

1 NEW YORK STATE SENATE

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4 THE STENOGRAPHIC RECORD

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9 ALBANY, NEW YORK

10 March 2, 2020

11 3:43 p.m.

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14 REGULAR SESSION

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18 SENATOR BRIAN A. BENJAMIN, Acting President

19 ALEJANDRA N. PAULINO, ESQ., Secretary

1 P R O C E E D I N G S

2 ACTING PRESIDENT BENJAMIN: The
3 Senate will come to order.

4 I ask everyone present to please
5 rise and recite the Pledge of Allegiance.

6 (Whereupon, the assemblage recited
7 the Pledge of Allegiance to the Flag.)

8 ACTING PRESIDENT BENJAMIN: In the
9 absence of clergy, let us bow our heads in a
10 moment of silent reflection or prayer.

11 (Whereupon, the assemblage respected
12 a moment of silence.)

13 ACTING PRESIDENT BENJAMIN: The
14 reading of the Journal.

15 THE SECRETARY: In Senate, Sunday,
16 March 1, 2020, the Senate met pursuant to
17 adjournment. The Journal of Saturday,
18 February 29, 2020, was read and approved. On
19 motion, Senate adjourned.

20 ACTING PRESIDENT BENJAMIN: Without
21 objection, the Journal stands approved as read.

22 Presentation of petitions.

23 Messages from the Assembly.

24 Messages from the Governor.

25 Reports of standing committees.

1 Reports of select committees.

2 Communications and reports from
3 state officers.

4 Motions and resolutions.

5 Senator Gianaris.

6 SENATOR GIANARIS: Mr. President,
7 amendments are offered to the following Third
8 Reading Calendar bills:

9 Senator Kennedy's bill, on page 9,
10 Calendar Number 209, Senate Print 2709;

11 Senator Hoylman, on page 15,
12 Calendar Number 299, Senate Print 6050;

13 Senator Hoylman, page 23, Calendar
14 Number 422, Senate Print 6779;

15 Senator Serrano, page 26, Calendar
16 Number 450, Senate Print 7274A;

17 And Senator Gounardes, page 30,
18 Calendar Number 498, Senate Print 5228B.

19 ACTING PRESIDENT BENJAMIN: The
20 amendments are received, and the bills shall
21 retain their place on the Third Reading Calendar.

22 Senator Gianaris.

23 SENATOR GIANARIS: Can we now
24 please take up previously adopted
25 Resolution 2244, by Senator Jordan, read its

1 title only, and recognize Senator Jordan on the
2 resolution.

3 ACTING PRESIDENT BENJAMIN: The
4 Secretary will read.

5 THE SECRETARY: Senate Resolution
6 2244, by Senator Jordan, congratulating the
7 Stillwater Girls Soccer Team upon the occasion of
8 capturing the New York State Public High School
9 Athletic Association Class C Championship.

10 ACTING PRESIDENT BENJAMIN: Senator
11 Jordan on the resolution.

12 SENATOR JORDAN: Mr. President and
13 my colleagues, I rise for the purposes of
14 speaking on my resolution and making an
15 introduction.

16 I'm incredibly proud to welcome and
17 congratulate the Stillwater Girls Soccer Team,
18 who are my very special Senate guests today.

19 This is the second year in a row
20 that they've captured the Class C championship
21 for New York State in women's soccer.

22 There's no denying the incredible
23 growing popularity of girls' and women's soccer
24 and the impressive skill, athleticism, dedication
25 and achievements of its players. Consider this.

1 Today there are an estimated 30 million women
2 playing soccer worldwide, 4 million more than in
3 2006.

4 Approximately 14.3 million U.S.
5 viewers tuned into the final match of the 2019
6 Women's World Cup on television, compared to
7 11.4 million for the 2018 Men's World Cup Final.

8 The success of the Stillwater Girls
9 Soccer Team further illustrates the continued
10 popularity of women's soccer. The Stillwater
11 Girls Soccer Team captured the New York State
12 Public High School Athletic Association Class C
13 Championship on November 17, 2019, in Cortland.

14 The Stillwater Lady Warriors
15 concluded a very successful season, finishing
16 21-0-2, ending their historic season with a 1-0
17 victory over Section 4 Champion Unatego, to
18 secure the Class C New York State Girls Soccer
19 Championship.

20 In 2018, the Lady Warriors also won
21 the Class C New York State Girls Soccer
22 Championship. The Lady Warriors have a
23 remarkable record of 43-0-3 over the last two
24 years with their back-to-back championship
25 victories.

1 I want to recognize Head Coach
2 Christine Ihnatolya and her expert coaching
3 staff, Assistant Coaches Katie Carlin, Cassidy
4 Chapko, and Chris Stanley, for their hard work
5 and leadership of this championship team.

6 And to the Lady Warriors, I commend
7 you on your championship, but you should know
8 that you should use that championship as an
9 important life lesson: Nothing great comes easy.
10 Hard and smart work, dedication, and perseverance
11 is what will help you to achieve your goals in
12 anything you do in life. Teamwork is also key.
13 You have learned this through playing soccer.
14 Carry these lessons through for a successful
15 future.

16 I'm so very proud to congratulate
17 the members of the Stillwater High School Girls
18 Soccer Team on your outstanding season. The New
19 York State Senate proudly recognizes and
20 celebrates your success.

21 ACTING PRESIDENT BENJAMIN: The
22 resolution was previously adopted on
23 January 14th.

24 To the Stillwater Girls Soccer Team,
25 I welcome you on behalf of the Senate. We extend

1 to you all of the privileges and courtesies of
2 this house. Please rise and be recognized.

3 (Standing ovation.)

4 ACTING PRESIDENT BENJAMIN: Senator
5 Gianaris.

6 SENATOR GIANARIS: At the request
7 of the sponsor, that resolution is open for
8 cosponsorship.

9 ACTING PRESIDENT BENJAMIN: The
10 resolution is open for cosponsorship. Should you
11 choose not to be a cosponsor of the resolution,
12 please notify the desk.

13 Senator Gianaris.

14 SENATOR GIANARIS: Let's now take
15 up the reading of the calendar, Mr. President.

16 ACTING PRESIDENT BENJAMIN: The
17 Secretary will read.

18 THE SECRETARY: Calendar Number
19 241, Senate Print 1558A, by Senator Serrano, an
20 act to amend the Parks, Recreation and Historic
21 Preservation Law.

22 ACTING PRESIDENT BENJAMIN: Read
23 the last section.

24 THE SECRETARY: Section 2. This
25 act shall take effect immediately.

1 ACTING PRESIDENT BENJAMIN: Call
2 the roll.

3 (The Secretary called the roll.)

4 ACTING PRESIDENT BENJAMIN:
5 Announce the results.

6 THE SECRETARY: Ayes, 57.

7 ACTING PRESIDENT BENJAMIN: The
8 bill is passed.

9 THE SECRETARY: Calendar Number
10 248, Senate Print 3804A, by Senator May, an act
11 to amend the State Finance Law and the Tax Law.

12 ACTING PRESIDENT BENJAMIN: Read
13 the last section.

14 THE SECRETARY: Section 3. This
15 act shall take effect on the 90th day after it
16 shall have become a law.

17 ACTING PRESIDENT BENJAMIN: Call
18 the roll.

19 (The Secretary called the roll.)

20 ACTING PRESIDENT BENJAMIN:
21 Announce the results.

22 THE SECRETARY: Ayes, 59.

23 ACTING PRESIDENT BENJAMIN: The
24 bill is passed.

25 THE SECRETARY: Calendar Number

1 261, Senate Print 1544, by Senator Kennedy, an
2 act to amend the Public Health Law and Chapter
3 802 of the Laws of 1947.

4 ACTING PRESIDENT BENJAMIN: Read
5 the last section.

6 THE SECRETARY: Section 4. This
7 act shall take effect on the first of January.

8 ACTING PRESIDENT BENJAMIN: Call
9 the roll.

10 (The Secretary called the roll.)

11 ACTING PRESIDENT BENJAMIN:
12 Announce the results.

13 THE SECRETARY: Ayes, 59.

14 ACTING PRESIDENT BENJAMIN: The
15 bill is passed.

16 THE SECRETARY: Calendar Number
17 268, Senate Print 251, by Senator Kennedy, an act
18 to amend the Agriculture and Markets Law.

19 ACTING PRESIDENT BENJAMIN: Read
20 the last section.

21 THE SECRETARY: Section 2. This
22 act shall take effect immediately.

23 ACTING PRESIDENT BENJAMIN: Call
24 the roll.

25 (The Secretary called the roll.)

1 ACTING PRESIDENT BENJAMIN:

2 Announce the results.

3 THE SECRETARY: Ayes, 59.

4 ACTING PRESIDENT BENJAMIN: The
5 bill is passed.

6 THE SECRETARY: Calendar Number
7 269, Senate Print 2069, by Senator Metzger, an
8 act to amend the Agriculture and Markets Law.

9 ACTING PRESIDENT BENJAMIN: Read
10 the last section.

11 THE SECRETARY: Section 2. This
12 act shall take effect immediately.

13 ACTING PRESIDENT BENJAMIN: Call
14 the roll.

15 (The Secretary called the roll.)

16 ACTING PRESIDENT BENJAMIN:
17 Senator Metzger to explain her vote.

18 SENATOR METZGER: Thank you,
19 Mr. President.

20 As chair of the Agriculture
21 Committee and the representative of counties in
22 the Mid-Hudson regions and Catskill regions that
23 are home to some 2,000 farms, I just want to
24 first of all thank my colleagues for contributing
25 to this package of agriculture bills that we're

1 moving on today, and thank Majority Leader Andrea
2 Stewart-Cousins for bringing them to the floor.

3 We need to recognize how fortunate
4 we are to have an agricultural sector in this
5 state that produces such an enormous diversity of
6 fruits, vegetables, meats, dairy products, and
7 now hemp -- almost all on family farms, most of
8 which are small and midsize. These are
9 characteristics that we need to celebrate and we
10 need to preserve for the health of our economy,
11 for the health of our rural communities, for our
12 environment and for our food security.

13 But we also have to recognize how
14 precarious the situation is for many farmers,
15 because they are competing against farms
16 elsewhere that are in many cases much larger,
17 because universally they are competing against
18 farms with lower production costs, lower labor
19 costs, lower taxes, among other costs. And this
20 makes it very difficult for many of our farms to
21 thrive.

22 It's important that we as a state
23 get behind our farmers, support them, and support
24 policies that ensure their long-term viability.

25 The package of bills that we are

1 acting on today are an important step forward,
2 helping reduce costs, expand markets for our
3 farmers' products, making access to technical
4 support easier, and nurturing the next generation
5 of farmers.

6 A key bill in this package is a bill
7 I introduced to double the Farm Workforce
8 Retention Tax Credit and extend it indefinitely.
9 With farm labor costs in New York that are nearly
10 twice the national average, this tax can help our
11 farmers stay out of the red and hire the labor
12 they need.

