

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 14, 2017

11 11:26 a.m.

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13
14 REGULAR SESSION

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18 SENATOR ELAINE PHILLIPS, Acting President

19 FRANCIS W. PATIENCE, Secretary

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

2 ACTING PRESIDENT PHILLIPS: The
3 Senate will come to order.

4 I ask everyone present to rise and
5 please repeat with me the Pledge of Allegiance.

6 (Whereupon, the assemblage recited
7 the Pledge of Allegiance to the Flag.)

8 ACTING PRESIDENT PHILLIPS: If
9 everyone could remain standing, please.

10 Today's invocation is by Rabbi
11 Lefkowitz of Agudath Israel of America.

12 Rabbi.

13 RABBI LEFKOWITZ: Thank you.

14 Let us pray.

15 We pray for the men and women in
16 this chamber, that they have health and they
17 have the strength to promulgate laws to allocate
18 funds to educate our children, keep our state
19 safe.

20 This week we read the portion of
21 the Bible Jethro, where Jethro is a priest who's
22 the father-in-law of Moses. And in that portion
23 of the Bible, the Ten Commandments will be read.

24 May God help you maintain the
25 traditional values, and may we be privileged to

1 have God's blessings.

2 God bless you all. Amen.

3 ACTING PRESIDENT PHILLIPS: Thank
4 you, Rabbi.

5 RABBI LEFKOWITZ: Thank you.

6 ACTING PRESIDENT PHILLIPS: Thank
7 you very much, sir.

8 The reading of the Journal.

9 THE SECRETARY: In Senate, Monday,
10 February 13th, the Senate met pursuant to
11 adjournment. The Journal of Sunday,
12 February 12th, was read and approved. On
13 motion, Senate adjourned.

14 ACTING PRESIDENT PHILLIPS:
15 Without objection, the Journal stands approved
16 as read.

17 Presentation of petitions.

18 Messages from the Assembly.

19 Messages from the Governor.

20 Reports of standing committees.

21 Reports of select committees.

22 Communications and reports from
23 state officers.

24 Motions and resolutions.

25 Senator Lanza.

1 SENATOR LANZA: Madam President,
2 may we adopt the Resolution Calendar, with the
3 exception of Resolution Number 668.

4 ACTING PRESIDENT PHILLIPS: All in
5 favor of adopting the Resolution Calendar, with
6 the exception of Resolution Number 668, signify
7 by saying aye.

8 (Response of "Aye.")

9 ACTING PRESIDENT PHILLIPS:
10 Opposed, nay.

11 (No response.)

12 ACTING PRESIDENT PHILLIPS: The
13 Resolution Calendar is adopted.

14 Senator Lanza.

15 SENATOR LANZA: Madam President,
16 may we have the noncontroversial reading of the
17 calendar.

18 ACTING PRESIDENT PHILLIPS: The
19 Secretary will read.

20 THE SECRETARY: Calendar Number
21 154, by Senator Ortt, Senate Print 1850, an act
22 to amend the Retirement and Social Security Law.

23 ACTING PRESIDENT PHILLIPS: Read
24 the last section.

25 THE SECRETARY: Section 3. This

1 act shall take effect immediately.

2 ACTING PRESIDENT PHILLIPS: Call
3 the roll.

4 (The Secretary called the roll.)

5 ACTING PRESIDENT PHILLIPS:
6 Announce the result.

7 THE SECRETARY: Ayes, 43.

8 ACTING PRESIDENT PHILLIPS: The
9 bill is passed.

10 THE SECRETARY: Calendar Number
11 155, by Senator Addabbo, Senate Print 3070, an
12 act to amend the Civil Service Law.

13 ACTING PRESIDENT PHILLIPS: Read
14 the last section.

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

17 ACTING PRESIDENT PHILLIPS: Call
18 the roll.

19 (The Secretary called the roll.)

