

1 NEW YORK STATE SENATE

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3
4 THE STENOGRAPHIC RECORD

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8
9 ALBANY, NEW YORK

10 March 18, 2020

11 12:37 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, Tuesday,
16 March 17, 2020, the Senate met pursuant to
17 adjournment. The Journal of Monday, March 16,
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 on behalf of Senator Kavanagh, on page 14 I offer
8 the following amendments to Calendar Number 245,
9 Senate Print 2328, and ask that said bill retain
10 its place on the Third Reading Calendar.

11 ACTING PRESIDENT BENJAMIN: The
12 amendments are received, and the bill shall
13 retain its place on the Third Reading Calendar.

14 SENATOR GIANARIS: And on behalf of
15 Senator Biaggi, on page 21 I offer the following
16 amendments to Calendar Number 372, Senate Print
17 6679B, and ask that said bill retain its place on
18 the Third Reading Calendar.

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

22 SENATOR GIANARIS: As an initial
23 matter, Mr. President, I just want to point out,
24 so everyone can understand, the procedures of the
25 house today.

1 After discussions with our
2 colleagues, by unanimous consent I move to
3 authorize any member that has checked into the
4 session today to be able to cast votes through
5 the process outlined in Senate Rule 9.

6 ACTING PRESIDENT BENJAMIN: Without
7 objection, so ordered.

8 SENATOR GIANARIS: And with that,
9 there will be an immediate meeting of the
10 Finance Committee in Room 332.

11 ACTING PRESIDENT BENJAMIN: There
12 will be an immediate meeting of the Finance
13 Committee in Room 332.

14 SENATOR GIANARIS: The Senate will
15 stand at ease.

16 ACTING PRESIDENT BENJAMIN: The
17 Senate will stand at ease.

18 (Whereupon, the Senate stood at ease
19 at 12:38 p.m.)

20 (Whereupon, the Senate reconvened at
21 12:47 p.m.)

22 ACTING PRESIDENT BENJAMIN: The
23 Senate will return to order.

24 Senator Gianaris.

25 SENATOR GIANARIS: Mr. President, I

1 believe there's a report of the Finance Committee
2 at the desk. If we could please return to
3 reports of standing committees.

4 ACTING PRESIDENT BENJAMIN: There is
5 a report of the Finance Committee at the desk.

6 The Secretary will read.

7 THE SECRETARY: Senator Krueger,
8 from the Committee on Finance, reports the
9 following bill:

10 Senate Print 7502, Senate Budget
11 Bill, an act making appropriations for the legal
12 requirements of the state debt service and lease
13 purchase payments and other special contractual
14 obligations.

15 SENATOR GIANARIS: Move to accept
16 the report of the Finance Committee.

17 ACTING PRESIDENT BENJAMIN: All
18 those in favor of accepting the report of the
19 Finance Committee signify by saying aye.

20 (Response of "Aye.")

21 ACTING PRESIDENT BENJAMIN:
22 Opposed, nay.

23 (No response.)

24 ACTING PRESIDENT BENJAMIN: The
25 report is accepted.

1 Senator Gianaris.

2 SENATOR GIANARIS: At this time
3 there will be an immediate meeting of the
4 Rules Committee in Room 332.

5 ACTING PRESIDENT BENJAMIN: There
6 will be an immediate meeting of the
7 Rules Committee in Room 332.

8 SENATOR GIANARIS: The Senate will
9 stand at ease.

10 ACTING PRESIDENT BENJAMIN: The
11 Senate will stand at ease.

12 (Whereupon, the Senate stood at ease
13 at 12:47 p.m.)

14 (Whereupon, the Senate reconvened at
15 1:06 p.m.)

