NEW YORK STATE SENATE

THE STENOGRAPHIC RECORD

ALBANY, NEW YORK

March 5, 2021

10:52 a.m.

REGULAR SESSION

SENATOR ROXANNE J. PERSAUD, Acting President

ALEJANDRA N. PAULINO, ESQ., Secretary

P R O C E E D I N G S

ACTING PRESIDENT PERSAUD: 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 PERSAUD: 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 PERSAUD: The reading of the Journal.

THE SECRETARY: In Senate, Thursday, March 4, 2021, the Senate met pursuant to adjournment. The Journal of Wednesday, March 3, 2021, was read and approved. On motion, Senate adjourned.

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

Presentation of petitions.

Messages from the Assembly.

Messages from the Governor.

Reports of standing committees.

Reports of select committees.

Communications and reports from state officers.

Motions and resolutions.

Senator Gianaris.

SENATOR GIANARIS: Madam President, we will begin with an immediate meeting of the Rules Committee in Room 332.

ACTING PRESIDENT PERSAUD: There will be an immediate meeting of the Rules Committee in Room 332.

SENATOR GIANARIS: The Senate will stand at ease.

ACTING PRESIDENT PERSAUD: The Senate will stand at ease.

(Whereupon, the Senate stood at ease at 10:53 a.m.)

(Whereupon, the Senate reconvened at 11:01 a.m.)

ACTING PRESIDENT BENJAMIN: The Senate will return to order.

Senator Gianaris.

SENATOR GIANARIS: Mr. President, is there a report of the Rules Committee at the desk?

ACTING PRESIDENT BENJAMIN: There is a report of the Rules Committee at the desk.

The Secretary will read.

THE SECRETARY: Senator Stewart-Cousins, from the Committee on Rules, reports the following bills:

Senate Print 5256A, by Senator Harckham, an act to amend the Election Law;

Senate Print 5357, by Senator Stewart-Cousins, an act to amend the Executive Law.

Both bills reported direct to third reading.

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

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

(Response of "Aye.")

ACTING PRESIDENT BENJAMIN: Opposed, nay.

(No response.)

ACTING PRESIDENT BENJAMIN: The report is accepted.

Senator Gianaris.

SENATOR GIANARIS: Can we take up the reading of the calendar, Mr. President.

ACTING PRESIDENT BENJAMIN: The Secretary will read.

THE SECRETARY: Calendar 280, Senate Print 1509, by Senator May, an act to amend the Transportation Law.

ACTING PRESIDENT BENJAMIN: Read the last section.

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

ACTING PRESIDENT BENJAMIN: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT BENJAMIN: Announce the results.

THE SECRETARY: Ayes, 63.

ACTING PRESIDENT BENJAMIN: The bill is passed.

THE SECRETARY: Calendar Number 327, Senate Print 3917A, by Senator Benjamin, an act to amend the Business Corporation Law.

ACTING PRESIDENT BENJAMIN: Read the last section.

THE SECRETARY: Section 6. 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 403, Senate Print 3223A, by Senator Persaud, an act to amend the Social Services Law.

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 Persaud to explain her vote.

SENATOR PERSAUD: Thank you, Mr. President.

Mr. President, this legislation

today is quite simple. It will allow local social service districts, at their option, to interview applicants for cash assistance via telephone, something that has been done during this pandemic.

It will be done in the same dignified manner the USDA allows for SNAP applicants. Telephone interviews have been common, and we hope this continues in New York State.

One year ago the Office of Temporary and Disability Assistance enacted a temporary waiver of in-person cash assistance interview requirements, thus achieving several critical objectives. First, to practice social distancing, in lieu of requiring entire public assistance populations to come to the office. Second, to protect the frontline workers -- the frontline essential workers. And third, to maintain dignity. Many of the recipients were receiving public assistance for the very first time, because the pandemic has forced them to do so.

It is not often that labor and localities, upstate and downstate, agree on

proposals like the one we are voting on today. The New York State Association of Counties, the City of New York, the New York Public Welfare Association, DC 37, they all strongly agree on this legislation. For DC 37, this bill will literally save lives. Counties and local districts, including New York City, are afforded predictable flexibility to administer benefits both safely and efficiently, while still complying with necessary screening.

I thank Senator Krueger for working with me in sponsoring this legislation.

Mr. President, I vote aye. Thank you.

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

Announce the results.

THE SECRETARY: In relation to Calendar 403, those Senators voting in the negative are Senators Griffo and Weik.

Ayes, 61. Nays, 2.

ACTING PRESIDENT BENJAMIN: The bill is passed.

THE SECRETARY: Calendar Number 419, Senate Print 4136, by Senator Savino, an act

to amend the Agriculture and Markets Law.

ACTING PRESIDENT BENJAMIN: Read the last section.

THE SECRETARY: Section 6. 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 419, those Senators voting in the negative are Senators Akshar, Liu and Weik.

Ayes, 60. Nays, 3.

ACTING PRESIDENT BENJAMIN: The bill is passed.

THE SECRETARY: Calendar Number 432, Senate Print 1465, by Senator Breslin, an act to amend the Banking 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 432, those Senators voting in the negative are Senators Akshar, Borrello, Gallivan, Griffo, Helming, Jordan, Oberacker, O'Mara, Ortt, Palumbo, Rath, Stec, Tedisco and Weik.

Ayes, 49. Nays, 14.

ACTING PRESIDENT BENJAMIN: The bill is passed.

THE SECRETARY: Calendar Number 434, Senate Print 1441, by Senator Addabbo, an act to amend the Racing, Pari-Mutuel Wagering and Breeding 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 442, Senate Print 329, by Senator Thomas, an act authorizing the Family and Children's Association to receive retroactive real property tax exemption status.

ACTING PRESIDENT BENJAMIN: Read the last section.

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

ACTING PRESIDENT BENJAMIN: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT BENJAMIN: Announce the results.

THE SECRETARY: In relation to Calendar 442, voting in the negative: Senators Akshar and O'Mara.

Ayes, 61. Nays, 2.

ACTING PRESIDENT BENJAMIN: The bill is passed.

THE SECRETARY: Calendar Number 446, Senate Print 3984, by Senator Reichlin-Melnick, an act to amend the Town Law.

ACTING PRESIDENT BENJAMIN: Read the last section.

THE SECRETARY: Section 2. 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: In relation to Calendar 446, those Senators voting in the negative are Senators Akshar, Borrello, Griffo, Helming, Jordan, Lanza, Oberacker, O'Mara, Ortt, Rath, Ritchie, Serino, Stec, Tedisco and Weik.

Ayes, 48. Nays, 15.

ACTING PRESIDENT BENJAMIN: The bill is passed.

THE SECRETARY: Calendar Number 492, Senate Print 3543, by Senator Stavisky, 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: Ayes, 63.

ACTING PRESIDENT BENJAMIN: The bill is passed.

THE SECRETARY: Calendar Number 501, Senate Print 2168, by Senator Serrano, an act to amend Chapter 138 of the Laws of 1998.

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.

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

SENATOR GIANARIS: Can we now move to the supplemental calendar, please.

ACTING PRESIDENT BENJAMIN: The Secretary will read.

Calendar Number 503 is high and will be laid aside for the day.

THE SECRETARY: Calendar Number 504, Senate Print 5357, by Senator Stewart-Cousins, an act to amend the Executive Law.

SENATOR LANZA: Lay it aside.

ACTING PRESIDENT BENJAMIN: Lay it aside.

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

SENATOR GIANARIS: Mr. President, we're going to stand at ease for five minutes.

ACTING PRESIDENT BENJAMIN: The Senate will stand at ease.

(Whereupon, the Senate stood at ease at 11:08 a.m.)

(Whereupon, the Senate reconvened at 11:14 a.m.)

ACTING PRESIDENT BENJAMIN: The Senate will return to order.

Senator Gianaris.

SENATOR GIANARIS: Thank you.

Mr. President, let's move on to the controversial calendar, then.

ACTING PRESIDENT BENJAMIN: The Secretary will ring the bell.

The Secretary will read.

THE SECRETARY: Calendar Number 504, Senate Print 5357, by Senator Stewart-Cousins, an act to amend the Executive Law.

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

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

ACTING PRESIDENT BENJAMIN: Thank you, Senator Lanza.

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

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

ACTING PRESIDENT BENJAMIN: The

appeal has been made and recognized, and Senator Akshar may be heard.

SENATOR AKSHAR: Mr. President, thank you very much for your indulgence.

I would ask the question, if not now, then when? Of all days -- and there have been 21 days, 21 times, as you well know -- this amendment has been advanced, it has never been more germane or more timely than right now.

I say that we are at a crossroads as a body. Today we have a decision to make. Either we will advance the will of the people of this great state, we will remain true to our word, we will do what we were elected to do, and by doing that we advance the clean revocation.

Or we advance the will of the political bosses who are clearly entrenched in the Albany swamp. And we do that by advancing the deceitful bill that is before us.

Here is a fact on the clean revocation. There are 34 members of this house -- 20 Republicans, 14 Democrats -- who have been advocating for a clean repeal. Those 34 people represent more than 10.2 million New Yorkers. So we in fact have a chance today

to advance the clean revocation bill.

The amendment before the house is an opportunity to once and for all end the hypocrisy, the lies and the deceit. Right now, Mr. President, is the time to do what is right.

I would say to my colleagues across the aisle, before they vote, to dig deep, do what is right. And I would refer back to a statement that was made by my 14 colleagues on February 12th, and I read, in part: "While the Executive's authority to issue directives is due to expire on April 30th, we urge the Senate to advance and adopt the repeal as expeditiously as possible." Well, actions speak louder than words.

Mr. President, I in fact have stood where you are standing many times, and I know, with all due respect, that you're following a script. Forget the script. Dig deep, do what is right, and allow there to be an up or down vote on the amendment so we can once and for all, Mr. President, restore ourselves as a coequal branch of government.

Thank you.

ACTING PRESIDENT BENJAMIN: Thank

you, Senator Akshar.

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

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

SENATOR LANZA: Request a show of hands.

SENATOR GIANARIS: Mr. President, we've agreed to 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?

Senator Lanza.

SENATOR LANZA: Mr. President, would the sponsor yield.

ACTING PRESIDENT BENJAMIN: Does

the sponsor yield?

SENATOR GIANARIS: I will be answering questions, Mr. President. Yes.

ACTING PRESIDENT BENJAMIN: The Senator yields.

SENATOR LANZA: Thank you.

Through you, Mr. President. First let me say that, as always, it's an honor to discuss matters of import together with my colleagues, especially Senator Gianaris, on the floor of the New York State Senate.

Through you, Mr. President. Could the sponsor tell us whether or not the law in existence today enjoyed by Governor Cuomo allowing him these emergency powers, does it sunset?

SENATOR GIANARIS: Thank you, Mr. President and my colleague. I hope Senator Lanza will share that view at the end of this debate as he was gracious at the beginning of it.

Yes, the current law is scheduled to sunset at the end of April.

SENATOR LANZA: Would the sponsor yield.

ACTING PRESIDENT BENJAMIN: Will

the sponsor yield?

SENATOR GIANARIS: Yes.

ACTING PRESIDENT BENJAMIN: The Senator yields.

SENATOR LANZA: Through you, Mr. President.

Does the bill before the house have a sunset provision?

SENATOR GIANARIS: Yes. The bill we are taking up today will expire with the expiration of the state of emergency.

SENATOR LANZA: Would the sponsor yield.

ACTING PRESIDENT BENJAMIN: Will the Senator yield?

SENATOR GIANARIS: Yes.

ACTING PRESIDENT BENJAMIN: The Senator yields.

SENATOR LANZA: Through you, Mr. President. Who determines whether or not there is a state of emergency and when it expires?

SENATOR GIANARIS: The Legislature and/or the Governor. Let me clarify that, because I think I know what Senator Lanza was

trying to get at.

For the first time ever, we are adding a power for the Legislature to nullify a declaration of state of emergency. So that is in addition to the repeal of the Governor's emergency powers. We are also adding an additional power for the Legislature to end the state of emergency entirely.

SENATOR LANZA: Will the sponsor yield.

ACTING PRESIDENT BENJAMIN: Will the Senator yield?

SENATOR GIANARIS: Yes.

ACTING PRESIDENT BENJAMIN: The Senator yields.

SENATOR LANZA: Through you, Mr. President. Does there continue to exist a state of emergency as we speak today?

SENATOR GIANARIS: Certainly.

SENATOR LANZA: Would the sponsor yield.

ACTING PRESIDENT BENJAMIN: Does the Senator yield?

SENATOR GIANARIS: Yes.

ACTING PRESIDENT BENJAMIN: The

Senator yields.

SENATOR LANZA: Through you, Mr. President. Has the Governor agreed to sign the bill before the house today?

SENATOR GIANARIS: I have no idea.

SENATOR LANZA: Will the sponsor yield.

ACTING PRESIDENT BENJAMIN: Does the Senator yield?

SENATOR GIANARIS: Yes.

ACTING PRESIDENT BENJAMIN: The Senator yields.

SENATOR LANZA: Through you, Mr. President.

So it's been widely reported in the media that the Governor in fact has said he will sign the bill, and in fact he said that he agreed to sign this bill.

Through you, Mr. President, why would the Governor sign a bill to strip his own power?

ACTING PRESIDENT BENJAMIN: Senator Lanza, are you asking the Senator to yield?

SENATOR LANZA: Yes.

SENATOR GIANARIS: I yield, yes.

ACTING PRESIDENT BENJAMIN: The Senator yields.

SENATOR GIANARIS: I think I heard the question.

SENATOR LANZA: Through you, Mr. President, why would the Governor agree to sign a bill to strip his own power?

SENATOR GIANARIS: Well, first of all, let me address the premise of the question.

I heard the Governor's press conference, and to be clear, the Governor lied. There was no agreement between the houses of the Legislature and the Governor on this bill. It may surprise my colleagues, or not, that this Governor might tell a lie, but that's in fact what happened.

Why would he agree to sign it? I can speculate. I can speculate that he didn't want to be embarrassed by the fact that the Legislature was repealing his emergency powers and he's trying to pretend like he had something to do with it.

SENATOR LANZA: Would the sponsor yield?

ACTING PRESIDENT BENJAMIN: Will

the Senator yield?

SENATOR GIANARIS: Yes.

ACTING PRESIDENT BENJAMIN: The Senator yields.

SENATOR LANZA: Through you, Mr. President. Why would this body allow the Governor, who you just said lied, to continue to enjoy extraordinary unilateral emergency powers?

SENATOR GIANARIS: Well, there's some flaws in the premise of that question. The powers are not unilateral. I'm sure we'll get into that over the next couple of hours.

But as of now, the Governor is still the Governor, and the Executive of this state needs to have some ability to manage our response in a state of emergency.

SENATOR LANZA: Would the sponsor yield?

ACTING PRESIDENT BENJAMIN: Does the Senator yield?

SENATOR GIANARIS: Yes.

ACTING PRESIDENT BENJAMIN: The Senator yields.

SENATOR LANZA: Through you, Mr. President. Isn't it true that the reason the

Governor has agreed to sign this legislation is because he knows that it does not in fact strip him of the emergency powers he's acted under for a year now?

SENATOR GIANARIS: You're asking me to get inside Andrew Cuomo's head, which I most certainly do not want to do, for a number of reasons.

But no, I don't believe that's the case. And if that is the case, then he's grossly mistaken, because this bill removed his emergency powers.

SENATOR LANZA: Would the Senator yield?

ACTING PRESIDENT BENJAMIN: Does the Senator yield?

SENATOR GIANARIS: Yes.

ACTING PRESIDENT BENJAMIN: The Senator yields.

SENATOR LANZA: Through you, Mr. President. I think you just spoke to this, but let me ask it.

So is it your opinion that this legislation would strip the Governor of the extraordinary emergency powers he's acted under

during this pandemic over the last year?

SENATOR GIANARIS: Mr. President, that's not my opinion, that is a fact.

