NEW YORK STATE SENATE

THE STENOGRAPHIC RECORD

ALBANY, NEW YORK

March 22, 2021

3:11 p.m.

REGULAR SESSION

SENATOR ROXANNE J. PERSAUD, Acting President

ALEJANDRA N. PAULINO, ESQ., Secretary

P R O C E E D I N G S

ACTING PRESIDENT PERSAUD: The Senate will come to order.

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

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

ACTING PRESIDENT PERSAUD: 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 PERSAUD: The reading of the Journal.

THE SECRETARY: In Senate, Sunday, March 21, 2021, the Senate met pursuant to adjournment. The Journal of Saturday, March 20, 2021, was read and approved. On motion, Senate adjourned.

ACTING PRESIDENT PERSAUD: 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: Thank you, Madam President.

Amendments are offered to the following Third Reading Calendar bills:

By Senator Gaughran, on page 7, Calendar Number 158, Senate Print 1091;

By Senator Mayer, on page 23, Calendar Number 488, Senate Print 3467;

And by Senator Persaud, page 25, Calendar Number 512, Senate Print 482.

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

Senator Gianaris.

SENATOR GIANARIS: Let's move on to the reading of the calendar, please.

ACTING PRESIDENT PERSAUD: The Secretary will read.

Calendar Number 158 is high and will be laid aside for the day.

THE SECRETARY: Calendar Number 326, Senate Print 3266, by Senator Comrie, an act in relation to requiring certain provisions be included in any procurement or agreement prior to disposing of any asset owned.

ACTING PRESIDENT PERSAUD: Read the last section.

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

ACTING PRESIDENT PERSAUD: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT PERSAUD: Announce the results.

THE SECRETARY: Ayes, 63.

ACTING PRESIDENT PERSAUD: The bill is passed.

THE SECRETARY: Calendar Number 433, Senate Print 1565, by Senator Sanders, an act to amend the Banking Law and the Penal Law.

ACTING PRESIDENT PERSAUD: Read the last section.

THE SECRETARY: Section 11. This act shall take effect on the 30th day after it shall have become a law.

ACTING PRESIDENT PERSAUD: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT PERSAUD: Announce the results.

THE SECRETARY: In relation to Calendar Number 433, those Senators voting in the negative are Senators Akshar, Borrello, Boyle, Gallivan, Griffo, Helming, Jordan, Lanza, Martucci, Mattera, Oberacker, O'Mara, Ortt, Palumbo, Rath, Ritchie, Serino, Stec, Tedisco and Weik.

Ayes, 43. Nays, 20.

ACTING PRESIDENT PERSAUD: The bill is passed.

THE SECRETARY: Calendar Number 445, Senate Print 3974, by Senator Kennedy, an act to amend the General Municipal Law.

ACTING PRESIDENT PERSAUD: 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 PERSAUD: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT PERSAUD: Announce the results.

THE SECRETARY: Ayes, 63.

ACTING PRESIDENT PERSAUD: The bill is passed.

THE SECRETARY: Calendar Number 477, Senate Print 1413, by Senator Rivera, an act to amend the Insurance Law.

ACTING PRESIDENT PERSAUD: Read the last section.

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

ACTING PRESIDENT PERSAUD: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT PERSAUD: Announce the results.

THE SECRETARY: In relation to Calendar Number 477, voting in the negative: Senator Gallivan.

Ayes, 62. Nays, 1.

ACTING PRESIDENT PERSAUD: The bill is passed.

THE SECRETARY: Calendar Number

482, Senate Print 572A, by Senator Mayer, an act to amend the Education Law.

ACTING PRESIDENT PERSAUD: Read the last section.

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

ACTING PRESIDENT PERSAUD: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT PERSAUD: Announce the results.

THE SECRETARY: Ayes, 63.

ACTING PRESIDENT PERSAUD: The bill is passed.

THE SECRETARY: Calendar Number 529, Senate Print 5040, by Senator Parker, an act to amend the Civil Practice Law and Rules.

ACTING PRESIDENT PERSAUD: Read the last section.

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

ACTING PRESIDENT PERSAUD: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT PERSAUD: Announce

the results.

THE SECRETARY: In relation to Calendar 529, those Senators voting in the negative are Senators Borrello, Gallivan, Griffo, Helming, Jordan, Martucci, Oberacker, O'Mara, Ortt, Rath, Serino, Stec, Tedisco and Weik.

Ayes, 49. Nays, 14.

ACTING PRESIDENT PERSAUD: The bill is passed.

THE SECRETARY: Calendar Number 556, Senate Print 3483, by Senator Bailey, an act to amend the Elder Law.

SENATOR LANZA: Lay it aside.

ACTING PRESIDENT PERSAUD: Lay it aside.

