

1 NEW YORK STATE SENATE

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3
4 THE STENOGRAPHIC RECORD

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8
9 ALBANY, NEW YORK

10 January 25, 2021

11 3:31 p.m.

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13
14 REGULAR SESSION

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17
18 SENATOR SHELLEY B. MAYER, Acting President

19 ALEJANDRA N. PAULINO, ESQ., Secretary

1 P R O C E E D I N G S

2 ACTING PRESIDENT MAYER: The Senate
3 will come to order.

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

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

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

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

13 ACTING PRESIDENT MAYER: The
14 reading of the Journal.

15 THE SECRETARY: In Senate, Sunday,
16 January 24, 2021, the Senate met pursuant to
17 adjournment. The Journal of Saturday,
18 January 23, 2021, was read and approved. On
19 motion, Senate adjourned.

20 ACTING PRESIDENT MAYER: Without
21 objection, the Journal stands approved as read.

22 Presentation of petitions.

23 Messages from the Assembly.

24 The Secretary will read.

25 THE SECRETARY: Senator Kavanagh

1 moves to discharge, from the Committee on Rules,
2 Assembly Bill Number 954 and substitute it for
3 the identical Senate Bill 893, Third Reading
4 Calendar 46.

5 ACTING PRESIDENT MAYER: The
6 substitution is so ordered.

7 THE SECRETARY: Senator Kaminsky
8 moves to discharge, from the Committee on Rules,
9 Assembly Bill Number 953 and substitute it for
10 the identical Senate Bill 902, Third Reading
11 Calendar 55.

12 ACTING PRESIDENT MAYER: The
13 substitution is so ordered.

14 Messages from the Governor.

15 Reports of standing committees.

16 Reports of select committees.

17 Communications and reports from
18 state officers.

19 Motions and resolutions.

20 Senator Gianaris.

21 SENATOR GIANARIS: Madam President,
22 I want to start session by noting that, sadly,
23 the Buffalo Bills were unsuccessful yesterday.
24 We've been rooting them good luck every week as
25 we've been here, but it was a hell of a season,

1 and we're sure there are better things in the
2 future for them. So congratulations to Buffalo
3 and all New Yorkers.

4 There will be an immediate meeting
5 of the Finance Committee in Room 332, followed by
6 a meeting of the Rules Committee as soon as
7 Finance concludes, in the same room.

8 ACTING PRESIDENT MAYER: There will
9 be an immediate meeting of the Finance Committee,
10 followed by a meeting of the Rules Committee, in
11 Room 332.

12 SENATOR GIANARIS: The Senate will
13 stand at ease.

14 ACTING PRESIDENT MAYER: The Senate
15 will stand at ease.

16 (Whereupon, the Senate stood at ease
17 at 3:33 p.m.)

18 (Whereupon, the Senate reconvened at
19 3:45 p.m.)

20 ACTING PRESIDENT MAYER: The Senate
21 will return to order.

22 Senator Gianaris.

23 SENATOR GIANARIS: Is there a
24 report of the Finance Committee at the desk?

25 ACTING PRESIDENT MAYER: There is a

1 report of the Finance Committee at the desk.

2 The Secretary will read.

3 THE SECRETARY: Senator Krueger,
4 from the Committee on Finance, reports the
5 following bill:

6 Senate Print 2511, Senate Budget
7 Bill, an act to amend Chapter 53 of the Laws of
8 2020.

9 The bill is reported direct to third
10 reading.

11 SENATOR GIANARIS: Move to accept
12 the report of the Finance Committee.

13 ACTING PRESIDENT MAYER: All in
14 favor of accepting the Committee on Finance
15 report signify by saying aye.

16 (Response of "Aye.")

17 ACTING PRESIDENT MAYER: Opposed,
18 nay.

19 (No response.)

