NEW YORK STATE SENATE

THE STENOGRAPHIC RECORD

ALBANY, NEW YORK

February 3, 2021

11:33 a.m.

REGULAR SESSION

SENATOR BRIAN A. BENJAMIN, Acting President

ALEJANDRA N. PAULINO, ESQ., Secretary

P R O C E E D I N G S

ACTING PRESIDENT BENJAMIN: The Senate will come to order.

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

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

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

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

ACTING PRESIDENT BENJAMIN: The reading of the Journal.

THE SECRETARY: In Senate, Tuesday, February 2, 2021, the Senate met pursuant to adjournment. The Journal of Monday, February 1, 2021, was read and approved. On motion, Senate adjourned.

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

Presentation of petitions.

Messages from the Assembly.

The Secretary will read.

THE SECRETARY: Senator Kaminsky

moves to discharge, from the Committee on Rules, Assembly Bill Number 978 and substitute it for the identical Senate Bill 890, Third Reading Calendar 43.

ACTING PRESIDENT BENJAMIN: The substitution is so ordered.

THE SECRETARY: Senator Reichlin-Melnick moves to discharge, from the Committee on Rules, Assembly Bill Number 957 and substitute it for the identical Senate Bill 1297, Third Reading Calendar 68.

ACTING PRESIDENT BENJAMIN: The substitution is so ordered.

THE SECRETARY: Senator Hinchey moves to discharge, from the Committee on Rules, Assembly Bill Number 952 and substitute it for the identical Senate Bill 1305, Third Reading Calendar 76.

ACTING PRESIDENT BENJAMIN: The substitution is so ordered.

THE SECRETARY: Senator Cooney moves to discharge, from the Committee on Rules, Assembly Bill Number 972 and substitute it for the identical Senate Bill 1308, Third Reading Calendar 79.

ACTING PRESIDENT BENJAMIN: The substitution is so ordered.

Messages from the Governor.

Reports of standing committees.

Reports of select committees.

Communications and reports from state officers.

Motions and resolutions.

Senator Gianaris.

SENATOR GIANARIS: Mr. President, on behalf of Senator Kaplan, on page 23 I offer the following amendments to Calendar 225, Senate 538A, and ask that said bill retain its place on Third Reading Calendar.

ACTING PRESIDENT BENJAMIN: The amendments are received, and the bill shall retain its place on the Third Reading Calendar.

SENATOR GIANARIS: On behalf of Senator Gaughran, on page 23 I offer the following amendments to Calendar 226, Senate 945A, and ask that said bill retain its place on Third Reading Calendar.

ACTING PRESIDENT BENJAMIN: The amendments are received, and the bill shall retain its place on the Third Reading Calendar.

SENATOR GIANARIS: On behalf of Senator Skoufis, on page 24 I offer the following amendments to Calendar 231, Senate 2133, and ask that said bill retain its place on Third Reading Calendar.

ACTING PRESIDENT BENJAMIN: The amendments are received, and the bill shall retain its place on the Third Reading Calendar.

SENATOR GIANARIS: On behalf of Senator Thomas, on page 24 I offer the following amendments to Calendar 232, Senate 2157, and ask that said bill retain its place on Third Reading Calendar.

ACTING PRESIDENT BENJAMIN: The amendments are received, and the bill shall retain its place on the Third Reading Calendar.

SENATOR GIANARIS: And on behalf of Senator Kavanagh, on page 24 I offer the following amendments to Calendar 233, Senate 2525, and ask that said bill retain its place on Third Reading Calendar.

ACTING PRESIDENT BENJAMIN: The amendments are received, and the bill shall retain its place on the Third Reading Calendar.

SENATOR GIANARIS: On behalf of

Senator Sanders, I wish to call up Senate 646A, recalled from the Assembly, which is now at the desk.

ACTING PRESIDENT BENJAMIN: The Secretary will read.

THE SECRETARY: Calendar Number 106, Senate Print 646A, by Senator Sanders, an act to direct the New York State Department of Health to conduct a study on incidences of asthma.

