

1 NEW YORK STATE SENATE

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4 THE STENOGRAPHIC RECORD

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9 ALBANY, NEW YORK

10 May 2, 2017

11 3:09 p.m.

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13
14 REGULAR SESSION

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18 SENATOR THOMAS D. CROCI, Acting President

19 FRANCIS W. PATIENCE, Secretary

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

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

4 Color Guard, parade the colors.

5 (The Color Guard entered the
6 chamber and advanced to the front.)

7 ACTING PRESIDENT CROCI: Will you
8 please join in reciting the Pledge of
9 Allegiance.

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

12 ACTING PRESIDENT CROCI: With us
13 today is Lieutenant Colonel Gary T. Fisher. He
14 will be delivering the invocation. He is the
15 10th Mountain Division chaplain of the
16 Fundamental Baptist Fellowship International in
17 Fort Drum, New York.

18 Colonel Fisher.

19 CHAPLAIN FISHER: I invite you to
20 pray with me.

21 Our precious heavenly Father, we
22 thank You for today, for the life that You've
23 given us, the riches of Your blessings, the
24 freedoms we enjoy, and Your gracious and tender
25 mercies.

1 In this chamber we pause to offer
2 You gratitude for the gift of this great nation
3 and for the great State of New York. Forgive us
4 for our transgressions against You, and help
5 those gathered here today to work together in
6 the knowledge of Your truth.

7 I thank You for these leaders who
8 are here by Your authority. Please bless them
9 and their families. Give them the wisdom,
10 discernment, humility and guidance that they
11 need in fulfilling the obligations and
12 responsibilities entrusted to them. May they be
13 quick to hear and slow to speak, slow to anger.
14 May their weakness be the vessel of Your
15 strength.

16 May the work that is accomplished
17 promote Your righteousness and peace throughout
18 the great State of New York. So shall we make
19 our nation great in goodness and good in its
20 greatness.

21 Our solemn prayer is that You will
22 guide us by Your word, that You will comfort us
23 by Your presence, that You will strengthen us by
24 Your power.

25 It is in Your holy name we pray,

1 amen.

2 (The Color Guard exited the
3 chambers.)

4 ACTING PRESIDENT CROCI: Ladies
5 and gentlemen, I have the high honor and great
6 privilege to introduce to you Major General
7 Walter Piatt, the commander of the 10th Mountain
8 Division in Fort Drum, New York.

9 General?

10 MAJOR GENERAL PIATT: Good
11 afternoon.

12 (Response of "Good afternoon.")

13 MAJOR GENERAL PIATT: As we say in
14 the 10th Mountain Division, "Climb to glory."
15 Which fits perfectly with the state motto:
16 "Excelsior," ever upward. So since we are both
17 moving up, it makes perfect sense to me that the
18 10th Mountain is your division.

19 I'm honored to be here with you
20 today, the sixth 10th Mountain Division and
21 Fort Drum Day. Back at Fort Drum, we
22 affectionately call this day Albany Day, and
23 only a few of us get to make the cut. I put my
24 name on top of the list.

25 (Laughter.)

1 MAJOR GENERAL PIATT: But I think
2 it speaks to our shared understanding of how
3 important our relationship is and the need to
4 move ever upward.

5 Governor Cuomo, Lieutenant Governor
6 Hochul, Senate and Assembly leadership --
7 especially to Senator Patty Ritchie -- it was
8 with sincere gratitude that we once again
9 accepted your invitation to be here today. And
10 yet it is you all who have spent today ensuring
11 we feel your thanks.

12 Senator Ritchie is a champion for
13 us, and she makes every soldier feel like part of
14 the community. Twice in my son's time in high
15 school up in Carthage, New York, she sent him a
16 special note of a photo of him she saw of him in
17 the local newspaper, saying "I saw something
18 special about you." Those photos are framed and
19 forever on his wall, wherever our military home
20 is.

21 She makes you feel like you're part
22 of that community, and not just a military kid on
23 another new assignment. I call her my Senator.
24 And ma'am, I want to say thank you again.

25 Most of us here -- there are a lot

1 of us here that are from New York. Some of the
2 soldiers sitting right over here to my left,
3 31st Infantry Polar Bears, are from New York.
4 And Staff Sergeant Flynn, his parents are here
5 today to witness and see what he brings to the
6 Army every single day.

7 Years ago when I was here as a
8 deputy commander, we responded to a hurricane
9 named Sandy. It was hard to figure out what an
10 active duty division could provide. We were
11 eager, but yet we were waiting for federal
12 authorization to support. Soldiers rushed to the
13 motor pool and readied their fuelers. They said,
14 "Sir, this is our home. If you can send us to
15 Iraq and to Afghanistan, you can send us to
16 New York City to help our families."

17 Although it's an entirely unique
18 honor for me to be sharing our stories and
19 displays with you all here today, historically it
20 does make perfect sense. This beautiful
21 building -- this beautiful building was finished
22 by you lawmakers in 1899. But just nine years
23 later, it was some of those very first occupants
24 that were discussing and approving the creation
25 of Pine Camp, which is now Fort Drum.

1 Our Army saw the incredible training
2 value in the foothills of the Adirondacks, and
3 the first legislators to walk these halls
4 understood their state's value in supporting our
5 nation's defense. The synergy of this
6 relationship, with its roots here more than a
7 century ago, has ensured that Fort Drum is where
8 our nation looks when she needs to hone the
9 skills of its war fighters, from World War I to
10 the Global War on Terror. And now, as we look to
11 an ever-evolving future fight, there is no doubt
12 we are again standing together during a critical
13 time, depending upon the training opportunities
14 afforded to us at Fort Drum, made possible
15 through the work and cooperation of those who
16 came before us.

17 Over the past 15 months, the
18 10th Mountain Division patch has been visible
19 around the globe, supporting operations and
20 missions in Afghanistan, Iraq, Kuwait,
21 North Africa, Germany, Poland, Latvia, Greece,
22 and Korea.

