NEW YORK STATE SENATE

THE STENOGRAPHIC RECORD

ALBANY, NEW YORK

February 13, 2020

11:14 a.m.

REGULAR SESSION

SENATOR SHELLEY B. MAYER, Acting President

ALEJANDRA N. PAULINO, ESQ., Secretary

P R O C E E D I N G S

ACTING PRESIDENT MAYER: 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 MAYER: Pastor Ed Ilarraza, from New Life Tabernacle in New City, will give today's invocation.

PASTOR ILARRAZA: Good morning.

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

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

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

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

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

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

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

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

of Jesus. Amen.

(Response of "Amen.")

ACTING PRESIDENT MAYER: Reading of the Journal.

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

ACTING PRESIDENT MAYER: 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: At this time, Madam President, can we take up the reading of the calendar.

ACTING PRESIDENT MAYER: The Secretary will read.

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

ACTING PRESIDENT MAYER: Read the last section.

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

ACTING PRESIDENT MAYER: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT MAYER: Announce the results.

THE SECRETARY: Ayes, 50.

ACTING PRESIDENT MAYER: The bill is passed.

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

ACTING PRESIDENT MAYER: Read the last section.

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

ACTING PRESIDENT MAYER: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT MAYER: Announce the results.

THE SECRETARY: Ayes, 50.

ACTING PRESIDENT MAYER: The bill is passed.

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

ACTING PRESIDENT MAYER: Read the last section.

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

ACTING PRESIDENT MAYER: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT MAYER: Announce the results.

THE SECRETARY: Ayes, 50.

ACTING PRESIDENT MAYER: The bill is passed.

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

produce a report regarding summer youth employment programs.

ACTING PRESIDENT MAYER: Read the last section.

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

ACTING PRESIDENT MAYER: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT MAYER: Announce the results.

THE SECRETARY: In relation to Calendar 239, voting in the negative:

Senator Akshar.

Ayes, 49. Nays, 1.

ACTING PRESIDENT MAYER: The bill is passed.

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

ACTING PRESIDENT MAYER: Read the last section.

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

ACTING PRESIDENT MAYER: Call the

roll.

(The Secretary called the roll.)

ACTING PRESIDENT MAYER:

Senator Akshar to explain his vote.

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

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

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

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

And the Department of Financial

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

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

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

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

Senator Benjamin to explain his vote.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Thank you, Madam President.

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

Announce the results.

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

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

Ayes, 38. Nays, 15.

ACTING PRESIDENT MAYER: The bill is passed.

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

ACTING PRESIDENT MAYER: Read the last section.

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

ACTING PRESIDENT MAYER: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT MAYER: Announce the results.

THE SECRETARY: Ayes, 53.

ACTING PRESIDENT MAYER: The bill is passed.

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

ACTING PRESIDENT MAYER: Read the last section.

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

ACTING PRESIDENT MAYER: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT MAYER: Announce the results.

THE SECRETARY: Ayes, 53.

ACTING PRESIDENT MAYER: The bill is passed.

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

ACTING PRESIDENT MAYER: Read the last section.

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

ACTING PRESIDENT MAYER: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT MAYER: Announce the results.

THE SECRETARY: Ayes, 53.

ACTING PRESIDENT MAYER: The bill is passed.

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

ACTING PRESIDENT MAYER: Read the last section.

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

ACTING PRESIDENT MAYER: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT MAYER: Senator Serrano to explain his vote.

SENATOR SERRANO: Thank you, Madam President.

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

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

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

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

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

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

Announce the results.

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

Ayes, 43. Nays, 12.

ACTING PRESIDENT MAYER: The bill is passed.

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

affordable college education to study the participation of community colleges.

ACTING PRESIDENT MAYER: Read the last section.

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

ACTING PRESIDENT MAYER: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT MAYER: Senator Bailey to explain his vote.

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

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

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

this is available in all the two-year schools.

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

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

I vote aye, Madam President.

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

Announce the results.

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

Ayes, 51. Nays, 4.

ACTING PRESIDENT MAYER: The bill is passed.

Senator Gianaris, that completes the

reading of today's calendar.

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

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

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

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

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