NEW YORK STATE SENATE

THE STENOGRAPHIC RECORD

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3:18 p.m.

REGULAR SESSION

LIEUTENANT GOVERNOR KATHLEEN C. HOCHUL, President

FRANCIS W. PATIENCE, Secretary

P R O C E E D I N G S

THE PRESIDENT: The Senate will come to order.

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

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

THE PRESIDENT: Today we are joined by Muhammed M. Islam, Imam of the Parkchester Jame Masjid in the Bronx, and he will give our invocation today.

IMAM ISLAM: {in Arabic}

Now I'm going to say the meaning of those verses.

"When the sky is split apart,

When the stars are thrown around,

When the oceans begin to boil,

When the graves are overturned,

Each soul will know what it has sent ahead and what it has left behind.

O man, what has misled you from your Lord Most Generous?

He Who created you, gave you the proper size and shape, and gave you a just

visage,

Shaping you into any form he pleased.

No, but you reject the judgment.

Surely there are guardians over you,

Kind and honorable scribes,

They know all that you do.

Verses 1 through 12, Chapter 82.

May Allah, the Beneficent, the Merciful, bless our country and bless all of us. Allah, give us a peaceful life and protect us.

{in Arabic} Thanks, all of you.

THE PRESIDENT: The reading of the Journal.

THE SECRETARY: In Senate, Monday, March 28th, the Senate met pursuant to adjournment. The Journal of Sunday, March 27th, was read and approved. On motion, Senate adjourned.

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

Presentation of petitions.

Messages from the Assembly.

The Secretary will read.

THE SECRETARY: On page 25, Senator Avella moves to discharge, from the Committee on Children and Families, Assembly Bill Number 9518 and substitute it for the identical Senate Bill 6858, Third Reading Calendar 341.

THE PRESIDENT: The substitution is so ordered.

Messages from the Governor.

Reports of standing committees.

Reports of select committees.

Communications and reports from state officers.

Motions and resolutions.

SENATOR DeFRANCISCO: Madam President, on page 28 I offer the following amendments to Calendar 392, by Senator Young, Senate Print 2316, and ask that said bill retain its place on the Third Reading Calendar.

THE PRESIDENT: So ordered.

SENATOR DeFRANCISCO: Could you please call on Senator Valesky.

THE PRESIDENT: Senator Valesky.

SENATOR VALESKY: Thank you, Madam President.

On page 31, on behalf of Senator Avella, I offer the following amendments to Calendar 429, Senate Bill 3199, and ask that said bill retain its place on the Third Reading Calendar.

THE PRESIDENT: So ordered.

SENATOR VALESKY: And also, on behalf of Senator Savino, I move to recommit Senate Bill 4968A, Calendar Number 409 on the order of third reading, to the Committee on Transportation, with instructions to said committee to strike the enacting clause.

THE PRESIDENT: So ordered.

SENATOR VALESKY: Thank you.

SENATOR DeFRANCISCO: Would you now please recognize Senator Gianaris.

THE PRESIDENT: Senator Gianaris.

SENATOR GIANARIS: Thank you, Madam President.

On behalf of Senator Comrie, I move that the following bill be discharged from its committee and be recommitted with instructions to strike the enacting clause: Senate Bill 5848.

THE PRESIDENT: So ordered.

SENATOR DeFRANCISCO: At this point

I'd move to adopt the Resolution Calendar, with the exception of Resolutions 4553, 4580, and 4585.

THE PRESIDENT: All in favor of adopting the Resolution Calendar, with the exception of Resolutions 4453, 4580, and 4585, signify by saying aye.

(Response of "Aye.")

THE PRESIDENT: Opposed, nay.

(No response.)

THE PRESIDENT: The Resolution Calendar is adopted.

Mr. Floor Leader.

SENATOR DeFRANCISCO: Just so I'm clear, the exceptions were 4553, 4580, and 4585.

THE PRESIDENT: That's correct. That's correct.

SENATOR DeFRANCISCO: Okay, thank you. Now can we please take up Resolution 4585, by Senator Croci, read it in its entirety, and call on Senator Croci.

THE PRESIDENT: The Secretary will read.

THE SECRETARY: Legislative Resolution Number 4585, by Senators Croci and

Murphy, memorializing Governor Andrew M. Cuomo to proclaim Tuesday, March 29, 2016, as Vietnam Veterans' Day in the State of New York.

"WHEREAS, Members of the armed services from the State of New York, who have so honorably served this state and nation, deserve a special salute from this Legislative Body; and

"WHEREAS, Every citizen of this great state and nation is indebted to those brave individuals who served their country during the Vietnam War; and

"WHEREAS, In recognition of the men and women who served with dignity and honor during this historic time period, let us remember them and thank them for their service; and

"WHEREAS, Through more than a decade of combat, over air, land, and sea, these proud Americans upheld the highest traditions of United States Armed Forces; and

"WHEREAS, The Vietnam War was fought in the Republic of South Vietnam from 1961 to 1975, and involved North Vietnamese regular forces and Viet Cong guerrilla forces in armed conflict with the United States Armed Forces and the Army of the Republic of Vietnam; and

"WHEREAS, The United States Armed Forces became involved in Vietnam because the United States government wanted to provide direct military support to the government of Vietnam to defend itself against the growing Communist threat from North Vietnam; and

"WHEREAS, In 1961, members of the United States Armed Forces began serving in an advisory role to the government of the Republic of South Vietnam; as a result of the Gulf of Tonkin incidents on August 2, and August 4, 1964, Congress passed the Gulf of Tonkin Resolution (Public Law 88-408) on August 7, 1964, which provided authority to the president of the United States to prosecute the war against North Vietnam; and

"WHEREAS, In 1965, the United States Armed Forces ground combat units arrived in Vietnam; and

"WHEREAS, More than 3 million servicemen and women left their families to bravely serve a world away in places such as la Drang to Khe Sanh, from Hue to Saigon, and countless villages in between; they pushed through jungles and rice paddies, heat and

monsoons, fighting to protect the ideals we hold dear as Americans; and

"WHEREAS, By the end of 1965, there were 80,000 United States troops in Vietnam, and by 1969, a peak of approximately 543,000 troops were reached; an estimated 150,000 New York soldiers served throughout the war; and

"WHEREAS, On January 27, 1973, the Treaty of Paris was signed, requiring the release of all United States prisoners of war held in North Vietnam and the withdrawal of all United States Armed Forces from South Vietnam; two months later, the last 2,500 troops were withdrawn from South Vietnam, thus ending the United States' military involvement in the Vietnam War; and

"WHEREAS, In 1984, New York was the first state in the nation to dedicate a Vietnam Veterans Memorial in Albany, New York, recognizing members of the United States Armed Forces who died or were declared missing in action in Vietnam; and

"WHEREAS, Beginning on Memorial Day 2012, the federal government began a partnership with local governments, private organizations and

communities across the country to participate in the commemoration of the 50th anniversary of the Vietnam War, a 13-year program to honor and give thanks to a generation of proud Americans who saw our country through one of the most challenging times; and

"WHEREAS, Chapter 90 of the Laws of 2008 designated March 29th of each year as Vietnam Veterans' Day in the State of New York; the chapter designates that date as a day of commemoration to honor those individuals who sacrificed their lives for their country; and

"WHEREAS, On May 25, 2012, President Barack Obama declared May 28, 2012, through November 11, 2025, as Commemoration of the 50th anniversary of the Vietnam War; and

"WHEREAS, In addition, March 29, 2016, has been chosen by the United States Department of Veterans Affairs to honor our nation's veterans; the observance of Vietnam Veterans' Day on this day is an appropriate way to honor those members of the United States Armed Forces who served in South Vietnam and throughout Southeast Asia during the Vietnam War; and

"WHEREAS, The citizens of this great

state and nation, benefactors of the sacrifices and courageous acts of the men and women who served and continue to serve in the United States Armed Forces, remain indebted and are justly proud of the Vietnam veterans from the State of New York; now, therefore, be it

"RESOLVED, That this Legislative Body pause in its deliberations to pay tribute to the bravery, patriotism and sacrifice made by the men and women of the United States Armed Forces, both those still living and those who died in service to our great country; and to memorialize Governor Andrew M. Cuomo to proclaim Tuesday, March 29, 2016, as Vietnam Veterans' Day in the State of New York; and be it further

"RESOLVED, That this Legislative Body pause further to encourage the people of the State of New York to observe Vietnam Veterans' Day with appropriate ceremonies and activities that provide the appreciation Vietnam War veterans deserve but did not receive upon returning home from the war; demonstrate the resolve that never again shall the nation disregard and denigrate a generation of veterans; to promote awareness of the faithful service and

contributions of such veterans during their military service as well as to their communities since returning home; to promote awareness of all the importance of entire communities empowering veterans and the families of veterans to readjust to civilian life after military service; and to promote opportunities for such veterans to assist younger veterans returning from the wars in Iraq and Afghanistan in rehabilitation from wounds, both seen and unseen, and to support the reintegration of younger veterans into civilian life; and be it further

"RESOLVED, That copies of this resolution, suitably engrossed, be transmitted to the Honorable Andrew M. Cuomo, Governor of the State of New York; John Rowan, president, Vietnam Veterans of America; Ned Foote, president of the Vietnam Veterans of America New York State Council; and Joseph Pollicino, president of Tri-County Council Vietnam-Era Veterans."

