NEW YORK STATE SENATE

THE STENOGRAPHIC RECORD

ALBANY, NEW YORK

April 30, 2014

11:07 a.m.

REGULAR SESSION

SENATOR JOSEPH GRIFFO, Acting President

FRANCIS W. PATIENCE, Secretary

P R O C E E D I N G S

ACTING PRESIDENT GRIFFO: The Senate will come to order.

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

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

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

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

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

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

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

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

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

Amen.

ACTING PRESIDENT GRIFFO: Thank

you, Rabbi Major Soussan.

The reading of the Journal.

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

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

Presentation of petitions.

Messages from the Assembly.

The Secretary will read.

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

ACTING PRESIDENT GRIFFO: The substitution is so ordered.

Messages from the Governor.

Reports of standing committees.

Reports of select committees.

Communications and reports of state officers.

Motions and resolutions.

Senator DeFrancisco.

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

ACTING PRESIDENT GRIFFO: The Secretary will read.

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

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

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

(The Secretary called the roll.)

THE SECRETARY: Ayes, 40.

SENATOR DeFRANCISCO: I now offer the following amendments.

ACTING PRESIDENT GRIFFO: The amendments are received.

SENATOR DeFRANCISCO: Thank you.

ACTING PRESIDENT GRIFFO: Thank you, Senator DeFrancisco.

Senator DeFrancisco.

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

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

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

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

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

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

and

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

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

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

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

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

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

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

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

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

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

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

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

ACTING PRESIDENT GRIFFO: Senator DeFrancisco.

SENATOR DeFRANCISCO: Would you please call on Senator Larkin.

ACTING PRESIDENT GRIFFO: Senator Larkin.

SENATOR LARKIN: Thank you, Mr. President.

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

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

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

When you know in your heart and soul

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

And God bless you all.

(Standing ovation.)

ACTING PRESIDENT GRIFFO: Thank you, Senator Larkin.

May I have some order in the chamber, please.

Senator Skelos.

SENATOR SKELOS: Thank you, Mr. President.

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

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

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

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

(Laughter.)

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

(Standing ovation.)

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

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

the good Lord that you return in a safe way.

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

(Applause.)

ACTING PRESIDENT GRIFFO: Thank you, Senator Skelos.

Senator Klein.

SENATOR KLEIN: Thank you, Mr. President.

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

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

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

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

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

(Applause.)

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

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

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

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

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

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

Thank you all.

(Applause.)

ACTING PRESIDENT GRIFFO: Thank you, Senator Klein.

Senator Stewart-Cousins.

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

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

very, very special day.

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

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

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

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

So thank you so much. Congratulations.

(Applause.)

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

Senator Ball.

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

(Laughter.)

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

(Laughter.)

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

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

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

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

(Laughter.)

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

(Laughter.)

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

still are at the tip of that spear.

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

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

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

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

(Laughter.)

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

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

(Applause.)

ACTING PRESIDENT GRIFFO: Senator Little.

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

(Laughter.)

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

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

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

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

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

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

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

American citizens.

Thank you.

(Applause.)

ACTING PRESIDENT GRIFFO: Senator Gipson.

SENATOR GIPSON: Thank you, Mr. President.

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

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

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

So thank you again. We are

incredibly proud. And good luck.

(Applause.)

ACTING PRESIDENT GRIFFO: Senator Bonacic.

SENATOR BONACIC: Thank you, Mr. President.

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

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

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

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

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

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

(Applause.)

ACTING PRESIDENT GRIFFO: Thank you, Senator Bonacic.

Senator Tkaczyk.

SENATOR TKACZYK: Thank you, Mr. President.

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

If you could stand, please.

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

the lacrosse team for two years.

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

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

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

(Applause.)

ACTING PRESIDENT GRIFFO: Thank you, Senator Tkaczyk.

Senator Hoylman.

SENATOR HOYLMAN: Thank you, Mr. President.

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

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

American history.

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

(Laughter.)

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

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

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

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

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

Thank you, E.J.

Thank you, Mr. President.

(Applause.)

ACTING PRESIDENT GRIFFO: Senator O'Brien.

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

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

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

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

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

Thank you.

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

(Applause.)

ACTING PRESIDENT GRIFFO: Senator Breslin.

SENATOR BRESLIN: Thank you, Mr. President.

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

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

about my brother.

(Laughter.)

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

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

Gerald, would you stand up, please.

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

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

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

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

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

Thank you very much.

(Applause.)

ACTING PRESIDENT GRIFFO: Thank you, Senator Breslin.

And welcome, County Executive Breslin.

Is there any other Senator wishing to be heard?

Senator Ritchie.

SENATOR RITCHIE: Thank you, Mr. President.

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

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

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

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

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

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

Thank you, Mr. President.

(Applause.)

ACTING PRESIDENT GRIFFO: Thank you, Senator Ritchie.

Senator Latimer.

SENATOR LATIMER: Thank you, Mr. President.

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

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

It's impossible for me to stand here

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

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

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

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

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

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

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

voluntarily as young people.

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

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

Thank you.

(Applause.)

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

(Response of "Aye.")