23 Today our Combat Aviation Brigade is
24 a few months into a nine-month deployment to
25 Eastern Europe. I spoke with the commander

1 Saturday, and his forces are deployed from
2 Estonia to Greece, building partner capacity
3 throughout the NATO alliance.

4 Members of our 10th Sustainment
5 Brigade are preparing for deployment to Kuwait.

6 Your pride in your soldiers is not
7 misplaced. They demonstrate resolve and
8 commitment to international partners around the
9 world with expertise and professionalism and are
10 light, fast, and lethal when our enemies make the
11 mistake of threatening our nation's security.

12 It's a North Country saying to "make
13 hay while the sun shines." And if you're at
14 Fort Drum now, you're getting ready to make hay.
15 Training is ramping up and we're bringing
16 together active-duty, Army Reserve,
17 National Guard units from around the country, as
18 well as other services, for world-class training
19 events.

20 Our North Country neighbors living
21 around the installation will tell you, it's busy,
22 it's loud, a rattling and rumbling season. We
23 may not be the quietest of neighbors, but rest
24 assured we are among the most grateful. Without
25 the continued grace and understanding of our

1 surrounding communities, we would not be able to
2 keep our units in line with the Army's training
3 guidelines to ensure the highest level of
4 readiness for our soldiers.

5 And because a little space goes a
6 long way when you're a loud neighbor like we are,
7 perhaps one of the most important enablers to
8 sustaining training readiness is the Army
9 Compatible Use Buffer Program, which was
10 bolstered by more than \$4.5 million from New York
11 State. Together we are committed to ensuring
12 encroachment does not diminish any of the post's
13 training potential.

14 Our sustainability empowers more
15 than training. Fort Drum is a power projection
16 platform, which is just our way of saying we have
17 the ability to send our soldiers anywhere in the
18 world in a very short amount of time. We're the
19 only defense asset with the ability to do this in
20 the entire Northeast of the United States.

21 And again, New York State is
22 empowering that capability with a \$22 million
23 investment to infrastructure that will improve
24 access between the main post of Fort Drum and our
25 air field. In this time of continuing

1 resolutions and diminishing resources, this kind
2 of support resonates across the Army. And as the
3 Army has had to look for places to cut, we've
4 been able to stand together and say, You can't
5 afford do so here.

6 Since the last round of cuts,
7 Fort Drum and the 10th Mountain Division has led
8 the total Army effort with regional partnerships
9 and increased combat readiness and capability
10 across all military components. The Northeast
11 Regional Partnership Program aligns brigades of
12 the division and similar units and formations
13 across and within the Army and the Army National
14 Guard, allowing for an open exchange of ideas,
15 exchange of best practices and resources to
16 increase readiness and capability.

17 And appropriately, a key partner in
18 our program is New York's 42nd Infantry Division.
19 Thanks to the efforts of so many of you here
20 today, the 42nd Infantry Division actively
21 supports our main command post operational
22 detachment. Stationed out of Syracuse, these
23 soldiers augment critical areas such as
24 intelligence, operations, and civil and public
25 affairs, allowing the 10th Mountain Division to

1 maintain essential capabilities during our many
2 deployments.

3 The benefits to our relationship are
4 mutual. In 2016, the Fort Drum Fire Department
5 answered 104 mutual aid calls in Jefferson
6 County. Many of our soldiers and civilian
7 employees are volunteer members of neighboring
8 fire departments.

9 Law enforcement agencies throughout
10 New York rely on our explosive ordnance disposal
11 teams to investigate and remove any found
12 ordnance. Many of you tried to pick up a small
13 plastic bottle today. Imagine trying to pick up
14 ordnance without these trained professionals.
15 They support local schools and science and job
16 fairs around the North Country community.

17 Fort Drum relies on the
18 North Country medical community to provide
19 comprehensive managed healthcare. We simply
20 could not care for our soldiers and families
21 without them. This unique model focuses on
22 maintaining and improving and restoring health to
23 more than 40,000 soldiers, family members, and
24 retirees. This unique relationship is a proven
25 model for efficiency within the Army and empowers

1 the recruitment and retention of specialty care.

2 As with healthcare, when Fort Drum
3 became the home of the 10th Mountain Division in
4 the '80s, the decision was made to send our
5 military children to schools off-post. And the
6 reputation that New York State has for educating
7 its youth makes Fort Drum an appealing location
8 for many of our families.

9 I'm one of them. This is my third
10 time coming to Fort Drum, and much of that has to
11 do with how much my family loves it here. My
12 children still have friends in the area, and I
13 fondly remember my daughter's first day of
14 school. The day before she started school, her
15 teacher came from the off-post school of Evans
16 Mills, came to our quarters to introduce herself
17 to our very nervous and scared young girl.

18 Later on, my son was the quarterback
19 for Carthage -- who really took it to
20 Indian River, but fell short the year
21 Indian River won the state championship.

22 But we're part of that community,
23 and we're part of that community because the
24 community embraces us. My daughter just
25 graduated college, but still today these school

1 districts', teachers', and staffs' close partnership
2 with our military families is critical,
3 especially during times of deployments.

4 In turn, the millions of dollars of
5 federal impact aid that is funneled into
6 North Country schools is used for all who attend.
7 Military programs like Soldier for Life,
8 transition assistance, in addition to working
9 with federal agencies like the Department of
10 Labor and Veterans Affairs, are also in constant
11 contact with statewide employers, local and
12 regional economic development agencies, trade
13 schools, and the State University of New York
14 system to promote opportunities for soldiers and
15 family members transitioning from active duty
16 service so that they decide to stay, work, raise
17 their families, and pay their taxes in New York.