16 ACTING PRESIDENT BENJAMIN: The
17 Senate will return to order.

18 Senator Gianaris.

19 SENATOR GIANARIS: Can we please
20 return to reports of standing committees.

21 I believe there's a report of the
22 Rules Committee at the desk.

23 ACTING PRESIDENT BENJAMIN: There
24 is a report of the Rules Committee at the desk.

25 The Secretary will read.

1 THE SECRETARY: Senator
2 Stewart-Cousins, from the Committee on Rules,
3 reports the following bills:
4 Senate Print 8058, by Senator Myrie,
5 an act in relation to petition requirements;
6 Senate Print 8091, by Senator Ramos,
7 an act providing requirements for sick leave and
8 the provision of certain employee benefits.
9 Both bills reported direct to third
10 reading.
11 SENATOR GIANARIS: Move to accept
12 the report of the Rules Committee.
13 ACTING PRESIDENT BENJAMIN: All
14 those in favor of accepting the report of the
15 Rules Committee signify by saying aye.
16 (Response of "Aye.")
17 ACTING PRESIDENT BENJAMIN:
18 Opposed, nay.
19 (No response.)
20 ACTING PRESIDENT BENJAMIN: The
21 report is accepted.
22 Senator Gianaris.
23 SENATOR GIANARIS: Mr. President,
24 can we now take up the supplemental calendar,
25 please.

1 ACTING PRESIDENT BENJAMIN: The
2 Secretary will read.

3 (Pause.)

4 ACTING PRESIDENT BENJAMIN: The
5 Secretary will read.

6 THE SECRETARY: Calendar Number
7 617, Senate Print 7502, Senate Budget Bill, an
8 act making appropriations for the legal
9 requirements of the state debt service and lease
10 purchase payments and other special contractual
11 obligations.

12 ACTING PRESIDENT BENJAMIN: Read
13 the last section.

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

16 ACTING PRESIDENT BENJAMIN: Call
17 the roll.

18 (The Secretary called the roll.)

19 ACTING PRESIDENT BENJAMIN:
20 Announce the results.

21 THE SECRETARY: Ayes, 55. Nays, 1.
22 Senator Jacobs recorded in the negative.

23 ACTING PRESIDENT BENJAMIN: The
24 bill is passed.

25 Senator Gianaris.

1 SENATOR GIANARIS: Yes,
2 Mr. President, can we take up Supplemental
3 Calendar B, please.

4 ACTING PRESIDENT BENJAMIN: The
5 Secretary will read.

6 THE SECRETARY: Calendar Number
7 618, Senate Print 8058, by Senator Myrie, an act
8 in relation to petition requirements.

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 Announce the results.

18 THE SECRETARY: In relation to
19 Calendar Number 618, those Senators recorded in
20 the negative are Senators Amedore, Gallivan,
21 Helming and Kavanagh.

22 Ayes, 52. Nays, 4.

23 ACTING PRESIDENT BENJAMIN: The
24 bill is passed.

25 Senator Gianaris.

1 SENATOR GIANARIS: For a moment,
2 Mr. President, can we stand at ease.

3 ACTING PRESIDENT BENJAMIN: The
4 Senate will stand at ease.

5 (Whereupon, the Senate stood at ease
6 at 1:09 p.m.)

7 (Whereupon, the Senate reconvened at
8 1:10 p.m.)

9 ACTING PRESIDENT BENJAMIN: The
10 Senate will return to order.

11 Senator Gianaris.

12 SENATOR GIANARIS: Thank you,
13 Mr. President.

14 At this point can we conclude -- or
15 continue the conclusion of reading the
16 Supplemental Calendar B.

17 ACTING PRESIDENT BENJAMIN: The
18 Secretary will read.

19 THE SECRETARY: Calendar Number
20 619, Senate Print 8091, by Senator Ramos, an act
21 providing requirements for sick leave and the
22 provision of certain employee benefits.

23 ACTING PRESIDENT BENJAMIN: Senator
24 Gianaris.

25 SENATOR GIANARIS: I believe

1 there's a message of necessity at the desk,
2 Mr. President.

3 ACTING PRESIDENT BENJAMIN: There
4 is a message of necessity at the desk.

5 SENATOR GIANARIS: Move to accept
6 the message of necessity.

7 ACTING PRESIDENT BENJAMIN: All
8 those in favor of accepting the message say aye.

9 (Response of "Aye.")

10 ACTING PRESIDENT BENJAMIN:
11 Opposed, nay.

12 (No response.)

13 ACTING PRESIDENT BENJAMIN: The
14 message is accepted, and the bill is before the
15 house.

16 Read the last section.

17 THE SECRETARY: Section 2. This
18 act shall take effect immediately.

19 ACTING PRESIDENT BENJAMIN: Call
20 the roll.

21 (The Secretary called the roll.)

