

1 NEW YORK STATE SENATE

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4 THE STENOGRAPHIC RECORD

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9 ALBANY, NEW YORK

10 January 31, 2023

11 3:32 p.m.

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13
14 REGULAR SESSION

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18 SENATOR SHELLEY B. MAYER, Acting President

19 ALEJANDRA N. PAULINO, ESQ., Secretary

P R O C E E D I N G S

ACTING PRESIDENT MAYER: 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.)

ACTING PRESIDENT MAYER: 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 MAYER: Reading of
the Journal.

THE SECRETARY: In Senate, Monday,
January 30, 2023, the Senate met pursuant to
adjournment. The Journal of Friday, January 27,
2023, was read and approved. On motion, the
Senate adjourned.

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

Presentation of petitions.

Messages from the Assembly.

The Secretary will read.

THE SECRETARY: Senator Breslin

1 moves to discharge, from the Committee on Rules,
2 Assembly Bill Number 614 and substitute it for
3 the identical Senate Bill 827, Third Reading
4 Calendar 36.

5 Senator Ramos moves to discharge,
6 from the Committee on Rules, Assembly Bill
7 Number 1000 and substitute it for the identical
8 Senate Bill 851, Third Reading Calendar 60.

9 Senator Ryan moves to discharge,
10 from the Committee on Rules, Assembly Bill
11 Number 966 and substitute it for the identical
12 Senate Bill 1341, Third Reading Calendar 109.

13 ACTING PRESIDENT MAYER: So
14 ordered.

15 Messages from the Governor.

16 Reports of standing committees.

17 Reports of select committees.

18 Communications and reports from
19 state officers.

20 Motions and resolutions.

21 Senator Gianaris.

22 SENATOR GIANARIS: Good afternoon,
23 Madam President.

24 I move to adopt the Resolution
25 Calendar.

1 ACTING PRESIDENT MAYER: All those
2 in favor of adopting the Resolution Calendar
3 please signify by saying aye.

4 (Response of "Aye.")

5 ACTING PRESIDENT MAYER: Opposed,
6 nay.

7 (No response.)

8 ACTING PRESIDENT MAYER: The
9 Resolution Calendar is adopted.

10 Senator Gianaris.

11 SENATOR GIANARIS: May we now take
12 up the reading of the calendar, please.

13 ACTING PRESIDENT MAYER: The
14 Secretary will read.

15 THE SECRETARY: Calendar Number 31,
16 Senate Print 822, by Senator May, an act to amend
17 the Election Law.

18 ACTING PRESIDENT MAYER: Read the
19 last section.

20 THE SECRETARY: Section 2. This
21 act shall take effect on the same date and in the
22 same manner as a chapter of the Laws of 2022.

23 ACTING PRESIDENT MAYER: Call the
24 roll.

25 (The Secretary called the roll.)

1 ACTING PRESIDENT MAYER: Announce
2 the results.

3 THE SECRETARY: In relation to
4 Calendar Number 31, those Senators voting in the
5 negative are Senators Borrello, Helming, Lanza,
6 Martins, O'Mara, Ortt, Rhoads, Rolison, Skoufis,
7 Stec, Tedisco, Walczyk, Weber and Weik.

8 Ayes, 41. Nays, 14.

9 ACTING PRESIDENT MAYER: The bill
10 is passed.

11 THE SECRETARY: Calendar Number 36,
12 Assembly Print Number 614, by Assemblymember
13 Peoples-Stokes, an act to amend the Public Health
14 Law.

15 ACTING PRESIDENT MAYER: Read the
16 last section.

17 THE SECRETARY: Section 2. This
18 act shall take effect on the same date and in the
19 same manner as a chapter of the Laws of 2022.

20 ACTING PRESIDENT MAYER: Call the
21 roll.

22 (The Secretary called the roll.)

23 ACTING PRESIDENT MAYER: Announce
24 the results.

25 THE SECRETARY: Ayes, 55.

1 ACTING PRESIDENT MAYER: The bill
2 is passed.

3 THE SECRETARY: Calendar Number 60,
4 Assembly Print 1000, by Assemblymember Joyner, an
5 act to amend the Labor Law.

6 ACTING PRESIDENT MAYER: Read the
7 last section.

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

10 ACTING PRESIDENT MAYER: Call the
11 roll.

12 (The Secretary called the roll.)

13 ACTING PRESIDENT MAYER: Announce
14 the results.

15 THE SECRETARY: In relation to
16 Calendar Number 60, those Senators voting in the
17 negative are Senators Borrello, Gallivan,
18 Helming, O'Mara and Walczyk.

19 Ayes, 53. Nays, 5.

20 ACTING PRESIDENT MAYER: The bill
21 is passed.

22 THE SECRETARY: Calendar Number
23 109, Assembly Print 966, by Assemblymember
24 McDonald, an act to amend the Real Property
25 Actions and Proceedings Law.

1 ACTING PRESIDENT MAYER: Read the
2 last section.

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

5 ACTING PRESIDENT MAYER: Call the
6 roll.

7 (The Secretary called the roll.)

8 ACTING PRESIDENT MAYER: Announce
9 the results.

10 THE SECRETARY: In relation to
11 Calendar Number 109, those Senators voting in the
12 negative are Senators Ashby, Borrello,
13 Canzoneri-Fitzpatrick, Felder, Gallivan, Griffo,
14 Helming, Lanza, Mattera, Murray, Oberacker,
15 O'Mara, Ortt, Palumbo, Rhoads, Rolison, Stec,
16 Tedisco, Walczyk, Weber and Weik.

17 Ayes, 38. Nays, 21.

18 ACTING PRESIDENT MAYER: The bill
19 is passed.

20 THE SECRETARY: Calendar Number
21 140, Senate Print 1367, by Senator Martinez, an
22 act to amend the Vehicle and Traffic Law.

23 SENATOR LANZA: Lay it aside.

24 ACTING PRESIDENT MAYER: The bill
25 is laid aside.

1 THE SECRETARY: Calendar Number
2 141, Senate Print 1368, by Senator Kennedy, an
3 act to amend the Vehicle and Traffic Law.

4 SENATOR LANZA: Lay it aside.

5 ACTING PRESIDENT MAYER: The bill
6 is laid aside.

7 THE SECRETARY: Calendar Number
8 142, Senate Print 1369, by Senator Kennedy, an
9 act to amend Chapter 3 of the Laws of 2020.

10 ACTING PRESIDENT MAYER: Read the
11 last section.

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

14 ACTING PRESIDENT MAYER: Call the
15 roll.

16 (The Secretary called the roll.)

17 ACTING PRESIDENT MAYER: Senator
18 Kennedy to explain his vote.

19 SENATOR KENNEDY: Thank you,
20 Madam President.

21 First of all, let me start by
22 thanking Majority Leader Andrea Stewart-Cousins
23 for bringing this comprehensive package of
24 limousine safety reform bills to the floor here
25 today, and to all my colleagues in the

1 Democratic Conference for their leadership and
2 support of these important bills.

3 You know, just a few years ago, in
4 early 2020, we passed the strongest limousine
5 safety reforms in the entire nation through this
6 chamber, and ultimately through the Assembly, to
7 the Governor's desk for signature. And it put
8 New York State in the lead as a model for
9 limousine safety across our country -- to the
10 extent that the federal government actually
11 adopted many of the reforms that we put forward.

12 This was all driven by the family
13 members of the victims who were taken from us so
14 abruptly and so tragically here in this great
15 state.

16 I want to recognize those victims
17 and their families here today, Madam President.
18 I'd ask my colleagues, pay respect as we remember
19 them: Axel Steenburg, Amy Steenburg,
20 Richard Steenburg, Allison King, Lauren Baruch,
21 Stephanie Belli, Amy Grabina, Brittney Schulman,
22 Patrick Cushing, Amanda Halse, Erin McGowan,
23 Shane McGowan, Brian Hough, James Schnurr,
24 Mary Dyson, Rob Dyson, Abigail Jackson,
25 Adam Jackson, Amanda Rivenburg, Rachel Cavosie,

1 Matthew Coons, Savannah Bursese,
2 Scott Lisinicchia, and Michael Ukaj.

3 I'd like us all to think about those
4 24 names I just read as we are debating today and
5 as we're passing these bills, because those were
6 24 lives that were tragically lost in New York in
7 two separate crashes -- one in Schoharie in 2018,
8 one in Cutchogue in 2015.

9 And because of those souls that were
10 lost, the families took action and led the
11 initiative to create important legislation --
12 10 pieces that we passed, as I mentioned, in
13 2020. And since 2020, the task force that was
14 empowered by this body, led by Nancy DiMonte, who
15 lost a daughter on Long Island, and
16 Kevin Cushing, who lost a son in Schoharie, this
17 task force put together this legislation.

18 All the legislation we're passing
19 today comes from that task force. And each of
20 these pieces of legislation was done with great
21 care, analyzing data, analyzing the safety
22 standards that were not only delinquent here in
23 New York but across the country.

24 And so I'm very proud of the work of
25 that task force. One of the pieces of

1 legislation that we're passing in this moment is
2 the extension of that task force, allowing them
3 to continue to do the work that they've already
4 begun.

5 It also empowers that task force to
6 hold hearings, if necessary, and will further
7 allow them to dig into the IG report and make
8 further recommendations into the future.

9 I want to thank my colleagues
10 Senator Hinchey, Senator Scarcella-Spanton,
11 Senator Breslin, and Senator -- where are we
12 here -- Martinez, for their leadership in
13 carrying these important bills.

14 I'm looking forward to the
15 conversation here today, but I just really want
16 to thank the family members of these victims for
17 taking the extreme grief that they have felt in a
18 very personal way, and sharing that in a very
19 public way so they can create positive change and
20 save lives. There is no doubt in my mind that
21 the work that we're doing here today, on top of
22 the legislation that we've passed in previous
23 years, is going to save lives and most likely has
24 already saved lives here in our great state and
25 across this country. I thank you.