SENATOR LANZA: Well -- would the sponsor yield?

ACTING PRESIDENT BENJAMIN: Does the Senator yield?

SENATOR GIANARIS: Yes.

ACTING PRESIDENT BENJAMIN: The Senator yields.

SENATOR LANZA: Through you, Mr. President. Well, if that is true, can the sponsor tell us what it is that the Governor has been able to do throughout this pandemic, under the excuse of emergency powers, that he will not be able to do going forward if this bill were to become law?

SENATOR GIANARIS: Yes, Mr. President. The -- there are a number of things.

Anything that is not currently covered by an existing and active directive, or anything that is unrelated to public health as it relates to COVID-19 would be off limits for him to issue a directive about.

So for example -- because I imagine that's where we're headed next -- for example, there's currently a rule in place that if you're at an establishment and having a beverage, you also have to have food. It is our opinion that that would no longer be able to be in effect because that is unrelated to public health.

SENATOR LANZA: Will the sponsor yield?

ACTING PRESIDENT BENJAMIN: Will the Senator yield?

SENATOR GIANARIS: Yes.

ACTING PRESIDENT BENJAMIN: The Senator yields.

SENATOR LANZA: Through you, Mr. President. So let's go through it. If the bill before the house becomes law, could the Governor dictate whether or not our student athletes can play football?

SENATOR GIANARIS: Yes. As that is currently an existing and ongoing directive, I believe he would be able to maintain that directive.

SENATOR LANZA: Would the sponsor yield.

ACTING PRESIDENT BENJAMIN: Does the Senator yield?

SENATOR GIANARIS: Yes.

ACTING PRESIDENT BENJAMIN: The Senator yields.

SENATOR LANZA: So if the bill before the house became law, could the Governor dictate whether or not high school student athletes can play baseball?

SENATOR GIANARIS: I would have to look at the specific directive and see if it was specific to football or sports in general.

But if there's an existing directive in place, that directive can continue, subject to legislative oversight.

SENATOR LANZA: Would the sponsor yield?

ACTING PRESIDENT BENJAMIN: Does the Senator yield?

SENATOR GIANARIS: Yes.

ACTING PRESIDENT BENJAMIN: The Senator yields.

SENATOR LANZA: Through you, Mr. President. So if the bill before the house becomes law, could the Governor dictate whether

or not high school students can engage in their gymnastics team?

SENATOR GIANARIS: I'd give the same answer, Mr. President.

If Senator Lanza has the specific directive he's referring to, we can look at it. If it identifies a particular sport, then he would presumably not be able to do a directive about a different sport. If it's broadly about athletics in general, then it would continue to apply.

SENATOR LANZA: Will the sponsor yield.

ACTING PRESIDENT BENJAMIN: Does the Senator yield?

SENATOR GIANARIS: Yes.

ACTING PRESIDENT BENJAMIN: The Senator yields.

SENATOR LANZA: Through you, Mr. President. If this bill becomes law, could the Governor continue to dictate whether or not students can participate in their school play?

SENATOR GIANARIS: Again, the answer is the same as it was with regard to athletics.

If there's a specific directive that is in effect that speaks to that issue, then that directive can continue subject to legislative oversight. If there is not, there would be no ability for the Governor to issue directives on that issue.

SENATOR LANZA: Will the sponsor yield.

ACTING PRESIDENT BENJAMIN: Does the Senator yield?

SENATOR GIANARIS: Yes.

ACTING PRESIDENT BENJAMIN: The Senator yields.

SENATOR LANZA: Just to -- through you, Mr. President, just to sort of deviate a bit from my questions on this subject, could the sponsor tell us how many orders are currently in place having been issued by the Governor?

SENATOR GIANARIS: There are roughly 60 directives that are in effect currently, is my information.

SENATOR LANZA: Would the sponsor yield.

ACTING PRESIDENT BENJAMIN: Does the Senator yield?

SENATOR GIANARIS: Yes.

ACTING PRESIDENT BENJAMIN: The Senator yields.

SENATOR LANZA: If the bill before the house became law, could the Governor dictate whether or not barber shops can operate in the State of New York?

SENATOR GIANARIS: I will give the same answer. We can go through examples one by one. But if there is an existing directive that speaks to that issue, that directive can continue subject to legislative oversight. If there is not, then there will be no ability for the Governor to issue directives on that subject.

SENATOR LANZA: Will the sponsor yield.

ACTING PRESIDENT BENJAMIN: Does the sponsor yield?

SENATOR GIANARIS: Yes.

ACTING PRESIDENT BENJAMIN: The Senator yields.

SENATOR LANZA: If the bill before the house became law, could the Governor dictate whether or not restaurants can open or close?

SENATOR GIANARIS: On that one, I

do believe there's an existing directive in place. So yes, subject to legislative oversight, Mr. President.

SENATOR LANZA: Would the sponsor yield.

SENATOR GIANARIS: Yes.

SENATOR LANZA: Through you, Mr. President. If the bill before the house becomes law, can the Governor continue to dictate how many of my family members I can have Easter dinner with in my own house?

SENATOR GIANARIS: Yeah, I would give the same answer as I've given on every one of these subjects.

If there is an existing directive that speaks to this issue, then that directive can continue, subject to legislative oversight. If not, then there can be no new directives.

SENATOR LANZA: Would the sponsor yield.

ACTING PRESIDENT BENJAMIN: Will the Senator yield?

SENATOR GIANARIS: Yes.

ACTING PRESIDENT BENJAMIN: The Senator yields.

SENATOR LANZA: Through you, Mr. President. I could obviously go on and on like this in terms of what the Governor can continue to do, Mr. President.

He has issued 96 orders. If this legislation becomes law, he can modify or react with respect to the subject matter contained therein for each of them. Which, as I've already just given a small sampling, covers everything that he's done with respect to the pandemic.

And so my question is -- through you, Mr. President -- isn't it true that if this bill becomes law, the Governor can continue to act with respect to the things he's acted upon, unfettered and in no way changed because of this legislation?

SENATOR GIANARIS: The answer is no, that is not correct.

SENATOR LANZA: Will the sponsor yield.

ACTING PRESIDENT BENJAMIN: Does the Senator yield?

SENATOR GIANARIS: Yes.

ACTING PRESIDENT BENJAMIN: The Senator yields.

SENATOR LANZA: Through you, Mr. President. I have just established -- and I can go back to the list -- the Governor, if this bill becomes law, can continue to act unilaterally, with impunity, with respect to whether or not I can dine inside a restaurant on one side of the street and not on another, whether or not our students can attend in-person learning.

The Governor, if this bill becomes law, can still determine unilaterally whether or not our student athletes can get back on the fields and on the basketball courts and to their track meets and their gymnastics tournaments.

The Governor would continue to be able to determine unilaterally whether barber shops open or close. The Governor will continue to be able to determine unilaterally whether or not --

ACTING PRESIDENT BENJAMIN: Senator Lanza, are you on the bill or are you asking a question?

SENATOR LANZA: It's a very long-winded question.

-- whether or not I can sit with 11

of my family members celebrating Easter dinner in my own home. You know, all the sorts of things that have really aggravated people throughout the year.

And so my question, through you, Mr. President, if the sponsor is telling us that the Governor has lost that power or that this bill will revoke that power, I would ask him to please tell us where within this legislation it actually does. In fact, I think he's just agreed on the floor that it doesn't do that.

But I'm open to seeing where in this legislation that actually happens, if he can point that out.

SENATOR GIANARIS: Mr. President, the technical answer to Senator Lanza's question is on page 4, lines 14 through 16, where it says that the act that we passed a year ago shall expire and be deemed repealed immediately.

But I understand his broader question; I want to address that as well. So let's take a step back and do that.

A year ago, when COVID-19 was at its peak in the state, we decided the state had to have the ability to move quickly, flexibly and

nimbly to address it. Just about every Republican in this chamber voted yes to grant those powers.

So let that sink in for a second when we talk about what kind of theater is going to happen on this floor today. Just about every one of them voted yes to give the Governor these powers.

A year from now -- a year from then, rather -- now we are sitting here and this Majority has decided that power is no longer necessary, it wasn't executed the way any of us would have liked, and we're going to repeal it.

So the Governor's ability to issue these new directives, which was granted to him a year ago, will be gone effective when this bill is enacted into law.

Now, then the question becomes what about the directives that were issued in that year period that are still in effect? My understanding, Senator Lanza, is that there's 90 executive orders, but there's only about 60 directives within those 90 orders that were issued.

So what happens to those

60 directives, some of which are incredibly important to the public health of this state -- mask mandates, who qualifies for vaccines, whether sports arenas can be full of people sitting next to each other without masks, spreading COVID-19.

This is still a public health crisis that we're in. That's why there's so few of us in this chamber, and we're all wearing masks.

So maybe my colleagues would prefer if all of that just went away and we can become Texas, where their Governor just declared no restrictions on anything. That's not what the people of this state want, and that's not what this Majority wants.

So we are being responsible. We are understanding that the powers are no longer necessary, were not executed properly, and we're taking them away.

The things that are in place right now have very good reason to continue, and we want them to continue -- subject to legislative oversight, by the way. And, by the way, every single one of them is public. So if there's something on there you don't like, put in a

resolution and call for its repeal. We have the ability to do that with a simple majority -- excuse me (clearing throat).

But instead we've had theatrics -- hostile amendments day after day -- it's your right, and we did it when we were in the minority. It's a perfectly good way of communicating your position on issues. But there has never been a serious legislative effort to repeal a specific directive.

And if your position, Senator Lanza and the Minority in general, is that we should just, as of the enactment of a bill, get rid of mask mandates, restrictions on sports arenas, vaccine rules, that is not something we support. And you can take that on your shoulders when you vote against this. But we are not prepared to do that.

SENATOR LANZA: Mr. President, on the bill.

ACTING PRESIDENT BENJAMIN: Senator Lanza on the bill.

SENATOR LANZA: Mr. President, I thank, as always, Senator Gianaris for the discussion and the debate.

In listening to his last remarks, it seems to me that Senator Gianaris would like to debate and discuss the policies that are in place in the State of New York that were issued by Governor Cuomo under the emergency power. That's exactly the point. It's exactly what we're saying on this side of the aisle.

We invite that discussion and that debate. We demand that this body, the state, duly elected, the Senate, duly elected from voters across the State of New York, be part of that conversation. Discuss whether or not you can sit inside or outside of a restaurant, whether or not my kid can participate on his baseball team in high school, whether or not barber shops can open. That's exactly the point.

But right now in the State of New York, one man makes those decisions. If we were actually allowed to let the legislation that was passed a year ago sunset, then the Assembly and the Senate, its members from across the state, would be part of the conversation.

And to call it political theatrics or political games is absurd, because think about what it is that we're asking. We are saying --

yes, we are demanding that the Senate be involved in the deliberation and the discussions and the outcomes. Maybe it will be less indoor dining. Maybe it will be more. Maybe our kids, God forgive, could finally get back to sitting in class. Maybe some of the orders that are in place will continue. Maybe some of them won't.

Politics? What strange politics it must be where Republicans are begging that a house controlled by Democrats gets in the game. What strange politics and what strange accusation it is for Republicans to beg and demand that the Democrat-controlled Assembly gets in the game.

Republicans aren't saying give us the power only on this side of the aisle. We acknowledge that this body is controlled by the Democrats. And yet we are begging and pleading that you get in the game. It's because the people deserve no less. I trust my colleague Senator Gianaris. I trust my colleagues on both sides of the aisle here to be part of the conversation. The people sent us here to do just that.

Yes, I voted for the emergency power that's presently in place. Yes, the Republicans

voted for it. Let's go back for a moment. It was back in March. There were more unknowns than knowns with respect to the pandemic at that point. Tied to that piece of legislation, thrown at us in the 11th hour by the Governor, who knew exactly what he was doing, was emergency COVID relief, millions of dollars.

This came at a time when it became painfully clear about the negligence of the State of New York's emergency preparedness. They had no stockpiles of masks, no stockpiles of PPEs, no plan. None of the things that I think all New Yorkers actually believed were in place to protect us. And a bill was thrown on this floor in the 11th hour. If you voted no, you voted against the millions of dollars of COVID relief that was needed in the State of New York.

Yes, I voted yes. I stood right over there. I questioned the intelligence of a bill that would last for a year granting these types of enormous powers to one man. I suggested right from that seat over there that it would have made more sense if it were 30 days or 60 days, so that this body could come back and review it to see what's working and what wasn't

working.

I heard some of my Democratic colleagues echo the same sentiments and concerns. I heard my Democratic colleagues say: Don't worry, this will sunset in a year. And in the meantime, we can keep our eye on things.

I even said, when I voted in favor of that emergency power, that we had no choice and that we were left but to trust Governor Cuomo to do the right thing.

Here we are a year later. That assurance, that promise that was made about a bill that was going to sunset is going to be replaced by a bill, with all due respect, that does not sunset. There's no mechanism, there's no automatic sunset of the legislation before the house.

The truth is, Mr. President, everything the Governor has been able to do over the last year he can continue to do, period, with respect to the things that he has done. And what topics and subjects has he issued orders or edicts concerning? Everything that matters concerning the pandemic. All the things that are bothering people, that people are worried about,

whether they can eat inside or outside, their kids can play ball, their kids can go to school, the barber shop can open.

He continues to have the same unilateral power on all these matters that he has enjoyed under the old bill. Now he has to tell some of us what he's about to do when he does it. But he'll do it anyway, regardless of what you say about it.

Yes, my Republican colleagues are calling for the removal of the Governor's emergency powers. That is exactly what we are doing. And this bill does not do that. And by the way, the people are clamoring for it as well. Not to mention 14 members of my colleagues across the aisle.

And I want to say this. I'm not calling for the removal of these powers as a punishment of Governor Cuomo. As I have heard some of my colleagues across the aisle in the Assembly say that because of the Governor's behavior, he ought to have his powers stripped, that he ought to be punished. That's not what I'm saying at all.

For me, this is not about

Andrew Cuomo, the person. This is about democracy. This is about the Senate and the Assembly being engaged. This is about the Senate and the Assembly being involved. This is about the Senate and the Assembly having a say with respect to what happens to their constituents back home.

One-party rule is one thing. One-man rule is entirely another, Mr. President. And that's what we have suffered under for a year now, one-man rule -- the antithesis to everything we hold dear as Americans. Let's review what happens when you allow one man to have enormous unilateral powers over every detail of life in the state.

Right now, back home on Staten Island, there are kids on their high school football team, baseball team, soccer team, lacrosse, gymnastics -- soccer I said. They're part of the band, part of the choir, part of the yearbook club, part of the drama team, want to be involved in their school play. They can't do it. Not that there's any science that suggests preventing them from doing these things is somehow saving anyone's life. In fact, the

science tells us completely the opposite.

If I would have told anyone two years ago that we were going to stand by and allow a Governor to tell student athletes they could no longer play, that we were going to tell high school students they couldn't participate in their school play, people would say, You're crazy. Not in America. No way, no how. But it's happening.

Let's review what happens when you allow one man to have absolute power over our lives. Back home on Staten Island, you can dine inside a restaurant on one side of the street, and 30 feet away you cannot. So some barber shops are open, some are closed. You could pack them into Target, Home Depot, Costco, Kohl's, T.J. Maxx, Marshall's. My wife would be proud I know all those names.

You could do all these things. And you can do them in spite of the fact -- or you can't do them in spite of the fact that our constituents, Democrat and Republican, across the state, know this is madness. All of us, Democrat and Republican, get calls from our constituents saying, How could this be? Who is doing this?

Why aren't you stopping it?

And my answer for a year is, one man is doing it. Not because he's a bad man, but because he has the power to do it. And when you can act with impunity, Mr. President, there's no telling what you might do.

What else happens, what else happens when you allow one man to have this type of absolute power? Well, you might have a health commissioner who lies to the people of the State of New York about the very area of expertise that he was appointed to deal with. You might have policies that send our elderly to nursing homes without PPEs, without masks, and without safeguards that lead to the tragic death of so many of our parents and grandparents.

