

1 NEW YORK STATE SENATE

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3  
4 THE STENOGRAPHIC RECORD

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9 ALBANY, NEW YORK

10 January 29, 2020

11 11:20 a.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: In the  
9 absence of clergy, let us bow our heads in a  
10 moment of silent reflection or prayer.

11 (Whereupon, the assemblage respected  
12 a moment of silence.)

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

15 THE SECRETARY: In Senate, Tuesday,  
16 January 28, 2020, the Senate met pursuant to  
17 adjournment. The Journal of Monday, January 27,  
18 2020, was read and approved. On motion, Senate  
19 adjourned.

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

22 Presentation of petitions.

23 Messages from the Assembly.

24 Messages from the Governor.

25 Reports of standing committees.

1 Reports of select committees.

2 Communications and reports from  
3 state officers.

4 Motions and resolutions.

5 Senator Gianaris.

6 SENATOR GIANARIS: Mr. President,  
7 at this point can we begin by taking up the  
8 reading of the calendar.

9 ACTING PRESIDENT BENJAMIN: The  
10 Secretary will read.

11 THE SECRETARY: Calendar Number 181,  
12 Senate Print 4835, by Senator Carlucci, an act to  
13 amend the Mental Hygiene Law.

14 ACTING PRESIDENT BENJAMIN: Read  
15 the last section.

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

18 ACTING PRESIDENT BENJAMIN: Call  
19 the roll.

20 (The Secretary called the roll.)

21 ACTING PRESIDENT BENJAMIN:  
22 Announce the results.

23 THE SECRETARY: Ayes, 55.

24 ACTING PRESIDENT BENJAMIN: The  
25 bill is passed.

1                   THE SECRETARY:    Calendar Number  
2   186, Senate Print 3412, by Senator Martinez, an  
3   act to amend the Agriculture and Markets Law.

4                   ACTING PRESIDENT BENJAMIN:   Read  
5   the last section.

6                   THE SECRETARY:    Section 2.   This  
7   act shall take effect on the 60th day after it  
8   shall have become a law.

9                   ACTING PRESIDENT BENJAMIN:   Call  
10   the roll.

11                   (The Secretary called the roll.)

12                   ACTING PRESIDENT BENJAMIN:  
13   Announce the results.

14                   THE SECRETARY:    In relation to  
15   Calendar Number 186, those Senators voting in the  
16   negative are Senators Akshar and Amedore.

17                   Ayes, 53.   Nays, 2.

18                   ACTING PRESIDENT BENJAMIN:   The  
19   bill is passed.

20                   THE SECRETARY:    Calendar Number  
21   202, Senate Print 7310, by Senator Kennedy, an  
22   act to amend the Labor Law.

23                   ACTING PRESIDENT BENJAMIN:   Read  
24   the last section.

25                   THE SECRETARY:    Section 2.   This act

1 shall take effect on the same date and in the  
2 same manner as a chapter of the Laws of 2019.

3 ACTING PRESIDENT BENJAMIN: Call  
4 the roll.

5 (The Secretary called the roll.)

6 ACTING PRESIDENT BENJAMIN:  
7 Announce the results.

8 THE SECRETARY: In relation to  
9 Calendar Number 202, those Senators voting in the  
10 negative are Senators Akshar, Amedore, Borrello,  
11 Flanagan, Funke, Gallivan, Griffo, Helming,  
12 Jacobs, Jordan, Lanza, Ortt, Ritchie, Serino and  
13 Tedisco. Also Senator O'Mara.

14 Ayes, 39. Nays, 16.

15 ACTING PRESIDENT BENJAMIN: The  
16 bill is passed.

17 THE SECRETARY: Calendar Number  
18 205, Senate Print 7313, by Senator Skoufis, an  
19 act to amend the Election Law.

20 ACTING PRESIDENT BENJAMIN: Read  
21 the last section.

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

25 ACTING PRESIDENT BENJAMIN: Call

1 the roll.

2 (The Secretary called the roll.)

3 ACTING PRESIDENT BENJAMIN:

4 Announce the results.

5 THE SECRETARY: In relation to  
6 Calendar Number 205, voting in the negative:  
7 Senator Akshar.

8 Ayes, 54. Nays, 1.

9 ACTING PRESIDENT BENJAMIN: The  
10 bill is passed.

11 THE SECRETARY: Calendar Number  
12 216, Senate Print 6199, by Senator Jackson, an  
13 act to amend the Private Housing Finance Law.

