NEW YORK STATE SENATE

THE STENOGRAPHIC RECORD

ALBANY, NEW YORK

March 23, 2021

3:09 p.m.

REGULAR SESSION

SENATOR SHELLEY B. MAYER, Acting President

ALEJANDRA N. PAULINO, ESQ., Secretary

P R O C E E D I N G S

ACTING PRESIDENT MAYER: 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 MAYER: Rabbi Shmuel Butman, of the Lubavitch Youth Organization, will deliver today's invocation.

RABBI BUTMAN: (In Hebrew.)

Our heavenly Father, we ask You to bestow Your blessings on all the members of the New York State Senate, who are so gallant and have gathered here today despite everything that is happening.

Bestow Your blessings upon them, and give them good health and long life and a lot of prosperity in everything that they are doing.

I want to thank Senator Myrie and all of you for passing a resolution dedicating 119 Days of Education in honor of the Lubavitcher Rebbe.

The Rebbe spoke about education, and he specifically emphasized that when he talks

about education, he means education of all children, regardless of race, religion, color or creed.

The Rebbe said many times that he wants a child to know that there is an Eye that sees, there is an Ear that hears, and that the world is not a jungle.

In 1991 I went to Washington to open the United States Senate. Before that, I went to see the Rebbe, and the Rebbe said to me that during the invocation I should take a tzedakah pushkeh with me -- a tzedakah pushke is a charity box -- and I should give a dollar in tzedakah, a dollar for charity, and everyone should see what I am doing and they should know what money would be used for.

In that spirit, I want to do the same, and I want to offer the following dollar in this charity box, this pushkeh. This pushke is what's used in the synagogues to do more goodness and kindness. And I hope that you will have a chance later to do the same.

And here is a dollar that I am putting into this pushkeh, if it fits.

(Laughter.)

RABBI BUTMAN: Yes. Yes.

Now, I want you to know that this is not a fundraising effort. For if it were a fundraising effort, I would ask you for more than one dollar.

(Laughter.)

RABBI BUTMAN: This is an effort to do more goodness and kindness.

The Rebbe tells us that we live in a special generation. We live in a generation that is the last generation of exile, the first generation of redemption, and that we can bring about the great redemption by doing more acts of goodness and kindness.

Putting in a dollar into a pushkeh, into a charity box, is an act of goodness and kindness.

The Rebbe also stresses that you have a lot of influence. You have not only influence over -- in the State of New York, but because the State of New York is one of the greatest states in the union, your influence goes to the entire United States of America. And because the United States of America is a superpower, your influence goes into the entire

world.

So as you are instituting laws of law and order, it's not only for the people in the State of New York, it's not only for the people in the United States of America, it is for the entire world, as you are a model of goodness and kindness and law and law and order for all the people in the world.

I want to tell you before I conclude that every Saturday, every Shabbos, we say a special prayer for you in our shuls, in our synagogues. We say {in Hebrew}. I know it's Hebrew, and I don't want to test your nerves. It means that all of those who serve the public faithfully, as you are, we're asking for a special brukha, that Almighty God should be good to you. And that for all of those who needed to recover from any ailment, they should recover immediately, and everyone should be blessed by Almighty God with good health and long life for many, many years.

And especially you, as you are the public servants and you are serving the public so faithfully, Almighty God should bless you with a lot of success and prosperity in your communal

life as well as in your private life.

And let us say amen.

(Response of "Amen.")

ACTING PRESIDENT MAYER: Thank you, Rabbi, for that lovely blessing. Thank you very much.

Reading of the Journal.

THE SECRETARY: In Senate, Monday, March, 22, 2021, the Senate met pursuant to adjournment. The Journal of Sunday, March 21, 2021, was read and approved. On motion, Senate adjourned.

ACTING PRESIDENT MAYER: 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: Thank you, Madam President.

On behalf of Senator Ryan, on page 33 I offer the following amendments to Calendar Number 600, Senate Print 4878A, and ask that said bill retain its place on Third Reading Calendar.

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

Senator Gianaris.

SENATOR GIANARIS: On behalf of Senator Gaughran, I move to recommit Senate Print 1787, Calendar 167 on the order of third reading, to the Committee on Local Government with instructions to said committee to strike the enacting clause.

ACTING PRESIDENT MAYER: So ordered.

SENATOR GIANARIS: At this time I move to adopt the Resolution Calendar, with the exception of Resolutions 505, 512 and 538.