THE PRESIDENT: Senator Croci.

SENATOR CROCI: Thank you, Madam President.

So when they got into the airplane and it rolled down the tarmac, they really were

not sure where they were going and what they were doing. They got some new clothes, they got some shots, they got some prescriptions to take, they were given new uniforms and boots, they had some good training, but they really didn't know what lay ahead. They went because their country asked them to go.

In this chamber we get to have a political opinion. When you're a member of the United States armed forces, you don't have a political opinion, you go because your country tells you they need you.

And they went. It's a difficult thing for some veterans to come home even in the best of times, when your country supports what you've done, when there are spontaneous outbursts in airports applauding your service, when communities have parades. But it's an entirely different thing to come home and not be sure how your country feels about your service. So that plane trip back is entirely different.

You've gone through the travails of combat, as these gentlemen did, and they didn't know how their country would feel. They weren't really sure -- did I do my job? Did I do

everything I could have done? There was that one time -- and it's a very difficult thing to then touch down and not be receiving the welcome that the generation before them, certainly their parents' generation, the World War II generation on whom that military was built, on their shoulders, they weren't getting the same reception.

Today is a small step in saying to the men and women who served in Vietnam: Thank you, and welcome home. A welcome home that they didn't get in the airports but that we're giving them now in the Senate chamber in our Capitol.

I can't tell you how proud I am that our Assembly sponsor, Assemblyman DenDekker, put this resolution in to honor the men and women who served in the Vietnam crisis. They did it, of course, for their nation and for the Constitution of the United States. But they did it for their brother to their right and to their left who they stood side by side with.

I'm so very proud of the men and women of that generation, of that military, that fought an incredibly different difficult war, that was something that current generations can't

possibly fathom. But in a recent delegation in the past 15 years when President Bush went over to Vietnam, we noticed that Ho Chi Minh City -- Saigon -- had a thriving economy, a capitalist free market system that was burgeoning. It was truly amazing.

And when we came home and when the delegation came home from that trip, it was pretty clear that in very many ways we had won that war, we had won that war. They had a free-market system, and the inadequacies of the ideology that had marked the institution of that regime failed. Free market reigns in that country today.

And the men and women in this chamber today -- who will be recognized shortly by my colleague Senator Murphy -- but all over this great state who served, who left not knowing what that plane flight was going to lead them to, and who came home not knowing if they had done their job -- I'm here to tell you, and I appreciate my colleagues giving me the time to recognize -- I'm here to tell you that you served well, you served faithfully. We thank you for your service. And God bless you for your

service, and your families', and welcome home.

THE PRESIDENT: Senator Murphy.

SENATOR MURPHY: Thank you, Madam President.

Senator Croci, or I should say Commander Croci, thank you for this important resolution. I am absolutely honored and humbled to speak on this resolution which honors a courageous generation that did not always get or receive its due.

For more than a decade, more than a half a million soldiers fought in the Vietnam War. It is an absolute incredible privilege to recognize some of these brave soldiers today and to open up the doors of our great New York State chamber to some of these individuals who have served.

With us today we have nearly two dozen Vietnam veterans from the 40th Senate District. These brave soldiers fought the good fight, made incredible sacrifices, and witnessed firsthand the tragedies of war. Considering their dedicated service to our nation, it amazed me, absolutely amazed me that our great state did not recognize the Vietnam Veterans of America as

an official benevolent order.

Well, we did the right thing: last year the legislative body as well as our colleagues in the Assembly approved legislation which righted a wrong that was more than 50 years old for our Vietnam veterans. I am honored to have carried this legislation, and thank you to my colleagues for their support.

And finally I just want to take a few minutes to recognize a few individuals who have joined us today. John Rowan, our Vietnam veteran and national commander of the Vietnam Veterans of America. Dan Griffin, our Vietnam veteran and New York State commander of the Vietnam Veterans of America. Vietnam veteran and Director of Veteran Affairs in Putnam County, Karl Rohde. Former New York State Assemblyman and Director of Veteran Affairs for Westchester County Ron Tocci. A decorated Vietnam veteran and former New York State Assemblyman, my good friend Bob Costelli.

And lastly, one of my personal heroes, my Uncle Peter, who came from New Jersey to be here on this very special day, who served three tours in Vietnam and spent over 25 years in

the Marine Corps and used to go to the orphanage and take the food from the commissary to bring to the orphanage, and has done that so many times to the point where I can now proudly stand here and call my cousin Jeannie, his daughter, my cousin from the orphanage in Vietnam.

And on behalf of my colleagues, of all New Yorkers, I want to thank you. Thank you for your service, thank you for your dedication to the great state and to the United States. Mission accomplished, and welcome home.

Thank you, Madam President.

(Standing ovation.)

THE PRESIDENT: Thank you, Senator.

Senator Marchione.

SENATOR MARCHIONE: Thank you, Madam President.

I also want to thank my Senate colleagues Senator Croci and Senator Murphy for this resolution.

You know, I got up this morning and -- it's Vietnam Day here, and I got up this morning and on the Internet, there was this tremendous video that was a Vietnam veteran sitting in a coffee shop and in walks an active

serviceman in his uniform, and he gets a free cup of coffee. And the serviceman looks at him as he's sitting there drinking his coffee, not offered anything. And the serviceman walks over and the gentleman shakes his hand and says "Thank you for your service." And the serviceman says "Thank you for your support." And a little boy comes over to him and says, "Can I have my picture with you?" And they have a picture.

And all the while, the Vietnam vet is looking on and certainly longing for that type of recognition for all that they had done. But they didn't get that type of recognition.

And all of a sudden the little boy comes over and he says: "Sir, are you a hero like the other soldier? The soldier told me you were. Can I have a picture with you?" And he lit up.

And then the soldier came over to the Vietnam vet, shook his hand and said "Thank you for your service. And the Vietnam vet said, "Thank you for your support."

And that's what this is about today.

Thank you for your support. I also want you to know that the Senate is sponsoring

the Vietnam Moving Wall in New York, in my district, in Halfmoon, on June 2nd through June 6th. I invite you all to come. I invite all of my colleagues to participate.

And I thank you all for the service that you have provided to our country. You are true American heroes.

Thank you.

THE PRESIDENT: Senator Akshar.

SENATOR AKSHAR: Madam President, thank you very much.

To my colleagues Senator Murphy and Senator Croci, thank you very much for this resolution.

Just a few words for the folks that are with us today. Many of you have never received a proper welcome home or a proper thank you. Well, today I, along with my colleagues, am proud to stand on the floor of this chamber -- a chamber that we have because of the work that each of you have done -- and say thank you for your service to our country.

You know, I think it's unfortunate that there was a time in our country when people failed to differentiate between the politics of

war and the brave men and women who are fighting that war.

And the sacrifices that were made by each of you, and the way that you were wrongly treated during that time, have truly shaped the way we treat our veterans today. And you should be thanked for that. Each of you epitomizes strength, courage, valor, and love of country. You are truly a great generation of warriors.

I ask that God bless each of you, and thank you for your service to this country.

Thank you, Madam President.

THE PRESIDENT: Senator Díaz.

SENATOR DÍAZ: Thank you, Madam President.

You know, I just want to congratulate Senator Croci. Two weeks ago -- last week, I believe, we had here the Fort Drum people and we spoke about the honor to have it. Today is special because back then, during the Vietnam era, I was -- in 1960, I was 18 years old and I joined the Army in Puerto Rico because I wanted to serve my country. And I was so proud, I got my hat, I got my uniform.

I was lucky they didn't send me to

Vietnam. They sent me to Germany. But what happened? That was the Vietnam War. And we had in that -- every soldier, the ones in Germany, the ones in Vietnam, everyone that served during that time -- we have a lady by the name Jane Fonda, the actress. And Jane Fonda joined a group that started cursing and talking back and mounting a campaign against us soldiers, the ones from Vietnam and everyone that served.

To the point that when I get back to Puerto Rico, instead of they receiving me with honor, they received me with hate. They called us criminals, they call us murderers, they called us all kind of names.

And Jane Fonda went to Hanoi -- that's why we called her Hanoi Jane -- and from Hanoi, she joined the enemy to curse and to speak back and to mount a campaign against us, the American fighting men.

So we never got that -- we never got that honor, we never -- we were never received with honor. I remember my brother, in the Second World War, when he got back to Puerto Rico, oh, that was -- how fantastic. When I get back to Puerto Rico, I had to hide. I had to hide

because there was not the reception that everyone in that era took.

And the ones from Vietnam, the ones that went to Vietnam, they did great. And finally, finally they're getting their recognition, they're getting their honor.

