

1 NEW YORK STATE SENATE

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4 THE STENOGRAPHIC RECORD

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9 ALBANY, NEW YORK

10 April 30, 2014

11 11:07 a.m.

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13
14 REGULAR SESSION

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18 SENATOR JOSEPH GRIFFO, Acting President

19 FRANCIS W. PATIENCE, Secretary

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

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

4 I ask all present to please rise and
5 join with me as we recite the Pledge of
6 Allegiance to our Flag.

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

9 ACTING PRESIDENT GRIFFO: We are
10 honored to have with us today for the invocation
11 the Jewish Community Chaplain at the United
12 States Military Academy at West Point,
13 Rabbi Major Henry Soussan.

14 RABBI SOUSSAN: Thank you. I'm
15 very honored to be asked to offer a prayer for
16 this distinguished assembly of Senators.

17 The biblical text which explicitly
18 mandates the establishment of a just and
19 equitable system in order to build a righteous
20 and moral society reads: Judges and officers
21 shall you appoint in all your gates, which the
22 Lord your God gave you, and they shall judge the
23 people with just judgment. You shall not judge
24 unfairly, and you shall show no partiality.
25 Justice, justice shall you pursue, that you may

1 live and inherit the land which the Lord your God
2 gives you.

3 So this shall be our prayer and our
4 wish. Let us be grateful to live in a nation
5 where the rule of law guarantees our freedoms and
6 our liberties as citizens of this country, and
7 where democracy allows us to freely elect our
8 lawmakers. May the Almighty bless the men and
9 women of the New York State Senate and all who
10 support their work.

11 May all discussions and
12 deliberations in these buildings always be guided
13 by the desire to further the public good and by
14 the quest to better and strengthen our society.
15 And may any disagreement and difference of
16 opinion be driven by the desire to improve the
17 welfare of all citizens of our state.

18 May you be blessed with insight and
19 wisdom, with patience and understanding to
20 successfully uphold and strengthen justice in our
21 land. For the law is called the Tree of Life to
22 those who grasp it, and those who uphold it shall
23 be happy.

24 Amen.

25 ACTING PRESIDENT GRIFFO: Thank

1 you, Rabbi Major Soussan.

2 The reading of the Journal.

3 THE SECRETARY: In Senate, Tuesday,
4 April 29th, the Senate met pursuant to
5 adjournment. The Journal of Monday, April 28th,
6 was read and approved. On motion, Senate
7 adjourned.

8 ACTING PRESIDENT GRIFFO: Without
9 objection, the Journal stands approved as read.

10 Presentation of petitions.

11 Messages from the Assembly.

12 The Secretary will read.

13 THE SECRETARY: On page 32, Senator
14 Carlucci moves to discharge, from the Committee
15 on Education, Assembly Bill Number 8125A and
16 substitute it for the identical Senate Bill
17 Number 5939A, Third Reading Calendar 335.

18 ACTING PRESIDENT GRIFFO: The
19 substitution is so ordered.

20 Messages from the Governor.

21 Reports of standing committees.

22 Reports of select committees.

23 Communications and reports of state
24 officers.

25 Motions and resolutions.

1 Senator DeFrancisco.

2 SENATOR DeFRANCISCO: Yes, I would
3 ask that Senator Robach's bill, Print Number
4 2510, be recalled from the Assembly, which is now
5 at the desk.

6 ACTING PRESIDENT GRIFFO: The
7 Secretary will read.

8 THE SECRETARY: Calendar Number
9 213, by Senator Robach, Senate Print 2510, an act
10 to amend the Penal Law.

11 SENATOR DeFRANCISCO: I now move to
12 reconsider the vote by which this bill was
13 passed.

14 ACTING PRESIDENT GRIFFO: The
15 Secretary will call the roll on reconsideration.

16 (The Secretary called the roll.)

17 THE SECRETARY: Ayes, 40.

18 SENATOR DeFRANCISCO: I now offer
19 the following amendments.

20 ACTING PRESIDENT GRIFFO: The
21 amendments are received.

22 SENATOR DeFRANCISCO: Thank you.

23 ACTING PRESIDENT GRIFFO: Thank
24 you, Senator DeFrancisco.

25 Senator DeFrancisco.

1 SENATOR DeFRANCISCO: Yes, I
2 understand that there's a privileged resolution
3 by Senator Larkin at the desk, Number 4699. I
4 ask that it be read in its entirety and call on
5 Senator Larkin thereafter.

6 ACTING PRESIDENT GRIFFO: I ask all
7 members to please take their seats.

8 And I would ask the Secretary to
9 please read the privileged resolution of
10 Senator Larkin.

11 THE SECRETARY: Legislative
12 Resolution Number 4699, by Senator Larkin,
13 memorializing Governor Andrew M. Cuomo to
14 proclaim April 30, 2014, as West Point Day in
15 New York State.

16 "WHEREAS, This Legislative Body is
17 justly proud to celebrate the establishment of
18 the United States Military Academy at West Point
19 and to call upon Governor Andrew M. Cuomo to
20 proclaim April 30, 2014, as West Point Day in the
21 State of New York; and

22 "WHEREAS, By an act of Congress, on
23 March 16, 1802, the United States Military
24 Academy was established within the borders of
25 New York State, on the banks of the Hudson River;

1 and

2 "WHEREAS, The Academy and its
3 graduates are an integral part of the proud
4 history of this state and nation; and

5 "WHEREAS, The leadership and
6 sacrifices of the members of the Long Gray Line
7 have helped this country withstand countless
8 threats to our cherished democratic way of life;
9 and

10 "WHEREAS, The alumni have excelled
11 not only on the battlefield but in many fields of
12 endeavor; and

13 "WHEREAS, The Academy continues to
14 provide our country with able and dedicated
15 future leaders; and

16 "WHEREAS, Its scenic campus is a
17 mecca each year for thousands of visitors from
18 across our state, continent and other countries;
19 and

20 "WHEREAS, The United States Military
21 Academy is in the forefront of our state's
22 outstanding institutions of higher learning; and

23 "WHEREAS, Sixty-two years ago, the
24 late James T. McNamara, then a member of the
25 New York State Assembly, and a member of the

1 Academy's Class of 1939, was the author of the
2 State Legislature's first 'West Point Day'
3 resolution; and

4 "WHEREAS, For decades, our nation
5 has enjoyed the legacy of freedom and the
6 United States Military Academy at West Point has
7 played a vitally significant role in the
8 maintenance of peace and freedom; and

9 "WHEREAS, The members of this
10 Legislative Body are proud to commemorate this
11 event, marking April 30, 2014, as West Point Day
12 in New York State; now, therefore, be it

13 "RESOLVED, That this Legislative
14 Body pause in its deliberations to celebrate the
15 establishment of the United States Military
16 Academy at West Point and to memorialize Governor
17 Andrew M. Cuomo to proclaim April 30, 2014, as
18 West Point Day in New York State; and be it
19 further

20 "RESOLVED, That a copy of this
21 resolution, suitably engrossed, be transmitted to
22 the Honorable Andrew M. Cuomo, Governor of the
23 State of New York."

24 ACTING PRESIDENT GRIFFO: Senator
25 DeFrancisco.

1 SENATOR DeFRANCISCO: Would you
2 please call on Senator Larkin.

3 ACTING PRESIDENT GRIFFO: Senator
4 Larkin.

5 SENATOR LARKIN: Thank you,
6 Mr. President.

7 You know, this is the 36th year that
8 I've had the honor and privilege to welcome
9 West Point to the State Capitol.

10 You know, it's a real honor and a
11 privilege to see such distinguished young men and
12 women whom at one time on R-Day -- and we all
13 remember R-Day, young ladies and gentlemen? I
14 see the shaking hands when you said "Am I really
15 serious about the next nine years?" Four years
16 of college, five years of commitment.

17 Just look back at some of you. When
18 you started, some of your classmates that were
19 firsties have already been to Iraq and
20 Afghanistan. The number whose lives were taken
21 and those who have come back with serious
22 injuries, life-threatening. But none of you
23 said, "I quit, I want to go out Friday night and
24 have a couple of beers."

25 When you know in your heart and soul

1 that Saturday morning is still another day, it
2 isn't like a normal college. It's a college that
3 develops people with strength, honesty,
4 integrity. Your motto -- "Duty, honor and
5 country" -- is second to none.

6 When you look at those who have gone
7 to the academy before you, just before you go
8 into Ike Hall, when you see that sign there of
9 the Class of '42: 370 graduates in the Class of
10 '42; 90 were killed in World War II. You look at
11 Korea, Vietnam, Afghanistan, Iraq. The Long Gray
12 Line was a leader at all times.

13 How grateful are we? Well, a lot of
14 people don't understand. Let's go back to just
15 Saturday of this past week. The Cadet Honor
16 Guard to honor those veterans of World War II,
17 that held flags and plaques, helped those men.
18 Some of them were a hundred years old. At the
19 same time, there was a thousand cadets out on the
20 field.

21 You know, I hope some of them that
22 are missing here are listening, because they
23 should listen.

24 But Saturday was a day at West Point
25 when we bring from the Hudson Valley all of those

1 who are with a disability. And if you saw the
2 number of people that were there -- families,
3 guests. And those cadets that took all
4 Saturday -- it was from 9:00 in the morning till
5 4:00 in the afternoon -- they were there for the
6 community.

7 That is something that nobody can
8 take away from you. What you do comes from the
9 heart. Not because somebody said, not because
10 the Tac Officer said do this or do that. It's
11 something that you developed in your character
12 that made you acceptable to the United States
13 Military Academy.

14 And everybody should know the
15 cadets are not accepted by just they have a good
16 academic record or maybe dad or mom served in the
17 academy. They have to meet a bunch of standards
18 that are strict.

19 Someone said "You don't win a lot of
20 football games." My answer to them is I've never
21 seen those football players on the battlefield.
22 Because we're led by people out of West Point who
23 know how to lead.

24 It's really an honor to have you
25 here today. But you know, when you think about

1 Eisenhower, when he was making a statement when
2 he was at Columbia, he said: Evil will triumph
3 only when the strong fail to stop the aggressors.
4 And General MacArthur said it for all of us when
5 he made his last statement at West Point: "Old
6 soldiers never die, they just fade away."

7 You have a career ahead of you. I'm
8 very proud. I live right outside of the gate, so
9 I watch you coming and going. I'm very proud to
10 say that I had an opportunity to serve with some
11 of your leaders. General Petraeus is from
12 Cornwall. And everybody knows the Chairman of
13 the Joint Chiefs. I know you don't call him
14 Martin, but he is Martin Dempsey, a graduate of
15 Burke in Goshen.

16 All of your leaders, you can look to
17 them, and they made it, whether it was the
18 astronaut program, the medical program, the
19 hospital situations that we've had. And who's
20 gone to them in Haiti and other places in the
21 world? Every one of those task forces were led
22 by a West Pointer.

23 You are the striking image of a free
24 country and of how we will lead our country to
25 still be the best country in the world. I salute

1 you, and I thank you, and I wish you the best.

2 And God bless you all.

3 (Standing ovation.)

4 ACTING PRESIDENT GRIFFO: Thank
5 you, Senator Larkin.

6 May I have some order in the
7 chamber, please.

8 Senator Skelos.

9 SENATOR SKELOS: Thank you,
10 Mr. President.

11 I too would like to welcome all our
12 heroes from West Point and in particular the
13 cadets who have joined us today. Senator Larkin,
14 Colonel Larkin, has made his opening comments,
15 and he is responsible for putting this wonderful
16 day together that we look forward to every year.
17 And I thank our members for being here.

18 But I also want to introduce to the
19 cadets an individual, more than putting an event
20 together, that is truly an American hero. And
21 that's Colonel Bill Larkin.

22 And I say that because Bill has
23 served his country in so many different ways. He
24 served in combat during World War II. He
25 continued to serve in other combat missions over

1 the years and was a local supervisor, I think,
2 Bill, in his home community, went to the
3 Assembly, and has been in the Senate for a number
4 of years, where often there is hand-to-hand
5 combat.

6 (Laughter.)