20 ACTING PRESIDENT PHILLIPS:
21 Announce the result.

22 THE SECRETARY: Ayes, 43.

23 ACTING PRESIDENT PHILLIPS: The
24 bill is passed.

25 THE SECRETARY: Calendar Number

1 157, by Senator Funke, Senate Print 1022, an act
2 to amend the Penal Law.

3 ACTING PRESIDENT PHILLIPS: Read
4 the last section.

5 THE SECRETARY: Section 2. This
6 act shall take effect on the first of November.

7 ACTING PRESIDENT PHILLIPS: Call
8 the roll.

9 (The Secretary called the roll.)

10 ACTING PRESIDENT PHILLIPS:
11 Announce the result.

12 THE SECRETARY: Ayes, 43.

13 ACTING PRESIDENT PHILLIPS: The
14 bill is passed.

15 THE SECRETARY: Calendar Number
16 160, by Senator Golden, Senate Print 1747, an act
17 to amend the Penal Law.

18 ACTING PRESIDENT PHILLIPS: Read
19 the last section.

20 THE SECRETARY: Section 3. This
21 act shall take effect on the 90th day.

22 ACTING PRESIDENT PHILLIPS: Call
23 the roll.

24 (The Secretary called the roll.)

25 ACTING PRESIDENT PHILLIPS:

1 Announce the result.

2 THE SECRETARY: Ayes, 43.

3 ACTING PRESIDENT PHILLIPS: The
4 bill is passed.

5 THE SECRETARY: Calendar Number
6 161, by Senator Golden, Senate Print 1770, an act
7 to amend the Criminal Procedure Law.

8 ACTING PRESIDENT PHILLIPS: Read
9 the last section.

10 THE SECRETARY: Section 2. This
11 act shall take effect on the first of December.

12 ACTING PRESIDENT PHILLIPS: Call
13 the roll.

14 (The Secretary called the roll.)

15 ACTING PRESIDENT PHILLIPS:
16 Announce the result.

17 THE SECRETARY: Ayes, 41. Nays, 2.
18 Senators Bailey and Hoylman recorded in the
19 negative.

20 ACTING PRESIDENT PHILLIPS: The
21 bill is passed.

22 THE SECRETARY: Calendar Number
23 164, by Senator Lanza, Senate Print 2627, an act
24 to amend the Penal Law.

25 ACTING PRESIDENT PHILLIPS: Read

1 the last section.

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

4 ACTING PRESIDENT PHILLIPS: Call
5 the roll.

6 (The Secretary called the roll.)

7 ACTING PRESIDENT PHILLIPS: Senator
8 Hoylman.

9 SENATOR HOYLMAN: Thank you, Madam
10 President.

11 I wanted to thank the sponsor,
12 because we can all agree that falsely accusing
13 someone of a crime is wrong, so I can't argue
14 with trying to address the problem.

15 However, it's the frequency of this
16 problem that is unfortunately blown out of
17 proportion, especially when it comes to sexual
18 assault. The sponsor's memo says that the Duke
19 rape case was the impetus for this bill. But the
20 facts show, Madam President, that the prevalence
21 of false reporting for rape cases is extremely
22 low, about 2 percent.

23 And the problem is that systematic
24 obstacles to handling rape cases and pursuing
25 justice have led to abysmal rates of reporting in

1 these crimes. Sixty-three percent, 63 percent of
2 sexual assaults are never reported to the police.
3 So many fear that the police or college campus
4 officials won't believe them when they come
5 forward to tell their harrowing tales of sexual
6 assault.

7 So while I again agree with the
8 sponsor that false reporting is a problem, I
9 don't think that we should be making it a felony,
10 particularly in instances of sexual assault. So
11 I'll be voting in the negative.

12 Thank you.

13 ACTING PRESIDENT PHILLIPS: Senator
14 Hoylman is reported as voting in the negative.

15 Announce the result.

16 THE SECRETARY: Ayes, 44. Nays, 1.
17 Senator Hoylman recorded in the negative.

18 ACTING PRESIDENT PHILLIPS: The
19 bill is passed.

20 THE SECRETARY: Calendar Number
21 166, by Senator Flanagan, Senate Print 3517, an
22 act to amend the Penal Law.

23 ACTING PRESIDENT PHILLIPS: Read
24 the last section.

25 THE SECRETARY: Section 2. This

1 act shall take effect on the 120th day.

