NEW YORK STATE SENATE

THE STENOGRAPHIC RECORD

ALBANY, NEW YORK

January 21, 2020

3:41 p.m.

REGULAR SESSION

SENATOR BRIAN A. BENJAMIN, Acting President

ALEJANDRA N. PAULINO, ESQ., Secretary

P R O C E E D I N G S

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

THE SECRETARY: In Senate, Monday, January 20, 2020, the Senate met pursuant to adjournment. The Journal of Sunday, January 19, 2020, was read and approved. On motion, Senate adjourned.

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

Presentation of petitions.

Messages from the Assembly.

Messages from the Governor.

Reports of standing committees.

Reports of select committees.

Communications and reports from state officers.

Motions and resolutions.

Senator Gianaris.

SENATOR GIANARIS: Thank you, Mr. President. I have several motions.

On behalf of Senator Hoylman, I move the following bills be discharged from their respective committees and recommitted with instructions to strike the enacting clause: Senate Bills 1451 and 1489.

ACTING PRESIDENT BENJAMIN: It is so ordered.

SENATOR GIANARIS: On behalf of Senator Biaggi, I move the following bills be discharged from their respective committees and recommitted with instructions to strike the enacting clause: Senate Bill 2036, 2037, and 2492A.

ACTING PRESIDENT BENJAMIN: It is so ordered.

SENATOR GIANARIS: And I move that the following bills be discharged from their respective committees and recommitted with

instructions to strike the enacting clause: On behalf of Senator Mayer, Senate Bill 5576, and on behalf of Senator Carlucci, Senate Bill 6721.

ACTING PRESIDENT BENJAMIN: It is so ordered.

SENATOR GIANARIS: Please call on Senator Griffo.

ACTING PRESIDENT BENJAMIN: Senator Griffo.

SENATOR GRIFFO: Thank you, Mr. President.

I also would move that the following bills be discharged from their respective committees and be recommitted with instructions to strike the enacting clause: Senate Bill 1897, by Senator Gallivan, and Senate Bill 3876, by Senator Little.

ACTING PRESIDENT BENJAMIN: It is so ordered.

Senator Gianaris.

SENATOR GIANARIS: Can you please recognize Senator Martinez for an introduction.

ACTING PRESIDENT BENJAMIN: Senator Martinez.

SENATOR MARTINEZ: Good afternoon,

Mr. President, and thank you.

I am please to recognize today Mr. Henry Salgado, who is the Consul General of El Salvador. He is here with us today joined by his family. He is joined by his wife Yanira, his son Bryan and daughter Ashley. He is also joined today by Miguel Bonilla, who is also the vice president of the Salvadorian American Chamber of Commerce.

The Honorable Mr. Salgado emigrated to the United States at the young age of 15. He came to the U.S. with the hopes of helping the Salvadorian community, and he did that through his connections and collaboration with the immigrant community when he worked as a waiter and made the decision to serve the whole Salvadorian community as a whole, now today serving as the consul.

He represents the ever-growing population of Salvadorians in the nation and is the diplomatic relationship between the United States and El Salvador.

We are honored to have him and his family here today, who took the tour of our Capitol, and I look forward to a productive and

meaningful relationship with our residents.

Mr. President, if you could please recognize the Honorable El Salvadorian Consul Mr. Henry Salgado.

ACTING PRESIDENT BENJAMIN: To the Honorable Henry Salgado, I welcome you on behalf of the Senate. We extend to you all of the courtesies and privileges of this house.

Please all rise and be recognized.

(Standing ovation.)

ACTING PRESIDENT BENJAMIN: Senator Gianaris.

SENATOR GIANARIS: Mr. President, there will be an immediate meeting of the Rules Committee in Room 332.

ACTING PRESIDENT BENJAMIN: There will be an immediate meeting of the Rules Committee in Room 332.

SENATOR GIANARIS: The Senate will stand at ease.

ACTING PRESIDENT BENJAMIN: The Senate will stand at ease.

(Whereupon, the Senate stood at ease at 3:45 p.m.)

(Whereupon, the Senate reconvened at

3:54 p.m.)

ACTING PRESIDENT BENJAMIN: The Senate will return to order.

Senator Gianaris.

SENATOR GIANARIS: Mr. President, can we return to reports of standing committees.

Is there a Rules report at the desk?