1 And on that, Madam President, I vote
2 aye.

3 ACTING PRESIDENT MAYER: Senator
4 Kennedy to be recorded in the affirmative.

5 Senator Oberacker to explain his
6 vote.

7 SENATOR OBERACKER: Thank you,
8 Madam President.

9 When individuals step into a
10 limousine, there is an expectation of safety. On
11 October 6, 2018, that expectation was not met,
12 and lives were lost as a result.

13 Twenty people were killed in
14 Schoharie County, in my Senate district, in a
15 limousine crash that made global headlines. Laws
16 were broken that day, and we need and can do
17 better. The victims, their families, and the
18 emergency volunteers who responded to that scene,
19 we owe them.

20 Several new laws have been adopted
21 since that fateful day, but it's still not
22 enough. We need to enforce our current laws and
23 make meaningful revisions to truly improve
24 limousine safety on our highways.

25 One of our best resources we have

1 here in New York is the Stretch Limousine
2 Passenger Safety Task Force. This group of
3 passionate individuals have gone above and
4 beyond. Their work is important. Their
5 recommendations have been vital. And allowing
6 them to continue is crucial to preventing further
7 tragedies.

8 I'm proud to support this bill and
9 the rest of the legislation before us today that
10 will make our highways safer and ensure that the
11 families are not left mourning the loss of their
12 loved ones.

13 Madam President, I proudly vote aye.
14 Thank you.

15 ACTING PRESIDENT MAYER: Senator
16 Oberacker to be recorded in the affirmative.

17 Announce the results.

18 THE SECRETARY: Ayes, 59.

19 ACTING PRESIDENT MAYER: The bill
20 is passed.

21 THE SECRETARY: Calendar Number
22 143, Senate Print 1370A, by Senator Kennedy, an
23 act to amend the Transportation Law and the
24 Vehicle and Traffic Law.

25 SENATOR LANZA: Lay it aside.

1 ACTING PRESIDENT MAYER: The bill
2 is laid aside.

3 THE SECRETARY: Calendar Number
4 144, Senate Print 1371, by Senator Breslin, an
5 act to amend the Transportation Law.

6 ACTING PRESIDENT MAYER: Read the
7 last section.

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

11 ACTING PRESIDENT MAYER: Call the
12 roll.

13 (The Secretary called the roll.)

14 ACTING PRESIDENT MAYER: Announce
15 the results.

16 THE SECRETARY: Ayes, 59.

17 ACTING PRESIDENT MAYER: The bill
18 is passed.

19 THE SECRETARY: Calendar Number
20 145, Senate Print 1442, by Senator
21 Scarcella-Spanton, an act to amend the
22 Vehicle and Traffic Law.

23 ACTING PRESIDENT MAYER: Read the
24 last section.

25 THE SECRETARY: Section 3. This

1 act shall take effect two years after it shall
2 have become a law.

3 ACTING PRESIDENT MAYER: Call the
4 roll.

5 (The Secretary called the roll.)

6 ACTING PRESIDENT MAYER: Announce
7 the results.

8 Oh, I'm sorry. Senator
9 Scarcella-Spanton to explain her vote.

10 SENATOR SCARCELLA-SPANTON: Thank
11 you, Madam President.

12 This legislation around expanding
13 the required safety equipment in limousines may
14 not seem momentous to some, but we saw two
15 extremely deadly crashes that happened in
16 New York State just a few years ago, including
17 one of our colleagues here in the Senate.

18 I know that this package of
19 legislation, along with all of my colleagues who
20 I thank so much for putting forward this
21 important package today, at the advisement of a
22 task force including some of the families of the
23 victims, will make our future generations safer.

24 I know that going to weddings and
25 proms and big life moments are things that are so

1 critically important to everybody in this room,
2 and you should feel safe doing it.

3 So with that, I vote aye. I'm
4 excited this is my first piece of legislation I'm
5 passing. So thank you to all my colleagues for
6 the support, and I'm very proud of the entire
7 package of bills today.

8 Thank you.

9 ACTING PRESIDENT MAYER: Senator
10 Scarcella-Spanton to be recorded in the
11 affirmative.

12 Announce the results.

13 THE SECRETARY: Ayes, 59.

14 ACTING PRESIDENT MAYER: The bill
15 is passed.

16 Senator Gianaris.

17 SENATOR GIANARIS: Madam President,
18 let's pause for a moment to recognize
19 Senator Scarcella-Spanton for passing her first
20 bill.

21 (Standing ovation.)

22 ACTING PRESIDENT MAYER: The
23 Secretary will read.

24 THE SECRETARY: Calendar Number
25 146, Senate Print 1443A, by Senator Hinchey, an

1 act to amend the Vehicle and Traffic Law.

2 SENATOR LANZA: Lay it aside.

3 ACTING PRESIDENT MAYER: The bill
4 is laid aside.

5 THE SECRETARY: Calendar Number
6 167, Senate Print 2230, by Senator Cleare, an act
7 to amend the Public Health Law.

8 SENATOR LANZA: Lay it aside.

9 ACTING PRESIDENT MAYER: The bill
10 is laid aside.

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

13 SENATOR GIANARIS: Thank you,
14 Madam President.

15 Can we now move to the controversial
16 calendar, beginning with Calendar 141, by
17 Senator Kennedy.

18 ACTING PRESIDENT MAYER: The
19 Secretary will ring the bell.

20 The Secretary will read.

21 THE SECRETARY: Calendar Number
22 141, Senate Print 1368, by Senator Kennedy, an
23 act to amend the Vehicle and Traffic Law.

24 ACTING PRESIDENT MAYER: Senator
25 Tedisco, why do you rise?

1 SENATOR TEDISCO: On the bill
2 first, Madam President. Then I'd like to ask
3 Senator Kennedy to yield.

4 ACTING PRESIDENT MAYER: Senator
5 Tedisco on the bill.

6 SENATOR TEDISCO: First of all,
7 Madam President, I want to give my condolences to
8 the loved ones who are here today -- and all of
9 the loved ones -- for their loss and say how
10 appreciative I am, I know the Legislature is, I
11 know the 19½ million people in New York State
12 are, for their courage of turning their personal
13 tragedy into something so positive for the rest
14 of the constituents of New York State. For
15 providing us the impetus for their hard work, for
16 allowing us to put the task force in place, which
17 I believe these bills emanate from right now.

18 We owe that same obligation to them.
19 We all took an oath of office in this room, and
20 that oath of office is probably above and beyond
21 anything else in terms of quality of life, public
22 safety, well-being for the individuals and the
23 families of New York State.

24 So if they were courageous enough to
25 do everything they could do to make sure these

1 investigations have taken place, then we can
2 begin -- I don't think we're fully done right
3 now, to tell you the truth -- but begin to make
4 sure this never happens to any other individual
5 or family in New York State. We have that same
6 obligation.

7 If I could, at this time I would
8 like to ask Senator Kennedy to yield for a
9 question or two.

10 ACTING PRESIDENT MAYER: Senator
11 Kennedy, do you yield?

12 SENATOR KENNEDY: I'd be happy to,
13 Madam President.

14 ACTING PRESIDENT MAYER: The
15 Senator yields.

16 SENATOR TEDISCO: So Senator
17 Kennedy, I just want to put on the record, as you
18 have said, that these bills -- which I'm going to
19 fully support, 100 percent, and I wish we all
20 do -- emanate from the task force, their
21 investigation, the work they did to make these
22 recommendations for us to put these bills
23 together and put them on the floor today and to
24 pass them. They're from a task force emanating
25 from the family -- you and I voted for it, and

1 they put it together and sent to us. Is that the
2 case?

3 SENATOR KENNEDY: Through you,
4 Madam President, that is correct.

5 SENATOR TEDISCO: Are you aware of
6 the fact that --

7 ACTING PRESIDENT MAYER: Senator
8 Tedisco, are you asking --

9 SENATOR TEDISCO: Yes, would he
10 yield again. Excuse me.

11 ACTING PRESIDENT MAYER: Senator
12 Kennedy, do you yield?

13 SENATOR KENNEDY: I do.

14 ACTING PRESIDENT MAYER: The
15 Senator yields.

16 SENATOR TEDISCO: Are you aware of
17 the fact that over a year and a half ago I asked
18 the IG -- it was a former IG. Now it's IG
19 Lang -- to do her own personal investigation of
20 what the National Transportation Safety Board
21 says was the negligence of two of our state
22 agencies, the Department of DOT and the
23 Department of Motor Vehicles.

24 I sent her a letter, called her
25 office, we had a discussion, and I said, "I think

1 it's important that we give the full story.
2 They're owed, as they've given to us, our best
3 effort to drill down and make sure every single
4 part of what allowed that vehicle to be on the
5 road to cause this damage and this disaster.

6 And by the way, you mentioned
7 Patrick Cushing. He's close to our personal
8 family right here. He was in my office the day
9 before he died, fixing my printer. A very nice
10 person, wonderful family.

11 And I'm just wondering, did that
12 report by the IG come out before this task force
13 had the opportunity to have her input? Because I
14 think the input -- you probably read the report,
15 didn't you, Senator? It was very damning, as I
16 concluded. She didn't call it that, generally.
17 There was lack of communication, there was this,
18 there was that. But potentially in the -- from
19 what the National Transportation Board said and I
20 read in there, there was some negligence on our
21 part and that vehicle shouldn't have been on the
22 road to begin with.

23 So part of the responsibility seems
24 to me to have been work that was not done,
25 completed, or followed, whether it was a lack of

1 communication or anything else. And if there was
2 a lack of communication or anything else, there
3 might be a lack of legislation or something else
4 that can make that communication better.