You might, Mr. President, when you allow this much power to vest in one man, you might find out the types of things that we found out last night. That not only did Dr. Zucker lie by omission and withhold the information about nursing homes that both Democrats and Republicans have been calling for for months -- if that's not bad enough, now we find that not only did Dr. Zucker withhold the information, they changed

the information.

I don't know. As a former prosecutor, I could tell you, wow, that smacks -- that smacks of something even worse than what we're hearing. If the report last night is true, Dr. Zucker or someone over there in the administration fraudulently altered the reports prepared by the Department of Health and the State of New York.

How can that happen? Why would that happen? It happens when you give absolute power to one man. The story is as old as humanity itself, and we all know it. Absolute power. You know the ending. We've witnessed the ending. The story is repeating itself right here in New York.

You know, Mr. President, a lot of bad things happen when you give power to one man. On Staten Island right now, a borough of 500,000-plus people -- it would be the state's second-largest city -- Dr. Zucker has created vaccine distribution centers in four of the five boroughs in New York City. I'll let you guess which one he didn't. I'll let you guess which one he didn't.

ACTING PRESIDENT BENJAMIN: Senator Lanza, I'd just like to remind you that you have reached your 30-minute limit. We will allow you to continue, but it will be counted against the two-hour limit for debate.

SENATOR LANZA: I'm going to wrap it up. Thank you, Mr. President.

ACTING PRESIDENT BENJAMIN: Thank you.

SENATOR LANZA: Maybe they don't like the criticism coming from Staten Island. Dr. Zucker decided not to put a vaccine distribution center on Staten Island. That's what happens with absolute power.

You know, Mr. President, when I saw the reports in the media that the Democrats had come to an agreement to revoke and remove the Governor's emergency powers, I was thrilled. I thought, I can go home and report to my constituents, to my neighbors, to my family, to the people of Staten Island, to the people of New York, that the long -- the year-long nightmare was coming to an end. That no longer would our freedom and liberty exist only at the whim of one man.

Sadly, Mr. President, I cannot -- I cannot do that. When I go home this weekend, I'm going to have to tell the people of Staten Island: Same old. The Governor of the State of New York not only continues to have his powers, but now they will exist indefinitely. Because, Mr. President, the fact of the matter is this bill does not revoke those powers in any way, shape or form.

Mr. President, when it comes time to vote, I'm going to vote in the negative. I thank you, Mr. President and Senator Gianaris, for your indulgence.

ACTING PRESIDENT BENJAMIN: Senator Gianaris.

SENATOR GIANARIS: Mr. President, we're going to pause for just a few seconds. My understanding is the sound system has been fixed, so we're going to switch back to the normal microphones.

ACTING PRESIDENT BENJAMIN: The Senate will stand at ease.

(Whereupon, the Senate stood at ease at 11:53 a.m.)

(Whereupon, the Senate reconvened at

11:55 a.m.)

ACTING PRESIDENT BENJAMIN: The Senate will return to order.

Senator Gianaris.

SENATOR GIANARIS: So, Mr. President, false alarm. We're still using the handheld mics, as it turns out.

Please carry on with the debate.

ACTING PRESIDENT BENJAMIN: Senator Palumbo.

SENATOR PALUMBO: Thank you, Mr. President. Would Senator Gianaris yield for a few questions, please.

ACTING PRESIDENT BENJAMIN: Will the Senator yield?

SENATOR GIANARIS: Yes, I will.

ACTING PRESIDENT BENJAMIN: The Senator yields.

SENATOR PALUMBO: Thank you, Senator.

I'm going to just address those areas regarding the certification that's required by the Governor and regarding any extensions and comment period. So I'd -- if you don't mind, I'd like to direct your attention to page 2. And

down in the middle of the text it says basically no later than five days prior to the extension or modification of any directive, the Governor shall notify, via electronic means, the relevant committee chairs in the Assembly and Senate and the Speaker of the Assembly and Temporary President of the Senate of his intent to extend or modify any directive.

And then it says it shall include -- he shall -- or she shall include therewith the certification required by subdivision 1 of this section.

And that certification, when you refer to subdivision 1, is -- I'll quote -- "means a directive certified in the sole discretion of the Commissioner of Health."

So my question to you in that regard is that would -- that public directive, as is enumerated in the language, and that certification, does that need to be under oath when it's issued by Commissioner Zucker and by the Governor therefore?

SENATOR GIANARIS: I'm not exactly sure what Senator Palumbo is asking. But it's my understanding that filing a false public document

is a crime in and of itself, aside from any perjury possibilities.

SENATOR PALUMBO: Will the Senator yield.

ACTING PRESIDENT BENJAMIN: Does the Senator yield?

SENATOR GIANARIS: Yes.

ACTING PRESIDENT BENJAMIN: The Senator yields.

SENATOR PALUMBO: Thank you, Senator Gianaris.

And my question is really that this isn't a submission necessarily to a governmental body in that regard for filing a false instrument. So it couldn't just be a directive or something that the Governor will certify that this is in any way related to a public health directive. And if I'm accurate and -- is that going to be satisfactory under this new statute?

SENATOR GIANARIS: I'm trying to understand the question, Senator Palumbo. So are you asking if the Commissioner of Health issues such a certification, if that's the end of the story or --

SENATOR PALUMBO: Exactly.

SENATOR GIANARIS: Okay. Subject to litigation. I mean, if there is a certification that is false or not consistent with the law that we're about to pass, then someone can certainly go to court and challenge it. In fact, numerous directives over the last year have been challenged in court and overturned. So that would be one avenue available to people.

SENATOR PALUMBO: Would the sponsor yield.

SENATOR GIANARIS: And if I may --

SENATOR PALUMBO: Sorry.

SENATOR GIANARIS: I'm sorry, Senator Palumbo. And if there was some intentional malfeasance in filing a false certification, that would open up a world of other consequences for whoever would file that document.

SENATOR PALUMBO: Understood.

And will the Senator continue to yield.

ACTING PRESIDENT BENJAMIN: Does the Senator yield?

SENATOR GIANARIS: Yes.

ACTING PRESIDENT BENJAMIN: The Senator yields.

SENATOR PALUMBO: Well, Senator, I guess the specific question that I'm trying to get to is the adequacy of that certification. Because a general comment that it's relative to public health would certainly appear to be satisfactory.

So obviously if the Governor feels that we need to shut down restaurants again as a result of the pandemic, because there may be a slight spike -- or not even a spike, there's some sort of a reasonable basis that could be articulated, no matter how accurately or inaccurately -- they would have complied with the statute.

SENATOR GIANARIS: Yes. And let me -- let me read from the bill to answer your question.

It says: "Such certification shall include a detailed explanation of how such directive will address the spread and/or reduction of the COVID-19 virus, facilitate vaccine distribution or administration, or require the use of face coverings ... and shall

also be contained with the notice required to be made by the Governor pursuant to paragraphs a and b of subdivision 2 of this section."

So it cannot be just a broad-based statement that there's public health involved, it needs to be detailed.

SENATOR PALUMBO: Certainly. But would you -- would the Senator continue to yield?

ACTING PRESIDENT BENJAMIN: Does the Senator yield?

SENATOR GIANARIS: Yes.

ACTING PRESIDENT BENJAMIN: The Senator yields.

SENATOR PALUMBO: And -- thank you, Senator.

And ultimately, though, virtually -- I mean, I think we can agree that virtually just about anything would address the spread and/or reduction of the COVID-19 virus and facilitate vaccine distribution or administration, because it's going to be generally based on public health. Can we agree that that is fairly broad?

SENATOR GIANARIS: No, we cannot agree on that.

SENATOR PALUMBO: Will the Senator

yield.

ACTING PRESIDENT BENJAMIN: Does the Senator yield?

SENATOR GIANARIS: Yes.

ACTING PRESIDENT BENJAMIN: The Senator yields.

SENATOR PALUMBO: Thank you. We can agree to disagree in that regard.

But in the event that is provided, now the Governor has to comment and provide these comments to the committee chairs and Majority Leaders. Is there any reason why Minority Leaders or the rest of the Senate were not included in that?

SENATOR GIANARIS: Generally the information flows to the leader of the Senate. That's the way you folks did it when you were in the majority, and that's -- there's the reason that people get to vote for who their representatives are. And so we are in the majority, and it is -- there's one leader of the Senate, not two.

SENATOR PALUMBO: Now, that will be delivered by electronic means --

ACTING PRESIDENT BENJAMIN: Senator

Palumbo.

SENATOR PALUMBO: Oh, will the Senator yield.

ACTING PRESIDENT BENJAMIN: Does the Senator yield?

SENATOR GIANARIS: Yes.

ACTING PRESIDENT BENJAMIN: The Senator yields.

SENATOR PALUMBO: Thank you, Senator.

And now that will be transmitted electronically as well as physically, it appears. Is there any opportunity for those other members that I indicated -- the rankers, Minority Leader and so forth -- and other members of the Senate body to access that information?

SENATOR GIANARIS: First of all, let me also point out, so that no one thinks there will be communication that no one else is aware of, the notifications that were required would be publicly disclosed on the Governor's website pursuant to this bill.

And at that point anyone can comment on it. It's just that the specific requirement of receiving a response to a comment flows

through the Majority.

SENATOR PALUMBO: Further down the bill, if you look at --

ACTING PRESIDENT BENJAMIN: Senator Palumbo?

SENATOR PALUMBO: Would the sponsor yield, please.

ACTING PRESIDENT BENJAMIN: Does the Senator yield?

SENATOR GIANARIS: Yes.

ACTING PRESIDENT BENJAMIN: The Senator yields.

SENATOR PALUMBO: So, Senator, further down the bill, line 44, the Governor shall provide an opportunity to comment on such directive by the relevant committee chairs, which comments may be received after the issuance of this directive and shall not affect the validity thereof.

So with regard to that section, that whatever the comments may be -- agreement, disagreement or otherwise -- the executive order will stand so long as he provides the certification and an opportunity to comment, correct?

SENATOR GIANARIS: The provision that Senator Palumbo is referring to is meant to recognize that comments will flow in after directives go into effect. And any directive expires within 30 days. And so there will be an opportunity, certainly in a short window of time, to address comments.

SENATOR PALUMBO: Would the Senator yield.

ACTING PRESIDENT BENJAMIN: Does the Senator yield?

SENATOR GIANARIS: Yes.

ACTING PRESIDENT BENJAMIN: The Senator yields.

SENATOR PALUMBO: And I appreciate that, Senator. But to be more specific, that was a little bit different question than I asked.

So just very specifically, it "shall not affect the validity thereof," at lines 46 and 47, as long as the certification is provided, and the opportunity to comment, the executive order will stand, is my question, please.

SENATOR GIANARIS: I'm sorry, Senator Palumbo, my page numbers are off --

SENATOR PALUMBO: I'm sorry,

it's -- I have it at page 2, but it's Section 2(b).

SENATOR GIANARIS: Okay. Yeah, the section reference will be more helpful, thank you.

SENATOR PALUMBO: Certainly. Yes, 2(b), that last sentence.

SENATOR GIANARIS: Yeah, that provision means that the directive will go into effect in the interim.

SENATOR PALUMBO: Will the Senator yield.

ACTING PRESIDENT BENJAMIN: Does the Senator yield?

SENATOR GIANARIS: Yes.

ACTING PRESIDENT BENJAMIN: The Senator yields.

SENATOR PALUMBO: Thank you, Senator.

Now, in the event those comments are provided -- and now we're further down the road -- can you tell me what the Governor's obligation is to do with those comments?

SENATOR GIANARIS: He is required to respond on the record and in public.

SENATOR PALUMBO: Would the Senator yield.

SENATOR GIANARIS: Yes.

ACTING PRESIDENT BENJAMIN: The Senator yields.

SENATOR PALUMBO: Can you point me to the area of the bill where, if the Governor fails to respond to those comments, there is some sort of a sanction, meaning either invalidating the executive order or something else?

SENATOR GIANARIS: Well, Senator Palumbo, if he's not complying with the law, then that would be violating the law. And someone can go to court and get the directive invalidated.

SENATOR PALUMBO: Would the Senator yield.

ACTING PRESIDENT BENJAMIN: Will the Senator yield?

SENATOR GIANARIS: Oh, and -- I'm sorry, there was one additional answer to that question.

And the law very specifically states that that directive cannot be continued beyond the initial 30-day period if the responses have not been received.

SENATOR PALUMBO: Will the Senator yield.

ACTING PRESIDENT BENJAMIN: Does the Senator yield?

SENATOR GIANARIS: Yes.

ACTING PRESIDENT BENJAMIN: The Senator yields.

SENATOR PALUMBO: Can you direct me to that section, please, Senator? Because I don't see it.

SENATOR GIANARIS: Yes. It is Section 2(f). I think on your bill it would be page 3, line 25.

SENATOR PALUMBO: Got it.

Would the Senator yield.

SENATOR GIANARIS: Yes.

ACTING PRESIDENT BENJAMIN: The Senator yields.

SENATOR PALUMBO: So in that regard, Section (f), no directive may -- not shall -- be extended or modified more than once unless the Governor has responded, including electronically, to any comments provided by the chairs of any relevant committee, and then it goes on.

So that relevant section, it may not be extended or modified. But the way I read that, the order that would currently be in effect for that 30 days is still valid. Is that accurate?

SENATOR GIANARIS: That is not accurate.

SENATOR PALUMBO: Will the sponsor yield?

ACTING PRESIDENT BENJAMIN: Does the Senator yield?

SENATOR GIANARIS: Yes.

ACTING PRESIDENT BENJAMIN: The Senator yields.

SENATOR PALUMBO: Senator, then explain to me how that line, which -- just the plain meaning of it, it says no directive may be extended or modified more than once unless the Governor has responded. Can you explain to me how you come to that conclusion?

SENATOR GIANARIS: It's plain English, Senator Palumbo. No directive may be extended or modified more than once. So after the initial 30-day period, he can no longer extend or modify that directive without

responding to the comments.

SENATOR PALUMBO: Would the Senator yield.

ACTING PRESIDENT BENJAMIN: Does the Senator yield?

SENATOR GIANARIS: Yes.

ACTING PRESIDENT BENJAMIN: The Senator yields.

SENATOR PALUMBO: And I get it. So the operative language that you just said was in addition -- for an additional 30-day period.

SENATOR GIANARIS: Well, it says more than once. So that's -- once is the first 30 days.

SENATOR PALUMBO: And so my question would be, the original one, though, the original extension would actually still be effective, correct?

SENATOR GIANARIS: For 30 days, correct.

SENATOR PALUMBO: Understood.

Well, thank you, Senator Gianaris.

On the bill, please.

ACTING PRESIDENT BENJAMIN: Senator Palumbo on the bill.

SENATOR PALUMBO: Mr. President, regarding Commissioner Zucker, I think it's been revealed in the past 24 hours as well that he has become a henchman of the Governor. Commissioner Zucker was more than less than truthful, if that makes sense. I don't want to use the word "liar," but you know what I'm saying.

This man was specifically asked about this information and said he didn't have it. He was asked throughout the summer, he was asked in October. And in light of what we've heard over the past 24 hours, and the February 7th phone call where the Secretary to the Governor said "We panicked and didn't give that information to the Legislature and public because of a federal investigation," is also untrue.

Let's talk about the timeline. That report that was intentionally modified, reducing the numbers from 10,000 to 6,000 and change, according to that report, was in July. The first interaction this government had relative to that information with the federal government was an inquiry on August 26th, almost two months later, a full month and change later. And the feds gave

14 days to respond.

The Governor, the award-winning Governor, also was writing and published a book in October. So put this timeline together. What Melissa DeRosa said in February, a month or so ago, that they panicked because of the federal investigation and didn't provide that, is a lie. I'll use that word. She was not being truthful to the legislators she was on the phone with.

So we've got confirmation, based upon that timeline, that there was intentional concealment. Zucker gave the party line -- and look, Commissioner Zucker has got all the bells and whistles, one of the most educated people I've seen in my lifetime, but he is under the thumb of the second floor.