13 So I appreciate all of my
14 colleagues' support on this package today, and I
15 vote aye.

16 Thank you.

17 ACTING PRESIDENT BENJAMIN:
18 Senator Metzger to be recorded in the
19 affirmative.

20 Senator Ortt to explain his vote.

21 SENATOR ORTT: Thank you,
22 Mr. President.

23 I rise to support this legislation
24 and a host of these bills, which I do think are
25 absolutely good for our farmers. And I agree

1 with my colleague when she talked about the
2 burdens and the precarious situation that our
3 farms find themselves in, particularly when it
4 comes to competing against other states that have
5 lower costs.

6 But I would remind everyone,
7 especially my colleagues across the aisle, we
8 added to those costs as recently as last year
9 when we passed a number of bills, most notably
10 the Farm Fair Labor Act, which increased burdens
11 on our farms.

12 So while this legislation is overdue
13 and is needed and is good, I think in light of
14 the bills we've passed, I would encourage my
15 colleagues to rethink some of the legislation
16 we've already passed -- again, as recently as
17 last year -- because we are making the situation
18 worse, and I don't know if these are just a day
19 late and a dollar short.

20 So with that, Mr. President, I vote
21 aye.

22 ACTING PRESIDENT BENJAMIN: Senator
23 Ortt to be recorded in the affirmative.

24 Announce the results.

25 THE SECRETARY: Ayes, 60.

1 ACTING PRESIDENT BENJAMIN: The
2 bill is passed.

3 THE SECRETARY: Calendar Number
4 271, Senate Print 5437, by Senator Metzger, an
5 act to amend the Agriculture and Markets Law.

6 ACTING PRESIDENT BENJAMIN: Read
7 the last section.

8 THE SECRETARY: Section 3. This
9 act shall take effect immediately.

10 ACTING PRESIDENT BENJAMIN: Call
11 the roll.

12 (The Secretary called the roll.)

13 ACTING PRESIDENT BENJAMIN:
14 Announce the results.

15 THE SECRETARY: Ayes, 60.

16 ACTING PRESIDENT BENJAMIN: The
17 bill is passed.

18 THE SECRETARY: Calendar Number
19 290, Senate Print 3664B, by Senator Gianaris, an
20 act to amend the Insurance Law.

21 ACTING PRESIDENT BENJAMIN: Read
22 the last section.

23 THE SECRETARY: Section 2. This
24 act shall take effect January 1, 2022.

25 ACTING PRESIDENT BENJAMIN: Call

1 the roll.

2 (The Secretary called the roll.)

3 ACTING PRESIDENT BENJAMIN: Senator
4 Gianaris to explain his vote.

5 SENATOR GIANARIS: Thank you,
6 Mr. President.

7 One would think that we've reached a
8 point in our society where we do not permit
9 discrimination purely based on one's gender. And
10 yet in the position of insurance premiums, we do
11 allow higher rates to be charged to cover women
12 in our society.

13 This bill would alleviate that by
14 prohibiting different rates being charged to
15 women and to men and to others in a workplace so
16 that, in fact, there would not be a disincentive
17 for an employer to hire women because they would
18 fear the added costs that they would be burdened
19 with as a result.

20 And so this is a measure that's been
21 adopted in other states with great success, and
22 I'm proud that we stand here today ready to pass
23 a bill that would create greater equality in our
24 workplaces and make it more conducive for more
25 women to enter the workplace and be productive

1 members of our society.

2 Thank you, Mr. President. I vote
3 yes.

4 ACTING PRESIDENT BENJAMIN: Senator
5 Gianaris to be recorded in the affirmative.

6 Announce the results.

7 THE SECRETARY: In relation to
8 Calendar Number 290, voting in the negative:
9 Senator Ranzenhofer.

10 Ayes, 59. Nays, 1.

11 ACTING PRESIDENT BENJAMIN: The
12 bill is passed.

13 THE SECRETARY: Calendar Number
14 335, Senate Print 7013, by Senator May, an act to
15 amend the Agriculture and Markets Law.

16 ACTING PRESIDENT BENJAMIN: Read
17 the last section.

18 THE SECRETARY: Section 4. This
19 act shall take effect immediately.

20 ACTING PRESIDENT BENJAMIN: Call
21 the roll.

22 (The Secretary called the roll.)

23 ACTING PRESIDENT BENJAMIN:
24 Announce the results.

25 THE SECRETARY: Ayes, 60.

1 ACTING PRESIDENT BENJAMIN: The
2 bill is passed.

3 THE SECRETARY: Calendar Number
4 447, Senate Print 7334, by Senator Thomas, an act
5 in relation to permitting Iglesia La Luz Del
6 Mindo, Inc., to file an application for certain
7 real property tax exemptions.

8 ACTING PRESIDENT BENJAMIN: Read
9 the last section.

10 THE SECRETARY: Section 2. This
11 act shall take effect immediately.

12 ACTING PRESIDENT BENJAMIN: Call
13 the roll.

14 (The Secretary called the roll.)

15 ACTING PRESIDENT BENJAMIN:
16 Announce the results.

17 THE SECRETARY: In relation to
18 Calendar Number 447, voting in the negative:
19 Senator Akshar.

20 Ayes, 59. Nays, 1.

21 ACTING PRESIDENT BENJAMIN: The
22 bill is passed.

23 THE SECRETARY: Calendar Number
24 451, Senate Print 7556A, by Senator Biaggi, an
25 act to amend Chapter 465 of the Laws of 1994.

1 ACTING PRESIDENT BENJAMIN: Read
2 the last section.

3 THE SECRETARY: Section 2. This
4 act shall take effect immediately.

5 ACTING PRESIDENT BENJAMIN: Call
6 the roll.

7 (The Secretary called the roll.)

8 ACTING PRESIDENT BENJAMIN:
9 Announce the results.

10 THE SECRETARY: In relation to
11 Calendar Number 451, those Senators voting in the
12 negative are Senators Akshar, Griffio and Lanza.

13 Ayes, 57. Nays, 3.

14 ACTING PRESIDENT BENJAMIN: The
15 bill is passed.

16 THE SECRETARY: Calendar Number
17 468, Senate Print 3873A, by Senator May, an act
18 to amend the Education Law.

19 ACTING PRESIDENT BENJAMIN: Read
20 the last section.

21 THE SECRETARY: Section 2. This
22 act shall take effect immediately.

23 ACTING PRESIDENT BENJAMIN: Call
24 the roll.

25 (The Secretary called the roll.)

1 ACTING PRESIDENT BENJAMIN: Senator
2 May to explain her vote.

3 SENATOR MAY: Thank you,
4 Mr. President.

5 Agriculture is the leading industry
6 in New York State, but the age of farmers right
7 now is 59 years old and getting older. And so
8 I'm proud to have sponsored this bill to create a
9 Young Farmer Apprenticeship Program through the
10 BOCES system so that younger people can learn the
11 tricks of the trade and the tools of the trade,
12 so that they can become successful farmers moving
13 forward and continue the strength of agriculture
14 in our state.

15 So I'm grateful to the Majority
16 Leader for bringing this bill forward. I agree
17 with Senator Metzger that I'm pleased to see a
18 package of bills about agriculture.

19 I also didn't mention it earlier,
20 but I wanted to say we also passed a bill to
21 create a school garden fund checkoff on your tax
22 forms. And school gardens are one of the best
23 ways to get children interested in agriculture,
24 interested in eating fresh vegetables. And so
25 I'm excited about that one too.

1 So I vote aye on this one and
2 proudly voted aye on the previous one.

3 Thank you.

4 ACTING PRESIDENT BENJAMIN: Senator
5 May to be recorded in the affirmative.

6 Announce the results.

7 THE SECRETARY: Ayes, 60.

8 ACTING PRESIDENT BENJAMIN: The
9 bill is passed.

10 THE SECRETARY: Calendar Number
11 469, Senate Print 4655, by Senator Metzger, an
12 act to amend the Agriculture and Markets Law.

13 ACTING PRESIDENT BENJAMIN: Read
14 the last section.

15 THE SECRETARY: Section 2. This
16 act shall take effect immediately.

17 ACTING PRESIDENT BENJAMIN: Call
18 the roll.

19 (The Secretary called the roll.)

20 ACTING PRESIDENT BENJAMIN:
21 Announce the results.

22 THE SECRETARY: Ayes, 60.

23 ACTING PRESIDENT BENJAMIN: The
24 bill is passed.

25 THE SECRETARY: Calendar Number

1 473, Senate Print 5822A, by Senator Metzger, an
2 act to amend the Parks, Recreation and Historic
3 Preservation Law.

4 ACTING PRESIDENT BENJAMIN: Read
5 the last section.

6 THE SECRETARY: Section 3. This
7 act shall take effect immediately.

8 ACTING PRESIDENT BENJAMIN: Call
9 the roll.

10 (The Secretary called the roll.)

11 ACTING PRESIDENT BENJAMIN:
12 Announce the results.

13 THE SECRETARY: Ayes, 60.

14 ACTING PRESIDENT BENJAMIN: The
15 bill is passed.

16 THE SECRETARY: Calendar Number
17 477, Senate Print 6653, by Senator Skoufis, an
18 act to amend the Alcoholic Beverage Control Law.

19 ACTING PRESIDENT BENJAMIN: Read
20 the last section.

21 THE SECRETARY: Section 2. This
22 act shall take effect immediately.

23 ACTING PRESIDENT BENJAMIN: Call
24 the roll.

25 (The Secretary called the roll.)

1 ACTING PRESIDENT BENJAMIN:

2 Announce the results.

3 THE SECRETARY: Ayes, 60.

4 ACTING PRESIDENT BENJAMIN: The
5 bill is passed.

6 THE SECRETARY: Calendar Number
7 480, Senate Print 6773, by Senator Metzger, an
8 act to amend the Tax Law.

9 ACTING PRESIDENT BENJAMIN: Read
10 the last section.

11 THE SECRETARY: Section 3. This
12 act shall take effect immediately.

13 ACTING PRESIDENT BENJAMIN: Call
14 the roll.

15 (The Secretary called the roll.)

16 ACTING PRESIDENT BENJAMIN:
17 Senator Akshar to explain his vote.

18 SENATOR AKSHAR: Mr. President,
19 thank you.

20 I too am pleased to see a package of
21 agriculture bills come to the floor of the State
22 Senate; I believe that we all think that
23 agriculture is in fact important.

24 But none of these bills are going to
25 matter if we eradicate agriculture from the

1 state. I think that I heard the chair of the
2 Agriculture Committee talk about the
3 sustainability and vitality of the agriculture
4 industry. I agree with her wholeheartedly.

