NEW YORK STATE SENATE

THE STENOGRAPHIC RECORD

ALBANY, NEW YORK

March 10, 2020

3:28 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: 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, Monday, March 9, 2020, the Senate met pursuant to adjournment. The Journal of Sunday, March 8, 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 Savino, on page 15 I offer the following amendments to Calendar Number 193, Senate Print 2834, and ask that said bill retain its place on Third Reading Calendar.

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

SENATOR GIANARIS: On behalf of Senator Ramos, on page 24 I offer the following amendments to Calendar Number 359, Senate Print 3292A, and ask that said bill retain its place on Third Reading Calendar.

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

Senator Gianaris.

SENATOR GIANARIS: I now move to adopt the Resolution Calendar, with the exception of Resolutions 2953 and 3014.

ACTING PRESIDENT BENJAMIN: All in favor of adopting the Resolution Calendar, with the exception of Resolutions 2953 and 3014, 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: At this time let us take up Resolution 2953, by Senator May, read its title only, and recognize Senator May.

ACTING PRESIDENT BENJAMIN: The Secretary will read.

THE SECRETARY: Senate Resolution 2953, by Senator May, commemorating the 150th Anniversary of Syracuse University.

ACTING PRESIDENT BENJAMIN: Senator May on the resolution.

SENATOR MAY: Thank you, Mr. President.

For many people in this room, Syracuse University is Orange basketball and

football, but Syracuse University is much more than that. And at the 150th anniversary of its founding, I want to brag about some of its other claims to fame beyond being New York's college team.

Since its founding in 1870, Syracuse University has opened its doors to all, regardless of race or gender. Today it has an enrollment of almost 23,000, with students from across all 50 states and more than 120 countries.

Syracuse University is recognized as a global student-centered research university, with 13 academic schools and colleges, including several that are ranked among the best in the nation, such as the Newhouse School of Public Communications and the Maxwell School of Citizenship and Public Affairs.

Several other distinguished institutions began as part of Syracuse University, including the SUNY College of Environmental Science and Forestry, SUNY Upstate Medical University, and Utica College.

Syracuse University is a leader in a number of areas, and I'm going to pick out two in particular. One is disability education.

My daughter went to Ed Smith Elementary School, which is famous around the country for its use of inclusive education from kindergarten up. This was pioneered by professors from Syracuse University, and the school remains decades later as a model for schools cross the country.

Syracuse University is also home to Inclusive U, which offers a full-immersion campus experience for students with intellectual and mental disabilities.

Another important area for Syracuse University is as a national leader in supporting our veterans as they transition back to civilian life, through the Institute for Veterans and Military Families and a brand-new and incredibly beautiful National Veterans Resource Center that everyone should come and visit.

And of course there's sports too. Syracuse football made history in the mid-20th century as a national championship team that included legends like Jim Brown, Floyd Little, and the first African-American Heisman Trophy winner, Ernie Davis.

Syracuse Men's Basketball won the

NCAA national championship in 2003 with Carmelo Anthony, and S.U. now has one of the top women's basketball programs in the country as well.

It also has a ten-time national championship Men's Lacrosse Team. That's the most national championships of any school in the country.

The lacrosse success is closely linked to the important fact that Syracuse University sits on the ancestral lands of the Haudenosaunee and maintains deep ties with its indigenous neighbors. Among its alumni is Oren Lyons, Faithkeeper of the Turtle Clan of the Onondaga Nation and an international activist for indigenous rights, as well as an All-American lacrosse player for Syracuse University in his day.

Among other distinguished alumni are Sarah Loguen, one of the nation's first African-American women to become a physician; writers Joyce Carol Oates and George Saunders; astronaut Eileen Collins; screenwriter Aaron Sorkin, journalists Ted Koppel and Bob Costas, and I'll add New York State Senators Tom O'Mara and Toby Stavisky, and Lieutenant Governor Kathy

Hochul.

