NEW YORK STATE SENATE

THE STENOGRAPHIC RECORD

ALBANY, NEW YORK

May 27, 2020

1:18 p.m.

REGULAR SESSION

SENATOR BRIAN A. BENJAMIN, Acting President

ALEJANDRA N. PAULINO, ESQ., Secretary

P R O C E E D I N G S

ACTING PRESIDENT BENJAMIN: The Senate will come to order.

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

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

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

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

ACTING PRESIDENT BENJAMIN: The reading of the Journal.

THE SECRETARY: In Senate, Tuesday, May 26, 2020, the Senate met pursuant to adjournment. The Journal of Monday, May 25, 2020, was read and approved. On motion, Senate adjourned.

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

Presentation of petitions.

Messages from the Assembly.

Messages from the Governor.

Reports of standing committees.

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

The Secretary will read.

THE SECRETARY: Senator Stewart-Cousins, from the Committee on Rules, reports the following bills:

Senate Print 7082, by Senator Hoylman, an act to amend the Civil Practice Law and Rules;

Senate Print 7996B, by Senator Carlucci, an act to amend the Education Law;

Senate Print 8113A, by Senator Parker, an act to amend the Public Service Law;

Senate Print 8119C, by Senator Comrie, an act to amend the Transportation Law;

Senate Print 8122B, by Senator Comrie, an act in relation to extending the deadline for the filing of applications and renewal applications for real property tax abatement programs;

Senate Print 8130D, by Senator Myrie, an act to amend the Election Law;

Senate Print 8138B, by Senator Martinez, an act to amend the

Real Property Tax Law;

Senate Print 8181A, by Senator May, an act to amend the General Municipal Law;

Senate Print 8182A, by Senator Hoylman, an act to amend the Education Law;

Senate Print 8189, by Senator Hoylman, an act to amend the General Business Law;

Senate Print 8192B, by Senator Hoylman, an act in relation to prohibiting the eviction of residential tenants who have suffered financial hardship during the COVID-19 covered period;

Senate Print 8236A, by Senator Gaughran, an act relating to authorizing local governments to extend building permits and local zoning boards;

Senate Print 8243C, by Senator Kavanagh, an act to amend the Banking Law;

Senate Print 8245A, by Senator Parker, an act to require the Department of Health to conduct a study on the health impacts of COVID-19;

Senate Print 8251B, by Senator Kaminsky, an act to amend the

General Municipal Law;

Senate Print 8275A, by Senator Martinez, an act to amend the Labor Law;

Senate Print 8289B, by Senator Salazar, an act to amend the Public Health Law;

Senate Print 8362A, by Senator Serrano, an act in relation to requiring that COVID-19 contact tracers be representative of the cultural and linguistic diversity of the communities in which they serve;

Senate Print 8363, by Senator Harckham, an act to amend the Executive Law;

Senate Print 8397A, by Senator Savino, an act to amend the Labor Law;

Senate Print 8400, by Senator Benjamin, an act to amend the General Municipal Law and the New York State Financial Emergency Act;

Senate Print 8408, by Senator Comrie, an act to amend the Not-For-Profit Corporation Law;

Senate Print 8410, by Senator Mayer, an act to amend the Education Law;

Senate Print 8411, by Senator Jackson, an act to amend the Administrative Code

of the City of New York;

Senate Print 8412, by Senator Benjamin, an act to amend the Business Corporation Law;

Senate Print 8413, by Senator Benjamin, an act in relation to authorizing municipalities to place a moratorium on tax foreclosures and tax lien sales;

Senate Print 8414, by Senator Bailey, an act to amend the Criminal Procedure Law;

Senate Print 8415, by Senator Bailey, an act to repeal subdivision 4 of Section 240.35 of the Penal Law;

Senate Print 8416, by Senator Metzger, an act to amend the Public Health Law;

Senate Print 8417, by Senator Krueger, an act to amend the Local Finance Law;

Senate Print 8418, by Senator Krueger, an act to amend the Public Authorities Law;

Senate Print 8419, by Senator Kavanagh, an act in relation to enacting

the "Emergency Rent Relief Act of 2020";

Senate Print 8420, by Senator Gounardes, an act to amend the Retirement and Social Security Law.

All bills reported direct to third reading.

SENATOR GIANARIS: I move to accept the report of the Rules Committee.

ACTING PRESIDENT BENJAMIN: All those in favor of accepting the report of the Rules Committee signify by saying aye.

(Response of "Aye.")

ACTING PRESIDENT BENJAMIN: Opposed, nay.

(No response.)

ACTING PRESIDENT BENJAMIN: The report is accepted.

Reports of select committees.

Communications and reports from state officers.

Motions and resolutions.

Senator Gianaris.

SENATOR GIANARIS: Mr. President, let me first say it's good to see you again. It's been a little bit.

I move to adopt the Resolution Calendar.

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

(Response of "Aye.")

ACTING PRESIDENT BENJAMIN: Opposed, nay.

(No response.)

ACTING PRESIDENT BENJAMIN: The Resolution Calendar is adopted.

Senator Gianaris.

SENATOR GIANARIS: At this time, Mr. President, can we take up the reading of the supplemental calendar.

ACTING PRESIDENT BENJAMIN: The Secretary will read.

THE SECRETARY: Calendar Number 639, Senate Print 7082, by Senator Hoylman, an act to amend the Civil Practice Law and Rules.

ACTING PRESIDENT BENJAMIN: Read the last section.

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

ACTING PRESIDENT BENJAMIN: Call

the roll.

(The Secretary called the roll.)

ACTING PRESIDENT BENJAMIN: Senator Hoylman to explain his vote.

SENATOR HOYLMAN: Thank you, Mr. President. Thank you, Deputy Leader and my colleagues who are in this chamber during this extraordinary time.

I'd be remiss if I didn't mention at the outset the death of a great leader in my community, Larry Kramer -- social activist, founder of ACT UP and GMHC, public intellectual and general rabble-rouser -- who passed today.

Mr. President, a little over a year ago I stood in this chamber as we finally passed the Child Victims Act, after over a decade of trying -- under the leadership of Majority Leader Andrea Stewart-Cousins, we finally got it done -- to give adult survivors one year to file retrospective claims for charges of child sexual abuse that they had leveled against individuals or institutions who may have harbored those individuals.

But since that time, something extraordinary has happened which we are all

experiencing. We have been thrown into the depths of a pandemic, while at the same time thousands of survivors -- over 2,000 individuals -- have come forward as plaintiffs in Child Victims Act lawsuits. But about halfway through their efforts to bring justice to these survivors, of course COVID-19 hit, which has literally made it impossible to file CVA cases in New York City between March 16th and March 25th of this year.

The ripple effect is going to extend outward, Mr. President, because we know it's not just with a snap of the fingers that everyone's lives resume to normal. That is why I'm so grateful to my colleagues, to Leader Andrea Stewart-Cousins, to Assemblymember Linda Rosenthal and Speaker Heastie, for giving adult survivors of child sexual abuse another year, until August 14, 2021, to seek justice in court and face the perpetrators of their abuse.

This additional time, Mr. President, has been confirmed by other states who have extended look-back windows -- California, Hawaii, New Jersey, just to name a few -- and will enable us to make good on our promise that adult

survivors of child sexual abuse are able to go into a court of law and seek that justice they so greatly deserve.

I vote aye, Mr. President.

ACTING PRESIDENT BENJAMIN: Senator Hoylman to be recorded in the affirmative.

Senator Serino to explain her vote.

SENATOR SERINO: Thank you, Mr. President. I have to say it's great to be back.

I rise today to explain my vote in support of this bill. As I have said since day one, these victims absolutely deserve justice. Every time one of these brave individuals speaks out, we are one step closer to getting those heinous monsters off of our streets.

However, when I voted in support of the original Child Victims Act, I rose to explain my vote and noted that I didn't believe it went far enough when it comes to expanding the statute of limitations or holding perpetrators criminally responsible for their despicable acts. At the time, I expressed hope that the bill would only be the first step in this regard.

As we vote today to extend this

bill, I want to reiterate my earlier points. If there is one thing that hearing from countless victims has taught me, it's that clearly our laws aren't doing a good enough job of protecting vulnerable children to begin with.

That's why I introduced legislation to help better protect them by making every adult who works with them a mandated reporter. I think most New Yorkers would be shocked that that's not the case. I know I was.

I introduced this legislation in response to a horrible case in my community where two young boys were victimized by a local county legislator. The boys did the right thing and bravely reported the crime to those they trusted, those in positions of power who could have stopped the abuse -- people that, instead, chose not to report the abuse to law enforcement.

My bill would go a long way in protecting New York's children. And as I said last year, I'm willing to work with anyone on either side of the aisle to get it passed into law. The bill passed unanimously when it came before us in this chamber, and it is my hope that as we recognize the need to ensure these victims

get justice, we do all we can to prevent children from ever being victimized in the first place.

