NEW YORK STATE SENATE

THE STENOGRAPHIC RECORD

ALBANY, NEW YORK

March 24, 2021

3:08 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: 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 MAYER: Reading of the Journal.

THE SECRETARY: In Senate, Tuesday, March 23, 2021, the Senate met pursuant to adjournment. The Journal of Monday, March 22, 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.

The Secretary will read.

THE SECRETARY: Senator Rivera

moves to discharge, from the Committee on Health, Assembly Bill Number 5684A and substitute it for the identical Senate Bill 4893A, Third Reading Calendar 372.

ACTING PRESIDENT MAYER: The substitution is so ordered.

THE SECRETARY: Senator Hoylman moves to discharge, from the Committee on Judiciary, Assembly Bill Number 5719A and substitute it for the identical Senate Bill 1957A, Third Reading Calendar 409.

ACTING PRESIDENT MAYER: The substitution is so ordered.

THE SECRETARY: Senator Thomas moves to discharge, from the Committee on Judiciary, Assembly Bill Number 164B and substitute it for the identical Senate Bill 297B, Third Reading Calendar 523.

ACTING PRESIDENT MAYER: The substitution is so ordered.

THE SECRETARY: Senator Biaggi moves to discharge, from the Committee on Health, Assembly Bill Number 3397 and substitute it for the identical Senate Bill 5177, Third Reading Calendar 582.

ACTING PRESIDENT MAYER: The substitution is so ordered.

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: Can we please take up the reading of the calendar, Madam President.

ACTING PRESIDENT MAYER: The Secretary will read.

THE SECRETARY: Calendar Number 340, Senate Print 4371B, by Senator Biaggi, an act to amend the Environmental Conservation Law.

ACTING PRESIDENT MAYER: 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 MAYER: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT MAYER: Senator Lanza to explain his vote.

SENATOR LANZA: Thank you, Madam President, to explain my vote.

I'd like to explain the reason why I will be voting in the negative on this piece of legislation.

You know, Madam President, three of the worst crimes committed against the environment in New York State were perpetrated against the environment and the people of Staten Island, and they were perpetrated by the government of New York City during the administrations of Mayors Wagner, Lindsay, Beame, Koch and Dinkins.

And of course I'm speaking of Gateway National Park, upon which New York City dumped thousands of cubic yards of fill that we now know to contain radioactive waste. Of course I'm speaking about the crime committed against the environment by New York City at the Fresh Kills Landfill, in which the city for decades operated that which, by every federal clean air and water act, is illegal, where the dump was created over freshwater estuaries,

wetlands and some of the most sensitive land in the entire City of New York. And then also Brookfield Landfill, which is now a park, believe it or not, where New York City dumped just about every carcinogen that has been identified by humankind.

And here we have a bill that purports to protect the environment, and yet Staten Island is excluded from the alleged protections of this bill. I don't need to go read any further with respect to any of the particulars and with respect to any of the alleged protections of the environment in order to know that I must vote in the negative.

If you believe this bill protects the environment -- and we can debate that -- but if you believe it protects the environment, why not have it apply to the entire state? And why would you not include Staten Island, which has been victimized for decades by the very government that is supposed to protect it?

So for those reasons, Madam President, I'll be voting in the negative.

ACTING PRESIDENT MAYER: Senator Lanza to be recorded in the negative.

Senator Stec to explain his vote.

SENATOR STEC: Thank you, Madam President. I rise to explain my vote.

I mentioned previously that, you know, I have an experience in energy production, and I think this bill largely happens to focus on our energy producers and their emissions, although it's certainly not limited to that.

But my concerns about these kinds of bills in general that I've seen over the years in the Legislature are certainly the cost to businesses, and oftentimes these added burdens on businesses in these neighborhoods, in and around these neighborhoods that we're seeking in this legislation to protect, will have a negative impact on the jobs of the very people whose health we are purporting to be concerned about. Economically, we are going to be damaging their employers, and we could easily have an unemployment issue.

