

1 NEW YORK STATE SENATE

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3  
4 THE STENOGRAPHIC RECORD

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8  
9 ALBANY, NEW YORK

10 March 24, 2021

11 3:08 p.m.

12  
13  
14 REGULAR SESSION

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18 SENATOR SHELLEY B. MAYER, Acting President

19 ALEJANDRA N. PAULINO, ESQ., Secretary

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

2 ACTING PRESIDENT MAYER: The Senate  
3 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 MAYER: 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 MAYER: Reading of  
14 the Journal.

15 THE SECRETARY: In Senate, Tuesday,  
16 March 23, 2021, the Senate met pursuant to  
17 adjournment. The Journal of Monday, March 22,  
18 2021, was read and approved. On motion, Senate  
19 adjourned.

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

22 Presentation of petitions.

23 Messages from the Assembly.

24 The Secretary will read.

25 THE SECRETARY: Senator Rivera

1 moves to discharge, from the Committee on Health,  
2 Assembly Bill Number 5684A and substitute it for  
3 the identical Senate Bill 4893A, Third Reading  
4 Calendar 372.

5 ACTING PRESIDENT MAYER: The  
6 substitution is so ordered.

7 THE SECRETARY: Senator Hoylman  
8 moves to discharge, from the Committee on  
9 Judiciary, Assembly Bill Number 5719A and  
10 substitute it for the identical Senate Bill  
11 1957A, Third Reading Calendar 409.

12 ACTING PRESIDENT MAYER: The  
13 substitution is so ordered.

14 THE SECRETARY: Senator Thomas  
15 moves to discharge, from the Committee on  
16 Judiciary, Assembly Bill Number 164B and  
17 substitute it for the identical Senate Bill 297B,  
18 Third Reading Calendar 523.

19 ACTING PRESIDENT MAYER: The  
20 substitution is so ordered.

21 THE SECRETARY: Senator Biaggi  
22 moves to discharge, from the Committee on Health,  
23 Assembly Bill Number 3397 and substitute it for  
24 the identical Senate Bill 5177, Third Reading  
25 Calendar 582.

1           ACTING PRESIDENT MAYER:    The  
2   substitution is so ordered.

3           Messages from the Governor.  
4           Reports of standing committees.  
5           Reports of select committees.  
6           Communications and reports from  
7   state officers.

8           Motions and resolutions.  
9           Senator Gianaris.

10          SENATOR GIANARIS:    Can we please  
11   take up the reading of the calendar,  
12   Madam President.

13          ACTING PRESIDENT MAYER:   The  
14   Secretary will read.

15          THE SECRETARY:    Calendar Number  
16   340, Senate Print 4371B, by Senator Biaggi, an  
17   act to amend the Environmental Conservation Law.

18          ACTING PRESIDENT MAYER:   Read the  
19   last section.

20          THE SECRETARY:    Section 3.   This  
21   act shall take effect on the 90th day after it  
22   shall have become a law.

23          ACTING PRESIDENT MAYER:   Call the  
24   roll.

25               (The Secretary called the roll.)

1                   ACTING PRESIDENT MAYER:    Senator  
2   Lanza to explain his vote.

3                   SENATOR LANZA:    Thank you,  
4   Madam President, to explain my vote.

5                   I'd like to explain the reason why I  
6   will be voting in the negative on this piece of  
7   legislation.

8                   You know, Madam President, three of  
9   the worst crimes committed against the  
10   environment in New York State were perpetrated  
11   against the environment and the people of  
12   Staten Island, and they were perpetrated by the  
13   government of New York City during the  
14   administrations of Mayors Wagner, Lindsay, Beame,  
15   Koch and Dinkins.

16                   And of course I'm speaking of  
17   Gateway National Park, upon which New York City  
18   dumped thousands of cubic yards of fill that we  
19   now know to contain radioactive waste. Of course  
20   I'm speaking about the crime committed against  
21   the environment by New York City at the  
22   Fresh Kills Landfill, in which the city for  
23   decades operated that which, by every federal  
24   clean air and water act, is illegal, where the  
25   dump was created over freshwater estuaries,

1 wetlands and some of the most sensitive land in  
2 the entire City of New York. And then also  
3 Brookfield Landfill, which is now a park, believe  
4 it or not, where New York City dumped just about  
5 every carcinogen that has been identified by  
6 humankind.

7           And here we have a bill that  
8 purports to protect the environment, and yet  
9 Staten Island is excluded from the alleged  
10 protections of this bill. I don't need to go  
11 read any further with respect to any of the  
12 particulars and with respect to any of the  
13 alleged protections of the environment in order  
14 to know that I must vote in the negative.

