

1 NEW YORK STATE SENATE

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3  
4 THE STENOGRAPHIC RECORD

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7  
8 ALBANY, NEW YORK

9  
10 February 27, 2020

11 11:16 a.m.

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13  
14 REGULAR SESSION

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18 SENATOR BRIAN A. BENJAMIN, Acting President

19 ALEJANDRA N. PAULINO, ESQ., Secretary

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

2 ACTING PRESIDENT BENJAMIN: The  
3 Senate 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 BENJAMIN: In the  
9 absence of clergy, let us bow our heads in a  
10 moment of silent reflection or prayer.

11 (Whereupon, the assemblage respected  
12 a moment of silence.)

13 ACTING PRESIDENT BENJAMIN: The  
14 reading of the Journal.

15 THE SECRETARY: In Senate,  
16 Wednesday, February 26, 2020, the Senate met  
17 pursuant to adjournment. The Journal of Tuesday,  
18 February 25, 2020, was read and approved. On  
19 motion, Senate adjourned.

20 ACTING PRESIDENT BENJAMIN: Without  
21 objection, the Journal stands approved as read.

22 Presentation of petitions.

23 Messages from the Assembly.

24 Messages from the Governor.

25 Reports of standing committees.

1 Reports of select committees.

2 Communications and reports from  
3 state officers.

4 Motions and resolutions.

5 Senator Gianaris.

6 SENATOR GIANARIS: I move to adopt  
7 the Resolution Calendar, with the exception of  
8 Resolution 2914.

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

13 (Response of "Aye.")

14 ACTING PRESIDENT BENJAMIN:  
15 Opposed, nay.

16 (No response.)

17 ACTING PRESIDENT BENJAMIN: The  
18 Resolution Calendar is adopted.

19 Senator Gianaris.

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

24 ACTING PRESIDENT BENJAMIN: The  
25 Secretary will read.

1                   THE SECRETARY:   Senate Resolution  
2   2355, by Senator Rivera, memorializing Governor  
3   Andrew M. Cuomo to proclaim February 29, 2020, as  
4   Rare Disease Awareness Day in the State of  
5   New York.

6                   ACTING PRESIDENT BENJAMIN:  
7   Senator Rivera on the resolution.

8                   SENATOR RIVERA:   Thank you,  
9   Mr. President.

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

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

25                   And so thanks to the rare disease

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

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

14           But unfortunately, more than  
15 90 percent of these rare diseases are without  
16 FDA-approved treatment. So we must encourage  
17 research, treatment, innovation, not only to  
18 better understand these diseases, but also to  
19 hopefully potentially find treatments and cures  
20 for them.

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

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

5                   Thank you, Mr. President.

6                   ACTING PRESIDENT BENJAMIN:     Senator  
7                   Comrie on the resolution.

8                   SENATOR COMRIE:     Thank you.

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

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

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

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

6 Thank you, Mr. President.

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

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

13 Please all rise and be recognized.

14 (Standing ovation.)

15 ACTING PRESIDENT BENJAMIN: Senator  
16 Gianaris.

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

21 ACTING PRESIDENT BENJAMIN: The  
22 Secretary will read.

23 THE SECRETARY: Senate Resolution  
24 2914, by Senator Jackson, memorializing Governor  
25 Andrew M. Cuomo to proclaim February 2020 as

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

5 ACTING PRESIDENT BENJAMIN: Senator  
6 Jackson on the resolution.

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

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

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

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



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

3           Dominicans represent the largest  
4 group of naturalized citizens of our immigrant  
5 population in our state. Dominicans are now the  
6 largest -- more than 2 million Dominicans live in  
7 the United States of America, including the  
8 1 million in our state.

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

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

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

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

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

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

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

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

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

1 (Response of "Aye.")

2 ACTING PRESIDENT BENJAMIN:

3 Opposed?

4 (No response.)

5 ACTING PRESIDENT BENJAMIN: The  
6 resolution is adopted.

7 Senator Gianaris.

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

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

15 Senator Gianaris.

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

18 ACTING PRESIDENT BENJAMIN: The  
19 Secretary will read.

20 THE SECRETARY: Calendar Number  
21 198, Senate Print 7306, by Senator Savino, an act  
22 to amend the Labor Law.

23 ACTING PRESIDENT BENJAMIN: Read  
24 the last section.

25 THE SECRETARY: Section 10. This

1 act shall take effect immediately.

2 ACTING PRESIDENT BENJAMIN: Call  
3 the roll.

4 (The Secretary called the roll.)

5 ACTING PRESIDENT BENJAMIN:  
6 Announce the results.

7 THE SECRETARY: Ayes, 57.

8 ACTING PRESIDENT BENJAMIN: The  
9 bill is passed.

10 THE SECRETARY: Calendar Number  
11 234, Senate Print 2665, by Senator Parker, an act  
12 to amend the Public Service Law and the  
13 General Business Law.

14 ACTING PRESIDENT BENJAMIN: Read  
15 the last section.

16 THE SECRETARY: Section 5. This  
17 act shall take effect on the 180th day after it  
18 shall have become a law.

19 ACTING PRESIDENT BENJAMIN: Call  
20 the roll.

21 (The Secretary called the roll.)

22 ACTING PRESIDENT BENJAMIN:  
23 Announce the results.

24 THE SECRETARY: Ayes, 57.

25 ACTING PRESIDENT BENJAMIN: The

1 bill is passed.

2 THE SECRETARY: Calendar Number  
3 278, Senate Print 6869A, by Senator Gaughran, an  
4 action in relation to authorizing the assessor of  
5 the Town of Huntington.

