

1 NEW YORK STATE SENATE

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3  
4 THE STENOGRAPHIC RECORD

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9 ALBANY, NEW YORK

10 March 24, 2014

11 3:46 p.m.

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13  
14 REGULAR SESSION

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18 SENATOR DAVID CARLUCCI, Acting President

19 FRANCIS W. PATIENCE, Secretary

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

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

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

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

8 ACTING PRESIDENT CARLUCCI: Today  
9 we have with us Rabbi Shmuel Butman, from the  
10 Lubavitch Youth Organization in Brooklyn,  
11 New York, to lead us in the invocation.

12 RABBI BUTMAN: {in Hebrew}

13 Our Heavenly Father, we ask You to  
14 bestow Your blessings upon all the members of the  
15 New York State Senate. On the members and on the  
16 members of their family, watch them, keep them,  
17 and bless them with all good things.

18 We are here in honor of the  
19 112th Birthday of the Rebbe. We are here every  
20 year, and we are happy that you are here together  
21 with us celebrating 112 years of the birth of the  
22 Lubavitcher Rebbe.

23 In Psalm 112, King David speaks  
24 about people who are God-fearing, and he says  
25 that their reward will be that their children

1 will follow their footsteps. You are legislating  
2 laws that will help the education of all  
3 children.

4           The Rebbe was very, very strong  
5 about education -- not only Jewish education,  
6 education in general. Education of the American  
7 child, of the French child, of the Chinese child,  
8 of the Arab child. That every child, the Rebbe  
9 wanted, should know that there is an Eye that  
10 sees and an Ear that hears and that the world is  
11 not a jungle.

12           And if we'd adhere to that,  
13 everything in this world would be much better  
14 than it is today. And with God's help, it will  
15 improve.

16           In 1991 I went to Washington to open  
17 the United States Senate in Washington, which as  
18 I understand is a branch of the Senate of the  
19 State of New York. And before I went there, I  
20 went to see the Rebbe. And the Rebbe said to me,  
21 "You should take with you a pushkeh." A pushkeh  
22 is a charity box. "And when you are opening with  
23 a prayer the United States Senate, you should  
24 give charity, and everybody should see what you  
25 are doing so that they should know what money

1     should be used for."

2                     It is in that spirit that I'm  
3     offering a dollar for charity. And on the dollar  
4     it says "In God We Trust." And I would like to  
5     invite everyone, if you would be kind enough, to  
6     also put in only one dollar. I don't want you to  
7     think that this is a fundraising campaign.  
8     Otherwise, we would ask you for much more money.

9                     This is a campaign to do more good  
10    things, goodness and kindness, as the Rebbe  
11    always called it.

12                    I want you to know that in our  
13    prayers in our shuls every Shabbos, every  
14    Saturday, we offer a special prayer for you. We  
15    say {in Hebrew}, which means all those who serve  
16    the public faithfully, as you do, we ask for a  
17    special prayer for your health, for your success,  
18    and that you should have a lot of success, not  
19    only in the things that you do but also success  
20    in your own personal life.

21                    And as the Rebbe says, we live in a  
22    special generation, the last generation of exile  
23    and the first generation of redemption. Let us  
24    all be there to witness that great redemption  
25    speedily in our very own days.

1                   Thank you.

2                   ACTING PRESIDENT CARLUCCI:   Reading  
3 of the Journal.

4                   THE SECRETARY:   In Senate, Sunday,  
5 March 23rd, the Senate met pursuant to  
6 adjournment. The Journal of Saturday,  
7 March 22nd, was read and approved. On motion,  
8 Senate adjourned.

9                   ACTING PRESIDENT CARLUCCI:   Without  
10 objection, the Journal stands approved as read.

11                   Presentation of petitions.

12                   Messages from the Assembly.

13                   Messages from the Governor.

14                   Reports of standing committees.

15                   Reports of select committees.

16                   Communications and reports from  
17 state officers.

18                   Motions and resolutions.

19                   Senator Libous.

20                   SENATOR LIBOUS:   Thank you,  
21 Mr. President.

22                   Mr. President, I have a number of  
23 motions that I would like to read. And could we  
24 have just a little -- we appreciate the members  
25 who want to give charity, but we could do with it

1 order. Thank you.

2 On behalf of Senator Martins, on  
3 page 10 I offer the following amendments to  
4 Calendar Number 125, Senate Print 6424A, and ask  
5 that said bill retain its place on the Third  
6 Reading Calendar.

7 On behalf of Senator Ritchie, on  
8 page 20 I offer the following amendments to  
9 Calendar Number 252, Senate Print 6693A, and ask  
10 that said bill retain its place on the Third  
11 Reading Calendar.

12 On behalf of Senator Little, on  
13 page 24 I offer the following amendments to  
14 Calendar Number 306, Senate Print 6588, and ask  
15 that said bill retain its place on the Third  
16 Reading Calendar.

17 On behalf of Senator Marcellino, on  
18 page 24 I offer the following amendments to  
19 Calendar Number 307, Senate Print 1486, and I ask  
20 that said bill retain its place on the Third  
21 Reading Calendar.

22 And on behalf of Senator Martins, on  
23 page 25, Mr. President, I offer the following  
24 amendments to Calendar Number 316, Senate Print  
25 6744, and ask that said bill retain its place on

1 the Third Reading Calendar.

2 ACTING PRESIDENT CARLUCCI: So  
3 ordered. The amendments are all accepted and the  
4 bills will retain their place on the Third  
5 Reading Calendar.

6 Senator Libous.

7 SENATOR LIBOUS: Mr. President, at  
8 this time I would call an immediate meeting of  
9 the Rules Committee in Room 332.

10 There will be an immediate meeting  
11 of the Rules Committee in Room 332. And in the  
12 meantime, the Senate will stand at ease.