Thank you, Mr. President. I vote aye. And thank you, Senator Hoylman.

ACTING PRESIDENT BENJAMIN: Senator Serino to be recorded in the affirmative.

Announce the results.

THE SECRETARY: In relation to Calendar Number 639, those voting in the negative are Senators Funke and Little.

Ayes, 58. Nays, 2.

ACTING PRESIDENT BENJAMIN: The bill is passed.

THE SECRETARY: Calendar Number 640, Senate Print 7996B, by Senator Carlucci, an act to amend the Education Law.

ACTING PRESIDENT BENJAMIN: Read the last section.

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

ACTING PRESIDENT BENJAMIN: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT BENJAMIN: Senator Carlucci to explain his vote.

SENATOR CARLUCCI: Thank you, Mr. President.

I want to thank all my colleagues for coming together in this unprecedented time to take up these measures today. This is extremely important to address the health concerns, the economic concerns that our residents are facing.

As of yesterday, we had 23,564 fatalities in the State of New York. And we know that number would be even worse if it weren't for our local officials and our state officials coming together to take action.

The legislation before us today, right now, is to allow for our school districts to make sure that they get the full funding of aid. We saw that our school districts had to jump into action. Many of them acted before the executive order was put in place, before the state of emergency was put into place. And this legislation is essential to make sure that our school districts get every penny that they're entitled to. This is not only important for our schools and our children, but also our property taxpayers.

We know our children do not lack

capacity, they only lack opportunity. Let's make sure that they get it. I'll be supporting this legislation.

Thank you, Mr. President, and thank you to my colleagues.

ACTING PRESIDENT BENJAMIN: Senator Carlucci to be recorded in the affirmative.

Announce the results.

THE SECRETARY: Ayes, 61.

ACTING PRESIDENT BENJAMIN: The bill is passed.

THE SECRETARY: Calendar Number 641, Senate Print 8113A, by Senator Parker, an act to amend the Public Service Law.

SENATOR GALLIVAN: Lay it aside.

ACTING PRESIDENT BENJAMIN: The bill will be laid aside.

THE SECRETARY: Calendar Number 642, Senate Print 8119C, by Senator Comrie, an act to amend the Transportation Law.

ACTING PRESIDENT BENJAMIN: Read the last section.

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

ACTING PRESIDENT BENJAMIN: Call

the roll.

(The Secretary called the roll.)

ACTING PRESIDENT BENJAMIN: Announce the results.

THE SECRETARY: Ayes, 61.

ACTING PRESIDENT BENJAMIN: The bill is passed.

THE SECRETARY: Calendar Number 643, Senate Print 8122B, by Senator Comrie, an act in relation to extending the deadline for the filing of applications and renewal applications.

ACTING PRESIDENT BENJAMIN: Read the last section.

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

ACTING PRESIDENT BENJAMIN: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT BENJAMIN: Announce the results.

THE SECRETARY: Ayes, 61.

ACTING PRESIDENT BENJAMIN: The bill is passed.

Calendar Number 644 is high and will be laid aside for the day.

THE SECRETARY: Calendar Number 645, Senate Print 8138B, by Senator Martinez, an act to amend the Real Property Tax Law.

ACTING PRESIDENT BENJAMIN: Read the last section.

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

ACTING PRESIDENT BENJAMIN: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT BENJAMIN: Announce the results.

THE SECRETARY: Ayes, 61.

ACTING PRESIDENT BENJAMIN: The bill is passed.

THE SECRETARY: Calendar Number 646, Senate Print 8181A, by Senator May, an act to amend the General Municipal Law.

ACTING PRESIDENT BENJAMIN: Read the last section.

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

ACTING PRESIDENT BENJAMIN: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT BENJAMIN: Announce the results.

THE SECRETARY: Ayes, 61.

ACTING PRESIDENT BENJAMIN: The bill is passed.

THE SECRETARY: Calendar Number 647, Senate Print 8182A, by Senator Hoylman, an act to amend the Education Law.

ACTING PRESIDENT BENJAMIN: Read the last section.

THE SECRETARY: Section 4. This act shall take effect no sooner than 90 days from the date of approval of a COVID-19 immunization.

ACTING PRESIDENT BENJAMIN: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT BENJAMIN: Announce the results.

THE SECRETARY: Ayes, 61.

ACTING PRESIDENT BENJAMIN: The bill is passed.

THE SECRETARY: Calendar Number 648, Senate Print 8189, by Senator Hoylman, an act to amend the General Business Law.

ACTING PRESIDENT BENJAMIN: Read

the last section.

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

ACTING PRESIDENT BENJAMIN: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT BENJAMIN: Senator Hoylman to explain his vote.

SENATOR HOYLMAN: Thank you, Mr. President. I promise I'm smiling underneath this mask, to you and your leadership in this extraordinary time.

As the saying goes, Mr. President, after the storm comes the vultures. And during the storm of COVID-19, we've seen a lot of those vultures. Bad actors have cynically used this pandemic to reap an enormous windfall on products from hand sanitizer to disposable gloves.

We have an anti-price gouging law that protects consumers, and the AG has already invoked it against more than 1500 violators. But as we've seen during this crisis, consumers are not the only ones getting ripped off too -- hospitals and governments get gouged also.

Just this morning there are reports

that a pharmacist named "The Mask Man" was arrested for doing just that. His name is Richard Schirripa, and he bought thousands of N95 masks and sold them at a 50 percent markup. The Mask Man even bragged, "I feel like a drug dealer standing out there."

Other virus profiteers have tried to rip off New York State directly. According to Pro Publica, New York was forced to pay sky-high prices for medical supplies. Gloves were costing 2000 percent more than usual. Masks cost $7.50 each, 15 times the normal price. Infusion pumps cost $2,795, twice the normal price.

And healthcare facilities face similar challenges. St. Joseph Hospital in Yonkers was the victim of a price-gouging scheme where $8 masks were sold to them that usually sold the hospital 50 cents. Twenty-five dollars for protective shields that usually cost the hospital $1.25. That's unconscionable.

And with this new legislation that we're passing today, with the support of our leader, Andrea Stewart-Cousins, and my Democratic colleagues and I, plus my colleagues across the aisle, we'll be able to crack down on these virus

profiteers in the following ways.

It will ban price gouging on essential medical supplies and service. It will ban price gouging against hospitals, healthcare providers, and state and local governments. It will allow the Attorney General to fine violators up to $25,000 per occurrence and give the AG new regulatory power they need to be flexible in fighting future price gouging.

This is an historic expansion of our price-gouging statute. I'm so grateful to everyone who helped pass this legislation, and to the Attorney General for working with us and our conference to make it as strong as possible. I also want to thank my Assembly sponsor, Nily Rozic, and all of my colleagues in the other house.

I'm proudly voting aye, Mr. President.

ACTING PRESIDENT BENJAMIN: Senator Hoylman to be recorded in the affirmative.

Announce the results.

THE SECRETARY: In relation to Calendar Number 648, voting in the negative: Senator Ortt.

Ayes, 60. Nays, 1.

ACTING PRESIDENT BENJAMIN: The bill is passed.

THE SECRETARY: Calendar Number 649, Senate Print 8192B, by Senator Hoylman, an act in --

SENATOR GALLIVAN: Lay it aside.

ACTING PRESIDENT BENJAMIN: Lay it aside.

THE SECRETARY: Calendar Number 650, Senate Print 8236A, by Senator Gaughran, an act relating to authorizing local governments to extend building permits and local zoning boards.

ACTING PRESIDENT BENJAMIN: Read the last section.

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

ACTING PRESIDENT BENJAMIN: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT BENJAMIN: Senator Gaughran to explain his vote.

SENATOR GAUGHRAN: Thank you, Mr. President.

I rise because this bill may look

technical in nature, and yes, it is. But I think it is very important. It will permit local governments, at their options, to extend by 120 days zoning board, planning board and building permit applications.

And why I think it is very important is because as New York begins to reopen, we don't want all these municipalities to have to go back and review all these applications that they've already approved. Let them review others that need to move forward, and then allow people to go back and construct and build right away once it is safe for them to operate in their region.

So I vote in the affirmative, Mr. President. Thank you very much.

ACTING PRESIDENT BENJAMIN: Senator Gaughran to be recorded in the affirmative.

Announce the results.

THE SECRETARY: Ayes, 61.

ACTING PRESIDENT BENJAMIN: The bill is passed.

THE SECRETARY: Calendar Number 651, Senate Print 8243C, by Senator Kavanagh, an act to amend the Banking Law.

ACTING PRESIDENT BENJAMIN: Read

the last section.

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

ACTING PRESIDENT BENJAMIN: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT BENJAMIN: Announce the results.

THE SECRETARY: Ayes, 61.

ACTING PRESIDENT BENJAMIN: The bill is passed.