5 I think all of us, though, in this
6 room, Republicans and Democrats alike, should be
7 terribly alarmed at the conversations surrounding
8 the Wage Board's intrusion into the overtime
9 issue. It's an issue that whether you agreed
10 with it or disagreed with it last year, that the
11 Legislature -- we landed on a number, because the
12 Legislature listened to the industry.

13 And now the fact that the Wage Board
14 is having conversations about rolling that back I
15 think is incredibly alarming, or at least should
16 be incredibly alarming to all of us.

17 So I rise of course to support this
18 legislation, but I think it's incredibly
19 important for this house, this body, to protect
20 the agriculture industry, protect farmers whether
21 they're upstate, downstate, on Long Island,
22 wherever they may be.

23 Mr. President, I vote aye.

24 ACTING PRESIDENT BENJAMIN:

25 Senator Akshar to be recorded in the affirmative.

1 Senator Borrello to explain his
2 vote.

3 SENATOR BORRELLO: Thank you,
4 Mr. President.

5 I also will support this bill, but I
6 have to agree with my colleague Senator Akshar.

7 I find it disturbing that this body
8 passed a law that would put the power to
9 dramatically and negatively impact the entire
10 agriculture industry -- the number-one industry
11 in my district and in most districts in this
12 state -- and put that into the hands of three
13 unelected officials.

14 You took the power that you have and
15 handed it to three unaccountable, unelected
16 officials that will have a devastating impact on
17 the cost of labor at farms throughout this state.
18 I think that's shameful.

19 Thank you, Mr. President.

20 ACTING PRESIDENT BENJAMIN: Senator
21 Borrello to be recorded in the affirmative.

22 Senator Ramos to explain her vote.

23 SENATOR RAMOS: Yeah, thank you,
24 Mr. President.

25 I rise in defense of the bill that I

1 passed last year to protect farmworkers.

2 It is unconscionable that we need to
3 pit the industry against the workers who make
4 their profit possible, or vice versa. We did the
5 right thing by producing a bill that not only
6 protects workers but actually incorporated many
7 of the thoughts and opinions of the farmers
8 themselves.

9 We did our due diligence by making
10 sure that we were holding hearings in key parts
11 of the state, allowing so many of the farmers to
12 voice their opinions. And we have promised and
13 will uphold our promise to continue to work with
14 them to strengthen the farming industry here in
15 New York State.

16 The Wage Board will allow for there
17 to be a working relationship and
18 information-gathering that will not necessarily
19 result in the cutting back of hours in order to
20 produce overtime.

21 I understand that given the time of
22 year, fearmongering might be in season. But
23 nevertheless, that should not be an enemy of
24 accuracy and making sure that we are talking
25 about and working together to make sure that our

1 farms prosper.

2 I vote aye on this bill in order to
3 continue protecting our farmers, and we will
4 continue to do so not at the expense of
5 farmworkers or any other human being.

6 Thank you, Mr. President.

7 ACTING PRESIDENT BENJAMIN: Senator
8 Ramos to be recorded in the affirmative.

9 Announce the results.

10 THE SECRETARY: Ayes, 61.

11 ACTING PRESIDENT BENJAMIN: The
12 bill is passed.

13 Senator Gianaris, that completes the
14 reading of today's calendar.

15 SENATOR GIANARIS: Mr. President,
16 is there any further business at the desk?

17 ACTING PRESIDENT BENJAMIN: There
18 is no further business at the desk.

19 SENATOR GIANARIS: Let me remind my
20 Majority colleagues there is a conference, a
21 Majority conference at 4:30.

22 And with that, I move to adjourn
23 until tomorrow, Tuesday, March 3rd, at 3:00 p.m.

24 ACTING PRESIDENT BENJAMIN: There
25 is a Majority conference at 4:30.

1 And on motion, the Senate stands
2 adjourned until Tuesday, March 3rd, at 3:00 p.m.
3 (Whereupon, at 4:03 p.m., the Senate
4 adjourned.)

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1 NEW YORK STATE SENATE

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4 THE STENOGRAPHIC RECORD

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9 ALBANY, NEW YORK

10 March 2, 2020

11 7:57 p.m.

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13
14 REGULAR SESSION

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18 SENATOR BRIAN A. BENJAMIN, Acting President

19 ALEJANDRA N. PAULINO, ESQ., Secretary

1 P R O C E E D I N G S

2 ACTING PRESIDENT BENJAMIN: The
3 Senate will come to order.

4 I ask everyone present to please
5 rise and recite the Pledge of Allegiance.

6 (Whereupon, the assemblage recited
7 the Pledge of Allegiance to the Flag.)

8 ACTING PRESIDENT BENJAMIN: In the
9 absence of clergy, let us bow our heads in a
10 moment of silent reflection or prayer.

11 (Whereupon, the assemblage respected
12 a moment of silence.)

13 ACTING PRESIDENT BENJAMIN: The
14 reading of the Journal.

15 THE SECRETARY: In Senate, Monday,
16 March 2, 2020, the Senate met pursuant to
17 adjournment. The Journal of Sunday, March 1,
18 2020, was read and approved. On motion, Senate
19 adjourned.

20 ACTING PRESIDENT BENJAMIN: Without
21 objection, the Journal stands approved as read.

22 Presentation of petitions.

23 Messages from the Assembly.

24 Messages from the Governor.

25 Reports of standing committees.

1 Reports of select committees.

2 Communications and reports from
3 state officers.

4 Motions and resolutions.

5 Senator Gianaris.

6 SENATOR GIANARIS: Mr. President,
7 there will be an immediate meeting of the
8 Rules Committee in Room 332.

9 ACTING PRESIDENT BENJAMIN: There
10 will be an immediate meeting of the
11 Rules Committee in Room 332.

12 SENATOR GIANARIS: The Senate will
13 stand at ease.

14 ACTING PRESIDENT BENJAMIN: The
15 Senate will stand at ease.

16 (Whereupon, the Senate stood at ease
17 at 7:58 p.m.)

18 (Whereupon, the Senate reconvened at
19 8:10 p.m.)

20 ACTING PRESIDENT BENJAMIN: The
21 Senate will return to order.

22 Senator Gianaris.

23 SENATOR GIANARIS: Is there a
24 report of the Rules Committee at the desk?

25 ACTING PRESIDENT BENJAMIN: There

1 is a report of the Rules Committee at the desk.

2 The Secretary will read.

3 THE SECRETARY: Senator
4 Stewart-Cousins, from the Committee on Rules,
5 reports the following bill:

6 Senate Print 7919, by
7 Senator Stewart-Cousins, an act to amend the
8 Executive Law.

9 SENATOR GIANARIS: Move to accept
10 the report of the Rules Committee.

11 ACTING PRESIDENT BENJAMIN: All in
12 favor of accepting the Committee on Rules report
13 signify by saying aye.

14 (Response of "Aye.")

15 ACTING PRESIDENT BENJAMIN:
16 Opposed, nay.

17 (Response of "Nay.")

18 ACTING PRESIDENT BENJAMIN: The
19 report is accepted and before the house.

20 SENATOR GIANARIS: Please take up
21 the supplemental calendar.

22 ACTING PRESIDENT BENJAMIN: The
23 Secretary will read.

24 THE SECRETARY: Calendar Number
25 524, Senate Print 7919, by

1 Senator Stewart-Cousins, an act to amend the
2 Executive Law.

3 SENATOR GRIFFO: Lay it aside.

4 ACTING PRESIDENT BENJAMIN: Lay it
5 aside.

6 Senator Gianaris, that completes the
7 reading of today's supplemental calendar.

8 SENATOR GIANARIS: Please take up
9 the controversial calendar.

10 ACTING PRESIDENT BENJAMIN: The
11 Secretary will ring the bell.

12 The Secretary will read.

13 THE SECRETARY: Calendar Number
14 524, Senate Print 7919, by Senator
15 Stewart-Cousins, an act to amend the
16 Executive Law.

17 SENATOR GIANARIS: Is there a
18 message of necessity at the desk, Mr. President?

19 ACTING PRESIDENT BENJAMIN: There
20 is a message of necessity at the desk.

21 SENATOR GIANARIS: I should say as
22 a message of necessity as well as a message of
23 appropriation.

24 I move to accept them both.

25 ACTING PRESIDENT BENJAMIN: All in

1 favor of accepting the messages of necessity and
2 appropriation signify by saying aye.

3 (Response of "Aye.")

4 ACTING PRESIDENT BENJAMIN:

5 Opposed, nay.

6 (Response of "Nay.")

7 ACTING PRESIDENT BENJAMIN: The
8 message is accepted, and the bill is before the
9 house.

10 Senator Flanagan.

11 SENATOR FLANAGAN: Thank you,
12 Mr. President. Will the sponsor yield?

13 ACTING PRESIDENT BENJAMIN: Does the
14 sponsor yield?

15 SENATOR GIANARIS: Yes,
16 Mr. President.

17 ACTING PRESIDENT BENJAMIN: The
18 sponsor yields.

19 SENATOR FLANAGAN: Mr. President, I
20 have a series of questions, and I'm more than
21 happy to go through the chair.

22 Am I correct that Senator Gianaris
23 is the sponsor?

24 SENATOR GIANARIS: The sponsor is
25 Leader Stewart-Cousins, but I will be answering

1 questions, Mr. President.

2 SENATOR FLANAGAN: I think we have
3 to go through a little bit of a painstaking
4 discussion, because this sort of redefines
5 "message of necessity."

6 And let me start by asking
7 Senator Gianaris, who negotiated this bill?

8 SENATOR GIANARIS: Let me first --
9 since Senator Flanagan mentioned it, yes, I do
10 believe this issue redefines "message of
11 necessity," because we are at an incredibly
12 necessary moment in dealing with a crisis that's
13 engulfing the whole world and has reached
14 New York.

15 I have sat in this chamber for over
16 a decade watching all sorts of nonsensical
17 messages of necessity be accepted by the very
18 same people who are now trying to debate this
19 bill which is trying to deal with a public health
20 crisis that is on the verge of becoming much more
21 of a problem than it already is.

22 So to answer the second question or
23 comment that Senator Flanagan made, the bill was
24 negotiated just like all other bills are
25 negotiated, by members and staff on the majority

1 side of the Senate and the Assembly.

2 SENATOR FLANAGAN: Okay, so I'm
3 looking at the -- is it fair to that the genesis
4 of this legislation is the public health crisis
5 that you alluded to -- which I acknowledge and
6 certainly feel that we should be addressing. But
7 at the root of that, would it not be the
8 coronavirus that has engulfed the world, now the
9 United States of America, and by extension the
10 State of New York?

11 SENATOR GIANARIS: That's correct.

12 SENATOR FLANAGAN: Okay. So I'm
13 looking at the title of this bill that was
14 negotiated by the usual course of action,
15 according to the sponsor, and it says -- the
16 title "as it relates to issuing by the Governor
17 of any directive necessary to respond to a state
18 disaster or emergency."

