

1 NEW YORK STATE SENATE

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3  
4 THE STENOGRAPHIC RECORD

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7  
8 ALBANY, NEW YORK

9 February 24, 2021

10 11:12 a.m.

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13  
14 REGULAR SESSION

15  
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17  
18 SENATOR BRIAN A. BENJAMIN, Acting President

19 ALEJANDRA N. PAULINO, ESQ., Secretary

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

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

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

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

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

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

13 ACTING PRESIDENT BENJAMIN: Reading  
14 of the Journal.

15 THE SECRETARY: In Senate, Tuesday,  
16 February 23, 2021, the Senate met pursuant to  
17 adjournment. The Journal of Monday, February 22,  
18 2021, was read and approved. On motion, Senate  
19 adjourned.

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

22 Presentation of petitions.

23 Messages from the Assembly.

24 Messages from the Governor.

25 Reports of standing committees.

1 Reports of select committees.

2 Communications and reports from  
3 state officers.

4 Motions and resolutions.

5 Senator Gianaris.

6 SENATOR GIANARIS: Mr. President,  
7 on behalf of Senator Parker, on page 20 I offer  
8 the following amendments to Calendar 256,  
9 Senate 3126, and ask that said bill retain its  
10 place on the Third Reading Calendar.

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

14 SENATOR GIANARIS: Okay, at this  
15 time can we take up previously adopted  
16 Resolution 402, by Senator Harckham, read that  
17 resolution's title only, and recognize  
18 Senator Harckham.

19 ACTING PRESIDENT BENJAMIN: The  
20 Secretary will read.

21 THE SECRETARY: Senate Resolution  
22 402, by Senator Harckham, mourning the death of  
23 Lawrence Otis Graham, prominent attorney,  
24 best-selling author and distinguished citizen.

25 ACTING PRESIDENT BENJAMIN: Senator

1 Harckham on the resolution.

2 SENATOR HARCKHAM: Thank you,  
3 Mr. President.

4 I'd like to thank all of the members  
5 of this body for passing this resolution  
6 yesterday.

7 I'd like to thank the Majority  
8 Leader and all of the members of the Westchester  
9 delegation for joining me on this resolution.  
10 And I'd like to thank the Majority Leader for  
11 expediting this resolution so that we could get  
12 this passed this week.

13 Over the weekend I was shocked and  
14 saddened, like many, to learn of the passing of  
15 my good friend Lawrence Otis Graham -- or Larry,  
16 as he was known to his friends.

17 Larry was a best-selling author, he  
18 was an attorney, he was a philanthropist, he was  
19 a political commentator -- but most importantly,  
20 he was a lifelong advocate for diversity and  
21 inclusion. And he wrote probing books about race  
22 and class in America, a discussion that only now  
23 is coming to the fore in a very vocal way. Larry  
24 was talking about these issues 20 years ago.

25 He was talking about privilege 20

1 years ago. He was talking about police reform 20  
2 years ago. He was talking about experiential  
3 racism 20 years ago. And though he might have  
4 been an Ivy League-educated attorney, it did not  
5 shield him or his family from experiential  
6 racism. Like the time he was coming out of  
7 dinner and waiting for his car at a valet when a  
8 white gentleman pulled up, got out of his car,  
9 threw him the keys and said "Don't scratch it."

10           These are not the kind of things  
11 that happen in my life. I didn't have to have a  
12 conversation with my children about how to  
13 respond when pulled over by the police. And  
14 these were the stories that Larry told and  
15 brought to the fore in America. And we are now  
16 building upon the body of work which Lawrence was  
17 one of the early pioneers in discussing.

18           But most of all, Larry was a friend  
19 who loved to laugh. I met Larry in the year  
20 2000, when I joined his political campaign. It  
21 was the first campaign for me, and it didn't end  
22 well for either of us, but it did cement a  
23 lifelong friendship. And for the next 21 years,  
24 we were good friends in constant contact.

25           And the thing about Larry was while

1 some people would collect friends, Larry would  
2 nurture friends. And he always spoke about  
3 friends from high school and college and grad  
4 school and the network of friends that he had,  
5 and people who cared.

6 And the reason he was so successful  
7 with his friendships was that he cared. I  
8 remember a couple of years ago he ended up going  
9 to the theater with my former wife and one of my  
10 daughters, and he couldn't wait to call me the  
11 next day to say that he and Emma were now theater  
12 buddies and were in touch on social media. And  
13 that was just the kind of person that he was.

14 But mostly, Larry was a husband and  
15 a father, and his family meant everything to him.  
16 His dear wife, Pamela, his children -- Gordon,  
17 Harrison and Lindsey -- were everything to him.

18 And so we are saddened that Larry  
19 was taken from us too soon, but I am so grateful  
20 to this body for passing this resolution to  
21 memorialize his life, his work and his family.

