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NEW YORK STATE SENATE

THE STENOGRAPHIC RECORD

ALBANY, NEW YORK

March 31, 2020

9:08 p.m.

REGULAR SESSION

SENATOR BRIAN A. BENJAMIN, Acting President

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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