19 And then I read the language in here
20 that clearly, clearly allows the Governor, by
21 executive order, to issue any directive. More
22 than an executive order. And he can do so during
23 a state disaster emergency that goes well beyond,
24 well beyond the coronavirus. This is far more
25 sweeping than dealing with the public health

1 issues involving the coronavirus.

2 So why would this majority grant
3 unfettered discretion, unbridled authority, and
4 cede our power as a directly elected legislative
5 body to the Executive in a much broader and much
6 more sweeping fashion than is necessary to deal
7 with the coronavirus?

8 SENATOR GIANARIS: Wow. So many
9 misstatements that it's going to take me a little
10 while to respond. And Senator Flanagan knows
11 better, because he's served long enough in the
12 Legislature.

13 His first point about the title of
14 the bill. As he well knows, the bill amends a
15 section of existing law. So it says it is an act
16 to amend the Executive Law as it relates to when
17 the Governor gets to issue directives dealing
18 with state disaster emergencies, because it is in
19 the section of New York State law, in the
20 Executive Law, that deals with disaster
21 declarations.

22 That is why the title is what it is,
23 because we're amending a section of law that
24 deals with the broader subject matter.

25 Secondly, Senator Flanagan said it

1 goes beyond executive order. The law -- or the
2 bill, by its very words, says the Governor, by
3 executive order, may issue such directives. So
4 any action taken by the Governor will be by
5 executive order.

6 Next, he said it would be unbridled
7 authority. Well, again, as Senator Flanagan
8 should know, in the law itself, in Section 4, it
9 says very clearly "The Legislature may terminate
10 by concurrent resolution executive orders issued
11 under this section at any time."

12 So that is hardly unbridled. There
13 is a check and balance that the Legislature has
14 over this process. And should the Governor issue
15 an executive order with which we disagree and
16 with which the Assembly disagrees, we can revoke
17 that at any time by act of the Legislature.

18 SENATOR FLANAGAN: Mr. President,
19 through you, if the sponsor will continue to
20 yield.

21 ACTING PRESIDENT BENJAMIN: Does
22 the sponsor yield?

23 SENATOR GIANARIS: Yes.

24 ACTING PRESIDENT BENJAMIN: The
25 sponsor yields.

1 SENATOR FLANAGAN: I'm looking at
2 page 3, line 4: "Disaster means occurrence or
3 imminent, impending, or urgent threat."

4 What is an impending or urgent
5 threat? Because there are a number of my
6 colleagues who feel that imminent is vastly
7 different from impending or urgent. And
8 "impending" may be giving powers to the Executive
9 for something that may never happen or may never
10 occur.

11 Why would that language be expanded
12 to give more power to the Executive?

13 SENATOR GIANARIS: We are dealing
14 with a crisis that has already visited other
15 nations in the world and is currently spreading
16 through the West Coast of this country and we
17 know has -- people have contracted this virus in
18 New York State already.

19 I don't think it's time to play
20 politics and screw around and allow a dispute to
21 exist as to whether or not a situation is
22 particularly imminent. What is the definition of
23 "imminent," some might say. Is one person
24 contracting the virus in Manhattan who's under
25 house quarantine an imminent threat or not?

1 We're trying to solve something
2 before it gets to the point where people start
3 dying in our state. And I would think that would
4 be something that everyone in this chamber could
5 understand the importance of doing.

6 Now, you want to vote against this,
7 that's your right as a member of the Legislature.
8 You can do that. But you are fond of saying on
9 that side of the aisle -- inaccurately, for the
10 most part -- when consequences lead to horrific
11 results based on what we do here.

12 We're trying to avoid that. We're
13 trying to be responsible and say there is
14 something that is brewing in the world that has
15 reached New York. Okay? We are dealing with,
16 yes, an impending crisis, but perhaps not, in the
17 strict definition, an imminent crisis. And we're
18 we are trying to make sure that the law provides
19 opportunity for this state to take action and
20 protect its citizens, which is what we're here to
21 do.

22 SENATOR FLANAGAN: Mr. President,
23 will the sponsor continue to yield.

24 ACTING PRESIDENT BENJAMIN: Does
25 the sponsor yield?

1 SENATOR GIANARIS: Yes.

2 ACTING PRESIDENT BENJAMIN: The
3 sponsor yields.

4 SENATOR FLANAGAN: I'm going to
5 preface my question by saying I just listened to
6 three responses, and I let each one of them pass.

7 Not playing politics, not screwing
8 around, not playing any kind of games. Actually
9 trying to have a debate and have real discussion
10 on something that has not been discussed in here
11 at all.

12 So if you want to go down that path,
13 I'm all ready to go down that path. This is not
14 about politics. And in fact, this is one of the
15 few occasions where I can say the chief executive
16 of the state has been complimentary of the
17 federal government and complimented the
18 appointment of Vice President Pence to head the
19 coronavirus issue and task force at the federal
20 level.

21 (Scattered laughter.)

22 SENATOR GIANARIS: Mr. President --

23 SENATOR FLANAGAN: Mr. President --

24 SENATOR GIANARIS: Mr. President,
25 let's all maintain decorum. We are on a debate,

1 as Senator Flanagan said.

2 What I do find ironic is that he's
3 not playing politics and then spent the next
4 30 seconds talking about how great the federal
5 government is.

6 But -- but please, go on.

7 SENATOR FLANAGAN: Mr. President,
8 will the sponsor continue to yield.

9 ACTING PRESIDENT BENJAMIN: Does
10 the sponsor yield?

11 SENATOR GIANARIS: Yes.

12 ACTING PRESIDENT BENJAMIN: The
13 sponsor yields.

14 SENATOR FLANAGAN: Senator
15 Gianaris, I'm looking at specific portions of
16 this legislation. The Governor can now under
17 law, under this bill that you negotiated, he can
18 suspend an entire statute. Which gives him
19 broader and more explicit authority than he has
20 under present law.

21 And in fact, it says, under current
22 law, specific provisions of any statute. Now it
23 just says any statute. That is a broader
24 authority than the Governor presently has, which
25 would allow him to suspend any statute not only

1 involving the coronavirus. Because it says it
2 could be on fire, flood, earthquake, hurricane,
3 tornado, high water, landslide, mud slide,
4 windstorm, wave action, volcanic activity.

5 You're giving the Governor power to
6 suspend any statute. That is a broader
7 discretion of authority being given to him. Why
8 would you do this when we're dealing with the
9 coronavirus? That doesn't have anything to do
10 with wind.

11 SENATOR GIANARIS: Mr. President,
12 Senator Flanagan is once again mistaken. The
13 power to suspend specific provisions of any
14 statute, which existed previously, gave the
15 Governor the power to suspend every specific
16 provision of a specific statute if he so chose to
17 do.

18 SENATOR FLANAGAN: Then why did you
19 take that language out?

20 SENATOR GIANARIS: So in fact this
21 is not anything that has any great substantive
22 value in terms of difference from preexisting
23 law, which has been here -- and by the way, I
24 heard the Senator read through the list of
25 disasters. Is the Senator suggesting we do not

1 want to worry about those disasters that have
2 been in law for many, many years? Do you not
3 want to protect people from hurricanes,
4 earthquakes, et cetera? I mean, is that --

5 SENATOR FLANAGAN: Mr. President,
6 is the sponsor asking me to yield? I'm happy to
7 yield to a question if there is a question.

8 SENATOR GIANARIS: That was a
9 rhetorical question, Mr. President.

10 Let me -- let me make it as a
11 statement. It seems to me that Senator Flanagan
12 does not care about whether or not New Yorkers
13 are adequately protected against hurricanes,
14 earthquakes, floods, et cetera, as listed in the
15 statute.

16 SENATOR FLANAGAN: Is the statement
17 and the rhetorical part done? Because I'd like
18 to continue.

19 Mr. President, through you.

20 ACTING PRESIDENT BENJAMIN: Are you
21 asking the sponsor to yield?

22 SENATOR FLANAGAN: I'm asking the
23 sponsor to yield. Yes, I am.

24 ACTING PRESIDENT BENJAMIN: Does
25 the sponsor yield?

1 SENATOR GIANARIS: Yes.

2 ACTING PRESIDENT BENJAMIN: The
3 sponsor yields.

4 SENATOR FLANAGAN: All those
5 occurrences and potentialities are covered in
6 existing law. You're granting broader and deeper
7 authority to the Executive to go well beyond
8 what's in existing law.

9 All those things that were
10 mentioned, fire, flood, earthquake, hurricane,
11 tornado -- Senator Gianaris, I don't question
12 your passion on issues, so don't do it to me. I
13 know what exactly what all these are. I know
14 exactly what the current law is. And frankly, I
15 don't need to be schooled on what the law is.
16 I'm reading the existing statute, and all of
17 those are right there.

18 And why could this not have been
19 simply legislation that with all those other
20 things, under definition of a disaster, you add
21 "disease outbreak" and leave it at that? You're
22 giving all this new written authority, including
23 any directive that heretofore does not exist.
24 You're saying the Governor could do it already.
25 Well, if he could do it already, you wouldn't be

1 amending the statute. You wouldn't be putting
2 all this new language in.

3 So yes, I care very deeply about the
4 very same things that you do. We got at it from
5 a different level. I believe it's in the purview
6 of this legislative body to actually enact
7 legislation and not give our authority away to
8 the Governor. So why could you not simply just
9 add "disease outbreak"?

10 SENATOR GIANARIS: I sat here for
11 over a decade, most of the years in the Minority,
12 watching the then-Majority cede power to the
13 Governor day after day in this chamber. You
14 know, we're dealing with a Medicaid Redesign Task
15 Force proposal this year. It's called MRT II
16 because there was an MRT I that your --

17 SENATOR FLANAGAN: Mr. President,
18 is this pertinent or germane to this legislation?

19 SENATOR GIANARIS: It absolutely
20 is, Mr. President. If he's talking about ceding
21 control to the Governor --

22 ACTING PRESIDENT BENJAMIN: Senator
23 Gianaris has the floor.

24 SENATOR GIANARIS: -- you better
25 believe I'm going to talk about you ceded control

1 to the Governor when you didn't complain about
2 it.

3 And I'm sorry, Senator Flanagan, but
4 if you're making mistakes about what the law
5 says, I am going to school you on it, because
6 we're going to set the facts straight as it
7 relates to this debate.

8 So there was a Medicaid Redesign
9 Task Force that ceded control to the Governor for
10 10 years that your majority passed. For the last
11 10 years, the executive has been making cuts to
12 healthcare in this state without the proper
13 legislative authority.

14 You didn't have a problem then.
15 We're sitting here today dealing with a current
16 and pending crisis in our state, and frankly in
17 the world. And if we don't take the steps
18 necessary to deal with it today, then there's
19 going to be consequences well beyond the borders
20 of our state, but certainly for the millions of
21 people that live here.