22 Thank you, Mr. President.

23 ACTING PRESIDENT BENJAMIN: The  
24 resolution was previously adopted on  
25 February 23rd.

1 Senator Gianaris.

2 SENATOR GIANARIS: Can we now move  
3 to previously adopted Resolution 398, by  
4 Senator Cooney, read that resolution's title  
5 only, and recognize Senator Cooney.

6 ACTING PRESIDENT BENJAMIN: The  
7 Secretary will read.

8 THE SECRETARY: Senate Resolution  
9 398, by Senator Cooney, mourning the death of  
10 I.C. Shah, local telecom businessman, well-known  
11 humanitarian and distinguished member of his  
12 community.

13 ACTING PRESIDENT BENJAMIN: Senator  
14 Cooney on the resolution.

15 SENATOR COONEY: Thank you,  
16 Mr. President.

17 I rise to support today's resolution  
18 which mourns the death of a great Rochesterian  
19 and a friend, I.C. Shah.

20 I.C. was a successful  
21 telecommunications entrepreneur, an innovator who  
22 started with a dream and just a small loan. He  
23 became an active member of our business community  
24 in Rochester. But more importantly and more  
25 personally to me, he was a trailblazer and a

1 leader for the Indian and South Asian community  
2 across upstate New York and throughout  
3 Greater Rochester.

4 He opened doors for many of us at a  
5 time when there weren't people who had our color  
6 skin who were seen in the public realm. He  
7 started programs like DIAL and others, to get  
8 more civically engaged in our community through  
9 nonprofits like Boys and Girls Club and Champion  
10 Academy and others.

11 Today, this state remembers I.C.  
12 Shah and mourns his loss. His greatest love of  
13 all was of course for his family -- his two sons,  
14 Raj and Jon, their spouses and children, and of  
15 course his wife, Cheryl.

16 And I'm so grateful for the  
17 Majority Leader and the members of this body who  
18 join me in recognizing I.C. Shah.

19 God bless I.C. Thank you.

20 ACTING PRESIDENT BENJAMIN: The  
21 resolution was previously adopted on  
22 February 23rd.

23 Senator Gianaris.

24 SENATOR GIANARIS: Next up we have  
25 previously adopted Resolution 394, by



1 Senator Griffo, who it's good to see back here in  
2 the chamber. Please read that resolution's title  
3 only and recognize Senator Griffo.

4 ACTING PRESIDENT BENJAMIN: The  
5 Secretary will read.

6 THE SECRETARY: Senate Resolution  
7 394, by Senator Griffo, mourning the death of  
8 Chief Jason M. Buley, committed law enforcement  
9 officer, family man and devoted member of his  
10 community.

11 ACTING PRESIDENT BENJAMIN: Senator  
12 Griffo on the resolution.

13 SENATOR GRIFFO: Thank you,  
14 Mr. President.

15 We're here today to commemorate and  
16 to honor a life that was taken much too early,  
17 the life of Jason Buley, who was a dedicated  
18 professional.

19 He was the chief of police and was  
20 from a long tradition of law enforcement. His  
21 dad was in law enforcement. He started his  
22 career in 1988, following in the footsteps of his  
23 father. He knew as a young man, very early, what  
24 he wanted to be: He wanted to serve and protect  
25 his community.

1                   And Jason was a unique person in the  
2 community in which he lived, in Whitesboro. He  
3 was very faithful to his job, very professional  
4 and loyal to not only the community but to  
5 everybody he worked with. Those who worked with  
6 him always greeted him with great affinity and  
7 respect. He was the type of individual who on  
8 holidays would work so that the younger members  
9 of the department could have that time to spend  
10 with their families, even though Jason was truly  
11 a dedicated family man.

12                   He rose through the ranks, from  
13 patrolman all the way to the office of chief, and  
14 throughout that gained the respect from peers  
15 across not only our community but across the  
16 State of New York. He was truly what they call  
17 the cop's cop, who proudly and diligently carried  
18 out his duties and did it out of remembrance and  
19 a commitment to law enforcement that was  
20 instilled from his dad.

21                   He had great pursuits, too. As a  
22 great family man, he really enjoyed -- he was  
23 mechanically inclined and really enjoyed working  
24 on cars, all kinds of cars, particularly the  
25 family fleet. And he always had and made time

1 for family.

2 He was a great hockey player and a  
3 fan of the Philly Flyers. But the most important  
4 thing is he was a family man. And they faced  
5 great hardships in their family. They had two  
6 children, Samantha and Nick, and unfortunately  
7 lost Nick at a very young age. And his father  
8 also passed away at a very young age. So Jason  
9 learned how to endure and to face these  
10 challenges.

11 He married his wife, Lisa, and they  
12 were married for over 21 years and had a great  
13 marriage, a great working partnership where they  
14 focused on their family and their needs as well  
15 as their community.