13 ACTING PRESIDENT CARLUCCI:  
14 There'll be an immediate meeting of the Rules  
15 Committee in Room 332 of the Capitol.

16 The Senate will stand at ease.

17 (Whereupon, the Senate stood at ease  
18 at 3:52 p.m.)

19 (Whereupon, the Senate reconvened at  
20 4:02 p.m.)

21 ACTING PRESIDENT CARLUCCI: The  
22 Senate will come to order.

23 Senator Libous.

24 SENATOR LIBOUS: Mr. President, may  
25 we return to the reports of standing committees.

1 I believe there's a report of the Rules Committee  
2 at the desk.

3 ACTING PRESIDENT CARLUCCI: Reports  
4 of standing committees.

5 The Secretary will read the report  
6 of the Rules Committee.

7 THE SECRETARY: Senator Skelos,  
8 from the Committee on Rules, reports the  
9 following bill direct to third reading:

10 Senate Print 6865, by Senator Ball,  
11 an act to amend the Executive Law.

12 ACTING PRESIDENT CARLUCCI: Senator  
13 Libous.

14 SENATOR LIBOUS: At this time,  
15 Mr. President, I move to accept the report of the  
16 Rules Committee.

17 ACTING PRESIDENT CARLUCCI: All in  
18 favor of accepting the report of the  
19 Rules Committee signify by saying aye.

20 (Response of "Aye.")

21 ACTING PRESIDENT CARLUCCI:  
22 Opposed, nay.

23 (No response.)

24 ACTING PRESIDENT CARLUCCI: The  
25 Rules Committee report is accepted.

1 Senator Libous.

2 SENATOR LIBOUS: At this time could  
3 we have the reading of the noncontroversial  
4 calendar, please.

5 ACTING PRESIDENT CARLUCCI: The  
6 Secretary will read.

7 THE SECRETARY: Calendar Number 43,  
8 by Senator Marchione, Senate Print 5596A, an act  
9 to amend the Village Law.

10 ACTING PRESIDENT CARLUCCI: Read  
11 the last section.

12 THE SECRETARY: Section 3. This  
13 act shall take effect immediately.

14 ACTING PRESIDENT CARLUCCI: Call  
15 the roll.

16 (The Secretary called the roll.)

17 ACTING PRESIDENT CARLUCCI:  
18 Announce the result.

19 THE SECRETARY: Ayes, 56. Nays, 1.  
20 Senator Ball recorded in the negative.

21 ACTING PRESIDENT CARLUCCI: The  
22 bill is passed.

23 THE SECRETARY: Calendar Number 97,  
24 by Senator Ritchie, Senate Print 4199, an act to  
25 amend the Education Law.

1                   ACTING PRESIDENT CARLUCCI:    Read  
2   the last section.

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

5                   ACTING PRESIDENT CARLUCCI:    Call  
6   the roll.

7                   (The Secretary called the roll.)

8                   ACTING PRESIDENT CARLUCCI:  
9   Announce the result.

10                  THE SECRETARY:    Ayes, 57.

11                  ACTING PRESIDENT CARLUCCI:    The  
12   bill is passed.

13                  THE SECRETARY:    Calendar Number  
14   141, by Senator DeFrancisco, Senate Print 3036,  
15   an act to amend the Military Law.

16                  ACTING PRESIDENT CARLUCCI:    Read  
17   the last section.

18                  THE SECRETARY:    Section 5.   This  
19   act shall take effect immediately.

20                  ACTING PRESIDENT CARLUCCI:    Call  
21   the roll.

22                  (The Secretary called the roll.)

23                  ACTING PRESIDENT CARLUCCI:  
24   Announce the result.

25                  THE SECRETARY:    Ayes --

1                   SENATOR DeFRANCISCO:    What calendar  
2   number are we on?

3                   ACTING PRESIDENT CARLUCCI:  
4   Calendar Number 141.

5                   Announce the result.

6                   SENATOR DeFRANCISCO:    Oh, no --  
7                   (Laughter; cross-talk.)

8                   ACTING PRESIDENT CARLUCCI:    Senator  
9   DeFrancisco.

10                  SENATOR LIBOUS:    Could you -- could  
11   you tell us what's going on, Mr. President?

12                  ACTING PRESIDENT CARLUCCI:    Senator  
13   DeFrancisco.

14                  SENATOR DeFRANCISCO:    I'd like to  
15   explain my vote.

16                  ACTING PRESIDENT CARLUCCI:    To  
17   explain his vote.

18                  (Laughter.)

19                  SENATOR DeFRANCISCO:    I was  
20   originally going to vote nay, but then I looked  
21   at the sponsor.  And based upon his  
22   recommendations and his eloquent argument that he  
23   had with me shortly thereafter, I'm going to  
24   change my vote to aye.

25                  Thank you.

1 (Laughter.)

2 ACTING PRESIDENT CARLUCCI: Senator  
3 DeFrancisco to be recorded in the affirmative.

4 SENATOR LIBOUS: -- just like the  
5 Syracuse basketball team.

6 (Groans, laughter.)

7 ACTING PRESIDENT CARLUCCI:  
8 Announce the result.

9 THE SECRETARY: Ayes, 57.

10 ACTING PRESIDENT CARLUCCI: The  
11 bill is passed.

12 THE SECRETARY: Calendar Number  
13 147, by Senator Golden, Senate Print 1959A, an  
14 act to amend the Insurance Law.

15 ACTING PRESIDENT CARLUCCI: Read  
16 the last section.

17 THE SECRETARY: Section 9. This  
18 act shall take effect 270 days after it shall  
19 have become a law.

20 ACTING PRESIDENT CARLUCCI: Call  
21 the roll.

22 (The Secretary called the roll.)

23 THE SECRETARY: Ayes, 56. Nays, 1.  
24 Senator DeFrancisco recorded in the negative.

25 ACTING PRESIDENT CARLUCCI: The

1 bill is passed.