22 ACTING PRESIDENT BENJAMIN: Senator
23 Flanagan to explain his vote.

24 SENATOR FLANAGAN: Thank you,
25 Mr. President.

1 And happy to be here today under
2 these very unique circumstances. And I reflect,
3 during the time that I've had the privilege to
4 serve in the Legislature in both houses, the
5 solemn nature and the unique circumstances that
6 we find ourselves in today.

7 So I applaud you and my colleagues
8 for being here, and I harken back to how we
9 achieved some legislative action after
10 September 11th. Different set of circumstances,
11 but at the time we actually had a joint session
12 of the Legislature in the State Assembly,
13 presided over by Governor Pataki, then-Majority
14 Leader Senator Bruno, and then Speaker Sheldon
15 Silver. And it was amazing the things that got
16 done in a very tight time frame.

17 Here we are today -- and I use the
18 word "solemn" because I almost feel like I'm in a
19 church, it's a house of worship because it's so
20 quiet. And there's good reason for that.

21 So I want to thank Leader
22 Stewart-Cousins, Senator Gianaris, my colleague
23 Senator Griffo, and really all the Senators who
24 are here. They are here. Out of an abundance of
25 caution, we're not just walking -- we're not just

1 talking the talk, we're walking the walk.

2 And I do want to make a couple of
3 comments about where I think our members are in
4 relation to today. There is not a person who is
5 not slightly apprehensive, maybe a little element
6 of fear, a little element of understanding,
7 misunderstanding, looking for guidance, looking
8 for direction, hopefully looking for
9 leadership -- and that can just be on a personal
10 level involving your own family.

11 But here, as we sit in the seat of
12 government, I think we take a more in-depth look
13 at who we are and what our responsibilities are.
14 And at a time of crisis -- and we are in a
15 legitimate crisis -- people have expectations
16 that their leaders that they have duly elected
17 will act accordingly on their behalf.

18 I don't think I'm talking out of
19 school; Mr. President, you and I chatted briefly
20 about your daughter. You know, you're going to
21 worry about your family, I'm going to worry about
22 my family, and God knows you're going to worry
23 about your daughter. And that's the way it
24 should be.

25 And so we have to be reflective of

1 our constituents who are worrying, is my kid
2 coming home from school? How am I ever going to
3 get a refund for going -- the kid going to
4 college? What am I going to do with my
5 elementary school children? What am I going to
6 do about my constituents who are worried about
7 whether or not they can get to work, whether or
8 not they're going to have a job, are they going
9 to be working remotely, what does that mean --
10 and how does that all play out at a time where
11 people are really looking for their government to
12 act like leaders?

13 Now I'm going to speak personally.
14 I believe, listening to my own staff and what I
15 see, Governor Cuomo is making an extraordinary
16 effort to provide leadership, 24/7 -- 26/7, 30/7,
17 whatever it may be. He and his staff, and by
18 extension all the state agencies, they are doing
19 everything humanly possible -- literally --
20 humanly possible and everything conceivable.

21 When I talk to a local hospital and
22 find out that they're worried about whether or
23 not they have surgical masks or they have the
24 requisite gloves and they really want to take
25 care of their patients, there isn't a person who

1 works in government who isn't literally at this
2 moment trying to figure out how do we make that
3 happen. Who do we call? Like who do you -- how
4 do you figure out where to get all this stuff?
5 How do you get a ventilator? How do you get
6 something on an emergency basis?

7 So I laud, very clearly, the
8 Governor for being extraordinarily proactive, for
9 being outspoken, for being a vintage and
10 quintessential New Yorker when he needs to be.
11 But I do think people are really paying
12 attention. Those daily briefings which are
13 extended to us and which are extended to us, to
14 our staff, are extraordinarily important. I
15 believe that the Governor's staff is really
16 endeavoring to interact with us in a way that is
17 making everybody feel comfortable so we can
18 disseminate what's going on.

19 I got a call from my county
20 comptroller today, and yesterday we were able to
21 get clarification on something that has to do
22 with payroll, so somebody can get a paycheck.

23 Every one of our colleagues -- and
24 I'm sure it's the same for Leader
25 Stewart-Cousins -- they're saying what are we

1 doing, like what actions are we taking?