16 Jason's the kind of guy in the  
17 middle of a crisis where he would find the time  
18 to be a leader. He took the time during the  
19 flooding that afflicted our communities in  
20 Central New York to ensure that he was not only  
21 there on the scene, but organizing benefits to  
22 assist those who were victimized by the floods.  
23 And he was always an individual who exhibited  
24 humility.

25 So Jason unfortunately lost his life

1 at the age of 45. And the community mourns him  
2 but also will remember him. And today we offer  
3 our respects and we express our condolences to  
4 his wife, Lisa, and his daughter and all of his  
5 family -- his brother Dan, who he took under his  
6 wing at a very young age after his father passed  
7 away.

8 So today, on behalf of the Senate  
9 and all of those residents of the 47th District,  
10 we want to issue not only our condolences and  
11 deepest sympathy, but also our gratitude for a  
12 life so short, but well served and well done.

13 So on behalf of my constituents  
14 today, I thank you for the opportunity to have  
15 this resolution memorializing and commemorating  
16 the great life of Jason Buley, may he rest in  
17 peace.

18 Thank you, Mr. President.

19 ACTING PRESIDENT BENJAMIN: The  
20 resolution was previously adopted on  
21 February 23rd.

22 Senator Gianaris.

23 SENATOR GIANARIS: And finally,  
24 Mr. President, previously adopted Resolution 390,  
25 by Senator Mannion, read its title only and

1 recognize Senator Mannion.

2 ACTING PRESIDENT BENJAMIN: The  
3 Secretary will read.

4 THE SECRETARY: Senate Resolution  
5 390, by Senator Mannion, honoring Roderic  
6 Woodruff Groat, "Rod Wood," on his retirement  
7 from the anchor desk of WSYR-TV Syracuse (News  
8 Channel 9) after 44 years of service.

9 ACTING PRESIDENT BENJAMIN: Senator  
10 Mannion on the resolution.

11 SENATOR MANNION: Thank you,  
12 Mr. President.

13 Today this body is continuing its  
14 tradition of recognizing and honoring esteemed  
15 New Yorkers. Roderic Woodruff Groat, known to  
16 all of us as Rod Wood, was born and raised in  
17 Syracuse, New York. A man of impeccable quality  
18 and character, Rod has beamed into our living  
19 rooms for the last 57 years. The last 44 years  
20 he has been a news anchor at Channel 9, WSYR,  
21 delivering the stories we needed to hear and  
22 understand.

23 He teamed on the evening news with  
24 Carrie Lazarus, an icon in her own right, for  
25 31 years, making them one of the nation's

1 longest-running anchor teams ever. Rod and  
2 Carrie were inducted into the New York State  
3 Broadcasting Hall of Fame in 2011.

4 Rod raised his five children in  
5 Central New York with his beloved wife of 52  
6 years, Nanette, who was sadly lost last year.

7 Rod has served as a mentor to  
8 hundreds of young journalists and broadcasters  
9 who have gone on to work around the world, many  
10 of whom stay in close contact after they have  
11 left Syracuse. Syracuse is considered a  
12 launching pad for many national journalists.

13 Rod hung up his microphone last  
14 November for a much-deserved retirement after his  
15 decades of service to Syracuse and Central  
16 New York.

17 In an era when trust and accuracy  
18 matter more than ever, Rod set the highest  
19 possible standard for a broadcast journalist. He  
20 is truly a local kid who made good, stayed close  
21 to home, served his country and his community  
22 with distinction.

23 He was always a calming voice for  
24 the people of Central New York, in good times and  
25 in bad. And in that calm and steady way, he also

1 always had a little bit of flash. And I wear  
2 this tie today, and I hope that I've made Rod  
3 Wood proud.

4 Thank you to my colleagues for  
5 pausing our deliberations today to honor Rod Wood  
6 upon his retirement, and thank you, Rod, for  
7 making Central New York a better place.

8 Thank you, Mr. President.

9 ACTING PRESIDENT BENJAMIN: The  
10 resolution was previously adopted on  
11 February 23rd.

12 Senator Gianaris.

13 SENATOR GIANARIS: At the request  
14 of the various sponsors, the resolutions we took  
15 up today are open for cosponsorship.

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

20 Senator Gianaris.

21 SENATOR GIANARIS: Let's take up  
22 the reading of the calendar, Mr. President.

23 ACTING PRESIDENT BENJAMIN: The  
24 Secretary will read.

25 THE SECRETARY: Calendar Number

1 106, Senate Print 646B, by Senator Sanders, an  
2 act to direct the New York State Department of  
3 Health to conduct a study on the incidences of  
4 asthma.

5 ACTING PRESIDENT BENJAMIN: Read  
6 the last section.

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

9 ACTING PRESIDENT BENJAMIN: Call  
10 the roll.

11 (The Secretary called the roll.)

12 ACTING PRESIDENT BENJAMIN:  
13 Announce the results.

14 THE SECRETARY: Ayes, 63.

15 ACTING PRESIDENT BENJAMIN: The  
16 bill is passed.

17 THE SECRETARY: Calendar Number  
18 165, Senate Print 1466, by Senator Breslin, an  
19 act to amend the General Municipal Law.