But I would never -- even though you don't like me to say, I will never forget Hanoi Jane, Jane Fonda. Don't ever -- you people, don't ever forget that name. She did wrong to us, and she made us feel ashamed. And all of those, all of those that joined forces in America to treat us bad and to call us names and to call us murderers, shame on all of them. Shame on all of them.

And praise to Senator Croci and to those men over there and to everyone that served during that era.

Thank you, Madam President.

THE PRESIDENT: Senator Nozzolio.

SENATOR NOZZOLIO: Thank you, Madam President. On the resolution.

It is with great honor that I rise to welcome home our Vietnam vets.

I thank Commander Croci and Senator

Murphy for making this day possible. Thank you for carving out, in our legislative responsibilities, this important moment when we greet our Vietnam veterans, and all the Vietnam veterans they represent, and thank them for their service.

There are many numbers that were discussed in the resolution, those who fought on behalf of the interests of the United States and the free world during the Vietnam era. I'd like to mention a number that was heretofore not mentioned, those 55,000 names who are on the Vietnam Memorial, a very moving memorial.

And I know those of you who honored our country with your service are moved when you read those names. We all knew some of those names. You served with some of those names. And we honor you and those who have died by remembering your service.

Memory is the most important form of honor, and this memory today is a memory that I am extremely grateful to stand here to be part of.

Lastly, I'd like to say to those who write and talk about the fact that there are no

heroes in America today -- oh, we see so much attention given to celebrities, to athletes, to those on the covers of People magazine, on the nightly news. What we have here today are genuine American heroes. You are the heroes. You need only to come to the New York State Legislature to see in this corner of our State Senate where heroes are.

We thank you for your service. We thank you for being the genuine heroes of America.

Thank you, Madam President.

THE PRESIDENT: Senator DeFrancisco.

SENATOR DeFRANCISCO: Very quickly, I remember the 50th anniversary of World War II, the 50th anniversary of the Korean War veterans.

And I did not serve in combat, but I was in the Air Force during Vietnam. I remember that back then, in those celebrations, the soldiers were a lot older then. Now you guys look so young, like all the Vietnam veterans. And you look so young, I think, because you've gone through such great hardships during the war, the Vietnam War, and have experienced so much

that you, more than all of us, probably, are grateful for what we have here in this country.

And I just want to also thank you for your service. We all remember individuals who we served with that died, our friends that died in that terrible, terrible war. And I just want to also recognize them. They couldn't make it back, and it's really, really a sad situation.

And lastly, when you came back and my friends came back to the base I was at, nobody got a standing ovation, they were vilified. It wasn't that they were just brought back, they were being blamed for political decisions that they had nothing to do with, and they simply had to follow the orders that were given. And that was horrible.

That's why it's so heartwarming today to see the reaction we have to the soldiers of today as they come back, and the things that we've been able to do in the State Legislature for them, as well as the federal government. So you paved the way for what's happening now.

And God bless all of you and all of those who served that didn't make it back.

Thank you for being here.

THE PRESIDENT: Senator Latimer.

SENATOR LATIMER: Thank you, Madam President.

And thank you, Senator Croci, and all those who made this moment possible.

In the late 60s the older brother of a friend of mine came back from Vietnam, and I remember seeing him at my friend's house. And he had a red jacket on, I guess it was satin. It looked like satin. What I remember most of all, on the back of it was a map of Vietnam and a dragon, and it said: "When I die, I'm going to heaven, because I spent my time in hell." And it had on it the names of different cities. I'm not sure I remember them exactly -- Danang, Khe Sanh, Hue.

And I remember trying to get any kind of information out of him about what his experience was like, and he couldn't talk about it. And I realize now, all these years later, what we saw on the evening news with Walter Cronkite, or whatever evening news we saw -- and the horror that we saw, probably for the first time, American warfare on television that moms and dads and little kids and all sorts of folks

could watch -- couldn't convey the horrors that you and your brothers saw while you were in that place.

It's hard to imagine the number of years that have gone by, and it's hard to imagine that as much as we remember the men and women who fought in World War II -- most of us when we were younger probably met World War I veterans, maybe even a Spanish-American veteran -- and then more recently, Desert Storm and those who braved to fight in Iraq -- I mentioned in an earlier session my nephew who's deployed in the Middle East now -- that somehow those of you that fought during that experience in whatever branch of the military you fought -- Marines, Army, Navy, Air Force -- that somehow you never got your true respect.

And I congratulate again Senator Croci for making this opportunity for all of us to say thank you, and to understand that you will indeed spend your time in heaven because on our behalf, you spent your time in hell.

THE PRESIDENT: Senator Hassell-Thompson.

SENATOR HASSELL-THOMPSON: Thank

you, Madam President.

I rise to congratulate Senator Croci for this resolution and for the opportunity to thank the veterans who have come today and those who will never be able to come to these chambers.

I had two cousins that went to Vietnam. One was a very young man, he was in my wedding -- full of life, spit and vinegar, as they say. When he came back from Vietnam, it was like a very dark cloud that was over his whole spirit, and he was never the same again.

The other young man, Ernie, full of life -- couldn't wait to be in the war, couldn't wait to save America -- never came home.

The thing that's the most painful is not their lives that they gave and dedicated and committed, but the issue is how we treated the returning vets and how we never thanked them as we did those who came back from World War II and World War I. We made them feel as though they had disgraced us, when all they did was to do what their commanding officers said for them to do to fight for freedom.

I thank you for the opportunity, Senator Croci, and all of you who are here today,

and certainly for you as veterans -- some of you I know your names, some of you I know your faces. But it is very gratifying to have the opportunity to thank you in person for what you have done for the United States of America and finally for us to be able to tell you "Job well done."

THE PRESIDENT: Senator Stavisky.

SENATOR STAVISKY: Thank you, Madam President.

I'd like to welcome back to Albany the national commander of the veterans, John Rowan, who I've known for many years, and to thank him for his service along with that of his colleagues.

A number of years ago we held a hearing on what public higher education is doing to help our veterans, because I am absolutely convinced we should be doing more. And hopefully in the days ahead we will pay a little more attention to the service and what we as a community can do to welcome people back to civilian life and understand that the college student of today who is a veteran is very different from the other students in their class.

And one way we can say thank you is

to make life just a little bit easier for our returning veterans.

But welcome back to Albany, Commander Rowan.

THE PRESIDENT: Senator Sanders.

SENATOR SANDERS: Thank you, Madam President.

I was reminiscing a few moments ago with my fellow Marine, who after 50 years can still fit in his uniform. I can fit in mine, I just couldn't get out of it once I tried.

(Laughter.)

SENATOR SANDERS: Outstanding.

General Sherman said that war is hell. War is the closest that humans have created to hell on earth. And we have to remember that troops don't see it that way, in one sense. One of the famous English poets, of course, said that ours is not to question why, ours is just to do or die. That if they say take that hill, that's the hill we take. If they say leave that hill after we took it, we leave the hill after we've taken it.

America, of course, should choose wisely whenever it sends its children into harm's

way. But if we choose to go in, then we should go in to win. We should think wisely, it should be a threat to America itself. But if we choose to go in, we should go in all the way and pursue it to wherever it takes us, to the ends of the earth and beyond.

Politicians, of course, declare war, not the troops. And it was a mistake by many people of that day, if they had some problem with war, then and now, they should take it up with politicians -- at a higher body than this one, of course. Congress declares war, so they should take it up at that level.

But there are ways that we can honor these gentlemen and others. We can make sure that -- in just a few minutes, in just a few hours, the budget is going to come before us. And if we really want to honor these folks, we have to make sure that there's money in this budget so that no veteran is homeless, that there's money in this budget that their needs are taken care of. It's a disgrace that we have to fight for the VA medical system that's underfunded as it is now. It's a disgrace.

We need to back up all of these good

pronouncements that we're making and move money to make sure that we don't give them a slap on their back as they go to their homeless shelter -- not these gentlemen, but others -- but that indeed we make sure that we give them not a handout, because no veteran wants that, but a hand up.

Welcome home. God bless you all. Semper Fi.

UNIDENTIFIED VETERAN: Semper Fi.

THE PRESIDENT: Seeing no others wishing to be heard, the question is on the resolution. All in favor signify by saying aye.

(Response of "Aye.")

THE PRESIDENT: Opposed, nay.

(No response.)

THE PRESIDENT: The resolution is adopted.

Mr. Floor Leader.

SENATOR DeFRANCISCO: Senators Croci and Murphy have agreed that this resolution is open for sponsorship from the entire house. And if you don't want to be a sponsor, then please approach the desk. Otherwise, you will be a sponsor of this resolution.

THE PRESIDENT: The resolution is open for cosponsorship. If you do not wish to be a cosponsor, please notify the desk.

Mr. Floor Leader.

SENATOR DeFRANCISCO: Could we now take up Resolution 4553, read it in its entirety, and call on Senator Díaz.

THE PRESIDENT: The Secretary will read.

THE SECRETARY: Legislative Resolution Number 4553, by Senator Díaz, memorializing Governor Andrew M. Cuomo to proclaim March 2016 as Bangladeshi-American Heritage Month in the State of New York.