SENATOR GIANARIS: Move to reconsider the vote by which this bill was passed.

ACTING PRESIDENT BENJAMIN: The Secretary will call the roll on reconsideration.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 63.

ACTING PRESIDENT BENJAMIN: The bill is restored to its place on the Third Reading Calendar.

SENATOR GIANARIS: I offer the following amendments.

ACTING PRESIDENT BENJAMIN: The amendments are received.

SENATOR GIANARIS: At this time,

Mr. President, can we take up previously adopted Resolution 198, by Senator Kennedy, read that resolution's title, and recognize Senator Kennedy.

ACTING PRESIDENT BENJAMIN: The Secretary will read.

THE SECRETARY: Senate Resolution 198, by Senator Kennedy, mourning the death of Joseph F. Crangle, distinguished citizen and devoted member of his community.

ACTING PRESIDENT BENJAMIN: Senator Kennedy on the resolution.

SENATOR KENNEDY: Thank you, Mr. President.

I rise today to honor Joseph Crangle, an outstanding leader in local and statewide government, and someone who often served as a mentor and advisor to those entering the realm of public service.

Joe Crangle was Buffalo-born and bred, the son of Irish immigrants, and a member of the first graduating class Bishop Tymann High School in South Buffalo.

He dipped his toe into politics for the first time when he got involved in student

government at Canisius College, and later went on to serve as Erie County Democratic Chairman for 23 years, throughout the 1960s, '70s, and '80s.

He also served as the New York State Democratic Chairman from 1971 to 1974.

Joe's knowledge of New York's political landscape was relied upon by so many who grew into prominent roles in public office -- people like United States Senators Robert Kennedy, Edward Kennedy, Daniel Patrick Moynihan, and even former president Lyndon B. Johnson.

He believed wholeheartedly in fostering our democracy by building strong leaders to uphold its foundation, and committed his life to helping those individuals succeed by serving the public with honor, dignity, and a love for our country.

While he never ran for office himself, Joe was a power player behind the scenes. He was someone you could count on to get things done.

He was deeply involved in the community he raised his family in as well, serving as a member of the Community Foundation for Greater Buffalo as well as a eucharistic

minister at St. Mark's Catholic Church in North Buffalo. He was a family man through and through -- a beloved husband, father and grandfather.

Joe didn't just serve our community, he also proudly served our country, spending 10 years in the Army Reserve.

Public service wasn't simply an opportunity in Joe's eyes, it was a clear representation of how much one cared for this state and this nation, and a commitment to making it better.

We lost Joe earlier last month. It was a heavy day, but one that made many reflect on their shared memories with him and how he helped encourage them to pursue a path toward creating policy and effectuating real change.

Joe Crangle's impact will continue to be remembered and appreciated by so many, and it's only fitting that we honor his legacy and years of service here today on the Senate floor.

We extend our deepest condolences to his family, and may Joe Crangle rest in peace.

Thank you, Mr. President.

ACTING PRESIDENT BENJAMIN: The

resolution was previously adopted on January 26th.

Senator Gianaris.

SENATOR GIANARIS: Can we now take up previously adopted Resolution 199, by Senator Kennedy, read its title, and recognize Senator Kennedy.

ACTING PRESIDENT BENJAMIN: The Secretary will read.

THE SECRETARY: Senate Resolution 199, by Senator Kennedy, mourning the death of Bishop William H. Henderson, religious leader, distinguished citizen, and devoted member of his community.

ACTING PRESIDENT BENJAMIN: Senator Kennedy on the resolution.

SENATOR KENNEDY: Thank you, Mr. President.

I rise today to honor the legacy of Bishop William Henderson, a man of immeasurable faith and one who always used his voice to help those experiencing hardship. He passed way on January 11, 2021, at the age of 85 years old.

Bishop Henderson was a dear friend and a tremendous advocate who worked tirelessly

to preserve the City of Buffalo's history and the institutions that remain integral parts of our community's foundation.