2 ACTING PRESIDENT PHILLIPS: Call
3 the roll.

4 (The Secretary called the roll.)

5 ACTING PRESIDENT PHILLIPS:
6 Announce the results.

7 THE SECRETARY: Ayes, 45.

8 ACTING PRESIDENT PHILLIPS: The
9 bill is passed.

10 THE SECRETARY: Calendar Number
11 169, by Senator Savino, Senate Print 3882, an act
12 to amend the Penal Law.

13 ACTING PRESIDENT PHILLIPS: Read
14 the last section.

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

17 ACTING PRESIDENT PHILLIPS: Call
18 the roll.

19 (The Secretary called the roll.)

20 ACTING PRESIDENT PHILLIPS:
21 Announce the result.

22 THE SECRETARY: Ayes, 45.

23 ACTING PRESIDENT PHILLIPS: The
24 bill is passed.

25 Senator Lanza, that completes the

1 noncontroversial reading of the calendar.

2 SENATOR LANZA: Madam President,
3 may we take up previously adopted Resolution
4 Number 249 and call on Senator Tedisco to speak.

5 ACTING PRESIDENT PHILLIPS: The
6 Secretary will read.

7 THE SECRETARY: Legislative
8 Resolution Number 249, by Senator Tedisco,
9 congratulating the Burnt Hills-Ballston Lake Boys
10 Varsity Cross Country Team and Head Coach Chip
11 Button upon the occasion of capturing the Class B
12 New York State Public High School Athletic
13 Association Cross Country Team Championship.

14 ACTING PRESIDENT PHILLIPS: Senator
15 Tedisco on the resolution.

16 SENATOR TEDISCO: Thank you,
17 Madam President and my colleagues.

18 I would ask you to join me in
19 welcoming, congratulating, and helping to honor
20 today an outstanding group of student athletes
21 from my Senate district, the 49th Senatorial
22 District.

23 This is the 2016 Burnt
24 Hills-Ballston Lake Boys Varsity Cross Country
25 Statewide Championship Team. They're coached by,

1 as you've heard, Coach Chip Button. With them is
2 their athletic director, Joe Scalise, their
3 school board president, John Blowers, and their
4 outstanding superintendent, Patrick McGrath.

5 They're not Johnny-come-latelies.
6 Burnt Hills-Ballston Lake has won six statewide
7 cross country boys varsity championships. And
8 it's important to note that there are only two
9 upperclassmen with this group, so get
10 comfortable, get used to them, because they'll
11 probably be back a couple more times in the next
12 couple of years.

13 We're extremely proud of them. They
14 had a 13 and 2 overall record leading up to this
15 particular championship team this year. And we
16 passed the resolution unanimously, which they
17 have copies of and will keep as a keepsake, and
18 they'll be in the archives of our history here
19 for years to come now.

20 And we wish them all the success in
21 the future. We're proud of them. They're
22 outstanding students as well as athletes. And
23 they illustrate all the outstanding academics and
24 qualities of the schools in the 49th Senatorial
25 District in a part of this great state that we

1 have to offer for our young people.

2 So we wish them great luck in the
3 future. We know this is just the beginning of a
4 part of their future successes. They've learned
5 a lot with this great coach and his leadership.
6 And once again, we're extremely proud of you.

7 And I wish you would welcome them
8 and offer them all the cordialities of our august
9 Senate body.

10 Congratulations and best wishes, and
11 the best of luck in the future.

12 (Standing ovation.)

13 ACTING PRESIDENT PHILLIPS: So
14 congratulations, boys. We hope we see you again
15 here next year.

16 This resolution was previously
17 adopted. So Senator Lanza.

18 SENATOR LANZA: Madam President,
19 the sponsor has opened this resolution for
20 cosponsorship. Any member not wishing to be on
21 the resolution, please notify the desk.