ACTING PRESIDENT BENJAMIN: There is a report of the Rules Committee at the desk.

The Secretary will read.

THE SECRETARY: Senator Stewart-Cousins, from the Committee on Rules, reports the following bills:

Senate Print 7063, by Senator Little, an act to amend the Real Property Law;

Senate Print 7306, by Senator Savino, an act to amend the Labor Law;

Senate Print 7307, by Senator Savino, an act to amend the Labor Law;

Senate Print 7308, by Senator Sanders, an act to amend the Labor Law;

Senate Print 7309, by Senator Myrie, an act to amend the Election Law;

Senate Print 7310, by Senator Kennedy, an act to amend the Labor Law;

Senate Print 7311, by Senator Kennedy, an act to amend the Labor Law;

Senate Print 7312, by Senator Brooks, an act to repeal a chapter of the Laws of 2019;

Senate Print 7313, by Senator Skoufis, an act to amend the Election Law;

Senate Print 7314, by Senator Lanza, an act to amend the Navigation Law;

Senate Print 7315, by Senator LaValle, an act to amend the Environmental Conservation Law; and

Senate Print 7321, by Senator Thomas, an act to repeal a chapter of the Laws of 2019.

All bills reported direct to third reading.

SENATOR GIANARIS: Move to accept the report of the Rules Committee.

ACTING PRESIDENT BENJAMIN: All in favor of accepting the report of the Rules Committee signify by saying aye.

(Response of "Aye.")

ACTING PRESIDENT BENJAMIN:

Opposed, nay.

(No response.)

ACTING PRESIDENT BENJAMIN: The Rules Committee report is accepted.

Senator Gianaris.

SENATOR GIANARIS: Can we now take up the reading of the calendar.

ACTING PRESIDENT BENJAMIN: The Secretary will read.

THE SECRETARY: Calendar Number 12, Senate Print 6933, by Senator Martinez, an act to amend the Environmental Conservation Law.

ACTING PRESIDENT BENJAMIN: Read the last section.

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

ACTING PRESIDENT BENJAMIN: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT BENJAMIN: Announce the results.

THE SECRETARY: In relation to Calendar Number 12, those Senators voting in the negative are Senators Akshar, Amedore, Gallivan, Griffo, Helming, Jacobs, Jordan, Little, O'Mara,

Ortt, Ranzenhofer, Ritchie, Seward and Tedisco. Also Senator Robach.

Ayes, 46. Nays, 15.

ACTING PRESIDENT BENJAMIN: The bill is passed.

THE SECRETARY: Calendar Number 20, Senate Print 6941, by Senator Rivera, an act to amend the Public Health Law.

ACTING PRESIDENT BENJAMIN: Read the last section.

THE SECRETARY: Section 11. This act shall take effect immediately.

ACTING PRESIDENT BENJAMIN: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT BENJAMIN: Announce the results.

THE SECRETARY: In relation to Calendar Number 20, voting in the negative: Senator Lanza.

Ayes, 60. Nays, 1.

ACTING PRESIDENT BENJAMIN: The bill is passed.

THE SECRETARY: Calendar Number 29, Senate Print 6950, by Senator Gounardes, an act

to amend the Civil Service Law.

ACTING PRESIDENT BENJAMIN: Read the last section.

THE SECRETARY: Section 6. This act shall take effect on the same date and in the same manner as a chapter of the Laws of 2019.

ACTING PRESIDENT BENJAMIN: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT BENJAMIN: Announce the results.

THE SECRETARY: Ayes, 61.

ACTING PRESIDENT BENJAMIN: The bill is passed.

THE SECRETARY: Calendar Number 35, Senate Print 6956, by Senator Salazar, an act to amend the Public Health Law.

ACTING PRESIDENT BENJAMIN: Read the last section.

THE SECRETARY: Section 5. This act shall take effect on the same date and in the same manner as a chapter of the Laws of 2019.

ACTING PRESIDENT BENJAMIN: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT BENJAMIN: Announce the results.

THE SECRETARY: Ayes, 61.

ACTING PRESIDENT BENJAMIN: The bill is passed.

THE SECRETARY: Calendar Number 39, Senate Print 6960, by Senator Kaminsky, an act to amend the Environmental Conservation Law.

ACTING PRESIDENT BENJAMIN: Read the last section.

