

MONDAY, MARCH 2, 2020

4:54 P.M.

ACTING SPEAKER AUBRY: The House will come to order.

In the absence of clergy, let us pause for a moment of silence.

(Whereupon, a moment of silence was observed.)

Visitors are invited to join the members in the Pledge of Allegiance.

(Whereupon, Acting Speaker Aubry led visitors and members in the Pledge of Allegiance.)

A quorum being present, the Clerk will read the Journal of Friday, February 28th.

Mrs. Peoples-Stokes.

MRS. PEOPLES-STOKES: Mr. Speaker, I move

that we dispense with the further reading of the Journal from Friday, February the 28th and ask that the same stand approved.

ACTING SPEAKER AUBRY: Without objection, so ordered.

Mrs. Peoples-Stokes.

MRS. PEOPLES-STOKES: Thank you, Mr. Speaker, and to my colleagues. I want to thank you for your patience in us being able to get started here today. There were some very important issues that came up that we needed to deal with, but I would like to share a quote that I think is really appropriate for today and today's time. We are just at the very beginning of the opportunity to celebrate Women's History Month. Much like one month is not enough to celebrate the history of African-Americans in this country, I don't think one month is long enough to celebrate Women's History either, but let's go, Mr. Speaker. Today we're going to do Mary McLeod Bethune -- thank you. Mary McLeod Bethune was an American educator, a stateswomen, a philanthropist, humanitarian and a Civil Rights activist. Her quote today is, "A woman is free if she lives by her own standards and creates her own destiny, if she prizes her individuality and puts no boundaries on her hopes for tomorrow." Again, those words are from Mary McLeod Bethune.

Mr. Speaker and colleagues, you have on your desk a main Calendar and a debate list. After any introductions and/or housekeeping, we will begin to consent one of the new -- 45 new bills, beginning with Calendar No. 414, it's on page 4. And then we're

going to go through Calendar No. 458, which is on page 11. We also may take up a few bills from the debate list and we will definitely have to have a Majority Conference at the conclusion of our work today on the floor. We will check with our colleagues on the other side of the aisle to determine their needs.

Mr. Speaker, that's a general outline. If there are introductions and/or housekeeping, now would be a great time.

ACTING SPEAKER AUBRY: Certainly.

First housekeeping, Ms. Glick.

On a motion by Ms. Glick, page 20, Calendar No. 58, Bill No. A01184, amendments are received and adopted.

On a motion by Mr. Englebright, page 38, Calendar No. 177, Bill No. A04620, amendments are received and adopted.

For the purpose of a [sic] introduction, Ms. Seawright.

MS. SEAWRIGHT: Thank you, Mr. Speaker, for allowing me to interrupt the proceedings for the purpose of an introduction. On behalf of Assemblyman Otis, Assemblymember Dickens and Assemblymember O'Donnell, I would like to introduce Ms. Christine Crowther, Executive Director of the New York Center for Children, and Dr. Barbara Rosen, a Board Member of the Center located in my district.

The New York Center for Children is a child-friendly center providing free comprehensive evaluation and therapy services to victims of child abuse and their families. With the leadership of

these two distinguished women, the Center for Children has been able to help countless victims. The services provided by the New York Center for Children includes therapy, medical examinations, crisis intervention and counseling, as well as many educational programs. We are delighted to welcome them to the Capitol today and I ask that you extend to them, Mr. Speaker, the courtesies of the House. Thank you.

ACTING SPEAKER AUBRY: Certainly. On behalf of Ms. Seawright, Ms. Dickens, Mr. Otis, Mr. O'Donnell, we welcome you here to the New York State Assembly, extend to you the privileges of the floor. Thank you for your patience as we waited for this day to organize itself. Clearly, we're pleased to have you. Continue the great work that you're doing and we wish you well. You are always welcome here. Thank you.

(Applause)

Mrs. Peoples-Stokes.

MRS. PEOPLES-STOKES: Mr. Speaker, if we can go to page 3 and begin resolutions at Assembly No. 806.

ACTING SPEAKER AUBRY: The Clerk will read.

THE CLERK: Assembly Resolution No. 806, Mr. Cymbrowitz. Legislative Resolution memorializing Governor Andrew M. Cuomo to proclaim March 2020, as Colorectal Cancer Awareness Month in the State of New York.

ACTING SPEAKER AUBRY: On the resolution, all those in favor signify by saying aye; opposed, no. The resolution is

adopted.

THE CLERK: Assembly Resolution No. 807, Ms. Joyner. Legislative Resolution memorializing Governor Andrew M. Cuomo to proclaim March 2, 2020, as Read Across America Day in the State of New York.

ACTING SPEAKER AUBRY: On the resolution, all those in favor signify by saying aye; opposed, no. The resolution is adopted.

Mrs. Peoples-Stokes.

MRS. PEOPLES-STOKES: Mr. Speaker, if we could now go to page 4 and begin with Calendar No. 414.

ACTING SPEAKER AUBRY: Before we do that, one more housekeeping.

On a motion by Mrs. Barrett, page 5, Calendar No. 421, Bill No. A02756, amendments are received and adopted.

The Clerk will read. Page 4, Calendar No. 414.

THE CLERK: Assembly No. A00101, Calendar No. 414, Buchwald, Englebright, Lupardo, Colton, Mosley, Gunther, Bichotte, Lifton, Gottfried, Rozic, Ryan, Barrett, Otis, Steck, Zebrowski, Blake, Jaffee, Barron, Arroyo, Walker, Quart, Cahill, Galef, Abinanti, L. Rosenthal, D'Urso, Weprin, McMahon, Reyes, Griffin, Ortiz, Wallace, Epstein, Fahy. An act to amend the Environmental Conservation Law, in relation to banning the acceptance of high volume hydraulic fracturing wastewater from oil or natural gas extraction at wastewater treatment facilities and solid

waste management facilities.

ACTING SPEAKER AUBRY: The bill is laid aside.

THE CLERK: Assembly No. A00703, Calendar No. 415, Glick, D'Urso, Ortiz, Jaffee, Gottfried, Abinanti, Mosley, L. Rosenthal, Fahy, Arroyo, Colton, Jacobson, Steck, Perry. An act to amend the Environmental Conservation Law, in relation to prohibiting the use of lead ammunition in the taking of wildlife on State-owned land and land contributing surface water to the New York City water supply.

ACTING SPEAKER AUBRY: The bill is laid aside.

THE CLERK: Assembly No. A01072, Calendar No. 416, Jaffee, Lupardo, D'Urso, Simon, Simotas, Gottfried, Abinanti, Colton, Jean-Pierre, M. L. Miller, Wright, Taylor, Barron, Dickens, M. G. Miller. An act to amend the Labor Law, in relation to compelling family reasons and the continuance of unemployment benefits.

ACTING SPEAKER AUBRY: The bill is laid aside.

THE CLERK: Assembly No. A01498, Calendar No. 417, Galef, L. Rosenthal, Englebright, Weprin, Seawright. An act to amend the General Business Law, in relation to availability for sale of advertised merchandise.

ACTING SPEAKER AUBRY: The bill is laid aside.

THE CLERK: Assembly No. 418 -- Assembly No. A01864, Calendar No. 418, Abinanti, Galef, Jacobson, D'Urso. An act to amend the Election Law, in relation to the use of voting systems

by municipalities.

ACTING SPEAKER AUBRY: Read the last section.

THE CLERK: This act shall take effect January 1st.

ACTING SPEAKER AUBRY: The Clerk will record the vote.

(The Clerk recorded the vote.)

Mrs. Peoples-Stokes.

MRS. PEOPLES-STOKES: Thank you, Mr. Speaker. I just want to remind colleagues in and around the Chambers to cast your vote. This is the first vote of the first day of the eighth week of the 243rd legislative Session. Thank you.

ACTING SPEAKER AUBRY: First vote of the day, ladies and gentlemen. Please cast your ballot if you are in your seat. If you're in the sound of our voice, come to the Chamber and vote. Thank you.

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

THE CLERK: Assembly No. A01902, Calendar No. 419, Lentol, Gottfried. An act to amend the Alcoholic Beverage Control Law, in relation to procedures associated with issuing retail and special retail licenses to sell liquor for on-premises consumption regarding premises located within five hundred feet of three or more existing premises in cities, towns and villages having a population of twenty thousand or more.

ACTING SPEAKER AUBRY: The bill is laid aside.

THE CLERK: Assembly No. A02579-A, Calendar No. 420, Dinowitz. An act to amend the Civil Practice Law and Rules, in relation to when third-party practice is allowed.

ACTING SPEAKER AUBRY: The bill is laid aside.

THE CLERK: Assembly No. A02756, Calendar No. 421 has been amended.

Assembly No. A03033, Calendar No. 422, Solages, Ortiz, Colton, M. G. Miller. An act to amend the Labor Law, in relation to regulations promulgated for systematic and sustained efforts to find work for unemployment benefits.

ACTING SPEAKER AUBRY: The bill is laid aside.

THE CLERK: Assembly No. A04129-A, Calendar No. 423, Cymbrowitz, Rodriguez. An act to amend the Private Housing Finance Law, in relation to the membership of the New York State Housing Finance Agency, the Housing Trust Fund Corporation and the Affordable Housing Corporation.

ACTING SPEAKER AUBRY: The bill is laid aside.

THE CLERK: Assembly No. A04464, Calendar No. 46 -- 424, Pretlow, M. G. Miller. An act to amend the Tax Law, in relation to requiring lottery sales agents to return previously purchased lottery tickets to the person submitting them to such agent for verification of prizes.

ACTING SPEAKER AUBRY: Read the last section.

THE CLERK: This act shall take effect immediately.

ACTING SPEAKER AUBRY: The Clerk will record the vote.

(The Clerk recorded the vote.)

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

THE CLERK: Assembly No. A05620, Calendar No. 425, Weinstein, Weprin, Seawright, Bronson, L. Rosenthal, Taylor. An act to amend the Civil Practice Law and Rules and the Surrogate's Court Procedure Act, in relation to addressing delay in payment of a settlement where the settlement requires court approval.

ACTING SPEAKER AUBRY: The bill is laid aside.

THE CLERK: Assembly No. A07119, Calendar No. 426, Benedetto, D'Urso, Otis. An act to amend the Education Law, in relation to the Smart Schools Review Board.

ACTING SPEAKER AUBRY: Read the last section.

THE CLERK: This act shall take effect immediately.

ACTING SPEAKER AUBRY: The Clerk will record the vote.

(The Clerk recorded the vote.)

Mr. Smith to explain his vote.

MR. SMITH: Thank you, Mr. Speaker. I just want to take a moment to commend the sponsor on this bill. The Smart Schools Review Board, which was established following the Smart Schools Bond Act in 2014, it's a -- it's a committee of three people, the

Budget Director, the SUNY Chancellor and the Education Commissioner, and it's required to meet -- it's supposed to meet every three months, four times a year. And I'm so happy that this bill is going forward to actually codify that into law. Unfortunately, from the date it passed and was approved by the voters, it has only met 14 times, just the other day was one of their most recent meetings, and I think that's absolutely terrible for the fact that \$2 billion has now been stretched out over almost five years, and that's money that is critical to schools in our districts.

Just the other day, two schools districts that I represent, the Middle Country School District and the Connetquot School District were just approved for \$5 million and \$1 million respectively, and these are critical updates for school security. And in the tough time that we're dealing with, I think that these are important steps that need to be taken. So I want to commend the sponsor, again, encourage my colleagues to vote in favor of this bill and thank you, Mr. Speaker.

ACTING SPEAKER AUBRY: Mr. Smith in the affirmative and you're welcome, sir.

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

THE CLERK: Assembly No. A07334-B, Calendar No. 427, Reyes, Lifton, Dickens, Colton, Gottfried, Englebright, DeStefano, McDonough, Mosley, Pichardo, Jaffee, Glick, Niou,

Arroyo, Perry, Rodriguez. An act to amend the Public Service Law, in relation to requiring gas pipeline facilities to accelerate the repair, rehabilitation, and replacement of equipment or pipelines that are leaking or at a high risk of leaking.

ACTING SPEAKER AUBRY: The bill is laid aside.

THE CLERK: Assembly No. A07438, Calendar No. 428, Dinowitz. An act to amend the General Business Law, in relation to arbitration organizations.

ACTING SPEAKER AUBRY: The bill is laid aside.

THE CLERK: Assembly No. A07812-A, Calendar No. 429, L. Rosenthal, Mosley. An act to amend the Public Health Law, in relation to authorizing the use of opioid antagonists by persons or entities for opioid overdose prevention.

ACTING SPEAKER AUBRY: Read the last section.

THE CLERK: This act shall take effect immediately.

ACTING SPEAKER AUBRY: The Clerk will record the vote.

(The Clerk recorded the vote.)

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

THE CLERK: Assembly No. A08009, Calendar No. 430, Weprin. An act to amend Chapter 395 of the Laws of 2008, amending the Agriculture and Markets Law relating to licensing of establishments where animals or fowls are slaughtered, in relation to

the effectiveness thereof.

ACTING SPEAKER AUBRY: On a motion by Mr. Weprin, the Senate bill is before the House. The Senate bill is advanced. Read the last section.

THE CLERK: This act shall take effect immediately.

ACTING SPEAKER AUBRY: The Clerk will record the vote.

(The Clerk recorded the vote.)

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

THE CLERK: Assembly No. A08608, Calendar No. 431, Paulin, Woerner, Epstein, Gottfried, McDonough, Morinello, Zebrowski, Simon, Lupardo, Mosley, Sayegh, L. Rosenthal. An act to amend the Vehicle and Traffic Law, in relation to parking in electric vehicle charging spaces.

ACTING SPEAKER AUBRY: Read the last section.