5 Am I right in saying that although
6 we did have one delay -- and I guess it was
7 because of the pandemic; in terms of doing their
8 work, they didn't have enough time -- there was a
9 delay of this task force so they could continue
10 to do their work and get it done. And we
11 provided for that by legislation, didn't we?

12 SENATOR KENNEDY: Through you,
13 Madam President, this -- the legislation we
14 passed that I've already previously spoken of
15 extends the work of the Limousine Safety Task
16 Force to the end of 2024. We had originally
17 extended it. We're extending it again, as
18 requested by the family members on that task
19 force that have put forward these new
20 regulations.

21 So that task force, again, is going
22 to be able to continue to do the work that
23 they've already begun.

24 SENATOR TEDISCO: Will the Senator
25 yield for another question?

1 ACTING PRESIDENT MAYER: Senator
2 Kennedy, do you continue to yield?

3 SENATOR KENNEDY: Of course.

4 ACTING PRESIDENT MAYER: The
5 Senator yields.

6 SENATOR TEDISCO: I'm not talking
7 about the work, I'm talking about the time of the
8 report. We extended it a bit. The report is --
9 they're continuing their work. But we extended
10 the time period for when the report had to come
11 out. Am I right, Senator?

12 SENATOR KENNEDY: What is the
13 question, Madam President?

14 SENATOR TEDISCO: We extended the
15 time when the report should come out, as well as
16 the period for the work of the committee.

17 SENATOR KENNEDY: Madam President,
18 the work of the task force report got extended
19 because of COVID and the pandemic.

20 We are continuing to empower a panel
21 of family members, of experts in the field, of
22 business leaders, of industry leaders that care
23 about safety on the roads. We extended that
24 today. I think there's no question about their
25 work and the importance of that work and the

1 importance of continuing that work.

2 SENATOR TEDISCO: If the gentleman
3 will yield for another question.

4 ACTING PRESIDENT MAYER: Senator
5 Kennedy, do you yield?

6 SENATOR KENNEDY: Of course.

7 ACTING PRESIDENT MAYER: Yes, the
8 Senator yields.

9 SENATOR TEDISCO: So we extended
10 the time period of their work, but we did not
11 extend it long enough. Which I believe a number
12 of members of that committee -- you can correct
13 me if I'm wrong -- asked for an extension of when
14 the report had to be made.

15 Because wouldn't it have made more
16 sense for an internal investigation of the
17 responsibility of this state and two of their
18 agencies to be put in place and given to that
19 committee before they gave us any set of reported
20 pieces of legislation? These are fine. I'm
21 voting for them. I think they're great. But
22 these families and this state deserves to know
23 the full story. The National Transportation
24 Safety Board said there was culpability. And to
25 my extent, reading the report of Lang, after the

1 report came out by the committee we put
2 together -- who did a wonderful job with the
3 information they have, I think, but didn't have
4 the report of the commissioner --

5 ACTING PRESIDENT MAYER: Senator
6 Tedisco --

7 SENATOR TEDISCO: -- the IG.

8 ACTING PRESIDENT MAYER: Senator
9 Tedisco, what is your question for Senator
10 Kennedy?

11 SENATOR TEDISCO: I'm getting to
12 that. I think it's important.

13 ACTING PRESIDENT MAYER: I -- I --
14 I've been very kind, but you need to ask a
15 question.

16 SENATOR TEDISCO: Okay. Tell me
17 what that time period is before I have to exactly
18 give it, and I'll know next time. Thank you.

19 But wouldn't it be imperative to
20 really have a full report, to wait for the IG's
21 report, delay when that -- they continue to do
22 their work. They didn't have to give the report
23 now. We could have. But wouldn't it have made
24 more sense to have that IG's report in their
25 hands to find out that she said there's been a

1 lack of communication here, and they weren't
2 talking with each other, and it didn't pass
3 inspection but we still didn't take it off the
4 road?

5 And there was a discussion that they
6 were treating Prestige with kid gloves. That was
7 a statement that was made. Why would DMV or DOT
8 treat Prestige with kid gloves? What was going
9 on?

10 I mean, I guess wouldn't it have
11 made more sense to have the report in place and
12 have it given to our task force so they could
13 have made a more full report?

14 SENATOR KENNEDY: Through you,
15 Madam President. Look, we empowered a panel, a
16 task force. The IG report came out after this
17 task force had been created. The leaders on the
18 task force requested the extension of the task
19 force so they can continue to do their work,
20 including taking information from the IG report
21 and continuing to advance good, quality concepts,
22 initiatives and legislation for us to consider to
23 move forward. That's what we're doing here
24 today.

25 SENATOR TEDISCO: Will the

1 gentleman yield further for a question?

2 ACTING PRESIDENT MAYER: Senator
3 Kennedy, do you yield?

4 SENATOR KENNEDY: Yes.

5 ACTING PRESIDENT MAYER: Yes, the
6 Senator yields.

7 SENATOR TEDISCO: After this report
8 came out and the report of our task force came
9 out, I wrote you a letter and I contacted your
10 office. You are the chairman of the
11 Transportation Committee. You have the power of
12 subpoena. There were questions made by the IG.
13 Wouldn't it make sense that we legislatively have
14 our own investigation, you subpoena the leaders
15 of the Department of Transportation, Department
16 of Motor Vehicles? What would be the harm in
17 that to bring them in and say, What were all
18 these questions about the lack of communication?
19 Is there anything legislatively we can do to make
20 sure that communication works better for our two
21 agencies and our two departments and their
22 leader? Wouldn't that be all right?

23 You didn't respond to me, but you
24 can respond today to everybody, to the families
25 and the 19½ million people in New York State.

1 SENATOR KENNEDY: Through you,
2 Madam President. We are responding through real
3 action today. We are not thinking or concerning
4 ourselves with empty rhetoric or, you know,
5 looking backwards.

6 We care about moving forward and
7 protecting the citizens of New York State and
8 making the limousine industry and the commercial
9 vehicle industry the strongest we possibly can in
10 New York, and to serve as a model for the nation.

11 The task force that we have now
12 passed as an extension, also has a component
13 within it to hold public hearings as they see
14 fit. So once again, this panel of individuals,
15 who are clearly engaged in the conversation on a
16 very personal level, will continue to do that
17 work as we've empowered this panel.

18 I think, Madam President, that says
19 it all.

20 ACTING PRESIDENT MAYER: Thank you,
21 Senator Kennedy.

22 SENATOR TEDISCO: Thank you,
23 Senator.

24 On the bill.

25 ACTING PRESIDENT MAYER: Senator

1 Tedisco on the bill.

2 SENATOR TEDISCO: You can make all
3 the accusations in the world. All I know is
4 everybody who lost their life and every family
5 member and every New Yorker in this state should
6 know exactly what took place which led to this
7 loss of life and this failure to have this
8 vehicle on the road.

9 I don't care who it was -- if it was
10 Mavis, the person who owned the facility,
11 Prestige, DMV, the IG, DOT. We should know every
12 single thing about it. The families should know
13 every single thing about it. They should know
14 what led to that -- what led to any lack of
15 communication, if there was lack of
16 communication? Why didn't they interact? Why
17 didn't they get this -- this vehicle off the
18 streets? It seems over and over and over they
19 were interacting with these people.

20 And you know what? After this took
21 place, I believe there were 35 other vehicles in
22 a short period of time which had their vehicles
23 taken off the streets in New York State. So why
24 wasn't this one taken off the streets? Why was
25 it left out there to destroy people's lives?

1 And I think the task force is going
2 to go on, continue to do a good job. But I'm
3 concerned about sometimes the leadership of a
4 task force who has the two heads of those state
5 agencies running it: The leader of the
6 Department of Motor Vehicles and the leader of
7 the Department of DOT. And from my point of
8 view, there should have been people who were
9 appointed in some way by the National
10 Transportation System Board, not agencies in
11 New York State who might have had and they
12 believe they had a real negligence in this.

13 So I'm happy and proud of the fact
14 of our constituents and how they're fighting for
15 their best interests for their loved ones and
16 their families and, by extension, all the
17 families of New York State. But I think there's
18 more to this story that needs to be talked about
19 and corrected.

20 And I know that task force hopefully
21 will continue to work, but we have an obligation
22 ourselves as legislators in a legislative body.
23 We have subpoena power by our committee leaders.
24 And I'm still going to request that this
25 committee have its own hearing, bring in those

1 individuals, use your subpoena power, and ask the
2 question. How can it harm that we bring them in
3 and say, what was this lack of communication? We
4 just want to know, is there legislation -- there
5 might not be, but there might be legislation that
6 could make that better. And we should know if
7 there is.

8 Thank you, Madam Speaker --
9 President.

10 ACTING PRESIDENT MAYER: Are there
11 any other -- oh, yes.

12 SENATOR RHOADS: Thank you,
13 Madam President. Would Senator Kennedy yield?

14 ACTING PRESIDENT MAYER: Senator
15 Kennedy, do you yield?

16 SENATOR KENNEDY: Sure.

17 SENATOR RHOADS: Just a couple
18 of -- first off, just a couple of quick
19 questions, technical questions about the bill and
20 about its effectiveness.

21 And first off I do want to join my
22 colleagues in thanking the task force for their
23 incredible work, and thanking them for the
24 underlying idea behind this bill, is providing
25 the rollover protection and providing

1 anti-intrusion protection, which is a fantastic
2 idea.

3 Just with respect to existing
4 limousines, do we know how many existing stretch
5 limousines there are in the state?

6 SENATOR KENNEDY: I do not have
7 that information readily available, how many
8 stretch limousines there are in New York State at
9 this moment.

