NEW YORK STATE SENATE

THE STENOGRAPHIC RECORD

ALBANY, NEW YORK

March 11, 2021

11:27 a.m.

REGULAR SESSION

SENATOR JAMAAL T. BAILEY, Acting President

ALEJANDRA N. PAULINO, ESQ., Secretary

P R O C E E D I N G S

ACTING PRESIDENT BAILEY: 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 BAILEY: 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 BAILEY: Reading of the Journal.

THE SECRETARY: In Senate, Wednesday, March 10, 2021, the Senate met pursuant to adjournment. The Journal of Tuesday, March 9, 2021, was read and approved. On motion, Senate adjourned.

ACTING PRESIDENT BAILEY: 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: Mr. President, let's begin by taking up the reading of the calendar, please.

ACTING PRESIDENT BAILEY: The Secretary will read.

THE SECRETARY: Calendar Number 120, Senate Print 30, by Senator Kaplan, an act authorizing the Empire State Development Corporation to develop a public awareness campaign.

SENATOR LANZA: Lay it aside.

ACTING PRESIDENT BAILEY: Lay it aside.

THE SECRETARY: Calendar Number 155, Senate Print 391, by Senator Kaminsky, an act to amend the Town Law and the Village Law.

ACTING PRESIDENT BAILEY: Read the last section.

THE SECRETARY: Section 4. This act shall take effect on the 180th day after it

shall have become a law.

ACTING PRESIDENT BAILEY: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT BAILEY: Announce the results.

THE SECRETARY: In relation to Calendar Number 155, those Senators voting in the negative are Senators Akshar, Borrello and Ortt.

Ayes, 60. Nays, 3.

ACTING PRESIDENT BAILEY: The bill is passed.

THE SECRETARY: Calendar Number 180, Senate Print 988, by Senator Gaughran, an act to amend the Navigation Law.

ACTING PRESIDENT BAILEY: Read the last section.

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

ACTING PRESIDENT BAILEY: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT BAILEY: Announce the results.

THE SECRETARY: Ayes, 63.

ACTING PRESIDENT BAILEY: The bill is passed.

THE SECRETARY: Calendar Number 264, Senate Print 996, by Senator Hoylman, an act to amend the Domestic Relations Law.

ACTING PRESIDENT BAILEY: Read the last section.

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

ACTING PRESIDENT BAILEY: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT BAILEY: Announce the results.

THE SECRETARY: In relation to Calendar 264, those Senators voting in the negative are Senators Borrello, Helming, Jordan, Ortt and Serino.

Ayes, 58. Nays, 5.

ACTING PRESIDENT BAILEY: The bill is passed.

THE SECRETARY: Calendar Number 282, Senate Print 1903, by Senator Skoufis, an act to amend the Highway Law.

ACTING PRESIDENT BAILEY: Read the

last section.

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

ACTING PRESIDENT BAILEY: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT BAILEY: Announce the results.

THE SECRETARY: Ayes, 63.

ACTING PRESIDENT BAILEY: The bill is passed.

THE SECRETARY: Calendar Number 410, Senate Print 3049, by Senator Rivera, an act to amend the Civil Practice Law and Rules.

ACTING PRESIDENT BAILEY: Read the last section.

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

ACTING PRESIDENT BAILEY: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT BAILEY: Announce the results.

THE SECRETARY: In relation to Calendar Number 410, those Senators voting in the

negative are Senators Akshar, Griffo, Helming, Jordan, Lanza, Martucci, Oberacker, Ortt, Palumbo, Rath, Stec and Tedisco.

Ayes, 51. Nays, 12.

ACTING PRESIDENT BAILEY: The bill is passed.

THE SECRETARY: Calendar Number 413, Senate Print 3263, by Senator Comrie, an act to amend the Public Authorities Law and the Economic Development Law.

ACTING PRESIDENT BAILEY: Read the last section.

THE SECRETARY: Section 3. This act shall take effect on the 90th day after it shall have become a law.

ACTING PRESIDENT BAILEY: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT BAILEY: Announce the results.

THE SECRETARY: Ayes, 63.

ACTING PRESIDENT BAILEY: The bill is passed.

THE SECRETARY: Calendar Number 431, Senate Print 664, by Senator Sanders, an act

to amend the Banking Law.

ACTING PRESIDENT BAILEY: Read the last section.

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

ACTING PRESIDENT BAILEY: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT BAILEY: Announce the results.

THE SECRETARY: Ayes, 63.

ACTING PRESIDENT BAILEY: The bill is passed.

THE SECRETARY: Calendar Number 476, Senate Print 815, by Senator Biaggi, an act to amend the Insurance Law and the Public Health Law.

ACTING PRESIDENT BAILEY: Read the last section.