15           If you believe this bill protects  
16 the environment -- and we can debate that -- but  
17 if you believe it protects the environment, why  
18 not have it apply to the entire state? And why  
19 would you not include Staten Island, which has  
20 been victimized for decades by the very  
21 government that is supposed to protect it?

22           So for those reasons,  
23 Madam President, I'll be voting in the negative.

24           ACTING PRESIDENT MAYER:    Senator  
25 Lanza to be recorded in the negative.

1                   Senator Stec to explain his vote.

2                   SENATOR STEC:    Thank you,  
3   Madam President.   I rise to explain my vote.

4                   I mentioned previously that, you  
5   know, I have an experience in energy production,  
6   and I think this bill largely happens to focus on  
7   our energy producers and their emissions,  
8   although it's certainly not limited to that.

9                   But my concerns about these kinds of  
10   bills in general that I've seen over the years in  
11   the Legislature are certainly the cost to  
12   businesses, and oftentimes these added burdens on  
13   businesses in these neighborhoods, in and around  
14   these neighborhoods that we're seeking in this  
15   legislation to protect, will have a negative  
16   impact on the jobs of the very people whose  
17   health we are purporting to be concerned about.  
18   Economically, we are going to be damaging their  
19   employers, and we could easily have an  
20   unemployment issue.

21                  I'm concerned about, in our desire  
22   and zeal to protect the environment, that we are  
23   burdening DEC with a new task with staff and  
24   resources that they simply don't have.   They are  
25   struggling to keep up with the charges that

1 they've already been given, and we're proposing  
2 here to add a whole new tracking system and  
3 regulations that need to be written, staff that's  
4 going to need to be hired to enforce and monitor  
5 all this. So I'm concerned about that.

6           The potential loss of power  
7 producers, energy producers, electric  
8 producers -- you could end up closing electrical  
9 plants. We already have in this state a  
10 distribution and a power supply concern that's  
11 well documented, and we could easily have rolling  
12 blackouts in New York City if we lose any more  
13 producers.

14           The federal government has already  
15 regulated -- we have the Clean Air Act. This  
16 legislation, to my understanding, goes beyond  
17 that. And while on its face that might be  
18 laudable and admirable, the bottom line is that  
19 now New York State would become an outlier  
20 against the federal regulation, and what will  
21 happen is two things. New York State's industry  
22 will be less competitive or less attractive for  
23 businesses to stay here or certainly to invest  
24 additional funds here, and we will be facing  
25 chasing jobs and we'll be chasing economic



1 activity out of the state.

2 And number two, in chasing them out  
3 of the state, they are going out of the state  
4 where they're going to be more competitive, and  
5 likely their activity will be dirtier than it is  
6 in New York. So we'll have a -- as a result of  
7 this, we'll have an economic damage to the State  
8 of New York and we'll have an environmental  
9 damage.

10 Because, you know, the power doesn't  
11 know where it's producing, what side of the state  
12 line it's being produced on, but if we're not  
13 having the activity here and we're chasing it  
14 somewhere else where it's going to be done more  
15 dirty, then we're going to have a negative impact  
16 on the environment and we're going to certainly  
17 have a negative economic impact on our residents  
18 here in New York State.

19 For that reason, I will be voting in  
20 the negative.

21 ACTING PRESIDENT MAYER: Senator  
22 Stec to be recorded in the negative.

23 Announce the results.

24 THE SECRETARY: In relation to  
25 Calendar 340, those Senators voting in the

1 negative are Senators Akshar, Borrello, Gallivan,  
2 Griffo, Helming, Jordan, Lanza, Oberacker,  
3 O'Mara, Ortt, Rath, Ritchie, Serino and Stec.

4 Ayes, 49. Nays, 14.

5 ACTING PRESIDENT MAYER: The bill  
6 is passed.

7 THE SECRETARY: Calendar Number  
8 372, Assembly Number 5684A, substituted earlier  
9 by Assemblymember Gottfried, an act to amend the  
10 Public Health Law.

11 SENATOR LANZA: Lay it aside.

12 ACTING PRESIDENT MAYER: The bill  
13 is laid aside.

14 THE SECRETARY: Calendar Number  
15 379, Senate Print 4377, by Senator May, an act to  
16 amend the Public Health Law.

17 ACTING PRESIDENT MAYER: Read the  
18 last section.

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

21 ACTING PRESIDENT MAYER: Call the  
22 roll.

23 (The Secretary called the roll.)

