NEW YORK STATE SENATE

THE STENOGRAPHIC RECORD

ALBANY, NEW YORK

January 19, 2021

3:12 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, Sunday, January 17, 2021, the Senate met pursuant to adjournment. The Journal of Saturday, January 16, 2021, 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.

Reports of select committees.

Communications and reports from state officers.

Motions and resolutions.

Senator Gianaris.

SENATOR GIANARIS: Mr. President, let me begin, as we have been, by congratulating the Buffalo Bills on another victory this week. Now they have two more to go, two more to go before the season ends.

Can you please call an immediate meeting of the Rules Committee in Room 332.

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

SENATOR GIANARIS: The Senate will stand at ease.

ACTING PRESIDENT BENJAMIN: The Senate will stand at ease.

(Whereupon, the Senate stood at ease at 3:13 p.m.)

(Whereupon, the Senate reconvened at 3:26 p.m.)

ACTING PRESIDENT BENJAMIN: The Senate will return to order.

Senator Gianaris.

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

ACTING PRESIDENT BENJAMIN: 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 18A, by Senator Mayer, an act to amend the Labor Law;

Senate Print 471A, by Senator Kaplan, an act establishing the "COVID-19 Emergency Protect our Small Businesses Act of 2021";

Senate Print 1042A, by Senator Ramos, an act to amend the Labor Law;

Senate Print 1184, by Senator Gianaris, an act to amend the Criminal Procedure Law and the Civil Practice Law and Rules;

Senate Print 1197, by Senator Persaud, an act to amend the Labor Law;

Senate Print 1295, by Senator Gounardes, an act to amend the Labor Law;

Senate Print 1296, by Senator Benjamin, an act requiring the Department of Health of the State of New York to conduct a review of the effects of racial and ethnic disparities;

Senate Print 1297, by Senator Reichlin-Melnick, an act to amend the Chapter 598 of the Laws of 1938;

Senate Print 1298, by Senator Savino, an act to amend the Workers' Compensation Law;

Senate Print 1299, by Senator Sanders, an act to amend the Labor Law;

Senate Print 1300, by Senator Persaud, an act to amend a chapter of the Laws of 2020;

Senate Print 1301, by Senator Brouk, an act to direct the Commissioner of Mental Health to create a workgroup;

Senate Print 1302, by Senator Ramos, an act to amend the Labor Law;

Senate Print 1303, by Senator Salazar, an act to amend the Public Health Law;

Senate Print 1304, by

Senator Gounardes, an act to amend the Public Authorities Law;

Senate Print 1305, by Senator Hinchey, an act in relation to directing the Commissioner of Agriculture and Markets to work with the state's land grant university system;

Senate Print 1306, by Senator Kennedy, an act to amend a chapter of the Laws of 2020;

Senate Print 1307, by Senator Palumbo, an act to amend the Insurance Law;

Senate Print 1308, by Senator Cooney, an act to amend the General Municipal Law;

Senate Print 1309, by Senator Breslin, an act to amend the Real Property Tax Law;

Senate Print 1310, by Senator Breslin, an act to amend the Election Law;

Senate Print 1554B, by Senator Kavanagh, an act to amend the General Business Law; and

Senate Print 1630A, by Senator Savino, an act to amend the General Business Law.

All bills reported direct to third reading.

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

ACTING PRESIDENT BENJAMIN: All 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 and before the house.

SENATOR GIANARIS: Please take up the reading of the calendar.

ACTING PRESIDENT BENJAMIN: The Secretary will read.

THE SECRETARY: Calendar Number 15, Senate Print 862, by Senator Gaughran, an act to amend a chapter of the Laws of 2020.

ACTING PRESIDENT BENJAMIN: Read the last section.

THE SECRETARY: Section 2. This

act shall take effect on the same date and in the same manner as a chapter of the Laws of 2020.

ACTING PRESIDENT BENJAMIN: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT BENJAMIN: Announce the results.

THE SECRETARY: In relation to Calendar Number 15, those Senators voting in the negative are Senators Akshar and O'Mara.

Ayes, 61. Nays, 2.

ACTING PRESIDENT BENJAMIN: The bill is passed.

THE SECRETARY: Calendar Number 16, Senate Print 863, by Senator Gaughran, an act to amend a chapter of the Laws of 2020.

ACTING PRESIDENT BENJAMIN: Read the last section.

THE SECRETARY: Section 2. This act shall take effect on the same date and in the same manner as a chapter of the Laws of 2020.

ACTING PRESIDENT BENJAMIN: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT BENJAMIN:

Announce the results.

THE SECRETARY: In relation to Calendar Number 16, those Senators voting in the negative are Senators Akshar and O'Mara.

Ayes, 61. Nays, 2.

ACTING PRESIDENT BENJAMIN: The bill is passed.

THE SECRETARY: Calendar Number 19, Senate Print 866, by Senator Brooks, an act to amend the Executive Law.

ACTING PRESIDENT BENJAMIN: Read the last section.

THE SECRETARY: Section 2. This act shall take effect on the same date and in the same manner as a chapter of the Laws of 2020.

ACTING PRESIDENT BENJAMIN: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT BENJAMIN: Announce the results.

THE SECRETARY: Ayes, 63.

ACTING PRESIDENT BENJAMIN: The bill is passed.

THE SECRETARY: Calendar Number 22, Senate Print 869, by Senator Hoylman, an act to

amend the Public Health Law.

ACTING PRESIDENT BENJAMIN: Read the last section.

THE SECRETARY: Section 2. This act shall take effect on the same date and in the same manner as a chapter of the Laws of 2020.

ACTING PRESIDENT BENJAMIN: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT BENJAMIN: Announce the results.

THE SECRETARY: In relation to Calendar Number 22, those Senators voting in the negative are Senators Boyle, Gallivan, Griffo, Ortt and Serino.

