

1 NEW YORK STATE SENATE

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4 THE STENOGRAPHIC RECORD

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8
9 ALBANY, NEW YORK

10 February 13, 2020

11 11:14 a.m.

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13
14 REGULAR SESSION

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18 SENATOR SHELLEY B. MAYER, Acting President

19 ALEJANDRA N. PAULINO, ESQ., Secretary

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

2 ACTING PRESIDENT MAYER: The Senate
3 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 MAYER: Pastor Ed
9 Ilarraza, from New Life Tabernacle in New City,
10 will give today's invocation.

11 PASTOR ILARRAZA: Good morning.

12 Omnipotent, omniscient, eternal,
13 omnipresent Father, we acknowledge Your mercy and
14 grace that You shower on each and every one of
15 us.

16 Father, we pray that each legislator
17 and person in this chamber may have Your hand of
18 protection upon them. May Your holy spirit
19 provide each legislator with such wisdom that
20 each decision made will truly reflect the mind
21 and heart of God.

22 May their ears be inclined towards
23 You so they may hear You speak wisdom and
24 knowledge to their hearts and minds. May they
25 trust in You with all their hearts, and not lean

1 on their own understanding, but in all their ways
2 acknowledge You.

3 May they legislate with compassion
4 upon the less fortunate. May they always walk in
5 the light, because there is no fellowship between
6 light and darkness. May they always dwell in
7 what is true, what is honorable, what is right,
8 what is pure, what is lovely, whatever is of good
9 repute. May they dwell in excellence, which is
10 worthy of praise.

11 May they be prudent. May they walk
12 securely, in integrity blessed. May every
13 decision made be birthed in an abundant
14 atmosphere of prayer with much ponderance and
15 counsel.

16 O God, we are living in such
17 unsettling times. Protect our citizens, our
18 cities, our counties, our state, our nation from
19 the enemy's attack. Lord, we pray that You keep
20 their families safe while they are away from
21 home. Holy Spirit, when they are away from their
22 spouses and children, You be there to comfort,
23 guide, and protect them.

24 We pray this in the name that's
25 above all names, the powerful and matchless name

1 of Jesus. Amen.

2 (Response of "Amen.")

3 ACTING PRESIDENT MAYER: Reading of
4 the Journal.

5 THE SECRETARY: In Senate,
6 Wednesday, February 12, 2020, the Senate met
7 pursuant to adjournment. The Journal of Tuesday,
8 February 11, 2020, was read and approved. On
9 motion, Senate adjourned.

10 ACTING PRESIDENT MAYER: Without
11 objection, the Journal stands approved as read.

12 Presentation of petitions.

13 Messages from the Assembly.

14 Messages from the Governor.

15 Reports of standing committees.

16 Reports of select committees.

17 Communications and reports from
18 state officers.

19 Motions and resolutions.

20 Senator Gianaris.

21 SENATOR GIANARIS: At this time,
22 Madam President, can we take up the reading of
23 the calendar.

24 ACTING PRESIDENT MAYER: The
25 Secretary will read.

1 THE SECRETARY: Calendar Number
2 124, Senate Print 6445, by Senator Jackson, an
3 act to amend the Arts and Cultural Affairs Law.

4 ACTING PRESIDENT MAYER: Read the
5 last section.

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

8 ACTING PRESIDENT MAYER: Call the
9 roll.

10 (The Secretary called the roll.)

11 ACTING PRESIDENT MAYER: Announce
12 the results.

13 THE SECRETARY: Ayes, 50.

14 ACTING PRESIDENT MAYER: The bill
15 is passed.

16 THE SECRETARY: Calendar Number
17 155, Senate Print 4429, by Senator Parker, an act
18 to amend the Economic Development Law.

19 ACTING PRESIDENT MAYER: Read the
20 last section.

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

23 ACTING PRESIDENT MAYER: Call the
24 roll.

25 (The Secretary called the roll.)

1 ACTING PRESIDENT MAYER: Announce
2 the results.

3 THE SECRETARY: Ayes, 50.

4 ACTING PRESIDENT MAYER: The bill
5 is passed.

6 THE SECRETARY: Calendar Number
7 210, Senate Print 5338A, by Senator Comrie, an
8 act to amend the Public Authorities Law and the
9 Economic Development Law.