7 SENATOR SKELOS: So to the cadets,
8 this is Colonel Bill Larkin, our Senate hero.
9 Bill, please stand up.

10 (Standing ovation.)

11 SENATOR SKELOS: As I mentioned,
12 this is a special day for all of us in the
13 Senate. Being New Yorkers -- and you may,
14 listening to me, hear a Long Island accent. You
15 hear different accents from different parts of
16 the state. But we are New Yorkers, and we're
17 very proud of West Point and the fact that it is
18 located here in the Empire State.

19 Those of you who are at the
20 West Point Academy will continue to learn, learn
21 how to lead by example, but also be going on to
22 serve our country during a very, very dangerous
23 time in our history. We thank you in advance
24 for that service. But even more important, we
25 pray that your mission is successful, and we ask

1 the good Lord that you return in a safe way.

2 So God bless you all, and thank you
3 for being here today.

4 (Applause.)

5 ACTING PRESIDENT GRIFFO: Thank
6 you, Senator Skelos.

7 Senator Klein.

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

10 I too want to welcome our West Point
11 cadets and thank them for their future service.

12 But I know it was said before, but I
13 also want to say a very special thank you to
14 Senator Larkin. I mean, he serves a very
15 important purpose in our Senate. Besides
16 advocating for very important issues, he tends to
17 ground us. He makes sure we never forget that
18 we're here because of the supreme sacrifice of
19 our veterans.

20 I think it was once said that the
21 freedoms that we enjoy today, the coinage that
22 was used to purchase those freedoms was the life
23 and limbs of America's veterans.

24 Well, Senator Colonel Larkin
25 remembers that each and every day, and he

1 instills in all of us that knowledge of what it
2 means to serve your country and most of all love
3 your country. I think he deserves another hand,
4 everyone.

5 (Applause.)

6 SENATOR KLEIN: You know, many,
7 many years ago I served as a staff member to a
8 United States congressman. And one of my jobs
9 was to head up the congressman's screening
10 committee for West Point and the other academies.

11 And I always remember, still
12 remember to this day the quality of those
13 potential applicants, people who were moving on
14 to go to the Air Force Academy, West Point, even
15 the Merchant Marine Academy. And I still see
16 that today, and I still see those individuals;
17 they were probably the most well-rounded
18 individuals I ever met. They had the scholastic
19 achievement, they had the leadership qualities,
20 even at a young age. They were all very, very
21 good in athletics.

22 And those are the people we see
23 before us today. They inspire us with their
24 discipline, determination and drive, but most of
25 all their commitment to service.

1 West Point, of course, has a long
2 and proud tradition of producing individuals of
3 great character and honor, individuals who take
4 these lessons not only to the front lines but in
5 many fields of excellence.

6 West Point has given New York and
7 the nation so much. The academy truly stands
8 with an unparalleled legacy of service to our
9 country and an unmatched reputation of producing
10 the country's great leaders of today and
11 tomorrow.

12 So I thank each and every one of you
13 for that very important tradition. And I think
14 I'd just like to close by saying God bless
15 West Point and, most of all, God bless America.

16 Thank you all.

17 (Applause.)

18 ACTING PRESIDENT GRIFFO: Thank
19 you, Senator Klein.

20 Senator Stewart-Cousins.

21 SENATOR STEWART-COUSINS: Thank
22 you, Mr. President.

23 I also rise to welcome our West
24 Point cadets and the leadership as well as to
25 thank Colonel Larkin for always making this day a

1 very, very special day.

2 We look forward to it. We look
3 forward to it because we understand that for a
4 brief moment, we just sit and we are, as my
5 colleagues Senator Skelos and Senator Klein have
6 said, in awe of you.

7 You do what you do because you care
8 about people beyond yourselves. You do what you
9 do because you know service to the country is of
10 paramount importance because your doing what you
11 do allows us to do what we do. We are never
12 going to forget it. We are eternally grateful.

13 And certainly as a woman leader in
14 this chamber, to see so many women who are
15 representing us so well, reaching heights that
16 generations before you could never have thought
17 of, is really a very, very proud moment not only
18 for me but for all of us.

19 So to all of you, thank you,
20 congratulations. And certainly for you young
21 women who are making strides and beating a path
22 that allows so many others to follow, you're
23 exemplary examples.

24 So thank you so much.
25 Congratulations.

1 (Applause.)

2 ACTING PRESIDENT GRIFFO: Thank
3 you, Senator Stewart-Cousins.

4 Senator Ball.

5 SENATOR BALL: Okay, guys, so as
6 the only Air Force academy graduate here, this
7 just disgusts me, people.

8 (Laughter.)

9 SENATOR BALL: I've got to remind
10 you guys of two numbers, 42 to 28. Forty-two
11 Air Force, 28 West Point. Do you guys remember
12 those two numbers? Okay, now you're down to
13 size, okay? That was the last football game last
14 fall. Now we've set the record straight, we can
15 have an honest conversation.

16 (Laughter.)

17 SENATOR BALL: Just very seriously,
18 the Governor I believe on Monday will be signing
19 the legislation that we passed in this chamber to
20 actually have the largest set-aside in the nation
21 for service-disabled veterans. This Legislature,
22 this Governor did that.

23 And why did we do that? Not that
24 anybody in this chamber needs to be reminded.
25 These young men and women could have gone

1 anywhere. And people need to realize that,
2 number one, whether it be any of the top
3 universities, they could have done anything.

4 And I tell the story all the time --
5 and I'll tell it again -- when I talk about my
6 service. I graduated from the Air Force Academy
7 in 2001. I had very, very tough duty serving as
8 a single Air Force lieutenant on Capitol Hill.
9 There were some very tough days there, very
10 tough. I think my toughest con that I saw was
11 probably the cocktail party at 2 o'clock in the
12 morning. Right?

13 (Laughter.)

14 SENATOR BALL: You guys can laugh.
15 I don't think the commandant's here. Is the
16 commandment here? Thank God. Okay.

17 (Laughter.)

18 SENATOR BALL: But this is the
19 point. Even those who serve -- less than
20 2 percent of our population right now serves in
21 uniform. And that gives so many of us the great
22 luxury of enjoying this freedom with our
23 families. And it is very easy to shake the hand
24 of a veteran or to thank you guys for your
25 service. But even out of that 2 percent, lesser

1 still are at the tip of that spear.

2 And I was never there. And I have
3 honestly said that if I were at that tip of that
4 spear, I don't know, maybe you'd find me in a
5 corner somewhere. Right? I don't know.

6 But these young men and women are
7 given the greatest honor that anybody can be
8 bestowed, to lead the young men and women that
9 have been given to them in their charge, from
10 their parents, from places all across this
11 nation. You think about that mom or that dad,
12 the kids of troops that are sent to places that
13 most of us can't pick out on a map. They live
14 with the honor and the enormous responsibility of
15 being in charge of their safety and their lives.

16 So, guys, I'll say this. I know
17 that the academy can be hell. I know that it can
18 be overwhelming. I'm jealous. I'm 36. I look
19 back on those days and I wish I'd squeezed a
20 little bit harder every bit I could get out of
21 the academy. Get everything you can out of it.

22 You don't need everybody here to
23 tell you how great you are; you know it. If you
24 want to find out who an academy grad is, just
25 wait five minutes, he or she will tell you.

1 (Laughter.)

2 SENATOR BALL: But when you take
3 that uniform off and you retire, we need more men
4 and women like Bill Larkin serving in places like
5 this. And I ask that you give that very strong
6 consideration.

7 God bless each and every one of you,
8 and stay safe.

9 (Applause.)

10 ACTING PRESIDENT GRIFFO: Senator
11 Little.

12 SENATOR LITTLE: Thank you. It's
13 always tough to go after the Air Force guy.

14 (Laughter.)

15 SENATOR LITTLE: But I want to
16 express my sincere gratitude to you and to all of
17 the cadets at West Point for your willingness to
18 be accepted at West Point, to attend a military
19 academy, but to become leaders in our military
20 and to serve our country, as you all will do.
21 And we truly, truly appreciate it.

22 I'm a mom of a Naval Academy
23 graduate, so I do know how tough it is and how
24 much you had to do in high school just to have
25 your resume look good enough to even be

1 considered for a military academy and to be one
2 of the 10 or 12 that actually got accepted.

3 And I also know how hard it is for
4 you to graduate from the military academy.
5 Because I remember my son saying then, of the
6 class: Turn to your right, turn to your left,
7 one of those people are not going to be here at
8 graduation. And he didn't want to be one of
9 them.

10 So he still continues to serve in
11 the Navy as a pilot. He's a captain right now in
12 Virginia Beach. And I'm as proud of him as your
13 parents are of you. And I know, looking back, he
14 knows he had one of the finest educations that
15 you could have anyplace. He always said, when
16 someone would ask him, "Well, how do you like the
17 Naval Academy," and he said, "Well, I don't
18 always like being here, but I will love being
19 from here."

20 And having that kind of an education
21 and those leadership skills will serve you and
22 serve our country for the rest of your lives.

23 So thank you very, very much for all
24 you are doing and for your willingness to commit
25 yourself to the security and the safety of the

1 American citizens.

2 Thank you.

3 (Applause.)

4 ACTING PRESIDENT GRIFFO: Senator
5 Gipson.

6 SENATOR GIPSON: Thank you,
7 Mr. President.

8 I just want to recognize today that
9 one of my constituents is here as a West Point
10 cadet, and his name is Brian Jennings. And,
11 Brian, stand up for a minute, just so we can
12 recognize you.

13 I just want to say, on behalf of
14 Dutchess County and the 41st Senate District, we
15 are incredibly proud of all that you have done,
16 all that you are going to do. We wish you the
17 best of luck with you and your fellow cadets.

18 We wish you all to go out and serve
19 your country well, and to come back safe. And to
20 know that when you all come back, that we will be
21 here doing everything we can to make sure that
22 your transition back into being a civilian is one
23 that gives you all the benefits and appreciation
24 that you deserve.

25 So thank you again. We are

1 incredibly proud. And good luck.

2 (Applause.)

3 ACTING PRESIDENT GRIFFO: Senator
4 Bonacic.

5 SENATOR BONACIC: Thank you,
6 Mr. President.

7 I'm here also to say this is a happy
8 and exciting day in our Senate. And the reason
9 it is that way is because you are here, and
10 because of the efforts of Senator Larkin.

11 I serve in Orange County, and so I
12 don't have West Point. But Senator Larkin and I
13 are always visiting and doing things at the
14 Point.

15 My American idol is my 98-year-old
16 father-in-law that's still alive, Air Force
17 pilot, World War II.

18 What strikes me when I come here,
19 take a moment to look how young these men and
20 women are who have tremendous courage and passion
21 to defend our country. Ready to put themselves
22 in harm's way. Maybe they don't realize the
23 danger fully that they have before them. I'm
24 sure they do. And I hope to God that, you know,
25 they come back safe wherever they're assigned.

1 But what I'd like to say, in
2 conclusion, the strength of America is not the
3 buildings at West Point, it's not our wealth,
4 it's our people. And you are the best of the
5 best of the American people.

6 Thank you. God bless you. God
7 bless this great country.

8 (Applause.)

9 ACTING PRESIDENT GRIFFO: Thank
10 you, Senator Bonacic.

11 Senator Tkaczyk.

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

14 I wanted to also rise and
15 congratulate the cadets who are here. And I met
16 one this morning at Senator Larkin's breakfast,
17 which I thought was a great opportunity to meet
18 them all. I have a cadet in my district, his
19 name is Gregory Larsen. He's from Voorheesville.

20 If you could stand, please.

21 What I learned from Gregory was it
22 was difficult to get into West Point, but he did
23 not give up. He persisted. He actually ended up
24 having an ACL injury and had to take a year off.
25 Got better, applied, and got in. And played on

1 the lacrosse team for two years.

2 This is a young man who worked so
3 hard to get into West Point, and we're so very
4 proud of him. I know his parents are not here
5 today, but I can imagine they're incredibly proud
6 of what you've been able to accomplish.

7 We can't imagine what your bright
8 future entails. Thank you so much for being here
9 today.

10 And I congratulate all of the cadets
11 and their families, and God bless you.

12 (Applause.)