18 Recent legislation has made it
19 easier for families moving to Fort Drum from out
20 of state to obtain employment in fields that
21 require certification and licenses. Reducing the
22 paperwork and recognizing out-of-state
23 certifications empowers financial security for
24 those military families living and working here
25 and also provides a qualified workforce for

1 many hard-to-fill vocations.

2 Our natural resource managers are
3 good stewards of installation property to ensure
4 the military can operate on these lands safely
5 and within regulatory guidelines. Good
6 stewardship not only benefits military trainers
7 but also the stakeholders and natural resources.

8 Our environmental team maintains
9 wetlands, tracks wildlife and their habitats,
10 empowers sustainable hunting, cares for
11 archeological sites and cemeteries, and so much
12 more. We do so in order to ensure that we will
13 be afforded the pristine training opportunities
14 available here first discovered more than 100
15 years ago.

16 But also we recognize the incredible
17 wild beauty of Fort Drum and its importance to
18 the area's ecosystem, and we feel very protective
19 of it. To me, Fort Drum is a nature preserve
20 where wildlife thrives, past culture is
21 preserved, recreation is abundant, and military
22 training is at its very best.

23 I'm less than one week in this job
24 and getting to lead this mighty Climb to Glory
25 team. Just last Thursday I took command from

1 Major General Jeffrey Bannister, one of our best
2 combat-tested warriors in the United States Army.
3 During the hand-off we didn't talk tactics, we
4 didn't talk deployments, we talked how important
5 the North Country community is to the
6 10th Mountain Division and how important it is to
7 live and train in Northern New York, where we can
8 meet the demands the Army places on us.

9 It's an important part of our change
10 of command, because this unique and historic
11 relationship is the cornerstone of our soldiers'
12 success. And our soldiers' success is our
13 nation's security.

14 Thank you for honoring Fort Drum and
15 the 10th Mountain Division here today. But more
16 importantly, thank you for what you do for the
17 10th Mountain Division and our families,
18 civilians, and North Country communities every
19 day. We truly are your New York division.

20 Climb to glory!

21 (Standing ovation.)

22 ACTING PRESIDENT CROCI: The
23 reading of the Journal.

24 THE SECRETARY: In Senate, Monday,
25 May 1st, the Senate met pursuant to adjournment.

1 The Journal of Sunday, April 30th, was read and
2 approved. On motion, Senate adjourned.

3 ACTING PRESIDENT CROCI: Without
4 objection, the Journal stands approved as read.

5 Presentation of petitions.

6 Messages from the Assembly.

7 Messages from the Governor.

8 Reports of standing committees.

9 Reports of select committees.

10 Communications and reports from
11 state officers.

12 Motions and resolutions.

13 Senator DeFrancisco.

14 SENATOR DeFRANCISCO: Yes, can we
15 move to the adoption of the Resolution Calendar,
16 with the exception of Resolution 1854, please.

17 ACTING PRESIDENT CROCI: All in
18 favor of adopting the Resolution Calendar, with
19 the exception of Resolution Number 1854, please
20 signify by saying aye.

21 (Response of "Aye.")

22 ACTING PRESIDENT CROCI: Opposed,
23 nay.

24 (No response.)

25 ACTING PRESIDENT CROCI: The

1 Resolution Calendar is adopted.

2 Senator DeFrancisco.

3 SENATOR DeFRANCISCO: Can you now
4 take up previously adopted Resolution 761, by
5 Senator Ritchie, read it in its entirety, and
6 call on Senator Ritchie to speak.

7 ACTING PRESIDENT CROCI: The
8 Secretary will read.

9 THE SECRETARY: Legislative
10 Resolution Number 761, by Senator Ritchie,
11 memorializing Governor Andrew M. Cuomo to
12 proclaim May 2, 2017, as 10th Mountain Division
13 and Fort Drum Day in the State of New York.

14 "WHEREAS, Fort Drum is located in
15 Jefferson County, in Northern New York, and is
16 the largest military installation in the
17 Northeastern United States; and

18 "WHEREAS, Fort Drum is named for
19 Lieutenant General Hugh Drum, a decorated
20 national hero, former commander of First Army,
21 and an early leader of the state's own volunteer
22 militia, the New York Guard; and

23 "WHEREAS, For more than 30 years,
24 Fort Drum has been home to the United States
25 Army's storied 10th Mountain Division, one of the

1 most deployed units in the U.S. Army; and

2 "WHEREAS, The 10th Mountain Division
3 served with honor, distinction and great
4 sacrifice as part of Operation Enduring Freedom
5 and other actions central to our nation's
6 response to the terrorist attacks of
7 September 11, 2001; and

8 "WHEREAS, Elements of the
9 10th Mountain Division, based at Fort Drum in
10 New York State, were the first to be deployed in
11 the aftermath of those attacks and the last units
12 to return from combat duty; and

13 "WHEREAS, In addition to Operation
14 Enduring Freedom, 10th Mountain Division
15 deployments have included Hurricane Andrew relief
16 in Florida, Operation Restore Hope in Somalia,
17 Operation Uphold Democracy in Haiti, Task Force
18 Eagle in Kosovo, and Operation Iraqi Freedom; and

19 "WHEREAS, More than 300 brave men
20 and women who were members of the 10th Mountain
21 Division and based at Fort Drum have given their
22 lives in the cause of defeating global terrorism;
23 and

24 "WHEREAS, The distinguished service
25 of units posted to Fort Drum has been celebrated

1 by presidents, members of Congress, and members
2 of the international community; and

3 "WHEREAS, In addition to its vital
4 role in our nation's defense, Fort Drum is the
5 largest employer in Northern New York, and an
6 economic engine for the state and region, with a
7 direct impact of more than \$1 billion; and

8 "WHEREAS, The 19,000 soldiers and
9 officers of Fort Drum and their families are an
10 integral part of the community, and are welcomed
11 as neighbors, coworkers, classmates, friends and
12 fellow New Yorkers; and