20 ACTING PRESIDENT BENJAMIN: Read  
21 the last section.

22 THE SECRETARY: Section 6. This  
23 act shall take effect on the 90th day after it  
24 shall have become a law.

25 ACTING PRESIDENT BENJAMIN: Call



1 the roll.

2 (The Secretary called the roll.)

3 ACTING PRESIDENT BENJAMIN:

4 Announce the results.

5 THE SECRETARY: Ayes, 63.

6 ACTING PRESIDENT BENJAMIN: The  
7 bill is passed.

8 THE SECRETARY: Calendar Number  
9 174, Senate Print 1477A, by Senator Krueger, an  
10 act to amend the Penal Law.

11 ACTING PRESIDENT BENJAMIN: Read  
12 the last section.

13 THE SECRETARY: Section 2. This  
14 act shall take effect on the first of November.

15 ACTING PRESIDENT BENJAMIN: Call  
16 the roll.

17 (The Secretary called the roll.)

18 ACTING PRESIDENT BENJAMIN:

19 Announce the results.

20 THE SECRETARY: In relation to  
21 Calendar 174, voting in the negative: Senator  
22 Salazar.

23 Ayes, 62. Nays, 1.

24 ACTING PRESIDENT BENJAMIN: The  
25 bill is passed.

1           THE SECRETARY:   Calendar Number  
2   269, Senate Print 1426, by Senator Serrano, an  
3   act to amend the General City Law.

4           ACTING PRESIDENT BENJAMIN:   Read  
5   the last section.

6           THE SECRETARY:   Section 3.   This  
7   act shall take effect on the 30th day after it  
8   shall have become a law.

9           ACTING PRESIDENT BENJAMIN:   Call  
10   the roll.

11           (The Secretary called the roll.)

12           ACTING PRESIDENT BENJAMIN:  
13   Announce the results.

14           THE SECRETARY:   In relation to  
15   Calendar Number 269, voting in the negative:  
16   Senator O'Mara.

17           Ayes, 62.   Nays, 1.

18           ACTING PRESIDENT BENJAMIN:   The  
19   bill is passed.

20           THE SECRETARY:   Calendar Number  
21   284, Senate Print 2925, by Senator Kennedy, an  
22   act to amend the Vehicle and Traffic Law.

23           ACTING PRESIDENT BENJAMIN:   Read  
24   the last section.

25           THE SECRETARY:   Section 2.   This

1 act shall take effect on the 30th day after it  
2 shall have become a law.

3 ACTING PRESIDENT BENJAMIN: Call  
4 the roll.

5 (The Secretary called the roll.)

6 ACTING PRESIDENT BENJAMIN:  
7 Announce the results.

8 THE SECRETARY: Ayes, 63.

9 ACTING PRESIDENT BENJAMIN: The  
10 bill is passed.

11 THE SECRETARY: Calendar Number  
12 285, Senate Print 952, by Senator Gaughran, an  
13 act to amend the Volunteer Firefighters' Benefit  
14 Law and the Volunteer Ambulance Workers' Benefit  
15 Law.

16 ACTING PRESIDENT BENJAMIN: Read  
17 the last section.

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

20 ACTING PRESIDENT BENJAMIN: Call  
21 the roll.

22 (The Secretary called the roll.)

23 ACTING PRESIDENT BENJAMIN:  
24 Announce the results.

25 THE SECRETARY: Ayes, 63.

1                   ACTING PRESIDENT BENJAMIN:    The  
2 bill is passed.

3                   THE SECRETARY:    Calendar Number  
4 339, Senate Print 4341, by Senator Kaminsky, an  
5 act to amend the Environmental Conservation Law.

6                   ACTING PRESIDENT BENJAMIN:    Read  
7 the last section.

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

10                  ACTING PRESIDENT BENJAMIN:    Call  
11 the roll.

12                                   (The Secretary called the roll.)

13                  ACTING PRESIDENT BENJAMIN:  
14 Announce the results.

15                  THE SECRETARY:    In relation to  
16 Calendar 339, voting in the negative:  
17 Senator Skoufis.

18                                   Ayes, 62.   Nays, 1.

19                  ACTING PRESIDENT BENJAMIN:    The  
20 bill is passed.

21                  THE SECRETARY:    Calendar Number  
22 349, Senate Print 1162A, by Senator Kennedy, an  
23 act requiring the Department of Health to provide  
24 written public updates to the Draft New York  
25 State's COVID-19 Vaccination Program Plan.

1                   SENATOR LANZA:   Lay it aside.

2                   ACTING PRESIDENT BENJAMIN:   Lay it  
3   aside.

4                   THE SECRETARY:   Calendar Number 364,  
5   Senate Print 3293, by Senator Ramos, an act to  
6   amend Chapter 461 of the Laws of 2017.