For more than 50 years, Bishop Henderson presided over the Michigan Street Baptist Church, and actually saved the church, an iconic piece of Buffalo's history, from demolition. Decades earlier, the church had served as a refuge for those who passed through the Underground Railroad, and Bishop Henderson fought tooth and nail to ensure this symbol of hope and history was rightfully preserved as a centerpiece in Buffalo's Michigan Street African-American Heritage Corridor. Today, it's on the National Register of Historic Places.

And while Buffalo was always at the center of his heart, he brought the word of God to all corners of the world, from Canada to Russia, Jamaica to Africa and beyond. His words resonated deeply with so many, with people often coming from around the world to attend his services in the Queen City.

Bishop Henderson believed that fellowship was defined by those who sought purpose, and that no crisis was insurmountable if

those facing it worked together toward a solution -- something that undoubtedly resonates with each of us here today.

Bishop Henderson was resilient, both in life and in faith. He led with love, with compassion, and with a sense of service to others above all. He was a beloved husband and a proud father and grandfather.

We will miss him deeply, and the worlds of guidance he provided to so many members of our community every single day will resonate for generations.

Yet we merely have to look around us to see the legacy he leaves behind. His spirit will encourage future generations to become active and engaged citizens, and his sense of purpose and community will inspire others to extend grace and healing to those in need. May we all honor his life that he lived by living our own lives with empathy and courage.

We express our deepest condolences to his family, and we thank them for sharing his life with all of us. May Bishop Henderson rest in peace.

Thank you, Mr. President.

ACTING PRESIDENT BENJAMIN: The resolution was previously adopted on January 26th.

Senator Gianaris.

SENATOR GIANARIS: At the request of Senator Kennedy, the two resolutions we just took up are open for cosponsorship.

ACTING PRESIDENT BENJAMIN: The resolutions are open for cosponsorship. Should you choose not to be a cosponsor of the resolutions, please notify the desk.

Senator Gianaris.

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

ACTING PRESIDENT BENJAMIN: The Secretary will read.

THE SECRETARY: Calendar Number 43, Assembly Print Number 978, substituted earlier by Assemblymember Englebright, an act to amend the Environmental Conservation Law.

ACTING PRESIDENT BENJAMIN: Read the last section.

THE SECRETARY: Section 7. This act shall take effect on the same date and in the same manner as a chapter of the Laws of 2020.

ACTING PRESIDENT BENJAMIN: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT BENJAMIN: Announce the results.

THE SECRETARY: Ayes, 63.

ACTING PRESIDENT BENJAMIN: The bill is passed.

THE SECRETARY: Calendar Number 68, Assembly Print Number 957, substituted earlier by Assemblymember Galef, an act to amend Chapter 598 of the Laws of 1938 relating to incorporating the Volunteer and Exempt Firemen's Benevolent Association.

SENATOR GIANARIS: Lay it aside for the day.

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

THE SECRETARY: Calendar Number 76, Assembly Print Number 952, substituted earlier by Assemblymember Lupardo, an act in relation to directing the Commissioner of Agriculture and Markets to work with the state's land grant university system.

ACTING PRESIDENT BENJAMIN: Read

the last section.

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

ACTING PRESIDENT BENJAMIN: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT BENJAMIN: Senator Borrello to explain his vote.

SENATOR BORRELLO: Thank you, Mr. President.

I'd like to start off by saying thank you to Senator Hinchey, who is the new chairwoman of our Agriculture Committee in the Senate, now known as the Food and Agriculture Committee.

This is a very important bill for a number of reasons. One thing that this pandemic has shown us is how fragile our food supply chain is here in New York State. We watched as store shelves were emptied, as we had so many food banks that went without food or were short on food, while our farmers dumped milk and left crops to rot in their fields.

Our food supply chain is incredibly

fragile here in New York State. This study will help us. It will work with Cornell University, the Department of Agriculture, and the Economic Development Department as well, to figure out what we can do to strengthen our food supply chain.