13 "WHEREAS, It is the sense of this
14 Legislative Body to salute the soldiers and
15 officers of the 10th Mountain Division, to honor
16 their dedication to preserving our freedom and
17 our nation, and to recognize their individual and
18 collective contributions to our communities and
19 to New York State; and

20 "WHEREAS, For the past six years,
21 10th Mountain Division and Fort Drum Day has
22 served to educate members of this Legislative
23 Body about the sacrifices made by the brave men
24 and women of our armed forces, as well as the
25 importance of the installation to our nation's

1 defense and New York's economy; and

2 "WHEREAS, Fort Drum has and will
3 continue to play an important and essential role
4 in ensuring our nation's military readiness to
5 defend our state and nation against hostility and
6 threats to our safety and national security; now,
7 therefore, be it

8 "RESOLVED, That this Legislative
9 Body pause in its deliberations to memorialize
10 Governor Andrew M. Cuomo to proclaim May 2, 2017,
11 as 10th Mountain Division and Fort Drum Day in
12 the State of New York; and be it further

13 "RESOLVED, That a copy of this
14 resolution, suitably engrossed, be transmitted
15 to Major General Walter E. Piatt, Commanding
16 General, 10th Mountain Division and Fort Drum."

17 ACTING PRESIDENT CROCI: Senator
18 Ritchie.

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

21 It's my honor to once again host
22 Fort Drum Day in the New York State Senate. For
23 six years, Fort Drum Day has given us the
24 opportunity to meet some of the soldiers and
25 officers who are on the front lines in defense of

1 our freedom, to learn about them and their
2 important work, to express our appreciation for
3 their service and sacrifice, and to learn about
4 the importance of Fort Drum both to our nation
5 and to the State of New York.

6 Fort Drum is New York State's
7 largest single-site employer and a centerpiece of
8 the economy of the region that I represent.

9 Today we are joined in the chamber
10 by some of the members of the 10th Mountain
11 Division who are native New Yorkers. Across many
12 battles and every war, and on every continent,
13 New York has been well-represented in the service
14 of our nation. And we can all take great pride
15 that this tradition continues.

16 I would like to take a moment to
17 introduce our New Yorkers: Captain Ryan
18 Marquette, from Rome; Staff Sergeant John Flynn,
19 from Schenectady; Sergeant David Speer, Hilton;
20 Specialist Holden Schoenig, from Bellport;
21 Specialist James Cox, from Buffalo; Private First
22 Class Alan Harris, from Watertown; Private First
23 Class Michael Bathrick, from Poughkeepsie;
24 Private First Class Reginald Castillo, from
25 Queens.

1 Amidst the ceremony, the medals, the
2 flags and the displays today -- and when we go
3 out of our way to say to a soldier in uniform
4 "Thank you for your service" -- it's important to
5 never forget what these men and women are all
6 about. Major General Walter Piatt, Fort Drum's
7 new commanding general, put it well last week
8 during the change of command ceremony on post:
9 "When our nation faces a crisis, it turns to the
10 Army, and the Army turns to the 10th Mountain
11 Division and Fort Drum."

12 Twenty-three times this division has
13 deployed since September 11th. Right now
14 10th Mountain troops are on the front lines in
15 Afghanistan and Korea. They've led the fight and
16 they've helped keep peace in trouble spots around
17 the world from Somalia to Panama, from Bosnia to
18 Haiti.

19 And closer to home, they've worked
20 to protect and rebuild communities in the wake of
21 Katrina, Andrew, and Sandy. General Piatt
22 himself has served two tours in Afghanistan and
23 one in Iraq, among other postings. One of his
24 predecessors, General Stephen Townsend, who you
25 met on a previous Fort Drum Day, is now leading

1 the fight against ISIS. Another, General Mark
2 Milley, is now the Army's Chief of Staff, the
3 highest-ranking uniformed officer.

4 Every morning when I turn on the TV
5 and I hear about another crisis in another corner
6 of the world, I say a quiet thank you for the men
7 and women who serve at Fort Drum and I say a
8 quiet prayer for their safety. Because when the
9 10th Mountain Division deploys, these courageous
10 men and women fight to win. My colleagues, what
11 you see here today and throughout the day in the
12 Concourse, is what winning looks like.

13 So let me just thank the soldiers at
14 Fort Drum for allowing us to learn and celebrate.
15 Thank you, General Piatt, for your leadership and
16 sacrifice. Thank you, Chaplain Fisher, for your
17 inspiration and your service. And thank you to
18 all the soldiers and the officers of the
19 10th Mountain Division, and to the members of
20 your family, for the honor and privilege of
21 representing you here in the New York State
22 Senate.

23 Let us also take a moment to
24 recognize General Ray Shields, who is the
25 commander of the New York Army National Guard.

1 Thank you to the members of the
2 community organizations who are here to support
3 the 10th Mountain Division, along with my good
4 friend Senator Jim Wright, who traveled here from
5 Watertown and also has always been a great
6 supporter of Fort Drum.

7 Finally, Leader, I would like to
8 thank you and all of our colleagues for your
9 support of our soldiers and for the 10th Mountain
10 Division and for Fort Drum.

11 Thank you, Mr. President.

12 (Standing ovation.)

13 ACTING PRESIDENT CROCI: Senator
14 Flanagan.

15 SENATOR FLANAGAN: Thank you,
16 Mr. President.

17 I'd like to add my voice to that of
18 Senator Ritchie. And to all the folks who are
19 here from Fort Drum, you know this and I'm going
20 to repeat it so the public knows it as well. You
21 don't have a better advocate. She is passionate
22 and unrelenting on your behalf, all in good ways.

