Applause)

Ms. Bichotte Hermelyn for the purposes of a introduction.

MS. BICHOTTE HERMELYN: Thank you, Mr. Speaker, for allowing me to make this introduction. Today we have here my little cousin, who I also consider as my little nephew, Jeffrey Dorestant from Pennsylvania, who is also a business consultant and here today with other many small business owners who are advocating MWBE. I'm just so proud of him. He came also along with Vladimir Sterlin, who's with the Brooklyn Chamber of Commerce. But we're just really so thankful that he gets to come to the People's House, and I'm just so proud of my little cuz.

So please, Mr. Speaker, give him a warm welcome to

the People's House (inaudible).

ACTING SPEAKER AUBRY: Certainly. On behalf of Ms. Bichotte Hermelyn, the Speaker and all the members, we welcome you here to the New York State Assembly. Cuz, you're family because you're a cuz. Thank you so very much, we are pleased to have you. Know that you are always welcome here, and thank you.

(Applause)

Mrs. Peoples-Stokes for the purposes of a announcement.

MRS. PEOPLES-STOKES: Mr. Speaker, would you please call the Ways and Means Committee to the Speaker's Conference Room?

ACTING SPEAKER AUBRY: Certainly. Ways and Means Committee, Speaker's Conference Room immediately, please.

We will go to resolutions on page 3, Assembly No. 419, the Clerk will read.

THE CLERK: Assembly Resolution No. 419, Mr. Stirpe.

Legislative Resolution memorializing Governor Kathy Hochul to proclaim April 30 - May 6, 2023 as Small Business Week in the State of New York.

ACTING SPEAKER AUBRY: Mr. Stirpe on the resolution.

MR. STIRPE: Thank you, Mr. Speaker. Today I rise to present this resolution and to acknowledge the importance of small

business in New York State. There are over 451,000 small businesses in New York, and they are a powerhouse totaling \$950 billion in annual receipts. They provide 3.9 million jobs, with an overall payroll of \$190 billion. Small business is New York State's biggest job creator, generating approximately 100,000 new jobs annually. The owners of these businesses include family members, local entrepreneurs, veterans, service disabled veterans, minorities, women and immigrants who believe the American Dream comes to life in New York.

While small businesses were hit hardest during the COVID-19 pandemic, their never-ending ability to adapt and innovate allowed them to persevere into a post-pandemic recovery. The New York State Assembly supports the growth of small businesses by providing and implementing programs and services that facilitate access to capital, technical assistance, technology assistance and venture capital, both through the legislative and budgetary process. New York's small business development centers, Excelsior Jobs program, Enhanced Green Chips Project Tax Credits and small business loans are just a few of the many incentives that assist our small businesses. The 14 Centers of Excellence and 15 Centers for Advanced Technology foster collaboration between the academic research community and business sector to develop and commercialize new products and technologies, to promote critical private sector investment in emerging high-technology fields in New York State, and to create and expand technology-related businesses

and employment. According to the most recent annual report, the Centers of Excellence have completed 136 projects, with 771 students engaged with companies. There are 801 ongoing projects, 412 new jobs created, and a revenue increase of more than \$64 million. According to the most recent annual report, the 15 Centers for Advanced Technology reported 664 jobs created and retained, and over 284 million in economic impact. The small business climate in New York State is brighter and stronger than it has ever been, because of its entrepreneurial spirit, coupled with its extraordinary resilience in the face of larger forces beyond its control.

I'd like to congratulate all the individuals and families with the courage to strike out on their own in pursuit of their dream, and the belief they can build a better life for themselves and their families. Thank you, Mr. Speaker.

ACTING SPEAKER CUNNINGHAM: Mr. Zaccaro on the resolution.

MR. ZACCARO: Thank you, Mr. Speaker. I rise today in support of this resolution recognizing the importance that small businesses have here in our State. For generations in every corner of New York, small business owners have provided invaluable services to our communities. Small businesses are also essential to the sustained economic growth of our local economies. Recently, I had the pleasure of meeting with numerous small business owners in my district, and I listened to their concerns. I heard what helps their businesses thrive and what policies that we, as lawmakers, should

enact in order to keep small businesses thriving in our State. And as -- and as an Assemblymember in this Chamber, I will continue to be their advocate here in Albany, and as a member of the Committee on Small Businesses, support legislation that will enable small businesses across the Bronx and across New York State to thrive for generations to come.

I want to thank the sponsor for this today, and thank you, Mr. Speaker, for giving me the time to address this.

ACTING SPEAKER CUNNINGHAM: On the resolution, all those in favor signify by saying aye; opposed. The resolution has passed.

(Applause)

THE CLERK: Assembly No. -- Assembly Resolution No. 420, Mr. Durso.

Legislative Resolution memorializing Governor Kathy Hochul to proclaim May 3, 2023 as Skilled Trades Day in the State of New York.

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

THE CLERK: Assembly Resolution No. 421, Ms. Barrett.

Legislative Resolution memorializing Governor Kathy Hochul to proclaim May 7-13, 2023 as Compost Awareness Week in the State of New York.

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

THE CLERK: Assembly Resolution No. 422, Ms. Bichotte Hermelyn.

Legislative Resolution memorializing Governor Kathy Hochul to proclaim May 9, 2023 as MWBE Advocacy Day in the State of New York.

ACTING SPEAKER CUNNINGHAM: Ms. Bichotte Hermelyn on the resolution.

MS. BICHOTTE HERMELYN: Thank you, Mr. Speaker, for allowing me to speak on this vital resolution that establishes today as -- May 9th as MWBE Advocacy Day.

(Applause)

I'm so happy today to be here amongst so many MWBE stakeholders and advocates. We have Deputy Mayor Sheena Wright who's here and so many others officials who are here advocating for equity and empowerment. Advocacy Day represents the economic empowerment for minorities and women who own and operate a business and increasing their success and ability to thrive under New York State and New York City's MWBE program. Despite decades of legislation and programs in both New York City and New York State to the level playing field for MWBEs, disparities continue to persist, and our MWBE community faces an uphill battle and roadblocks to equality in contracting with the government. In

1988, the New York State Executive Law enacted Article 15-A to ensure and promote fair and equal opportunity in minority and women business enterprise participation in -- in State contracts through the establishment of goals for minority and women-owned business participation. And in 1989, the U.S. Supreme Court ruling in the landmark case, City of Richmond vs. J.A. Croson and others had followed it and set legal boundaries for municipalities intending to create minority business enterprise programs. Then in 2005, New York City established a MWBE minority and women-owned business enterprise program via Local Law 129. Thanks to my colleagues Senator Sanders and Inez Dickens, who was then in the City Council, to -- to promote the growth and success of minority and women-owned businesses in the City, requiring that a certain percentage of City's contracts for goods, services and con -- construction be awarded to MWBEs. And on the State level in 2014, New York State launched an MWBE certification campaign to encourage minority and women business owners to certify with the State and take advantage of the billions of dollars in State procurement opportunities, and the Governor pledged to increase MWBE certifications by an additional 2,000 businesses, a goal that the State is still to exceed. In January 2016, they did so. As a result, the number of State-certified firms had more than doubled in just five years. Since then, New York State and New York City has become a nation leader in MWBE utilization.

We still have a lot of work to do. Despite our

progress, the disparities are still clear. In 2010, the State first commissioned a disparity study that would later be used to establish Statewide goals for minorities and women in State contracts. In 2016, another study was completed. It revealed that, again, a disparity exists of MWBEs continued being disenfranchised. Today, we advocate for reforms and recommendations gathered from these disparity studies and feedback from the MWBEs to address these disparities, including outreach to MWBEs, improving access to bonding, insurance, access to capital, increasing mentorship programs, the use of race-conscious and gender-conscious measures in City contracting, State level, eliminate the personal net worth, and increasing women and minority contract workers.

To mark MWBE Advocacy Day, City and State agencies and MWBEs and stakeholders who are here are meeting and networking with each other to discuss how we're going to push forward to increase participation. Thank you, Mr. Speaker.

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

THE CLERK: Assembly Resolution No. 423, Ms. Buttenschon.

Legislative Resolution memorializing Governor Kathy Hochul to proclaim May 9, 2023 as Teacher Appreciation Day in the State of New York.

ACTING SPEAKER CUNNINGHAM: Ms.

Buttenschon on the resolution.

MS. BUTTENSCHON: Thank you, Mr. Speaker. Today, we honor our teachers. So many of us in this Chamber can think back to the days when significant teachers have placed those everlasting memories and influences on all of us. In fact, maybe why some of us are here today. October 5th in 1994, more than 100 different countries created the first World Teacher's Day, which dedicated National Teacher's Day as the first full Tuesday in May for everyone. This day focuses on teachers who work to make our schools great places for learning and wisdom and education, as well as physical and social, as we have seen over the last few years.

I want to take this time, again, to thank all the teachers throughout the State of New York for all they've done and the positive influences they've provided not only to everyone in this room, but everyone throughout the State. Thank you, Mr. Speaker.

ACTING SPEAKER CUNNINGHAM: Mr. Eachus on the resolution.

MR. EACHUS: Thank you, Mr. Speaker, for allowing me to speak on the resolution. We are requesting that Governor Kathy Hochul per -- proclaim today as Teacher Appreciation Day. And most of us think of teachers as those folks standing in front of a classroom who have taught us in the past. But this is not Professional Teacher's Appreciation Day, it's Teacher's Appreciation Day. And every one of my colleagues out here on the floor have every right to think of themselves as teachers. They teach

folks each and every day, and I, along with them, are very proud to do that. I see a lot of mothers out here who are teachers on a minute-by-minute, day-by-day basis, and fathers out here who do the same thing. What do we want in terms of Appreciation Day? All that every and any teacher wants is to be appreciated for what they do. A little -- little thank you is sufficient enough and, of course, if you could go even farther than that to welcome these teachers and to give them a hand in their duties, it is helpful.

So thank you, Mr. Speaker, for the time.

ACTING SPEAKER CUNNINGHAM: Mr. Sayegh on the resolution.

MR. SAYEGH: Thank you very much. Also wanted to rise, show our appreciation for teachers all across our State. And as an educator for 40 years and having supervised teachers for nearly 30 years, I can tell you that when teaching is effective, teaching provides quality learning. And I can tell you, New York State, in my district of Yonkers, working closely with my federation of teachers, I can express how much appreciation all of us have for the teaching profession and the impact that teachers have on not only quality learning, but social development and motivating students to achieve to their maximum potential.

So today I stand in support of our teachers and to show our appreciation. We encourage the Governor to sign off on this very special resolution honoring teachers all across our State. Thank you very much.

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

THE CLERK: Assembly Resolution No. 424, Ms. Solages.

Legislative Resolution memorializing Governor Kathy Hochul to proclaim May 7-13, 2023 as Fibromyalgia Awareness Week in the State of New York.

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

THE CLERK: Assembly Resolution No. 426, Ms. Paulin.

Legislative Resolution memorializing Governor Kathy Hochul to proclaim August, 2023 as Ambulatory Surgery Month [sic] in the State of New York, in conjunction with the observance of National Ambulatory Surgery Center Month.

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

Ms. Bichotte Hermelyn.

MS. BICHOTTE HERMELYN: Thank you, Mr. Speaker, for allowing me to do this introduction today. Today, we have the First Deputy Mayor of New York City with us, Ms. Sheena Wright. Let's give her a round of applause.

(Applause)

She is carrying the torch. She is the first Black woman to hold the position of First Deputy Mayor to the largest city in the nation. We are actually so proud of her. She is working on a number of initiatives to push our City forward, especially around MWBEs and making sure that it's equitable in our workforce. We are just so proud of her and we want you to please extend our warm gratitude to the First Deputy Mayor of New York City, Sheena Wright.

(Applause)

ACTING SPEAKER CUNNINGHAM: On behalf of Ms. Bichotte Hermelyn, the Speaker and all the members, we welcome you to this Chamber. We extend the privilege of the floor and hope you enjoy the proceedings. Thank you for joining us.

(Applause)

Ms. Tapia for the purposes of an introduction.