22 ACTING PRESIDENT PHILLIPS: The
23 resolution is open for cosponsorship. If you do
24 not wish to be a cosponsor, please notify the
25 desk.

1 Senator Lanza.

2 SENATOR LANZA: Madam President,
3 may we take up Resolution Number 668, read the
4 title only, and call on Senator Helming.

5 ACTING PRESIDENT PHILLIPS: The
6 Secretary will read.

7 THE SECRETARY: Legislative
8 Resolution Number 668, by Senator Helming,
9 commemorating the establishment of the Harriet
10 Tubman National Historic Park in Auburn,
11 New York, as the 414th unit of the National Park
12 System.

13 ACTING PRESIDENT PHILLIPS: Senator
14 Helming.

15 SENATOR HELMING: Thank you, Madam
16 President.

17 It is my privilege to sponsor this
18 resolution to commemorate the establishment of
19 the Harriet Tubman National Park in Auburn,
20 New York.

21 It is fitting that we celebrate the
22 establishment of this park during the month of
23 February, Black History Month. Miss Tubman's
24 story and journey is well-documented and helped
25 to forever change the course of our great nation.

1 After emancipating herself and her family,
2 Miss Tubman moved to Ontario, Canada, before
3 settling in Auburn, New York, the site of this
4 historic national park.

5 Miss Tubman lived here, worshipped
6 here, cared for others here, and was eventually
7 laid to rest here.

8 This park will educate visitors for
9 generations to come about the selfless work of
10 Miss Tubman and symbolizes New York's
11 appreciation for the sacrifices she made.

12 Harriet Tubman provided help to
13 those who had been enslaved and were seeking a
14 safe haven and a start to a new life. She was
15 fearless in her efforts as conductor of the
16 Underground Railroad, helping hundreds secure
17 freedom no matter the odds against them.

18 With today's national rhetoric, we
19 can all learn a lesson or two from the way Miss
20 Tubman lived her life and dedicated herself to
21 others. She lived by the core values of freedom,
22 family, faith, community, justice,
23 self-determination and equality, values we should
24 all still have high regard for today.

25 Harriet Tubman committed her life to

1 improving our country and those who lived here,
2 regardless of race or gender. Later in life, she
3 was active in the women's suffrage movement,
4 which is so synonymous with the Finger Lakes
5 region and communities in my Senate district.

6 Therefore I rise today, Madam
7 President, in admiration of Miss Tubman, the life
8 she lived, and the example she set for millions
9 of Americans still to this day.

10 Thank you.

11 ACTING PRESIDENT PHILLIPS: The
12 question is on the resolution. All in favor
13 signify by saying aye.

14 (Response of "Aye.")

15 ACTING PRESIDENT PHILLIPS:
16 Opposed, nay.

17 (No response.)

18 ACTING PRESIDENT PHILLIPS: The
19 resolution is adopted.

20 Thank you, Senator.

21 Senator Lanza.

22 SENATOR LANZA: Madam President,
23 the sponsor has opened the resolution for
24 cosponsorship. Any member not wishing to be on
25 the resolution please notify the desk.

1 ACTING PRESIDENT PHILLIPS: The
2 resolution is open for cosponsorship. If you do
3 not wish to be a cosponsor, please notify the
4 desk.

5 Senator Lanza.

6 SENATOR LANZA: Madam President,
7 please take up previously adopted Resolution
8 Number 312 and call on Senator Peralta.

9 ACTING PRESIDENT PHILLIPS: The
10 Secretary will read.

11 THE SECRETARY: Legislative
12 Resolution Number 312, by Senator Peralta,
13 commemorating the 173rd Anniversary of the
14 Dominican Republic Independence, to be celebrated
15 on February 27, 2017.

