

1 NEW YORK STATE SENATE

2
3
4 THE STENOGRAPHIC RECORD

5
6
7
8
9 ALBANY, NEW YORK

10 March 8, 2017

11 11:28 a.m.

12
13
14 REGULAR SESSION

15
16
17
18 SENATOR THOMAS D. CROCI, Acting President

19 FRANCIS W. PATIENCE, Secretary

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

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

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

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

9 ACTING PRESIDENT CROCI: And in
10 the absence of clergy, may we please bow our
11 heads in a moment of silence.

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

14 ACTING PRESIDENT CROCI: The
15 reading of the Journal.

16 THE SECRETARY: In Senate,
17 Tuesday, March 7th, the Senate met pursuant to
18 adjournment. The Journal of Monday, March 6th,
19 was read and approved. On motion, Senate
20 adjourned.

21 ACTING PRESIDENT CROCI: Without
22 objection, the Journal stands approved as read.

23 Presentation of petitions.

24 Messages from the Assembly.

25 Messages from the Governor.

1 Reports of standing committees.

2 Reports of select committees.

3 Communications and reports from
4 state officers.

5 Motions and resolutions.

6 Senator DeFrancisco.

7 SENATOR DeFRANCISCO:

8 Mr. President, I move that Senate Bill Number
9 5077, by Senator Golden, be discharged from its
10 respective committee and be recommitted with
11 instructions to strike the enacting clause.

12 ACTING PRESIDENT CROCI: It's so
13 ordered.

14 SENATOR DeFRANCISCO: Could we
15 please take up the noncontroversial reading of
16 the calendar.

17 ACTING PRESIDENT CROCI: The
18 Secretary will read.

19 THE SECRETARY: Calendar Number
20 108, by Senator Serrano, Senate Print 3052, an
21 act to amend the General City Law.

22 ACTING PRESIDENT CROCI: Read the
23 last section.

24 THE SECRETARY: Section 3. This
25 act shall take effect on the 30th day.

1 ACTING PRESIDENT CROCI: Call the
2 roll.

3 (The Secretary called the roll.)

4 THE SECRETARY: Ayes, 44. Nays,
5 1. Senator O'Mara recorded in the negative.

6 ACTING PRESIDENT CROCI: The bill
7 is passed.

8 THE SECRETARY: Calendar Number
9 215, by Senator Robach, Senate Print 1012, an
10 act to amend the Vehicle and Traffic Law.

11 ACTING PRESIDENT CROCI: Read the
12 last section.

13 THE SECRETARY: Section 3. This
14 act shall take effect on the 30th day.

15 ACTING PRESIDENT CROCI: Call the
16 roll.

17 (The Secretary called the roll.)

18 THE SECRETARY: In relation to
19 Calendar 215, those recorded in the negative are
20 Senators Bailey, Hoylman, Krueger, Rivera and
21 Sanders.

22 Ayes, 45. Nays, 5.

23 ACTING PRESIDENT CROCI: The bill
24 is passed.

25 THE SECRETARY: Calendar Number

1 216, by Senator Marcellino, Senate Print 1135, an
2 act to amend the Vehicle and Traffic Law.

3 ACTING PRESIDENT CROCI: Read the
4 last section.

5 THE SECRETARY: Section 6. This
6 act shall take effect on the 120th day.

7 ACTING PRESIDENT CROCI: Call the
8 roll.

9 (The Secretary called the roll.)

10 ACTING PRESIDENT CROCI: Senator
11 Hoylman to explain his vote.

12 SENATOR HOYLMAN: Thank you,
13 Mr. President.

14 I wanted to thank the sponsor for
15 introducing this bill. I think we can all agree
16 that restricting sex offenders' access to children
17 is a very important thing.

18 But we need to be doing more in this
19 chamber than just constantly reintroducing bills
20 that are one-house. And we can pass a Child
21 Victims Act, Mr. President, that actually ensures
22 justice for the victims of child sexual abuse.

23 You know, currently in New York
24 State we have the worst statute of limitations in
25 the country -- the worst, bar none. If you don't

1 file a claim, if you're assaulted as a child, by
2 the age of 23, then you are shut out of both
3 civil and criminal cases.

4 So, Mr. President, while this is an
5 important step, a good bill, we have to do more.
6 I'll be voting in the affirmative.