10 ACTING PRESIDENT MAYER: Read the
11 last section.

12 THE SECRETARY: Section 3. This
13 act shall take effect on the 90th day after it
14 shall have become a law.

15 ACTING PRESIDENT MAYER: Call the
16 roll.

17 (The Secretary called the roll.)

18 ACTING PRESIDENT MAYER: Announce
19 the results.

20 THE SECRETARY: Ayes, 50.

21 ACTING PRESIDENT MAYER: The bill
22 is passed.

23 THE SECRETARY: Calendar Number
24 239, Senate Print 1079, by Senator Persaud, an
25 answer requiring the Department of Labor to

1 produce a report regarding summer youth
2 employment programs.

3 ACTING PRESIDENT MAYER: Read the
4 last section.

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

7 ACTING PRESIDENT MAYER: Call the
8 roll.

9 (The Secretary called the roll.)

10 ACTING PRESIDENT MAYER: Announce
11 the results.

12 THE SECRETARY: In relation to
13 Calendar 239, voting in the negative:
14 Senator Akshar.

15 Ayes, 49. Nays, 1.

16 ACTING PRESIDENT MAYER: The bill
17 is passed.

18 THE SECRETARY: Calendar Number
19 338, Senate Print 5433A, by Senator Benjamin, an
20 act to amend the Banking Law.

21 ACTING PRESIDENT MAYER: Read the
22 last section.

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

25 ACTING PRESIDENT MAYER: Call the

1 roll.

2 (The Secretary called the roll.)

3 ACTING PRESIDENT MAYER:

4 Senator Akshar to explain his vote.

5 SENATOR AKSHAR: Madam President,
6 thank you very much. I appreciate your
7 indulgence.

8 This bill -- the sponsor and I had
9 an opportunity last year to debate the bill. I
10 just want to make a couple of points, if I may.

11 I really think that we're setting a
12 very foolish precedent in the state in terms of
13 the State Legislature dictating to the financial
14 service who they can and who they can't do
15 business with.

16 The banking industry in the State of
17 New York, a \$4 trillion a year system. And, you
18 know, my fear is is that this bill is part of a
19 long line of the Legislature enacting policy or
20 dealing with policy really that has some type of
21 social issue. You saw DFS do this with the gun
22 industry, with Remington and others. You saw
23 climate change being dealt with in the banking
24 industry, in the insurance industry.

25 And the Department of Financial

1 Services is very clear. In their declaration of
2 policy, it says that it's their policy to ensure
3 the safe and sound conduct of business, to ensure
4 the continued safety and soundness of New York's
5 banking, insurance and financial services
6 industry. To ensure a continued solvency,
7 safety, soundness, and prudent conduct of
8 providers of financial products and services.

9 That is their role. So I don't
10 think it should be the role of this body to
11 dictate to those in the financial sector who they
12 can and who they can't invest their money with.

13 Madam President, when it comes time
14 to vote, I'll be voting no.

15 ACTING PRESIDENT MAYER:
16 Senator Akshar to be recorded in the negative.

17 Senator Benjamin to explain his
18 vote.

19 SENATOR BENJAMIN: Sure. Thank
20 you, Madam President. I want to just say a few
21 things.

22 Number one, I want to thank our
23 leader, Andrea Stewart-Cousins, for bringing this
24 bill to the floor, particularly during Black
25 History Month.

1 You know, it is no -- everyone is
2 well aware of the scourge of mass incarceration
3 in our country, and I strongly believe that a
4 part of that is the private prison industry.

5 I feel very strongly that private
6 prisons should not be allowed in any way, shape
7 or form, for one simple reason: The profit
8 incentive. When you run a private business, as
9 I've done in my past, your job is to make sure
10 you keep your business alive and growing. In
11 this case, when you're talking about private
12 prisons, the product are people, and you are
13 looking to incarcerate people in order to make a
14 living. I think that is not a business that the
15 private sector should be anywhere near involved.

16 So in the State of New York, we do
17 not permit private prison activity, and I think
18 that's the right thing to do. But I think it's
19 also important to say if you're a state-chartered
20 bank, you should not have the right to lend money
21 to private prisons.