23 And I think back to a couple of
24 years ago. Based on what Senator Ritchie had
25 done to educate us and enlighten us as to the

1 value of Fort Drum, not only in her region but to
2 the state and the country -- there was a time
3 where the Army was looking to downsize and make
4 cuts. And it took about a New York minute for
5 Patty to enlist the support of everybody in this
6 chamber, advocating to make sure that that didn't
7 happen. And fortunately, it didn't.

8 In listening to our colleagues,
9 Senator Hannon remarked to me that all of these
10 young men and women look like they're in
11 spectacular shape. And I hasten to add that
12 every one of them can button all 12 buttons on
13 their jacket, so we know they're in good shape.

14 (Laughter.)

15 SENATOR FLANAGAN: Two, I asked
16 Senator Ritchie: What is the appropriate title,
17 is it Major General, is it General?

18 So Major General, General,
19 Commander, I'm just going to say "sir" and
20 welcome you and -- I'll close on this point, it's
21 very simple -- thank you for who you are, what
22 you do on our behalf.

23 And you made reference to this being
24 your third tour and coming home. To me as a
25 New Yorker, that feels pretty darn good, knowing

1 that you would consider New York to be your home.
2 And then you spoke glowingly of your own family,
3 particularly your children. I feel like, based
4 on the years that you all have been coming here,
5 when I came to visit I was accorded a deference
6 and respect, along with my colleagues, that I'm
7 not sure I deserve, but by golly it felt very
8 good anyway. I felt like I was family when I had
9 the privilege of meeting with you.

10 Godspeed to all of you, and thank
11 you for everything you do.

12 (Standing ovation.)

13 ACTING PRESIDENT CROCI: Senator
14 DeFrancisco.

15 SENATOR DeFRANCISCO: And can we
16 open this up for cosponsorship, please.

17 ACTING PRESIDENT CROCI: The
18 resolution is open for cosponsorship. If you
19 wish to be a cosponsor, please notify the desk.

20 Senator DeFrancisco.

21 SENATOR DeFRANCISCO: All right, I
22 have some motions, the first of which, I wish to
23 call up Senator Griffo's bill, Number 2538,
24 recalled from the Assembly, which is now at the
25 desk.

1 ACTING PRESIDENT CROCI: The
2 Secretary will read the title of the bill.

3 THE SECRETARY: Calendar Number
4 220, by Senator Griffo, Senate Print 2538, an act
5 to amend the Vehicle and Traffic Law.

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

8 ACTING PRESIDENT CROCI: Call the
9 roll on reconsideration.

10 (The Secretary called the roll.)

11 THE SECRETARY: Ayes, 58.

12 ACTING PRESIDENT CROCI: The bill
13 is restored to its place on the Third Reading
14 Calendar.

15 SENATOR DeFRANCISCO: I now offer
16 the following amendments.

17 ACTING PRESIDENT CROCI: The
18 amendments are received, and the bill retains its
19 place on the Third Reading Calendar.

20 SENATOR DeFRANCISCO: I'd like to
21 call up Senator Gallivan's bill, Print Number
22 2933, recalled from the Assembly, which is now at
23 the desk.

24 ACTING PRESIDENT CROCI: The
25 Secretary will read the title of the bill.

1 THE SECRETARY: Calendar Number
2 242, by Senator Gallivan, Senate Print 2933, an
3 act to amend the Mental Hygiene Law.

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

6 ACTING PRESIDENT CROCI: Call the
7 roll on reconsideration.

8 (The Secretary called the roll.)

9 THE SECRETARY: Ayes, 58.

10 SENATOR DeFRANCISCO: I now offer
11 the following amendments.

12 ACTING PRESIDENT CROCI: The
13 amendments are received, and the bill retains its
14 place on the Third Reading Calendar.

15 SENATOR DeFRANCISCO: I now move
16 that Senate Bill Numbers 5666 and 5667, by
17 Senator Seward, be discharged from their
18 respective committees and be recommitted with
19 instructions to strike the enacting clause.

20 ACTING PRESIDENT CROCI: So
21 ordered.

22 SENATOR DeFRANCISCO: Will you now
23 recognize Senator Valesky.

24 ACTING PRESIDENT CROCI: Senator
25 Valesky.

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

3 On page 22, I offer the following
4 amendments to Calendar 379, Senate Bill 4628, and
5 ask that Senator Savino's bill retain its place
6 on the Third Reading Calendar.

7 ACTING PRESIDENT CROCI: The
8 amendments have been received, and the bill shall
9 retain its place on the Third Reading Calendar.

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

12 Also, and this is on behalf of
13 Senator Klein, on page 41 I offer the following
14 amendments to Calendar 625, Senate Print 4070,
15 and ask that that bill retain its place on the
16 Third Reading Calendar.

17 ACTING PRESIDENT CROCI: Those
18 amendments have been received as well, and the
19 bill shall retain its place on the Third Reading
20 Calendar.

21 Senator DeFrancisco.

22 SENATOR DeFRANCISCO: Can we now
23 take up previously adopted Resolution 1057, by
24 Senator Kaminsky, read it in its entirety, and
25 call on Senator Kaminsky to speak, please.

1 ACTING PRESIDENT CROCI: The
2 Secretary will read.

3 THE SECRETARY: Legislative
4 Resolution Number 1057, by Senator Kaminsky,
5 congratulating the State of Israel upon the
6 occasion of the 69th anniversary of its
7 independence and reaffirming the bonds of
8 friendship and cooperation between the State of
9 New York and Israel.