16 ACTING PRESIDENT PHILLIPS: Senator
17 Peralta on the resolution.

18 SENATOR PERALTA: Thank you, Madam
19 President.

20 2017 marks the 173rd anniversary of
21 the Dominican Republic's independence. As the
22 first Dominican-American to be elected to this
23 chamber, it is truly an honor to stand here today
24 commemorating our independence.

25 It was on February 27, 1844. A few

1 years back, in 1838, Juan Puablo Duarte, the
2 nation's patriarch, formed La Trinitaria, a
3 secret society founded with the objective of
4 gaining independence from Haiti. Duarte was
5 joined by Matías Mella and Rosario Sánchez. As
6 we closely identify American independence with
7 the leadership of George Washington, Ben
8 Franklin, Thomas Jefferson and John Adams, the
9 Dominican independence is identified with La
10 Trinitaria or Los Trinitarios.

11 It was only six years after its
12 formation that Los Trinitarios declared
13 independence from Haiti. That same year, in
14 1844, the Dominican Republic adopted its first
15 constitution.

16 Duarte's historic significance is
17 evident. Some landmarks honoring the patriarch
18 include the Pico Duarte, the highest mountain in
19 the Caribbean, and Duarte Square, a park in
20 New York City.

21 We celebrate Dominican independence,
22 and we also celebrate the many contributions
23 Dominicans and Dominican-Americans have made to
24 our city, to our state, and to our nation --
25 contributions to the economy, to the arts, to

1 politics, to culture, that have enriched our
2 lives and the lives of so many, strengthening our
3 communities and neighborhoods.

4 I am proud to stand here today
5 celebrating the pride of being a Dominican,
6 especially today as immigrants are under attack,
7 as we commemorate our 173rd anniversary as a
8 nation.

9 I stand here today just a few days
10 after the confirmation of Jeff Sessions as
11 Attorney General. Some years ago, Sessions had
12 very harsh words against immigrants, particularly
13 against Dominicans. He said that immigrants from
14 the Dominican Republic, a group that includes my
15 parents, do not possess skills that would benefit
16 the United States.

17 Well, now we have the first
18 Congressman of Dominican descent in Adriano
19 Espaillat. We have State Senators,
20 Assemblymembers, Councilmembers, doctors,
21 teachers, actors, athletes, lawyers, and so many
22 other professionals that are the pride of our
23 nation. As a State Senator in New York, I am
24 proud and I am a proud product of Dominican
25 immigrants.

1 By way of this resolution, we extend
2 our best wishes to our Dominican-American friends
3 throughout New York City and across New York
4 State.

5 Thank you, Madam President.

6 ACTING PRESIDENT PHILLIPS: Senator
7 Lanza.

8 SENATOR LANZA: Madam President,
9 the sponsor has opened this resolution for
10 cosponsorship. Any member not wishing to be on
11 the resolution please notify the desk.

12 ACTING PRESIDENT PHILLIPS: The
13 resolution is open for cosponsorship. If you do
14 not wish to be a cosponsor, please notify the
15 desk.

16 Senator Lanza.

17 SENATOR LANZA: Madam President,
18 immediately following session there will be an
19 EnCon meeting in Room 308 of the LOB and a
20 Veterans meeting in Room 123 of the Capitol.

21 ACTING PRESIDENT PHILLIPS: So
22 immediately following session, there will be an
23 EnCon meeting in Room 308, LOB, and a Veterans
24 meeting in Room 123 here in the Capitol building.

25 Thank you.

1 SENATOR LANZA: Madam President, is
2 there any further business before the desk?

3 ACTING PRESIDENT PHILLIPS: There
4 is no further business at the desk.

5 SENATOR LANZA: Thank you, Madam
6 President.

7 Madam President, the Senate is
8 adjourned until Tuesday, February 28th, at
9 3:00 p.m., intervening days being legislative
10 days.

11 ACTING PRESIDENT PHILLIPS: On
12 motion, the Senate stands adjourned until
13 Tuesday, February 28th, at 3:00 p.m., intervening
14 days being legislative days.

15 (Whereupon, at 11:43 a.m., the
16 Senate adjourned.)

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