13 ACTING PRESIDENT GRIFFO: Thank
14 you, Senator Tkaczyk.

15 Senator Hoylman.

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

18 I was discussing with my colleague
19 Senator Latimer the graduates of West Point over
20 the last centuries, including Douglas MacArthur,
21 George Patton, Omar Bradley, Dwight Eisenhower,
22 Ulysses Grant, Robert E. Lee, Stonewall Jackson,
23 Jefferson Davis, George McClellan, George Custer.

24 And when we look at these young men
25 and women, we think about who here will rewrite

1 American history.

2 I'm here to speak about a cadet from
3 my area, Elizabeth -- E.J. -- Judd. E.J. is from
4 Chelsea. You normally don't think of Chelsea and
5 West Point in the same frame of mind.

6 (Laughter.)

7 SENATOR HOYLMAN: And she's an
8 extraordinary young woman. She's a mechanical
9 engineering graduate. This past year she's been
10 inducted into the National Society for Mechanical
11 Engineers.

12 I'm grateful that Congressman Nadler
13 nominated you, E.J.

14 She's had a momentous year, some
15 personal struggles, but mostly success. And I'm
16 very gratified that she's here and also am very
17 happy that she is engaged to be married to her
18 fiancée, who she met at West Point.

19 I asked her if she could get married
20 while she's in West Point. She said no, she's
21 getting married seven days after graduation.

22 So, E.J., congratulations. So glad
23 you're here. And I wanted to thank Senator
24 Larkin for his 36 years of bringing this
25 tremendous acknowledgment to our chamber.

1 Thank you, E.J.

2 Thank you, Mr. President.

3 (Applause.)

4 ACTING PRESIDENT GRIFFO: Senator
5 O'Brien.

6 SENATOR O'BRIEN: Thank you,
7 Mr. President.

8 I want to express my appreciation to
9 the entire West Point delegation for coming and
10 being with us here today. It's a remarkable
11 group of young men and women.

12 And I want to thank Senator Larkin
13 for his efforts in putting this day together,
14 particularly the breakfast, where I had an
15 opportunity to meet a remarkable young woman,
16 Cadet Elizabeth Chow, who is from my hometown and
17 whom I had never had the opportunity to meet
18 before.

19 Yes, please stand. We have many
20 mutual friends, but I hadn't met -- and I can
21 tell you, Cadet Chow, that your leadership
22 qualities are already readily apparent. And I
23 wish you great success as you finish this year
24 and then enter your senior year. I know you'll
25 do great things in the future.

1 And I'd like to congratulate
2 everyone here for their commitment to our
3 country, and I really appreciate your willingness
4 to serve us.

5 Thank you.

6 ACTING PRESIDENT GRIFFO: Thank
7 you, Senator O'Brien.

8 (Applause.)

9 ACTING PRESIDENT GRIFFO: Senator
10 Breslin.

11 SENATOR BRESLIN: Thank you,
12 Mr. President.

13 As many people in this room know,
14 each year this day is the one time that I defer
15 to an older brother: My brother Michael, the
16 retired county executive of Albany County, who
17 was West Point Class of 1961 and a major in the
18 airborne infantry and a decorated Vietnam veteran
19 and taught counterinsurgency at the College of
20 the Americas.

21 And he only knows it on this day
22 that I really look up to him and admire him for
23 not only the qualities he had before West Point,
24 but the way that West Point honed those
25 qualities. Tomorrow I will probably forget that

1 about my brother.

2 (Laughter.)

3 SENATOR BRESLIN: But next year I
4 assure you, if I'm still here, the same thing
5 will be said.

6 Now to you, the young cadets at
7 West Point. And I'm so privileged to have a
8 young man from my district, Gerald McDonough.

9 Gerald, would you stand up, please.

10 And Gerald lives in Bethlehem. And
11 interestingly, he graduated from the same school
12 as Colonel Larkin. I don't know whether Colonel
13 Larkin is aware of that. He went to La Salle
14 Institute in Troy.

15 And again, coincidentally, a number
16 of years ago -- and I'm sure you were coached by
17 your father, is that correct, at some point -- a
18 number of years ago there was a gubernatorial
19 appointment from Governor Pataki, and it was a
20 young man named Roger McDonough, who had a
21 wonderful resume and now has had an exemplary
22 record as a judge in Albany County.

23 And I was very proud to stand and
24 talk about the qualities of your father. And I'm
25 certainly not surprised that you, as his son,

1 have succeeded him with those same kinds of
2 qualities. I wish you every success, Gerald.

3 And I wish all of the young cadets
4 an equal success. And we're so proud to have you
5 with us here. You make all of us feel younger.
6 You make all of us feel secure. And you give all
7 of us the conclusion in our hearts and souls that
8 we're okay in this country because we have men
9 and women like you to succeed and to follow us
10 and to make the proper decisions.

11 Thank you very much.

12 (Applause.)

13 ACTING PRESIDENT GRIFFO: Thank
14 you, Senator Breslin.

15 And welcome, County Executive
16 Breslin.

17 Is there any other Senator wishing
18 to be heard?

19 Senator Ritchie.

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

22 First I would just like to
23 acknowledge Colonel Larkin for having this
24 wonderful day. And I can say honestly that not a
25 single day goes by that the colonel does not tell

1 us about his West Point cadets and how proud he
2 is of all of you.

3 Just recently I was able to host the
4 Fort Drum 10th Mountain Division Day, and that
5 kind of brings home -- because it's in my
6 district -- the sacrifice of many of the soldiers
7 who put their life and limb on the line each and
8 every day. And just in the last couple of days
9 we had notification again that one of those
10 10th Mountain Division soldiers was killed in
11 action.

12 And as everybody has got up and told
13 how proud they are of the cadets, not only do I
14 get the privilege of representing the
15 10th Mountain Division, I also have two young
16 gentlemen who are from my district who are
17 cadets. If you could stand up for a minute.

18 And I just want to tell you that all
19 of us are proud of you. We certainly are proud
20 of you at home. We talk about how it's such a
21 sacrifice on your end to serve your country and
22 to be leaders. And I think all of us can only
23 aspire to have the dedication that you have to
24 not only your country but to those that live
25 here.

1 So I want to thank you. I want to
2 thank Colonel Larkin. And it's just a wonderful
3 day to get to celebrate how important West Point
4 is.

5 Thank you, Mr. President.

6 (Appause.)

7 ACTING PRESIDENT GRIFFO: Thank
8 you, Senator Ritchie.

9 Senator Latimer.

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

12 Let me join the chorus thanking
13 Colonel Larkin for his leadership and his living
14 example for all of us as to what it is to serve
15 your country. Senator, Colonel, thank you, on
16 behalf of all of us.

17 Mr. President, there was a young man
18 from my district, Kevin Barry, who could not be
19 with us today, but he deserves recognition, as a
20 graduate of White Plains High School, as a member
21 of the cadet class that is here to be honored
22 today. And we wish him and his family, as we do
23 all of the cadets who are here, the same vote of
24 success.

25 It's impossible for me to stand here

1 and look at these young cadets and know what path
2 got you this far in your life. I know
3 intellectually that to get accepted to a military
4 academy, certainly to West Point, you had to
5 prove in your high school career that you had
6 academic talent, that you had physical talent,
7 and that you had the social skills that made you
8 leaders in your high schools.

9 And none of those things came
10 easily. Those of us who graduated high school
11 and college know that it was tough enough to get
12 through courses and have academic achievement at
13 some level. You achieved that to get into the
14 institution and to stay in the institution.

15 And then what I don't know, that
16 only those of us -- Senator Sanders, Colonel
17 Larkin, others who have served in the military
18 know the physical pressure that you go under to
19 prove every day that you can physically handle
20 what it is to be a cadet en route to graduating
21 and then to go into the military service of this
22 country.

23 And that also that part of the
24 tradition of honing you as individuals, which we
25 haven't gone through -- unless you count

1 elections -- the psychological pressure, the
2 hazing and the things that are necessary to
3 toughen you up, to make sure that out in the
4 world that you're going to be in that you're able
5 to handle it. And you've achieved those things.
6 You've gone through that crucible that so few of
7 us in this society go through.

8 And that what we also don't know, in
9 the path that got you to this moment, is the path
10 that you're going to follow to the future. As
11 Senator Hoylman said, in this group of people
12 will be people who may write American history.

13 But even more important than that,
14 as you serve this nation, we don't know, on a day
15 like today, where we're safe inside this
16 institutional setting, when you're going to be on
17 a battlefield, when you're going to be alone,
18 when you're going to be late at night on a watch,
19 when you're going to be dealing in a situation
20 where you have to make a split-second decision
21 and all of the training leads to that moment when
22 you make a decision and the decision you make
23 will affect my life and my children's lives and
24 the life of all of us here in the country. That
25 is an awesome responsibility that you've taken on

1 voluntarily as young people.

2 So when I and we say how much we
3 respect you -- and there's big gap of age between
4 us -- but it is a tremendous path that you've
5 taken already and the path that lays before us.
6 Thank you. Thank you from the bottom of our
7 hearts for the sacrifice you've already made in
8 your life.

9 There are many easier paths that you
10 could have taken, and we see it every day. But
11 you didn't take an easy path, you took a tough
12 path. You did it because you have the capacity
13 to succeed at it. You did it for family, you did
14 it for God, you did it for nation.

15 Thank you.

16 (Applause.)

17 ACTING PRESIDENT GRIFFO: The
18 question is on the resolution before the house.
19 All in favor signify by saying aye.

20 (Response of "Aye.")

21 ACTING PRESIDENT GRIFFO: Opposed?

22 (No response.)

23 ACTING PRESIDENT GRIFFO: The
24 resolution is adopted.

25 Senator Libous.

1 SENATOR LIBOUS: Mr. President, at
2 this time could I have unanimous consent in the
3 chamber so that Colonel Ed Naessens can address
4 the body.

5 ACTING PRESIDENT GRIFFO: Without
6 objection, unanimous consent is granted.

7 It is our privilege today to
8 introduce to you Colonel Ed Naessens, currently
9 serving as team chief and senior advisor of the
10 National Military Academy of Afghanistan of the
11 United States Military Academy at West Point.

12 Colonel Naessens.

13 COLONEL NAESSENS: Well, Senator
14 Ball, I don't remember that game last year, but I
15 do remember the year before when we killed
16 Air Force Academy.

17 (Laughter; applause.)

18 COLONEL NAESSENS: But I also
19 remember a great example of leadership at that
20 particular game last year when Julian Holloway
21 broke his leg on the fields of friendly strife
22 rather significantly, and I do remember General
23 and Mrs. Dempsey going in the ambulance, sitting
24 right next to Julian Holloway as he's going off
25 to the hospital. He left that game to be with

1 him as they went to the hospital. And they
2 prayed with him. And what a true example of
3 leadership, something that we remember to this
4 day and greatly appreciate.

5 Sir, my job really is, at
6 West Point, to develop leaders of character.
7 That's my job and that's the job of everybody at
8 West Point. That's what we take very seriously
9 every single day. I develop leaders of
10 character. Now, I do that, by the way, by being
11 the head of the department of physics and nuclear
12 engineering. I think physics is the most
13 favorite subject of the cadets at West Point.

14 (Laughter.)

15 COLONEL NAESSENS: But if you spell
16 physics and nuclear engineering, that acronym,
17 P-A-N-E, PANE, we certainly have a lot of fun
18 with it. That may not be the best business model
19 in the world, but we enjoy me being the head of
20 the department of the house of PANE. Now, we
21 like to see P-A-I-N as weakness leaving the body,
22 but P-A-N-E as knowledge entering the mind.
23 Pretty clever.

24 (Laughter.)

25 COLONEL NAESSENS: Well, I'd like

1 to say, on behalf of the superintendent of the
2 United States Military Academy, Lieutenant
3 General Robert Caslen, Jr., thank you. Thank you
4 so much for this very special recognition today.

5 And we'd also like to pay special
6 thanks to Senator Bill Larkin. Sir, we thank you
7 for your 23 years of service, serving in combat
8 in World War II and the Korean War.

