NEW YORK STATE SENATE

THE STENOGRAPHIC RECORD

ALBANY, NEW YORK

March 31, 2021

3:36 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: Reading of the Journal.

THE SECRETARY: In Senate, Tuesday, March 30, 2021, the Senate met pursuant to adjournment. The Journal of Monday, March 29, 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, I move to adopt the Resolution Calendar.

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

(Response of "Aye.")

ACTING PRESIDENT BENJAMIN: Opposed, nay.

(No response.)

ACTING PRESIDENT BENJAMIN: The Resolution Calendar is adopted.

Senator Gianaris.

SENATOR GIANARIS: Can we now take up the calendar.

ACTING PRESIDENT BENJAMIN: The Secretary will read.

THE SECRETARY: Calendar Number 452, Senate Print 70, by Senator Hoylman, an act to amend the Executive Law.

ACTING PRESIDENT BENJAMIN: Read

the last section.

THE SECRETARY: Section 3. This act shall take effect on the 90th day after it shall have become a law.

ACTING PRESIDENT BENJAMIN: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT BENJAMIN: Senator Hoylman to explain his vote.

SENATOR HOYLMAN: Thank you, Mr. President.

This Monday, right before noon, a woman of Filipino descent, an immigrant, was walking through the streets of Hell's Kitchen. As she walked down 43rd Street, just a block from Times Square, in my district, a man kicked her in the stomach. She fell to the ground and was then repeatedly, brutally kicked in the head while her assailant yelled expletives and told her "You don't belong here."

This wasn't a crime without a witness. Security footage of the assault showed three men watching from the lobby of a nearby luxury building. As the woman struggled to stand up, one of the men closed the front door to the

building.

This morning the NYPD charged her alleged assailant with felony assault as a hate crime.

I'm thankful that her alleged attacker has been charged, Mr. President, and I'm hopeful that justice is going to be served. But I'm alarmed that even as New York City has seen a surge in reported hate crimes against Asian-Americans, this is the first assault -- this is the first assault on an Asian-American to be charged as a hate crime this year.

This isn't happening in a vacuum. The Asian-American Bar Association recently published a report showing that hate crimes against Asian-Americans in New York City have risen by 900 percent compared to last year. Our city, New York, has seen the largest increase in reported hate crimes among any large American city.

This is unacceptable. It's a failure of our criminal justice system. And it's wrong.

We cannot fight back against this wave of hatred and violence if we don't have the

data and information to understand the scope of the problem and the tools to fight it. That's why we need this bill, Mr. President, the Hate Crimes Analysis and Review Act.

We need to pull back the curtain on hate crimes and better understand who's committing them and who's being targeted by them. This act is going to require the New York State Division of Criminal Justice Services to maintain and make public statistical data about hate crimes while expanding the data points law enforcement is required to report.

This act is also going to require DCJS to issue an annual stand-alone report and statistical analysis of hate crimes based on this data, codifying the agency's current practice.

But let's be clear. The impact of the legislation isn't going to be just felt in the AAPI community. Today, coincidentally, we commemorate the International Transgender Day of Visibility. But even as we celebrate the resilience of that community, we're also living through a moment when trans people, particularly Black trans women, are being murdered at record rates.

In 2020, the number of trans people murdered nationally surpassed the number of trans people murdered in 2019, in just seven months. In 2019 the number of hate crimes targeting LGBTQ people rose 20 percent over 2018 in New York City, only surpassed by the terrifying 55 percent increase in hate crimes targeting our city's Jewish community.

We're facing a crisis in our city and state. We need to understand the full scope of the crisis if we are to contain it. This act is a positive step in doing that and bringing justice to communities that badly need it.

I'd like to thank Senate Majority Leader Andrea Stewart-Cousins for bringing this legislation to the floor for a vote, Assemblymember Karines Reyes and Dick Gottfried for their work on the companion legislation, and to my colleagues for their support.

I vote aye, Mr. President.

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

Announce the results.

THE SECRETARY: Ayes, 63.

ACTING PRESIDENT BENJAMIN: The

bill is passed.

THE SECRETARY: Calendar Number 526, Senate Print 2929A, by Senator Parker, an act in relation to designating Kings County as a cease and desist zone.

ACTING PRESIDENT BENJAMIN: Read the last section.

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

ACTING PRESIDENT BENJAMIN: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT BENJAMIN: Senator Parker to explain his vote.

SENATOR PARKER: Thank you, Mr. President.

I rise to vote aye on this bill that's been very important for my community and really, I think, the beginning of a conversation that needs to happen statewide.

We have a housing crisis. Even in the midst of a pandemic, the housing crisis has been, you know, really palpable, particularly in places like Brooklyn, you know, the state's largest county and really the country's

third-largest city if it stood alone.

And we have a problem particularly in the context of housing around aggressive solicitation. And what this bill attempts to do is address the issue of aggressive real estate solicitation. And really this aggressive solicitation has become a main tool that has, you know, created a perfect storm of gentrification, flipping homes for high profit, third-party transfers, deed theft, and some other unscrupulous activity that's done by the real estate industry.

It creates instability in our communities, particularly for long-standing residents. And it's also -- these aggressive pitches and this pressure on reluctant homeowners, you know, really puts a real strain economically on the community. Because once these folks leave their homes, they then -- it becomes hard for them to find other places to live.