Ayes, 58. Nays, 5.

ACTING PRESIDENT BENJAMIN: The bill is passed.

THE SECRETARY: Calendar Number 23, Senate Print 870, by Senator Felder, an act to amend the General Business Law.

ACTING PRESIDENT BENJAMIN: Read the last section.

THE SECRETARY: Section 3. This act shall take effect on the same date and in the

same manner as a chapter of the Laws of 2020.

ACTING PRESIDENT BENJAMIN: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT BENJAMIN: Announce the results.

THE SECRETARY: Ayes, 63.

ACTING PRESIDENT BENJAMIN: The bill is passed.

THE SECRETARY: Calendar Number 29, Senate Print 876, by Senator Comrie, an act to amend a chapter of the Laws of 2020.

ACTING PRESIDENT BENJAMIN: Read the last section.

THE SECRETARY: Section 2. This act shall take effect on the same date and in the same manner as a chapter of the Laws of 2020.

ACTING PRESIDENT BENJAMIN: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT BENJAMIN: Announce the results.

THE SECRETARY: In relation to Calendar Number 29, those Senators voting in the negative are Senators Akshar, Griffo and Ortt.

Ayes, 60. Nays, 3.

ACTING PRESIDENT BENJAMIN: The bill is passed.

THE SECRETARY: Calendar Number 34, Senate Print 881, by Senator Brooks, an act to amend the Executive Law.

ACTING PRESIDENT BENJAMIN: Read the last section.

THE SECRETARY: Section 2. This act shall take effect on the same date and in the same manner as a chapter of the Laws of 2020.

ACTING PRESIDENT BENJAMIN: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT BENJAMIN: Announce the results.

THE SECRETARY: In relation to Calendar Number 34, voting in the negative: Senator Boyle.

Ayes, 62. Nays, 1.

ACTING PRESIDENT BENJAMIN: The bill is passed.

THE SECRETARY: Calendar Number 37, Senate Print 884, by Senator Gounardes, an act to amend the Real Property Law.

ACTING PRESIDENT BENJAMIN: Read the last section.

THE SECRETARY: Section 2. This act shall take effect on the same date and in the same manner as a chapter of the Laws of 2020.

ACTING PRESIDENT BENJAMIN: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT BENJAMIN: Announce the results.

THE SECRETARY: In relation to Calendar Number 37, those Senators voting in the negative are Senators Borrello, Gallivan, Jordan, O'Mara, Palumbo, Rath and Stec.

Ayes, 56. Nays, 7.

ACTING PRESIDENT BENJAMIN: The bill is passed.

THE SECRETARY: Calendar Number 42, Senate Print 889, by Senator Kaplan, an act to amend the Economic Development Law.

SENATOR LANZA: Lay it aside.

ACTING PRESIDENT BENJAMIN: Lay it aside.

THE SECRETARY: Calendar Number 51, Senate Print 898, by Senator Thomas, an act to

amend the Financial Services 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: In relation to Calendar Number 51, those Senators voting in the negative are Senators Akshar, Borrello, Boyle, Gallivan, Griffo, Jordan, Lanza, Martucci, Mattera, Oberacker, O'Mara, Ortt, Palumbo, Rath, Ritchie, Serino, Skoufis, Stec, Tedisco and Weik.

Ayes, 43. Nays, 20.

ACTING PRESIDENT BENJAMIN: The bill is passed.

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

SENATOR GIANARIS: Can we now read the supplemental calendar, please.

ACTING PRESIDENT BENJAMIN: The Secretary will read.

THE SECRETARY: Calendar Number 59, Senate Print 18A, by Senator Mayer, 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: Senator Mayer to explain her vote.

SENATOR MAYER: Thank you, Mr. President.

I rise to explain my vote on S18A, the bill to require the State Department of Labor to enhance outreach and greatly expand participation in the state's shared work program.

This program gives thousands of New Yorkers the ability to continue to work at reduced hours and still receive unemployment insurance, while providing New York employers the ability to save money by reducing payroll costs without losing valued employees.

In the face of COVID, shared work

should be a key tool in the labor toolbox, and yet it is dramatically underutilized. Currently in New York State only about 3,000 plus employers use this program.

In 1985, New York State adopted its first work sharing legislation, following authorization by Congress. In addition, as a point of personal privilege, the bill signed by then-Governor Mario Cuomo was based in part on the strong advocacy of my husband, Lee Smith, then general counsel to the State Labor Department.

He knew the history of the idea of shared work, first pioneered by Harry Van Arsdale, then president of the Local 3 of the IBEW. Through their system of periodic furloughs, they showed that partial pay and partial unemployment kept people in that employer's workforce and retained access to workplace benefits. It was a brilliant idea then, and it has worked extremely well for Local 3 over the years.

However, nationally, according to the National Governors Association, in 2020, while almost 70 percent of America's workforce

has access to some type of work sharing benefit, during the first months of the COVID pandemic only about 0.78 percent of all UI claimants were using it.

President-elect Biden has called for significant enhancement of this program, and we hope that happens.

Personally, I'm grateful to have worked with Commissioner Reardon to conduct such outreach sessions this fall in Westchester, cooperatively with the Westchester County Association. This bill would require that kind of effort to be replicated statewide in the face of such dramatic economic loss in all of our communities.

This is a necessary step to protect employees while allowing employers to reduce costs. I vote aye and encourage my colleagues to do the same. This is the kind of smart, progressive legislation this body should support.

Thank you, Mr. President.

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

Announce the results.

THE SECRETARY: Ayes, 63.

ACTING PRESIDENT BENJAMIN: The bill is passed.

THE SECRETARY: Calendar Number 60, Senate Print 471A, by Senator Kaplan, an act establishing the "COVID-19 Emergency Protect Our Small Businesses Act of 2021."

SENATOR LANZA: Lay it aside.

ACTING PRESIDENT BENJAMIN: Lay it aside.