The university stands as a treasured asset to our city and region and to all of New York State. We are joined here today by Bea González, vice president for community engagement; Sue Ballard, vice president for alumni affairs; and Cydney Johnson, executive director for state and local relations.

I ask that we pause now to congratulate Syracuse University on the occasion of its 150th anniversary, and join the university in celebrating its continued commitment to educate and transform lives for future generations of students.

Go, Orange!

ACTING PRESIDENT BENJAMIN: Senator Stavisky on the resolution.

SENATOR STAVISKY: Thank you, Mr. President.

And thank you, Senator May, for so many things in your representation of Syracuse, both the city and the surrounding counties as well.

And in fact when I had a hearing in Syracuse in October, a Higher Education Committee

hearing, Senator May arranged for me to take -- we took a tour together of the campus and some of the construction sites, particularly the building that's being dedicated to serving our veterans. And even when I was a student there, a lot of attention was paid to both the disabled but also to the veteran community.

No, I did not play sports there -- this was before Title IX -- but I did write for the campus newspaper, among other activities. And I must say I spent four wonderful years at Syracuse, and I'm very grateful for the education that I received.

And I'm delighted to honor, as chair of the Committee on Higher Education, the contributions over the past 150 years from the university itself. So I congratulate Syracuse and thank Senator May.

Thank you, Mr. President.

ACTING PRESIDENT BENJAMIN: The question is 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.

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

Please rise and be recognized.

(Standing ovation.)

ACTING PRESIDENT BENJAMIN: Senator Gianaris.

SENATOR GIANARIS: Can we now take up previously adopted Resolution 2929, by Senator Metzger, read its title only and recognize Senator Metzger.

ACTING PRESIDENT BENJAMIN: The Secretary will read.

THE SECRETARY: Senate Resolution 2929, by Senator Metzger, memorializing Governor Andrew M. Cuomo to proclaim March 10, 2020, as Maple Day in the State of New York.

ACTING PRESIDENT BENJAMIN: Senator Metzger on the resolution.

SENATOR METZGER: Thank you, Mr. President.

As chair of the Senate Agriculture Committee and the proud representative of many maple syrup producers in the Hudson Valley and Catskills regions, it is with great pleasure that I rise today to present a resolution in support of Governor Andrew M. Cuomo proclaiming March 10, 2020, as Maple Day in the State of New York.

The height of maple season is upon us, one of the sweetest indications of spring. There are two Maple Weekends this year, March 21st and 22nd and March 28th and 29th, across the state, with 187 participating producers welcoming visitors to see how maple syrup is made, enjoying tastings, taking home farm-fresh pure and natural maple syrup products from maple syrup, maple sugar and maple butter to maple candies, maple sausage -- that's a good one -- maple milk and more.

My personal favorite is the maple cotton candy, which I hope you all tried today. The FFA does a great job.

Maple syruping has been a seasonal tradition in New York State for centuries, dating back to the earliest native peoples. Maple farms are often a multigenerational family affair, with

some of our maple farms in New York State producing continually for over 200 years.

New York State is second in the nation in maple syrup production, with farmers tapping 2.7 million trees to produce over 860,000 gallons of syrup a year.

According to the New York State Maple Syrup Producers Association, our state is home to the largest resource of tappable maple trees in the United States, and over 2,000 maple sugarers.

With new products, new technology, and a growing public appetite for all things maple, New York maple producers have a bright future to lead the nation in this special, healthful, high-value crop.

And just on a personal note, I want to just mention that whenever I bake for my family, I often substitute refined white sugar with maple syrup -- much healthier, and it's really delicious.

So thank you very much.

ACTING PRESIDENT BENJAMIN: The resolution was previously adopted on March 3rd.

Senator Gianaris.

SENATOR GIANARIS: And now let us take up Resolution 3014, by Senator Sepúlveda, read its title only, and recognize Senator Sepúlveda.

ACTING PRESIDENT BENJAMIN: The Secretary will read.