"WHEREAS, It is the sense of this Legislative Body, in keeping with its time-honored traditions, to recognize and pay tribute to those who foster ethnic pride and enhance the profile of cultural diversity which strengthens the fabric of the communities of New York State; and

"WHEREAS, The citizens of this great Empire State are proud to recognize and commemorate Bangladeshi-American Heritage Month, an observance which celebrates the contributions

of Bangladeshi-Americans to New York State's unique heritage; and

"WHEREAS, This Legislative Body is justly proud to memorialize Governor Andrew M. Cuomo to proclaim March 2016 as Bangladeshi-American Heritage Month in the State of New York; and

"WHEREAS, March 26th marks the 45th anniversary of the Independence of Bangladesh; and

"WHEREAS, More than 74,000 Bangladeshi immigrants live in New York City, a 20 percent increase since 2009, making them the 11th-largest foreign-born population in the city; and

"WHEREAS, Bangladeshi-Americans maintain large residential communities in Parkchester in the Bronx, Kensington in Brooklyn, and Richmond Hill and Jamaica Hills in Queens, among other neighborhoods and communities throughout the State of New York; and

"WHEREAS, Our state and nation are blessed with many citizens of Bangladesh descent who are distinguished by their excellence and their contributions to all fields of endeavor;

some of these esteemed residents include Jawad Karim, co-founder of YouTube; Abul Hussam, inventor of the Sono arsenic filter; Abuhena Saifulislam, first Muslim to be appointed as imam in the United States Navy; M. Osman Siddique, American diplomat and second Muslim-American to serve as a U.S. Ambassador; and Hansen Clarke, former U.S. Congressman and first Bangladeshi-American to serve in Congress; and

"WHEREAS, Moreover, Bangladeshi-Americans have greatly contributed to the leadership, wisdom and vitality of our great state and nation, have become engaged in community life and are represented among a wide array of professions and careers such as doctors, engineers, computer scientists, programmers, web designers, lawyers, accountants, professors, research scientists, pharmacists, nurses, investment bankers, insurers, management consultants, poets, writers, columnists, journalists, editors, members of the military and consultants in federal and state governments; and

"WHEREAS, It is the practice of this Legislative Body to recognize those important months which remind us of the rich and diverse

heritage of our great state and nation; and

"WHEREAS, It is duly fitting that all New Yorkers join in these important celebrations of one of our state's most vibrant communities; this much-anticipated observance and its accompanying activities will foster greater appreciation for Bangladeshi culture and serve to promote the spirit of cooperation that is characteristic of all citizens of New York State; now, therefore, be it

"RESOLVED, That this Legislative Body pause in its deliberations to memorialize Governor Andrew M. Cuomo to proclaim March 2016, as Bangladeshi-American Heritage Month in the State of New York; 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 CROCI: Senator Díaz.

SENATOR DÍAZ: Thank you, Mr. President.

Ladies and gentlemen, members of the Senate chamber, you should know that today I take

this opportunity, Mr. President, to express my appreciation and thanks to the leaders of this chamber -- Senator John Flanagan, the leader of the Republican Conference, Senator Andrea Stewart-Cousins, the leader of the Democratic Conference, Mr. Frank Patience, the Secretary of the Senate -- and all of the members of this chamber for granting me the opportunity to introduce this resolution.

It is important, Mr. President, for you to know that today this Puerto Rican is proud to be here one more time to introduce and recognize the contributions of the Bangladesh community in the City and the State of New York.

As you remember, just last week, Tuesday, March 15th, I brought and introduced more than 50 members of the Garifuna community to celebrate the Garifuna-American Heritage Month.

And today, ladies and gentlemen, this proud Puerto Rican from a town called Bayamón, with kinky hair and broken English, is proud to be able to sponsor this resolution celebrating Bangladesh Heritage Month for the fourth consecutive year in this chamber.

As you can see, Mr. President and my

fellow colleagues, today we are joined in the Senate gallery by more than 100 Bangladesh community members from New York City. Look at that -- look at the members over there.

(Applause from the gallery.)

SENATOR DÍAZ: They came here to witness this special day.

And we also are joined here on the floor of the chamber by six leaders of the Bangladesh delegation who are joining us here. And they are Juned Ahmed Chowdhury -- there you are. There's also Mohammed Khalilur Rahman, Keramot Ali, Monjur Chowdhury Juglul -- um, um, um, um -- I'm getting there. I'm getting there. Towfiqur Rahman Faruk. Sheikh Al Mamun. Imam Muhammed Islam, who gave the invocation. They're here today all the way from the City of New York.

It is important for you to know, ladies and gentlemen, that March 26th is the Bangladesh National Independence Day. This day is celebrated in Bangladesh and also all around the world in honor of the country's declaration of independence from Pakistan.

Mr. President and my fellow Senators, ladies and gentlemen, it is important

also for you to know that today we commemorate and remember the thousands of people who lost their lives in the Bangladesh Liberation War, a war that started on March 26, 1971. This was the day that the Bangladesh people stood up to the Pakistani Army.

Another important moment in the history of the Bangladesh community is that the first election in the history of Pakistan was held on December 7, 1970. December 7th is an important day to me to remember. On December 7, 1941, the United States of America was attacked by the imperial forces of Japan at Pearl Harbor. On December 7, 1954, my mother passed away. And on December 7, 1970, Pakistan held its first election.

You must know, Mr. President, that on this important occasion on that day, Ziaur Rahman proclaimed to all the Bangladesh people that the Independent People's Republic of Bangladesh had been established.

Ladies and gentlemen, you should also know that after nine long months of war, the Pakistani Army finally surrendered unconditionally. And while many lives were lost,

Bangladesh as a country gained its freedom and independence. And that is why we are here today, to remember and to celebrate the Bangladesh Heritage Month.

To conclude, once again, Mr. President, I want to acknowledge the delegation and express to all of them my appreciation for accepting my invitation to come to this chamber and to join us here.

To all of them I say As-salamu Alaikum! Dhanno-baad!

(Laughter; applause from audience.)

SENATOR DÍAZ: Thank you very much.

And also, Mr. President, I'd like to present the queen -- I forgot to present the queen. She is Ms. Northeast America -- oh, look at that, Bangladesh.

(Applause.)

SENATOR DÍAZ: Thank you very much.

And thank you, Shahib, for accepting my invitation for organizing the group.

To all of you, ladies and gentlemen, members of the Senate, thank you for, you know, allowing us to come to the chamber.

To all of you, my fellow residents

from the Bronx {blowing kisses}, I love you. Thank you.

(Applause.)

ACTING PRESIDENT CROCI: Senator Persaud.

SENATOR PERSAUD: Thank you, Mr. President.

This afternoon I congratulate the Bangladeshi people on their 45th anniversary of independence from Pakistan.

A few years ago I met this dynamic group of people; they immediately embraced me, and they've been strong supporters of me. In the 19th Senatorial District, we have a growing population of dynamic -- again, I must say dynamic -- Bengali people. They are hard workers, they are staunch family members, they are community advocates, and they make our community a better place.

They are from a country that has the eighth largest population in the world. And their population is also spread around many countries. And we are fortunate to have them in our country, in our midst. They make us a better people.

So, Mr. President, again, I congratulate the Bengali people who are here today. And for all of you who are celebrating the month-long celebration, congratulations on your 45th anniversary. I wish you many, many more. Enjoy the rest of your celebration.

Thank you.

(Applause from the gallery.)

ACTING PRESIDENT CROCI: Senator Stavisky.

SENATOR STAVISKY: Thank you.

I just want to welcome those of you who are from Queens especially. I represent a number of communities in Western Queens, which has a large community, delegation of people who are from Bangladesh.

And I want to congratulate you on your 45th anniversary. And what I find particularly significant is the fact that everybody in Queens works together. We speak something like 140 languages, come from all parts of the world, including South Asia -- and yet we work together to celebrate each other's cultural heritage. And you bring such a rich, long heritage to our country, and you make us that

much better for it.

So welcome to Albany, and again, congratulations.

(Applause from the gallery.)

ACTING PRESIDENT CROCI: Senator Peralta.

SENATOR PERALTA: Thank you, Mr. President.

I want to welcome the Bangladeshi delegation here today. Happy 45th anniversary for your independence.

A little less than two decades before declaring independence on March 26, 1971, after a nine-month civil war against the Pakistani Army, there were clear signs of your resistance -- most notably, the Bengali language movement that ignited in 1952. And of course the presence of the Awami League, the political voice of the Bengali-speaking population.

You have made gigantic contributions to our community and to New York as a whole -- in politics, in the economy, in the arts and sciences and more. I have a growing population of Bangladeshi community in Jackson Heights, Queens, and I'm hoping that some of you are from

Jackson Heights, Queens --

(Applause from the gallery.)

SENATOR PERALTA: Thank you.

But I wanted to welcome you and wish you the best, celebrating 45 years of the anniversary of your independence. You are the epitome of what individuals come to this country for, to live that American dream, to work hard, play by the rules, and move forward in society.

So congratulations on your independence, and welcome to the State Capitol.

