

1 NEW YORK STATE SENATE

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3
4 THE STENOGRAPHIC RECORD

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7
8 ALBANY, NEW YORK

9 January 27, 2020

10 3:50 p.m.

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13
14 REGULAR SESSION

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18 SENATOR BRIAN A. BENJAMIN, Acting President

19 ALEJANDRA N. PAULINO, ESQ., Secretary

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

2 ACTING PRESIDENT BENJAMIN: The
3 Senate will come to order.

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

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

8 ACTING PRESIDENT BENJAMIN: Today
9 we have with us Reverend Dr. Leander Harding,
10 dean of the Cathedral of All Saints, Episcopal
11 Diocese of Albany, and he will deliver today's
12 invocation.

13 REVEREND DR. HARDING: Good
14 afternoon. Thank you for the privilege of
15 allowing me to do this.

16 I have two short prayers today.
17 They're from the Book of Common Prayer, which is
18 the great tradition of the English-speaking
19 church. The first one is a prayer for our
20 country. Let us pray.

21 "Almighty God, Who hast given us
22 this good land for our heritage: We humbly
23 beseech Thee that we may always prove ourselves a
24 people mindful of Thy favor and glad to do Thy
25 will.

1 "Bless our land with honorable
2 industry, sound learning, and pure manners. Save
3 us from violence, discord, and confusion, from
4 pride and arrogancy, and from every evil way.
5 Defend our liberties, and fashion into one united
6 people the multitudes brought hither out of many
7 kindreds and tongues.

8 "Endue with the spirit of wisdom
9 those to whom in Thy name we entrust the
10 authority of government, that there may be
11 justice and peace at home, and that, through
12 obedience to Thy law, we may show forth Thy
13 praise among the nations of the earth.

14 "In the time of prosperity, fill our
15 hearts with thankfulness, and in the day of
16 trouble, suffer not our trust in Thee to fail.

17 "All this we ask through our Lord
18 Jesus Christ. Amen."

19 And this is a prayer for a State
20 Legislature.

21 "O God, the fountain of wisdom,
22 Whose statutes are good and gracious, Whose law
23 is truth: We beseech Thee so to guide and bless
24 the Legislature of this state, that it may ordain
25 for our governance only such things as please

1 Thee, to the glory of Thy name and the welfare of
2 Thy people, through Jesus Christ our Lord."

3 May the blessing of God Almighty,
4 the Father, the Son and the Holy Spirit, be upon
5 you. Amen.

6 ACTING PRESIDENT BENJAMIN: Reading
7 of the Journal.

8 THE SECRETARY: In Senate, Sunday,
9 January 26, 2020, the Senate met pursuant to
10 adjournment. The Journal of Saturday,
11 January 25, 2020, was read and approved. On
12 motion, Senate adjourned.

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

15 Presentation of petitions.

16 Messages from the Assembly.

17 Messages from the Governor.

18 Reports of standing committees.

19 Reports of select committees.

20 Communications and reports from
21 state officers.

22 Motions and resolutions.

23 Senator Gianaris.

24 SENATOR GIANARIS: Mr. President,
25 on behalf of Senator Parker, I wish to call up

1 Senate Print 4378, recalled from the Assembly,
2 which is now at the desk.

3 ACTING PRESIDENT BENJAMIN: The
4 Secretary will read.

5 THE SECRETARY: Calendar Number 1,
6 Senate Print 4378, by Senator Parker, an act to
7 amend the Election Law.

8 SENATOR GIANARIS: Move to
9 reconsider the vote by which the bill was passed.

10 ACTING PRESIDENT BENJAMIN: The
11 Secretary will call the roll on reconsideration.

12 (The Secretary called the roll.)

13 THE SECRETARY: Ayes, 52.

14 ACTING PRESIDENT BENJAMIN: The
15 bill is restored to its place on the Third
16 Reading Calendar.

17 SENATOR GIANARIS: I offer the
18 following amendments.

19 ACTING PRESIDENT BENJAMIN: The
20 amendments are received.

21 SENATOR GIANARIS: On behalf of
22 Senator Sanders, I move the following bill be
23 discharged from its respective committee and
24 recommitted with instructions to strike the
25 enacting clause: Senate Bill 3032A.

1 ACTING PRESIDENT BENJAMIN: It is
2 so ordered.

3 SENATOR GIANARIS: At this time,
4 Mr. President, please take up previously adopted
5 Resolution 2394, by Senator Metzger, read its
6 title only, and recognize Senator Metzger.