THE SECRETARY: Calendar Number 61, Senate Print 1042A, by Senator Ramos, an act to amend the Labor 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: Senator Mayer to explain her vote.

SENATOR MAYER: Thank you, Mr. President.

I also rise to express my strong

support and thank Senator Ramos and our leader, Senator Andrea Stewart-Cousins, for bringing this bill to the floor.

Like many of my colleagues, I have thousands of constituents who work two part-time jobs in order to make ends meet and, frankly, to afford the cost of housing in the suburbs of New York City. For many of them, they have been laid off by one job and retained the other, but the other was a five-day-a-week job, and that in and of itself disqualified them from unemployment.

That does not make sense, it is not fair, and it really hurt the constituents of my district and I suspect of so many others.

This bill is a strong step in the right direction. We need to continue to expand unemployment insurance during this time of great stress, and this is a long overdue change. I commend Senator Ramos and the Majority Leader. Thank you for bringing this bill to the floor.

I vote aye.

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

Announce the results.

THE SECRETARY: In relation to Calendar Number 61, voting in the negative: Senator Rath.

Ayes, 62. Nays, 1.

ACTING PRESIDENT BENJAMIN: The bill is passed.

SENATOR GIANARIS: Mr. President, we have one more member we're getting in the chamber to explain her vote.

SENATOR RAMOS: Apologies, Mr. President. I am getting used to my new bearings here.

ACTING PRESIDENT BENJAMIN: No problem. Senator Ramos to explain her vote.

SENATOR RAMOS: Thank you so much, Mr. President.

I want to start by thanking our super-duper Majority Leader, Andrea Stewart-Cousins.

I'm so proud to be passing this bill today at a time when New Yorkers need a helping hand the most. I think in lieu of the Governor raising taxes on the wealthy as soon as he should, we are finally allowing approximately 500,000 part-time workers in New York State to be

able to access unemployment benefits in a way that they haven't been able to before.

It's unfortunate that our system has long been antiquated and has denied New Yorkers a disproportionate portion of their hard-earned hours of work.

And so we're correcting this wrong today, and I'm looking forward to having a much more robust partial unemployment insurance system that will help many, many more New Yorkers and significantly contribute to our economy in that way. So thank you, Mr. President.

And I of course want to thank our Majority Leader, Andrea Stewart-Cousins, for her support as well.

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

Announce the results.

THE SECRETARY: Ayes, 62. Nays, 1.

ACTING PRESIDENT BENJAMIN: The bill is passed.

THE SECRETARY: Calendar Number 62, Senate Print 1197, by Senator Persaud, 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: Senator Borrello to explain his vote.

SENATOR BORRELLO: Thank you, Mr. President.

I can tell you that there are businesses across New York State that are breathing a tremendous sigh of relief. Many other states before us have passed an unemployment insurance experience rating hold harmless, which is what this bill would do. I'd like to thank the sponsor.

And also, this is something that myself and Senator Helming have introduced, I believe back in April. That's why I said businesses are waiting on pins and needles. This is perhaps the number-one issue I have heard, across the board, for business owners in our state: The fact that when this pandemic hit, many of them were forced to close, and those

people had to collect unemployment insurance, obviously. But then we had the unintended consequence of the enhanced benefit from the federal government, which made things far worse for our business owners.

I can tell you, speaking from personal experience as a business owner in New York State, my wife watched the pile of unemployment claims on her desk pile up as she struggled to hire people to work in our businesses. So it was really an unfair, unintended consequence.

As a result, NFIB and other organizations that represent small businesses has said that the likely result of this would be unemployment insurance rates doubling, on average, doubling for our businesses here in New York State. This would have been a death knell for our small businesses that are already hanging on by a thread.

So this is a start, a great start, to provide long overdue assistance for our small businesses. So Mr. President, I am glad to have this bill, glad that it is passing this house, and once again I'd like to thank the sponsor.

And hopefully we'll have more bills like this come through this chamber.

Thank you.

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

Announce the results.

THE SECRETARY: Ayes, 63.

ACTING PRESIDENT BENJAMIN: The bill is passed.

THE SECRETARY: Calendar Number 63, Senate Print 1554B, by Senator Kavanagh, 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 Kavanagh to explain his vote.

SENATOR KAVANAGH: Thank you, Mr. President. I just rise briefly to, you know, note the step that we're taking today.

You know, many of our -- in most of

our communities throughout the state, our restaurants are struggling. They're struggling because of course a lot of their normal business has not been permitted during COVID-19. And that is necessary and appropriate as a public health measure.

But at the same time, as in many areas, COVID has exposed, you know, underlying conditions that have been problematic for a long time. One of them is that, increasingly, online delivery services -- which have become an essential part of the industry -- that permit people to go on an online application and order food, increasingly have been charging our restaurants exorbitant fees for their services, fees that cannot be avoided and fees that often exceed just the necessary fee in order to deliver food.

So this bill sets a cap on that. It does it for the duration of the COVID emergency plus a period subsequent to that. I will say today that we're doing it during the COVID-19 emergency. I will be looking to revisit that when this emergency expires, because we've had legislation on this topic for a while. We have

gotten some concern from people in the industry about this, and we will be considering those.

But it's a very big step that we're taking today to protect our restaurants, to ensure that they can function and that they can do business and that they're not unduly burdened by these delivery services.

I vote aye. Thank you.

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

Announce the results.

THE SECRETARY: In relation to Calendar Number 63, those Senators voting in the negative are Senators Akshar and Savino.

Ayes, 61. Nays, 2.

ACTING PRESIDENT BENJAMIN: The bill is passed.

THE SECRETARY: Calendar Number 64, Senate Print 1630A, by Senator Savino, an act to amend the General Business Law.

ACTING PRESIDENT BENJAMIN: Read the last section.

