

STATE OF NEW YORK

6153

2023-2024 Regular Sessions

IN ASSEMBLY

April 3, 2023

Introduced by M. of A. GONZALEZ-ROJAS -- read once and referred to the
Committee on Governmental Operations

AN ACT to establish the pandemic response study commission act; and
providing for the repeal of such commission upon the completion of the
commission's final report

The People of the State of New York, represented in Senate and Assem-
bly, do enact as follows:

1 Section 1. Short title. This act shall be known and may be cited as
2 the "pandemic response study commission act".

3 § 2. Statement of legislative findings and purposes. The legislature
4 hereby finds and declares that:

5 a. protecting the public health is one of the highest responsibilities
6 of state government;

7 b. as recent events tragically confirmed, New York is vulnerable to
8 global pandemics because of its status as a hub of international travel
9 and tourism, among other factors;

10 c. COVID-19 reached New York in the early months of the outbreak and
11 hit the state especially hard--eventually claiming more than 75,000
12 lives, sickening millions of others, massively disrupting ordinary life
13 and doing billions in damage to the economy;

14 d. the crisis revealed limitations in the state's public health system
15 that delayed the government's response and undermined the effectiveness
16 of its interventions;

17 e. those limitations included a delay in disease surveillance systems
18 to detect COVID-19 for several weeks after its arrival in the state;
19 lack of critical supplies such as personal protective equipment and
20 mechanical ventilators; miscommunication between different levels of
21 government to address issues such as overcrowding of hospitals;

22 f. despite these shortcomings, many New Yorkers in and out of govern-
23 ment performed heroically during the crisis--especially including front-

EXPLANATION--Matter in italics (underscored) is new; matter in brackets
[-] is old law to be omitted.

LBD02888-01-3

1 line caregivers who worked tirelessly to save lives, often at risk to
2 their own health;

3 g. another deadly virus could arise at any time and potentially have
4 ramifications far worse than COVID-19;

5 h. the state has a duty to carefully review the events of the corona-
6 virus pandemic, so that it can learn from experience and provide the
7 best possible public health protection for New Yorkers going forward.

8 The legislature further finds and declares that it is in the interest
9 of the state to immediately undertake a thorough, rigorous, independent
10 study of its response to COVID-19 for the purpose of building state-of-
11 the-art public health defenses against future pandemics. To undertake
12 such review rationally and equitably, the legislature determines that it
13 is necessary to establish a commission separate and apart from existing
14 bodies responsible for public health and emergency response, which shall
15 be charged with drawing lessons from the coronavirus crisis and recom-
16 mending improvements to the state's public health system that will safe-
17 guard the lives and livelihoods of New Yorkers.

18 § 3. a. There is hereby established a pandemic response study commis-
19 sion to conduct a study of the state's response to COVID-19 and to make
20 recommendations on improvements to the state's public health system. The
21 commission shall consist of the following nine voting members: one shall
22 be appointed by the temporary president of the senate; one shall be
23 appointed by the speaker of the assembly; one shall be appointed by the
24 senate minority leader; one shall be appointed by the assembly minority
25 leader; one shall be appointed by the comptroller; one shall be
26 appointed by the attorney general; and three members shall be appointed
27 by the governor, one of whom shall be the chairperson. At least one of
28 the members appointed by the governor shall be experienced in public
29 health at the local government level. The commissioners of the depart-
30 ment of health and the division of homeland security and emergency
31 services, or their designees, shall be ex-officio non-voting members.

32 b. A majority of the commission shall constitute a quorum to hold a
33 meeting and to conduct official business. The commission shall have
34 power to act by the majority vote of the total number of members of the
35 commission.

36 c. All voting members shall be selected based on their expertise
37 and/or experience in relevant fields such as epidemiology, virology,
38 medicine, public health policy making, emergency procurement processes,
39 auditing, emergency management and public health management. At least
40 one member shall have expertise or experience in addressing the health
41 care needs of underserved communities disproportionately affected by
42 COVID-19. No voting member may be within the past two years an active
43 elected official, lobbyist, government vendor or contractor, political
44 party officer, or candidate for elected office in New York State, and
45 may not be a current employee of a state or local government agency, an
46 employee or official of a state-regulated health-care entity, or state
47 official or employee involved in the state's COVID-19 response.

48 d. Members of the commission shall receive no compensation for their
49 services, but shall be allowed their actual and necessary expenses
50 incurred in the performance of their functions hereunder.

51 e. The commission shall investigate all aspects of New York State's
52 pandemic response including, but not limited to: policies and guidance
53 on management of hospitals; the transfer of individuals to nursing
54 facilities and other congregate care settings; the shutdown and re-open-
55 ings of educational institutions; the determination of what businesses
56 and functions were considered essential; the protection of essential

1 workers in their workplaces; coordination between the state and its
2 federal and local counterparts; effective communication and sharing of
3 data with the public; and the staffing and expertise needed to plan and
4 implement emergency procedures.

5 f. The commission shall be formed and hold its first meeting within 90
6 days of the effective date of this act. The commission shall issue a
7 draft report of its findings and recommendations within one year after
8 its initial meeting, which shall be posted on the commission's website.

9 g. The commission shall hold public hearings on its draft report and
10 publish a final report which shall include factual findings and recom-
11 mendations within 18 months of its initial meeting. The commission's
12 proceedings shall be subject to articles six and seven of the public
13 officers law. A public comment period of at least 60 days shall be
14 included on the draft report prior to the issuance of a final report.
15 Public comment shall be accepted during any public hearings and through
16 electronic submissions.

17 h. The commission shall have the authority to hire employees and
18 execute contracts.

19 i. The commission may conduct and/or solicit scientific research as it
20 deems necessary.

21 j. For the accomplishment of its purposes, the commission shall have
22 full access to all documents, data, analysis, reports and recommenda-
23 tions produced by any other state-ordered or state-conducted reviews of
24 the pandemic response, including by independent contractors. The commis-
25 sion shall have the authority to review existing contracts related to
26 the pandemic response on terms mutually acceptable to the commission and
27 the contractor.

28 k. For the accomplishment of its purposes, the commission shall have
29 access to state records and documents, including confidential materials,
30 and shall be able to interview witnesses, issue subpoenas and, by major-
31 ity vote, refer matters for prosecution.

32 § 4. This act shall take effect immediately and shall expire and be
33 deemed repealed upon the issuance of the commission's final report as
34 required by subdivision g of section three of this act; provided that
35 the commissioner of the department of health or the commissioner of the
36 division of homeland security and emergency services shall notify the
37 legislative bill drafting commission upon the occurrence of the delivery
38 of the report provided for in subdivision g of section three of this act
39 in order that the commission may maintain an accurate and timely effec-
40 tive data base of the official text of the laws of the state of New York
41 in furtherance of effectuating the provisions of section 44 of the
42 legislative law and section 70-b of the public officers law.