2 THE SECRETARY: Calendar Number  
3 162, by Senator Young, Senate Print 2192, an act  
4 to amend the Agriculture and Markets Law.

5 ACTING PRESIDENT CARLUCCI: Read  
6 the last section.

7 THE SECRETARY: Section 4. This  
8 act shall take effect immediately.

9 ACTING PRESIDENT CARLUCCI: Call  
10 the roll.

11 (The Secretary called the roll.)

12 ACTING PRESIDENT CARLUCCI:  
13 Announce the result.

14 THE SECRETARY: Ayes, 57.

15 ACTING PRESIDENT CARLUCCI: The  
16 bill is passed.

17 THE SECRETARY: Calendar Number  
18 186, by Senator Maziarz, Senate Print 6138, an  
19 act to amend the Public Service Law.

20 ACTING PRESIDENT CARLUCCI: Read  
21 the last section.

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

24 ACTING PRESIDENT CARLUCCI: Call  
25 the roll.

1 (The Secretary called the roll.)

2 ACTING PRESIDENT CARLUCCI:

3 Announce the result.

4 THE SECRETARY: Ayes, 54. Nays, 3.

5 Senators Carlucci, Hoylman and Squadron recorded  
6 in the negative.

7 ACTING PRESIDENT CARLUCCI: The  
8 bill is passed.

9 THE SECRETARY: Calendar Number  
10 188, by Senator Savino, Senate Print 6619A, an  
11 act to amend the Public Service Law.

12 ACTING PRESIDENT CARLUCCI: Read  
13 the last section.

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

16 ACTING PRESIDENT CARLUCCI: Call  
17 the roll.

18 (The Secretary called the roll.)

19 ACTING PRESIDENT CARLUCCI:

20 Announce the result.

21 THE SECRETARY: Ayes, 57.

22 ACTING PRESIDENT CARLUCCI: The  
23 bill is passed.

24 THE SECRETARY: Calendar Number  
25 196, by Senator Nozzolio, Senate Print 3305, an

1 act to amend the Correction Law.

2 ACTING PRESIDENT CARLUCCI: Read  
3 the last section.

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

6 ACTING PRESIDENT CARLUCCI: Call  
7 the roll.

8 (The Secretary called the roll.)

9 ACTING PRESIDENT CARLUCCI:  
10 Announce the result.

11 THE SECRETARY: Ayes, 55. Nays, 2.  
12 Senators Hassell-Thompson and Montgomery recorded  
13 in the negative.

14 ACTING PRESIDENT CARLUCCI: The  
15 bill is passed.

16 THE SECRETARY: Calendar Number  
17 206, by Senator Skelos, Senate Print 1459, an act  
18 to amend the Penal Law.

19 ACTING PRESIDENT CARLUCCI: Read  
20 the last section.

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

23 ACTING PRESIDENT CARLUCCI: Call  
24 the roll.

25 (The Secretary called the roll.)

1           ACTING PRESIDENT CARLUCCI:

2   Announce the result.

3           THE SECRETARY:   Ayes, 57.

4           ACTING PRESIDENT CARLUCCI:   The  
5   bill is passed.

6           Senator Libous, that completes the  
7   noncontroversial reading of the calendar.

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

10           At this time I believe everybody has  
11   Calendar Number 25A.  If we could have the  
12   noncontroversial reading of the bill on that  
13   calendar.

14           ACTING PRESIDENT CARLUCCI:   The  
15   Secretary will read.

16           THE SECRETARY:   Calendar Number  
17   326, by Senator Ball, Senate Print 6865, an act  
18   to amend the Executive Law.

19           ACTING PRESIDENT CARLUCCI:   Read  
20   the last section.

21           THE SECRETARY:   Section 4.  This  
22   act shall take effect immediately.

23           ACTING PRESIDENT CARLUCCI:   Call  
24   the roll.

25           (The Secretary called the roll.)

1                   ACTING PRESIDENT CARLUCCI:    Senator  
2 Ball to explain his vote.

3                   SENATOR BALL:    So I -- just  
4 briefly, this piece of legislation will provide a  
5 6 percent set-aside. The federal government has  
6 a 3 percent set-aside. Many other states have  
7 moved forward to provide that 3 percent set-aside  
8 to businesses owned by our service-disabled  
9 veterans.

10                   This piece of legislation will be  
11 the first in the nation -- it's a landmark piece  
12 of legislation -- to double the federal  
13 set-aside. But not only that, it's not  
14 aspirational in nature but it provides an actual  
15 set-aside for authorities in state contracting of  
16 6 percent.

17                   And it should also be clear that  
18 this in no way competes with the Minority and  
19 Women-Owned Business program, which of course is  
20 very successful as well.

21                   I want to start by thanking  
22 Senator Skelos in our conference and my partners,  
23 Senator Addabbo, who's here, and many Senators  
24 that have already fought on this piece of  
25 legislation for many years, including

1 Senator Larkin and others.

2 This is literally decades in the  
3 making to do the right thing for men and women  
4 who are real heroes. A lot of people watch TV  
5 and they watch these movies and they're  
6 entertained by the movies, and I know my nephews,  
7 they go to the movies and see these superheroes.

8 These are America's superheroes.  
9 And each and every one of you today voting yes  
10 and in support of this piece of legislation can  
11 be proud that you know that you've done God's  
12 work.

13 And it's one thing to shake a  
14 veteran's hand and say "Thank you for your  
15 service," and it's another thing to mean it.

16 I thank the Governor for his  
17 leadership on this. This has been a heck of a  
18 fight. And sometimes Albany is considered to be  
19 the land that common sense forgot. And I know  
20 many of you that do good work, you realize in  
21 Albany how it can be tough to even get good  
22 common-sense things done.