THE SECRETARY: Section 2. This act shall take effect on the 60th day after it shall have become a law.

ACTING PRESIDENT BENJAMIN: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT BENJAMIN: Senator Savino to explain her vote.

SENATOR SAVINO: Thank you, Mr. President. Good to see you up there.

ACTING PRESIDENT BENJAMIN: Good to see you too.

SENATOR SAVINO: So I know we just heard from Senator Kavanagh on his bill that spoke about third-part delivery apps. I actually voted no on that bill. I have some proposed changes to that bill that I hope to see come to this floor, and I'll be able to vote for it in the future.

But third-party delivery apps have been an integral part of allowing restaurants who have been inordinately affected during this pandemic to be able to operate. But one of the things we have seen is that sometimes there is some ambiguity in the relationship that exists between third-party delivery apps and the very restaurants that have become dependent upon them.

And one of the things that we have

found is that third-party delivery apps were listing restaurants on their sites without the approval or the written consent of those restaurants. And that put them in a position where they did not know who was delivering for them, who was controlling their image, who was promoting them, who was marketing them. And that had put them at a competitive disadvantage, and sometimes put them in a position where their customers were receiving products that might have been contaminated, that were not properly transported, and they had no control over that.

So this legislation would simply require that a third-party delivery app, before it can transport products from a merchant, particularly restaurants, to a consumer, must have a written authorization between that entity in order to do business with them. Very simple.

You should know who's coming into your restaurant to pick up your product to deliver to your customer. It should be clear, it should be in simple language, and you should have that relationship ahead of time. And that is what this bill is about.

Thank you, Mr. President.

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

Announce the results.

THE SECRETARY: In relation to Calendar Number 64, voting in the negative: Senator Martucci.

Ayes, 62. Nays, 1.

ACTING PRESIDENT BENJAMIN: The bill is passed.

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

SENATOR GIANARIS: Can we now take up the reading of the controversial calendar, please.

ACTING PRESIDENT BENJAMIN: The Secretary will ring the bell.

The Secretary will read.

THE SECRETARY: Calendar Number 42, Senate Print 889, by Senator Kaplan, an act to amend the Economic Development Law.

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

SENATOR LANZA: Mr. President, I believe there's an amendment at the desk. I waive the reading of that amendment and ask that

you recognize Senator Gallivan to be heard.

ACTING PRESIDENT BENJAMIN: Thank you, Senator Lanza.

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

SENATOR LANZA: Mr. President, accordingly I appeal the chair's ruling and ask that Senator Gallivan be recognized and heard.

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

SENATOR GALLIVAN: Thank you, Mr. President.

I appeal the ruling of the chair. The proposed amendment is germane to the bill at hand because it deals with small businesses at a time when they are facing unprecedented challenges, and this amendment would restore checks and balances in the state's handling of the coronavirus pandemic.

For 322 days the Governor has had unilateral control of the coronavirus response. His policies have resulted in thousands of layoffs, business closures, and irreparable harm

to many industries of the state -- one in particular, the food service and restaurant industry, which has faced unique and devastating challenges.

On March 16, 2020, the Governor announced the prohibition on indoor dining and gave restaurants and bars only two days to evolve their business into takeout and delivery only. While able to continue accepting patrons through takeout and delivery services, restaurants and bars were forced to lay off dedicated staff, and many even closed their doors for good.

Finally, in mid-June, restaurants around the state began reopening in Phase 3, subject to reopening guidance. On July 16th the Governor instituted the "three strikes" policy establishing fines and threats of closure on restaurants and bars, along with instituting policies that prohibited establishments from solely serving alcohol to patrons.

This struggle continued until October, when the Governor once again moved the goal post and announced a new microcluster strategy, which established yellow, orange and red zones, each with varying metrics.

On November 6, 2020, parts of Erie County met the state's metrics to classify as a yellow zone, which permitted indoor and outdoor dining but limited table capacity to four individuals and required bars and restaurants to close at 10 p.m. for on-premise consumption.

By November 18th, the majority of Erie County was designated as an orange zone, which prohibited indoor dining. It didn't end there.

On December 10th, the Governor announced yet another new metric to determine microcluster focus zones having to do with hospital capacity. For orange zone qualification, this required a region had to reach 85 percent hospital capacity.

And then, on December 11th, the Governor provided what he called "probably the most informative data" showing only 1.43 percent of cases are traceable to restaurants and bars -- 1.43 percent.

This justifiably created chaos and confusion, since no part of Erie County had reached the new metric, yet indoor dining remained shut down. This questionable

science-and-data-driven policy undoubtedly raised not only questions but also tensions. More than 90 restaurants and bars challenged the orange zone dining restrictions.

And only on January 13, 2021, just last week Erie County Court found in maintaining much of Erie County in an orange zone for well over two months, the Department of Health was not relying on the established metrics and inconsistent designations were utilized statewide.

Most importantly, the court could not find evidence that the state had a rational basis for the orange zone designation in Erie County, and that bars and restaurants in the area suffered irreparable harm and thousands of layoffs, loss of income and revenue, potential foreclosure, and hardship upon all Erie County residents.

The court permitted those involved in the lawsuit the ability to operate under yellow zone restrictions pursuant to established COVID-19 interim guidance.

The court's recognition of the arbitrary nature of this style of management

throughout the pandemic only amplifies the justification to rescind the extraordinary powers the Governor continues to wield.

In the wake of this ruling, the Governor's own counsel announced all bars and restaurants located within orange zones could now operate under the rules governing yellow zones.

The Executive's walking back of his own policies is in and of itself an acknowledgment of the arbitrariness in this decision-making and thus further confirmation that it is time that the Legislature acts to restore balance in our state government by rescinding the unilateral authority granted to the Governor and fulfills its constitutional obligation.

For these reasons, Mr. President, I ask that you reconsider and rule this amendment 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.")

SENATOR LANZA: Request a show of hands.