ACTING PRESIDENT GRIFFO: Opposed?

(No response.)

ACTING PRESIDENT GRIFFO: The resolution is adopted.

Senator Libous.

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

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

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

Colonel Naessens.

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

(Laughter; applause.)

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

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

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

(Laughter.)

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

(Laughter.)

COLONEL NAESSENS: Well, I'd like

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

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

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

(Extended applause.)

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

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

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

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

(Laughter.)

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

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

(Applause.)

COLONEL NAESSENS: And I love New York, absolutely.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Go Army!

(Standing ovation.)

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

God bless you, and God bless the United States.

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

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

(Laughter.)

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

choose not to, please notify the desk.

Senator Libous.

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

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

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

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

ACTING PRESIDENT GRIFFO: The Senate stands temporarily at ease.

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

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

ACTING PRESIDENT ROBACH: The Senate will come to order.

Senator Libous.

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

ACTING PRESIDENT ROBACH: The Secretary will read.

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

ACTING PRESIDENT ROBACH: Senator Marchione.

SENATOR MARCHIONE: Thank you, Mr. President.

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

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

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

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

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

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

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

Prayer and the National Day of

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

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

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

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

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

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

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

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

ACTING PRESIDENT ROBACH: Thank you, Senator Marchione.

This resolution was previously passed on February 11th.

Senator Libous.

SENATOR LIBOUS: Thank you, Mr. President.

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

and that's what's most important.

(Laughter.)

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

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

(Laughter.)

ACTING PRESIDENT ROBACH: Senator Libous.

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

ACTING PRESIDENT ROBACH: Title. Title only.

SENATOR LIBOUS: Previously adopted, I apologize.

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

ACTING PRESIDENT ROBACH: The Secretary will read.

THE SECRETARY: Legislative

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

ACTING PRESIDENT ROBACH: Senator Breslin.

SENATOR BRESLIN: Thank you, Mr. President.

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

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

Now, Siena in recent years has had a

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

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

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

Thank you, Mr. President.

ACTING PRESIDENT ROBACH: Thank you, Senator Breslin.

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

Senator Libous.

SENATOR LIBOUS: Mr. President, may

we have the reading of the noncontroversial calendar.

ACTING PRESIDENT ROBACH: The Secretary will read.

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

SENATOR GIANARIS: Lay it aside.

ACTING PRESIDENT ROBACH: The bill is laid aside.

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

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

Read the last section.

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

ACTING PRESIDENT ROBACH: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 60.

ACTING PRESIDENT ROBACH: The bill is passed.

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

ACTING PRESIDENT ROBACH: Read the last section.

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

ACTING PRESIDENT ROBACH: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 60.

ACTING PRESIDENT ROBACH: The bill is passed.

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

ACTING PRESIDENT ROBACH: Read the last section.

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

ACTING PRESIDENT ROBACH: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 60.

ACTING PRESIDENT ROBACH: The bill

is passed.

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

SENATOR GIANARIS: Lay it aside.

ACTING PRESIDENT ROBACH: The bill is laid aside.

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

ACTING PRESIDENT ROBACH: Read the last section.

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

ACTING PRESIDENT ROBACH: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 60.

ACTING PRESIDENT ROBACH: The bill is passed.

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

ACTING PRESIDENT ROBACH: Read the

last section.

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

ACTING PRESIDENT ROBACH: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 60.

ACTING PRESIDENT ROBACH: The bill is passed.

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

ACTING PRESIDENT ROBACH: Read the last section.

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

ACTING PRESIDENT ROBACH: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT ROBACH: Senator Savino.

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

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

Senate.

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

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

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

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

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

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

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

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

Thank you, Mr. President.

ACTING PRESIDENT ROBACH: Thank you, Senator Savino.

Announce the results.

THE SECRETARY: Ayes, 60.

ACTING PRESIDENT ROBACH: The bill is passed.

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

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

ACTING PRESIDENT ROBACH: The Secretary will ring the bell.

The Secretary will read.

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

SENATOR SQUADRON: Explanation.

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

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

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

particular bill, have met in two years.

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

ACTING PRESIDENT ROBACH: Thank you, Senator Marcellino.

SENATOR MARCELLINO: You're welcome.

ACTING PRESIDENT ROBACH: Senator Squadron.

SENATOR SQUADRON: If the sponsor would yield.

ACTING PRESIDENT ROBACH: Senator Marcellino, will you yield?

SENATOR MARCELLINO: Yes, I will.

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

SENATOR MARCELLINO: Yes, it does.

SENATOR SQUADRON: If the sponsor would continue to yield.

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

SENATOR MARCELLINO: Yes, I will.

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

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

SENATOR SQUADRON: If the sponsor would continue to yield.

SENATOR MARCELLINO: Yes.

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

SENATOR MARCELLINO: Your point?

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

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

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

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

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

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

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

SENATOR SQUADRON: If the sponsor would continue to yield.

SENATOR MARCELLINO: One last question, Mr. President.

ACTING PRESIDENT ROBACH: Continue, Senator Squadron.

SENATOR MARCELLINO: Make it a good one.