24 ACTING PRESIDENT MAYER: Senator  
25 May to explain her vote.

1                   SENATOR MAY:    Thank you,  
2   Madam President.

3                   How many people even know that there  
4   is a Nursing Home Residents Bill of Rights in  
5   New York State?  Among other things, it  
6   guarantees the right to dignity and respect, to  
7   treatment without discrimination, to privacy in  
8   communications, and to freedom from abuse, from  
9   restraint, and from reprisals.

10                  In our hearings last summer and in  
11   countless communications with constituents and  
12   with people from all over the state, I've heard  
13   about routine violations of these rights.

14                  We need to make sure that residents  
15   know that they have these rights and that they  
16   can exercise them.  This bill helps that along in  
17   two ways.

18                  First, it directs the Department of  
19   Health to translate the Bill of Rights into the  
20   most common languages in New York State and post  
21   them in facilities.  And number two, it  
22   specifically addresses the resident's right to  
23   have an easy way to register complaints.  By  
24   raising the profile of the long term care  
25   ombudsman program, I think we can help with this.

1           So my bill requires nursing homes to  
2 post information about that program in every  
3 resident's room and to update contact information  
4 regularly about the ombudsperson for that  
5 facility.

6           We heard time and time again that  
7 people didn't even know that there was a  
8 designated person who was supposed to be an  
9 advocate for the residents and their families,  
10 and this bill will make sure that they do.

11           I thank my colleagues for their  
12 support, and I vote aye.

13           ACTING PRESIDENT MAYER:    Senator  
14 May to be recorded in the affirmative.

15           Announce the results.

16           THE SECRETARY:    Ayes, 63.

17           ACTING PRESIDENT MAYER:    The bill  
18 is passed.

19           THE SECRETARY:    Calendar Number  
20 409, Assembly Print 5719A, substituted earlier by  
21 Assemblymember Galef, an act to amend the  
22 Judiciary Law.

23           ACTING PRESIDENT MAYER:    Read the  
24 last section.

25           THE SECRETARY:    Section 6. This

1 act shall take effect on the 30th day after it  
2 shall have become a law.

3 ACTING PRESIDENT MAYER: Call the  
4 roll.

5 (The Secretary called the roll.)

6 ACTING PRESIDENT MAYER: Senator  
7 Boyle to explain his vote.

8 SENATOR BOYLE: Thank you,  
9 Madam President, to explain my vote.

10 I want to commend Senator Hoylman,  
11 the sponsor of this legislation to bring about  
12 veterans courts statewide.

13 I live in Suffolk County, where we  
14 have had a veterans court for well over a decade,  
15 and it's a tremendous success. The brave men and  
16 women who have served our country oftentimes come  
17 home and because of their service, because of  
18 trauma, perhaps drug use that was started there,  
19 are committing crimes in our communities. And  
20 the courts in Suffolk County, the veterans  
21 courts, take this into account.

22 It's giving a lending ear. They  
23 have mentors, who are fellow veterans, teaching  
24 them, helping, assisting them, getting through  
25 their criminal issues, lowering the penalties and

1 the charges. It's all worked out tremendously  
2 well in Suffolk County.

3 I'm so glad that our servicemen  
4 and -women statewide will now have this  
5 opportunity. I proudly vote in favor.

6 ACTING PRESIDENT MAYER: Senator  
7 Boyle to be recorded in the affirmative.

8 Announce the results.

9 THE SECRETARY: Ayes, 63.

10 ACTING PRESIDENT MAYER: The bill  
11 is passed.

12 THE SECRETARY: Calendar Number  
13 458, Senate Print 1780B, by Senator Skoufis, an  
14 act to amend the Executive Law.

15 SENATOR LANZA: Lay it aside.

16 ACTING PRESIDENT MAYER: The bill  
17 is laid aside.

18 THE SECRETARY: Calendar Number  
19 523, Assembly Number 164B, substituted earlier by  
20 Assemblymember Zebrowski, an act to amend the  
21 General Obligations Law.

22 ACTING PRESIDENT MAYER: Read the  
23 last section.

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

1                   ACTING PRESIDENT MAYER:    Call the  
2 roll.

3                   (The Secretary called the roll.)

4                   ACTING PRESIDENT MAYER:    Senator  
5 Thomas to explain his vote.

6                   SENATOR THOMAS:    Thank you,  
7 Madam President.

8                   This is a very important bill, and I  
9 want to thank Leader Stewart-Cousins for bringing  
10 this to the floor.