THE SECRETARY: Calendar Number 652, Senate Print 8245A, by Senator Parker, an act to require the Department of Health to conduct a study on the health impacts of COVID-19 on minorities in New York State.

ACTING PRESIDENT BENJAMIN: Read the last section.

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

ACTING PRESIDENT BENJAMIN: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT BENJAMIN: Senator Parker to explain his vote.

SENATOR PARKER: Thank you, Mr. President.

I rise to thank my colleagues for voting for this bill. This has really been, I think, a critically important bill because we are in such a really tragic time. And as all of us deal with this global pandemic, it hasn't treated everybody the same. And particularly in African-American and Latinx communities, you are seeing a devastation both in terms of infection rates and deaths that is really cataclysmic in the community.

And so this bill asks the Office of Health Disparities in the New York State Department of Health to do a study so we can actually understand what's going on. We do know some of the effects. We know that African-Americans and Latinx communities already start out with a great deal of health disparities. They have the greatest numbers of people with compromised immune systems. And then you add to that comorbidities.

And then, to add insult to injuries, many of them are essential workers. And so they are, you know, driving buses and, you know,

operating trains, and they're working to deliver packages. And then they're also essential workers in hospitals, on the front lines as hospital workers and nurses, doctors and so on and so forth.

They go back then to the most, you know, congested, crowded communities where the virus has spread and then have to go back to the same facilities that misdiagnosed them and underdiagnosed them the first time to create the health disparities to get treatment.

And this has all created a perfect storm of death and disease in the community. We really need to understand more about this and figure out how we undergird our community going forward to stop that. I thank the leader and I thank all my colleagues for voting for this important bill.

Thank you, Mr. President. I vote aye.

ACTING PRESIDENT BENJAMIN: Senator Parker to be recorded in the affirmative.

SENATOR KENNEDY: Good afternoon, everybody.

ACTING PRESIDENT BENJAMIN: Senator

Kennedy to explain his vote.

SENATOR KENNEDY: Thank you, Mr. President.

Today I rise in strong support of this bill to study the disparate health impacts of COVID-19 on minorities, and I'm proud to cosponsor this bill.

While COVID-19 has impacted communities across our entire state, it has been clear that a disproportionate number of persons of color are being infected and dying from this virus. I've seen this in my district, where zip code 14215, in the heart of the east side of Buffalo, has some of the highest infection rates in Western New York. Eighty percent of the residents of this zip code are people of color.

This isn't a new problem in our state. This especially is not a new problem to Buffalo. In general, African-Americans living in Buffalo have higher rates of poverty, higher rates of lung cancer, higher instances of infant mortality, and an increased risk of hospitalization from heart disease and diabetes.

Cancer rates are highest in Buffalo zip codes with predominantly people of color

living there. Rates are so high that the State Department of Health came in to study what is causing those cancer clusters. Sixty percent of African-Americans in Buffalo die prematurely -- twice the rate for Caucasians. And the life expectancy in Buffalo of an African-American male is a full 12 years less than a white male.

These statistics clearly show there's been a disparity in health even before the current pandemic hit. It's not a new problem, but this pandemic is shining a new bright light on this old problem.

This is why I've worked closely in Buffalo with various groups, like with Judge Rose Sconiers and the Greater Buffalo Racial Equity Roundtable, and with Pastors George Nicholas and Kinzer Pointer from the Buffalo Health Disparities Task Force, to examine and address the issues that feed into disparate health outcomes.

These groups have demonstrated that solutions must come from the community, from the ground up. Nothing succeeds without community buy-in. Based on the work of these groups, the University of Buffalo has created an institute

dedicated to study and recommend best practices on how Buffalo and New York can help address these health disparities and will be coordinating with the community on research of best practices.

A study by the Department of Health on COVID-19 impacts in minority communities is badly needed. It will give a clearer picture on the impact this pandemic has had and hopefully provide solutions to reduce disparate health outcomes in the future.

This is a start, Mr. President, but by no means can this be the end. We as a legislature cannot and should not stop until every single person in this state, regardless of race or color, has an equitable opportunity for a healthy life, and I and we will continue to strive towards that goal.

With that, Mr. President, I vote aye.

ACTING PRESIDENT BENJAMIN: Senator Kennedy to be recorded in the affirmative.

Announce the results.

THE SECRETARY: In relation to Calendar Number 652, those voting in the negative are Senators Ortt, Ranzenhofer and Ritchie.

Ayes, 59. Nays, 3.

ACTING PRESIDENT BENJAMIN: The bill is passed.

THE SECRETARY: Calendar Number 653, Senate Print 8251B, by Senator Kaminsky, an act to amend the General Municipal Law.

ACTING PRESIDENT BENJAMIN: Read the last section.

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

ACTING PRESIDENT BENJAMIN: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT BENJAMIN: Senator Kaminsky to explain his vote.

SENATOR KAMINSKY: Thank you very much, Mr. President.

We find ourselves here in unprecedented times doing our best to fight for the people we represent. But whatever we think we're going through is nothing compared to our first responders and our volunteer firefighters who run into danger at a moment's notice. They put themselves on the front lines responding to many calls, including COVID calls. And of course

when we're safe in our beds at night asleep, they're ready to jump out of theirs to rush to our aid.

That's why it was so important to preserve the pension program known as LOSAP that our volunteer firefighters depend on and that this pandemic put in jeopardy. By changing the rules today, we will make sure that even if some firefighters are not able to come to the firehouse during this pandemic for obvious health reasons, that they won't be penalized as a result.

I'm proud to stand up for our firefighters' pension benefits because our volunteer firefighters help make Long Island and our state the great place that it is, and we owe it to them.

Mr. President, I vote in the affirmative, and I thank you for your time today.

ACTING PRESIDENT BENJAMIN: Senator Kaminsky to be recorded in the affirmative.

Announce the results.

THE SECRETARY: Ayes, 62.

ACTING PRESIDENT BENJAMIN: The

bill is passed.

THE SECRETARY: Calendar Number 654, Senate Print 8275A, by Senator Martinez --

SENATOR GALLIVAN: Lay it aside.

ACTING PRESIDENT BENJAMIN: Lay it aside.

THE SECRETARY: Calendar Number 655, Senate Print 8289B, by Senator Salazar, an act to amend the Public Health Law.

ACTING PRESIDENT BENJAMIN: Read the last section.

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

ACTING PRESIDENT BENJAMIN: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT BENJAMIN: Senator Serino to explain her vote.

SENATOR SERINO: And just so everybody in the world knows, I wore my mask in. I'm taking it off so I can speak, so my constituents can see the passion that I have for this subject.

So -- (clearing throat.) Excuse me. Sorry, I had to run from the conference room.

Thank you, Mr. President.

This bill is well-intentioned, and I'm going to vote in support of it today because it's important that these facilities, like all healthcare operators, have an effective pandemic plan in place for the future.

However, that being said, this bill is grossly inadequate when it comes to addressing the immediate crisis unfolding in our nursing homes, assisted living, and adult care facilities. According to the Associated Press, New York is home to the highest number of nursing home deaths in the nation.

As the ranking member of the Senate's Aging Committee, I'm appalled to see that this Legislature, which has been called back specifically to address the most pressing issues brought on by the COVID-19 crisis, is not passing a single bill that would seek to immediately reverse these disturbing statistics.

Instead, we're passing a bill that expressly deals with future pandemics, hits these facilities with more unfunded mandates, takes already limited staff away from caring for patients, and does absolutely nothing to address

the real problems we know they're facing as a result of this pandemic.

Since day one, these facilities which care for our most vulnerable have been an afterthought to the state. From the March 25th directive that defied common sense and required them to take COVID-positive patients, to failing to fully fund testing, the state has failed residents, family members, and facility staff time and time again. And I know because I'm the one taking the phone calls from devastated residents who have not only lost loved ones, but from those who live in fear that their loved one will be next.

As the state continues to cling to its bad policy, I have offered suggestion after suggestion, including the creation of an emergency task force to enforce accountability and transparency in the facilities; the creation of specialty care centers to keep COVID-positive patients away from vulnerable residents and out of hospital beds; the utilization of the National Guard to assist with testing, sterilizing facilities and supporting staff and the providing of adequate PPE; a serious investment in staffing

pools to ensure facilities have access to the trained workforce they need to best care for residents; an independent investigation into the state's handling of this issue, and so much more.

Yet here we are today taking up just one bill that does absolutely nothing to immediately protect residents or support the facilities who care for them. No one had a choice or a voice when it came to implementing the disastrous policy that jeopardized the health and safety of so many. But today here we are, their representatives -- and this is the best we can do? I don't think so.

These residents, their families and the hardworking staff who work tirelessly to support them matter, and they deserve better. It is far past time for the state to step up to the plate and do right by these New Yorkers.

Thank you, Mr. President, and I vote aye. And I will be putting my mask back on. Thank you very much.