And in particular, the targets have been our senior citizens, have been a lot of people in Black and Latino communities and low-income communities generally, where

oftentimes almost everything they own may be wrapped up in this piece of real estate.

And so bad real estate actors have targeted New York City's most vulnerable residents -- seniors, New Yorkers who are facing foreclosure, and residents also who have limited English proficiency.

We must protect New Yorkers. That's our job here. And so I pass this bill and ask my colleagues to vote for it, and I hope that this begins a process by which, you know, the most vulnerable who are homeowners in our community find some relief.

Thank you, Mr. President.

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

Announce the results.

THE SECRETARY: In relation to Calendar 526, those Senators voting in the negative are Senators Akshar, Borrello, Boyle, Gallivan, Griffo, Helming, Hinchey, Jordan, Kaplan, Lanza, Martucci, Mattera, Oberacker, O'Mara, Ortt, Palumbo, Rath, Reichlin-Melnick, Ritchie, Serino, Skoufis, Stec, Tedisco and Weik.

Ayes, 39. Nays, 24.

ACTING PRESIDENT BENJAMIN: The bill is passed.

THE SECRETARY: Calendar Number 546, Senate Print 4935, by Senator Rivera, an act to amend the Public Health Law.

SENATOR LANZA: Lay it aside.

ACTING PRESIDENT BENJAMIN: Lay it aside.

THE SECRETARY: Calendar Number 573, Senate Print 3579, by Senator Breslin, an act to amend the Insurance Law.

ACTING PRESIDENT BENJAMIN: Read the last section.

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

ACTING PRESIDENT BENJAMIN: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT BENJAMIN: Announce the results.

THE SECRETARY: Ayes, 63.

ACTING PRESIDENT BENJAMIN: The bill is passed.

THE SECRETARY: Calendar Number 586, Senate Print 4251, by Senator Skoufis, an

act to amend Chapter 435 of the Laws of 2014.

ACTING PRESIDENT BENJAMIN: Read the last section.

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

ACTING PRESIDENT BENJAMIN: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT BENJAMIN: Announce the results.

THE SECRETARY: In relation to Calendar 586, voting in the negative:

Senator Brisport.

Ayes, 62. Nays, 1.

ACTING PRESIDENT BENJAMIN: The bill is passed.

THE SECRETARY: Calendar Number 614, Senate Print 28, by Senator Kaplan, an act to amend the State Administrative Procedure Act.

SENATOR LANZA: Lay it aside.

ACTING PRESIDENT BENJAMIN: Lay it aside.

THE SECRETARY: Calendar Number 628, Senate Print 954, by Senator Gaughran, an act to amend the Vehicle and Traffic Law.

ACTING PRESIDENT BENJAMIN: Read the last section.

THE SECRETARY: Section 4. This act shall take effect on the 180th day after it shall have become a law.

ACTING PRESIDENT BENJAMIN: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT BENJAMIN: Announce the results.

THE SECRETARY: Ayes, 63.

ACTING PRESIDENT BENJAMIN: The bill is passed.

THE SECRETARY: Calendar Number 635, Senate Print 4074, by Senator Hinchey, an act to amend the Highway Law.

ACTING PRESIDENT BENJAMIN: Read the last section.

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

ACTING PRESIDENT BENJAMIN: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT BENJAMIN: Announce the results.

THE SECRETARY: Ayes, 63.

ACTING PRESIDENT BENJAMIN: The bill is passed.

THE SECRETARY: Calendar Number 636, Senate Print 4450, by Senator Stavisky, an act to amend the Vehicle and Traffic Law.

ACTING PRESIDENT BENJAMIN: Read the last section.

THE SECRETARY: Section 3. This act shall take effect on the first of April.

ACTING PRESIDENT BENJAMIN: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT BENJAMIN: Announce the results.

THE SECRETARY: In relation to Calendar 636, those Senators voting in the negative are Senators Akshar, Borrello, Boyle, Helming, Jordan, Martucci, Oberacker, O'Mara, Ortt, Palumbo, Rath and Weik.

Ayes, 51. Nays, 12.

ACTING PRESIDENT BENJAMIN: The bill is passed.

THE SECRETARY: Calendar Number 637, Senate Print 4651, by Senator Kaminsky, an

act to amend the Highway 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: Senator Kaminsky to explain his vote.

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

I rise today under unfortunate circumstances to honor the memory of Pete Sobol, who was taken from us far too early in his life very suddenly last month. Pete Sobol was a son of the Five Towns, particularly of Inwood, and he seemed to carry the community on his shoulders. No one put more of his time, dedication and strength into preserving a community, even as it changed around him.

After Hurricane Sandy, he helped turn the Five Towns Community Center into a Red Cross hub. When COVID hit, he was able to demand testing and turn the Five Towns Community

Center, which he loved and he served as president of their board for many years, into a testing center.

When the community had a decision to make about what it was going to do and whether it was going to embrace, in the true spirit of America, a new class of immigrants who had come into the community recently, Pete was their champion, making sure that no one was left behind, that everyone had the services they needed, got the education they deserved. He would give the shirt off his back if he could.

