

1 NEW YORK STATE SENATE

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3
4 THE STENOGRAPHIC RECORD

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8
9 ALBANY, NEW YORK

10 February 24, 2021

11 11:12 a.m.

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13
14 REGULAR SESSION

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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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