ACTING PRESIDENT MAYER: All in favor of adopting the Resolution Calendar, with the exception of Resolutions 505, 512 and 538, please signify by saying aye.

(Response of "Aye.")

ACTING PRESIDENT MAYER: Opposed, nay.

(No response.)

ACTING PRESIDENT MAYER: The Resolution Calendar is adopted.

Senator Gianaris.

SENATOR GIANARIS: Can we now take up Resolution 505, by myself, read that resolution's title, and recognize me on the resolution.

ACTING PRESIDENT MAYER: The Secretary will read.

THE SECRETARY: Senate Resolution 505, by Senator Gianaris, memorializing Governor Andrew M. Cuomo to proclaim March 2021 as Greek Heritage Month in the State of New York, in conjunction with the commemoration of the 200th Anniversary of Greek Independence.

ACTING PRESIDENT MAYER: Senator Gianaris on the resolution.

SENATOR GIANARIS: Thank you, Madam President.

This is always a day of great pride for me and many of our colleagues. As someone who is a child of Greek immigrants, the heritage

of the Greek people is something we hold dear to us. It's been made fun of a little bit in some movies, but underlying that humor was a lot of truth.

Going back to ancient times, Greeks had a lot to do with a lot of the values and the Western civilization we enjoy today. Whether it's science or mathematics, theater, literature -- you name it, the ancient Greeks were at the forefront of a lot of it.

And moving forward to what we do, of course, their innovations about democratic processes were something that have been improved upon, and we sit here today as a result of that discovery, so to speak, that they had made.

Today we're celebrating a month that recognizes the bicentennial of modern Greece's independence. And I remember when I was first elected to the State Legislature, at the time I was the first ever Greek-American from New York City to be elected to an office of any kind. And many people were surprised by that, because there's such a rich Greek tradition in New York City.

But I'm proud to say that not only

was that the case, but now we have grown our ranks and have a caucus that is six strong in both houses, representing all genders, both parties, and we work together on issues of importance to our community. That is something that, in this difficult time of division, has been able to be a bridge for a common purpose.

And so today as we pass this resolution -- I think some of my colleagues will also speak on this resolution -- I want to reaffirm my pride and my thanks to my parents for engaging in a struggle that so many others from all over the world have engaged in to get to the United States and make a better life for myself and for my brother and for their families.

And I would say that we should all keep in mind, as others from other parts of the world are endeavoring to engage in the same journey, that we should treat them with compassion and respect the same way that many were in the past.

And so with that, Madam President, I thank my colleagues for giving me a moment to speak about an issue of great personal importance to me, and I ask that we all recognize the

200th anniversary of Greek independence today by adopting this resolution.

Thank you.

ACTING PRESIDENT MAYER: Thank you.

Senator Gounardes on the resolution.

SENATOR GOUNARDES: Thank you, Madam President. And thank you, Senator Gianaris, for bringing this resolution forward.

Madam President, I am the proud grandson and great-grandson of Greek immigrants. I am fourth generation here in this country.

Today, this year, we are celebrating the 200th anniversary of Greece's independence after 400 years of subjugation and oppression by the Ottoman Empire.

We have a tendency in the Greek-American community to view our legacy through the lens of our cultural heritage. We boast of the richness of ancient Greek culture, we celebrate the glory of Byzantium, we cheer the courage of the revolution, and we claim them all as part of our Greek legacy. And yet here in this country, for the past 100-plus years, there is also a rich legacy of Greek-Americans in the United States.

Greeks have emigrated to the United States in search of peace, stability and a better life for themselves and their families. They came to escape the persecutions of the Ottoman Empire. They came to be spared the devastations of World War I. They came to be safe from the terrors of the Asia Minor holocaust and the burning of Smyrna. They came to be spared the horrors of World War II, and they came to find peace during the Greek Civil War. They came to seek safety and opportunity during the unrest of the '60's and '70s. They came to find economic prosperity during the stagnation of the 1980s.

For a hundred-plus years, Greeks have sought out the light of freedom offered by Lady Liberty and came to the United States in the hope of a better life. They came here by the thousands and the tens of thousands. They came here legally and, yes, they came here illegally.

When the United States adopted immigration quotas in 1924, they would only accept 100 Greek immigrants a year in this country. And yet still we know our history, and our people smuggled themselves in by the hundreds

and thousands.