I'm concerned about, in our desire and zeal to protect the environment, that we are burdening DEC with a new task with staff and resources that they simply don't have. They are struggling to keep up with the charges that

they've already been given, and we're proposing here to add a whole new tracking system and regulations that need to be written, staff that's going to need to be hired to enforce and monitor all this. So I'm concerned about that.

The potential loss of power producers, energy producers, electric producers -- you could end up closing electrical plants. We already have in this state a distribution and a power supply concern that's well documented, and we could easily have rolling blackouts in New York City if we lose any more producers.

The federal government has already regulated -- we have the Clean Air Act. This legislation, to my understanding, goes beyond that. And while on its face that might be laudable and admirable, the bottom line is that now New York State would become an outlier against the federal regulation, and what will happen is two things. New York State's industry will be less competitive or less attractive for businesses to stay here or certainly to invest additional funds here, and we will be facing chasing jobs and we'll be chasing economic

activity out of the state.

And number two, in chasing them out of the state, they are going out of the state where they're going to be more competitive, and likely their activity will be dirtier than it is in New York. So we'll have a -- as a result of this, we'll have an economic damage to the State of New York and we'll have an environmental damage.

Because, you know, the power doesn't know where it's producing, what side of the state line it's being produced on, but if we're not having the activity here and we're chasing it somewhere else where it's going to be done more dirty, then we're going to have a negative impact on the environment and we're going to certainly have a negative economic impact on our residents here in New York State.

For that reason, I will be voting in the negative.

ACTING PRESIDENT MAYER: Senator Stec to be recorded in the negative.

Announce the results.

THE SECRETARY: In relation to Calendar 340, those Senators voting in the

negative are Senators Akshar, Borrello, Gallivan, Griffo, Helming, Jordan, Lanza, Oberacker, O'Mara, Ortt, Rath, Ritchie, Serino and Stec.

Ayes, 49. Nays, 14.

ACTING PRESIDENT MAYER: The bill is passed.

THE SECRETARY: Calendar Number 372, Assembly Number 5684A, substituted earlier by Assemblymember Gottfried, an act to amend the Public Health Law.

SENATOR LANZA: Lay it aside.

ACTING PRESIDENT MAYER: The bill is laid aside.

THE SECRETARY: Calendar Number 379, Senate Print 4377, by Senator May, an act to amend the Public Health Law.

ACTING PRESIDENT MAYER: 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: Senator May to explain her vote.

SENATOR MAY: Thank you, Madam President.

How many people even know that there is a Nursing Home Residents Bill of Rights in New York State? Among other things, it guarantees the right to dignity and respect, to treatment without discrimination, to privacy in communications, and to freedom from abuse, from restraint, and from reprisals.

In our hearings last summer and in countless communications with constituents and with people from all over the state, I've heard about routine violations of these rights.

We need to make sure that residents know that they have these rights and that they can exercise them. This bill helps that along in two ways.

First, it directs the Department of Health to translate the Bill of Rights into the most common languages in New York State and post them in facilities. And number two, it specifically addresses the resident's right to have an easy way to register complaints. By raising the profile of the long term care ombudsman program, I think we can help with this.

So my bill requires nursing homes to post information about that program in every resident's room and to update contact information regularly about the ombudsperson for that facility.

We heard time and time again that people didn't even know that there was a designated person who was supposed to be an advocate for the residents and their families, and this bill will make sure that they do.

I thank my colleagues for their support, and I vote aye.

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

Announce the results.

THE SECRETARY: Ayes, 63.

ACTING PRESIDENT MAYER: The bill is passed.

THE SECRETARY: Calendar Number 409, Assembly Print 5719A, substituted earlier by Assemblymember Galef, an act to amend the Judiciary Law.

ACTING PRESIDENT MAYER: Read the last section.

THE SECRETARY: Section 6. This

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

ACTING PRESIDENT MAYER: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT MAYER: Senator Boyle to explain his vote.

SENATOR BOYLE: Thank you, Madam President, to explain my vote.

I want to commend Senator Hoylman, the sponsor of this legislation to bring about veterans courts statewide.