(Applause.)

ACTING PRESIDENT CROCI: The Senate welcomes our delegation and extends to you all of the courtesies and privileges of the house. Thank you for being with us.

The question is on the resolution. All those in favor signify by saying aye.

(Response of "Aye.")

ACTING PRESIDENT CROCI: Opposed, nay.

(No response.)

ACTING PRESIDENT CROCI: The resolution is adopted.

Senator DeFrancisco.

SENATOR DeFRANCISCO: Yes, Mr. President, the sponsor would open this up for cosponsorship if anyone chooses.

ACTING PRESIDENT CROCI: The resolution is open for cosponsorship. If anyone does not wish to be a cosponsor, please notify the desk.

Senator DeFrancisco.

SENATOR DeFRANCISCO: Can we now take up previously adopted Resolution Number 4445, by Senator Griffo, read it in its entirety, and call on Senator Griffo.

ACTING PRESIDENT CROCI: The Secretary will read.

THE SECRETARY: Legislative Resolution Number 4445, by Senator Griffo, congratulating the Oriskany High School Boys' Varsity Basketball Team upon the occasion of capturing the New York State Class D Championship.

"WHEREAS, Excellence and success in competitive sports can be achieved only through strenuous practice, team play and team spirit, nurtured by dedicated coaching and strategic planning; and

"WHEREAS, Athletic competition enhances the moral and physical development of the young people of this state, preparing them for the future by instilling in them the value of teamwork, encouraging a standard of healthy living, imparting a desire for success and developing a sense of fair play and competition; and

"WHEREAS, The Oriskany High School Boys' Varsity Basketball Team captured the New York State Class D Championship by scoring a state tournament record with 15 three-pointers en route to an impressive 79-54 victory over unbeaten Moriah on Saturday, March 12, 2016, at the Glens Falls Civic Center in Glens Falls, New York; and

"WHEREAS, With this victory, the Oriskany High School Boys' Varsity Basketball Team have won their first state title in program history and finished their season with an undefeated record of 27-0; and

"WHEREAS, The athletic talent displayed by this team is due in great part to the efforts of Coach Chris Mahoney and Assistant Coaches Michael Sreca, Eric Enos and Jeff

Sergott, skilled and inspirational tutors respected for their ability to turn potential into excellence; and

"WHEREAS, The team's overall perfect record is outstanding, and the team members were loyally and enthusiastically supported by family, fans, friends and the community at large; and

"WHEREAS, The hallmarks of the Oriskany High School Boys' Varsity Basketball Team, from the opening game of the season to participation in the championship, were a brotherhood of athletic ability, of good sportsmanship, of honor and of scholarship, demonstrating that these team players are second to none; and

"WHEREAS, Athletically and academically, the team members have proven themselves to be an unbeatable combination of talents, reflecting favorably on their school; and

"WHEREAS, Coach Chris Mahoney has done a superb job in guiding, molding and inspiring the team members toward their goals; and

"WHEREAS, Sports competition

instills the values of teamwork, pride and accomplishment, and Coach Chris Mahoney and these outstanding athletes have clearly made a contribution to the spirit of excellence which is a tradition of their school; now, therefore, be it

"RESOLVED, That this Legislative Body pause in its deliberations to congratulate the Oriskany High School Boys' Varsity Basketball Team; its members: Marcus Smithling, Shawn Cassevah, Parker Gauthier, Kyle Liddy, Sam Corrigan, Ethan Juarez, Ryan Enos, Dean Mealey, Shamis Lasher, Richard Phelps, Ryan Schmadel, Anthony Warcup and Nick Commisso; Head Coach Chris Mahoney; Assistant Coaches Michael Sreca, Eric Enos and Jeff Sergott; and Score Keeper John Lacy; on their championship season and undefeated team record; and be it further

"RESOLVED, That copies of this resolution, suitably engrossed, be transmitted to the members of the Oriskany High School Boys' Varsity Basketball Team, Head Coach Chris Mahoney, and the aforementioned coaches and staff."

ACTING PRESIDENT CROCI: Senator

Griffo.

SENATOR GRIFFO: Thank you, Mr. President.

I want to welcome the coaches and the staff and the administrators, Superintendent Callahan, and all of the young men from Oriskany here today.

I think you had a very instructive day. You've got a little bit of a lesson in international relations as we recognized the anniversary of Bangladesh independence and welcomed the individuals from Bangladesh here today. And then you also had an opportunity to, fittingly, honor and recognize those brave and courageous men and women who have served our great country for the price of freedom and the ideals which make this country so special when we discuss freedom and liberty.

You know that better than anybody, because where they come from, these young men, is the Village of Oriskany. And we are very proud when we look back on the history of the Village of Oriskany. One of the most famous battles of the Revolutionary War was fought there, one of the bloodiest battles of the Revolutionary War,

where General Herkimer and his militia, the American militia, along with the Native Americans that supported them, the Oneidas, fought against the British in our battle for independence.

I think those ideals and principles were really embodied in what Coach Mahoney did at the beginning of this year, right? Set forth all the goals and the aspirations of these young men as they took stock of their talent and their abilities. And it took a lot of hard work, it took a true commitment to excellence to continue to achieve what was accomplished this year.

Because not only did they go 27 and zero, an undefeated season -- amazing -- and they beat another undefeated team. My colleague here, Senator Little, represents Moriah. I almost had her wearing maroon today; she came close. But maroon and white are the colors of Oriskany.

But two powerhouses in the Class D came together, both really with outstanding records. And it's a true credit to Coach Mahoney and the young men of Oriskany, with all that hard work, with all of the commitment and the perseverance that you had, much like we learned about what the village's history is today -- it's

that commitment, that dedication, that hard work as a team that really brought you over the top.

You heard about all of the statistics. This is actually the first state title in the school's history, and the school was centralized in 1931. So that is also a significant accomplishment that these young men bring home the first state championship to the Village of Oriskany and Oriskany Central. And I think that's quite an accomplishment today.

So, Coach Mahoney, I know you were worried that you might cool off at some point, but you didn't, you stayed hot throughout the entire season. Just a great win in Glens Falls. The poise, the determination of the team is just amazing. We are so proud, despite all of the challenges that you faced, that you stayed together, you stayed strong, and you continued with that commitment to excellence.

And I think that will serve you well in life, because the lessons that you learned on the court and in the play and the teamwork that came together through the season, you will bring with you throughout your careers. And I think the memories and experiences you will continue to

cherish and commemorate throughout your lives.

So I am pleased to have you all here today. We are so happy for you and so proud of you.

So I present to you the Class D State Champions in basketball, Oriskany Central. Why don't you stand up and be recognized.

ACTING PRESIDENT CROCI: Would you please rise and be greeted by the house.

(Applause.)

ACTING PRESIDENT CROCI: Senator Little.

SENATOR LITTLE: Thank you, Mr. President.

It's a pleasure for me to stand here and to recognize this team.

I also will tell Senator Griffo I think red was the color of Moriah, right?

(Laughter.)

SENATOR LITTLE: Okay. I was born and raised in Glens Falls, and believe me, we have been happy and proud to host the state basketball tournament for the past 35 years.

And I was pleased to be at the game, saw the game. We had two teams, both were

undefeated this season, both were there to win. It was a great game, but it was very obvious, certainly after we got past the halftime, that it was going to stay in the hands of Oriskany. Although Moriah, the night before, had come from behind -- in the last four minutes they were down by 14 points, and they won the game. So I have to tell you we were all hoping, but it was very obvious it wasn't going to happen.

You're a great group of young men who played a wonderful game of basketball, set a record with 15 three-pointers -- that had never happened in any game in any of the classes at the tournament in Glens Falls.

And I would ask the fellow that made five out of seven three-pointers to stand. Yay!

(Applause.)

SENATOR LITTLE: Let me tell you, it was fascinating to watch. Because it didn't matter where he was on the court; when he got the ball, it was a swish. And it was just fun to watch.

Congratulations. I hope you had a wonderful time in Glens Falls, we were happy to host you. We wish you well. And as Senator

Griffo said, I'm sure it's an experience that you will remember forever. So you were a great team, and congratulations on your win.

Thank you.

ACTING PRESIDENT CROCI: Senator DeFrancisco.

SENATOR DeFRANCISCO: Yes, congratulations. An undefeated season is absolutely unbelievable. And it's amazing that the school has never won a state championship since its inception in 1931. Senator Griffo remembers that year because that's when he first came into the Senate.

(Laughter.)

SENATOR DeFRANCISCO: And he's been sitting there ever since.

But the message I'd like to leave you with is a message I've given before. The people you're with right now, having shared that experience, you're going to be the best friends for life. I can tell you that for a fact because the people I graduated high school with and played sports with, we still get together once a year -- not basketball or baseball anymore, but to play golf from the gold tees.

So -- but it's an experience you'll always remember and you'll always be friends and enjoy that bond that all of you have. And congratulations and the best of luck in the future.

ACTING PRESIDENT CROCI: The Senate congratulates the state champs from Oriskany High School and extends to you all the courtesies and privileges of the house. Congratulations.