22 Why is that so important? Right now
23 we are debating marijuana in the State of
24 New York, whether we legalize it or not. We
25 presently have a medical marijuana industry here,

1 and guess what? Banks don't lend to them. Why?
2 Because, they say, the federal statute -- it's
3 illegal.

4 So I think it's appropriate to say
5 if there are businesses and industries that we
6 define as illegal, or things that we shouldn't
7 participate in, that it is well within our right
8 to say banks that are chartered in the State of
9 New York should not lend to them.

10 And so I'm humbled that this bill is
11 on the floor today. I think this should be a
12 signal for other people.

13 Let me just say also, with all due
14 respect, because I do believe in business in the
15 State of New York -- we introduced this bill last
16 year. It passed on this floor. A year later,
17 not one bank has issued a letter of opposition to
18 this bill. You would think if this is something
19 that state-chartered banks in New York were so
20 concerned about, we would at least have received
21 at least one letter. To this point, we have
22 received nothing.

23 Numerous large banks -- Chase, Bank
24 of America, Wells Fargo -- all have said, We
25 don't want anything to do with the private prison

1 industry. They've backed off. Two
2 state-chartered banks, by the way, Barclays and
3 BNP Paribas, both have said when their
4 relationships end, they will no longer -- when
5 their current commitments expire, they will not
6 reup.

7 So clearly, the private industry on
8 its own has said, We don't want to be in this
9 space.

10 I think it's important in statute to
11 make it clear where our values are. And I think
12 this is the kind of thing that people expect from
13 a progressive government, to say we believe that
14 certain businesses should not be in the hands of
15 the private sector because of the nature of what
16 is going on.

17 So thank you so much for this time
18 on the floor, and I want to thank my colleagues
19 for their support of this bill.

20 Thank you, Madam President.

21 ACTING PRESIDENT MAYER: Senator
22 Benjamin to be recorded in the affirmative.

23 Announce the results.

24 THE SECRETARY: In relation to
25 Calendar 338, those Senators voting in the

1 negative are Senators Akshar, Amedore, Borrello,
2 Boyle, Flanagan, Funke, Griffo, Helming, Jordan,
3 Lanza, Little, Ortt, Ritchie, Robach and Tedisco.

4 Ayes, 38. Nays, 15.

5 ACTING PRESIDENT MAYER: The bill
6 is passed.

7 THE SECRETARY: Calendar Number
8 378, Senate Print 5808A, by Senator Montgomery,
9 an act to establish a task force on educator
10 diversity in New York State.

11 ACTING PRESIDENT MAYER: Read the
12 last section.

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

15 ACTING PRESIDENT MAYER: Call the
16 roll.

17 (The Secretary called the roll.)

18 ACTING PRESIDENT MAYER: Announce
19 the results.

20 THE SECRETARY: Ayes, 53.

21 ACTING PRESIDENT MAYER: The bill
22 is passed.

23 THE SECRETARY: Calendar Number
24 379, Senate Print 7635, by Senator Liu, an act to
25 amend the Education Law.

1 ACTING PRESIDENT MAYER: Read the
2 last section.

3 THE SECRETARY: Section 2. This
4 act shall take effect on the 180th day after it
5 shall have become a law.

6 ACTING PRESIDENT MAYER: Call the
7 roll.

8 (The Secretary called the roll.)

9 ACTING PRESIDENT MAYER: Announce
10 the results.

11 THE SECRETARY: Ayes, 53.

12 ACTING PRESIDENT MAYER: The bill
13 is passed.

14 THE SECRETARY: Calendar Number
15 380, Senate Print 7642, by Senator Jackson, an
16 act to amend the Education Law.

17 ACTING PRESIDENT MAYER: Read the
18 last section.

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

21 ACTING PRESIDENT MAYER: Call the
22 roll.

23 (The Secretary called the roll.)

24 ACTING PRESIDENT MAYER: Announce
25 the results.

1 THE SECRETARY: Ayes, 53.

2 ACTING PRESIDENT MAYER: The bill
3 is passed.

4 THE SECRETARY: Calendar Number
5 383, Senate Print 2406A, by Senator Serrano, an
6 act to amend the Education Law and the Public
7 Health Law.