ACTING PRESIDENT BENJAMIN: Senator Serino to be recorded in the affirmative.

Announce the results.

THE SECRETARY: In relation to

Calendar Number 655, voting in the negative: Senator Helming.

Ayes, 61. Nays, 1.

ACTING PRESIDENT BENJAMIN: The bill is passed.

Senator Gianaris.

SENATOR GIANARIS: Thank you, Mr. President.

I want to just take a moment to thank Senator Flanagan, Senator Gallivan and my Republican colleagues for their cooperation in what is unquestionably a unique and unprecedented situation.

But I do want to just point out that we do encourage members to wear their masks when speaking. It is particularly when speaking that droplets are more likely to be projected out and put other people at increased risk, which we're trying to avoid.

But again, I know everyone's doing their best here, so it's not meant to be critical of anyone in particular.

Thank you.

ACTING PRESIDENT BENJAMIN: The Secretary will read.

THE SECRETARY: Calendar Number 656, Senate Print 8362A, by Senator Serrano, an act in relation to requiring that COVID-19 contact tracers be representative of the cultural and linguistic diversity of the communities in which they serve.

ACTING PRESIDENT BENJAMIN: Read the last section.

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

ACTING PRESIDENT BENJAMIN: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT BENJAMIN: Announce the results.

THE SECRETARY: In relation to Calendar Number 656, those Senators voting in the negative are Senators Jacobs, Martinez and Ortt.

Ayes, 59. Nays, 3.

ACTING PRESIDENT BENJAMIN: The bill is passed.

THE SECRETARY: Calendar Number 657, Senate Print 8363, by Senator Harckham, an act to amend the Executive Law.

ACTING PRESIDENT BENJAMIN: Read

the last section.

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

ACTING PRESIDENT BENJAMIN: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT BENJAMIN: Senator Harckham to explain his vote.

SENATOR HARCKHAM: Thank you, Mr. President. It's good to be back in the chamber, something I don't take lightly or take for granted.

As all of us, we've been very busy back in our districts working with our constituents, helping them cope with the devastation of this virus. But there is also important legislative work for us to do, and today we take a step forward in helping with the healing.

One of the things that we have realized during the course of this pandemic is the impact on the vulnerable -- particularly, on the behavioral health side, people with substance use disorder.

A few weeks ago I convened a

statewide meeting of treatment providers and the associations that represent them to find out some of the challenges that they were facing. And a big part of the challenges they were facing -- access to PPE, access to hardware for telemedicine, getting regulations changed -- was that they didn't have a seat at the emergency management table. And that was unfortunate and unnecessary.

And today we're making a change that will give OASAS a seat at New York State's emergency management table so that when the discussions are had on how to get through future crises -- not just an illness, but a storm -- they will have a seat at the table. Because one thing we see is that when unemployment dips 1 percent, overdoses shoot up 5 percent. That's the figure that is used.

The Kaiser Family Foundation had a study about three weeks ago predicting another 75,000 deaths of despair from self-medication, from alcoholism, from overdose.

And so we need a seat at the table for OASAS so that these issues are addressed in comprehensive planning for those who are

suffering from substance use disorder.

I vote aye. Thank you, Mr. President.

ACTING PRESIDENT BENJAMIN: Senator Harckham to be recorded in the affirmative.

Announce the results.

THE SECRETARY: Ayes, 62.

ACTING PRESIDENT BENJAMIN: The bill is passed.

THE SECRETARY: Calendar Number 658, Senate Print 8397A, by Senator Savino, an act to amend the Labor Law.

ACTING PRESIDENT BENJAMIN: Read the last section.

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

ACTING PRESIDENT BENJAMIN: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT BENJAMIN: Announce the results.

THE SECRETARY: In relation to Calendar Number 658, voting in the negative: Senator Martinez.

Ayes, 61. Nays, 1.

ACTING PRESIDENT BENJAMIN: The bill is passed.

THE SECRETARY: Calendar Number 659, Senate Print 8400, by Senator Benjamin, an act to amend the General Municipal Law and the New York State Financial Emergency Act for the City of New York.

ACTING PRESIDENT BENJAMIN: Read the last section.

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

ACTING PRESIDENT BENJAMIN: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT BENJAMIN: Announce the results.

THE SECRETARY: In relation to Calendar Number 659, those Senators voting in the negative are Senators Lanza, Martinez and O'Mara.

Ayes, 59. Nays, 3.

ACTING PRESIDENT BENJAMIN: The bill is passed.

THE SECRETARY: Calendar Number 660, Senate Print 8408, by Senator Comrie, an act to amend the Not-For-Profit Corporation Law.

ACTING PRESIDENT BENJAMIN: Read the last section.

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

ACTING PRESIDENT BENJAMIN: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT BENJAMIN: Announce the results.

THE SECRETARY: Ayes, 62.

ACTING PRESIDENT BENJAMIN: The bill is passed.

THE SECRETARY: Calendar Number 661, Senate Print 8410, by Senator Mayer, an act to amend the Education Law.

ACTING PRESIDENT BENJAMIN: Read the last section.

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

ACTING PRESIDENT BENJAMIN: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT BENJAMIN: Announce the results.

THE SECRETARY: Ayes, 62.

ACTING PRESIDENT BENJAMIN: The bill is passed.

THE SECRETARY: Calendar Number 662, Senate Print 8411, by Senator Jackson, an act to amend the Administrative Code of the City of New York.

ACTING PRESIDENT BENJAMIN: Read the last section.

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

ACTING PRESIDENT BENJAMIN: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT BENJAMIN: Announce the results.

THE SECRETARY: In relation to Calendar Number 662, those Senators voting in the negative are Senators Akshar, Amedore, Borrello, Boyle, Flanagan, Funke, Gallivan, Griffo, Helming, Jacobs, Jordan, Lanza, LaValle, Little, Martinez, O'Mara, Ortt, Ranzenhofer, Ritchie, Robach, Serino, Seward and Tedisco.

Ayes, 39. Nays, 23.

ACTING PRESIDENT BENJAMIN: The bill is passed.

THE SECRETARY: Calendar Number 663, Senate Print 8412, by Senator Benjamin, an act to amend the Business Corporation Law.

ACTING PRESIDENT BENJAMIN: Read the last section.

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

ACTING PRESIDENT BENJAMIN: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT BENJAMIN: Announce the results.

THE SECRETARY: Ayes, 62.

ACTING PRESIDENT BENJAMIN: The bill is passed.

THE SECRETARY: Calendar Number 664, Senate Print 8413, by Senator Benjamin, an act in relation to authorizing municipalities to place a moratorium on tax foreclosures and tax lien sales.

SENATOR GIANARIS: Lay it aside temporarily, please.

ACTING PRESIDENT BENJAMIN: Lay it aside temporarily.

THE SECRETARY: Calendar Number

665, Senate Print 8414, by Senator Bailey, an act to amend the Criminal Procedure Law.

ACTING PRESIDENT BENJAMIN: Read the last section.

THE SECRETARY: Section 3. This act shall take effect on the 30th day after it shall have become a law.

ACTING PRESIDENT BENJAMIN: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT BENJAMIN: Announce the results.

THE SECRETARY: Ayes, 62.

ACTING PRESIDENT BENJAMIN: The bill is passed.

THE SECRETARY: Calendar Number 666, Senate Print 8415, by Senator Bailey, an act to repeal subdivision 4 of Section 240.35 of the Penal Law.

ACTING PRESIDENT BENJAMIN: Read the last section.

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

ACTING PRESIDENT BENJAMIN: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT BENJAMIN: Senator Ortt to explain his vote.

SENATOR ORTT: Thank you, Mr. President.

I'll be brief. I'm going to vote in the negative on this bill.

The Governor already has issued an executive order that repeals this provision during the pandemic. To repeal this provision permanently beyond the pandemic I think is completely unnecessary and in fact dangerous, when you consider the fact that we're going to allow loitering with a mask in a public place.

I can't imagine, outside of this pandemic, why we would ever want to do that or why we would do that from a public safety standpoint. And certainly if you were to talk to our folks in law enforcement, they would tell you that this law is only to going to make their job much more difficult.

And I want to just point to some historic facts. These mask laws -- or this mask law, I guess, specifically -- dates back to New York's land riots of the 1840s and was later

used by chapters of the Ku Klux Klan and other groups for purposes of intimidation. In fact in 2004 it was the Second U.S. Court of Appeals that ruled the law did not violate free speech rights of supremacist groups such as the Ku Klux Klan. That overturned a previous district judge's decision that found the state law violated the First Amendment rights of the Butler, Indiana-based church of the American Knights of the Ku Klux Klan.

So just consider that for a second, that this law has been upheld to prevent people from using it to intimidate minorities or others. And now, for some reason which is beyond my ability to understand, we're going to permanently repeal or revoke this law. Which I think is dangerous and very, very much misguided.