23 And I thank the Governor for helping  
24 us get this over the finish line and making this  
25 a real set-aside and actually doubling that

1 federal standard.

2 I also want to thank some of our  
3 veterans -- Eugene Parrotta, who chairs my  
4 Veterans Advisory Council; Big Ben Downing,  
5 Joseph Krulder -- and I look forward to going  
6 trap shooting with Joe soon -- Carolyn Hulse,  
7 Caul Quinn, Matt Kuskie, Matt Tully, Bill Nelson,  
8 and many others.

9 You know, when we think about the  
10 fact that less than 1 percent of the population  
11 serves in the United States military -- and I  
12 always talk about my military service. I was a  
13 former Air Force officer, graduated from the  
14 Air Force Academy in 2001. And I tell the joke  
15 as many times as I can, that the worst combat I  
16 ever saw was probably at a cocktail party in  
17 Washington, D.C., at 2 o'clock in the morning.

18 I had a great job. I enjoyed my  
19 time in the military. I think about my friends  
20 who continue to serve to this day. But I was  
21 never on the tip of the spear. And I do not know  
22 if I ever would have made it out or if I just  
23 would have been a ball of mush and a ball of  
24 tears when confronted with what these superheroes  
25 have been through.

1                   Now, we have two combat vets here  
2                   too, Senator Larkin and Senator Lee Zeldin that  
3                   are in this chamber right now.

4                   But the point is is that we live in  
5                   a country where many of us are disconnected from  
6                   the reality of what it means to serve. And they  
7                   don't only serve, but their families serve.

8                   And I know men and women that have  
9                   deployed first, I know female troops that deploy  
10                  when their kids are 2 years old, 3 years old.  
11                  Imagine leaving your child, who's 3 years old,  
12                  for six months and how it tears apart her heart.

13                  I know men and women that have gone  
14                  on deployments eight, nine times. Try to keep a  
15                  marriage together. Try to raise a family  
16                  deploying eight or nine times.

17                  And fewer than 1 percent is serving,  
18                  and even less are these combat troops that are on  
19                  the tip of that spear.

20                  About three years ago I met a man  
21                  named Jerry Majetich. I want to read this to  
22                  you. We all think that we have a bad day because  
23                  politics can be tough. When you hear Jerry's  
24                  story, you're going to say "Give me back my  
25                  problems."

1               Jerry was deployed to Iraq in March  
2 of 2005, stationed south of Baghdad in support of  
3 the 184th. On October 18, 2005, while traveling  
4 as the 27th vehicle in a 69-vehicle convoy as  
5 part of Operation Clean Sweep, he was hit by an  
6 IED. His vehicle had a bounty on it.

7               The rear half of the vehicle  
8 disintegrated immediately, killing a member of  
9 the security detachment who was a friend and  
10 roommate of Jerry's, and the battalion  
11 information officer, also a good friend. If you  
12 saw a picture of this Humvee and took a look, it  
13 was literally disintegrated. You wonder how  
14 anybody can make it out of this alive.

15              The driver's door blew off, and he  
16 was ejected from the vehicle, receiving minor  
17 burns to his right arm and leg. The gunner was  
18 thrown about 50 feet into a nearby field from the  
19 explosion, shattering his right leg and suffering  
20 second- and third-degree burns on his arm, leg  
21 and lower back.

22              The propane tank in the IED set the  
23 vehicle on fire, and Jerry was trapped inside,  
24 unable to escape because the door next to him had  
25 been welded closed. A Navy dog handler, an Air

1 Force UAV pilot, and the captain leading the  
2 convoy somehow pulled him out.

3 While his injuries were being  
4 treated, the battle fire continued for nearly  
5 50 minutes. Because the flames on the vehicle  
6 were so not, one of the M16 rounds inside the  
7 vehicle cooked off, flying out to hit Jerry in  
8 the upper rear of his right leg.

9 When it was finally safe for a  
10 medical helicopter to land, Jerry was shot by an  
11 AK47 in the right upper portion of his right leg  
12 as he was being transported by stretcher to it.  
13 He remained in Baghdad for a day because his  
14 condition was so serious medics could not keep  
15 his stabilized. He was flown to Germany, where  
16 he stayed for two days.

17 He was then flown back to Brook Army  
18 Medical Center, Fort Sam Houston, on  
19 November 2nd. He had 35 percent total body  
20 surface third-degree burns and 100 percent face,  
21 neck, and scalp third-degree burns, causing loss  
22 of all hair, both ears, most of his nose and his  
23 vision gone for two months, with the inability to  
24 close either eye for almost three months.

25 His intestines were ruptured and his

1 stomach bruised, causing the loss of a third of  
2 his small intestines. I'm shaking, and I'm not  
3 going to read the rest of this.

4 But to say to my colleagues, thank  
5 you. And to this Governor, thank you. This is  
6 the single greatest thing, what we're passing  
7 today, that we can do for these heroes.

8 This country does a very good job at  
9 getting young men and women to raise their right  
10 hand and be willing to fight and die for this  
11 country. We do a pretty poor job, as a state and  
12 as a country, of helping those veterans  
13 transition back into the civilian workplace.

14 I told Jerry three years ago that I  
15 would be like a pit bull on a ham bone on this,  
16 and that we would get it done. And if weren't  
17 for all of you -- this Governor, our leader, and  
18 everybody in this room -- we wouldn't have gotten  
19 it done.

20 We had a press conference four or  
21 five weeks ago where we had a young vet talking  
22 about his buddy, who committed suicide. And I  
23 realized, I was told a couple of days later he  
24 was actually talking about my buddy who I met at  
25 Valley Forge Military Academy. It's a small

1 world. When you're part of that 1 percent, it's  
2 an even smaller world.

3 This is certainly about jobs,  
4 there's no doubt about that. And the good news  
5 is that vets hire vets. And this is about  
6 meaningful employment connecting service-disabled  
7 veterans and their businesses to hundreds of  
8 millions of dollars in state contracting.