I live in Suffolk County, where we have had a veterans court for well over a decade, and it's a tremendous success. The brave men and women who have served our country oftentimes come home and because of their service, because of trauma, perhaps drug use that was started there, are committing crimes in our communities. And the courts in Suffolk County, the veterans courts, take this into account.

It's giving a lending ear. They have mentors, who are fellow veterans, teaching them, helping, assisting them, getting through their criminal issues, lowering the penalties and

the charges. It's all worked out tremendously well in Suffolk County.

I'm so glad that our servicemen and -women statewide will now have this opportunity. I proudly vote in favor.

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

Announce the results.

THE SECRETARY: Ayes, 63.

ACTING PRESIDENT MAYER: The bill is passed.

THE SECRETARY: Calendar Number 458, Senate Print 1780B, by Senator Skoufis, an act to amend the Executive Law.

SENATOR LANZA: Lay it aside.

ACTING PRESIDENT MAYER: The bill is laid aside.

THE SECRETARY: Calendar Number 523, Assembly Number 164B, substituted earlier by Assemblymember Zebrowski, an act to amend the General Obligations 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: Senator Thomas to explain his vote.

SENATOR THOMAS: Thank you, Madam President.

This is a very important bill, and I want to thank Leader Stewart-Cousins for bringing this to the floor.

The London Inter-Bank Offered Rate, also known as LIBOR, is the most referenced short-term interest rate in the world. It's estimated $200 trillion worth of financial contracts and securities are tied to the U.S. LIBOR.

LIBOR is based on relatively few transactions and relies heavily on estimates.

Moreover, in a highly publicized scheme, bankers were found to have colluded with each other to manipulate the LIBOR. The scandal sowed distrust in the financial sector and led to a wave of fines, lawsuits and regulatory actions.

To remedy this issue, the Federal Reserve convened the Alternative Reference Rate

Committee, or ARRC, to develop recommendations to facilitate the transition away from LIBOR.

This committee recommended a rate to replace LIBOR called the Secured Overnight Financing Rate, or SOFR, which the Federal Reserve Bank of New York began publishing in 2018. SOFR is a broad measure of the cost of borrowing cash overnight, collateralized by U.S. Treasury securities in repurchase agreement markets.

Through this committee's promotion of SOFR, over 25 institutions began voluntarily transitioning to this new alternative rate. However, existing contracts that reference LIBOR pose a unique problem when they do not include adequate fallback language provisions.

Fallback language refers to legal provisions in a contract that apply if the underlying reference rate in LIBOR is discontinued or unavailable.

When LIBOR is discontinued, consumers, businesses, lenders and investors in New York will be faced with legal uncertainty and adverse economic impacts on hundreds of thousands of affected financial contracts, including

mortgages, student loans, credit cards, business loans, business contracts and securities.

To mitigate the risk of economic disruption, this bill would mandate the use of the recommended benchmark replacement for contracts that are silent on fallback language and have not been amended to reference a different rate.

This will do a lot to promote growth and strength moving forward in our financial sector and will give consumers a better product.

I vote aye. Thank you.

ACTING PRESIDENT PERSAUD: Senator Thomas to be recorded in the affirmative.

Announce the results.

THE SECRETARY: In relation to Calendar Number 523, voting in the negative: Senator Kaminsky.

Ayes, 62. Nays, 1.

ACTING PRESIDENT PERSAUD: The bill is passed.

THE SECRETARY: Calendar Number 558, Senate Print 4412, by Senator May, an act to amend the Elder Law.

ACTING PRESIDENT PERSAUD: Read the

last section.

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

ACTING PRESIDENT PERSAUD: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT PERSAUD: Announce the results.

THE SECRETARY: Ayes, 63.

ACTING PRESIDENT PERSAUD: The bill is passed.

THE SECRETARY: Calendar Number 582, Assembly Print Number 3397, substituted earlier by Assemblymember Kim, an act to repeal Article 30-d of the Public Health Law.

ACTING PRESIDENT PERSAUD: Read the last section.

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

ACTING PRESIDENT PERSAUD: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT PERSAUD: Senator Mayer to explain her vote.