14 ACTING PRESIDENT BENJAMIN: Read  
15 the last section.

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

18 ACTING PRESIDENT BENJAMIN: Call  
19 the roll.

20 (The Secretary called the roll.)

21 ACTING PRESIDENT BENJAMIN:

22 Announce the results.

23 THE SECRETARY: Ayes, 55.

24 ACTING PRESIDENT BENJAMIN: The  
25 bill is passed.

1                   THE SECRETARY:    Calendar Number  
2    223, Senate Print 6153, by Senator Sepúlveda, an  
3    act to amend the Executive Law.

4                   ACTING PRESIDENT BENJAMIN:    Read  
5    the last section.

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

8                   ACTING PRESIDENT BENJAMIN:    Call  
9    the roll.

10                   (The Secretary called the roll.)

11                   ACTING PRESIDENT BENJAMIN:  
12    Announce the results.

13                   THE SECRETARY:    In relation to  
14    Calendar Number 223, those Senators voting in the  
15    negative are Senators Jacobs, Jordan, Ortt,  
16    O'Mara and Robach.

17                   Ayes, 50.   Nays, 5.

18                   ACTING PRESIDENT BENJAMIN:    The  
19    bill is passed.

20                   THE SECRETARY:    Calendar Number  
21    225, Senate Print 4408, by Senator Gounardes, an  
22    act to amend the Real Property Law.

23                   ACTING PRESIDENT BENJAMIN:    Read  
24    the last section.

25                   THE SECRETARY:    Section 2.   This

1 act shall take effect on the 120th day after it  
2 shall have become a law.

3 ACTING PRESIDENT BENJAMIN: Call  
4 the roll.

5 (The Secretary called the roll.)

6 ACTING PRESIDENT BENJAMIN:  
7 Announce the results.

8 THE SECRETARY: In relation to  
9 Calendar Number 225, those Senators voting in the  
10 negative are Senators Flanagan and Gallivan.

11 Ayes, 53. Nays, 2.

12 ACTING PRESIDENT BENJAMIN: The  
13 bill is passed.

14 THE SECRETARY: Calendar Number  
15 227, Senate Print 5557A, by Senator  
16 Stewart-Cousins, an act to amend the Real  
17 Property Tax Law.

18 ACTING PRESIDENT BENJAMIN: Read  
19 the last section.

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

22 ACTING PRESIDENT BENJAMIN: Call  
23 the roll.

24 (The Secretary called the roll.)

25 ACTING PRESIDENT BENJAMIN: Senator



1       Carlucci to explain his vote.

2                       SENATOR CARLUCCI:     Thank you,  
3       Mr. President.

4                       I want to thank our Majority Leader,  
5       Andrea Stewart-Cousins, for sponsoring this  
6       important legislation.

7                       Unfortunately, in Rockland and  
8       Westchester Counties we pay some of the highest  
9       property taxes not only in the state but in the  
10      nation, so this legislation is well overdue.  
11      It's time that we raised the income eligibility  
12      for our seniors and people living with  
13      disabilities to qualify for a property tax  
14      exemption. I believe this will help thousands of  
15      New Yorkers throughout New York State to remain  
16      in their homes and live an independent,  
17      productive life.

18                      So I want to thank my colleagues for  
19      supporting this important legislation. We must  
20      continue to fight these regressive taxes like  
21      property taxes, make them more progressive. This  
22      is a way to do it. I want to thank Majority  
23      Leader Andrea Stewart-Cousins and all my  
24      colleagues for supporting this legislation.

25                      Thank you, Mr. President.

1                   ACTING PRESIDENT BENJAMIN:    Senator  
2   Carlucci to be recorded in the affirmative.

3                   Announce the results.

4                   THE SECRETARY:    Ayes, 55.

5                   ACTING PRESIDENT BENJAMIN:    The  
6   bill is passed.

7                   THE SECRETARY:    Calendar Number  
8   228, Senate Print 3099, by Senator Addabbo, an  
9   act to amend the Civil Service Law.