MS. TAPIA: Thank you, Mr. Speaker, for allowing me the opportunity to recognize the New York Women's Chamber of Commerce as we celebrate today W -- MWBE Advocacy Day. We have with us today Quenia Abreu, who is the President of the Chamber, the New York Chamber of Commerce with more than 5,000 members in the City of New York and all over, and growing. And it is, you know, all of us know that small businesses are the backbone of our communities, and having an advocacy day today, I thank Ms. Bichotte -- Assemblymember Bichotte for doing this today, the

celebration of the small businesses, and especially the MWBE businesses, the Minority and Women Business Enterprises. And we have today with us Angie Pettis, Versacio; Clarabelle Pena, Martha Figuero, League Americana; Yvette Medrano, Venta Ventiuno Family Hair Design; Jahir Rosario, Turbo Express; Monica -- Monique Albornoz, Clinical 5S Space Innovations; Carlie Delemma; Porsche Martin, Martin Professional; Eshawn Caldwell, Autism Moms in Relief; Danielle Iturra, Vista Renovations; Lajuana Esmith Hortnick, the ESPA App; and Arita Duncan, Wide River Consultant (all phonetic).

Mr. Speaker, show the cordiality of the -- of the House and welcome them today as we celebrate MWBE Advocacy Day.

ACTING SPEAKER CUNNINGHAM: On behalf of Ms. Tapia, the Speaker and all the members, we welcome you to this Chamber, extend the cordialities of the floor and hope you enjoy the proceedings.

(Applause)

ACTING SPEAKER AUBRY: Page 8, Calendar No. 24, the Clerk will read.

THE CLERK: Assembly No. A01368-A, Calendar No. 24, Rozic, Colton, Rivera, L. Rosenthal, Otis. An act to amend the Public Service Law, in relation to third-party notification.

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

MS. ROZIC: I'm ready, Mr. Speaker. So, this bill requires utility corporations, municipalities, telephone, cable and cell service companies to allow customers to designate a third party to receive notices on their behalf. It puts in statute the ability for customers to designate third parties and help customers looking to receive assistance from a trusted third party like a relative or a friend, or a daughter or son without fully taking away their independence. I'll say more generally, the intent behind this legislation is to both prevent folks from getting to the point of termination or collection, which is worse for the consumer in the long term, while also making sure that companies get paid timely, and providing a long-term continued independence for our elders or folks who need it and choose to opt into this program. And currently, the statute only applies to traditional utilities and also only for notices of termination of service, but this actually expands it to other things.

ACTING SPEAKER AUBRY: Mr. Palmesano.

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

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

MS. ROZIC: Sure.

ACTING SPEAKER AUBRY: Ms. Rozic yields, sir.

MR. PALMESANO: Thank you very much, I -- I appreciate it. Currently right now under the Public Service Law, residential gas, electricity and steam corporations do permit their

customers to designate a third party to receive copies of notices, correct?

MS. ROZIC: Yes, for termination and collection attempts on amounts owed by the customer.

MR. PALMESANO: And this -- this legislation would expand the third-party notification to include notices for routine bills for phone, cable, and internet providers, correct?

MS. ROZIC: Yes, and it also relates or expands to notices dealing with amounts due or past due on bills, it deals with amounts paid by the customer or on the customer's behalf. And, in addition, what I just said --

MR. PALMESANO: Right.

MS. ROZIC: -- termination and collection.

MR. PALMESANO: One question I wanted to ask is relative -- the Public Service Commission does not have jurisdiction over many of the services this -- that's provided for in this bill. The F -- the FCC preempts relative to the interstate commerce clause, telecommunication services. How do you reconcile with the fact that the services that you're expanding here are not under the jurisdiction of the Public Service Commission and they're preempted by the FCC?

MS. ROZIC: I have a separate bill that would include a lot of those companies into the Public Service level, we can talk about that another day. This is really based on other models that we've seen across the country --

MR. PALMESANO: Right.

MS. ROZIC: -- including Connecticut.

MR. PALMESANO: And the Public Service Law also suspended the PSC's jurisdiction over cellular providers, and so they would not be enforced by the PSC under this bill, correct? We need to pass your other bill, which --

MS. ROZIC: Yeah, we should pass my other bill (inaudible) --

MR. PALMESANO: Well, I disagree with you on that. We'll talk about that if you ever bring that to the floor, too.

I did want to talk about confidentiality issues. So now, like right now, if someone wanted to designate someone, if my mother wanted to designate me, she could get me -- we could get online and I could get access to her information. Why can't we do it in a voluntary method versus mandating that the -- the telecommunications companies or these providers now have to send these agreements to them?

MS. ROZIC: So this is -- this is an opt-in program. It is mandatory for companies, but people have to opt in, consumers have to opt in to this program or to receive the notices. So this is specifically speaking to that concern of getting folks to actively, proactively say, *I want to -- and I choose this person to be my third party notice.*

MR. PALMESANO: So the thing is now, why does the telecommunicate -- or the company or provider have to ensure the accuracy of the information? Because now, like I said, we could do it

voluntary, then I can get someone that can access online, I can get their -- their -- their bills, that type of thing. But if you have to verify the accuracy of it, so now I send it in and I wanted to get (inaudible) reports. Now, you have -- as a company are caught in the middle and now have to verify the accuracy and take extra steps to -- to verify that. Why does that fall -- why does that burden fall on the company to do that?

MS. ROZIC: I would hope that most companies already do that, but like I said at the top, they already are mandated to do this for termination and for collection, so we're merely expanding it to other notices.

MR. PALMESANO: I mean -- I mean, obviously another route -- avenue that people can go, when you have power of attorney there's a legal document that's signed so that person would know that that individual is the legal representative versus having to go back and verifying that and trying to confirm that and chasing people around to verify that -- that the person that's being designated is -- is the accurate and correct information, correct?

MS. ROZIC: Is -- is there a question?

MR. PALMESANO: Yeah. Well, I mean --

MS. ROZIC: So the -- the -- here's the difference.

The power of attorney requires you to hire an attorney, having a notary authorize the paperwork. It's potentially costly, it's burdensome. If there's already someone who you're close to, such as a child helping a parent, in your case, you know, this should just be

something that the company offers to you, which they already do in some cases. But this should be a service that they already offer to you. It shouldn't be the burdensome case that I have to go hire an attorney in order to get a bill notice for my mom.

MR. PALMESANO: Wouldn't it also, like I said, be easier just to, which they can do now voluntary, just set up an online where you can look at the individual's information right online versus now, again, having to send out bills and notices in writing to someone who they have to verify.

MS. ROZIC: And there are some companies that already do that, but not all.

MR. PALMESANO: Is there any concern about sensitive information? You know, phone numbers, I mean, you know, you can get cases where there might be issues of domestic violence or custody matters where, you know, it could have some sensitive information. So who's sending that in? I mean, and that information being provided to someone else. I mean, isn't there any concern on how you protect that sensitive information?

MS. ROZIC: Because -- because it's an opt-in program, both parties have to agree, so...

MR. PALMESANO: All right. One other -- couple of other questions I want to ask you. Is there a problem? Are we seeing a problem with this? I mean, I know this bill has been around since 2008, is it -- haven't -- has there been an upswing in problems in needing to address this issue, especially knowing that the FCC is

going to preempt this?

MS. ROZIC: It -- it comes from many constituent cases that I heard of before I got here and now as a member myself.

MR. PALMESANO: Are you -- are you -- do you have any concerns about -- I know this is about a consumer-related bill and I know you're Chair of the Consumer's -- Consumer Affairs Committee, about these extra mandates that are going to be placed on these companies, especially ones we want to provide broadband services in our rural area that are struggling. Isn't there a concern about cost impacts with these mandates that we continue to place on these businesses and how that -- how do you reconcile that?

MS. ROZIC: So, in -- in two -- there might be some administrative costs to the company, but what I want to remind you of is -- I guess there are three scenarios, right? One is the customer receives the bill; second, the customer opts to have a third party receive the bill; and then the third option is for both the customer and the third party to receive the bill. So in the first case there's no extra charge or administrative costs, because you're still having one bill printed or sent. The second option is an identical bill sent to the third party, same thing. And then I guess in the third scenario there might be a small administrative cost to the company to create a second copy of the bill.

MR. PALMESANO: Okay, thank -- thank you. I appreciate your time, Ms. Rozic.

Mr. Speaker, on the bill.

ACTING SPEAKER AUBRY: On the bill, sir.

MR. PALMESANO: Yes, Mr. Speaker. I certainly understand the intentions and what the sponsor is trying to do with this legislation. I think I just have some concerns. Number one, this can already be done. We can set this up in a voluntary manner, let individuals work out with the person they want to help them to get -- get their information accessed online. But now, we're putting the -- the company, the provider in the middle and now -- now the onus is on them to verify the information, the accuracy of the information, the accuracy of the person who's being designated because someone could just send in a notice saying, *I'm Ed Ra's representative*, but now they have to go back and verify that. Why should that onus be put on the -- the corporation or the business who is providing that information? So the issue is already there to address.

Also, there's another issue here, again, relative to the Federal preemption. The P -- the FCC will preempt this because the PSC does not have jurisdiction over the services and -- and -- and providers that this bill is trying to expand. I know she doesn't -- the sponsor has another legislation which would be subject to a much more vigorous debate on the floor if this were to come up, but that's problematic because the FCC can preempt it, they will preempt it so it's not going to move forward anyway. It just doesn't make sense. And I think, you know, coming from an Upstate rural area that's suffering from broadband coverage and needs more coverage, I'd rather see us focusing the attention on these -- these providers to

expand their services and using their resources to expand these services rather than have to spend resources to -- to -- to adjust and adhere to this costly mandate that will be placed upon them.

So there's a number of reasons, but for -- for those reasons, Mr. Speaker, I will be voting in the negative and I would urge my colleagues to do the same. Thank you.

ACTING SPEAKER AUBRY: Thank you, sir.

Read the last section.

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

ACTING SPEAKER AUBRY: A Party vote has been requested.

Mr. Goodell.

MR. GOODELL: Thank you, sir. The Republican Conference I think is going to be generally opposed to this. Certainly, members may want to support it and can do so by voting here on the floor of the Assembly.

ACTING SPEAKER AUBRY: Thank you.

Mrs. Peoples-Stokes.

MRS. PEOPLES-STOKES: Thank you, Mr. Speaker. The Majority Conference is going to be in favor of this piece of legislation; however, there may be some that would like to be an exception. They could feel free to vote from their seat. Thank you.

ACTING SPEAKER AUBRY: Thank you, ma'am.

The Clerk will record the vote.

(The Clerk recorded the vote.)

Mr. Goodell to explain his vote.

MR. GOODELL: Thank you, sir. I appreciate the sponsor's desire to help people who need help paying their bills by having cell phone companies and others send another notice to some third party upon request of the customer. And I appreciate that objective. The concern that I have, however, is that certain information, particularly cell phone information that identifies every single person the individual called and the length and duration and date and time can be very sensitive. And because it's sensitive, it's very important that that information not go to the wrong person. And sadly, those of us in the legal field that have practiced in family court all too often see where you have a situation involving stalking or domestic abuse, or family custody issues where one party wants that very confidential information and is not afraid of submitting a fraudulent request to the phone company to get copies of that bill. So we're balancing a desire to help people pay their bill with a need to recognize that this billing information can be very sensitive. Under current law, there are two ways for a customer to get that information without worrying about confidentiality, and one is with a power of attorney that's notarized. That form, by the way, is online. You don't need an attorney, you can go right online, it's a fill-in-the-blank form, but that provides one mechanism. And the second mechanism is that a customer can pay their bills for every one of these companies online and they can share their account information and password with a

trusted friend. So we have current ways to accomplish this objective without that serious risk of confidential information being inadvertently disclosed.

For that reason, I do not support this bill. Thank you, sir.

ACTING SPEAKER AUBRY: Mr. Goodell in the negative.

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

Page 9, Calendar 43, the Clerk will read.