10 SENATOR RHOADS: And will the
11 sponsor continue to yield?

12 ACTING PRESIDENT MAYER: Do you
13 continue to yield?

14 SENATOR KENNEDY: Yes.

15 ACTING PRESIDENT MAYER: The
16 Senator yields.

17 SENATOR RHOADS: The reason for my
18 question is that it's my understanding that this
19 bill applies to all stretch limousines, not just
20 new stretch limousines that are purchased.
21 Correct?

22 SENATOR KENNEDY: Through you,
23 Madam President, that is correct. This bill
24 incorporates all limousines.

25 SENATOR RHOADS: Will the sponsor

1 continue to yield?

2 ACTING PRESIDENT MAYER: Do you
3 continue to yield?

4 SENATOR KENNEDY: Yes.

5 ACTING PRESIDENT MAYER: Yes, the
6 Senator yields.

7 SENATOR RHOADS: Do we know if the
8 task force or if your office was in contact with
9 any of the stretch limousine operators or
10 contractors to determine whether -- what the cost
11 would be and whether there's enough capacity to
12 be able to retrofit all existing stretch
13 limousines within the two-year time frame that
14 you've provided in the bill?

15 SENATOR KENNEDY: Through you,
16 Madam President, yes. The industry leaders,
17 including business leaders in the stretch
18 limousine space, were not only a part of the
19 decisions on this legislation, they were part of
20 the task force.

21 So it was -- again, the task force
22 was made up of leaders, family members of the
23 victims who have perished, leaders in the
24 industry -- business leaders, safety leaders.
25 And so this is a very comprehensive set of bills

1 that we're passing here today that have been well
2 thought out, analyzed through data, and again,
3 creating the safety limousine requirements in the
4 nation.

5 SENATOR RHOADS: Will the sponsor
6 continue to yield?

7 ACTING PRESIDENT MAYER: Do you
8 continue to yield?

9 SENATOR KENNEDY: I will.

10 ACTING PRESIDENT MAYER: Yes, the
11 Senator yields.

12 SENATOR RHOADS: Thank you, Senator
13 Kennedy.

14 Through you, Madam President. So
15 there's no concern on your part about the ability
16 to be able to comply with the law -- because
17 that's ultimately what we want -- in terms of
18 capacity and making sure that we can retrofit all
19 of the existing stretch limousines?

20 SENATOR KENNEDY: Through you,
21 Madam President, limousine companies, stretch
22 limousine companies, will have two years to
23 comply with this legislation, to have their
24 limousines retrofitted.

25 We know that this bill will require

1 those limousines to have rollover protection,
2 intrusion bars, and other devices -- cages,
3 pillars -- where it prevents the horrific loss of
4 life in the case of an unfortunate car crash,
5 vehicle crash.

6 During the crash in Cutchogue, the
7 limousine was performing a U-turn, it was
8 sideswiped, broadsided. And the vehicle that
9 T-boned that limousine and killed four people of
10 the eight that were in it, and maimed and ruined
11 the lives of the others in that vehicle, it went
12 right through that vehicle. With intrusion bars,
13 anti-intrusion bars affixed to that vehicle, we
14 may have saved lives that day.

15 In the crash in Schoharie, that
16 vehicle also, during the crash, rolled over. All
17 of the passengers of that vehicle, and the driver
18 and two pedestrians, were killed that day. It is
19 also our belief that had rollover bars been in
20 place and other pieces of legislation had been
21 enacted and complied with, those lives also may
22 have been saved that day.

23 As a matter of fact, with the
24 legislation that we enacted two years ago, that
25 vehicle would have never even been on the road.

1 So yes, I believe that not only
2 should these requirements be enacted for all
3 stretch limousines, including those on the road,
4 but that it will save lives. And there is --
5 there is the -- the life, the lives that we have
6 to think about, those 24 that perished, you have
7 to think about the cost of each life. And we
8 have to make sure that we're protecting people
9 moving forward.

10 SENATOR RHOADS: Will the sponsor
11 yield for an additional question?

12 ACTING PRESIDENT MAYER: Will you
13 yield for another question?

14 SENATOR KENNEDY: Yes.

15 ACTING PRESIDENT MAYER: Yes, the
16 sponsor will yield.

17 SENATOR RHOADS: Through you,
18 Madam President. Thank you, Senator Kennedy.

19 Please don't misunderstand my
20 question. The question is not should this be
21 done; I think there's general agreement that it
22 should be done. My question was, can it be done,
23 and is the two-year -- are we confident that the
24 two-year time frame is enough time to be able to
25 retrofit all of the existing stretch limousines

1 to make sure that they're in compliance with the
2 law? That was my question.

3 SENATOR KENNEDY: Through you,
4 Madam President, yes.

5 SENATOR RHOADS: Thank you.

6 ACTING PRESIDENT MAYER: Are there
7 any other Senators wishing to be heard?

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

10 Read the last section.

11 THE SECRETARY: Section 3. This
12 act shall take effect two years after it shall
13 have become a law.

14 ACTING PRESIDENT MAYER: Call the
15 roll.

16 (The Secretary called the roll.)

17 ACTING PRESIDENT MAYER: Senator
18 Martins to explain his vote.

19 SENATOR MARTINS: Madam President,
20 just very briefly.

21 First of all, I want to thank
22 Senator Kennedy for his work on this effort.
23 We've heard the name Cushing often this
24 afternoon. And just what a small world it is,
25 Scott Cushing is a dear friend of mine from my

1 district, who was Patrick's cousin, and has kept
2 us apprised of the work of the task force.

3 I want to thank the task force for
4 the work they did. It's important work. Each
5 and every one of us has had family members in a
6 limousine -- for a prom, for a wedding, for a
7 special event. The idea that we have gone this
8 far without having this kind of a comprehensive
9 review of safety when it comes to limousines --
10 obviously, it's long overdue.

11 I thank everyone for supporting
12 this, and I will be voting aye, Madam President.
13 Thank you.

14 ACTING PRESIDENT MAYER: Senator
15 Martins to be recorded in the affirmative.

16 Announce the results.

17 THE SECRETARY: In relation to
18 Calendar Number 141, voting in the negative:
19 Senator Ortt.

20 Ayes, 62. Nays, 1.

21 ACTING PRESIDENT MAYER: The bill
22 is passed.

23 THE SECRETARY: Calendar Number
24 143, Senate Print 1370A, by Senator Kennedy, an
25 act to amend the Transportation Law and the

1 Vehicle and Traffic Law.

2 ACTING PRESIDENT MAYER: Senator
3 Palumbo.

4 SENATOR PALUMBO: Thank you,
5 Madam President. Would the sponsor yield for a
6 few questions, please.

7 ACTING PRESIDENT MAYER: Senator
8 Kennedy, will you yield?

9 SENATOR KENNEDY: I will.

10 ACTING PRESIDENT MAYER: Yes, the
11 Senator yields.

12 SENATOR PALUMBO: Thank you,
13 Senator Kennedy.

14 And again, I too would like to thank
15 you for your hard work on this package of bills,
16 and all the other members who have sponsored
17 these bills. I will be voting for all of them; I
18 just was looking for a little clarification on
19 this particular bill. And to all of those
20 New Yorkers who deserve a safer commercial
21 vehicle and limousine industry, because I live
22 about two miles from the Cutchogue crash that
23 took the lives of four and injured four others.
24 So again, I do appreciate your work on this.

25 And regarding the specifics of this

1 bill, I guess I -- I'm looking on page 3 of the
2 bill, down at the bottom, Section 6(b), it
3 describes commercial motor vehicles pursuant to
4 the CRR. I don't need to get into the specifics,
5 but any self-propelled or towed vehicle used on
6 the highway in commerce to transport passengers
7 or property is defined pursuant to the Codes,
8 Rules and Regulations. And that's commercial
9 vehicles in general, is that correct? Or can you
10 just elaborate on that a little bit?

11 SENATOR KENNEDY: Through you,
12 Madam President, yes, that is correct.

13 What we're doing here with this
14 legislation is actually expanding the bill that
15 we passed back in 2020 that will allow for
16 seizure and impoundment of vehicles that are out
17 of service, not in code, unsafe and shouldn't be
18 on the road. Not just stretch limousines, but
19 commercial vehicles as well.

20 We're also increasing the penalty
21 for those bad actors that don't want to comply
22 with the law, they want to break the law, they
23 want to put the public in harm's way. We are
24 going to make sure that they're held accountable,
25 and we're increasing the fine for each offense up

1 to \$10,000 and a year in jail for each offense.

2 SENATOR PALUMBO: Thank you,
3 Senator.

4 Would the sponsor continue to yield?

5 ACTING PRESIDENT MAYER: Do you
6 continue to yield?

7 SENATOR KENNEDY: I will.

8 ACTING PRESIDENT MAYER: The
9 sponsor yields.

10 SENATOR PALUMBO: Thank you,
11 Senator.

12 And so back in the -- I guess on
13 page 2, where it indicates the language regarding
14 the seizure and that if a vehicle has an
15 out-of-service defect, it can then be seized. Is
16 that accurate?

17 SENATOR KENNEDY: Through you,
18 Madam President, that is correct.

19 SENATOR PALUMBO: Thank you.

20 Through you, Madam President, will
21 the sponsor continue to yield?

22 ACTING PRESIDENT MAYER: Do you
23 continue to yield?

24 SENATOR KENNEDY: I do.

25 ACTING PRESIDENT MAYER: The

1 Senator yields.

2 SENATOR PALUMBO: Thank you,
3 Senator Kennedy.

4 And if you look further down at
5 line 21, it indicates that in the event that it
6 does not pass the inspection, such officer may
7 remove or arrange for the removal of the vehicle
8 to a garage. So that's not a mandatory removal,
9 is that accurate?

10 SENATOR KENNEDY: Through you,
11 Madam President, the Department of Transportation
12 and the DMV have the ability to seize and impound
13 a vehicle that is out of service that, if it is
14 on the road, it will be a danger to the public.