9 And I know we've all applauded that,
10 but on behalf of me, the superintendent, and the
11 cadets, we'd like to again thank you with a round
12 of applause for your great service to our
13 country.

14 (Extended applause.)

15 COLONEL NAESSENS: And, sir, we
16 also appreciate all the work that you've done
17 since then, especially with the work that you've
18 done with support of our veterans, and the Senate
19 as well.

20 Members of the New York State
21 Senate, the New York State Adjutant General,
22 Major General Patrick Murphy, Brigadier General
23 Swezey, members of the local Parents Club,
24 friends of West Point and other fellow
25 New Yorkers -- now, I say "fellow New Yorkers"

1 because I have the privilege of living and
2 working in New York today.

3 I was not born in New York, but I've
4 spent most of my life in New York. I attended
5 graduate school with my master's degree in
6 physics from Rensselaer Polytechnic Institute,
7 RPI, and I also received my Ph.D. in nuclear
8 engineering and science from RPI. I've lived at
9 Watervliet Arsenal, I've lived in Clifton Park,
10 I've coached hockey for Shaker Colonie High
11 School. I won't talk about the records of those
12 years.

13 (Laughter.)

14 COLONEL NAESSENS: My wife is a
15 Tarrytown native, actually from Sleepy Hollow.
16 I've served in multiple tours -- Fort Drum,
17 New York, and also West Point. And from Fort
18 Drum and West Point I've served multiple times in
19 Afghanistan and Iraq on tours for this nation.

20 I am a die-hard Rangers fan and a
21 Giants fan. Beat the Flyers. We've got one more
22 game.

23 (Applause.)

24 COLONEL NAESSENS: And I love
25 New York, absolutely.

1 It's a real honor to be in your
2 company today. To hear all the comments made
3 about our cadets and all the comments made here
4 today certainly warms our hearts and really gives
5 us a satisfaction that maybe we are doing the
6 right thing for our nation, for you. And we
7 thank you so much for those comments. We are in
8 awe of you.

9 I would like to begin by saying I,
10 along with my colleagues at West Point, we have
11 the best job in the world. We have an incredible
12 charter of developing leaders of character for
13 our nation. And I can think of nothing more
14 important. I can think of nothing more
15 rewarding. And I can think of nothing I'd rather
16 do.

17 We take our responsibility very
18 seriously to complete the development of our
19 cadets as leaders of character in the academic,
20 military and physical excellence programs. But
21 most important in the character development
22 program, that's what we do, we develop leaders of
23 character.

24 And that's what we owe all of you
25 here today. And that's what we owe every citizen

1 of this great nation. And most importantly,
2 that's what we owe everyone across the land who
3 sends their sons and their daughters to the
4 greatest leader-development institution of the
5 world.

6 One of the great aspects of history
7 of our nation that it's important that you
8 know -- and I don't know how many of you realize
9 this, but New York has contributed so much to our
10 nation. Out of 19 American servicemen that have
11 received two separate awards of the Medal of
12 Honor, seven of those heroes came from New York.
13 The Medals of Honor are awarded for conspicuous
14 gallantry and intrepidity of action at the risk
15 of life above and beyond the call of duty.
16 That's a powerful narrative to describe the
17 highest award for valor in action against an
18 enemy force. And seven out of 19 who were
19 awarded it twice came from New York.

20 It is no coincidence that the words
21 that anchor that powerful narrative are the same
22 words that lay the foundation of West Point's
23 motto of "Duty, honor, country."

24 New York and its great citizens and
25 leaders have always and always will play a vital

1 role in helping us inspire our next generation of
2 leaders and the powerful meaning of those three
3 simple words, of duty, honor, country. All of
4 you play an instrumental role in what we do.

5 George Washington said once that
6 there is nothing to likely to produce peace as
7 being well-prepared to meet the enemy. The world
8 our next generation of leaders will face is
9 incredibly complex. The whole concept of the
10 enemy that President Washington refers to is
11 complex. It is ill-defined, and it is
12 ever-changing. But when I see the young cadets
13 at West Point every day, I am confident in the
14 future of our Army and our nation. And I know
15 that we will always, always be prepared for
16 whatever this complex world throws at our young
17 leaders.

18 We put the security of our nation on
19 their backs, and they are strong backs. And it
20 is certainly a privilege to be part of that
21 development team.

22 So I thank you, I thank you for
23 sharing the time with us today. And I thank you
24 for recognizing us and hosting us on this
25 62nd Annual West Point Day. This means an awful

1 lot to us. This means a lot to the academy. It
2 means to New York State, and it also means a lot
3 to this country.

4 So thank you, thank you very much,
5 and thank you for all that you do as well.

6 Go Army!

7 (Standing ovation.)

8 ACTING PRESIDENT GRIFFO: Colonel,
9 cadets, on behalf of the Senate of New York
10 State, we welcome you. We sincerely are honored
11 by your presence. We thank you for your service
12 and leadership to our nation.

13 God bless you, and God bless the
14 United States.

15 SENATOR LIBOUS: Mr. President,
16 before the cadets leave, Senator Larkin --
17 Colonel Larkin -- would like to open up the
18 resolution to all the members of the chamber.

19 So if for some crazy reason someone
20 chooses not to be on, let the desk know. But if
21 I see anybody go to the desk, you'll have to deal
22 with me.

23 (Laughter.)

24 ACTING PRESIDENT GRIFFO: The
25 resolution is open for cosponsorship. If you

1 choose not to, please notify the desk.

2 Senator Libous.

3 SENATOR LIBOUS: I believe there's
4 a privileged resolution by Senator Marchione,
5 previously adopted, Number 3434. It's at the
6 desk. I ask that the title be read, please call
7 on the Senator, and we'll do the resolution.

8 Mr. President, if you want to take a
9 minute, maybe the cadets need to get over to the
10 Assembly chamber.

11 ACTING PRESIDENT GRIFFO: What
12 we'll do, Senator Libous, with your permission,
13 the Senate will stand at ease to allow the cadets
14 to exit. And then we'll begin the resolution by
15 Senator Marchione.

16 SENATOR LIBOUS: Why don't we do
17 that. We'll stand at ease temporarily.

18 ACTING PRESIDENT GRIFFO: The
19 Senate stands temporarily at ease.

20 (Whereupon, the Senate stood at ease
21 at 11:56 a.m.)

22 (Whereupon, the Senate reconvened at
23 12:02 p.m.)

24 ACTING PRESIDENT ROBACH: The
25 Senate will come to order.

1 Senator Libous.

2 SENATOR LIBOUS: Mr. President, as
3 I was saying earlier, there's a previously
4 adopted resolution by Senator Marchione,
5 Number 3434, at the desk. Could we have the
6 title read and allow Senator Marchione to speak
7 on it.

8 ACTING PRESIDENT ROBACH: The
9 Secretary will read.

10 THE SECRETARY: Legislative
11 Resolution Number 3434, by Senator Marchione,
12 commemorating the 63rd annual observance of the
13 National Day of Prayer in the State of New York,
14 Thursday, May 1, 2014.

15 ACTING PRESIDENT ROBACH: Senator
16 Marchione.

17 SENATOR MARCHIONE: Thank you,
18 Mr. President.

19 It's an honor for me to speak on
20 this legislative resolution commemorating
21 Thursday, May 1st, as the National Day of Prayer
22 here in New York State.

23 2014 marks the 63rd observance of
24 the National Day of Prayer in New York State,
25 with prayer and events taking place across the

1 country. This year's theme, "One Voice, United
2 in Prayer," focuses on the need to place our
3 faith in the character of our Creator and to
4 believe in something greater than ourselves.

5 Tomorrow, on the National Day of
6 Prayer, we will ask God to bless our nation and
7 give our elected leaders wisdom and the courage
8 to do what is right. We will pray for protection
9 of our military, thank Him for our freedoms, and
10 pray for the courageous soldiers who sacrificed
11 their lives to protect us.

12 We will pray for people who are
13 struggling financially, emotionally, and
14 physically, and ask our Lord for joy in the midst
15 of these difficulties. And we will pray for our
16 enemies.

17 Prayer is powerful. Prayer has
18 comforted suffering, healed hurting, made sense
19 of senselessness, and served as an expression of
20 joy and praise.

21 We all recognize and appreciate that
22 America is a nation founded on religious freedom,
23 that believers and nonbelievers alike are equally
24 American and equally valued.

25 Prayer and the National Day of

1 Prayer has strong, deep roots in our national
2 character. In 1775 the National Day of Prayer
3 was first proclaimed by the Continental Congress
4 when John Hancock signed the congressional order
5 establishing the first Day of Prayer.

6 On June 6, 1944, when President
7 Franklin D. Roosevelt spoke of the D-Day
8 invasion, he asked citizens to join him in pray
9 for the success and safe return of our soldiers.

10 On September 14, 2001, President
11 George W. Bush spoke at the National Day of
12 Prayer and Remembrance. He offered a prayer to
13 console a grieving and stunned nation in the wake
14 of the terror attacks of September 11th.

15 In war and in peace, in hardship and
16 prosperity, in tragedy and triumph, prayer has
17 been the one constant.

18 Here in the Senate, we opened
19 today's session, as we do every session, with a
20 prayer. The men and women serving in this
21 chamber are of different faiths, different
22 ideologies, but we are united in our belief of a
23 better, more just New York for everyone.

24 Tomorrow, Thursday, May 1st, is the
25 National Day of Prayer. Wherever you are,

1 whatever you are doing, whatever your faith,
2 whatever your beliefs, stop for a moment and
3 pray. Pray for our state, pray for our nation,
4 pray for peace, pray for justice and
5 understanding, for strength and solace to heal
6 all who suffer. And pray for God's divine
7 providence and continued blessings on our nation
8 and all of its people.

9 Thank you. And if possible, I'd
10 like to open the resolution to all in the
11 chambers.

12 ACTING PRESIDENT ROBACH: Thank
13 you, Senator Marchione.

14 This resolution was previously
15 passed on February 11th.

16 Senator Libous.

17 SENATOR LIBOUS: Thank you,
18 Mr. President.

19 Before we go to the next resolution,
20 I want to acknowledge a group of constituents
21 that I have here that actually were supposed to
22 be meeting with me at 12 o'clock, but because
23 proceedings continue -- although I'm not allowed
24 on the floor to say what name or who they
25 represent, they are constituents of my district,

1 and that's what's most important.

2 (Laughter.)

3 SENATOR LIBOUS: And we welcome you
4 to the Senate chamber today.

5 ACTING PRESIDENT ROBACH: On behalf
6 of Senator Libous, we welcome his constituents.

7 (Laughter.)

8 ACTING PRESIDENT ROBACH: Senator
9 Libous.

10 SENATOR LIBOUS: I believe there's
11 another privileged resolution at the desk, by
12 Senator Breslin, Number 4507. I ask that the
13 resolution be read in its entirety and call on
14 Senator Breslin before its adoption.

15 ACTING PRESIDENT ROBACH: Title.
16 Title only.

17 SENATOR LIBOUS: Previously
18 adopted, I apologize.

19 Oh, let me try this again. There's
20 a previously adopted resolution at the desk by
21 Senator Breslin, Number 4507. We will read the
22 title only and call on Senator Breslin.

23 ACTING PRESIDENT ROBACH: The
24 Secretary will read.

25 THE SECRETARY: Legislative

1 Resolution Number 4507, by Senator Breslin,
2 congratulating the Siena College Men's Basketball
3 Team and Coach Jimmy Patsos upon the occasion of
4 capturing the 2014 College Basketball
5 Invitational Championship.

6 ACTING PRESIDENT ROBACH: Senator
7 Breslin.

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

10 The Siena Basketball Team was here
11 earlier, but it is West Point Day and they
12 understand fully and have gone on to the Assembly
13 and back home.

14 But as many of you know, Siena
15 College is one of the smallest Division I schools
16 in the country. And, you know, they compete
17 against teams that have 20,000 or 30,000
18 students. This year they were invited to the
19 College Basketball Invitational Tournament and
20 played schools like Illinois State and Fresno
21 State, Penn State -- enormous schools -- and came
22 out victorious for the first championship they
23 have earned since their entry into Division I
24 basketball in 1976.