20 ACTING PRESIDENT MAYER: The report
21 is accepted and before the house.

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

24 ACTING PRESIDENT MAYER: There is a
25 report of the Rules Committee at the desk.

1 The Secretary will read.

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

5 Senate Print 1632, by Senator Mayer,
6 an act to amend the Election Law;

7 Senate Print 1644, by Senator
8 Cooney, an act to amend the Election Law;

9 Senate Print 1705A, by Senator
10 Hinchey, an act to amend the Election Law;

11 Senate Print 2074, by Senator Mayer,
12 an act to amend the Labor Law;

13 Senate Print 2075, by Senator
14 Brisport, an act to amend the Family Court Act
15 and a chapter of the Laws of 2020;

16 Senate Print 2076, by Senator
17 Gianaris, an act to amend the Election Law;

18 Senate Print 2556, by Senator
19 Savino, an act to amend the Administrative Code
20 of the City of New York;

21 Senate Print 2557, by Senator
22 Harckham, an act to amend the Public Service Law;

23 Senate Print 2558, by
24 Senator Kennedy, an act to amend the Vehicle and
25 Traffic Law;

1 Senate Print 2733, by Senator May,
2 an act to amend the Election Law.

3 All bills reported direct to third
4 reading.

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

7 ACTING PRESIDENT MAYER: All in
8 favor of accepting the Rules Committee report
9 signify by saying aye.

10 (Response of "Aye.")

11 ACTING PRESIDENT MAYER: Opposed,
12 nay.

13 (No response.)

14 ACTING PRESIDENT MAYER: The report
15 is accepted and before the house.

16 SENATOR GIANARIS: Madam President,
17 at this time can we take up the reading of the
18 calendar.

19 ACTING PRESIDENT MAYER: The
20 Secretary will read.

21 THE SECRETARY: Calendar Number 25,
22 Senate Print 872, by Senator Benjamin, an act to
23 amend a chapter of the Laws of 2020.

24 ACTING PRESIDENT MAYER: Read the
25 last section.

1 THE SECRETARY: Section 3. This
2 act shall take effect on the same date and in the
3 same manner as a chapter of the Laws of 2020.

4 ACTING PRESIDENT MAYER: Call the
5 roll.

6 (The Secretary called the roll.)

7 ACTING PRESIDENT MAYER: Announce
8 the results.

9 THE SECRETARY: Ayes, 63.

10 ACTING PRESIDENT MAYER: The bill
11 is passed.

12 THE SECRETARY: Calendar Number 26,
13 Senate Print 873, by Senator Liu, an act to amend
14 the Social Services Law.

15 ACTING PRESIDENT MAYER: Read the
16 last section.

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

20 SENATOR O'MARA: Lay it aside.

21 ACTING PRESIDENT MAYER: Lay it
22 aside.

23 THE SECRETARY: Calendar Number 30,
24 Senate Print 877, by Senator Rivera, an act to
25 amend the Public Health Law.

1 SENATOR O'MARA: Lay it aside.

2 ACTING PRESIDENT MAYER: Lay it
3 aside.

4 THE SECRETARY: Calendar Number 31,
5 Senate Print 878, by Senator Kaminsky, an act to
6 amend the Social Services Law.

7 ACTING PRESIDENT MAYER: Read the
8 last section.

9 THE SECRETARY: Section 3. This
10 act shall take effect on the same date and in the
11 same manner as a chapter of the Laws of 2020.

12 ACTING PRESIDENT MAYER: Call the
13 roll.

14 (The Secretary called the roll.)

15 ACTING PRESIDENT MAYER: Announce
16 the results.

17 THE SECRETARY: Ayes, 63.

18 ACTING PRESIDENT MAYER: The bill
19 is passed.

20 THE SECRETARY: Calendar Number 38,
21 Senate Print 885, by Senator Comrie, an act to
22 amend the Real Property Actions and Proceedings
23 Law.

24 ACTING PRESIDENT MAYER: Read the
25 last section.

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

4 ACTING PRESIDENT MAYER: Call the
5 roll.

6 (The Secretary called the roll.)

7 ACTING PRESIDENT MAYER: Announce
8 the results.

9 THE SECRETARY: In relation to
10 Calendar 38, those Senators voting in the
11 negative are Senators Akshar, Borrello, Gallivan,
12 Helming, Jordan, Martucci, O'Mara, Ortt, Palumbo,
13 Rath, Ritchie, Serino, Stec, Tedisco and Weik.

14 Ayes, 48. Nays, 15.

15 ACTING PRESIDENT MAYER: The bill
16 is passed.

17 THE SECRETARY: Calendar Number 45,
18 Senate Print 892, by Senator Parker, an act to
19 amend the Public Service Law.

20 ACTING PRESIDENT MAYER: Read the
21 last section.

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

25 ACTING PRESIDENT MAYER: Call the

1 roll.