THE CLERK: This act shall take effect on the 180th day.

ACTING SPEAKER AUBRY: The Clerk will record the vote.

(The Clerk recorded the vote.)

ACTING SPEAKER PICHARDO: Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

THE CLERK: Assembly No. A08971, Calendar No. 432, L. Rosenthal. An act to amend the Civil Practice -- the Civil Service Law - excuse me - in relation to equal pay for similar work protections for protected classes.

ACTING SPEAKER PICHARDO: On a motion by Ms. Rosenthal, the Senate bill is before the House. The Senate bill is advanced. Read the last section.

THE CLERK: This act shall take effect immediately.

ACTING SPEAKER PICHARDO: The Clerk will record the vote.

(The Clerk recorded the vote.)

ACTING SPEAKER AUBRY: Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

THE CLERK: Assembly No. A08972, Calendar No. 433, Ortiz. An act to amend the Military Law, in relation to age requirements applicable to appointments or promotions of public employees who have been absent on military duty.

ACTING SPEAKER AUBRY: On a motion by Mr. Ortiz, the Senate bill is before the House. The Senate bill is advanced. Read the last section.

THE CLERK: This act shall take effect immediately.

ACTING SPEAKER AUBRY: The Clerk will record

the vote.

(The Clerk recorded the vote.)

Mr. Ortiz to explain his vote.

MR. ORTIZ: Thank you, Mr. Speaker, for allowing me to interrupt the proceedings. This particular piece of legislation is so critical for our veterans and as a veteran myself, I know how difficult it is when you come back from the service to try to get a job and be put back on the age requirement groups. So, this bill what it allows is to allow veterans to deduct up to seven years when applying for a job that has age requirements. And as you know, Mr. Speaker, our veterans go serve our country and when they sometimes come back, there is no job available for them. So this bill will guarantee to make sure that they will be able to not just to have a job, but also to go back and count nine years -- seven years of requirement to make sure the age requirement to make sure that they will be able to get their job back and, as well, their pension. So, I will be voting in the affirmative, Mr. Speaker.

ACTING SPEAKER AUBRY: Mr. Ortiz in the affirmative.

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

THE CLERK: Assembly No. A08998, Calendar No. 434, Dinowitz, Blake. An act to amend the Election Law, in relation to voter registration form distribution and assistance.

ACTING SPEAKER AUBRY: The bill is laid aside.

THE CLERK: Assembly No --

ACTING SPEAKER AUBRY: Hold one minute, I'm sorry. On a motion by Mr. Dinowitz, the Senate bill is before the House. The Senate bill is advanced and the bill is laid side.

THE CLERK: Assembly No. A09002, Calendar No. 435, Zebrowski, Blake. An act to amend the Election Law, in relation to disclosure of the identities of political committees making certain expenditures for political communications.

ACTING SPEAKER AUBRY: On a motion by Mr. Zebrowski, the Senate bill is before the House. The Senate bill is advanced. Read the last section.

THE CLERK: This act shall take effect January 1st.

ACTING SPEAKER AUBRY: The Clerk will record the vote.

(The Clerk recorded the vote.)

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

Mrs. Peoples-Stokes.

MRS. PEOPLES-STOKES: Mr. Speaker, if we can now go to our debate list and we're going to start with Calendar No. 126, it's on page 25 [sic] by Ms. Simon. And secondly, we're going to go to Calendar No. 186, it's on page 33 [sic] by Ms. Jean-Pierre.

ACTING SPEAKER AUBRY: The Clerk will read.

THE CLERK: Assembly No. A03050-A, Calendar No. 126, Simon, Arroyo, Blake, Barrett, Braunstein, Colton, Cook, Dinowitz, Gottfried, Jaffee, Joyner, M. G. Miller, Otis, Perry, Steck, Mosley, Abinanti, L. Rosenthal, Carroll, D'Urso, Barron, Davila, Ortiz, Darling, Cruz. An act to amend the Public Health Law, in relation to specifying procedures for the closure and/or decertification of assisted living residences.

ACTING SPEAKER AUBRY: An explanation is requested, Ms. Simon.

MS. SIMON: Thank you, Mr. Speaker. Under current law, New York State rules and regulations, the closure of an assisted living facility only requires the operator to give 90 days notice to residents. In many cases, this period of time is inadequate for residents to locate and secure new living accommodations.

Under this bill, the operator of an assisted living facility that intends to close would be required to notify the Department of Health in writing prior to the date of closure, and provide a proposed plan for closure and/or decertification, including timetables for each step of closure. Such notification would also include the -- a plan to notify residents and resident's representatives within 120 days of the closure. The bill would establish a procedure to assess the needs of individual residents and provide assistance to residents in relocating and transferring to appropriate alternative settings. This bill would ensure that all involved parties are made aware of the potential closure and/or decertification so that

appropriate planning can be made.

ACTING SPEAKER AUBRY: Mr. Goodell.

MR. GOODELL: Thank you, Mr. Speaker. Would the sponsor yield?

ACTING SPEAKER AUBRY: Ms. Simon, will you yield?

MS. SIMON: Certainly.

ACTING SPEAKER AUBRY: Ms. Simon yields, sir.

MR. GOODELL: Thank you very much, Ms. Simon. As you know, we've debated this bill in the past. The concern that many of us had is that if a facility, an assisted living facility is going out of business, that they don't have money to pay for staff or utilities or supplies, including medication, and that puts all the residents in a serious jeopardy. As you know, if you're not paying staff, most staff are unwilling or unable to work for free, they're not volunteers. How do we address the situation with a facility that is going out of business for financial reasons and doesn't have the cash flow to stay open?

MS. SIMON: Well, they have to file a closure plan and they certainly should have filed a closure plan in sufficient time to be able to prepare for this. Obviously, they are still getting the -- the income for the -- the residents who are there. Most of them are going to be on Medicare or Medicaid or some private funding, so they will have that income. And they can seek, you know, an expedited review from the Department of Health if that would help ease the situation.

MR. GOODELL: But this bill doesn't provide any funding mechanism to assist them if they run out of cash prior to that review process and 120 days thereafter?

MS. SIMON: The bill does not provide State funding to be increased to cover those particular financial constraints that the operator might be experiencing; however, that doesn't mean that they can't seek additional support from the State. But the bill itself, it's not in the statute that they would be provided with additional resources and, frankly, this is why we have notice, why we have a requirement to file a closure plan, because that sort of thing should not be happening in New York State.

MR. GOODELL: And if a facility files for bankruptcy, would they then be exempt from any of the penalties and other requirements of this bill?

MS. SIMON: Well, certainly a bankruptcy would stay whatever those proceedings are. That would be a matter for the Department of Health to determine. The statute itself does not say, *If you file for bankruptcy, thus and such will happen*. That would be a function of Bankruptcy Law.

MR. GOODELL: Looking at the timeframe. The first thing that's required if a facility wants to close is to submit a detailed written plan, a closure plan to the Department of Health, correct?

MS. SIMON: Correct.

MR. GOODELL: And they cannot do anything until

the Department of Health has approved that plan, correct?

MS. SIMON: That's correct.

MR. GOODELL: Does this bill provide any timeframe for the Department of Health to respond? Do they have to respond, for example, within 30 days or 60 days or 90 days?

MS. SIMON: No, it does not because the review of these plans is often quite detailed and specific, and the operator would be well-advised to file a very comprehensive, complete and detailed plan to help expedite that review by the Department of Health.

MR. GOODELL: So it would not be any violation of this law, for example, if the Department of Health took 90 days to review such a plan?

MS. SIMON: I'm sorry, it wouldn't be a violation of what law?

MR. GOODELL: There's nothing to require the Department of Health to move in a particular time frame, so presumably the Department of Health could take 90, 120 days or whatever amount of time they need to review that plan, right?

MS. SIMON: They could and, in fact --

MR. GOODELL: And then only -- only after the Department of Health has signed off on the plan, at that point then the operator gives 120 day notice, correct?

MS. SIMON: Correct.

MR. GOODELL: And until they give that notice, they're not allowed to do anything to move toward closure, correct?

MS. SIMON: Not allowed to -- I didn't hear what you said, not allowed to do anything to --

MR. GOODELL: To take no action to actually close until --

MS. SIMON: Yes, that's right.

MR. GOODELL: All right. So let's say the, hypothetically, it takes the Health Department several months to review it, which, for those of us who have worked in the health care field is not at all unusual.

MS. SIMON: That is true.

MR. GOODELL: And then there's another four month notice that has to be given by the operator, and this bill provides that during that time frame, the assisted living facility cannot accept any new residents; is that correct?

(Pause)

MS. SIMON: I'm sorry, I was just consulting and -- and clarifying something. So, the 120 days closure notice is in advance of the actual closure. And they can take no action until they receive approval from the Commissioner, but that doesn't mean that, in fact, they couldn't give notice previously. There could be some wiggle room there.

MR. GOODELL: And during that time period after they've given the notice, during the next four months then they're prohibited from taking any new residents; is that correct?

MS. SIMON: That is correct.

MR. GOODELL: And that would include, of course, residents that might be there on a temporary stay, correct? I mean a lot of assisted living facilities, for example, provide rehab services for a limited duration, you know, 30 days, 60 days, 90 days. They would be barred from accepting any new residents regardless of how long the stay was intended, correct?

MS. SIMON: This bill doesn't take into account short-term rehab stays.

MR. GOODELL: I agree.

MS. SIMON: It's about people who would be living at the assisted living facility.

MR. GOODELL: But it bars any new residents, correct?

MS. SIMON: New residents who would be permanent residents. It doesn't bar somebody coming in -- for example, it wouldn't be a resident per se, but they would be there for -- short-term for rehabilitation.

MR. GOODELL: Well, I'm looking at page 2, line 26, it says, "The operator shall not accept new residents." There's no clarification or restriction as to whether they're long-term or short-term residents, is there?

MS. SIMON: So the way I read this is no new residents or applications for residency, which is not the same as somebody who is there for rehab.

MR. GOODELL: Do assisted living facilities

provide outpatient rehab services? They're all inpatient, right?

MS. SIMON: They're inpatient, but they're not -- they're not the residents that are being protected by this closure. Those are the people who are -- who are actually residents who are living there who are -- who -- for whom that is their home, their primary residence.

MR. GOODELL: Well, if -- if we have the opportunity to debate this again, it would be helpful to make it clear that an assisted living facility can accept new residents as long as the anticipated stay of the new resident is less than 120 days, which would enable them to clearly accept new residents who are going through physical therapy.

MS. SIMON: Well, I'll work on clarifying that language if -- if, in fact, we are not successful in passing this bill.

MR. GOODELL: This also provides that during that time period, the operator cannot increase the amount of any rent, fees or other surcharges imposed on the residents, correct?

MS. SIMON: That is correct. Once the plan is approved, they can.

MR. GOODELL: And that would apply even if the facility itself is experiencing increased costs on utilities, supplies, taxes, necessary maintenance or repair. Even though they're facing increased costs, this bill would prohibit them from passing any of those costs on; is that correct?

MS. SIMON: Yes. This is to protect residents from

gouging and it is intended to protect residents from some of the practices that have gone on in the past. The reality is, of course, that if an entity submits a detailed closure plan and works closely with the Department of Health, the reality is that they will be able to close their facility sooner rather than later if they do the work that they need to do in advance.

MR. GOODELL: Well, and I understand and I appreciate your desire to prevent gouging, but this bill prohibits any increase in rent, fees or surcharges even if those rent, fees and surcharges are exactly equal to the increased cost, right? There's -- it doesn't limit any cost increase to excessive or gouging. It prohibits any increase, correct?

MS. SIMON: Yes, it does before it is approved. Once the plan is approved and that plan, for example, could -- could say that we would plan to close this facility in six months, right, so the closure plan itself could extend over a period of longer than 120 days and the -- they could raise those rates during that period of time before they close after they receive approval.

MR. GOODELL: I would -- I would -- I would be happier if that's what the language actually said, because when you look at page 2, lines 27 and 28, 29, there's no -- it says, *They cannot raise the rates* - I apologize.

MS. SIMON: It's a different page.

MR. GOODELL: It's above that, right? There's -- it doesn't say they can raise them afterwards, does it? I don't see any

language that allows them to raise it afterwards.

MS. SIMON: Yes, it does. Hold on. It's line 15.

MR. GOODELL: The only thing --

MS. SIMON: "Provided, however, that --" it's on line 21, "that the operator may increase the amount of any rent, fees or other surcharges imposed upon the individual resident corresponding with the increases in the individual's Supplemental Security Income, total of such increases for an individual shall not exceed the amount of the increase in the individual's SSI."

MR. GOODELL: Right, so the only --

MS. SIMON: They can do that, all right, and then after they have been notified that it has been approved, they can -- they can also raise those rates, obviously reasonable.

MR. GOODELL: And I see where it limits it to an increase in SSI, but I don't see the other. But one last question, if I may, and that is this bill provides that if a resident --

MS. SIMON: The SSI increase can happen anyway, before -- before the approval the SSI rate increase. So, in other words, if SSI is providing more funds per month, which, as you know, go up very small amounts, they -- that -- the institution can raise that rate even before the closure plan is -- is approved.

MR. GOODELL: And the penalty on this is 2,000 for the first offense up to 5,000 on the second in a 12-month period, 10,000 thereafter; is that correct?

MS. SIMON: Yes, those are the standard Public

Health Law penalties.

MR. GOODELL: And so, let's say they raise the rent on day one, would it be \$1,000 times the number of residents, or would it be just \$1,000, or \$2,000, sorry.

MS. SIMON: The statute?

MR. GOODELL: Yes.