THE CLERK: Assembly No. A04011, Calendar No. 43, Weprin. An act to amend the Insurance Law, in relation to requiring the Superintendent of Financial Services to promulgate regulations which provide standardized definitions for commonly-used terms and phrases in certain insurance policies.

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

MR. WEPRIN: Thank you, Mr. Speaker. This bill amends Section 3425 of the Insurance Law by adding a new subsection (t) which would require the Superintendent of Financial Services to promulgate regulations which provide standardized definition for commonly-used terms and phrases found in homeowners policies and commercial line policies which provide coverage for loss or damage to real property, personal property or

other liabilities for loss of damage to property, and they must be established by January 1st, 2025.

ACTING SPEAKER AUBRY: Mr. Blankenbush.

MR. BLANKENBUSH: Thank you, Mr. Speaker.

On the bill.

ACTING SPEAKER AUBRY: On the bill, sir.

MR. BLANKENBUSH: Using standard definitions and terms and phrases sounds like a great idea, but when you look at the commercial lines business, especially the commercial lines business, every business that I have ever gone into to look and review their policies, there's something unique and different about every business that you go in. And if DFS is going to put standard phrases and terms in a policy, what you're really doing to the business owners is you're taking away the ability of consumer choice. So it is a -- it's different when you compare it to a personal auto policy when you're looking at a commercial lines policy. You can -- you can take a look at any -- any business, you can walk down the street and every business, like I said, has a unique difference that has to go off of the standard policies. They have to have the flexibility to pick and choose their coverages, which if you standardize everything, that's not going to happen. What's really going to happen is that the commercial lines or the business owner is going to have to take or pay for things in that policy that he or she doesn't need, or they need something different than a standardized definition or terms. So every -- the concern is more on the commercial lines than it really is on -- on personal auto or

personal homeowners. And the only thing that worries me about this is that our business owners are going to have to pay more because they're going to have to add coverages they don't need. And any time you get standardized anything from DFS, that's what you're going to run into. You're taking away the ability of a business owner to match up its policy concerns, the coverages that they need that other businesses don't need.

So I'm not in favor of this bill because of those reasons. Even though it sounds like -- like a great idea, you're really putting the handcuffs on businesses, and that's what my concern is. One size doesn't fit all in commercial line insurance, and that's why I'm going to be not in favor of supporting this bill. Thank you, Mr. Speaker.

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

MR. BLUMENCRANZ: Thank you. Will the sponsor yield, please?

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

MR. WEPRIN: Yes, I will.

ACTING SPEAKER AUBRY: Well, wait until we clear some of those folks out of the way there. Please, members, sit down. Thank you.

Go ahead.

MR. BLUMENCRANZ: Thank you. So will the

language of commonly-used terms and phrases, will they have to exist within the declarations page of a policy or just in the policy language itself?

MR. WEPRIN: Well, yeah, it would have to be throughout the entire policy. You know, these proposed regulations would be subject to a public comment period, so there -- there are going to be -- there is going to be a public comment period for 60 days, I believe, on -- on those terms.

MR. BLUMENCRANZ: I mean, I guess I just -- I -- I only really have reason for concern especially if the carriers or other interested parties would be able to engage in what they think is commonly used. I'm just -- I find it a bit broad, the -- the language definitions that may be used and what -- what's the definition of -- of a commonly-used term. I mean, if you were looking at an inland marine policy or you're looking at a policy in the energy sector, to those professionals they may be commonly used, or is this more effort focused on, you know, the retail purchaser and, you know, what they might see within their policy?

MR. WEPRIN: I hear you. This legislation came out of Sandy. During Sandy, there was a lot of confusion as to, you know, what terms meant and people -- most people don't read all the fine print in their policies and don't necessarily know what some of these terms are. This -- this is basically supposed to be for transparency, to let people know what some of these terms are. And as I said, any proposed regulation that the Department of Financial Services

proposes will be subject to a public comment period. And this is basically more for transparency because there were many issues that came up during Superstorm Sandy, for example, and -- and other natural disasters.

MR. BLUMENCRANZ: Okay. I mean, I just -- I -- I only bring concern because, you know, you hire a broker to explain the language within a policy that you're purchasing, you sort of expect that person to guide you through the process. Similar to a real estate transaction, most people don't necessarily know all of the terms they might experience, but they rely on their -- their broker. I just -- I wasn't sure necessarily why -- and I understand from a homeowner's perspective, but for large-scale businesses to have to sort of bring the language of a policy down to a level that I'm not sure who within DFS would have to determine is commonly used seems a bit just out of -- out of the realm of -- of logical in certain industries. But I was just curious, during that period of time in which the stakeholders can, you know, testify to the fact that something may or may not be language that you'd want to use, would -- would those -- would those changes be added to whatever this definition might be? Is there some flexibility within what the new language might be after they determine what is commonly used?

MR. WEPRIN: Yeah, there is a provision where the superintendent can approve alternative definitions, and I would hope that this would come out during the comment period for the proposed regulations.

MR. BLUMENCRANZ: Okay. And just one more thing, just to clarify, it's just the language but there would be no standard rate or standard rate setting within certain areas?

MR. WEPRIN: That is correct, it's just the language.

MR. BLUMENCRANZ: Okay. All right. Thank you very much.

MR. WEPRIN: You're welcome.

ACTING SPEAKER AUBRY: Read the last section.

THE CLERK: This act shall take effect immediately.

ACTING SPEAKER AUBRY: A Party vote has been requested.

Mr. Goodell.

MR. GOODELL: Thank you, sir. The Republican Conference is generally opposed for the reasons stated, but those who support it are certainly encouraged to vote yes here on the floor of the Assembly. Thank you, sir.

ACTING SPEAKER AUBRY: Thank you.

Mrs. Peoples-Stokes.

MRS. PEOPLES-STOKES: Thank you, sir. The Majority Conference is going to be in favor of this piece of legislation; however, there may be a few exceptions. They should feel free to push their buttons at their desk. Thank you, sir.

ACTING SPEAKER AUBRY: Thank you, ma'am.

The Clerk will record the vote.

(The Clerk recorded the vote.)

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

Page 10, Calendar No. 69, the Clerk will read.

THE CLERK: Assembly No. A00517, Calendar No. 69, L. Rosenthal, Otis, Simon. An act to amend the Civil Rights Law, in relation to privacy of electronic fare and toll records.

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

And we'll wait until people settle down a little bit, Ms. Rosenthal. Hello, that corner? Ladies and gentlemen in the corner. Staff, if you don't need to be there, you should remove yourself. I'm talking to you guys.

Proceed, Ms. Rosenthal.

MS. ROSENTHAL: This bill concerns cashless tolling systems, and it serves to protect the privacy of people by establishing reasonable limitations on the release and use of such electronic toll and fare information.

ACTING SPEAKER AUBRY: Ms. Walsh.

MS. WALSH: Thank you, Mr. Speaker. Will the sponsor yield for some questions?

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

]MS. ROSENTHAL: Yes.

ACTING SPEAKER AUBRY: Ms. Rosenthal yields,

ma'am.

MS. WALSH: Thank you very much. Could -- could you just explain exactly what records would be not -- which records you would not be able to get should this legislation pass? You mentioned E-ZPass, what....

MS. ROSENTHAL: Oh, okay, which records you could not get. Okay.

MS. WALSH: Yep.

MS. ROSENTHAL: Let me find exactly what they are. I'm sorry, I just have to find my paperwork. I'm sorry, I'm just looking for the actual words. Okay, so records created or maintained by a public entity or by contractor on behalf of a public entity concerning motorists or motor vehicle regarding the use of any highway, bridge, tunnel or other thoroughfare, including, but not limited to, E-ZPass records. That's basically, basically it.

MS. WALSH: Okay, thank you very much. Now, as far as those records, are there any carveouts or exceptions in the legislation as far as being able to get some -- get them in some instances?

MS. ROSENTHAL: Well, people could subpoena or by court order they could -- they could get them.

MS. WALSH: And in what kinds of cases would they be able to subpoena and get a court order for the release of that E-ZPass information?

MS. ROSENTHAL: If -- if -- if they think there's a --

that a misdemeanor or felony was committed, then on the criminal side they could subpoena for that.

MS. WALSH: Okay. So it would be in criminal-type cases. Is there any carveout or exception allowing the release of E-ZPass information in any civil matters under this legislation?

MS. ROSENTHAL: No. But once again, one could try to get a court order. But they wouldn't just be able to call up E-ZPass and say, *Hey, give me my -- my wife's driving record.*

MS. WALSH: Right. Well, isn't it true that under your legislation it's not applicable in civil matters at all? So matrimonial matters like -- like you're saying, or employment matters, for example?

MS. ROSENTHAL: Well, when it relates to the collection of toll revenues, it could be used for communication between the holder of the E-ZPass and the agency.

MS. WALSH: Okay. So in other words, if there's a dispute about the amount owed --

MS. ROSENTHAL: Yes.

MS. WALSH: -- under E-ZPass, in that instance you could review the records, take a look at them and figure that piece out and when a collection (inaudible).

MS. ROSENTHAL: Yes. It's just about toll revenues.

MS. WALSH: Okay, very good. So what about an ability to FOIL for records in -- in any matter? Does -- is FOIL

discussed or is FOIL applicable? Like let's say, for example, the media wants to know if we're really in the Chamber or if we've already left to go home on a Wednesday getaway day, can they FOIL and get our records and figure out where we are really, or if -- if we're not physically in the Chamber?

MS. ROSENTHAL: Okay, well, they should be watching us in Session. But --

MS. WALSH: But now that we have empty seat voting, that's not a guarantee, right? You could be back in your office.

MS. ROSENTHAL: Well, they'd see it there if we voted.

MS. WALSH: That's true, that's true.

MS. ROSENTHAL: It doesn't speak to FOIL requests.

MS. WALSH: Okay. Okay. So -- okay, very good. I think we've kind of covered it. Thank you for your answers. And --

MS. ROSENTHAL: Okay, thank you.

MS. WALSH: -- Mr. Speaker, on the bill.

ACTING SPEAKER AUBRY: On the bill, Ms. Walsh.

MS. WALSH: So for -- for many of you, if this debate sounds a little bit familiar it's that we've had it a few times. This -- this bill itself has been around since the 1990s. We've -- we've debated this bill a few times. So, basically my -- my issue with the bill is I'm glad that there is a carved out exception for cases where --

criminal matters, like the local example, a big murder case that -- where E-ZPass records were used in part to prosecute the defendant was the Porco murder trial that any -- any of us who live locally remember very well. Or if you watch Lifetime, there -- there's, like, lots of Lifetime on the Porco murder trial, which was horrendous. But what my problem is has to do with the civil side of things. So we know that there's no -- no-fault divorce now, so those instances where a spouse is trying to prove where the other spouse was maybe isn't as prevalent, but certainly in employment matters if you have, say, an employee that has been through a disciplinary proceeding or has been terminated and is then sued, saying that they were terminated improperly, and the basis of that is employee said that they were there but they really weren't, they were really there and it could be proved through E-ZPass records. There's no mechanism under this legislation to allow the release of information to support that type of litigation, and I think that that is -- respectfully, I think that that's a flaw in the legislation. I wish that it had a greater carveout to allow for an opportunity to seek those records in those circumstances. And I've raised that issue before, but I don't believe -- and I didn't ask the sponsor, but I don't believe that the bill has been amended in any way since we took it up the last time.

So, you know, I think that really what this boils down to is what reasonable expectation of privacy do we have anymore? You know, we're all carrying cell phones, we -- we don't expect that we're going to have tracker devices in our cars, certainly, but

realistically, with cameras and cell phones and, you know, cameras pretty much on every corner now wherever we're going, our whereabouts are really not very secretive or not very private anymore.

So, I -- I don't -- I don't know, I'm going to continue to remain in the negative on this bill, as many of our colleagues have been, on both sides of the aisle in recent years. And that's -- that's about it, Mr. Sponsor -- Mr. Speaker. Thank you very much.

ACTING SPEAKER AUBRY: Thank you, Ms. Walsh.

Read the last section.

THE CLERK: This act shall take effect immediately.