THE SECRETARY: Section 2. This act shall take effect on the same date and in the same manner as a chapter of the Laws of 2019.

ACTING PRESIDENT BENJAMIN: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT BENJAMIN: Announce the results.

THE SECRETARY: In relation to Calendar Number 39, those Senators voting in the negative are Senators Akshar, Amedore, Jacobs, Lanza and Serino.

Ayes, 56. Nays, 5.

ACTING PRESIDENT BENJAMIN: The bill is passed.

THE SECRETARY: Calendar Number 44, Senate Print 6965, by Senator Salazar, an act to amend the Public Health Law.

ACTING PRESIDENT BENJAMIN: Read the last section.

THE SECRETARY: Section 4. This act shall take effect on the same date and in the same manner as a chapter of the Laws of 2019.

ACTING PRESIDENT BENJAMIN: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT BENJAMIN: Announce the results.

THE SECRETARY: In relation to Calendar Number 44, voting in the negative: Senator Akshar.

Ayes, 60. Nays, 1.

ACTING PRESIDENT BENJAMIN: The bill is passed.

There is a substitution at the desk.

The Secretary will read.

THE SECRETARY: Senator Metzger moves to discharge, from the Committee on Rules, Assembly Bill Number 8977 and substitute it for the identical Senate Bill 6968, Third Reading

Calendar 47.

ACTING PRESIDENT BENJAMIN: The substitution is so ordered.

The Secretary will read.

THE SECRETARY: Calendar Number 47, Assembly Print Number 8977, by Assemblymember Lupardo, an act to amend the Agriculture and Markets Law.

ACTING PRESIDENT BENJAMIN: Read the last section.

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

ACTING PRESIDENT BENJAMIN: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT BENJAMIN: Senator Metzger to explain her vote.

SENATOR METZGER: Thank you, Mr. President.

The passage of this legislation is hugely important for our farmers, for New York's economy. It is really creating a nation-leading framework for growing, processing and selling hemp and hemp-related products in New York.

And, you know, it's very rare that a

new -- it almost never happens that a new, high-value commodity comes along like this. It's an enormous opportunity for our farmers to diversify and New York businesses up the value chain.

And I also, on -- there's, you know, the economic benefits, but also on the consumer side this legislation creates the important protections we need for consumers. Right now there are no protections. People can buy products with CBD in it and have no idea what's actually in it, whether there's even any CBD in it.

So this is very significant legislation, and I'm proud to be a sponsor and vote aye.

Thank you very much.

ACTING PRESIDENT BENJAMIN: Senator Metzger to be recorded in the affirmative.

Announce the results.

THE SECRETARY: Ayes, 61.

ACTING PRESIDENT BENJAMIN: The bill is passed.

THE SECRETARY: Calendar Number 49,

Senate Print 4034, by Senator Skoufis, an act to amend the General Municipal Law.

ACTING PRESIDENT BENJAMIN: Read the last section.

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

ACTING PRESIDENT BENJAMIN: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT BENJAMIN: Announce the results.

THE SECRETARY: In relation to Calendar Number 49, voting in the negative: Senator LaValle.

Ayes, 60. Nays, 1.

ACTING PRESIDENT BENJAMIN: The bill is passed.

THE SECRETARY: Calendar Number 70, Senate Print 643, by Senator Breslin, an act to amend the Insurance Law and the Vehicle and Traffic Law.

ACTING PRESIDENT BENJAMIN: Read the last section.

THE SECRETARY: Section 9. This act shall take effect on the 270th day after it

shall have become a law.

ACTING PRESIDENT BENJAMIN: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT BENJAMIN: Announce the results.

THE SECRETARY: Ayes, 61.

ACTING PRESIDENT BENJAMIN: The bill is passed.

THE SECRETARY: Calendar Number 90, Senate Print 7166, by Senator Sanders, an act to amend the Tax Law.

ACTING PRESIDENT BENJAMIN: Read the last section.

THE SECRETARY: Section 3. This act shall take effect on the same date and in the same manner as a chapter of the Laws of 2019.

ACTING PRESIDENT BENJAMIN: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT BENJAMIN: Announce the results.

THE SECRETARY: Ayes, 61.

ACTING PRESIDENT BENJAMIN: The bill is passed.