And don't forget -- and let this be a reminder to us all -- just how unwanted Greeks were in this country. Greek immigrants endured decades of harassment, intimidation, discrimination and violence, all because they looked a little bit different than other Americans, spoke a different language than other Americans, and took low-paying jobs away from other Americans.

The Ku Klux Klan viewed Greek immigrants as a threat to the United States. They attacked Greek businesses, burned crosses on Greek lawns, encouraged doctors to sterilize Greek women, and in some cases beat and even murdered Greek immigrants.

All across the country, Greek immigrants and Greek-American citizens were discriminated against and harassed. It was not uncommon to see, at times, "No Greeks Wanted" signs in store windows, or even the flogging of Greek men for having dared to date white women.

Greek immigrants were encouraged to prove themselves being equal to whites by taking dirty jobs such as building railroads, cleaning

sewage, laying pavement, and working in factories. And yet they still came, enduring injustice after injustice, all in the hopes of living a better life here.

They didn't come here because they were highly educated, worked great jobs, or spoke perfect English. They didn't come here for themselves, but for their children and their children's children. They came here so that one day -- 100 years later, 75 years later, 50 years later -- four Greek-Americans could serve their community in a body as august as the New York State Senate.

And so as we stand here today celebrating the 200th anniversary of Greek independence and declare Greek History Month in the State of New York, I am ever-hopeful for the future of our community here in America.

And this moment represents an opportunity for reflection. At a time when individuals across our country are being subjected to violence, bigotry and discrimination because they come from a different country, speak a different language, have different customs and eat different foods, it is incumbent upon those

of us who have endured similar treatment to stand up and condemn the ugliness of racism wherever it rears its ugly head.

That we remember the struggles of our forefathers and open our hands and open our doors and open our hearts to all those whose stories mirror our own and say, Come, you are welcome here.

Happy Greek Independence Day.

Thank you, Madam President.

ACTING PRESIDENT MAYER: Thank you.

The question is on the resolution. All in favor signify by saying aye.

(Response of "Aye.")

ACTING PRESIDENT MAYER: Opposed?

(No response.)

ACTING PRESIDENT MAYER: The resolution is adopted.

Senator Gianaris.

SENATOR GIANARIS: Let's move on now to Resolution 512, read its title only, and recognize Senator Hinchey, please.

ACTING PRESIDENT MAYER: The Secretary will read.

THE SECRETARY: Senate Resolution

512, by Senator Hinchey, memorializing Governor Andrew M. Cuomo to proclaim March 21-27, 2021, as Agriculture Week in the State of New York.

ACTING PRESIDENT MAYER: Senator Hinchey on the resolution.

SENATOR HINCHEY: Thank you, Madam President.

As chair of the Agriculture and Food Committee, I rise today to sponsor a resolution proclaiming March 21st through 27th as Agriculture Week in the State of New York.

I have the great honor of representing the most rural district in our Majority Conference, which is home to over a thousand farms, primarily small and mid-size family-run operations, many of which have been in business for generations.

It's not lost on me what a unique privilege it is to represent the needs of farmers, not only in my district but spanning the entirety of our great state. We are incredibly lucky to have such a rich and diverse farming legacy here in New York, which is made possible by the skilled work of our farmers who grow our food, guard our natural resources, and bolster

our economy.

I really believe that one of the silver livings of this pandemic has been the increased recognition by the general public of agriculture's vital importance on our economy and our long-term food security. It's often the case that if you didn't grow up in a rural community, you might not feel that well-connected to our ag sector, even though it's the direct source of the food and drink on our tables no matter where you live.

Agriculture Week is the perfect opportunity to raise awareness about New York's leading industry, a $6 billion industry, and honor those who work tirelessly to keep our food supply safe and our lands healthy.

I take great pride in standing up for our farmers and our food businesses every day of the year, and I'm especially thrilled to have this opportunity to invite all New Yorkers to join me on National Ag Day as we celebrate the critical work of our agriculture community.

Thank you, and Happy Ag Week.

ACTING PRESIDENT MAYER: Thank you, Senator.

Senator May on the resolution.

SENATOR MAY: Thank you, Madam President.

I want to thank my colleague Senator Hinchey for bringing this resolution to the floor and for celebrating agriculture in New York State. I have the second most rural district in the Majority Conference, and so I'm proud to team up with her on a lot of important legislation like the Nourish NY bill that she passed to connect our farms and the people who need food in the state.