And one very quick story illustrates why Pete Sobol, you know, was the spirit of the community. One day driving over a bridge, my wife and I saw a man in the middle of the highway on one of the malls, a piece of grass, with a weed whacker and a big jug of water. He decided that the highway wasn't looking right, and instead of waiting or writing to someone else -- I guess, like me -- or petitioning someone or complaining, he went and mowed the lawn in the middle of the highway. He went and started trimming the hedges. He went and started watering the flowers.

Next weekend you'd see him out there on his hands and his knees, beautifying the place, because he believed that a community is what you make of it. And he welcomed everyone, no matter their background, no matter their status, to join him in that endeavor. And that's why Pete Sobol was a special person.

It was sad to lose him, and we're going to be naming a bridge that enters the very community he loved the Pete Sobol Memorial Highway. And it's the least we could do to honor the memory of a great man.

I vote aye. Thank you, Mr. President.

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

Announce the results.

THE SECRETARY: Ayes, 63.

ACTING PRESIDENT BENJAMIN: The bill is passed.

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

SENATOR GIANARIS: Let's go to the controversial calendar, please.

ACTING PRESIDENT BENJAMIN: The

Secretary will ring the bell.

The Secretary will read.

THE SECRETARY: Calendar Number 546, Senate Print 4935, by Senator Rivera, an act to amend the Public Health 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 Senator Rath be recognized and 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 ruling of the chair and ask that Senator Rath be recognized.

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

SENATOR RATH: Mr. President, I rise to appeal the ruling of the chair.

The proposed amendment is germane to

the bill at hand because the bill at hand deals specifically with Public Health Law. For more than a year now, the Governor has issued numerous executive orders amending, suspending and terminating provisions of the Public Health Law.

Almost daily now it seems more questions surrounding the Governor and his actions are coming to light. From the sexual harassment allegations, to nursing home deaths, to COVID-19 testing prioritization for our families, to equitable vaccine distribution, the list goes on and on.

Despite the numerous investigations into the Governor and his administration, the public continues to receive no clarity and no answers on any of these issues. All the while, the Governor still maintains arbitrary control of our great state.

After the Majority told residents they took action to reassert our legislative authority, restaurants, small businesses and families continue to struggle and try to understand and navigate the dozens of executive orders still in place.

This Majority said they would look

at the Governor's orders and even encouraged us to bring to the floor resolutions to roll back specific orders, yet they refuse to allow these resolutions to be brought up for consideration.

The only thing that is clear is that the status quo remains, and the Governor is still running the state via executive order.

As I have said many times now, this is doing a huge disservice to the residents of New York State. Millions of New Yorkers are left without their voice being heard because the Majority and the Governor want to maintain their control.

New Yorkers need to be able to trust their government, and what is happening here is destroying what little trust is left. Therefore, I strenuously appeal the ruling of the chair and urge my colleagues to give this amendment the thoughtful consideration it deserves.

Thank you, Mr. President.

ACTING PRESIDENT BENJAMIN: Thank you, Senator Rath.

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.

SENATOR LANZA: Request a show of hands.

SENATOR GIANARIS: Mr. President, let's record each member of the Minority in the affirmative without a showing of hands.

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

Read the last section.

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

ACTING PRESIDENT BENJAMIN: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT BENJAMIN:

Announce the results.

THE SECRETARY: Ayes, 63.

ACTING PRESIDENT BENJAMIN: The bill is passed.

The Secretary will read.

THE SECRETARY: Calendar Number 614, Senate Print 28, by Senator Kaplan, an act to amend the State Administrative Procedure Act.

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 Senator Tedisco be recognized and 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 ruling of the chair and ask that Senator Tedisco be recognized.

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

SENATOR TEDISCO: Thank you, Senator Lanza. And thank you, Mr. President.

Mr. President and my colleagues, this amendment is definitely germane because it relates directly to small businesses being effective in coming back when we open the economy. And that relates to this amendment, because the important part about that is not only making them successful, but to bringing those individuals back who are jobless right now and on that security program we put in place called unemployment.

Mr. President and my colleagues, I don't think there's a word, of course, or a series of words or a sentence or a paragraph or even a book that can be written about the impact of this horrendous pandemic and the tragedy it has wrought on the constituents and the citizens not only of this state, the 19.5 million people, but this nation and our world.

And we understand that, probably, and know that, just as well as our family members in our Senate and our Assembly districts on the other side of this building. Because I believe if we look at it, as we've advocated in the past

and in the present for all my fellow Senators here, I would say there was a hundred percent or more increase in our advocacy on the calls we've gotten related to what we could do to help our constituents in every segment of society across this state and our Senate districts.

The individuals, the families, those who were separated from their loved ones with the nursing home issue, the nursing home numbers, looking at the situation on the second floor on the decision on March 25th that our Governor made which led to one of the worst tragedies in the history of New York State, a tragedy within this holistic tragedy of what's happened not only with the health and safety and well-being, the loss of life, but it's an economic tragedy also for the individuals who are jobless right now.

And we've worked with those families, those individuals. We've worked on the PPEs of our first responders, who have done a great job. But also we've tried to work with our small, medium and large businesses, all businesses. Because when businesses are back and we open our economy, well, the jobs hopefully will start to come back.

But for some, the light at the end of that tunnel is very dim. And I would venture to say -- and I think my office, my staff, the work we've done and I think the other Senators with the work they've done, and this unemployment system, which was a complete disaster. Crashed over and over and over again. We got calls every single day during the past year. We're still getting calls that individuals who have been jobless for not days and weeks, but for months, can't get into the system. Big bureaucracy. We had to intervene.