MS. SIMON: Is relying on what are the standard public health violation penalties which would be assessed by the Department of Health. So, this bill is not going to say if you do X, your penalty is Y. That's not -- that's not for this bill, it's just not this bill.

MR. GOODELL: Thank you, Ms. Simon.

On the bill, sir.

ACTING SPEAKER AUBRY: On the bill, Mr. Goodell.

MR. GOODELL: Thank you. I appreciate the sponsor's desire to have an orderly closing of an assisted living facility, but the truth of the matter is if the facility doesn't have the cash flow to pay for its staff, or pay for the utilities, or pay for the supplies, it creates a horrific situation where the -- the safety of the residents could be adversely impacted. And this bill makes it even more dangerous for the residents by prohibiting the facility to accept new residents to offset that loss, or to raise their fees or their expenses.

And so, we have a situation where while the intent of having an orderly closure is a great intent, the way it's actually

implemented, in my opinion, would create a severe financial impossibility that could seriously jeopardize the health and safety of the residents as staff members leave when they can't get paid, or the facility can't cover its expenses. For those reasons, I'll recommend that my colleagues vote against this bill. Thank you, sir.

ACTING SPEAKER AUBRY: Thank you.

Read the last section.

THE CLERK: This act shall take effect January 1st.

ACTING SPEAKER AUBRY: The Clerk will record the vote.

(The Clerk recorded the vote.)

Ms. Simon to explain her vote.

MS. SIMON: Thank you, Mr. Speaker. As many of you may know, this bill was borne out of a pretty shocking and abrupt decision by a developer to close an assisted living facility at One Prospect Park in Park Slope, Brooklyn in my district. They wanted to evict 125 seniors, most of whom who were over 85, and several already over 100. This is prime real estate at the corner of Grand Army Plaza and it's a majestic entrance to the park, and the residents had operated there for decades. I don't remember a time when it wasn't a senior residence.

When the developer purchased the property in 2006 for 40 million, he ran a facility under a temporary license for eight years. When he reached an agreement to sell the property for over \$76 million and ten months after receiving a permanent license, he

submitted a plan to close the facility. Residents were told they had 90 days to get out and, eventually, they did sell the property for \$84 million, making an astounding amount of money on their purchase.

Many of the residents had nowhere to go. It was not easy to -- to relocate them. Six of them stayed. They sued the State and the developer and won an award. Today, only one, Ruth Willig, is still alive, she's 96-years-old and the -- the press has been following these people every step of the way. And what I would like to do is see that this bill is passed in both Houses before Ruth Willig dies so that her work will -- will live on and she will have accomplished something for seniors, especially those seniors who are really older seniors in our communities. Thank you very much and I will be voting in the affirmative. Thank you, Mr. Speaker.

ACTING SPEAKER AUBRY: Ms. Simon in the affirmative.

Ms. Weinstein to explain her vote.

MS. WEINSTEIN: Yes, thank you, Mr. Speaker. I couldn't help but rise after hearing the previous comments. I've -- the facility that the residents who left is just a block or two out my district and I've come to know over the past year a number of the residents and spoken to them, and this closing of this facility had a dramatic impact on their lives, on their well-being, on their -- their health and, quite frankly, their social friendships that they had developed in this facility. Actually, a group of ten went collectively to the facility -- to the assisted living facility in Sheepshead Bay, and I just want to speak

in support of this bill. I think it's very important and not -- we can't help those residents, but we can help residents in other potential -- avoiding a potential situation like this. So, I'm very happy to vote in the affirmative.

ACTING SPEAKER AUBRY: Ms. Weinstein in the affirmative.

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

Mrs. Peoples-Stokes.

MRS. PEOPLES-STOKES: Mr. Speaker, could you please call on Mr. Otis and Mr. Goodell for respective announcements?

ACTING SPEAKER AUBRY: Mr. Otis.

MR. OTIS: Well, good evening. And the evening will continue in the Democratic Conference room -- in the Speaker's Conference Room. Meeting of the Democratic Conference as soon as Session is adjourned. Thank you.

ACTING SPEAKER AUBRY: Mr. Goodell.

MR. GOODELL: Thank you, Mr. Speaker. There'll be a meeting of the Republican Conference and we're asking all of our members to head over to the large, spacious Parlor for our meeting. Thank you, sir.

ACTING SPEAKER AUBRY: Republican Conference in the Parlor; Democratic Conference, Speaker's

Conference Room.

And Mrs. Peoples-Stokes.

MRS. PEOPLES-STOKES: Mr. Speaker, could you call the House to recess until the return call of the Speaker.

ACTING SPEAKER AUBRY: The House will stand at recess at the call of the Speaker.

(Whereupon, at 7:03 p.m., the House stood in recess.)

* * * * *

A F T E R T H E R E C E S S

10:02 P.M.

ACTING SPEAKER AUBRY: The House will come to order.

Mrs. Peoples-Stokes.

Shh.

MRS. PEOPLES-STOKES: Mr. Speaker, will you please advance the A-Calendar and take it up directly.

ACTING SPEAKER AUBRY: On Mrs. Peoples-Stokes' motion, the A-Calendar is advanced.

Governor's Message -- the Clerk will read.

THE CLERK: Assembly No. A09953, Rules Report No. 12, Ortiz. An act to amend the Executive Law, in relation to issuing by the Governor of any directive necessary to respond to a State disaster emergency; making an appropriation therefore; and providing for the repeal of certain provisions upon expiration thereof.

ACTING SPEAKER AUBRY: Governor's Message is at the desk, the Clerk will read.

THE CLERK: I hereby certify to an immediate vote, Andrew M. Cuomo, Governor.

ACTING SPEAKER AUBRY: There is an amendment at the desk. Mr. Reilly to briefly explain the amendment while the Chair examines it.

MR. REILLY: Mr. Speaker, I offer the following amendment, waive its reading, move for its immediate adoption and ask for the opportunity to explain it.

ACTING SPEAKER AUBRY: Proceed.

MR. REILLY: This amendment adds to the bill-in-chief by requiring that the Governor shall report to the Temporary President of the Senate, Speaker of the Assembly, the Minority Leader of the Senate, the Minority Leader of the Assembly, the Chair of the Senate Finance Committee, the Chair of the Assembly Ways and Means Committee, the Ranking Member of the Senate Finance Committee and the Ranking Member of the Assembly Ways and Means Committee every 30 days for an accounting of all money distributed in relation to this appropriation.

Under current Executive Law, the Governor has the ability to suspend provisions of any statute during a disaster. These suspensions may not last longer than 30 days and may be terminated by a concurrent resolution of the legislature. This bill adds the ability of the Governor to issue any directive or suspend any statute during a declared state of disaster. These directives would be subject to the same requirements as the aforementioned suspensions; however, there

is no requirement that the Governor communicates the status of the action taken in response to the emergency, or to relate the accounting of expenditures as such related to the appropriation made in the bill-in-chief.

This bill provides an appropriation of \$40 million for the purposes of combatting Coronavirus Disease 2019, also known as COVID-19. The funds are intended to be used for additional personnel, equipment and supplies, travel costs and training. The appropriation also provides that funding may be used to aid municipalities for expenses related to an outbreak. All members of the Legislature and the public are concerned about the potential for a health care crisis and ensuring that the State of New York is prepared to deal with this crisis.

This amendment will require the Governor to provide the Legislative Leaders with an update and accounting of expenditures, and will aid in supporting the public's confidence in the process by ensuring that funding is being applied to the most important response initiatives. This amendment will provide us with the transparency and accountability that we all should require of our government.

Thank you.

ACTING SPEAKER AUBRY: Mr. Reilly, the Chair has examined your amendment and found it germane to the bill before the House.

On the amendment, Mrs. Peoples-Stokes.

MRS. PEOPLES-STOKES: Thank you, Mr.

Speaker. While I want to applaud my colleagues on the other side of the aisle for attempting to further delay a process that we have been going through literally all day today, I would suggest that this amendment is not necessary. We have been discussing this issue for the entire day. If there were thoughts about amendments and/or additions that should have been attached, it should have been brought to the table prior to now.

Not only that, Mr. Speaker, this legislation has already been passed in the Senate, so we're here at this late hour in an effort to try and protect New Yorkers, and I think that we should proceed in that direction. We should proceed with some swiftness, and we should remember and remind ourselves that all expenditures are reviewed in detail through the Budget Office and, quite honestly, through the Comptroller's Office, who it is his job and his duty to follow up on how dollars are expended through the State.

I think that this amendment is a delay tactic that we should not look forward to voting for and we should move forward with the bill as it is proposed by Mr. Ortiz. I would ask my colleagues to give all due consideration to the time and effort that has gone into a desire to protect New York citizens across the State, and that we should move forward with voting down this amendment and voting up the legislation that Mr. Ortiz has put before us this evening.

With that, Mr. Speaker, I would ask that we move forward with a no vote on the amendment.

ACTING SPEAKER AUBRY: On the amendment, Mr. Goodell.

MR. GOODELL: Thank you very much, Mr. Speaker. We had Session scheduled today for 2 p.m. The Republican Conference was here at 2 p.m. and we sat around for three-and-a-half hours while our colleagues met behind closed doors to discuss whatever they were discussing. We were not invited. We were not advised. We had no idea what was being discussed behind closed doors. It wasn't until 7 p.m. that we first received a copy of this bill; 7 p.m. Now, we were scheduled to have a briefing with the Health Commissioner tomorrow at noon. So, we found ourselves faced with a bill that the Governor's claiming needs immediate attention and we were being asked to review it and evaluate it and vote on it the day before the Governor's scheduled a briefing.

Now, I hope it doesn't matter which side of the aisle you're on that you understand that that's not a process that in any shape or form is appropriate. Now, we're told after we have cooled our heels all day long, and the only -- by the way, the only reason we knew this might be coming is because there were some tweets. Yeah, tweets. They weren't from Governor Cuomo, by the way, as far as I know, they weren't from President Trump. They were from random people who were tweeting that something was in the works.

Now we're being asked tonight to appropriate \$40 million; it's past 10 o'clock at night. We've had no hearings, we've had no opportunity for the public to know about this. No one in the

public, by the way, knows about this bill because the newspapers don't publish after 7 p.m. But we're being asked to vote on a \$40 million appropriation. Now, some of you might be asking, *What's the emergency? Why do we have to vote in the middle of the night?* Here's a news flash for you: None of the banks in the State of New York are open at 10 p.m. at night. The Comptroller earlier was over enjoying himself with the Farm Bureau where I wish I was, so the Comptroller's not cutting any checks at 10 p.m. at night, is he? There's no RFP's going out at 10 p.m. tonight seeking medical supplies. There is no emergency tonight at 10 p.m., and nothing we do at 10 p.m. is going to have one iota of difference in our timing and our ability to fight this virus. But what we do at 10 p.m. at night will put the taxpayers on the hook for another \$40 million.

Now, I understand that all of us got a salary increase and we went for a couple decades without one, and many of you feel that salary increase is well-justified. And I can agree with your sentiment, but I think that we're not in too much of a rush to consider commonsense safeguards to protect the taxpayers on \$40 million in appropriation. Now, is there anyone at quarter after ten that has a date that's so important that we don't have time to protect the taxpayers for \$40 million? Let me know what that is, because I want to know what your \$40 million appointment is.

So this is just a very simple, straightforward amendment asking the Governor who apparently can't find \$40 million in an \$88 million Health Department budget to explain to us,

to us and to the public why he needs the 40 million and how he's spending it so that we can do our fiduciary duty of the taxpayers to make sure that that money is being spent wisely. I hope that all of us have the time to consider an amendment to protect the taxpayers for \$40 million.

And so, I urge your positive vote on this. Let's bring some transparency into a process which to this point has been remarkably obscured. At least moving forward we can be open and transparent with what's going on in the government. So, I urge your kind consideration to this thoughtful amendment by my colleague. Thank you, Mr. Speaker.

ACTING SPEAKER AUBRY: Thank you, sir.

Mr. Reilly.

MR. REILLY: Mr. Speaker, thank you for allowing me to just make another comment. I urge my colleagues here to, please, think about it. We are giving the Governor a huge amount of expanded authority with this legislation. The least we could do is hold him accountable about -- about the purse that he's spending and make sure that it's going to the way that we really want it to go, to help New Yorkers, to help all of our families and our communities.

I've said it several times last year when we were debating budget bills and this is eerily familiar of late March. I would never thought it was March 2nd. But I will tell you this: We're always -- we seem to be worried about being the first and not being the best. We have the opportunity here to make sure that we do give

the appropriation and the necessary funding to help our communities. But we also have to have that responsibility of making sure that it goes the way it's supposed to, the way that it's going to best help our communities.

We're going to give him 30 days, the Governor 30 days, and he can expand on Executive Orders going forward pretty much indefinitely, because we didn't even touch on the part of the legislation that actually says that it expires in April of 2021. I got news for you, he can do an Executive Order and suspend that sunset date. And if you don't believe me, he did it with New York City speed cameras. That is the reality. We are relinquishing our legislative power to an emperor. That's what it would be. And I think we really do have to make sure that we hold that. We need to make sure that we're accountable, and we also need to make sure the Governor's accountable. Thank you.

ACTING SPEAKER AUBRY: The Clerk will record the vote.

(The Clerk recorded the vote.)

Announce the results.

(The Clerk announced the results.)

The amendment is defeated.

On the bill.

On a motion by Mr. Ortiz, the Senate bill is before the House. The Senate bill is advanced. An explanation is requested, Mr. Ortiz.

MR. ORTIZ: Yes, Mr. Speaker, thank you very much. This bill will address the coronavirus and the response to other disasters, and this bill is an allocation of 40 million appropriation bill solely for services and expenses related to the outbreak of coronavirus Disease in 2019. The bill will provide fund to be used for the purposes such as additional personnel for the Department of Health, equipment and supplies, travel cost and training. A portion of -- a portion of funds may be made available as a standard aid to municipalities for services and expenses related to the outbreak of coronavirus disease.