The theme of Agriculture Week this year is "Food brings everyone to the table." And that has been so true this year. Bringing people to the table who didn't have food to put on their tables, but making sure that there was a table for them, has been really important to the State of New York and to the way we have supported agriculture this year.

I also want to say this Agriculture Week has a focus on teaching agriculture, and I've had the great pleasure to meet with some of the teachers in my district who run Future Farmers of America programs and teach agriculture

in the classroom. And it is so impressive to me how teaching agriculture also instills in the students a sense of confidence and responsibility and purpose in life. Even if they're not planning to become farmers or even to work in agriculture, the subject matter is such that it connects them to these really important issues of how we put food on the table, who has food, what the food consists of, and what healthy food means.

So I am just honored that we're able to recognize agriculture this week, and especially agriculture education. So I'm happy to support this resolution. Thank you.

ACTING PRESIDENT MAYER: Thank you, Senator.

Senator Borrello on the resolution.

SENATOR BORRELLO: Thank you, Madam President. I'm proud to rise today to recognize Agriculture Week in New York State.

I'd like to thank the sponsor, Senator Hinchey, and I'm proud to serve with her as the ranking member of the Agriculture Committee.

It's impossible for us to overstate

the impact of agriculture on New York State's economy -- especially now, in light of this pandemic, when we recognized how critically important our agriculture community is to New York and to our food security.

You know, when people think of New York State, they think of the skyscrapers of New York City. But really, New York State is an agricultural state. We have more than 33,000 farms in New York State, and I'm proud to say that more than one in 10 of those is in my district, in the most rural and most agriculture-based part of New York State, the 57th Senate District.

More than 96 percent of the farms in New York State are family-owned farms. These are the people who have dedicated their lives for generations to agriculture in New York State -- to caring for the land, to caring for the environment, to caring for those people. For every farmer in New York, they support 65 people with the food that they supply to the food chain.

Last fall when I first became the ranking member of the Agriculture Committee, I logged more than 3,000 miles traveling all across

New York State. Agriculture permeates every single part of this state, from Long Island to the Hudson Valley to the Mohawk Valley and the North Country and Western New York, where I am from. Agriculture is a critical component of New York State's economy and its culture. It's incredibly resilient.

And I'm proud to stand here, as the grandson of two Concord grape farmers, to say that the tradition continues on here in New York State and that we must continue to make sure that New York agriculture is resilient for our future -- not just for our farmers, not just for the families that they support, but for every single New Yorker, that New York has a wonderful, resilient and permanent agriculture community.

Thank you, Madam President.

ACTING PRESIDENT MAYER: Thank you.

The question is on the resolution. All in favor signify by saying aye.

(Response of "Aye.")

ACTING PRESIDENT MAYER: Opposed?

(No response.)

ACTING PRESIDENT MAYER: The resolution is adopted.

Senator Gianaris.

SENATOR GIANARIS: And now, Madam President, we will take up Resolution 538, by Senator Sean Ryan, read that resolution's title only, and recognize Senator Ryan on his resolution.

ACTING PRESIDENT MAYER: The Secretary will read.

THE SECRETARY: Senate Resolution 538, by Senator Ryan, memorializing Governor Andrew M. Cuomo to proclaim April 4-10, 2021, as Library Week in the State of New York.

ACTING PRESIDENT MAYER: Senator Ryan on the resolution.

SENATOR RYAN: Thank you, Madam President.

As the chair of the Libraries Committee, it's my honor to offer this resolution proclaiming April 4th to the 10th as the 63rd Annual Library Week in New York State.

Now, and in my previous role as Libraries chair in the Assembly, I've had the great opportunity to see firsthand how libraries are important to New Yorkers, and the dedication of our librarians.

Libraries are a vital resource to our constituents, and they are the cornerstones of many communities in New York State. They provide important tools to promote literacy and citizenship, but that's just the tip of the iceberg of what they do every day of the year.

Libraries offer resume writing workshops, they give potential employees access to computers to apply for jobs -- and that was before the pandemic. And during the pandemic, libraries have changed up how they provide services to our communities, but they've definitely helped to bridge the digital divide of the underserved communities all across New York State. Providing WiFi access to the public has made libraries even more vital to adults and students during the pandemic.

Among many of the other functions during the pandemic, libraries have also assisted businesses in applying for PPP loans and have continued to offer digital programming and information to the public when even they were closed to the public.

