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NEW YORK STATE SENATE

THE STENOGRAPHIC RECORD

ALBANY, NEW YORK

January 12, 2021

11:15 a.m.

REGULAR SESSION

SENATOR BRIAN A. BENJAMIN, Acting President

ALEJANDRA N. PAULINO, ESQ., Secretary

1 P R O C E E D I N G S

2 ACTING PRESIDENT BENJAMIN: The
3 Senate will come to order.

4 I ask everyone present to please
5 rise and recite the Pledge of Allegiance.

6 (Whereupon, the assemblage recited
7 the Pledge of Allegiance to the Flag.)

8 ACTING PRESIDENT BENJAMIN: In the
9 absence of clergy, let us bow our heads in a
10 moment of silent reflection or prayer.

11 (Whereupon, the assemblage respected
12 a moment of silence.)

13 ACTING PRESIDENT BENJAMIN: The
14 reading of the Journal.

15 THE SECRETARY: In Senate, Monday,
16 January 11, 2021, the Senate met pursuant to
17 adjournment. The Journal of Friday, January 8,
18 2021, was read and approved. On motion, Senate
19 adjourned.

20 ACTING PRESIDENT BENJAMIN: Without
21 objection, the Journal stands approved as read.

22 Presentation of petitions.

23 Messages from the Assembly.

24 Messages from the Governor.

25 Reports of standing committees.

1 Reports of select committees.

2 Communications and reports from
3 state officers.

4 Motions and resolutions.

5 Senator Gianaris.

6 SENATOR GIANARIS: Mr. President, I
7 move to adopt the Resolution Calendar.

8 ACTING PRESIDENT BENJAMIN: All in
9 favor of adopting the Resolution Calendar please
10 signify by saying aye.

11 (Response of "Aye.")

12 ACTING PRESIDENT BENJAMIN:

13 Opposed, nay.

14 (No response.)

15 ACTING PRESIDENT BENJAMIN: The
16 Resolution Calendar is adopted.

17 Senator Gianaris.

18 SENATOR GIANARIS: At this time can
19 we take up the calendar, Mr. President.

20 ACTING PRESIDENT BENJAMIN: The
21 Secretary will read.

22 THE SECRETARY: Calendar Number 10,
23 Senate Print 514, by Senator Sepúlveda,
24 Concurrent Resolution of the Senate and Assembly
25 proposing an amendment to Section 15 of

1 Article VI of the Constitution relating to the
2 New York City Civil Court.

3 ACTING PRESIDENT BENJAMIN: The
4 Secretary will call the roll on the resolution.

5 (The Secretary called the roll.)

6 ACTING PRESIDENT BENJAMIN:
7 Announce the results.

8 THE SECRETARY: Ayes, 62.

9 ACTING PRESIDENT BENJAMIN: The
10 resolution is adopted.

11 THE SECRETARY: Calendar Number
12 11, Senate Print 515, by Senator Gianaris,
13 Concurrent Resolution of the Senate and Assembly
14 proposing an amendment to Sections 2, 4, 5, 5-a
15 and 5-b of Article 3 of the Constitution.

16 SENATOR LANZA: Lay it aside.

17 ACTING PRESIDENT BENJAMIN: Lay it
18 aside.

19 THE SECRETARY: Calendar Number
20 12, Senate Print 517, by Senator Gianaris,
21 Concurrent Resolution of the Senate and Assembly
22 proposing an amendment to Section 5 of Article 2
23 of the Constitution.

24 ACTING PRESIDENT BENJAMIN: Call
25 the roll on the resolution.

1 (The Secretary called the roll.)

2 ACTING PRESIDENT BENJAMIN:

3 Senator Rath to explain his vote.

4 SENATOR RATH: Yes, thank you,
5 Mr. President.

6 On Senate 517, I concede that it is
7 paramount that all voters have the opportunity to
8 participate in the election process. However, as
9 with the package that we approved yesterday as
10 well as today, this legislation represents an
11 enormous administrative burden and fiscal burden
12 on our Board of Elections and our counties --
13 also, an enormous burden on the poll watchers as
14 well as the voters themselves.

15 With no dedicated increase or
16 specific stream of funding, how are localities
17 supposed to handle such a vast increase in voter
18 participation? Minnesota, which is one-quarter
19 of the size of New York, had 350,000 people show
20 up to register and to vote on Election Day. If
21 you use that same math, that's 1 million people
22 who will come on Election Day to register and to
23 vote.

24 The purpose of the current 10-day
25 period is to ensure the accuracy of the voter

1 rolls and to avoid errors. The reality of the
2 situation is that our Boards of Elections rely on
3 this time period to process and validate and
4 ensure the accuracy of the registration
5 information. It is incumbent on this body to
6 ensure that our local officials have the ability
7 to do so to give those guarantees, provide those
8 guarantees, without interjecting any chaotic
9 elements into the election process.

10 For these reasons I will be voting
11 against Senate 517.

12 Thank you, Mr. President.

13 ACTING PRESIDENT BENJAMIN:

14 Senator Rath to be recorded in the negative.

15 Announce the results.

16 THE SECRETARY: In relation to
17 Calendar 12, those Senators voting in the
18 negative are Senators Akshar, Borrello, Gallivan,
19 Griffo, Jordan, Lanza, Martucci, Mattera,
20 Oberacker, O'Mara, Ortt, Rath, Ritchie, Serino,
21 Stec, Tedisco and Weik.

22 Ayes, 45. Nays, 17.

23 ACTING PRESIDENT BENJAMIN: The
24 resolution is adopted.

25 THE SECRETARY: Calendar Number

1 13, Senate Print 528, by Senator Jackson,
2 Concurrent Resolution of the Senate and Assembly
3 proposing an amendment to Article 1 of the
4 Constitution.

5 SENATOR LANZA: Lay it aside.

6 ACTING PRESIDENT BENJAMIN: Lay it
7 aside.

8 THE SECRETARY: Calendar Number
9 27, Senate Print 874, by Senator Parker, an act
10 to amend the Education Law.

11 ACTING PRESIDENT BENJAMIN: Read
12 the last section.

13 THE SECRETARY: Section 4. This
14 act shall take effect on the same date and in the
15 same manner as a chapter of the Laws of 2020.

16 ACTING PRESIDENT BENJAMIN: Call
17 the roll.

18 (The Secretary called the roll.)