11                   The London Inter-Bank Offered Rate,  
12 also known as LIBOR, is the most referenced  
13 short-term interest rate in the world.  It's  
14 estimated \$200 trillion worth of financial  
15 contracts and securities are tied to the U.S.  
16 LIBOR.

17                   LIBOR is based on relatively few  
18 transactions and relies heavily on estimates.

19                   Moreover, in a highly publicized  
20 scheme, bankers were found to have colluded with  
21 each other to manipulate the LIBOR.  The scandal  
22 sowed distrust in the financial sector and led to  
23 a wave of fines, lawsuits and regulatory actions.

24                   To remedy this issue, the Federal  
25 Reserve convened the Alternative Reference Rate

1 Committee, or ARRC, to develop recommendations to  
2 facilitate the transition away from LIBOR.

3 This committee recommended a rate to  
4 replace LIBOR called the Secured Overnight  
5 Financing Rate, or SOFR, which the Federal  
6 Reserve Bank of New York began publishing in  
7 2018. SOFR is a broad measure of the cost of  
8 borrowing cash overnight, collateralized by U.S.  
9 Treasury securities in repurchase agreement  
10 markets.

11 Through this committee's promotion  
12 of SOFR, over 25 institutions began voluntarily  
13 transitioning to this new alternative rate.  
14 However, existing contracts that reference LIBOR  
15 pose a unique problem when they do not include  
16 adequate fallback language provisions.

17 Fallback language refers to legal  
18 provisions in a contract that apply if the  
19 underlying reference rate in LIBOR is  
20 discontinued or unavailable.

21 When LIBOR is discontinued,  
22 consumers, businesses, lenders and investors in  
23 New York will be faced with legal uncertainty and  
24 adverse economic impacts on hundreds of thousands  
25 of affected financial contracts, including



1 mortgages, student loans, credit cards, business  
2 loans, business contracts and securities.

3 To mitigate the risk of economic  
4 disruption, this bill would mandate the use of  
5 the recommended benchmark replacement for  
6 contracts that are silent on fallback language  
7 and have not been amended to reference a  
8 different rate.

9 This will do a lot to promote growth  
10 and strength moving forward in our financial  
11 sector and will give consumers a better product.

12 I vote aye. Thank you.

13 ACTING PRESIDENT PERSAUD: Senator  
14 Thomas to be recorded in the affirmative.

15 Announce the results.

16 THE SECRETARY: In relation to  
17 Calendar Number 523, voting in the negative:  
18 Senator Kaminsky.

19 Ayes, 62. Nays, 1.

20 ACTING PRESIDENT PERSAUD: The bill  
21 is passed.

22 THE SECRETARY: Calendar Number  
23 558, Senate Print 4412, by Senator May, an act to  
24 amend the Elder Law.

25 ACTING PRESIDENT PERSAUD: Read the

1 last section.

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

4 ACTING PRESIDENT PERSAUD: Call the  
5 roll.

6 (The Secretary called the roll.)

7 ACTING PRESIDENT PERSAUD: Announce  
8 the results.

9 THE SECRETARY: Ayes, 63.

10 ACTING PRESIDENT PERSAUD: The bill  
11 is passed.

12 THE SECRETARY: Calendar Number  
13 582, Assembly Print Number 3397, substituted  
14 earlier by Assemblymember Kim, an act to repeal  
15 Article 30-d of the Public Health Law.

16 ACTING PRESIDENT PERSAUD: Read the  
17 last section.

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

20 ACTING PRESIDENT PERSAUD: Call the  
21 roll.

22 (The Secretary called the roll.)

23 ACTING PRESIDENT PERSAUD: Senator  
24 Mayer to explain her vote.

25 SENATOR MAYER: Thank you,

1 Madam Speaker.

2 And I want to thank my colleague  
3 Senator Biaggi for bringing this important  
4 legislation to the floor.

5 You know, there have been many  
6 lessons learned during this past year, hard and  
7 painful lessons -- lives lost, irreparable damage  
8 to our communities, and we are all still engaged  
9 in it. But it is the appropriate time, in my  
10 opinion, to restore the standards of liability to  
11 our healthcare profession.

12 And so I am very pleased that this  
13 bill has come to the floor. I want to thank  
14 Senator Biaggi for her really persistent  
15 leadership on this issue.

16 And I want to clarify that my  
17 understanding is that this bill is prospective,  
18 it will apply going forward. We think it's time  
19 for a change. There are lessons learned.

