NEW YORK STATE SENATE

THE STENOGRAPHIC RECORD

ALBANY, NEW YORK

April 28, 2021

11:34 a.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, April 27, 2021, the Senate met pursuant to adjournment. The Journal of Monday, April 26, 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 Comrie

moves to discharge, from the Committee on Corporations, Authorities and Commissions, Assembly Bill Number 213 and substitute it for the identical Senate Bill 3265, Third Reading Calendar 414.

ACTING PRESIDENT MAYER: The substitution is so ordered.

THE SECRETARY: Senator Ryan moves to discharge, from the Committee on Commerce, Economic Development and Small Business, Assembly Bill Number 597 and substitute it for the identical Senate Bill 5764, Third Reading Calendar 678.

ACTING PRESIDENT MAYER: The substitution is so ordered.

THE SECRETARY: Senator Thomas moves to discharge, from the Committee on Judiciary, Assembly Bill Number 6617A and substitute it for the identical Senate Bill 5923A, Third Reading Calendar 695.

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: Thank you, Madam President.

On behalf of Senator Kavanagh, on page 45 I offer the following amendments to Calendar Number 796, Senate Print 6362, 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: Okay. Let's get to it, Madam President. Today we're going to be taking up some privileged resolutions to repeal some of the directives by executive order that the Governor has issued over the last year that the Senate believes are no longer necessary and serve an arbitrary function.

So we will begin with Privileged Resolution 673, sponsored by Senator Liu, it's now at the desk. Please read its title and

recognize any Senators who wish to speak.

ACTING PRESIDENT MAYER: There is a privileged resolution at the desk. The Secretary will read.

THE SECRETARY: Senate Resolution 673, by Senator Liu, Concurrent Resolution of the Senate and Assembly terminating certain suspensions of law in Executive Order Numbers 202.6 and 202.7.

ACTING PRESIDENT MAYER: The question is on the resolution.

The Secretary will call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT MAYER: Announce the results.

THE SECRETARY: Ayes, 61.

ACTING PRESIDENT MAYER: The resolution is adopted.

There is a privileged resolution at the desk. The Secretary will read.

THE SECRETARY: Senate Resolution 675, by Senator Hinchey, Concurrent Resolution of the Senate and Assembly terminating certain directives issued pursuant to Executive Order Numbers 202.89, 202.88 and 202.86.

ACTING PRESIDENT MAYER: Senator Hinchey on the resolution.

SENATOR HINCHEY: Thank you, Madam President.

Our ability to beat back this pandemic, get our Main Streets back in business and our communities safely back to normal, requires us to get shots in arms as effectively as possible. We are in a place right now where the outdated compliance rules and excessive penalties put in place by executive order for vaccine suppliers are a hindrance and are actually working to disincentivize distribution, especially in our more rural communities.

Our small neighborhood pharmacists and those working creatively to deliver vaccines through pop-ups and door-to-door distribution should not bear the burden of this outdated and now harmful directive.

It's time to repeal it, and therefore I'm really happy to carry this resolution.

Thank you very much.

ACTING PRESIDENT MAYER: Thank you, Senator Hinchey.

The question is on the resolution. The Secretary will call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT MAYER: Announce the results.

THE SECRETARY: Ayes, 61.

ACTING PRESIDENT MAYER: The resolution is adopted.

Senator Gianaris.

SENATOR GIANARIS: Thank you, Madam President. We've knocked out two of these, and now we will take up the third one for today. It is Privileged Resolution 674, sponsored by Senator Mannion, which relates to the requirement that food must be served with beverages, and we will be repealing that as well.

Please read the title of the privileged resolution which is at the desk and recognize any Senators wishing to speak, beginning with Senator Mannion.

ACTING PRESIDENT MAYER: There is a privileged resolution at the desk.

The Secretary will read.

THE SECRETARY: Senate Resolution 674, by Senator Mannion, Concurrent Resolution of

the Senate and Assembly terminating Executive Order Number 202.52.