2 (The Secretary called the roll.)

3 ACTING PRESIDENT MAYER: Announce
4 the results.

5 THE SECRETARY: In relation to
6 Calendar Number 45, those Senators voting in the
7 negative are Senators Akshar, Gallivan, Helming,
8 Oberacker, O'Mara, Ortt and Serino.

9 Ayes, 56. Nays, 7.

10 ACTING PRESIDENT MAYER: The bill
11 is passed.

12 THE SECRETARY: Calendar Number 46,
13 Assembly Print Number 954, substituted earlier by
14 Assemblymember Wallace, an act to amend the State
15 Technology Law.

16 ACTING PRESIDENT MAYER: Read the
17 last section.

18 THE SECRETARY: Section 3. This
19 act shall take effect on the same date and in the
20 same manner as a chapter of the Laws of 2020.

21 ACTING PRESIDENT MAYER: Call the
22 roll.

23 (The Secretary called the roll.)

24 ACTING PRESIDENT MAYER: Announce
25 the results.

1 THE SECRETARY: In relation to
2 Calendar Number 46, those Senators voting in the
3 negative are Senators Akshar, Borrello, Boyle,
4 Gallivan, Griffio, Helming, Jordan, Oberacker,
5 O'Mara, Ortt, Palumbo, Rath, Ritchie, Serino,
6 Skoufis and Weik.

7 Ayes, 47. Nays, 16.

8 ACTING PRESIDENT MAYER: The bill
9 is passed.

10 THE SECRETARY: Calendar Number 50,
11 Senate Print 897, by Senator Harckham, an act to
12 amend a chapter of the Laws of 2020.

13 ACTING PRESIDENT MAYER: Read the
14 last section.

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

18 ACTING PRESIDENT MAYER: Call the
19 roll.

20 (The Secretary called the roll.)

21 ACTING PRESIDENT MAYER: Announce
22 the results.

23 THE SECRETARY: Ayes, 63.

24 ACTING PRESIDENT MAYER: The bill
25 is passed.

1 THE SECRETARY: Calendar Number 54,
2 Senate Print 901, by Senator Harckham, an act to
3 amend the Environmental Conservation Law.

4 ACTING PRESIDENT MAYER: Read the
5 last section.

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

8 ACTING PRESIDENT MAYER: Call the
9 roll.

10 (The Secretary called the roll.)

11 ACTING PRESIDENT MAYER: Announce
12 the results.

13 THE SECRETARY: In relation to
14 Calendar Number 54, those Senators voting in the
15 negative are Senators Akshar, Borrello, Gallivan,
16 Lanza, Ortt, Ritchie and Serino.

17 Ayes, 56. Nays, 7.

18 ACTING PRESIDENT MAYER: The bill
19 is passed.

20 THE SECRETARY: Calendar Number 55,
21 Assembly Print Number 953, substituted earlier by
22 Assemblymember Englebright, an act to amend the
23 Environmental Conservation Law.

24 ACTING PRESIDENT MAYER: Read the
25 last section.

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

3 ACTING PRESIDENT MAYER: Call the
4 roll.

5 (The Secretary called the roll.)

6 ACTING PRESIDENT MAYER: Announce
7 the results.

8 THE SECRETARY: In relation to
9 Calendar 55, those Senators voting in the
10 negative are Senators Akshar, Borrello, Gallivan,
11 Griffo, Helming, Oberacker, Ortt, Rath and
12 Ritchie.

13 Ayes, 54. Nays, 9.

14 ACTING PRESIDENT MAYER: The bill
15 is passed.

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

18 SENATOR GIANARIS: Can we now take
19 up the supplemental calendar.

20 ACTING PRESIDENT MAYER: The
21 Secretary will read.

22 THE SECRETARY: Calendar Number
23 144, Senate Budget Bill, Senate Print 2511, an
24 act to amend Chapter 53 of the Laws of 2020.