SENATOR MAYER: Thank you,

Madam Speaker.

And I want to thank my colleague Senator Biaggi for bringing this important legislation to the floor.

You know, there have been many lessons learned during this past year, hard and painful lessons -- lives lost, irreparable damage to our communities, and we are all still engaged in it. But it is the appropriate time, in my opinion, to restore the standards of liability to our healthcare profession.

And so I am very pleased that this bill has come to the floor. I want to thank Senator Biaggi for her really persistent leadership on this issue.

And I want to clarify that my understanding is that this bill is prospective, it will apply going forward. We think it's time for a change. There are lessons learned.

Let us use the standard of liability that is the standard adopted by the courts to apply to these cases going forward, and let us learn from the past year and ensure that we protect the families of those who have passed away or have been injured, going forward in our

quest to have justice be done for all of them.

I vote aye.

ACTING PRESIDENT PERSAUD: Senator Mayer to be recorded in the affirmative.

Senator Biaggi to explain her vote.

SENATOR BIAGGI: Thank you, Madam President.

I rise today in support of Senate Bill 5177 to repeal the Emergency or Disaster Treatment Protection Act.

And I also rise with immense gratitude to our Majority Leader, Andrea Stewart-Cousins, for bringing this bill to the floor.

Almost one year ago, during the early months of the pandemic, when our nursing homes and our hospitals were facing unprecedented challenges with a novel virus, the Legislature granted all healthcare facilities, including nursing homes, broad corporate immunity from civil or criminal liability for the duration of the COVID-19 state of emergency.

This immunity stripped thousands of grieving families of their right to seek proper legal recourse and pursue justice after losing

their loved ones. And, according to the Attorney General's findings, may have incentivized nursing home executives to cut corners, putting both patients and staff in even greater danger -- specifically, incentivizing nursing homes to choose not to purchase sufficient PPE for staff or provide effective training to staff to comply with infection control protocols.

The immunity provisions were always designed with corporate leadership in mind, to protect the owners and the shareholders, not the front-line workers and the patients.

Now, knowing that over 15,000 -- 15,000 -- people would die of COVID-19 in nursing homes in New York, we have a duty to right this wrong and fully repeal Article 30-d.

Despite the changes made this summer, Article 30-d still provides broad and dangerous immunity to facilities treating COVID patients. S5177 will fully repeal the remaining protections under the Governor's disastrous immunity provision and restore families with sick loved ones with the very same protections they had prior to the pandemic.

I vote today in honor of the

thousands of New Yorkers we lost in nursing homes and their grieving families looking for answers. The duty of government, especially in a crisis as unprecedented as COVID-19 and this pandemic, is to protect our most vulnerable, not corporate shareholders or special interests. For this reason, I am proud to vote aye.

Thank you, Madam President.

ACTING PRESIDENT PERSAUD: Senator Biaggi to be recorded in the affirmative.

Announce the results.

THE SECRETARY: Ayes, 63.

ACTING PRESIDENT PERSAUD: The bill is passed.

THE SECRETARY: Calendar Number 585, Senate Print 4095A, by Senator Sanders, an act to amend the Environmental Conservation Law.

SENATOR GIANARIS: Lay it aside for the day.

ACTING PRESIDENT PERSAUD: The bill will be laid aside for the day.

THE SECRETARY: Calendar Number 589, Senate Print 4866, by Senator Gianaris, an act to amend the Environmental Conservation Law.

ACTING PRESIDENT PERSAUD: Read the

last section.

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

ACTING PRESIDENT PERSAUD: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT PERSAUD: Senator Borrello to explain his vote.

SENATOR BORRELLO: Thank you. Thank you, Madam President.

I am rising in support of this bill. And I believe this certainly will help.

But unfortunately, I also am here to point out a real if tragic irony, and that is the fact that it in our politically driven haste to build more and more renewable energy projects across the state, we have killed thousands of native species, destroyed habitats, done so many things to raze the land that these animals thrive on.