And I'm proud to say we did intervene. We got individuals into the system and then we had to get the checks out of the system because the system was crashing so much.

These are individuals, the totality, 4 million individuals on unemployment over the course of this past year with this pandemic. Four million individuals. Don't see much of a light at the end of the tunnel for their economic well-being. They don't know if they're going to be able to put food on the table. They don't know if they're going to be able to pay their rent. They don't know if they're going to be

able to pay their mortgage and keep their house. They don't know if they're going to be able to pay their kid's tuition to keep them in school, which is so important, that education. They don't know if they're going to be able to keep their cars.

In fact, many have called and said, I sold my house, I had to. Couldn't pay the mortgage. They took my car, I couldn't pay the car bill. Medical bills having problems with.

And the individuals who are impacted the most within this unemployment system, even when they've got that bridge and that lifeline going, are the individuals that know they can't go back to their previous job. Because guess what? The business and the company they've worked for didn't make it. They went belly up. They don't exist anymore. That job doesn't exist. They've got to find a new job.

Some, when we open it up fully, will be able to go back. They'll be helped out. They'll find something into the future to help them.

Well, the federal government has done something about this for the unemployed, and

that's what this amendment is all about. Well, they've done two things. First of all, they extended the deadline for New Yorkers to pay their taxes. It is now May 17th. And that's a good thing, because these people who are really reaching and trying to rustle up the money to pay their taxes, that's important for them.

But they've done something else, Republicans and Democrats, bipartisan, at the federal government. They've said don't giveth and then taketh away. Don't give me a benefit and say it's a lifeline, unemployment assistance, a bridge to a better place with the economy so I can pay those bills and get into the job market.

We're going to give you a $10,200 break on your first $10,200. The federal government has passed that, that's in place. They not only passed an extension of when we pay our taxes, but they're going to give those people who are most downtrodden now, don't see any light in that tunnel, that break.

It makes sense, and we should be doing that in New York State. And I'm shocked that the Majority has not brought out a bill here, that the Governor has not done his

executive order -- because he's still got control of 60 of them right now -- or the other side of the aisle hasn't done that.

You've taxed the rich by $7 billion. But these aren't the rich. These are the people who are most challenged economically, and you haven't done a thing yet.

Now, we can do something right now. We can do something with this amendment. Because this amendment, I believe like the federal one, is bipartisan. This is Senator Felder's bill, one of your Democratic colleagues. And it's got Republican and it's got Democratic members on it.

Because you know what? I never ask and I don't believe any of my Democratic colleagues ask or my Republican colleagues ask -- Can you help me with advocacy for my unemployment, get me in the system, get me -- I've never asked, and I don't believe you've ever asked, are you a Democrat, are you a Republican, are you independent, what -- we don't care about that. Because we represent everybody. And we should represent everybody.

This is an amendment which embodies a bill, Senator Felder's bill -- I give him

credit for that -- but I'm a sponsor of the bill, several of my colleagues are, your colleagues are sponsors of the bill, to do not taxing the rich, you're letting those who are downtrodden be taxed. You giveth and you taketh away. Let's not do that. That sends a terrible message.

Mr. President, you can stand up today there and this Majority can stand up and today and say, We're not going to turn our back on you. We're not going to give you some money and say, This is a bridge to a better place for you, but we're going to take it away and actually tax the money for those who don't have a job to go back to right now. It makes no sense whatsoever.

Now, we can do two things here, Mr. President. You can either say, yeah, bring this bill to the floor, it's germane. Let's Republicans and Democrats together vote for this amendment which embodies a bipartisan bill to bring some assistance to those who don't know what their economic future is. And we can pass this here, send it to the Senate {sic} and pass it, let the Governor sign it and say, We had your back. Which we should, for those people who

don't have a job and don't know if they're going to be able to put food on the table.

Or you can do something else, Mr. President, which I hope you don't do: Use the word "procedure." If you use the word "procedure," you and this Majority I believe are turning your backs not on Republicans and Democrats, but everybody who we represent in the state, the 4 million people who don't know where their economy is going right now.

So I hope you don't do that. I hope you say, We're going to change that, we're going to stop this stress, we're going to stop the anxiety to a certain extent, we're going to make sure that we got your back.

Mr. President, please have the back of everybody that we represent in New York State. Make this germane. Because they're going to know, once you use that word "procedure," you're just going like this {turning back} to the people we represent. And I don't think that's good for Republicans or Democrats or anybody who represents anybody at any level.

Mr. President, I ask you to accept the appeal and make this germane and let us vote

on it.

ACTING PRESIDENT BENJAMIN: Thank you, Senator Tedisco.

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.

SENATOR LANZA: Request a show of hands.

SENATOR GIANARIS: Mr. President, we've agreed that each member of the Minority will be recorded in the affirmative without a showing of hands.

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

Read the last section.

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

ACTING PRESIDENT BENJAMIN: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT BENJAMIN: Senator Martucci to explain his vote.

SENATOR MARTUCCI: Thank you, Mr. President.

As we all know, right now businesses are suffering. And it was hard enough to do business here in the State of New York before the pandemic. And now with COVID, these challenges have just been magnified.