ACTING SPEAKER AUBRY: A Party vote has been requested.

Mr. Goodell.

MR. GOODELL: Thank you, sir. The Republican Conference is generally opposed to this. Those who support it can certainly vote for it here on the floor. Thank you, sir.

ACTING SPEAKER AUBRY: Thank you.

Mrs. Peoples-Stokes.

MRS. PEOPLES-STOKES: Thank you, Mr. Speaker. The Majority Conference is going to be in favor of this piece of legislation; however, should some desire to be an exception they should feel free to vote from the floor. Thank you, sir.

ACTING SPEAKER AUBRY: Thank you.

The Clerk will record the vote.

(The Clerk recorded the vote.)

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

Page 11, Calendar No. 72, the Clerk will read.

THE CLERK: Assembly No. A02741, Calendar No. 72, Paulin, Septimo, Magnarelli, Gunther, Jacobson, McDonough, DeStefano, Durso, K. Brown. An act to amend the Insurance Law, in relation to summaries of readable and understandable insurance policies.

ACTING SPEAKER AUBRY: Ms. Paulin, an explanation is requested.

MS. PAULIN: Yes, thank you. The legislation requires insurers to provide auto and homeowners policyholders with a summary document summarizing coverage.

ACTING SPEAKER AUBRY: Mr. Blankenbush.

MR. BLANKENBUSH: Would the sponsor yield?

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

MS. PAULIN: I'd be happy to.

ACTING SPEAKER AUBRY: The sponsor yields, sir.

MR. BLANKENBUSH: What -- what's the difference between the bill here and the difference between a declaration page that is already issued by the company?

MS. PAULIN: So, currently there are no policy summaries that include what the coverage does and does not, more importantly, include. So this bill clarifies so that homeowners and auto insure -- insured people get -- get that information. It was brought to my attention by the General Counsel at the -- the former General Counsel at the Department of Insurance, and he believed that this would clarify and lessen the confusion out there.

MR. BLANKENBUSH: By putting an -- by putting an extra form in the policy is going to stop the confusion?

MS. PAULIN: Yes, by putting in extra information so that policyholders would have the summary of what their policy included and didn't include.

MR. BLANKENBUSH: There's a declaration --

MS. PAULIN: It's not included currently.

MR. BLANKENBUSH: -- declaration page on an insurance company -- or an insurance policy right now lists the limits of insurance?

MS. PAULIN: It doesn't list it clearly and it's not required to list it completely.

MR. BLANKENBUSH: I've never seen a declaration page that doesn't list the coverages of how much --

MS. PAULIN: It -- it doesn't include what -- it -- the -- the -- it doesn't include what is not included in a policy.

MR. BLANKENBUSH: You're talking about the exclusions.

MS. PAULIN: Yes.

MR. BLANKENBUSH: So you're going to attach a form that lists the exclusions of a policy for auto, homeowners. Commercial lines, too?

MS. PAULIN: It -- it's going to be required to be in a format that is -- will be much more readable and understandable, and also include both what is included and what is not included. You know, so the exclusions are not thorough, they're not required to be thorough. This requires them to be thorough, and -- and frankly, you know, it came from someone who was very familiar with what's included and what's not included, and that recommendation I took very seriously because of the -- you know, because of the -- because of the knowledge he had.

MR. BLANKENBUSH: But exclusions in a policy are already written in the policy.

MS. PAULIN: But they're not -- they're not exhaustive. In other words, they -- all of the information there, it's not required to be as specific as this, so people could --

MR. BLANKENBUSH: Can -- can you give me an example of what's going to -- give me an example of what's going to be on there that's not on a declaration page now. Like what exclusion?

MS. PAULIN: So here, let me see if I can find one. I don't know that I have that here, I might have to get back to you on that. So, it'll -- so, the -- the principal exclusions will be required to

be on it. The declaration page of a policy has limits, but never indicates the principal exclusions. So, you know, I don't have a more -- something more specific, this is what was provided to me by, you know, again, someone who knows exactly what's in that. But they don't disclose the exclusions in a policy and this bill would require that. So I'm looking for, you know, some examples to see if I have anything more specific.

MR. BLANKENBUSH: So -- so basically, the summary that we're talking about is only a summary of exclusions?

MS. PAULIN: It's a summary -- it's really just intended to increase consumer awareness and understanding of the policy terms, to put it in -- in a way that consumers -- you know, I don't -- you know, I don't know -- you know -- you know, for example, you know, we've done other bills where there's a lack of information on the part of the insured, and I think that those -- those forms are very hard to understand, they're very small print usually and they're very hard to understand. This is an attempt to make it much more understandable for -- for someone. So yes, it would require extra work on the part of the insurance company to provide that to consumers, but I think that then if the consumer saw that, oh, it -- it doesn't -- the deductible is a certain amount, or the -- the -- it doesn't include jewelry, you know, it doesn't in -- you know, that would be a principal exclusion, for example, on a homeowner's policy. You know, it doesn't include jewelry up through this limit. You know, it doesn't include -- I'm trying to think of another aspect of a

homeowner's insurance. It -- it doesn't include --

MR. BLANKENBUSH: But, that -- that's fine. But what you're -- what you're saying, then, is by the time you list everything that you're talking about, it's already in the policy. The summary is going to be as big as what (inaudible).

MS. PAULIN: I think that there are general aspects. You know, jewelry is -- is actually one that I happen to be aware of because of my own home insurance and what it lists and what it doesn't and what the limitations are. So -- but I was unaware. For example, I had to ask that question, I had to call the agent. So there are some general categories and, you know, this is really an attempt just to get -- to make it a little clearer so that if -- you don't have to look at the fine print and think, oh, does it include this, doesn't it include this. This -- this would just add a little clarity. It was, again, brought to my attention by someone who is very involved and knows, you know, about all the questions that the insurance department is asked, and he wished that this was part of it so that they would have been in a better position to be able to address consumer issues.

MR. BLANKENBUSH: A few years ago in this House, quite a few years ago in this House, we passed a bill for common, simple language in an insurance policy, if you remember that or not. But since we did that and the policies were changed to -- to use simple language, easy to read language, there's still -- there's still a doubt in people's minds what the coverages are and so forth. And that -- and that's why the declaration page is there, and every --

every homeowners policy, for example, could be a little bit different.

MS. PAULIN: No, that's -- that's true, and I think it -- this will help people know whether there's something else they want to add, you know, and -- because it's listed on the exclusion page.

MR. BLANKENBUSH: Okay.

On the bill, sir.

ACTING SPEAKER AUBRY: On the bill, sir.

MR. BLANKENBUSH: If -- if everyone who looks at their insurance policy and you look at the declaration page, the declaration page tells you, one, limits of insurance, just what this bill is going also do. It also will tell you the terms of the policy, the term of the policy, just like this bill is going to do. It's going to talk about the amount of premium to be paid, just like this bill is going to do. It talks about deductibles in your declaration page, exactly what this policy is going to do. And all of the things that a declaration page does, except the exclusions which are listed in the policy, gives you a clear summary of right now what your policy does. The only difference that this other -- this new bill will do, it makes the insurance company put it in red ink. The only thing it does. So, you're going -- instead of having a policy that lists everything on your declaration page, you're now going to have a declaration page in red. And I -- I don't believe that's going to help the consumer look into and read the policy, you know, more than what they're doing right now.

To me, this bill is not necessary because, obviously, in a legal contract you have to have some clarity on exclusions, and if

you put every exclusion on a summary page, your summary page is going to be as long as your insurance page. So, the declaration page does exactly what -- all that we need to do which would help the consumer. So I believe that this policy -- this bill is not needed and I will be -- I'm not supporting it and I will be voting no. Thank you, sir.

ACTING SPEAKER AUBRY: Thank you, sir.

Read the last section.

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

ACTING SPEAKER AUBRY: A Party vote has been requested.

Mr. Goodell.

MR. GOODELL: Thank you, Mr. Speaker. The Republican Conference is generally opposed to this bill. Those who support it can vote in favor on the floor. Thank you, sir.

ACTING SPEAKER AUBRY: Mrs. Peoples-Stokes.

MRS. PEOPLES-STOKES: Thank you. The Majority Conference is going to be in favor of this piece of legislation; however, there may be a few that would desire to be an exception. They should feel free to do so at their desk.

ACTING SPEAKER AUBRY: The Clerk will record the vote.

(The Clerk recorded the vote.)

Mr. Blankenbush to explain his vote.

MR. BLANKENBUSH: To explain my vote. I forgot to mention that the print on this summary page is going to be in

16-point type. So I just want everyone to know that that would have to be on an 8x10 foot piece of paper. Thank you, sir.

ACTING SPEAKER AUBRY: Mr. Blankenbush in the negative.

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

Page 12, Calendar No. 98, the Clerk will read.

THE CLERK: Assembly No. A05609, Calendar No. 98, Rozic, Jacobson, Colton. An act to amend the Workers' Compensation Law, in relation to providing language access services.

ACTING SPEAKER AUBRY: An explanation has been requested.

MS. ROZIC: Thank you, Mr. Speaker. This bill would amend the Workers' Compensation Law to align provisions requiring document translation and language access services with the requirements under the Executive Law. The language access requirements for other State agencies under the Executive Law was added in last year's Executive Budget, so this largely reflects that change, and existing requirements, just brings that towards the Workers' Compensation Board. It does a bunch of other things, but essentially, it provides consistency by cross-referencing the Executive Law so that in the future if there were changes made to that part of the law, that it would also be reflected in the Workers' Compensation Law, as well.

ACTING SPEAKER AUBRY: Ms. Walsh.

MS. WALSH: Thank you, Mr. Speaker. Will the sponsor yield for just a few questions?

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

MS. ROZIC: Sure.

ACTING SPEAKER AUBRY: Ms. Rozic yields, ma'am.

MS. WALSH: Thank you. So as you said, this would amend Workers' Compensation Law Section 17-A. Can you just kind of compare and contrast what the current law requires and what your legislation would additionally require? That -- that's the main question that I've got.

MS. ROZIC: Okay. So the main differences are that -- between the Executive Law and the Workers' Comp Law is that it increases from 10 to 12 languages plus a potential for additional languages if the Board chooses to add more, it can choose not to. The second change -- the second difference is that it includes provisions that relate to the determination of those four additional languages and that a language access plan needs to be updated and reissued every two years. My understanding is that the current provisions under the Workers' Compensation Law already require the language access coordinator, we did that a couple of years ago. But this bill would rephrase it for consistency and clarity to make it -- to make sure that that also coordinator also works within the Office of General Services

to ensure compliance across the board, because they created this Office of Language Access last year in the budget, and so we want to make sure that we're being consistent.

MS. WALSH: Okay. So yeah, so that -- thank you for that. That -- because I -- I saw that the additional two languages were being added. What are those languages that are being added? Do you happen to know?

MS. ROZIC: That's a good question. I do have that list. So according to the Language Access Plan published by OGS and the Workers' Compensation Board, the top 12 languages spoken by individuals with limited English proficiency in the State of New York are, one, Spanish; two, Chinese; three, Russian; four, Yiddish; five, Bengali; six, Haitian Creole; seven, Korean; eight, Italian; nine, Arabic; ten, Polish; 11, French; and 12, Urdu.

MS. WALSH: What was that last one, I'm sorry?

MS. ROZIC: Urdu.

MS. WALSH: Oh, Urdu. Okay, oh, okay. Thank you. I just -- I was curious to see what the most common ones were. Look, and you delivered, thank you.

And then also, this bill talks about vital records -- or vital documents being translated into these 12 most common languages, the -- but the previous -- the existing law already requires a lot of documents to be translated. Does this legislation expand the number or scope or breadth of documents that are going to be translated?

MS. ROZIC: It adds the definition of vital documents from the Executive Law.

MS. WALSH: Okay.

MS. ROZIC: Which means any paper or digital document that contains information critical to obtaining agency services or benefits, or as otherwise required to be completed by the law. I can give you more details about that, as well.