6 ACTING PRESIDENT BENJAMIN: Read  
7 the last section.

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

10 ACTING PRESIDENT BENJAMIN: Call  
11 the roll.

12 (The Secretary called the roll.)

13 ACTING PRESIDENT BENJAMIN:  
14 Announce the results.

15 THE SECRETARY: In relation to  
16 Calendar 278, voting in the negative:  
17 Senator Akshar.

18 Ayes, 56. Nays, 1.

19 ACTING PRESIDENT BENJAMIN: The  
20 bill is passed.

21 THE SECRETARY: Calendar Number  
22 286, Senate Print 6152, by Senator Sepúlveda, an  
23 act to amend the Criminal Procedure Law and the  
24 Civil Practice Law and Rules.

25 ACTING PRESIDENT BENJAMIN: Read

1 the last section.

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

5 ACTING PRESIDENT BENJAMIN: Call  
6 the roll.

7 (The Secretary called the roll.)

8 ACTING PRESIDENT BENJAMIN:  
9 Senator Serino to explain her vote.

10 SENATOR SERINO: Thank you,  
11 Mr. President.

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

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

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

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

8 Thank you, Mr. President. I vote  
9 aye.

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

12 Announce the results.

13 THE SECRETARY: Ayes, 58.

14 ACTING PRESIDENT BENJAMIN: The  
15 bill is passed.

16 THE SECRETARY: Calendar Number  
17 365, Senate Print 5476, by Senator Addabbo, an  
18 act to amend the Racing, Pari-Mutuel Wagering and  
19 Breeding Law.

20 ACTING PRESIDENT BENJAMIN: Read  
21 the last section.

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

24 ACTING PRESIDENT BENJAMIN: Call  
25 the roll.

1 (The Secretary called the roll.)

2 ACTING PRESIDENT BENJAMIN:

3 Announce the results.

4 THE SECRETARY: Ayes, 58.

5 ACTING PRESIDENT BENJAMIN: The  
6 bill is passed.

7 THE SECRETARY: Calendar Number  
8 428, Senate Print 7524, by Senator Rivera, an act  
9 to amend the Public Health Law.

10 ACTING PRESIDENT BENJAMIN: Read  
11 the last section.

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

14 ACTING PRESIDENT BENJAMIN: Call  
15 the roll.

16 (The Secretary called the roll.)

17 ACTING PRESIDENT BENJAMIN:

18 Announce the results.

19 THE SECRETARY: Ayes, 59.

20 ACTING PRESIDENT BENJAMIN: The  
21 bill is passed.

22 THE SECRETARY: Calendar Number  
23 432, Senate Print 4284A, by Senator Comrie, an  
24 act to amend the Not-For-Profit Corporation Law.

25 ACTING PRESIDENT BENJAMIN: Read



1 the last section.

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

5 ACTING PRESIDENT BENJAMIN: Call  
6 the roll.

7 (The Secretary called the roll.)

8 ACTING PRESIDENT BENJAMIN:  
9 Announce the results.

10 THE SECRETARY: Ayes, 59.

11 ACTING PRESIDENT BENJAMIN: The  
12 bill is passed.

13 THE SECRETARY: Calendar Number  
14 433, Senate Print 6431, by Senator Krueger, an  
15 act to amend the Public Authorities Law.

16 ACTING PRESIDENT BENJAMIN: Read  
17 the last section.

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

20 ACTING PRESIDENT BENJAMIN: Call  
21 the roll.

22 (The Secretary called the roll.)

23 ACTING PRESIDENT BENJAMIN:  
24 Announce the results.

25 THE SECRETARY: Ayes, 59.

1                   ACTING PRESIDENT BENJAMIN:    The  
2 bill is passed.

3                   THE SECRETARY:    Calendar Number  
4 435, Senate Print 1475A, by Senator Hoylman, an  
5 act to amend the General Business Law.

6                   ACTING PRESIDENT BENJAMIN:    Read  
7 the last section.

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

11                   ACTING PRESIDENT BENJAMIN:    Call  
12 the roll.

13                   (The Secretary called the roll.)

14                   ACTING PRESIDENT BENJAMIN:    Senator  
15 Hoylman to explain his vote.

16                   SENATOR HOYLMAN:    Thank you,  
17 Mr. President.

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

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

1 consent before charging the consumer.

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

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

17 I vote aye. Thank you.

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

20 Announce the results.

21 THE SECRETARY: Ayes, 59.

22 ACTING PRESIDENT BENJAMIN: The  
23 bill is passed.

24 THE SECRETARY: Calendar Number  
25 443, Senate Print 5473A, by Senator Martinez, an

1 act to amend the Town Law.

2 ACTING PRESIDENT BENJAMIN: Read  
3 the last section.

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

6 ACTING PRESIDENT BENJAMIN: Call  
7 the roll.

8 (The Secretary called the roll.)

9 ACTING PRESIDENT BENJAMIN:  
10 Announce the results.

11 THE SECRETARY: In relation to  
12 Calendar Number 443, those Senators voting in the  
13 negative are Senators Griffo, Ortt and  
14 Ranzenhofer.

15 Ayes, 56. Nays, 3.

16 ACTING PRESIDENT BENJAMIN: The  
17 bill is passed.

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

20 SENATOR GIANARIS: Is there any  
21 further business at the desk, Mr. President?

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

24 SENATOR GIANARIS: Let me wish my  
25 colleagues safe home today, for those traveling

1 to areas affected by the weather.

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

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

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