NEW YORK STATE SENATE

THE STENOGRAPHIC RECORD

ALBANY, NEW YORK

February 27, 2020

11:16 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, Wednesday, February 26, 2020, the Senate met pursuant to adjournment. The Journal of Tuesday, February 25, 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: I move to adopt the Resolution Calendar, with the exception of Resolution 2914.

ACTING PRESIDENT BENJAMIN: All in favor of adopting the Resolution Calendar, with the exception of Resolution 2914, please signify by saying aye.

(Response of "Aye.")

ACTING PRESIDENT BENJAMIN: Opposed, nay.

(No response.)

ACTING PRESIDENT BENJAMIN: The Resolution Calendar is adopted.

Senator Gianaris.

SENATOR GIANARIS: Okay, at this time can we please take up previously adopted Resolution 2355, by Senator Rivera, read its title only, and recognize Senator Rivera.

ACTING PRESIDENT BENJAMIN: The Secretary will read.

THE SECRETARY: Senate Resolution 2355, by Senator Rivera, memorializing Governor Andrew M. Cuomo to proclaim February 29, 2020, as Rare Disease Awareness Day in the State of New York.

ACTING PRESIDENT BENJAMIN: Senator Rivera on the resolution.

SENATOR RIVERA: Thank you, Mr. President.

Today we are celebrating -- well, this year marks actually the twelfth anniversary of the Rare Disease Day in the United States. And this resolution commemorates Rare Disease Awareness Week here in New York State.

As the resolution reads -- it was not read, but as it reads, the "rare" is not scarce, "rare" is not infrequent and it is not remote. The reality is that there are many folks around the entire state and the country that are faced with diseases that, because they are considered rare, are left without treatment, without cures. But the reality is that these folks are our neighbors, they are our friends, our family members.

And so thanks to the rare disease

organization that is with us today, they actually have -- we actually have many of these folks that are joining us, if you'd like to -- if you could please stand.

Now, the National Organization for Rare Disorders made it possible not only for all these individuals to be here, and to say hello to the folks on the floor, but also just as a way to remind us that, again, individuals that have rare diseases are with us every day. They are conditions that affect 25 to 30 million Americans and one in 10 individuals in New York State, with children being the most affected by them.

But unfortunately, more than 90 percent of these rare diseases are without FDA-approved treatment. So we must encourage research, treatment, innovation, not only to better understand these diseases, but also to hopefully potentially find treatments and cures for them.

And it is also imperative that we increase public awareness of rare diseases and work across all levels of government to support those who suffer, their families, and their caregivers.

So today, Mr. President, we are here to commemorate that. I would ask you to please recognize these folks who are joining us today and grant them all privileges of the house.

Thank you, Mr. President.

ACTING PRESIDENT BENJAMIN: Senator Comrie on the resolution.

SENATOR COMRIE: Thank you.

I want to thank Senator Rivera for bringing this resolution forward. It gives me an opportunity to point out one member of the audience that is here. Ms. Gloria Rochester, could you please stand up and just let everyone know?

She's a resident of my district, but she's also been one of the foremost experts on informing people about sickle cell and all of the problems with the disease. Many hospitals don't even know the test for sickle cell is an issue when people come in and if they're having long-term illness. And Ms. Rochester has been a major force in informing physicians all over this state.

So I just wanted to acknowledge you, thank you for coming with your group today. I

want to thank Senator Rivera for bringing this resolution forward. And I hope that everyone will pay attention to sickle cell and all of the other rare diseases that people are afflicted with.

Thank you, Mr. President.

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

To our guests, I welcome you on behalf of the Senate. We extend to you all of the privileges and courtesies of this house.

Please all rise and be recognized.

(Standing ovation.)

ACTING PRESIDENT BENJAMIN: Senator Gianaris.

SENATOR GIANARIS: Can we now take up Resolution 2914, by Senator Jackson, have that resolution read title only, and recognize Senator Jackson.

ACTING PRESIDENT BENJAMIN: The Secretary will read.