7                   ACTING PRESIDENT BENJAMIN:   Read  
8   the last section.

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

11                  ACTING PRESIDENT BENJAMIN:   Call  
12   the roll.

13                  (The Secretary called the roll.)

14                  ACTING PRESIDENT BENJAMIN:  
15   Announce the results.

16                  THE SECRETARY:   Ayes, 63.

17                  ACTING PRESIDENT BENJAMIN:   The  
18   bill is passed.

19                  THE SECRETARY:   Calendar Number  
20   368, Senate Print 830B, by Senator Comrie, an act  
21   to amend the Election Law, the Criminal Procedure  
22   Law, the Executive Law, and the Correction Law.

23                  ACTING PRESIDENT BENJAMIN:   Read  
24   the last section.

25                  THE SECRETARY:   Section 13.   This

1 act shall take effect immediately.

2 ACTING PRESIDENT BENJAMIN: Call  
3 the roll.

4 (The Secretary called the roll.)

5 ACTING PRESIDENT BENJAMIN: Senator  
6 Ryan to explain his vote.

7 SENATOR RYAN: Thank you,  
8 Mr. President, for giving me the opportunity to  
9 explain my vote.

10 The rules governing parolee voting  
11 in New York State make no sense, and they've made  
12 no sense for a long time. Here's how it works in  
13 the real world: Two people plead guilty to a  
14 felony DWI. One is on parole, one is on  
15 probation. The person on parole cannot vote.  
16 The person on probation is allowed to vote. Same  
17 crime, both live in the community, both have  
18 jobs, both pay taxes, but one is denied their  
19 right to enfranchisement.

20 It makes no sense, it solves no  
21 problem, and it has to change. Right now there's  
22 34,000 New Yorkers in this category for no  
23 apparent reason. It's time that we fix it, and  
24 the time to fix it is now.

25 Since 1776, the story of American

1 voting rights has been who's allowed in the club  
2 and who's not allowed in the club. We all know  
3 the history, and it's not too good.

4 But as we are advancing voting  
5 rights right now in New York State and we are  
6 expanding enfranchisement, other states are doing  
7 just the opposite. They're rolling back the  
8 rights to enfranchisement, and they're trying to  
9 prevent people from voting.

10 New York's on the right path on this  
11 one. And I withdraw my request, and I vote in  
12 the affirmative, Mr. President.

13 ACTING PRESIDENT BENJAMIN:

14 Senator Ryan to be recorded in the affirmative.

15 Senator Cooney to explain his vote.

16 SENATOR COONEY: Thank you,  
17 Mr. President.

18 I rise in support of this  
19 legislation, very strongly. And I want to share  
20 a story about one of my constituents who lives in  
21 the 56th District of New York, Jalil Muntaqim.  
22 Jalil spent 50 years in prison. He completed his  
23 time required by the state. He should not now be  
24 punished for exercising his most basic civil  
25 liberty, which is the right to vote.

1                   However, that is not the case. He  
2 was charged with a crime for casting a vote -- or  
3 for registering to do so. If this bill were a  
4 law right now, we would not be having to  
5 conversation. Jalil would not be facing  
6 prosecution. Jalil would not be in fear of  
7 getting his life back on track.

8                   He's a mentor, he's a community  
9 leader, he's an inspiration for so many who seek  
10 to better themselves when in the prison system.

11                  We cannot continue to punish those  
12 who have made the mistakes in their past by  
13 denying their future participation in our civil  
14 society. We have to pass this bill. I strongly  
15 support it for Jalil, but for so many others  
16 whose voices will not be heard in our democracy.

17                  Thank you.

18                  ACTING PRESIDENT BENJAMIN:    Senator  
19 Cooney to be recorded in the affirmative.

20                  Announce the results.

21                  THE SECRETARY:    In relation to  
22 Calendar 368, those Senators voting in the  
23 negative are Senators Akshar, Borrello, Boyle,  
24 Gallivan, Griffio, Helming, Jordan, Lanza,  
25 Martucci, Mattera, Oberacker, O'Mara, Ortt,



1 Palumbo, Rath, Ritchie, Serino, Stec, Tedisco and  
2 Weik.

3 Ayes, 43. Nays, 20.

4 ACTING PRESIDENT BENJAMIN: The  
5 bill is passed.

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

8 SENATOR GIANARIS: Can we now move  
9 to the controversial calendar, please.

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

12 The Secretary will read.

13 THE SECRETARY: Calendar Number  
14 349, Senate Print 1162A, by Senator Kennedy, an  
15 act requiring the Department of Health to provide  
16 written public updates to the Draft New York  
17 State's COVID-19 Vaccination Program Plan.

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

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

24 ACTING PRESIDENT BENJAMIN: Thank  
25 you, Senator Lanza.

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

4                   SENATOR LANZA:   Accordingly,  
5                   Mr. President, I appeal the ruling of the chair  
6                   and ask that you recognize Senator Griffo.