19 ACTING PRESIDENT BENJAMIN:
20 Announce the results.

21 THE SECRETARY: Ayes, 62.

22 ACTING PRESIDENT BENJAMIN: The
23 bill is passed.

24 THE SECRETARY: Calendar Number
25 35, Senate Print 882, by Senator Persaud, an act

1 to amend the Social Services Law.

2 ACTING PRESIDENT BENJAMIN: Read
3 the last section.

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

6 ACTING PRESIDENT BENJAMIN: Call
7 the roll.

8 (The Secretary called the roll.)

9 ACTING PRESIDENT BENJAMIN:
10 Announce the results.

11 THE SECRETARY: Ayes, 62.

12 ACTING PRESIDENT BENJAMIN: The
13 bill is passed.

14 THE SECRETARY: Calendar Number
15 48, Senate Print 895, by Senator Liu, an act to
16 amend the Insurance Law.

17 ACTING PRESIDENT BENJAMIN: Read
18 the last section.

19 THE SECRETARY: Section 2. This
20 act shall take effect on the same date and in the
21 same manner as a chapter of the Laws of 2020.

22 ACTING PRESIDENT BENJAMIN: Call
23 the roll.

24 (The Secretary called the roll.)

25 ACTING PRESIDENT BENJAMIN:

1 Announce the results.

2 THE SECRETARY: Ayes, 62.

3 ACTING PRESIDENT BENJAMIN: The
4 bill is passed.

5 THE SECRETARY: Calendar Number
6 52, Senate Print 899, by Senator Serrano, an act
7 to amend the Environmental Conservation Law.

8 ACTING PRESIDENT BENJAMIN: Read
9 the last section.

10 THE SECRETARY: Section 2. This
11 act shall take effect on the same date and in the
12 same manner as a chapter of the Laws of 2020.

13 ACTING PRESIDENT BENJAMIN: Call
14 the roll.

15 (The Secretary called the roll.)

16 ACTING PRESIDENT BENJAMIN:
17 Announce the results.

18 THE SECRETARY: In relation to
19 Calendar Number 52, those Senators voting in the
20 negative are Senators Akshar, Borrello, Gallivan,
21 Griffo, Jordan, Lanza, Oberacker, O'Mara, Ortt,
22 Rath, Ritchie, Serino, Stec and Tedisco.

23 Ayes, 48. Nays, 14.

24 ACTING PRESIDENT BENJAMIN: The
25 bill is passed.

1 THE SECRETARY: Calendar Number
2 57, Senate Print 904, by Senator Comrie, an act
3 to amend the Not-For-Profit Corporation Law.

4 ACTING PRESIDENT BENJAMIN: Read
5 the last section.

6 THE SECRETARY: Section 3. This
7 act shall take effect on the same date and in the
8 same manner as a chapter of the Laws of 2020.

9 ACTING PRESIDENT BENJAMIN: Call
10 the roll.

11 (The Secretary called the roll.)

12 ACTING PRESIDENT BENJAMIN:
13 Announce the results.

14 THE SECRETARY: Ayes, 62.

15 ACTING PRESIDENT BENJAMIN: The
16 bill is passed.

17 THE SECRETARY: Calendar Number
18 58, Senate Print 905, by Senator Harckham, an act
19 to amend a chapter of the Laws of 2020 relating
20 to establishing the Real Property Tax Exemption
21 Task Force.

22 ACTING PRESIDENT BENJAMIN: Read
23 the last section.

24 THE SECRETARY: Section 4. This
25 act shall take effect on the same date and in the

1 same manner as a chapter of the Laws of 2020.

2 ACTING PRESIDENT BENJAMIN: Call
3 the roll.

4 (The Secretary called the roll.)

5 ACTING PRESIDENT BENJAMIN:
6 Announce the results.

7 THE SECRETARY: In relation to
8 Calendar Number 58, those Senators voting in the
9 negative are Senators Akshar, Borrello, Gallivan,
10 Griffo, Jordan, Lanza, Martucci, Mattera,
11 Oberacker, O'Mara, Ortt, Palumbo, Rath, Ritchie,
12 Serino, Stec, Tedisco and Weik.

13 Ayes, 44. Nays, 18.

14 ACTING PRESIDENT BENJAMIN: The
15 bill is passed.

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

18 SENATOR GIANARIS: Mr. President,
19 at this time we will take up the controversial
20 calendar, starting with Calendar Number 13.

21 ACTING PRESIDENT BENJAMIN: The
22 Secretary will ring the bell.

23 The Secretary will read.

24 THE SECRETARY: Calendar Number
25 13, Senate Print 528, by Senator Jackson,

1 Concurrent Resolution of the Senate and Assembly
2 proposing an amendment to Article 1 of the
3 Constitution.

4 ACTING PRESIDENT BENJAMIN:

5 Senator Lanza, why do you rise?

6 SENATOR LANZA: Mr. President, I
7 believe there's an amendment at the desk. I
8 waive the reading of that amendment and ask that
9 Senator Stec be recognized and heard.

10 ACTING PRESIDENT BENJAMIN: Thank
11 you, Senator Lanza.

12 Upon review of the amendment, in
13 accordance with Rule 6, Section 4B, I rule it
14 nongermane and out of order at this time.

15 SENATOR LANZA: Mr. President,
16 accordingly, I appeal the chair's ruling and I
17 ask that Senator Stec be recognized.

18 ACTING PRESIDENT BENJAMIN: The
19 appeal has been made and recognized, and
20 Senator Stec may be heard.

21 SENATOR STEC: Thank you.

22 Mr. President, I appeal the ruling
23 of the chair. The proposed amendment is germane
24 to the bill at hand because it too embodies a
25 right granted to every New Yorker in our

1 Constitution, the right to three separate but
2 equal branches of government.

3 This amendment would repeal the
4 powers granted to the Governor which allow the
5 executive branch to exclusively and unilaterally
6 rule throughout a declared state of disaster
7 emergency without any input from the state
8 legislators chosen to provide a voice for the
9 New Yorkers who elected them.

10 Many challenges have arisen
11 throughout this pandemic, but the most recent one
12 exemplifies the utmost need to restore balance to
13 our state government: The inefficient and
14 ineffective rollout by the Governor of the
15 COVID-19 vaccine.

16 The Department of Health and Human
17 Services began publicly discussing the expedited
18 process to create and distribute the COVID-19
19 vaccine on March 30, 2020. That was nine months
20 ago, nine months prior to the release of the
21 vaccine for distribution.