20 Let us use the standard of liability  
21 that is the standard adopted by the courts to  
22 apply to these cases going forward, and let us  
23 learn from the past year and ensure that we  
24 protect the families of those who have passed  
25 away or have been injured, going forward in our

1       quest to have justice be done for all of them.

2                   I vote aye.

3                   ACTING PRESIDENT PERSAUD:     Senator  
4       Mayer to be recorded in the affirmative.

5                   Senator Biaggi to explain her vote.

6                   SENATOR BIAGGI:     Thank you,  
7       Madam President.

8                   I rise today in support of Senate  
9       Bill 5177 to repeal the Emergency or Disaster  
10      Treatment Protection Act.

11                  And I also rise with immense  
12      gratitude to our Majority Leader, Andrea  
13      Stewart-Cousins, for bringing this bill to the  
14      floor.

15                  Almost one year ago, during the  
16      early months of the pandemic, when our nursing  
17      homes and our hospitals were facing unprecedented  
18      challenges with a novel virus, the Legislature  
19      granted all healthcare facilities, including  
20      nursing homes, broad corporate immunity from  
21      civil or criminal liability for the duration of  
22      the COVID-19 state of emergency.

23                  This immunity stripped thousands of  
24      grieving families of their right to seek proper  
25      legal recourse and pursue justice after losing

1     their loved ones. And, according to the Attorney  
2     General's findings, may have incentivized nursing  
3     home executives to cut corners, putting both  
4     patients and staff in even greater danger --  
5     specifically, incentivizing nursing homes to  
6     choose not to purchase sufficient PPE for staff  
7     or provide effective training to staff to comply  
8     with infection control protocols.

9             The immunity provisions were always  
10    designed with corporate leadership in mind, to  
11    protect the owners and the shareholders, not the  
12    front-line workers and the patients.

13            Now, knowing that over 15,000 --  
14    15,000 -- people would die of COVID-19 in nursing  
15    homes in New York, we have a duty to right this  
16    wrong and fully repeal Article 30-d.

17            Despite the changes made this  
18    summer, Article 30-d still provides broad and  
19    dangerous immunity to facilities treating COVID  
20    patients. S5177 will fully repeal the remaining  
21    protections under the Governor's disastrous  
22    immunity provision and restore families with sick  
23    loved ones with the very same protections they  
24    had prior to the pandemic.

25            I vote today in honor of the

1 thousands of New Yorkers we lost in nursing homes  
2 and their grieving families looking for answers.  
3 The duty of government, especially in a crisis as  
4 unprecedented as COVID-19 and this pandemic, is  
5 to protect our most vulnerable, not corporate  
6 shareholders or special interests. For this  
7 reason, I am proud to vote aye.

8 Thank you, Madam President.

9 ACTING PRESIDENT PERSAUD: Senator  
10 Biaggi to be recorded in the affirmative.

11 Announce the results.

12 THE SECRETARY: Ayes, 63.

13 ACTING PRESIDENT PERSAUD: The bill  
14 is passed.

15 THE SECRETARY: Calendar Number  
16 585, Senate Print 4095A, by Senator Sanders, an  
17 act to amend the Environmental Conservation Law.

18 SENATOR GIANARIS: Lay it aside for  
19 the day.

20 ACTING PRESIDENT PERSAUD: The bill  
21 will be laid aside for the day.

22 THE SECRETARY: Calendar Number  
23 589, Senate Print 4866, by Senator Gianaris, an  
24 act to amend the Environmental Conservation Law.

25 ACTING PRESIDENT PERSAUD: Read the

1 last section.

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

4 ACTING PRESIDENT PERSAUD: Call the  
5 roll.

6 (The Secretary called the roll.)

7 ACTING PRESIDENT PERSAUD: Senator  
8 Borrello to explain his vote.

9 SENATOR BORRELLO: Thank you.  
10 Thank you, Madam President.

11 I am rising in support of this bill.  
12 And I believe this certainly will help.

13 But unfortunately, I also am here to  
14 point out a real if tragic irony, and that is the  
15 fact that it in our politically driven haste to  
16 build more and more renewable energy projects  
17 across the state, we have killed thousands of  
18 native species, destroyed habitats, done so many  
19 things to raze the land that these animals thrive  
20 on.

21 And unfortunately, when we look at  
22 this and we say to ourselves we're doing this to  
23 save the planet, we are buying into the false  
24 narrative of these energy speculators that we  
25 must destroy our environment in order to save the

1 planet. So for every endangered species that  
2 this bill will save, thousands more will die.