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

10                  SENATOR GRIFFO:   Thank you,  
11                  Mr. President. I appreciate the opportunity to  
12                  be heard.

13                  And I would argue that the amendment  
14                  before this good bill is germane because the bill  
15                  essentially requires the Department of Health to  
16                  provide written information, and to the programs  
17                  and policies that are now in place from COVID-19,  
18                  and allowing the Legislature and the public to  
19                  receive that information.

20                  So the presentation of and sharing  
21                  of information is so critical to all of us doing  
22                  our job. And there's nothing more important than  
23                  to reestablish our role and responsibility in  
24                  that regard and to have that information to make  
25                  those type of decisions.

1                   So I believe that the amendment is  
2     germane based upon that. And while we've seen  
3     the Governor on TV regularly -- in fact, his  
4     performances have earned him an Emmy -- in  
5     contrast, conversations with legislators and with  
6     local officials are rare. And perhaps that could  
7     earn him a Razzie. Because that type of  
8     communication and collaboration in developing  
9     policy is essential as we all serve the people of  
10    the State of New York.

11                  So, Mr. President, I hope maybe you  
12    will become enlightened from our points today and  
13    that you will surprise me with a ruling of  
14    germaneness on this subject, because I know -- I  
15    once stood where you are now and actually crafted  
16    the very language that we use in discussing the  
17    procedures of the house. But this bill is not  
18    only germane, but it speaks to the very process.

19                  And I know from conversations with  
20    my colleagues on both sides of the aisle here  
21    that there is a consensus, an appreciation and an  
22    understanding that we have to reassert ourselves  
23    in the governance process.

24                  Sharing of information is essential,  
25    and that's what this bill does. And that's why

1     this amendment continues to be relevant. I think  
2     all of us could understand and appreciate, as a  
3     former executive, that initially in a time of  
4     crisis there is need for quick and prudent action  
5     when you face something such as the virus that  
6     was so uncertain and that was so much unknown.  
7     And it was a public health emergency.

8                 But I think we have transitioned now  
9     from that essential emergency to an ongoing  
10    public health crisis. And as a result of that,  
11    there is a role and responsibility for the  
12    various branches of this government to function  
13    in order to serve the people as best we can.

14                And I know, again, from talking to  
15    my colleagues informally in conversations, that  
16    there is a willingness and an appreciation and  
17    actually a consensus that we need to do this.  
18    And as a result, we need to rein in what was once  
19    extraordinary powers granted, now, to allow us to  
20    function the way we should and could.

21                It's been over a year. And I know  
22    that, as I said, speaking to members in this  
23    chamber, that there is a recognition and  
24    acknowledgment that we're a coequal branch of  
25    government. And that's the significance of the

1 amendment as well as the bill-in-chief, providing  
2 information so that we can make informed  
3 decisions.

4           There's never been a greater need,  
5 in my opinion, Mr. President, for checks and  
6 balances in our state government. Just take a  
7 look at the reports that we are receiving from  
8 independent elected officials that cite some of  
9 the problems and failed policies that have had an  
10 adverse impact upon the people of this state.

11           Our Constitution establishes three  
12 coequal branches of government. And it is  
13 imperative that we respect that separation of  
14 powers and that we ensure that we are undertaking  
15 our responsibility and undertaking our role as  
16 legislators. When that information is provided  
17 and given, then we should be an equal partner in  
18 making determinations and decisions as to what  
19 has to be done and should be done in the best  
20 interests of the people of this state.

21           So this amendment is germane,  
22 Mr. President, because we have seen stonewalling  
23 by this Executive. We have seen an unwillingness  
24 and a reluctance by the executive to provide the  
25 very information that this bill is now requiring

1     that they do, that they give us that information  
2     so that we can undertake our role and  
3     responsibility.

4                     And I don't think it's to anybody's  
5     surprise, when you see media accounts or the  
6     independent accounts of the Attorney General of  
7     the State of New York and others now, that are  
8     showcasing that when you amass this type of power  
9     and it is granted and it is unchecked, it brings  
10    us into a dangerous -- dangerous situation  
11    relative to the enactment of policy, when we must  
12    and should respect the very structure of our  
13    government.

14                    So I think that this amendment,  
15    again, by providing -- this amendment, by reining  
16    in the powers, will allow us to ensure that if  
17    the bill-in-chief is passed -- and I believe it  
18    should be -- that that information that is given  
19    to us will allow us to have a role in determining  
20    and changing some of the failed policies that are  
21    now in place that are not working, despite our  
22    suggestions and recommendations. There is a  
23    reluctance on the part of the Governor and the  
24    administration to take these things into  
25    consideration and to make it work.