25 SENATOR O'MARA: Lay it aside.

1 ACTING PRESIDENT MAYER: Lay it
2 aside.

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

5 SENATOR GIANARIS: Thank you,
6 Madam President.

7 Can we now take up the reading of
8 the controversial calendar, beginning with
9 Calendar Number 30.

10 ACTING PRESIDENT MAYER: The
11 Secretary will ring the bell.

12 The Secretary will read.

13 THE SECRETARY: Calendar Number 30,
14 Senate Print 877, by Senator Rivera, an act to
15 amend the Public Health Law.

16 ACTING PRESIDENT MAYER: Senator
17 O'Mara, why do you rise?

18 SENATOR O'MARA: Mr. President
19 {sic}, there should be an amendment at the desk.
20 I waive the reading of that amendment and ask
21 that you recognize Senator Palumbo to be heard.

22 ACTING PRESIDENT MAYER: Thank you,
23 Senator O'Mara.

24 Upon review of the amendment, in
25 accordance with Rule 6, Section 4B, I rule it

1 nongermane and out of order at this time.

2 SENATOR O'MARA: Accordingly,
3 Madam President -- excuse me for calling you
4 "Mr." a moment ago -- I appeal the ruling of the
5 chair and ask that Senator Palumbo be recognized
6 and heard on that appeal.

7 ACTING PRESIDENT MAYER: The appeal
8 has been made and recognized, and Senator Palumbo
9 may be heard.

10 SENATOR PALUMBO: Thank you,
11 Madam President.

12 I appeal the ruling of the chair,
13 and the proposed amendment is germane to the
14 bill-in-chief because both pieces of legislation
15 emanate from the coronavirus pandemic. This
16 amendment would repeal the extraordinary powers
17 granted to the Governor which have enabled the
18 executive branch to have exclusive control over
19 the state's coronavirus response.

20 Now, I think we can all agree that
21 an executive order and the powers of the
22 Executive to act unilaterally when a state of
23 emergency is declared is appropriate in certain
24 circumstances -- when it comes to, say, for
25 example, procurement of PPE or ventilators. We

1 don't need to go through the deliberative process
2 of legislation in order to accomplish something
3 like that. It's a very simple thing.

4 When it comes to many other
5 decisions that are part of a pandemic such as
6 this, in an emergency situation, we certainly
7 need to have that authority vested in the
8 Executive.

9 However, that ship eventually sails.
10 We are now coming up on 11 months. And with
11 respect to this legislation, why this amendment
12 is germane is because, quite frankly, this
13 proposed COVID-19 particular bill, which
14 basically changes emerging infections to COVID-19
15 only -- allowing correctional facilities to
16 review their policies and procedures with respect
17 to COVID-19 -- we don't even need a bill. The
18 Governor, with the stroke of a pen, could very
19 easily just enable this law. He has done this
20 hundreds of times over the past several months.

21 So when does it end? Quite frankly,
22 we're derelict in our duty as a Legislature to
23 allow one person to unilaterally decide how we're
24 going to proceed with this pandemic. And it's
25 about priorities. The Attorney General sued the

1 NYPD the other day. We dealt with election
2 reforms. Why isn't the most critical thing that
3 we're dealing with right now the pandemic? And
4 we need to do this. That's what we were elected
5 to do. And that's what we're continually paid to
6 do; that is, to deal with governing New York
7 State.

8 So quite frankly, this particular
9 bill obviously has to do with COVID-19, and it's
10 completely unnecessary as long as those Executive
11 powers are still in effect.

12 And now when you think about that
13 good government is done through that process of
14 legislation -- where we have debate, we have
15 committees, we have amendments and we go through
16 both houses and then get to the Governor --
17 that's what needs to be done at this point,
18 because we don't need to make snap decisions. We
19 knew the vaccine was coming for how many months?
20 When the vaccine got to New York State, it was a
21 fiasco trying to get the internet to work
22 properly, the website wasn't properly rolled out,
23 and we've had huge problems ever since. Why?
24 Because we have one person driving the bus. We
25 need to be included in this process.

1 And quite frankly, it's time to pull
2 the plug. And when you think about just the
3 arbitrary nature of some of these decisions,
4 restaurants -- hospitality is the number-one tax
5 revenue source in New York City and number two
6 statewide. Our hospitality businesses are being
7 destroyed because of the whims of the Executive,
8 saying we must be closed and then a couple of
9 weeks ago he said, well, you know what, we can't
10 be closed anymore, we can no longer stay closed.