25 Now, Siena in recent years has had a

1 couple of major moves in the NCAA tournament and
2 had become recognized as one of those mid-level
3 powers. Unfortunately, they fell on hard times
4 in the last couple of years.

5 They had a new coach this year and
6 became one of the four youngest Division I
7 basketball teams in the country. Now, there's
8 over 300 teams, so one of the four youngest.
9 They graduate only one person this year, so
10 there's much to expect. And it's mainly -- or in
11 part attributed to their new coach, Jimmy Patsos,
12 who came from Loyola and had spent many years as
13 an assistant at Maryland under Gary Williams.

14 So I applaud the successes of Siena.
15 I applaud it as a college in my district that
16 does the best under a Franciscan tradition. And
17 I applaud their championship win this year and
18 their 20-win victory.

19 Thank you, Mr. President.

20 ACTING PRESIDENT ROBACH: Thank
21 you, Senator Breslin.

22 And this resolution was actually
23 adopted on the 29th of April.

24 Senator Libous.

25 SENATOR LIBOUS: Mr. President, may

1 we have the reading of the noncontroversial
2 calendar.

3 ACTING PRESIDENT ROBACH: The
4 Secretary will read.

5 THE SECRETARY: Calendar Number
6 144, by Senator Marcellino, Senate Print 4511A,
7 an act to amend the Arts and Cultural Affairs
8 Law.

9 SENATOR GIANARIS: Lay it aside.

10 ACTING PRESIDENT ROBACH: The bill
11 is laid aside.

12 THE SECRETARY: Calendar Number
13 230, by Senator Robach, Senate Print 6635, an act
14 to authorize.

15 ACTING PRESIDENT ROBACH: There is
16 a home-rule message at the desk.

17 Read the last section.

18 THE SECRETARY: Section 6. This
19 act shall take effect immediately.

20 ACTING PRESIDENT ROBACH: Call the
21 roll.

22 (The Secretary called the roll.)

23 THE SECRETARY: Ayes, 60.

24 ACTING PRESIDENT ROBACH: The bill
25 is passed.

1 THE SECRETARY: Calendar Number
2 274, by Senator Young, Senate Print 6650, an act
3 to amend the Highway Law.

4 ACTING PRESIDENT ROBACH: Read the
5 last section.

6 THE SECRETARY: Section 3. This
7 act shall take effect immediately.

8 ACTING PRESIDENT ROBACH: Call the
9 roll.

10 (The Secretary called the roll.)

11 THE SECRETARY: Ayes, 60.

12 ACTING PRESIDENT ROBACH: The bill
13 is passed.

14 THE SECRETARY: Calendar Number
15 306, by Senator Little, Senate Print 6588A, an
16 act to amend the Public Officers Law.

17 ACTING PRESIDENT ROBACH: Read the
18 last section.

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

21 ACTING PRESIDENT ROBACH: Call the
22 roll.

23 (The Secretary called the roll.)

24 THE SECRETARY: Ayes, 60.

25 ACTING PRESIDENT ROBACH: The bill

1 is passed.

2 THE SECRETARY: Calendar Number
3 308, by Senator LaValle, Senate Print 1564, an
4 act to amend the Education Law.

5 SENATOR GIANARIS: Lay it aside.

6 ACTING PRESIDENT ROBACH: The bill
7 is laid aside.

8 THE SECRETARY: Calendar Number
9 335, substituted earlier today by Member of the
10 Assembly Jaffee, Assembly Print Number 8125A, an
11 act to amend Chapter 515 of the Laws of 2013.

12 ACTING PRESIDENT ROBACH: Read the
13 last section.

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

16 ACTING PRESIDENT ROBACH: Call the
17 roll.

18 (The Secretary called the roll.)

19 THE SECRETARY: Ayes, 60.

20 ACTING PRESIDENT ROBACH: The bill
21 is passed.

22 THE SECRETARY: Calendar Number
23 351, by Senator Ball, Senate Print 5974, an act
24 to amend the Highway Law.

25 ACTING PRESIDENT ROBACH: Read the

1 last section.

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

4 ACTING PRESIDENT ROBACH: Call the
5 roll.

6 (The Secretary called the roll.)

7 THE SECRETARY: Ayes, 60.

8 ACTING PRESIDENT ROBACH: The bill
9 is passed.

10 THE SECRETARY: Calendar Number
11 362, by Senator Savino, Senate Print 3969, an act
12 to amend the Penal Law.

13 ACTING PRESIDENT ROBACH: Read the
14 last section.

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

17 ACTING PRESIDENT ROBACH: Call the
18 roll.

19 (The Secretary called the roll.)

20 ACTING PRESIDENT ROBACH: Senator
21 Savino.

22 SENATOR SAVINO: Thank you,
23 Mr. President. To explain my vote.

24 This will be the fourth time that we
25 have passed this bill here in the New York State

1 Senate.

2 The history of this bill
3 unfortunately began with a very tragic
4 circumstance in Staten Island in 2005, with the
5 death of Nicky Antico, who was a city DOT worker
6 working in a work zone when he was run down by a
7 drunk driver who intruded into the work zone and
8 then fled the scene.

9 Subsequent to that, this Legislature
10 acted to amend the laws around that issue in
11 2005. What we did is we doubled the penalties
12 for speeding through a work zone, we increased
13 the penalties, we require that you lose your
14 license, a whole host of things.

15 And yet and still, since 2005, the
16 number of work zone safety violations has gone
17 up, they have not gone down. There are
18 600 vehicle fatalities in work zones on average
19 every year. There are 32,000 people a year who
20 are injured in work zones because drivers are
21 speeding through them recklessly, ignoring the
22 penalties.

23 That is why we need to enact the
24 Work Zone Safety Bill that will make it a crime
25 to intrude into a work zone. Again, this house

1 has passed this bill three times. This will be
2 the fourth. We need to implore our Assembly
3 colleagues that the time to act is now.

4 This state is embarking on billions
5 of dollars of capital infrastructure repairs. We
6 are building bridges all over, from the
7 Tappan Zee Bridge in the Hudson Valley to three
8 bridges in Staten Island. Our workers in the
9 work zone are at risk every day.

10 But the people who are at greatest
11 risk for violations in the work zone are drivers
12 themselves. I've often found that most people
13 don't drive as well as they think they do. They
14 ignore these work zone slowdowns at their own
15 peril, endangering themselves, others, other
16 drivers.

17 We need to act. We need to act now.
18 Thank you all for supporting me on this bill
19 every year, and now let's get the Assembly to
20 join us.

21 Thank you, Mr. President.

22 ACTING PRESIDENT ROBACH: Thank
23 you, Senator Savino.

24 Announce the results.

25 THE SECRETARY: Ayes, 60.

1 ACTING PRESIDENT ROBACH: The bill
2 is passed.

3 Senator Libous, that concludes the
4 noncontroversial reading of the calendar.

5 SENATOR LIBOUS: Can we then go to
6 the reading of the controversial calendar.

7 ACTING PRESIDENT ROBACH: The
8 Secretary will ring the bell.

9 The Secretary will read.

10 THE SECRETARY: Calendar Number
11 144, by Senator Marcellino, Senate Print 4511A,
12 an act to amend the Arts and Cultural Affairs
13 Law.

14 SENATOR SQUADRON: Explanation.

15 ACTING PRESIDENT ROBACH: An
16 explanation has been asked for by Senator
17 Squadron.

18 SENATOR MARCELLINO: The purpose of
19 this bill is to eliminate commissions, boards and
20 committees that are no longer necessary to
21 provide the services that they once did, while
22 helping to decrease current state bureaucracy and
23 consolidate their responsibilities.

24 None of the boards that are listed
25 in this particular bill, that are on this

1 particular bill, have met in two years.

2 This bill has passed in 2012 in a
3 prior form, 60 to nothing. It passed, in 2013,
4 60 to nothing.

5 ACTING PRESIDENT ROBACH: Thank
6 you, Senator Marcellino.

7 SENATOR MARCELLINO: You're
8 welcome.

9 ACTING PRESIDENT ROBACH: Senator
10 Squadron.

11 SENATOR SQUADRON: If the sponsor
12 would yield.

13 ACTING PRESIDENT ROBACH: Senator
14 Marcellino, will you yield?

15 SENATOR MARCELLINO: Yes, I will.

16 SENATOR SQUADRON: Am I correct in
17 reading that one of the boards that this bill
18 does away with is the Armored Cars Advisory
19 Board?

20 SENATOR MARCELLINO: Yes, it does.

21 SENATOR SQUADRON: If the sponsor
22 would continue to yield.

23 ACTING PRESIDENT ROBACH: Do you
24 continue to yield, Senator Marcellino?

25 SENATOR MARCELLINO: Yes, I will.

1 SENATOR SQUADRON: What are the
2 existing responsibilities of the Armored Cars
3 Advisory Board, and what is its makeup?

4 SENATOR MARCELLINO: I haven't the
5 foggiest idea, Senator Squadron, and that's one
6 of the reasons why it's on this list to get rid
7 of.

8 SENATOR SQUADRON: If the sponsor
9 would continue to yield.

10 SENATOR MARCELLINO: Yes.

11 SENATOR SQUADRON: Just to clarify,
12 this bill consolidates and moves the
13 responsibilities of a number of boards, including
14 the Armored Cars Advisory Board -- which does
15 have some responsibilities, certainly some that
16 are numerated in the bill, but the sponsor isn't
17 familiar with those responsibilities or how
18 they're being moved?

19 SENATOR MARCELLINO: Your point?

20 SENATOR SQUADRON: I was
21 clarifying. It was a clarifying question.

22 SENATOR MARCELLINO: I'll say it
23 again, your point being?

24 SENATOR SQUADRON: Mr. President, I
25 was asking a question.

1 SENATOR MARCELLINO: Mr. President,
2 I'm answering his question with a question. I do
3 not understand the purpose of his question.

4 SENATOR SQUADRON: To explain my
5 question further, Mr. President, through you,
6 it's just to clarify the substance and basis of
7 the sponsor's bill and intent in changing the
8 responsibilities under this bill.

9 SENATOR MARCELLINO: Mr. President,
10 these are boards that have not met. I don't
11 pretend to know every single board or the purpose
12 of every single board that was ever created by
13 this body. These are boards that haven't met in
14 two years.

15 To our knowledge, and to my staff's
16 investigation, these boards no longer serve a
17 purpose that is necessary. If a purpose ever
18 reappears, we can always reconstitute a body to
19 replace them. But right now none exists, and it
20 would serve the purpose of the Senate, it would
21 serve the purpose of our government to streamline
22 it and to eliminate unnecessary clutter from our
23 government. That's the purpose of this bill.

24 SENATOR SQUADRON: If the sponsor
25 would continue to yield.

1 SENATOR MARCELLINO: One last
2 question, Mr. President.

3 ACTING PRESIDENT ROBACH: Continue,
4 Senator Squadron.

5 SENATOR MARCELLINO: Make it a good
6 one.

7 SENATOR SQUADRON: Point of
8 personal privilege, Mr. President.

9 ACTING PRESIDENT ROBACH: Senator
10 Squadron, fire away.

11 SENATOR SQUADRON: In general, when
12 we're debating legislation on the floor and
13 having germane or substantive conversation, it is
14 not the practice of the house to limit questions
15 nor to suggest that the questioner better make it
16 a good one.

17 Of course, it is up to the sponsor.
18 But I'm surprised by that limitation on the
19 questions. I will continue and ask the question
20 now, though.

21 ACTING PRESIDENT ROBACH: You have
22 the question. Just for a point of clarification,
23 we have the right to debate, you have the right
24 to talk. Senator Marcellino has the option of
25 how much he wants to yield or not yield to the

1 question.

2 But go ahead, I think he's agreed to
3 yield to this last question, I believe he said.

4 SENATOR SQUADRON: It is outside of
5 the common practice and courtesy of the house,
6 but I don't disagree with your reading of the
7 rules.

8 It seems from the bill that the
9 authority of the Armored Cars Advisory Board --
10 in fact, within the bill itself -- includes
11 "recognizing and consulting in the development of
12 a qualified firearms training course." And that
13 that role is being transmitted to the Armored Car
14 Carrier Industry and New York Armored Cars
15 Association, Inc.

