NEW YORK STATE SENATE

THE STENOGRAPHIC RECORD

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3:04 p.m.

REGULAR SESSION

LIEUTENANT GOVERNOR BRIAN A. BENJAMIN, President

ALEJANDRA N. PAULINO, ESQ., Secretary

P R O C E E D I N G S

THE PRESIDENT: The Senate will come to order.

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

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

THE PRESIDENT: 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.)

THE PRESIDENT: Reading of the Journal.

THE SECRETARY: In Senate, Tuesday, March 22, 2022, the Senate met pursuant to adjournment. The Journal of Monday, March 21, 2022, was read and approved. On motion, the Senate adjourned.

THE PRESIDENT: Without objection, the Journal stands approved as read.

Presentation of petitions.

Messages from the Assembly.

The Secretary will read.

THE SECRETARY: Senator Salazar

moves to discharge, from the Committee on Women's Issues, Assembly Bill Number 8536 and substitute it for identical Senate Bill 7628, Third Reading Calendar 687.

THE PRESIDENT: So ordered.

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, Mr. President. Good afternoon.

Let's begin by taking up previously adopted Resolution 2106, by Senator Mannion, read that resolution in its entirety, and recognize Senator Mannion on the resolution.

THE PRESIDENT: The Secretary will read.

THE SECRETARY: Senate Resolution 2106, by Senator Mannion, congratulating BJ Stasio, former President of the Self-Advocacy Association of New York State (SANYS), upon the occasion of his induction into the Susan M.

Daniels Disability Mentoring Hall of Fame.

"WHEREAS, It is the custom of this Legislative Body to recognize and honor the lifetime achievements of those individuals whose generosity, industriousness, and devotion to ideals have brought great benefits to their communities and fellow citizens; and

"WHEREAS, Attendant to such concern and in full accord with its long-standing traditions, this Legislative Body is justly proud to congratulate BJ Stasio, former President of SANYS, upon the occasion of his induction into the Susan M. Daniels Disability Mentoring Hall of Fame; and

"WHEREAS, Individuals and organizations devoted to improving the quality of life for others, enabling them to build lives of dignity and self-worth, are deserving of the highest praise and recognition; BJ Stasio is one such individual; and

"WHEREAS, The Susan M. Daniels Disability Mentoring Hall of Fame was established to honor those who are making a significant difference in the lives of youth and adults with disabilities through mentoring and to raise

awareness about the importance of mentoring for individuals with disabilities; and

"WHEREAS, The public has been invited to nominate individuals and organizations for the Hall of Fame every year; a total of 137 individuals and 17 organizations have been inducted to date; and

"WHEREAS, BJ Stasio has been involved with the Self-Advocacy Association of New York State for nearly 20 years; and

"WHEREAS, With many admirable qualities, BJ Stasio has acted as a leader within the self-advocacy community, tirelessly giving of his time and energies to promote positive change for two decades; and

"WHEREAS, Rare indeed is the impressive dedication shown by an individual for the benefit of others which BJ Stasio has displayed throughout his life; and

"WHEREAS, It is the sense of this Legislative Body that those who enhance the well-being and vitality of their community and have shown a long and sustained commitment to excellence certainly have earned the recognition and applause of all the citizens of this great

Empire State; now, therefore, be it

"RESOLVED, That this Legislative Body pause in its deliberations to honor BJ Stasio upon the occasion of his designation for special recognition, and for the remarkable contributions he has made since joining SANYS and while acting president; and be it further

"RESOLVED, That a copy of this resolution, suitably engrossed, be transmitted to BJ Stasio."

THE PRESIDENT: Senator Mannion on the resolution.

SENATOR MANNION: Thank you, Mr. President.

It was great today to share in the acknowledgment of the good work that BJ Stasio has done. Unfortunately, he did have to travel back home. I hope that he's watching right now as that is occurring. But we did get some time on the floor today, and I'm greatly appreciative.

So I rise today to recognize BJ Stasio on his induction into the Susan M. Daniels Disability Mentoring Hall of Fame. BJ is a former president of the Self-Advocacy Association of New York State, and the Hall of Fame was

established to honor those who are making a significant difference in the lives of youth and adults with disabilities through mentoring, and to raise awareness about the importance of mentoring for individuals with disabilities.

BJ does not seek personal accolades. The reward for BJ's life's work is all around him. It's in the quality-of-life improvements that he has helped deliver to the I/DD community. It's in the respect that he commands and deserves. It's in the results he gets through strategic advocacy campaigns like his just completed Rise Up campaign that produced thousands and thousands of stories of life experiences from people with disabilities, all delivered personally by BJ to the Governor's office.

And it is in the next generation of self-advocates that he continues to train and advise through the Art of Advocacy program which he created and continues to run.