I want to start by thanking my colleague Senator Kaplan for bringing this bill to the floor today.

As a small business owner, I know firsthand just how costly, difficult and time-consuming it can be to even find or understand the complex and seemingly endless web of regulations that govern our small businesses here in New York.

This bill requires state agencies

make these regulations easily available online. This will save our small businesses time, it will save them money, and most importantly it will allow them to focus on what they do best, which is create jobs.

Mr. President, I'm proud to cosponsor this bill. Once again, I thank my colleague Senator Kaplan for bringing this bill to the floor, and I'm proud to vote yes today.

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

Announce the results.

THE SECRETARY: Ayes, 63.

ACTING PRESIDENT BENJAMIN: The bill is passed.

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

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

ACTING PRESIDENT BENJAMIN: There will be an immediate meeting of the Finance 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 4:05 p.m.)

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

ACTING PRESIDENT BENJAMIN: The Senate will return to order.

Senator Gianaris.

SENATOR GIANARIS: Mr. President, there's a report of the Finance Committee at the desk. Please take that up.

ACTING PRESIDENT BENJAMIN: The Secretary will read.

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

Senate Print 2502B, Senate Budget Bill, an act making appropriations for the legal requirements of the state debt service.

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

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

(Response of "Aye.")

ACTING PRESIDENT BENJAMIN: Opposed, nay.

(No response.)

ACTING PRESIDENT BENJAMIN: The Finance Committee report is accepted.

Senator Gianaris.

SENATOR GIANARIS: Please take up the supplemental calendar.

ACTING PRESIDENT BENJAMIN: The Secretary will read.

THE SECRETARY: Calendar Number 644, Senate Print 2502B, Senate Budget Bill, an act making appropriations for the legal requirements of the state debt service and lease purchase payments.

SENATOR LANZA: Lay it aside.

SENATOR GIANARIS: Mr. President, before that bill is laid aside, I believe there's a message of necessity at the desk?

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

SENATOR GIANARIS: Move to accept the message of necessity.

ACTING PRESIDENT BENJAMIN: All in

favor of accepting the message of necessity signify by saying aye.

(Response of "Aye.")

ACTING PRESIDENT BENJAMIN: Opposed?

(Response of "Nay.")

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

SENATOR LANZA: Lay it aside.

ACTING PRESIDENT BENJAMIN: Lay it aside.

SENATOR GIANARIS: Can we please take up the controversial calendar.

ACTING PRESIDENT BENJAMIN: The Secretary will ring the bell.

The Secretary will read.

THE SECRETARY: Calendar Number 644, Senate Print 2502B, Senate Budget Bill, an act making appropriations for the legal requirements of the state debt service and lease purchase payments.

ACTING PRESIDENT BENJAMIN: Senator O'Mara.

SENATOR O'MARA: Yes,

Mr. President, if Senator Krueger would yield for a few questions on this budget bill.

ACTING PRESIDENT BENJAMIN: Does the sponsor yield?

SENATOR KRUEGER: I certainly do.

ACTING PRESIDENT BENJAMIN: The sponsor yields.

SENATOR O'MARA: Thank you, Chairwoman Krueger, for the opportunity to ask you a few questions this evening on this debt service bill.

And I first and foremost want to say that it is incredibly important that we send notice to the creditors of the State of New York that we are living up to our obligations and will make the payments necessary.

Yet I have some questions on the eleventh-hour nature of this bill, that we're actually doing it pursuant to a message of necessity.

Chairwoman Krueger, can you explain to us why this bill was not resolved before we needed a message of necessity to have it done before 12:01 a.m. April 1st?

SENATOR KRUEGER: Certainly.

Through you, Mr. President, we are running a bit late this year because it is almost at the deadline of when the year of -- the fiscal year ends.

So as I think my colleagues know, we have quite a few budget bills remaining to get done. We don't have them. In fact, because we don't have them, some of the information in this bill right now, or at least in the memos, is hypothetical about what we expect our borrowing will be next year because we haven't completed the assignment. So I can give my colleague estimates of what the borrowing will be for the coming year, but not a final number because we don't have that yet.

So we didn't want to bring a bill to the floor where we didn't have all the information, because we prefer not to. But we also know, because of what this bill does -- make clear to the people of New York and the people we have borrowed money from, that New York State continues to operate in good faith, and when they wake up tomorrow they will know that we have made a commitment to continuing to pay our bills.

So that's why it is so crucial to

get this bill done, even if we can't complete the budget by midnight, so that we make sure everyone knows we'll be a little bit late with the rest, but we'll get it done. But we are guaranteeing that we will continue to make the payments on the debt we owe.

SENATOR O'MARA: Thank you, Chairwoman.

Through you, Mr. President, if the chairwoman would continue to yield.

ACTING PRESIDENT BENJAMIN: Does the sponsor yield?

SENATOR KRUEGER: Yes, I do.

ACTING PRESIDENT BENJAMIN: The sponsor yields.

SENATOR O'MARA: When is the end of our fiscal year and the start of the next fiscal year, Senator?

SENATOR KRUEGER: Just double-checking. April 1st is the start of the new fiscal year, so March 31st would be the end of this fiscal year.

SENATOR O'MARA: Through you, Mr. President, if the chairwoman will still yield.

ACTING PRESIDENT BENJAMIN: Does the sponsor yield?