ACTING PRESIDENT MAYER: Senator Mannion on the resolution.

SENATOR MANNION: Thank you, Madam President.

The Concurrent Resolution before the body is, on its surface, about rescinding an arbitrary and burdensome executive order impacting New York's bar and restaurant industry. It's also about foundational constitutional principles like checks and balances and the coequal branches of government.

I believe the order was conceived in good faith at a time when COVID was raging, vaccines seemed far away, and we didn't have the scientific knowledge that we have now about the virus.

Those are the reasons why the Legislature granted the Governor executive powers in the first place. It's clear now that some edicts from the Executive, including requiring the purchase of food with alcohol, are arbitrary and not based on science.

I taught college-level chemistry and

biology for years, including teaching about viruses and other pathogens. I have yet to find any scientific literature that finds a correlation between ordering food with your drink and stopping the spread of COVID-19.

Thankfully, the executive order we are repealing today did not stop the entrepreneurial spirit of so many New Yorkers. It spawned a laundry list of memorable menu items to ensure compliance -- you can insert your favorite one here. It was almost funny. But in reality, it's not funny. It was never funny. Executive Order 202.52 has far outlived any usefulness in protecting public health or crushing the virus.

Rescinding this order helps put "hospitable" back in the hospitality industry. COVID-19 is still a risk, particularly for the unvaccinated. This is not about throwing caution to the wind or rejecting measures to protect public health. It is about striking a balance. It is about common sense. It's about respect for businesses and respect for New Yorkers, because both know what to do to stay safe, and they are doing it.

As a point of personal privilege, Madam President, I would like to thank Leader Andrea Stewart-Cousins. She continues to chart the way forward in this state, leading by example. She stands up for what's right, and that's what this body is doing today. She'll work with everyone to make sure that it benefits all New Yorkers, which is exactly how government is supposed to work.

It's my honor to sponsor this resolution on behalf of every bar and restaurant owner fighting to keep the doors open and the lights on, and for every restaurant worker that works in the front of the house or the back of the house, and for every New Yorker who makes a living in the hospitality industry. You are the fabric of our communities, and we need to support you.

And finally, Madam President, a message to the folks back in Syracuse and Auburn, Onondaga and Cayuga counties. We know our bars and restaurants are the kind of places where the bartender knows your name, the hostess knows your table, and the waitress remembers your favorite dish, and that's just how we like it.

To my friends in Syracuse, when I get back home, the first round's on me. Cheers, salud, sláinte! I proudly cast my vote in the affirmative.

Thank you, Madam President.

ACTING PRESIDENT MAYER: Thank you, Senator Mannion.

Senator Oberacker on the resolution.

SENATOR OBERACKER: Thank you, Madam President.

Finally, some action that makes sense. Restaurant and bar owners have been calling for this action for months. The people of New York have been calling for this action for months. The nine counties that I represent -- Ulster, Delaware, Schoharie, Otsego, Herkimer, Chenango, Cayuga, Tompkins and Cortland -- they have been calling for this action for months.

And Senate Republicans have been calling for this action for months. And now today, finally, the other side of the aisle joins in. In the words of Bruce Willis's Die Hard character Detective John McClane: Welcome to the party, pal.

One of the phrases I hear often on

the Senate floor comes to mind. It's "this is a good start." But it doesn't go far enough. There are a number of unscientific, arbitrary executive orders that need to be terminated, and I truly hope today's action is the beginning and we will now take the additional steps to reopen and rebuild our economy.

People across the state have done their part. Our business owners have done more than their part. And I will continue to stand up and press, for them, for real change.

This piecemeal approach is really unnecessary. Let's be decisive. It's time to end the Governor's executive overreach, restore constitutional checks and balances, and do the job we were elected to do.

I will be voting in the affirmative today. Thank you, Madam President.

ACTING PRESIDENT MAYER: Thank you, Senator Oberacker.

Senator Rath on the resolution.