9 But beyond just jobs, it's about  
10 ending the epidemic of veteran suicide, where  
11 we're losing dozens of vets that are committing  
12 suicide every day. And we're going to save those  
13 vets through meaningful employment.

14 So to everybody and especially the  
15 staff -- Krista Gobins on my staff, Bob Farley  
16 and others that have done the hero's work of  
17 getting this done -- thank you. And to each and  
18 every one of you, God bless, and this is a very  
19 good and special day.

20 So thank you.

21 ACTING PRESIDENT CARLUCCI: Thank  
22 you, Senator Ball.

23 Senator Hassell-Thompson.

24 SENATOR HASSELL-THOMPSON: Thank  
25 you, Mr. Chairman.

1           I rise to raise concerns that I  
2     have. And I listened very carefully to the  
3     impassioned speech that Senator Ball has raised,  
4     and I am in total agreement with all of it. But  
5     I continue to have in this chamber concern about  
6     process.

7           Several months ago when one of my  
8     other colleagues presented a bill giving a  
9     percentage of contracts in the state to veterans,  
10    I had suggested at that time that we might want  
11    to not only look at doing a separate allocation  
12    for veterans, but doing it through a disparity  
13    study.

14          My understanding of law tells me  
15    that the Richmond v. Croson decision said that  
16    you cannot do set-asides, that they are illegal.  
17    And if we're very serious about doing this, I  
18    don't understand how we are suggesting that we do  
19    this in absence of a disparity study that  
20    demonstrates all the things that you have said.

21          We stand in these chambers and we  
22    continue to talk about process. And I'm not  
23    clear whether we're talking about the 6 percent  
24    in this contract coming out of existing MWBEs, or  
25    is this on top of the 20 percent MWBEs, so that's

1 26 percent?

2           None of this is -- you know, you  
3 talk about all the people in this room who have  
4 been participatory in helping to put this  
5 together, but I don't know anyone in the Senate  
6 Democratic Conference that was consulted. And as  
7 someone who has had 35 years of experience in  
8 doing these kinds of contracts, I would have been  
9 able to give some assistance to ensure that if  
10 we're going to do this that we don't set  
11 ourselves up for a constitutional setback.

12           So I am deeply concerned that while  
13 I think this is probably, as you said, the most  
14 important thing that we do, I don't want to see  
15 us get pushed back because we have not completed  
16 the process in the proper manner.

17           Thank you, Mr. President.

18           ACTING PRESIDENT CARLUCCI: Thank  
19 you, Senator Hassell-Thompson.

20           Senator Nozzolio.

21           SENATOR NOZZOLIO: Thank you,  
22 Mr. President. I rise in support of this measure  
23 and wish to explain my vote.

24           First and foremost, let me thank  
25 Senator Greg Ball and Senator Dean Skelos for

1 bringing this measure to the floor. And  
2 especially Senator Ball, who was I think  
3 certainly modest in sharing credit for this  
4 important legislative measure.

5 But thank you, Senator Ball, for  
6 having the courage and the persistence to bring  
7 this important support mechanism to our veterans  
8 to now become the law of New York State. Job  
9 well done.

10 As a volunteer member of the United  
11 States Naval Reserve and, after that, as a  
12 commander in the Naval Militia of this state, I  
13 certainly enjoyed experiences in those volunteer  
14 capacities. But as Senator Ball indicated, he  
15 himself and myself have never seen the horrors of  
16 combat.

17 We are talking about the individuals  
18 that have, that have seen combat, our wounded  
19 warriors. We owe them the greatest debt. They  
20 volunteered to defend freedom and democracy for  
21 the United States of America and for other parts  
22 of the world.

23 Many of them have volunteered to  
24 serve a number of tours of duty in Iraq and  
25 Afghanistan. Many of them have fought in the

1 most horrendous and horrific conditions known to  
2 humankind, and many of them are wounded warriors  
3 who, to paraphrase President Abraham Lincoln,  
4 demonstrated a clear measure of devotion to these  
5 United States.

6           Their scars as they returned home  
7 are physical. The wounds are apparent in many  
8 cases. Some of them are not apparent, in that  
9 they suffer from the fatigues of battle and the  
10 mental strains that being in those types of  
11 theaters present. A number of them have lost  
12 limbs.

13           This measure helps them, as business  
14 entrepreneurs, get a leg up, get a leg up to be  
15 able to successfully grow their business, expand  
16 their business, become productive members in  
17 New York State of the business community.

18           But let's be clear, Mr. President,  
19 this measure is not about business. This is  
20 about the families of our veterans. And the  
21 families who also we owe a a great debt to, the  
22 families that saw their loved one go into harm's  
23 way and returned harmed. The families are the  
24 beneficiaries of this, and I thank those who  
25 support it. It's about saying thank you to those

1 who gave so much to defend freedom for all  
2 Americans.

3 Thank you, Mr. President.

4 ACTING PRESIDENT CARLUCCI: Thank  
5 you, Senator Nozzolio.

6 Senator Larkin.

7 SENATOR LARKIN: Thank you,  
8 Mr. President.

9 I want to thank Greg Ball. We joke  
10 a lot about service -- you know, how the  
11 Air Force runs us over and then comes home and  
12 has their cocktails and we have to sit up and  
13 fight. Greg, this is a home run. This proves  
14 that we collectively can do something for those  
15 members of the armed forces.

16 Those young men today rise up, put  
17 up their hand. I had the pleasure of commanding  
18 combat troops. I had the pleasure of serving as  
19 a GI. And I saw some of my friends lose arms and  
20 legs and come home. It was hell. In Korea I  
21 commanded a combat unit. And I saw our troops  
22 come home; many of them, nobody cared.