8 ACTING PRESIDENT MAYER: Read the
9 last section.

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

12 ACTING PRESIDENT MAYER: Call the
13 roll.

14 (The Secretary called the roll.)

15 ACTING PRESIDENT MAYER: Senator
16 Serrano to explain his vote.

17 SENATOR SERRANO: Thank you,
18 Madam President.

19 I'd like to thank all my colleagues
20 for considering this bill.

21 I believe cultural competency in the
22 medical professions is something that is of
23 critical importance for the entire State of
24 New York. Ensuring that medical professionals
25 have a minimum basic training and understanding

1 of the vast and diverse communities that they
2 serve I think brings about much better medical
3 outcomes in everything from infant mortality
4 through geriatric care.

5 I think that this is a really basic
6 bill that will make the care and communication
7 between patients and doctors much better, and
8 thereby creating the better health outcomes that
9 we're looking for here in the State of New York.

10 So I thank you all for your support,
11 and I vote yes.

12 ACTING PRESIDENT MAYER: Senator
13 Serrano to be recorded in the affirmative.

14 Announce the results.

15 THE SECRETARY: In relation to
16 Calendar 383, those Senators voting in the
17 negative are Senators Akshar, Amedore, Borrello,
18 Flanagan, Funke, Griffo, Jordan, Lanza, O'Mara,
19 Ortt, Ritchie and Tedisco.

20 Ayes, 43. Nays, 12.

21 ACTING PRESIDENT MAYER: The bill
22 is passed.

23 THE SECRETARY: Calendar Number
24 386, Senate Print 6788A, by Senator Bailey, an
25 act relating to creating the commission on

1 affordable college education to study the
2 participation of community colleges.

3 ACTING PRESIDENT MAYER: Read the
4 last section.

5 THE SECRETARY: Section 8. This
6 act shall take effect on the 90th day after it
7 shall have become a law.

8 ACTING PRESIDENT MAYER: Call the
9 roll.

10 (The Secretary called the roll.)

11 ACTING PRESIDENT MAYER:
12 Senator Bailey to explain his vote.

13 SENATOR BAILEY: Thank you, Madam
14 President. I'll be brief.

15 I thank my colleagues for supporting
16 this important piece of legislation. The EOP
17 program, Educational Opportunity Program, has
18 been a godsend in no other terms to so many
19 people that I've attended college with.

20 I was a student at the University at
21 Albany, and many of my friends who were in the
22 EOP program were often more successful than some
23 of us who were not in the EOP program. It gives
24 structure and guidance to so many people in
25 four-year schools, but we need to make sure that

1 this is available in all the two-year schools.

2 In my opinion, having this
3 commission to study the feasibility of it in
4 two-year schools is critically important, because
5 these two-year schools often serve as a
6 springboard towards a four-year school for so
7 many students from underserved backgrounds and
8 abilities. And they just want a chance, an
9 opportunity, which is in the EOP program's
10 mission.

11 So I thank you, Madam President. I
12 thank my colleagues for supporting this important
13 piece of legislation.

14 I vote aye, Madam President.

15 ACTING PRESIDENT MAYER:
16 Senator Bailey to be recorded in the affirmative.

17 Announce the results.

18 THE SECRETARY: In relation to
19 Calendar 386, those Senators voting in the
20 negative are Senators Amedore, Borrello, Funke
21 and Serino.

22 Ayes, 51. Nays, 4.

23 ACTING PRESIDENT MAYER: The bill
24 is passed.

25 Senator Gianaris, that completes the

1 reading of today's calendar.

2 SENATOR GIANARIS: Madam President,
3 is there any further business at the desk?

4 ACTING PRESIDENT MAYER: There is
5 no further business at the desk.

6 SENATOR GIANARIS: I move to
7 adjourn until Monday, February 24th, at
8 3:00 p.m., with intervening days being
9 legislative days.

10 ACTING PRESIDENT MAYER: On motion,
11 the Senate stands adjourned until Monday,
12 February 24th, at 3:00 p.m., intervening days
13 being legislative days.

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

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