15 We saw this particularly in the
16 Schoharie crash, where there were plenty of
17 out-of-service defects. That car should not have
18 been on the road. We enacted legislation that
19 would allow that car to be impounded and taken
20 off the road, physically taken off the road,
21 seized. Because in the case of Schoharie, the
22 owner, the bad actor, allowed that vehicle to
23 continue to be used with a number of glaring
24 defects that put the victims in -- put the
25 passengers in harm's way, and sadly made them

1 victims that day.

2 SENATOR PALUMBO: Thank you,
3 Senator. Would you continue to yield, please.

4 ACTING PRESIDENT MAYER: Do you
5 continue to yield?

6 SENATOR KENNEDY: I will.

7 ACTING PRESIDENT MAYER: The
8 Senator yields.

9 SENATOR PALUMBO: Thank you.

10 And I think we all embrace and
11 absolutely encourage that. And again, I thank
12 you for bringing that legislation forward.

13 In the first part of the bill, which
14 amends Section -- what is it, 140 of the
15 Transportation Law? Yes. That applies
16 specifically to stretch limousines, increasing
17 the penalties and making it an A misdemeanor to
18 operate under such a suspension.

19 But the second part of the bill that
20 we were just referring to on page 2, 511-e,
21 applies to all commercial vehicles. Can you
22 reconcile that for me? Because it looks as
23 though this may actually incorporate all
24 commercial vehicles, such as a -- you know, an
25 asphalt truck or commercial vehicles as defined

1 under the CRRs that I first defined at the
2 beginning of our conversation.

3 So it's not just specific to
4 limousines. And can you reconcile that and tell
5 me if I'm wrong, please?

6 SENATOR KENNEDY: Yeah. Through
7 you, Madam President. Once again, we passed this
8 legislation three years ago, in January of
9 2020 -- again, the most comprehensive limousine
10 safety regulations in the nation. They were such
11 strong pieces of legislation that they were
12 adopted at the national level by the federal
13 government in many ways.

14 The legislation that -- one of the
15 pieces of legislation that we passed allowed for
16 the seizure and the impoundment of stretch
17 limousines that were out of code. What this bill
18 does, again, today is it expands that to other
19 commercial vehicles.

20 SENATOR PALUMBO: Thank you,
21 Senator. Will you yield for just one or two more
22 questions, please?

23 SENATOR KENNEDY: Of course.

24 ACTING PRESIDENT MAYER: The
25 Senator will yield.

1 SENATOR PALUMBO: Thank you.

2 And regarding the recognition of an
3 out-of-service defect, is there any requirement
4 that limousines actually get inspections other
5 than just an annual inspection of a car? When we
6 talk about generally commercial vehicles where
7 there are weigh stations -- and typically those
8 vehicles would be required to get weighed,
9 possibly, make sure their registration is
10 compliant with their actual weight. Or say, for
11 example, an out-of-service defect on a truck
12 could be the brake calipers are slightly out
13 of -- out of -- I guess what was the word I'm
14 looking for? Spec? That they're not properly
15 adjusted, that they were out of adjustment.

16 And those can sometimes be remedied
17 on the road, and other times they can't. For
18 example, if a tire is -- doesn't have enough air
19 in it. And those can be remedied quickly. But
20 those are required inspections for commercial
21 vehicles.

22 Regarding stretch limousines now,
23 are they going to be required to do anything
24 other than an ordinary annual inspection?

25 SENATOR KENNEDY: Through you,

1 Madam President. The stretch limousines are
2 inspected twice a year by the DOT, and also
3 spot-checked. So at any point in time, if there
4 is an out-of-service recognition, that that car
5 can be -- that vehicle can be immediately
6 impounded.

7 SENATOR PALUMBO: Thank you,
8 Senator. One last question in that regard.
9 Would you yield for that, please.

10 ACTING PRESIDENT MAYER: The
11 Senator will yield.

12 SENATOR KENNEDY: I do.

13 SENATOR PALUMBO: Do they actually
14 inspect -- and I just don't know, I'm just
15 curious. Do they inspect on limousines, whether
16 or not their brake calipers are within
17 adjustment, or other things that are typical with
18 a commercial vehicle inspection?

19 SENATOR KENNEDY: Through you,
20 Madam President. Yes, there is a checklist that
21 the Department of Transportation does as a part
22 of these inspections. And part of those include
23 the brake lines.

24 Again, in the case of the horrific
25 and tragic Schoharie crash, that vehicle with

1 brake problems, to put it lightly, would never
2 have been on the road had this legislation been
3 in place.

4 SENATOR PALUMBO: Thank you.

5 Madam President, on the bill,
6 please. Thank you.

7 ACTING PRESIDENT MAYER: Senator
8 Palumbo on the bill.

9 SENATOR PALUMBO: Thank you,
10 Madam President.

11 And I'm glad you clarified that,
12 Senator Kennedy, because that was my concern.
13 I'm voting for all of these bills, of course. I
14 think we all generally are. And this is an
15 important distinction to make.

16 But my concern, which is a slight
17 concern, we might want to revisit some of the
18 language in this bill, because the officer "may"
19 remove the vehicle from the road. I think it
20 should be a "shall" remove the vehicle from the
21 road.

22 And also I would like to get a
23 little bit more in depth on the extent of the
24 biannual inspections of a stretch limousine.
25 Because as we know, motor carriers are on the

1 road all the time, they're getting pulled over --
2 sometimes weekly -- where there will be
3 checkpoints, and every commercial vehicle needs
4 to go through the weigh station, the troopers or
5 the local police department, their highway units,
6 will inspect those vehicles and continue to keep
7 them in proper -- make sure the maintenance is
8 current and keep them properly equipped and safe.

9 So I do appreciate this is an
10 absolutely laudable goal. We all can embrace it,
11 as I said. I think it should be a little bit
12 more specific almost in the inverse. Where we're
13 applying these standards to all commercial
14 vehicles, we should probably do it in the inverse
15 and make it specific to limousines and tighten up
16 those restrictions.

17 But I appreciated the opportunity to
18 discuss it with the sponsor, and I will be voting
19 in the affirmative.

20 Thank you, Madam President.

21 ACTING PRESIDENT MAYER: Are there
22 any other Senators wishing to be heard?

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

25 Read the last section.

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

4 ACTING PRESIDENT MAYER: Call the
5 roll.

6 (The Secretary called the roll.)

7 ACTING PRESIDENT MAYER: Announce
8 the results.

9 THE SECRETARY: In relation to
10 Calendar Number 143, voting in the negative:
11 Senator Walczyk.

12 Ayes, 62. Nays, 1.

13 ACTING PRESIDENT MAYER: The bill
14 is passed.

15 THE SECRETARY: Calendar Number
16 146, Senate Print 1443A, by Senator Hinchey, an
17 act to amend the Vehicle and Traffic Law.

18 ACTING PRESIDENT MAYER: Senator
19 Weik, why do you rise?

20 SENATOR WEIK: Through you,
21 Madam President, would the sponsor yield for
22 questions.

23 ACTING PRESIDENT MAYER: Would the
24 sponsor yield for some questions?

25 SENATOR HINCHEY: I will.

1 ACTING PRESIDENT MAYER: The
2 Senator yields. There she is, I'm sorry, Senator
3 Hinchey.

4 SENATOR WEIK: Through you,
5 Madam President, I'm just curious. The bill
6 is -- says 10 years or 350,000 miles are the
7 standard. Where did you arrive at this -- these
8 numbers?

9 SENATOR HINCHEY: Through you,
10 Madam President, these were recommendations from
11 the task force. And so the 10 years or
12 350,000 miles was agreed upon and recommended
13 from every -- all the members of the task force.

14 SENATOR WEIK: And through you,
15 Madam President, would the sponsor yield for
16 another question?

17 ACTING PRESIDENT MAYER: Senator
18 Hinchey, do you continue to yield?

19 SENATOR HINCHEY: I will.

20 ACTING PRESIDENT MAYER: The
21 Senator yields.

22 SENATOR WEIK: Thank you.

23 Did you happen to speak to any of
24 the local limo companies or get any feedback from
25 local businesses?

1 SENATOR HINCHEY: Through you,
2 Madam President. Included in the task force were
3 local limo operators around the state.

4 SENATOR WEIK: Through you,
5 Madam President, would the sponsor yield for
6 another question?

7 ACTING PRESIDENT MAYER: Senator
8 Hinchey, do you yield?

9 SENATOR HINCHEY: I will.

10 ACTING PRESIDENT MAYER: The
11 Senator yields.

12 SENATOR WEIK: Thank you. Do we --
13 through you, Madam President, do we impose these
14 restrictions on any other public transportation?

15 SENATOR HINCHEY: Through you,
16 Madam President, yes. For school buses, for
17 instance, the phaseout is traditionally 10 to
18 12 years, and it was actually recommended 10 to
19 12 years in this task force as well, and we went
20 with 10 to be safer for people for a whole host
21 of reasons.

22 SENATOR WEIK: Madam President,
23 through you, would the sponsor continue to yield.

24 ACTING PRESIDENT MAYER: Do you
25 continue to yield?

1 SENATOR HINCHEY: I do.

2 SENATOR WEIK: I'm just curious,
3 with that public transportation, was there an
4 imposition of 350,000 miles or were the miles far
5 less significant?

6 SENATOR HINCHEY: Through you,
7 Madam President, the mileage comes from the task
8 force and their report to us as their
9 recommendation.

10 SENATOR WEIK: Through you,
11 Madam President, would the sponsor continue to
12 yield?

13 ACTING PRESIDENT MAYER: Senator
14 Hinchey, do you continue to yield?

15 SENATOR HINCHEY: I do.

16 ACTING PRESIDENT MAYER: The
17 Senator yields.

18 SENATOR WEIK: So I'm just
19 curious -- 350,000 miles, most of us wouldn't
20 drive a car at that amount of mileage. So I'm
21 just curious how that became part of -- if you're
22 so concerned about the 10 years, why is
23 350,000 miles an okay limit to set for this bill?