SENATOR KRUEGER: Yes.

ACTING PRESIDENT BENJAMIN: The sponsor yields.

SENATOR O'MARA: So we are taking this bill up, as usual with budget bills, in the dark -- maybe not as late as usual, but according to the clock in the corner, 2 hours and 35 minutes before the end of the fiscal year, with a message of necessity.

We've had the Governor's Executive Budget and his debt service proposals for about two months now. Can you explain to us what the differences are between what the Governor proposed back in January, and/or altered in his 30-day amendments, compared to what we're doing here this evening in this bill? What are the differences?

SENATOR KRUEGER: One minute. We're just getting you the right answers.

Through you, Mr. President. The difference between what the Executive proposed in his 30-day amendments and what we have before us tonight is a change for fiscal year '22 of how

much we will allow for emergency debt authorizations. The Governor had asked for 8 billion in PIT notes and 3 billion for a line of credit. That has shifted to, for the coming year, 3 billion in PIT notes and 2 billion line of credit.

SENATOR O'MARA: Through you, Mr. President, if the chairwoman will still yield.

ACTING PRESIDENT BENJAMIN: Does the sponsor yield?

SENATOR KRUEGER: Yes, I will.

ACTING PRESIDENT BENJAMIN: The sponsor yields.

SENATOR O'MARA: Senator, what is the current total debt outstanding for New York State?

SENATOR KRUEGER: So the current outstanding state-supported debt for fiscal year '21, 59.7 billion.

SENATOR O'MARA: Through you, Mr. President, if the chairwoman will yield.

ACTING PRESIDENT BENJAMIN: Does the sponsor yield?

SENATOR KRUEGER: Yes, I will.

ACTING PRESIDENT BENJAMIN: The sponsor yields.

SENATOR O'MARA: We have in New York a constitutionally mandated debt cap or ceiling. Where does this put us on a percentage of the debt cap we have left to access, and what that dollar amount is?

SENATOR KRUEGER: We have $14.5 billion left as room under our debt cap for fiscal year '22.

SENATOR O'MARA: On a total of -- through you, Mr. President, if the chairwoman will continue to yield.

ACTING PRESIDENT BENJAMIN: Does the sponsor yield?

SENATOR KRUEGER: Yes, I will.

ACTING PRESIDENT BENJAMIN: The sponsor yields.

SENATOR O'MARA: So that's that $15 billion figure over and above the 57 or so billion dollar figure you mentioned a moment ago?

SENATOR KRUEGER: I don't remember mentioning a $15 billion figure.

SENATOR O'MARA: Fifty-seven.

SENATOR KRUEGER: Fifty-seven was

the current -- it was 59.7, the total outstanding debt under state-supported debt. And then I said 14.5 billion left under our current cap.

SENATOR O'MARA: Okay. Through you, Mr. President, if the chairwoman will continue to yield.

ACTING PRESIDENT BENJAMIN: Does the sponsor yield?

SENATOR KRUEGER: Yes, I will.

ACTING PRESIDENT BENJAMIN: The sponsor yields.

SENATOR O'MARA: You mentioned that the short-term borrowing for PIT revenues, an 11 -- and another reduction from the Governor's proposal to begin with. And I'm assuming that's because revenues have come in stronger than anticipated at the end of the year here.

SENATOR KRUEGER: And particularly a commitment by the federal government to the State of New York both for state spending and for spending at our localities level.

So this was all intended to be emergency backup money. We think it's a good idea to have an option for an emergency borrowing plan. But we are much less concerned about

needing numbers as large as what we did last year, which was closer to what the Governor started with this year.

SENATOR O'MARA: Through you, Mr. President, if the chairwoman will continue to yield.

ACTING PRESIDENT BENJAMIN: Does the sponsor yield?

SENATOR KRUEGER: Yes, I will.

ACTING PRESIDENT BENJAMIN: The sponsor yields.

SENATOR O'MARA: What is the state's anticipated debt service under this proposal, and compared to last year?

SENATOR KRUEGER: And again, this is still proposed because we haven't completed our assignments on the remainder of the budget. But we project the state appropriation for debt service to total $16.4 billion, with cash disbursements projected to net at about 6.4 billion.

SENATOR O'MARA: Through you, Mr. President, if the chairwoman will continue to yield.

ACTING PRESIDENT BENJAMIN: Does

the sponsor yield?

SENATOR KRUEGER: Yes, of course.

ACTING PRESIDENT BENJAMIN: The sponsor yields.

SENATOR O'MARA: Is the federal unemployment funds that we've borrowed from the federal government of about 7.9 billion, is that covered in this bill, the service of that debt?

SENATOR KRUEGER: Through you, Mr. President, I actually think we're stumped. We're not sure. We could try to get somebody to help us with the answer, and then we'd need to wait a little while or continue with other questions and hopefully have someone else from Finance give us the answer.

I think partly, even when we get an answer, it will be tentative because there is some belief that the federal government will be forgiving the funds that states had to borrow during the COVID pandemic. So we might not actually owe them anything back, we might owe them something back, and it might or might not be reflected in these numbers.

SENATOR O'MARA: Okay. Through you, Mr. President, if the chairwoman will yield.

And I will -- if you come up with an answer, I only have a couple -- or a few more questions left. So if you do, we can talk offline.