And for those reasons, Mr. President, I will be in the negative.

ACTING PRESIDENT BENJAMIN: Senator Ortt to be recorded in the negative.

Announce the results.

THE SECRETARY: In relation to Calendar Number 666, those Senators voting in the negative are Senators Addabbo, Akshar, Amedore,

Borrello, Boyle, Brooks, Flanagan, Funke, Gallivan, Gaughran, Griffo, Helming, Jacobs, Jordan, Lanza, LaValle, Little, Martinez, O'Mara, Ortt, Ranzenhofer, Ritchie, Robach, Savino, Serino, Seward and Tedisco.

Ayes, 35. Nays, 27.

ACTING PRESIDENT BENJAMIN: The bill is passed.

THE SECRETARY: Calendar Number 667, Senate Print 8416, by Senator Metzger, an act to amend the Public Health Law.

ACTING PRESIDENT BENJAMIN: Read the last section.

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

ACTING PRESIDENT BENJAMIN: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT BENJAMIN: Senator Metzger to explain her vote.

SENATOR METZGER: Thank you, Mr. President.

I rise to thank our leader for moving this important bill forward that amends Public Health Law to expand the definition of

telemedicine to include video-only and, importantly, audio-only services.

During this pandemic, we have relied hugely on telemedicine, which is a great alternative if you have it. But if you don't have access to broadband and if you don't own a computer, you don't have access to those services.

And it puts many people in my district, in my very rural district, at a disadvantage. I have school districts where 20 percent of the families don't have access to broadband.

So this will greatly expand access to affordable telemedicine services by allowing the telephone to be used both for mental health and physical health needs.

It is an important immediate step we're taking right now, but we absolutely also have to move forward and close the digital divide that continues to exist in New York on rural broadband, between urban and rural areas. This is a top priority. We have to do this.

Thank you very much.

ACTING PRESIDENT BENJAMIN:

Senator Metzger to be recorded in the affirmative.

Announce the results.

THE SECRETARY: In relation to Calendar Number 667, voting in the negative: Senator Lanza.

Ayes, 61. Nays, 1.

ACTING PRESIDENT BENJAMIN: The bill is passed.

THE SECRETARY: Calendar Number 668 is high and will be laid aside for the day.

Calendar Number 669 is high and will be laid aside for the day.

Calendar Number 670 is high and will be laid aside for the day.

Calendar Number 671 is high and will be laid aside for the day.

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

SENATOR GIANARIS: Mr. President, at this time can we take up the controversial calendar.

We're going to do it slightly out of order, so let us begin with Calendar 641.

ACTING PRESIDENT BENJAMIN: The

Secretary will ring the bell.

The Secretary will read.

THE SECRETARY: Calendar Number 641, Senate Print 8113A, by Senator Parker, an act to amend the Public Service Law.

ACTING PRESIDENT BENJAMIN: Senator Gallivan, why do you rise?

SENATOR GALLIVAN: Mr. President, I believe there's an amendment at the desk. I waive the reading of that amendment, and I would like to be heard on it.

ACTING PRESIDENT BENJAMIN: Thank you, Senator Gallivan.

Upon review of the amendment, in accordance with Rule 6, section 4B, I rule it nongermane and out of order at this time.

SENATOR GALLIVAN: Accordingly, I appeal the chair's ruling, Mr. President, and ask to be recognized.

ACTING PRESIDENT BENJAMIN: That appeal has been made and recognized and, Senator Gallivan, you may be heard.

SENATOR GALLIVAN: Out of respect for others in the chamber, I thought I would come over here, if that's all right. You got the

microphone? All right.

Thank you, Mr. President.

This bill resolution is germane as it relates to states of emergency and appropriate legislative response. Our proposed legislation would amend the Executive Law in relation to the length of time of a state disaster emergency declaration.

The proposal would impose a maximum of 30 days for a disaster declaration by the Executive. Any continuation of the declaration and the suspension of laws would require legislative approval as exists elsewhere in the United States. All declarations would be in force for no more than 30 days without the approval of the Legislature.

Residents, through their elected representatives in Albany, would have greater participation in the process of how to close and reopen, for instance, a particularly important consideration in light of a potential second wave of the COVID-19 pandemic.

The bill also requires the Governor to transmit weekly reports to the Legislature during an emergency declaration and mandates

communication by the Executive with the parties affected by a suspension of laws during a state disaster emergency.

The inconsistency that has occurred in relation to determining what is open and what is essential versus that which is closed and nonessential has proven chaotic and contradictory, leading to unnecessary confusion amongst employers, employees, and residents.

By requiring the Governor to solicit input from local governments, school districts, individuals, businesses, associations and other parties affected by suspended laws and other executive actions, the confusion and inconsistency surrounding executive orders can be greatly reduced.

The weekly reports being proposed in the bill could have led to significant improvements in how to properly assist nursing homes or make improvements to the unemployment benefits system, which have been a source of frustration and heartache for many of our constituents.

The New York State Constitution, just as the United States Constitution, was

established using the principle of separation of powers in order to ensure the three branches of government, including the Legislature, were able to function equally to provide a system of checks and balances for our citizens.

Throughout the COVID-19 pandemic, the Governor has suspended more than 250 laws. While the New York State Constitution grants the Executive this authority under a statutorily enacted state disaster emergency declaration which was expanded in early March, the frequent and sweeping nature with which certain provisions of law have been suspended or extended since then is alarming, especially considering that the State Constitution also establishes that the power to create laws rests with the Legislature.

Executive orders should never be used to circumvent the legislative process or limit the input of elected representatives. This bill ensures the Legislature's rightful role as a coequal branch of government during a state disaster emergency declaration by making the Governor's actions subject to review.

This does not prevent the Executive from doing what he or she feels is necessary to

keep the people of New York safe. Rather, it ensures the system of checks and balances intended by our Constitution.

For these reasons, Mr. President, I ask that you reconsider and rule this resolution germane.

ACTING PRESIDENT BENJAMIN: Thank you, Senator Gallivan.

I want to remind the house that the vote is on the procedures of the house and the ruling of the chair.

Those in favor of overruling the chair signify by saying aye.

(Response of "Aye.")

ACTING PRESIDENT BENJAMIN: Opposed, nay.

(Response of "Nay.")

ACTING PRESIDENT BENJAMIN: The ruling of the chair stands, and the bill-in-chief is before the house.

Are there any other Senators wishing to be heard?

Seeing and hearing none, debate is closed. The Secretary will ring the bell.

Read the last section.

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

ACTING PRESIDENT BENJAMIN: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT BENJAMIN: Announce the results.

THE SECRETARY: In relation to Calendar Number 641, those Senators voting in the negative are Senators Funke, Helming, Lanza and Ortt.

Ayes, 58. Nays, 4.

ACTING PRESIDENT BENJAMIN: The bill is passed.

Senator Gianaris.

SENATOR GIANARIS: Mr. President, just to clarify, I think that was the results on Calendar 641, is that correct?

ACTING PRESIDENT BENJAMIN: Yes, that is correct, Senator Gianaris.

SENATOR GIANARIS: Okay, thank you. I think it may have been someone misspoke.

So that was 641. And now can we next take up Calendar 654.

ACTING PRESIDENT BENJAMIN: The

Secretary will read.

THE SECRETARY: Calendar Number 654, Senate Print 8275A, by Senator Martinez, an act to amend the Labor Law.

ACTING PRESIDENT BENJAMIN: Senator Gallivan, why do you rise?

SENATOR GALLIVAN: Mr. President, I believe there's an amendment at the desk. I waive the reading of that amendment and ask that Senator Helming be recognized and be heard.

ACTING PRESIDENT BENJAMIN: Thank you, Senator Gallivan.

Upon review of the amendment, in accordance with Rule 6, Section 4B, I rule it nongermane and out of order at this time.

SENATOR GALLIVAN: Accordingly, I appeal the chair's ruling, Mr. President, and ask that Senator Helming be recognized.

ACTING PRESIDENT BENJAMIN: The appeal has been made and recognized, and Senator Helming may be heard.

SENATOR HELMING: Thank you, Mr. President.

Mr. President, I'd like to begin by saying it's great to see you. I am going to

remove my mask now. I have received messages from people in my community in the deaf community who are interested in observing and attempting to read my lips. So I will be removing my mask.

I believe that both bills are dealing with unemployment insurance, and this bill is germane. We are in the midst of an international health crisis, and this has tested the resiliency of every single one of us. To the families that have been affected by COVID-19, to the loved ones that we've all lost, to our essential workers, we are all with you.

But as legislators, we cannot ignore that this is also an economic crisis. Whether it's our agricultural community, manufacturing, Main Street retail stores, healthcare, education, local government or our important tourism industry, every single sector has been hit hard by the COVID pandemic.