SENATOR GIANARIS: Mr. President, we've agreed once again to waive the showing of hands and record each member of the Minority in the affirmative.

ACTING PRESIDENT BENJAMIN: Without objection, so ordered.

Announce the results.

THE SECRETARY: Ayes, 20.

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 -- oh, sorry. Senator Jordan.

SENATOR JORDAN: Yes, hi. Thank you, Mr. President.

Will the sponsor yield for questioning?

ACTING PRESIDENT BENJAMIN: Does the sponsor yield?

SENATOR KAPLAN: Yes, Mr. President.

ACTING PRESIDENT BENJAMIN: The sponsor yields.

SENATOR JORDAN: Thank you.

What is the difference between this bill and Senate Bill 7350, which was the underlying bill chaptered as 339 of the Laws of 2020?

SENATOR KAPLAN: Through you, Mr. President, this bill ensures the agencies will provide the information to the Department of Economic Development and includes, more specifically, related information about employment-level requirements and ownership requirements.

The technical changes made are to move this mandate from the Executive Law to Economic Development Law and remove the limitation as to 50 or fewer.

And finally, the amendment directs agencies to provide the information by July 1, 2021, to give departments more time to comply. And the original date was 180 days after the effective date.

SENATOR JORDAN: Will the sponsor yield for another question?

ACTING PRESIDENT BENJAMIN: Will the sponsor yield?

SENATOR KAPLAN: Yes, Mr. President.

ACTING PRESIDENT BENJAMIN: The sponsor yields.

SENATOR JORDAN: It is my understanding that in this bill the requirement for the Empire State Development Corporation to publish this information was now removed. Is that correct?

SENATOR KAPLAN: Yes, it is supposed to -- through you, Mr. President, ESD is supposed to put this information out on their website.

SENATOR JORDAN: Will the sponsor yield?

ACTING PRESIDENT BENJAMIN: Does the sponsor yield?

SENATOR KAPLAN: Yes.

ACTING PRESIDENT BENJAMIN: The sponsor yields.

SENATOR JORDAN: So Empire State

Development Corporation is still going to publish the listing of the businesses?

SENATOR KAPLAN: Through you, Mr. President. The agencies are going to share their information with the Empire Development agency, and they are going to post it on their website.

SENATOR JORDAN: Thank you, Senator Kaplan.

On the bill.

ACTING PRESIDENT BENJAMIN: Senator Jordan on the bill.

SENATOR JORDAN: While I voted yes on the original bill, I'll be a no vote today, because this chapter amendment completely undercuts the purpose of the original bill by no longer requiring that this list of available programs to assist small businesses to be published by the Empire State Development Corporation.

It seems that during a pandemic, where many small businesses are struggling, we shouldn't be rolling back provisions of law designed to help the small businesses.

Thank you.

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 on the same date and in the same manner as a chapter of the Laws of 2020.

ACTING PRESIDENT BENJAMIN: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT BENJAMIN: Announce the results.

THE SECRETARY: In relation to Calendar Number 42, those Senators recorded in the negative are Senators Akshar, Borrello, Gallivan, Jordan, Lanza, Oberacker, O'Mara, Ortt, Rath, Stec, Tedisco and Weik.

Ayes, 51. Nays, 12.

ACTING PRESIDENT BENJAMIN: The bill is passed.

The Secretary will read.

THE SECRETARY: Calendar Number 60, Senate Print 471A, by Senator Kaplan, an act

establishing the "COVID-19 Emergency Protect Our Small Businesses Act of 2021."

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

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

ACTING PRESIDENT BENJAMIN: Thank you, Senator Lanza.

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

SENATOR LANZA: Accordingly, Mr. President, I appeal the chair's ruling 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.

On the germaneness of this bill, Mr. President, this amendment is germane because both of these bills apply to small businesses.

Even before the pandemic, New York

had one of the worst business climates in the country, which made it difficult for our small businesses to thrive. Pair that with the devastating effects of the pandemic, many of these businesses, as we all know, are facing a horrible threat.

One step that this chamber should take immediately is to cut taxes on small businesses to give them a better chance of surviving this pandemic.

For this reason, Mr. President, I ask that you reconsider your determination.

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.")

SENATOR LANZA: Request a show of hands, Mr. President.

SENATOR GIANARIS: Once again, Mr. President, we've agreed to waive the showing of hands and record each member of the Minority

in the affirmative.

ACTING PRESIDENT BENJAMIN: Without objection, so ordered.

Announce the results.

THE SECRETARY: Ayes, 20.

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

Senator Helming.

SENATOR HELMING: Mr. President, will the sponsor please yield to questions.

ACTING PRESIDENT BENJAMIN: Does the sponsor yield?

SENATOR KAPLAN: Yes, Mr. President.

ACTING PRESIDENT BENJAMIN: The sponsor yields.

SENATOR HELMING: Through you, Mr. President. Senator Kaplan, thank you for yielding to questions. I have just a couple of them.

During the past year there were several hearings, public hearings that were held, roundtables, et cetera, where businesses from across the State of New York were invited to

share their concerns, what they're -- to talk about what they're experiencing during the pandemic. I know, Senator Kaplan, you hosted several of those events. I attended them. They were fantastic.

And the feedback that we had from so many small businesses during those roundtables and hearings was they were looking for primarily two things from their state legislators. One, they were looking for us to be stronger advocates at the federal level, for additional federal funding. And two, they were looking for some sort of relief from unemployment insurance. They wanted to be held harmless for things they weren't responsible for during the pandemic.

So those two issues were identified. Senator Kaplan, what I'm wondering is -- I'm sure you've spoken to a lot of small businesses since those hearings and while this drafting this bill, considering their input. What types of needs were identified by the small businesses?

SENATOR KAPLAN: Through you, Mr. President.