MS. WALSH: No, no that's okay. I guess where -- where I was -- what I was thinking is, so you have an application, say, for Workers' Compensation benefits that needs to be filled out by the employee, and that needs to be in a language that the employee understands, and I get that. And under existing law, I think that that document already has to be in all of those -- well, ten of those languages anyway, now it will be 12. But so when the employee fills out the form in their native language and submits it, then who then translates that in a way -- in a way that the employer can understand and then respond to, and the Board?

MS. ROZIC: So, the coordinator in each respective agency would have to figure that out, but this bill does not specifically speak to that scenario.

MS. WALSH: Okay. So is -- is it possible that the employer would have to incur the expense of getting their own like private-pay translator or is that going -- do you know whether that's encompassed under the services of this -- the translation services?

MS. ROZIC: I believe that -- I believe the Office of

Language Services -- Language Access and the language access coordinator would have to figure that out.

MS. WALSH: And -- and do happen to know if that's provided free of charge to the employer or if there's a charge for those services?

MS. ROZIC: I can certainly find out for you.

MS. WALSH: Okay. Yeah, I was just curious about that. Okay. Okay. I -- I think that's all, those are the only questions I've got. Thank you very much for your -- for your answers.

MS. ROZIC: Thanks.

MS. WALSH: And I really have nothing else to say, Mr. Speaker. Thank you.

ACTING SPEAKER AUBRY: Thank you.

(Laughter)

Read the last section.

THE CLERK: This act shall take effect immediately.

ACTING SPEAKER AUBRY: A Party vote has been requested.

Mr. Goodell.

MR. GOODELL: Thank you, sir. The Republican Conference is generally opposed, but those who support it can certainly vote in favor here on the floor. Thank you, sir.

ACTING SPEAKER AUBRY: Thank you.

Mrs. Peoples-Stokes.

MRS. PEOPLES-STOKES: Thank you, Mr.

Speaker. The Majority Conference is going to be in favor of this bill; however, there may be a few of us that would like to be an exception. They should feel free to do so.

ACTING SPEAKER AUBRY: Thank you, ma'am.

The Clerk will record the vote.

(The Clerk recorded the vote.)

Mr. Goodell to explain his vote.

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

I think everyone is sensitive to the fact that we have many different people in New York State that speak many languages, and I certainly appreciate that. Yet, we all have a common language, and that common language helps hold us together and bind us in commonality as -- as a society and as a nation, and -- and that common language is English. And we recognize that there are a number of people for whom English is a second language, and we try to accommodate them as best we can being sensitive to their language needs. At the same token, we recognize that when we start legislating translation services for forms and documents, what we end up with is someone submitting an unemployment claim that's in a language that's completely incomprehensible, perhaps, to the personnel office or the employer who is not familiar with that particular foreign language. Not familiar at all. And then the employer responds by what, hiring a translator? Half these languages, you would be hard-pressed to find a translator in my county. I mean, it would be extraordinarily difficult and expensive. And the response comes from the employer in English and

we have what, another translator? And then we have a hearing and other translators? And the problem is, every time we add more and more languages that are less and less common across the State, the costs of the proceeding go up and the likelihood of miscommunication goes up. If you apply for a job at a New York State employer and English is your second language and you have an issue, most people have friends or relatives who help them. Or, they have the ability to get a translation. So this opens the door and says for the 12 most common languages, and in my county it's two, you have to provide translation services and it's a significant obligation. And for that reason, I will not be supporting it.

Thank you, sir.

ACTING SPEAKER AUBRY: Mr. Goodell in the negative.

Ms. Lunsford to explain her vote.

MS. LUNSFORD: Thank you very much, Mr. Speaker. As many of you know, I was a Workers' Compensation attorney for about a decade prior to coming to the floor of this Chamber, and I had many occasions to represent people who required language access services. Obviously, they spoke a different language or because they had hearing issues. And I'll tell you that between AWWs and LWECs and all the alphabet soup we use at the Comp level, it's practically a different language as it is. So trying to explain to someone who has any language barrier, even English, even people who had third grade reading levels, it was an enormous challenge to

ensure that they were able to fully understand and access this system of justice which for many people is the only system they are statutorily allowed to access.

I'm very happy to support this bill because it's essential that we ensure that every person in this State who is entitled to benefits because they were injured on the job through no fault of their own can understand their rights and ensure that they are getting everything they deserve. I vote in the affirmative. Thank you very much.

ACTING SPEAKER AUBRY: Ms. Lunsford in the affirmative.

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

Page 12, Calendar No. 100, the Clerk will read.

THE CLERK: Assembly No. A01190, Calendar No. 100, Rivera, Dinowitz, Hevesi, Jackson, Jacobson, Mamdani, Santabarbara, Sillitti, Seawright, Simon, Tannousis, Conrad, Kelles. An act to amend the Public Service Law, in relation to certain requirements regarding billing for electric services.

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

MR. RIVERA: Thank you. The bill before us is a bill that we passed last year, also passed in the Senate and was vetoed by the Governor. We made some minor changes to it, and looking

forward to -- to discuss it again. The purpose of the bill is to provide improved billing transparency for demand-metered customers by including specific information on utility bills.

ACTING SPEAKER AUBRY: Mr. Palmesano.

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

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

MR. RIVERA: Of course.

ACTING SPEAKER AUBRY: The sponsor yields.

MR. PALMESANO: Thank you, Mr. Rivera. I appreciate having the conversation with you again this year. You mentioned in your opening comments that (inaudible) the Governor vetoed this bill last year, and in the veto she expressed explicitly that her concern that this will lead to costs to ratepayers that out -- outweigh the marginal benefit of this information, and also concerns about the administrative burden this which would place on utilities which would dilute information that's being provided and also translate into a cost increase for ratepayers. How does your bill reconcile and address those specific concerns on costs to ratepayers, or do you believe this won't impact ratepayers?

MR. RIVERA: The primary concern that the Governor's folks have brought to our attention was that it didn't specify -- I'm sorry, it didn't exempt municipalities that may produce their own electricity, and specify only that it be for utility companies.

So now that's been clarified, and this only will affect commercial, you know, commercial energy providers as opposed to any municipality that they, themselves, produce their own energy.

MR. PALMESANO: Okay. Right now, currently under the Public Service Law Section 44, it requires every utility corporation or municipality to ensure the bills for services for their residential customers adequately explains the charges for services that are clear and understandable in language. And this would also apply to demand meter customers. So, if the Public Service Commission determined that they needed to make this change to be more clear with customers, if they believed that was necessary, they would have the ability under Public Service Law to make those changes now if they deemed it was helpful to help transparency for customers. They could do that right now, they have the authority to do that under -- under regulations, correct?

MR. RIVERA: I suppose the PSC can act at any moment under those sort of guidelines, but we here as a legislative Body aren't solely going to wait for the PSC to do something on its own. We're here to make sure that they do it when we find it necessary.

MR. PALMESANO: Sure, I understand that. The question that keeps coming up with this bill when we talked about it last year and it's still there, it talks about a measure of a specific line item, specific line item as measured over the preceding 52-week period. So what does specific line item mean? Does that mean every

specific line on the bill now that's on that current utility bill, now they're going to have to do a 52-week comparison to show what it was in May of 2022 compared to May of 2023 and vice versa on every line?

MR. RIVERA: It's my understanding that -- and my intent that every -- every month a bill gets produced, that bill now has to have more clarity around where individual charges come from that the company passes on to the -- to the consumer, let that be in usage or in any other sort of demand fees or any other costs associated with how, whether it be National Grid, Con Edison, whoever, how they determine how much somebody should get paid, they -- or how much a person should pay, they should share that information on how they arrived at that number, let it be in straight usage or any additional fees that they charge.

MR. PALMESANO: So would this apply to all service classes, residential, small business and commercial?

MR. RIVERA: So, you know, there was already existing language here that -- that included residential. This adds demand metered, which is going to be more -- more often than not, commercial customers. And this is going to give people the ability to say how much energy they're consuming in a month and potentially where they can cut back, and they're able to -- they're going to be able to determine how many fee -- how much of what they're paying are straight fees that are passed on to them or -- and how much is actual usage.

MR. PALMESANO: And I will -- I -- I agree that on the utility -- because I'm looking at a utility bill here from National Grid and it has the electric usage, year over year, or -- and then the gas usage that clearly defines out. But also looking at a bill where it has a basic service charge, legacy transition, RDM, transmission revenue adjustment, tariff adjustment, surcharge. Your legislation would require them, even on those specific line items that really probably don't give a lot of information to a customer on their usage and on their costs, you're going to require them now to have the utilities put on these bills a 12 -- a 52-week comparison year over year on a rolling basis?

MR. RIVERA: They're going to have to provide the customers how they arrive at the final numbers that they find. And as for the language of the bill, it says for utility corporations such bill shall, at a minimum, include the quantity billed, the unit of the measurement and the highest measurement of a specific line item as measured over the preceding 52-week period.

MR. PALMESANO: Yeah, and I -- I know we go back to that sentence, specific line items. So the tariff surcharge, now they're going to have to show, so this month say it was \$1.04, they're going to have to show what it was a year ago compared to that? They're going to have to show the transmission revenue adjustment on the bill compared to a year ago, the RDM compared to a year -- so you're going to have to do all those things. I mean, I get and I support what you're saying about usage. Customers need to know what the

usage is so they can compare and then they can figure out what that cost is. But your bill, the way this is written, so -- so broad and overly broad, it's going to inundate these -- these bills, it's going to provide more information on the bills and really isn't going to be helpful to the customer. And that's why I think the Governor vetoed it because it's going to be more paperwork, more time, and that's just going to pass off rate increases to the customer that you're trying to help out being transparent. So now they're going to be transparent and seeing a higher utility bill because of all these additional mandates, correct?

MR. RIVERA: I disagree. I'd say that this is already information that utility companies are already collecting, and if they weren't, how could they be charging us? I'd also say that it's not just a matter of determining if a -- if a utility company is going to charge someone -- a person a fee or a charge today. I think it's helpful to have a comparison of what they charged us a few months ago so we could know what we're doing as users, as ratepayers and see where we can cut back.

MR. PALMESANO: Yeah, I can understand that, Mr. Rivera. I mean, the thing is when I -- I (inaudible) the cost, I mean, this is one -- one -- this is like page two of four and it's got the lines. Now it's going to have all these other additional lines that are going to have to be on there. Is it just a line, or does it have to be a graph, or can it be any combination thereof? And if it goes more than additional pages, that's going to be more of a cost to the customer, right? Because they have to print it, they have to mail it, it's -- you

know, it's all going to be an additional cost and time to put into it. It's ultimately going to be borne by the ratepayer, correct?

MR. RIVERA: I don't anticipate encyclopedia-long bills every month coming to people's houses. I will say that it says, you know, pretty clearly in the language here that, you know, such classifications of service shall be indicated on each customer's bill for electric service and shall include a website address to other information deemed relevant by the Commission. So, if the Commission deems relevant that, you know, more information than what a provider is providing to a ratepayer, then there's also going to be a website there that doesn't have anything to do with printing or anything you just said, where a ratepayer can just access it that way, too.

MR. PALMESANO: Another area I wanted to ask you about, what about the ESCOs, the energy service corporations? A lot of times the utility will do the billing for them, the ESCO will just present the information and what their bill is. Now, does the ESCO got to do a comparison too, or would it be on the utility to do it? Who's -- who's going to ultimately have to provide this comparison? Is the utility going to be responsible for providing the numbers for the ESCO over the past year, as well? Because I know the transmission and delivery, some of that's going to be on the utility, but the cost of the gas is going to fall on the ESCO. So is the utility now responsible for getting the research and putting it on the bill as well, too?

MR. RIVERA: It's only the utility company.