2 Today, and with this bill, I think
3 there's a very clear recognition of what is being
4 done, and it's finite. We're taking an issue and
5 addressing that issue at this time because it's
6 important and it means real things to real
7 people. And this is addressing an acute problem
8 in the right way in a limited capacity.

9 We will have time to have these
10 other debates. And in fact, while it's seemingly
11 innocuous, we actually are passing a debt service
12 bill today. You and I both know that's the first
13 step in the budget process. That's the first
14 time Leader Stewart-Cousins can bring out
15 something and say, We are moving along on the
16 budget.

17 And ironically, people are going to
18 start to pay attention to debt service more than
19 they ever have. And rightfully so, because we're
20 going to have a whole bunch of new debt because
21 of the things that we're going to have to do.

22 I watch what goes on across the
23 country, but I also watch, like everybody else,
24 what's going on in Washington. And I believe the
25 same that I described for the State of New York

1 is applicable to the President and our leaders
2 down in Washington -- my colleagues on
3 Long Island, Congressman Peter King, Congressman
4 Zeldin, many of our colleagues across the State
5 of New York. We all have a laser-like focus on
6 how can we help the people we represent and do it
7 in a way and shape and form that they can
8 understand and that makes a difference in their
9 life.

10 So it's every level of government --
11 town, county, village, whatever it may be -- the
12 school district, the water district, the
13 sanitation district. Who's picking up the
14 garbage, all those types of things. But at the
15 federal level, Vice President Pence and the
16 federal administration, they are looking at major
17 stimuluses to provide relief to people,
18 small-business owners, not-for-profits, nursing
19 homes, who are not only worried about their
20 supplies but whether or not they can meet
21 payroll.

22 So I want to compliment this
23 legislative body. I want to compliment the
24 Legislature. And gosh knows we have a ton more
25 work to do. But when the Governor of the State

1 of New York and the President of the United
2 States are in sync and acting in a bipartisan
3 way, that inures to the benefit of the millions
4 of people in this state that we still continue to
5 call the Empire State.

6 We have more work to do in front of
7 us. And I've been here a long time; I've never
8 been in a chamber like this. I'm looking at my
9 four colleagues here. We are literally
10 representative of every one of our members -- who
11 genuinely want to be here, because they believe
12 in what they do.

13 And I'm going to just close, again,
14 by saying I support these bills. And we'll have
15 much more time for debate on other policy issues,
16 it's just not going to be today. But this
17 provides relief at an appropriate time, in an
18 appropriate way.

19 And I thank the Governor for all the
20 things that I said, and I'll repeat them once
21 more. Those briefings and all the information
22 goes a long way, a long way in allaying some of
23 the fears and concerns of the public.

24 Mr. President, I vote aye.

25 Thank you.

1 ACTING PRESIDENT BENJAMIN: Senator
2 Flanagan to be recorded in the affirmative.

3 Leader Stewart-Cousins to explain
4 her vote.

5 SENATOR STEWART-COUSINS: Thank you
6 so much, Mr. President.

7 This is obviously an unprecedented
8 time. It's an unprecedented day where we are
9 sitting in a chamber bereft of all of our
10 colleagues because of the very real concern of
11 coronavirus and what it is continuing to do not
12 only in our state but in our nation and across
13 the globe.

14 So to stand and say that we are
15 working on a daily basis to meet the needs of
16 every single person who depends on government to
17 do the work that has to be done in order for them
18 to be able to have as normal a life as possible
19 in the midst of crisis is an important thing to
20 say.

21 And what we are doing today -- and I
22 thank my colleague for articulating what I think
23 cannot be said enough. The fact is that when
24 you're public servants, you focus on the public.
25 And every day, unlike 9/11, where this was

1 obviously, you know, a tragedy, but for some
2 reason, you know, that happened, we went through
3 the pain and the grief and then we were able to
4 get up the next day and say, let's go fight every
5 day. With the unpredictability of what we are
6 doing, it's a day that regardless of what, we
7 have to get up and we have to fight.

8 And I thank our Governor for getting
9 up every day and fighting, and for fighting for
10 all of us here in New York but, on a broader
11 level, everyone in the nation.