10                  ACTING PRESIDENT BENJAMIN:    Read  
11   the last section.

12                  THE SECRETARY:    Section 4.   This  
13   act shall take effect immediately.

14                  ACTING PRESIDENT BENJAMIN:    Call  
15   the roll.

16                  (The Secretary called the roll.)

17                  ACTING PRESIDENT BENJAMIN:  
18   Announce the results.

19                  THE SECRETARY:    In relation to  
20   Calendar Number 228, voting in the negative:  
21   Senator Savino.

22                  Ayes, 54.   Nays, 1.

23                  ACTING PRESIDENT BENJAMIN:    The  
24   bill is passed.

25                  THE SECRETARY:    Calendar Number

1     259, Senate Print 7236, by Senator Myrie, an act  
2     to amend the Election 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:     Ayes, 55.

13            ACTING PRESIDENT BENJAMIN:     The  
14     bill is passed.

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

17            SENATOR GIANARIS:     At this point  
18     can we return to motions and resolutions.     Please  
19     take up previously adopted Resolution 2689, by  
20     Senator Kavanaugh, read that resolution's title  
21     only, and recognize Senator Kavanaugh.

22            ACTING PRESIDENT BENJAMIN:     The  
23     Secretary will read.

24            THE SECRETARY:     Senate Resolution  
25     2689, by Senator Kavanaugh, recognizing

1 January 29, 2020, as Student Press Freedom Day.

2 ACTING PRESIDENT BENJAMIN: Senator  
3 Kavanagh on the resolution.

4 SENATOR KAVANAGH: Thank you,  
5 Mr. President.

6 This day is recognized nationally by  
7 the Student Press Law Center and many legislative  
8 bodies throughout the country as Student Press  
9 Freedom Day. It is part of a larger effort to  
10 secure the rights of student journalists across  
11 the country. It's a national day when we  
12 celebrate the contributions of high school  
13 student journalists and also highlight the fact  
14 that under current law in many states, these  
15 journalists are subject to censorship.

16 You know, we've all seen, in recent  
17 years particularly, an upsurge of activism and  
18 enthusiasm among students who are exercising  
19 their right to protest, exercising their right to  
20 have strong opinions and have their voices heard  
21 with respect to many issues that are before us in  
22 this chamber.

23 But unfortunately in a Supreme Court  
24 case in 1988 called Hazelwood, the decision was  
25 that these journalists are permitted to be

1 censored by their schools. So while they may  
2 have the right to wear armbands and do other  
3 things to express themselves during the  
4 school day, ironically the students who the  
5 school chooses and who choose to be  
6 journalists are subject to censorship.

7               So again, we understand the growing  
8 importance of good, independent journalism. We  
9 understand that in our high schools we have the  
10 students who we hope will be leading the  
11 journalistic profession in the long run, and it  
12 is important that we acknowledge that they have  
13 the right to express themselves as journalists in  
14 a responsible way while they're learning the  
15 craft.

16               So I appreciate the opportunity to  
17 speak on this resolution, and the resolution is  
18 open to sponsorship by anyone who wants to join  
19 us.

20               ACTING PRESIDENT BENJAMIN: The  
21 resolution was previously adopted on  
22 January 28th.

23               Senator Gianaris.

24               SENATOR GIANARIS: Mr. President,  
25 as you heard, Senator Kavanagh would like to open

1     that resolution for cosponsorship.

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

6                   Senator Gianaris.

7                   SENATOR GIANARIS:     Mr. President,  
8     on behalf of the Majority Leader, there are  
9     handups related to Majority Conference membership  
10    changes, as well as handups related to Minority  
11    membership changes, in consultation with Minority  
12    Leader Flanagan.  I ask that both be filed in the  
13    Journal.

14                  ACTING PRESIDENT BENJAMIN:     The  
15    handups are received and will be filed in the  
16    Journal.

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

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

21                  SENATOR GIANARIS:     I move to  
22    adjourn until Monday, February 3rd, at 3:00 p.m.,  
23    intervening days being legislative days.

24                  ACTING PRESIDENT BENJAMIN:     On  
25    motion, the Senate stands adjourned until Monday,

1 February 3rd, at 3:00 p.m., intervening days  
2 being legislative days.

3 (Whereupon, at 11:29 a.m., the  
4 Senate adjourned.)

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