ACTING PRESIDENT BENJAMIN: Does the sponsor yield?

SENATOR KRUEGER: Yes, I yield.

ACTING PRESIDENT BENJAMIN: The sponsor yields.

SENATOR O'MARA: Of the debt service -- or no, excuse me, of the extra, over and above anticipated revenues that are coming in at the end of this budget year, how much of that is going to pay down existing debt?

SENATOR KRUEGER: I'm not sure if I'm understanding the question right, so let me try to answer it one way. And then if the sponsor {sic} thinks I missed the understanding of his question, he will repeat it in a different way.

As we said, we expect cash disbursements for the coming year to be 6.4 billion, and the year that we're ending in a few hours had 11.9 billion in disbursements.

But I'm not sure -- you were asking about some subset of that based on some money

coming in from the federal government at the end of the year?

SENATOR O'MARA: Well, through you, Mr. President, if I can clarify.

Basically what I'm trying to get at is with tax revenues coming in much larger than anticipated, at least over the last few months what was being expected to what we see today, and with $12.6 billion at this point of federal stimulus money to the state, how much of that are we utilizing to pay down our existing debt?

SENATOR KRUEGER: I don't think we're allowed to use our federal money to pay down existing debt at all. I think that the federal money was intended to cover the costs in our coming years of what we needed.

So if you're asking should the state be continuing to pay down debt it owes from previous years out of revenue, yes, we should. That's what this whole bill is about, making sure that we continue to make our payments correctly and appropriately.

So if -- if you're asking should we have taken the federal money and paid off an increased amount of our debt, again, I'm pretty

sure that wouldn't be allowed under the rules of the road from the federal government.

If the -- if my colleague is asking should we have taken greater amounts of our existing revenue and paid off debt at a faster rate than we were currently planning, that is almost an ideological decision and discussion.

I personally think, given the fact that we still are not sure how quickly we are going to be recovering from this pandemic and this economic collapse, we're not sure whether we're going to have another round, we're not sure how much it's going to cost us to mitigate and prepare ourselves for the post-pandemic world.

I think personally I would argue this would not be the best time to be speeding up our commitment of paying off debt. This debt was accounted for, explained, there's a plan to pay it back. I believe that we were going to continue to do that. So if my colleague's question is should we be speeding up doing that, my opinion is no.

SENATOR O'MARA: Thank you, Chairwoman. And through you, Mr. President, if the chairwoman would continue to yield.

ACTING PRESIDENT BENJAMIN: Does the sponsor yield?

SENATOR KRUEGER: Yes.

ACTING PRESIDENT BENJAMIN: The sponsor yields.

SENATOR O'MARA: Well, I certainly disagree with that approach on not using excess revenues coming in to pay down debt that we have racked up in the state, as I think most homeowners would do in their own personal finances when extra revenues come in.

While we were preparing this budget, while Governor Cuomo was pleading with the federal government for stimulus aid, the Governor was talking about a $15 billion deficit. We've got 12.6 billion coming from the feds to cover all but 2.4 billion of that. And then since then, we've had revenues come in about $2.5 billion stronger than anticipated, and then anticipated to be coming in another 2.5 to $3 billion above that.

So that exceeds our $15 billion perceived deficit by the Governor by 2 to 3 billion dollars. Why is not some of that being utilized? And I'm not suggesting it be stimulus

funds, although I think some of it could be. Certainly not all of it. But with the extra revenues that are coming in, those are certainly available to us to use as we see fit.

So why would we not be using some of that 2 to 3 billion dollars to pay down debt going forward?

SENATOR KRUEGER: Through you, Mr. President, I think I'll continue with the answer I thought I gave, which is I'm quite sure now we cannot use the federal revenue that is stimulus money to pay back debt by the State of New York. Nor would I think that would be a very good idea.

We have a plan to pay off the debt that we owe. I'm certainly encouraging any kind of refinancing at lowest or lower interest rates, and I think the State of New York does that on a continuing basis, and that is smart and prudent, so that as interest rates go down, we're paying less on the money we owe.

But again, I think my colleague and I have an ideological difference about whether at this moment in history it is better to pay off debt early or have the money ready to be used for

both the things we don't know may be around the corner as we continue with our pandemic and our rebuild.

I'm not saying that I would always disagree with him, and that if we were back at a stable economy without a skyrocketed unemployment rate, if we knew that we had the answer to COVID illness and nobody was going to get it again, I would say, you know, it might be a time to do some early payoffs. But I don't think that's the right answer right now, Mr. President.

It doesn't prevent us from asking the question again during the course of the year or in a year. But I think it is prudent for us not to do that now.

SENATOR O'MARA: Thank you, Chairwoman.

Just on the bill, Mr. President.

ACTING PRESIDENT BENJAMIN: Senator O'Mara on the bill.

SENATOR O'MARA: Did you get an answer for something you wanted before I go, Liz, or --

SENATOR KRUEGER: I haven't read it yet, so I --

SENATOR O'MARA: Okay. All right.

You know, I have concerns with this bill. And if the sponsor would yield for one quick question while she's reading it, I'm sorry.

ACTING PRESIDENT BENJAMIN: Does the sponsor yield?

SENATOR KRUEGER: I'm sorry, yes.

ACTING PRESIDENT BENJAMIN: The sponsor yields.