23 But this is an opportunity to say  
24 we're not giving you money -- you know, as the  
25 President said, you didn't build that store.

1 They built something, and now they want to move  
2 it forward. We've got a chance to say to a  
3 disabled veteran: We appreciate what you did for  
4 our country. Because if they weren't there, we  
5 might be speaking Japanese or German in this  
6 chamber today. We owe these veterans something.

7 I'm damn proud to be a veteran. I'm  
8 proud to be an American. But I'm more proud  
9 today in saying we stood up for those who stood  
10 up for us.

11 You know, Greg told you the story  
12 about a young man. There are a lot of stories  
13 out there. When you think that there's probably  
14 90,000 veterans from World War II in this great  
15 State of New York -- they're not looking for a  
16 handout, they're not looking to be special. All  
17 they're looking for is an opportunity to prove  
18 that they deserve to be recognized. They'll hire  
19 other veterans.

20 You know, anybody who can't vote yes  
21 for this bill today, I want to know where your  
22 loyalty to this country and to this state -- and  
23 more important, to the young veterans who made a  
24 sacrifice. Just look at some of them in your  
25 home territory -- without a leg, without an arm,

1 without an eye. They did that for you, for me.

2 And now you have a chance to say to  
3 them: I recognize what you've done, and I want  
4 you to know that I support you in your endeavors.  
5 This is for those who gave something so that we  
6 would have a better life ourself.

7 ACTING PRESIDENT CARLUCCI: Thank  
8 you, Senator Larkin.

9 Senator Ranzenhofer.

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

12 I'd also like to rise today and  
13 start off and thank and congratulate my colleague  
14 Senator Ball. I know how hard that he has worked  
15 on this piece of legislation, and he has done an  
16 awesome job in bringing it to the floor today.

17 I too have had an opportunity to  
18 meet many of these folks who have gone into  
19 combat and come back into our community. And the  
20 first thing we have to remember is that some of  
21 them don't come back. But for those that do,  
22 they're not looking for a handout, they're  
23 looking for a little bit of help.

24 Because while we and our children  
25 and our grandchildren had the luxury of entering

1 the political profession, the teaching  
2 profession, become lawyers, become plumbers or  
3 whatever else they've done, they've had the  
4 opportunity to do that.

5           These folks have basically put their  
6 lives and put their careers on hold, saying we  
7 are going to serve in the armed forces, we are  
8 going to protect you. We're not going to put our  
9 family first, we're not going to put ourselves  
10 first, we're going to put you first, we're going  
11 to put our country first.

12           And when they come home, when they  
13 come home, they deserve the little bit of  
14 assistance that we are providing them today.  
15 Because while others have had the opportunity to  
16 build their businesses, to grow their companies,  
17 to engage in the marketplace and to have that  
18 advantage which those that serve did not, this is  
19 our opportunity to say thank you and to give them  
20 a little bit of catchup while they have put their  
21 lives on hold.

22           So to you, Senator Ball, you  
23 understand that problem. You've been a leader on  
24 this problem. I thank you. But this is going to  
25 help constituents in my district. This is going

1 to help even the score, so to speak, for these  
2 people who put their lives on hold, come home and  
3 now we are giving them a little bit of help,  
4 which they deserve.

5 So I want to say thank you, this is  
6 an excellent piece of legislation, and I vote  
7 yes.

8 ACTING PRESIDENT CARLUCCI: Thank  
9 you, Senator Ranzenhofer.

10 Senator DeFrancisco.

11 SENATOR DeFRANCISCO: Yes. Senator  
12 Ball, job well done. This is an outstanding  
13 piece of legislation.

14 And I wasn't going to speak, but one  
15 of the comments that was made in the discussion  
16 of the basis for people's votes kind of caught me  
17 a little bit. The concept that we would have to  
18 hold this bill up until a disparity study was  
19 done, otherwise it's going to be  
20 unconstitutional, I don't quite get it. I  
21 honestly don't quite get it.

22 The studies that are being referred  
23 to by some of those cases in court are those that  
24 are determining special amounts of numbers of  
25 people of different races, different sexes, to

1 determine whether there's really been a disparity  
2 between how they were treated in the minority  
3 class and how others were treated and whether  
4 there's a justification for singling out a  
5 certain percentage for a contract or whatever.

6 Veterans come in all sexes, all  
7 races, all sizes and all types of backgrounds.  
8 And to suggest that we have to determine whether  
9 it's constitutional to award a disabled veteran a  
10 break, when they're the ones who make our  
11 constitution relevant and make it work by  
12 protecting this country and serving this country  
13 on behalf of all of us.

14 So I think there was a misreading of  
15 those cases and it's clearly something that the  
16 Legislature is allowed to do, should have done a  
17 long time ago and, thanks to Senator Ball, are  
18 doing today.

19 Thank you, Mr. President.

20 ACTING PRESIDENT CARLUCCI: Thank  
21 you, Senator DeFrancisco.

22 Senator Savino.

23 SENATOR SAVINO: Thank you,  
24 Mr. President.

25 I want to thank Senator Ball and his

1 staff for the work that they've done on this  
2 bill. In the 2011-2012 session I was a member of  
3 the Veterans Committee. I'm no longer a member  
4 of Veterans, but during those two years he led  
5 many hearings around this issue.

6 Remember, in 2011 we were still  
7 reeling from the economic collapse. We were  
8 looking at national unemployment numbers that  
9 were unprecedented. While they were hovering  
10 around 8 percent for the general population, the  
11 unemployment rate for our returning veterans was  
12 hovering at 14 percent for those who were not  
13 disabled. That was a national disgrace.

14 But even worse than that, the  
15 unemployment rate for service-disabled vets was  
16 hovering around 26 percent. And so we felt we  
17 needed to do something about that, that we had an  
18 obligation to these young men and women to find a  
19 way to close that unemployment gap in a real and  
20 meaningful way.