1           The only time we found out about  
2     some of these things was through a private  
3     meeting that was held. And that's shameful, in  
4     my opinion. And fortunately some of that came  
5     out so people did get information, as this bill  
6     is purporting and wanting us to have that type of  
7     information so that we can gauge what's working  
8     or not working and have a role based upon our  
9     responsibility entrusted in all of us by the  
10    Constitution of this state.

11           This shouldn't be about political  
12    survival. This should be about survival of the  
13    people that we all serve and represent.

14           So I'm hopeful, Mr. President, that  
15    you will reconsider. Because this is the  
16    17th time that this amendment has been brought  
17    forward. And we're saying the same things over  
18    and over because this is above politics. It's  
19    about policy. It's about what is best for all of  
20    the people we represent.

21           We want to do our jobs on both sides  
22    of the aisle here. And it's important that we  
23    owe, to the millions of people and to the  
24    thousands of grieving families -- that we do  
25    something, that we reassert ourselves in this

1 process.

2 I've always tried to be an advocate  
3 for reform. I believe in it. I truly believe in  
4 the balance of power. And I know that my  
5 colleagues here do likewise. You know, we may  
6 lament court cases where they've given prior  
7 additional powers to the Executive, and we  
8 continue to chide that and to confront that. But  
9 we should not cede additional authority to the  
10 Executive on a voluntary basis.

11 And that starts with reclaiming  
12 ourselves by exercising a vote on this particular  
13 amendment on the core subject that I believe  
14 there's consensus on, that we take this type of  
15 action, that we return government to the way it  
16 was originally structured and intended to  
17 function. When people ask now "Well, if you get  
18 this information, what are you going to do with  
19 it?" -- we're going to run the government the way  
20 it has been run before.

21 As I said, we have transitioned from  
22 an immediate emergency to a crisis, and it's  
23 still difficult and challenging. And we need to  
24 take that responsibility seriously. But I think  
25 we are all capable of working together



1 collectively, again, returning -- when people say  
2 how would you do it, do it the way the  
3 constitution structured it. We're structured in  
4 a certain way, and it's intended to function that  
5 way, and we can serve the people accordingly.

6               So, Mr. President, I know that -- I  
7 think we need to regain this power. I know there  
8 are some of my colleagues that have actually  
9 discussed the outright stripping of that power.  
10 So let's take a stand for these rulings.

11 Mr. President, based upon the subject matter, I  
12 urge you to reconsider and that you allow a vote  
13 on this amendment, which I know will receive  
14 support. And it is imperative that we again  
15 reassert ourselves as a coequal, separate branch  
16 of the government serving the people of the State  
17 of New York. We're capable of doing that.

18               Thank you, Mr. President.

19               ACTING PRESIDENT BENJAMIN: Thank  
20 you, Senator Griffo.

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

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

1                   SENATOR LANZA:    Request a show of  
2 hands.

3                   SENATOR GIANARIS:   Mr. President,  
4 much of what Senator Griffo said today is  
5 correct, but this amendment being germane is not  
6 one of them.

7                   Nevertheless, we've agreed to waive  
8 the showing of hands and record each member of  
9 the Minority in the affirmative.

10                  ACTING PRESIDENT BENJAMIN:   Without  
11 objection, so ordered.

12                  Announce the results.

13                  THE SECRETARY:    Ayes, 20.

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

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

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

21                  Read the last section.

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

24                  ACTING PRESIDENT BENJAMIN:   Call  
25 the roll.

1 (The Secretary called the roll.)

2 ACTING PRESIDENT BENJAMIN: Senator  
3 Kennedy to explain his vote.

4 SENATOR KENNEDY: Thank you,  
5 Mr. President.

6 First of all, I want to thank  
7 Majority Leader Andrea Stewart-Cousins for  
8 bringing this very important bill to the floor  
9 here today. And I rise to explain my vote on  
10 this legislation and why it's so imperative that  
11 that legislation is enacted, now more than ever,  
12 here in the great State of New York.

13 The majority of calls that come into  
14 my office, and I'm sure many of your offices and  
15 other government offices around the state, are  
16 from New Yorkers simply looking for answers.  
17 When can they be vaccinated? Who can get the  
18 vaccine? Where they can get the vaccine and how  
19 they can sign up.

20 We need a comprehensive transparent  
21 approach to addressing this pandemic, and this  
22 bill that we pass here today will create just  
23 that.

24 Ensuring an equitable vaccine  
25 distribution is something that we as a Democratic

1 conference have been fighting for since before  
2 there was even a vaccine available. We know,  
3 according to the CDC, that Black and Brown people  
4 have become infected with the COVID-19 virus at  
5 three times the rate of white people and have  
6 died at nearly twice as many times as frequently.

7               We also know that this population is  
8 more likely to suffer from underlying health  
9 conditions, including diabetes and obesity, which  
10 raise the risk of hospitalization and death. Not  
11 only do these populations often have less access  
12 to health services, but they also have a  
13 documented history of receiving unequal care.