So thank you to the outstanding librarians throughout New York State, and I look

forward to celebrating Library Week with members of my community in Western New York.

Thank you very much, Madam President.

ACTING PRESIDENT MAYER: Thank you.

Senator May on the resolution.

SENATOR MAY: Thank you again, Madam President.

I am so happy that we now have a Committee on Libraries in the Senate and are recognizing, both with this resolution but also with that committee, how important libraries are to the people of this state. Everybody loves libraries, and they play just a crucial role in our public life.

I grew up outside of Boston, Massachusetts, and the Boston Public Library was called the "Palace for the Public" when it was built. And it has inscriptions that remind us that learning and education and understanding of our history are fundamental to our civic duty as members of this society.

And so I think libraries continue to fill that role. I suspect that I hold the distinction in the entire Legislature of probably

being the person who has spent the most amount of my life in libraries. And I've had the very great pleasure to work in libraries all around the world. And I just know they bring people together.

They not only collect and hold our heritage and our history, but they enable people of all walks of life to have access to that information. And increasingly, as they become multimedia centers where they help people who don't have access to the internet gain that access, they help people who are experiencing homelessness have a place to go. They have maker spaces. They have all kinds of ways that they are relevant to this exact moment and to our future.

So our support for libraries and our love of libraries go hand and hand, and I am very happy to support this resolution. And anything we can do to support our libraries in this state I think is money and effort well spent.

Thank you.

ACTING PRESIDENT MAYER: Thank you.

Senator Jordan on the resolution.

SENATOR JORDAN: Thank you,

Madam President.

I rise to speak on my colleague Senator Ryan's resolution memorializing the Governor to proclaim April 4th through April 10th as Library Week in New York State.

I thank Chairman Ryan for advancing this important resolution and for his leadership of the Senate Libraries Committee.

I would like to recognize everything that our excellent public libraries have done and continue doing during the COVID-19 outbreak to serve everyone and ensure communities are informed, keep families connected, and help close the digital divide.

The pandemic has challenged our excellent public libraries like never before, pushing them to be even more creative and offering valuable services in new convenient ways to their patrons.

Libraries have launched curbside drop-off and pickup service, virtual programs, and provided hotspots for those without WiFi. Libraries are even providing 24/7 WiFi in their parking lots to help individuals access schoolwork, business and information. These

proactive, positive steps are on top of all that our libraries are already doing in service to our communities.

Our libraries are about so much more than great books. In an era of so much misinformation and even disinformation, our excellent public libraries serve as trusted stewards of reliable information. As society has changed, so have our libraries, as these vital public resources adapted to changing needs.

Libraries have expanded their services, programs and materials, taking part in food distribution, childcare, passport applications, and so many more programs and services. That's in addition to helping with job searches, genealogy, technical assistance, printing, and reference services -- and, of course, connecting individuals with terrific books, audiobooks, and even more materials that inspire, educate and entertain.

As a former trustee, member of the Executive Committee, and treasurer for the Clifton Park-Halfmoon Public Library, and a current director of the Clifton Park-Halfmoon Library Foundation, and the ranking member of our

Senate Libraries Committee, I'm proud to say that I have been and will forever remain a lifelong advocate of libraries, literacy and learning. During Library Week and every week, our excellent public libraries help improve our quality of life.

I'll close with two of my favorite quotes related to libraries. The first is: If you can read, you can do anything. The second is: Remember that our librarians were the original search engines. If you need to know something, ask your librarian.

I'm proud to support Senator Ryan's legislative resolution, and I want to thank and recognize all of our excellent public libraries and their dedicated, creative, hardworking staffs for their service to all New Yorkers, throughout this pandemic and beyond. We are incredibly grateful for all that you do.

Thank you, Madam President.

ACTING PRESIDENT MAYER: Thank you, Senator Jordan.

The question is on the resolution. All in favor signify by saying aye.

(Response of "Aye.")

ACTING PRESIDENT MAYER: Opposed?

(No response.)

ACTING PRESIDENT MAYER: The resolution is adopted.

Senator Gianaris.

SENATOR GIANARIS: At the request of the sponsors, these resolutions are open for cosponsorship.

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

Senator Gianaris.

SENATOR GIANARIS: Let's take up the calendar, Madam President.

ACTING PRESIDENT MAYER: The Secretary will read.