24 SENATOR HINCHEY: Through you,
25 Madam President. The bill is 10 years or

1 350,000 miles, whichever one comes first.

2 So to your point, 10 years probably
3 will be less -- the limousine will probably have
4 less than 350,000 miles. At that point, it can
5 be phased out.

6 SENATOR WEIK: Thank you.

7 Madam President, on the bill.

8 ACTING PRESIDENT MAYER: Senator
9 Weik on the bill.

10 SENATOR WEIK: So I just want to
11 put this into perspective. I drive to and from
12 Albany on a regular basis. I'm a busy mom, I
13 also drive around my district. I average about
14 17,000 miles a year on my car, and that's being
15 generous. Seventeen thousand miles on my car for
16 10 years is 170,000 miles. At 170,000 miles and
17 10 years, I'm probably going to trade in my car,
18 I'm probably going to look for something that's a
19 little more safe to bring my family around.

20 So when we apply these limits to a
21 business that operates a stretch limousine -- and
22 a stretch limousine, I want to be clear, is
23 nine-plus passengers. This is not a small car.
24 This is not something to be taken lightly. And I
25 think that 10 years or 350,000 miles doesn't seem

1 to really go together.

2 So I did speak to the Long Island
3 Limousine Association, that said 10 years is
4 unreasonable and that stretch limos are usually
5 low-mileage vehicles, they are not used on a
6 regular basis. This is the kind of vehicle that
7 we're going to use for weddings or proms. These
8 are not driving on a daily basis.

9 I also took some time and called
10 some of my local businesses. I reached out to a
11 Five Star company that's been working in my
12 district for 25 years, and he has a 2008 stretch
13 limo that does not get used often, he uses it for
14 weddings and proms, and it only has 85,000 miles
15 on it. It looks like new, it's well cared for
16 because they're so expensive to purchase.

17 I also want to point out that as I
18 was speaking to these individuals, they were
19 talking about how the manufacturing of limos has
20 been compromised over the last two years due to
21 the pandemic, and they're not being built as
22 well.

23 I would have liked to have seen
24 something in this bill that really addressed
25 safety requirements. As we talk about some of

1 the -- the two tragedies, the one in Long Island
2 in particular, where the stretch limo -- we had
3 four beautiful young women who were out trying to
4 be responsible, they hired a limousine for their
5 day out to the vineyards and were tragically
6 killed in that accident. At this point, you
7 know, we have the driver who made a U-turn who
8 probably shouldn't have made a U-turn in that
9 area. Certainly if the car was equipped with
10 safety measures, that could have helped.

11 But I would have liked to have seen
12 more safety measures for drivers of limousines in
13 addition to that. Just because we're looking at
14 350,000 miles and 10 years, which I think is not
15 really -- it's kind of arbitrary, and it puts an
16 onus on business owners, I'm going to be voting
17 in the negative.

18 Thank you.

19 ACTING PRESIDENT MAYER: Are there
20 any other Senators wishing to be heard?

21 Senator Kennedy.

22 SENATOR KENNEDY: Yes. Would
23 Senator Weik stand for a question, please?

24 ACTING PRESIDENT MAYER: Senator
25 Weik, will you yield for a question.

1 SENATOR WEIK: Yes, sir.

2 ACTING PRESIDENT MAYER: The
3 Senator yields.

4 SENATOR KENNEDY: I'm just curious,
5 Senator, if you had an opportunity -- I know and
6 I appreciate your comments about your due
7 diligence and reaching to business leaders and
8 different individuals. Did you have an
9 opportunity to speak with anybody on the task
10 force?

11 SENATOR WEIK: Through you,
12 Madam President, no, I did not.

13 SENATOR KENNEDY: Madam President,
14 this bill that is put together --

15 ACTING PRESIDENT MAYER: Senator
16 Kennedy, are you on the bill?

17 SENATOR KENNEDY: On the bill.

18 ACTING PRESIDENT MAYER: Senator
19 Kennedy on the bill.

20 SENATOR KENNEDY: This bill -- and
21 I want to thank Senator Hinchey for her
22 leadership in bringing this bill to fruition.

23 But I want to clarify what some of
24 my colleagues across the aisle had to say. Ten
25 years or 350,000 miles, this was put forward by

1 the task force, by industry leaders, by families
2 of victims. This isn't some haphazardly
3 thrown-together legislation just picking numbers
4 out of the clear blue sky.

5 This is legislation that affords
6 businesses to continue to do their work, but do
7 it in a safe manner. It also protects the public
8 that uses these vehicles. No one should have to
9 think about whether or not they're going to
10 return home to their family and their loved ones
11 and their neighbors when they go out for a night
12 on the town in a limousine. That's what this is
13 all about.

14 But there's a waiver component put
15 in place between the Department of
16 Transportation, the DMV, and the State Police
17 that will allow, if a business in fact sees so
18 fit to challenge that 10 year or 350,000 mile
19 threshold, to keep that vehicle on the road if in
20 fact it is deemed safe. So there are safeguards
21 for businesses put in here as well.

22 And again, I want to thank
23 Senator Hinchey for her leadership.

24 Thank you, Madam President.

25 ACTING PRESIDENT MAYER: Thank you.

1 Are there any other Senators wishing
2 to be heard?

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

5 Read the last section.

6 THE SECRETARY: Section 2. This
7 act shall take effect two years after it shall
8 have become a law.

9 ACTING PRESIDENT MAYER: Call the
10 roll.

11 (The Secretary called the roll.)

12 ACTING PRESIDENT MAYER: Senator
13 Hinchey to explain her vote.

14 SENATOR HINCHEY: Thank you,
15 Madam President.

16 We've talked a lot about the
17 timelines within this bill, and I want to clarify
18 a couple of points as well. Senator Kennedy
19 touched on the waiver. But the limo that crashed
20 in Long Island was nine years old, and at that
21 point the rims were actually starting to bend.
22 What we were told is the rims were actually just
23 starting to bend, because at 10 years it's where
24 most of the rims on limos actually do start to
25 erode. And just an inspection may not have

1 caught that.

2 And so a phaseout is critically
3 important to actually make sure that the vehicles
4 that are on the roads that are transporting our
5 families, that are transporting our friends, are
6 actually safe. So an inspection alone, while
7 critically important, may not catch all of the
8 things that we know, at 10 years, is a bigger
9 problem for commercial vehicles like limousines.

10 The limo in Schoharie, it was
11 carrying family and friends of people who lived
12 in my old district in Montgomery County. That
13 limo was 10 years old.

14 And so this bill we know is going to
15 save lives. This package is critically
16 important, because it's each one of these pieces
17 together that will make sure that the limos on
18 the streets will actually keep people safe.

19 And if you live in an upstate
20 community, you know when you are taking a limo, a
21 limousine somewhere, you're probably traveling a
22 far distance. If you want to go to an airport --
23 that's 200 miles from my house just to the
24 airport in New York City, one way. And I
25 actually live pretty close to the city.

1 And so the mileage requirements and
2 the safety requirements are incredibly important.
3 Also, for upstate, because of the road
4 conditions, salt and others, they wear away at
5 those limousines even more because they're
6 driving often in sometimes more treacherous
7 environments.

8 And so this package is critically
9 important to keep people safe. I'm really proud
10 to have a bill in this package. I thank the
11 families involved in the task force and everyone
12 else on the task force for their great work. And
13 I look forward to continuing to see the
14 recommendations that come out of the extension,
15 because we know we have more to do to make sure
16 that people in New York State are safe when
17 they're on the roads.

18 And for that, I vote aye. Thank
19 you.

20 ACTING PRESIDENT MAYER: Senator
21 Hinchey to be recorded in the affirmative.

22 Senator Lanza to explain his vote.

23 SENATOR LANZA: Thank you,
24 Madam President.

25 I support this package of safety

1 legislation. I think a lot of it makes sense. I
2 do want to say -- and I'm going to vote in the
3 affirmative on this piece of legislation. But --
4 and while I commend the work of the task force, I
5 don't think that we should all just, you know,
6 rest on the work that comes out of that task
7 force or say that, you know, they are the be-all
8 and end-all on the subject.

9 And while I support this, I think my
10 colleague Senator Weik makes a lot of sense when
11 it comes to this piece of legislation. I like
12 the portion of this legislation that says if it's
13 got more than 350,000 miles, it's probably time
14 to retire it. But the 10 year -- albeit from the
15 task force -- it seems a bit arbitrary. I ask a
16 rhetorical question of this body: Would you
17 rather get in a limousine that is 12 years old
18 and has 500 miles on it or a five-year-old
19 limousine that has 349,000 miles on it?

20 So the 10-year portion of this
21 doesn't make sense to me. In certain situations
22 I think it's going to hurt businesses out there.
23 I'd like to see that changed.

24 I do support the legislation, and I
25 vote aye.

1 ACTING PRESIDENT MAYER: Senator
2 Lanza to be recorded in the affirmative.

3 Senator Rhoads to explain his vote.

4 SENATOR RHOADS: Thank you so much,
5 Madam President.

6 I want to thank Senator Hinchey for
7 advancing this legislation.

8 I am voting in the negative,
9 however. Not because I don't understand the
10 concept of the bill or agree with the concept of
11 the bill; I certainly do. Much as Senator
12 Lanza's point, I do have a problem with the
13 arbitrariness of the 10-year figure. It's not
14 age that matters, it's maintenance that matters.

15 You know, for example, we can have a
16 a 54-year-old in great shape because they're well
17 maintained, and then you can have me, not
18 maintained quite as well.

19 (Laughter.)