21 And we have a history of doing  
22 things like that. If you look at the Civil  
23 Service merit system, we give service credit,  
24 extra credit for veterans when they take an exam  
25 for a government job in recognition of the fact,

1 as Senator Ranzenhofer said, that they have to  
2 put their lives on hold, their careers on hold  
3 while they go and they serve.

4 Today's veterans are being deployed  
5 multiple times, four, five and six times. This  
6 is not, you know, Senator Larkin's Army  
7 anymore -- no offense to Senator Larkin. This is  
8 an Army that has been sent out numerous times.

9 It's also a very different Army in  
10 that many of them have very high levels of  
11 education and training. It's a technical Army.  
12 Many of them have degrees and they have  
13 expertises in foreign languages, in technology,  
14 in international espionage, international  
15 finance. So they came home with a real skill set  
16 that is not being utilized.

17 And so this particular bill that  
18 Senator Ball has been pushing for the past four  
19 years that has gotten the Governor's attention is  
20 in recognition of the fact that we owe these  
21 young men and women a future, we owe them an  
22 equal opportunity, we owe them a leg up, and we  
23 owe them, most importantly, our gratitude.

24 And we can certainly do that by  
25 giving them an opportunity to compete. They're

1 not asking for a handout, they are asking for an  
2 opportunity to compete and get state contracts so  
3 they can demonstrate the expertise that they  
4 have. That's what this bill is about.

5 And I think this is a wonderful  
6 piece of legislation, and I look forward to  
7 seeing this implemented in the State of New York.

8 Congratulations, Senator Ball.

9 ACTING PRESIDENT CARLUCCI: Thank  
10 you, Senator Savino.

11 Senator Marchione.

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

14 First, I certainly would also like  
15 to congratulate Senator Ball and Senator Skelos  
16 and Governor Cuomo on this piece of legislation.  
17 I've only been here just a little over a year,  
18 but I have to tell you that I think this is one  
19 of the if not the most important piece of  
20 legislation that has gone through our body.

21 You know, it actually and definitely  
22 helps people that we represent all through  
23 New York State -- not certain people, but all  
24 people who served our country who come home  
25 disabled and need some assistance.

1                   You know, I did some research  
2                   myself. And these are not disabled companies,  
3                   but veteran-owned companies in New York State  
4                   rank fourth in the number of companies that we  
5                   have in the nation, but they rank 49th in their  
6                   overall gross receipts. I don't know how many of  
7                   those companies are owned by someone who's  
8                   disabled.

9                   But I can say that I believe our  
10                  veterans, disabled and otherwise, need a leg up,  
11                  need us to give a little bit of assistance to  
12                  them.

13                 You know, not serving in the  
14                 military, I'm one of those people who say to our  
15                 veterans: "Thank you, thank you for serving."  
16                 And I mean it from the bottom of my heart. Or  
17                 help to raise gifts to send overseas, you know,  
18                 or go to veterans' ceremonies and participate and  
19                 say thank you. And that's all meaningful and all  
20                 heartfelt.

21                 But today, it's truly meaningful  
22                 where they live, for their families, for  
23                 themselves. I'm just so honored to be here today  
24                 to be a member of this body, to vote yes, and to  
25                 say thank you, Senator Ball.

1                   ACTING PRESIDENT CARLUCCI:    Thank  
2   you, Senator Marchione.

3                   Senator Kennedy.

4                   SENATOR KENNEDY:    Thank you,  
5   Mr. President.

6                   First of all, let me start by  
7   thanking and congratulating the Senate sponsor of  
8   this important legislation as well as the  
9   Governor and both houses in a bipartisan fashion  
10  for coming together to enact this important  
11  legislation.

12                  Our veterans have sacrificed so much  
13  in service to our country and now we have a duty  
14  to serve our veterans and their families. We  
15  need to make sure veterans receive the benefits  
16  and recognition they deserve, and we have to take  
17  steps to provide our veterans with opportunities  
18  to rejoin our workforce.

19                  A few stats have always frustrated  
20  me. The unemployment rate for veterans who  
21  have served since 2001 still stands at 9 percent,  
22  considerably higher than the unemployment rate  
23  for the rest of the population, at under  
24  7 percent. And our youngest veterans, those age  
25  18 to 24, they experience an incredibly high

1 unemployment rate of over 21 percent. That's  
2 unacceptable.

3 A few years back it's estimated that  
4 about a thousand veterans of Western New York who  
5 made the sacrifice to leave their families in  
6 order to defend our freedom were forced to endure  
7 the struggle of unemployment when they returned  
8 home.

9 With statistics like these, action  
10 is absolutely necessary. We must do all we can  
11 to support our veterans.

12 This legislation that we're passing  
13 today is another important step in the right  
14 direction. It's us taking action. You know,  
15 we're always thanking our veterans. But you  
16 know, actions speak louder than words. And this  
17 is us in this Senate chamber and in Albany taking  
18 action to thank our veterans and make sure that  
19 they know that they're a priority for us.

20 By awarding 6 percent of state  
21 contracts to service-disabled veteran-owned small  
22 businesses, we'll provide our veterans with a  
23 more level playing field and allow these  
24 courageous veterans to take advantage of state  
25 business opportunities.

1                   Also, the Division of  
2                   Service-Disabled Veterans Business Development  
3                   will provide ongoing opportunities in support of  
4                   veterans who start their own businesses. Our  
5                   veterans deserve this opportunity. They came  
6                   from all walks of life to put on the uniform in  
7                   the respective branches of our armed forces and  
8                   risk their lives on behalf of this great country,  
9                   and on behalf of this state and all of our  
10                  communities that we represent.

11                  When they return home, they should  
12                  have access to opportunities to return to  
13                  civilian life and not only support themselves and  
14                  their families but have opportunities to thrive.