THE SECRETARY: Senate Resolution 3014, by Senator Sepúlveda, memorializing Governor Andrew M. Cuomo to declare March 11, 2020, to April 12, 2020, as Garifuna-American Heritage Month in the State of New York.

ACTING PRESIDENT BENJAMIN: Senator Sepúlveda on the resolution.

SENATOR SEPÚLVEDA: Thank you for allowing me to speak on this resolution.

Even though the resolution is called the Garifuna, the actual name of the group is the Garinagu group. Garinagu is their culture, their history; Garifuna is their language. But here in this state we usually refer to the group of individuals that come from a certain part of Central America as the Garifunas.

Now, they were West Africans that were being brought to this part of the world as enslaved people, and the ship that they were on

washed ashore at Saint Vincent. And there they married with the local population of Arawaks and Carib Indians that lived on the island of Saint Vincent.

They remained there until 1796, when the British decided to exile them. And with the assistance of the Spaniards, they were able to resettle in Roatan, which is an island off Honduras. It's part of the Honduras Bay Islands. And from there they have migrated to places like primarily Guatemala, Nicaragua, and Belize.

The Garifuna people, the Garinagu people, represent a story, a history of survival. Everywhere where they've gone, they've had to survive. But during that period of survival, they have maintained their culture, their language, and their history. Most Garifunas speak both the Garifuna language, but they speak Spanish. And those that come from Belize speak English.

They have migrated to the United States and other parts of the world, but in this country and especially in New York -- and even more especially in the Bronx -- we have a large emerging population.

They have become part of the political process in the State of New York. They have brought their culture, their history, their music, their dance -- a particular dance called Punta, which I would encourage all of you to take classes and learn how to dance.

But they are now a part of the melting pot of this country and of the City of New York. They have contributed mightily to the development of this country and this state. They have entered all professions, and they have served in our military with honor and distinction.

And so I'm very proud to pass this resolution in honor of the Garinagu or, as you know them, the Garifuna people.

Thank you.

ACTING PRESIDENT BENJAMIN: The question is 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, the three resolutions we just took up are open for cosponsorship.

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

Senator Gianaris.

SENATOR GIANARIS: Let's take up the reading of the calendar, Mr. President.

ACTING PRESIDENT BENJAMIN: The Secretary will read.

THE SECRETARY: Calendar Number 291, Senate Print 4081, by Senator Skoufis, an act to amend the Insurance 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, 59.

ACTING PRESIDENT BENJAMIN: The bill is passed.

THE SECRETARY: Calendar Number 305, Senate Print 7152, by Senator Mayer, an act to amend the Education 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 329, Senate Print 6331, by Senator Parker, an act to amend the Public Authorities Law.

ACTING PRESIDENT BENJAMIN: Read the last section.

THE SECRETARY: Section 4. This

act shall take effect on the 30th 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 340, Senate Print 2839A, by Senator Kaplan, an act to amend the State Administrative Procedure Act.

ACTING PRESIDENT BENJAMIN: Read the last section.

THE SECRETARY: Section 7. This act shall take effect on the first of January.

ACTING PRESIDENT BENJAMIN: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT BENJAMIN: Senator Kaplan to explain her vote.

SENATOR KAPLAN: Thank you, Mr. President.

I'm proud to rise today as we celebrate Small Business Day here in the Capitol and as we pass a full package of bills that will support small businesses and provide them with relief from needlessly burdensome regulations.

Since becoming the chair of the Committee on Commerce, Economic Development and Small Business, I have made it my mission to learn about the issues that are holding back our small business community. And I've made it my mission to talk face-to-face with as many small business owners and entrepreneurs as possible, so that I can be truly their voice and their advocate here in the Senate.

This effort has taken me across the state as I've met with small businesses from Buffalo to Brentwood. And I'm thrilled that as a result of those conversations, and in collaboration with my colleagues in the Senate Majority, we have a great package of bills that we will pass today that will help small businesses in New York to grow and thrive.