I really am very appreciative to hear Senator Helming saying that we all need to

be, all in one voice, asking our federal government to help us and help our small businesses because of the pandemic and what they're going through.

With that said, yes, we all know that the small businesses are hurting right now due to the pandemic. And this bill seeks to hit the pause button on eviction and foreclosure proceedings on small businesses through May 1, 2021, and also offers protections for small landlords of commercial properties, again through May 1, 2021.

Part A of this bill creates a commercial eviction moratorium for small businesses of 50 or fewer employees and creates a standardized hardship declaration form to be used by tenants and landlords in order to take advantage of the protection offered by this legislation.

Part B of this bill creates a moratorium on commercial foreclosures of small businesses of 50 or fewer employees that have 10 or fewer properties that they are renting. In addition, Part B also provides tax lien protection and negative credit recording

protection for the same small business property owners.

I'd like to also point out this has been a collaborative piece of legislation that has taken into account many suggestions from different stakeholders and has carried -- and has earned the support of the National Federation of Independent Business in New York.

And with that, I'm happy to answer any other questions that you might have.

SENATOR HELMING: Thank you.

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

ACTING PRESIDENT BENJAMIN: Does the sponsor yield?

SENATOR KAPLAN: Yes, Mr. President.

ACTING PRESIDENT BENJAMIN: The sponsor yields.

SENATOR HELMING: So I heard an explanation of the bill, a summary of the bill, if you will, but not a specific answer to the question on what specific needs were identified in the small businesses you spoke with.

When I'm speaking with businesses,

they're looking for long-term assistance from this body. They are struggling. You drive around Albany, you drive in New York City, you drive anywhere in the state and you see our business districts are suffering. Businesses are closing down.

Yelp did a national study last year; the conclusion was that between April and September, roughly 160,000 businesses closed their doors. That averages out to about -- well, more than 800 closures a day.

Then there's the data from the University of California that the number of closures could be even higher. With the university's data, that bumps that figure up to nearly 317,000 businesses that have closed between February and September of 2020. That bumps the daily average up to 15,000 closures.

So, Senator Kaplan, I guess my question is when we think about this bill and the short-term aspect of it, that it only -- it kicks the can down the road until May, can you tell me how many businesses are going to be able to reopen or stay open because of this bill?

SENATOR KAPLAN: Through you,

Mr. President. We've learned that we can't really count on the federal government, based on what we've seen this past year. We know our small businesses are hurting. We are really hoping that we will get another set of loans or grants from the federal government with the new administration -- but the fact is the small businesses need our help right now.

This legislation basically is a way for us to help these small businesses and create an easier and earlier mechanism for these small businesses to survive and not to fail. Giving them an opportunity of breathing time until May 1st, and hopefully by then we will get more funding from the federal government that would be very helpful with our small businesses.

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

ACTING PRESIDENT BENJAMIN: The sponsor yields.

SENATOR KAPLAN: Yes, Mr. President.

SENATOR HELMING: So according to a New York Times article that I read, they said

that one-third of all New York State small businesses may be gone, just lost forever. Owners have said they've exhausted the funding that's come through federal agencies and local assistance.

And, Senator Kaplan, I know you're probably aware that New York City has a commercial lease assistance program. This program helps businesses with issues such as signing a new lease, amending, renewing or terminating a lease.

Did you look into programs that are currently operating successfully in New York and consider applying them statewide before introducing this bill?

SENATOR KAPLAN: Through you, Mr. President. Again, what this bill basically does, it puts a pause to let a small business to get their footing.

I'm more than happy to also discuss with my colleagues and come up with more ways we can help our small businesses. Our small businesses are the backbone of our communities and our state, and they're really important for our economy. And we want to do everything in our

power. That's why we took this action and have this legislation, to put everything on pause and give them an opportunity to survive through these difficult times, with the hope that they will get more funding -- and we will get more funding -- through the federal government.

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

ACTING PRESIDENT BENJAMIN: Does the sponsor yield?

SENATOR KAPLAN: Yes, Mr. President.

ACTING PRESIDENT BENJAMIN: The sponsor yields.

SENATOR HELMING: So over and over again I hear about putting things on pause. The problem is is that we can't pause COVID. We're trying, but we even fumbled on the rollout of the vaccine, and we have no bills here before us to even deal with that.

But going back to New York State and hoping to receive additional federal dollars, we're -- we know that's going to happen. But Senator Kaplan, what I'd like to know, and I

asked this question when the tenant bill came up, is the State of New York did receive federal dollars. Where is that funding? In your opinion, is that funding being successfully utilized to support small businesses?

SENATOR KAPLAN: Well, I have to say that there has been different programs. And I really encourage every small business to look into ESD and see what can be really applicable to their business, and also take advantage of all the federal grants and loans that have been available.

Again, what this bill does -- it's not saying stop paying rent. It is not saying stop paying your mortgage. It simply says if you are struggling, you get some time, breathing room, to sort out your situation without looming of eviction or foreclosure.

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

ACTING PRESIDENT BENJAMIN: Does the sponsor yield?

SENATOR HELMING: Senator Kaplan, the funding that New York State has received --

ACTING PRESIDENT BENJAMIN: Does the sponsor yield? Does the sponsor yield?

SENATOR KAPLAN: Yes, Mr. President.

ACTING PRESIDENT BENJAMIN: The sponsor yields.

SENATOR HELMING: Thank you.

Senator Kaplan, so the funding that the state has received from the federal government, in your opinion has it been successfully utilized to support small businesses?

SENATOR KAPLAN: Through you, Mr. President, I think I answered the question.

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

ACTING PRESIDENT BENJAMIN: Does the sponsor yield?

SENATOR KAPLAN: Yes, Mr. President.

ACTING PRESIDENT BENJAMIN: The sponsor yields.

SENATOR HELMING: I did not hear a yes or no response to the question how is the

funding being successfully utilized to support small businesses.

