

1 NEW YORK STATE SENATE

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3  
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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