22 While counties have had plans in
23 place for decades on how to effectively execute
24 such an undertaking, the Governor ignored this
25 infrastructure and instead used the power of the

1 executive order to take full control of vaccine
2 distribution. He first chose to put hospitals in
3 charge of distributing the vaccine, the same
4 hospitals we are trying desperately not to
5 overwhelm. Each day a new announcement, a new
6 executive order.

7 He has touted that we have relied
8 on the science and data to combat this pandemic,
9 yet refuses to collaborate with those more
10 knowledgeable to ensure the most effective and
11 expedient distribution of the most important
12 undertaking of our generation.

13 The failure of this vaccine
14 distribution rollout is inexcusable and
15 completely avoidable. New York has faced
16 insurmountable challenges in the face of the
17 COVID pandemic, yet we have seen firsthand that
18 exclusive authority and control only sows more
19 chaos and confusion.

20 We must take this opportunity to
21 restore balance in our democratic process and
22 return governance based in collaboration and
23 equality, as intended. In short, the Legislature
24 must stop abdicating our constitutional authority
25 and obligations and reestablish ourselves as an

1 independent, coequal branch of government as the
2 Constitution of the State of New York requires.

3 It is for these reasons I urge my
4 colleagues to support this amendment.

5 Thank you, Mr. President.

6 ACTING PRESIDENT BENJAMIN: Thank
7 you, Senator Stec.

8 I want to remind the house that the
9 vote is on the procedures of the house and the
10 ruling of the chair.

11 Those in favor of overruling the
12 chair signify by saying aye.

13 SENATOR LANZA: Request a show of
14 hands.

15 SENATOR GIANARIS: Mr. President,
16 we've agreed to waive the show of hands and
17 record each member of the Minority in the
18 affirmative on this bill.

19 ACTING PRESIDENT BENJAMIN:
20 Without objection, so ordered.

21 Announce the results.

22 THE SECRETARY: Ayes, 20.

23 ACTING PRESIDENT BENJAMIN: The
24 ruling of the chair stands, and the bill-in-chief
25 is before the house.

1 Senator Borrello on the bill.

2 SENATOR BORRELLO: Thank you,
3 Mr. President. On the bill.

4 First of all, let me say that I
5 agree with the sponsor in the aspirational goal
6 that we should all have clean water and fresh
7 air. My opposition to this bill today is merely
8 on the unintended consequences this bill may
9 have, including opening up a Pandora's box of
10 litigation.

11 However, I do agree, absolutely,
12 that we need to be focused on clean water and
13 clean air. But those are just goals. Right now
14 we have a serious issue facing us here in
15 New York State.

16 Our Governor is looking to place
17 industrial wind turbines in our freshwater lakes.
18 These massive structures, made of steel and
19 concrete and plastic and that are forged in
20 foreign countries under horrific conditions, will
21 be placed in our Great Lakes -- Lake Erie, where
22 I live, Lake Ontario -- and could be placed in
23 every freshwater lake in New York State unless we
24 act to stop this.

25 So I'm appealing to everyone who

1 supports this bill, everyone who supports clean
2 water and fresh air, that we do not allow this
3 crony capitalism agenda to harm our freshwater.
4 Lake Erie alone is a source of drinking water for
5 more than 11 million people. Across this state,
6 from the Great Lakes to the Finger Lakes, we rely
7 on our freshwater lakes for our drinking water,
8 for supplying our businesses with needed water.

9 The Great Lakes are the largest
10 source of freshwater in the world -- 20 percent
11 of the freshwater in the world is in the
12 Great Lakes, in our backyard here in New York
13 State, and we are going to threaten it for a
14 political purpose.

15 I'm not opposed to renewable
16 energy. I am opposed to destroying our
17 Great Lakes, the quality of life, having a
18 negative impact on the environment and the
19 ecology in order to serve a bogus politically
20 driven agenda.

21 So those of you that are in support
22 of this, I commend you and I also ask you to
23 stand with us as we push back against this deadly
24 and dangerous push to put industrial wind
25 turbines in our freshwater lakes -- which, by the

1 way, is not done anywhere else in the world. I
2 do not want to be the guinea pig for something
3 that could be disastrous and have a disastrous
4 impact on so many New Yorkers.

5 Thank you, Mr. President.

6 ACTING PRESIDENT BENJAMIN:

7 Senator Stec.

8 SENATOR STEC: Thank you,
9 Mr. President. Would the sponsor yield for a
10 couple of questions?

11 ACTING PRESIDENT BENJAMIN: Does
12 the sponsor yield?

13 SENATOR JACKSON: Sure, the
14 sponsor will yield.

15 ACTING PRESIDENT BENJAMIN: The
16 sponsor yields.

17 SENATOR STEC: Thank you.

18 Happy New Year, Senator. A couple
19 of quick questions, if I may.

20 Is the word "clean" or the word
21 "healthful" that appear in the bill defined
22 anywhere in the legislation before us?

23 SENATOR JACKSON: In response,
24 Mr. President, clean and fresh water is, in my
25 opinion, a human right, a right for all of us in

1 our state and in our country and our world.

2 And obviously it's not defined in
3 the Constitution and in this amendment, but that
4 issue, if necessary to be defined, will be
5 defined by advocates and people that it
6 negatively or positively affects. That's what --
7 the discussions that have to take place.

8 Just like in the Campaign for
9 Fiscal Equity, the Constitution of the State of
10 New York said that everyone is entitled to a
11 sound, basic education, where the highest court
12 in the State of New York said -- equated a sound,
13 basic education to an adequate education. And it
14 defined that in a decision. It said, meaning the
15 highest court in the State of New York said, that
16 an adequate education means that every child
17 should have the opportunity to graduate from high
18 school knowing how to read, knowing how to write,
19 knowing how to serve on a jury, and being able to
20 hold competitive employment. A lawsuit had to be
21 filed in order for the court to decide what the
22 entitlement was for a sound, basic education.

23 I hope that that's not the case in
24 defining clean water and clean air. But if
25 necessary, then that's what has to happen.

1 So I am hoping that we, the people,
2 will come together and make sure that everyone is
3 protected to have clean air and clean water. I
4 hope that's the case.

5 And I hope, as my colleague said,
6 Senator Borrello, that no one puts their
7 political agenda in this. This is not about
8 politics. This is about every family and every
9 individual having the right to have that clean
10 water and clean air.