THE SECRETARY: Section 7. This act shall take effect on the 180th day after it shall have become a law.

ACTING PRESIDENT BAILEY: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT BAILEY: Announce the results.

THE SECRETARY: Ayes, 63.

ACTING PRESIDENT BAILEY: The bill is passed.

THE SECRETARY: Calendar Number 484, Senate Print 2687, by Senator Brooks, an act to amend the Education Law.

ACTING PRESIDENT BAILEY: Read the last section.

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

ACTING PRESIDENT BAILEY: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT BAILEY: Announce the results.

THE SECRETARY: Ayes, 63.

ACTING PRESIDENT BAILEY: The bill is passed.

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

SENATOR GIANARIS: Mr. President, let's move to the controversial calendar, please.

ACTING PRESIDENT BAILEY: The

Secretary will ring the bell.

The Secretary will read.

THE SECRETARY: Calendar Number 120, Senate Print 30, by Senator Kaplan, an act authorizing the Empire State Development Corporation to develop a public awareness campaign.

ACTING PRESIDENT BAILEY: 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 Stec to be heard.

ACTING PRESIDENT BAILEY: 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 Stec.

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

SENATOR STEC: Thank you,

Mr. President.

I would argue that this amendment is germane to the bill-in-chief because it deals with the manufacturing of personal protective equipment, and Governor Cuomo has issued many directives that are related to PPEs, including how such equipment shall be distributed.

Six days ago, on this Senate floor, we sat and we debated the reining in or the extension of the Governor's powers bill. And on that debate I said that in a week we would know whether or not anything had changed.

So in fairness, it's been six days, not seven, but I ask this body what has changed in those six days. And I'll tell you. The number of accusers of sexual harassment has doubled from three to six. Now we're discussing a book deal and the doctoring of a Department of Health report that may have impacted the value of that book deal to the Governor.

And tonight, at dinner tables all across America, parents will be sitting down with their children and they are going to be discussing what is aggressive groping. And they will be discussing an allegation of not sexual

harassment, but sexual assault -- recently, in the Mansion, government property, alleged against the Governor by a current employee of the State of New York.

What hasn't changed? Bars and restaurants and gyms, nothing has changed for them in the last six days. Nothing. We all, all of us, all 63 of us, represent thousands, between us, thousands of bars and restaurants. They are teetering with failure. Many of them have closed.

They still have curfews. They still have a mandate from the Governor that requires that in order to serve alcohol, they have to serve food. And they're limited in their capacity. And they are failing. We are failing -- you are failing our small businesses.

I think it's absolutely shameful that our two supermajorities have done nothing to rein in this Governor's powers. They have done nothing to stand up for our female employees. They have done nothing to stand up for our nursing home COVID dead. They have done nothing to stand up for one of our colleagues who's been bullied and threatened in the other house.

They've done nothing for our small businesses.

SENATOR GIANARIS: Mr. President.

ACTING PRESIDENT BAILEY: Senator Gianaris.

SENATOR GIANARIS: We give a lot of latitude to colleagues to have themselves heard, but we're talking about the presiding officer's appeal of a hostile amendment as it relates to the Governor's emergency powers.

I think the Senator is well afield, off-track in terms of the subject matter we're supposed to be discussing, so I would encourage him to stay on topic, please.

ACTING PRESIDENT BAILEY: Thank you, Senator.

SENATOR STEC: I'll wrap it up and bring it a little closer to home.

ACTING PRESIDENT BAILEY: Please, Senator Stec.

SENATOR STEC: Thank you very much, Mr. President. Thank you to my colleague.

It's time for us as a body elected by our constituents to reassert ourselves as a constitutional coequal branch. It was true six months ago, it was true six weeks ago, it

certainly was true six days ago. And after last night, I still question what's left, what is there more for us to see?

So I move that this is very germane to the bill because there's been no greater time in our state's recent history where we needed to end these powers and reassert ourselves as a coequal branch of government.

Thank you, Mr. President.

ACTING PRESIDENT BAILEY: Thank you, Senator Stec.

I want to remind the house that this 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 BAILEY: Without objection, so ordered.

Announce the results.

THE SECRETARY: Ayes, 20.

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

Are there any other Senators wishing to be heard?

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

Read the last section.

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

ACTING PRESIDENT BAILEY: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT BAILEY: Announce the results.

THE SECRETARY: Ayes, 63.

ACTING PRESIDENT BAILEY: The bill is passed.

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

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

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

SENATOR GIANARIS: I move to adjourn until Monday, March 15th, at 3:00 p.m., intervening days being legislative days.

ACTING PRESIDENT BAILEY: On motion, the Senate stands adjourned until Monday, March 15th, at 3:00 p.m., intervening days being legislative.

(Whereupon, at 11:38 a.m., the Senate adjourned.)