Why is that relevant? Because now, in order to maintain all of this power that we're now extending past April 30th, we simply need a certification from the Governor's good buddy and appointed commissioner, Dr. Howard Zucker. Dr. Zucker is driving the bus to just simply give a certification that this -- that what the Governor is seeking to do is for the good of the public health, period. And then there's comments

that need to be responded to.

An adequate response is to simply respond. The Governor has to alleviate concerns however he sees fit. And if those respective chairs and leaders of the Senate and Assembly are not satisfied, so what? That's what he can say. As long as he responds, under this language, he's fine: It shall not affect the validity thereof. So this is the wrinkle that we're dealing with.

And, you know, from a general sense, just to wrap up quickly, in a general sense the reason why we need to not let this man continue to control -- and look, I was down the hall in the Assembly and I voted for his powers as well last year. Because at the time, when it comes to procurement of PPE, ventilators, we had no idea what was in front of us. We knew nothing about this virus. Our county executives and local municipalities knew nothing about this virus. But now we do.

And quite frankly, the Governor has been exposed as a very different person than we thought he was. Very different. And he, quite frankly, has abused that power. When you think of -- why would he change that number if he were

truly transparent in July on that report? You know why? Because he's seeking personal gain by writing a book. He knows that if he gets tarnished publicly as the state with the leading deaths, his Leadership Lessons isn't going to be a New York Times bestseller, like it was.

That, as a former prosecutor myself, just like Senator Lanza said, that is a wrinkle, my friends. And that's a problem. The cover-up is worse than the crime.

But this is a man that we're continuing to have -- that has unfettered control over the state. And look, we have debate, Mr. President. You and I may not agree on a lot of issues, but that's the deliberative process. That's government. And that's good government.

And that's what we want to have happen. We don't want to extend him out with some very limited restrictions which don't have any teeth -- and there is no sanction if he in fact doesn't properly comment.

So I appreciate Senator Gianaris's time, and I understand where this is trying to go. But this does not go far enough at all. The Governor has been exposed. He has not properly

informed us. He and his staff have lied to us. Why are we continuing to trust this man to be transparent and make decisions that are going to be in the best interests of this state?

We need to restore control locally, we need to restore control to this body, and I urge a no vote on this legislation.

Thank you, Mr. President.

ACTING PRESIDENT BENJAMIN: Senator Stec.

SENATOR STEC: Thank you, Mr. President. Would Senator Gianaris yield, please.

ACTING PRESIDENT BENJAMIN: Will the Senator yield?

SENATOR GIANARIS: I will. And let me -- I've just been told it's important that we hold the microphones close to our mouths for the sound system to pick it up. So let me remind my colleagues about that.

Yes, I yield.

ACTING PRESIDENT BENJAMIN: The Senator yields.

SENATOR STEC: Thank you, Mr. President.

We've all seen in recent months what a disaster the vaccine distribution rollout has been. Seniors are having a hard time getting online and tracking down a place to get their vaccine -- and then when they do, there's great confusion.

Senator, many people from your part of the state have been traveling north in the dead of winter, on wintry roads, to my part of the state to get a vaccine that's going to save their life. There's a great deal of concern about how well the vaccines are or are not rolling out.

So through you, Mr. President, does this bill before the house today do anything to rescind the punitive measures established in Executive Orders 202.86 and 202.88, which implement substantial fines on healthcare facilities and providers for failing to follow the Governor's explicit guidance on the vaccine distribution?

SENATOR GIANARIS: I would answer that question by pointing out to Senator Stec that if there's a specific directive with which he disagrees, he can introduce a resolution to

repeal it.

But to wholesale say all 60 existing directives, which cover some very important topics like mask wearing and attendance at arenas and sporting events, would be foolish.

SENATOR STEC: So I understand the answer to that question is no.

Would the sponsor continue to yield, please.

ACTING PRESIDENT BENJAMIN: Does the Senator yield?

SENATOR GIANARIS: Yes.

ACTING PRESIDENT BENJAMIN: The Senator yields.

SENATOR STEC: All right, thank you, Senator.

Does this bill do anything to alleviate the confusion of Executive Order 202.91 that's caused by requiring certain facilities to focus on vaccination of certain priority populations?

SENATOR GIANARIS: We can stipulate that any directive that is currently in effect will continue in effect.

SENATOR STEC: All right, fair

enough.

Would the sponsor continue to yield, Mr. President.

ACTING PRESIDENT BENJAMIN: Does the Senator yield?

SENATOR GIANARIS: Yes.

ACTING PRESIDENT BENJAMIN: The Senator yields.

SENATOR STEC: Does this bill in any way improve the communication and collaboration between the state and local health departments in regards to vaccine distribution?

SENATOR GIANARIS: Yes.

SENATOR STEC: It does? How?

SENATOR GIANARIS: It requires notice and comment between any affected locality as it relates to a specific directive.

SENATOR STEC: Thank you.

Would the Senator continue to yield, please.

ACTING PRESIDENT BENJAMIN: Does the Senator yield?

SENATOR GIANARIS: Yes.

ACTING PRESIDENT BENJAMIN: The Senator yields.

SENATOR STEC: Thank you.

Does the bill allow counties to utilize mass vaccination plans they have had in effect for years in order to more effectively and efficiently distribute vaccine?

SENATOR GIANARIS: Can I ask Senator Stec to repeat that? I missed the beginning of the question.

SENATOR STEC: Sure. Does the bill allow counties to utilize mass vaccination plans that they have had in effect for years in order to more effectively and efficiently distribute the vaccine?

SENATOR GIANARIS: The bill does provide additional authority to local governments to issue executive orders.

Which I'm glad Senator Stec brought this up, because currently there is a blanket order, is my understanding, that prohibits local governments from issuing orders related to the pandemic.

This bill would effectively repeal that order and say that local governments can now issue their own orders so long as they don't conflict with state directives.

SENATOR STEC: All right. And would the Senator continue to yield, please.

ACTING PRESIDENT BENJAMIN: Does the Senator yield?

SENATOR GIANARIS: Yes.

ACTING PRESIDENT BENJAMIN: The Senator yields.

SENATOR STEC: Thank you.

Does the bill in any way help to balance the distribution of vaccines across the state so our upstate and rural counties are not an afterthought?

SENATOR GIANARIS: If Senator Stec has specific ideas on how to better distribute vaccines, he should introduce legislation and the Senate can consider it.

SENATOR STEC: I understand that's a no as well.

Would the Senator continue to yield, please.

ACTING PRESIDENT BENJAMIN: Does the Senator yield?

SENATOR GIANARIS: Yes.

ACTING PRESIDENT BENJAMIN: The Senator yields.

SENATOR STEC: Thank you.

How does this bill in any way help restore the balance between the Executive and the Legislature in order to better improve the efficacy of vaccine distribution throughout our state?

SENATOR GIANARIS: The Governor will no longer be able to issue new directives. There's additional notice requirements to the Legislature and comments and responses that would be required. And, importantly, for the first time the Legislature would have the ability to repeal the state of emergency as a whole.

SENATOR STEC: All right. Would the Senator --

ACTING PRESIDENT BENJAMIN: Senator Stec, do you mind pulling your mic a little closer?

SENATOR STEC: Oh, thank you. Thank you, Mr. President.

Would the Senator continue to yield? I'll change gears here.

SENATOR GIANARIS: Yes.

ACTING PRESIDENT BENJAMIN: The Senator yields.

SENATOR STEC: All right, thank you very much, Senator.

On Wednesday, in a joint press conference, Majority Leader Stewart-Cousins and Speaker Carl Heastie announced an agreement on the legislation before us today. After their announcement, Speaker Heastie issued a clarifying statement -- he titled it "Fact No. 5" -- quote, "We did not negotiate the bill with the Governor."

Leader Stewart-Cousins recently in an interview said that she has had no contact with the Governor on this. And very recently Nick Reisman, of Spectrum News, had a conversation with you where he tweeted that when asked about the Governor's involvement, that you flatly called it false that there was an agreement and that was a subject between the Senate and the Assembly with Governor Cuomo.

So my question to you, Senator, is during the press conference that the Governor had on Wednesday, Governor Cuomo said, and I quote, "We've worked with the Legislature, we have an agreement on a bill."

So my question is, did the Governor

lie?

SENATOR GIANARIS: Yes. I think I answered that very directly earlier today.

SENATOR STEC: I wanted to make sure that I heard you. So the Governor lied.

Does that bother you that the Governor lied?

ACTING PRESIDENT BENJAMIN: Senator Stec, is that a question?

SENATOR STEC: Yes, I'm sorry. Would the Senator continue to yield.

ACTING PRESIDENT BENJAMIN: Does the Senator yield?

SENATOR GIANARIS: Yes.

ACTING PRESIDENT BENJAMIN: The Senator yields.

SENATOR STEC: All right. Senator, are you bothered that the Governor lied about this legislation before us today?

SENATOR GIANARIS: There is so much that this Governor has done that I'm bothered by. So yes, that and many other things.

SENATOR STEC: Okay, I thank the Senator for that. Would the Senator continue to yield.

ACTING PRESIDENT BENJAMIN: Does the Senator yield?

SENATOR GIANARIS: Yes.

ACTING PRESIDENT BENJAMIN: The Senator yields.

SENATOR STEC: All right, thank you very much.

Another similar question that I -- I appreciate your answer to the last one. Apparently you and I agree that we have concerns about the Governor's integrity.

My other question is over the past several weeks we've had a lot of additional disconcerting news beyond the effectiveness of the Governor's decisions in nursing homes that he made last year. We had an Attorney General's report that came out that said that he has grossly understated the nursing home deaths. Then we had Melissa DeRosa, his key staff member, have a secret meeting with Democrat members only where she admitted that they lied and covered this information up.

We've had alleged threats to a former colleague of mine in the Assembly, Ron Kim, that he was threatened personally by the

Governor. Three women have bravely come forward with allegations of sexual harassment and inappropriate conduct.

And just last night, the Times and the Wall Street Journal reported that Cuomo's aides and the Department of Health and Dr. Zucker doctored a nursing home report. So we were doing a different kind of doctoring by the doctor last year with regards to the report and the information to the public.

And 14 members of your conference wrote a week ago that they've had it and they want to see these powers end by the Governor.

So my question to you, Senator, is do you trust the Governor?

SENATOR GIANARIS: I haven't trusted this Governor in a long time, Senator.

SENATOR STEC: Will the Senator continue to yield, please.

ACTING PRESIDENT BENJAMIN: Will the Senator yield?

SENATOR GIANARIS: Yes.

ACTING PRESIDENT BENJAMIN: The Senator yields.

SENATOR STEC: I'm going to ask you

if you can speak for your conference. Does your conference trust the Governor's judgment and trust the Governor's integrity?

SENATOR GIANARIS: I cannot speak for my conference on that.

And I would also encourage the Senator -- look, there have been numerous public comments I and others have made on this topic. With all respect, it is not the subject of the legislation that we're debating today.

SENATOR STEC: Fair enough.

On the bill, Mr. President.

ACTING PRESIDENT BENJAMIN: Senator Stec on the bill.

SENATOR STEC: Thank you.

I focused my last question on the question of trustworthiness. And I've been listening to my colleagues debate this bill. The last two in front of me are both former prosecutors. I am not an attorney. I'm just a former sailor, son of a Marine. So when it comes to balls and strikes and true and untrue and fair and unfair and lies or truth, I'm a pretty simple person.

There's almost a hundred executive

orders that we're talking about. The Governor will continue to control, after today, businesses, restaurant density, bars, the number of people that can worship in a church or synagogue, the size of our gatherings in our own homes, whether our children are being educated in-person in school or not, whether there will be school sports or activities. He will continue to control the vaccination program, who gets it, who gets it when, where the vaccines go, when they get there. He will continue to control who can visit grandma and grandpa in a nursing home and what the rules are in the nursing home. He controls our courts, when our courts meet, whether they can meet in-person or not. He continues to control high school proms and graduations. He controls weddings. These are all items that the public is extremely aggravated with.

So here's the simple truth, because there's been much debate this morning about what this bill does and doesn't do. And we're all insiders here, and we all are legislators and we work with this day to day. And there will be confusion in the news tonight. But make no

mistake, here's the simple truth. A week after this bill is signed, the public will know who is telling the truth on this debate today. Because we will know -- the bar owners, the restaurant owners, the business owners, the church worshipers, the high school students, they're going to be asking the questions: So what's changed for me?

And a week from now when they realize nothing has changed, they'll realize that this side of the aisle had the truth on this matter.

And we've talked a little bit about the process here. And with five days' notice, the Governor can make a change to any of these hundred executive orders, he can make a change with five days' notice to us, and we have an opportunity to comment -- that's very nice. And then, if we don't act, nothing happens, his new order modification stands.

With three days, we can allow a bill to age. So rather than this body letting the Governor also be the Legislature, and maybe we veto his actions or maybe not -- in the last 367 days we haven't opted to do that at all as a

body. But with three days, he could propose, I want to make this change, I want to put a sunset on it, we're going to do this for 30 days.

And he could propose legislation to us and we could consider the legislation, we can debate the legislation, we can consult experts, we can listen to the public, we can listen to our editorial boards. We can make an informed decision, we can give him the bill that he's asking for, and he can sign it or veto it.

Oh, that's what our legislative process is. That's how it's described in our State Constitution. It's not a new idea. It's the way it's set up. It's the way it's supposed to work. But instead, this body is deciding to allow that to be reversed.

We've had the Governor's aides and the Department of Health doctor the July report. We've had the Attorney General say that he's grossly understated the number of deaths. His top aide has admitted that they've lied and covered this up from us and from the public.

You know, we're all busy people. We all come from the communities. Us, we legislators, we're all engaged, we're all engaged

people. We have kids in the schools. We volunteer for community activities. I myself am a Scout, a volunteer Scout leader with my son's Boy Scout troop.

The opening words of the Scout law is "A scout is trustworthy." We all go into these schools and we talk to schoolkids. We all have kids that are looking up to us. I have a 15-year-old son that is seeing what kind of cesspool his father works in. They're paying attention. Our kids aren't stupid. They're watching us, and they want to see what kind of people, what kind of adults we are, because that's going to model what kind of behavior they're going to copy and what kind of people they're going to be.

They're paying attention. The public is watching us. And if we are going to put our trust into somebody that has been caught lying and covering up to us, bullying legislators, harassing staff -- and we're going to give him more authority and more power? I won't stand for that, Mr. President. I will be opposed to this bill.

And again, the simple truth is a

week after this bill is signed, the rest of New Yorkers will know who is arguing truthfully today and who is not.

Thank you.

ACTING PRESIDENT BENJAMIN: Senator Borrello.

SENATOR BORRELLO: Thank you, Mr. President. Can you hear me okay?

ACTING PRESIDENT BENJAMIN: I can hear you loud and clear.

SENATOR BORRELLO: Thank you very much. Will the sponsor yield for some questions?

ACTING PRESIDENT BENJAMIN: Does the sponsor yield?

SENATOR GIANARIS: Yes, I will.

ACTING PRESIDENT BENJAMIN: The Senator yields.

SENATOR BORRELLO: Thank you, Senator Gianaris.

Our time is a little limited, I'm told, so I'm going to try to get to the ones I'd like to get to that are most germane -- that's such a word here.

You know, I'm a small business owner, a restaurant owner. And a lot of what has

happened, the devastating impact of this pandemic -- but really the devastating impact of the executive orders on the hospitality industry -- has been amazing. And now, here we are, looking at what we thought was a light at the end of the tunnel. Now, you said before that you now believe that people will no longer have to order food with a drink because you don't see a public health impact of that.

So -- and I'm afraid the Governor is going to disagree with you on that, by the way, which may cause more litigation and more problems and more people's licenses to be pulled. Because, again, we know he disagrees with that.

So if this law passes today, what about the 11 p.m. curfew? Will that be in place for restaurant and bars?