The Governor is currently authorized via Executive Order to suspend any law or regulation if it complies with such law or regulation would prevent heightened or delayed actions necessary to cope with a disaster. The length of each Order can be 30 days and may be renewed with unlimited extension of 30 days. The Legislature can, by concurrent resolution, terminate any such suspension.

The proposal that we're talking about will add disease outbreak to the -- to the definition of "disaster" and expand the level of threat to include "impeding or urgent threat." In addition, the bill will also add a new power to issues directive which are undefined, but will allow him to direct the activities of any person or entity, independent of any individual law or regulation that currently -- currently assists to cope with any such disaster, including disease outbreak or epidemic. Under the proposal, the Governor will be authorized to provide for procedures reasonable necessary to enforce

such directive. This new power -- this new power to issue directive will sunset, as was said before, April 30, 2021. And I might add that this bill, the main purpose of this bill, we are here putting public health first in our State.

ACTING SPEAKER AUBRY: Mr. Gottfried.

MR. GOTTFRIED: Thank you, Mr. Speaker. New York's Governor is one of the most powerful Governors in the country. He's got extraordinary powers under the Constitution, something we bump into every time we deal with the Budget, and he has sweeping, extraordinary emergency powers under Section 29-A of the Executive Law. And the Commissioner of Health has even more sweeping emergency powers under the Public Health Law, including the power to -- to make all sorts of emergency regulations on a finding that they promote the public health.

These powers have actually served us well over the decades that they've been on the books. They served us well during the Ebola crisis, Swine Flu; during Hurricane Sandy, the Health Department used its powers to make sure that people got to health care, that people were moved from one nursing home to another in safety. You know, during the worst of the HIV crisis, no Governor, no Health Commissioner ever had occasion to ask for anything like the powers that the Governor is asking for in this bill. You know, I've been involved in this topic for decades through, I don't know, six Governors. I've never seen any Governor or Health Commissioner ask for this kind of expansion of power through all of those various crises.

You know, you might ask what does this bill do? It makes some changes that seem to be technical in those emergency powers, but it's not entirely clear, and I'll get back to that a little later. One thing the bill very clearly does do - which we've seen this Governor push through before in recent years - what it does do is give the Governor very extensive and almost unlimited affirmative legislative power to not only waive existing laws and provisions of existing laws, which he now has authority to do, but it also empowers him to essentially make new legislation by issuing "directives," quote/unquote, to any New Yorker.

I think it's important to ask why. What problem does this bill solve? You might say, *Well, we've got this virus coming*; yes, but what does this bill enable a Governor or a Health Commissioner to do that they can't do today? And we don't have an answer to that question. You know, those of us on the Majority side, we spent more than an hour this afternoon listening to Health Commissioner Zucker talking about this epidemic. And his main message was essentially, *Keep calm, we're on this*. You know, *wash your hands with soap and warm water and keep social distance*, et cetera, et cetera, but basically it was, *Don't panic, keep calm, we're on top of this*. Never did the Health Commissioner say, *Well, you know, if we want local Health Departments to do something, we've got to tell them individually to do it*. Or, *We can waive provisions of a law, including all of the provisions, but we can't waive -- it doesn't say we can waive the whole law, we've got to say we're waiving all the provisions of the law*. The

Health Commissioner never said that. The Health Commissioner never said, you know, *We're on this, but we really need some laws changed, please help us*. He never said that. And the Governor hasn't said that. And during all -- I mean, I've been in the Assembly through eight Governors. I have never heard a Governor or a Health Commissioner through all the miscellaneous problems we've had during the last 50 years ask for this kind of power.

Has anyone who doesn't work in this building had a chance to read this statute and tell us what they think? You know, there are a lot of people in this State who are pretty smart and who know a lot about public health and know a lot about emergency powers, and know a lot about what might be dangerous and what might work and what might not work. Have any of those New Yorkers had a chance to read this bill? And have any of us had a comment from any of those people saying, *Yeah, this is okay*, or, *Wait a minute, watch out for the words on line 18 - they look innocuous, but this could create a problem*. No, because this bill was printed a little over an hour ago. Hardly anybody who doesn't work in this building has had a chance to read it and, to me, when we take something this serious and this unprecedented through all these decades and all the kind of crises we've been through and, with a bill that is scarcely -- that -- that is still warm from the printer - I shouldn't say that because it probably hasn't been printed, it's, you know, warm from the computer screen - to pass that without spending a day to let people who know what they're talking about and don't work in this

building to look at the bill and say, *Yeah, not a problem*, or, *Oooh, be careful*. To do that on this kind of topic, giving the Legislature -- giving the Governor even more power - including the power to effectively make laws - than he already has, I think that's a pretty bad idea.

You know, this bill may well be innocuous. It may well do something helpful, but it'll be just as innocuous or just as helpful tomorrow night or Wednesday morning as now. And it's going to take the Health Department some time to implement this law even if we enact it tonight. They can start working on how -- planning for how they're going to implement it so that they'll be ready whether we pass it tonight or tomorrow or Wednesday morning. What's different is that we'll have had an opportunity to get some thoughts about this bill from people who know what they're talking about, but just happen to not work in this building.

I think we should take that day or two, and even more if it takes -- if that's necessary, so that we can have some confidence that we're doing the right thing and not making some mistake that we will live to regret. And, by the way, I can already hear people saying, *Oooh, you know, he can do this for only 30 days at a time, and this expires April of 2021 and if we get both Houses to pass a resolution we can stop one of these actions*. Well, in theory yes, but think of all the things that this Governor and other Governors have got us to pass on the theory of, *Oh, it's only temporary*, and after two years well, we extend it again, and then again, and then again. And next April when

there are things that we're all going to want in the budget and the Governor says to us, *Well, you know, if you want your thing in the Budget, here's what I want.* And before you know it, it's been years and years and years.

And, again, maybe it'll all be fine. Maybe nothing bad will happen, but nothing bad will happen if we take a day or two to think about it and we may well avoid something we will regret for years. I plan to vote no.

ACTING SPEAKER AUBRY: Mr. Byrne.

MR. BYRNE: Thank you, Mr. Speaker. I don't know how I follow that.

(Laughter)

Will the sponsor yield for some questions?

ACTING SPEAKER AUBRY: Mr. Ortiz, will you yield?

MR. ORTIZ: Yes, Mr. Speaker.

ACTING SPEAKER AUBRY: Mr. Ortiz yields.

MR. BYRNE: Thank you, Mr. Ortiz. Earlier today, the Governor held a press conference with the New York City Mayor, Health Commissioner and others where he seemingly attempted to put New Yorkers at ease, speaking about the new coronavirus that we're voting on right now. Were you able to watch any of that press conference?

MR. ORTIZ: No, I didn't watch the press conference.

MR. BYRNE: Okay. That was this -- earlier this

afternoon, the same time that my colleague, Mr. Goodell, mentioned, you know, tweets were going out this afternoon, we were learning about this possible legislation. Has anything changed with the circumstances here in New York State with the coronavirus since this afternoon?

MR. ORTIZ: Not that I know.

MR. BYRNE: Okay. Not that I know of either. He stated in the -- in the press conference, so I'll share this with you. I found it interesting, I actually watched it before this debate. Quote, "This is not our first rodeo," and just like the Health Chairman mentioned earlier about the history that our State has gone through with other viruses, he cited numerous outbreaks that our State has faced, including, but not limited to, in 1968 the Hong Kong Flu, the Swine Flu, Avian Flu, Ebola, SARS, and MERS. Throughout that time, the Executive did not have this expanded Executive authority that we're talking about to issue directives to suspend any State, local law, ordinance or orders in response to an impending disease outbreak; is that correct? This is -- because we're adding that.

MR. ORTIZ: That is correct.

MR. BYRNE: What's changed?

MR. ORTIZ: Well, what has changed is the difficulties and changing the resources as well as where we are today, these are different times.

MR. BYRNE: And -- and I can understand the argument for the resources, and \$40 million is a lot of money, but I

certainly want to make sure that our -- our health care providers are prepared, have the equipment, the training that they need, but this bill does a lot more than just spend \$40 million, and that's really what we're talking about is that expanded Executive authority.

Now, one of the -- the -- the -- the definitions or the key points of the bill mentions that we're not just talking about an "imminent threat," but an "impending or urgent threat" and adding, as a definition, well, "disease outbreak," but it doesn't actually define "disease outbreak." What would be included in a disease outbreak? Is there an actual measurement for that that the Governor will have to stand by, certain number of people affected?

MR. ORTIZ: Well, you don't have to wait until it become an epidemic, I think we need to be proactive.

MR. BYRNE: And I understand that, but is there a measurement in this bill, in this legislation or anywhere else in State law that the Governor would have to adhere to?

MR. ORTIZ: Yeah, that will speak for itself.

MR. BYRNE: Okay. So I -- I will -- I'll take that as a -- as a no. The Governor also highlighted, again, the need for resources, and I would agree with this, for increased lab testing, accessible masks and training, and I -- and those are all good things, but spending -- speaking about the \$40 million, do we know where those dollars are going to be coming from? Will that come from this fiscal year, a future fiscal year?

MR. ORTIZ: It will come from the current fiscal

year from the General Funds.

MR. BYRNE: From the General Fund, okay. And this expanded authority that we're -- we're talking about, do any other states in this country have that type of authority, or are we going to be the first?

MR. ORTIZ: Well, many -- many state have this kind of authority, as well as Connecticut, it's just across -- across the river. Some state do have the authority to do it without -- without what we're doing here tonight.

MR. BYRNE: They give their Executive the power for an impending or urgent threat and including disease outbreak?

MR. ORTIZ: Absolutely.

MR. BYRNE: What other states, do you know offhand? Is Washington, for example, one of the states I think that are more directly affected by this?

MR. ORTIZ: I will -- I will say to you that -- that I do have knowledge about Connecticut and I know many state have different kind of Executive power, as well as even the Territory of Puerto Rico. The Governor can stand up and do what the Governor feel is best for the people of Puerto Rico, regarding the earthquake, regarding the two hurricane that happen, and they was -- they act promptly and began to do the work that needed to be done and address the issue.

MR. BYRNE: Thank you -- thank you, Mr. Ortiz. And going to checks and balances, and this was actually mentioned

earlier by one of our previous speakers and one of our colleagues about checks and balances with the Executive. We do have one of the most powerful Executive's as far as State government goes in this country. And looking at this -- this language in this bill, actually with previous law as it was written and it seems to continue, the only two checks that I see is after, I think it's on page 4 - I just want to confirm this with you - you had a pretty thorough explanation of the bill so it may be a little redundant, but I want to make sure that we get this on the record - that after 30 days -- the -- "No suspension of the directive shall be made for a period in excess of 30 days provided, however, that upon reconsideration of all the relevant facts and circumstances, the Governor may extend the suspension for additional periods not to exceed 30 days." So, that's when we heard other members talk about this that he can continue to extend this indefinitely if he so choose, but he would have the ability to extend that and have to revisit it every 30 days, that's one check.

And the second one is if the Legislature actually ever did have the, you know, the gumption to come back here and challenge the Governor, that we could pass a concurrent resolution to terminate the Executive Order -- Order issued under this section of law.

Are those the two checks that you would -- is there anything else that we could do to check the Executive with this new-founded authority that he'll have?

MR. ORTIZ: Well, yes, and also, it would have to be

a continued disaster and -- but at this point, those are the two checks and balance and that we can override the Governor if we choose to do so.

MR. BYRNE: Okay. Thank you. Thank you, sponsor, Mr. Ortiz. I appreciate your time.

I, too, Mr. Speaker, do have some concerns with this bill, as echoed before. I may speak later on, but I do thank the sponsor for his time.

ACTING SPEAKER AUBRY: Mr. Ra.

MR. RA: Thank you, Mr. Speaker. Will the sponsor yield?

ACTING SPEAKER AUBRY: Mr. Ortiz, will you yield?

MR. ORTIZ: Yes, sir.

ACTING SPEAKER AUBRY: The sponsor yields.

MR. RA: I want to just go back for a minute to something Mr. Byrne asked you about, and that's in terms of, you know, adding "disease outbreak" here and, you know, there's no definition. I -- I know it is a, obviously a term we've heard a number of times. Does the legislation envision that, you know, it would require that the World Health Organization, the CDC, one of those entities declare a disease outbreak to -- in order for these powers to be triggered?

MR. ORTIZ: No, we don't have to wait for an epidemic.

MR. RA: No, I'm not talking about an epidemic, I'm talking about an outbreak. Or is it -- it's completely up to the Governor to decide something's an outbreak under this language?

MR. ORTIZ: I would say the answer will be yes.

MR. RA: Okay. These expanded powers, am I correct that both the inclusion of disease outbreak, as well as the other provisions regarding suspensions of laws, those would sunset on April 30th, 2021 under this legislation?

MR. ORTIZ: That is correct.

MR. RA: Okay.

MR. ORTIZ: The new directives only, yeah, for 20 -- April 2021.

MR. RA: Okay. And then just in terms of this -- this \$40 million. You know, it was mentioned earlier the Department of Health somewhere, you know, in terms of the health care spending in our budget, somewhere around \$88 billion in the last budget. Really, I think the question a lot of us are asking is why do we need to do this separate appropriation? Why is there not enough existing authority to address this within the Department of Health? Why do we need an appropriation here tonight to address this?

MR. ORTIZ: It is -- the reason being is because we want to make sure that the moneys are marked for this specific purpose.