And unfortunately, when we look at this and we say to ourselves we're doing this to save the planet, we are buying into the false narrative of these energy speculators that we must destroy our environment in order to save the

planet. So for every endangered species that this bill will save, thousands more will die.

Google "American bald eagles that have been killed by wind turbines." You will see countless decapitated carcasses laying on the ground, our beautiful majestic American bald eagle -- which, by the way, if an average citizen were to kill, is a $250,000 fine and a felony. I would certainly love to see these wind turbine companies pay for each and every bald eagle that has died senselessly as a result of this.

The U.S. Fish and Wildlife Service estimates that roughly 500,000 birds a year are killed as a result of wind turbines. This is a dangerous path that we're heading down. We're talking about putting them into our lakes, our freshwater lakes that supply drinking water to millions of Americans, all to support a politically driven false narrative.

So I support this today, but I urge my colleagues going forward to remember that this bill is a drop in the bucket compared to what we're already doing intentionally to our endangered species.

Thank you.

ACTING PRESIDENT PERSAUD: Senator Borrello to be recorded in the affirmative.

Announce the results.

THE SECRETARY: Ayes, 63.

ACTING PRESIDENT PERSAUD: The bill is passed.

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

SENATOR GIANARIS: Madam President, can we now go to the controversial calendar, please.

ACTING PRESIDENT PERSAUD: The Secretary will ring the bell.

The Secretary will read.

THE SECRETARY: Calendar Number 372, Assembly Print Number 5684A, by Assemblymember Gottfried, an act to amend the Public Health Law.

ACTING PRESIDENT PERSAUD: 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 you recognize Senator Serino to be heard.

ACTING PRESIDENT PERSAUD: 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 you recognize Senator Serino.

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

Senator Serino.

SENATOR SERINO: Thank you, Madam President.

This amendment cannot be more germane to the bill-in-chief here today. The current bill deals directly with the state's oversight of nursing homes, with the goal of assuring quality care. While this is an extremely important goal, after everything we have learned this year, it is clear that serious questions remain about the state's ability to provide effective oversight.

Tomorrow, March 25th, marks the one-year anniversary of the state's notorious order that sent COVID-positive patients directly

into vulnerable nursing homes. And we are still without answers to basic questions about what went wrong and what role state policy may have played during this time.

We don't know where resources were allocated, whether the state properly adhered to its own regulatory laws and infectious disease protocols, and what steps, if any, were even taken to try to keep COVID-positive patients out of vulnerable facilities. The list goes on and on.

To continue passing legislation, to continue to hold budget negotiations behind closed doors with the same administration responsible for putting this order forward in the first place, defies logic. If we want to put policy forward that truly improves quality care in New York's nursing homes and residential healthcare facilities, we have to have a full, independent review of the state's overall handling of the COVID crisis within them.

For months we've given this body a number of proposals to do that -- a bill to launch a bipartisan investigation, multiple subpoenas, and now this amendment, which would

require the Comptroller to undergo a full audit of the state's actions relating to these facilities during this time.

It is not enough to pass and continuously amend bills to snag a headline. When it comes to improving long-term care in New York, we have to learn from the mistakes of the past to really get this right, but we continue do that without a full review. Anything less is disingenuous and does a disservice to the people of New York.

As we come upon this grave anniversary, I am asking my colleagues today, before simply voting no as a matter of procedure, to pause and consider the families of the 15,000-plus residents who fell victim to COVID in these facilities. They are desperate for answers, but many of them are also determined to ensure that the memories of their lost loved ones might bring about real change.

We have the power to do right by them here today, and I urge my colleagues to do that by supporting this amendment.

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've 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, the 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: Announce the results.

THE SECRETARY: In relation to Calendar 372, those Senators voting in the negative are Senators Akshar, Borrello, Felder, Gallivan, Lanza, Oberacker, O'Mara, Rath and Stec.

Ayes, 54. Nays, 9.

ACTING PRESIDENT MAYER: The bill is passed.

The Secretary will read.

THE SECRETARY: Calendar Number 458, Senate Print 1780B, by Senator Skoufis, an act to amend the Executive 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 you recognize Senator Oberacker to 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 Oberacker be recognized.