7 ACTING PRESIDENT BENJAMIN: The
8 Secretary will read.

9 THE SECRETARY: Senate Resolution
10 2394, by Senator Metzger, congratulating the
11 Delaware Academy Girls Cross Country Team upon
12 the occasion of capturing the New York State
13 Public High School Athletic Association Class D
14 Championship.

15 ACTING PRESIDENT BENJAMIN:
16 Senator Metzger on the resolution.

17 SENATOR METZGER: Thank you,
18 Mr. President.

19 I'm so proud to sponsor this
20 legislative resolution congratulating the
21 Delaware Academy Girls Cross Country Team. They
22 had been here earlier today and hoped to be here
23 in the chamber, but had to get back. They had a
24 ways to travel.

25 But this phenomenal group of young

1 athletes captured the New York State Public High
2 School Athletic Association Class D Championship
3 in November. To the praise and applause of their
4 excited fans during the New York State
5 Championship Meet in Plattsburgh, the Bulldogs
6 were able to best their competitors and achieved
7 the most revered high school sporting
8 accomplishment in the Empire State.

9 I'd like to congratulate each of the
10 members of the Delhi-based team individually:
11 Rachel Blocker, Sienna Dorr, Gretel
12 Hilson-Schneider, Ellie Lees, Lucia Marsiglio,
13 Camille Mueller, Cella Schnabel, Anna Tessier,
14 and Lonnie Weiss. I congratulate all of them.

15 As an amateur runner myself -- and
16 I'm sure I am far slower than they are -- I'm
17 just so thrilled to be celebrating them today.

18 Cross country demands strenuous
19 training, consistent mileage, and extraordinary
20 mental toughness. So I'd also like to applaud
21 their athletic director, Jeffrey Ferrara, Head
22 Coach Skip Baxter and his expert coaching staff,
23 Assistant Coaches Melissa Emilio and Lenny Mintz,
24 who worked very hard to hone the skills of this
25 championship team, teaching these outstanding

1 athletes lessons which will prove invaluable both
2 on and off the running trails.

3 And to the fine team of young women,
4 all of those characteristics that they brought to
5 athletics and to their admirable victory that
6 were so important to their success -- hard work,
7 focus, perseverance, working together as a team
8 and believing in themselves -- these skills will
9 help them in so many other ways in life. And I'm
10 very proud to represent each and every one of
11 them.

12 Congratulations to the team. It's
13 very well deserved.

14 Thank you very much.

15 ACTING PRESIDENT BENJAMIN: The
16 resolution was previously adopted on
17 January 14th.

18 Senator Gianaris.

19 SENATOR GIANARIS: At
20 Senator Metzger's request, that resolution is
21 open for cosponsorship.

22 ACTING PRESIDENT BENJAMIN: The
23 resolution is open for cosponsorship. Should you
24 choose not to be a cosponsor of the resolution,
25 please notify the desk.

1 Senator Gianaris.

2 SENATOR GIANARIS: Can you now
3 recognize Senator Sepúlveda for purposes of an
4 introduction.

5 ACTING PRESIDENT BENJAMIN: Senator
6 Sepúlveda.

7 SENATOR SEPÚLVEDA: Thank you for
8 allowing me to make this introduction.

9 Today we have a group of young
10 ladies from the Bronx, Brooklyn, Queens,
11 Manhattan -- specifically, Washington Heights --
12 they're up there smiling and waving. They are
13 here as part of the Life is Precious program that
14 is run by Communilife.

15 For those of you who don't know,
16 I've spoken regularly about my mother, when I was
17 11 years old, committed suicide. She suffered
18 from depression. And unfortunately, she wasn't
19 diagnosed. At the time, the level of care that
20 you had back then -- this is 45 years ago --
21 wasn't as available as it is today. And we
22 still, as far back then, still deal with the
23 stigma of suicide and suicide ideation in this
24 country in a way that sometimes baffles me.

25 But today we have these 40 wonderful

1 young women who are joining us from the
2 Communilife's Life is Precious program.

3 Suicide amongst young Latinas is the
4 second biggest killer. About 15.3 percent of
5 young Latinas between the age of 12 and 17
6 successfully commit suicide, and a good portion
7 of them -- a larger portion engage in what's
8 called suicide ideation.

9 Now, the program was created by Life
10 is Precious, which was itself created in 2008 by
11 what we call the Little Giant, Dr. Rosa Gil. She
12 created the program after getting hundreds of
13 referrals from emergency rooms that weren't
14 prepared to deal with this specific issue and
15 this specific age group. She recognized the need
16 for safe havens for young women where they could
17 be given support and skills needed to reclaim
18 their sense of worth, their limitless potential,
19 along with a binding sisterhood that helps foster
20 a new pride in this bicultural background.