MR. RA: Okay. In terms of that specific purpose, then, what -- what's envisioned? Is it -- will money be available to,

you know, patients, is it for -- is it for equipment or the whole -- the whole gamut of possible needs from this?

MR. ORTIZ: Well, as I stated before with my opening statement, this funding will be for additional personnel, equipment and supplies, as well as travel costs and training for the people in the Department.

MR. RA: Okay. And I'm aware that earlier today the Governor said he was going to issue a directive that would suspend all cost-sharing for individuals with regard to this. Is any of this funding contemplated that it might be used to reimburse individuals or -- or entities that have to, you know, take on that cost?

MR. ORTIZ: Can you -- can you repeat the question?

MR. RA: The Governor announced earlier today that there was a directive that he was going to basically suspend any cost-sharing. So, you know, a patient would go in, they wouldn't have to pay a co-pay if they were getting, say, tested for this, treated for this. And, you know, I can imagine that there's a potential that, perhaps, you know, a health care professional or provider could end up stuck with some costs. Is there funding or a possibility within this funding that those entities could be reimbursed if they get stuck with a cost because they can't get cost-sharing from the patient?

MR. ORTIZ: It is -- it is possible that that will be the case.

MR. RA: Okay. And then lastly in terms of the

funding. The language in the bill says, "may," you know, in terms of the municipalities. The earlier language talks about, "it shall" -- what it shall be used for, but it says there may be aid available to municipalities. Do we expect that that's going to be, you know, should it be -- should there be enough that maybe we might be able to reimburse municipalities who I'm sure are going to have costs with regard to this, in particular if there is a, you know, outbreak in a particular part of the State and -- and, you know, the County Health Department or whoever has costs incurred as a result of, you know, testing and treating those individuals?

MR. ORTIZ: Yes, the Division of Budget will analyze those requests and execute accordingly.

MR. RA: Okay. And I said that was the last one, but I do have one other question. So, if -- and I think we would all hope this would be the case, that in the short-term, you know, this is able to be controlled and -- and hopefully, you know, we don't have huge spreading of it throughout New York and throughout our country, if it should materialize that in the short-term this is contained and the full appropriation of \$40 million isn't necessary, what would happen then? Is there any provisions that this could go back, you know, for some other health care purpose, back to the General Fund; how would that be addressed?

MR. ORTIZ: Yes, the fund can be used for other services, but this -- this is also expire like any other appropriation, when the sunset date come, it's over.

MR. RA: Okay, thank you.

Mr. Speaker, on the bill.

ACTING SPEAKER AUBRY: On the bill, Mr. Ra.

MR. RA: So, I don't want to belabor the point on this. You know, several of my colleagues have spoken about it. I think we're all aware of -- of this issue, what's going on with it. You know, we've seen comments, you know, at every level of government about how we can address it. But I don't think any of us in this Chamber should be naïve enough or are naïve enough to not realize that what's happening here tonight is that we're appropriating funding, which certainly may be needed, certainly is -- is going to help with a potential public health crisis; that's a positive thing. I don't think there's any reason we have to do it right now tonight as opposed to tomorrow or after this bill has had a proper aging period; I'll remind you the Constitution says three days, not three hours.

But I think we also have to be very careful about the expansion of powers that -- that we're giving under this. There is a health crisis that is being used to justify an expansion of powers that, as one of the prior speakers said, we don't know what the full ramifications of that are going to be. There could be a situation over the next year-and-a-half while these powers are in effect that has nothing to do with the coronavirus where these powers are -- are invoked in a way to suspend who knows what laws and it could be done in a way to create really absolute power in the Executive. That is a huge concern for me, it should be a huge concern for every single

one of us in this Chamber.

I am glad to see that we have some ability to override that, but we all know that in different instances, whether it's through the budget process, oftentimes we end up in a situation where a very powerful Executive is able to exert their will on us. And I agree with what one of my colleagues said earlier. I don't think these powers are being given back when that sunset day finally comes, whether it's in a budget next year, oh it needs to be extended. Very few times have I seen powers be given back, especially Executive powers in a State where we already have an Executive who has tremendous power in the budget process and we know is very, very happy to utilize it and never hesitates to utilize it to get what they want.

So, I hope that, my colleagues, we all understand the gravity of this, the potential for this disease, this virus to get out into our communities, and it's something we should all be very concerned with, but boy, is it a huge concern for me as a legislator, and it should be for everybody in this Chamber, to give these kind of powers to an Executive without even doing a little bit of transparency that was asked for earlier. Thank you.

ACTING SPEAKER AUBRY: Thank you.

Mr. Lalor.

MR. LALOR: Thank you, Mr. Speaker. Will the sponsor yield for a few more questions quickly?

ACTING SPEAKER AUBRY: Will you yield, Mr. Ortiz?

MR. ORTIZ: Yes, Mr. Speaker.

ACTING SPEAKER AUBRY: The sponsor yields.

MR. LALOR: Thank you. As has been stated, our Conference was locked out of the process until a couple of hours ago, but we heard some rumors, or I heard some rumors that this legislation before us that combines the appropriation and the expansion of Executive authority originally started as two bills; one for the appropriation and one for the expansion of Executive authority; is that the case?

MR. ORTIZ: No, that's not the case, not really. No, it's not.

MR. LALOR: It was always the one bill with the combination?

MR. ORTIZ: It's only one bill -- it started with one bill and one bill only.

MR. LALOR: Why not split the bill into an appropriation that we can agree that we should get moving with these acquisitions and this funding to fight the disease --

MR. ORTIZ: Because -- because at this point, the both issues that have to be addressed together. They both be needed at this point.

MR. LALOR: I think we have widespread agreement that the \$40 million or -- or some funding and some attention should go towards fighting Coronavirus Disease 19, and I think there's a lot of disagreement; in fact, in the other Chamber there was bipartisan

disagreement on the Executive authority. So, we have time. We could pass the financial part tonight and then we could wait until the light of day tomorrow or the next day, give us some time to kick the tires, give us some time when, as was stated before, we've been working a long day, we could see all the unintended consequences, we could see all the angles. Why not wait before we expand Executive authority? What's the reason not to split the bills into two?

MR. ORTIZ: Well, we are going to be doing the budget in the next -- hopefully in the next 30 days and we can -- you always, and every single one of us can always weigh in to the budget process. At this point, this what we're doing today. I think this is a proactive way of dealing with a public health issue that we have in New York State as we speak, and I think it's very important that we go ahead and move forward.

MR. LALOR: I didn't catch what you said about the budget process.

MR. ORTIZ: Well, I think -- I think this is a -- this is a -- this is a very important moment now to do this and to act proactively.

MR. LALOR: What harm would be done if we waited until say, Wednesday, when we could talk to some experts, talk to our constituents, the people that we represent, before we do that? What would be the harm that would occur if we waited the normal three-day aging period?

MR. ORTIZ: You know, the bottom line here is it

still can be done, but we are here today and I think it's about 10:30 right now.

MR. LALOR: It's almost tomorrow, that's my concern.

MR. ORTIZ: Well, we will -- I think the quicker we are, the better we will be. The State of New York, I think, we need to be proactive, we need to be in a -- in a position that -- that we be able to serve the people that send us here, the State of New York.

MR. LALOR: Thank you. And I'm looking at the bill, and the bill's only two pages, so we can all read it - there's a feather in our cap - the bill's actually 50 lines. But I have to go all the way down to line 40 out of 50 before I read "Coronavirus Disease 19." And the first 35, 38 lines are about the Executive authority, and the last few lines are about the funding. The funding is limited to the disease. The \$40 million I think we all agree should go to fight Coronavirus Disease 19, very specific. We're narrowing the ability of the Executive to spend the money. I think we all agree on that, or most of us agree on that. The Executive power, the first 38 lines of the bill, is not limited to the coronavirus disease fight; why not?

MR. ORTIZ: You know, this -- this -- these problems are for all kind of disaster and the fact of the matter is that maybe it's a little broader, so you know, we are --

MR. LALOR: Can I stop you right there?

MR. ORTIZ: Sure.

MR. LALOR: Currently the Executive has the power

to deal with disaster.

MR. ORTIZ: Well, this is -- this is an unexpected type of --

MR. LALOR: Most disasters are.

MR. ORTIZ: This is an epidemic, this is a different issue that we have to deal with and that is the reason why we're here tonight.

MR. LALOR: Right. So why did we limit it for the funding, but not for the Executive power? Why is -- why does the funding have to be specific to Coronavirus Disease 19, but the Executive authority doesn't? Why don't we limit the Executive authority to dealing with this outbreak because it's so important and it's so timely?

MR. ORTIZ: Well, let me just -- just translate what has been said to me. It's a couple of issue here. Issue number one: The language could be a little broader, but the -- the purpose of -- of the allocation, if the earmark of the \$40 million have a specific purpose, we should also have a sunset, which is -- when that sunset hit, that -- that money is gone. So -- so, I don't -- I don't see any way out that the Governor will be able to abuse the \$40 million allocation as we speak.

MR. LALOR: You don't think an Executive could abuse his Executive power?

MR. ORTIZ: The money is allocated for a specific purpose and that's what we are here for.

MR. LALOR: Do you know that this Governor in 2017, not that long ago, used his Executive authority, declared a disaster because the Federal government changed the tax laws and allowed people to file their taxes at a different time? I don't think anybody until Governor Cuomo came up with that novel legal theory thought that a change in the Federal Tax Code was a, quote, "disaster" that invoked enhanced Executive power here in New York State and, yet, this Governor found a way through that novel legal theory to expand his power. So are you concerned that he can abuse it?

MR. ORTIZ: Well, let me just -- what I'm concerned. I'm concerned about the actions that if we don't take any tonight and I'm very concerned about the coronavirus that we have -- that we have a very clear signal that is -- is real, is happening globally and we have been seeing -- we have seen some news and I think that we are responsible enough as leaders and legislators to take the stand that we have to take and you have a possibility of doing two thing, of voting for my bill or voting against my bill.

MR. LALOR: I think that's a false choice, don't you agree? Couldn't we have split this? We've only been working on this for a day, we can split it into two bills, we can let the Executive power increase, see the light of day, let the people see it.

MR. ORTIZ: I do believe that we have the ability --

MR. LALOR: Why is it all or nothing? Because we can do it all, we can do it all.

MR. ORTIZ: We have a bill on this table that --

MR. LALOR: We can do the Executive power right and we can fight this disease with money.

One last question, sir. We're fighting this at the State level, the Federal government is fighting it at the Federal level, that's our system. If the President of the United States went to the Congress and said, tie funding to fight the coronavirus to an increase in my Executive powers, would you support that?

MR. ORTIZ: Let me just say this to you, that will be a very interesting question with a very interesting accent. We are in the State of New York so this is where we are now. So once I'm in Congress, I will answer that question.

(Laughter)

MR. LALOR: It's a direct parallel, we're a Legislature, we're supposed to check the Executive, we're fighting the same disease, we have an Executive. It's a direct question, feel free to answer it.

MR. ORTIZ: Well, I just -- I think I give you my answer. I think that I'm here in the State Legislature, we're doing this tonight, we're trying to get this passed by and if I was in Congress, that would be a different dynamic. With a different President I would probably say yes.

MR. LALOR: You would give President Trump increased Executive --

MR. ORTIZ: I didn't say President Trump, I said a different President I will.

(Laughter)

MR. LALOR: My vote might be different with a different, Governor, too --

(Laughter)

-- as would a lot of people in this room.

Thank you, sir. I appreciate it.

ACTING SPEAKER AUBRY: Mr. Barron.

MR. BARRON: Thank you very much. You know, I come from East New York and we have a lot of seniors who are very, very frightened about the possibilities of a pandemic and epidemic happening. These seniors are very vulnerable. So when the issue came up, I was looking for us to approach it very seriously without any political manipulation, without any manipulation by the Governor to expand his power and authority. Shame on you, Governor, that you would use the fear of the people to expand your power. And shame on us because tonight we're going to allow him to do that.

The idea was presented in two pieces. It was presented as \$40 million appropriation and expansion of the Governor's power. I would have voted for the \$40 million reluctantly, because I think that that's even some manipulation because that needed to be vetted more. But had we split them up, I would have voted no for the expansion of his powers and yes for the \$40 million. And then understanding the \$40 million is not coming out any time soon, we don't know when that's going to happen.

I think we're doing ourselves and our people a real

disservice to not take this Governor on from time to time. There's not going to be any overriding of anything he does if we can't even stop his manipulation now. This is clear manipulation to expand power and authority, and I think as a legislative Body, and we're forced to do it tonight, like if we don't -- and I want to praise the Chair of the Health Committee who presented an excellent presentation and who has not gotten answers as to why, what would happen differently now that he didn't have the power to already do.

So at some point during this lengthy budget process, at some point we have to take him on, say we will not be manipulated. This is a precedence starting the Session around the budget and I'm only fearful that down the line, we're going to hear the same thing over and over again, but some fear if we don't this, the government will shut down. If we don't do this, the other two, the Governor and the Senate already did it so if we don't do it, we're going to look bad. Nothing but a PR game. It's nothing but a PR game, how do we look?

So we can't get out there and say we're not going to be manipulated by the Governor? That we're going to take a minute to think this thing through, make sure we do the right thing. Maybe we appropriate 100 million, maybe that's not enough. Maybe we'll say that we'll do some things so that in this -- these millions of dollars that some of the money trickles down to community health clinics, which it's not going to do at this point. We have urgent care centers, we have community family health centers in East New York. That money's not getting there, not by this. Oh, but they'll take care of that later, they'll

work on that.