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

SENATOR GIANARIS: Mr. President, we will now take up two bills from the supplemental calendar. Please take up Calendar Numbers 204 and 208.

ACTING PRESIDENT BENJAMIN: The Secretary will read.

THE SECRETARY: Calendar Number 204, Senate Print 7312, by Senator Brooks, an act to repeal a chapter of the Laws of 2019.

ACTING PRESIDENT BENJAMIN: Read the last section.

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

ACTING PRESIDENT BENJAMIN: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT BENJAMIN: Senator Brooks to explain his vote.

SENATOR BROOKS: Thank you, Mr. President.

This, for us in that community, is a very critical bill. It provides to a school district that has significant financial

challenges and significant growth in the student population -- in fact, it's the fastest-growing school district in the State of New York -- it provides assistance to help the district manage their expense program by appointing a monitor, who will be working both with the community and the school district, the State Education Department, to put together long-term financial plans to get this school district back on the right financial footing.

I appreciate the support. This is a district that is the poorest school district in Suffolk County. They right now have a deficit in that district of close to $4 million. This is the leadership they're going to need to get this district back in the right position.

So I will be voting aye.

ACTING PRESIDENT BENJAMIN: Senator Brooks to be recorded in the affirmative.

Senator Mayer to explain her vote.

SENATOR MAYER: Thank you, Mr. President.

Today I'm proud to stand up and support the passage of this bill, S7312, by Senator Brooks, and a bill that I hope we pass

thereafter, by Senator Thomas.

Both of these bills are unprecedented legislation which will strengthen oversight of two struggling school districts, Wyandanch and Hempstead. These measures lead to improved academic programs for students and greater fiscal accountability for parents and communities, while maintaining partnership with school boards and local school officials.

Monitors will be appointed by and accountable to the State Commissioner of Education as they work with local educators. Parents and other stakeholders will have an opportunity to have their voices heard in the process. And monitors will have clear lines of authority, involvement in planning and budget making, and will work with the local board of education to establish a positive path forward for each district.

The students in these districts have unfortunately waited too long for New York State to intervene. Programs have been reduced, and opportunities for children have been lost. These measures are the right balance of oversight, intervention and hope for the children that we

are obligated to serve and to educate.

I want to congratulate the sponsors of these bills, their Assembly counterparts, and the Governor's office for working together for the benefit of the children of these districts. That is our utmost responsibility.

And I proudly vote aye.

ACTING PRESIDENT BENJAMIN: Senator Mayer to be recorded in the affirmative.

Senator Funke to explain his vote.

SENATOR FUNKE: Thank you, Mr. President.

I'm going to vote for this legislation, and I would like to also advise this body that the City of Rochester is facing something similar. We're facing a $34 million deficit now that's going to grow to $60 million.

This is not the fault of students, this is not the fault of teachers, this is not the fault of parents. This is the fault of the City School Board and its malfeasance in the City of Rochester. It is the fault of the previous administration of this school district.

So what do we do about it now? I have legislation also to create a fiscal and an

academic monitor in the City of Rochester. Senator Robach does as well. I am hopeful that as we move through this session that we will be reminded of the fact that we are voting for Hempstead and Wyandanch here, and that you will support the City of Rochester as well. They are struggling, they are suffering right now, and we need to fix that problem.

I vote aye, Mr. President. Thank you.

ACTING PRESIDENT BENJAMIN: Senator Funke to be recorded in the affirmative.

Senator Boyle to explain his vote.

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

I'd first like to thank my colleague Senator Brooks for his leadership and hard work on this piece of legislation for the Wyandanch School District, and also Assemblywoman Kimberly Jean-Pierre, who did such great work in the Assembly. It's long overdue for the students of Wyandanch to have a turnaround, and this is the beginning of it, I believe.

Importantly, we just saw the Governor give his budget presentation. He talked

about driving money to high-needs school districts. Well, we need to remember it's not just where the money goes, it's how it's spent, and we've got to keep our eye on the ball.

I vote in favor.

ACTING PRESIDENT BENJAMIN: Senator Boyle to be recorded in the affirmative.

Senator Jackson to explain his vote.

SENATOR JACKSON: Thank you, Mr. President and my colleagues.

I rise in order to speak about these particular bills, about Senator Brooks. I heard what he had to say in our conference, and I support that wholeheartedly. Because when it comes to our children's education, we want to make sure that the elected or appointed school boards are doing the right thing.