21 Latina teens, as we've said, have
22 some of the highest rates of suicide, and this
23 program has been fighting that. Life is Precious
24 is totally free for these deserving young women.
25 And thanks to the continued support of my

1 colleagues in this chamber, I would like the
2 members of this chamber to join me in welcoming
3 these young women from the city who are here
4 today.

5 And I want it to be known that
6 Communilife has helped, has treated, has had over
7 300 young ladies participate in this program.
8 And I'm proud to say that not a single one of the
9 participants has successfully committed suicide;
10 many of them have taken a different course in
11 their lives and been very successful young women.

12 And I want you all to help me in
13 welcoming them to this chamber today. Thank you.

14 (Standing ovation.)

15 ACTING PRESIDENT BENJAMIN: To our
16 guests from the Life is Precious program, I
17 welcome you on behalf of the Senate. We extend
18 to you all of the privileges and courtesies of
19 this house while you're here.

20 Senator Gianaris.

21 SENATOR GIANARIS: Please take up
22 the reading of the calendar, Mr. President.

23 ACTING PRESIDENT BENJAMIN: The
24 Secretary will read.

25 THE SECRETARY: Calendar Number 48,

1 Senate Print 509, by Senator Kennedy, an act to
2 amend the General Municipal Law.

3 ACTING PRESIDENT BENJAMIN: Read
4 the last section.

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

7 ACTING PRESIDENT BENJAMIN: Call
8 the roll.

9 (The Secretary called the roll.)

10 ACTING PRESIDENT BENJAMIN:
11 Announce the results.

12 THE SECRETARY: In relation to
13 Calendar Number 48, those Senators voting in the
14 negative are Senators Krueger and LaValle.

15 Ayes, 57. Nays, 2.

16 ACTING PRESIDENT BENJAMIN: The
17 bill is passed.

18 THE SECRETARY: Calendar Number 50,
19 Senate Print 7087, by Senator Addabbo, an act to
20 amend the Racing, Pari-Mutuel Wagering and
21 Breeding Law.

22 ACTING PRESIDENT BENJAMIN: Read
23 the last section.

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

1 ACTING PRESIDENT BENJAMIN: Call
2 the roll.

3 (The Secretary called the roll.)

4 ACTING PRESIDENT BENJAMIN:
5 Announce the results.

6 THE SECRETARY: Ayes, 59.

7 ACTING PRESIDENT BENJAMIN: The
8 bill is passed.

9 THE SECRETARY: Calendar Number 85,
10 Senate Print 7161, by Senator Hoylman, an act to
11 amend the Public Health Law and the Executive
12 Law.

13 ACTING PRESIDENT BENJAMIN: Read
14 the last section.

15 THE SECRETARY: Section 5. This
16 act shall take effect immediately.

17 ACTING PRESIDENT BENJAMIN: Call
18 the roll.

19 (The Secretary called the roll.)

20 ACTING PRESIDENT BENJAMIN: Senator
21 Hoylman to explain his vote.

22 SENATOR HOYLMAN: Thank you,
23 Mr. President.

24 I just wanted to note that this bill
25 would ensure that minors who are the victims of

1 sexual assault have access to a full 28-day
2 regimen of PEP. The PEP is post-exposure
3 prophylaxis. It's a highly effective anti-HIV
4 drug that, when taken within 72 hours of a sexual
5 encounter, can prevent an HIV infection.

6 The reason this bill is important is
7 that PEP can cost between \$600 and \$1000 for a
8 72-hour regimen, and missing a dose during that
9 28-day period can seriously limit the medicine's
10 ability to prevent HIV.

11 So I wanted to thank the NYCLU,
12 Callen-Lorde, and the New York State Coalition
13 Against Sexual Assault for their efforts in
14 support of this legislation, as well as my
15 colleagues for their support.

16 And I vote aye.

17 ACTING PRESIDENT BENJAMIN: Senator
18 Hoylman to be recorded in the affirmative.

19 Announce the results.

20 THE SECRETARY: In relation to
21 Calendar Number 85, those Senators voting in the
22 negative are Senators Gallivan, Jacobs and Ortt.

23 Ayes, 57. Nays, 3.

24 ACTING PRESIDENT BENJAMIN: The
25 bill is passed.

1 THE SECRETARY: Calendar Number 96,
2 Senate Print 7172, by Senator Rivera, an act to
3 direct the Department of Health to convene a
4 workgroup on rare diseases.

5 ACTING PRESIDENT BENJAMIN: Read
6 the last section.

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

10 ACTING PRESIDENT BENJAMIN: Call
11 the roll.

12 (The Secretary called the roll.)