THE SECRETARY: Calendar Number 569, Senate Print 1291, by Senator Brooks, an act to amend the Insurance Law.

ACTING PRESIDENT PERSAUD: Read the last section.

THE SECRETARY: Section 6. This act shall take effect on the first of January.

ACTING PRESIDENT PERSAUD: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT PERSAUD: Announce the results.

THE SECRETARY: In relation to Calendar 569, those Senators voting in the negative are Senators Akshar, Borrello, Boyle, Gallivan, Griffo, Helming, Jordan, Lanza, Martucci, Oberacker, O'Mara, Ortt, Rath, Ritchie, Serino, Stec, Tedisco and Weik.

Ayes, 45. Nays, 18.

ACTING PRESIDENT PERSAUD: The bill is passed.

THE SECRETARY: Calendar Number 597, Senate Print 5669A, by Senator Kaplan, an act to permit the Great Neck Union Free School District to move the date of their annual meeting and election.

ACTING PRESIDENT PERSAUD: Read the last section.

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

ACTING PRESIDENT PERSAUD: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT PERSAUD: Announce the results.

THE SECRETARY: Ayes, 63.

ACTING PRESIDENT PERSAUD: The bill is passed.

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

SENATOR GIANARIS: Can we move on to the controversial calendar, please.

ACTING PRESIDENT PERSAUD: The Secretary will ring the bell.

The Secretary will read.

THE SECRETARY: Calendar Number 556, Senate Print 3483, by Senator Bailey, an act to amend the Elder Law.

ACTING PRESIDENT PERSAUD: Senator Lanza, why do you rise?

SENATOR LANZA: Madam President, I believe there's an amendment at the desk. I waive the reading of that amendment and ask that Senator Serino be recognized to be heard.

ACTING PRESIDENT PERSAUD: Thank you, Senator Lanza.

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

SENATOR LANZA: Accordingly,

Madam President, I appeal the ruling of the chair and ask that Senator Serino be heard.

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

SENATOR SERINO: Thank you, Madam President.

The bill before this body deals directly with the health and well-being of New York's seniors. The amendment being offered is germane because it too seeks to address concerns about the health and safety of New York seniors, many of whom reside in nursing homes and assisted living facilities.

Since I last stood before this body to offer this amendment, we have learned that the state's efforts to cover up the number of COVID deaths in our nursing homes has gone far and above what many of us could ever have imagined.

We have learned that members of the Governor's administration not only withheld data from the public for political purposes, but that they actively removed it from a state report on the topic.

Yesterday I traveled to New York

City to stand alongside grieving families from across the state who came together to memorialize over 15,000 loved ones we have lost to COVID in New York's nursing homes. The question there on everyone's mind was, why isn't Albany acting to hold anyone accountable?

Families want to know why the administration that treated their loved ones as an afterthought during this crisis still have total control over the state's pandemic response. They want to know why Albany is not acting to get the answers to tough questions to actually improve state policy and better protect residents so other families do not have to suffer the same way theirs have.

It is far past time for the people's representatives to do the job they were elected to do, and that starts by putting an end to the dictatorship that jeopardized the health and safety of thousands of vulnerable New Yorkers.

The bill we're passing here today is about senior healthcare. This bill passed this house unanimously last year, and I suspect it will again because I believe we all genuinely care about the health and well-being New York's

seniors.

However, if that's true and you really care about getting New Yorkers answers they deserve about getting the loved ones of the 15,000 lost nursing home residents the answers they deserve, now is the time to set politics aside and vote to do the right thing by bringing balance back to state government and joining our fight for accountability, transparency and a better state policy for New Yorkers living and working in nursing homes, assisted living, and residential healthcare facilities.

Thank you, Madam President.

ACTING PRESIDENT PERSAUD: 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 PERSAUD: Without objection, so ordered.

Announce the results.

THE SECRETARY: Ayes, 20.

ACTING PRESIDENT PERSAUD: The ruling of the chair stands, and the bill-in-chief is before the house.

Are there any other Senators wishing to be heard?

Seeing and hearing none, the debate is closed. The Secretary will ring the bell.

Read the last section.

THE SECRETARY: Section 2. This act shall take effect April 1, 2022.

ACTING PRESIDENT PERSAUD: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT PERSAUD: Announce the results.

THE SECRETARY: Ayes, 63.

ACTING PRESIDENT PERSAUD: The bill is passed.

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

SENATOR GIANARIS: Thank you, Madam President.

Is there any further business at the desk?

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

SENATOR GIANARIS: I move to adjourn until tomorrow, Tuesday, March 23rd, at 3:00 p.m.

ACTING PRESIDENT PERSAUD: On motion, the Senate stands adjourned until Tuesday, March 23rd, at 3:00 p.m.

(Whereupon, at 3:22 p.m., the Senate adjourned.)