This is critically important here in New York State. People in New York want to make sure that we have food that is safe, fresh and local. And with this combined effort, I am certain that we can move forward so that something like this never happens again in New York State.

Again, I would like to thank the sponsor, and certainly I will be voting aye.

Thank you.

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

Announce the results.

THE SECRETARY: Ayes, 63.

ACTING PRESIDENT BENJAMIN: The bill is passed.

THE SECRETARY: Calendar Number 79, Assembly Print Number 972, substituted earlier by Assemblymember Bronson, an act to amend the

General Municipal Law.

ACTING PRESIDENT BENJAMIN: Read the last section.

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

ACTING PRESIDENT BENJAMIN: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT BENJAMIN: Announce the results.

THE SECRETARY: Ayes, 63.

ACTING PRESIDENT BENJAMIN: The bill is passed.

THE SECRETARY: Calendar Number 87, Senate Print 1442, by Senator Addabbo, an act to amend the Agriculture and Markets Law.

ACTING PRESIDENT BENJAMIN: Read the last section.

THE SECRETARY: Section 10. This act shall take effect immediately.

ACTING PRESIDENT BENJAMIN: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT BENJAMIN:

Announce the results.

THE SECRETARY: Ayes, 63.

ACTING PRESIDENT BENJAMIN: The bill is passed.

THE SECRETARY: Calendar Number 92, Senate Print 1137, by Senator Liu, an act to amend the Education Law.

ACTING PRESIDENT BENJAMIN: Read the last section.

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

ACTING PRESIDENT BENJAMIN: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT BENJAMIN: Announce the results.

THE SECRETARY: In relation to Calendar Number 92, those Senators voting in the negative are Senators Akshar, Gallivan, Jordan, Oberacker, O'Mara, Ortt, Ritchie, Stec and Weik.

Ayes, 54. Nays, 9.

ACTING PRESIDENT BENJAMIN: The bill is passed.

THE SECRETARY: Calendar Number 96, Senate Print 1520, by Senator Bailey, an act in

relation to creating the Commission on Affordable College Education.

ACTING PRESIDENT BENJAMIN: Read the last section.

THE SECRETARY: Section 8. This act shall take effect on the 90th day after it shall have become a law.

ACTING PRESIDENT BENJAMIN: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT BENJAMIN: Announce the results.

THE SECRETARY: Ayes, 63.

ACTING PRESIDENT BENJAMIN: The bill is passed.

THE SECRETARY: Calendar Number 98, Senate Print 328, by Senator Persaud, an act to amend the Penal Law.

ACTING PRESIDENT BENJAMIN: Read the last section.

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

ACTING PRESIDENT BENJAMIN: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT BENJAMIN: Announce the results.

THE SECRETARY: Ayes, 63.

ACTING PRESIDENT BENJAMIN: The bill is passed.

THE SECRETARY: Calendar Number 133, Senate Print 1100, by Senator Liu, an act to amend the Education Law.

SENATOR JORDAN: Lay it aside.

ACTING PRESIDENT BENJAMIN: Lay it aside.

THE SECRETARY: Calendar Number 140, Senate Print 2556, by Senator Savino, an act to amend the Administrative Code of the City of New York.

ACTING PRESIDENT BENJAMIN: Read the last section.

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

ACTING PRESIDENT BENJAMIN: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT BENJAMIN: Announce the results.

THE SECRETARY: Ayes, 63.

ACTING PRESIDENT BENJAMIN: The bill is passed.

THE SECRETARY: Calendar Number 174, Senate Print 1477, by Senator Krueger, an act to amend the Penal Law.

SENATOR GIANARIS: Lay it aside for the day.

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

THE SECRETARY: Calendar Number 181, Senate Print 1355, by Senator Serrano, an act to amend the Parks, Recreation and Historic Preservation Law.

ACTING PRESIDENT BENJAMIN: Read the last section.

