NEW YORK STATE SENATE

THE STENOGRAPHIC RECORD

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3:37 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've been joined by the Reverend Steven D. Paulikas, of All Saints Episcopal Church in Brooklyn, and he will deliver today's invocation.

Reverend?

REVEREND PAULIKAS: Let us pray.

O God, You are the fountain of wisdom and truth.

We pray for Your blessing on this body. Guide and bless our Senators as they discern Your will for the welfare of the people of this state. Help them remember the words of Your gospel, that what we do for the least of our siblings we do for You.

O God, in this time of division and anger, of fear and anxiety, let Your holy peace descend upon this Senate. Give to Your servants assembled here clear thoughts and humble spirits.

Empower them by Your grace to put the interests of those they represent above their own. And let them never forget the powerless and voiceless among us.

As this body discerns Your will for New Yorkers whose lives are impacted by our criminal justice system, let them remember that the spread of fear leads to the diminishment of justice.

We offer this "Collect for Prisons and Correctional Institutions" from the Book of Common Prayer.

Jesus, for our sake You were condemned as a criminal. Visit our jails and prisons with Your pity and judgment. Remember all prisoners, and bring the guilty to repentance and amendment of life according to Your will, and give them hope for their future. When any are held unjustly, bring them release.

Forgive us and teach us to improve our justice. Remember those who work in these institutions. Keep them humane and compassionate, and save them from becoming brutal or callous. And since what we do for those in prison, O God, we do for You, constrain us to

improve their lot.

All this we ask for Your mercy's sake. Amen.

(Response of "Amen.")

ACTING PRESIDENT BENJAMIN: Reading of the Journal.

THE SECRETARY: In Senate, Sunday, February 23, 2020, the Senate met pursuant to adjournment. The Journal of Saturday, February 22, 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 Martinez, on page 6 I offer the following amendments to Calendar 61, Senate

Print 4345, and ask that said bill retain its place on the Third Reading Calendar.

ACTING PRESIDENT BENJAMIN: The amendments are received, and the bill shall retain its place on the Third Reading Calendar.

SENATOR GIANARIS: Can you recognize Senator Flanagan for an introduction, please.

ACTING PRESIDENT BENJAMIN: Senator Flanagan for an introduction.

SENATOR FLANAGAN: Thank you, Senator Gianaris. Thank you, Mr. President. I don't make a lot of introductions, so I appreciate the courtesy of the present.

And up in the gallery -- he's actually standing right now -- is a constituent who just came from visiting the Assembly and was introduced over there, and his name is Sal Greco.

Sal is -- I'm happy to represent him here in the State Senate. Just a quick couple of facts.

He was married for 60 years before his wife passed away. Four grandchildren -- excuse me, four children, nine grandchildren, and four great-grandchildren. And he's had a very

varied and storied career.

Personally, I think he looks pretty darn good for 86 years old. He looks good for any age. But it's nice to have him here.

He was a captain in the Marine Corps, served with distinction, and one of the proudest components of his life and career was service to our country.

He flew 18 different aircrafts, between the military and being a commercial pilot, served a stint with New York Airways, landed on top of the Pan Am Building in Manhattan, watched the compete construction of the Twin Towers, was involved in all aspects of -- he's really an atomic veteran. He was exposed to radiation, H bomb and A bomb explosions and all the environmental consequences of that time.

He actually got to fly Robert Kennedy, Robert Moses and Governor Rockefeller to Robert Moses Beach for the original ribbon-cutting ceremony. Little fun facts, it's obviously part of a long and positive life.

But he also wrote a book called Beneath the Blades, and went through his

experiences through commercial flying and talked about his service to his country.

Mr. President, I would ask, as you always are gracious, to recognize my constituent, Mr. Greco, afford him the courtesies of the house.

And Mr. Greco, to you and your family, thank you for who you are and for your service to our country.