11 And so that's my response to you.

12 SENATOR STEC: Mr. President, if
13 the sponsor would yield for one more question,
14 please.

15 ACTING PRESIDENT BENJAMIN: Will
16 the sponsor yield?

17 SENATOR JACKSON: Yes.

18 ACTING PRESIDENT BENJAMIN: The
19 sponsor yields.

20 SENATOR STEC: Thanks, Senator
21 Jackson.

22 I just moved over from the
23 Assembly; I'm familiar with the constitutional
24 amendment process. This is second passage of
25 this constitutional amendment. I've been

1 involved in several others through the EnCon
2 Committee. And one of the insistences that I
3 recall in the past was that at some point between
4 first and second passage, it's normal to have
5 enabling legislation that will further lay out
6 and maybe address some of the concerns I and
7 others have about the ambiguity of the words
8 "clean" and "healthful."

9 Is there enabling legislation
10 that's currently in existence and is
11 corresponding with this second passage?

12 SENATOR JACKSON: I am not aware.
13 There may be, but I am not aware.

14 I do know that from a
15 constitutional point of view, we had -- we passed
16 it last year, we're passing the language this
17 year to include that as an amendment to the Bill
18 of Rights with respect to the clean air, clean
19 water, and a healthful environment.

20 SENATOR STEC: Thank you, Senator.
21 Mr. President, on the bill.

22 ACTING PRESIDENT BENJAMIN:
23 Senator Stec on the bill.

24 SENATOR STEC: Thank you very
25 much.

1 Certainly no one in this room is
2 opposed to the goal and the aspiration in
3 achieving clean air, clean water, or a healthful
4 environment. However, we are a Legislature. And
5 if nothing else, we've learned in the last few
6 weeks: Words matter. We need to be very
7 cautious and careful with our language. We are
8 passing a law, we are not passing goals.

9 For a law to be fair and a law to
10 be just, it must be understandable, it must be
11 enforceable, it must be measurable. I'm all for
12 clean air and clean water. Who isn't? But in
13 the face of ambiguity, you will have distrust,
14 you will have lawsuits, you will have costs. And
15 I'm trying to avoid that.

16 You know, so my concern with this
17 legislation is essentially that we're throwing
18 something out there that we have not well
19 defined. And for that reason, I think that we
20 need to exercise caution, we need to be a little
21 more detailed in our work. And for that reason,
22 I'll be opposing second passage of this
23 amendment.

24 Thank you, Mr. President.

25 ACTING PRESIDENT BENJAMIN: Are

1 there any other Senators wishing to be heard?

2 Seeing and hearing none, debate is
3 closed.

4 The Secretary will ring the bell.

5 Call the roll on the resolution.

6 (The Secretary called the roll.)

7 ACTING PRESIDENT BENJAMIN:

8 Senator Jackson to explain his vote.

9 SENATOR JACKSON: Thank you,
10 Mr. President.

11 So, my colleagues, I rise in order
12 to support this bill which I'm introducing. And
13 today, by adding 15 words to the Constitution of
14 the State of New York, we will help shape the
15 future of New York. Those powerful words are:
16 "Each person shall have a right to clean air and
17 water and a healthful environment." You would
18 think that I shouldn't even have to say that we
19 include that.

20 Adding this amendment to the
21 current New York Bill of Rights will provide
22 important protections that advance environmental
23 justice. I hope these rights will soon be
24 constitutional rights for all New Yorkers and
25 will safeguard our ability to sustain healthy

1 lives and economies.

2 New Yorkers will finally have the
3 right to take legal action for a clean
4 environment, because it will be in the State
5 Constitution. And we will finally have
6 safeguards requiring government to consider the
7 environment and our relationship to Mother Earth
8 in the decision-making process.

9 Many hands have helped shape this
10 bill through the years, and they deserve great
11 credit for their advocacy, wisdom and
12 persistence. And I thank you to these fine
13 organizations such as Environmental Advocates of
14 New York, the Adirondack Mountain Club, Further
15 Generations, Delaware Riverkeepers, and WE ACT
16 for Environment Justice.

17 This would not have happened
18 without them, and we won't win a constitutional
19 victory here without all of us coming together
20 and bringing forward this powerful message to our
21 communities.

22 And I agree with my colleague, this
23 should not be a political agenda on anyone's
24 part. It should be for the betterment of all of
25 the people of our great state. And that's my

1 goal and objective.

2 And so I look forward to working
3 together to make environmental justice a reality
4 for every person in our state. And I vote aye,
5 Mr. President.

6 ACTING PRESIDENT BENJAMIN:
7 Senator Jackson to be recorded in the
8 affirmative.

9 Senator May to explain her vote.

10 SENATOR MAY: Thank you,
11 Mr. President.

12 Yesterday we took up issues about
13 the right to the vote, and last month we talked
14 about the right to having a house -- a roof over
15 your head. But none of these rights make any
16 difference if you don't have the right to drink
17 clean water and breathe clean air.

18 For too long we have treated these
19 as privileges. And because they've been treated
20 as privileges, they have been denied to some of
21 the people least powerful among us, including
22 many children, people living in poverty, and many
23 communities of color. They find themselves
24 burdened with environmental health risks that the
25 rest of us can barely imagine.

1 My district lies in ancestral lands
2 of the Haudenosaunee Confederacy. The
3 Haudenosaunee Confederacy is a system of
4 governance based on a world view that always
5 considers the effects of your decisions on seven
6 generations to come. The Haudenosaunee
7 Confederacy was also the basis for the design of
8 the United States Constitution. But sadly, we
9 left out the fundamental underpinnings of that
10 world view that have made the Haudenosaunee
11 Confederacy so successful over the years.

12 I am very proud to support moving
13 our own understanding of the rights of
14 New Yorkers closer to that traditional view that
15 the Haudenosaunee have given to us, and I proudly
16 vote aye.

17 ACTING PRESIDENT BENJAMIN:
18 Senator May to be recorded in the affirmative.

19 Senator Hinchey to explain her
20 vote.

21 SENATOR HINCHEY: Thank you,
22 Mr. President.

23 As a new Senator, I am honored to
24 cosponsor this bill, and I thank my colleague
25 Senator Jackson for bringing forward this

1 constitutional amendment guaranteeing New Yorkers
2 the right to clean air, clean water, and a
3 healthful environment.

4 I believe we can all agree that
5 access to clean air and clean water should be a
6 basic human right. And yet in 2020 in many
7 places across my district and across New York
8 State in general, people are suffering. They're
9 suffering with poisoned water sources and aging
10 infrastructure that contaminates their water,
11 leaving them sick and with no other option than
12 to purchase and use bottled water.