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

ACTING PRESIDENT ROBACH: Senator Squadron, fire away.

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

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

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

question.

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

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

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

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

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

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

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

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

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

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

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

SENATOR SQUADRON: Thank you. I thank the sponsor.

On the bill.

ACTING PRESIDENT ROBACH: On the

bill, Senator Squadron.

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

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

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

much as any other.

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

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

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

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

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

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

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

ACTING PRESIDENT ROBACH: Thank you, Senator Squadron.

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

The Secretary will ring the bell.

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

Read the last section.

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

ACTING PRESIDENT ROBACH: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT ROBACH: Announce the results.

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

Ayes, 55.

ACTING PRESIDENT ROBACH: The bill is passed.

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

The Secretary will read.

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

act to amend the Education Law.

SENATOR SQUADRON: Explanation.

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

SENATOR LaVALLE: Thank you, Mr. President.

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

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

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

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

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

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

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

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

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

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

ACTING PRESIDENT ROBACH: Senator Squadron.

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

If the sponsor would yield for some questions.

ACTING PRESIDENT ROBACH: Senator LaValle, do you yield?

SENATOR LaVALLE: Yes.

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

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

SENATOR SQUADRON: If the sponsor would continue to yield.

SENATOR LaVALLE: Yes.

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

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

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

SENATOR SQUADRON: If the sponsor would continue to yield.

SENATOR LaVALLE: Yes.

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

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

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

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

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

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

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

SENATOR SQUADRON: If the sponsor would continue to yield.

SENATOR LAVALLE: Yes.

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

SENATOR LaVALLE: That is correct.

SENATOR SQUADRON: If the sponsor would continue to yield.

SENATOR LaVALLE: Yes.

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

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

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

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

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

SENATOR SQUADRON: If the sponsor would continue to yield.

SENATOR LaVALLE: Yes.

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

(Laughter.)

SENATOR SQUADRON: If the sponsor would continue to yield.

SENATOR LaVALLE: I said yes.

(Laughter.)

SENATOR SQUADRON: Oh, thank you. Sorry.

SENATOR LaVALLE: Yes.

(Laughter.)

SENATOR SQUADRON: I appreciate that.

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

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

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

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

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

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

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

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

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

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

SENATOR SQUADRON: If the sponsor would continue to yield.

SENATOR LaVALLE: Yes, of course.

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

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

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

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

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

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

SENATOR SQUADRON: Thank you.

On the bill.

ACTING PRESIDENT O'MARA: On the bill.

SENATOR SQUADRON: Thank you.

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

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

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

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

disastrous impact on property tax rates across the state.

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

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

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

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

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

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

I think that the motives and the

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

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

Thank you, Mr. President.

ACTING PRESIDENT O'MARA: Senator Krueger.

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

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

SENATOR LaVALLE: For one question? Yes.

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

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

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

(Laughter.)

SENATOR KRUEGER: Thank you, Mr. President.

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

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

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

But this bill is intended to say we

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

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

SENATOR LaVALLE: Yes.

SENATOR KRUEGER: Thank you.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Seeing none, the debate is closed. The Secretary will ring the bell.

The Secretary will read the last section.

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

ACTING PRESIDENT O'MARA: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT O'MARA: Announce the result.

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

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

Ayes, 43. Nays, 12.

ACTING PRESIDENT O'MARA: The bill is passed.

Senator Libous.

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

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

ACTING PRESIDENT O'MARA: Senator Gianaris.

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

(Laughter.)

ACTING PRESIDENT O'MARA: Senator Serrano.

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

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

Senator Libous.

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

In the meantime, the Senate will stand at ease.

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

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

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

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

ACTING PRESIDENT GRIFFO: The Senate will come to order.

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

Senator Valesky.

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

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

ACTING PRESIDENT GRIFFO: It is so ordered.

Senator Libous.

SENATOR LIBOUS: Thank you, Mr. President.

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

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

The Secretary will read.

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

ACTING PRESIDENT GRIFFO: Senator Libous.

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

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

(Response of "Aye.")

ACTING PRESIDENT GRIFFO: Opposed?

(No response.)

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

house.

Senator Libous.

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

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

The Secretary will read the substitution.

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

ACTING PRESIDENT GRIFFO: Substitution so ordered.

The Secretary will read.

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

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

The Secretary will read the last

section.

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

ACTING PRESIDENT GRIFFO: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT GRIFFO: Senator Golden to explain his vote.

SENATOR GOLDEN: Thank you, Mr. President.

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

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

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

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

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

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

Senator Hoylman to explain his vote.

SENATOR HOYLMAN: Thank you, Mr. President.

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

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

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

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

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

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

Senator Klein to explain his vote.

SENATOR KLEIN: Thank you, Mr. President.

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

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

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

may seem, it happens each and every day.

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

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

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

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

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

Senator DeFrancisco to explain his

vote.

SENATOR DeFRANCISCO: Yes.

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

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

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

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

Announce the results.

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

Ayes, 49. Nays, 11.

ACTING PRESIDENT GRIFFO: The bill is passed.

Senator Libous.

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

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

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

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

Senate adjourned.

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