We got to stand up at some point and say Governor, shame on you for trying to manipulate the Assembly, manipulate the Senate and manipulate the fears of our people. This could turn out to be a very dangerous virus, that's why we don't have time to play games. We should check 'em right now and then get the experts in here so that we can resolve this in a very serious, serious manner. This is not time to play politics. It's not time to be on one side or the other, one party or the other, the Governor versus the Legislature. And this is not the time for allowing him and his ego-tripping insecure personality to look at wanting to be the first or jumping out there and just putting anything together to enhance his powers.

I know you're going to vote for it. I think it's a mistake. I think we could have done better. I will be voting no, supporting the Chair of our Health Committee. And when we pick such a fine, progressive Chair of our Health Committee, when do we follow our Chair more than we follow the Governor? Our Chair presented something to us, he's been excellent over the years, he certainly has the experience, the intelligence, the knowledge, and we going to support a manipulator over our Chair. This is not a good night for us. I'll be voting no on this bill.

ACTING SPEAKER AUBRY: Mr. Salka.

MR. SALKA: Will the speaker yield?

ACTING SPEAKER AUBRY: Mr. Ortiz, will you yield?

MR. ORTIZ: Yes, Mr. Speaker.

MR. SALKA: Thank you, sir. Just a brief question I hope. And I think our medical system is one of the finest in the world, and Dr. Zucker did an excellent job tonight assuring us that we do have a firm grip on this. I remember in my years working in the intensive care units and in the medical profession when SARS was around, MERS and some of these other diseases that we really had a deep-seated fear of that they would get out of control. We managed to manage -- to take care of those very well, take care of the people that were affected by it.

I guess my question is this: We all understand that more money is needed to be able to fight this. I don't think \$40 million is enough. If you took critically ill patients, which can rack up a bill sometimes of \$50- or \$100,000 in an Intensive Care Unit, you've got about enough left to take care of -- you've got about enough to take care of about 800 patients. I hope and pray to God we don't have anywhere near that, but I'm afraid if we do, I want to make sure we're well-prepared. But my question is this: What difference does it make to the doctors and the nurses and the people that are taking care of these critically-ill patients, what difference does it make how much power the Governor has? It makes no difference at all to them. So why don't we stay focused more on the appropriation, on the money to support them, support what the doctors need, what the nurses need, what the hospitals need, what we need for new drugs to be able to fight this. Why don't we take that power grab aside, put it aside for

now and concentrate on the real meaning of what we are all here for, and that's to take care of the people in our -- in our districts, the people of New York State, to stay focused on the intent of making sure we fight this very, very dangerous disease, and take that power struggle that's going on right now and just put it aside and let's just vote on the money. Let's just make sure we vote on what we need, in essence, to take care of the people that might be afflicted by this horrible disease.

That's --just wondering what difference it would make if the Governor has more power to those people on the front line that are going to be fighting this disease. I don't think it's going to make any difference at all, because most of the people in the medical profession I've met could care less about politics, they just want to do their job. Thank you.

MR. ORTIZ: Thank you. Thank you. Thank you for your comment. Very well taken.

ACTING SPEAKER AUBRY: Mr. Walczyk.

MR. WALCZYK: Thank you, Mr. Speaker. Will the sponsor yield?

ACTING SPEAKER AUBRY: Will you yield, Mr. Ortiz?

MR. ORTIZ: Yes, Mr. Speaker.

ACTING SPEAKER AUBRY: The speaker [sic] yields.

MR. WALCZYK: Thank you. Does the Governor

have the ability currently in statute to respond to an emergency such as this?

MR. ORTIZ: He has -- he has other power under other laws, and as well that he can suspend some of them but this one in particular is -- is addressing the need for him to have the -- the power to address the need of the coronavirus that we -- that we are facing today.

MR. WALCZYK: Thank you. What additional laws do you think -- do you anticipate may need to be suspended in order to address the coronavirus issue?

MR. ORTIZ: I've been advised that probably we don't know at this point, so...

MR. WALCZYK: So we -- we can't anticipate or, you know, in your discussions that we weren't privy to for a few hours today, anticipating what additional powers or what laws the -- the Governor is not going to want to follow or repeal here, it didn't come up at all in that discussion?

MR. ORTIZ: Well, first of all, we cannot put the cart before the horse that we still don't know if we're going to have an epidemic, a crisis or not. So we just are preparing ourself and trying to develop preparedness and a plan to make sure that if for one reason or -- or that happened then that we will be able to act and we will have the resources available and will be in place. If it doesn't happen and it doesn't get spread, so we will be able then to pull out and then we can move forward. So that's a blessing. So we're hoping that nothing

happen, but at the same token we are being proactive in trying to make sure that we have what is needed in place and not wait at the last minute to call all the legislator back to do what we need -- needed to be done. So I think -- I think we are very cautious, but at the same token we are taking, I will say within my own view, the right step to address this issue.

MR. WALCZYK: Thank you for that response. Like you, I want to see New York State do everything they can to safeguard the public and make sure that we're prepared for a possible epidemic of the coronavirus. But also like you, I'm a policy-maker in the State of New York, and it's tough to imagine that we wouldn't be anticipating what impact on laws that govern our citizens in certain areas that there may be an outbreak might be impacted and how as policy-makers we would then react to those, either by regulation through agencies or additional laws that may be necessary moving forward for the Legislature. But I do have some more questions.

MR. ORTIZ: Go ahead.

MR. WALCZYK: In last year's budget, did we appropriate any money for emergency situations such as this statute?

MR. ORTIZ: The answer is yes. I've been told yes.

MR. WALCZYK: And how much did we appropriate in last year's budget?

MR. ORTIZ: A couple of billion dollars.

MR. WALCZYK: And of those couple of billion dollars, how much of that money is left in the pot currently before we

end the fiscal year?

MR. ORTIZ: All of them is still in the fund.

MR. WALCZYK: So we still have a couple of billion dollars available currently today that the Governor could use for disasters, and if a change in statute happened to include a disaster such as the coronavirus, which you're proposing, there would be a couple of billion dollars that the Governor could tap into to use as an appropriation in response to that disaster?

MR. ORTIZ: Yeah, they are dry appropriations. There are no cash funding into it.

MR. WALCZYK: I'm sorry, could you say that again?

MR. ORTIZ: They are dry appropriations. There are no cash funding into -- into the \$2 billion. So he cannot go there and just say, *Let me borrow \$40 million*. So this is -- this -- what we're doing here today is we are appropriating \$40 million earmark for the cause that we're discussing as we speak.

MR. WALCZYK: Okay. So this \$40 million isn't out of the \$2 billion that is currently sitting.

MR. ORTIZ: No, this 2 -- this \$40 million is -- is out of the General Fund of -- or the -- or -- in appropriation. Had nothing to do with the \$2 billion.

MR. WALCZYK: Thank you. And I -- I apologize if this is redundant, but it's new to me, obviously, as this policy was developed and we're reaching closer to the midnight hour this evening.

But just to help me understand a little bit better, the Governor would not have any ability if we simply changed the law to allow the coronavirus or some other pathogen as part of the disaster statute? He would have zero ability to tap into the \$2 billion that's still on the table?

MR. ORTIZ: Let me just -- let me just explain it that -- this way, the way that probably can be more clear. This particular bill is a specific earmark, the \$40 million, for this specific purpose. If we will have to go and tell the Governor, *You can take it from the \$2 billion*, I think that will be completely inappropriate even though he might can -- have the ability to do that. But I think that we want to, like all of us, want to keep him accountable. So I think this \$40 million being earmarked for the purpose of, I think give us more ability to every single one of us to know how the money is going to get spent.

MR. WALCZYK: Thank you. I appreciate that, and I -- I share yours and Mr. Reilly's call for accountability. I was disappointed to see his amendment fail this evening. I want -- I want to point you to a piece of this bill. *The Governor, by Executive Order, may issue any directive during a State disaster emergency declared in the following instances: Fire, flood, earthquake, hurricane, tornado, high water, landslide, mudslide, wind, storm, wave action, volcanic activity, epidemic disease outbreak, air contamination, terrorism, cyber threat, blight, drought, infestation, explosion, radiological accident, nuclear, chemical, biological or biological bacteriological*

release, water contamination, bridge failure or bridge collapse. Any such directive must be necessary to cope with the disaster and may provide for procedures reasonably necessary to enforce such directive. Who determines, in this instance, what procedures are reasonably necessary, and what -- who defines what "reasonably necessary" is under the proposed bill here?

MR. ORTIZ: The -- the Governor. But if someone is challenging, the court can decide.

MR. WALCZYK: Fair enough. How did we arrive at the April 30, 2021 date? Is that when we anticipate that the pandemic or epidemic will absolutely be closed out? Is that the expenditure we -- we anticipate that the \$40 million over time will be expended by then, or is there some other reason why that date exists?

MR. ORTIZ: Well, that date has been put in there that -- to use it as a sunset. But that can be revised and the -- the Legislature can reconvene and change the date. It's up to us.

MR. WALCZYK: No, I -- I understand that. I was just wondering if you could explain the origin of that date or how we arrived --

MR. ORTIZ: Well, I think --

MR. WALCZYK: -- at that date specifically.

MR. ORTIZ: I think the Legislature -- the Legislature are in Session, so we will -- we will put a sunset to April 30, 2021. And if -- again, if for one reason or another we feel that everything been clear and clean so we can come back and reconvene

and change the date.

MR. WALCZYK: Okay. One final question. The -- the Governor recently announced that he's waiving costs for Medicaid co-pays and also prohibiting insurance from charging, for example, if someone comes in and gets a coronavirus virus test. Were you privy to those ahead of the -- the conversation? I mean, he's -- he's already announced these things before we've passed the bill in this House. Were you privy to those ahead of time, and what do you anticipate the -- the next signal from the Second Floor will be?

MR. ORTIZ: Well, this -- this is around the existing power that the Governor has, so he can do this before even the bill pass. So this is -- what he did -- by the way, what he did was very noble, I think, for what is happening with this expecting to happen, if it does happen. So he is -- he has this power to do that without the bill, this bill.

MR. WALCZYK: Thank you. Thank you, Mr. Speaker.

ACTING SPEAKER AUBRY: Mr. Goodell.

MR. GOODELL: Thank you, Mr. Speaker. Would the sponsor yield?

ACTING SPEAKER AUBRY: Mr. Ortiz, will you yield?

MR. ORTIZ: Of course. They leave the best for the last.

MR. GOODELL: Thank you, Mr. Ortiz. As you

know, under current law the Governor has the power to declare an emergency in the event of an epidemic. He already has that power. What additional power does this give over and above the existing power to declare an emergency in the event of an epidemic?

MR. ORTIZ: He can -- he can issue directive and -- to make sure that this can be accomplished, and then, you know, keep -- he will be responsible for the actions.

MR. GOODELL: But this bill, in particular, gives him additional emergency power in the event not of an epidemic, which he already has, right? It expands his power in a different way, am I correct, for a disease outbreak?

MR. ORTIZ: Yes.

MR. GOODELL: And it's my understanding that in epidemiology, an outbreak, a disease outbreak, is a sudden increase in occurrences of a disease in a particular time and place. So far we have one reported case, one, out of 19-and-a-half million. Is it your belief that one case in New York City constitutes a disease outbreak?

MR. ORTIZ: Well, it's not so much about what I believe, it's -- it's just about what I have managed to see, as you've probably have seen it, throughout the globe what is happening. When one case break, it's consequences of other cases taking place in those different countries. So I think that it's better for us to be proactive and to be prepare just in case something happen where the Governor will have the authority before any epidemics take place to take action. I think -- I think that we -- again, we need to be visionary, we need to

be cautious. And this is not overreacting. I think this is a -- a -- a good action on our part to make sure that we keep our State safe.

MR. GOODELL: So if I understand you correctly, and I think you and I are in the same understanding, at this point we don't have what would constitute a disease outbreak because we don't have a sudden increase in occurrences of a disease in a particular time and place. So we're not really looking at giving the Governor any power today, but perhaps at some point in the future if there's a significant and a sudden increase, then that would trigger this provision. Is that correct?

MR. ORTIZ: That is correct, because we don't know how many people has been infected with the virus as we speak, and we don't know if we wake up tomorrow in the morning and we see more cases being spread. So I think -- I think you're absolutely right. I think we -- and I believe that it's very critical for us to be vigilant. And I think by doing this tonight, I think that give the Governor the opportunity and the -- and the Commissioner of the Department of Health to make sure that they will be able to have the safeguard that they need to move forward.

MR. GOODELL: So, if we don't have a situation that would trigger this emergency power today, I think the Governor in his press release earlier today said we have one confirmed outbreak, two other people tested negative, and we're waiting for the test result on one more. So we have so far one uncertain and one that's tested positive. And the Health Commissioner said that the one person who

tested positive was a healthcare worker, that she did everything right. As soon as she felt ill she put on a mask to protect others, that she is self -- taken -- quarantined herself, if you will, and -- and the -- the Health Commissioner was actually very complimentary. So I think based on the facts we have now, you and I would both agree there is no current trigger for the Governor to exercise emergency power today, correct?

MR. ORTIZ: No.

MR. GOODELL: So if there's no trigger today at all for the Governor to implement emergency power and that trigger would not occur unless there was a substantial increase, why are we taking up this bill under an emergency Message of Necessity?

MR. ORTIZ: Well, I think that --

MR. GOODELL: I mean, is the Governor predicting that he'll need the power tomorrow?

MR. ORTIZ: Well, let me just say this: I think I said it from the beginning and I still trying to get the message across that, you know, it's better for us to be prepare and secure to be sorry tomorrow. I think that we don't know how many people are -- are a threat to our neighborhood and our community as we speak. We don't know how many people carrying the virus, and I think by us acting responsible and proactive, I think given the -- the -- the structure that the Governor needs in order to execute just in case, that -- and give order to the Commissioner to take the -- the -- the plan forward, I think this is -- we are doing what is right on behalf of the people who

sent us here.