SENATOR RATH: Thank you, Madam President.

We have all heard many times in our lives that patience is a virtue. And over the

past year, some of the most virtuous people have been our bar and restaurant owners, who have waited patiently, have held out hope that New York State was going to step up to the plate and support them and understand their plight.

Well, today's food with alcohol mandate repeal is welcome news. The bars and restaurants are thrilled across my district and I would say thrilled across all of New York State.

And while this is a welcome step, it has taken far too long to get here. It shouldn't take lawsuits and court hearings for our struggling restaurants to be heard. According to the state's own data that came out months ago, restaurants and bars accounted for a very small portion of transmission, and it was made clear that restaurants could fully reopen and operate safely.

It's really unfortunate that back in March when the Majority said that we were, quote, rescinding the Governor's powers, all that we did was extend the arbitrary mandates that were due to sunset this Friday.

Since then in March, we have seen our restaurants continue to struggle and continue

to have to follow these arbitrary mandates. Once again we saw, by the Governor's own account, an agreement between the Senate and the Governor to repeal this mandate. So it seems despite what's being said to us, that the Governor is still pulling the strings in Albany.

I'm extremely happy -- extremely happy -- for our local restaurants, but this process is still broken. Furthermore, we see arbitrary curfews that remain in place and ought to be repealed today as well, not next month.

We need to stop waiting for the Governor's permission to do our jobs and take back our Senate's powers and stop this centralized control that is killing small businesses, restaurants and communities.

And while I certainly applaud and support this resolution today, much more work needs to be done.

Thank you, Madam President.

ACTING PRESIDENT MAYER: Thank you, Senator Rath.

Senator Borrello on the resolution.

SENATOR BORRELLO: Thank you, Madam President.

First of all, I'd like to start off by thanking Senator Mannion for this reso.

I will admit I had a little bit of déjà vu, though, when I read it, since we introduced this back in mid-March. But I'm happy to be here this day.

Unfortunately, speaking as a restaurant owner, small business owner, I can tell you that as good as we've got here today, it's still a sad day for so many businesses. Because the reality is we had this power to do this since day one. Day one, when the Governor was granted these unprecedented and unconstitutional executive powers.

And while the pandemic was certainly not a crisis that we created, the economic crisis was absolutely manmade -- by one man, enabled by this body and by the Assembly.

So here we are, 54 days after we were told the Governor's powers were rescinded, 54 days after people on both sides of the aisle stood on this floor and said that this particular executive order requiring food to be purchased with alcohol was unscientific and very damaging. We waited 54 more days to do something about it.

Twenty percent of New York's restaurants have closed since this manmade crisis began. Fifty-four days it took us to bring this resolution forward.

Restaurant workers that were displaced that I personally went down and saw in places like Corona, Queens, that had to resort to street vending to feed their families -- and we waited 54 more days to do something about it.

So I'm happy to be here, but I'm sad that it took us this long to put aside the politics and to do what was right for the people of New York State.

Thank you.

ACTING PRESIDENT MAYER: Thank you, Senator Borrello.

Senator Palumbo on the resolution.

SENATOR PALUMBO: Thank you, Madam President.

You know, without belaboring the point -- it does certainly bear some repeating -- but it's certainly nice to see that we're acting as a coequal branch today. We've come alive. Better late than never to the party, I guess.

And, you know, now we're hearing, as

of today, that the curfews are going to be removed by the Governor in the next few weeks. And when you think about it, you know, we would somewhat jokingly -- and it's not a laughing matter -- say that, well, 11 o'clock is when you need to be out and need to home because COVID is just getting out of the shower at 10:30 and you can get sick at 11:15, so you need to be home. And then it was moved to midnight, without any empirical data.

On the federal level we hear Dr. Fauci get the question: Well, why are Texas's numbers going down? They have no mask mandates, vaccine numbers are going up. Why? Well, I have no idea, absolutely have no idea.