It is also with Debby, his last regular and reliable and trusted DSP. I thank Debby, and she deserves acknowledgment, as do all people who work in this capacity.

And I also want to acknowledge his wife, Amber, who is a great advocate and supporter and herself a special education teacher.

BJ and Debby were going to join us in person today at this time, but they, as I said, are headed back to Buffalo. I know they're both listening in the car and I had the honor of bringing them to the floor earlier today.

While we recognize BJ's achievements, let me be clear. He is not one to rest on his laurels. You've all heard from him or met with him over the years, and I'm sure he will continue to contact you in the future. He'd be the first to tell me to use this opportunity to shine a light on the needs of others, on all the work that still needs to be done.

And I urge my colleagues that a way to honor BJ is to not just speak with him, but listen to him, ask him how things are going -- and he certainly will tell you. He has no problem sharing his opinions with all of us.

He desperately needed staff like Debby to assist him, and he began asking strangers in the grocery store to see if they

wanted to be employed and to work with him. This is the type of world that people with disabilities are in currently in this state in 2022.

Because his experiences reflect those of so many of our friends and our family and our loved ones, I encourage you to also talk to DSPs like Debby, ask them about their job, and then ask them how much money they make. And Debby will surely tell you that she makes less than most and she doesn't do this for the money.

They do the job because they're a unique kind of person that is drawn into the profession, and it is on us to deliver to them the salary enhancements that they so obviously deserve.

BJ's advocacy will lead to an end to this terrible workforce crisis, and I'm certain of that. It will be part of his legacy, and I'll be grateful to have played a small part in that.

On a personal note, BJ is a friend, an advisor, an expert in his field, and an incredible person. As I stated, he created the Art of Advocacy program, and today I was honored as he handed me a wristband. It is like the

karate belts that people are given. I'm up to a red. All right? And hopefully by the time I leave this chamber, I'll be up to a black.

Thank you, BJ. Join me, my colleagues, in welcoming BJ Stasio into the New York State Senate -- I wish he was here at this time; he was on the floor earlier today -- and recognizing him for his induction into the Mentoring Hall of fame.

Thank you, Mr. President.

THE PRESIDENT: Senator Ortt on the resolution.

SENATOR ORTT: Thank you, Mr. President.

I rise -- first I want to thank Senator Mannion for bringing this resolution, for sponsoring this resolution in honor of somebody who we can all get behind and all agree makes our jobs better, makes us better legislators.

People like BJ Stasio made me a better legislator. When I first met BJ, it was several years ago. I was chair of, at that time, the Mental Health and Developmental Disabilities Committee, and BJ was working at the Western New York DDSO, the Developmental Disabilities

Services Office. He was a tremendous advocate for those who otherwise could not always advocate for themselves.

Now, BJ would never let his developmental disabilities stand in the way of the advocacy work that he was doing. So when I first came across with him, he was fighting for a -- there was a gap in public transportation from where the bus stopped -- there was about a mile between that and the office where folks with developmental disabilities needed to get to. They needed to get there to see BJ so he could help them with whatever they needed assistance with.

And we had a -- I guess a protest parade, if you would, to highlight the gap in service. And BJ was right there, gave me a tour of the DDSO. And I always remember BJ, no matter when I saw him, always had a smile on his face. You asked him how's it going -- and I'm sure Senator Mannion and Senator Martucci, who is our ranker on the committee, would tell you he always had a smile on his face, always positive, always optimistic about the future.

And I think about that sometimes in

contrast -- I'll use myself. There's days when I wish I had the optimism that BJ does. And he's a great inspiration and a reminder that we all should -- that we're all blessed to be able to do the work that we do to advocate for those who might not be able to be here to advocate for themselves, to be able to push for changes to things that are going to help other people.

BJ gets it. He doesn't need an elected office to understand that. He does it every single day.

And I could not be prouder to stand up here in support of this resolution, in support of the work BJ does. Maybe it's better that BJ isn't here, because this would be -- he would almost be embarrassed to be here. This is not why he does it. And that's how you know he's a good one, because he doesn't do it for the accolades, he doesn't do it to be up there in the chamber and get all the applause. He does it because it matters. He does it because he knows inherently the benefits of the changes that he's advocating for.

And I'll tell you what, for the last several years, but for the role of the

Legislature listening to people like BJ, people like BJ would be worse off because for several years the executive, the previous executive did not find it in their power or in their ability or a priority to make sure that there was funding and supports for people like BJ and the community that BJ advocates for.

But again, but for people like BJ and the Legislature, on both sides of the aisle -- we made sure we listened to people like BJ and we're advocating for people like BJ. And I know and I'm optimistic that will continue.

Again, I want to thank Senator Mannion for bringing the resolution. I want to thank my colleague Senator Martucci, who I know is also going to speak. And I would like to congratulate BJ Stasio on his induction to the Hall of Fame.