3 Google "American bald eagles that  
4 have been killed by wind turbines." You will see  
5 countless decapitated carcasses laying on the  
6 ground, our beautiful majestic American bald  
7 eagle -- which, by the way, if an average citizen  
8 were to kill, is a \$250,000 fine and a felony. I  
9 would certainly love to see these wind turbine  
10 companies pay for each and every bald eagle that  
11 has died senselessly as a result of this.

12 The U.S. Fish and Wildlife Service  
13 estimates that roughly 500,000 birds a year are  
14 killed as a result of wind turbines. This is a  
15 dangerous path that we're heading down. We're  
16 talking about putting them into our lakes, our  
17 freshwater lakes that supply drinking water to  
18 millions of Americans, all to support a  
19 politically driven false narrative.

20 So I support this today, but I urge  
21 my colleagues going forward to remember that this  
22 bill is a drop in the bucket compared to what  
23 we're already doing intentionally to our  
24 endangered species.

25 Thank you.



1                   ACTING PRESIDENT PERSAUD:    Senator  
2   Borrello to be recorded in the affirmative.  
3                   Announce the results.  
4                   THE SECRETARY:    Ayes, 63.  
5                   ACTING PRESIDENT PERSAUD:    The bill  
6   is passed.  
7                   Senator Gianaris, that completes the  
8   reading of today's calendar.  
9                   SENATOR GIANARIS:    Madam President,  
10   can we now go to the controversial calendar,  
11   please.  
12                  ACTING PRESIDENT PERSAUD:    The  
13   Secretary will ring the bell.  
14                  The Secretary will read.  
15                  THE SECRETARY:    Calendar Number  
16   372, Assembly Print Number 5684A, by  
17   Assemblymember Gottfried, an act to amend the  
18   Public Health Law.  
19                  ACTING PRESIDENT PERSAUD:    Senator  
20   Lanza, why do you rise?  
21                  SENATOR LANZA:    Madam President, I  
22   believe there's an amendment at the desk.  I  
23   waive the reading of that amendment and ask that  
24   you recognize Senator Serino to be heard.  
25                  ACTING PRESIDENT PERSAUD:    Thank

1     you, Senator Lanza.

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

5                   SENATOR LANZA:     Accordingly,  
6     Madam President, I appeal the ruling of the chair  
7     and ask that you recognize Senator Serino.

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

11                   Senator Serino.

12                   SENATOR SERINO:     Thank you,  
13    Madam President.

14                   This amendment cannot be more  
15    germane to the bill-in-chief here today. The  
16    current bill deals directly with the state's  
17    oversight of nursing homes, with the goal of  
18    assuring quality care. While this is an  
19    extremely important goal, after everything we  
20    have learned this year, it is clear that serious  
21    questions remain about the state's ability to  
22    provide effective oversight.

23                   Tomorrow, March 25th, marks the  
24    one-year anniversary of the state's notorious  
25    order that sent COVID-positive patients directly

1     into vulnerable nursing homes. And we are still  
2     without answers to basic questions about what  
3     went wrong and what role state policy may have  
4     played during this time.

5                 We don't know where resources were  
6     allocated, whether the state properly adhered to  
7     its own regulatory laws and infectious disease  
8     protocols, and what steps, if any, were even  
9     taken to try to keep COVID-positive patients out  
10    of vulnerable facilities. The list goes on and  
11    on.

12                To continue passing legislation, to  
13    continue to hold budget negotiations behind  
14    closed doors with the same administration  
15    responsible for putting this order forward in the  
16    first place, defies logic. If we want to put  
17    policy forward that truly improves quality care  
18    in New York's nursing homes and residential  
19    healthcare facilities, we have to have a full,  
20    independent review of the state's overall  
21    handling of the COVID crisis within them.

22                For months we've given this body a  
23    number of proposals to do that -- a bill to  
24    launch a bipartisan investigation, multiple  
25    subpoenas, and now this amendment, which would

1 require the Comptroller to undergo a full audit  
2 of the state's actions relating to these  
3 facilities during this time.

4           It is not enough to pass and  
5 continuously amend bills to snag a headline.  
6 When it comes to improving long-term care in  
7 New York, we have to learn from the mistakes of  
8 the past to really get this right, but we  
9 continue do that without a full review. Anything  
10 less is disingenuous and does a disservice to the  
11 people of New York.

12           As we come upon this grave  
13 anniversary, I am asking my colleagues today,  
14 before simply voting no as a matter of procedure,  
15 to pause and consider the families of the  
16 15,000-plus residents who fell victim to COVID in  
17 these facilities. They are desperate for  
18 answers, but many of them are also determined to  
19 ensure that the memories of their lost loved ones  
20 might bring about real change.