Well, what about now removing your mask after you're two weeks from your second shot and you're vaccinated? Let's change our lives, right? We want to encourage people to get the vaccine. This is why you need to do it, because regular life is coming back. Oh, no, no you still need to wear two masks even if you're vaccinated.

So unfortunately the information stream has been preposterous, borderline

silliness, when we are controlling lives of people, controlling businesses on an arbitrary whim.

And again, I'm glad to be here, that we're finally acting as a coequal branch of government. But why aren't we doing more? Because we know that it varies from state to state to state depending on the arrogance of the Executive, quite frankly. And I know that's a little impolite to say, but that's all we're talking about. He has absolutely no reason whatsoever to even change his tune and open up in a few weeks about that. But he has, because it's politically expedient.

I think that the Governor may be milking these provisions so that he can avoid or distract from his other collateral issues that have come to the forefront that are his personal problems, by taking it out on our residents of New York State.

So again, I'm happy to be here. And, you know, this is -- this is the right thing to do. It's been the right thing to do. And as my colleague mentioned, 54 days ago we should have been doing this.

I mean, when we have this particular -- this particular resolution deals with ordering food when you order alcohol. That somehow prevents COVID-19? Think of how silly that is. We have an awful lot of them, and you're going to be hearing from my conference, I expect, a lot in the next few weeks regarding these other executive orders that have been just strangling our residents.

We're smart enough to do it safely and in a fashion that will not further spread this horrible disease. We don't need to be babysat by one individual, that being the Governor.

Madam President, I vote aye. I'm glad to see that we're finally doing something. We're a little late to the dance, but let's keep going. Thank you very much.

ACTING PRESIDENT MAYER: Thank you, Senator.

Senator Gianaris on the resolution.

SENATOR GIANARIS: Thank you, Madam President.

Let me begin by saying, to my colleagues across the aisle, you're welcome. I

appreciate the yes votes on this resolution.

And let me dispel the various zany conspiracy theories that they have been positing today. I assure you the Governor was not at all pleased that we are passing this repeal today, or these repeals, the multiple repeals today. And in fact I daresay the additional announcements he made this morning are a direct result of our taking this action today, because we made it clear we're going to continue to review the existing directives and continue to assert ourselves as we see fit.

I also heard 54 days bandied about, as if it was too long to do this. Well, let me point out to my colleagues that this directive has been in place since last year. And their resolution to repeal it came a month ago, a month and a half ago, whatever it was. So 54 days is too long? What about the hundreds and hundreds of days you waited before you introduced a resolution to address this at all?

So spare me. If you don't like what we're doing, go try and win some elections and change the direction of this body. We've done that over the last several years, and we are

moving in a direction that the state wants us to move in, we are asserting ourselves as a legislature as we promised we would do. And these repeals are just the beginning.

Thank you, Madam President. I vote yes.

ACTING PRESIDENT MAYER: The question is on the resolution.

The Secretary will call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT MAYER: Announce the results.

THE SECRETARY: Ayes, 61.

ACTING PRESIDENT MAYER: The resolution is adopted.

Senator Gianaris.

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

ACTING PRESIDENT MAYER: The Secretary will read.

THE SECRETARY: Calendar Number 158, Senate Print 1091A, by Senator Gaughran, an act to amend the General Municipal 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: Announce the results.

THE SECRETARY: Ayes, 61.

ACTING PRESIDENT MAYER: The bill is passed.

THE SECRETARY: Calendar Number 210, Senate Print 936, by Senator Krueger, an act to amend the Tax Law.

ACTING PRESIDENT MAYER: Read the last section.

THE SECRETARY: Section 3. This act shall take effect on the first of April.

ACTING PRESIDENT MAYER: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT MAYER: Announce the results.

THE SECRETARY: In relation to Calendar 210, those Senators voting in the negative are Senators Akshar, Borrello, Gallivan,

Griffo, Jordan, Martucci, Oberacker, O'Mara, Palumbo, Rath and Weik.