16 Is that new body that is taking this
17 power for the firearms training course, the
18 Armored Car Carrier Industry and New York Armored
19 Car Association -- it's a single question with
20 multiple parts, Mr. President -- an industry
21 group? If so, how is it constituted and what
22 history does it have of dealing with firearms
23 training courses?

24 And as a final Part D to that
25 question to the sponsor, is it the sponsor's view

1 that it is well-suited to giving appropriate
2 firearms training?

3 SENATOR MARCELLINO: It's my
4 understanding, Mr. President, that it is a trade
5 association that represents members within that
6 industry.

7 I will accept another question from
8 the speaker. I apologize for my curtness from
9 before.

10 SENATOR SQUADRON: Not at all. And
11 I very much appreciate the sponsor's willingness.
12 And if he would continue to yield. And this
13 actually is the final question, in fact.

14 Does the sponsor know or have an
15 opinion on the substance of this firearms
16 training course, what firearms members would be
17 trained on, either currently or under the new
18 situation?

19 SENATOR MARCELLINO: I'm told the
20 intent is to allow the industry to have input
21 into the regulations to make them current.

22 SENATOR SQUADRON: Thank you. I
23 thank the sponsor.

24 On the bill.

25 ACTING PRESIDENT ROBACH: On the

1 bill, Senator Squadron.

2 SENATOR SQUADRON: Mr. President,
3 look, I don't know anything about the Armored Car
4 Carrier Industry and New York Armored Car
5 Association, Inc. I do know that firearm
6 training courses are important and that the
7 substance of who is providing that really does
8 matter.

9 That's true for a lot of reasons.
10 We know that armored car people who-- the guards
11 who drive and protect armored cars have firearms
12 and need to use them appropriately. We also know
13 that in this state there are any number of
14 firearms that are legal and largely unregulated
15 where certainly we would want not just more
16 regulation, but also better training.

17 Fifty-caliber weapons are among
18 those. These are some of the most dangerous
19 weapons that are legal today, they are available
20 to civilians across the state. Unlike handguns
21 and pistols, you don't even need a permit to get
22 them. Ray Kelly, the former commissioner of the
23 New York Police Department, someone who's
24 certainly not afraid of the use of force, has
25 said that it is a weapon that concerns him as

1 much as any other.

2 It can kill at ranges of 2,000
3 yards. Federal law enforcement and others have
4 suggested there's a nexus with terrorism, outlaw
5 motorcycle gangs, international and domestic drug
6 trafficking, and violent crime from .50-caliber
7 weapons.

8 Now, I don't know -- and I don't
9 know if the sponsor knows -- whether training in
10 the appropriate use of .50-caliber weapons would
11 be part of the Armored Car Carrier Industry and
12 the New York Armored Car Association Inc.'s
13 training program. Certainly it should be today,
14 since that is a weapon that is legal without a
15 permit in New York State. It shouldn't be legal
16 without a permit. It shouldn't be legal in
17 New York State at all for civilians. But it is,
18 and I would certainly hope that the training
19 would include the safe use and the safe storage
20 of those .50-caliber weapons.

21 I also wish that this New York
22 Armored Car Carrier Industry and New York Armored
23 Car Association, Inc., didn't have that
24 responsibility, which they wouldn't if
25 .50-caliber weapons were not allowed in this

1 state, which they shouldn't be. Unfortunately,
2 the ability to have that conversation more
3 directly was short-circuited earlier this week
4 when the Codes Committee did not take up my
5 motion for committee consideration on that
6 .50-caliber weapon ban.

7 So I thank the sponsor very much for
8 his explanation. I would love to get more
9 information moving forward on the New York
10 Armored Car Carrier Industry and New York Armored
11 Car Association, Inc., and their firearms
12 training program. In the interim, the motive and
13 goal that the sponsor has talked about of
14 consolidating state agencies and state operations
15 is one I support.

16 I'm glad we were able to have this
17 conversation, though I'm disappointed that the
18 conversation on .50-caliber militarized weapons
19 did not happen.

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

22 ACTING PRESIDENT ROBACH: Thank
23 you, Senator Squadron.

24 Seeing no other Senator wishing to
25 be heard, the debate is closed.

1 The Secretary will ring the bell.

2 If I could ask members to come to
3 the chambers as expeditiously as possible, that
4 will move our proceedings along.

5 Read the last section.

6 THE SECRETARY: Section 19. This
7 act shall take effect immediately.

8 ACTING PRESIDENT ROBACH: Call the
9 roll.

10 (The Secretary called the roll.)

11 ACTING PRESIDENT ROBACH: Announce
12 the results.

13 THE SECRETARY: In relation to
14 Calendar Number 144, absent from voting:
15 Senators Díaz, Espaillat, Hannon, Kennedy and
16 Perkins.

17 Ayes, 55.

18 ACTING PRESIDENT ROBACH: The bill
19 is passed.

20 If I could ask members to please
21 remain, if possible, in the chamber. We have one
22 more bill on the controversial calendar.

23 The Secretary will read.

24 THE SECRETARY: Calendar Number
25 308, by Senator LaValle, Senate Print 1564, an

1 act to amend the Education Law.

2 SENATOR SQUADRON: Explanation.

3 ACTING PRESIDENT ROBACH: Senator
4 Squadron has asked for an explanation.

5 SENATOR LaVALLE: Thank you,
6 Mr. President.

7 There has long been a clarion call
8 in this house about dealing with mandates. And
9 when it comes to education, the majority of the
10 mandates have come from the Board of Regents. It
11 is a rare occurrence and the chairs of the
12 Education Committees of this house have very
13 sparingly, if at all, reported a bill that added
14 a mandate on our school districts. And so the
15 mandates come from the Board of Regents, State
16 Education Department.

17 A couple of years ago I remember
18 being at a meeting, as many of you in this house,
19 about what did we do to mandate calculators, that
20 every student have a calculator. And probably
21 you too were surprised, because through my
22 recollection I don't remember voting on a bill to
23 mandate calculators.

24 And so the bill we have before us
25 starts off and it says any resolution -- this is

1 the Board of Regents -- any resolution that
2 alters or amends the rules or regulations as
3 established by the Regents shall include the
4 following information. And then we delineate,
5 Senator, those things so that we know and the
6 school districts would know that, if they are
7 affected with an increased cost, well, they have
8 to be told.

9 And here's the other thing. You
10 hear this all the time. Follow the money,
11 where's the money? And so we want to know, where
12 are you going to get the money? Do you have
13 money in the State Ed Department through federal
14 aid, state aid? Or will the local school
15 district have to bear the brunt?

16 And in most cases, if we're not
17 covering the cost, there is only the real
18 property tax. I think there is one county in the
19 state that gives to their school districts sales
20 tax aid. But in every other case, it's real
21 property taxes.

22 So what this bill does is we have
23 some transparency. And hopefully the Board of
24 Regents will be a little more sensitive about
25 mandating costs to local school districts.

1 Now, it's a shame that I have to, as
2 the sponsor of this bill, be on the floor talking
3 about transparency, because the Board of Regents
4 could do this on their own motion. They could
5 take the bill, what we have here, and do it on
6 their own motion. And it would be a great thing
7 for the Board of Regents, because it would
8 provide some transparency and honesty and
9 fairness to the school districts when they feel
10 they have to do something -- what the mandate is,
11 where the money is coming from.

12 And quite honestly, colleagues, it
13 would be very helpful to us because it would
14 begin a process where the districts would know it
15 was the Board of Regents' regulation or change
16 and not some statutory change.

17 Senator Squadron, that's the bill in
18 its entirety.

19 ACTING PRESIDENT ROBACH: Senator
20 Squadron.

21 SENATOR SQUADRON: Thank you,
22 Senator LaValle, for that complete explanation.
23 I really appreciate it.

24 If the sponsor would yield for some
25 questions.

1 ACTING PRESIDENT ROBACH: Senator
2 LaValle, do you yield?

3 SENATOR LaVALLE: Yes.

4 SENATOR SQUADRON: Is the sponsor
5 familiar with any models with other state
6 agencies that put a similar sort of requirement
7 on them?

8 SENATOR LaVALLE: There's no other
9 state agency that has such a direct relationship
10 to increasing real property taxes on the
11 constituents. And that's what this is all about.
12 There's no other agency that I know of, just off
13 the top of my head, that has that kind of impact.

14 SENATOR SQUADRON: If the
15 sponsor would continue to yield.

16 SENATOR LaVALLE: Yes.

17 SENATOR SQUADRON: What is the
18 either the Regents or the State Education
19 Department's reaction to this bill? I know that
20 you spoke about their -- that the sponsor, excuse
21 me, spoke about their ability to do this
22 administratively. Are they on board or some
23 subset of the Regents on board?

24 SENATOR LaVALLE: I think that --
25 I've had a conversation with the chancellor about

1 doing that, initiating on their own motion the
2 provisions in this legislation, or at least begin
3 a process. And I think that Chancellor Tisch is
4 always open to new ideas and so forth. So I
5 think she's cogitating and deliberating on the
6 matter, Senator Squadron.

7 SENATOR SQUADRON: If the sponsor
8 would continue to yield.

9 SENATOR LaVALLE: Yes.

10 SENATOR SQUADRON: As the sponsor
11 knows, there are many, many school districts
12 around the state and there are changes all the
13 time, including sometimes changes -- perhaps not
14 often enough, but sometimes changes that actually
15 lower costs and requirements on school districts.
16 Sometimes there are changes that lower costs for
17 some school districts and increase costs for
18 others. And in fact, this bill goes sort of even
19 beyond the school district level to the
20 individual that might be impacted with costs.

21 Just so I can understand, what would
22 trigger the requirement of the report in this
23 bill? Would it be if there's any individual
24 whose costs may go up, who's a contractor with
25 the school district? Would it be overall school

1 districts spending more? Would it be any single
2 school district having to spend more?

3 Because there are sort of many
4 different levels of concern laid out in the bill,
5 and I want to just understand how that would work
6 as decisions get made. Including, potentially,
7 decisions that would give relief to certain
8 school districts.

9 SENATOR LaVALLE: I think the
10 legislation is very clear that the -- I think
11 where you're referring is the entity and/or
12 individuals that are expected to bear the burden
13 of any increase. I think that's the piece that
14 you have focused in on.

15 But I think, as you read on, it's
16 the increase in cost because the rule or
17 regulation has been altered and would directly or
18 indirectly affect the district. Or it could be
19 an individual who's performing some sort of
20 function.

21 But as soon as you're altering the
22 rule and you're adding a cost, then we want to
23 know about it. And I don't think that's unfair.

24 SENATOR SQUADRON: If the sponsor
25 would continue to yield.

1 SENATOR LAVALLE: Yes.

2 SENATOR SQUADRON: So is the
3 opposite also true, if a rule is going to be
4 altered and in the Regents' view it would not
5 increase costs, then this requirement would not
6 govern?

7 SENATOR LaVALLE: That is correct.

8 SENATOR SQUADRON: If the sponsor
9 would continue to yield.

10 SENATOR LaVALLE: Yes.

11 SENATOR SQUADRON: What if there's
12 a disagreement between the Regents, who -- and I
13 think the sponsor in the description of the
14 purpose of the bill talked quite a bit about
15 sometimes how historically the Regents have
16 operated in ways of increasing costs without
17 being either aware of or focused on those
18 increases, the extent to which the Regents have
19 really a very broad mandate on these rules and
20 regulations, rather than the Legislature.

21 So it seems fairly likely where
22 there would be a scenario where the Regents would
23 have one opinion about the cost impact,
24 especially when you're talking about districts or
25 individuals, and either an individual or a

1 district would have a different opinion about the
2 cost impact. How would that be resolved?

3 SENATOR LaVALLE: This legislation
4 obviously does not set up for any mediation or
5 arbitration. But I think, quite honestly, it is
6 on its face -- when you pass a resolution to say
7 that every student in a district shall have a
8 calculator, it's very, very clear. If you are
9 amending the rule to add something for
10 individuals with handicapping conditions, that
11 also is very, very clear.