11 But let's talk about reality.
12 Target hasn't closed for a day. Walmart, Home
13 Depot, these so-called essential businesses, they
14 haven't been super-spreaders, they've been open
15 since day one. Now it's coming on 11 months and
16 we're getting -- I'm getting calls of people
17 begging to get their businesses open. At the
18 whims of the Governor, when he's darn good and
19 ready, is when they'll be able to get back to
20 work -- if they will ever open their doors again.

21 So it's time, my friends. When do
22 we get back to work? It's been 11 months. We're
23 in session, we can do it remotely, we can move
24 much more quickly, I think, than we normally
25 could outside of the pandemic, because we have

1 remote access to this chamber and to both houses.

2 So good government is part of the
3 deliberative process. It's not when one person
4 is telling us what to do and how to govern this
5 state. So really, quite frankly, the rhetorical
6 question that we need to have answered is, when
7 are we going to get back to work and get back to
8 a normal process to govern New York State? I've
9 said it several times, but it bears repeating.
10 The answer is now. Because a bill like this, the
11 bill-in-chief, I'll say it again, is certainly
12 something that could be done quite easily by
13 executive order, and it will sunset and expire
14 once we're out of the pandemic. So there's
15 really no reason to do this.

16 And quite frankly, Madam President,
17 I would respectfully request that this amendment
18 be approved and the -- and I urge my colleagues
19 to vote in the affirmative.

20 Thank you.

21 ACTING PRESIDENT MAYER: Thank you,
22 Senator.

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

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

3 SENATOR O'MARA: Request a show of
4 hands.

5 SENATOR GIANARIS: Madam President,
6 we've agreed to waive the showing of hands and
7 record each member of the Minority in the
8 affirmative on this vote.

9 ACTING PRESIDENT MAYER: Without
10 objection, so ordered.

11 Announce the results.

12 THE SECRETARY: Ayes, 20.

13 ACTING PRESIDENT MAYER: The ruling
14 of the chair stands, and the bill-in-chief is
15 before the house.

16 Are there any other Senators wishing
17 to be heard?

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

20 Read the last section.

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

24 ACTING PRESIDENT MAYER: Call the
25 roll.

1 (The Secretary called the roll.)
2 ACTING PRESIDENT MAYER: Announce
3 the results.
4 THE SECRETARY: Ayes, 63.
5 ACTING PRESIDENT MAYER: The bill
6 is passed.
7 The Secretary will read.
8 THE SECRETARY: Calendar Number 26,
9 Senate Print 873, by Senator Liu, an act to amend
10 the Social Services Law.
11 ACTING PRESIDENT MAYER:
12 Senator Helming.
13 SENATOR HELMING: Thank you,
14 Madam President.
15 Madam President, I rise to ask if
16 the sponsor will yield to a few questions.
17 ACTING PRESIDENT MAYER: Senator
18 Liu, will you yield?
19 SENATOR LIU: Madam President, I am
20 pleased to yield.
21 ACTING PRESIDENT MAYER: The
22 Senator will yield.
23 SENATOR HELMING: Thank you,
24 Madam President.
25 Through you, Madam President.

1 Senator Liu, I first want to start off by
2 commending you for sponsoring this legislation.
3 I think it's a great bill and one that I do
4 support.

5 However, I do have a question on it.
6 Reading the chapter amendment, in a nutshell it
7 basically says that this bill would require the
8 commissioner to collect certain information
9 regarding the homeless population during a state
10 disaster emergency in publicly funded shelters,
11 residential programs for victims of domestic
12 violence, and residential programs for runaway
13 and homeless youths, and publish a report that
14 contains certain information about homelessness.

15 And Senator Liu, my question is how
16 the information in the report will be utilized.

17 SENATOR LIU: Madam President,
18 through you, I want to thank Senator Helming for
19 her support for this bill and bringing up some
20 important questions.

21 As the Senator would agree, the
22 purpose behind this bill is important. We have
23 been and continue to be in a global pandemic
24 crisis, and we understand that the homeless
25 population of our state has been

1 disproportionately impacted.

2 The information that this report
3 aims to collect is for the use of health
4 authorities as well as many in the public sector,
5 including ourselves, to formulate good public
6 policy going forward to help the population in
7 question as well as to help the rest of us.
8 Because having people suffer coronavirus does not
9 do anybody any good.