22 Now, like I said, yeah, you want to
23 play politics, you go right ahead and do it.
24 Vote how you want. That's your right in this
25 body. But we're going to do the right thing and

1 make sure that New Yorkers are protected.

2 SENATOR FLANAGAN: Mr. President,
3 will the sponsor continue to yield.

4 ACTING PRESIDENT BENJAMIN: Does
5 the sponsor yield?

6 SENATOR GIANARIS: Yes.

7 ACTING PRESIDENT BENJAMIN: The
8 sponsor yields.

9 SENATOR FLANAGAN: Why is this
10 authority granted for 13 months? We heard an
11 original version of this bill gave power to the
12 Governor throughout the balance of his term. How
13 did you end up coming up with 13 months, through
14 the end of next April?

15 SENATOR GIANARIS: I appreciate
16 Senator Flanagan pointing out that the
17 negotiations led to more stringent controls and
18 checks and balances than were originally
19 proposed. So as a result of negotiations, that
20 was -- we settled on the time in the bill.

21 SENATOR FLANAGAN: Why not 60 days
22 or 90 -- through you, Mr. President, if the
23 sponsor will yield.

24 ACTING PRESIDENT BENJAMIN: Does
25 the sponsor yield?

1 SENATOR FLANAGAN: Why not 60 or
2 90 days? Why give over a year's authority to the
3 Executive?

4 SENATOR GIANARIS: That is where
5 the negotiations concluded.

6 And let me remind the Senator once
7 again that there is a provision in the existing
8 law that will remain there that allows the
9 Legislature at any time to rescind an executive
10 order of the Governor as it relates to this
11 section of law.

12 That could be one day, that could be
13 10 days, that could be 30 days -- whenever we
14 decide that we don't support something that has
15 been done, we can revoke it.

16 SENATOR FLANAGAN: And I would
17 remind the sponsor that the current law allows
18 the Executive to spend --

19 ACTING PRESIDENT BENJAMIN: Senator
20 Flanagan, are you asking the sponsor to yield?

21 SENATOR FLANAGAN: Yes.

22 ACTING PRESIDENT BENJAMIN: Will
23 the sponsor yield?

24 SENATOR GIANARIS: Yes.

25 ACTING PRESIDENT BENJAMIN: The

1 sponsor yields.

2 SENATOR FLANAGAN: Under current
3 law, an executive order allows for suspension of
4 a provision of a statute. This new law allows
5 the directive to create new law without
6 legislation. The Governor can unilaterally act
7 on virtually any subject matter having nothing to
8 do with the coronavirus. The Governor could
9 suspend an election, which he has done before.
10 This would give him the authority to do that with
11 more discretion than in the past.

12 Why would you do that?

13 SENATOR GIANARIS: I hope the
14 Senator is not suggesting that the election that
15 was canceled on 9/11 should not have been
16 canceled.

17 SENATOR FLANAGAN: He wasn't
18 Governor. And I know exactly what I was
19 referring to, and that was not it.

20 SENATOR GIANARIS: Okay. But the
21 power to cancel elections which Senator Flanagan
22 seems so concerned about was used with great
23 notice on 9/11. So there are reasons that the
24 powers are there. And there's a good example of
25 why it was inconvenient or impossible for a

1 Legislature to convene to take such action.

2 There are moments of crisis that
3 require dramatic and quick action on behalf of
4 the state. And to suggest that he can do it
5 anytime for any -- I'm afraid Senator Flanagan is
6 not reading Subdivision 2 of the law, which lists
7 numerous restrictions on this power. Including
8 restricting it to 30 days at a time, that the
9 suspension be directly related to the emergency
10 declared -- and I won't read them all because it
11 will take too long, but there are -- it goes up
12 to Subdivision F. So what is that, six or seven
13 restrictions on this power.

14 SENATOR FLANAGAN: Mr. President,
15 will the sponsor yield.

16 ACTING PRESIDENT BENJAMIN: Does
17 the sponsor yield?

18 SENATOR GIANARIS: Yes.

19 ACTING PRESIDENT BENJAMIN: The
20 sponsor yields.

21 SENATOR FLANAGAN: How is the
22 \$40 million going to be appropriated? Who's
23 going to make that determination? Is the money
24 going to go to Brooklyn, is it going to go to
25 Binghamton, is it going to go to the North

1 Country? Are we giving all that power to the
2 Governor? Are we giving it to the Commissioner
3 of Health? Who's going to be able to weigh in?

4 SENATOR GIANARIS: As it's the
5 Governor's decision, I presume he will consult
6 with his appropriate experts.

7 SENATOR FLANAGAN: And will there
8 be any -- will the sponsor continue to yield?

9 ACTING PRESIDENT BENJAMIN: Does
10 the sponsor yield?

11 SENATOR GIANARIS: Yes.

12 ACTING PRESIDENT BENJAMIN: The
13 sponsor yields.

14 SENATOR FLANAGAN: Will there be
15 any legislative input as to the distribution of
16 those funds? Because you're acknowledging that
17 this is all going to be within the jurisdiction
18 of the Governor and the Department of Health and
19 the Commissioner of Health.

20 SENATOR GIANARIS: The legislative
21 input is happening tonight. We are appropriating
22 \$40 million to deal with the coronavirus crisis.

23 SENATOR FLANAGAN: With no
24 legislative oversight.

25 SENATOR GIANARIS: You -- you're --

1 the Senator and his colleagues are certainly
2 welcome to vote yes or no on this bill. Just
3 like when we pass a budget later this month,
4 we'll be voting yes or no on billions of dollars
5 of appropriations, some with greater specificity
6 listed than others.

7 In this case, this money is going to
8 deal with the coronavirus crisis.

9 SENATOR FLANAGAN: Mr. President,
10 would the sponsor continue to yield.

11 ACTING PRESIDENT BENJAMIN: Does
12 the sponsor yield?

13 SENATOR GIANARIS: Yes.

14 ACTING PRESIDENT BENJAMIN: The
15 sponsor yields.

16 SENATOR FLANAGAN: In the budget
17 that was passed last year -- I want to cite the
18 page correctly. I think this is accurate, but
19 the sum is not in dispute. I'm looking at
20 page 743, Miscellaneous All-State Departments and
21 Agencies, "Special Emergency Appropriation. The
22 sum of \$1 billion is hereby appropriated solely
23 for transfer by the Governor to the General
24 Special Revenue, capital projects, proprietary or
25 fiduciary funds, to meet unanticipated

1 emergencies pursuant to Section 53 of the State
2 Finance Law."

3 That seems to cover more than --
4 certainly more than is being asked for in this
5 legislation. It speaks to unanticipated
6 emergencies. Why would the Legislature now
7 provide \$40 million when there's a billion
8 dollars of appropriation authority that already
9 exists?

10 SENATOR GIANARIS: This is an
11 appropriation, it's very specific to the
12 coronavirus crisis and that's where this money is
13 dedicated. That larger pot is for other
14 potential emergencies.

15 SENATOR FLANAGAN: So would the
16 sponsor continue to yield.

17 ACTING PRESIDENT BENJAMIN: Does
18 the sponsor yield?

19 SENATOR GIANARIS: Yes.

20 ACTING PRESIDENT BENJAMIN: The
21 sponsor yields.

22 SENATOR FLANAGAN: Under this
23 section, it gives Governor discretion for a
24 billion dollars. You don't believe that he has
25 the discretion right now to address this

1 emergency or some similarly situated emergency
2 like flooding?

3 SENATOR GIANARIS: No, I didn't say
4 that, Mr. President. I just said we are
5 specifically allocating \$40 million tonight for
6 the coronavirus crisis. And that that larger pot
7 is there to deal with other potential
8 emergencies.

9 SENATOR FLANAGAN: Mr. President,
10 on the bill.

11 ACTING PRESIDENT BENJAMIN: Senator
12 Flanagan on the bill.

13 SENATOR FLANAGAN: Thank you,
14 Senator Gianaris.

15 You know, it's interesting to listen
16 to my own comments, let alone those of
17 Senator Gianaris. I'm going to speak to the
18 contents of this legislation, and then I'm going
19 to speak to the process. And I'm going to talk
20 about the here and now and what we're looking at
21 and what we're seeing, what we're debating, and
22 what we are actually going to be called to vote
23 upon.

24 I found it interesting that the
25 Senator made a lot of suppositions about what I

1 may think or how I may vote, and there's probably
2 good reason, because he wouldn't know. I just
3 saw this bill less than two hours ago. It
4 certainly hasn't been out there for public
5 review. There's been no public hearings.

6 And it's not as if this issue
7 materialized overnight. It's been out there for
8 weeks. But somehow today, today it became so
9 paramount that we had to do a message of
10 necessity, bypass an entire process, and be doing
11 this bill now.

12 There's not one member -- and I will
13 not speak for any of my Democratic colleagues --
14 there is not one member in our conference who
15 isn't deeply concerned about the public health
16 and welfare of their constituents and of all the
17 constituents of the State of New York. There is
18 not one member of our conference who doesn't
19 believe we should do everything within our power
20 to help bring about and effectuate change. And
21 one of the ways we can do that is by having facts
22 and figures and statistics and input.

23 We only got a smattering of that one
24 hour ago. The Commissioner of Health was
25 gracious enough to come over and give us some

1 background details. So we know what's involved.
2 We know what the Governor has said. We know
3 what's coming from the federal government.

4 And I don't, like my colleagues on
5 the other side, find it a laughing matter. I was
6 not the one sitting here snickering as I'm laying
7 out some comments. This is a real public health
8 crisis. It's a governmental crisis, and how we
9 respond is critically important.

10 If this were only about the
11 coronavirus, great. It needs to be addressed.
12 If this were only about appropriation authority
13 to the tune of \$40 million, great. If this were
14 only about giving the Governor discretion on that
15 \$40 million, I get it.

16 But I asked the question for a
17 specific reason, because there may be acuity of
18 circumstance in any one of your districts or any
19 one of ours where we might want to actually have
20 input and some legislative involvement.

21 The problem with this legislation is
22 not its goal, it's how we get there. This
23 changes New York State law radically. Not
24 superficially, not marginally, not evenly
25 subliminally. It's right out there. The

1 Governor is being given far more power and
2 authority than he's ever had. The Governor is
3 being given far more power than he deserves.

4 And the idea that there will be a
5 Concurrent Resolution that it can be suspended at
6 any time, that's going to be really, really hard
7 to achieve. And I don't think we should have
8 that provision, because I don't think we should
9 have this law. Because this law is not about the
10 coronavirus. It's about far more than that.

11 When a legislative body says the
12 Governor can suspend any statute in its entirety,
13 we'd better really, really be careful. Because
14 then we don't matter. And "imminent" is a lot
15 different than "impending" or "urgent."