THE SECRETARY: Calendar Number 166, Senate Print 1659, by Senator Skoufis, an act to amend the General Municipal Law.

ACTING PRESIDENT MAYER: Read the last section.

THE SECRETARY: Section 2. This act shall take effect on the 60th day after it shall have become a law.

ACTING PRESIDENT MAYER: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT MAYER: Announce the results.

THE SECRETARY: In relation to Calendar 166, those Senators voting in the negative are Senators Akshar, Borrello, Boyle, Gallivan, Griffo, Helming, Jordan, Martucci, Mattera, Oberacker, O'Mara, Ortt, Palumbo, Rath, Ritchie, Serino, Stec, Tedisco and Weik.

Ayes, 44. Nays, 19.

ACTING PRESIDENT MAYER: The bill is passed.

THE SECRETARY: Calendar Number 276, Senate Print 624, by Senator Kaminsky, an act to amend the Vehicle and Traffic Law.

ACTING PRESIDENT MAYER: There is a home-rule message at the desk.

Read the last section.

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

ACTING PRESIDENT MAYER: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT MAYER: Announce the results.

THE SECRETARY: In relation to Calendar 276, voting in the negative: Senator Palumbo.

Ayes, 62. Nays, 1.

ACTING PRESIDENT MAYER: The bill is passed.

THE SECRETARY: Calendar Number 444, Senate Print 3967A, by Senator Reichlin-Melnick, an act to amend the Real Property Tax Law.

ACTING PRESIDENT MAYER: Read the last section.

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

ACTING PRESIDENT MAYER: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT MAYER: Announce the results.

THE SECRETARY: In relation to Calendar 444, voting in the negative: Senator Brisport.

Ayes, 62. Nays, 1.

ACTING PRESIDENT MAYER: The bill is passed.

THE SECRETARY: Calendar Number 536, Senate Print 4708, by Senator Comrie, an act to amend the Executive Law.

ACTING PRESIDENT MAYER: Read the last section.

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

ACTING PRESIDENT MAYER: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT MAYER: Announce the results.

THE SECRETARY: In relation to Calendar 536, those Senators voting in the negative are Senators Akshar, Borrello, Gallivan, Griffo, Jordan, Oberacker, O'Mara, Ortt, Palumbo, Rath, Serino and Stec.

Ayes, 51. Nays, 12.

ACTING PRESIDENT MAYER: The bill is passed.

THE SECRETARY: Calendar Number 548, Senate Print 3229A, by Senator Parker, an act to amend the Real Property Tax Law.

ACTING PRESIDENT MAYER: Read the last section.

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

ACTING PRESIDENT MAYER: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT MAYER: Announce the results.

THE SECRETARY: Ayes, 63.

ACTING PRESIDENT MAYER: The bill is passed.

THE SECRETARY: Calendar Number 552, Senate Print 4349, by Senator Brouk, an act to direct the Office of Children and Family Services to examine, evaluate and make recommendations.

ACTING PRESIDENT MAYER. Read the last section.

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

ACTING PRESIDENT MAYER: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT MAYER: Announce

the results.

THE SECRETARY: Ayes, 63.

ACTING PRESIDENT MAYER: The bill is passed.

THE SECRETARY: Calendar Number 554, Senate Print 5162A, by Senator Brisport, an act to amend the Social Services Law.

ACTING PRESIDENT MAYER: Read the last section.

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

ACTING PRESIDENT MAYER: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT MAYER: Announce the results.

THE SECRETARY: Ayes, 63.

ACTING PRESIDENT MAYER: The bill is passed.

THE SECRETARY: Calendar Number 570, Senate Print 2008, by Senator Jackson, an act to amend the Insurance Law.

ACTING PRESIDENT MAYER: 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 MAYER: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT MAYER: Announce the results.

THE SECRETARY: In relation to Calendar Number 570, those Senators voting in the negative are Senators Borrello, Gallivan, Helming, Jordan, Oberacker, O'Mara, Ortt, Rath, Serino, Stec and Weik.

Ayes, 52. Nays, 11.

ACTING PRESIDENT MAYER: The bill is passed.

THE SECRETARY: Calendar Number 572, Senate Print 3577, by Senator Breslin, an act in relation to requiring the Department of Financial Services, in consultation with the Department of Taxation and Finance, to conduct a study regarding insurance.

ACTING PRESIDENT MAYER: Read the last section.