20 SENATOR RHOADS: But the point
21 is --

22 SENATOR BORRELLO: You need an oil
23 change too.

24 SENATOR RHOADS: That's it.

25 But the point is that this is going

1 to impact some of the small independent operators
2 of limousines, particularly in light of the
3 previous piece of legislation that we just
4 passed, which is requiring now these existing
5 small operators to retrofit their limousines with
6 roll bars and with anti-intrusion equipment.

7 If you have a six-year-old limousine
8 that would ordinarily qualify that you now have
9 to invest tens of thousands of dollars to install
10 this additional safety equipment, does it now
11 make sense for you -- if you're a solo operator,
12 does it now make sense for you, knowing that that
13 limousine now only has a useful life of 10 years
14 even though it may only have 50,000 or 60,000
15 miles on it?

16 So I think that this bill is going
17 to harm some of the smaller independent
18 operators, and for that reason I'm standing -- or
19 I will be voting in opposition to the bill.

20 ACTING PRESIDENT MAYER: Senator
21 Rhoads to be recorded in the negative.

22 Announce the results.

23 THE SECRETARY: In relation to
24 Calendar Number 146, those Senators voting in the
25 negative are Senators Borrello, O'Mara, Ortt,

1 Rhoads, Walczyk and Weik.

2 Ayes, 57. Nays, 6.

3 ACTING PRESIDENT MAYER: The bill
4 is passed.

5 THE SECRETARY: Calendar Number
6 140, Senate Print 1367, by Senator Martinez, an
7 act to amend the Vehicle and Traffic Law.

8 ACTING PRESIDENT MAYER: Senator
9 Murray, why do you rise?

10 SENATOR MURRAY: Thank you,
11 Madam President. Would the sponsor yield for a
12 couple of questions?

13 ACTING PRESIDENT MAYER: Senator
14 Martinez, do you yield?

15 SENATOR MARTINEZ: Yes.

16 ACTING PRESIDENT MAYER: The
17 Senator yields.

18 SENATOR MURRAY: Good afternoon,
19 Senator.

20 I wanted to say, first, thank you
21 for this. I think this is a very good idea, as
22 many of the bills today have been. We have heard
23 of several tragedies that have occurred that we
24 hope to avoid and take any action we can to do
25 that, including one that Senator Weik had

1 mentioned in our county of Suffolk County a few
2 years ago. And I think this could go towards
3 that.

4 However, my concern is I'm reading
5 through the bill and we're -- the person is to
6 provide a pre-trip safety briefing, but I can't
7 find exactly what the briefing consists of. What
8 exactly would the briefing consist of?

9 SENATOR MARTINEZ: Through you,
10 Madam President. Well, thank you for supporting
11 this bill.

12 So what it would consist of is the
13 Department of Motor Vehicles, the commissioner of
14 the Department of Transportation and
15 State Police, will be empowered to come up with
16 this briefing and make sure that our motor
17 carriers are then training their drivers to
18 ensure that our passengers are briefed for --
19 before they get into the limousine, to make sure
20 they know where the fire extinguishers are or
21 even what our fellow Senators pass in terms of
22 the breaking-window tools and so forth.

23 SENATOR MURRAY: Through you,
24 Madam President, would the sponsor continue to
25 yield?

1 ACTING PRESIDENT MAYER: Do you
2 continue to yield, Senator Martinez?

3 SENATOR MARTINEZ: Yes.

4 ACTING PRESIDENT MAYER: The
5 Senator yields.

6 SENATOR MURRAY: Thank you.

7 But do we have specifics -- at this
8 point, as we're voting today, do we have
9 specifics of what would be on -- I believe
10 there's a form that would be there. Do we have
11 specifics as to what would be on the form?

12 SENATOR MARTINEZ: Through you,
13 Madam President, we have allowed the
14 commissioners to decide on that. We have given
15 them that power to create the briefing so then
16 they can bring on to the motor carriers to make
17 sure their drivers are -- are informed of the
18 safety features.

19 So the answer is no. They will come
20 up with the briefing.

21 SENATOR MURRAY: Through you,
22 Madam President, would the sponsor continue to
23 yield?

24 ACTING PRESIDENT MAYER: Do you
25 continue to yield?

1 SENATOR MARTINEZ: Yes.

2 ACTING PRESIDENT MAYER: The
3 Senator yields.

4 SENATOR MURRAY: And when they do
5 come up with that, would there be an opportunity
6 for us maybe to provide input or someone to
7 provide input on maybe adding some things? Or
8 something like, for example, our colleague
9 Senator Scarcella-Spanton just passed the
10 legislation regarding the fire extinguishers, the
11 breakable glass tool -- maybe adding those things
12 onto the form for the training.

13 SENATOR MARTINEZ: Through you,
14 Madam President. I am going to leave it to the
15 experts of our commissioners, with these
16 legislations that we have passed, that they will
17 take that into consideration and put that in
18 their briefing.

19 So, for example, if the briefing
20 comes up from the commissioners that the
21 passengers need to be informed of the
22 window-breaking or the fire extinguishers, this
23 would be within that packet.

24 SENATOR MURRAY: Thank you.

25 On the bill, Madam President.

1 ACTING PRESIDENT MAYER: Senator
2 Murray on the bill.

3 SENATOR MURRAY: Thank you,
4 Senator Martinez.

5 Again, as I said, I think this is a
6 great idea. I think briefing them on the safety
7 measures is good. My only concern is the fact
8 that we're voting today on a bill that we really
9 don't know what it consists of exactly, what the
10 form consists of and whether or not we can make
11 changes. I hope that we would be able to give
12 some input in the future as to adding some things
13 in or making it even safer.

14 So I appreciate the sponsor's
15 efforts, and I will be voting yes. Thank you.

16 ACTING PRESIDENT MAYER: Senator
17 Martinez on the bill.

18 SENATOR MARTINEZ: Thank you.

19 I just want to say thank you to all
20 of my colleagues who are supporting this packet
21 of legislation, because it is so important to
22 make sure that our families are heard from this
23 task force, and our commissioners.

24 And especially, for me, this is also
25 very personal, due to the fact that it happened

1 in our hometown of Suffolk County. And my
2 colleagues from the other side understand how
3 important it is.

4 And we also know that our limousines
5 are a chosen type of transportation for good
6 things and happy things. But as the leader put
7 it earlier today, we don't want these limousines
8 to also be going to funeral homes because we're
9 not doing our due diligence.

10 So I do appreciate my colleagues'
11 support on this, and I look forward to making
12 New York an even more safer place. Thank you.

13 ACTING PRESIDENT MAYER: Thank you,
14 Senator Martinez.

15 Are there any other Senators wishing
16 to be heard?

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

19 Read the last section.

20 THE SECRETARY: Section 3. This
21 act shall take effect on the 180th 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 Kennedy to explain his vote.

3 SENATOR KENNEDY: Thank you,
4 Madam President.

5 I just once again want to
6 congratulate Senator Martinez for her efforts on
7 this bill. My other colleagues, Senator Breslin,
8 Senator Scarcella-Spanton, Senator Hinchey.

9 I want to thank again Majority
10 Leader Andrea Stewart-Cousins for bringing these
11 bills to the floor and working so aggressively as
12 a Democratic Conference to make our streets
13 safer.

14 There was just a comment about us
15 voting on a bill with questions about where we
16 go. It couldn't be more clear. The Department
17 of Transportation, the DMV as well, has to work
18 together to come up with pre-trip briefings for
19 the passengers so that they are safe. It is a
20 simple yet we believe profound way to help make
21 sure that the limousine industry here in New York
22 State is as safe as possible.

23 That includes making sure people
24 know where the safety equipment is. God forbid,
25 in the event of a crash, someone needs to know

1 where the escape hatch is, the emergency exit,
2 the fire extinguisher, the break glass. They
3 will be informed.

4 Also, with the legislation we passed
5 back in 2020 informing the passengers of a seat
6 belt requirement, there are a number of things
7 that a simple briefing can do.

8 I want to thank Senator Martinez
9 again for her leadership. And again, I cannot
10 emphasize enough the work of the task force and
11 the families that have driven this limousine and
12 commercial vehicle safety agenda forward here in
13 the State of New York, leading the entire nation.

14 With that, Madam President, I vote
15 aye.

16 ACTING PRESIDENT MAYER: Senator
17 Kennedy to be recorded in the affirmative.

18 Announce the results.

19 THE SECRETARY: Ayes, 63.

20 ACTING PRESIDENT MAYER: The bill
21 is passed.

22 THE SECRETARY: Calendar Number
23 167, Senate Print 2230, by Senator Cleare, an act
24 to amend the Public Health Law.

25 ACTING PRESIDENT MAYER: Senator

1 Borrello, why do you rise?

2 SENATOR BORRELLO: Thank you,
3 Madam President. Will the sponsor yield for a
4 question.

5 ACTING PRESIDENT MAYER: Senator
6 Cleare, do you yield?

7 SENATOR CLEARE: Yes.

8 ACTING PRESIDENT MAYER: The
9 Senator yields.

10 SENATOR BORRELLO: Thank you,
11 Senator Cleare.

12 First of all, this is a very
13 disruptive thing when an assisted living facility
14 closes. We actually have one going through that
15 right now in my hometown of Fredonia. And I
16 understand the purpose of this, and I agree with
17 the purpose of this. But I do have some
18 questions I'd like some clarity on, potentially.

19 First and foremost, you know,
20 whenever a facility goes through this closure
21 process, the Department of Health requires
22 120-day notice and a plan, correct?

23 SENATOR CLEARE: That is what the
24 bill is asking for, the underlying --

25 SENATOR BORRELLO: Madam President,

1 will the sponsor continue to yield?