SENATOR GIANARIS: That will depend on the required certification, the detailed reasons presented for any such directive.

SENATOR BORRELLO: So you're saying that there is some scientific justification somehow the coronavirus knows it's 11 p.m.?

SENATOR GIANARIS: I'm saying I don't know whether there is or not, but I am not

the one doing the certifying.

So if there's an -- if you are correct, Senator Borrello, and there is no real good reason why to set an arbitrary time limit, then that directive will not be able to be issued.

SENATOR BORRELLO: Mr. President, will the sponsor continue to yield.

ACTING PRESIDENT BENJAMIN: Does the Senator yield?

SENATOR GIANARIS: Yes.

ACTING PRESIDENT BENJAMIN: The Senator yields.

SENATOR BORRELLO: So what you're saying is this bill, which we're saying is stripping the Governor's authority, doesn't actually strip his power to continue to enforce the 11 p.m. curfew, which if we were actually repealing the power that was given to him a year ago, that it would. So we have to have some kind of a debate on the science of 11 p.m.

But let me ask you this, because this is a pretty easy question, as far as I'm concerned. What's the scientific justification for people having to be seated to have a drink

versus standing up and having a drink?

SENATOR GIANARIS: I don't know that there is one.

SENATOR BORRELLO: Well, then so -- but you just said that we -- before --

ACTING PRESIDENT BENJAMIN: Senator Borrello.

SENATOR BORRELLO: My error. Will the sponsor continue to yield.

ACTING PRESIDENT BENJAMIN: Will the Senator yield?

SENATOR GIANARIS: Yes.

ACTING PRESIDENT BENJAMIN: The Senator yields.

SENATOR BORRELLO: Thank you.

But you said very clearly that there's no scientific justification between having food with a drink, but now you can't say that in particular. So my question is, what distinguishes standing up versus sitting down versus having food with a drink, in your mind?

SENATOR GIANARIS: I'm not sure I disagree with anything Senator Borrello is saying.

I'm merely saying that if someone --

you know, we, as we're discussing this bill today, are not the experts in making this decision and certification.

There is a process in this bill that requires a very detailed explanation of the public health impact of any suggested directive. If you are correct -- and I tend to think you are -- then any such directive will be invalid.

SENATOR BORRELLO: Will the sponsor continue to yield.

ACTING PRESIDENT BENJAMIN: Does the Senator yield?

SENATOR GIANARIS: Yes.

ACTING PRESIDENT BENJAMIN: The Senator yields.

SENATOR BORRELLO: So if we had just repealed the original order, the order that came in that I voted against a year ago -- if we were doing that right now instead of what we're doing now, would restaurants tonight be able to stay open past 11 p.m.?

SENATOR GIANARIS: You're assuming that the Governor would sign whatever we pass tonight? Or today, actually.

SENATOR BORRELLO: Will the sponsor

continue to yield -- is that a -- is that a follow-up?

ACTING PRESIDENT BENJAMIN: Does the Senator yield?

SENATOR GIANARIS: Yes.

ACTING PRESIDENT BENJAMIN: The Senator yields.

SENATOR BORRELLO: Well, you know, you have the power, you have enough people to override that. So let's assume it doesn't matter if he signs it or not.

SENATOR GIANARIS: Yeah, I'm -- and I'm being technical, because you're asking if it would happen tonight. If we pass a bill, we have to transmit it to him, he has 10 days, then we could override. So I don't know if it would be tonight.

But at the point of when this bill would be enacted into law -- this hypothetical bill, I guess, to repeal the powers outright -- then all the directives would presumingly go away.

SENATOR BORRELLO: Will the sponsor continue to yield.

ACTING PRESIDENT BENJAMIN: Does

the Senator yield?

SENATOR GIANARIS: Yes.

ACTING PRESIDENT BENJAMIN: The Senator yields.

SENATOR BORRELLO: Well, there we have it. If you passed what we have introduced 21 times now, this would all go away within 10 days. And this is clearly not that.

So how -- this is my question. How can you consider this stripping the Governor's power when clearly, if you actually strip the Governor of the original power you gave him, it's a far, far difference between what we have here.

SENATOR GIANARIS: It's a great question.

And the answer is not only that particular directive that Senator Borrello seems to dislike would go away, but so would directives related to mask mandates, capacity at arenas, vaccination rules, all sorts of things that I think we can agree are important.

I would suggest the better way to handle a problem with a specific directive is introduce a resolution to repeal that directive -- which a majority vote of the

Legislature, without the Governor's signature, would overturn.

SENATOR BORRELLO: Will the sponsor continue to yield.

ACTING PRESIDENT BENJAMIN: Does the Senator yield?

SENATOR GIANARIS: Yes.

ACTING PRESIDENT BENJAMIN: The Senator yields.

SENATOR BORRELLO: So on that note of, you know, the importance of safety, I get that. I understand what you're saying there.

But I believe that that's a local government decision which is what's happened in other areas. And I believe you think it is as well. Because back on March 2nd, on WCBS Radio, you said, quote: "Local governments would maintain their ability to issue orders for their own localities. So if the City of New York, for example, has a different view, they will be able to assert themselves."

Can you please show me in the bill where that is?

SENATOR GIANARIS: When did I say that?

SENATOR BORRELLO: That would be March 2nd, on WCBS Radio 880. Would you like me to read the quote again?

SENATOR GIANARIS: No, no, I don't dispute that I said that.

There is -- I'm trying to find it now. But there is a provision in the bill that allows local governments the authority to issue their own executive orders related to the pandemic, a power that they are currently explicitly prohibited from taking, as long as they don't conflict with state directives.

SENATOR BORRELLO: Well, will the sponsor continue to yield.

ACTING PRESIDENT BENJAMIN: Does the Senator yield?

SENATOR GIANARIS: Yes.

ACTING PRESIDENT BENJAMIN: The Senator yields.

SENATOR BORRELLO: So they can do it if it doesn't conflict with the Governor's executive order. So basically they can't do it, right?

SENATOR GIANARIS: Unless there is no conflicting state directive.

SENATOR BORRELLO: Will the sponsor continue to yield?

SENATOR GIANARIS: If I can continue answering on that point, Senator Borrello put his finger on something that troubles me, and that is a state where -- I don't know how many local governments. Sixty-two counties we have, a little fewer local governments than that -- where we have a patchwork of mask mandates and vaccination rules and arena restrictions and parts of the state that function like Texas because their county execs decide they don't believe in COVID, and other parts of the state are doing it differently.

This is not a localized emergency. It affects all of us. So if a particular county with a large arena -- let's use New York City, even though I know they wouldn't do this. But let's say the Knicks are having a good year, God bless them, I'm a fan. Let's say Madison Square Garden is totally open at full capacity, 20,000 people or so sitting shoulder to shoulder, no masks. And then those people don't all live in New York City, then they're going to go back to their homes. And those that contracted COVID,

because that's a very dangerous circumstance to allow, are going to spread it in their counties. So I don't think we want to allow that.

The way to handle the complaints about specific directives is introduce a resolution that will repeal that specific directive. Don't throw out all the good ones that are pivotal to protecting public health because you don't like one or two. Let's tackle the one or two you don't like.

SENATOR BORRELLO: Will the sponsor continue to yield.

ACTING PRESIDENT BENJAMIN: Does the Senator yield?

SENATOR GIANARIS: Yes.

ACTING PRESIDENT BENJAMIN: The Senator yields.

SENATOR BORRELLO: So you're saying that in -- that there are counties in New York that aren't following the rules?

SENATOR GIANARIS: No. I am saying that if you tell the counties they are not under the jurisdiction of state directives, some may opt to go in a different direction.

SENATOR BORRELLO: Will the sponsor

continue to yield?

ACTING PRESIDENT BENJAMIN: Does the Senator yield?

SENATOR GIANARIS: Yes.

ACTING PRESIDENT BENJAMIN: The Senator yields.

SENATOR BORRELLO: So to kind of follow that line of thinking, so we're saying there's a specific scientific direct correlation between people gathering in large numbers and how that ends up putting people into the hospital with COVID.

So are you aware of how many people are in the hospital in New York versus the state of Florida? You probably know where I'm --

SENATOR GIANARIS: I will -- I will -- I will submit that if Senator Borrello wants to use Florida's response to COVID or Texas's response to COVID as a model, he truly is in the minority. Which I know he is, in a technical sense, in this chamber. But I believe he's in the minority as it relates to the entire state.

SENATOR BORRELLO: Will the sponsor continue to yield?

ACTING PRESIDENT BENJAMIN: Does the Senator yield?

SENATOR GIANARIS: Yes.

ACTING PRESIDENT BENJAMIN: The Senator yields.

SENATOR BORRELLO: Okay, so we don't want to answer the question that there's actually more people in the hospital with COVID in New York State than in the State of Florida. I get that.

So here's another question. You mentioned before that there are -- anything that's not directly related to public health will now be invalid automatically.

So the Governor ordered all police agencies under his emergency authority, he did an EO to direct them to have a police reform package plan delivered by April 1st to the Governor, and under the threat of being able to instantly modify their budgets under his executive authority, and the emergency powers, to cut their budgets. That is only because he has this emergency authority right now.

So do those police agencies now still have to deliver that April 1st deadline?

SENATOR GIANARIS: I don't believe that the order Senator Borrello is referring to is pursuant to his pandemic powers. If I'm mistaken, then presumably that would not be in effect. But I think that order is irrespective of the emergency powers we're talking about today.

SENATOR BORRELLO: Will the sponsor continue to yield?

ACTING PRESIDENT BENJAMIN: Does the Senator yield?

SENATOR GIANARIS: Yes.

ACTING PRESIDENT BENJAMIN: The Senator yields.

SENATOR BORRELLO: Okay. So let's assume for the moment that they have to deliver this under some other order. Will the Governor still have the power to cut their budgets if they don't? That's something that's clearly from his pandemic authority.

SENATOR GIANARIS: I -- I'm -- I don't believe that's correct.

SENATOR BORRELLO: Will the sponsor continue to yield?

ACTING PRESIDENT BENJAMIN: Does

the Senator yield?

SENATOR GIANARIS: Yes.

ACTING PRESIDENT BENJAMIN: The Senator yields.

SENATOR BORRELLO: So -- and actually, Senator Gianaris, when we passed this law, we gave him the right to make adjustments to the budget on his own.

Therefore, that pandemic authority gave him the right to cut the budgets of those police departments because of the emergency authority. Which he will still have and still enjoy after we pass this.

So I'm going to ask again, will he be able to, in your opinion, your opinion, cut the budgets of police agencies that don't deliver those plans by April 1st?

SENATOR GIANARIS: I think Senator Borrello, with respect, is conflating two separate issues. There is the budget powers that were granted as part of the budget process, and then my understanding is the directive power under -- that we're dealing with today is separate from that.

If I'm mistaken, then I would agree

with you that that issue does not seem to be related to public health as this bill would envision. But I'm not sure that it fits within what we're dealing with today.

SENATOR BORRELLO: Will the sponsor continue to yield?

ACTING PRESIDENT BENJAMIN: Does the Senator yield?

SENATOR GIANARIS: Yes.

ACTING PRESIDENT BENJAMIN: The sponsor yields.

SENATOR BORRELLO: So, Senator Gianaris, you brought up several times that we should introduce legislation if we don't like something.

And I will point out that I've -- myself and my colleagues have introduced many pieces of legislation. Myself here in the Senate, and Andy Goodell in the Assembly, introduced a bill to curb the Governor's authority more than six months ago. That bill has never come before this body.

So my question to you is, if we do introduce these bills, would you be open to bringing them forward and letting us vote on

them? Because that really hasn't happened. the -- go ahead, I'm sorry.

SENATOR GIANARIS: Thank you, Senator Borrello.

The -- it's my understanding that there haven't been any joint resolutions introduced to repeal specific directives.

Now -- I'm sorry, Senator, let me just conclude.

SENATOR BORRELLO: Go ahead.

SENATOR GIANARIS: I think what you're referring to is perhaps a piece of legislation you've introduced, which is actually harder to get done, because you need the Governor's signature.

To repeal a directive, it's just a majority in the Senate and a majority in the Assembly, and it's repealed. The Governor has no say over it. So you might want to go in that direction, a bit of advice.

SENATOR BORRELLO: Will the sponsor continue to yield?

ACTING PRESIDENT BENJAMIN: Will the Senator yield?

SENATOR GIANARIS: Yes.

ACTING PRESIDENT BENJAMIN: The Senator yields.

SENATOR BORRELLO: So assuming this passes today, we can expect that Republican-led legislation will be voted on in the coming weeks and months. Is that what you're saying?

SENATOR GIANARIS: It will be considered in due course, as we always do.

SENATOR BORRELLO: Will the sponsor continue to yield.

ACTING PRESIDENT BENJAMIN: Will the Senator yield?

SENATOR GIANARIS: Yes.

ACTING PRESIDENT BENJAMIN: The Senator yields.

SENATOR BORRELLO: That's a lawyer answer.

Would you please confirm that we will have a bipartisan effort to repeal the most egregious parts of the Governor's continued executive authority?

SENATOR GIANARIS: Senator Borrello, you and I are often in this chamber; we're among the few, because you often participate in discussion on bills, which I

appreciate. I sat here yesterday and watched you rave and congratulate Senator Hinchey for working in a bipartisan fashion to get a piece of legislation done. So obviously we do that when the issues warrant.

So introduce a resolution or a bill. If it's a good one, it will be considered. And if it's not, it will go through the legislative committee process like any other proposal.

SENATOR BORRELLO: Mr. President, on the bill.

ACTING PRESIDENT BENJAMIN: Senator Borrello on the bill.

SENATOR BORRELLO: First of all, thank you, Senator Gianaris.

You know, folks, we had a light at the end of the tunnel. April 30th was going to be the end of this. And now all of a sudden that light has been extinguished. And what's going to happen is all of us, every single Senator and Assemblyperson, is going to be getting phone calls, phone calls from their constituents asking what about now, what's going to happen now?

We're going to -- restaurant owners are going to ask, Can I keep my restaurant open

past 11 o'clock? And the answer is going to be no. We're going to have brides-to-be that had their weddings canceled last year that are going to be saying, Can I have my friends all sitting together at one table at my wedding like they can at a restaurant? And the answer is going to be no, because just last week we saw new orders come out from this Health Department saying that only people that are related to one another can be seated at the same table at a wedding. But those same people, that's not a problem at a restaurant. So the answer to that bride-to-be is going to be no.

For the thousands and thousands of displaced restaurant workers that are struggling to feed their families -- some of which have turned to street vending. I saw that when I went to Corona, Queens, people that used to work in restaurants, one guy told me for 20 years. And now, to feed his family, he's working 12, 14, 18 hours a day doing street vending. And if that person were to ask, is this restaurant now going to be able to reopen, are we going to lift those restrictions, the answer is going to be no.

So you can dress this up any way you

want. You can -- you can try to say that this is a repeal, but clearly it's not. Because the questions that we're going to have to answer, if we're being honest with our constituents, is going to be no.

And tragically, for those who lost loved ones in nursing homes, if the same question is asked, if they say will this stop this Governor from doing that same thing again, sending COVID-positive patients back into a nursing home, will this bill stop that, the answer, tragically, is no.

So they can dress this up all they want. This isn't a repeal of his orders. We can clearly see that there's a lot of confusion here as it is. So I said this almost a year ago when I voted against this bill. I said any Legislature that would cede this much power to the Executive will be reluctant to take it away. And here we are, over a year later, and that's exactly what we're seeing.

So, Mr. President, I'll be no on this bill. Thank you.

ACTING PRESIDENT BENJAMIN: Senator O'Mara.

SENATOR O'MARA: Thank you, Mr. President.

It's unfortunate today that we have -- just on the bill initially.

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

SENATOR O'MARA: It's unfortunate today that we coincidentally happen to have microphone issues in the sound system in here, because the sound coming out over the airwaves to most people watching this comes in and out, from what I've been watching.

