NEW YORK STATE SENATE

THE STENOGRAPHIC RECORD

ALBANY, NEW YORK

February 14, 2022

3:35 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, Sunday, February 13, 2022, the Senate met pursuant to adjournment. The Journal of Saturday, February 12, 2022, was read and approved. On motion, the 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: Madam President, amendments are offered to the following Third Reading Calendar bills:

By Senator Skoufis, page 10, Calendar Number 119, Senate Print 1829;

By Senator Kavanagh, page 16, Calendar Number 262, Senate Print 5027A;

By Senator Rivera, page 17, Calendar Number 272, Senate Print 1577;

By Senator Harckham, page 18, Calendar Number 308, Senate Print 2976;

And by Senator Hinchey, page 26, Calendar Number 401, Senate Print 3448.

ACTING PRESIDENT MAYER: The amendments are received, and the bills will retain their place on the Third Reading Calendar.

Senator Gianaris.

SENATOR GIANARIS: There will be an immediate meeting of the Rules Committee in Room 332.

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

SENATOR GIANARIS: The Senate will stand at ease.

ACTING PRESIDENT MAYER: The Senate will stand at ease.

(Whereupon, the Senate stood at ease at 3:37 p.m.)

(Whereupon, the Senate reconvened at 3:48 p.m.)

ACTING PRESIDENT MAYER: The Senate will return to order.

Senator Gianaris.

SENATOR GIANARIS: Madam President, there's a report of the Rules Committee at the desk. Can we take that up, please.

ACTING PRESIDENT MAYER: The Secretary will read.

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

Senate Print 8084A, by Senator Hinchey, an act to amend the Agriculture and Markets Law and the Cannabis Law;

Senate Print 8288, by Senator Skoufis, an act to amend the Executive Law; and

Senate Print 8308, by Senator Myrie, an act to amend the Election Law.

All bills reported direct to third reading.

ACTING PRESIDENT MAYER: Senator Gianaris.

SENATOR GIANARIS: Thank you.

Move to accept the report of the Rules Committee.

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

(Response of "Aye.")

ACTING PRESIDENT MAYER: Opposed, nay.

(No response.)

ACTING PRESIDENT MAYER: The report of the Rules Committee is accepted.

Senator Gianaris.

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

ACTING PRESIDENT MAYER: The

Secretary will read.

THE SECRETARY: Calendar Number 100, Senate Print 536, by Senator Kaplan, an act to amend the Real Property Law.

ACTING PRESIDENT MAYER: Read the last section.

THE SECRETARY: Section 19. 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 Number 100, voting in the negative: Senator Lanza.

Ayes, 62. Nays, 1.

ACTING PRESIDENT MAYER: The bill is passed.

THE SECRETARY: Calendar Number 112, Senate Print 1374A, by Senator Sanders, an act to amend the Public Health 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.

With respect to Calendar 272, the bill is high and will be laid aside for the day.

THE SECRETARY: Calendar Number 291, Senate Print 1100A, by Senator Liu, an act to amend the Education Law.

SENATOR LANZA: Lay it aside.

ACTING PRESIDENT MAYER: The bill is laid aside.

THE SECRETARY: Calendar Number 323, Senate Print 1984, by Senator Jackson, an act to amend the Education 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 324, Senate Print 2555A, by Senator Brisport, an act to establish a task force on educator diversity in New York State.

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: In relation to Calendar 324, those Senators voting in the negative are Senators Helming, Lanza, O'Mara and Ortt.

Ayes, 59. Nays, 4.

ACTING PRESIDENT MAYER: The bill is passed.

THE SECRETARY: Calendar Number 331, Senate Print 5261A, by Senator Kennedy, an act to amend the Business Corporation Law.

ACTING PRESIDENT MAYER: Read the last section.

THE SECRETARY: Section 5. This act shall take effect two years 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 348, Senate Print 6666, by Senator Breslin, an act to amend the Insurance 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 398, Senate Print 485A, by Senator Krueger, an act to amend the Education Law.

ACTING PRESIDENT MAYER: Read the last section.

THE SECRETARY: Section 2. This act shall take effect January 1, 2023.