12 And yes, we have these same
13 cooperative measures from our Congresspeople, our
14 Senators. I've spoken with both Senator Schumer
15 and Senator Gillibrand and our Congresspeople,
16 Eliot Engel and Nita Lowy and so on -- I won't go
17 through all of them. But the reality is that
18 every single one of us are fighting for every
19 single one of us.

20 My daughter had to be put on
21 leave -- you know, they're staggering. My
22 son is -- well, my son-in-law, working from home,
23 my children working from home. Daycare center,
24 preschool closed. Every aspect of our lives are
25 changed and changed probably for a very, very

1 long time.

2 So to step up with courage to pass a
3 bill today that deals with the coronavirus
4 emergency, to pass a bill today that deals with a
5 our budget emergency, I hope assures every single
6 person in our state that we are at work and we
7 will not rest until we are able to assuage the
8 concerns of the small businesses, to make sure
9 that our kids are getting the education, even if
10 it's from a distance, and we have our essential
11 workers getting the support they need on the
12 front lines no matter where they are --
13 obviously, in the hospitals, but even in our
14 communities, making sure that the day-to-day
15 things happen, that we and certainly our
16 constituents who have to maybe stay away can
17 depend on going forward despite this crisis.

18 New Yorkers are strong. New York
19 leads all the time. And I'm happy to have a
20 bipartisan communication with my colleague
21 Senator Flanagan -- and thank you, Senator
22 Griffo -- and certainly with Senator Gianaris, to
23 represent the highest aspirations of all of us to
24 meet this crisis head on, to overcome it, to do a
25 responsible budget that takes into consideration

1 the needs of all of us, and to stand every time
2 in support of the people we represent.

3 So I obviously vote aye. And again,
4 we will be back in this chamber at a time when
5 it's filled up again. But until that time, the
6 people of New York should be assured that we are
7 at work and working cooperatively with the
8 Governor and across the aisle to make sure that
9 we offer the best we possibly can under very,
10 very difficult circumstances.

11 Thank you, Mr. President.

12 ACTING PRESIDENT BENJAMIN: Leader
13 Stewart-Cousins to be recorded in the
14 affirmative.

15 Announce the results.

16 THE SECRETARY: In relation to
17 Calendar Number 619, those Senators voting in the
18 negative are Senators Borrello, Gallivan,
19 Helming, Jacobs, Ortt and Robach.

20 Ayes, 50. Nays, 6.

21 ACTING PRESIDENT BENJAMIN: The
22 bill is passed.

23 Senator Gianaris, that completes the
24 reading of today's supplemental calendar.

25 SENATOR GIANARIS: Thank you,

1 Mr. President.

2 Let me just, for my part, thank all
3 my colleagues for their understanding and
4 cooperation and indulgence today. We're doing
5 the best we can to keep this body moving forward
6 in a very challenging time. Particularly Senator
7 Griffo, my counterpart, who has worked very
8 closely with us to figure out the protocols and
9 logistics of how we're going to be operating in
10 this new world.

11 And with that, is there any further
12 business at the desk?

13 ACTING PRESIDENT BENJAMIN: There
14 is no further business at the desk.

15 SENATOR GIANARIS: Please recognize
16 Senator Griffo for an announcement.

17 ACTING PRESIDENT BENJAMIN: Senator
18 Griffo.

19 SENATOR GRIFFO: Thank you,
20 Mr. President.

21 There will be an immediate meeting
22 of the Republican Conference in Room 315.

23 ACTING PRESIDENT BENJAMIN: There
24 will be an immediate meeting of the Republican
25 Conference in Room 315.

1 Senator Gianaris.

2 SENATOR GIANARIS: There will also
3 be a conference of -- a Majority conference in
4 Hearing Room A at 1:45.

5 ACTING PRESIDENT BENJAMIN: There
6 will be a Majority Conference meeting in
7 Hearing Room A at 1:45.

8 SENATOR GIANARIS: I move to
9 adjourn subject to the call of the
10 Temporary President, intervening days being
11 legislative days.

12 ACTING PRESIDENT BENJAMIN: On
13 motion, the Senate stands adjourned, subject to
14 the call of the Temporary President, intervening
15 days being legislative days.

16 (Whereupon, at 1:27 p.m., the Senate
17 adjourned.)

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