10 "WHEREAS, May 2, 2017, marks the
11 69th anniversary of the founding of the modern
12 State of Israel in the ancestral home of the
13 Jewish people; and

14 "WHEREAS, On November 29, 1947, the
15 United Nations General Assembly voted to
16 partition the British Mandate of Palestine, and
17 through that vote, to create the State of Israel;
18 and

19 "WHEREAS, Israel was officially
20 declared an independent nation on May 14, 1948,
21 in fulfillment of the eternal desire of the
22 Jewish people to return to the land of the
23 historic Kingdom of Israel established
24 3,000 years ago and to the holy city of
25 Jerusalem; and

1 "WHEREAS, A century ago, at the
2 First Zionist Congress in Basel, Switzerland,
3 participants under the leadership of
4 Theodore Herzl affirmed the desire to reestablish
5 a Jewish homeland in the historic land of Israel;
6 and

7 "WHEREAS, The modern State of Israel
8 was born out of the ashes of the Holocaust and
9 World War II where the death of six million Jews
10 did not eliminate the will of a people to seek
11 dignity in life and a place of respect and
12 recognition among the people of the civilized
13 world; and

14 "WHEREAS, Israel, since its
15 inception, when the combined forces of five Arab
16 nations invaded to destroy the dream of the
17 Jewish people, continues to face the hostility
18 and frequently, through the years of its
19 statehood, the armed aggression of its neighbors;
20 and

21 "WHEREAS, Despite these conflicts,
22 in the 69 years since its establishment, the
23 modern State of Israel has rebuilt a nation,
24 forged a new and dynamic society, and created a
25 unique and vital economic, political, cultural

1 and intellectual life despite the heavy cost of
2 six wars, terrorism, international ostracism and
3 economic boycotts; and

4 "WHEREAS, In its 69 years of
5 statehood, Israel has established a modern
6 parliamentary democracy and has become the most
7 successful democracy in the Middle East, and has
8 provided its citizens with the highest standards
9 of living and human equality in a region
10 otherwise beset with poverty and human rights
11 abuses; and

12 "WHEREAS, Israel has made
13 significant global contributions in the fields of
14 science, medicine, and technology; and

15 "WHEREAS, Israel continues to strive
16 for peace with security and dignity for itself,
17 its neighbors and throughout the world, in order
18 to fulfill the prophecy of becoming a light unto
19 the nations; and

20 "WHEREAS, The people of New York
21 share an affinity with the people of Israel and
22 view Israel as a strong and trusted ally; now,
23 therefore, be it

24 "RESOLVED, That this Legislative
25 Body pause in its deliberations to congratulate

1 the State of Israel upon the occasion of the
2 69th anniversary of its independence and
3 reaffirming the bonds of friendship and
4 cooperation between the State of New York and
5 Israel; and be it further

6 "RESOLVED, That a copy of this
7 resolution, suitably engrossed, be transmitted to
8 the Consul General of Israel for New York,
9 Dani Dayan."

10 ACTING PRESIDENT CROCI: Senator
11 Kaminsky on the resolution.

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

14 I have the wonderful privilege today
15 of adopting a resolution where this body is going
16 to celebrate the 69th anniversary of Israel's
17 independence. And we're so lucky here today to
18 be joined by the consul general from Israel,
19 Dani Dayan, and your presence is most welcome.

20 I'd like to just very briefly share
21 a vision of Israel that is really a dichotomy.
22 There are two things going on at the same time
23 there that I think is essential to understanding
24 why this is so important for us and why
25 reaffirming the bonds between the State of

1 New York and the State of Israel is of utmost
2 importance and why we're doing this today.

3 And the first is a vision of Israel
4 that is really one of prosperity -- something so
5 amazing considering that we're talking about a
6 country founded such a short time ago and that's
7 had to overcome so much.

8 When you look at the agriculture in
9 the country; when you look at its technology,
10 which is first-rate; you go to the Tel Aviv Stock
11 Exchange, the entrepreneurs there are coming up
12 with the leading technologies in the world; when
13 you look at the state of healthcare, when you
14 look at what they've been able to achieve, it's
15 quite amazing.

16 But the other side is one that's a
17 little darker and one that we also must grapple
18 with, and that is the threat that Israel faces
19 every day.

20 I had the privilege of going on an
21 Assembly delegation mission, and we went to a
22 city called Sderot. And Sderot sits right on the
23 Gaza, where Hamas is just a view in your
24 binoculars away. And we passed the house of a
25 family who just the night before heard digging

1 under their home. And when we left Sderot at
2 2 o'clock, with Assembly Speaker Heastie and the
3 other group, at 4 o'clock that day, the very
4 people we visited had to go to a shelter because
5 a rocket was fired upon this village.

6 In fact, when you walk through
7 Sderot -- and I think it's symbolic for a lot of
8 what Israel has to endure -- you cannot walk
9 30 seconds, literally, without there being a
10 concrete shelter made available on the side of
11 the road for anyone to enter into should they be
12 in that exact spot when a rocket is fired, which
13 has happened so many different times.

14 So when you think about what
15 Israel's been able to accomplish, while at the
16 same time simultaneously and concomitantly
17 dealing with the threats it faces to its
18 existence every day, it is remarkable. Very few
19 if anyone in Israel gets up and says, Today we
20 want to wipe X country off the map. But plenty
21 of people get up in the morning and say they want
22 to wipe Israel off the map.

23 And the fact that it is a democracy
24 in a sea of something much different, and that we
25 reach out to them and they reach out to us in a

1 lasting bond, is critical and something we must
2 celebrate. And I was quite proud to stand next
3 to Governor Cuomo when he announced that the
4 official policy of our state is if you boycott
5 Israel, New York State will boycott you.

6 And so today I'm very proud to
7 celebrate what in Israel is called Yom
8 Ha'atzmaut, their independence day, a triumph in
9 our world. And we must be there to stand with
10 Israel.

11 And I'm so glad that we as a body
12 get to adopt this resolution today, and even more
13 wonderfully honored to have Consul General Dani
14 Dayan in our presence.

15 So, Mr. President, can you please
16 extended all the courtesies and graciousness of
17 this house to the consul general.

18 Thank you.

19 ACTING PRESIDENT CROCI: Senator
20 Hamilton.

21 SENATOR HAMILTON: Yes,
22 Mr. President, I rise also to honor the 69th
23 anniversary for the State of Israel. I too went
24 to Israel with City Councilmen from New York City
25 and also Devorah Halberstam, whose son was

1 murdered on the Brooklyn Bridge for the mere fact
2 that he was just a young Jewish boy coming home
3 from a trip in Manhattan.