7 Thank you.

8 ACTING PRESIDENT CROCI: Senator
9 Hoylman to be recorded in the affirmative.

10 Announce the result.

11 THE SECRETARY: Ayes, 51.

12 ACTING PRESIDENT CROCI: The bill
13 is passed.

14 THE SECRETARY: Calendar Number
15 233, by Senator Little, Senate Print 2947, an act
16 to amend Chapter 308 of the Laws of 2012.

17 ACTING PRESIDENT CROCI: Read the
18 last section.

19 THE SECRETARY: Section 2. This
20 act shall take effect immediately.

21 ACTING PRESIDENT CROCI: Call the
22 roll.

23 (The Secretary called the roll.)

24 THE SECRETARY: Ayes, 51.

25 ACTING PRESIDENT CROCI: The bill

1 is passed.

2 THE SECRETARY: Calendar Number
3 303, by Senator LaValle, Senate Print 4358, an
4 act to amend Chapter 672 of the Laws of 1993.

5 ACTING PRESIDENT CROCI: Read the
6 last section.

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

9 ACTING PRESIDENT CROCI: Call the
10 roll.

11 (The Secretary called the roll.)

12 THE SECRETARY: Ayes, 51.

13 ACTING PRESIDENT CROCI: The bill
14 is passed.

15 THE SECRETARY: Calendar Number
16 401, by Senator Klein, Senate Print 1786, an act
17 to amend the Penal Law.

18 ACTING PRESIDENT CROCI: Read the
19 last section.

20 THE SECRETARY: Section 11. This
21 act shall take effect on the first of November.

22 ACTING PRESIDENT CROCI: Call the
23 roll.

24 (The Secretary called the roll.)

25 ACTING PRESIDENT CROCI: Senator

1 Klein to explain his vote.

2 SENATOR KLEIN: Thank you,
3 Mr. President.

4 This is the first of three bills
5 that the Independent Democratic Conference has
6 introduced as part of our anti-hate package.

7 I think we all know we're seeing the
8 dangerous proliferation of hate crimes all over
9 New York State. There's been a hundred bomb
10 threats made against Jewish Community Centers
11 across the nation. And we're also seeing
12 religious freedoms being trampled on, not only in
13 Jewish communities but in Muslim communities as
14 well as.

15 You know, last week in my district,
16 I actually was able to bring together members of
17 the Jewish community and the Muslim community,
18 shoulder to shoulder, to stand up against hate
19 crimes.

20 This specific piece of legislation
21 is something that I introduced back in 2006,
22 where at the time we saw many, many houses of
23 worship, including churches in my district, and
24 these were churches, that were being
25 desecrated -- statues being knocked down,

1 religious artifacts being stolen.

2 As a matter of fact, at the time,
3 Senator Kaminsky, when he was an Assemblymember,
4 carried this bill in the Assembly.

5 The problem was bad back then in
6 2006, but I think it's even worse now. And I
7 think we have to send a very, very clear message
8 that any of us who believe in religious freedom,
9 any of us who believe in the fact that we're
10 either going to sink or swim together, and we
11 have to stick together as one -- when one
12 community is threatened, all of us have to feel
13 that same threat.

14 So this bill expands the existing
15 crime of criminal mischief in the third degree to
16 include damage made to a house of worship.
17 Criminal mischief in the second degree would be
18 expanded to include ruining a priceless religious
19 object, like a scroll.

20 And then finally, cemetery
21 desecration in the first degree is created, which
22 would be a Class D felony.

23 I urge my colleagues, each and every
24 one of us, to vote yes on this important
25 legislation, Mr. President.

1 ACTING PRESIDENT CROCI: Senator
2 Klein to be recorded in the affirmative.

3 Announce the result.

4 THE SECRETARY: In relation to
5 Calendar 401: Ayes, 56. Nays, 2. Senators
6 Krueger and Montgomery recorded in the negative.

7 ACTING PRESIDENT CROCI: The bill
8 is passed.

9 THE SECRETARY: Calendar Number
10 402, by Senator Phillips, Senate Print 2492, an
11 act to amend the State Finance Law.

12 ACTING PRESIDENT CROCI: Read the
13 last section.

14 THE SECRETARY: Section 3. This
15 act shall take effect immediately.

16 ACTING PRESIDENT CROCI: Call the
17 roll.

18 (The Secretary called the roll.)