You know, we think about a Hall of Fame related to sports, Mr. President. We think about it -- football, baseball, hockey. I can promise you that it is no less of an accomplishment for BJ Stasio to be inducted into the Hall of Fame as it would be for anybody who played professional sports. In fact, it's

probably a greater accomplishment.

It may not get the fanfare, maybe not get the ink spilled over it, but I'll tell you, when you look at this man's life and what he's accomplished and the odds that were stacked against him, this is a long overdue and very worthy recognition for BJ Stasio, my friend and a great New Yorker and a great advocate for those with developmental disabilities.

So, Mr. President, I'm proud to speak in support of this resolution.

THE PRESIDENT: Senator Martucci on the resolution.

SENATOR MARTUCCI: Thank you, Mr. President. I rise in support of the resolution before the house.

It's fitting that this resolution comes today. But before I speak on the resolution, I want to also thank my colleague Senator Mannion for bringing this resolution to the floor.

You know, we spent some time outside this morning, Senator Mannion and I and others, rallying in support of folks in the I/DD community. And it should come as no surprise

that BJ was leading that charge. It's something that he's been doing for a very long time here.

And when I came to this body in the beginning of last year, I didn't know a whole lot of folks in the I/DD community. One of the very first that I met was BJ Stasio. And, you know, I know some of my colleagues here don't have the opportunity or have not yet had the opportunity to meet or know BJ. But let me tell you something. He absolutely is an all-star. He belongs in the Hall of Fame. In fact, Mr. President, he's the Babe Ruth of what he does.

And I can tell you we all know in this room that there are a lot of folks who get paid to advocate for various issues and causes in this building. And BJ doesn't get paid, but what he is, is the very best at what he does. So some of the folks here that get big checks for doing what they do can learn something from BJ, there's no question about it.

BJ, as the president of the Self-Advocacy Association of New York State, practices what he preaches. He is the personification of everything that organization

believes in -- honesty, choice, respect, equality, inclusion and freedom. So it's only fitting today that all of us pause and thank him for his work. His work has improved the lives of millions and millions of New Yorkers.

And I can tell you that one of the best things that we can do as legislators in this room is learn from the people who know the challenges the best, and certainly BJ is one of them.

So it is my honor to rise in support of BJ, in support of all the self-advocates and the great work that they do. Once again, I want to thank my colleague Senator Mannion for bringing this important resolution to the floor.

And most importantly, Mr. President, I want to thank BJ and congratulate him for all he's done and all he continues to do.

THE PRESIDENT: The resolution was previously adopted on March 22nd.

Senator Gianaris.

SENATOR GIANARIS: Mr. President, Senator Mannion would like to open that resolution for cosponsorship.

THE PRESIDENT: The resolution is

open for cosponsorship. Should you choose to not be a cosponsor of the resolution, please notify the desk.

Senator Gianaris.

SENATOR GIANARIS: Please take up the calendar at this time.

THE PRESIDENT: The Secretary will read.

THE SECRETARY: Calendar Number 115, Senate Print 3866, by Senator Kennedy, an act to amend the Public Health Law and Chapter 802 of the Laws of 1947.

THE PRESIDENT: Read the last section.

THE SECRETARY: Section 4. This act shall take effect on the first of January.

THE PRESIDENT: Call the roll.

(The Secretary called the roll.)

THE PRESIDENT: Announce the results.

THE SECRETARY: Ayes, 63.

THE PRESIDENT: The bill is passed.

THE SECRETARY: Calendar Number 405, Senate Print 534B, by Senator Kaplan, an act to amend the Public Health Law.

THE PRESIDENT: Read the last section.

THE SECRETARY: Section 2. This act shall take effect on the 180th day after it shall have become a law.

THE PRESIDENT: Call the roll.

(The Secretary called the roll.)

THE PRESIDENT: Announce the results.

THE SECRETARY: Ayes, 63.

THE PRESIDENT: The bill is passed.

THE SECRETARY: Calendar Number 490, Senate Print 8127, by Senator Breslin, an act to amend the Insurance Law.

THE PRESIDENT: Read the last section.

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

THE PRESIDENT: Call the roll.

(The Secretary called the roll.)

THE PRESIDENT: Announce the results.

THE SECRETARY: Ayes, 63.

THE PRESIDENT: The bill is passed.

THE SECRETARY: Calendar Number

520, Senate Print 968, by Senator Gaughran, an act to amend the Public Authorities Law.

SENATOR LANZA: Lay it aside.

THE PRESIDENT: Lay it aside.

THE SECRETARY: Calendar Number 533, Senate Print 7752, by Senator Brouk, an act directing the Commissioner of Mental Health to establish a maternal mental health workgroup.

