NEW YORK STATE SENATE

THE STENOGRAPHIC RECORD

ALBANY, NEW YORK

January 27, 2020

3:50 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: Today we have with us Reverend Dr. Leander Harding, dean of the Cathedral of All Saints, Episcopal Diocese of Albany, and he will deliver today's invocation.

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

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

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

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

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

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

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

And this is a prayer for a State Legislature.

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

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

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

ACTING PRESIDENT BENJAMIN: Reading of the Journal.

THE SECRETARY: In Senate, Sunday, January 26, 2020, the Senate met pursuant to adjournment. The Journal of Saturday, January 25, 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: Mr. President, on behalf of Senator Parker, I wish to call up

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

ACTING PRESIDENT BENJAMIN: The Secretary will read.

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

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

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

(The Secretary called the roll.)

THE SECRETARY: Ayes, 52.

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

SENATOR GIANARIS: I offer the following amendments.

ACTING PRESIDENT BENJAMIN: The amendments are received.

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

ACTING PRESIDENT BENJAMIN: It is so ordered.

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

ACTING PRESIDENT BENJAMIN: The Secretary will read.

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

ACTING PRESIDENT BENJAMIN: Senator Metzger on the resolution.

SENATOR METZGER: Thank you, Mr. President.

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

But this phenomenal group of young

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

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

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

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

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

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

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

Thank you very much.

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

Senator Gianaris.

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

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

Senator Gianaris.

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

ACTING PRESIDENT BENJAMIN: Senator Sepúlveda.

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

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

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

But today we have these 40 wonderful

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

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

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

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

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

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

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

(Standing ovation.)

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

Senator Gianaris.

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

ACTING PRESIDENT BENJAMIN: The Secretary will read.

THE SECRETARY: Calendar Number 48,

Senate Print 509, by Senator Kennedy, an act to amend the General Municipal 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: Announce the results.

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

Ayes, 57. Nays, 2.

ACTING PRESIDENT BENJAMIN: The bill is passed.

THE SECRETARY: Calendar Number 50, Senate Print 7087, by Senator Addabbo, an act to amend the Racing, Pari-Mutuel Wagering and Breeding 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: Announce the results.

THE SECRETARY: Ayes, 59.

ACTING PRESIDENT BENJAMIN: The bill is passed.

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

ACTING PRESIDENT BENJAMIN: Read the last section.

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

ACTING PRESIDENT BENJAMIN: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT BENJAMIN: Senator Hoylman to explain his vote.

SENATOR HOYLMAN: Thank you, Mr. President.

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

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

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

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

And I vote aye.

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

Announce the results.

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

Ayes, 57. Nays, 3.

ACTING PRESIDENT BENJAMIN: The bill is passed.

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

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, 60.

ACTING PRESIDENT BENJAMIN: The bill is passed.

THE SECRETARY: Calendar Number 99, Senate Print 7175, by Senator Montgomery, an act to amend the Public Health 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: Ayes, 61.

ACTING PRESIDENT BENJAMIN: The bill is passed.

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

THE SECRETARY: Calendar Number

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

ACTING PRESIDENT BENJAMIN: Read the last section.

THE SECRETARY: Section 3. This act shall take effect on the 120th 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 182, Senate Print 5538A, by Senator Brooks, an act directing the commissioner of the Office for People With Developmental Disabilities to conduct a study on the feasibility of allowing the use of debit cards.

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: Announce the results.

THE SECRETARY: Ayes, 61.

ACTING PRESIDENT BENJAMIN: The bill is passed.

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

ACTING PRESIDENT BENJAMIN: Read the last section.

THE SECRETARY: Section 2. This act shall take effect on the 30th 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 199, Senate Print 7307, by Senator Savino, an act to amend the Labor 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: In relation to Calendar Number 199, those Senators voting in the negative are Senators Amedore, Borrello, Gallivan, Griffo, Helming, Jacobs, Little, O'Mara, Ortt, Ranzenhofer, Serino, Seward and Tedisco.

Ayes, 48. Nays, 13.

ACTING PRESIDENT BENJAMIN: The bill is passed.

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

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

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

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

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

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