MR. GOODELL: Now, the -- the Governor earlier today issued a written press release and it was very reassuring. In it, the Governor stated, *We have the best healthcare system in the world, and we're leveraging that system to help contain any potential spread.* He went on to say, *We are fully coordinated, we are fully mobilized, and we are fully prepared to deal with the situation as it develops.* Was the Governor correct when he said this this afternoon?

MR. ORTIZ: Well, I cannot speak for the Governor, but I will tell you this much: I think the Governor probably was already thinking that this bill was coming tonight, and I think probably the Governor knew that he needed \$40 million to ensure that if anything happen we'll take place. I'm not disagree with you about the -- our medical facilities and the -- and the very clever physicians and labs that we have in the State of New York. Even last Thursday I issued a statement myself saying *Why do we have to wait for CDC when we have the finest lab in New York State to deal with -- to -- to do the -- to investigate this issue?* And then I came out to be right after the Governor decided to -- and CDC, I'm sorry, CDC decided to authorize New York because all the mess that we have -- they have in Washington, they are confused even about who can say that they're true in Washington. So, therefore, I am very pleased that New York is taking the charge of doing their own lab investigation rather than send it to CDC. So I think that I agree with you on that -- on that statement about we -- we have the -- the -- the best of the best.

MR. GOODELL: Now, of course, I think you would agree with me that our State Constitution that provides us with a three-day notice is also very, very important, right?

MR. ORTIZ: I will say you probably going to be agree with me on that one.

MR. GOODELL: So, my question is, if the State is fully coordinated, fully mobilized, fully prepared and fully leveraging, as the Governor said, why can't we proceed in an orderly manner as many of my colleagues have suggested, and seek input and advice in a deliberate manner over the next three days? Why are we here discussing this bill at 11:30 p.m.?

MR. ORTIZ: Well, I think I explain that before. I explain it again. I think it's very important for us to be proactive and it's very important for us to be prepared. And I think it's very important for the Governor to have the tool that he need in order -- in case something happen when we wake up in the middle of the night before we pass this bill, that the Governor have the authority to execute.

MR. GOODELL: One moment.

(Pause)

Thank you, Mr. Ortiz.

On the bill, sir.

ACTING SPEAKER AUBRY: On the bill.

MR. GOODELL: My friends, this is really a historic moment, and I -- I hope you just take one moment to appreciate how

historic this is. You have Mr. Barron and myself and Mr. Gottfried agreeing on the same night on the same bill.

MR. BARRON: I don't agree with you.

(Laughter)

MR. GOODELL: And that -- that statement itself may cause Mr. Barron to reconsider.

(Laughter)

Now, thankfully, thankfully, New York State only has one reported case. Thankfully. And thankfully, that individual followed all the proper protocols to minimize risk to everyone. At the same time, all of us here are very much aware that New York State is at high risk. Every single day, thousands of people are flying into New York City, aren't they? From all around the world. From France, from Italy, from Spain, from Poland. Every corner of the world, people are flying into New York City. And it's inevitable that one of those thousands of passengers may be infected. And I appreciate, as do all of you, that we have one of the finest health systems in the world here in New York. And I appreciate the reassurances by our Governor that we're fully coordinated, fully mobilized and fully prepared to deal. I find it shocking, however, that we're told by the Governor that his Health Department, with a budget of \$88 billion - billion dollars - \$88 billion, doesn't have enough money to address this situation. And I find it shocking that the Governor, who already has the power, emergency power over epidemics, thinks he needs to have power over disease outbreak even

though everyone here, I think, realizes that this is a power he wouldn't be able to exercise today under the situation we have today. So my greatest concern is not that we're not standing up and helping address this situation. I think that's imperative. But for Pete's sake, let's do it in a thoughtful, organized manner. The Governor tells us this afternoon we have no emergency and at 7:00 p.m. he sends us emergency message. The Governor tells us we don't need to worry because we're fully mobilized, but then he says you can't wait three days to debate this bill and think about it and review the language. My friends, that's ridiculous. Which side of the mouth are we talking about right now? It's okay. It's an emergency. It's okay. It's an emergency. (Indicating) Come on. We need to take the approach, a thoughtful, careful approach. That's our responsibility. And I share the deep concerns expressed by my colleagues on the other side, Mr. Barron at least at some point, and Mr. Gottfried, and I urge all of us to act with great caution.

Thank you so much.

ACTING SPEAKER AUBRY: Mrs. Peoples -- all right.

Mr. Zebrowski.

MR. ZEBROWSKI: Thanks, Mr. Speaker.

On the bill.

ACTING SPEAKER AUBRY: On the bill, sir.

MR. ZEBROWSKI: Every once in a while, and probably too often these days, something happens that really shows

you how fragile life can be, how fragile our government could be, how fragile our economic system can be. A sort of threat like this sends the stock market into a tailspin, starts to get people worried, starts to get conversations about how -- how would you close schools, what would you do with public events. And it's incumbent upon us as lawmakers, I think, to make sure that the State is prepared, to make sure that people understand that the State does have tools at its disposal, but to make sure that you're doing everything possible to improve upon the rules, procedures, actions the Health Department can take. When this bill was put forth today and I had a chance to read it, I came to the conclusion that it does four very simple things. This is not a tremendous expansion of executive power that can be used to upend any of our State laws. I see it as seeking to address what is a possible impending disaster, health disaster, for the people of our State that I think almost every single family in our districts right now is thinking about. It does four things: One, in the definition of disaster it adds "impending or urgent" to the prior "imminent." And the prior speaker from the other side of the aisle kind of touched on this a bit and I think almost made the point of why I support this bill. The suggestion that right now with only one person in New York currently having coronavirus, it may not fit the prior definition of imminent. So maybe we need to change the law to ensure that it's not just imminent, but that it may be impending or urgent. So while we only may have one case right now in New York, we've certainly seen what's happening in Washington, we certainly see what's happening in

other countries. And we certainly know that any time, this could spiral out of control. There weren't testing protocols set up for a while, so there could be people out there right now that just haven't been tested, Mr. Speaker, but have this disease. So I ask my colleagues to just look at the language of the bill and make a decision on whether or not you support these simple changes. I support the changing of "imminent" to also include "impending or urgent."

Two, it adds "disease outbreak including an epidemic." Now I, for one, do not want to wait to see whether or not we are debating over whether it has risen to the level of epidemic. I want to give the Governor and I want to give the Health Commissioner the ability to take action if it is just a disease outbreak. Because I don't want it to get to an epidemic. So for part two of the changes in this bill, Mr. Speaker, I agree with that as well.

The third change, it allows the Governor to issue directives. Fair, fair point that this could be a change. And fair point that perhaps in the past governors have taken action and given directives when this provision gave them the authority to merely suspend laws. Well, I ask my colleagues to consider that. In addressing a public health crisis, should the Governor be able to issue directives or should he or she be able to only suspend laws? To me, I think they should be able to issue directives. There was a bit of questions before in the debate about what could be done and do we know. Well, I could envision things the Governor may have to do. Perhaps the Governor and the Health Department may have to set up

quarantine protocols. Perhaps they may have to issue directives to close certain public areas, certain public buildings. They may have to issue travel restrictions. I don't know if these would all be directives, but I don't necessarily think they would fall neatly under in the box of suspending laws. So on that third item, Mr. Speaker, I would also support that change.

The fourth thing is the money, \$40 million. Maybe too much, maybe too little. If it's too little we may be talking in a few weeks about appropriating more money, and if it's too much, well, it's set for handling the coronavirus. So I think if only \$2 million or \$10 million or \$20 million are needed, then the balance of that, God willing, in a few weeks it'll only have been one case, that person will have gotten better and we'll be on the downslide of this epidemic, this disease outbreak, this whatever you want to call it, but this very worrisome outbreak to a lot of our residents. So I, for one, Mr. Speaker, on the fourth item what I see in this bill, the \$40 million, would support that allocation, hope it's enough and believe that when I go back to my district at the end of this week I can tell my residents that we have taken definitive action to ensure that that one outbreak, that one person right now doesn't turn into 1,000, doesn't turn into 10,000, doesn't turn into 100,000.

The rest of the bill, Mr. Speaker, is cleaning up language, as I see it. The second part of the bill adds directive to -- to the rest of the section. It redefines disaster using the exact language that was previously in the bill, and really doesn't give any other

additional powers. So I understand the concern of my colleagues. I understand that we should be looking at expansions of -- of executive power to ensure that there is still a robust debate amongst the legislative process. However, I just don't see the threat in this bill. And quite frankly, Mr. Speaker, I -- I think that this is our duty, as legislators, to respond quickly, efficiently and effectively to this public health crisis before it becomes an epidemic, before it comes a pandemic, before it becomes something that wreaks havoc in all of our communities and in all of our homes across the State.

That's why, Mr. Speaker, I'll be voting in the affirmative and -- and I would ask my colleagues to, also. Thank you.

ACTING SPEAKER AUBRY: Thank you, sir.

Mr. Kim.

MR. KIM: Will the sponsor yield for a quick question?

ACTING SPEAKER AUBRY: Mr. Ortiz, will you yield?

MR. ORTIZ: Yes, Mr. Speaker.

ACTING SPEAKER AUBRY: Mr. Ortiz yields.

MR. KIM: Thank you. Although, in the bill, it doesn't say that economic distress can be defined as a disaster, under this language, can the Governor issue a directive if a region -- if a region is hurt economically as a direct result of the coronavirus or any future viruses? Can they direct resources, funding, grants on its own?

MR. ORTIZ: If it's a disaster, yes.

MR. KIM: Under a disaster.

MR. ORTIZ: Yes, sir.

MR. KIM: Okay.

On the bill.

ACTING SPEAKER AUBRY: On the bill, sir.

MR. KIM: So, I represent a district that has been portrayed by the media all day as Ground Zero for coronavirus. Even though the one case happened in the middle of Manhattan, *New York Times*, *New York Post*, *Forbes* used the image of downtown Flushing with Asian-Americans wearing masks as the picture of coronavirus. Now, I know my constituents. They're not scared of the virus, they're more scared of losing their jobs and losing their small businesses because of this virus, where there's 50, 60 percent of the revenues are being lost because of the fear of coronavirus the last several months. So, I'm willing to work with this Governor, I'm willing to sit down with them. And if we are giving him these type of powers and these type of Executive privileges to act swiftly and unilaterally to respond to emergencies, I want him to consider places like Flushing, like Lower Manhattan and parts of Brooklyn that have been suffering and people are living with fear, not because of the virus but because they're about to lose their jobs.

Thank you, Mr. Speaker.

ACTING SPEAKER AUBRY: Thank you, sir.

Mr. Blake.

MR. BLAKE: On the bill.

ACTING SPEAKER AUBRY: On the bill, sir.

MR. BLAKE: Mr. Speaker and colleagues, I have been going back and forth throughout the day around the -- the multiple points of urgency that we are trying to address here. I absolutely recognize that we have to do something. We have to be responsible as legislators in how we're addressing the fear that exists among the more than 19 million New Yorkers and those that live across our country. We have to, of course, recognize that there's incredible fear. I -- I mentioned to someone earlier today that while riding on the 2 train this morning to have someone immediately put on a face mask you that you understand that there clearly is a fear that exists that cannot be ignored. I also simultaneously, though, recognize that this is not responsible how we're behaving as legislators right now. We are acknowledging that we cannot articulate how exactly \$40 million will be spent. When you put that in comparison that the State of Washington which has had the greatest crisis of any in this country at this point of six deaths in 18 that have been infected that they have conveyed about \$2.3 million being spent in a 40-day span where simultaneously, the State of Washington is also conveying that they probably need about \$100 million for this concerning crisis. It is not responsible for us to be ceding the recognition and the power that we are a co-equal branch of government, and that we are elected to represent our constituents and have the responsibility to communicate to our constituents why are we here and what do we do. And we have to be honest. Among the 150 of us in this Chamber and

the 63 in the other, not one of us can actually articulate that we know how this money will be truly spent tomorrow because it won't be spent tomorrow. It may be spent in a few weeks, it may be spent in a few days. We don't know. It was mentioned earlier about understanding the urgency at hand, and it's important for us to understand that we're not going to be just addressing this tonight or next week or thereafter, because with any crisis of this magnitude it has to be multi-agency. Some of us were actually in the lounge and we were watching on CNN where they actually alluded to the fact that when you had the Ebola crisis and Legionnaires' and others that happened before, the multi-departments and agencies on the Federal level have to be engaged. But we don't have that language specified here. Equally, I'm incredibly concerned about those in the front line. The community-based health centers that, let's be honest, especially in our urban communities, our low-income communities, they will be the ones where people are arriving immediately, where we cannot say to them with any certainty that they will be treated as an essential center. Now, why is that relevant for this conversation? Because in matters such as these, if you are not seen as essential and you're deemed nonessential, it is very easy, then, for your services to be stopped, for quarantines to happen, for then what happens for those entities? They become bankrupt, they lose funding and that is a concern. Now, I hear from others that say, *Well, that could happen otherwise*. But the reality, colleagues, it's not fair or responsible for us to just say to someone, *Just figure it out*.

Our colleague has mentioned several times that equally, to me, it is not just about the funding, but it's also about the education and conversations that we're not having that may be uncomfortable. That we are allowing a xenophobic and racist rhetoric that exists to divide our communities. That is not being addressed in what we do tonight as well. And lastly, when -- when thinking holistically, I wonder why have we not treated the same level of urgency on other crises that we are facing in our communities every single day. Because, yes, our seniors and our children and family members in the South Bronx are absolutely concerned about what we're doing around the coronavirus, but they are also concerned about why haven't we figured out what's going on with lead. Why don't we have heat and hot water? Why don't they have that same level of support on those urgent issues as well? And so I would hope and expect that in the next 21 days when we are telling these community-based health centers that they have to figure out answers on why their funding may be cut unfairly to them, in these next 29 days that we could figure out immediately why people have been sitting wondering how they're going to get help otherwise that have not gotten help. That while I understand that we have to do something and we have to provide support to our residents, I do not think we're doing this responsibly. And at the end of the day I do think we have to vote on principle.