10 SENATOR HELMING: Through you,
11 Madam President, on the bill.

12 ACTING PRESIDENT MAYER:
13 Senator Helming on the bill.

14 SENATOR HELMING: Thank you.
15 Thank you, Senator Liu.

16 So again, I commend the sponsor on
17 this legislation, and again I support this bill.

18 However, listening to that
19 explanation and reading the legislation, I'm
20 concerned that it doesn't cover many of our small
21 rural communities where we don't have publicly
22 funded sites like domestic violence shelters in
23 other areas.

24 I think it's incredibly important
25 that everyone be counted, right, all of the

1 homeless people, all of the impacted people. And
2 my concern with leaving out certain communities
3 is that this report may be used, then, to
4 generate or to drive or direct where funding will
5 go, how policies are made. And there's nowhere
6 that I see where, again, it addresses acquiring
7 that information for communities that don't have
8 these publicly funded shelters.

9 And I'll give you an example. In
10 Seneca County, one of the counties that I
11 represent -- in New York State there are only six
12 counties that don't have a domestic violence
13 shelter. Seneca County happens to be one of
14 those counties.

15 And in 2017, this body approved
16 \$300,000 for the creation of a domestic violence
17 shelter. That shelter was going to be built in
18 Seneca County, but it was going to provide
19 residential services for three of those six
20 counties that don't presently have one.

21 So again, my concern is that for
22 these small communities that don't have these
23 shelters, that the homeless people in those
24 communities aren't going to be counted. Senator
25 Liu, I know that wasn't your intent. Again, I

1 support this legislation.

2 But I hope that as we move forward
3 we will find a way to make adjustments to this
4 legislation or introduce new legislation or,
5 better yet, during the budget process make sure
6 that we include funding to provide public
7 shelters for our small rural communities.

8 Thank you, Madam President.

9 ACTING PRESIDENT MAYER: Are there
10 any other Senators wishing to be heard?

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

13 Read the last section.

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

17 ACTING PRESIDENT MAYER: Call the
18 roll.

19 (The Secretary called the roll.)

20 ACTING PRESIDENT MAYER: Announce
21 the results.

22 THE SECRETARY: Ayes, 63.

23 ACTING PRESIDENT MAYER: The bill
24 is passed.

25 THE SECRETARY: Calendar Number

1 144, Senate Budget Bill, Senate Print 2511, an
2 act to amend Chapter 53 of the Laws of 2020.

3 ACTING PRESIDENT MAYER: Senator
4 O'Mara.

5 SENATOR O'MARA: Thank you,
6 Madam President. I was just wondering if the
7 sponsor or a Majority representative could
8 explain what this budget bill is doing.

9 ACTING PRESIDENT MAYER: Senator
10 Liu, will you yield for a question?

11 SENATOR LIU: Madam President, I'm
12 pleased to yield for questions on this bill.

13 SENATOR O'MARA: Through you, Madam
14 President.

15 ACTING PRESIDENT MAYER: Yes,
16 Senator O'Mara.

17 SENATOR O'MARA: Mr. -- or Senator,
18 could you please just outline what we're doing
19 here in this \$71 billion budget bill?

20 SENATOR LIU: Madam President, I'd
21 be happy to.

22 ACTING PRESIDENT MAYER: Go ahead,
23 Senator Liu.

24 SENATOR LIU: Thank you.

25 Well, you -- Senator O'Mara

1 mentioned \$71 billion. It's actually an
2 \$11 billion additional appropriation, an
3 appropriation that is necessary to pay the bill
4 on a program that we enacted last year. That
5 program that we enacted essentially is helping
6 people who have become unemployed get some form
7 of income during this global pandemic.

8 The appropriation that we put in
9 last year's budget already has -- is about to be
10 exhausted, and so through the end of this fiscal
11 year another \$11 billion is required.

12 I will note, Madam President, that
13 the vast bulk of this appropriation will
14 ultimately be reimbursed by the federal
15 government.