SENATOR O'MARA: I'm sorry, I just forgot the one last question.

Do you anticipate that this debt service bill may be amended while we wrap up the rest of the budget bills at the end of it, as a cleanup?

SENATOR KRUEGER: No, I think this would be the debt service bill. But we may discover that there is some slight change in the amount of money that the state is going to be spending. Because we don't have an exact number on a final number on the spending for the state or the revenue for the state.

SENATOR O'MARA: Thank you.

And on the bill, Mr. President.

ACTING PRESIDENT BENJAMIN: Senator

O'Mara on the bill.

SENATOR O'MARA: I agree that this Legislature and the State of New York needs to be clear and direct with those that we've borrowed billions and billions of dollars from.

But I don't believe this effort, given our current fiscal situation -- as dire as things have been over the year, revenues have upticked towards the end of the fiscal year, drastically closing the deficit of what was anticipated, by some 5.7 billion between increased revenues and anticipated revenues and the revenue consensus that the Legislature and the Executive agreed to. Over and above the 12.6 billion, which goes to close what was stated as a $15 billion deficit.

The fact that the other bills of this budget are not put together and we don't have any idea what the final spending number is going to be. Or I know there's a big effort to increase taxes just for the sake of increased taxes, because it's not needed with our fiscal situation right now.

And by not putting forth a stronger effort to pay down on our debt, we I don't think

are sending a message to the lenders, to the bankers that we're being completely fiscally responsible with the revenues that we have. And we should be making a greater effort to do that, particularly when you're talking about raising taxes on many people in this state.

So I have concerns with the approach in this debt service, fully understanding that this is going to pass, that we do need to make it clear that we're going to fulfill our obligations. I'm not sure that needs to be done tonight and could be done with a clearer and fuller picture of what it should be when we have the full context of the budget. And knowing what the revenues are going to be -- what the spending is going to be, we pretty much know what the revenues are going to be -- so we can make a more informed decision on whether this is an appropriate use or an appropriate way to approach our debt at this moment in time or whether we should be paying down more.

And those are my concerns. I'll be urging my colleagues on this side of the aisle not to support this legislation, and I will be voting in the negative myself.

Thank you, Mr. President.

ACTING PRESIDENT BENJAMIN: Senator Krueger on the bill.

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

I thank my colleague for his questions. I want to get him the answer he asked for before, will we need to pay unemployment borrowing from the federal government back through debt. And the answer is no. I was correct that it is possible that the federal government may exempt us from some or all of this. But regardless, the unemployment fund is a separate fund within state law, and payments that have to be made, even upon borrowing in heavy unemployment times, is through the unemployment system, so the state would not be borrowing money to pay back the federal government.

As far as my colleague's point about is this a good time to speed up or advance paying off our previous debt, I have to say not only did I explain why I thought it wasn't the right time, but also, just to clarify, the bond market will not think lesser of us if we don't speed up paying what we owe them. Ironically, they don't

really like it when you prepay, because you're paying them interest. So they're not particularly wild about anybody prepaying their debt, the same way credit card companies really can't stand customers who pay their monthly full bill.

And it's a period of very low interest. So in fact for the state to have outstanding debt to be paying off in the amounts and the time frames that we arrange to do so, where we can get refinancing of even lower interest rates than we originally paid, is also prudent and responsible.

So I think if New Yorkers understand that reality, that the debt we are paying has already been established, how it was going to be paid back was already established, nobody is saying you've failed to do this, we're going to be angry at you or penalize you or not continue to lend to you -- because we're paying our debts on time, within the time frame of the agreements, to be honest at a time where most states in the country can't necessarily say that. We're handling it correctly. And I'm confident that this is the right debt service bill for us to be

passing tonight.

And my colleague is right that we should have answers for the rest of the budget by 10 to 10:00 when the budget year ends at midnight, but unfortunately we don't. And I've lived through 19 years here in Albany in the Legislature, and quite a few of them we were very late on the budget -- July, August -- and it wasn't a good thing. But as long as we get this bill done tonight, when people wake up tomorrow and we haven't completed the full budget, it's going to have no impact on their lives or their budgets or whether government is operating in the State of New York.

So we're not perfect. I believe we're going to get there just a few days late. And I don't think any real harm will be done as long as we do commit to paying the money we owe. And I'm confident you have the votes when you ask, Mr. President, and we will be able to get this bill done tonight.

I certainly vote yes and urge my colleagues to vote yes. Thank you, Mr. President.

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 2. This act shall take effect immediately.

ACTING PRESIDENT BENJAMIN: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT BENJAMIN: Announce the results.

THE SECRETARY: In relation to Calendar 644, those Senators voting in the negative are Senators Akshar, Borrello, Boyle, Gallivan, Griffo, Helming, Jordan, Lanza, Martucci, Mattera, Oberacker, O'Mara, Ortt, Palumbo, Rath, Ritchie, Serino, Stec, Tedisco and Weik.

Ayes, 43. Nays, 20.

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?

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

SENATOR GIANARIS: I move to adjourn to the call of the Temporary President, with intervening days being legislative days.

ACTING PRESIDENT BENJAMIN: On motion, the Senate stands adjourned at the call of the Temporary President, with intervening days being legislative days.

(Whereupon, at 9:50 p.m., the Senate adjourned.)