16 This gives the Governor far more
17 power than either the Senate or the Assembly. I
18 don't believe for a second that that is in the
19 best interests of the people we represent.

20 And I know a number of my colleagues
21 are going to say, You're playing politics. I'm
22 not, and we're not. I know we need to do
23 something. But I don't want to be a member in
24 this body, an elected member of this body and say
25 the Governor has all this authority -- and yeah,

1 the idea that it can be done for 30 days, that's
2 already in law. I know it's already in law. I
3 don't have to see that underlined or bracketed.
4 He has the power to issue that executive order.
5 But now he can do it -- and you've given him that
6 Authority -- for almost 14 months. Statutorily,
7 you've given the Governor more authority.

8 And to say, well, you know, it was
9 going to be till the end of his term, but we
10 fought back and it's only 13 months -- I don't
11 think that's good enough. I don't think that's
12 in the best interests of the people that we
13 represent or our responsibility as being members
14 in this body.

15 This is the type of legislation that
16 seemingly is innocuous in many respects. And it
17 goes beyond executive orders. It uses the word
18 "directive" on multiple occasions. And the
19 Governor is the one that gets to determine what
20 is reasonable and necessary, not anybody else.
21 There's no standard here other than what the
22 Governor and his executive agencies think.

23 I believe the public expects better
24 of us. Do I think we need to act? Yes. And I
25 will not take a back seat to anyone in our

1 efforts to try and address issues like this in a
2 timely and detailed and compassionate fashion.

3 I am sure that some of my colleagues
4 want to speak on this bill. I am glad that we
5 are actually having this discussion, because
6 there have been no discussions prior to this.

7 And, Senator Gianaris, I came in
8 here today, found out about this, and I'm
9 struggling right now. I'm struggling right now
10 as someone who has been here a long time. And
11 I'll wear that like a badge of honor every single
12 day that I'm here. I get it. I know how this
13 place works. On the one hand, I want to jump up
14 and vote yes, because we have an obligation to do
15 something. On the other hand, I am chafing,
16 chafing at the notion that we're going to give
17 more power to the Executive.

18 And it's not Governor Cuomo. It's
19 the Executive. That's what I'm struggling with.

20 So I walked in here not cavalierly,
21 and not predetermined on how I was going to vote,
22 because my colleagues and I were actually having
23 this discussion: What do you think? Where
24 should we go on this?

25 I could have easily just jumped up

1 and said I'm voting yes. But I would not have
2 been able to go out of here tonight and say, you
3 know, I wish, I wish I had said something. As
4 soon as I saw this legislation, I knew I was
5 going to get up. And I'm no different or any
6 better than anyone here. I think our members
7 grapple with the same types of things.

8 So I actually came in to listen to
9 my colleagues, because this is for sure not the
10 last time we're going to be addressing this issue
11 in terms of the coronavirus, this issue in terms
12 of public health, and this issue, sure as heck,
13 about executive power and authority and privilege
14 and discretion.

15 Mr. President, I appreciate the
16 courtesies of my colleagues, your indulgence.
17 And, Senator Gianaris, thank you for answering my
18 questions.

19 ACTING PRESIDENT BENJAMIN: Senator
20 Lanza.

21 SENATOR LANZA: Thank you,
22 Mr. President. On the bill.

23 ACTING PRESIDENT BENJAMIN: Senator
24 Lanza on the bill.

25 SENATOR LANZA: So we're about to

1 vote on a piece of legislation that cedes
2 enormous power from the Legislature to the
3 Executive. The ink is barely dry. None of us
4 really, in all honesty, have had the ability to
5 read it, to digest, to understand it.

6 Now, Mr. President, I've been here
7 long enough to know that when you get up and talk
8 about a piece of legislation, especially one that
9 has the importance of the legislation before us,
10 that some idiot is going to tweet that you don't
11 care about coronavirus, that you don't care about
12 the emergency. It happens on both sides.
13 Doesn't make it right; it's still wrong.

14 My good friend Senator Gianaris said
15 that it's not the time to play politics. I agree
16 completely, Mr. President. But that's exactly
17 what's happening here.

18 I'm not going to blame Senate
19 Democrats or Senate Republicans. I don't think
20 anyone in this room, quite frankly, is playing
21 politics with this. But I know someone is. And
22 we all know someone is.

23 I want to talk about the process and
24 a little about the merits. You know, it's a
25 dirty little secret that elected officials like

1 emergencies sometimes because it gives them that
2 opportunity to look presidential. Allows them to
3 stand up and act like a leader. Gives them the
4 opportunity to prove to the people back home that
5 they know what needs to be done.

6 You know, a lot of people have been
7 talking about this for a couple of months now. I
8 know myself and others on this side of the aisle,
9 some of my friends across the aisle, last month
10 said something needs to be done. You know, but
11 you were a xenophobe if you talked about the fact
12 that this was an emergency only a month ago. In
13 fact, the President, when I think rightly, very
14 early, said that we ought to screen people coming
15 from the affected area in China with a travel
16 ban, he was called a xenophobe, a bigot and a
17 racist by some pretty highly prominent elected
18 officials in this country.

19 I know people are shaking their
20 heads, they agree with that. But not because of
21 what he did.

22 And I wondered aloud, what are we
23 doing in New York and when are we going to talk
24 about it? And I reached out to the Health
25 Department, both in the state and the city. And

1 we were repeatedly told that there wasn't a
2 problem.

3 In fact, this afternoon, early this
4 afternoon I saw our Governor doing a press
5 conference on the subject, Mr. President. And I
6 listened very intently. Why? First, I consider
7 him a personal friend. I do. He's intelligent,
8 he speaks well. You figure if anyone has all the
9 facts concerning the real emergency concerning
10 the coronavirus, it must be our Governor. Most
11 importantly, he's Italian.

12 So I listened. And what did the
13 Governor tell us? We've had our first confirmed
14 case in New York. It was inevitable. We knew it
15 was happening, we knew it was coming. It's not a
16 problem. Nothing to worry about. In fact, for
17 all -- he didn't say this, but I can tell you
18 last month when people like me said, What are we
19 doing, as is always the case when you question
20 people in government, I was called a fearmonger.
21 There was no real threat. That's what was said.

22 And in fact the proof of that is we
23 were here last week, nothing happened. We were
24 here the week before, nothing happened. Week
25 before that, nothing happened. So I just assumed

1 that I was wrong, there was no emergency.

2 Nothing to see here, move along.

3 Today the Governor said we have the
4 best healthcare system in the world. I believe
5 that. The flu is more dangerous. I don't know
6 what to believe anymore. You try to inform the
7 people back home. I want to be able to tell the
8 people of Staten Island you should worry or you
9 shouldn't worry. Two weeks ago, if I told them
10 they should worry, I was a fearmonger.

11 This morning, the Governor confirmed
12 that: We knew it was coming. This is not a
13 surprise. There's no danger. People shouldn't
14 worry.

15 Now, unless something very
16 significant changed between that press conference
17 and now, you have to wonder why is it that we are
18 now faced with a piece of legislation that in
19 effect allows the Governor to declare martial
20 law. Is it that serious? Certainly coronavirus,
21 pandemic, the potential for it is very dangerous.
22 Is this the answer? Is this the only answer? My
23 good friend Senator Gianaris talked about the
24 fact, well, this is an emergency. Aren't you
25 worried about emergencies? We have hurricanes

1 and earthquakes and floods, he said.

2 Well, if this is the only way to
3 deal with emergencies, then why make it 14
4 months? It ought to be permanent. Because after
5 all, there's always a risk of hurricanes and
6 earthquakes and floods.

7 If this were the only way to do it,
8 why not do it on a 30-day basis? Again, I'm
9 asking questions. I know that's wrong around
10 here. God forbid you ask questions. Here's the
11 piece of legislation, swallow it. Fourteen
12 months, 18 months, three years -- whatever it
13 says. Better agree with it, or you're
14 pro-pandemic. That's how it works around here.
15 It's sick. It really is.

16 Is it a legitimate question to ask
17 whether or not it ought to be on a 30-day
18 revolving basis? We come back here in 30 days,
19 if the emergency is still imminent, we get the
20 chance to do this all again. Are we allowed to
21 ask that as a Legislature?

22 And I'm looking around this
23 chamber -- all good friends. All good friends,
24 Democrat and Republican. And I see the
25 expressions on people's faces here. I'll speak

1 for you. You'll have your turn, you can get up
2 and say I was wrong. I don't think anybody
3 agrees that this is the right process.

4 And again, I'm not blaming anyone on
5 that side or this side. We're being jammed.
6 That's the way it works around here. We've got
7 that Hobson's choice: Vote for this or go home.
8 Vote no, and you're pro-coronavirus, you're
9 pro-pandemic.

10 It's not the way it's supposed to
11 be. It isn't the way it's supposed to be. And
12 my friends, we all know it. But we're stuck. We
13 are stuck, because there is a serious threat
14 here. It's real. Maybe if the Governor has the
15 power to declare martial law, the threat will go
16 away, it will dissipate. Forty million dollars?
17 Why not? He's already got a billion dollars.
18 The Governor already has the power to declare an
19 emergency. Forty million dollars? I guess it
20 allows people to go home and say, See, I did
21 something. Look at me. Look at me. I acted.
22 Decisively. With strength and conviction.

23 But again I ask the question, did
24 anything change between the press conference and
25 now? We were here this morning. I heard my good

1 friend Senator Gianaris ask my good friend
2 Mr. President, is there any other business before
3 at the desk? And the answer was no, there is
4 not. That wasn't three weeks ago. That was a
5 couple of hours ago.

6 But in between then -- I'm getting
7 to an end here sometime, Senator Savino. But now
8 we've got this hastily put together piece of
9 legislation that again gives the Executive even
10 more broad, unconditional power that goes way
11 beyond, way beyond what would be necessary to
12 deal with the pandemic.

13 Remember, it was only last week that
14 we were told by the same people -- not by him,
15 but I know by people in his administration that
16 are the experts when it comes to health and
17 disease and pandemic -- they told us the flu
18 represents a greater threat. You all heard it.
19 We all heard it. Shame on me, I believed it. I
20 went home and I told my people -- I like to call
21 them my people out there on the Staten Island --
22 it's okay. The flu is more dangerous. Let's
23 keep in this perspective. Let's take
24 precautions. Let's wash our hands. Let's avoid
25 contact, close contact with people who may be

1 evidencing symptoms. But it's okay.

2 There's a mixed message here. This
3 is why people don't believe us. Not us,
4 government. They don't believe us. They don't
5 know what to believe. Everything is okay. A
6 cold is worse. Five minutes later, martial law.
7 Five minutes later, martial law is the only thing
8 that will save us. What are people to think?
9 I'm chuckling because it said -- but it's
10 confusing. People are going to watch this. The
11 same people that watched that press conference
12 that I saw earlier, who I hope believed our
13 Governor -- I believed him. Now we're going to
14 say: But wait a minute. If that was true, why
15 is the Legislature basically saying here, you can
16 do our job too? We're going to go home, you've
17 got it all.