Ayes, 52. Nays, 11.

ACTING PRESIDENT MAYER: The bill is passed.

THE SECRETARY: Calendar Number 242, Senate Print 2044, by Senator Akshar, an act to amend Chapter 455 of the Laws of 2011.

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: In relation to Calendar 242, voting in the negative:
Senator Brisport.

Ayes, 62. Nays, 1.

ACTING PRESIDENT MAYER: The bill is passed.

THE SECRETARY: Calendar Number 306, Senate Print 403, by Senator Biaggi, an act

to amend the Penal Law.

ACTING PRESIDENT MAYER: Read the last section.

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

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 393, Senate Print 2211, by Senator Sepúlveda, an act to amend the Correction 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: Ayes, 63.

ACTING PRESIDENT MAYER: The bill is passed.

THE SECRETARY: Calendar Number 414, Assembly Print 213, substituted earlier by Assemblymember Paulin, an act to amend the Not-For-Profit Corporation 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: Announce the results.

THE SECRETARY: Ayes, 63.

ACTING PRESIDENT MAYER: The bill is passed.

THE SECRETARY: Calendar Number 441, Senate Print 5066, by Senator Harckham, an act to amend the Mental Hygiene 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: Announce the results.

THE SECRETARY: Ayes, 63.

ACTING PRESIDENT MAYER: The bill is passed.

THE SECRETARY: Calendar Number 505, Senate Print 345, by Senator Kaplan, an act to amend the Mental Hygiene 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 575, Senate Print 4483, by Senator Breslin, an act to amend the Insurance 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 619, Senate Print 720, by Senator Hoylman, an act to amend the Estates, Powers and Trusts 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 678, Assembly Print 597, substituted earlier by Assemblymember Woerner, an act to amend the Alcoholic Beverage Control Law.

ACTING PRESIDENT MAYER: Read the last section.

THE SECRETARY: Section 3. 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: Ayes, 63.

ACTING PRESIDENT MAYER: The bill is passed.

THE SECRETARY: Calendar Number 695, Assembly Print 6617A, substituted earlier by

Assemblymember Weinstein, an act to amend the Civil Practice Law and Rules.

SENATOR LANZA: Lay it aside.

ACTING PRESIDENT MAYER: The bill is laid aside.

THE SECRETARY: Calendar Number 697, Senate Print 3264, by Senator Comrie, an act to amend the Not-For-Profit Corporation 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: Announce the results.

THE SECRETARY: Ayes, 63.

ACTING PRESIDENT MAYER: The bill is passed.

THE SECRETARY: Calendar Number 703, Senate Print 3541, by Senator Stavisky, an act to amend the Education Law.

ACTING PRESIDENT MAYER: Read the last section.

THE SECRETARY: Section 6. This act shall take effect on the 180th 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 703, those Senators voting in the negative are Senators Akshar, Helming, Jordan, Lanza, Ortt, Serino, Skoufis and Weik.

Ayes, 55. Nays, 8.

ACTING PRESIDENT MAYER: The bill is passed.

THE SECRETARY: Calendar Number 705, Senate Print 1132A, by Senator Liu, an act to establish a General Aviation Task Force.

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 710, Senate Print 4772, by Senator Brooks, an act to amend the Highway 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: Announce the results.

THE SECRETARY: Ayes, 63.

ACTING PRESIDENT MAYER: The bill is passed.

THE SECRETARY: Calendar Number 717, Senate Print 1131, by Senator Liu, an act to amend the 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: In relation to Calendar 717, voting in the negative:

Senator Lanza.

Ayes, 62. Nays, 1.

ACTING PRESIDENT MAYER: The bill is passed.

THE SECRETARY: Calendar Number 721, Senate Print 4082, by Senator Hinchey, an act to amend the Education 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: Ayes, 63.

ACTING PRESIDENT MAYER: The bill is passed.

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

SENATOR GIANARIS: Please take up the controversial calendar.

ACTING PRESIDENT MAYER: The Secretary will ring the bell.