According to the Small Business Administration, more than 81,000 federal PPP loans have been issued in New York, totaling more than $20 billion. While this may provide some temporary relief, these businesses have had their incomes limited or completely shut off.

Local businesses are at or past their breaking point, and the burdens associated with the pandemic are in addition to the already high cost of doing business New York State. As legislators, we have a real opportunity to improve the current business climate. This begins by setting aside partisan politics and providing much-needed relief to small businesses, schools, and our healthcare providers so they can safely reopen.

During a recent legislative hearing hosted by the Senate Commerce, Economic Development and Small Business Committee, numerous small business owners from every certainly single corner of this state, as well as organizations representing businesses such as the National Federation of Independent Businesses, chambers of commerce and many others, strongly requested the Legislature take action to hold the cost on unemployment insurance.

The bill before us right now, S8249, would do exactly that by excluding unemployment charges caused by the impact of COVID-19 from being used to calculate an employer's experience rating. This bill would take the important step

of ensuring businesses do not face higher insurance premiums because of unemployment claims caused by the COVID-19 crisis.

This is not a partisan bill. Both majority and minority members support assisting small businesses in this manner. Yet despite the support, despite the pleas we heard during that hearing and the calls to our offices every single day from businesses asking that we do everything we can to protect them from increasing unemployment costs as a result of the pandemic, the package of bills the majority members chose to put forward does not address this issue. In fact, it does little to help our state's job creators and their employees.

But it's not too late for the majority to reverse course and use this opportunity to deliver real relief to get our economy moving again and people safely back to work. Now is the time to offer our small businesses this assistance.

I strongly encourage my colleagues to show your support for businesses all across the state by voting yes, that this is germane.

ACTING PRESIDENT BENJAMIN: Thank

you, Senator Helming.

I want to remind the house that the vote is on the procedures of the house and the ruling of the chair.

Those in favor of overruling the chair signify by saying aye.

(Response of "Aye.")

ACTING PRESIDENT BENJAMIN: Opposed, nay.

(Response of "Nay.")

ACTING PRESIDENT BENJAMIN: The ruling of the chair stands, and the bill-in-chief is before the house.

Are there any other Senators wishing to be heard? Seeing and hearing none, debate is closed.

The Secretary will ring the bell.

Read the last section.

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

ACTING PRESIDENT BENJAMIN: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT BENJAMIN: Senator Helming to explain her vote.

SENATOR HELMING: Thank you, Mr. President.

Our focus should be on providing assistance to those who are legally entitled to unemployment insurance, people like independent contractors, beauticians and barbers, who have paid into the system and who through no fault of their own are now out of work.

For many of these hardworking New Yorkers, their claims have gone unresolved for months. I agree with the statement in the sponsor's memo that says a key way we can help is by quickly providing unemployment benefits. But this legislation fails to deliver to those who have followed the rules. Instead, this legislation is focused on timely payments to people who have made false representations and basically cheated the system.

For this reason, I am opposed to this bill and I strongly encourage the majority to bring to the floor legislation that supports getting payments out to the honest, hardworking citizens who have gone months without their unemployment insurance that they're entitled to.

I vote no, Mr. President.

ACTING PRESIDENT BENJAMIN:

Senator Helming to be recorded in the negative.

Announce the results.

THE SECRETARY: In relation to Calendar Number 654, those Senators voting in the negative are Senators Akshar, Borrello, Boyle, Gallivan, Griffo, Helming, Jacobs, Jordan, Lanza, Little, O'Mara, Ortt, Savino and Tedisco.

Ayes, 48. Nays, 14.

ACTING PRESIDENT BENJAMIN: The bill is passed.

Senator Gianaris.

SENATOR GIANARIS: Mr. President, at this time can we move to Calendar 649.

ACTING PRESIDENT BENJAMIN: The Secretary will read.

THE SECRETARY: Calendar Number 649, Senate Print 8192B, by Senator Hoylman, an act in relation to prohibiting the eviction of residential tenants who have suffered financial hardship during the COVID-19 covered period.

ACTING PRESIDENT BENJAMIN:

Senator -- Senator -- Senator Amedore.

SENATOR AMEDORE: Thank you, Mr. President.

Will the sponsor give an explanation of this bill?

ACTING PRESIDENT BENJAMIN: Are you asking the sponsor to yield for a question?

SENATOR AMEDORE: Will the sponsor yield?

ACTING PRESIDENT BENJAMIN: Will the sponsor yield?

SENATOR HOYLMAN: Yes, Mr. President.

ACTING PRESIDENT BENJAMIN: The sponsor yields.

SENATOR HOYLMAN: Mr. President, we know that in this unprecedented time which has had an enormous and tragic impact on so many Americans -- close to 100,000 deaths, and thousands of New Yorkers as well -- that there's been also a cascading effect involving job loss and economic hardship.

On May 21st, 38.6 million jobs had been reported lost, and that number continues to grow despite states across the nation gradually reopening. We know that in the State of New York, we're looking at job losses of $1 million to $2 million.

And you think about the perfect and tragic storm that might exist for one of my constituents or one of my colleague's constituents, where you're sick, you're caring for a loved one, somebody may have died in your family, you're trying to homeschool, you're unemployed, and you're worried about eviction.

Well, that's what this bill tries to alleviate in at least one regard, Mr. President. This bill would prohibit courts from evicting residential tenants who have suffered financial hardship through no fault of their own because of COVID-19, during a covered period, for nonpayment of rent that accrues or becomes due during this referenced period.

It does not, Mr. President, prohibit a court from awarding a money judgment for the rent due and owed by the tenant.

The COVID-19 covered period starts at March 7, 2020, through the yet determined date -- because we are still in the middle of this pandemic, Mr. President -- on which none of the provisions closing or otherwise restricting public or private businesses or places of public

accommodation or requiring postponement or cancellation of nonessential gatherings of individuals of any of size are still in effect.

Shorthand, Mr. President, the provisions last through the end of the "New York on PAUSE" order.

SENATOR AMEDORE: Mr. President, will the sponsor yield for a couple of questions?

ACTING PRESIDENT BENJAMIN: Does the sponsor yield?

SENATOR HOYLMAN: Yes, Mr. President.

ACTING PRESIDENT BENJAMIN: The sponsor yields.

SENATOR AMEDORE: Through you, Mr. President, does this bill allow for an eviction proceeding if a tenant does not have a hardship due to the pandemic, or does this cover just the pandemic period?

SENATOR HOYLMAN: Through you, Mr. President, this bill specifically applies to financial hardship due to COVID-19.

SENATOR AMEDORE: Through you, Mr. President, will the sponsor continue to yield?

ACTING PRESIDENT BENJAMIN: Does the sponsor yield?

SENATOR HOYLMAN: Yes, Mr. President.

ACTING PRESIDENT BENJAMIN: The sponsor yields.

SENATOR AMEDORE: What is a financial hardship? Can you give us a definition in this bill?

SENATOR HOYLMAN: Yes, Mr. President, through you.

This bill would rely on a court making that determination through a number of factors. It would first ensure that the defense for -- under this bill would apply only to the COVID-19 period as I described it, and would ensure that the factors that a court would look at would -- to determine financial hardship would be consideration of the tenant's income prior to and during the COVID-19 covered period, the tenant's liquid assets, and the tenant's eligibility for and receipt of various social safety net programs, including SNAP, SSI, cash assistance, HEAP, or unemployment insurance.

SENATOR AMEDORE: Through you,

Mr. President, will the sponsor continue to yield?

ACTING PRESIDENT BENJAMIN: Does the sponsor yield?

SENATOR HOYLMAN: Yes, Mr. President.

ACTING PRESIDENT BENJAMIN: The sponsor yields.

SENATOR AMEDORE: Does this bill limit a judge to determine the hardship by a factor of one, only using one of the criteria that you have listed or just read off during a proceeding?

SENATOR HOYLMAN: Through you, Mr. President, no. It would be the totality of factors.

As stated in the bill, a tenant or lawful occupant may raise financial hardship during the COVID-19 period as a defense in determining whether a tenant or lawful occupant suffered a financial hardship during the covered period, the court shall consider among other relevant factors that I stated earlier.

SENATOR AMEDORE: Through you, Mr. President, will the sponsor continue to

yield?

ACTING PRESIDENT BENJAMIN: Does the sponsor yield?

SENATOR HOYLMAN: Yes, Mr. President.

ACTING PRESIDENT BENJAMIN: The sponsor yields.

SENATOR AMEDORE: I believe you said, Senator Hoylman, that the period of time of this bill would last during the "New York on PAUSE" executive order, is that correct?

SENATOR HOYLMAN: Well, it's -- perhaps I'm a little inaccurate about that. It's not the Governor's -- that -- that -- through you, Mr. President, that statement is not in the bill. In effect, that is the case, but it would really delineate that period based on the openings of the businesses and allowance of gatherings. That technically is not "New York on PAUSE," but in effect it's very similar.