13 This is unacceptable. It's clear
14 that to date we have not done enough to protect
15 our environment or the people that live here.

16 I am proud that one of my first
17 votes as Senator is to codify these basic rights
18 into our State Constitution. New Yorkers deserve
19 access to clean water, clean air, and a healthful
20 environment. By making it a part of our
21 Constitution, we get one step closer to making
22 sure that this is true for all residents of our
23 state and can more seriously work to ensure that
24 the great resource of our environment is
25 protected for years to come.

1 This constitutional amendment is
2 critical to the health and safety of New Yorkers
3 and is a needed step in combating climate change.
4 And for these reasons, I am proud to be here to
5 vote aye on it today.

6 ACTING PRESIDENT BENJAMIN:
7 Senator Hinchey to be recorded in the
8 affirmative.

9 Announce the results.

10 THE SECRETARY: In relation to
11 Calendar 13, those Senators voting in the
12 negative are Senators Akshar, Borrello, Gallivan,
13 Griffo, Helming, Jordan, Oberacker, O'Mara, Ortt,
14 Rath, Ritchie, Serino, Stec and Tedisco.

15 Ayes, 48. Nays, 14.

16 ACTING PRESIDENT BENJAMIN: The
17 resolution is adopted.

18 The Secretary will read.

19 THE SECRETARY: Calendar Number
20 11, Senate Print 515, by Senator Gianaris,
21 Concurrent Resolution of the Senate and Assembly
22 proposing an amendment to Sections 2, 4, 5, 5-a
23 and 5-b of Article 3 of the Constitution.

24 ACTING PRESIDENT BENJAMIN:
25 Senator Palumbo.

1 SENATOR PALUMBO: Thank you,
2 Mr. President. Will the sponsor yield for a few
3 questions, please.

4 ACTING PRESIDENT BENJAMIN: Does
5 the sponsor yield?

6 SENATOR GIANARIS: Yes,
7 Mr. President.

8 ACTING PRESIDENT BENJAMIN: The
9 sponsor yields.

10 SENATOR PALUMBO: Thank you,
11 Senator. And Happy New Year.

12 SENATOR GIANARIS: Good morning.

13 SENATOR PALUMBO: Good morning.

14 I just have a few questions
15 regarding the need to bring this amendment, in
16 that the redistricting commission was established
17 in 2020 -- it's been in existence for almost a
18 year now -- and the State Budget provides that
19 compensation and reimbursement of expenses would
20 be provided to them.

21 Can you tell us how much money, if
22 any, has been appropriated for the commission as
23 of today?

24 SENATOR GIANARIS: {Mic off;
25 inaudible.} I know there's been concerns about

1 the money not flowing quickly enough, and I share
2 those concerns. So I don't know what exact
3 amount has been allocated thus far, but I agree
4 that it should start flowing so the commission
5 can do its business.

6 SENATOR PALUMBO: Now, this
7 commission of course --

8 ACTING PRESIDENT BENJAMIN:
9 Senator Palumbo, are you asking a question?

10 SENATOR PALUMBO: Oh, yes.
11 Mr. President, would the sponsor yield for
12 another question, please.

13 ACTING PRESIDENT BENJAMIN: Does
14 the sponsor yield?

15 SENATOR GIANARIS: Yes.

16 ACTING PRESIDENT BENJAMIN: The
17 sponsor yields.

18 SENATOR PALUMBO: And thank you.
19 Thank you again, Senator.

20 And as far as this commission is
21 concerned, that they had the opportunity to vote
22 on the district maps and redistricting by seven
23 of 10 members. And we've added a new provision
24 now that I'll read -- it adds Section 5-b to
25 Article 3 of the Constitution, which states "If

1 the commission does not vote on any redistricting
2 plan or plans, for any reason, by the date
3 required for submission of such plan by this
4 article, the commission shall submit to the
5 Legislature all plans in its possession, both
6 completed and in draft form, and the data upon
7 which such plans are based."

8 Could you tell me the need for that
9 particular provision?

10 SENATOR GIANARIS: Sure. That's
11 just to provide for a contingency that the
12 original amendment did not consider. There was
13 no specific provision that indicated what would
14 happen in that scenario, and so we thought it
15 would be better to make it clear.

16 SENATOR PALUMBO: Understood. And
17 it's --

18 ACTING PRESIDENT BENJAMIN:
19 Senator Palumbo.

20 SENATOR PALUMBO: Would the
21 sponsor yield for another question?

22 ACTING PRESIDENT BENJAMIN: Does
23 the sponsor yield?

24 SENATOR GIANARIS: Yes.

25 ACTING PRESIDENT BENJAMIN: The

1 sponsor yields.

2 SENATOR PALUMBO: Thank you again,
3 Senator. I'm trying to get used to the rules of
4 the new house, you know? Been down the hall for
5 many years.

6 ACTING PRESIDENT BENJAMIN: I'll
7 remind you.

8 SENATOR PALUMBO: Thank you again.
9 So, Senator, regarding that
10 provision, I don't see anything in this proposed
11 amendment that would provide the specific amount
12 of votes needed by each house in the event they
13 don't vote. So if they approve it by seven of
14 10 votes, is my understanding, then it would
15 just -- it would be -- it would be approved by
16 60 percent of each house. If they cannot reach
17 seven of 10 votes, then it was two-thirds of each
18 house would have to override that or ultimately
19 adopt the map.

20 So my question to you is if they
21 don't vote at all, I don't see any provision that
22 would indicate what the specific vote by the
23 houses would be needed. Is it a majority, is it
24 a supermajority, or is it 60 percent?

25 SENATOR GIANARIS: Existing

1 language, Senator Palumbo, is also silent on that
2 issue. The existing language does not provide
3 for this scenario at all. And so we're not
4 trying to tinker with whatever the existing
5 language would have said in that circumstance.
6 We just wanted to provide some guidance to what
7 would happen if the commission fails entirely,
8 doesn't produce a single map by the appropriate
9 vote.

10 SENATOR PALUMBO: Will the sponsor
11 yield for another question?

12 ACTING PRESIDENT BENJAMIN: Does
13 the sponsor yield?

14 SENATOR GIANARIS: Yes.

15 ACTING PRESIDENT BENJAMIN: The
16 sponsor yields.

17 SENATOR GIANARIS: You're getting
18 it now, Senator.

19 SENATOR PALUMBO: Thank you again,
20 Senator.

21 And so what would the vote need to
22 be in the event that there's no vote by the
23 commission, the maps are submitted to the
24 Legislature -- what would we need to pass and
25 approve maps now, what percentage specifically,

1 if you can at least indicate for that intent,
2 please.