19 ACTING PRESIDENT CROCI: Senator
20 Phillips.

21 SENATOR PHILLIPS: Thank you,
22 Mr. President. I rise today to explain my vote.

23 And I thank Senator Klein for those
24 words, because this bill really does go in
25 conjunction.

1 In recent days, we have seen an
2 unprecedented increase in instances of
3 antisemitism across this state and across this
4 country. More than just words, we've seen a rise
5 in vandalism and threats, all rooted in hatred
6 and targeted at a single group of our fellow
7 citizens. Just this week, in Senator Funke's and
8 Senator Robach's districts; last week, in my own;
9 and just a few blocks away from here, in Albany,
10 we've witnessed actions that are designed to
11 instill fear and terror.

12 And today, with this bill and its
13 companion bill, which we will take up, we have
14 the opportunity to take action of our own, to
15 make it clear that in this Senate, as
16 New Yorkers, we stand against hatred and bigotry.

17 We cherish our rights to free
18 speech. But when speech becomes hate-filled
19 action that intimidates, frightens, and turns us
20 against our neighbors, friends, and allies, we
21 have an obligation to respond.

22 I want to thank my colleagues on
23 both sides of the aisle for joining me to
24 strongly denounce bigoted and hateful words and
25 actions. I also want to thank the Governor for

1 the steps he's taking to show that we stand in
2 solidarity with our friends and neighbors, both
3 here and across the globe.

4 I encourage everyone to join me in
5 urging the Assembly to take up these bills so we
6 can all speak with one voice.

7 Mr. President, I vote in the
8 affirmative.

9 ACTING PRESIDENT CROCI: Senator
10 Phillips to be recorded in the affirmative.

11 Senator Kaminsky.

12 SENATOR KAMINSKY: Thank you,
13 Mr. President.

14 Thank you for the introduction of
15 this bill, and I think it is perfectly
16 appropriate to have Senator Klein's bill and
17 Senator Phillips' bill go back to back, because
18 they both address something that's very important
19 and something that we've seen rear its ugly head
20 to a very disturbing extent lately, and that's
21 antisemitism.

22 And it is important we say it loud
23 and up-front, the BDS movement is a soft but
24 insidious form of antisemitism. It claims not to
25 be, but it is. When you have countries that

1 practice genital mutilation, that arrest women
2 for driving cars, and there is no boycott
3 movement against them, we have to wonder what's
4 so special about Israel.

5 The truth is there's a lot great and
6 special about Israel, a country who is our real
7 only friend in the Middle East, who has seen a
8 country and an economy grow to an amazing extent
9 that started with really nothing, with the world
10 against it. We should be doing all we can to
11 praise Israel, to stand with Israel. That's what
12 the Governor did last week, and that's what we're
13 doing, Republicans and Democrats, different
14 branches of government here in New York.

15 And we do that by taking a stand
16 against the BDS movement, by saying that this is
17 not right, that we don't stand with it. And
18 you're entitled to do whatever you want, but
19 New York doesn't have to stand with you. And
20 it's very simple. You don't want to invest in
21 Israel, great, that's your right. New York won't
22 invest in you.

23 And so I really appreciate that
24 we're taking this stand here today. Israel, now
25 more than ever, needs our help. And society is

1 looking to each and every one of us, after bomb
2 threats and cemetery desecrations, and Lord knows
3 what next, to see where we will take a stand on
4 this.

5 And supporting Israel and going
6 against the BDS movement, which this bill and a
7 series of bills, which they do, is an important
8 way to say that's where we are. It is where we
9 are, and that's why I vote in the affirmative.

10 Thank you, Mr. President.

11 ACTING PRESIDENT CROCI: Senator
12 Kaminsky to be recorded in the affirmative.

13 Announce the result.

14 THE SECRETARY: In relation to
15 Calendar 402, those recorded in the negative are
16 Senators Krueger, Montgomery, Rivera and Sanders.
17 Also Senator Comrie.

18 Ayes, 54. Nays, 5.

19 ACTING PRESIDENT CROCI: The bill
20 is passed.

21 THE SECRETARY: Calendar Number
22 403, by Senator Phillips, Senate Print 2493, an
23 act to amend the Education Law.

24 ACTING PRESIDENT CROCI: Read the
25 last section.

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

3 ACTING PRESIDENT CROCI: Call the
4 roll.

5 (The Secretary called the roll.)