18 If I'm sitting back home, I'm
19 thinking, wow, they're not telling us something.
20 They're hiding something. And it's human nature
21 to think that. There's got to be something else
22 going on. All that stuff about this being the
23 common cold, it's a big lie. They know. They're
24 getting ready for something. It does not
25 engender confidence. It just doesn't.

1 And again, we're being stuck with
2 this. My friends on the Democratic side and on
3 the Republican side, I cast aspersion to no one
4 in this room. I blame no one in this room. This
5 is -- I guess it comes with the territory. But
6 it shouldn't be this way.

7 And now we've got to figure out what
8 to tell people back home. Is the world coming
9 apart? Is it all about to end, to the point now
10 that the Legislature is basically saying no más?
11 Guv, you take it? Senator Sepúlveda liked that.

12 So again. You know, we're going to
13 have to vote for this, I think. I don't want to
14 speak for everyone here; it's difficult not to.
15 You want to give the Governor {chuckling} -- I
16 don't know what to do. I don't know what to do
17 because it's a dangerous piece of legislation. I
18 do.

19 I think ultimately -- I'm thinking
20 aloud here, again, because I didn't have the
21 liberty of actually sitting down for a couple of
22 minutes. I still haven't seen it in hard copy.
23 I'm trusting what people are saying about it.
24 That's no way to vote on legislation. It
25 happened over the years I'm here, both sides.

1 I guess, if you're going to vote
2 yes, you're going to count on that rescission
3 clause. You're going to count on the fact that
4 you trust the Governor, he's not going to abuse
5 this awful power that he's being given.

6 Remember, people, when given the
7 opportunity, though, good and bad people alike
8 tend to abuse it when they get it. So we're
9 going to have to be mindful. We're going to have
10 to keep our eye on it here. This is a terrible,
11 terrible way to go about a very, very serious
12 problem.

13 Thank you, Mr. President.

14 ACTING PRESIDENT BENJAMIN: Senator
15 Borrello.

16 SENATOR BORRELLO: Thank you,
17 Mr. President. I rise to speak on the bill.

18 ACTING PRESIDENT BENJAMIN: Senator
19 Borrello on the bill.

20 SENATOR BORRELLO: Thank you.

21 In my time as county executive, we
22 had crises come up that required quick action by
23 our legislature. And, you know, that's why the
24 last page, the appropriation page, makes sense.
25 Here's the money, here's what it's for. We did

1 that many times.

2 It was never an opportunity for an
3 amazingly bold power grab. And even though I was
4 a Republican and we had a majority of Republicans
5 in our legislature, had I tried something like
6 that, my Republican colleagues would have said,
7 No, we are not going to grant you
8 ridiculous-oligarch-type power for the purpose of
9 addressing this particular issue.

10 That's why the rest of this bill
11 makes no sense to me.

12 You know, I don't know -- sometimes
13 it's -- this quote is attributed to Saul Alinsky,
14 sometimes it's attributed to Rahm Emanuel -- but
15 "Never let a crisis go to waste." That's what's
16 going on here. We're taking this coronavirus and
17 giving the Governor an opportunity to have
18 sweeping changes.

19 Now, I know that there is this, you
20 know, allocation that will allow this Legislature
21 to rescind whatever he might do, potentially.
22 But any Legislature that would cede this much
23 power to the Executive will likely be reluctant
24 to take it away, no matter how egregious those
25 actions might be.

1 And this law actually allows the
2 Governor to not just suspend or rescind, but
3 actually to write new laws. You're giving the
4 Governor the power to write legislation on his
5 own. That's the very definition of a dictatorial
6 action.

7 So I understand that this is a
8 politically charged issue. People are emotional
9 about this. And if it was all this was, was the
10 appropriations page, I'd be happy to support
11 this.

12 But -- I might take some shots from
13 whomever, but I know that my constituents are
14 smart enough to see through this and to see what
15 an egregious power grab this is by the Governor.

16 Never let a crisis go to waste. And
17 that's what's going on here. And I will be
18 voting no.

19 Thank you, Mr. President.

20 ACTING PRESIDENT BENJAMIN: Senator
21 Tedisco.

22 SENATOR TEDISCO: Mr. President,
23 would the sponsor yield for a few questions.

24 ACTING PRESIDENT BENJAMIN: Does
25 the sponsor yield?

1 SENATOR GIANARIS: Sure.

2 ACTING PRESIDENT BENJAMIN: The
3 sponsor yields.

4 SENATOR TEDISCO: Thank you,
5 Senator Gianaris.

6 Senator, I think we both agree, we
7 all agree that every single individual in here
8 cares about stemming the tide on this particular
9 coronavirus. We want to protect our
10 constituents. We want to go home tonight and put
11 our head on our pillow and say we did everything
12 we could tonight to help the Governor, the
13 Assemblymen, the Senators here, our the state
14 government, our health officials make sure that
15 this does not expand.

16 And we're not only talking about New
17 York State, we're talking about it's coming from
18 other countries around the world, globally. So
19 this could go outside of New York State. I think
20 we all agree upon that.

21 And the first question I have to ask
22 you, this is an emergency piece of legislation,
23 an emergency piece of legislation related to the
24 coronavirus, giving the Governor extended power
25 to make decisions with the \$40 million on how we

1 can best do that to protect our constituents in
2 the state. That's what it is, an emergency piece
3 of legislation to give the Governor expanded
4 power to do some things normally the Legislature
5 and he would be involved with.

6 Is that what this is, for the
7 coronavirus?

8 SENATOR GIANARIS: This is a piece
9 of legislation that is intended to deal with the
10 coronavirus crisis in an emergency fashion.

11 SENATOR TEDISCO: And it gives --
12 would the gentleman yield?

13 ACTING PRESIDENT BENJAMIN: Does
14 the sponsor yield?

15 SENATOR GIANARIS: Yes.

16 ACTING PRESIDENT BENJAMIN: The
17 sponsor yields.

18 SENATOR TEDISCO: And it gives the
19 Governor expanded powers to do that.

20 SENATOR GIANARIS: That's right.

21 SENATOR TEDISCO: Okay. Would the
22 Senator yield?

23 ACTING PRESIDENT BENJAMIN: Does
24 the sponsor yield?

25 SENATOR GIANARIS: Yes.

1 ACTING PRESIDENT BENJAMIN: The
2 sponsor yields.

3 SENATOR TEDISCO: Now, if someone
4 was sitting in these chambers with the
5 coronavirus, could the chamber start on fire and
6 this building start on fire, in and of itself,
7 that that individual had the coronavirus?

8 SENATOR GIANARIS: I don't even
9 know how to answer that question.

10 (Laughter.)

11 SENATOR GIANARIS: Are you asking
12 if a person could spontaneously combust?

13 (Laughter.)

14 SENATOR TEDISCO: Do you think so?

15 SENATOR GIANARIS: I'm not equipped
16 to answer that question. I'm not enough of a
17 health professional to know whether someone with
18 coronavirus might spontaneously light on fire. I
19 do not know.

20 (Laughter.)

21 SENATOR TEDISCO: Would the
22 gentleman yield for another question.

23 ACTING PRESIDENT BENJAMIN: Does
24 the Senator yield?

25 SENATOR GIANARIS: Yes.

1 ACTING PRESIDENT BENJAMIN: The
2 Senator yields.

3 SENATOR TEDISCO: If someone had
4 that virus, would it cause a cause flood in the
5 building right now?

6 SENATOR GIANARIS: I don't know.

7 SENATOR TEDISCO: You don't know if
8 it would cause a flood if someone had the
9 coronavirus?

10 SENATOR GIANARIS: Mr. President, I
11 don't know what Senator Tedisco is trying to get
12 at, but we are dealing with a very serious issue
13 where people -- thousands of people around the
14 world have died in a very short period of time.
15 People on the West Coast of the United States, in
16 just a matter of days, were identified to have
17 contracted this virus, and now they have multiple
18 deaths. And now we know that someone in New York
19 has contracted this virus.

20 So asking whether someone who has
21 the virus will cause a flood or spontaneously
22 combust or light on fire or whatever Senator
23 Tedisco is asking, is all sophistry that's beside
24 the point.

25 We are trying to deal with a very

1 real crisis. We're trying to appropriate monies
2 so the state can act quickly to deal with it and
3 save lives in New York. That's what this
4 legislation does.

5 SENATOR TEDISCO: Thank you,
6 Senator.

7 Would the gentleman yield again?

8 ACTING PRESIDENT BENJAMIN: Does
9 the Senator yield?

10 SENATOR GIANARIS: Yes.

11 ACTING PRESIDENT BENJAMIN: The
12 Senator yields.

13 SENATOR TEDISCO: Well, the reason
14 why I asked for a fire and a flood, because
15 that's what it gives extended power to the
16 Governor here, for a fire or a flood emergency.
17 So I think the answers to the first two questions
18 were no.

19 But could it cause an earthquake if
20 the individual here had the coronavirus?

21 SENATOR GIANARIS: I'm going to
22 answer that I don't know to the whole list of
23 possible disasters. So if Senator Tedisco would
24 like to stipulate to that, we could save
25 ourselves a lot of time.

1 SENATOR TEDISCO: Will the
2 gentleman yield?

3 ACTING PRESIDENT BENJAMIN: Does
4 the Senator yield?

5 SENATOR GIANARIS: Yes.

6 ACTING PRESIDENT BENJAMIN: The
7 Senator yields.

8 SENATOR TEDISCO: So I guess that's
9 no. Someone with the coronavirus couldn't cause
10 an emergency with a fire, couldn't cause an
11 emergency with a flood, couldn't cause an
12 emergency with an earthquake. And I guess I
13 won't ask you the other ones, but I'll mention
14 them: A hurricane, a tornado -- I don't know if
15 the virus causes high wind, but I'm seeing some
16 high wind from your side of the aisle here. I
17 hope you don't have it. A landslide. I don't
18 think it could cause a mud slide, a windstorm,
19 wave action, a volcano activity.

20 These are all in the legislation
21 we're giving the Governor expanded powers. I
22 don't believe this is the Walking Dead, okay?
23 And I hope it's not. But I'm going to ask you
24 another question, and I think you'll answer this
25 one right. Could it cause an epidemic if they

1 were in this room or expand an epidemic? Could
2 it cause a disease outbreak right here in our
3 area because of that, and probably cause some air
4 contamination if there was someone in this room?

5 SENATOR GIANARIS: Mr. President,
6 I'm going to say again this is not an issue to be
7 made light of. So I'm sitting here listening to
8 my colleague talk about whether someone has -- is
9 passing wind in this chamber. There are people
10 dying as we speak because of this. There are
11 people dying, and Senator Tedisco is making fart
12 jokes on the floor of the Senate. So maybe that
13 tells us all we need to know.