MR. PALMESANO: Only the utility, okay. You know, I -- I kind of like where you're getting at from one perspective on this legislation, and I -- I would agree it's good to give consumers information. I just think what you're trying to do here is too overly broad. Why not also, you know, put in legislation -- I mean, it's a different issue, but it's a significant issue -- you know, we're doing a lot on these green energy policies that are increasing costs. Wouldn't it be good to put on the energy bill, *Hey, customer, business, farmer, small -- family, senior citizen, here's what you're paying on your utility bill for these -- these so-called green energy programs.* Wouldn't that be wise to put on the bill? Because I know you probably saw the article just a week ago that National Grid just said that they're increasing their prices 17 percent because of climate policies that need to be (inaudible). Wouldn't it be wise -- talk about being transparent, wouldn't that be the best step to do, to show the customers what is really going to impact them, how much it's going to cost them, these green policies, rather than just putting a tariff-adjusted surcharge or the RDM charge or the legacy transition charge? Wouldn't it be better to give them information that's going to be more valuable to them so it's not going to increase the cost to the ratepayer (inaudible) and it is going to increase it, so let's show them why. Wouldn't that be better? I guess -- it's a long question, but have at it.

MR. RIVERA: Yeah. You got so many questions, you've got about a dozen bill ideas there.

MR. PALMESANO: How -- how -- how (inaudible)

-- I'll make it simple. Should we put the cost of the green -- the green clean energy mandates on the bill so the customer has a right to know and see the transparency of what these policies that we're putting in this House to see -- you don't think that should go on the bill?

MR. RIVERA: I'd say here, we're talking about utility companies providing information that they charge us who, every month we pay our bills and every month we use our electricity and, therefore, in reality, it's not as if National Grid or Con Edison does us any favors. I mean, we pay them every month to do what they do. So in that way, in -- at the end of the day, it's -- it's -- it's not much to ask for a bit of transparency and how they're --

MR. PALMESANO: I -- I --

MR. RIVERA: -- charging us and the way that they're charging us and (inaudible) --

MR. PALMESANO: I agree on the transparency.

MR. RIVERA: -- everything else you just said just sounds like an entirely different bill.

MR. PALMESANO: All right. I won't -- I won't banter anymore back and forth.

MR. RIVERA: I don't mind.

MR. PALMESANO: I appreciate your time, Mr. Rivera.

Mr. Speaker, on the bill.

MR. RIVERA: Thank you.

ACTING SPEAKER MCDONALD: On the bill.

MR. PALMESANO: I -- I can certainly appreciate the intent of the sponsor about being transparent, trying to let citizens know about their bills. Unfortunately, I just think this bill is so overly broad, and -- and it might seem simple, but that specific issue -- well, measure of a specific line item means every little thing on the bill now will have to show a 52-week comparison. The tariff surcharge, the transmission revenue adjustment, RDM, how many people know what that is? I don't even know some of this stuff. But what does that do to help them? We see the supply charges, the electric uses, the kilowatt hours or the therms using for gas. That's helpful for them to compare so they can measure out that cost. And I would say to the sponsor and to my colleagues in this Body, why not put on the bill what the green policies are costing ratepayers? I mean, if this is such a great thing in the best interest of the ratepayers of the State, the senior citizens who are on fixed incomes, the small businesses who are crushed by mandates and additional costs, the families, why not tell them on their bill, Hey, Mr. Smith, here's how much the green energy policies that we're putting are going to impact you. Oh, and by the way, it's not going to make a difference in climate change because we're only .4 percent of the total global emissions, and China is 29 percent, building 1,000 -- has 1,000 coal plants and building more. I mean, just last month Commissioner Seggos and President Harris announced the co-chairs of the Climate Action Council who presented the draft scoping -- the scoping plan in December for the two years when we were calling for a true cost-benefit analysis, they dismissed it. For

two years when we were calling for a true cost-benefit analysis, the *Times Union* calls us climate deniers because we want to be transparent with the public. For two years we've been calling to be transparent with the public. This is not transparent. And then last month, what did they do? They come out with their plan, they said the pathway we are on with the CLCPA if no changes are made, gas prices for your constituents, for your senior citizens, are going to increase 62 cents a gallon. Natural gas prices are going to increase 80 percent if we don't make some changes. And even if we did make the changes, the gas prices would increase 30-plus cents a gallon and your home heating costs would increase significantly, too. Let's talk about that. If we want to be true and transparent with customers -- I don't hear many people running around telling your constituents when we talk about moving down that pathway to full electrification, that it's going to cost them \$35,000 to convert their homes over, because that's the pathway we're heading down with Climate Action Council and the Legislature. We're taking away energy choice for consumers, for how they heat their homes, how they cook their food, how they power their buildings. And I'm just -- - I'll conclude, again, with Governor Hochul, and I -- I don't agree with Governor Hochul on much. I'm just going to read her veto again. *While I'm in favor of increasing public awareness of information on utility bills -- and so are we, let's put the green costs in there -- requiring -- requiring utilities to provide this extremely specific information would lead to costs to ratepayers that outweigh the marginal benefit such*

information would provide. Additionally, it would result in a significant administrative burden for the utilities, particularly the smaller municipal utilities, and could be complicated and therefore dilute this informational value on the bill itself. Therefore -- I'm just reading the veto. So hopefully if the Senate and Assembly passes this bill again, she will veto it. If she truly wants to be transparent, if this House truly wants to be transparent, maybe we'll start showing the customer, the constituents of this State, the people of the State, the costs of these so-called green policies that you're moving forward with, and it's not green. And I won't get into that; that's a whole other discussion. So why don't we be transparent with the public, talk to them about with this is going to cost them on the rates, what this is going to cost them on their conversion costs.

So again, I -- I respect the Speaker on what he's trying to do on the transparency. I do think that we could make some changes on this to make it better, but I don't think this -- it's too overly broad, it's going to end up costing ratepayers additional costs and I don't think that's what we -- they need at this time -- point in time because it's just -- the cost to the ratepayer is just getting worse and worse each year with the policies that this House continues to put in place, and this Governor. Thank you. For that reason, Mr. Speaker, I will be voting no and I seriously urge my colleagues to do the same. Thank you.

ACTING SPEAKER MCDONALD: Mr. Goodell.

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

the sponsor yield?

ACTING SPEAKER MCDONALD: Will the sponsor yield?

MR. RIVERA: Yes, sir.

ACTING SPEAKER MCDONALD: The sponsor yields.

MR. GOODELL: I see the language of the bill requires this information on specific line items with a comparison over a preceding 52-week period. But my utility bills come in on a monthly basis, not on a weekly basis. How do you envision that a utility company would show a weekly spike, for example?

MR. RIVERA: I trust that the utility companies that track all that sort of information on a minute-to-minute basis are going to be able to compile that information provided in a easily adjustable manner on a utility bill.

MR. GOODELL: But do you then anticipate the utility companies will be measuring usage on a weekly basis as opposed to a monthly basis?

MR. RIVERA: I don't expect that and, you know, the language, as it says there, it's -- it's the highest measurement in that 52-week period. So I'm not -- I'm not anticipating a bill looking like 52 weeks, day to day, how much usage of every day. I'm expecting it to look similar to what it looks like now, just with more information as to how charges are -- are passed on.

MR. GOODELL: Now, the other point I noted is that

many of my utility bills go with an estimated usage during a particular month, based on the temperature or whatever, and they actually may only do a quarterly reading. What -- are they going to give us comparisons based on a previous year's estimate, 12 months ago, or only from the quarterly readings if it's read quarterly?

MR. RIVERA: Well, you know, here it mentions demand metering, and demand metering is -- is quite different. Demand metering looks at the peak usage of a -- of a user, and it -- and it measures it differently. But if you're asking if I anticipated taking into account folks that might have, like, predetermined sort of arranged payments where it's sort of a fixed amount and then the utility company comes back afterwards and assesses it, that -- that shouldn't change at all. And how that information is captured and passed along is just to be seen, and -- and the Commission is going to deem whatever information that's provided relevant.

MR. GOODELL: Now, as you know, commercial customers pay a different rate, not only by the day, but sometimes by the hour, right? How is it that the utility company is to break that down on this bill under this -- on the utility bill based on this statutory language that's being proposed?

MR. RIVERA: I -- I'd only say that the mechanism that the utility company will use can't look much different from how they're capturing the data currently. It's not information that they don't already have. It's -- it's up to the utility to produce that information in a format, like I said, that's -- that's easily digest -- digestible.

MR. GOODELL: Last, I know that oftentimes the utility company will go off of an estimated or a customer reading. They actually have to call a customer and say, *Tell us what your utility -- your meter says*. Are they then to report back to the customer what the highest customer-reported utility reading was in the previous 52 weeks?

MR. RIVERA: No, it would be the billed amount.

MR. GOODELL: I see, thank you. Thank you for your comments. Thank you, Mr. Speaker.

Just a note. When you come to commercial customers, the electric rate is and can be extraordinarily complex. I worked with a company that actually showed a race -- it was a race track company, and so when the quartz lights were on, can you imagine lighting up a one-mile strip with quartz lights bright enough to be picked up by a camera a half-mile away? That utility bill was astounding for two minutes. I mean, the usage for two minutes would just make your head spin, and then all the lights went out. And that -- that company paid a demand charge for the infrastructure, it paid a consumption charge that was based on the date, the time, the amount. I mean, it was a complex bill. And so on its surface, as my colleague mentioned, it seems pretty straightforward. Tell us what the rate was, how much we used a year ago and what it is now, although that's not actually what it says. It says tell us the highest utilization in the last 52 weeks compared to this monthly bill. Well, first of all, utility companies don't measure it on a weekly basis. Sometimes they don't

measure it on a monthly basis. Often, they only measure it on a quarterly basis. So we have a statutory requirement requiring utility companies to report the highest usage on a weekly basis when they don't even measure it. And what's the customer to do? I mean, the customer gets this information. Okay, so 42 weeks ago I had a spike. Okay. It didn't change my bill today, it doesn't change my bill from 42 weeks ago.

So, you know, I appreciate the sponsor's desire to have more information, but as written this is not practical because it requires disclosure of information that utility companies don't have, and we don't want them reading our meter weekly. For that reason, good concept, not practical in operation, so I have concerns. Thank you, sir.

ACTING SPEAKER AUBRY: Thank you.

Read the last section.

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

ACTING SPEAKER AUBRY: A Party vote has been requested.

Mr. Goodell.

MR. GOODELL: Thank you, sir. Good intent, concerns about implementation. The Republican Conference is generally opposed, but certainly, there will be members of my conference that want to support this because of the good intentions that are behind this bill. Thank you, sir.

ACTING SPEAKER AUBRY: Thank you.

Mrs. Peoples-Stokes.

MRS. PEOPLES-STOKES: Thank you, Mr.

Speaker. The Majority Conference is going to be in favor of this consumer-friendly piece of legislation; however, there may be others -- some of us who would like to be an exception. They should feel free to do so. Thank you, sir.

ACTING SPEAKER AUBRY: Thank you, ma'am.

The Clerk will record the vote.

(The Clerk recorded the vote.)

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

Mrs. Peoples-Stokes.

MRS. PEOPLES-STOKES: Mr. Speaker, if we could -- and colleagues, if we could now go to Calendar No. 123 on page 14 by Mr. Bronson.

ACTING SPEAKER AUBRY: Certainly. Page 14, Calendar No. 123, the Clerk will read.

THE CLERK: Assembly No. A00358, Calendar No. 123, Bronson, Seawright, Otis. An act to amend the Executive Law, in relation to requiring the collection of certain demographic information by certain State agencies, boards and commissions.

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

MR. BRONSON: Yes, Mr. Speaker. This bill would require the collection of certain demographic information by State agencies, boards and commissions. In particular, it would require the collection of data related to individuals on the basis of sexual orientation as well as gender expression and identity, and it also has an annual reporting requirement of that data that's collected.

ACTING SPEAKER AUBRY: Mr. -- excuse me.
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.

ACTING SPEAKER AUBRY: The sponsor yields.

MR. GOODELL: So, this language requires that every State agency, board or commission that collects any demographic information involving ancestry or ethnic use a selection -- use separate collection categories for sexual orientation and gender identity, correct?

MR. BRONSON: Yes. So it merely adds to the other demographic information that these agencies are seeking, agencies and commissions are seeking, that they add the demographics regarding gender identity and expression, as well as sexual orientation.