4 I also went to Sderot. And in
5 visiting Sderot, what made me feel for the
6 families living in Israel was that the children
7 play in a converted supermarket. They can't play
8 outside due to the mere fact that they're scared
9 that they may be attacked by bombs coming from
10 Gaza. And also, when you go through the city of
11 Sderot, every bus stop is converted into a bomb
12 shelter.

13 When we went to the Golan Heights,
14 there were peacekeeping troops there, and the
15 troops who were protecting us were young boys and
16 women 18 to 21 years old, many coming from my
17 district in Flatbush, who were putting their
18 lives on the line to protect the State of Israel.

19 And so when I went there and I saw
20 so many of my constituents in Israel, I had to
21 come back home and support any bill that will
22 keep the nation of Israel safe from all enemies.

23 As I realize, in Crown Heights every
24 Friday night there's Shalom Zachar. And every
25 Friday night I travel throughout Crown Heights

1 and realize that we're all one people, we're all
2 striving for the same thing, which is good
3 schools, a quality of life, and able to live the
4 American dream.

5 So I rise as a person who has been
6 with Holocaust survivors, I have been to protests
7 against any policy that would put Israel in
8 harm's way. And when you go to Israel and you go
9 to the Golan Heights, you know, it's a horrific
10 site to see ISIS flags on the border. And no one
11 should have to live in fear of being attacked.
12 And in Israel, in Jerusalem, our delegation had
13 to walk with armed guards due to stabbings in the
14 Old City.

15 So I celebrate the 69th anniversary
16 of Israel, and may God continue to bless that
17 nation.

18 Thank you.

19 ACTING PRESIDENT CROCI: Senator
20 Díaz.

21 SENATOR DÍAZ: Thank you,
22 Mr. President.

23 Ladies and gentlemen, my colleagues,
24 today I'm honored to join Senator Todd Kaminsky
25 in welcoming Israeli Ambassador and Consul

1 General Dani Dayan, and recognizing the 69th-year
2 anniversary of Israel Independence Day.

3 You should know that everywhere that
4 I go and I preach, I always, always defend the
5 people of Israel and present the people of Israel
6 as the "Chosen Ones." Sometimes, because of
7 different circumstances, we might question that
8 statement of "Chosen Ones." We might ask
9 ourselves, "Chosen for what?" Others might say
10 "Chosen to suffer."

11 Ladies and gentlemen and my
12 colleagues, it is important for you to know that
13 the struggle of the Jewish people throughout
14 history compares to no other nation or people in
15 the world. Even if we were to start in modern
16 times, we can talk about the destruction of
17 Jerusalem and the Holy Temple in the year 70 by
18 Titus, the Roman general, and the killing of more
19 than 1 million Jews and the takeover of more than
20 100,000 slaves.

21 We also have to talk about the
22 "Holy War" declared against the Jews and the
23 killing of thousands of Jews that resulted from
24 that "Holy War."

25 After that came the persecution of

1 Jews in Spain, France, and England. The Jews
2 were dispersed to Holland, Poland, Greece,
3 South America, and many other parts of the world.

4 In Spain, they were persecuted and
5 killed like animals. The Christian kings, the
6 nobles, stole their possessions, their money,
7 their houses, their artworks, and many other
8 things. The Christian bishops wrote books
9 against the Jewish people, and others killed them
10 during daylight without punishment.

11 With all of that, the prophet
12 Jeremiah in the Bible said "For I am with you,
13 said the Lord, to save you and to protect you."

14 The suffering of the Jewish people
15 continued after the Christian Crusades. In the
16 year 1096, Godfrey Bouillon swore that he would
17 not let one single Jew live. In Worms, in
18 Mayence, in Regensburg, in Treves and in Prague,
19 the Jews were killed by the thousands.

20 In the year 1215, the Catholic
21 Church put a decree to prohibit the Jews from
22 appearing or being seen in public without the
23 Jewish emblem on their clothes.

24 In the year 1290, 17,000 Jews were
25 expelled from England. In 1394, the Jews were

1 expelled from France. And in 1480, Spain started
2 the Inquisition that killed more than 200,000
3 Jews.

4 By 1881, Mr. President and ladies
5 and gentlemen, after the death of Alexander II,
6 the Jews in Russia and Romania started to
7 experience persecution. By that time,
8 anti-Semitism had begun to flourish. In Germany,
9 a political party was organized with the sole
10 purpose of taking away all social and political
11 rights from Jews. Anti-Semitic newspapers began
12 to appear accusing the Jews of all kinds of
13 crimes.

14 Throughout their history, Jews were
15 persecuted, assassinated, and expelled to other
16 countries. However, Mr. President and ladies and
17 gentlemen, nothing can compare to the
18 anti-Semitism of Adolf Hitler and Adolf Eichmann.
19 They killed more than 6 million Jews.

20 In 1887, Theodore Herzl started the
21 Zionist movement.

22 In 1917, the British chancellor,
23 Lord Alfred Balfour, proclaimed the British would
24 support the making of a Jewish state in
25 Palestine. General Edmund Allenby directed the

1 British forces across the Sinai Desert to
2 Palestine. David Ben-Gurion was part of the
3 Jewish battalion who aided and assisted General
4 Allenby in the liberation of Palestine from
5 England on December 9, 1917.

6 On November 29, 1947, the
7 United Nations issued a resolution creating the
8 State of Israel.

9 On May 14, 1948, David Ben-Gurion
10 declared during a meeting that "the establishment
11 of a Jewish state will be called the State of
12 Israel."