21           We have the power to do right by  
22 them here today, and I urge my colleagues to do  
23 that by supporting this amendment.

24           Thank you, Madam President.

25           ACTING PRESIDENT MAYER:   Thank you,

1 Senator.

2 I want to remind the house that the  
3 vote is on the procedures of the house and the  
4 ruling of the chair.

5 Those in favor of overruling the  
6 chair signify by saying aye.

7 SENATOR LANZA: Request a show of  
8 hands.

9 SENATOR GIANARIS: Madam President,  
10 we've agreed to waive the showing of hands and  
11 record each member of the Minority in the  
12 affirmative.

13 ACTING PRESIDENT MAYER: Without  
14 objection, so ordered.

15 Announce the results.

16 THE SECRETARY: Ayes, 20.

17 ACTING PRESIDENT MAYER: The ruling  
18 of the chair stands, and the bill-in-chief is  
19 before the house.

20 Are there any other Senators wishing  
21 to be heard?

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

24 Read the last section.

25 THE SECRETARY: Section 2. This

1 act shall take effect immediately.

2 ACTING PRESIDENT MAYER: Call the  
3 roll.

4 (The Secretary called the roll.)

5 ACTING PRESIDENT MAYER: Announce  
6 the results.

7 THE SECRETARY: In relation to  
8 Calendar 372, those Senators voting in the  
9 negative are Senators Akshar, Borrello, Felder,  
10 Gallivan, Lanza, Oberacker, O'Mara, Rath and  
11 Stec.

12 Ayes, 54. Nays, 9.

13 ACTING PRESIDENT MAYER: The bill  
14 is passed.

15 The Secretary will read.

16 THE SECRETARY: Calendar Number  
17 458, Senate Print 1780B, by Senator Skoufis, an  
18 act to amend the Executive Law.

19 ACTING PRESIDENT MAYER: Senator  
20 Lanza, why do you rise?

21 SENATOR LANZA: Madam President, I  
22 believe there's an amendment at the desk. I  
23 waive the reading of that amendment and ask that  
24 you recognize Senator Oberacker to be heard.

25 ACTING PRESIDENT MAYER: Thank you,

1 Senator Lanza.

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

5           SENATOR LANZA:   Accordingly,  
6 Madam President, I appeal the ruling of the chair  
7 and ask that Senator Oberacker be recognized.

8           ACTING PRESIDENT MAYER:   The appeal  
9 has been made and recognized, and  
10 Senator Oberacker may be heard.

11           SENATOR OBERACKER:   Thank you,  
12 Madam President.

13           This amendment is germane to the  
14 bill-in-chief because they both amend the  
15 Executive Law. This amendment would completely  
16 repeal the extraordinary powers the Governor has  
17 now had for over a year.

18           Three weeks ago, this body passed a  
19 bill regarding these powers. I voted no, along  
20 with the rest of my Republican colleagues.  
21 Everyone on the other side of the aisle voted  
22 yes. Then you put out a press release saying the  
23 Governor's powers had been repealed and all is  
24 well. Yet this week, the Governor was at it  
25 again, continuing suspensions and modifications

1 of our laws. It doesn't sound like his powers  
2 have been repealed at all.

3 This wonder bill was also supposed  
4 to require the Commissioner of Health to certify  
5 new executive orders and give detailed  
6 explanations of why they are necessary.  
7 Additionally, the Governor is supposed to give a  
8 select few Majority Conference members five days'  
9 notice of the provisions in new executive orders.  
10 Surprising nobody, this entire process, if done  
11 at all, has been done in secrecy.

12 Did the Governor run his latest  
13 orders by anyone? Has anyone seen the  
14 commissioner's certificate? Did the Majority  
15 share the new executive order provisions? And  
16 where would a member of the Legislature, a  
17 business owner or any member of the public go to  
18 find any of these documents?

19 The executive order issued on  
20 March 21, which was supposed to comply with this  
21 new certification and notification process,  
22 extended all existing executive orders for an  
23 additional 30 days. This includes the executive  
24 order that requires someone to purchase a meal  
25 with an alcoholic beverage. And I would love to



1 see the Health Commissioner's rationale for  
2 extending that executive order.

3 Restaurants and bars must still  
4 close their doors at 11 p.m., another  
5 nonscientific mandate. The Health Commissioner  
6 has yet to let anyone know just how COVID tells  
7 time.