When we had a very similar bill on this floor and we were talking about residential evictions and pausing those, there was talk about a hundred -- I think it was $100 million that the state had received and $60 million was still sitting there.

So I guess, Senator Kaplan, I'll ask one more time. In your opinion, has New York State -- have they handed out or have they supported small businesses by distributing the full amount of federal dollars that have been earmarked for the state for small businesses?

SENATOR KAPLAN: Through you, Mr. President. I know that there was money available. It is on the ESD website, you have to qualify. I've urged every business that has had this conversation with us, and with different chambers, for them to go ahead and look and see if those funds would be applicable to them.

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

ACTING PRESIDENT BENJAMIN: Does

the sponsor yield?

SENATOR KAPLAN: Yes, Mr. President.

ACTING PRESIDENT BENJAMIN: The sponsor yields.

SENATOR HELMING: Senator Kaplan, so you are saying that right now small businesses can go to a certain website to apply for state funding assistance, there are dollars available for small businesses through the state for the pandemic specifically?

SENATOR KAPLAN: Through you, Mr. President, I believe I've answered this.

That's not really what this bill is dealing with. If Senator Helming has a question about the bill, I'm more than happy to answer those questions.

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

ACTING PRESIDENT BENJAMIN: Does the sponsor yield?

SENATOR KAPLAN: Yes, Mr. President.

ACTING PRESIDENT BENJAMIN: The

sponsor yields.

SENATOR HELMING: So, Senator Kaplan, again, we've -- I've heard how this bill pauses, and it may be able to help some small businesses by buying them some time before their rent is due again.

But again, when I ask the question how many businesses could be helped or what type of specific assistance businesses are looking for, or even if the funding that we've already received from the federal government has been appropriately rolled out to small businesses, I haven't really gotten an answer.

Which leads me to this question: Will the Legislature need to revisit this bill again after May 2nd when the moratorium expires?

SENATOR KAPLAN: Through you, Mr. President, this legislation just deals with the moratorium going until May 1, 2021.

I also would really like to point out Senator Helming authored an article called "Let's Do the Work We Were Elected To Do." And that's why -- that was the premise for this bill. That's why, when I heard from a lot of my constituents that they tried speaking with their

landlords, although a lot of landlords really tried to make and work with their tenants because they understood they were going through a difficult time, some landlords decided not to do that. And they want their rent, and they want it in whole and they want it on time.

What we are trying to do with this bill is to give a little relief to those small businesses that are on the brink of failing, to put a pause so that they could still go ahead for the next few months, hopefully with them getting more assistance from the federal government.

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

ACTING PRESIDENT BENJAMIN: Does the sponsor yield?

SENATOR KAPLAN: Yes, Mr. President.

ACTING PRESIDENT BENJAMIN: The sponsor yields.

SENATOR HELMING: So the amendment that I have on the floor right now on behalf of the Republican Conference, it's a bipartisan bill, it has bipartisan support. In fact,

Senator Kaplan is the sponsor of the hostile amendment today.

Senator Kaplan, when it comes to helping small business making ends meet, have you considered more direct assistance that would benefit the majority of small businesses, such as a tax holiday or a period of tax forgiveness?

SENATOR KAPLAN: Through you, Mr. President. Again, I'm going to go back, we are here on this bill. I'm more than happy to discuss other bills with Senator Helming and try to really do whatever we can so this body can voice and be an advocate for small businesses. But right now we're dealing with this bill, and I'm happy to answer questions with regard to this bill.

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

ACTING PRESIDENT BENJAMIN: Does the sponsor yield?

SENATOR KAPLAN: Yes, Mr. President.

ACTING PRESIDENT BENJAMIN: The sponsor yields.

SENATOR HELMING: Thank you, Senator Kaplan.

So a question. If a tenant were to provide an attestation of hardship to a commercial property owner and then close the business or vacate the property, can the property owner begin the eviction process prior to May 1st?

SENATOR KAPLAN: Through you, Mr. President. Senator Helming, can you please repeat your question again?

SENATOR HELMING: Sure. Through you, Mr. President.

If a tenant were to fill out the hardship application for a commercial property owner and then closes his or her business or vacates the property, can the property owner begin the eviction process prior to May 1st?

SENATOR KAPLAN: So if the tenant leaves the property of their own free will, there's no need for the eviction proceeding to go ahead.

SENATOR HELMING: Through you, Mr. President. On the bill.

ACTING PRESIDENT BENJAMIN:

Senator Helming on the bill.

SENATOR HELMING: Regarding the last comment, if a tenant walks without paying their rent, there is an issue.

But on the bill, the amended bipartisan legislation I brought forward on behalf of the Republican Conference would provide real -- and I stress real -- meaningful tax relief for struggling businesses.

SENATOR GIANARIS: Mr. President.

SENATOR HELMING: This is a goal we all share --

ACTING PRESIDENT BENJAMIN: Senator Gianaris.

SENATOR GIANARIS: We have taken up the hostile amendment and dispatched it. I've given a lot of leeway to Senator Helming to ask her questions, but she keeps harping on an amendment she proposed that has not been taken up by this house.

So please keep your comments or questions germane to the bill on the floor.

SENATOR HELMING: Through you, Mr. President, I was done questioning. I was on the bill.

ACTING PRESIDENT BENJAMIN: Senator Helming on the bill.

SENATOR HELMING: If there's one thing that Democrats and Republicans agree on, it's that small businesses are the backbone of our state's economy.

As I said, my amendment had bipartisan support. Let's bring it to the floor for a vote and provide New Yorkers with real hope and more assurance that their jobs will be there in the future.

When the Senate passed S9114 last year, the deputy floor leader compared the tenant eviction moratorium legislation to sticking a finger in a dike. And I completely agreed with him at that time, and I would go one step further now and say that like our tenants, our businesses need something more than a temporary fix.