THE SECRETARY: Senate Resolution 2914, by Senator Jackson, memorializing Governor Andrew M. Cuomo to proclaim February 2020 as

Dominican Heritage Month in the State of New York, in conjunction with the commemoration of the 176th Anniversary of Dominican Independence.

ACTING PRESIDENT BENJAMIN: Senator Jackson on the resolution.

SENATOR JACKSON: Thank you, Mr. President and my colleagues.

I rise today, February 27th, in celebration of the 176th anniversary of the Dominican Republic. And this is symbolic, this is their flag, and which they've talked about who they are.

Today we are celebrating the Governor's proclamation of Dominican Heritage Month, in conjunction with the commemoration of the 176th anniversary of the independence, with this resolution.

And let me tell you some of the facts you may not know about Dominicans in our state. Well, in my district, the 31st Senatorial District -- which runs from Marble Hill, Inwood, Washington Heights, West Harlem and goes all the way down into Brad's district down in Chelsea -- my district is composed of about 40 percent

Latinx, meaning Latin people, with the majority of the Latin people Dominican.

Dominicans represent the largest group of naturalized citizens of our immigrant population in our state. Dominicans are now the largest -- more than 2 million Dominicans live in the United States of America, including the 1 million in our state.

And I am specially proud to serve as the Senator for the great Dominican community in Northern Manhattan, which includes Washington Heights and Inwood, where their contributions are shaping those areas in so many positive ways.

And in fact, Dominicans first arrived in the United States in 1613 with the arrival of Juan Rodriguez, who was also the first immigrant to New York City.

And I am proud to say that when you talk about baseball, obviously many of you know some of the baseball greats are from the Dominican Republic.

But today we recognize the many contributions of Dominicans and Dominican-Americans through their economic and cultural vibrancy, a vibrancy that has shown itself

through education, economic development, music, literature, cuisine, fashion and design, film and television, stage work, sports, education, and government and politics. And Dominican culture continues to grow as an important force throughout our state and America.

So on behalf of my constituents and all New Yorkers of Dominican heritage, we pause today in our work to proclaim February 2020 as Dominican Heritage Month in New York State, in conjunction with the 176th anniversary of Dominican Independence Day.

I encourage all of us, from every political persuasion, to celebrate the history of the Dominican people in our society. And I know as our culture and economic ties grow deeper, Dominican people will continue to grow in influence and stature in our state and will be an even more respected voice in every field of American life.

So Mr. President, I humbly ask that we pass this resolution today.

ACTING PRESIDENT BENJAMIN: The question on the resolution. All in favor signify by saying aye.

(Response of "Aye.")

ACTING PRESIDENT BENJAMIN: Opposed?

(No response.)

ACTING PRESIDENT BENJAMIN: The resolution is adopted.

Senator Gianaris.

SENATOR GIANARIS: At the request of the sponsors of the resolutions we took up today, they are both open for cosponsorship.

ACTING PRESIDENT BENJAMIN: The resolutions are both open for cosponsorship. Should you choose not to be a cosponsor of the resolutions, please notify the desk.

Senator Gianaris.

SENATOR GIANARIS: Let us please take up the reading of the calendar.

ACTING PRESIDENT BENJAMIN: The Secretary will read.

THE SECRETARY: Calendar Number 198, Senate Print 7306, by Senator Savino, an act to amend the Labor Law.

ACTING PRESIDENT BENJAMIN: Read the last section.

THE SECRETARY: Section 10. 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 234, Senate Print 2665, by Senator Parker, an act to amend the Public Service Law and the General Business Law.

ACTING PRESIDENT BENJAMIN: Read the last section.

THE SECRETARY: Section 5. 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.

THE SECRETARY: Calendar Number 278, Senate Print 6869A, by Senator Gaughran, an action in relation to authorizing the assessor of the Town of Huntington.

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 278, voting in the negative:

Senator Akshar.

Ayes, 56. Nays, 1.

ACTING PRESIDENT BENJAMIN: The bill is passed.