The Secretary will read.

THE SECRETARY: Calendar Number 695, Assembly Print 6617A, substituted earlier by Assemblymember Weinstein, an act to amend the Civil Practice Law and Rules.

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 Borrello be recognized and 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 Borrello be recognized.

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

SENATOR BORRELLO: Thank you, Madam President.

I rise to appeal the ruling of the chair because this amendment is germane because it deals directly with the laws related -- that have been modified and extended because of the COVID-19 executive authority that the Governor was given.

So this is a significant day, this coming Friday, April 30th, for two reasons. Number one, it's Arbor Day. So Happy Arbor Day to everybody.

Number two, Friday, April 30th was the original date that the Governor's executive authority would have expired. Instead, they will continue on indefinitely until the Governor decides that will be rescinded, because of actions taken by this body in the so-called

repeal of the Governor's executive authority.

And as Senator Gianaris mentioned earlier today, the Governor put out a statement thumbing his nose at the Senate, saying that he is going to now extend or repeal the curfew in two parts, the restaurant curfew, the first one on May 17th. You can be outside after midnight, but not inside. Because, you know, that makes a lot of sense. And he is just further codifying the fact that his powers were not rescinded.

This amendment today will do exactly that. It will finally and succinctly repeal the Executive authority that has been so damaging to our economy, that is so unnecessary, and that is still bearing down on us and the small businesses that support so many families across New York State.

As I mentioned before, 54 days ago these powers were changed, modified, tweaked -- whatever you want to call them -- but they were not rescinded. And yes, we had the power to do all this a long time before, and chose not to, because clearly there's just not enough will, particularly within the Majority, to actually do something about the fact that we are derelict in

our constitutional duties here to be a separate, coequal branch of government.

So I appeal the ruling of the chair, that this amendment is germane and that we should move forward and vote on this so instead of just doing this willy-nilly once in a while, here and there, where the Governor's going to take this opportunity to lengthen the chain on the leash a little bit for us, let's just cut the leash now and pass 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, 19.

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 Thomas to explain his vote.

SENATOR THOMAS: Thank you, Madam President.

Thank you to our Leader Stewart-Cousins for bringing this to the floor in such a timely fashion.

Federal relief payments were intended as a lifeline to help families meet

their basic financial needs to pay for food, rent, utilities, medicine and other basic necessities. Unfortunately, the language of federal laws have left these payments vulnerable to seizure by predatory debt collectors.

I represent a district on Long Island that has been particularly hard-hit by this pandemic. Since March of last year, my office has fielded thousands of calls to assist families impacted by food insecurity and unemployment.

Stress and financial hardship can be especially devastating for families caring for young children. Research shows that households with children report high rates of problems meeting basic needs during the pandemic. In Nassau County alone, over 35,000 children are currently struggling with food insecurity.

For so many families, a $600 stimulus check represents certainty, the certainty that they can put food on the table and keep a roof over their heads. This certainty should not be placed at the mercy of debt collectors.

Today's legislation ensures that

families are able to use this safety-net funding as it was originally intended, to provide for their families.

Thank you. I vote in the affirmative.

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

Announce the results.

THE SECRETARY: In relation to Calendar 695, those Senators voting in the negative are Senators Akshar, Borrello, Griffo, Helming, Jordan, Lanza, Mattera, Oberacker, Ortt, Palumbo, Rath, Serino, Stec, Tedisco and Weik.

Ayes, 48. Nays, 15.

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: Before we adjourn, Madam President, let me wish all who are observing a joyous Greek Easter, Orthodox Easter,

this coming weekend.

And I move to adjourn until next month, Monday, May 3rd, at 3:00 p.m., with intervening days being legislative days.

ACTING PRESIDENT MAYER: On motion, the Senate stands adjourned until Monday, May 3rd, at 3:00 p.m., intervening days being legislative days.

(Whereupon, at 12:07 p.m., the Senate adjourned.)