6 ACTING PRESIDENT CROCI: Senator
7 Kaminsky to explain his vote.

8 SENATOR KAMINSKY: I just want to
9 add something upon my previous comments, that our
10 college campuses have had very troubling
11 revelations.

12 When I traveled with Speaker Heastie
13 to Israel on a delegation trip last year, we
14 spoke with a reporter from the West Bank, who is
15 Arabic, who says he will go to Israel, he will go
16 anywhere throughout the country to speak about
17 his views, which are about a two-state solution,
18 but he will never go to the University of
19 Michigan, which is my alma mater, where he was
20 spat upon.

21 On our college campuses, if you
22 support Israel, if you show any type of support,
23 you are seen as somebody who enables occupiers,
24 is a bad person, is very uncomfortable to be
25 there. These are the same institutions that

1 fought for civil rights in the late '60s, that
2 have stood for everything that's good.

3 Raoul Wallenberg, one of the
4 greatest humanitarians you could think of, who
5 saved thousands and thousands in the Holocaust --
6 there is a statue of him just down the way from
7 this building -- was a graduate of the University
8 of Michigan. He would have been very upset with
9 what he's seeing.

10 Once again, it's a simple choice.
11 We don't have to stand by and give taxpayer money
12 to groups that sow such hate. And I'm glad we're
13 taking a stand here today against that, and I
14 support this bill and vote in the affirmative.

15 Thank you.

16 ACTING PRESIDENT CROCI: Senator
17 Kaminsky to be recorded in the affirmative.

18 Announce the result.

19 THE SECRETARY: In relation to
20 Calendar 403, those recorded in the negative are
21 Senators Bailey, Comrie, Gianaris, Hoylman,
22 Krueger, Montgomery, Peralta, Persaud, Rivera,
23 Sanders and Squadron.

24 Ayes, 48. Nays, 11.

25 ACTING PRESIDENT CROCI: The bill

1 is passed.

2 THE SECRETARY: Calendar Number
3 405, by Senator Carlucci, Senate Print 4777, an
4 act to amend the Penal Law.

5 ACTING PRESIDENT CROCI: Read the
6 last section.

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

9 ACTING PRESIDENT CROCI: Call the
10 roll.

11 (The Secretary called the roll.)

12 ACTING PRESIDENT CROCI: Senator
13 Carlucci to explain his vote.

14 SENATOR CARLUCCI: Thank you,
15 Mr. President.

16 I rise to support this legislation
17 and want to thank my colleagues for supporting it
18 as well.

19 Unfortunately, as has been said on
20 the floor, we have seen an increase in attacks on
21 people solely based on their religion and their
22 identity. It's outrageous to think that this is
23 happening in our community and across the nation.

24 And in New York, we have to take a
25 zero-tolerance stance against this. Imagine a

1 student showing up to school and seeing a
2 swastika painted on the fence, or an LGBT teen
3 seeing a hateful slogan painted on the wall in
4 their community saying that they're not welcome.

5 Well, that's not who we are as
6 New Yorkers. And that's why it's so important
7 that we stand together, united in this chamber,
8 saying we stand with all of those who have been
9 victimized, and say that we're not going to
10 tolerate it, we're not going to allow people to
11 be intimidated simply for who they are in our
12 community.

13 And in New York we've always been a
14 beacon of freedom, of liberty. And we need to
15 show an example and really pave the way for the
16 rest of the nation to show that we won't allow
17 intimidation and hate to resonate in our
18 community or anywhere in our state.

19 So I want to thank my colleagues for
20 supporting this legislation and remind everyone
21 out there that we're with you and we're going to
22 do everything we can to stop hate in our
23 community.

24 Thank you, Mr. President.

25 ACTING PRESIDENT CROCI: Senator

1 Carlucci to be recorded in the affirmative.

2 Senator Latimer.

3 SENATOR LATIMER: Thank you,
4 Mr. President.

5 I rise in support of Senator
6 Carlucci's bill. I think it addresses a trend
7 that we're seeing that's very troublesome, which
8 is a greater incidence of hate crimes in a more
9 public fashion.