Senator DeFrancisco.

SENATOR DeFRANCISCO: Would you please open that up for cosponsorship.

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

Senator DeFrancisco.

SENATOR DeFRANCISCO: We have one more resolution, and that's by Senator Kennedy. And I believe it's Resolution Number 4580. Read the title only, please, and call on Senator Kennedy.

ACTING PRESIDENT CROCI: The Secretary will read.

THE SECRETARY: Legislative

Resolution Number 4580, by Senator Kennedy, commending Sister Mary Celeste O'Bryan upon the occasion of her retirement after 33 years of distinguished service to the South Buffalo Community Table.

ACTING PRESIDENT CROCI: Senator Kennedy.

SENATOR KENNEDY: Thank you, Mr. President.

Today I rise to honor a wonderful servant to South Buffalo and to the Catholic Church: Sister Mary Celeste O'Bryan, as she retires after 33 years as director of the South Buffalo Community Table.

This isn't the first time Sister Celeste has been honored by this body. I was proud to nominate her as a Woman of Distinction last year and was proud to host her in Albany to celebrate her achievement. Sister Celeste is and was more than deserving of being named this incredible honor as a Woman of Distinction.

Sister Celeste grew up in a family where daily attendance at mass and family evening prayer was routine. As one of 12 children, Sister Celeste has always been a natural

caretaker, nurturing people on both physical and spiritual levels. This natural ability led her to taking vows and entering the Sisters of Mercy in 1950.

Throughout her 65 years as a Sister of Mercy, Sister Mary Celeste has acted through selfless love for every single person she encounters. A perfect example of this selfless love was in the early 1980s. Sister Celeste was able to take a sabbatical from her work in the Buffalo area schools to volunteer at the St. Vincent de Paul Soup Kitchen on Main Street in Buffalo.

Now, sabbaticals are meant to keep you energized and give you a new experience in the community, discover new passions and expand your horizons. Her time at St. Vincent de Paul certainly did just that.

In 1983, she was named director of the South Buffalo Community Table, helping to serve the homeless and hungry of our community, where South Buffalo desperately needed a soup kitchen. Under her watchful eye and the dedication of countless volunteers, the South Buffalo Community Table has grown by leaps and

bounds. The organization today serves over 20,000 meals each year, over five days a week and 52 weeks a year.

In fact, this year the South Buffalo Community Table is celebrating the 25th anniversary of its Get Together Dinner, which allows people to play a role in the community no matter what talents they bring to the table. It's an event for everyone to participate in and to gather around to support this incredible cause. The Get Together event has become an annual tradition in South Buffalo, and this year, the year of her retirement, Sister Celeste has been named the honorary chairperson.

So to the South Buffalo Community Table, we congratulate them on the 25th anniversary of this wonderful event. And to Sister Celeste, congratulations on your retirement, though I suspect it's going to be tough to keep her away from her passion of helping other people.

The fact that she's never sought the limelight, I'm so honored to be here to share in some of the good work with our colleagues in the Senate today. Her love and compassion for all

people is something that our community in Buffalo, Western New York, and all communities across this state and nation can learn from and deserve more of. Sister Mary Celeste O'Bryan's work will resound for generations to come, and we congratulate her.

Thank you, Mr. President.

ACTING PRESIDENT CROCI: Senator DeFrancisco.

SENATOR DeFRANCISCO: Senator Kennedy would like to offer this up for cosponsorship.

ACTING PRESIDENT CROCI: The resolution is open for cosponsorship. If you do not wish to cosponsor, please notify the desk.

SENATOR DeFRANCISCO: And I believe we have to vote.

ACTING PRESIDENT CROCI: Oh. All in favor signify by saying aye.

(Response of "Aye.")

ACTING PRESIDENT CROCI: Opposed, nay.

(No response.)

ACTING PRESIDENT CROCI: The resolution carries.

SENATOR DeFRANCISCO: Thank you.

Now can we go on to the noncontroversial reading of the calendar.

ACTING PRESIDENT CROCI: The Secretary will read.

THE SECRETARY: Calendar Number 181, by Senator Hannon, Senate Print 4721A, an act to amend the Public Health Law.

ACTING PRESIDENT CROCI: Read the last section.

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

ACTING PRESIDENT CROCI: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 60.

ACTING PRESIDENT CROCI: The bill is passed.

THE SECRETARY: Calendar Number 219, by Senator LaValle, Senate Print 327, an act to amend the Education Law.

ACTING PRESIDENT CROCI: Read the last section.

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

ACTING PRESIDENT CROCI: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 60.

ACTING PRESIDENT CROCI: The bill is passed.

THE SECRETARY: Calendar Number 232, by Senator Little, Senate Print 1850B, an act to amend the Parks, Recreation and Historic Preservation Law.

SENATOR GIANARIS: Lay it aside.

ACTING PRESIDENT CROCI: The bill is laid aside.

THE SECRETARY: Calendar Number 238, by Senator Croci, Senate Print 2939, an act to amend the Military Law.

ACTING PRESIDENT CROCI: Read the last section.

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

ACTING PRESIDENT CROCI: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT CROCI: Announce the results.

THE SECRETARY: In relation to Calendar 238, those recorded in the negative are Senators Comrie, Espaillat, Gianaris, Hoylman, Krueger, Montgomery, Parker, Persaud, Rivera and Stavisky.

Ayes, 50. Nays, 10.

ACTING PRESIDENT CROCI: The bill is passed.

THE SECRETARY: Calendar Number 249, by Senator Funke, Senate Print 3095A, an act to amend the State Technology Law.

ACTING PRESIDENT CROCI: Read the last section.

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

ACTING PRESIDENT CROCI: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 60.

ACTING PRESIDENT CROCI: The bill is passed.

THE SECRETARY: Calendar Number 297, by Senator Bonacic, Senate Print 5189, an act to amend the Domestic Relations Law.

ACTING PRESIDENT CROCI: Read the

last section.

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

ACTING PRESIDENT CROCI: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 60.

ACTING PRESIDENT CROCI: The bill is passed.

THE SECRETARY: Calendar Number 306, by Senator Nozzolio, Senate Print 4382, an act to amend the Penal Law.

ACTING PRESIDENT CROCI: Read the last section.

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

ACTING PRESIDENT CROCI: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT CROCI: Announce the results.

THE SECRETARY: In relation to Calendar 306, those recorded in the negative are Senators Comrie, Hassell-Thompson, Hoylman, Krueger, Montgomery, Peralta, Perkins, Persaud,

Rivera, Sanders, Serrano and Squadron. Also Senator Parker.

Ayes, 47. Nays, 13.

ACTING PRESIDENT CROCI: The bill is passed.

THE SECRETARY: Calendar Number 322, by Senator Golden, Senate Print 5745A, an act to amend the Workers' Compensation Law.

ACTING PRESIDENT CROCI: Read the last section.

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

ACTING PRESIDENT CROCI: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT CROCI: Senator Golden.

SENATOR GOLDEN: Thank you, Mr. President.

I rise to speak on this bill today, and I want to thank our veterans that are in the audience. I want to thank our retired NYPD, our retired New York City Fire Department and other city workers --

ACTING PRESIDENT CROCI: Senator

Golden, one moment, please. (Gaveling.)

SENATOR GOLDEN: -- that are also in our audience. And we're going to talk about a bill that's very important and dear to the people not just in this city but of this state and of this nation.

September 11th was the greatest tragedy -- one of the greatest tragedies that this country had ever faced. Many of our police officers, our firefighters, our emergency service personnel and workers who worked tirelessly to rescue and to recover, the recovery and cleanup operations, are still becoming ill due to those activities. And a number of them have died.

To this day, I still attend funerals of people who helped that rescue, recovery and cleanup effort. One of them was my brother-in-law, who was a Vietnam tunnel rat, who was also on the Pit as a detective on 9/11, who perished some years ago.

This bill would allow any person who participated in the World Trade Center rescue, recovery or cleanup operation and became disabled between September 11, 2012, and September 11, 2015, to file an application for workers'

compensation benefits. Currently these participants cannot claim workers' compensation benefits, even though they claim disability retirement benefits for having a qualified World Trade Center condition. This bill eliminates the disparity in application between the workers' compensation benefits and the disability retirement benefits.

We will never forget what happened on 9/11, and we should never forget those who risked their lives and their health to aid others in the rescue and recovery and cleanup operations at the World Trade Center. We open this bill every couple of years to include those people that we have left out, and this is one of those opportunities where we open up this bill again so that we can get that workers' compensation for those people that need it.

And again, it was a terrible, terrible tragedy. And we've seen what happened in Belgium only a few days ago. And it's not if, it's when it happens again in this great nation, and we've got to make sure that we're there for those people in that time of need, for themselves and for their families.

I will be voting yes. And thank you, Mr. President, for this time to speak.

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

Announce the result.

THE SECRETARY: Ayes, 60.

ACTING PRESIDENT CROCI: The bill is passed.

THE SECRETARY: Calendar Number 331, by Senator Martins, Senate Print 6688A, an act relating to authorizing.