2 ACTING PRESIDENT MAYER: Do you
3 continue to yield, Senator Cleare?

4 SENATOR CLEARE: Yes.

5 ACTING PRESIDENT MAYER: Yes, the
6 Senator yields.

7 SENATOR CLEARE: Sorry. Through
8 you, Madam President.

9 SENATOR BORRELLO: Absent that --
10 no, and prior to this bill, without this bill,
11 there still was a 120-day closure plan
12 requirement from Department of Health, isn't that
13 correct?

14 SENATOR CLEARE: Through you,
15 Madam President, no.

16 SENATOR BORRELLO: All right.
17 Madam President, will the sponsor continue to
18 yield?

19 ACTING PRESIDENT MAYER: Do you
20 continue to yield?

21 SENATOR CLEARE: Yes.

22 ACTING PRESIDENT MAYER: The
23 Senator yields.

24 SENATOR BORRELLO: Yeah, I would
25 disagree with that, but perhaps -- for the moment

1 we'll take that as -- as the case. There is a
2 closure plan required by Department of Health
3 absent this bill.

4 However, with that, this bill is
5 asking for 180 days of notice, is that correct?

6 SENATOR CLEARE: Through you,
7 Madam President, this bill is asking for 90 days.

8 SENATOR BORRELLO: Madam President,
9 will the sponsor continue to yield?

10 ACTING PRESIDENT MAYER: Do you
11 continue to yield?

12 SENATOR CLEARE: Yes.

13 ACTING PRESIDENT MAYER: Yes, the
14 Senator yields.

15 SENATOR BORRELLO: During that
16 period of time it requires that no new admissions
17 can occur. Is that correct?

18 SENATOR CLEARE: Through you,
19 Madam President, we're not sure about that.

20 SENATOR BORRELLO: Madam President,
21 will the sponsor continue to yield?

22 ACTING PRESIDENT MAYER: Do you
23 continue to yield?

24 SENATOR CLEARE: Yes.

25 ACTING PRESIDENT MAYER: The

1 Senator yields.

2 SENATOR BORRELLO: So our
3 understanding and analysis was there would be no
4 new admissions allowed in that time period, based
5 on our -- you know, our analysts are reading the
6 law that -- that was written.

7 So it's -- it seems -- it's unclear
8 whether or not they can accept new admissions.
9 And that's my question. Because the place in
10 particular that I'm speaking of, as well as many
11 other assisted living facilities, accept people
12 for respite care. Sometimes, you know, you're
13 going out of town and you have an elderly parent
14 and you need them to stay a few days or a week.
15 Many assisted living facilities also provide
16 rehab care, rehabilitation.

17 So in that 90-day period -- and when
18 a place like this is going to close, in rural
19 areas like mine, there may be no other options --
20 would they still be allowed to accept respite
21 care and rehabilitation patients in that 90-day
22 period?

23 SENATOR CLEARE: Through you,
24 Madam President, that is already in the law.
25 That's not in this amendment.

1 SENATOR BORRELLO: Madam President,
2 will the sponsor continue to yield?

3 SENATOR CLEARE: Yes.

4 ACTING PRESIDENT MAYER: Do you
5 continue to yield? Yes, the Senator yields.

6 SENATOR BORRELLO: So you just said
7 you were unsure whether or not new admissions
8 would be allowed. Wouldn't a respite care or a
9 rehabilitation be a new admission?

10 SENATOR CLEARE: So it's my
11 understanding that new admissions would not be
12 permitted for purposes of residency. It would be
13 up to the facility if in fact someone needs to
14 come there for respite.

15 SENATOR BORRELLO: Madam President,
16 will the sponsor continue to yield?

17 ACTING PRESIDENT MAYER: Do you
18 continue to yield?

19 SENATOR CLEARE: Yes.

20 ACTING PRESIDENT MAYER: Yes, the
21 sponsor yields.

22 SENATOR BORRELLO: Well, it doesn't
23 seem clear, according to my analysis, that that
24 would be the case.

25 So are -- you're saying that it

1 would be the intention, your intention as the
2 sponsor of this bill, to not prohibit respite
3 care and rehabilitation care in that 90-day
4 period?

5 SENATOR CLEARE: Through you,
6 Madam President, this bill makes no mention of
7 modification to that.

8 SENATOR BORRELLO: Madam President,
9 on the bill.

10 ACTING PRESIDENT MAYER: Senator
11 Borrello on the bill.

12 SENATOR BORRELLO: Senator Cleare,
13 thank you very much. Appreciate it.

14 You know, I think we certainly have
15 some disagreements on the interpretation of this
16 bill at this moment. And I also realize that
17 this was a bill that was carried and passed
18 previously, and these are amendments. And it's
19 my understanding that folks in the industry that
20 you consulted with were -- you know, were helpful
21 in -- in drafting these amendments. So I'm glad
22 to see that and hear that.

23 My concern is there's still, I
24 think, some clarity issues here. When you start
25 talking about a facility closing, it's very

1 disruptive. You know, as we continue to put more
2 and more pressure on our adult care facilities
3 with all the bills that we passed in this chamber
4 that have made it more and more difficult for --
5 in my opinion, for assisted living facilities,
6 nursing homes to care for our elderly, we're
7 going to see more closures, unfortunately, most
8 likely.

9 And -- and therefore, we should at
10 least give that community the opportunity to
11 ensure that in that process it is as less --
12 least disruptive as possible. Certainly notice
13 will make it less disruptive, I totally agree.

14 But to ensure, to ensure that they
15 can receive respite care, that they can have
16 rehabilitation, that in the process of that
17 closing -- which will provide likely needed
18 income and keep those jobs in place. Because if
19 we -- in that period, if we say that there can be
20 no new admissions, that will likely mean layoffs
21 earlier, it will likely mean more stress on those
22 patients, those residents, because there may --
23 there may very well be people -- less people
24 working there.

25 So we should do no harm in this.

1 And we should certainly not -- we should
2 certainly ensure that our rural areas, like those
3 I represent, which lack these facilities, at
4 least have the guarantee that this -- that this
5 will not -- it will be as least disruptive as
6 possible.

7 So because of that lack of clarity,
8 I'll be voting no. Thank you.

9 ACTING PRESIDENT MAYER: Senator
10 Cleare on the bill.

11 SENATOR CLEARE: Thank you,
12 Madam President.

13 I'm proud to carry this chapter
14 amendment that provides both additional time and
15 additional rights to individuals in the
16 unfortunate event that their present assisted
17 living facility closes.

18 The bill before us requires more
19 affirmative and substantive notice, a proposed
20 plan for the closure which must be reviewed by
21 the health commissioner, due process rights with
22 respect to potential fee increases and
23 supplemental security income, and final DOH
24 oversight, Department of Health oversight of the
25 target closure date.

1 I wish to commend the original
2 sponsor of this legislation, former Senator Diane
3 Savino, for her work on this issue, and I'm
4 honored to pick up where she left off.

5 Thank you.

6 ACTING PRESIDENT MAYER: Thank you.

7 Are there any other Senators wishing
8 to be heard?

9 Senator Rhoads.

10 SENATOR RHOADS: Thank you,
11 Madam President. Will the -- will the sponsor
12 yield? Sorry.

13 ACTING PRESIDENT MAYER: Senator
14 Cleare, do you yield?

15 SENATOR CLEARE: Yes, I do.

16 ACTING PRESIDENT MAYER: The
17 Senator yields.

18 SENATOR RHOADS: Just to -- to
19 follow up on Senator Borrello's questioning, with
20 respect to residency, does this bill prohibit
21 these facilities during the closing process to
22 accept short-term residency?

23 SENATOR CLEARE: Through you,
24 Madam President, the -- this bill makes no
25 changes, no modifications to who facilities can

1 accept. The current law allows -- allows for
2 that, but this law changes nothing in that.

3 SENATOR RHOADS: Just on the bill,
4 Thank you, Senator.

5 SENATOR CLEARE: You're welcome.

6 ACTING PRESIDENT MAYER: Senator
7 Rhoads on the bill.

8 SENATOR RHOADS: On the bill,
9 Madam President.

10 I just wanted to add my concern to
11 those that are expressed by Senator Borrello with
12 respect to short-term stays. I know that
13 residencies in the underlying bill are -- are
14 prohibited for a 90-day period. But the bottom
15 line is that particularly in rural communities,
16 where these long-term residencies or beds are
17 often not available, you may have a situation
18 where it makes sense, even with the knowledge
19 that a facility is closing, to place a loved one
20 there for long-term care, but just for a period
21 of 45 or 60 days during the closing process until
22 you can find a permanent home.

23 So I think we're taking away
24 options. And I think there's a lack of clarity
25 in this particular legislation, and I think the

1 underlying bill needs to be revisited as well.

2 So I'll be voting no.

3 But thank you, Madam President.

4 ACTING PRESIDENT MAYER: Are there
5 any other Senators wishing to be heard?

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

8 Read the last section.

9 THE SECRETARY: Section 2. This
10 act shall take effect on the same date and in the
11 same manner as a chapter of the Laws of 2022.

12 ACTING PRESIDENT MAYER: Call the
13 roll.

14 (The Secretary called the roll.)

15 ACTING PRESIDENT MAYER: Announce
16 the results.

17 THE SECRETARY: In relation to
18 Calendar 167, those Senators voting in the
19 negative are Senators Borrello, Felder, Gallivan,
20 Rhoads and Walczyk.

21 Ayes, 58. Nays, 5.

22 ACTING PRESIDENT MAYER: The bill
23 is passed.

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

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

3 ACTING PRESIDENT MAYER: There is
4 no further business at the desk.

5 SENATOR GIANARIS: Move to adjourn
6 until tomorrow, Wednesday, February 1st, at
7 11:00 a.m.

8 ACTING PRESIDENT MAYER: On motion,
9 the Senate stands adjourned until Wednesday,
10 February 1st, at 11:00 a.m.

11 (Whereupon, at 4:50 p.m., the Senate
12 adjourned.)

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