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

ACTING PRESIDENT MAYER: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT MAYER: Announce the results.

THE SECRETARY: Ayes, 63.

ACTING PRESIDENT MAYER: The bill is passed.

THE SECRETARY: Calendar Number 580, Senate Print 2998A, by Senator Harckham, an act to amend the Public Health Law.

SENATOR LANZA: Lay it aside.

ACTING PRESIDENT MAYER: The bill is laid aside.

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

SENATOR GIANARIS: Let's move on to the controversial calendar, please.

ACTING PRESIDENT MAYER: The Secretary will ring the bell.

The Secretary will read.

THE SECRETARY: Calendar Number 580, Senate Print 2998A, by Senator Harckham, an act to amend the Public Health Law.

ACTING PRESIDENT MAYER: Senator

Lanza, why do you rise?

SENATOR LANZA: Madam President, I believe there's an amendment at the desk. I waive the reading of that amendment and ask that Senator O'Mara be recognized so that he can be heard.

ACTING PRESIDENT MAYER: 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, Madam President, I appeal the ruling of the chair and ask that Senator O'Mara be recognized.

ACTING PRESIDENT MAYER: The appeal has been made and recognized, and Senator O'Mara may be heard.

SENATOR O'MARA: Thank you, Madam President. I rise to argue the germaneness of the amendment that we put forth today.

This bill at hand deals with telehealth services, something that has significantly increased during the pandemic, largely because of many restrictions in our state as a result of the pandemic and a result of

executive orders and directives by our Governor, without involvement, consultation with, or approval of this legislative body.

The hostile amendment at hand will terminate the Governor's emergency powers that will have been in effect for a full year in two days.

We submit that the action taken just about three weeks ago by this Legislature that purported to end the Governor's emergency powers did no such thing. Every directive that the Governor had in place at the time we passed that legislation about three weeks ago remains in effect.

At the time of arguing that legislation -- because we on this side of the aisle do not believe that went far enough, particularly given the circumstances in this state and the multitude of scandals and investigations that the Governor is operating under right now, and that the Legislature should be fully engaged in the operation of state government, and particularly in the oversight of Governor Cuomo's dictatorial control over everything related to things in his executive

orders, of which there are some 60, I believe, remaining in place.

At the time of that debate it was suggested by the Majority that we can simply change any of the Governor's existing orders with a concurrent resolution of the Senate and the Assembly.

And we have since, from the Republican side, brought, submitted a couple of resolutions, as suggested by the Majority, one to eliminate the requirement that a customer buy food when they're ordering a beverage; second, that the 11 p.m. curfew on the operation of bars and restaurants should be ended.

These two by themselves represent just a couple that, in my opinion and those of us on this side of the aisle, have no rational basis in either science or medicine -- therefore, no rational basis to limit and constrict the liberties, rights and freedoms of the citizens of the State of New York.

Law requires there to be a rational basis for any such limitations on liberty, rights and freedoms. That's not the case with these two. Yet this body, the Majority, refuses to

continue to move those resolutions, even through committee to get them to the floor on the active Resolution Calendar. So despite what the argument was three weeks ago, this Majority is doing nothing.

And nothing has changed on all of the edicts that the Governor had issued and were existing at the time that that legislation was passed three weeks ago.

The arbitrariness and capriciousness of these two issues is plain to see on its face. And there has been no suggestion by the Executive of any scientific or medical basis for that.

There's a pending lawsuit in Western New York that this Friday -- about a month after an order to show cause was issued, in favor of approximately 100 bars and restaurants in Western New York, and Senator Patrick Gallivan -- that the curfew had no basis, and the judge threw it out.

The state's response date is this Friday. So we're waiting on a ruling again from the court to tell this Legislature what the law is in New York State.

That's a delegation of our duty.

That's sitting back and letting the court make decisions that the Legislature should be involved with, with the oversight of the Legislature, the oversight of the Governor.

Nothing changed with bill that was passed three weeks ago. Yet even this week the Governor came out regarding the curfew and said he's going to lift the 11 p.m. curfew, at the Governor's own prerogative -- because he's still got the final say, the ultimate authority, without any involvement from us in the Legislature -- that gyms, pool halls, theaters and bowling alleys don't have to abide by the 11 p.m. curfew anymore.

What is the scientific or medical rationale to lift the curfew for those types of venues but not restaurants or bars? I submit that there absolutely is none.