THE SECRETARY: Calendar Number 286, Senate Print 6152, by Senator Sepúlveda, an act to amend the Criminal Procedure Law and the Civil Practice Law and Rules.

ACTING PRESIDENT BENJAMIN: Read

the last section.

THE SECRETARY: Section 4. 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: Senator Serino to explain her vote.

SENATOR SERINO: Thank you, Mr. President.

This is a great bill that was delivered to this body by the Office of Victim Services, and I will be voting in support of it.

In fact, there's a lot more that we can and should be doing to make life easier for victims who seek services through the state. But I find it absolutely laughable that this is the first measure that you're putting forward to support victims in the wake of the public safety crisis our state is facing thanks to bail reform.

You want to know how we help victims? We start by doing all that we can to ensure that people aren't victimized to begin with. Right now the state is failing on this

front. I am urging you to hear the voices of the thousands upon thousands of New Yorkers who are screaming for you to hit the pause button on these changes before they hurt any more New Yorkers. If you really want to help victims, it's time you start by actually listening to them.

Thank you, Mr. President. I vote aye.

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

Announce the results.

THE SECRETARY: Ayes, 58.

ACTING PRESIDENT BENJAMIN: The bill is passed.

THE SECRETARY: Calendar Number 365, Senate Print 5476, by Senator Addabbo, an act to amend the Racing, Pari-Mutuel Wagering and Breeding 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, 58.

ACTING PRESIDENT BENJAMIN: The bill is passed.

THE SECRETARY: Calendar Number 428, Senate Print 7524, by Senator Rivera, an act to amend the Public Health 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, 59.

ACTING PRESIDENT BENJAMIN: The bill is passed.

THE SECRETARY: Calendar Number 432, Senate Print 4284A, by Senator Comrie, an act to amend the Not-For-Profit Corporation 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, 59.

ACTING PRESIDENT BENJAMIN: The bill is passed.

THE SECRETARY: Calendar Number 433, Senate Print 6431, by Senator Krueger, an act to amend the Public Authorities 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, 59.

ACTING PRESIDENT BENJAMIN: The bill is passed.

THE SECRETARY: Calendar Number 435, Senate Print 1475A, by Senator Hoylman, an act to amend the General Business Law.

ACTING PRESIDENT BENJAMIN: 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 BENJAMIN: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT BENJAMIN: Senator Hoylman to explain his vote.

SENATOR HOYLMAN: Thank you, Mr. President.

I thank my colleagues for their support of this bill, last year and this year both.

The bill would require businesses making an offer to New York consumers involving an automatic renewal or continuous service to clearly and conspicuously present the terms of the offer and obtain the consumer's affirmative

consent before charging the consumer.

This is an ongoing issue for so many New Yorkers. The practice of continuous membership renewals is used by magazine publishers, gyms, online subscription box services. I've heard about the issue from my own constituents, including Councilmember Keith Powers, journalist Soledad O'Brien.

And I think some of us who are old enough might remember the Friends episode where Chandler Bing spent an entire episode trying to cancel his gym membership. He was unsuccessful in the end. But if Chandler had this legislation, Mr. President, in the State of New York, he'd be able to do so in a fair and effective way.

I vote aye. Thank you.

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

Announce the results.

THE SECRETARY: Ayes, 59.

ACTING PRESIDENT BENJAMIN: The bill is passed.

THE SECRETARY: Calendar Number 443, Senate Print 5473A, by Senator Martinez, an

act to amend the Town 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: In relation to Calendar Number 443, those Senators voting in the negative are Senators Griffo, Ortt and Ranzenhofer.

Ayes, 56. Nays, 3.

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: Let me wish my colleagues safe home today, for those traveling

to areas affected by the weather.

And with that, I move to adjourn until Monday, March 2nd, at 3:00 p.m., intervening days being legislative days.

ACTING PRESIDENT BENJAMIN: On motion, the Senate stands adjourned until Monday, March 2nd, at 3:00 p.m., intervening days being legislative days.

(Whereupon, at 11:32 a.m., the Senate adjourned.)