12 I do not believe that unless you can
13 tell me of an incident or instance where there's
14 a dispute between the local school district and
15 the Regents -- because I think in most every case
16 it's pretty clear-cut. It's pretty clear-cut.

17 SENATOR SQUADRON: If the sponsor
18 would continue to yield.

19 SENATOR LaVALLE: Yes.

20 SENATOR SQUADRON: Mr. President,
21 you look so refreshed.

22 (Laughter.)

23 SENATOR SQUADRON: If the sponsor
24 would continue to yield.

25 SENATOR LaVALLE: I said yes.

1 (Laughter.)

2 SENATOR SQUADRON: Oh, thank you.

3 Sorry.

4 SENATOR LaVALLE: Yes.

5 (Laughter.)

6 SENATOR SQUADRON: I appreciate
7 that.

8 It also seems from the bill that
9 there's sort of a presumption that any change
10 that had an increased cost would have to be borne
11 by state funds. Am I --

12 SENATOR LAVALLE: No, not at all.
13 I'm sorry --

14 SENATOR SQUADRON: No, please go
15 ahead. I was going to ask if I was reading it
16 correctly. So thank you.

17 SENATOR LaVALLE: No, I think
18 it's -- the legislation talks very clearly about
19 where those monies are coming from.

20 And the bottom line here, and as you
21 look through the language, it's all about the
22 real property tax or the additional cost -- in
23 cities, it might be the income tax or a sales
24 tax -- that you're going to have to increase to
25 meet that particular cost.

1 So there is a relationship between
2 the mandate and where it goes and the language,
3 Senator, "the exact source or sources of which
4 the funds to pay for such increase in cost shall
5 be made available."

6 So, you know, the Regents might say:
7 Well, use your state aid, and whatever beyond
8 your state aid, then real property taxes. And
9 there's language, as you know, in here that talks
10 about, again, if the Regents determine that such
11 increase in cost is to be paid from local
12 property taxes, the expected increase in cost for
13 each school district affected by the altered or
14 amended rule or regulation.

15 So as we know, particularly for
16 those of us who represent districts outside of
17 the Big Five, there is whatever mandate -- and
18 that's why I started my remarks about the clarion
19 call.

20 Because we, as legislators, have
21 been very sensitive. We go to meetings and
22 people are saying, Why are you mandating this?
23 Because it's all about the real property tax.
24 Because they can't get their money from anyplace
25 else but the property taxes and the state aid

1 that we give to them and the one area of the
2 state that also has sales tax revenues. I don't
3 know whether it's Rochester or Syracuse. One of
4 those two.

5 SENATOR SQUADRON: If the sponsor
6 would continue to yield.

7 SENATOR LaVALLE: Yes, of course.

8 SENATOR SQUADRON: And we're coming
9 to the end here.

10 But in a scenario where costs would
11 be decreased for some of the districts and
12 increased for the others, would the calculation
13 be the net? Or would it be only those districts
14 where the cost was increased, and the districts
15 where the cost was decreased would be sort of
16 ignored from the analysis?

17 SENATOR LaVALLE: I'm going to take
18 a stab at answering this question.

19 If you mandate something like the
20 calculators, you have now added a cost to that
21 school district unless we have provided a
22 categorical aid formula to address the
23 calculator.

24 In no instance are you going to
25 have -- if you are mandating, you are adding a

1 cost -- are you going to have a decrease. You
2 can only have an increase when you are adding a
3 mandate.

4 SENATOR SQUADRON: Thank you.
5 On the bill.

6 ACTING PRESIDENT O'MARA: On the
7 bill.

8 SENATOR SQUADRON: Thank you.

9 And I thank the sponsor very much
10 for the good conversation and direct engagement
11 on this.

12 And I think it's the final point
13 that the sponsor made that for me raises
14 additional concerns with this bill. And there's
15 two really two categories.

16 The first is around what the sponsor
17 said, which is I think we all know, and the
18 sponsor actually knows much better than I, that
19 today very few of the mandates are the equivalent
20 analogy of the calculator. Everyone needs a
21 calculator, the districts have to pay for those
22 calculators, and someone's got to get the bill.

23 And too often, as the sponsor said
24 so eloquently, that has been driven down to the
25 property tax level in a way that has had a

1 disastrous impact on property tax rates across
2 the state.

3 Today, so much more of what the
4 Regents does is to modify existing rules or
5 regulations, to change the mix of requirements,
6 to look at the type of students and the type of
7 needs in different districts and try to come up
8 with -- "try"; again, operative word -- try to
9 come up with more rational or efficient ways of
10 achieving better outcomes for students.

11 And so in a world in which the
12 Regents were mandating calculators and
13 blackboards, this bill might make a great deal
14 more sense.

15 In a world in which the Regents are
16 looking at the proportion of federal funding from
17 Title I and children with IEPs and English
18 language learners and rural versus non-rural
19 districts, large versus small schools, different
20 mixes of elementary and high school students,
21 different histories of retention and graduation
22 rates, often the rules and regulations don't fall
23 into such a simple category.

24 And it means that when you kind of
25 just take increases as an assumption every time

1 the Regents acts, you don't have any outside
2 oversight of that, no independence to kind of
3 analyze if they're right, you're going to end up
4 with a situation where you have an additional
5 reason to be frustrated with the Regents -- and
6 certainly over time the Regents have given all of
7 us a reason to be frustrated -- but not
8 necessarily the clarity and the goal that the
9 sponsor discusses and that I share and that I
10 think makes a lot of sense.

11 Which relates to the second concern.
12 Which is, you know, I think that often everyone's
13 frustration -- and again, I do represent one of
14 the Big Five districts. I represent the City,
15 New York City, the biggest district in the
16 country. Even there, you know, it doesn't feel
17 like the problem is the Regents are too nimble
18 and too responsive and too able to deal with what
19 they're hearing. It's actually the opposite. It
20 often feels like this enormous bureaucracy with a
21 board who can sometimes be hard to access that
22 doesn't quickly enough change with circumstances
23 on the ground. And my fear is this would only
24 exacerbate that existing problem.

25 I think that the motives and the

1 goals, certainly the idea that for a bunch of
2 appointees to just add layer after layer of
3 unfunded mandate in a way that makes this state
4 unaffordable for working people, is something
5 that has to be dealt with. I appreciate that the
6 sponsor is trying to deal with it.

7 I think, unfortunately, the
8 unintended consequences of this bill -- for lack
9 of clarity, for additional bureaucratic inertia,
10 and for a disincentive to innovate and do away
11 with or more likely modify in smart ways existing
12 mandate -- means that I'm not going to be able to
13 support this legislation today.

14 Thank you, Mr. President.

15 ACTING PRESIDENT O'MARA: Senator
16 Krueger.

17 SENATOR KRUEGER: Thank you,
18 Mr. President. If the sponsor would please yield
19 to some questions.

20 ACTING PRESIDENT O'MARA: Senator
21 LaValle, do you yield?

22 SENATOR LaVALLE: For one question?
23 Yes.

24 SENATOR KRUEGER: It might be more
25 than one. It might be more than one,

1 Mr. President. But we can ask one at a time.

2 ACTING PRESIDENT O'MARA: Proceed
3 with the first one, and then we'll see about the
4 second one.

5 (Laughter.)

6 SENATOR KRUEGER: Thank you,
7 Mr. President.

8 Is this bill, as I read it, it's
9 intended to have these new requirements on any
10 change to any rule or regulation of the New York
11 State Regents?

12 SENATOR LaVALLE: I had answered
13 that question to Senator Squadron. And it is one
14 that talks about adding costs in that mandate.
15 So in our discussion it was that if it doesn't
16 add money, doesn't have an impact, then there's
17 no further follow-through on it.

18 I mean, we're trying to, Senator,
19 again, have transparency so that school
20 districts -- because we hear this outside of the
21 Big Five. You know, well, where do they think
22 we're going to get that money? You know, it's
23 great that every student have a calculator, that
24 every classroom have a whiteboard or so forth.

25 But this bill is intended to say we

1 need to know what the impact is going to be. And
2 particularly, as the bill talks about, on the
3 real property tax.

4 SENATOR KRUEGER: Through you,
5 Mr. President, if the sponsor would continue to
6 yield.

7 SENATOR LaVALLE: Yes.

8 SENATOR KRUEGER: Thank you.

9 So I thank the sponsor for his first
10 answer. And yes, he was right, I should have
11 said all rules and regulations with a price tag.
12 I appreciate that.

13 So I have I guess the title list
14 from the Regents' rules and regulations. And
15 there are 2400 sections. And as the sponsor and
16 I both know, the Regents oversee K-12 education,
17 higher education, private education, professions,
18 the state museums, our libraries.

19 So again, I just wanted to be clear,
20 this bill would require any rule change or
21 regulatory change of the Regents, which currently
22 is 2411 sections, some of them with subsections.
23 If someone believed there was a price tag
24 associated, you would need to go through this
25 entire cost/benefit analysis process before there

1 could be a rule or a regulation change or
2 addition, is that correct?

3 SENATOR LaVALLE: Yes. Where there
4 will be an impact on a district or on an
5 individual, where we're raising fees on
6 individuals.

7 Senator, in this house I hear, from
8 time to time, "Is there a fiscal note at the
9 desk?" Why should we -- we pass, I don't know,
10 in a term, what, 2,000 bills in this house? And
11 we have certain rules. And most every bill that
12 comes before us, we are amending a prior section
13 of law, and we go through a very exhaustive
14 process.

15 Why should the Board of Regents not
16 be held to the same standard as this law-making
17 process that we have? And we're always looking
18 to improve our process, to be more transparent.

19 So this legislation is focused on
20 ensuring that a bill that has a mandate and a
21 cost, that it's explained.

22 SENATOR KRUEGER: Through you,
23 Mr. President, on the bill.

24 ACTING PRESIDENT O'MARA: On the
25 bill, Senator Krueger.

1 SENATOR KRUEGER: I appreciate the
2 sponsor's position on this bill. I am constantly
3 frustrated that we don't do correct fiscal notes
4 on bills that pass this house, the other house,
5 and even turn into law.

6 I'm constantly frustrated that the
7 fiscal note only requires the impact on the
8 state's costs, not on the local costs or
9 individual costs, and that it often simply states
10 what the costs might be the year of passage, and
11 it might be scheduled to go in effect for the
12 last month of the first year of passage, so you
13 might only see one-twelfth of the costs.

14 So I think the sponsor and I share
15 the same frustration that we don't really have
16 truth in numbers or truth in accounting when it
17 comes to legislation.

18 And so I empathize with his
19 frustration that on educational issues you may,
20 in fact, moving through rules and regulations,
21 mandate changes that have real costs for the
22 state and the locality.

23 My reason to have to disagree with
24 the sponsor is I think that this bill is both so
25 broad in what it's expected to cover and so

1 restrictive in what it demands that we would find
2 ourselves frozen in place at this exact moment in
3 history without the Regents being able to do
4 anything.

5 I would take the argument that in
6 order to meet his demand in the bill for a
7 specific layout of costs and benefits, you would
8 actually have to do it on every single change.
9 Because unless you did it, you wouldn't know
10 whether there was no cost change. So you'd have
11 to do it on every single change, because you
12 wouldn't know the answer before you did the
13 assignment. And it's a broad and complicated
14 assignment, including down to the level of
15 individuals impacted.

16 So when I was reading through the
17 rules and regulations of the Board of Regents'
18 comprehensive table, I didn't try to delve into
19 the actual language. Because if there's 2400
20 sections just on a comprehensive table of
21 contents, I would imagine I would have had to
22 kill several trees for my example.

23 But it would mean that before the
24 Regents could determine any change in textbooks
25 for the state, any change in certificates of

1 literacy, any change in the parking regulations
2 on our college campuses, any change in the
3 regulations of professions, teachers, doctors,
4 registration for public nursery schools, for
5 non-public nursery schools, requirements for
6 health and physical education, specific grants
7 that might be distributed through the Regents,
8 building codes for educational institutions, an
9 endless list for adult continuing and community
10 education, an endless list for the financing of
11 assorted categories of education, an appeals
12 process, a process for firing someone, a process
13 for hiring someone, the process for tenure, the
14 process for determining vacation -- I would have
15 to argue each of those would have costs, each of
16 those would have impacts, big picture, small
17 individual picture on specific institutions, and
18 frankly, probably, impact on individuals, which
19 I'm not sure we can even know who those
20 individuals would be with the change of
21 regulation till afterwards.