But, you know, I'm used to getting my microphone muted by this Majority. It has been muted at committee meetings seeking to issue subpoenas to look into and investigate the Governor's abuse of his powers.

This bill before us today has everything to do with legislative oversight, yet this Senate has done nothing in regards to legislative oversight for the past year and two days since these emergency powers were granted to the Executive -- despite the fact that the Executive repeatedly lies to the Legislature, does not provide information to the Legislature

that it requests, and unilaterally dictates every aspect of activities that can go on during this pandemic, regardless to the rationality of science or medicine.

Now, would the sponsor yield for a question.

ACTING PRESIDENT BENJAMIN: Does the Senator yield?

SENATOR GIANARIS: Yes.

ACTING PRESIDENT BENJAMIN: The Senator yields.

SENATOR O'MARA: Senator Gianaris, what involvement did the Governor or his executive staff have in the formulating of this legislation?

SENATOR GIANARIS: None.

SENATOR O'MARA: Are you aware of any involvement the Governor or the executive staff had with the Assembly?

ACTING PRESIDENT BENJAMIN: Senator -- Senator O'Mara --

SENATOR O'MARA: Will he yield, will the sponsor yield.

ACTING PRESIDENT BENJAMIN: Does the Senator yield?

SENATOR GIANARIS: Yes.

ACTING PRESIDENT BENJAMIN: The sponsor yields.

SENATOR O'MARA: Are you aware of whether the Assembly had any contact with the Executive, the Governor or his staff, in regards to the formulation and the agreement on this legislation.

SENATOR GIANARIS: I don't know firsthand, but I trust Speaker Heastie's representation that they did not.

SENATOR O'MARA: And will you yield, will the sponsor yield again.

ACTING PRESIDENT BENJAMIN: Will the sponsor yield?

SENATOR GIANARIS: Yes.

ACTING PRESIDENT BENJAMIN: The sponsor yields.

SENATOR O'MARA: So, Senator Gianaris, just to -- just to hear it again, you're saying today that when the Governor came out yesterday in his press conference and briefed everybody on this bill and said it was the result of a three-way agreement, that the Governor was lying?

SENATOR GIANARIS: That's what I said.

SENATOR O'MARA: Do you continue to still think that the Governor is lying?

SENATOR GIANARIS: I have not changed my mind in the last half hour.

(Laughter.)

SENATOR O'MARA: Thank you. Will the sponsor continue to yield.

ACTING PRESIDENT BENJAMIN: Does the sponsor yield?

SENATOR GIANARIS: Yes.

ACTING PRESIDENT BENJAMIN: The sponsor yields.

SENATOR O'MARA: So this legislation will allow every existing executive order to continue every 30 days at the Governor's prerogative, and he can modify and alter any of these -- I've heard 60 or 96 executive orders that are out there.

He can continue to do that every 30 days as long as he reports to the Legislature, and you in the Majority can comment back to him on those. Is that correct?

SENATOR GIANARIS: Well, anyone can

comment. The Majority's comments would require a response.

And I should also point out that the modifications themselves are strictly limited to numeric capacity changes and two or three subjects that I delineated in the bill.

SENATOR O'MARA: If the sponsor will yield.

ACTING PRESIDENT BENJAMIN: Does the sponsor yield?

SENATOR GIANARIS: Yes.

ACTING PRESIDENT BENJAMIN: The Senator yields.

SENATOR O'MARA: And by Concurrent Resolution of the Assembly and the Senate, we can end the pandemic, we can terminate his emergency powers, or we can end any specific executive order.

SENATOR GIANARIS: Senator O'Mara, I wish we could end the pandemic by Concurrent Resolution. We have the power to end the state of emergency by Concurrent Resolution when we see fit to do so.

SENATOR O'MARA: Well, we had the power under -- excuse me. Through you,

Mr. President.

ACTING PRESIDENT BENJAMIN: Does the Senator yield?

SENATOR GIANARIS: Yes.

ACTING PRESIDENT BENJAMIN: The Senator yields.

SENATOR O'MARA: Currently what we have that expires April 30th, I believe the Legislature can terminate that upon a Concurrent Resolution of both houses.

SENATOR GIANARIS: I'm trying to understand the question. The deadline itself, you mean, could be terminated or --

SENATOR O'MARA: No. The -- his powers could be terminated before April 30th under the current law, by Concurrent Resolution.

SENATOR GIANARIS: Yeah, my understanding is individual directives can be terminated by Concurrent Resolution. I don't think we can roll back the entire law that we passed last year by Concurrent Resolution.

SENATOR O'MARA: If the sponsor will yield.

SENATOR GIANARIS: Otherwise we might be doing that today, instead of trying to

pass a bill.

ACTING PRESIDENT BENJAMIN: Does the Senator yield?

SENATOR GIANARIS: Yes.

ACTING PRESIDENT BENJAMIN: The Senator yields.

SENATOR O'MARA: But we've been able to for the past year, by Concurrent Resolution, override or cancel any of the Governor's executive orders that he has issued.

SENATOR GIANARIS: Yes.

SENATOR O'MARA: Through you, Mr. President.

SENATOR GIANARIS: Yes.

ACTING PRESIDENT BENJAMIN: The Senator yields.

SENATOR O'MARA: How many times have we done that in the past year?

SENATOR GIANARIS: We have done that zero times.

SENATOR O'MARA: On the bill.

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

SENATOR O'MARA: And I will suggest that under this proposal where we can end any

executive order at any time, this Majority will continue zero times in taking that authority.

They're relying on a Governor saying he has to report to the Majority, two people here and two people in the Assembly, four people -- no requirement that any of the rest of us get informed -- allows those four people to comment back to him on extension, modification or altering of any one of his 96 executive orders.

And he has to receive those comments, and he can ignore those comments. And he has ignored the Legislature for a year, and he will continue to do so. And we're going to allow that, knowing that he's lied to us and the people of the State of New York repeatedly over the course of a year.

Has he listened to any comments? We don't need to write -- we're legislators, we're elected. We don't need permission to comment on legislation. We on this side of the aisle, and myself, we've been commenting all year on deaf ears from the Executive.

We have moved 21 times to terminate his executive powers. Every Democrat, for 21 times, has voted against that. The Majority

has not moved to limit any one of these executive orders and will not in the future, I'm sure of it.

You know, the most devastating thing the Governor did in this pandemic was his March 25th order ordering COVID-positive hospital patients into nursing homes. Over 9,000 COVID-positive patients were sent into nursing homes.

The Governor came out on that with a false report in July. And it's being reported as of yesterday from the New York Times and the Wall Street Journal that the Governor and his executive staff pressured the Department of Health to make that report look better because at the time the Governor was worried more about selling his novel about leadership than handling a pandemic. Yet this Legislature stands here today and continues to do nothing.

Talk about not responding to comments. March 26th, the day after this executive order -- after the order sending COVID-positive patients into nursing homes, the very day after, the American Medical Directors Association, the Society of Post-Acute and

Long Term Care, the association that oversees and is the association nationally of nursing homes in this country, came out with a statement that was delivered to the Governor and Howard Zucker that said that order is not consistent with science and not in the least consistent with patient safety principles.

It was March 26th. No action was taken by the Executive in response to those comments from the professional medical association that oversees this.

It was reported in July, upon the retirement of the Department of Health's Division of Nursing Homes Director, Mark Kissinger, a 34-year veteran of the Department of Health overseeing nursing homes in the state, on his retirement he reported he had nothing to do with that March 25th order. Who did?

That's why we've been asking for subpoenas. That's why we demand an investigation, a legislative investigation by the Investigations and Government Operations Committee that I am the ranking member on and which the chair of that committee refuses to issue subpoenas.

Upon the reporting yesterday from the New York Times and the Wall Street Journal on the fraudulent nature of that report that was issued in July that led to a mass exodus from the Department of Health in the succeeding months, those individuals need to be called to testify before the Senate Investigations Committee as to what went on, why, and how they were pressured to make that report better for the Governor.

We had 15,000-plus nursing home residents die of COVID in this state. And the Governor wants us to believe that sending 9,000 COVID-positive hospital patients into nursing homes didn't affect that number at all.

That flies in the face of common sense, it's not rational, and the Empire Center has established that in its reporting on the numbers when they were finally released, seven months later, after a lawsuit, after the Governor and the Department of Health stonewalling, stonewalling the Legislature and the Empire Center from getting this information that they're legally entitled to receive.

Yet this Legislature, this Senate, continues to do nothing and continues today to

allow the Governor to continue every 30 days to extend, modify or alter every existing executive order that's there today, indefinitely. It doesn't end April 30th like it was going to. Now it's indefinitely, until the Governor decides that he's not going to do it anymore. Because this Legislature isn't going to stop him.

He can continue every 30 days -- or shorter, as long as he gives us notice -- modifying or altering these executive orders. He can change the curfew time. He changed it once already from 10 o'clock to 11 o'clock. Can somebody tell me the medical or scientific rationale that COVID now only comes out at 11 o'clock rather than 10 o'clock, it's sleeping in an hour later every day?

It's a farce, and this Senate is continuing to allow that to happen.

This Governor's executive orders telling us how many people we can have in our homes, he just modified it two days ago. But we can still only have 10 people in our homes. This is the United States of America, people. This is not rationally based. There is no scientific or medical evidence that the Governor has provided.

And he continues to lie with us. He continues to be power-hungry. He can say how long restaurants and bars can be open. He can say how many people can gather in a church, how many people can gather in your home, how many people can be in a restaurant. He can modify or alter any one of the existing executive orders. He can relax them or he can make them even more restrictive, with us being able to do nothing other than comment.

This legislation requires no legislative approval of any of the Governor's action on these existing executive orders that we have today. And this is dangerous times, people. The Governor is under siege with his nursing home debacle that killed thousands of extra people unnecessarily; sexual harassment accusations; accusations of the Governor and his staff threatening legislative members to get off his back, to change their stories; the history of abuse of staff in his office, of abusing reporters because they're going to do some damaging story. And we sit back and we do nothing.

The Governor continues his executive

powers unlimited, and we get the right to comment, which he can ignore completely. And we have no way to stop him other than a Concurrent Resolution of the Assembly and Senate that we've proven they refuse to do. And they refuse to get involved in the operation of government, checks and balances of this Executive and legislative branches.

We do nothing. We say we have a zero-tolerance policy on sex harassment accusations, yet the leader of this Senate yesterday said, Well, if a fourth victim comes out, then the Governor should resign. Since when does zero tolerance take four victims?

It's appalling. It's an outrage the way this Legislature is operating. We need investigations. We need the Senate and the Legislature doing these investigations, despite what other investigations may or may not be going on. We don't know the subject matter of those. We need to be engaged in the oversight of this Executive that's abused his powers and will likely do anything to buy his way out of this.

And when the majorities in this house and in the Assembly have a $50 billion tax

increase package out there, just exactly what is this Majority getting for laying down and doing nothing today and trying to lead people to believe that they're doing something? It's a farce, and the people of New York State know it.

Thank you, Mr. President.

ACTING PRESIDENT BENJAMIN: Are there any other Senators wishing to be heard?

Seeing and hearing none, Senator Gianaris to close on the bill.

SENATOR GIANARIS: Thank you, Mr. President. On the bill.

I want to talk a little bit -- I want to talk a little bit about what I heard from my Republican colleagues and then talk on the bill-in-chief as well.

And I would begin by asking them to spare me the hypocrisy. Eight years the Senate Republicans had the majority in this chamber while this Governor was in his seat. Eight years I sat on that side of the chamber and watched as they didn't raise a finger to object to this Governor -- starting with redistricting, almost 10 years ago -- because they believed they had a deal. They believed the Governor was on their

side. They believed the Governor wanted a Republican Senate.

So for eight years, not a subpoena issued, not a cross word said. It was all hunky-dory when they were the ones cutting the deals. In one term, our Majority has done more to push back against this Governor than the Republicans did in eight years in the majority.

So now the theatrics are in effect. Now we're going to bang the table and yell about dictatorships and what not. And we're actually taking real steps to curtail the emergency powers that were granted with almost unanimous support in this chamber. I think there were four no votes.

And so what have they done since that time? Since they almost all agreed that these emergency powers should exist, what have they done to try and roll back any of them? They've done hostile amendments every day. Which, by the way, have no consequence even if they were to pass. All that does is take the bill that's on the floor off the floor.

But, importantly, the Legislature was granted a power to repeal particular orders

without the Governor's sign-off. If the Senate agrees, the Assembly agrees, a particular directive would go away.

So how many times did our Republican friends introduce Concurrent Resolutions to attempt to roll back one of the Governor's directives? Mr. President, the answer is zero. Zero. In a year.

Now, it's not that they don't know how to introduce resolutions, because they've done plenty of those. And I want to get this right, so I have my notes with me. Republicans since 2020 have introduced 74 Concurrent Resolutions for consideration. They cover a lot of broad topics. Some of them include the time the Governor would have to appoint a department head. Whether or not the Governor should be required to have the State of the State in the Assembly chamber as opposed to the Empire State Plaza, where he's been having them in recent years. Whether a bill can be introduced between midnight and 8 a.m. There's one that wants to increase the length of legislative terms from two to four years. One to require biannual budgeting, one to convey Forest Preserve land.

This one's interesting, as it may actually have application: Whether a Governor can appoint a Lieutenant Governor to serve in the case of a vacancy in that office.

And then some of my favorites, which I believe were introduced by the Minority Leader of the Senate himself. I'm not sure if it was last year, so maybe he wasn't at the time. But one would implement the clearly unconstitutional system of electing governors by county in this state. And my personal favorite, dividing the state into three semiautonomous regions with separate governors.

So there's all sorts of cockamamie ideas that they figured out how to put into the text of a resolution. What have they not done in the last year? Introduced a single resolution to repeal any of the Governor's directives.

So again, spare me. Spare me the theatrics today. If you want to legislate, put in a bill and try and get it done. Or put in a resolution and try and get it done, I should say. Instead, they do things that they hope get attention but would have no practical consequence even if they succeeded.

I want to talk a little bit about what we're trying to do with this legislation. There are bills that we pass and consider all the time that set broad parameters and then delegate to agencies how to administer them. That is a very common way of legislating.

So here's a way of looking at what's happening today. A year ago the Governor was granted powers to issue directives. Today, we're taking that away from him. The question is, what happens to all of the directives that were issued in the interim?

The 60 directives -- I believe it's 90 executive orders, but 60 directives contained within them, roughly -- we know what they are. We talked about some of them today. They are public. We are essentially voting to say these directives will continue in effect and be administered by the Executive, as we do on so many other issues.

In fact, these have to be renewed every 30 days, and we can reject them and repeal them without the Governor's involvement.

So I hear about the importance of democracy from a group of people that votes

against every single bill to make it easier for people to vote in this chamber. And I worry about what would happen if we did go to a scenario where the state did not have the ability during the coronavirus pandemic to issue important orders about mask mandates or arena capacity or the implementation of vaccines and who's allowed to give them, and so many others.

If those were to all go away today, I daresay there would be some counties in this state that would follow the path of Texas and Florida -- we even heard Senator Borrello reference Florida specifically, as a model, in his mind -- where you could be in a COVID-denying county. Everybody want to go sit, 200 people at a bar? Go for it. Without regard to what would happen when those people went home or back to their counties of origin themselves and spread a very deadly virus that hopefully is on the path to being defeated.

With due respect, that is nuts, that we would just say we want to eliminate mask mandates, we want to eliminate arena restrictions, we want to eliminate rules about how the vaccine is being given and who can give

it. That's not just nuts, it's dangerous and would put people's public health in great, great danger.

I'm proud I don't live in Texas. And I'm proud I don't live in Florida. Because in New York, this Legislature values people's health and what we need to do to protect it.

This bill repeals the Governor's ability to issue new directives. It implements new standards for renewing ones that are currently in effect. And for the first time, it gives the Legislature the ability to repeal the entire state of emergency without the Governor's say-so.