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

SENATOR OBERACKER: Thank you, Madam President.

This amendment is germane to the bill-in-chief because they both amend the Executive Law. This amendment would completely repeal the extraordinary powers the Governor has now had for over a year.

Three weeks ago, this body passed a bill regarding these powers. I voted no, along with the rest of my Republican colleagues. Everyone on the other side of the aisle voted yes. Then you put out a press release saying the Governor's powers had been repealed and all is well. Yet this week, the Governor was at it again, continuing suspensions and modifications

of our laws. It doesn't sound like his powers have been repealed at all.

This wonder bill was also supposed to require the Commissioner of Health to certify new executive orders and give detailed explanations of why they are necessary. Additionally, the Governor is supposed to give a select few Majority Conference members five days' notice of the provisions in new executive orders. Surprising nobody, this entire process, if done at all, has been done in secrecy.

Did the Governor run his latest orders by anyone? Has anyone seen the commissioner's certificate? Did the Majority share the new executive order provisions? And where would a member of the Legislature, a business owner or any member of the public go to find any of these documents?

The executive order issued on March 21, which was supposed to comply with this new certification and notification process, extended all existing executive orders for an additional 30 days. This includes the executive order that requires someone to purchase a meal with an alcoholic beverage. And I would love to

see the Health Commissioner's rationale for extending that executive order.

Restaurants and bars must still close their doors at 11 p.m., another nonscientific mandate. The Health Commissioner has yet to let anyone know just how COVID tells time.

The new executive order issued on March 21 also permitted indoor fitness classes to operate. That was great news. If the Majorities knew about this, why didn't they let the public and the fitness club owners know that in five days they would be allowed to open?

This simple notice would have allowed fitness club owners to prepare. They have been doing this all along, as much as they can, to stay afloat, and a little common courtesy would have been nice. Instead, they had to find out through one of the Governor's controlled press events, the same way the entire state has been finding out about ever-changing laws and regulations for this past year. When does that end?

Our conference argued that this bill did nothing to roll back the Governor's powers.

And without a doubt, if the flimsy provisions included in the measure are ignored or done in secrecy, then what's the point? This body needs to take real action. Pass this amendment that will completely roll back the Governor's extraordinary powers and reassert the Legislature as a coequal branch of government. This is long overdue.

Madam President, thank you.

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 once again 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 3. 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: Senator May to explain her vote.

SENATOR MAY: Thank you, Madam President.

This bill codifies into law an executive order that was made last spring to allow for remote notarization. And I am rising now to speak about it because I think this is smart policy -- we've learned a lot about things that we can do remotely and should do remotely in

the course of this pandemic -- but also because I'm grateful for it on a personal level.

I experienced the difficulty of getting something notarized in -- particularly in modern conditions when I had to submit my oath of office last fall -- in early winter. I had it notarized. It took a while to find somebody who would meet me personally and notarize it, and I had it notarized and sent it in, and it turned out the person had put the wrong date on it, so I had to get another one.

And I got another one and it never arrived in the mail. And finally the Secretary of the Senate called me and said, "You know what, we can do this remotely." And so we did it remotely. And lo and behold, she accidentally put 2020 instead of 2021 on it, so we had to do it a fourth time, on the day that we opened our session. And I would not have been able to be in the Senate at that point if we hadn't been able to do this remotely.

So I am personally grateful that this is possible, but I hope it has made other people's lives easier as well and will continue to do so.

I vote aye. Thank you.

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

Announce the results.

THE SECRETARY: In relation to Calendar 458, voting in the negative:

Senator Griffo.

Ayes, 62. Nays, 1.

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

SENATOR GIANARIS: I move to adjourn until tomorrow, Thursday, March 25th -- which is also the bicentennial of Greek independence -- at 11:00 a.m.

ACTING PRESIDENT MAYER: On motion, the Senate stands adjourned until Thursday, March 25th, at 11:00 a.m.

(Whereupon, at 3:43 p.m., the Senate adjourned.)