THE PRESIDENT: Read the last section.

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

THE PRESIDENT: Call the roll.

(The Secretary called the roll.)

THE PRESIDENT: Announce the results.

THE SECRETARY: Ayes, 63.

THE PRESIDENT: The bill is passed.

THE SECRETARY: Calendar Number 534, Senate Print 7753, by Senator Brouk, an act to require the Office of Mental Health and the Department of Health to conduct a study on the disparate impacts regarding postpartum depression screening tests.

THE PRESIDENT: Read the last

section.

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

THE PRESIDENT: Call the roll.

(The Secretary called the roll.)

THE PRESIDENT: Announce the results.

THE SECRETARY: Ayes, 63.

THE PRESIDENT: The bill is passed.

THE SECRETARY: Calendar Number 683, Senate Print 6287A, by Senator Mannion, an act to amend the Social Services Law.

THE PRESIDENT: Read the last section.

THE SECRETARY: Section 4. This act shall take effect on the 180th day after it shall have become a law.

THE PRESIDENT: Call the roll.

(The Secretary called the roll.)

THE PRESIDENT: Announce the results.

THE SECRETARY: Ayes, 63.

THE PRESIDENT: The bill is passed.

THE SECRETARY: Calendar Number 687, Assembly Bill Number 8536, by

Assemblymember Gottfried, an act to amend the Public Health Law.

THE PRESIDENT: Read the last section.

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

THE PRESIDENT: Call the roll.

(The Secretary called the roll.)

THE PRESIDENT: Announce the results.

THE SECRETARY: Ayes, 63.

THE PRESIDENT: The bill is passed.

THE SECRETARY: Calendar Number 688, Senate Print 8241A, by Senator Cleare, an act to amend the Insurance Law.

THE PRESIDENT: Read the last section.

THE SECRETARY: Section 2. This act shall take effect on the first of January.

THE PRESIDENT: Call the roll.

(The Secretary called the roll.)

THE PRESIDENT: Senator Cleare to explain her vote.

SENATOR CLEARE: Thank you, Mr. President.

I rise on behalf of all women, mothers, those who are pregnant and expecting, those trying, planning or dreaming. I rise and keep in mind and in my heart all mothers and children affected by our maternal mortality crisis, which our conference addresses today.

When a woman is pregnant, the ability to not only access but receive comprehensive healthcare is vital, not only for the mother but for the entire life trajectory of the child upon birth. New York wisely added pregnancy to the special enrollment period in 2016, allowing pregnant women to apply for insurance in an expedient manner.

However, this cannot be done as easily as it should be. Applying is not the same as receiving. It requires at least one visit to the doctor to certify the pregnancy, which can mean fees, bills, and charges. Then you have to navigate the Marketplace and find the plan -- and most plans charge premiums or require contributions.

On top of these contributions or these premiums, health insurance may have the discretion to charge fees to pregnant women who

exercise the special enrollment period option.

So on top of the Marketplace search, the original charge for the doctor's visit, and the premiums and potential additional fees, we now have a situation that still has barriers.

Women have shared with us that fees and impediments exist. Given the law does not prohibit fees in this instance, and no health plan denies the right to do so, preventative measures are required. Accordingly, today we have the foresight to remove one more barrier to care.

I urge everyone to support this legislation and join me in voting aye.

THE PRESIDENT: Senator Cleare to be recorded in the affirmative.

Announce the results.

THE SECRETARY: Ayes, 63.

THE PRESIDENT: The bill is passed.

Senator Gianaris.

SENATOR GIANARIS: Mr. President, please join me in acknowledging Senator Cordell Cleare on her first bill to pass the Senate.

(Sustained applause.)

THE PRESIDENT: Congratulations,

Senator Cleare, from Harlem.

(Laughter.)

THE PRESIDENT: The Secretary will read.

THE SECRETARY: Calendar Number 707, Senate Print 3010, by Senator Ramos, an act to amend the Public Health Law and the Insurance Law.

THE PRESIDENT: Read the last section.

THE SECRETARY: Section 3. This act shall take effect one year after it shall have become a law.

THE PRESIDENT: Call the roll.

(The Secretary called the roll.)

THE PRESIDENT: Announce the results.

THE SECRETARY: Ayes, 63.

THE PRESIDENT: The bill is passed.

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

SENATOR GIANARIS: Thank you, Mr. President.

I was just commenting that I think Senator Cleare beat her predecessor to getting

her first bill passed here in the Senate.

(Laughter.)

SENATOR GIANARIS: At any rate, can we now move on to the controversial calendar, please.

THE PRESIDENT: The Secretary will ring the bell.

The Secretary will read.

THE SECRETARY: Calendar Number 520, Senate Print 968, by Senator Gaughran, an act to amend the Public Authorities Law.