22 So my point is I actually think if
23 we were to pass this bill, even with the best
24 intentions on the outcome, we would find that
25 whatever the rules and regulations of the Regents

1 of New York State in 2014, that's what they would
2 be in 2024, because they couldn't possibly have
3 gotten through this process set up for them in
4 any reasonable time frame.

5 And as frustrated as I and the
6 sponsor may both be about not doing the right
7 homework and not getting the right answers to
8 questions, with all due respect, I don't think we
9 want to freeze ourselves in time with exactly the
10 rules and regulations we face now through the
11 Regents.

12 And so I want us to get there. I
13 don't think this gets us there. This would just
14 freeze this exact moment in time as whatever the
15 rules and regulations for education -- K-12,
16 higher ed, UPK, museums, libraries, private,
17 public. We live in a dynamic, changing world.
18 That's why we're legislators. I don't think we
19 want to make the mistake of freezing all
20 responsibilities of the Regents in a 2014 time
21 frame.

22 I'll be voting no, Mr. President.
23 Thank you.

24 ACTING PRESIDENT O'MARA: Are there
25 any other Senators wishing to be heard?

1 Seeing none, the debate is closed.

2 The Secretary will ring the bell.

3 The Secretary will read the last
4 section.

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

7 ACTING PRESIDENT O'MARA: Call the
8 roll.

9 (The Secretary called the roll.)

10 ACTING PRESIDENT O'MARA: Announce
11 the result.

12 THE SECRETARY: In relation to
13 Calendar 308, those recorded in the negative are
14 Senators Avella, Dilan, Hassell-Thompson,
15 Hoylman, Krueger, Montgomery, Rivera, Sanders,
16 Serrano, Squadron, Stavisky, and Tkaczyk.

17 Absent from voting: Senators Díaz,
18 Espaillat, Hannon, Kennedy and Perkins.

19 Ayes, 43. Nays, 12.

20 ACTING PRESIDENT O'MARA: The bill
21 is passed.

22 Senator Libous.

23 SENATOR LIBOUS: Mr. President, I
24 would suggest that members listen to a couple of
25 announcements here, because it's very important.

1 First, please call on Senator
2 Gianaris for purpose of an announcement.

3 ACTING PRESIDENT O'MARA: Senator
4 Gianaris.

5 SENATOR GIANARIS: Actually,
6 Mr. President, I would ask you to call on Senator
7 Serrano for a brief announcement. Thank you.

8 (Laughter.)

9 ACTING PRESIDENT O'MARA: Senator
10 Serrano.

11 SENATOR SERRANO: Mr. President,
12 there will be an immediate meeting of the Senate
13 Democratic Conference in Room 315.

14 ACTING PRESIDENT O'MARA: There
15 will be an immediate meeting of the Senate
16 Democrat Conference.

17 Senator Libous.

18 SENATOR LIBOUS: Mr. President, at
19 1:35 there will be a Rules Committee meeting in
20 Room 124. So at 1:35, there will be a
21 Rules Committee meeting in Room 124. Then we
22 will come back here and take up the Rules agenda
23 at that time.

24 In the meantime, the Senate will
25 stand at ease.

1 ACTING PRESIDENT O'MARA: The
2 Senate will stand at ease.

3 (Whereupon, the Senate stood at ease
4 at 1:10 p.m.)

5 (Whereupon, the Senate reconvened at
6 2:28 p.m.)

7 SENATOR LIBOUS: Mr. President,
8 could you please call on Senator Valesky. We'll
9 go back to motions and resolutions.

10 ACTING PRESIDENT GRIFFO: The
11 Senate will come to order.

12 Returning to motions and
13 resolutions, Senator Libous has asked that we
14 call upon Senator Valesky.

15 Senator Valesky.

16 SENATOR VALESKY: Thank you,
17 Mr. President and Senator Libous.

18 I move that the following bill be
19 discharged from its respective committee and be
20 recommitted with instructions to strike the
21 enacting clause: Senate Bill 6472A. And that's
22 on behalf of Senator Avella.

23 ACTING PRESIDENT GRIFFO: It is so
24 ordered.

25 Senator Libous.

1 SENATOR LIBOUS: Thank you,
2 Mr. President.

3 May we return to reports of standing
4 committees. I believe there is a report of the
5 Rules Committee at the desk.

6 ACTING PRESIDENT GRIFFO: We will
7 return to reports of standing committees.

8 The Secretary will read.

9 THE SECRETARY: Senator Skelos,
10 from the Committee on Rules, reports the
11 following bill direct to third reading: Senate
12 Print 6918, by Senator Klein, an act to amend the
13 Vehicle and Traffic Law.

14 ACTING PRESIDENT GRIFFO: Senator
15 Libous.

16 SENATOR LIBOUS: I move to accept
17 the report of the Rules Committee.

18 ACTING PRESIDENT GRIFFO: All in
19 favor of accepting the Committee on Rules report
20 signify by saying aye.

21 (Response of "Aye.")

22 ACTING PRESIDENT GRIFFO: Opposed?

23 (No response.)

24 ACTING PRESIDENT GRIFFO: The Rules
25 Committee report is accepted and before the

1 house.

2 Senator Libous.

3 SENATOR LIBOUS: Mr. President,
4 could we take up the noncontroversial reading of
5 Senate Calendar 32A, please.

6 ACTING PRESIDENT GRIFFO: We're
7 going to have a substitution before that, Senator
8 Libous, and we'll begin the reading.

9 The Secretary will read the
10 substitution.

11 THE SECRETARY: Senator Klein moves
12 to discharge, from the Committee on Rules,
13 Assembly Bill Number 9206 and substitute it for
14 the identical Senate Bill Number 6918, Third
15 Reading Calendar 488.

16 ACTING PRESIDENT GRIFFO:
17 Substitution so ordered.

18 The Secretary will read.

19 THE SECRETARY: Calendar Number
20 488, by Member of the Assembly Silver, Assembly
21 Print Number 9206, an act to amend the Vehicle
22 and Traffic Law.

23 ACTING PRESIDENT GRIFFO: There is
24 a home-rule message at the desk.

25 The Secretary will read the last

1 section.

2 THE SECRETARY: Section 12. This
3 act shall take effect on the 30th day.

4 ACTING PRESIDENT GRIFFO: Call the
5 roll.

6 (The Secretary called the roll.)

7 ACTING PRESIDENT GRIFFO: Senator
8 Golden to explain his vote.

9 SENATOR GOLDEN: Thank you,
10 Mr. President.

11 This bill that is presently being
12 passed is a bill that would put cameras into the
13 City of New York, along with Nassau County and
14 Suffolk County as well.

15 We now have 20 cameras that are in
16 New York City, but we are waiting and have agreed
17 upon a chapter that will assist us in putting all
18 of those dollars, the revenues coming from those
19 cameras, into public safety.

20 So we can actually see the accidents
21 come down, the injuries come down, and the debts
22 come down by the number of cameras that will be
23 installed, but at least we'll see the money being
24 dedicated towards public safety, towards our
25 police, towards our fire, and towards our school

1 safety zones. Which would give us, I believe, a
2 great opportunity for public safety across this
3 city and eventually across the state.

4 So I'll be voting aye on this bill.
5 Thank you, Mr. President.

6 ACTING PRESIDENT GRIFFO: Senator
7 Golden to be recorded in the affirmative.

8 Senator Hoylman to explain his vote.

9 SENATOR HOYLMAN: Thank you,
10 Mr. President.

11 I just want to thank the Senate and
12 Assembly leadership and Mayor de Blasio on his
13 Vision Zero plan for New York City.

14 In my district there have been a
15 number of terrible accidents involving
16 pedestrians, cyclists, motorcyclists, and other
17 cars. And we've seen, where speed cameras have
18 been implemented across the country, including
19 Washington, D.C., that traffic fatalities and
20 injuries have decreased precipitously.

21 And also, in New York alone, where
22 only five of 20 cameras were installed, there
23 were something like 12,000 tickets issued for
24 just a brief period. And I think that is an
25 important signal that the Vision Zero plan should

1 be expanded -- should include all hours, not just
2 school hours, and it should include other
3 locations -- and that we have begun something
4 very exciting in terms of safety for pedestrians,
5 cyclists and other drivers.

6 Thank you, Mr. President. I'll be
7 voting aye.

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

10 Senator Klein to explain his vote.

11 SENATOR KLEIN: Thank you,
12 Mr. President.

13 It was truly an honor to carry this
14 legislation. I know it has an impact on Suffolk
15 County and Nassau County. But I think what we're
16 doing for the City of New York today is truly
17 saving lives.

18 Last year we were able to do a pilot
19 camera for speed cameras just for the City of
20 New York, 20 speed cameras. This increases the
21 total to 140 throughout the City of New York.

22 I think if you look throughout the
23 city, it's clear by the statistics of the
24 New York City Department of Transportation,
25 people are speeding by schools. As crazy as that

1 may seem, it happens each and every day.

2 So I think clearly what we're doing
3 today with this legislation will save lives by
4 cracking down on reckless speeding near our
5 schools. Students should not have to dodge death
6 on their morning walk to and from schools.

7 I certainly believe that more
8 cameras slated to hit our streets will be putting
9 speeders on notice. I think the evidence is very
10 clear, when drivers know they might be caught,
11 they slow down. So I think we're sending a very
12 strong message.

13 This legislation is also an
14 important part of Mayor de Blasio's Vision Zero
15 program, a comprehensive plan and proposal to I
16 think truly save lives in New York City. I think
17 people will think twice before they hit that
18 accelerator, knowing they're entering a school
19 zone that has speed cameras.

20 So I thank you for the opportunity
21 to speak on this bill, Mr. President, and I vote
22 yes.

23 ACTING PRESIDENT GRIFFO: Senator
24 Klein is to be recorded in the affirmative.

25 Senator DeFrancisco to explain his

1 vote.

2 SENATOR DeFRANCISCO: Yes.

3 I understand the advocates for this
4 bill, seeing that we're dealing with
5 schoolchildren, to make them safer. But I just
6 have a philosophical problem with the more
7 cameras that we have that are filming, for
8 different reasons, the daily activities of
9 citizens.

10 I read 1984 many, many years before
11 1984. I never thought it would ever happen. In
12 my lifetime, anyway. But each laudable goal to
13 have safety among our community, whether it's by
14 cars or whether putting cameras in high-crime
15 areas and the like, I just philosophically am
16 opposed to that. The pilot program will result
17 in other cameras. It will go beyond school
18 grounds. It will go into senior citizen areas,
19 it will go where people seem to be vulnerable,
20 and ultimately it will be anywhere the government
21 wants it to go.

22 So for that reason, I'm going to
23 vote no.

24 ACTING PRESIDENT GRIFFO: Senator
25 DeFrancisco to be recorded in the negative.

1 Announce the results.

2 THE SECRETARY: In relation to
3 Calendar 488, those recorded in the negative are
4 Senators Ball, DeFrancisco, Felder, Flanagan,
5 Lanza, LaValle, Marchione, O'Mara, Ranzenhofer,
6 Ritchie and Zeldin.

7 Ayes, 49. Nays, 11.

8 ACTING PRESIDENT GRIFFO: The bill
9 is passed.

10 Senator Libous.

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

13 ACTING PRESIDENT GRIFFO: There is
14 no further business before the desk.

15 SENATOR LIBOUS: There being no
16 further business, I move that the Senate adjourn
17 until Monday, May 5th, at 3:00 p.m., intervening
18 days being legislative days.

19 ACTING PRESIDENT GRIFFO: On
20 motion, the Senate stands adjourned until Monday,
21 May 5th, at 3:00 p.m., intervening days being
22 legislative days.

23 Senate adjourned.

24 (Whereupon, at 2:36 p.m., the Senate
25 adjourned.)