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 403, Senate Print 6518, by Senator Stavisky, an

act to amend the Education 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 410, Senate Print 62, by Senator Persaud, an act to amend the Vehicle and Traffic Law.

ACTING PRESIDENT MAYER: Read the last section.

THE SECRETARY: Section 6. This act shall take effect one year after it shall have become a law.

ACTING PRESIDENT MAYER: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT MAYER: Senator

Weik to explain her vote.

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

I want to thank Senator Persaud for bringing this legislation forward. It's incredible that with all the instruction we get when we learn to drive and get a driver's license, that we're never instructed on what to do when we're stopped by a law enforcement officer.

This lack of uniform instruction has undoubtedly left our law enforcement officers and our motorists in challenging situations of never being sure of what to do during a stop.

As the wife of a highway patrol officer, I've heard how important a bill like this is. Clear guidance to all motorists and law enforcement will help ensure that all stops are conducted safely and efficiently for everyone.

I rise to make note that I carry legislation that mirrors Senator Persaud's bill. My bill would require curriculum be updated at least annually and that motorists be reinstructed when they renew their driver's license.

I hope that we can expand this

important legislation to incorporate some of the changes I have proposed to ensure the instruction continually evolves as new best practices come forward, and that all motorists are made aware of such changes.

Thank you again to Senator Persaud for championing this bill, and I proudly vote yes.

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

Announce the results.

THE SECRETARY: Ayes, 63.

ACTING PRESIDENT MAYER: The bill is passed.

THE SECRETARY: Calendar Number 419, Senate Print 1801, by Senator Savino, an act to amend the State Technology 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 426, Senate Print 1488, by Senator Serrano, an act to amend the Social Services Law and the Executive Law.

ACTING PRESIDENT MAYER: Read the last section.

THE SECRETARY: Section 4. 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 432, Senate Print 342, by Senator Persaud, an act to amend the Education 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 432, those Senators voting in the negative are Senators Akshar, Lanza, Oberacker and Ortt.

Ayes, 59. Nays, 4.

ACTING PRESIDENT MAYER: The bill is passed.

THE SECRETARY: Calendar Number 435, Senate Print 5433, by Senator Parker, an act to amend the Education 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 435, those Senators voting in the negative are Senators Akshar and Oberacker.

Ayes, 61. Nays, 2.

ACTING PRESIDENT MAYER: The bill is passed.

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

SENATOR GIANARIS: Please take up the supplemental calendar.

ACTING PRESIDENT MAYER: The Secretary will read.

THE SECRETARY: Calendar Number 464, Senate Print 8308, by Senator Myrie, an act to amend the Education 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 Number 464, voting in the negative: Senator Gallivan.

Ayes, 62. Nays, 1.

ACTING PRESIDENT MAYER: The bill is passed.

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

SENATOR GIANARIS: Can we now go to the controversial calendar.

ACTING PRESIDENT MAYER: The Secretary will ring the bell.

The Secretary will read.

THE SECRETARY: Calendar Number 291, Senate Print 1100A, by Senator Liu, an act to amend the Education 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 Martucci 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 Martucci be recognized.

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

SENATOR MARTUCCI: Thank you, Madam President.

I rise because this amendment is germane to the bill-in-chief because both have to do with our school districts here in the State of New York.

The amendment that I'm bringing to the floor today would repeal the mask mandate for schools and day cares imposed by the Hochul administration and would leave the decision of where to require masks where it belongs -- in the hands of the school districts, the private schools, day cares and, most importantly, the parents.

The amendment would bring an end to a policy that's not based in any actual science,

but wholly based in political science.

I rise today not only on behalf of my colleagues, but also on behalf of the millions of schoolkids and parents who are frustrated and know that this mandate should have ended long ago. It is beyond comprehension that Governor Hochul would end a mask mandate for businesses but keep a mask mandate in place for children in schools and day cares.

Cases and infection rates have plummeted, and they're down almost 90 percent across our state. Governors in neighboring states, places like New Jersey and Connecticut and Massachusetts -- Pennsylvania too -- they've joined the vast majority of states that have lifted their mask mandate in schools.