It is a good bill, it's an important bill, and I will encourage all my colleagues to vote for it.

Thank you, Mr. President.

ACTING PRESIDENT BENJAMIN: Debate is closed. The Secretary will ring the bell.

Read the last section.

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

ACTING PRESIDENT BENJAMIN: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT BENJAMIN: Senator Oberacker to explain his vote.

SENATOR OBERACKER: Thank you, Mr. President.

Legislation is supposed to be a cure for a problem, right a wrong, provide help for those we represent. This bill is O for 3. The legislation before us fails to help anyone with the exception of the Governor.

The businesses, schools and local governments in my district that have been looking for answers regarding the never-ending edicts and laws coming from the Governor will still have the same questions after today.

When the owner of a baseball camp losing reservations by the day calls me to say how will this bill help him reopen and reassure families from across the country that they can come to upstate New York this summer, and how to deal with it, I have nothing new to tell him. Rental properties, restaurants, and countless businesses that depend on tourism -- mainstays in my district -- still have no answers or guidance on how to plan for the future.

When Unadilla Valley Motocross, the longest continuously running pro motocross facility in the United States, wants to know how to plan and avoid closing forever, my answer to today is the same as it was yesterday: It's up to the Governor.

And these are just a few examples. Trust me. If I listed all of the unanswered questions that constitute the pandemic and where these unscientific regulations are coming from -- the Governor -- we would be here all day. When New Yorkers went to bed last night, there were 96 executive orders in place. When they go to bed tonight, there will be still 96 executive orders in place. The exact same mandates on businesses, restrictions on our freedoms, and lack of constitutional checks and balances.

And who are we leaving in charge? A Governor who is under multiple investigations, faces charges of sexual harassment, and has ordered his administration to hide the facts about deaths in our nursing homes. It's a disgrace and an affront to every voter across the state.

I took an oath of office, the same

as every member of this house. The oath includes the line to faithfully discharge my duties as a New York State Senator. Discharge does not mean abandon.

I want to quote a former great New York Governor, Theodore Roosevelt. In any moment of decision, the best thing you can do is the right thing. The next best thing you can do is the wrong thing. And the worst thing you can do is nothing. This bill does nothing, and I will be voting in the negative.

Thank you, Mr. President.

ACTING PRESIDENT BENJAMIN: Senator Oberacker to be recorded in the negative.

Senator Reichlin-Melnick to explain his vote.

SENATOR REICHLIN-MELNICK: Mr. President, I rise in support of this bill.

Today we are finally rolling back the Governor's expanded executive powers and reinstituting checks and balances. This is an important and a necessary step.

The extraordinary crisis that New York faced last spring called for extraordinary measures. And though I was not in

the Legislature last year, I understand why my colleagues approved the bill expanding the Governor's emergency powers on an overwhelmingly bipartisan vote.

But recent revelations, including in the New York Times just last night, have made it clear that we can no longer be confident that this Governor is using his executive powers wisely. An administration that conceals data from the public and stonewalls the Legislature cannot be trusted with the authority to issue unilateral emergency directives.

This bill ends the Governor's authority to issue new directives. Existing directives can only be extended or modified based on essential public health needs, and only for an additional 30 days at a time. The Legislature will gain new authority to review and question the administration's directives before they go into effect and will gain the ability to declare an end to a state of emergency.

Now, as we move into the second year of the COVID pandemic, we can finally see a light at the end of the tunnel. But we have to remember that despite all the progress we've

made, this virus is still killing several hundred New Yorkers every single week. We can't afford to follow the lead of states like Texas that have recklessly abandoned their efforts to halt the spread of the virus.

My colleagues in the Minority seem to want us to head down that path. Their proposals would lead to the end of statewide rules on masks, limitations on large indoor events, and other critical aspects of our COVID response. Frankly, it's the same approach taken by the former president, who still leads their party: Denial of the reality of this deadly pandemic, and an embrace of political theater in place of serious policy.

Like all of us, I want things to get fully back to normal as soon as we can, but wishing won't make it happen. COVID remains a threat that we cannot ignore. This bill balances the need to rein in unilateral actions by the Executive and reassert the authority of the Legislature with the need to maintain essential protections for public health.

I'm proud to vote yes.

ACTING PRESIDENT BENJAMIN: Senator

Reichlin-Melnick to be recorded in the affirmative.

Senator Rath to explain his vote.

SENATOR RATH: Thank you, Mr. President.

I open with a question. Why is this not a simple repeal of the Governor's emergency powers? Members of the Majority have been talking a good game about the need to repeal the Governor's authority; unfortunately, this bill does not back that up.

ACTING PRESIDENT BENJAMIN: Senator Rath, is your mic on?

SENATOR RATH: Should I start over?

ACTING PRESIDENT BENJAMIN: Sure.

SENATOR RATH: Thank you, Mr. President. I appreciate your indulgence. Sorry about that.

I need to open with a question. My question is this. Why is this not just a simple repeal of the Governor's emergency powers? Members of the Majority have been talking a good game about the need to repeal the Governor's emergency powers. However, they have not been backing up that talk at all.

This should be easy, folks. We should vote on a clean break. We should vote on a clean repeal that has no strings attached.

Last year the State Legislature passed a law giving the Governor his emergency powers. If this Legislature agrees that those special powers should be repealed, then present us a simple bill that repeals the previous sections of law. In fact, both Senators Helming and Biaggi have bills that would do just that.

The fact that it is taking this long to draft this legislation to repeal the Governor's executive powers proves that this is not a straightforward repeal deal. What this bill is, is a doubling-down on partisan deals and how they are made in Albany in the backrooms. Let me be clear. New Yorkers have had enough of typical Albany backroom deals.

This is insufficient, and it is disrespectful of the coequal branches of state government in our great state. By the Governor's own admission, he has preapproved this bill and he helped construct it.

Furthermore, it is explicitly only requiring to report to members of the Majority

who chair certain committees. If the recent events involving our nursing homes have taught us anything -- I repeat, taught us anything -- it is that politics and one-party rule cannot be trusted when it comes to transparency and disclosure in New York State.

It is only right that all committee leadership, both chairs and ranking members, have access to this critical information in our state.

This bill is nothing more than a wolf in sheep's clothing and an extension of the status quo. It's business as usual in New York State, folks, business as usual. And that is shameful.

In closing, Mr. President, this is a sad day for New Yorkers who thought we were taking real action today. It is also a sad day for our esteemed State Legislature. Despite two ongoing investigations of the Governor and numerous successful lawsuits striking down orders that have pushed small businesses to the brink, this Majority cannot find the courage to pass a simple, straightforward bill to repeal the executive powers.

For these reasons, Mr. President, I

vote nay. Thank you.

ACTING PRESIDENT BENJAMIN: Senator Rath to be recorded in the negative.

Senator Ramos to explain her vote.

SENATOR RAMOS: Thank you, Mr. President, for allowing me to explain my vote today.

I want to begin by thanking our supermajority leader, Andrea Stewart-Cousins, for sponsoring this bill.

Since the start of this pandemic we've lost tens of thousands of New Yorkers statewide. Two million go to bed hungry every day. Three-quarters of a million New Yorkers are unemployed. Two hundred thousand are facing evictions only in the City of New York. And nearly a third of small businesses in New York City are estimated to close their doors and never reopen again.

As the Senator representing the epicenter of the epicenter of this pandemic, I get calls every day from my constituents about how hard this pandemic has hit them. My neighbors who are grieving their loved ones while struggling to put food on their tables and keep a

roof over their heads have had to watch this Governor win awards and write, sell and promote a book while simultaneously dismissing their cries for meaningful relief at every turn. In fact, hundreds of them are marching in the streets of New York today.

And as reports continue to come out about the mishandling of nursing home data and allegations of sexual harassment surface, I along with so many other New Yorkers am deeply embarrassed and disgusted, but not surprised.

When COVID-19 hit our state, we granted emergency powers to the Governor in order to expedite a response to this pandemic we knew very little about. But we've seen a response that's largely driven by his ego and his donors.

Knowing full well how the Governor and this administration actually choose to operate, the very bare minimum we can do for New Yorkers right now is rescind his emergency powers immediately. This Governor's inability to see outside of his own ego cannot continue to go unchecked -- not when the lives of New Yorkers are at stake.

Thank you, Mr. President.

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

Senator Akshar to explain his vote.

SENATOR AKSHAR: Mr. President, thank you. I rise to explain my vote and speak very clearly for my constituents back at home.

And to everyone in the 52nd Senate District, I can say very clearly and unequivocally that this bill is nothing more than a sham. It's a lie, and it is a blatant disregard for the will of the people.

Instead of rescinding the Governor's executive power, this legislation strengthens the Governor's control over the lives of everyday New Yorkers. It allows the Governor full control to extend his current executive emergency directives.

We heard today that, well, he can't issue new ones. What more could this Governor possibly do? He's issued 96 executive orders that have drastically changed the lives of millions of New Yorkers -- how we go to school, how we eat in restaurants, how and who we can have at our homes, when and where we can marry our wife or our husband, when we can get a

haircut.

I heard today that what we're saying on this side of the aisle is political theatrics. Well, if standing up for your constituency is political theatrics, then so be it.

This bill is nothing more than a political prop. It's nothing more than a perfect example of hypocritical nonsense, and it is a complete waste of time. It does nothing to address the failures of this administration in handling the COVID-19 pandemic. It does nothing to protect New Yorkers from future mistakes.

And it continues, most importantly, to put the Legislature on the sidelines and to prevent us from doing the job that we were elected to do. We have a constitutional responsibility to the people who elected us. We are a coequal branch of government. Why do we continue to abdicate our responsibilities?

And I think, worst of all, what this bill does is it gives the Governor an unlimited extension to make any changes to the orders he's already given. We also heard today that, well, there is legislative oversight. Well, what does that mean, legislative oversight? I'll tell you

what it means. We as legislators can offer a comment on what the Governor is doing.

In my humble opinion, Mr. President, passing this bill is worse than doing nothing. The people of this great state deserve better. I'll tell you who else deserves better, the families of the thousands of nursing home patients who lost their lives to gross mismanagement -- the sons, the daughters, the grandchildren of innocent victims. That's who deserves better.

Today we had an opportunity and a chance to do something meaningful for the people of this state and the thousands of families who have been lied to. But instead, the leadership in both the Senate and the Assembly have chosen once again to hide from their responsibilities to New Yorkers, go back on their word, and hypocritically acquiesce to the Governor's grip on executive power.

Instead, the leadership have chosen to perpetuate the culture of lies, deception and politics above all else and above the people that we were elected to serve. And one has to ask themselves a question: What kind of deal was

really made? It was made in a closed room, behind closed doors. And quite frankly, I think it was reminiscent of the February 17th meeting, in which we learned much about what was happening.

I for one, Mr. President, am not going to sit silent. The people of New York have shown that they can tolerate, endure and move forward through many things that Albany forces down their throats, but this kind of blatant hypocrisy is not one of them. Very simply put, you can put all the lipstick you want on a pig, but at the end of the day it's still a pig.

Mr. President, I vote no.

ACTING PRESIDENT BENJAMIN: Senator Akshar to be recorded in the negative.

Senator Savino to explain her vote.

SENATOR SAVINO: Thank you, Mr. President.

I want to start by thanking our leader, Senator Andrea Stewart-Cousins, for bringing us all here today to this moment.

I also want to thank all of my colleagues, even those who I have yet to meet. It's odd, it's March, and I haven't met half the

new members of the Senate because of this unprecedented time we find ourselves in.

We are all serving in an unprecedented time, and we are all trying to find our way through this crisis that affects every one of us here in the State of New York. And we are unique people. September 9th of 1777 was the first time the New York State Legislature was convened. This year marks the 204th time that it has occurred. And over the course of the past 244 years, the hundreds of men -- and eventually women -- who were at first appointed and then elected, would meet and manage the affairs of this great Empire State.

From the very beginning of our democracy, the early days of struggle and growth, through the Civil War and Reconstruction, the Industrial Revolution, two world wars, disasters both natural and manmade, we met. And while we are a deliberative body, this august Legislature has always been part of the decision-making process until last year.

In the face -- let's remember where we were this time last year. In the face of an emerging coronavirus, we watched in shock what

was happening abroad in China and in Italy, the rapid spread, how easily their healthcare systems became overwhelmed. We made a collective decision, all of us, that we would pause the usual deliberative nature of our work, that the threat was too dire, and we entrusted rapid-fire decision-making to the Executive.

In retrospect, I guess we can say it was a valuable tool that allowed swift decisions to be made. And in truth, many New Yorkers felt that it was important and they were comforted by what they viewed as a steady hand at the wheel.

But as we say, that was then and this is now. And over the course of the last few weeks, it has become clear that the extraordinary powers that we granted are no longer -- not only no longer necessary, they have become an impediment to governing in a full and transparent way, leading to a cloud that is hanging over this administration and questions that must be thoroughly investigated in order to restore the people's faith.

So today, this body that has met consistently for the last 244 years and handled the business of this state and the people,

reasserts that it is a coequal branch in all things. We are not bystanders. But we are not going to upend the very important things that have been put in place. They are -- it's important that they stay there.

But we are a coequal branch of government. We are the ones closest to our constituents. We are the ones that they send here, and we are the ones they expect to be part of all the decisions that affect their lives.

So I want to thank our leader for finding a way to bring us to where we are today so that we can reassert that we are the elected representatives that our constituent want, and we will help make the decisions that make their lives better.

Thank you, Mr. President.

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

Senator Jordan to explain her vote.

SENATOR JORDAN: Thank you, Mr. President.

Like many bills in the last two years, this bill, Senate Bill 5357, has been deceitfully marketed and falsely advertised. The

Democratic majority in both houses are selling this as a bill to strip the extraordinary emergency powers from the Governor of New York, who has fallen into scandal and disgrace. If you bought this bad bill, it is now late and it might be hard to return it. You can also complain, though, about the dishonest customer service you received when you bought it.

Under current law, the Governor's emergency powers would end April 30th. Under this bill, rather than taking away Governor Cuomo's emergency powers, it extends them. There's no sunset clause, no end date. The end is when the Governor decides the state emergency is over. Really? This very suggestion doesn't make sense for someone who thrives on power and has controlled every aspect of our lives for the past year.

In fact, Governor Cuomo is being pushed to resign by many of my colleagues on both sides of the aisle. Unsurprisingly, the Governor has announced that he will not answer those calls of resignation but will stay on the job. Do you really believe this Governor is going to take it upon himself to end the extraordinary powers he

now has? I don't.

Under this bill, there's one other method to terminate the Governor's emergency powers, and that's when the Legislature terminates the state disaster emergency. But guess what? The Legislature has had this ability all along. Has the majority in either house brought that up for consideration these past months? No. Will they? I can only hope they will in the very near future, like next week, but they won't.

After this bill is passed today, the Governor can still extend or modify any of the 96 directives by executive order that have been issued or remain in effect. Nothing has really changed.

And don't be fooled in being told there is now legislative oversight created by this bill. The ability for legislative oversight to terminate any executive order currently exists. But the Democratic Majority has never taken it upon itself to exercise this oversight.

So as I said, nothing changes. There will still be one-man rule. He will still have the power to control every aspect of our

lives.

One-man rule is antithetical to democracy. This bill is a bad bag of goods. I'm not buying it; neither should anyone else who truly wants to rescind the Governor's extraordinary emergency powers. I'm voting no.

ACTING PRESIDENT BENJAMIN: Senator Jordan to be recorded in the negative.

Senator Gounardes to explain his vote.

SENATOR GOUNARDES: There we go. Thank you, Mr. President.

The foundation of our government is trust that our leaders are being honest and transparent with us. And when that trust is violated, we must take steps to rebuild it.

COVID-19 has tested the limits of our people and state and, early during the pandemic when we didn't know what was going to happen, day by day, hour by hour, required government to restructure decision-making to render rapid, necessary public health judgments.

In voting to grant the Governor broad emergency powers last spring, there was this unwritten covenant that the Governor would

be trusted with this extraordinary responsibility, and in return he would be honest and transparent with the public.