THE PRESIDENT: Senator Lanza, why do you rise?

SENATOR LANZA: Mr. President, greetings.

THE PRESIDENT: Greetings.

SENATOR LANZA: It's always great to see you.

THE PRESIDENT: You as well.

SENATOR LANZA: Mr. President, I believe there's an amendment at the desk.

I waive the reading of that amendment and ask that you recognize Senator Tedisco to be heard.

THE PRESIDENT: 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, Mr. President, I appeal the ruling of the chair and ask that Senator Tedisco be recognized.

THE PRESIDENT: The appeal has been made and recognized, and Senator Tedisco may be heard.

SENATOR TEDISCO: Thank you, Senator Lanza. And thank you, Mr. President and my colleagues.

My colleagues, today was a special day out in front of the Capitol, or on the back of the Capitol here. We had the most important part of -- a group of the most important part of our representative democracy, our constituents, our citizens. A very special group of our constituents and our citizenry involved in representative democracy of those who put us here. We take an oath of office to protect them and their families and their loved ones.

They are a part of the group that lost 15,000 of our most vulnerable population in

this state to the coronavirus pandemic. And they were here with mixed emotions. They were very happy that myself and Senator Serino and Assemblyman Kim and Janice Dean -- a bipartisan group of Democrats and Republicans from the Senate and the Assembly were joining them to commemorate and remember their loss and the reason why that loss took place in New York State and the actions that involved our -- in particular, our chief executive at that time.

And they were here not only to say, We're here to make sure you remember, but we're also here to carry our loved ones on our shoulders and you on our shoulders, you who are here to stand up, to go back to your colleagues and tell them how we feel about this loss. Tell them that that loss, to the extent that it took place, did not have to happen. And tell them we want to turn this terrible, terrible tragedy -- which, by the way, was a tragedy for all our constituents. We don't demean that whatsoever. The loss of life, the economic impact, the whole nation -- the world -- but especially our most vulnerable population.

They wanted to come here to say to

turn this tragedy that happened to us and our family and our loved ones into something positive for the rest of our constituents in this state. Because this is a bad penny, this virus. And there will be bad pennies down the road which are viruses also. Let's face it. We hope it never happens again, but we know that in all probability it will.

The last variant has dropped now, and we've got the masks off and we're not doing that much distancing, we're coming out and people are going grocery shopping. But they know it could happen again. And what they're saying is there are many unanswered questions. And they told all of us who were there to come back to you and tell you, We want the answers to those unanswered questions so we can change the future when this happens again, so we can change the lack of transparency which took place with our last executive on the second floor.

And make no mistake, I don't think there's much of a disagreement between that side of the aisle and our side of the aisle of the lack of transparency in a whole variety of ways of the previous chief executive of the state, but

especially on the lack of giving us the real numbers, the reason why those numbers took place in the dimensions they did, what that executive order on the 25th of that date meant when, week upon week upon week, we said: This lacks common sense.

A fifth-grader knows, when you have a contagious virus with people who are compromised in nursing homes, you don't mandate or require they go in the nursing homes. Makes absolutely no sense.

They want to know when real science turned into Cuomo science and the destruction of lives took place. We thought and they thought -- and we talked about that out there -- he had to leave. We gave him two weeks, he made a deal, we were going to impeach him. We know what happened. He's trying to reinvent himself. I don't want to talk about him at all anymore.

But they thought and I thought and I think you thought we got a new governor, we got Governor Hochul, we're going to get a new commissioner, Commissioner Bassett. We're going to have enhanced transparency, that was the promise.

Well, they're here to say you did not fulfill that promise. They did not fulfill that promise. Certainly this commissioner is not fulfilling that promise. Because myself, Senator Serino, many of the members in this room, Assemblyman Kim -- when she came before us, we asked one simple question, in our own way, many times. It's a question that's been asked in the past by some very smart leaders: What are the lessons, our new commissioner-to-be, that you've learned from the past actions of the previous commissioner in our previous administration?

Because we know that history, if it's not remembered, if it's not checked about the failures that take place, are destined to take place in the future. What have you learned?

Shock -- unbelievable shock, her answer. You know what her answer is? Now, you're not going to believe this, but you probably already know it. But I don't know if the constituents know: I'm not even going to read the executive order that the governor made about putting people with this contagion into basically people who may be compromised but are basically healthy. Not going to read it. What?

But beyond that, I'm not going to unravel what took place on the second floor in the Capitol, in the commissioner's office, in the people surrounding them. When this Governor came in, there's a new science. It's Cuomo science. I want you all to follow Cuomo science. You know who reported that in the city? The New York Times reported it.

People resigned because they wouldn't support Cuomo science. I want those people interviewed. I want them talked to. I want to know what the commissioner and the governor said to those people surrounding them when they made that decision and wouldn't back off it.