So it is possible, Mr. President, to have a regional disparate application of this bill.

SENATOR AMEDORE: Mr. President, would the sponsor continue to yield?

ACTING PRESIDENT BENJAMIN: Does the sponsor yield?

SENATOR HOYLMAN: Yes.

ACTING PRESIDENT BENJAMIN: The sponsor yields.

SENATOR AMEDORE: So as the sponsor, Senator Hoylman, mentioned about a regional approach -- and obviously it's not really linked, then, to the "New York on PAUSE" executive order, which is the order that shut down the economy in the State of New York, which then the negative effect of that was people losing jobs, not having income coming in, and maybe then not paying their rent payment or their mortgages. I don't know why you would have that not be linked to that exact date, but that's not my question.

Through you, Mr. President, if you take -- as you say, Senator Hoylman, a regional approach -- let's just say that in some of these regions, and as New York State reopens in various phases, and if we were in the last phase of Phase 4 of reopening and some of the regions had a full reopen and others did not and there was a sporting-event venue that could occur with a

large gathering, would this bill prohibit that region and landlords of collecting rent or not being able to evict a tenant?

SENATOR HOYLMAN: Through you, Mr. President. According to the statute, Section 1, the period would last until -- beginning March 7th until the date on which none of the provisions that closed or otherwise restricted public or private businesses or places of public accommodation or gatherings for any size continue to exist in this specific county.

So if the -- if my colleague's question is would the limitation on gatherings mean that this statute would still be in effect in the scenario that he presented, the answer is yes.

SENATOR AMEDORE: Mr. President, will the sponsor continue to yield?

ACTING PRESIDENT BENJAMIN: Does the sponsor yield?

SENATOR HOYLMAN: Yes, Mr. President.

ACTING PRESIDENT BENJAMIN: The sponsor yields.

SENATOR AMEDORE: So if that was

the case in a long, drawn-out, slow reopening, and then areas of the state not being able to reopen fully, this bill would then prohibit a landlord evicting a tenant based on not being paid, based on what you determine financial hardship during -- not caused by, because it doesn't say that in the bill -- but during this COVID-19 period.

So -- Mr. President, through you -- Senator Hoylman, why did you not put a specific date, then, in this bill and then link it to the cause of the pandemic?

SENATOR HOYLMAN: Through you, Mr. President. The only thing that landlords are going to lose in this bill is the right to throw a tenant out onto the street because of COVID-related economic hardship during the period covered.

And the bill acknowledges that the opening of our state is a phased-in process that has, we've witnessed in the last few weeks, a different timetable for different areas. And that is why we have chosen to use a criteria that is based on "New York on PAUSE."

SENATOR AMEDORE: Through you,

Mr. President, would the sponsor yield for a question?

ACTING PRESIDENT BENJAMIN: Does the sponsor yield?

SENATOR HOYLMAN: Yes, Mr. President.

ACTING PRESIDENT BENJAMIN: The sponsor yields.

SENATOR AMEDORE: So, Senator Hoylman, I think what you're saying is if a constituent -- any of our constituents -- during this period of COVID-19 didn't lose their job, was still able and fortunate to work, and maybe suffered some type of financial hardship because maybe the stock market went down or maybe they just got divorced, they wouldn't have to pay their rent, under this bill, and then they wouldn't have to be -- they wouldn't get evicted?

SENATOR HOYLMAN: Through you, Mr. President, the -- this bill is specifically related to COVID-19 hardship. That would be for the judge's determination.

I think it is important to note that the landlord loses nothing. He or she still has the ability to issue a money judgment. They'll

be paid in full as the court so directs.

We're just extending a hand of humanity during this crisis, Mr. President. This is not landlords versus tenants. This is about New Yorkers helping each other through an unprecedented health and economic hardship.

SENATOR AMEDORE: Mr. President, on the bill.

ACTING PRESIDENT BENJAMIN: Senator Amedore on the bill.

SENATOR AMEDORE: I want to thank the sponsor of the bill for indulging some of the questions and some of the answers. That though he is a very educated person, a man who understands law as well as I'm sure he serves his constituents in the finest manner, and I consider him a friend. In this case, though, I dare to differ in some of the thinking behind this.

I will agree that what he said about being kind and courteous and generous -- in a time of need, we need to all be showing more charity to one another. And I know that there's a lot of landlords out there who have -- who do that and who have already demonstrated all of that during this period of time.

The Executive -- the Governor laid out in his executive order this moratorium or a time period that there will be no evictions in the State of New York because of this crisis.

A bill like this goes -- it could maybe seem like a feel-good bill or it sounds like maybe the majority is trying to do -- or the Legislature is trying to do something. But there's already protections in the State of New York on every single tenant in the State of New York right now.

This bill goes beyond that. This bill takes away anybody's ability who may own a two-family home and rents upstairs or downstairs and lives on one of the floors themselves and may not be able to evict after this executive order is removed, based on not being paid.

To limit the financial factors or the hardship here not being defined in -- and -- and defined it such that it is COVID-related and caused by the pandemic, to me is just ludicrous. This sounds like, to me, an open door to just telling millions of tenants in the State of New York: You know what, you don't have to pay your rent. Just claim that you got financial

hardship. You lost some money somewhere, some liquid assets somewhere -- or maybe you've gone through a change of life and I want to live in this apartment, I like this address, but I'm not paying my landlord and I'm not going to be able to get evicted.

This is not the message that we should be sending. As a matter of fact, this is not the bill that we should be doing.

You want to be able to give help to everyone in a time of need that we all are in and under? Then it's a matter of how we can strengthen the economy, how we can make New York more affordable, how can the landlords pay for the property taxes and the insurances and the costs to operate and all the CAM charges that happens within that property.

And how can we put all of those residents in these buildings, in these structures, to work again? Not live on a social welfare program to be their source of income, but to go back and earn a living wage that they all so chose and want to do. We need to do better than this, because this bill will lead to, ah, we don't have to pay the rent, and I can live here

as long as I want.

Let's not take advantage of an already bad situation in a crisis. Because there's a lot of good landlords and there's a lot of good tenants that have worked things out, and they have extended payments or made provisions to still live in the building or in the apartment, in the residence, that they just can't afford right now because of hardship.

So, Mr. President, I believe that there are better -- there is a better way to do this, and one that we can show charity and love and respect to our neighbor, to our tenant, and to all the small businesses. But without the lack of definition, without the lack of dates and taking and limiting judges' determinations of hardship here, I cannot support this bill.

I'll be voting in the negative.

Thank you, Mr. President.

ACTING PRESIDENT BENJAMIN: Senator Boyle.

SENATOR BOYLE: Mr. President, will the sponsor yield for a couple of questions?

ACTING PRESIDENT BENJAMIN: Does the sponsor yield?

SENATOR HOYLMAN: Yes, Mr. President.

ACTING PRESIDENT BENJAMIN: The sponsor yields.

SENATOR BOYLE: Thank you. Through you, Mr. President.

Senator Hoylman, I truly appreciate the good nature and good heart that you have bringing this bill forward. But I think I have some of the same issues with this as my colleague Senator Amedore.

You mentioned -- I hope you didn't misspeak -- that you said this was for financial hardships due to the COVID outbreak. Page 1, line 14 of the bill clearly says "No court shall issue a warrant of eviction or judgment of possession against a residential tenant or other lawful occupant that has suffered financial hardship during" -- during -- "the COVID-19 covered period." Not due to, but during.

Now, I know my colleague Senator Amedore mentioned you might have had a loss in the stock market. I could see a court saying that was due to the hardship, the financial pandemic crisis. What if I decided to go and let

it ride at some casino down south that I found open -- lost everything, can't pay my rent, but it's during the pandemic, next week? Should I be able to not pay my rent? It's during the period, according to this bill.

SENATOR HOYLMAN: {Unintelligible}. I swallowed my words because of the face mask. But we certainly don't want to overburden courts.

Could the -- could the -- I'm having a hard time hearing. Could the -- could my colleague restate his question?

ACTING PRESIDENT BENJAMIN: Senator Boyle, can you repeat your question?

SENATOR BOYLE: I simply want to know that -- so you're saying any financial hardship during, not necessarily due to. Again, if I went -- next week went down and bet in a casino everything I have and lost, and I was unable to pay my rent due to financial hardship of my own doing, I should not have to pay my rent, is that correct, according to this law -- this bill?

SENATOR HOYLMAN: Through you, Mr. President. You do have to pay your rent.

And I have to contest my -- your

colleague's description that New Yorkers are going to say, I don't have to pay my rent. In fact, it's very clear in the last section -- Section 3 of the bill says it doesn't prohibit at all courts from awarding money judgments due to rent owed.

So the whole point of this bill is that you gotta pay your rent. And -- but the ancillary and important component is that if you've suffered economic hardship during the period, as determined by a court, then you will not be evicted for that rent owed. Only during that period.