3 SENATOR GIANARIS: In that
4 scenario -- which again I think we're all hoping
5 doesn't occur, because we hope the commission is
6 able to come to an agreement. But in that
7 scenario, we would be back to passing a piece of
8 legislation like any other, so that would be a
9 simple majority, presumably.

10 SENATOR PALUMBO: So then would
11 the sponsor yield for one more question?

12 ACTING PRESIDENT BENJAMIN: Does
13 the sponsor yield?

14 SENATOR GIANARIS: Yes.

15 ACTING PRESIDENT BENJAMIN: The
16 sponsor yields.

17 SENATOR PALUMBO: Just so I'm
18 clear, so it would be just a simple majority
19 would ultimately approve the map.

20 SENATOR GIANARIS: Yes.

21 SENATOR PALUMBO: Okay, thank you.

22 Will the sponsor yield for another
23 question?

24 ACTING PRESIDENT BENJAMIN: Does
25 the sponsor yield?

1 SENATOR GIANARIS: Yes.

2 ACTING PRESIDENT BENJAMIN: The
3 sponsor yields.

4 SENATOR PALUMBO: Now, Senator,
5 regarding the drawing of maps, this somewhat
6 significantly changes the manner in which maps
7 are drawn, the existing manner we've been relying
8 upon for decades.

9 So my concern is -- and if you
10 could explain to me and try and alleviate that
11 concern -- that once this is ratified, once it
12 goes through a vote, it's certified, the
13 commission will have held public hearings and
14 drawn maps, and then the process will change very
15 quickly and they need to submit the new maps by
16 January.

17 Can you alleviate those concerns or
18 explain to me why that provision was necessary to
19 change the manner in which we draw maps?

20 SENATOR GIANARIS: Yes. And
21 Senator Palumbo, thank you for the question.

22 To start with, you make an
23 interesting point, that this is changing the way
24 things have been done for decades. And I think
25 the existing standards and processes have led to

1 some of the worst gerrymandered maps the country
2 has seen, which has been a stain on New York in
3 terms of our redistricting process.

4 So for the most part the change in
5 standards were accomplished in the existing
6 new -- "new" meaning in the last, you know,
7 recently approved amendment in 2014. So a lot of
8 the standards are already changed. I believe the
9 one significant change we make here is to remove
10 the incentive for cities to be divided throughout
11 the state, which has been one of the worst
12 gerrymandered tools used by your predecessors in
13 the majority when they drew the maps.

14 SENATOR PALUMBO: So would the
15 sponsor yield for another question, please.

16 ACTING PRESIDENT BENJAMIN: Does
17 the sponsor yield?

18 SENATOR GIANARIS: Yes.

19 ACTING PRESIDENT BENJAMIN: The
20 sponsor yields.

21 SENATOR PALUMBO: Thank you again,
22 Senator.

23 So in that regard, when we look at
24 page 2, it also allows you to now not only split
25 the cities, but we also have stricken the clause

1 at line 45: "No counties shall have four or more
2 Senators unless it shall have a full ratio for
3 each Senator." So that's stricken.

4 So we could now basically have any
5 county who may have an unlimited number of
6 Senators, is that accurate?

7 SENATOR GIANARIS: I'm sorry,
8 Senator Palumbo, I was reading the provision
9 while you were finishing your question. Would
10 you mind repeating it?

11 SENATOR PALUMBO: In light of the
12 fact that that's stricken, there is no ultimate
13 fallback provision limiting the number of
14 Senators per county. So now that that will no
15 longer be in law or in our Constitution, we now
16 have an unlimited number of Senators could be
17 apportioned to any county. Is that accurate?

18 SENATOR GIANARIS: Right,
19 that's -- that's a provision -- some of what
20 we've done in this amendment is conform the State
21 Constitution to existing constitutional norms.
22 There's a lot of unconstitutional language that
23 just sits in our Constitution and has been left
24 there because it's not really applicable.

25 So that's a one-person, one-vote

1 issue. You cannot restrict the number of
2 Senators in particular counties. The original
3 Constitution of the State of New York hundreds of
4 years ago had strict limits that way, kind of the
5 way the U.S. Senate is apportioned, and that has
6 been deemed unconstitutional for many years in
7 this country. So that's -- that's more of a
8 clean-up provision, I think, that you're
9 referring to.

10 SENATOR PALUMBO: Thank you for
11 your time, Senator Gianaris.

12 Mr. President, on the bill, please.

13 ACTING PRESIDENT BENJAMIN:

14 Senator Palumbo on the bill.

15 SENATOR PALUMBO: Thank you again,
16 Mr. President.

17 Now, this is an Independent
18 Redistricting Commission that was overwhelmingly
19 approved by the voters. It has not been funded,
20 and it has not acted. Quite frankly, this
21 particular amendment handcuffs that commission to
22 the extent that they will not, I suspect, be able
23 to reach an agreement on maps. Then what
24 happens? The fallback is it comes to this house
25 and the Assembly, and by a simple majority

1 vote -- this is a nuclear option that we have
2 created. And we all saw what a fiasco that was
3 on the federal level.

4 We now have a simple majority to
5 draw district lines. That is a problem. And
6 quite frankly, when we get to page 2, that
7 line 47, we are now striking the limit of four or
8 more Senators, that you cannot have more than --
9 you can't have four or more unless there is a
10 full complement. Meaning, based on population,
11 you have that number.

12 Now, when you look at the
13 population of New York State as of 2019, we had
14 19.45 million individuals in New York State.
15 Divide that by 63 Senate districts, that's
16 308,730 per district.

17 Now, when you put that into the
18 population, for example, of New York City, in the
19 five boroughs it was 8.4 million. So New York
20 City has enough bodies, enough of a population
21 for 27.2 Senate districts. That's 28 Senators in
22 New York City alone.

23 And the reason why, I suspect, that
24 this original provision included a limit on
25 Senators was so that you could not specifically

1 gerrymander. When we talk about gerrymandering,
2 you're choosing your voters instead of your
3 voters choosing you.

4 And quite frankly, striking that
5 provision to limit four Senators is for no reason
6 other than gerrymandering. When you think about
7 this and you think of the breakup of some of the
8 counties in our state, we are losing people in
9 droves from primarily upstate, as we've heard
10 over many years now, for various reasons that we
11 don't need to get into. But the population
12 upstate is shrinking.