And where the Senator, both either Senator Brooks or Senator Thomas from Hempstead, are alleging that things need to be looked at from a monitor's point of view, I wholeheartedly support that, especially when my colleagues are saying that the graduation rate is 31 percent or around that, which is totally unacceptable to me as someone that has been involved in education,

as the father of three girls.

And, more specifically, last year in the budgetary process I went to Rochester, I went to Schenectady, I went to Long Island, and I know what the conditions are. I do know this, that the State of New York owes our children statewide $4 billion. In Rochester, New York, it was almost $3,000 per student that the State of New York owed under the lawsuit and under the Campaign for Fiscal Equity, with the Foundation Aid formula.

Now, can you imagine -- I don't have a calculator on me -- 3,000 times 28,000? That's how much money Rochester is owed.

And so, Senator, I stand with you, with the people of Rochester, in supporting whatever has to be done to ensure that Rochester gets the money they rightfully deserve and that it's spent correctly. So when that legislation -- if it's already out, I will sign on to that and support you and the people of Rochester, just like I support my colleague Senator Brooks and my colleague Senator Thomas in their efforts to ensure that our children receive a good education.

I vote aye.

ACTING PRESIDENT BENJAMIN: Senator Jackson to be recorded in the affirmative.

Announce the results.

THE SECRETARY: In relation to Calendar Number 204, those Senators voting in the negative are Senators Amedore, Borrello, Flanagan, Gallivan --

ACTING PRESIDENT BENJAMIN: Announce the results.

THE SECRETARY: In relation to Calendar 204, those Senators voting in the negative are Senators Amedore, Borrello, Flanagan, Gallivan, Griffo, Jacobs, Jordan, O'Mara, Ortt, Serino and Tedisco.

Ayes, 50. Nays, 11.

ACTING PRESIDENT BENJAMIN: The bill is passed.

THE SECRETARY: Calendar Number 208, Senate Print 7321, by Senator Thomas, an act to repeal a chapter of the Laws of 2019.

ACTING PRESIDENT BENJAMIN: Read the last section.

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

ACTING PRESIDENT BENJAMIN: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT BENJAMIN: Senator Thomas to explain his vote.

SENATOR THOMAS: Thank you, Mr. President.

This is a very important bill to my are district. For far too long, the students in Hempstead were suffering. And now with this bill, with this chapter amendment, there will be more equity in education in Hempstead.

The Hempstead School District educates a large minority population. These children deserve high-quality education in order for them to have upward mobility and to obtain their American dream.

This is exactly why I introduced the Hempstead school monitor bill. The monitor will guide the school district on education and fiscal matters. The monitor will hold public hearings, and recommendations from the public hearings will have to be followed by the school district.

The Hempstead School District has been struggling, but they are showing that their

graduation rates are going up. This monitor will ensure the district succeeds.

I want to thank the Governor, because he had an opportunity to shed light on this district and the inequity in education, and he took it.

This will ensure children have a right to a sound education. Equity in education will go a very long way in having these young members of our society obtain their American dream.

I vote yes.

ACTING PRESIDENT BENJAMIN: Senator Thomas to be recorded in the affirmative.

Announce the results.

THE SECRETARY: In relation to Calendar 208, those Senators voting in the negative are Senators Amedore, Borrello, Flanagan, Gallivan, Griffo, Jacobs, Jordan, O'Mara, Ortt, Ranzenhofer and Serino. Also Senator Tedisco.

Ayes, 49. Nays, 12.

ACTING PRESIDENT BENJAMIN: The bill is passed.

Senator Gianaris, that completes the

reading of today's supplemental calendar.

SENATOR GIANARIS: Mr. President, there will be now be an immediate meeting of the Crime Victims, Crime and Corrections Committee in Room 124 of the Capitol.

ACTING PRESIDENT BENJAMIN: There will be an immediate meeting of the Crime Victims, Crime and Corrections Committee following session in Room 124 of the Capitol.

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

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

SENATOR GIANARIS: I move that we adjourn until tomorrow, Wednesday, January 22nd, at 3:00 p.m.

ACTING PRESIDENT BENJAMIN: On motion, the Senate stands adjourned until Wednesday, January 22nd, at 3:00 p.m.

(Whereupon, at 4:13 p.m., the Senate adjourned.)