And I said this before about the redistricting -- that's something else. But I said, when someone lies, the first thing you have to do is tell another lie to cover up the first lie that they told. Then they have to tell another lie to cover up the second lie they told to cover up the first -- and it continues and continues and continues. That's what the governor did.

Because after they were losing their

lives and started to die, he had to figure out a reason to blame somebody else. So who did he blame? The CDC, the federal government, the previous president of the United States, the workers, the visitors. Then he got to this point, and he said, The numbers are very high, we've got to change the way -- we're not going to count it like every other state in the nation. We're not going to do that.

Remember this? The constituents remember this. When somebody dies in a hospital, it's a hospital death. If they die in a nursing home, we'll say it's a nursing home death. But they got the contagion in a nursing home. Now, think about the logic of that for us who want to change the direction we go on this. If we only said they died in a hospital, we have to do something about that hospital. They're dying, they got -- no, they got it in the nursing homes. That was the point we were trying to get, which he wouldn't give us the numbers about.

You heard what the AG said, 50 percent -- now, the least -- I'll give him credit, the least political guy, maybe, at the higher level here is the Comptroller, DiNapoli.

Okay? You know, I'm sure he's partisan. We're all partisan, because we believe in what we believe for our con -- but when he says 4100 above what the governor was saying, I think you've got to believe him, especially, above everybody else who is a public servant.

So it was one distortion after another distortion after another distortion. But then he said this, and you remember this: "What difference does it make where they die?" Do you know what dagger that put into the hearts of your constituents and my constituents who lost their -- "What difference does it make where they die?"

The difference it makes is they got the condition in the nursing home. And a part of that was the research that the Empire Center did. And then the Empire Center -- and I was an amicus brief -- we said, Wait a second, we're going to have to FOIL this. So they FOILed.

Do you know how long it took for him not to give us the answers about the numbers of deaths? Seven to eight months. So what did they do when I became an amicus brief? We sued the governor and the commissioner in the State of

New York. Judge Kimberly O'Connor -- you know, when she came back with the verdict, the governor -- this is her words -- broke the Open Government Law and the FOIL law. You have to give the numbers and you have to pay the legal fees.

He gave us numbers. I don't believe they were the total real numbers. Because he was still saying if you die in a hospital, it's different from -- think of the logic of that. If they got sick in the nursing home, so sick they had to go to a hospital and an ambulance came to pick them up and they died in the ambulance on the way to the nursing home, he was going to say that was an ambulance death. No. That's not going to help us solve this problem for the future or change the direction we take or do something different to protect our most vulnerable population.

They shouldn't have gone into the nursing home. You had the Javits Center, you had the boat at the port. But we need a better plan than that, okay? We need a regional plan. And that's what we're asking -- we were asking of the commissioner. Do an investigation yourself and

then give us that regional plan of where to put these individuals when the next governor says our beds are being filled up and nursing home patients who got COVID who are in there are feeling better, but they still have the contagion.

We've got to put them in a place, but not in a place where people are compromised and they don't have this virus. That was the point of why they want that research and why we want that research done.

And then it went beyond this. He wrote a book in the middle of this thing. He was going to be the COVID slayer. He was the COVID purveyor. He created many of these deaths by his actions. Five-point-one million dollars. JCOPE goes, he's got to give the money back. Well, he's going to fight that because he's reinventing himself. He's not going to give the money back.

And then he lied about this being a book -- an autobiography. This wasn't an autobiography, this was a piece of fiction. It was full of lies and distortions.

And to add insult to injury -- remember I said he had to pay the legal fees?

Well, he's indemnified. He never paid the legal fees. The taxpayers of New York State and the family members who were out there today were -- a part of their tax dollars were paying the legal fees, because he was indemnified. That's another bill I got, to change that for future governors.

Then he added more salt to the wound. He said, I had all these volunteers, they happen to be state workers in my offices around there, but they volunteered. Well, they didn't volunteer to do that. Absolutely did not volunteer, many of them. They used taxpayers' dollars to do his bidding.

What is this all about, this amendment? It's a piece of legislation embodied in this amendment, bipartisan, with Assemblyman Kim on the other side of the building -- and Democrats understand the reality of this -- that says we'll do an outside, independent, bipartisan, nonpartisan commission with subpoena power, and let the chips fall where they may. Let them investigate those people the Times said left because they didn't like Cuomo science, they wanted real science, and that's not what they were getting.

There are a lot of other people who stood up to support these individuals. One of those is Janice Dean, who has done an unbelievable job of getting this information out to the public and to the media. And I don't care what the weather is in New York -- when Janice Dean is in New York, she always brings rays of sunshine, let me tell you that, especially for those family members and for the loved ones they lost. We thank her very much.