15                  We can't thank our veterans enough  
16                  for everything they've done for our nation, our  
17                  community, and our families. But we can start by  
18                  passing this important legislation to give them  
19                  access to more state business opportunities.

20                  Thank you, Mr. President. I vote  
21                  aye.

22                  ACTING PRESIDENT CARLUCCI: Thank  
23                  you, Senator Kennedy.

24                  Senator Addabbo.

25                  SENATOR ADDABBO: Thank you,

1 Mr. President.

2 As ranking member of the  
3 Veterans Committee, I want to thank Senator and  
4 Chair Greg Ball and his staff for their  
5 persistence and tenacity on this issue. This  
6 issue didn't come overnight. We had many  
7 discussions about this issue. And I don't think  
8 there's anybody in this chamber who wouldn't jump  
9 at the chance to try and help a veteran.

10 And what we do today is we build  
11 upon what we did last year when we gave  
12 incentives to those who even hire a veteran.

13 And for those who have some concerns  
14 about possibly losing out on a state contract  
15 because of this piece of legislation, well, if  
16 they lose out on a state contract they lost out  
17 to a veteran, a disabled veteran.

18 We have identified our veterans as  
19 some people we need to step forward because they  
20 stepped forward to help. These are disabled  
21 veterans. We all know of a disabled veteran.  
22 And our state has an obligation, we have an  
23 obligation as elected officials to do what we can  
24 for our veterans.

25 I am proud to be a supporter of this

1 bill, and I want to thank the Governor for his  
2 efforts as well, and the chair.

3 Thank you, Mr. President.

4 ACTING PRESIDENT CARLUCCI: Thank  
5 you, Senator Addabbo.

6 Senator Diaz.

7 SENATOR DIAZ: Thank you,  
8 Mr. President. Just a few words to thank  
9 Senator Ball.

10 I went to the Army, I joined the  
11 Army in 1960. And when I came back to  
12 Puerto Rico, there was shame, people abused us.  
13 They did the kind of thing that was Hanoi Jane, a  
14 Jane Fonda atmosphere. And we didn't feel  
15 welcome when we came back.

16 Now, when I see people like  
17 Senator Ball presenting this legislation, and the  
18 atmosphere, the environment to welcome and to  
19 make those members of the armed forces that give  
20 their life or put their life in danger for our  
21 country, to make them feel welcome and feel  
22 needed and feel appreciated, I have no other  
23 thing but to praise Senator Ball and all of you  
24 guys that remember and that try to do better, a  
25 lot better than what Jane Fonda and her followers

1 did in the '60s.

2 Thank you, Mr. President, and I vote  
3 yes.

4 ACTING PRESIDENT CARLUCCI: Thank  
5 you, Senator Diaz.

6 Senator Ritchie.

7 SENATOR RITCHIE: Thank you,  
8 Mr. President.

9 I want to start off by saying thank  
10 you to Senator Ball for shepherding this really  
11 remarkable piece of legislation through.

12 Just a few weeks ago I was at a  
13 deployment ceremony in Fort Drum. And, you know,  
14 Senator Ball got choked up a little bit reading  
15 that article. Well, I got choked up a little bit  
16 when I saw the young men and women who were  
17 getting ready to go overseas, knowing that many  
18 may not come back or many may come back with a  
19 severe disability.

20 And watching them deploy, and having  
21 the sergeant major come up and say that he had  
22 been either in Iraq or Afghanistan 56 months  
23 during his career, it was really a remarkable  
24 commitment.

25 But last week we had Fort Drum Day.

1 And when I went down and looked at the exhibits,  
2 I know that as we came in there was a mannequin  
3 there and it was fairly graphic. Both limbs were  
4 missing. And I know for some, I think they were  
5 a little shocked when they looked at it. And  
6 once again, I got pretty choked up when I saw it.

7 But I think it was extremely  
8 important to have that there, because a lot of  
9 times, you know, out of sight is out of mind.  
10 It's pretty easy for us to say "Thank you for  
11 your service." But then when you come down and  
12 you look at the young men who are working on the  
13 mannequin to practice so when something happens  
14 out in the field they're able to respond, then  
15 looking at the young soldier who would be laying  
16 there -- you know, that's a pretty big commitment  
17 to every one of us in here, putting your life on  
18 the line every day to protect the country.

19 And, you know, I'm fortunate to be  
20 able to represent Fort Drum, and it gives me the  
21 opportunity to see on a regular basis all that  
22 they do for, you know, not only New York but for  
23 America.

24 And, Senator Ball, I just want to  
25 tell you that this means so much to so many of

1 those that I represent. You know, over the last  
2 four years we've passed a lot of bills in here  
3 and hardly a one even comes close to this. So  
4 thank you for your commitment.

5 I want to thank the leader, thank  
6 the Governor for everybody working together to  
7 pass this important piece of legislation.

8 Thank you.

9 ACTING PRESIDENT CARLUCCI: Thank  
10 you, Senator Ritchie.

11 Seeing no other members wishing to  
12 be heard on the bill, the Secretary will announce  
13 the result.

14 THE SECRETARY: Ayes, 60.

15 ACTING PRESIDENT CARLUCCI: The  
16 bill is passed.

17 Senator Libous.

18 SENATOR LIBOUS: Mr. President, is  
19 there any further business at the desk?

20 ACTING PRESIDENT CARLUCCI: There  
21 is no further business at the desk.

22 SENATOR LIBOUS: Thank you,  
23 Mr. President.

24 There being no further business, I  
25 move that we adjourn until Tuesday, March 25th,

1 at 3:00 p.m.

2 ACTING PRESIDENT CARLUCCI: On

3 motion, the Senate stands adjourned until

4 Tuesday, March 25th, at 3:00 p.m.

5 (Whereupon, at 4:42 p.m., the Senate

6 adjourned.)

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