16 SENATOR O'MARA: Through you,
17 Madam President, will the sponsor yield.

18 ACTING PRESIDENT MAYER: Would the
19 Senator yield?

20 SENATOR LIU: With joy,
21 Madam President.

22 ACTING PRESIDENT MAYER: The
23 Senator yields.

24 SENATOR O'MARA: Thank you, Senator
25 Liu. And I fully anticipate voting in favor of

1 this legislation, because this unemployment
2 relief is desperately needed. But I just want to
3 get some real -- more clarity on this.

4 In last year's budget, the 2020-2021
5 budget appropriates \$60 billion for this purpose.
6 And that covers both the state regular
7 unemployment and the additional federal
8 unemployment, is that correct?

9 SENATOR LIU: Madam President, that
10 is correct.

11 SENATOR O'MARA: Through you,
12 Madam President, will Mr. Liu -- Senator Liu
13 continue.

14 ACTING PRESIDENT MAYER: Senator
15 Liu, do you continue to yield?

16 SENATOR LIU: With bliss.

17 ACTING PRESIDENT MAYER: He does.

18 SENATOR O'MARA: So in this bill,
19 Senator, we are adding another \$11 billion. Can
20 you provide us with a breakout of both the
21 60 billion that was from last year's budget, and
22 this 11 billion, how much of that is going to
23 ultimately be reimbursed by the federal
24 government? Or what's the expectation?

25 SENATOR LIU: Madam President, in

1 response to Senator O'Mara's question, we expect
2 about \$58 billion of that to come through federal
3 reimbursements. A breakdown of that would be we
4 all understand the federal pandemic unemployment
5 compensation, that's about \$37 billion. The
6 well-known PUA, Pandemic Unemployment Assistance,
7 \$13 billion. Another \$6 billion for federal
8 Pandemic Emergency Unemployment Compensation.
9 And finally, the federal extended benefits for
10 another \$2 billion.

11 SENATOR O'MARA: Through you,
12 Madam President, will the sponsor yield.

13 ACTING PRESIDENT MAYER: Senator
14 Liu, do you yield?

15 SENATOR LIU: I'd be more than
16 happy to yield, Madam President.

17 ACTING PRESIDENT MAYER: The
18 Senator yields.

19 SENATOR O'MARA: So, Senator Liu,
20 on that \$58 billion expected federal
21 reimbursement of that, is that out of the total
22 71, or of the prior 60 limit?

23 SENATOR LIU: Madam President, that
24 would be out of the total seventy -- it's
25 actually 73.

1 SENATOR O'MARA: Through you,
2 Madam President, if Senator Liu will yield.

3 ACTING PRESIDENT MAYER: Senator
4 Liu, do you continue to yield?

5 SENATOR LIU: Yes, I do,
6 Madam President.

7 ACTING PRESIDENT MAYER: Senator
8 Liu yields.

9 SENATOR O'MARA: So based on that,
10 the state is ultimately, we expect, going to be
11 repaying -- at least at this point, based on
12 these numbers -- 13 billion. What is the
13 mechanism that we have set up to repay that?

14 In other words, how long do we have
15 to repay it, what interest rate, what are our
16 annual payments, and how long do we have to pay
17 that back?

18 SENATOR LIU: Madam President, this
19 is, as you -- as the Senator may be aware, these
20 unemployment insurance benefits are paid through
21 the State Unemployment Insurance Fund. And given
22 that that will likely go into a deficit, as it
23 has in previous difficult times such as the
24 Great Recession about a decade ago, those funds
25 will be first borrowed and guaranteed by the

1 federal government, and eventually those funds
2 will be replenished by ongoing insurance premiums
3 paid by the state's employers.

4 It's very similar to what has
5 happened in previous recessions and economic
6 uncertainties.

7 SENATOR O'MARA: Thank you,
8 Senator.

9 Madam President, will the sponsor
10 yield?

11 ACTING PRESIDENT MAYER: Senator
12 Liu, do you yield?

13 SENATOR LIU: I joyfully yield,
14 Madam President.

15 ACTING PRESIDENT MAYER: He yields.

16 SENATOR O'MARA: Senator, in the
17 Executive Budget proposal that we received last
18 week I believe there is a line item in there for
19 \$130 million of interest on the 60 billion. Is
20 that interest just on the state portion, or are
21 we paying interest on that federal portion that's
22 been advanced as well?