We thank my colleagues, who I think feel the same way but maybe are not going to support something like this. If you can't support this, bring out your own bill to help your constituents. Because many of them around this state who lost their loved ones want us to do that independent investigation to protect -- to make -- give some meaning to it. There's not much that gives meaning to what -- good meaning to what we lost here.

But this would give some meaning if we can get to the real bottom of this and get a greater understanding, so when this happens again -- and it is, unfortunately, probably going to happen again -- we do it the better way, the

right way. We don't make excuses, we don't lie about who's -- who we put in nursing homes. We do the right thing and have a plan prepared.

Mr. President, I ask you and my colleagues to support this amendment, if we can, because it's on behalf -- as I mentioned at the beginning of this presentation I made, it's on behalf of the most important part of this representative democracy, the people we took an oath of office to protect, to serve to the best of our ability and keep them safe in this state.

So I ask you to move this and support it and remove what you've said is inappropriate about it.

Thank you so much.

THE PRESIDENT: Thank you, Senator Tedisco.

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: Mr. President,

as usual, we've agreed to waive the showing of hands and record each member of the Minority in the affirmative.

THE PRESIDENT: Without objection, so ordered.

Announce the results.

THE SECRETARY: Ayes, 20.

THE PRESIDENT: The ruling of the chair stands.

Senator Lanza, why do you rise?

SENATOR LANZA: Mr. President, I believe there is another amendment at the desk.

I waive the reading of that amendment and ask that you recognize Senator Serino to be heard.

THE PRESIDENT: 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, Mr. President, I appeal the ruling of the chair and ask that you recognize Senator Serino.

THE PRESIDENT: The appeal has been made and recognized, and Senator Serino may be

heard.

SENATOR SERINO: Thank you, Mr. President. Nice to see you here today. Thank you.

This amendment is germane to the bill-in-chief because it deals with emergencies and accountabilities. And the amendment establishes a Day of Remembrance for the disastrous directive put in place by our disgraced former governor during the COVID-19 state of emergency.

And if you all recall, last year our conference introduced a resolution that would designate March 25th "We Care" Remembrance Day, in an effort to honor the legacies of the 15,000-plus New Yorkers who lost their lives in nursing homes during the pandemic.

Sadly, the supermajority refused to adopt that resolution. So today we are advancing an amendment that would permanently designate March 25th as "We Care" Remembrance Day here in the State of New York.

According to the sponsor's memo of the bill-in-chief, on August 4, 2020, Tropical Storm Isaias revealed significant vulnerabilities

in the preparedness of LIPA that impacted its ability to serve its customers. The sponsor's memo implies that the poor response endangered medically vulnerable customers. Right?

So when the sponsor says that the bill is necessary because LIPA should be held accountable for its failure to effectively implement its emergency response plan and service its customers, I totally agree with the sponsor that after any state emergency we need to look back, evaluate our response, and use what we have learned to improve.

But why are we willing to do that for a power outage but we are not willing to do it for a pandemic that killed thousands of New Yorkers?

If we want to talk about endangering medically vulnerable New Yorkers, then we need to talk about, investigate and ensure we never re-implement the kind of state policy that sent a virus directly into the homes of the most vulnerable. We owe it to these families.

This Friday marks the two-year anniversary of that deadly order. And two years later, these families who lost loved ones are

without answers.

And some of those families are here. Janice Dean, Sean and Donna, thank you. We have the Arbeeny family, and I think Vivian and Alexa are here from the Voices of Seniors. And I'm sorry that you had to come up here and relive this, but thank you so much, from the bottom of my heart, for being here.

You know, this is not a Republican or a Democratic issue. These are family members. I want to remind my colleagues that it is never too late to do the right thing. And we can start by advancing this amendment that simply seeks to acknowledge the tremendous loss that these families have felt, ensures the memories of their loved ones live on, and shows our commitment to never, ever letting this happen again.

We will never forget, and this conference will not stop pushing for the answers and accountability that these families and all New Yorkers so deserve.

Thank you, Mr. President.

THE PRESIDENT: Thank you, Senator Serino.

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: Once again, Mr. President, we have agreed to waive the showing of hands and record each member of the Minority in the affirmative.

THE PRESIDENT: Without objection, so ordered.

Announce the results.

THE SECRETARY: Ayes, 20.

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

Are there any other Senators wishing to be heard?

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

Read the last section.

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

THE PRESIDENT: Call the roll.

(The Secretary called the roll.)

THE PRESIDENT: Senator Oberacker to explain his vote.

SENATOR OBERACKER: Thank you, Mr. President. On the bill.

You know, as someone who serves as a volunteer first responder for the Schenevus Fire Department and Emergency Squad, I fully agree with the need for detailed emergency response plans and comprehensive review of how those plans work.