And it is senseless policies like this that are making our economy even harder to rebound from this pandemic and stifling small businesses in the State of New York.

And I know that there are those on the other side of the aisle in the Majority here that have similar feelings and concerns on these

issues. And our freshman Senator John Mannion sent a letter to the Governor this week asking that the curfew for Central New York be lifted so that fans for the Syracuse Sweet 16 game this weekend don't have to go home at halftime.

Well, I submit they're not going to be going home at halftime, because they're not going to be going out in the first place and patronizing small businesses. The Governor didn't do it for Buffalo Bills playoff games in Western New York, yet there's court action pending that says this curfew is baseless and should not continue.

And I'm not arguing that we should make exceptions for college basketball games or professional football games just because they're important games. But it should be statewide, and we should have a standard in this state that applies to everyone, not just 100 bars and restaurants in Western New York that happen to be the lucky plaintiffs in a case and they've been able to be open now for a month past 11. That must end.

Further, in light of the new findings of the CDC -- based on the Massachusetts

study that students can safely be in a classroom with 3-foot separation, and the CDC agreeing with that -- that is the major limiting factor at this point in our schools getting back to full-time in-person students in the classroom, where they should be, and stop the continuing of falling behind because of the way the education system is running right now.

The science is suggesting that 3 feet is safe, but our schools -- even some counties are going ahead without the 6-foot rule, in violation of the Governor's edict of a 6-foot requirement in schools.

We as a Legislature should be dealing with these types of issues and not sitting back and leaving it up to the Governor. The American Association of Pediatricians agrees with our position and that position of the CDC and the findings of that Massachusetts study.

We need our students in the classroom. We need them in the classroom as soon as possible. The only thing hindering that in most of our school districts is this 6-foot rule, when all health studies indicate at this point 3 feet is safe and reasonable and should be

pursued.

So based on that and these considerations, Madam President, I believe that the ruling of the chair should be overruled, that this amendment should be ruled germane, and that this Legislature should get back in the business of oversight of an out-of-control Executive.

Thank you, Madam President.

ACTING PRESIDENT MAYER: Thank you, Senator.

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: Madam President, we have agreed to waive the showing of hands and record each member of the Minority in the affirmative.

ACTING PRESIDENT MAYER: Without objection, so ordered.

Announce the results.

THE SECRETARY: Ayes, 20.

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

Are there any other Senators wishing to be heard?

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

Read the last section.

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

ACTING PRESIDENT MAYER: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT MAYER: Senator Harckham to explain his vote.

SENATOR HARCKHAM: Thank you very much, Madam President.

You know, behavioral health is one of the issues in this chamber that we have usually good bipartisan support. And I'm always open to working with my friends across the aisle on how to make any piece of legislation better.

However, I submit that the hostile amendment that was just submitted for this bill was not appropriate, and I'm appreciative of

colleagues for voting that down.

This is a bill that deals with a couple of things. It deals with behavioral health peers, their qualifications, and it deals with telehealth. One of the things that we learned during this pandemic is how critical telehealth could be in the behavioral health spectrum, whether it was dealing with mental health issues or substance use disorder, and how critical peers are.

Unfortunately, they're not qualified as one of the billing elements for telehealth, whether it be audiophonic or videophonic. This bill actually makes them a qualifying entity so that the providers who employ them can bill for those services to insurance companies.

It's a vital financial lifeline during this time when in-person visits are not always possible. It's a vital lifeline to patients. And it's a vital cash lifeline for the organizations that run them.

So I vote aye. Thank you very much, Madam President.

ACTING PRESIDENT MAYER: Senator Harckham to be recorded in the affirmative.

Announce the results.

THE SECRETARY: Ayes, 63.

ACTING PRESIDENT MAYER: The bill is passed.

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

SENATOR GIANARIS: Thank you, Madam President.

If we can go back to motions for a moment.

On behalf of Senator Biaggi, on page 18 I offer the following amendments to Calendar 407, Senate 1068, and ask that said bill retain its place on Third Reading Calendar.

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

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

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

SENATOR GIANARIS: I move to adjourn until tomorrow, Wednesday, March 24th, at 3:00 p.m.

ACTING PRESIDENT MAYER: On motion,

the Senate stands adjourned until Wednesday, March 24th, at 3:00 p.m.

(Whereupon, at 3:58 p.m., the Senate adjourned.)