10 Whatever the reasons are for that,
11 by expanding the definition of a hate crime to
12 include acts of graffiti, we are addressing a
13 current reality in the hopes, number one, of
14 punishing and in the hopes of, number two,
15 deterring.

16 And I would just also point out to
17 my colleagues I have filed a bill, S5065, which
18 also further expands the hate crimes law to
19 include community centers that have a religious
20 affiliation. As in Mr. Carlucci's bill, which
21 looks at an existing situation and sees a
22 loophole, and this bill fills that loophole, my
23 bill does the same, so that community centers --
24 that may not be a place where religious services
25 are held, but is religious affiliated -- is given

1 the same treatment for hate crimes.

2 And I would hope that my colleagues
3 on both sides of the aisle would take a look at
4 that bill in the same spirit with which I support
5 Senator Carlucci's bill.

6 ACTING PRESIDENT CROCI: Senator
7 Latimer to be recorded in the affirmative.

8 Announce the result.

9 THE SECRETARY: Ayes, 59. Nays, 1.
10 Senator Montgomery recorded in the negative.

11 ACTING PRESIDENT CROCI: The bill
12 is passed.

13 THE SECRETARY: Calendar Number
14 406, by Senator Klein, Senate Print 4837, an act
15 to prohibit.

16 ACTING PRESIDENT CROCI: Read the
17 last section.

18 THE SECRETARY: Section 3. This
19 act shall take effect on the 30th day.

20 ACTING PRESIDENT CROCI: Call the
21 roll.

22 (The Secretary called the roll.)

23 ACTING PRESIDENT CROCI: Senator
24 Klein to explain his vote.

25 SENATOR KLEIN: Thank you,

1 Mr. President.

2 This legislation is similar to a
3 piece of legislation that I introduced several
4 years ago when an organization called the
5 American Studies Association took it upon
6 themselves to boycott any exchange program,
7 student exchange programs, between Israel and the
8 United States.

9 Unfortunately, it took on a
10 tremendous amount of momentum. Even colleges
11 here in New York, like NYU, were members of the
12 American Studies Association. And we actually
13 took up the cause then, and it died down a
14 little, but I'm afraid again, with the
15 antisemitism which is upon us, and the
16 anti-Israel feeling that seems to be sprouting
17 all over college campuses, that this will happen
18 again.

19 So this legislation would actually
20 prohibit any college or university in New York
21 from using state aid to support an organization
22 that is actively boycotting Israel, Lebanon, the
23 Czech Republic, Hungary, or any college or
24 university located in these countries.

25 The reason why these countries were

1 chosen is because these are presently countries
2 that have New York State-chartered universities.
3 I'd love to be able to take on the cause that
4 Senator Kaminsky mentioned about the University
5 of Michigan and some other colleges, but I think
6 our jurisdiction only lies within state-chartered
7 universities.

8 So I urge my colleagues again to
9 vote yes on this legislation, Mr. President.

10 ACTING PRESIDENT CROCI: Senator
11 Klein to be recorded in the affirmative.

12 Announce the result.

13 THE SECRETARY: In relation to
14 Calendar 406, those recorded in the negative are
15 Senators Comrie, Montgomery, Parker, Persaud,
16 Rivera and Sanders.

17 Ayes, 54. Nays, 6.

18 ACTING PRESIDENT CROCI: The bill
19 is passed.

20 Senator DeFrancisco, that completes
21 the reading of the noncontroversial calendar.

22 SENATOR DeFRANCISCO: Yes, upon
23 completion of session, there will be a Republican
24 conference in Room 332 immediately, immediately,
25 so we can start immediately.

1 And is there any further business at
2 the desk?

3 ACTING PRESIDENT CROCI: There will
4 be an immediate meeting of the Republican
5 Conference in Room 332 immediately following
6 session.

7 Senator DeFrancisco, there is no
8 further business before the desk.

9 SENATOR DeFRANCISCO: In that case,
10 I move to adjourn until Monday, March 13th, at
11 3:00 p.m., intervening days being legislative
12 days.

13 ACTING PRESIDENT CROCI: On motion,
14 the Senate stands adjourned until Monday,
15 March 13th, at 3:00 p.m., intervening days being
16 legislative days.

17 (Whereupon, at 11:48 a.m., the
18 Senate adjourned.)
19
20
21
22
23
24
25