The science and the data have proven that school-age children are the least likely to become physically ill with COVID and the most likely to be psychologically affected by wearing masks all day. When the mask mandate is imposed for only this group, it makes absolutely no sense.

Before I make the trip here to Albany every day, Madam President, I get two kids

ready for school: A kindergartner and a first-grader. And for anybody who's a parent, you know that's a struggle. But one thing that's a guarantee is that the smiles come off when the masks go on.

And in my house, when I wait on line at the end of the day to pick up my kids from school, the very first thing that happens when my kids leave the school is their masks come off and then they run around the playground and play with their friends, and on the weekends they go to birthday parties and they do all sorts of things that kids do.

And my kids, even this weekend -- who have a combined age of only being on the earth together, combined, 11 years, a 5-year-old and a 6-year-old -- know that it just doesn't add up. They say to me, Dad, why do people in the mall not have to wear masks but we do at school?

That's what we're here talking about. Kids are frustrated, parents are frustrated. And the time has come. When you look at the facts, the only fair conclusion that can be reached is that kids under 18 have the lowest risk of becoming ill from COVID, and we

know that older New Yorkers do. Then why do we only have this mask mandate for our kids? It's not science, Madam President. We know it, and our kids know it.

I also hear ads many, many times a day on the radio and on the television, these are taxpayer-funded ads featuring our very own Health Commissioner, Dr. Bassett, where she talks about an alarming rate of infections and hospitalizations among children. Really, Dr. Bassett. You know, when you look at the science and data, it doesn't support this.

Myself and my colleagues have been accused of fearmongering right here on this floor on other topics. But there's no question that when you go around telling parents falsely that if they don't do everything you say, their kids are going to get sick or might even die, that you're engaging in the worst form of fearmongering imaginable.

Again, the science just doesn't support this. Vaccines for school-age children have been around since the fall, and those individuals who want to get vaccines for their kids have had ample time to do that. The costs

versus the benefits by mask mandates are going to be debated long after this mask mandate is lifted.

However, there's mounting evidence that there will be long-lasting effects on our kids, whether we're talking about facial expressions that our kids can't read, which are an important part of human development, or the emotional toll that a child is subjected to when they're masked all day long -- we've even seen schools, one right here in the Capital Region that's proposing a psychological transition before the mask mandate is dropped.

Madam President, it's time we transition back to normal. It's time we do it now. Not next week, not next month, not in two months, but right now. We must do it now. We must do it for our kids.

Madam President, I urge my colleagues to join me in the call to unmask our kids. 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: 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, debate is closed. The Secretary will ring the bell.

Read the last section.

THE SECRETARY: Section 2. This act shall take effect the 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: Ayes, 63.

ACTING PRESIDENT MAYER: The bill is passed.

The Senate will stand at ease temporarily.

(Whereupon, the Senate stood at ease at 3:48 p.m.)

(Whereupon, the Senate reconvened at 4:02 p.m.)

ACTING PRESIDENT MAYER: The Senate will return to order.

Senator Gianaris.

SENATOR GIANARIS: Thanks, Madam President.

If we could return to motions for a moment, I wish to call up Senator Gounardes's bill, Print 7882, recalled from the Assembly, which is now at the desk.

ACTING PRESIDENT MAYER: The Secretary will read.

THE SECRETARY: Senate Print 7882, by Senator Gounardes, an act to amend the Civil Practice Law and Rules.

SENATOR GIANARIS: Move to reconsider the vote by which this bill was passed.

ACTING PRESIDENT MAYER: Call the roll on reconsideration.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 63.

ACTING PRESIDENT MAYER: The bill is restored to its place on the Third Reading Calendar.

Senator Gianaris.

SENATOR GIANARIS: I offer the following amendments.

ACTING PRESIDENT MAYER: The amendments are received, and the bill will 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, Tuesday, February 15th, at 3:00 p.m.

ACTING PRESIDENT MAYER: The Senate stands adjourned until tomorrow, Tuesday,

February 15th, at 3:00 p.m.

(Whereupon, at 4:05 p.m., the Senate adjourned.)