

1 NEW YORK STATE SENATE

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3
4 THE STENOGRAPHIC RECORD

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9 ALBANY, NEW YORK

10 March 31, 2020

11 9:08 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 repeat with me 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 30, 2020, the Senate met pursuant to
17 adjournment. The Journal of Sunday, March 29,
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, I
7 move to adopt the Resolution Calendar.

8 ACTING PRESIDENT BENJAMIN: All in
9 favor of adopting the Resolution Calendar please
10 signify by saying aye.

11 (Response of "Aye.")

12 ACTING PRESIDENT BENJAMIN:

13 Opposed, nay.

14 (No response.)

15 ACTING PRESIDENT BENJAMIN: The
16 Resolution Calendar is adopted.

17 Senator Gianaris.

18 SENATOR GIANARIS: There will be an
19 immediate meeting of the Finance Committee in
20 Room 332.

21 ACTING PRESIDENT BENJAMIN: There
22 will be an immediate meeting of the
23 Finance Committee in Room 332.

24 SENATOR GIANARIS: The Senate will
25 stand at ease.

1 ACTING PRESIDENT BENJAMIN: The
2 Senate will stand at ease.

3 (Whereupon, the Senate stood at ease
4 at 9:09 p.m.)

5 (Whereupon, the Senate reconvened at
6 9:20 p.m.)

7 ACTING PRESIDENT BENJAMIN: The
8 Senate will return to order.

9 Senator Gianaris.

10 SENATOR GIANARIS: Mr. President,
11 is there a report of the Finance Committee at the
12 desk?

13 ACTING PRESIDENT BENJAMIN: There
14 is a report of the Finance Committee at the desk.

15 The Secretary will read.

16 THE SECRETARY: Senator Krueger,
17 from the Committee on Finance, reports the
18 following bills:

19 Senate Print 7505B, Senate Budget
20 Bill, an act to amend Chapter 887 of the Laws of
21 1983;

22 Senate Print 7509B, Senate Budget
23 Bill, an act to amend Part U of Chapter 59 of the
24 Laws of 2017.

25 All bills reported direct to third

1 reading.

2 SENATOR GIANARIS: Move to accept
3 the Committee on Finance report.

4 ACTING PRESIDENT BENJAMIN: All in
5 favor of accepting the Committee on Finance
6 report signify by saying aye.

7 (Response of "Aye.")

8 ACTING PRESIDENT BENJAMIN:
9 Opposed?

10 (Response of "Nay.")

11 ACTING PRESIDENT BENJAMIN: The
12 Committee on Finance report is accepted and
13 before the house.

14 Senator Gianaris.

15 SENATOR GIANARIS: Can we now take
16 up the reading of the supplemental calendar.

17 ACTING PRESIDENT BENJAMIN: The
18 Secretary will read.

19 THE SECRETARY: Calendar Number
20 620, Senate Budget Bill, Senate Print 7505B, an
21 act to amend Chapter 887 of the Laws of 1983.

22 ACTING PRESIDENT BENJAMIN: Senator
23 Gianaris.

24 SENATOR GIANARIS: Is there a
25 message of necessity at the desk?

1 ACTING PRESIDENT BENJAMIN: There
2 is a message of necessity at the desk.

3 ACTING PRESIDENT BENJAMIN: Move to
4 accept the message of necessity.

5 ACTING PRESIDENT BENJAMIN: All in
6 favor of accepting the message of necessity
7 signify by saying aye.

8 (Response of "Aye.")

9 ACTING PRESIDENT BENJAMIN:
10 Opposed?

11 (No response.)

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

15 Read the last section.

16 THE SECRETARY: Section 3. This
17 act shall take effect immediately.

18 ACTING PRESIDENT BENJAMIN: Call
19 the roll.

20 (The Secretary called the roll.)

21 ACTING PRESIDENT BENJAMIN:
22 Announce the results.

23 THE SECRETARY: In relation to
24 Calendar Number 620, those Senators voting in the
25 negative are Senators Akshar, Amedore, Borrello,

1 Boyle, Flanagan, Funke, Gallivan, Griffio,
2 Helming, Jacobs, Jordan, Lanza, LaValle, Little,
3 O'Mara, Ortt, Ranzenhofer, Ritchie, Robach,
4 Serino and Tedisco.