It is now clear, a year after those powers were granted, that that trust has not been fully reciprocated. Several weeks ago we learned from the Attorney General that New York State had underreported the death toll in our nursing homes by nearly 50 percent. Shortly thereafter, we learned in a conversation with a top aide to the Governor that the legislative requests for information were stonewalled for months at a time because of a fear of a federal investigation.

And then we learned last night that aides had whitewashed and whited out the truth from public health reports, Department of Health reports about what was transpiring in our nursing homes.

All of this completely unacceptable and a complete betrayal of the public trust, that trust that was placed in the Governor's hands last spring to lead us through this crisis.

And so I believe, as I know many of my colleagues do, that it is no longer appropriate or necessary for the Governor to

wield such expanded emergency powers in a case like this.

So what does that mean? That means that it's time for the Legislature to reassert its oversight authority, which we are doing by the process we are pushing forth today, and that we are reasserting ourselves as a coequal branch of government that must be included in decision-making moving forward as we continue to battle this crisis.

This is not about micromanaging a public health emergency. We cannot have health designations decided by legislative committees or votes of 213 members of the Legislature. But this is, very simply, about transparency, accountability, and repairing a broken trust. I believe that the process that we have laid out in this bill is the right way to do that.

I believe by curbing these excessive powers we are taking the necessary steps to repair the trust that has been broken with the people of New York and to continue to move the state forward through this crisis.

And I proudly vote aye. Thank you.

ACTING PRESIDENT BENJAMIN:

Senator Gounardes to be recorded in the affirmative.

Senator Hinchey to explain her vote.

SENATOR HINCHEY: Thank you, Mr. President.

Our state government is at its best when the Legislature is an equal partner with the executive branch. As more details on the willful mishandling of information come to light, it is clear that more transparency and accountability are immediately needed.

Today we are ensuring a system of increased oversight and input into Executive action by restoring the Legislature to its rightful role as the branch of government most connected to the people of New York.

I will always fight for our upstate communities to have a real seat at the table, and this legislation will give us a greater voice in decision-making during this public health emergency. And that's why today I vote aye.

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

Senator Liu to explain his vote.

SENATOR LIU: Thank you,

Mr. President, for the opportunity to explain my yes vote on this bill.

As has been said already, we have faced an unprecedented and unimaginable year in the State of New York and far beyond. And as this body was convening almost a year ago, we were contemplating the vast rise in infection and death rates in our state, not knowing much of anything about COVID-19 and what it was about to do to our people.

And so at the time we put in measures giving the Governor emergency powers for the simple reason of ensuring that state government would be able to respond to this pandemic and to keep people safe and indeed alive.

Now much has transpired, and we have lost a lot of New Yorkers in the process. But now, a year later, we know much more about the coronavirus. The vaccine delivery is becoming more effective and efficient. More and more New Yorkers are getting their shots, and we want to encourage people to get their shots so that we can achieve herd immunity in the State of New York.

Part of that means we want to assure our fellow New Yorkers that they can trust state government. And that trust has to come with a system of checks and balances that have long been in place in our State of New York.

With this important bill introduced by our Majority Leader, we seek to restore those checks and balances, restore those checks and balances so that we can restore the trust among our constituents who have begun to question some of the decisions that our Governor has made, and get them -- and get our constituents to do the right thing and also help us return to a life closer to life as we know it normally.

So it's important for us to put in place these measures. This will revoke the Governor's emergency powers that we gave him nearly a year ago. It will restore some more faith in our government. And in light of recent revelations which have been entirely disturbing, we need to take a look at those as well.

Right now the immediate need is to get people to do the right thing, to get their vaccinations, and trust what our government agencies are doing.

Once we do that, it is incumbent upon all of us to go back and review the facts of what's happened and that some of the decisions, however wrong they may have been, were not fully disclosed to us and the public. And that's the subject for undoubted investigations that will occur.

But today's measure seeks to ensure that we understand what has long been said and repeated, that in the absence of checks and balances there's too much power concentrated. And power corrupts, but absolute power absolutely corrupts. We can't have any of that in our state.

Thank you very much, Mr. President. I vote yes on this measure.

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

Senator Serino to explain her vote.

SENATOR SERINO: Thank you, Mr. President.

This proposal is not a repeal of the Governor's powers. It's an absolute sham. Ask yourselves, what does passing this bill here today change for ordinary New Yorkers? What

difference will they notice in their day-to-day lives? Nothing. The answer is nothing.

This bill does absolutely nothing to change their circumstances, does nothing to restore the balance in government, and even removes the April 30th sunset provision, essentially extending the Governor's total control indefinitely. This is politics at its absolute worst.

I keep hearing that this is okay because it's with legislative oversight. But you had that under the current law, and not once during this time has the Legislature exercised any oversight. As has been said, zero times.

Not once has this body passed a resolution to resolve any of the conflicting orders. Not once has it advanced any of the many proposals we put forward to challenge directives that didn't work or to better protect nursing home residents or anything else.

And not once since I've been here, even when we were in the majority, never was there a policy put forward that caused 15,000 deaths, due to a policy that was put forward last March, when you should have and

could have used your subpoena power and you chose not to. Why should New Yorkers believe you now?

On my drive up here today, I thought to myself, huh, after news broke last night further confirming that the Governor's administration withheld data on nursing home deaths, there was absolutely no way you'd be bringing this sham bill for a vote today. But here we are.

You know, as I've said for years, Albany lives in a bubble. And here in this bubble people have the appearance of being untouchable because of the power they wield. It is our job as lawmakers to change that. It is our job to do what is right to protect New Yorkers and send a clear message that what this administration has done is not right.

Hiding data concerning the deaths of 15,000 vulnerable New Yorkers to protect some book deal? Sweeping sexual harassment accusations under the rug and flaunting our own very policies which are supposed to protect victims. Bullying lawmakers and, yes, members of the press and others is not okay, and we should be sending the message that we have absolutely no

tolerance for it.

Cleanly repealing the Governor's emergency powers, as my colleagues and I have proposed every single session day, is the least we can do to send that message and promote transparency and accountability. Yet today, when we have the opportunity to make a real change, to do more than extend hollow apologies or make empty promises, you are choosing not to do it. You are choosing to maintain the status quo. And look how that's worked out.

You repeatedly refused to issue subpoenas or back our efforts to help launch an independent investigation into the state's overall handling of the COVID crisis in our nursing homes, and every day we learn more and more about the serious ramifications that inaction has had on our residents, their loved ones, and the hardworking staff.

That hardworking staff, which by the way has been used as scapegoats, when the staff sat at the bedsides of residents, holding their hands while Facetiming loved ones, while some of them slowly slipped away. How devastating.

And I understand we are still in a

pandemic, and restoring balance to government will mean our jobs get even harder. Yes, but we were elected to serve and represent the needs of our neighbors, and they deserve to know that their representatives, their Senators are actually working for them, not shirking that responsibility and pointing the finger at the Governor.

Today I am asking our colleagues on the other side of the aisle, many of whom have publicly called for repeal of these powers, some of whom have even called for the Governor's resignation, to do what is right and reject this outrageous proposal.

I vote no, Mr. President. Thank you.

ACTING PRESIDENT BENJAMIN: Senator Serino to be recorded in the negative.

Senator Ortt to explain his vote.

SENATOR ORTT: Thank you, Mr. President.

As I listened to the comments from my colleagues in the Majority, it is very clear that either they don't understand this bill or they're betting that their constituents won't

understand this bill.

Nothing they've said about stripping the Governor's powers is true. Nothing they've said about the current state of affairs or balance of power -- all the reasons that people have begged for the Governor's powers to be rescinded -- will happen as a result of this legislation. In fact, tomorrow will feel a lot like Groundhog Day, because it will still be the exact same thing.

Ninety-six directives have been issued by this Governor during the pandemic, 60 of which are still in force. Those will remain in force, governing every aspect of our life, all under the guise of public health.

During that time, under the current rules, under the current resolution, this body had the ability to rescind any one of those executive orders or the orders in total. We have done nothing. The Majority has done nothing.

They claim this bill has accountability and checks and balances. I never thought that comments were considered checks and balances. I've actually been commenting for the better part of a year. I didn't know that I

needed a legislation or a resolution to do that.

This bill removes the sunset provision that exists in the current resolution. If we did nothing today -- if we did nothing today -- the Governor's powers would expire April 30th. Under this legislation, the Governor's powers will expire when the Governor decides.

The Majority will have you believe that they can decide. But based on their inaction over the past year, their inability for any subpoena power, their inability for any oversight, their unwillingness for any accountability, no one actually believes that they are going to overrule the Governor on the end of this emergency.

If it wasn't for the Wall Street Journal, New York Times, and the Empire Center, we still wouldn't know the truth about the nursing home situation.

The lockdowns that the Governor has put forward, these 60 directives that are still in force by many accounts haven't even worked. Our numbers and our metrics here in New York State are as bad or worse than many other states

across the country.

And the only reason that we're doing this -- which of course is nothing. But the only reason we're having this discussion is because of the current scandals engulfing the Governor. We're not doing this because we want to get back to the work of the people. We're not doing this because we want to be part of the pandemic. We're doing this because we're ashamed of the Governor's current scandals.

It was said on this floor by one of my colleagues that the only reason -- that the Legislature values people's health. Yes, we value it so much that we've done nothing about the 15,000 people who died in nursing homes as a result of the Governor's COVID order. We've done nothing to expose this administration.

And you'll -- I guess it was said earlier this wasn't a deal between the Governor and the Legislature, that the Governor lied. Big shocker. Big shocker.

The bottom line is today we are not rescinding the Governor's authority. All the directives will continue. He'll be able to extend those directives. And the sunset clause,

the sunset provision is now removed. There is no hard date that will bring about an end to one-man rule.

And my colleagues across the aisle, despite their comments, are either okay with that because they don't want to be part of governing during this pandemic, or they're too scared of the Governor even at this moment, a moment that cries out for real leadership and for the Legislature to restore itself as a coequal branch of government. Which our resolution, that we've introduced 22 times now, would have done.

For those reasons, Mr. President, I and I know my conference will be voting no.

ACTING PRESIDENT BENJAMIN: Senator Ortt to be recorded in the negative.

Leader Stewart-Cousins to explain her vote.

SENATOR STEWART-COUSINS: Thank you, Mr. President.

It's hard to imagine that over a year ago I was calling the Senate back to session after New York's first positive case was reported. It was the case of a person who lived in a city that I represent.

In March 2020, when New York was facing the start of the COVID-19 pandemic, the Legislature, both houses -- and here on both sides of the aisle -- granted emergency powers to the Governor to allow for a swift response to the pandemic when not much was known. Those emergency powers allowed the Governor to issue directives, and that was something that no Governor had been allowed to do before.

Today, under this new legislation, the Governor will no longer be able to issue any new directives, period. We have come a long way from where we were then, because of New Yorkers' strength and response, to control this pandemic.

In light of recent events, however, it is clear that we need to move toward a system of increased oversight, review and verification between the Legislature and the executive branch, and also limit the powers granted to the Governor.

This is an opportunity to begin the recovery process from this pandemic that has taken the lives of New Yorkers, and sets a new vision for how disaster response is handled in New York State.

Quite frankly -- and we've heard the words "checks and balances" all day -- New Yorkers must have checks and balances. The system created through this legislation that I sponsor will assure increased information while at the same time ensuring New Yorkers continue to be protected.

The Governor will be able to extend or modify existing COVID-19 directives by providing information to the Legislature and municipalities impacted, within five days prior to the change.

Furthermore, if the Governor chooses to extend an existing directive, a public response to any comment from the Legislature or local leaders is required.

This comment and review process ensures transparency and accountability for the Executive, giving local constituents -- and, yes, my colleagues on the other side of the aisle -- a voice in the process and an outlet to ensure their concerns are heard and addressed.

Additionally, this legislation will provide that the Legislature may terminate a state disaster emergency by Concurrent

Resolution, ensuring a new check by the Legislature on the Governor's authority during a declared state of emergency. Preexisting directives that have nothing to do with COVID-19 will be terminated.

The Commissioner of Health will be solely responsible for certifying the veracity and necessity of continuing pandemic-related directives. If he fails to do that, the directive cannot and will not be extended.

The Legislature already has the power to overturn any executive action during an emergency without approval by the Governor. Still, the Legislature is not being briefed or informed about each action's details, making it difficult to use this power.

This legislation changes the information and response vacuum we have all witnessed and experienced. This system strengthens the balance of power to ensure checks and balances during a state of emergency, and will necessitate a better flow of information between the Executive and Legislature during this significant crisis.

Our proposal creates a system with

increased input, while at the same time ensuring New Yorkers continue to be protected and the oversight they expect is in place.

The proposal would also require the executive branch to provide searchable-format information and justify emergency suspensions and directives. This information deserves to be public knowledge, in a format the general public and stakeholders can easily find and use and understand.

Critics say that we should end everything, go back to where we were before COVID-19, before the virus killed 500,000 -- yes, half a million -- of our fellow Americans, including over 47,000 New Yorkers.

But New Yorkers know how bad that was and how bad that could be, and our struggle continues. We're fighting forward and won't let politics dictate policy to keep people healthy and alive.

The Senate Democratic Majority is focused on creating results and passing legislation that prioritizes health, safety, and the recovery of New York State.

I reiterate these facts because

politicians will play politics and try to take any opportunity to pontificate to further a political agenda. But this really is about good government, working on getting things done, and saving the lives of the people we are responsible for serving.

New Yorkers across this state sent us here to find legislative solutions, solve problems, and take the best action. They don't care about the gimmicks, they care about their families' daily lives and how what we do impacts them.

That's why we're getting this done today, so that New Yorkers know that as we've reached this moment during the pandemic, we are guaranteeing the checks and balances, the accountability, the responsibility that they expect from their government.

We have a lot of work to do in the weeks and months ahead. I look forward to working with you all to continue to fight through this pandemic and for the recovery of our state and its people.

I vote aye.

ACTING PRESIDENT BENJAMIN: Leader

Stewart-Cousins to be recorded in the affirmative.

Senator Lanza.

SENATOR LANZA: Mr. President, on behalf of the five members from this side of the aisle, I request a slow roll call.

SENATOR GIANARIS: Mr. President, as we are in pandemic protocol, the normal slow roll call process is not possible, so we've agreed to have the full roll call yeas and nays read aloud by the Clerk.

ACTING PRESIDENT BENJAMIN: So ordered.

Announce the results.

THE SECRETARY: In relation to Calendar 504, those Senators voting affirmatively are Senators Addabbo, Bailey, Benjamin, Biaggi, Breslin, Brisport, Brooks, Brouk, Comrie, Cooney, Felder, Gaughran, Gianaris, Gounardes, Harckham, Hinchey, Hoylman, Jackson, Kaminsky, Kaplan, Kavanagh, Kennedy, Krueger, Liu, Mannion, May, Mayer, Myrie, Parker, Persaud, Ramos, Reichlin-Melnick, Rivera, Ryan, Salazar, Sanders, Savino, Sepúlveda, Serrano, Skoufis, Stavisky, Stewart-Cousins and Thomas.

Those Senators voting in the negative are Senators Akshar, Borrello, Boyle, Gallivan, Griffo, Helming, Jordan, Lanza, Martucci, Mattera, Oberacker, O'Mara, Ortt, Palumbo, Rath, Ritchie, Serino, Stec, Tedisco and Weik.

Ayes, 43. Nays, 20.

ACTING PRESIDENT BENJAMIN: The bill is passed.

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

SENATOR GIANARIS: Mr. President, back to motions for a moment.

On behalf of Senator Brouk, on page 19 I offer the following amendments to Calendar 391, Senate 4002, 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, Mr. President?

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

SENATOR GIANARIS: I move to

adjourn until Monday, March 8th, at 3:00 p.m., intervening days being legislative days.

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

(Whereupon, at 1:56 p.m., the Senate adjourned.)