You know, after returning from an emergency call it's always important to (A) fully assess our performance, ensure that any errors are corrected, and clearly disclose all findings. Reports like this are vital. They lead to better care moving forward. They provide answers to those who have suffered an unspeakable tragedy.

Here we are in Albany working to move forward from the COVID pandemic, one of the largest emergencies we have ever known. Yet the state has failed to do a proper emergency assessment when it comes to the death of thousands of loved ones in our nursing homes.

The March 25th nursing home

directive, conceived by our then-governor and health commissioner, needlessly endangered our most vulnerable. Parents, grandparents, husbands, and wives were taken from us. Thousands of families lost loved ones in our nursing homes, and they are awaiting answers.

Where is their review? Where is their justice? It's been two years. Two excruciating years. And we all know this did not have to happen --

THE PRESIDENT: Senator Oberacker, 30 seconds, please.

SENATOR OBERACKER: Okay, thank you.

The time is now for the Legislature to step up, show some courage, and take action.

And I'm supportive of this bill; I don't want to downplay its importance. But I cannot understand why we can't hold the state and our Health Department to the same standards.

Mr. President, thank you.

THE PRESIDENT: Are you voting in the negative or the affirmative?

(Laughter.)

SENATOR OBERACKER: Oh, I'm voting

in the affirmative, yes.

THE PRESIDENT: Senator Oberacker to the recorded in the affirmative.

Senator Borrello to explain his vote.

SENATOR BORRELLO: Thank you, Mr. President. I also will be supporting this bill.

But I want to bring up what we discussed earlier today. Today on Advocacy Day, for the "We Care" Remembrance Day, someone had a sign held up that said: "This is 15,000 people," and it showed a huge square packed with people shoulder to shoulder.

Those are the 15,000 families that suffered a loss because of the March 25th directive that Andrew Cuomo, now two years ago, really assaulted the senior citizens with. Fifteen thousand families, 15,000 loved ones -- but here's what we have zero of. We have zero subpoenas, zero investigations, and zero accountability.

We have to go from that to ensuring that this never happens again. And that will only happen if we apply the same type of

diligence that this bill calls for. We need answers, we need accountability, and at the end of the day we need New Yorkers to have faith that we stand with them in doing our number-one job, which is to protect them.

So thank you, Mr. President. I vote aye.

THE PRESIDENT: Senator Borrello to be recorded in the affirmative.

Senator Boyle to explain his vote.

SENATOR BOYLE: Thank you, Mr. President, to explain my vote.

I will be supporting this legislation. I thank Senator Gaughran for bringing it.

By the way, I wish we were voting on this amendment as well. We need an investigation. The numbers are in question. I had constituents who died of COVID after they got in the ambulance, leaving the nursing home, two blocks away on the way to the hospital. According to the former administration, they were not nursing home deaths.

I want to thank Janice Dean, I want to thank all my colleagues. And I also want to

get to the answer. What about the threatening phone call that the former governor made to Ron Kim? We need an investigation of that.

I vote in favor of this bill.

THE PRESIDENT: Senator Boyle to be recorded in the affirmative.

Announce the results.

THE SECRETARY: Ayes, 63.

THE PRESIDENT: The bill is passed.

No? Oh. Senator Stec to explain his vote.

SENATOR STEC: Thank you, Mr. President.

THE PRESIDENT: Waited a little bit there.

SENATOR STEC: I appreciate that. We needed to connect there.

I too will be in support of this legislation. But like my colleagues, I really think that we missed the boat on not forwarding this amendment today. And if not forwarding this amendment today, then certainly the bill that the amendment is based on.

We need to pursue an investigation into what exactly happened. We owe that to the

15,000 people that perished, we owe it to the 19 million New Yorkers who were lied to.

We certainly owe it to one of our colleagues. Can you imagine if it was you that the governor called and threatened, how you would feel? Wouldn't you want your colleagues to stand up for you and investigate that? Ron Kim deserves that. Everyone in this chamber would deserve that.

There's been a lot of wrong that's been swept under the rug and ignored, and we owe it to the New Yorkers that died and we owe it to the people that we represent back home to get to the bottom of it and recognize what happened and find out why so that it never, ever happens again.

Thank you. I'll be in the affirmative.

THE PRESIDENT: Senator Stec to be recorded in the affirmative.

All right. Announce the results.

THE SECRETARY: Ayes, 63.

THE PRESIDENT: The bill is passed.

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

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

THE PRESIDENT: There is no further business at the desk.

SENATOR GIANARIS: Move to adjourn until tomorrow, Thursday, March 24th, at 11:00 a.m.

THE PRESIDENT: On motion, the Senate stands adjourned until Thursday, March 24, at 11:00 a.m.

(Whereupon, the Senate adjourned at 3:50 p.m.)