13 By proportion, New York City has
14 more people in it -- more than 28 districts,
15 quite frankly. But now when you have some of the
16 breakdown, for example, Republican to Democrat,
17 some counties are 60, 90, 85 percent one party
18 and the balance, all others.

19 So now that you can have more than
20 four Senators representing a county, you can
21 slice off some of that more favorable to any
22 particular party and meander them into the
23 suburbs. I'm out on the east end of Long Island,
24 I'm Senate District 1, as we all know -- First
25 District first, as the great Ken LaValle used to

1 say for many, many years in this house. That you
2 could stretch my district, which is about a
3 fifty-fifty breakup between Republican and
4 Democrat, that you run my district all the way
5 into the city and take a few election districts,
6 or more than a few, and add and soften the ratio
7 to make mine primarily more, for example,
8 Democratic.

9 And then the other districts that
10 were essentially 85, 90 percent Democrat, when my
11 good friends and colleagues who represent those
12 districts go on vacation after the primary --
13 they don't even have a general election that's
14 really contested -- they'll soften that district
15 a little to maybe 75 percent of their party, and
16 then the balance would water down the rest.

17 So, my friends, this is the concern
18 that we have with this bill, that this is
19 clearly -- and it may have been done for other
20 reasons, but the unintended consequence is
21 clearly going to allow gerrymandering, which is
22 exactly what we don't want to happen. And the
23 Legislature should not be choosing voters, the
24 voters should be choosing us.

25 As a result, I'll be voting in the

1 negative, and I urge my colleagues to do the
2 same.

3 Thank you, Mr. President.

4 ACTING PRESIDENT BENJAMIN:

5 Senator Boyle on the bill.

6 SENATOR BOYLE: Mr. President, on
7 the bill.

8 I want to thank my colleague
9 Senator Palumbo for a great debate on this piece
10 of legislation.

11 There's nobody in this chamber that
12 supports the idea of redistricting reform more
13 than I do. As a matter of fact, many years ago
14 when I served in the New York State Assembly,
15 they redistricted my district in a way that most
16 people couldn't believe -- took a line miles away
17 down my block, around my house, and back up the
18 other block. The New York Times referred to me
19 as the poster boy for redistricting reform in an
20 editorial.

21 We need redistricting reform, and
22 this piece of legislation lessens that ability.

23 Ten years ago we decided on a
24 bipartisan basis to make it an independent, a
25 truly independent redistricting commission. What

1 happened since then, the majorities changed, and
2 suddenly the reform-minded Democrats in the
3 Majority are in the majority now and they're not
4 so reform-minded.

5 I would say that this is an
6 important piece of legislation, but not one that
7 we should be doing on the first day of our
8 legislative session.

9 There's an adage that some of my
10 colleagues on the Majority side use: Read the
11 room. I want to remind my colleagues it's a
12 metaphor, it's not literal. I think the Majority
13 Conference in this building, in this chamber,
14 thinks that "reading the room" means reading the
15 Democratic Conference Room, and that they all
16 want this bill on this floor today, and a couple
17 of election reform bills.

18 Reading the room, in my mind, is
19 looking outside of this in what New Yorkers want.
20 Every single one of us have our phones ringing
21 off the hook of our constituents, millions of
22 them, looking for vaccines. It is an utter
23 disaster. Are we here today pressuring the
24 Governor to do a better job, doing legislation to
25 bring vaccines to millions of New Yorkers? No.

1 We're doing this piece of legislation and some
2 minor Election Law reforms.

3 Let's read the room. Let's listen
4 to millions of New Yorkers, get vaccines.

5 Mr. President, I vote no.

6 ACTING PRESIDENT BENJAMIN:

7 Senator Gianaris on the bill.

8 SENATOR GIANARIS: Thank you,
9 Mr. President.

10 I want to address a little bit of
11 what was said here, because it's laughable to
12 hear the complaints from the Minority. Because
13 what they are most upset about is that we're
14 unraveling the grossly unfair redistricting that
15 they have implemented for decades in this state.

16 I have the advantage or
17 disadvantage, depending on your point of view, of
18 having been here long enough to have lived
19 through the last redistricting. And we had some
20 of the worst lines, where communities are divided
21 just to keep Democrats from getting elected, just
22 to keep communities of color from having
23 representation. It was gross, and we're fixing
24 it.

25 Now, the Republicans are so bad at

1 what they do that we managed, this last election,
2 to win those seats anyway. And so in the City of
3 Rochester, in the City of Syracuse, where
4 communities were intentionally divided to
5 maintain Republican representation, in
6 contradiction to what the voters actually wanted,
7 we're fixing that.

8 So yes, we were able to overcome it
9 politically because in fact it was the
10 Republicans that hadn't read the room of the
11 entire state in terms of what the people of this
12 entire state wanted their representatives to
13 advocate for. But we should fix it going forward
14 so that never again do we have to deal with that
15 kind of gross abuse of a democratic process by
16 the now Minority.

17 And so, Mr. President, what the
18 Republicans see as unfair is really just the
19 restoration of fairness, allowing communities to
20 actually be properly represented, as good
21 government advocates should support.

22 So, Mr. President, I obviously
23 encourage a yes vote on this important
24 legislation. It will do wonders for restoring
25 faith in our democracy, at least at the state,

1 while it's being torn apart by some folks
2 nationally.

3 And I would just give a little bit
4 of advice to my colleagues in the Minority.
5 Despite their best efforts at gerrymandering
6 through the years, they are still deeply in the
7 minority. And if they would like to get out of
8 there, and or at least take steps in that
9 direction, they should not complain when we're
10 trying to make the elections more fair. They
11 should actually listen to the people of this
12 state and start holding beliefs in accordance
13 with what New Yorkers would prefer.

14 Thank you, Mr. President.

15 ACTING PRESIDENT BENJAMIN: Are
16 there any other Senators wishing to be heard?

17 Seeing and hearing none, debate is
18 closed.

19 The Secretary will ring the bell.

20 Call the roll on the resolution.

21 (The Secretary called the roll.)

22 ACTING PRESIDENT BENJAMIN:

23 Senator Martucci to explain his vote.

24 SENATOR MARTUCCI: Thank you,
25 Mr. President.

1 Let us be clear about what we're
2 here doing today. The Majority is voting to gut
3 a bipartisan independent commission, and instead
4 is looking to interject new rules that will allow
5 the Majority to control the redistricting
6 process.