I'd like to thank our leader, Andrea Stewart-Cousins, for prioritizing this effort and ensuring that our Majority always stands up for

our small businesses.

And I'd like to also thank the National Federation of Independent Business for their continuous partnership on these items. I believe we have Greg Biryla and Ashley Ranslow from NFIB in the gallery, along with a few small business owners. I'd like them to stand and be recognized. Thank you.

Lastly, all of us here recognize that small businesses are the backbone of our communities, and we must be working continuously to support them so that we can continue to provide jobs and opportunities in our communities.

This package today is a great start, but our work will continue on. And I look forward to working with everyone here to ensure that we keep moving forward.

Mr. President, I vote aye.

Thank you.

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

Announce the results.

THE SECRETARY: Ayes, 59.

ACTING PRESIDENT BENJAMIN: The

bill is passed.

THE SECRETARY: Calendar Number 341, Senate Print 2899, by Senator Kaplan, an act to amend the State Administrative Procedure Act.

ACTING PRESIDENT BENJAMIN: Read the last section.

THE SECRETARY: Section 2. This act shall take effect on the 60th 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 342, Senate Print 7357, by Senator Kaplan, an act to amend the State Administrative Procedure Act.

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 348, Senate Print 89A, by Senator Kaminsky, an act to amend the Vehicle and Traffic Law.

ACTING PRESIDENT BENJAMIN: Read the last section.

ACTING PRESIDENT BENJAMIN: There is a home-rule message at the desk.

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 471, Senate Print 5595B, by Senator Liu, an act to amend the Tax 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 471, those Senators voting in the negative are Senators Akshar, Lanza and Robach.

Ayes, 56. Nays, 3.

ACTING PRESIDENT BENJAMIN: The bill is passed.

THE SECRETARY: Calendar Number 475, Senate Print 6165, by Senator Sanders, an act to amend the State Finance 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 475, those Senators voting in the negative are Senators Akshar, Borrello, Boyle, Flanagan, Funke, Gallivan, Griffo, Helming, Jordan, LaValle, O'Mara, Ortt, Ritchie, Robach, Serino, Seward, Skoufis and Tedisco.

Ayes, 41. Nays, 18.

ACTING PRESIDENT BENJAMIN: The bill is passed.

THE SECRETARY: Calendar Number 481, Senate Print 7350, by Senator Kaplan, an act to amend the Executive 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 489, Senate Print 4337, by Senator Serrano, an act to amend the General City Law.

ACTING PRESIDENT BENJAMIN: Read the last section.

THE SECRETARY: Section 3. This act shall take effect on the 30th 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: In relation to Calendar Number 489, voting in the negative: Senator O'Mara.

Ayes, 58. Nays, 1.

ACTING PRESIDENT BENJAMIN: The bill is passed.

THE SECRETARY: Calendar Number 505, Senate Print 2797, by Senator Comrie, an act

to amend the Agriculture and Markets 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 507, Senate Print 844A, by Senator Benjamin, an act to amend the New York State Urban Development Corporation Act.

ACTING PRESIDENT BENJAMIN: Read the last section.

THE SECRETARY: Section 8. 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 512, Senate Print 7355A, by Senator Kaplan, an act to amend the Business Corporation Law and the Limited Liability Company law.

ACTING PRESIDENT BENJAMIN: Read the last section.

THE SECRETARY: Section 3. This act shall take effect on the 30th 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 522, Senate Print 4066, by Senator Biaggi, an act to amend the Insurance Law and the Public Health Law.

ACTING PRESIDENT BENJAMIN: Read the last section.

THE SECRETARY: Section 7. 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.

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

ACTING PRESIDENT BENJAMIN: Is there any further business at the desk?

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

SENATOR GIANARIS: I move to adjourn until tomorrow, Wednesday, March 11th, at 11:00 a.m.

ACTING PRESIDENT BENJAMIN: On motion, the Senate stands adjourned until Wednesday, March 11th, at 11:00 a.m.

(Whereupon, at 3:51 p.m., the Senate adjourned.)