ACTING PRESIDENT BENJAMIN: Mr. Greco and family, I welcome you on behalf of the Senate. We extend to you all the privileges and courtesies of this house.

Let's all rise and please recognize Mr. Greco.

(Standing ovation.)

ACTING PRESIDENT BENJAMIN: Senator Gianaris.

SENATOR GIANARIS: Mr. President, can we now take up previously adopted Resolution 2154, by Senator Metzger, read that resolution in its entirety, and recognize Senator Metzger on the resolution.

ACTING PRESIDENT BENJAMIN: The Secretary will read.

ACTING PRESIDENT BENJAMIN: Senate Resolution 2154, by Senator Metzger, congratulating Sofia Macaluso upon the occasion of capturing the 122-pound freestyle title at the 2019 United States Marine Corps Cadet and Junior National Championships on July 14, 2019.

"WHEREAS, Individual and team championships are highly sought after in high school sports; this Legislative Body commends rare athletic achievements and pays special recognition to those who pursue such excellence and become examples for the youth of this great Empire State; and

"WHEREAS, Athletic competition helps to enhance both the moral and physical development of young athletes, preparing them for the future by instilling in them the importance of teamwork, encouraging a standard of healthy living, and developing a sense of fair play and competition; and

"WHEREAS, This Legislative Body is justly proud to congratulate Sofia Macaluso upon the occasion of capturing the 122-pound freestyle title at the 2019 U.S. Marine Corps Cadet and Junior National Championships on Sunday, July 14,

2019, at the FargoDome in Fargo, North Dakota; and

"WHEREAS, In front of a capacity crowd and a fan base of family, friends and teammates, 10th-ranked Sofia Macaluso earned a 10-0 technical fall over 14th-ranked Kelly Escamilla to capture the national championship; and

"WHEREAS, In addition to this monumental win, Minisink Valley High School sophomore Sofia Macaluso won the 2019 USA Wrestling Junior Folkstyle Nationals Championship, and 2019 U16 Folkstyle Nationals Championship; placed third in the New York State Public High School Athletic Association Championships, fifth in the 2019 UWW Cadet Nationals Championship, seventh in the 2018 U16 Nationals Championships, fourth in the 2017 Super 32, seventh in the 2017 Schoolgirl Nationals Championships, and sixth in the 2016 Schoolgirl Nationals; and

"WHEREAS, In light of her many accomplishments, Sofia Macaluso has brought honor and just pride to her school and community on the local, state and national level; now, therefore,

be it

"RESOLVED, That this Legislative Body pause in its deliberations to congratulate Sofia Macaluso upon the occasion of capturing the 122-pound freestyle title at the 2019 U.S. Marine Corps Cadet and Junior National Championships on July 14, 2019; and be it further

"RESOLVED, That a copy of this resolution, suitably engrossed, be transmitted to Sofia Macaluso."

ACTING PRESIDENT BENJAMIN: Senator Metzger on the resolution.

SENATOR METZGER: Thank you, Mr. President.

I'd like to start off by welcoming Minisink Valley High School junior Sofia Macaluso and her parents, Nikki and Heath, here today in the Senate chambers to honor Sofia with a Senate resolution for her extraordinary wrestling in the 122-pound division of the U.S. Marine Corps Cadets Women's Freestyle National Competitions this past summer.

This fierce young woman has been wrestling since the age of 7, and she has demonstrated what you can do with hard work and

perseverance. Sofia was, impressively, New York's only national champion in 2019, and is the seventh New York woman to receive a cadet title.

Sofia's talents extend beyond her mat. She has a deep passion for protecting the environment, which I share with her, and which is truly infectious. I had the great pleasure of having her as an intern last fall, where she worked on a project to survey, study all of the recycling facilities throughout the 42nd District, in an effort to develop a model and help them improve.

I look forward to seeing Sofia continue to blaze a path forward in wrestling, and I can't wait to see what she does in life. This is certainly the beginning of what is going to be an incredible career.