7 This is exactly the partisan
8 nonsense that my constituents back home are sick
9 of seeing here out of Albany. At a time when our
10 small businesses are on life support and our
11 communities are being ravaged by the pandemic,
12 this Majority has chosen to help themselves
13 rather than help their constituents, and that's
14 sad.

15 Moreover, I'm not asking you to
16 take my word for it. Good government groups like
17 Citizens United {sic} and the League of Women
18 Voters have also condemned this proposal. Any
19 time the Republican Conference and Mike Martucci
20 stands in unison with Citizens Union and the
21 League of Women Voters and we actually agree on a
22 proposal, that should be a clue that something is
23 rotten in the bill.

24 If you care about fairness, if you
25 care about bipartisanship like me, and if you

1 want to step away from the toxic politics of the
2 moment and step toward ways that we can work
3 together on good policy, you need to oppose this
4 amendment today.

5 Mr. President, I vote nay and
6 encourage my colleagues to do the same.

7 ACTING PRESIDENT BENJAMIN:
8 Senator Martucci to be recorded in the negative.

9 Senator Lanza to explain his vote.

10 SENATOR LANZA: To explain my
11 vote, Mr. President, thank you.

12 You know, I take exception to some
13 of the comments that were made regarding what
14 happened in the past. Let's remember, in the
15 last 50 years the Republican Party never held
16 control over the three -- the two houses of the
17 Legislature and the executive branch. Which
18 meant that anything that has happened over the
19 last 50 years was bipartisan, was as a result of
20 compromise between Democrats and Republicans.

21 And when there is compromise, when
22 there is bipartisan work, when there is
23 cooperation between the parties, that's when the
24 people are best served.

25 You know, let's say it's true that

1 in the past the Republicans were so wrong, were
2 so prejudiced, were so inequitable with respect
3 to redistricting that we ended up with this
4 injustice here in New York. Let's say that's
5 true -- which it's not, in my opinion, humble.

6 That is not an excuses to make
7 things worse, to go further in a partisan
8 direction. If you believe that what happened in
9 the past was wrong, then you should not repeat
10 that offense as an excuse -- the old adage, two
11 wrongs don't make a right. But beyond that, you
12 shouldn't double down, which is what is happening
13 here.

14 You know, the people voted. They
15 wanted independence here. A reform-minded
16 people, on both sides of the aisle, came together
17 years ago and said, you know, we've got to fix
18 this, there are issues here, let's have an
19 independent council do this.

20 And so when we talk about the
21 preference of the voters, we know what it is,
22 very clearly. They want independence. This
23 legislation takes us in the opposite direction.

24 And yes, I agree with Senator
25 Gianaris: You have to be careful when you talk

1 about majorities, the tyranny of the majority.
2 People ought to fear majorities in government,
3 especially unanimous majorities. Because that's
4 when people stop listening to each other.

5 And that's what we see here. We
6 see a move away from independence to a new system
7 where one party is going to make all the
8 decisions. And whether it's the Republican Party
9 or the Democratic Party, that never works out for
10 the people of the State of New York or anywhere
11 else in this country.

12 And so, accordingly, I vote no.

13 ACTING PRESIDENT BENJAMIN:

14 Senator Gianaris to explain his vote.

15 SENATOR GIANARIS: Thank you,
16 Mr. President.

17 Of course we're not making this
18 worse, we're making it better. I appreciate that
19 Senator Lanza thinks that removing the unfair
20 obstacles they intentionally put in the way is
21 making things worse. It's making it worse for
22 them, I suppose, because they were building in
23 unfair and antidemocratic advantages --
24 antidemocratic with a small "d" -- into this
25 process.

1 And yes, those that agreed to this
2 amendment almost a decade ago, and signed onto
3 it, should be criticized. And I criticized
4 everyone, including the Governor, when he agreed
5 to it with you.

6 But the tradition in this chamber
7 has been -- in the Capitol, I should say -- has
8 been that each house takes care of its own lines
9 and everybody else signs off on it. And so it
10 was not a bipartisan agreement in the sense that
11 the Executive and the Assembly sat there and drew
12 the lines of the Senate collaboratively with the
13 Senators -- they just agreed to whatever you
14 wanted them to do.

15 And so let's just be clear that
16 what we're doing now is actually creating a fair
17 process, actually removing partisanship from this
18 commission, which was intentionally built in as
19 part of that rotten deal almost a decade ago.

20 And I enjoyed Senator Martucci's
21 accidental slip of the tongue when he referred to
22 Citizens United supporting this. Of course,
23 Citizens United is an entity that's known with
24 one of the most antidemocratic rulings that the
25 Supreme Court of this country has ever made,

1 allowing free flowing of dark money into our
2 campaigns. I'm sure he meant Citizens Union.

3 But this has been an issue that has
4 divided the good government community. NYPIRG
5 and Common Cause opposed this amendment at the
6 time and support the amendment we're putting
7 forward today. And I believe the good government
8 groups that were supporting it back then thought
9 it was merely the best they can get with an
10 unfair Republican majority driving the train in
11 this house.

12 So this is an improvement. This is
13 something that will create less partisanship and
14 more independence in the process, and I encourage
15 everyone to vote yes, as I am.

16 Thank you, Mr. President.

17 ACTING PRESIDENT BENJAMIN:

18 Senator Gianaris to be recorded in the
19 affirmative.

20 Announce the results.

21 THE SECRETARY: In relation to
22 Calendar 11, those Senators voting in the
23 negative are Senators Akshar, Borrello, Boyle,
24 Gallivan, Griffio, Helming, Jordan, Lanza,
25 Martucci, Mattera, Oberacker, O'Mara, Ortt,

1 Palumbo, Rath, Ritchie, Serino, Stec, Tedisco and
2 Weik.

3 Ayes, 42. Nays, 20.

4 ACTING PRESIDENT BENJAMIN: The
5 resolution is adopted.

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

8 SENATOR GIANARIS: Is there any
9 further business at the desk, Mr. President?

10 ACTING PRESIDENT BENJAMIN: There
11 is no further business at the desk.

12 SENATOR GIANARIS: In that case I
13 move to adjourn until Tuesday, January 19th, at
14 3:00 p.m., with intervening days being
15 legislative days.

16 ACTING PRESIDENT BENJAMIN: On
17 motion, the Senate stands adjourned until
18 Tuesday, January 19th, at 3:00 p.m., with
19 intervening days being legislative days.

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

22

23

24

25