MR. GOODELL: Now, as you know, over time

there's been a lot of development and nuances in gender identity and expression. And so we now have lesbian, gay, bisexual, transsexual, queer, questioning, pansexual, innersexual, androgynus, A-sexual, nonbinary, and there may be others.

MR. BRONSON: Could you give that to me in an acronym, please?

(Laughter)

MR. GOODELL: Well, I -- I lost track.

MR. BRONSON: Okay. I have, too, and I'm a member of the community.

MR. GOODELL: And do you -- but you envision, then, that this would be like a fill-in-the-blank, what -- I mean, are you cis or are you A-sexual or -- I mean, how would you envision it? Or would it be a checklist?

MR. BRONSON: So, I would envision it done exactly the way other demographic information is collected. And by the way, in 2014 there was a task force that was created in cooperation between the then-Governor and some LGBTQ+ organizations, and a number of agencies are already doing this. Quite -- actually, quite a few of them are already doing it; DOCS is doing it, DOH, the Office for Aging, OMH, OASAS, OTDA, Office for [sic] Children and Family Services and OPWDD. This would do a couple of things. Number one, under that task force recommendation and then the agreement with the Governor, the information was supposed to be collected and then made in a report. We've not gotten the reports.

This bill would require those reports. Second to that is there are additional agencies that should be collecting this information. And, in fact, the task force met again in 2019, they were supposed to expand the number of agencies. That never happened. So, agencies that I -- one that comes to mind would be the Department of Labor. It would be very important to know what's happening within our community regarding the type of services, the workforce development programs and things of that nature that the Department of Labor are providing. So that's why this -- this statute is necessary.

MR. GOODELL: I note that the -- that Governor Cuomo vetoed this in 2019.

MR. BRONSON: He did, because he used as the excuse that he had a task force, and -- and indeed, he did, and indeed, that task force had taken steps forward but it has not com -- completed its work and, therefore, a statutory requirement is necessary.

MR. GOODELL: And then I note that Governor Hochul also vetoed it last year.

MR. BRONSON: Well, that veto message was a little bit absurd because it talked about task force -- task forces and commissions and them costing money. This bill neither creates a task force, nor does it commit -- create a commission. So why it was lumped in with all those other bills -- 39 of them, I believe, that were vetoed -- is beyond explanation.

MR. GOODELL: Has the bill changed any since it was vetoed by both Governor Cuomo and Governor Hochul?

MR. BRONSON: It -- it's changed slightly, but for the most part it's the same.

MR. GOODELL: I see.

MR. BRONSON: Since the veto in 2019 it's changed, but not since 2022.

MR. GOODELL: Now, is an individual obligated to disclose their sexual orientation on any State form?

MR. BRONSON: Just like all other demographic information that's collected by the State and State agencies, this would be done on a voluntary basis.

MR. GOODELL: And is there anything in the language that says that it must be voluntary?

MR. BRONSON: No, nor is there anything in the language of the other demographic requirements that say it has to be voluntary.

MR. GOODELL: And is there any obligation in the statutory language that the application indicate that this and other demographic information is voluntary?

MR. BRONSON: I'm sorry, ask that question again?

MR. GOODELL: Certainly. Is there any statutory language that's being proposed that would require the forms that ask this information to advise a person who is filling it out that that demographic information is voluntary?

MR. BRONSON: That's not expressly stated in this -- in the proposed legislation.

MR. GOODELL: Why is this requested information limited to those applications that also request ancestry or ethnic origin?

MR. BRONSON: That was the mechanism in the statute to create these additional categories.

MR. GOODELL: Thank you very much. I appreciate your clarification.

MR. BRONSON: Thank you.

MR. GOODELL: On the bill, sir.

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

MR. GOODELL: Thank you, sir. To be honest with you, I don't think a person's sexual orientation is relevant to anything. I mean, I don't think whether you're applying for a job or a permit or public benefits from the State of New York, your sexual orientation should not make any difference in how your application is treated, processed, approved, denied or anything else. I think it's absolutely none of the business of the State of New York whether you're straight, gay, homosexual, heterosexual, A-sexual or anything else. Who you like or don't like or whether you like everyone or no one should make absolutely no difference in any formal transaction with the State of New York. We should treat every individual as a child of God with all the same rights, privileges and responsibilities.

So I am deeply troubled when we put on applications, *what is your sexual orientation?* Like it means something, like it's

relevant. And there are people who do not want to tell you, who think it's none of your business. Yet we don't put on the application by law that that information is voluntarily. So you're submitting an application for welfare benefits and they ask you that and you don't know it's voluntary? Why are we asking for very sensitive information - sensitive for some people - that should be legally irrelevant? Now, there may be some of you, myself included, who will freely tell you who they love and who they don't love, who they're attracted to or not. If there are others, I don't think it's our business and I would agree with them. We should treat everyone with dignity and respect, and we should not pry into their personal preferences as it relates to who they are sexually attracted to or what gender identity or expression they might have because that inquiry should be irrelevant to any State agency.

For that reason, I recommend against this bill. Thank you, sir.

ACTING SPEAKER AUBRY: Thank you.

Mrs. Peoples-Stokes.

MRS. PEOPLES-STOKES: Thank you, Mr.

Speaker. As has been mentioned, we have seen this bill before. And a part of the reason why we saw it in the very beginning is because in spite of the fact that everybody should be treated as if they're a child of God, without any respect to their sexual orientation, their color or their gender, the fact is this is America, this is New York State, and there are people who work within our systems that are bias [sic].

They might not want to admit that they're bias [sic], but they are. And because there are -- very often these exact same people who should be treated as if they're a child of God do not get the same opportunities. There is no way for us to tell that if we don't begin to keep the data. And so we have to keep the data, data is important.

And so I commend the sponsor of this legislation. I commended him when he first put it out, and in spite of two Governors that had vetoed it, I disagree with them and I agree with him. This is the right thing to be doing. We need to collect data that's important to -- imparting to us what our next step should be as we relate to people. Right now we just want to be in a state of denial. But the real, hard facts, we can't be in a state of denial any longer. This is a good bill, we should all be supporting it.

ACTING SPEAKER AUBRY: Thank you.

Read the last section.

THE CLERK: This act shall take effect on the 120th day.

ACTING SPEAKER AUBRY: A Party vote has been requested.

Mr. Goodell.

MR. GOODELL: Thank you, sir. The Republican Party is generally opposed, the Conference, anyway. Those who support it are certainly encouraged to vote in favor here on the floor. Thank you, sir.

ACTING SPEAKER AUBRY: Mrs. Peoples-Stokes.

MRS. PEOPLES-STOKES: Mr. Speaker, the Majority Conference is generally going to be in favor of this piece of progressive legislation; however, there may some of us who would deny -- would like to be an exception. They should feel free to vote at their desks.

ACTING SPEAKER AUBRY: Thank you.

The Clerk will record the vote.

(The Clerk recorded the vote.)

Mr. Bronson to explain his vote.

MR. BRONSON: Yes, Mr. Speaker. I'd like to take this moment to explain how important this bill is. You know, some of you have heard that I govern by a mantra and actually live by a mantra, and that is no matter who you are, what you look like, where you come from, what your abilities, who you love or how you identify, we all have dignity. And with that dignity we deserve justice, respect, and an opportunity to succeed. This bill is about making decisions for opportunities. We collect demographic information on all kinds of issues; whether or not someone identifies as being a person of color, are they a member of the LatinX community. And that data is transferred into funding and policy decisions we make as the State. If you're not counted, you're invisible. In my community, the LGBTQ+ community, visibility is very important. And so we're asking to be counted so when the State makes a decision in its budget or makes a policy decision, it knows which citizens they're talking about and making these decisions about. It's important that every community is

counted. This bill is about being counted, it's about being visible, and it's about making sure that that data gets recorded so we can make the most appropriate decisions about programs for the LGBTQ+ community.

Thank you, Mr. Speaker.

ACTING SPEAKER AUBRY: Mr. Bronson in the affirmative.

Mr. Angelino to explain his vote.

MR. ANGELINO: Thank you, Mr. Speaker, to explain my vote. If we're going to dig down this deep into these people's personal preferences, perhaps we should have gone a step further and included the political party that somebody might belong to. Because of the initial after my name, in many of the proceedings here I've experienced bias, as have all of my colleagues.

I'll be voting no on this and I encourage my colleagues to do the same. Thank you, Mr. Speaker.

ACTING SPEAKER AUBRY: Mr. Angelino in the negative.

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

Page 19, Calendar No. 168, the Clerk will read.

THE CLERK: Assembly No. A04386, Calendar No. 168, Zebrowski, Simon, L. Rosenthal, Santabarbara, Eachus. An act to amend the Public Authorities Law, in relation to directing the New

York State Energy Research and Development Authority to prepare a report regarding the replacement of decommissioned or dormant electric-generating sites with renewable energy development and energy storage opportunities.

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

MR. ZEBROWSKI: Thanks, Mr. Speaker. This bill would require the New York State Energy Research and Development Authority, NYSERDA, to prepare a report identifying decommissioned or dormant electric-generating facilities that are suitable for renewable energy development and energy storage opportunities.

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

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

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

MR. ZEBROWSKI: Yes, I'll yield.

ACTING SPEAKER AUBRY: The sponsor yields, sir.

MR. PALMESANO: Sorry everybody, I'm back. Mr. Zebrowski, I know when we -- we talked about this bill in the past, and so -- we had a lot of yes votes on our side, I would expect some. I understand the intent of it, but I do have some questions for

you. First of all, the Governor vetoed this bill last year, right?

MR. ZEBROWSKI: Yes.

MR. PALMESANO: And she cited -- it was with a whole list of vetoes saying the reason we're vetoing the bill is because it should be included in the budget, correct?

MR. ZEBROWSKI: Yes.

MR. PALMESANO: And so, was there any money included in the budget, how much, and where -- where is it?

(Pause)

MR. ZEBROWSKI: There was some discussion of putting aside some money for the study bills we passed. I don't know if it was included in the final budget. We think given some of the actions of the Legislature, some of the issues that, quite frankly, decades in the making, not just new, relating to decommissioned electric-generating facilities, one in my own district, that this is necessary and will actually save money. So I don't think all those bills should have been put into one bucket by the Governor.

MR. PALMESANO: Okay. So you're not sure if there's money in the budget to do this or...

MR. ZEBROWSKI: There's definitely not a line in the budget you'll find related to this.

MR. PALMESANO: All right. So -- so we basically risk, if we pass this, have the same explanation and doing this all over again next year, possibly? It's possible.

MR. ZEBROWSKI: Well, I intend on being very

convincing to the Governor this time around.

MR. PALMESANO: I'm sure you will, I'm sure you will. The question on -- with NYSERDA, doesn't NYSERDA already have statutory authority under their mission to do research and analysis and didn't -- don't we all -- already have, actually, the Build-Ready program that talks about how to look at different sites for development, including abandoned commercial sites or dormant electric-generating sites? So it's already in their mission that they can do this already. Why do we need this legislation to do -- to -- to move forward with this if they can do it already and risk -- and let it work out of their operating budget, because we know they're off the books. They're not being funded through the Legislature, so why not let them work out of their budget and deal with this if this is what, you know, the goal of the Majority is to do?

MR. ZEBROWSKI: Yeah, because they haven't. I first got into this issue when a -- two power plants in my district -- in Rockland, I should say, one is in an adjoining district. One was leveled completely and -- and there's nothing going on there, and one was significantly reduced to a peaker plant.

MR. PALMESANO: Right.

MR. ZEBROWSKI: And in an attempt -- and that's had significant financial ramifications on the community, folks in the area, and in attempting to mitigate those ramifications we drafted this bill. To me, it's fairly obvious. I would, you know, have hoped NYSERDA would have done it for a variety of reasons; one, the

beneficial economic aspects to the community, which --

MR. PALMESANO: Sure.

MR. ZEBROWSKI: -- in all honesty, was one of the main reasons I first drafted the bill. But in addition, as we attempt to bring increased generation, increased transmission as we deal with the changing energy climate, I would think these sites are -- could be really advantageous to that effort, right?