Thank you, Mr. President. And I ask respectfully that you please extend the privileges and courtesies of the house to them.

Thank you very much.

ACTING PRESIDENT BENJAMIN: To Sofia Macaluso and family, I welcome you on behalf of the Senate. We extend to you

all the privileges and courtesies of this house.

Please rise and be recognized.

(Standing ovation.)

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

Senator Gianaris.

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

ACTING PRESIDENT BENJAMIN: The Secretary will read.

THE SECRETARY: Calendar Number 140, Senate Print 877A, by Senator Rivera, an act to amend the Civil Practice Law and Rules.

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 140, those Senators voting in the negative are Senators Akshar, Amedore, Griffo, Helming, Jacobs, Jordan, Lanza, Little, Ortt, Robach, Seward and Tedisco.

Ayes, 45. Nays, 12.

ACTING PRESIDENT BENJAMIN: The bill is passed.

THE SECRETARY: Calendar Number 226, Senate Print 5209A, by Senator Sanders, an act to amend the Elder 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, 57.

ACTING PRESIDENT BENJAMIN: The bill is passed.

THE SECRETARY: Calendar Number 236, Senate Print 435, by Senator Hoylman, an act to amend the Tax Law.

ACTING PRESIDENT BENJAMIN: Read the last section.

THE SECRETARY: Section 2. This act shall take effect on the first of January.

ACTING PRESIDENT BENJAMIN: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT BENJAMIN: Announce the results.

THE SECRETARY: Ayes, 57.

ACTING PRESIDENT BENJAMIN: The bill is passed.

THE SECRETARY: Calendar Number 245, Senate Print 2328, by Senator Kavanagh, an act to amend the State Finance Law.

SENATOR GIANARIS: Lay it aside for the day.

ACTING PRESIDENT BENJAMIN: The bill will be laid aside for the day.

THE SECRETARY: Calendar Number 264, Senate Print 3834, by Senator Metzger, an act to amend the Public Health 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: Ayes, 57.

ACTING PRESIDENT BENJAMIN: The bill is passed.

THE SECRETARY: Calendar Number 334, Senate Print 6252, by Senator Gianaris, an act to amend Chapter 395 of the Laws of 2008.

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, 57.

ACTING PRESIDENT BENJAMIN: The bill is passed.

THE SECRETARY: Calendar Number 351, Senate Print 3998, by Senator Gaughran, an act to amend the Vehicle and Traffic 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, 57.

ACTING PRESIDENT BENJAMIN: The bill is passed.

THE SECRETARY: Calendar Number 377, Senate Print 311, by Senator Felder, an act to direct the Commissioner of Education to examine, evaluate and make recommendations on the provision of services by public school guidance

counselors.

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, 57.

ACTING PRESIDENT BENJAMIN: The bill is passed.

THE SECRETARY: Calendar Number 384, Senate Print 5023A, by Senator Parker, an act to amend the Education Law.

ACTING PRESIDENT BENJAMIN: Read the last section.

THE SECRETARY: Section 3. This act shall take effect December 1, 2020.

ACTING PRESIDENT BENJAMIN: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT BENJAMIN: Announce the results.

THE SECRETARY: Ayes, 57.

ACTING PRESIDENT BENJAMIN: The bill is passed.

THE SECRETARY: Calendar Number 415, Senate Print 628, by Senator Boyle, an act to amend the Executive Law.

ACTING PRESIDENT BENJAMIN: 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 BENJAMIN: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT BENJAMIN: Announce the results.

THE SECRETARY: Ayes, 57.

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, Mr. President?

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

SENATOR GIANARIS: I move to adjourn until tomorrow, Tuesday, February 25th, at 3:00 p.m.

ACTING PRESIDENT BENJAMIN: On motion, the Senate stands adjourned until Tuesday, February 25th, at 3:00 p.m.

(Whereupon, at 3:52 p.m., the Senate adjourned.)