NEW YORK STATE SENATE

THE STENOGRAPHIC RECORD

ALBANY, NEW YORK

January 29, 2020

11:20 a.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, Tuesday, January 28, 2020, the Senate met pursuant to adjournment. The Journal of Monday, January 27, 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, at this point can we begin by taking up the reading of the calendar.

ACTING PRESIDENT BENJAMIN: The Secretary will read.

THE SECRETARY: Calendar Number 181, Senate Print 4835, by Senator Carlucci, an act to amend the Mental Hygiene 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: Ayes, 55.

ACTING PRESIDENT BENJAMIN: The bill is passed.

THE SECRETARY: Calendar Number 186, Senate Print 3412, by Senator Martinez, 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 on the 60th 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: In relation to Calendar Number 186, those Senators voting in the negative are Senators Akshar and Amedore.

Ayes, 53. Nays, 2.

ACTING PRESIDENT BENJAMIN: The bill is passed.

THE SECRETARY: Calendar Number 202, Senate Print 7310, by Senator Kennedy, an act to amend the Labor 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 202, those Senators voting in the negative are Senators Akshar, Amedore, Borrello, Flanagan, Funke, Gallivan, Griffo, Helming, Jacobs, Jordan, Lanza, Ortt, Ritchie, Serino and Tedisco. Also Senator O'Mara.

Ayes, 39. Nays, 16.

ACTING PRESIDENT BENJAMIN: The bill is passed.

THE SECRETARY: Calendar Number 205, Senate Print 7313, by Senator Skoufis, an act to amend the Election 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: In relation to Calendar Number 205, voting in the negative: Senator Akshar.

Ayes, 54. Nays, 1.

ACTING PRESIDENT BENJAMIN: The bill is passed.

THE SECRETARY: Calendar Number 216, Senate Print 6199, by Senator Jackson, an act to amend the Private Housing Finance 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, 55.

ACTING PRESIDENT BENJAMIN: The bill is passed.

THE SECRETARY: Calendar Number 223, Senate Print 6153, by Senator Sepúlveda, an act to amend the Executive 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 223, those Senators voting in the negative are Senators Jacobs, Jordan, Ortt, O'Mara and Robach.

Ayes, 50. Nays, 5.

ACTING PRESIDENT BENJAMIN: The bill is passed.

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

ACTING PRESIDENT BENJAMIN: Read the last section.

THE SECRETARY: Section 2. 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: In relation to Calendar Number 225, those Senators voting in the negative are Senators Flanagan and Gallivan.

Ayes, 53. Nays, 2.

ACTING PRESIDENT BENJAMIN: The bill is passed.

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

Carlucci to explain his vote.

SENATOR CARLUCCI: Thank you, Mr. President.

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

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

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

Thank you, Mr. President.

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

Announce the results.

THE SECRETARY: Ayes, 55.

ACTING PRESIDENT BENJAMIN: The bill is passed.

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

ACTING PRESIDENT BENJAMIN: Read the last section.

THE SECRETARY: Section 4. 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 228, voting in the negative: Senator Savino.

Ayes, 54. Nays, 1.

ACTING PRESIDENT BENJAMIN: The bill is passed.

THE SECRETARY: Calendar Number

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

ACTING PRESIDENT BENJAMIN: The bill is passed.

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

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

ACTING PRESIDENT BENJAMIN: The Secretary will read.

THE SECRETARY: Senate Resolution 2689, by Senator Kavanagh, recognizing

January 29, 2020, as Student Press Freedom Day.

ACTING PRESIDENT BENJAMIN: Senator Kavanagh on the resolution.

SENATOR KAVANAGH: Thank you, Mr. President.

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

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

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

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

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

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

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

Senator Gianaris.

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

that resolution 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: Mr. President, on behalf of the Majority Leader, there are handups related to Majority Conference membership changes, as well as handups related to Minority membership changes, in consultation with Minority Leader Flanagan. I ask that both be filed in the Journal.

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

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 to adjourn until Monday, February 3rd, at 3:00 p.m., intervening days being legislative days.

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

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

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