SENATOR BOYLE: Through you, Mr. President.

ACTING PRESIDENT BENJAMIN: Does the sponsor yield?

SENATOR HOYLMAN: Yes.

ACTING PRESIDENT BENJAMIN: The sponsor yields.

SENATOR BOYLE: I misspoke. You do have to pay your rent --

SENATOR HOYLMAN: {Inaudible.}

SENATOR BOYLE: You would have to pay your rent. It may be a year or two down the

road. But I could not be evicted if I went next week and gambled all my money away and could not pay the rent. The landlord said, "Hey, Phil, I heard you were down in Vegas last week and lost all your money. Can you pay me? Otherwise I'm going to start an eviction proceeding." I'll say, "No, you can't, because I have no money. I had financial hardships during the pandemic. Come see me after it's over."

SENATOR HOYLMAN: Through you, Mr. President.

The landlord would be able to get that money judgment right away. Nothing prohibits a landlord from receiving his or her money judgment for rent owed for whatever reason.

The only issue is that if a court determined that an individual's economic position was caused by COVID-19 during the period that we are discussing, then that individual could not be evicted.

SENATOR BOYLE: Mr. President, on the bill.

ACTING PRESIDENT BENJAMIN: Senator Boyle on the bill.

SENATOR BOYLE: I think that the

difference between "during" and "due" is monumental.

I can certainly support the idea and obviously want to help those individuals who are suffering financial hardships due to the COVID crisis. That's what we should be there for. But not anybody who suffers financial hardship through their own cause, their own fault, during this period.

The other issue I have, Mr. President, with this bill is, as my colleague Senator Amedore said, the end period. We're going to wait until the very last executive order regarding this pandemic, and that could be -- I hate to -- I would love to see, and I hope there is, I pray there is, a vaccine next week and it's all over. But right now I'm thinking we may not see full football arenas or hockey stadiums or maybe the Mets playing for another year or two.

So are people not going to be evicted for two years? This is what I'm talking about. You are going to create a rental crisis. And I'll give you the perfect example. It happened literally this morning. I was talking to a constituent of mine, she called and said

they had the two-family house, renters lived upstairs. Tragically, one of them died, 37 years old, from COVID. His partners had to leave, couldn't afford the rent anymore. She said, "Now we have to find another tenant. However, there's no way I'm going to rent this place, because that person could be there for two years and not pay their rent, and I cannot evict them." That's one person in this case.

I understand a lot of the colleagues from New York City think all these landlords are billionaires and multi-multi-millionaires, these are the big bad people that we have to protect the little folks against. We do want to protect renters. But by keeping this open-ended, we're going to stop people from renting in New York State.

No one is going to rent their multi-family dwelling, their apartment complex, if they think that their tenants potentially could live there for more than a year and they can't evict them if they do not pay rent. It's going to create the crisis.

Well-intentioned, but I see unintended consequences with this piece of

legislation. And that is the reason, Mr. President, that I have to vote in the negative.

ACTING PRESIDENT BENJAMIN: Are there any other Senators wishing to be heard?

Seeing and hearing none, debate is closed.

The Secretary will ring the bell.

Read the last section.

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

ACTING PRESIDENT BENJAMIN: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT BENJAMIN: Senator Hoylman to explain his vote.

SENATOR HOYLMAN: Thank you, Mr. President.

I wanted to thank my colleagues, Senate Leader Andrea Stewart-Cousins in particular, for their support of the Tenant Safe Harbor Act; my Assembly sponsor, Assemblymember Dinowitz; and my Senate co-prime sponsor, Senator Liz Krueger, who was working on this bill with me.

Let me first say that, you know, the characterization that this is going to cause a rent crisis I think is inaccurate. I believe that something that has not been mentioned is the fact that if a landlord views a tenant as, you know, not paying rent, he or she doesn't have to renew their lease and can have a holdover proceeding in connection with that.

Every safeguard that a landlord has to seek a money judgment and to have it within their power to renew a lease or not remains in the landlord's control, as it currently is under law.

But what this does, I think, Mr. President, is to address the real concern, which is this potential tsunami of eviction proceedings once the courts begin reopening. People who have lost their jobs and worried -- they're worried they're going to be evicted and forced into homelessness in the middle of a massive public health crisis.

And New York is at the center of this crisis. As I said, over a million New Yorkers have been laid off or furloughed since the pandemic began. So many of them have

been reaching out to our offices desperate for assistance. We don't call that, you know, a handout, we call that a hand up, because of the circumstances that are beyond the control of everyone, including those of us who serve in this chamber.

And I commend Governor Cuomo for his establishment of an eviction moratorium. But when that ends, we could see this tidal wave of evictions to begin in New York.

So that's why it's so important we pass the Tenant Safe Harbor Act today. It's going to continue to protect tenants who have experienced financial hardship during this state of emergency. It will prevent those tenants from being evicted for nonpayment that comes due, as long as restrictions on businesses or public gatherings are in place. And it will allow landlords to collect and continue to accrue rent from those tenants.

I think it is a very balanced approach that protects our tenants in their homes during an unprecedented crisis but also recognizes that landlords, small or large, have their own financial hardships.

And as we continue to fight our way through this crisis, Mr. President, I look forward to help from the federal government on mortgage relief, on rental relief. I look forward to legislation that we're considering tomorrow to help renters and landlords with the payment of rent.

So thank you, Mr. President. I'm very proud of this bill and my colleagues for their support. I vote aye.

ACTING PRESIDENT BENJAMIN: Senator Hoylman to be recorded in the affirmative.

Announce the results.

THE SECRETARY: In relation to Calendar Number 649, those Senators voting in the negative are Senators Akshar, Amedore, Borrello, Boyle, Felder, Flanagan, Funke, Gallivan, Griffo, Helming, Jacobs, Jordan, Lanza, LaValle, Martinez, O'Mara, Ortt, Ranzenhofer, Ritchie, Robach, Serino, Seward and Tedisco.

Ayes, 39. Nays, 23.

ACTING PRESIDENT BENJAMIN: The bill is passed.

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

SENATOR GIANARIS: At this time, Mr. President, by unanimous consent, would you recognize Senator May.

ACTING PRESIDENT BENJAMIN: Without objection, Senator May may be recognized.

SENATOR MAY: Thank you, Mr. President. And thank you for allowing me to explain my vote on a bill that passed earlier this afternoon, Senate Bill 8181A.

Our Main Street businesses are the lifeblood of our communities, and they make our neighborhoods places we all want to live. They're our barber shops and our hair salons, our florists and the family restaurant where you want to celebrate your anniversary, or the craft gallery that sells the art of local artists. They need our help now, and this bill allows Industrial Development Agencies to give them resources so that they can reopen safely and successfully, to make bridge loans and to make PPE and other materials available to them.

So I want to thank the leadership for allowing this bill to come to a vote, my colleague in the Assembly, Al Stirpe, for sponsoring it there, and my colleagues for

passing it. Thank you.

ACTING PRESIDENT BENJAMIN: Senator Gianaris.

SENATOR GIANARIS: One more time. By unanimous consent, Mr. President, can you recognize Senator Thomas.

ACTING PRESIDENT BENJAMIN: Without objection, Senator Thomas may be recognized.

SENATOR THOMAS: Thank you, Mr. President. And thank you, Senator Gianaris, for allowing me to speak on S8113A, by Senator Parker.

I would like to thank our Majority Leader, Andrea Stewart-Cousins, for bringing this bill to the floor and to the sponsor, Senator Kevin Parker.

This is a very important bill to consider during this health pandemic. Everyone should have access to utilities, as it is essential for keeping our communities safe and healthy. For example, water is even more important now because proper hygiene is required to stop the spread of coronavirus, and everyone must have access to clean water in their homes.

That is exactly why this bill is so

important. It prevents utility shutoffs during a state of emergency, requires reconnection within 48 hours of disconnection, extends the moratorium on utility shutoffs for 180 days beyond the state of emergency, requires the utility to offer a restructuring of payments owed to the utility, and requires the utility to inform all customers of their right to have a continued utility service during the state of emergency.

This will go a long way to protect consumers. And as chair of Consumer Protection, I want to say thank you again to Senator Parker for introducing this.

I vote aye.

ACTING PRESIDENT BENJAMIN: Senator Gianaris.

SENATOR GIANARIS: Thank you, Mr. President.

Can we lay aside for the day Calendar 664.

ACTING PRESIDENT BENJAMIN: The bill will be laid aside for the day.

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

ACTING PRESIDENT BENJAMIN: There

is no further business at the desk.

SENATOR GIANARIS: I move to adjourn until tomorrow, May 28th, at noon, 12 o'clock noon tomorrow.

ACTING PRESIDENT BENJAMIN: On motion, the Senate stands adjourned until tomorrow, May 28th, at noon.

(Whereupon, at 2:53 p.m., the Senate adjourned.)