5 Ayes, 40. Nays, 21.

6 ACTING PRESIDENT BENJAMIN: The
7 bill is passed.

8 THE SECRETARY: Calendar Number
9 621, Senate Budget Bill, Senate Print 7509B, an
10 act to amend Part U of Chapter 59 of the Laws of
11 2017.

12 ACTING PRESIDENT BENJAMIN: Senator
13 Gianaris.

14 SENATOR GIANARIS: Is there a
15 message of necessity at the desk?

16 ACTING PRESIDENT BENJAMIN: There
17 is a message of necessity at the desk.

18 SENATOR GIANARIS: Move to accept
19 the message of necessity.

20 ACTING PRESIDENT BENJAMIN: All in
21 favor of accepting the message of necessity
22 signify by saying aye.

23 (Response of "Aye.")

24 ACTING PRESIDENT BENJAMIN:
25 Opposed?

1 (No response.)

2 ACTING PRESIDENT BENJAMIN: The
3 message is accepted, and the bill is before the
4 house.

5 Read 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: Senator
12 Borrello to explain his vote.

13 SENATOR BORRELLO: Thank you,
14 Mr. President.

15 These are certainly unusual times.
16 And as the newest member of this Legislature, I
17 stand here in awe of the people, the everyday
18 heroes, that are now on the front lines of this
19 crisis -- our first responders, our healthcare
20 workers -- and I want to start by thanking them.

21 You know, during this unprecedented
22 time in our state, with so much uncertainty, we
23 had the opportunity to pass a clean budget that
24 was devoid of policy and politics. We missed
25 that opportunity. A budget that does not violate

1 our state and federal constitutions by including
2 so many policy items that it really should not.

3 Sadly, these first two bills are
4 just politics as usual, with so much bad policy
5 that I cannot support them. The bill cuts out
6 the Small Business Tax Credit. It further
7 infringes on our United States constitutional
8 rights. It raises taxes in this time right now
9 when people are hanging on by a thread. It
10 further burdens our taxpayers, our small
11 businesses, and our local governments.

12 In this unprecedented time we could
13 have changed the way this state does business,
14 changed it for the better. Sadly, we missed that
15 opportunity.

16 So Mr. President, I'll be voting no.

17 Thank you.

18 ACTING PRESIDENT BENJAMIN: Senator
19 Borrello to be recorded in the negative.

20 Announce the results.

21 THE SECRETARY: In relation to
22 Calendar Number 621, those Senators voting in the
23 negative are Senators Akshar, Amedore, Borrello,
24 Boyle, Flanagan, Funke, Gallivan, Griffio,
25 Helming, Jacobs, Jordan, Lanza, LaValle, Little,

1 O'Mara, Ortt, Ranzenhofer, Ritchie, Robach,
2 Serino and Tedisco.

3 Ayes, 40. Nays, 21.

4 ACTING PRESIDENT BENJAMIN: The
5 bill is passed.

6 Senator Gianaris.

7 SENATOR GIANARIS: Mr. President,
8 just in terms of schedule, it is our hope to have
9 additional budget bills to pass tonight. So for
10 the time being, we're going to stand at ease and
11 hopefully have more bills in print shortly.

12 ACTING PRESIDENT BENJAMIN: The
13 Senate will stand at ease.

14 (Whereupon, the Senate stood at ease
15 at 9:25 p.m.)

16 (Whereupon, the Senate reconvened at
17 11:54 p.m.)

18 ACTING PRESIDENT BENJAMIN: The
19 Senate will return to order.

20 Senator Gianaris.

21 SENATOR GIANARIS: Mr. President,
22 pursuant to Rule 5, Section 2, I move that the
23 Senate continue in session past midnight.

24 ACTING PRESIDENT BENJAMIN: Without
25 objection, so ordered.

1 SENATOR GIANARIS: The Senate will
2 stand at ease.

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

5 (Whereupon, the Senate stood at ease
6 at 11:54 p.m.)