14 We're trying to appropriate money
15 and give the state power to deal with an
16 impending crisis that we expect to reach our
17 state. We know someone already has contracted
18 the virus in New York. And just today on the
19 West Coast, in Washington State, people have died
20 because of this. So I don't think it's a time to
21 be making jokes like that. And frankly, I'm
22 offended.

23 As I said earlier, you want to vote
24 no, that's your right as a legislator, and your
25 constituents can decide whether they like what

1 you did or not.

2 But we're here because -- I've sat
3 here for a long time and I've watched messages of
4 necessity come and go. I don't think I've ever
5 seen a message more necessary than this one.
6 I've seen all sorts of crap come through this
7 chamber on a message of necessity that the other
8 side of the aisle, when they were in the
9 majority, threw at us with even less notice than
10 you're dealing with.

11 I'm sorry -- well, I'm not sorry
12 you're in the minority. I'm glad you're in the
13 minority, but I'm sorry you're having to
14 experience what we had to experience for 10 years
15 when you were in charge.

16 But this is actually a genuine
17 emergency that requires immediate action. So if
18 there was ever a time when this process that
19 exists to pass something with a message was
20 appropriate, this is it. So save your breath.
21 You know, there's a budget coming up, you'll have
22 a lot of things that are going to have a lot more
23 merit on to criticize and have a debate on. This
24 isn't it, my colleagues.

25 SENATOR TEDISCO: Would the

1 gentleman yield again?

2 ACTING PRESIDENT BENJAMIN: Does
3 the Senator yield?

4 SENATOR GIANARIS: Yes.

5 ACTING PRESIDENT BENJAMIN: The
6 Senator yields.

7 SENATOR TEDISCO: It wasn't a fart
8 joke, it was a hot air joke coming from your
9 side.

10 But the epidemic, disease outbreak
11 and air contamination, I think you were saying
12 yes to that. If someone was in this room with
13 the epidemic, a disease outbreak or air
14 contamination, if they had it, it could spread
15 through here. That's why I am going to vote for
16 in, because that language is in there.

17 But you understand, Mr. Gianaris,
18 with all that hot air you were talking about
19 before. The reason I asked you about all those
20 other things, they have nothing to do with the
21 coronavirus. Let's see. Fire, flood,
22 earthquake, hurricane, tornado, hot water {sic},
23 landslide, mud slide, windstorm has nothing to do
24 with the coronavirus.

25 But these three things do. And

1 because those three things do -- it could cause
2 an epidemic, it could cause of disease outbreak
3 in here -- I'm going to vote for this bill. I'm
4 going to vote for the \$40 million. And I'm not
5 making a joke here. What I'm telling you is you
6 wasted a lot of time with the Governor giving him
7 this power that doesn't relate to what we're
8 trying to do here.

9 We're trying to stop an epidemic, a
10 disease outbreak, an air contamination. Those
11 three things make sense. I won't vote against
12 this because that's the right thing to spend
13 money on. All the other things is ancillary,
14 because they're not going to start a fire here if
15 they have it. They're not going to cause a
16 flood, an earthquake or a hurricane. You know
17 that, I know that, the Governor knows that.

18 I think what we're saying here, why
19 is all that in this bill for? All you need is to
20 stop the epidemic, the disease outbreak and the
21 air contamination, and all of my colleagues would
22 vote for it. But I can't go home and not vote
23 for this because that is in there.

24 I guess what I'm saying to you, this
25 is serious, I agree. And those three or four

1 words make it serious to me to vote for it. But
2 the question I'm asking -- and I think it's an
3 appropriate one -- is why do we have to have all
4 those other issues in there which you laughed
5 about a little bit. But the answers to all these
6 -- and I'm not going to ask him another question.
7 You can sit down, Senator. And I appreciate you
8 and thank you for asking and answering those
9 questions.

10 ACTING PRESIDENT BENJAMIN: Senator
11 Tedisco on the bill.

12 SENATOR TEDISCO: On the bill.

13 And the reason I why I asked the
14 Senator, the sponsor of this bill, about the
15 Governor getting expanded powers for a fire, a
16 flood, an earthquake, a hurricane -- that's hot
17 air. None of that can take place with somebody
18 who has the coronavirus. If anything, we want to
19 be honest to our constituents. We want to let
20 them know we're doing something serious and
21 realistic.

22 The fact that you have an epidemic,
23 a disease outbreak, an air contamination, that
24 makes it serious to me. I'm going to vote for it
25 because of that. But really, the rest of it is

1 telling your constituents for some reason you had
2 to give the Governor all this power.

3 Now, I don't know what the
4 negotiations are, but if the negotiations said
5 we're not going to do anything unless you give me
6 power over fire, water, earthquake, hurricanes
7 and tornadoes, and you had to accept it because
8 of that, well, so be it.

9 I'm going to vote for it because I
10 can't go put my head on the pillow when I go home
11 because there are those things that will --
12 hopefully the Governor will use it appropriately.
13 It does concern me that this is an overreach. It
14 does concern me that you're not coming back to
15 the Legislature to be a part of where that money
16 is being spent.

17 But I can't go home and tell my
18 constituents I'm not going to protect them in
19 those issues in those areas which do relate to
20 stopping this coronavirus from spreading to my
21 constituents in the 49th Senatorial District.

22 I thank you, Mr. President.

23 ACTING PRESIDENT BENJAMIN:

24 Senator LaValle.

25 SENATOR LaVALLE: Thank you,

1 Mr. President.

2 As everyone knows, this is a very,
3 very --

4 ACTING PRESIDENT BENJAMIN: Senator
5 LaValle, are you on the bill or are you asking
6 the Senator questions?

7 SENATOR LaVALLE: Pardon me?

8 ACTING PRESIDENT BENJAMIN: Are you
9 speaking on the bill or are you --

10 SENATOR LaVALLE: On the bill.

11 ACTING PRESIDENT BENJAMIN:
12 Senator LaValle on the bill.

13 SENATOR LaVALLE: So again, this is
14 a very serious matter. And the people that send
15 us here send us here to protect their health and
16 welfare. And certainly what we're talking about
17 right now is doing just that.

18 It is critically important, as
19 people beyond this chamber listen to this debate,
20 that they see this chamber unified in wanting to
21 do something to protect them. Does this
22 legislation give the Governor broader powers than
23 maybe we would want him to have? Yeah. But on
24 the other hand, we have to start someplace, and I
25 think we are in the first inning of a nine-inning

1 game.

2 So all of us have been watching
3 television, talking to people -- friends,
4 neighbors, constituents -- and there's a lot of
5 fear out there. There is a lot of fear out
6 there. So it is important that we speak with one
7 voice, that we tell people with that one voice
8 that we care about them, that we have a plan and
9 we want to move forward to protect them and their
10 families and our neighborhoods.

11 So it's not about the Governor,
12 because the Governor is going to have to explain
13 to people, just like we have to explain to people
14 how we vote or legislation that we propose,
15 whether we overreach or not. And that is not for
16 me to decide, but time will play this out. This
17 is not the first discussion that we're going to
18 have on this issue, I would think.

19 So I'm going to support this
20 legislation, and I hope that all of us can
21 support it so that we speak with one voice
22 strongly, that we are focused in protecting the
23 health and welfare of the people that we
24 represent and the people of this state.

25 ACTING PRESIDENT BENJAMIN: Are

1 there any other Senators wishing to be heard?

2 Seeing and hearing none, debate is
3 closed.

4 The Secretary will ring the bell.

5 Read the last section.

6 THE SECRETARY: Section 4. This
7 act shall take effect immediately.

8 ACTING PRESIDENT BENJAMIN: Call
9 the roll.

10 (The Secretary called the roll.)

11 ACTING PRESIDENT BENJAMIN:
12 Majority Leader Stewart-Cousins to explain her
13 vote and to close.

14 SENATOR STEWART-COUSINS: Thank
15 you, Mr. President.

16 I don't think anybody is taking what
17 we're doing here lightly. I see the anguish that
18 so many of you have expressed -- the questions,
19 the conversation, the postulations, all of it
20 appropriate.

21 And then, as we go through the
22 stages of why are we here, we remember. We
23 remember that globally there are 87,137 confirmed
24 cases. In China alone, 79,968; 2,873 deaths.
25 Outside of China, 7,169 confirmed, 58 countries,

1 104 deaths. Expanded local transmission in South
2 Korea, Japan, Iran, Italy. In the United States,
3 total cases, 43. Total hospitalized, 17. Total
4 deaths, two. States reporting cases, 10. New
5 York State reporting a case today, one.

6 Almost 20 million people are
7 depending upon us in this state to act. Because
8 we are not talking about a flu, nor is there a
9 reason to panic, but there is a reason to act.

10 We could continue to talk, and we
11 will. We can continue to debate whether or not
12 there's an overreach of power. I think we all
13 are looking at a lot of different ways that maybe
14 this could have transpired.

15 But the reality is our state and our
16 nation continues to look for leadership and we,
17 probably better than most places, have the
18 ability to act, we have the facilities, we have
19 the personnel. And quite honestly, I know
20 Senator Flanagan expressed great, you know,
21 confidence in the national scene. I have
22 confidence in New York paying attention to what's
23 important and doing what's right for our people.

24 That's why we're here today. That's
25 why we're acting now. We have one case. We can

1 keep talking, but I think people expect us to do
2 what we came to do, and that's to protect them.

3 I vote aye.

4 ACTING PRESIDENT BENJAMIN: Leader
5 Stewart-Cousins to be recorded in the
6 affirmative.

7 Announce the results.

8 THE SECRETARY: In relation to
9 Calendar Number 524, those Senators voting in the
10 negative are Senators Borrello, Helming, Rivera
11 and Salazar.

12 Absent from voting: Senators
13 Akshar, Carlucci, Sanders and Rivera {sic}.

14 Ayes, 53. Nays, 4.

15 Oh, pardon me, pardon me. Pardon
16 me. Absent from voting: Senators Akshar,
17 Carlucci, Sanders and Ranzenhofer, pardon me.

18 Ayes, 53. Nays, 4.

19 ACTING PRESIDENT BENJAMIN: The
20 bill is passed.

21 Senator Gianaris, that completes the
22 reading of the controversial calendar.

23 SENATOR GIANARIS: Is there any
24 further further business at the desk?

25 (Laughter.)

1 ACTING PRESIDENT BENJAMIN: There
2 is no further further business at the desk.

3 SENATOR GIANARIS: Move to adjourn
4 until tomorrow, Tuesday, March 3rd, at 3:00 p.m.

5 ACTING PRESIDENT BENJAMIN: On
6 motion, the Senate stands adjourned until
7 Tuesday, March 3rd, at 3:00 p.m.

8 (Whereupon, at 9:18 p.m., the Senate
9 adjourned.)

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