THE SECRETARY: Section 2. This act shall take effect on the first of January.

ACTING PRESIDENT BENJAMIN: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT BENJAMIN: Announce the results.

THE SECRETARY: In relation to Calendar 181, voting in the negative: Senator

Jordan.

Ayes, 62. Nays, 1.

ACTING PRESIDENT BENJAMIN: The bill is passed.

THE SECRETARY: Calendar Number 182, Senate Print 1924, by Senator Jackson, an act to amend the Arts and Cultural Affairs Law.

ACTING PRESIDENT BENJAMIN: Read the last section.

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

ACTING PRESIDENT BENJAMIN: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT BENJAMIN: Senator Jackson to explain his vote.

SENATOR JACKSON: Thank you, Mr. President. For clarification, is this regarding Senate Bill 1924?

ACTING PRESIDENT BENJAMIN: Yes, it is.

SENATOR JACKSON: Thank you, Mr. President.

So, my colleagues, I rise this morning in order to speak about the Amistad

Commission. The Amistad Commission was formed by the Legislature in 2005 to review the state curriculum regarding chattel slavery.

Currently, the Amistad Commission is placed in the State Department. However, a report issued by the State Department in 2016 recommended that the commission be moved into the State Education Department, which is where it should have been placed when the commission was formed.

All people should know and remember the dehumanizing atrocities committed during the African slave trade and slavery in the Americas, and consider the legacy of that violent system of exploitation in this country.

The Amistad Commission was named in honor of a group of enslaved Africans who led a famous slavery revolt in a Spanish slave ship in 1839. The ship was seized by the U.S. Navy off Long Island's coast and taken to Connecticut, where the U.S. Supreme Court, the highest court in the United States of America, eventually granted those slaves freedom.

As we approach the 500th anniversary of the Monte Alegre rebellion in Santa Domingo,

which is now in the Dominican Republic, in 1521 -- the first historically recorded rebellion of enslaved Black people in the Americas -- it makes sense to reevaluate the work of the Amistad Commission.

To better connect their work to the New York State educational curriculum, this bill moves the commission from the Department of State to the Department of Education. It's a very simple, commonsense fix that advocates support.

I hope you join me in voting aye so that we can continue the work of educating our young and older people about the history of chattel slavery and the legacy of white supremacy in our country, especially after the Uprising for Black Lives this past summer showed how far we still have to go. I think we can all agree those who do not learn history are doomed to repeat it.

And finally I say, Mr. President, that my office has received phone calls today and yesterday about, you know, this is not the right approach, we should be doing something else. And I'm saying, nothing has been done. The time is NOW. What are we waiting for?

It's like you have a pot of food

that's been sitting on the oven for an hour, and then a family member is ready to eat. What do you do? You stir the food to make it fresh again. And that's what this is about, making history so that everyone will understand what this was about.

Mr. President, I vote aye on this.

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

Announce the results.

THE SECRETARY: Ayes, 63.

ACTING PRESIDENT BENJAMIN: The bill is passed.

THE SECRETARY: Calendar Number 228, Senate Print 1984, by Senator Jackson, an act to amend the Education Law.

ACTING PRESIDENT BENJAMIN: Read the last section.

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

ACTING PRESIDENT BENJAMIN: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT BENJAMIN: Senator Jackson to explain his vote.

SENATOR JACKSON: Thank you, Mr. President.

This relates to directing the commissioner to convene a statewide and regional conventions to bring together underrepresented educators.

So, my colleagues, I rise to explain my sponsorship of this bill. Being a teacher from an underrepresented racial or ethnic group can be very isolating and make it hard to do your job well. New York has a teacher diversity problem: 80 percent of teachers are white, when most students aren't.

In public schools across New York, the number of minority students long surpasses half the total student population, fueled by central urban districts where nine out of 10 students are not white. Yet only about 15 to 20 percent of New York State teachers are people of color, with over 200 school districts not employing one single nonwhite teacher.