13 ACTING PRESIDENT BENJAMIN:
14 Announce the results.

15 THE SECRETARY: Ayes, 60.

16 ACTING PRESIDENT BENJAMIN: The
17 bill is passed.

18 THE SECRETARY: Calendar Number 99,
19 Senate Print 7175, by Senator Montgomery, an act
20 to amend the Public Health Law.

21 ACTING PRESIDENT BENJAMIN: Read
22 the last section.

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

1 ACTING PRESIDENT BENJAMIN: Call
2 the roll.

3 (The Secretary called the roll.)

4 ACTING PRESIDENT BENJAMIN:
5 Announce the results.

6 THE SECRETARY: Ayes, 61.

7 ACTING PRESIDENT BENJAMIN: The
8 bill is passed.

9 THE SECRETARY: Calendar Number
10 100, Senate Print 7176, by Senator May, an act to
11 amend the Elder Law.

12 ACTING PRESIDENT BENJAMIN: Read
13 the last section.

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

17 ACTING PRESIDENT BENJAMIN: Call
18 the roll.

19 (The Secretary called the roll.)

20 ACTING PRESIDENT BENJAMIN:
21 Announce the results.

22 THE SECRETARY: Ayes, 61.

23 ACTING PRESIDENT BENJAMIN: The
24 bill is passed.

25 THE SECRETARY: Calendar Number

1 177, Senate Print 2397, by Senator Comrie, an act
2 to direct the New York State Department of
3 Financial Services and the New York State
4 Department of State's Consumer Protection
5 Division to conduct a study on consumer
6 awareness.

7 ACTING PRESIDENT BENJAMIN: Read
8 the last section.

9 THE SECRETARY: Section 3. This
10 act shall take effect on the 120th day after it
11 shall have become a law.

12 ACTING PRESIDENT BENJAMIN: Call
13 the roll.

14 (The Secretary called the roll.)

15 ACTING PRESIDENT BENJAMIN:
16 Announce the results.

17 THE SECRETARY: Ayes, 61.

18 ACTING PRESIDENT BENJAMIN: The
19 bill is passed.

20 THE SECRETARY: Calendar Number
21 182, Senate Print 5538A, by Senator Brooks, an
22 act directing the commissioner of the Office for
23 People With Developmental Disabilities to conduct
24 a study on the feasibility of allowing the use of
25 debit cards.

1 ACTING PRESIDENT BENJAMIN: Read
2 the last section.

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

5 ACTING PRESIDENT BENJAMIN: Call
6 the roll.

7 (The Secretary called the roll.)

8 ACTING PRESIDENT BENJAMIN:
9 Announce the results.

10 THE SECRETARY: Ayes, 61.

11 ACTING PRESIDENT BENJAMIN: The
12 bill is passed.

13 THE SECRETARY: Calendar Number
14 196, Senate Print 4977, by Senator Skoufis, an
15 act to amend the General Business Law.

16 ACTING PRESIDENT BENJAMIN: Read
17 the last section.

18 THE SECRETARY: Section 2. This
19 act shall take effect on the 30th day after it
20 shall have become a law.

21 ACTING PRESIDENT BENJAMIN: Call
22 the roll.

23 (The Secretary called the roll.)

24 ACTING PRESIDENT BENJAMIN:
25 Announce the results.

1 THE SECRETARY: Ayes, 61.

2 ACTING PRESIDENT BENJAMIN: The
3 bill is passed.

4 THE SECRETARY: Calendar Number
5 199, Senate Print 7307, by Senator Savino, an act
6 to amend the Labor Law.

7 ACTING PRESIDENT BENJAMIN: Read
8 the last section.

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

12 ACTING PRESIDENT BENJAMIN: Call
13 the roll.

14 (The Secretary called the roll.)

15 ACTING PRESIDENT BENJAMIN:
16 Announce the results.

17 THE SECRETARY: In relation to
18 Calendar Number 199, those Senators voting in the
19 negative are Senators Amedore, Borrello,
20 Gallivan, Griffo, Helming, Jacobs, Little,
21 O'Mara, Ortt, Ranzenhofer, Serino, Seward and
22 Tedisco.

23 Ayes, 48. Nays, 13.

24 ACTING PRESIDENT BENJAMIN: The
25 bill is passed.

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

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

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

7 SENATOR GIANARIS: Move to adjourn
8 until tomorrow, Tuesday, January 28th, at
9 3:00 p.m.

10 ACTING PRESIDENT BENJAMIN: On
11 motion, the Senate stands adjourned until
12 Tuesday, January 28th, at 3:00 p.m.

13 (Whereupon, at 4:07 p.m., the Senate
14 adjourned.)

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