8 The new executive order issued on  
9 March 21 also permitted indoor fitness classes to  
10 operate. That was great news. If the Majorities  
11 knew about this, why didn't they let the public  
12 and the fitness club owners know that in  
13 five days they would be allowed to open?

14 This simple notice would have  
15 allowed fitness club owners to prepare. They  
16 have been doing this all along, as much as they  
17 can, to stay afloat, and a little common courtesy  
18 would have been nice. Instead, they had to find  
19 out through one of the Governor's controlled  
20 press events, the same way the entire state has  
21 been finding out about ever-changing laws and  
22 regulations for this past year. When does that  
23 end?

24 Our conference argued that this bill  
25 did nothing to roll back the Governor's powers.

1 And without a doubt, if the flimsy provisions  
2 included in the measure are ignored or done in  
3 secrecy, then what's the point? This body needs  
4 to take real action. Pass this amendment that  
5 will completely roll back the Governor's  
6 extraordinary powers and reassert the Legislature  
7 as a coequal branch of government. This is long  
8 overdue.

9 Madam President, thank you.

10 ACTING PRESIDENT MAYER: Thank you,  
11 Senator.

12 I want to remind the house that the  
13 vote is on the procedures of the house and the  
14 ruling of the chair.

15 Those in favor of overruling the  
16 chair signify by saying aye.

17 SENATOR LANZA: Request a show of  
18 hands.

19 SENATOR GIANARIS: Madam President,  
20 we have once again agreed to waive the showing of  
21 hands and record each member of the Minority in  
22 the affirmative.

23 ACTING PRESIDENT MAYER: Without  
24 objection, so ordered.

25 Announce the results.

1 THE SECRETARY: Ayes, 20.

2 ACTING PRESIDENT MAYER: The ruling  
3 of the chair stands, and the bill-in-chief is  
4 before the house.

5 Are there any other Senators wishing  
6 to be heard?

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

9 Read the last section.

10 THE SECRETARY: Section 3. This  
11 act shall take effect on the 90th day after it  
12 shall have become a law.

13 ACTING PRESIDENT MAYER: Call the  
14 roll.

15 (The Secretary called the roll.)

16 ACTING PRESIDENT MAYER: Senator  
17 May to explain her vote.

18 SENATOR MAY: Thank you,  
19 Madam President.

20 This bill codifies into law an  
21 executive order that was made last spring to  
22 allow for remote notarization. And I am rising  
23 now to speak about it because I think this is  
24 smart policy -- we've learned a lot about things  
25 that we can do remotely and should do remotely in

1 the course of this pandemic -- but also because  
2 I'm grateful for it on a personal level.

3 I experienced the difficulty of  
4 getting something notarized in -- particularly in  
5 modern conditions when I had to submit my oath of  
6 office last fall -- in early winter. I had it  
7 notarized. It took a while to find somebody who  
8 would meet me personally and notarize it, and I  
9 had it notarized and sent it in, and it turned  
10 out the person had put the wrong date on it, so I  
11 had to get another one.

12 And I got another one and it never  
13 arrived in the mail. And finally the Secretary  
14 of the Senate called me and said, "You know what,  
15 we can do this remotely." And so we did it  
16 remotely. And lo and behold, she accidentally  
17 put 2020 instead of 2021 on it, so we had to do  
18 it a fourth time, on the day that we opened our  
19 session. And I would not have been able to be in  
20 the Senate at that point if we hadn't been able  
21 to do this remotely.

22 So I am personally grateful that  
23 this is possible, but I hope it has made other  
24 people's lives easier as well and will continue  
25 to do so.

1 I vote aye. Thank you.

2 ACTING PRESIDENT MAYER: Senator

3 May to be recorded in the affirmative.

4 Announce the results.

5 THE SECRETARY: In relation to

6 Calendar 458, voting in the negative:

7 Senator Griffo.

8 Ayes, 62. Nays, 1.

9 ACTING PRESIDENT MAYER: The bill  
10 is passed.

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

13 SENATOR GIANARIS: Is there any  
14 further business at the desk?

15 ACTING PRESIDENT MAYER: There is  
16 no further business at the desk.

17 SENATOR GIANARIS: I move to  
18 adjourn until tomorrow, Thursday, March 25th --  
19 which is also the bicentennial of Greek  
20 independence -- at 11:00 a.m.

21 ACTING PRESIDENT MAYER: On motion,  
22 the Senate stands adjourned until Thursday,  
23 March 25th, at 11:00 a.m.

24 (Whereupon, at 3:43 p.m., the Senate  
25 adjourned.)