The percentage of educators of color has been stubbornly stagnant, as a growing body of research shows a teacher workforce positively affects the entire student population. These

disparities not only put a burden on those teachers who support students of color who look like them as leaders and role models, but it also can leave them feeling unsupported among colleagues.

In a time of COVID-19 and remote learning, this sense of isolation has only increased for educators of color, based on what I have heard.

This bill directs the New York State Education Department to hold an annual statewide and five regional conventions for underrepresented teachers. By doing so, we are putting resources towards improving the support networks for these teachers to provide even better education for New York State's diverse children.

And I hope, my colleagues, you join me in voting aye on this bill. Mr. President, I vote aye. Thank you.

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

Announce the results.

THE SECRETARY: Ayes, 63.

ACTING PRESIDENT BENJAMIN: The

bill is passed.

THE SECRETARY: Calendar Number 234, Senate Print 2555, by Senator Brisport, an act to establish a task force on educator diversity in New York State.

ACTING PRESIDENT BENJAMIN: Read the last section.

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

ACTING PRESIDENT BENJAMIN: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT BENJAMIN: Senator Brisport to explain his vote.

SENATOR BRISPORT: Thank you, Mr. President.

And thank you to my colleagues for helping bring this bill to the floor.

You know, if any of you find yourselves spending time with friends and discussing your childhood education -- and of course, why wouldn't you be -- a fun game to play is to ask each other, How many of your teachers, as a kid, were Black men? And then you can all scratch your heads trying to figure out if you

had any.

From kindergarten through 12th grade, I had one: Mr. Khan, who taught a killer seventh-grade English class. And I was lucky to have him. Across New York City, only 2 percent of public school teachers are Black men.

I'm a former educator. It is so critical that our children have teachers who look like them. With the passage of this bill, we'll take a step to ensuring that our classrooms match the rich diversity of our state.

I'll be voting aye. Thank you, Mr. President.

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

Announce the results.

THE SECRETARY: In relation to Calendar 234, those Senators voting in the negative are Senators O'Mara, Ortt and Weik.

Ayes, 60. Nays, 3.

ACTING PRESIDENT BENJAMIN: The bill is passed.

Senator Gianaris.

SENATOR GIANARIS: Mr. President, that was Senator Brisport's first bill in the

Senate. Congratulations, Senator Brisport.

(Standing ovation.)

ACTING PRESIDENT BENJAMIN: Senator Gianaris, that completes the reading of today's calendar.

SENATOR GIANARIS: Can we now move to the reading of the controversial calendar.

ACTING PRESIDENT BENJAMIN: The Secretary will ring the bell.

The Secretary will read.

THE SECRETARY: Calendar Number 133, Senate Print 1100, by Senator Liu, an act to amend the Education Law.

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

SENATOR JORDAN: Mr. President, I believe there's an amendment at the desk. I waive the reading of that amendment and ask that you recognize Senator Stec so that he may be heard.

ACTING PRESIDENT BENJAMIN: Thank you, Senator Jordan.

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

time.

SENATOR JORDAN: Accordingly, Mr. President, I appeal the ruling of the chair and ask that Senator Stec be recognized.

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

SENATOR STEC: Thank you, Mr. President.

I rise to appeal the ruling of the chair. It is germane to the bill at hand because during the current pandemic, the Governor has issued countless executive orders that have affected education law, directly impacting our students, our parents, our administrators, and our teachers all across the state.

I'm appealing the ruling on germaneness. Germaneness means relevance, is it relevant. Checks and balances and our constitutional duties are always germane on the floor of the Senate. In fact, I can't think of anything that is more germane than our relationship with the Governor, our constitutional obligations. We are Article 3, the Legislature. The Executive is Article 4.

When the framers, our founders, wrote this, they wrote us ahead of the Governor. Yet we continue to take a back seat to him these past ten months.

This is the 11th time that my colleagues on my side of the aisle have made this appeal. It's the ninth this year since I've been a member of the Senate, and in fact this is my second time making this appeal.