ACTING PRESIDENT CROCI: Read the last section.

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

ACTING PRESIDENT CROCI: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 60.

ACTING PRESIDENT CROCI: The bill is passed.

THE SECRETARY: Calendar Number 341, substituted earlier by Member of the Assembly Simon, Assembly Print 9518, an act to amend the Domestic Relations Law.

ACTING PRESIDENT CROCI: Read the last section.

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

ACTING PRESIDENT CROCI: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 60.

ACTING PRESIDENT CROCI: The bill is passed.

THE SECRETARY: Calendar Number 374, by Senator Ritchie, Senate Print 6608, an act to amend the Agriculture and Markets Law.

ACTING PRESIDENT CROCI: Read the last section.

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

ACTING PRESIDENT CROCI: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT CROCI: Senator Sanders.

SENATOR SANDERS: To explain my vote, sir.

I'm going to be voting for this.

But as the child of a sharecropper, I am very aware that there are workers still who don't have the right to organize, and their health issues are at stake. And I hope that we will address those issues as we speak further. And of course I'm speaking about agricultural workers.

I'm voting in favor of this. Thank you, sir.

ACTING PRESIDENT CROCI: Senator Sanders to be recorded in the affirmative.

Announce the result.

THE SECRETARY: Ayes, 59. Nays, 1. Senator Espaillat recorded in the negative.

ACTING PRESIDENT CROCI: The bill is passed.

THE SECRETARY: Calendar Number 383, by Senator Stavisky, Senate Print 3193, an act to amend the Penal Law.

SENATOR GIANARIS: Lay the bill aside for the day.

ACTING PRESIDENT CROCI: The bill is laid aside for the day.

THE SECRETARY: Calendar Number 391, by Senator Young, Senate Print 2279, an act to amend the Private Housing Finance Law.

ACTING PRESIDENT CROCI: Read the last section.

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

ACTING PRESIDENT CROCI: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 59. Nays, 1. Senator Rivera recorded in the negative.

ACTING PRESIDENT CROCI: The bill is passed.

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

SENATOR DeFRANCISCO: Can we now go on to the controversial calendar.

ACTING PRESIDENT CROCI: The Secretary will ring the bell.

The Secretary will read.

THE SECRETARY: Calendar Number 232, by Senator Little, Senate Print 1850B, an act to amend the Parks, Recreation and Historic Preservation Law.

SENATOR KRUEGER: Explanation.

ACTING PRESIDENT CROCI: Senator Little, an explanation has been requested by

Senator Krueger.

SENATOR LITTLE: Thank you, Mr. President.

This is a bill about snowmobiling. And it certainly goes without any surprise to anyone that it was a tough winter for snowmobilers this year since we didn't have a lot of snow.

However, this is a bill that we have had before in this chamber in previous years, but there were questions previously in regard to the Office of Parks, Recreation and Historic Preservation, that they would have the ability to set some rules and regulations.

This bill we have a new version of; it's 1850B. And in response to that question, this bill now requires that any race -- and these are races of snowmobilers, and many of them are young people as well as different age groups. But it does allow for those under the age of 18 to race in these races.

Each race must obtain from the Office of Parks, Recreation and Historic Preservation a special event permit that includes conditions and limitations on the racers and

their machines. This would allow them to conduct these races in New York State, as they have them in other states, and it would allow those under the age of 18 to participate in those races. It also says that these races cannot be held on any public snowmobile trails.

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

ACTING PRESIDENT CROCI: Will the sponsor yield for a question?

SENATOR LITTLE: Yes, I will yield.

ACTING PRESIDENT CROCI: The sponsor will yield.

Senator Krueger.

SENATOR KRUEGER: Thank you.

I was a little confused by the sponsor's answers to the questions because I thought this bill also was making explicit that for races for children on private property, not public property, there would actually not be regulations applied to what was going on.

So I was just -- could you clarify, please, what this bill does around races with snowmobiles for children on private property, not overseen by Parks and Recreation?

ACTING PRESIDENT CROCI: Senator Little.

SENATOR LITTLE: I believe that any of these races that are conducted by these snowmobile racing organizations must have a permit wherever they're conducted. It just says that they cannot be held on active snowmobile trails where someone on a snowmobile might come along and happen upon a race and not know it was taking place. So they have to take place off the public trails.

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

ACTING PRESIDENT CROCI: Will the sponsor yield for a question?

SENATOR LITTLE: Yes.

ACTING PRESIDENT CROCI: The sponsor will yield.

Senator Krueger.

SENATOR KRUEGER: Thank you. So if this law passed, they would be allowed to have races on private property under some kind of regulations provided by Parks and Recreation?

ACTING PRESIDENT CROCI: Senator

Little.

SENATOR LITTLE: Yes. In response, some of these races take place at actual ski areas. Which are privately owned, but they conduct snowmobile races on a course at the ski area.

And, you know, the children or people under the age of 18 with their snowmobile, they don't get there by themselves. They are accompanied by parents, they have coaches. They are trained in racing. The races are conducted with a lot of supervision and direction. And as I said, they must have a permit from Parks and Recreation so they know when they're taking place, where they're taking place, and what conditions and rules they must operate under are actually put in by the Office of Parks and Recreation.

ACTING PRESIDENT CROCI: Senator Krueger.

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

ACTING PRESIDENT CROCI: Will the sponsor continue to yield?

SENATOR LITTLE: Yes, I will.

ACTING PRESIDENT CROCI: Senator Krueger.

SENATOR KRUEGER: So my understanding is this bill would allow these kinds of races to take place on private property, implying that current law doesn't allow them to take place, at least for those under 18; is that correct?

ACTING PRESIDENT CROCI: Senator Little.

SENATOR LITTLE: I don't think there was any restriction before that they couldn't be on private property. Because many of these racecourses might be set up on someone's farmland, on a ski area, on snowmobile areas where people are doing a lot of snowmobiling.

The restriction is that they cannot be done on a public trail that is open to the public. My son was a ski racer, and they would ski race at the ski mountains, but those trails would be closed off to the public where they were racing. So this -- you cannot have these -- the idea is for safety.

The racing organizations also have

to have insurance. The children and the young people are trained. And they do everything they can to make these safe. They're held in many other states, particularly in the North Country when we have a lot of snow. But this would allow them to be held in New York State.

ACTING PRESIDENT CROCI: Senator Krueger.

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

ACTING PRESIDENT CROCI: Will the sponsor continue to yield?

SENATOR LITTLE: Yes.

ACTING PRESIDENT CROCI: Senator Krueger.

SENATOR KRUEGER: Thank you.

And so in this bill racing could be done by children below the age of 18 with no minimum level of age to participate in these snowmobile races and competitions; is that correct?

SENATOR LITTLE: Through you, Mr. President, yes, that is correct.

SENATOR KRUEGER: Through you,

Mr. President, if the sponsor would continue to yield.

ACTING PRESIDENT CROCI: Will the sponsor continue to yield?

SENATOR LITTLE: Yes, I will yield.

ACTING PRESIDENT CROCI: Senator Krueger.

SENATOR KRUEGER: Thank you.

On the weekend of January 23rd and 24th in Plattsburgh, multiple heats were held in the East Coast Snocross event that featured junior competitors as young as the age of 8 years old riding 600cc snowmobiles. Could the sponsor please tell me what a 600cc snowmobile weighs and how fast it can go?

ACTING PRESIDENT CROCI: Senator Little.

SENATOR LITTLE: No, I probably couldn't tell you exactly. My mechanical ability is in my finger, and that's about all I have.

But what they are racing, an 8-year-old would be racing a very small, a much smaller snowmobile. Snowmobiles come in different sizes, and there are children's snowmobiles. And believe me, an 8-year-old is

not there by themselves; their parents took them and have trained them and they're wearing all the equipment and helmets that they need to have. And I'm sure the race is not one big gigantic long race.

SENATOR KRUEGER: Through you, Mr. President, if I might answer the question. And I didn't know whether the sponsor would know the answer --

ACTING PRESIDENT CROCI: Well, is this -- are you asking for the sponsor to continue to yield for a question?

SENATOR KRUEGER: No, I'm actually first --

ACTING PRESIDENT CROCI: You're on the bill?

SENATOR KRUEGER: I'm on the bill. I'll go back to questions. Thank you, Mr. President.

So for the record, a 600cc snowmobile, which is being used in New York State for 8-year-olds in racing competitions, weighs over 450 pounds and can reach a maximum speed of 90 miles per hour. A 600cc snowmobile has upwards of 130 horsepower, which is equivalent to

a Toyota Corolla and more powerful than a base-model Ford Focus. And these kinds of vehicles are actually being used with 8-year-olds riding them in competitions in snowmobiles in our state today.

If the sponsor would continue to yield.

ACTING PRESIDENT CROCI: Will the sponsor continue to yield?

SENATOR LITTLE: Yes, I will continue to yield.

ACTING PRESIDENT CROCI: Senator Krueger.

SENATOR KRUEGER: Thank you.