MR. PALMESANO: Sure.

MR. ZEBROWSKI: They're already hooked into our transmission lines. So while they may be able to do this, they haven't, so that's what we do sometimes in the Legislature, State agencies. We say please go do this.

MR. PALMESANO: Okay. I -- I can understand that and respect that. I do have a question, you know, because a lot of times we see natural gas power plants not being renewed their permits, we see natural gas power plants get denied permits and then, obviously, you know, this is about dormant plants. But do you have any concern on your side of the aisle, have any concern about the replacement of reliable generation like natural gas with intermittent, unreliable generation like wind and solar? I mean, I know that's -- we were trying to do, moving -- isn't there any concern on that side of the aisle relative to when we take these plants offline that are reliable baseload generation and replace them with intermittent like wind and solar? Isn't there any concern about the reliability of the grid to meet the mandates that were out there?

MR. ZEBROWSKI: The -- the question really isn't germane to this bill.

MR. PALMESANO: Okay.

MR. ZEBROWSKI: You're certainly, you know, free to talk on the bill with it --

MR. PALMESANO: Okay, I will.

MR. ZEBROWSKI: --because I would say with -- with this bill, it really doesn't encourage or decommission anybody. It basically says for those that are decommissioned, we should be looking at those first to see if they are ready to be set up with this type of renewable energy that could benefit the communities, benefit the overall grid, really be perfectly situated to take on renewable energy products.

MR. PALMESANO: And I -- and I agree with you on that, Mr. Zebrowski. There's some questions, I just -- just in topic in general so I kind of go a little bit. Just I mean, a part of this is to look for energy storage, as well, right? You know, to develop energy storage, right?

MR. ZEBROWSKI: Yes.

MR. PALMESANO: Do we know right now what percentage -- what -- how much energy storage we currently have in New York State, like, as far as capacity and number of gigawatts? Do we have any idea on that right now?

MR. ZEBROWSKI: I don't have that information offhand.

MR. PALMESANO: That's -- that's fine. But obviously, this bill is to hope to help meet that goal that needs to be addressed, right?

MR. ZEBROWSKI: Yeah. Certainly, if these sites could be advantageous to that as well, then it should be.

MR. PALMESANO: Thank you. Thank you, Mr. Zebrowski.

Mr. Speaker, on the bill.

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

MR. PALMESANO: Listen, to my colleagues on both sides, this isn't a bad bill. I -- I'm going to be voting no, but I'm -- I expect a number of my colleagues may be supporting this legislation. My concern about this is for a number of reasons. Number one, the Governor vetoed the bill last year because she said there was no money in it. That happens over and over again, so there's -- and she said it needs to be put in the budget. We passed the budget, there's no money in the budget to do it, so it's going to be kind of a -- a vicious circle, I think, from that perspective. The goal and the intent I think is -- is laudable. NYSERDA already has the mission to do it. New York State Energy Research and Development Authority, they have the authority in their mission statement, they have the funds to do it. We don't need to have State funds in the budget to do it, let the NYSERDA do it. I mean, they should be able to compel. We can put some pressure on them, just like I know you're

going to put pressure on the Governor to sign it. Put some pressure on NYSERDA maybe and let's do it in their budget. Because it makes sense, you know, when you have decommissioned plants that you want to identify them and clean them up and get them back on the tax roll, and it does make sense from a perspective of connecting to the grid. But I do have a bigger argument with this, I think, from my perspective, is this push to get reliable generation off the system. I mean, when I see natural gas power plants that aren't having their permits renewed, when I see natural gas power plants applying for a permit and being denied because, quote, unquote, it doesn't meet our climate goals. This is very concerning to me because, again, just last month, Commissioner Seggos and President Harris, the Climate Action Council co-chairs, architects of the draft scoping plan, said if we take no action, it's going to increase costs at the pump for all of us, for our consumers, for our senior citizens, our constituents, our families, 62 cents a gallon of gas. Do they really need that now? That concerns me. Do we need home heating costs to increase for natural gas 80 percent? I mean, that's a significant impact. That's in NYSERDA's study. That's -- you can't -- it's in paper, black and white. That is a concern to me. And I think, like I said, NYSERDA can already do this. And I think I just get concerned when we're continuing to look to replace reliable energy off the grid, and come 2040, the NYISO, which is tasked with making sure the lights stay on, the heat stays on and making sure the grid runs, says we need 27 to 45 gigawatts of dispatchable emission-free resources by 2040.

Dispatchable means 24/7, like a baseload like a nuclear, like natural gas. Wind and solar is not dispatchable, so that doesn't count. Granted we need wind and solar to meet the massive build-out that's going to be required to implement the -- the Green New Deal for New York. But I have very strong concerns about the dispatchable emission. Twenty-seven to 45 gigawatts is a lot. So what's the technology? It doesn't exist. There is no technology out there that is dispatchable emission-free resources to meet this outlook. So tell me, why is the DEC not approving permits for renewable -- our natural gas power plants? Why are they not approving permits for new natural gas power plants if we want to have a reliable grid? Even NYISO already said the margin of our -- our -- our -- of our extra capacity is going to be down to 100 megawatts and -- within year a year or two, especially in New York City. That is not a good margin to have. The reliable (inaudible) in our grid is already there, and we're going to be advancing the Green New Deal, the electric vehicles. And oh, by the way, California, who's advancing this - I know we compete with them all the time on these green policies - you know, they told their citizens, *Oh, please don't charge your electric vehicles overnight because we don't want a blackout.* That's brilliant energy policy. Must make us all feel good.

But the bottom line is the energy policy that continues to be pushed and implemented in this State, I have grave concerns about. Cost and affordability and reliability has never been a part of this discussion or equation in this House and this Majority, and

certainly not by this Executive. You can send out a press release on doing it, but when the policies you're putting in place are the ones that drive up utility bills, are going to drive things up for others is -- is a concern. We're taking away -- in the budget we passed, we're taking away consumer choice on how they want to heat their homes, how they want to cook their food, and how they want to power their buildings. It's going to be unsustainable for the grid, because we're looking at a massive build-out that we need to triple our generating capacity right now from 41 giga -- gigawatts to 120 gigawatts. Un -- incredible build-out. This is going to lead really, quite frankly, lead to potential blackouts, it's going to increase utility costs, construction costs, housing costs. Certainly, home and retrofit and business conversion costs to retrofit their homes and buildings, and will jeopardize the reliability of the grid. And it's going to continue to lead to the exodus of more and more New York families, farmers and businesses leaving this State. And just last month -- just last week NYSEG -- National Grid said that their energy bills are increasing 17 percent because of the climate policies that are being advocated in this State. And I will assure you, businesses, if you talk to them, when you talk about energy policy they care about two things: Affordability and reliability. And I'll tell you, if they're not given affordability and reliability in New York State, they're going to go someplace else. They're going to go to Pennsylvania, Ohio, Tennessee. They're going to go someplace else where they can get it. And I know this is all in the fight to -- to battle climate change, that we're going to do our part.

New York already does its part. We do have -- we've reduced carbon emissions significantly, thanks in part to natural gas, quite frankly. And we aren't going to make any impact in climate change and our global emissions when New York contributes just 0.4 percent of total global emissions, .4. China contributes 29 percent, has 1,000 coal plants and building more; in fact, they announced earlier this year they're going to expand their coal capacity by 70 gigawatts over the next year. Do we really think they're going to help us meet our clean energy goals? Of course not. And if you want to tack India and China -- India and Russia on top of it, those three contribute 40 percent of the global emissions.

And I can go through a whole host of other issues, but I'll drop -- drop down to the energy security. We're turning our whole energy security policy in this State over to China. You can't argue against it, it's a matter of fact. Number one, why? Because 80 percent of the solar is manufactured, made and processed in China and then they sell it to us. So they -- we are at their behest. And also, the elements, the cobalt, the lithium, the cadmium, the nickel, all those elements that you need to produce an electric -- a battery to power the electric vehicle, the electric vehicle mandate that we're all pushing for, you're all pushing for and this Governor is pushing forward that it's great for the environment. China controls 87 percent of the processing of that market. So they control 80 percent of the solar market, 87-plus percent of the rare Earth and the minerals and elements to produce the -- the batteries. We're totally turning our energy security policy over

to China. This is not sound energy security policy. We should be diversifying our energy portfolio. Just like you don't put all your -- we should have fuel diversity, not just full electrification. Think about it, your 401(k), you don't put it all in cash, stocks and bonds, you diversify it to protect it, to make it resilient. We should be doing the same thing with our energy portfolio. Yes, we should have wind, solar and hydro, but we absolutely need nuclear and we should be using natural gas. Natural gas has reduced carbon emissions, and it's reliable baseload. That's the thing we should be looking at.

So for these concerns I'm going to be voting no. I know many people might vote yes, because it's not a bad bill. But it's my concern about the overall energy policy in this State and that's why I'm going to be voting no from my perspective. Thank you, Mr. Speaker.

ACTING SPEAKER AUBRY: Thank you, sir.

Mr. Goodell.

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

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

MR. ZEBROWSKI: Yes.

ACTING SPEAKER AUBRY: Mr. Zebrowski yields.

MR. GOODELL: Thank you, Mr. Zebrowski. I note that this bill calls for the report to be provided to the Governor,

Temporary President of the Senate and Speaker of the Assembly, but no obligation that a copy of this report be provided to the Minority Leader in either the Senate or the Assembly. Is there a reason why there's no desire to provide this report to the Minority leadership?

MR. ZEBROWSKI: I don't think the report's meant to be secret, so I think the Speaker and the Temporary President are meant to represent the Assembly and the Senate as a whole. Certainly, if it becomes law I'll make sure you get a copy.

MR. GOODELL: There's certainly no reason to exclude them, the Minority, as well, right?

MR. ZEBROWSKI: No.

MR. GOODELL: Thank you.

On the bill, sir.

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

MR. GOODELL: I appreciate my colleague's willingness to share that report with the Minority as well, and I think that's especially important because at the moment, with empty seat voting, I think there's actually more Minority members here on the floor of the Assembly than there are Majority members. And since, you know, we have the vast majority of our members here, it would be nice to have a copy of these reports as well, and not just through the graciousness of the sponsor. 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.

(The Clerk recorded the vote.)

Mr. Lavine to explain his vote.

MR. LAVINE: Thank you. So, this is bill, very straightforward bill. It shouldn't be controversial, but it has become controversial. And it simply directs the State Energy Research and Development Authority, NYSERDA, to prepare a report about replacing decommissioned or not working electric-generating sites with renewable energy development and energy storage opportunities. The point was made that why should New York do this? After all, we're just one state. China isn't doing this, India isn't doing this. But it's not just New York that's doing this. New York is doing this, New Jersey's doing it, Connecticut is doing it, California is doing it. Why are we doing this? Because it is patently obvious that global warming and greenhouse gas emissions will kill all of us. Some people refuse to see that, like ostriches. They bury their head in the sand and let the rest of us do the dirty work to try save the world while they will then take their heads out of the sand after everything is safe and complain.

I think this is a good bill. I'm voting for it, I commend the sponsor. We better do something to save the Earth. Thank you.

ACTING SPEAKER AUBRY: Mr. Lavine in the affirmative.

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

Mrs. Peoples-Stokes.

MRS. PEOPLES-STOKES: Do you have any further housekeeping or resolutions?

ACTING SPEAKER AUBRY: We do have a piece of housekeeping.

On a motion by Ms. Rozic, page 20, Calendar No. 174, Bill 5610-B, the amendments are received and adopted.

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

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

(Whereupon, Assembly Resolution Nos. 427-431 were unanimously adopted.)

Mrs. Peoples-Stokes.

MRS. PEOPLES-STOKES: I now move that the Assembly stand adjourned and that we reconvene at 10:00 a.m. on Wednesday, May the 10th, tomorrow being a Session day.

ACTING SPEAKER AUBRY: The Assembly stands adjourned.

(Whereupon, at 5:52 p.m., the Assembly stood adjourned until Wednesday, May 10th a 10:00 a.m., that being a Session day.)