But this time it is on the heels of a damning Attorney General's report on the Governor's actions during this pandemic. We've seen so far what's been characterized as a disastrous vaccine distribution, rollout, from the state. The Executive is not listening to his own Department of Health, and in fact recently there's been nine high-level resignations from the Department of Health associated with this.

The Governor is not utilizing his county public health departments, who do tabletop exercises yearly on how to vaccinate the population. They're prepared to do this, and yet we're reinventing the wheel.

We have elderly people that are traveling the state, they are coming from Long Island driving across the breadth of the

Adirondacks, to get vaccinated in Potsdam. That's a heck of a drive in July for a young driver. It is a treacherous drive when trying to get a life-or-death appointment to get that vaccine, and you're an older driver, in the dead of winter, driving across the Adirondacks.

The Governor has been stonewalling this body, our colleagues in the Assembly, and thousands of people seeking information about the nursing home deaths, for months. His own Attorney General is saying that he has grossly understated the number of nursing home deaths.

So I would say under the best of circumstances, any Legislature should be cautious about ceding any extra authority to any Executive.

But now we're 11 months into this pandemic and these emergency powers. The urgent day-to-day nature of needing an Executive to make an hour-to-hour decision are long past. They're months past. We have reason and we have a lot of experience to question the effectiveness of our current situation and how this has played out these last -- our current arrangement with the Executive.

And unfortunately, and more recently, we have great reason to doubt the accuracy of information that we are being given by the Executive.

So this is very germane to our work, our constitutional obligations, and our responsibilities to the people that elected all 63 of us and the 150 in the Assembly.

So for those reasons, I beseech the chair to reconsider, to rule this germane and allow this reestablishment of coequal branches of governmental to occur. But with that, I will also remind everyone that you do not need a hostile amendment brought every day of session forward in order to achieve that. For those that are watching at home, paying attention, or you're watching this online, all it takes is the two majorities to decide that they're going to put it on the agenda.

I know how I answer these questions when I get the calls in my district office. I know how I answer these questions when I'm in the grocery store. I know how I answer these questions of my friends and neighbors, the people that elected me, when they say they're not happy

with the current situation, that they want us to reassert ourselves and take all the decision-making power, good and bad, out of one person and restore our order to the normal operation.

I know how I answer these questions. I've been answering these questions for months. My great mystery is I want to know how some of my colleagues are answering these very questions.

Thank you, Mr. President.

ACTING PRESIDENT BENJAMIN: Thank you, Senator Stec.

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

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

SENATOR JORDAN: Request a show of hands.

SENATOR GIANARIS: Mr. President, by unanimous consent, please waive the showing of hands and record each member of the Minority in the affirmative.

ACTING PRESIDENT BENJAMIN: Without objection, so ordered.

Announce the results.

THE SECRETARY: Ayes, 20.

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

Are there any other Senators wishing to be heard?

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

Read the last section.

THE SECRETARY: Section 2. This act shall take effect on the 180th day after it shall have become a law.

ACTING PRESIDENT BENJAMIN: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT BENJAMIN: Announce the results.

THE SECRETARY: Ayes, 63.

ACTING PRESIDENT BENJAMIN: The bill is passed.

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

SENATOR GIANARIS: Mr. President, returning to motions and resolutions for a

moment, on behalf of Senator Krueger, on page 22 I offer the following amendments to Calendar 174, Senate 1477, and ask that said bill retain its place on Third Reading Calendar.

ACTING PRESIDENT BENJAMIN: The amendments are received, and the bill shall retain its place on the Third Reading Calendar.

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

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

SENATOR GIANARIS: I move to adjourn until Monday, February 8th, at 3:00 p.m., intervening days being legislative days.

ACTING PRESIDENT BENJAMIN: On motion, the Senate stands adjourned until Monday, February 8th, at 3:00 p.m., intervening days being legislative days.

(Whereupon, at 12:02 p.m., the Senate adjourned.)