7 (Whereupon, the Senate reconvened at
8 1:34 a.m.)

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

11 Senator Gianaris.

12 SENATOR GIANARIS: Mr. President,
13 there will be an immediate meeting of the
14 Finance Committee in Room 332.

15 ACTING PRESIDENT BENJAMIN: There
16 will be an immediate meeting of the
17 Finance Committee in Room 332.

18 SENATOR GIANARIS: The Senate will
19 stand at ease.

20 ACTING PRESIDENT BENJAMIN: The
21 Senate will stand at ease.

22 (Whereupon, the Senate stood at ease
23 at 1:34 a.m.)

24 (Whereupon, the Senate reconvened at
25 1:38 a.m.)

1 ACTING PRESIDENT BENJAMIN: The
2 Senate will return to order.

3 Senator Gianaris.

4 SENATOR GIANARIS: Is there a
5 report of the Finance Committee at the desk?

6 ACTING PRESIDENT BENJAMIN: There
7 is a report of the Finance Committee at the desk.

8 The Secretary will read.

9 THE SECRETARY: Senator Krueger,
10 from the Committee on Finance, reports the
11 following bill:

12 Senate Print 7504C, Senate Budget
13 Bill, an act making appropriations for the
14 support of government: CAPITAL PROJECTS BUDGET.

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

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

20 (Response of "Aye.")

21 ACTING PRESIDENT BENJAMIN:
22 Opposed?

23 (No response.)

24 ACTING PRESIDENT BENJAMIN: The
25 Committee on Finance report is accepted and

1 before the house.

2 SENATOR GIANARIS: Can we now take
3 up the reading of the supplemental calendar.

4 ACTING PRESIDENT BENJAMIN: The
5 Secretary will read.

6 THE SECRETARY: Calendar Number
7 633, Senate Budget Bill, Senate Print 7504C, an
8 act making appropriations for the support of
9 government: CAPITAL PROJECTS BUDGET.

10 ACTING PRESIDENT BENJAMIN: Senator
11 Gianaris.

12 SENATOR GIANARIS: Is there a
13 message of necessity at the desk?

14 ACTING PRESIDENT BENJAMIN: There
15 is a message of necessity at the desk.

16 SENATOR GIANARIS: Move to accept
17 the message of necessity.

18 ACTING PRESIDENT BENJAMIN: All in
19 favor of accepting the message of necessity
20 signify by saying aye.

21 (Response of "Aye.")

22 ACTING PRESIDENT BENJAMIN:
23 Opposed?

24 (No response.)

25 ACTING PRESIDENT BENJAMIN: The

1 message is accepted, and the bill is before the
2 house.

3 The Secretary will read.

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

6 ACTING PRESIDENT BENJAMIN: Call
7 the roll.

8 (The Secretary called the roll.)

9 ACTING PRESIDENT BENJAMIN:
10 Announce the results.

11 THE SECRETARY: In relation to
12 Calendar Number 633, those Senators voting in the
13 negative are Senators Akshar, Amedore, Borrello,
14 Boyle, Flanagan, Funke, Gallivan, Gounardes,
15 Griffo, Helming, Jacobs, Jordan, Lanza, LaValle,
16 Little, O'Mara, Ortt, Ranzenhofer, Ritchie,
17 Robach, Serino and Tedisco.

18 Ayes, 39. Nays, 22.

19 ACTING PRESIDENT BENJAMIN: The
20 bill is passed.

21 Senator Gianaris, that completes the
22 reading of today's supplemental calendar.

23 SENATOR GIANARIS: Is there any
24 further business at the desk, Mr. President?

25 ACTING PRESIDENT BENJAMIN: There

1 is no further business at the desk.

2 SENATOR GIANARIS: I move to
3 adjourn until tomorrow, April 1st, at 9:00 a.m.

4 ACTING PRESIDENT BENJAMIN: On
5 motion, the Senate stands adjourned until
6 tomorrow, April 1st, at 9:00 a.m.

7 (Whereupon, at 1:41 a.m., the Senate
8 adjourned.)

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