The sponsor referenced that there are procedures for young people to participate in these activities. Has the sponsor by chance looked at the liability release being used by one of the larger of these companies running snowmobile races, East Coast Snocross?

ACTING PRESIDENT CROCI: Senator Little.

SENATOR LITTLE: No, I haven't.

SENATOR KRUEGER: Has the sponsor taken a look at the insurance coverage that is

offered for young people participating in these snowmobile races by companies such as Snocross, Snowmageddon, Snowmobile Challenge, International Snowmobile Racing, Inc., et cetera?

ACTING PRESIDENT CROCI: Senator Little.

SENATOR LITTLE: Thank you.

No one is required to participate in these races. People do so willingly. They have all the equipment, they have all the training. There are restrictions, and all of that is going to be put on them by the State Office of Parks and Recreation.

I hardly believe that an 8-year-old on a snowmobile is going to be going 90 miles an hour. I have actually been snowmobiling, I know that many of them go fast. But many of the snowmobile trails, they have speed restrictions and all of that.

So this is something -- and I'm not even sure how many 8-year-olds actually participate in these snowmobile races. But many of them are very short races. And just a family activity -- when they have snowmobiles and they do a lot of snowmobiling, people like to go to

these races -- and they bring a lot of people to attend the races, and are really considered a winter sport that many people participate in and choose to participate in.

ACTING PRESIDENT CROCI: Senator Krueger.

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

ACTING PRESIDENT CROCI: Will the sponsor continue to yield?

SENATOR LITTLE: Yes.

ACTING PRESIDENT CROCI: Senator Krueger.

SENATOR KRUEGER: And under the sponsor's bill, would children be allowed to participate in the kinds of snowmobile races where they were going straight up a hill? I forgot the name of that. Perhaps the sponsor knows.

ACTING PRESIDENT CROCI: Senator Little.

SENATOR LITTLE: I saw it. I think they're called steep hill races, but --

SENATOR KRUEGER: Oh, a hill climb,

Mr. President --

SENATOR LITTLE: I'm sorry, it's a hill climb race.

I'm not sure.

ACTING PRESIDENT CROCI: Senator Little.

SENATOR LITTLE: I'm not sure if they would have that kind of thing.

But these are not dangerous, as you might think. People are trained and these children and young people have snowmobiled a great deal before they're in these races. So they're not -- there are families that have actually spent a lot of money on snowmobiles, have driven and gone to places where they have these snowmobile races, participate as a family. They're not going to put their children in danger to do this.

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

ACTING PRESIDENT CROCI: Senator Krueger on the bill.

SENATOR KRUEGER: So while this bill would expand the legal activity of snowmobiling races with children, in fact when we

went and looked through, there's an enormous number of these activities taking place throughout our state now -- with, again, children as young as 8 participating in races where they're going straight up hills, where the snowmobile can fall over on them and do enormous damage.

The driver's packet that parents are asked to sign before their children participate -- I guess somebody decided it was legal at some point in time. I just want to highlight to people why I'm so concerned about our expanding and endorsing and supporting this sport for children of any age.

All over the release, in the red ink, are highlighted that this is a very risky sport: Minors are assuming the risk and releasing a waiver of liability. This sport can cause death. This sport can cause enormous personal harm.

The many, many pages that a parent would have to sign, all are releasing the company from any liability or responsibility -- minor's assumption of risk and release waiver liability, parental consent, waiver of liability, assumption

of risk and indemnity. You cannot sue if anything happens.

Activities at the event are very dangerous and involve risks and dangers to your well-being which can seriously injure or hurt; you may be paralyzed or killed.

And so one argument is, well, the parent sees all this and they decide they're going to sign it because they love snowmobiling or perhaps their small children love snowmobiling. And then we learn that the insurance is incredibly minimal, and it's not clear if and when and how it would be paid.

I'm not even clear that this insurance package being referenced by the International Snowmobile Racing, Inc., is actually a recognized insurance policy in the State of New York. Because what's legal perhaps if this ever becomes law doesn't seem to be changing the fact that they're doing all this already on private grounds and, as the Senator pointed out, on racetracks.

These vehicles go up to 90 miles an hour. They are stronger and more powerful than small cars. They can weigh up to 900 pounds.

These are very dangerous vehicles when raced, and that's the activity that this bill will expand the ability for children of any age to participate in.

The American Pediatric Association and actually the Canadian Pediatric and Child Health Organization -- because apparently snowmobiling is incredibly popular in Canada, which seems obvious because I think they even get more snow than we do here -- they both recognize that snowmobiling injuries can be greater and more serious than injuries from almost any other activity or sport that children may participate in.

The American Academy of Pediatrics specifically recommends that persons younger than 16 should not be the drivers of snowmobiles. And they highlight particularly the dangers from racing situations.

The fact that these are private companies who clearly are doing this to make money for themselves while making sure they hold none of the liability for anything that happens to the children who are participating on their race courses, is exceptionally disturbing to me.

I am going to vote against this bill. I suspect, as in the past, many of you will vote for it. I certainly hope as parents you will think through ever allowing your own children to participate in activities that make you sign off on ten different pages -- warning, warning, this could kill your child and we have no liability when that happens.

But I frankly think the State of New York would be wiser if it were to increase the rules, regulations and limitations on what kinds of competitive sporting activities children were allowed to participate in when sitting on and driving vehicles which, if it had wheels instead of skis on the bottom, we wouldn't let them get behind the wheel until they had a driver's license and were at least 17 years old.

So it's not for lack of empathy with snowmobiles, which I'm sure can be wonderful and fun, and not for lack of respect for adults who want to compete in the kinds of sports that can be actually quite dangerous. We held up the waivers comparing it to race car driving, which is also recognized to be an extremely dangerous sport, and also many, many waivers must be signed

before a race car driver gets behind the wheel of that car. But again, race car driving is for adults. And I actually think race snowmobiling also should be for adults.

So I'm urging my colleagues to vote no from a child safety perspective. This is extremely dangerous. Bad things can and do happen. The news clips are filled with stories of children being hurt and killed in these kinds of incidents. And I just don't think New York State should want to expand on those stories in the future.

I vote no, Mr. President. Thank you.

ACTING PRESIDENT CROCI: The Secretary will ring the bell.

Read the last section.

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

ACTING PRESIDENT CROCI: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT CROCI: Senator DeFrancisco to explain his vote.

SENATOR DeFRANCISCO: Yes, moments

ago we honored a group of high school basketball players for winning a state championship, many of whom no doubt are under 18 years of age and many of whom probably sometime in their life got hurt playing sports.

But playing sports before you're 18 years of age, you get the opportunity to get better. And you get the opportunity to win state championships.

Senator Little, in her district, has a state championship for all levels of high school basketball. Guess what? People sometimes get hurt under 18 years of age. I think they get hurt more if they're deprived of the opportunity to participate in the sport they like.

We have a state now that feels it necessary, more and more, to be the nanny for everything in this community. Parents should take that responsibility. If they don't think the child should participate in this activity, they should tell the child and stop the child from doing so.

But this type of idea that kids can't participate -- why don't we go to football next? I imagine maybe some people would think

that's a good idea, they shouldn't play football until they're too old that they can't learn it to go any further in that sport.

So I think this is a good bill. It also helps our state participate in the financial benefits of tourism from other people in other states that don't have laws that prohibit it. So I think on both counts it's a very good bill, and I vote aye.

Thank you.

ACTING PRESIDENT CROCI: Senator DeFrancisco to be recorded in the affirmative.

Announce the result.

THE SECRETARY: In relation to Calendar 232, those recorded in the negative are Senators Avella, Comrie, Espaillat, Hassell-Thompson, Hoylman, Krueger, Montgomery, Perkins, Persaud, Rivera, Serrano and Stavisky.

Ayes, 48. Nays, 12.

ACTING PRESIDENT CROCI: The bill is passed.

Senator DeFrancisco, that completes the reading of the controversial calendar.

SENATOR DeFRANCISCO: Is there any further business at the desk?

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

SENATOR DeFRANCISCO: I therefore move to adjourn until Wednesday, March 30th, at 11:00 a.m.

ACTING PRESIDENT CROCI: On motion, the Senate stands adjourned until Wednesday, March 30th, at 11:00 a.m.

Senator DeFrancisco.

SENATOR DeFRANCISCO: It seems there's a question on the time of session tomorrow. My time may be wrong, and if we stand at ease for a moment, I can clarify that.

In the meantime, is it anybody's birthday or anything?

(Laughter.)

SENATOR DeFRANCISCO: Mr. President.

ACTING PRESIDENT CROCI: Senator DeFrancisco.

SENATOR DeFRANCISCO: It is not at 11:00 a.m. tomorrow, it is at 2:00 p.m.

ACTING PRESIDENT CROCI: Two p.m.

SENATOR DeFRANCISCO: Two p.m.

ACTING PRESIDENT CROCI: The Senate

stands adjourned until tomorrow, Wednesday, March 30th, at 2:00 p.m.

Thank you.

SENATOR DeFRANCISCO: Okay, thank you.

(Whereupon, at 5:04 p.m., the Senate adjourned.)