23 SENATOR LIU: Madam President, my
24 understanding is that that interest is on the
25 federal portion.

1 SENATOR O'MARA: Through you,
2 Madam President, if Senator Liu will continue to
3 yield.

4 ACTING PRESIDENT MAYER: Senator
5 Liu, do you continue to yield?

6 SENATOR LIU: I'm happy to continue
7 to yield, Madam President.

8 ACTING PRESIDENT MAYER: Senator
9 Liu yields.

10 SENATOR O'MARA: Is there an
11 expectation that that interest will be repaid by
12 the federal government, or is that on our tab
13 moving forward?

14 SENATOR LIU: Madam President, we
15 expect, whether you call the federal
16 reimbursements the actual unemployment insurance
17 or the interest on that, it's still going to be
18 federally reimbursed, not -- it's not going to be
19 100 percent reimbursed, as I mentioned earlier,
20 but the vast bulk of it still will be reimbursed.

21 SENATOR O'MARA: Thank you,
22 Senator.

23 Madam President, if the sponsor will
24 yield for one more question.

25 ACTING PRESIDENT MAYER: Senator

1 Liu, do you yield?

2 SENATOR LIU: With a great level of
3 pleasure, Madam President.

4 ACTING PRESIDENT MAYER: The
5 Senator yields.

6 SENATOR O'MARA: Senator, with last
7 year's interest payment amounting to 130 million
8 and now we're bumping this up by another
9 \$11 billion in borrowing, what is the anticipated
10 interest that's going to accrue on this
11 \$71 billion amount for the next fiscal year?

12 SENATOR LIU: Madam President,
13 unfortunately we don't know exactly where
14 interest rates are going to be. Electric rates
15 are historically low, so it shouldn't be a huge
16 amount.

17 On the other hand, most New Yorkers,
18 as I think Senator O'Mara is hinting, would think
19 that \$130 million is a lot of interest to pay.

20 If we could get this money from the
21 federal government in advance, we'd love to. But
22 the reality is that we need to pay these
23 unemployment benefits for New Yorkers who have
24 lost their employment. And we're talking about
25 tens of billions of dollars of benefits that have

1 been paid out.

2 So \$130 million is a lot. But
3 compared to \$73 billion worth of unemployment
4 benefits that are desperately needed by our
5 New Yorkers, it's the price that comes with the
6 package.

7 SENATOR O'MARA: Thank you, Senator
8 Liu.

9 On the bill, Madam Speaker {sic}.

10 ACTING PRESIDENT MAYER: Senator
11 O'Mara on the bill.

12 SENATOR O'MARA: I am supportive of
13 this. It's necessary. We really -- we don't
14 have a choice and we have to provide these
15 much-needed benefits to New Yorkers who are out
16 of work and struggling. So I am recommending an
17 aye vote from all on this to make sure that we
18 cover this.

19 I just want, through these
20 questions, to make sure that we all understand
21 and the public understands the extent of funds
22 that are going into unemployment relief that
23 we've been providing and that we obviously
24 support continue providing, but also out of that
25 what a significant amount of that is actually

1 federal funding, 58 billion out of 71 billion,
2 which the Executive in this state fails to really
3 mention or give any consideration on what the
4 federal government has provided for relief
5 already to New York State.

6 So with that, thank you,
7 Madam President.

8 ACTING PRESIDENT MAYER: Are there
9 any other Senators wishing to be heard?

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

12 Read the last section.

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

15 ACTING PRESIDENT MAYER: Call the
16 roll.

17 (The Secretary called the roll.)

18 ACTING PRESIDENT MAYER: Announce
19 the results.

20 THE SECRETARY: Ayes, 63.

21 ACTING PRESIDENT MAYER: The bill
22 is passed.

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

25 SENATOR GIANARIS: Is there any

1 further business at the desk, Madam President?

2 ACTING PRESIDENT MAYER: There is
3 no further business at the desk.

4 SENATOR GIANARIS: In that case I
5 move to adjourn until tomorrow, Tuesday,
6 January 26th, at 11:00 a.m.

7 ACTING PRESIDENT MAYER: On motion,
8 the Senate stands adjourned until Tuesday,
9 January 26th, at 11:00 a.m.

10 (Whereupon, at 4:13 p.m., the Senate
11 adjourned.)

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