14              Which is why we've been pushing for  
15 a strong, transparent distribution plan from the  
16 Department of Health since Day One. And it's  
17 exactly why I'm pleased to see this bill move  
18 forward here today.

19              This legislation we're passing today  
20 requires the Department of Health to establish a  
21 written, publicly available plan that focuses on  
22 the equitable distribution of the vaccine. A  
23 plan that is detailed, transparent and perhaps  
24 most importantly, updated on a weekly basis and  
25 made available to the public and is easily

1 accessible on the website.

2           This bill provides a lot of  
3 flexibility to the state in how they're  
4 approaching these problems, but above all it  
5 requires the state to be transparent in what they  
6 are doing. New Yorkers deserve clear and  
7 consistent communication throughout this next  
8 phase of the pandemic as the vaccine becomes more  
9 and more available, and this legislation will  
10 create an effective centralized tool for the  
11 state to communicate to our constituents and to  
12 people as these simple questions arise.

13           Time is of the essence,  
14 Mr. President, and in truth we needed this done  
15 yesterday. We needed it months ago as we  
16 prepared to roll out the vaccine in the first  
17 phases to our frontline workers. And while we  
18 cannot rewrite history, we can choose how we  
19 shape our way forward. And it's our duty as  
20 legislators to ensure that the constituents we  
21 represent are receiving up-to-date information on  
22 how they can take steps to protect themselves and  
23 their families as we enter into the next phase on  
24 the road to recovery.

25           With that, Mr. President, I vote

1     aye. Thank you very much.

2                   ACTING PRESIDENT BENJAMIN:     Senator  
3     Kennedy to be recorded in the affirmative.

4                   Senator Lanza to explain his vote.

5                   SENATOR LANZA:     Thank you,  
6     Mr. President, to explain my vote.

7                   First of all, I want to thank  
8     Senator Kennedy. This truly is a good piece of  
9     legislation. It's timely, it's necessary, and it  
10    does what I think the people really want most  
11    during this pandemic. It says that we deserve to  
12    know what's happening as New Yorkers. And quite  
13    frankly, we don't.

14                  I have a further question along the  
15    lines of the topic being addressed by this  
16    legislation. Where are the vaccines? Senator  
17    Kennedy said it right. Every day we receive  
18    calls from our constituents -- 80-year-olds,  
19    90-year-olds, people with comorbidities --  
20    begging, pleading, asking where can I get a  
21    vaccine? And every single day our offices have  
22    to say, sadly, New York State is doing a poor  
23    job.

24                  The Health Department of this state  
25    obviously did not have a plan. Perhaps -- and

1     that's proven by the fact that New York is at the  
2     bottom of the list in the country. Among the 50  
3     states, we're at the very bottom of the list in  
4     terms of getting vaccines into the arms of our  
5     constituents, into the arms of New Yorkers.

6                     You know, Dr. Zucker has been good  
7     at dodging questions, and I hear now that maybe  
8     he'll be presenting himself to face some  
9     questions tomorrow. Hopefully that's true. This  
10    is a question on the minds of I think all  
11    New Yorkers: Why weren't you ready? Why didn't  
12    you have a plan?

13                    Perhaps it's because when President  
14    Trump announced the Warp Speed initiative  
15    promising the American people that there would be  
16    vaccines at the end of 2020, perhaps he listened  
17    to Dr. Fauci, who said that was impossible and  
18    that we wouldn't see vaccines until July or  
19    August of 2021.

20                    Perhaps it was because he was  
21    embroiled in the -- I want to watch my words  
22    here. Perhaps it was because he was too busy  
23    lying to New Yorkers about what was really  
24    happening with the pandemic. And I think those  
25    words are accurate. He was lying to the people

1 of our state.

2 So, Senator Kennedy, right on. This  
3 is good legislation. This is the beginning of  
4 getting this state on the proper footing in terms  
5 of the taxpayers, the people, our citizens  
6 knowing exactly what it is that their government  
7 is doing and exactly what it is that their  
8 government is not doing.

9 But again, I ask the question for  
10 all of us: Where are the vaccines, Dr. Zucker?  
11 Where are they?

12 Thank you, Senator Kennedy. Thank  
13 you, Mr. President. I vote aye.

14 ACTING PRESIDENT BENJAMIN: Senator  
15 Lanza to be recorded in the affirmative.

16 Announce the results.

17 THE SECRETARY: Ayes, 63.

18 ACTING PRESIDENT BENJAMIN: The  
19 bill is passed.

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

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

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



1                   SENATOR GIANARIS:    I move to  
2 adjourn until Monday, March 1st, at 3:00 p.m.,  
3 intervening days being legislative days.

4                   ACTING PRESIDENT BENJAMIN:   On  
5 motion, the Senate stands adjourned until Monday,  
6 March 1st, at 3:00 p.m., intervening days being  
7 legislative days.

8                   (Whereupon, at 11:50 a.m., the  
9 Senate adjourned.)

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