And so while I recognize that more needs to be done, I cannot in good faith support this legislation, and I would hope and

ask that my constituents that are watching this and listening to this afterwards understand that this has nothing to do on if I recognize that we have to help them. We absolutely need to. But they elect us to be responsible and to be honest with them and we're not doing that right now.

ACTING SPEAKER AUBRY: Read the last section.

THE CLERK: This act shall take effect immediately.

ACTING SPEAKER AUBRY: The Clerk will record the vote.

(The Clerk recorded the vote.)

Mrs. Peoples-Stokes to explain her vote.

MRS. PEOPLES-STOKES: Thank you, Mr. Speaker. I really doubt that there's many citizens across the State of New York who have not heard of the coronavirus. Many folks -- unlike most of us, we don't have time to watch TV -- but a lot of people are constantly watching what is going on with this issue. And so I think what we're doing here tonight is probably making a lot of them feel a lot better. I think if you are proactive with these things, you have a better chance of protecting people. I, for one, know that there are at least six hospitals in my county, and I want to say there's 62 counties throughout the State of New York. Any of them at any time could need to have assistance with equipment and supplies to take care of potential patients. These dollars will be available to them for that. It could be that it could be necessary for schools to be closed. We -- we don't know that. We hope not. But we don't want to wait

until it's necessary to figure out what the plan will be. We need to start the plan now. And so I think this is a proactive way to begin working on making sure that we're protecting the health and the people who live in the State of New York. And I commend Mr. Ortiz for his debate of the legislation, and I hope that everyone will consider our entire constituency while we're voting in the affirmative on this piece of legislation.

ACTING SPEAKER AUBRY: Mrs. Peoples-Stokes in the affirmative.

Mr. Ortiz.

MR. ORTIZ: Thank you. Thank you, Mr. Speaker. Thank you for allowing me to explain my vote. I would like to thank all my colleagues for their questions, their comments. I think this is not such an easy issue when we -- you have to talk about funding and be selective in one issue that is -- it is really a very, very critical and very important for the people of the State of New York.

I will say that fear cannot and must not control our life. And also, I would say that as New Yorker we have learned to prepare ourself. I think this is -- this particular bill, I see it as a proactive preparedness, and to ensure that we are ahead of the curve on the -- on addressing an issue that is really impacting globally and also impacting in a lot of -- of states in our nation. I also would like to say that I do represent the Sunset Park community, probably the third-largest Chinese Asian community in New York City. And I can see, I can see day by day how my cell -- my telephone is ringing about what

can we do, what are you doing, what are we doing in our community? And also I can see, Mr. Speaker, there is no such thing as a China virus. It is a coronavirus. It is a coronavirus, it's not a China virus. So I think people have to clear understand that we need to stop the bigotry and the discrimination and the racism that has been developed as a result of this issue in our community, in our City and in our State and throughout the country.

I think that this is the first step in the right direction. I commend the Speaker for allowing me to really carry this bill to ensure that the Governor will have what it take to make sure that the State of New York will be ready, prepare to tackle this important epidemic and health -- public health issue that is taking in our State. Thank you, Mr. Speaker, and I will be voting in the affirmative.

ACTING SPEAKER AUBRY: Mr. Ortiz in the affirmative.

Mr. DenDekker.

MR. DENDEKKER: Thank you, Mr. Speaker, for allowing me to explain my vote. To me, this is basically Emergency Management 101. The first thing we try to do is prevent. We'd like to make sure that it doesn't get any worse than what it could be. We want to try to prevent it from coming here. We haven't been able to do that successfully, so the next thing we have to do is to mitigate the exposure. We already have one person here. We want to make sure more people don't get sick. Then we have to respond to the one person that has it, and we also have to make sure we have ways in

place so that we can test and make sure and confirm that other people that may be getting sick, that we're not making them misdiagnose, that we're not overreacting. We have to prepare, we have to do all this. And we have to do it according to certain laws that have been put in place. A mirage of laws that overlap each other in different areas whether it be health, education, transportation. There's so many different ways that you have to look at a disaster. It's not as simple as being able to come in and ask the policy-makers to give us permission to spend money. I am sure emergency management managers and most of the hospitals in all of your districts have already spent hundreds of hours talking about and planning what's going to happen when a case shows up in your district. People are very, very concerned and we need to prepare. Forty-million dollars is not enough money. Forty-million dollars might be a drop in the bucket for us to start sending people out to Washington and to be in contact with people from China to find out exactly what any new information that may come that will help us to determine how we can prevent this from spreading even more. And then when this is all over, we're going to have to look at how we handled it, what we did right and what we did wrong so we can mitigate this ever happening again on other types of viruses.

I think this is a good bill. I want to thank the sponsor, and I hope that you all will think about this and vote in the affirmative. This is an important piece of legislation to protect all New Yorkers. Thank you. I'll be voting in the affirmative.

ACTING SPEAKER AUBRY: Mr. DenDekker in the affirmative.

Ms. Walker.

MS. WALKER: Thank you, Mr. Speaker, for allowing me to explain my vote. There's a [sic] old adage that says that when New York City catches a cold, communities that are black and brown tend to catch the flu. And there is some racist rhetoric that's going around that says that people with African blood or with black skin won't catch coronavirus. Well, please allow me to submit on the record that we would hope that this racist rhetoric will not dictate a disparate -- a negative disparate impact on the allocation of resources to black and brown communities throughout the State of New York. One of the things that I would like to stress is that in the City of New York, there are a couple of hospitals which are infectious disease hospitals which include Kings County, Bellevue, Lincoln and Jacobi. But as we've heard earlier, there are a number of other more localized hospitals as well. We would hope that the rapid testing mechanisms that are in place throughout the City are also located throughout communities of color where we need them the most. We do -- no longer need to have the type of services where people are treated and released back into the communities without the proper mechanisms in order to isolate and quarantine as necessary. We also have been making telephone calls to find out about some of these protective gear and whether or not they are located in many of our hospitals. These N95 respirators are far and few in between, and

we're hoping all of the necessary isolation beds, cleaning agents, gowns and gloves make it to communities of color. Education is also very vitally important, and we're hoping that the education that is necessary for people to protect themselves are available. It's not enough to tell our children to wash their hands when they're not provided soap in our schools.

However, I will vote in the affirmative. Thank you.

ACTING SPEAKER AUBRY: Ms. Walker in the affirmative.

Mr. Abinanti.

MR. ABINANTI: Thank you, Mr. Speaker. I fully support all funds necessary to protect the health, safety and welfare of the residents of my district and throughout the State to combat the spread of coronavirus. However, the subtle changes in wording make a significant change in the structure of government in our State. I cannot support giving sole decision-making authority to combat this life-threatening virus to an Executive rather than those with the health and medical expertise and the training critical to making decisions that will best protect us and stop its spread. This bill would allow the Governor to override the actions of the State Health Commissioner, the New York City Commissioner of Health, and the county health commissioners who are charged by law with protecting the health of our residents. Health professionals, not politicians, should make health decisions. The health and lives of all of us deserve no less.

I vote in the negative.

ACTING SPEAKER AUBRY: Mr. Abinanti in the negative.

Mr. Phillip Steck.

MR. STECK: Thank you very much, Mr. Speaker. I, too, would support the appropriation if it were a separate bill. But I agree with the presentations of Members Gottfried, Barron and Abinanti. I cannot vote in good conscience to give the Governor what are, in essence, dictatorial powers when he and the Health Commissioner already have sufficient power to deal with coronavirus.

Therefore, I vote in the negative.

ACTING SPEAKER AUBRY: Mr. Phillip Steck in the negative.

Ms. Niou.

MS. NIOU: Thank you, Mr. Speaker, for -- for allowing me to explain my vote. I support the intent of allocating funds for our health care being that there's a potential health crisis. It is a good one and understandable. The allocation of \$40 million is also much-needed funding on the ground. I know this more than anyone, as someone with a community that has been hit the hardest financially before even a single case of the virus even hit our State. Prevention is lifesaving, and also our small businesses and communities are desperately in need of the emergency funds. I am the only Asian-American woman in our entire State Legislature. One of my mentors was born inside of an interment camp. Many of my constituents are descendants and family of citizens who are excluded

from equal rights due to the Chinese Exclusion Act. Maybe because of that, I have an innate fear of what could happen if we allow our government to be able to weaponize fear and to be able to make a directive and have the power to order private citizens to do something without any checks. Right now my constituents are afraid. Afraid of the racism that is permeating throughout our country. Afraid of a possible public health crisis. We can protect my constituents and all New Yorkers without doing it this way, without holding the funding hostage to consolidate power. We could de-couple the bill and take the time to make sure it is thoughtful. This bill will broaden the circumstances in which our Governor can suspend laws. This bill will broaden our Governor's abilities to suspend laws. This bill will also broaden the range of circumstances in which our Governor can direct an Executive Order. Yes, there is a sunset. Yes, the Legislature may -- may determine -- may terminate by concurrent resolution any Executive Orders issued in these circumstances. But as our health care Chair said, sometimes things don't sunset. And sometimes things don't terminate. It is easy to give up power during times of fear, but history tells us it is rarely easy to take it back. We, the Legislature, are supposed to be the check on this, and here we are, ready to hand all of the power to the Governor in a day.

And with that, I vote in the negative.

(Applause)

ACTING SPEAKER AUBRY: Ms. Niou in the negative.

Ms. Glick.

MS. GLICK: Thank you, Mr. Speaker, for allowing me to explain my vote. I would make two observations about the process this evening. We were presented with a Message of Necessity, and there were no objections from either side of the House to accepting that message in the Rules Committee. There were almost no votes in either the Ways and Means Committee or the Rules Committee, with one exception on the Majority side. So, we have spent a tremendous amount of time discussing the process when, in fact, it's not at all clear that that was totally necessary. But I would say that while I appreciate the concern about what appears to be a major expansion of Executive authority, I don't believe that there is substantially more authority associated with this bill than what the Governor already had. And considering what could be a health emergency now, and more of these arising in the future due to climate change and organisms, pathogens that we're not used to in this climate, I believe that this is an appropriate thing.

And so I vote in the affirmative.

ACTING SPEAKER AUBRY: Ms. Glick in the affirmative.

Ms. Woerner.

MS. WOERNER: Thank you, Mr. Speaker, for allowing me to explain my vote. As our colleague Ms. Glick just said, this is an entirely appropriate thing to do. There is an emerging threat. It's important that our State have the resources to be able to respond

effectively and efficiently. But I will say that it would be that -- the necessity to vote on this this evening strikes me as something that is perhaps not as obvious. It -- it is a -- we have to act with urgency, but we could have acted with urgency in the morning. We could have acted with urgency at noon tomorrow when everybody's had a little bit more time to absorb this, to understand it, and a little more light of day. I think that this is something that we should not be in the habit of doing, and as we approach the budget season I would just encourage us to not use Messages of Necessity to enact important pieces of legislation in the dark of night.

And with that, I vote in the affirmative.

ACTING SPEAKER AUBRY: Ms. Woerner in the affirmative.

Ms. Walsh.

MS. WALSH: Thank you, Mr. Speaker, to explain my vote. I -- I think it is important to talk about the process. I think the process here has been pretty lousy tonight, from the timing, from the hour. Oh, I think we're just at midnight now. I think that there were a lot of other ways that this could have been done. But here we are, we have the bill that we have. It's not de-coupled, it's -- it's two ideas rolled into one. It is being done by Message of Necessity, it is being done at night. We've seen historically that there's pretty bad ideas in Albany that come in this way. I hope that this doesn't turn out to be one of them. We are -- the word "fear mongering" gets used a lot and, yet, I think the way that I would describe this particular

legislation is it's -- it's a very opportunistic exercise here this evening. I think it's taking -- it's taking, thank God, only one diagnosed case and it's turning it into a \$40 million request being made at night and an expansion of the Governor's authority. I'm not convinced that the Health budget is not -- is insufficient to meet this challenge right now without this appropriation. And I think it was a very sad, sad vote on the amendment which I think would have provided really necessary transparency and accountability.

All of that being said, and sometimes votes are easier or harder than others, I will support this bill. But I -- I'm -- I'm very disappointed in the way that it's all come down. But I will vote in the affirmative.

ACTING SPEAKER AUBRY: Ms. Walsh in the affirmative.

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

Mrs. Peoples --

(Pause)

Mrs. Peoples-Stokes.

MRS. PEOPLES-STOKES: Mr. Speaker, do -- do you have any further housekeeping or resolutions?

ACTING SPEAKER AUBRY: No housekeeping. Numerous fine resolutions. We'll take them up with one vote.

On the resolutions, all those in favor signify by saying

aye; opposed, no. The resolutions are adopted.

(Whereupon, Assembly Resolution Nos. 808-817 were unanimously approved.)

Mrs. Peoples-Stokes.

MRS. PEOPLES-STOKES: Mr. Speaker, members should be aware that Banks and Higher Ed Committees will probably both be called off the floor on tomorrow.

I now move that the Assembly stand adjourned until 2:00 p.m., Tuesday, March the 3rd, tomorrow being a Session day.

ACTING SPEAKER AUBRY: The Assembly stands adjourned.

(Whereupon, at 12:02 a.m., the Assembly stood adjourned until Tuesday, March 3rd at 2:00 p.m., Tuesday being a Session day.)