The amendment provides real relief and long-term certainty for small businesses and the hundreds of thousands of employees who work for them, people who wake up every morning wondering if they will have a job. Small businesses are built on personal inspiration and a lot of hard work, sweat equity and tears. Many

people sink their life savings into their dreams. New York has always been there to encourage their entrepreneurial spirit. It was that spirit that built this state.

During the pandemic, the federal government stepped up and provided PPP and other programs to help businesses. The City of New York and many of our regional banks have started programs to assist employers devastated by COVID. A number of counties across this state have even used their federal CARES Act to provide funding to assist businesses.

Yet where is New York State? Late last year, in a very similar floor debate, we were told that help is coming. Yet the concerns of small businesses have yet to be addressed. Their concerns have taken a back seat to virtually every other concern throughout the start of this legislative session.

Mr. President, I offer that we must do better and we can do better. I urge my colleagues to vote for the amendment on the floor, and I urge the sponsor to take a more holistic approach to helping our businesses and reinvigorating our state.

Thank you, Mr. President.

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

Senator Lanza.

SENATOR LANZA: Mr. President, unfortunately I'm going to be voting in the negative on this piece of legislation. I think the sponsor's intentions are meritorious --

ACTING PRESIDENT BENJAMIN: Senator Lanza, are you on the bill?

SENATOR LANZA: Yeah. I'm sorry, on the bill, Mr. President.

ACTING PRESIDENT BENJAMIN: Senator Lanza on the bill.

SENATOR LANZA: Yes.

I think the sponsor's intentions here are meritorious, and I understand what she's trying to do.

But I'm with Senator Helming, who was harping on what we in the Republican Conference have been harping on over the last nine months, which is that the irrational, arbitrary, capricious policies and edicts being handed down by this state are not only not helping the people of the State of New York, as

we find ourselves at the top of the list worldwide in terms of the death rate from the COVID pandemic, but are actually destroying families and small businesses from one end of the state to the other.

And what we continue to harp on is that these small businesses need real relief. This may offer some small measure of relief, granted. I agree. But in many cases this may end up having small businesses find themselves in an even deeper hole come May, June and July. Because it really does, to use the expression again, kick the can down the road.

What businesses need is real relief, they need funding, they need grants. And most of all, Mr. President, they need to be allowed to do what they want to do, which is go back to work, to provide for themselves and for their employees, to do what they set out to do, to live the American dream, to do nothing more than work. To have their businesses open. That's what we need. And we need to find a way to do it rationally and safely.

But we need to do that, Mr. President. And we're going to keep harping

on that here on this side of the aisle. And I know my friends on the other side of the aisle want to see that happen as well.

But I'm with Senator Helming with respect to this legislation. It doesn't go nearly far enough in terms of helping and delivering real relief to the small businesses across the State of New York. When it comes time for a vote, Mr. President, I'll be 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 5. This act shall take effect immediately.

ACTING PRESIDENT BENJAMIN: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT BENJAMIN: Senator Kaplan to explain her vote.

SENATOR KAPLAN: Thank you, Mr. President.

First and foremost, I want to thank Shontell Smith, Eric Katz, Nic Rangel, Kenan Kurt, Jellisa Joseph, Adriele Douglas, and many members of the Senate central staff who worked with me in making this legislation the best that it can be.

Our small businesses have been hit hard by this pandemic, and they need our help if they're going to survive these challenging times. And as Senator Lanza said, this is a relief, a relief for a few months so that they can get back on their feet.

As the chair of the Committee on Commerce, Economic Development and Small Business, I believe it's my solemn duty to look at the New York small business and do everything I can to help support them through this pandemic. The COVID-19 Emergency Protect Our Small Businesses Act, which I am proud to sponsor, will hit the pause button on eviction and foreclosure proceedings for small businesses that are struggling, giving them a shot at survival and giving them the opportunity to get back on their feet without the looming threat of being closed down for good just because they have fallen

behind during the pandemic.

This full package of legislation being passed by the Senate Majority today will be a lifeline to New York's small business community. And I'm extremely grateful to our Majority Leader, Andrea Stewart-Cousins, for making this issue a priority and bringing these bills to the floor today to help save our small businesses.

I vote aye, Mr. President.

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

Senator Gianaris to explain his vote.

SENATOR GIANARIS: Thank you, Mr. President.

I want to congratulate Senator Kaplan for her tremendous effort in coming up with many of the bills we're passing today, and this one in particular, because I heard some of my Republican colleagues who can't accept that something is actually helpful for businesses in this state and want to support it.

I should point out that this bill that they don't seem to like has the support of

the Business Council of New York State, the Partnership of New York City, and NFIB. So if they have a concern that this is not something that helps small businesses, they should take it up with the entities that represent those businesses in this state, all of whom support this legislation and the package we're passing today.

So I proudly cast my vote in the affirmative, and I thank Senator Kaplan for her good work.

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

Announce the results.

THE SECRETARY: In relation to Calendar Number 60, those Senators voting in the negative are Senators Borrello, Boyle, Gallivan, Griffo, Helming, Jordan, Lanza, Martucci, Mattera, Oberacker, O'Mara, Ortt, Palumbo, Rath, Ritchie, Stec, Tedisco and Weik.

Ayes, 45. Nays, 18.

ACTING PRESIDENT BENJAMIN: The bill is passed.

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

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

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

SENATOR GIANARIS: In that case, I move to adjourn until tomorrow, which will be a great day in our nation with the inauguration of a new president taking us out of the dark days of the last four years. And in deference to that, we're going to adjourn until 10:30 a.m. tomorrow, a little bit earlier than usual so that we can all enjoy the festivities after we adjourn our own session.

ACTING PRESIDENT BENJAMIN: On motion, the Senate stands adjourned until Wednesday, January 20th, at 10:30 a.m.

(Whereupon, at 4:25 p.m., the Senate adjourned.)