13 In the battle of Israel for
14 survival, we cannot forget the leadership and
15 contribution of individuals such as Golda Meir,
16 Yitzhak Shamir, Ariel Sharon, Yitzhak Rabin,
17 Shimon Peres, as well as many others.

18 Since the creation of the State of
19 Israel, ladies and gentlemen, and the return of
20 the Jews to their homeland, many enemies have
21 sworn to destroy Israel. On June 5, 1967,
22 12 Arab nations declared war on Israel: Morocco,
23 Algeria, Libya, Egypt, Yemen, Kuwait,
24 Saudi Arabia, Jordan, Syria and Iraq. In the
25 Middle East, terrorist groups such as Hamas,

1 Al Qaeda, the PLO, ISIS, and al-Fatah. News
2 organizations such as Al Jazeera, and people like
3 the late Yasser Arafat and Osama bin Laden,
4 joined together to seek the destruction of
5 Israel.

6 Here in the United States there are
7 some people, even among the elected officials,
8 who do things against the people of Israel. But
9 we all have to join hands together and repeat the
10 words of the great Menachem Begin: "Never again.
11 Never again. Never again."

12 God bless you, the people of Israel
13 and the State of Israel. I am Senator Ruben
14 Diaz, and this is what you should know.

15 Thank you very much.

16 ACTING PRESIDENT CROCI: Senator
17 Squadron.

18 SENATOR SQUADRON: Thank you very
19 much, Mr. President.

20 I thank Senator Kaminsky for
21 bringing this resolution to the floor.

22 And it is important to remember,
23 because it's too often forgotten, the 69-year
24 history of the state of Israel. The fact that in
25 1948 it was impossible to deny the critical

1 importance of a Jewish homeland for the Jewish
2 people in order to avoid the sort of persecution
3 and genocide that had followed Jews throughout
4 the Diaspora for millennia.

5 It is easy to forget the Six-Day War
6 in 1967, which was really a war to try to undo
7 Israel, in its first 20 years, from the map.

8 When I was growing up, my father
9 would tell stories of having traveled shortly
10 after the war ended, being in one of the first
11 groups to go into the Sinai and seeing the tanks
12 that were still smoldering, and the extent to
13 which it was necessary for the survival of the
14 state then, and then again in '73.

15 My father also spoke about being
16 there when the Camp David accords were signed,
17 under the leadership of President Carter, to
18 return the Sinai to Egypt and actually create a
19 relatively more peaceful and safer border for
20 Israel than it ever had before, and how important
21 that was.

22 I myself remember going in 1986,
23 before the First Intifada began, and being able
24 to walk all of Jerusalem, being able to enjoy
25 restaurants in all parts of that city, before

1 that shortly became impossible; and visiting in
2 1999, my father's last of scores of trips to
3 Israel, when we were really honored and he was
4 handed the key to the City of Jerusalem by
5 Mayor Ehud Olmert.

6 And today, it's still critically
7 important to my family and myself. My wife,
8 through her employment, goes to Israel a couple
9 of times a year. We haven't yet been able to
10 take our young children.

11 But, you know, I have to say it was
12 true when I was growing up, after the First
13 Intifada started, it's true today: The role of
14 Israel in preserving and extending security, not
15 just for the Jewish people, but for a set of
16 values and an understanding in that region and in
17 this country, is absolutely critical and can
18 never be forgotten.

19 But it's also true, and I have to
20 acknowledge this, that when my wife gets on that
21 plane to go stay in Jerusalem for a work trip,
22 you have to be conscious of the risk that still
23 exists throughout that country and the anxiety
24 that Israelis live with every single day about
25 attacks on their soil and terrorism.

1 And the fact that we in New York
2 State are a critical piece of security and
3 long-term stability of Israel, just as Israel,
4 for all of us who are Jewish in New York State,
5 is so critical for our long-term security and
6 safety, not just in this state but around the
7 world.

8 So as times have changed, so much of
9 the history and the reasoning has been forgotten.
10 As difficulties happen around the world, it is
11 easy to forget the risks and the fears that the
12 people of Israel and those visiting face every
13 day while they're there.

14 That's why it's so important that
15 here on the Senate floor we are acknowledging
16 Israel's 69 years, but also remembering and
17 recommitting to that close partnership. I have
18 always believed the more involved we in New York
19 are in the life and the future of Israel --
20 politically, culturally, and civically -- the
21 stronger Israel is. And the more Israel is
22 willing to have a partnership with us here, the
23 stronger we will be.

24 So this is an important step in that
25 direction. I congratulate Israel on its

1 69th anniversary and look forward to a continued
2 close relationship between this state and the
3 State of Israel.

4 Thank you, Mr. President.

5 ACTING PRESIDENT CROCI: Senator
6 Stavisky.

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

9 And thank you to Senator Kaminsky
10 for sponsoring this resolution commemorating the
11 69th anniversary of the founding of the State of
12 Israel.

13 But Israel in its 70th year is still
14 fighting for its independence. It's still being
15 threatened throughout the world with violence,
16 with anti-Semitism, and with that insidious BDS,
17 the boycott, divestiture, and sanction movement,
18 which really has no place in our society.

19 Israel's right to exist is in
20 jeopardy even as we speak. There is
21 anti-Semitism, there are Holocaust deniers,
22 people who say it never occurred, that it's a
23 plot by the Israeli and by the Jewish people.
24 And in fact, two weeks ago Senator Addabbo and I
25 were at a synagogue in Forest Hills commemorating

1 the Holocaust --

2 (Noise from outside chamber.)

3 ACTING PRESIDENT CROCI: Senator
4 Stavisky, if you could hold on for one moment.

5 Can we please have the doors shut.

6 Close the doors to the chamber, please.

7 Senator Stavisky, go ahead.

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

10 We were at a synagogue in
11 Forest Hills, and they were remembering the
12 people killed during the Holocaust, for the
13 Yom HaShoah services. And as the number of
14 survivors is diminishing, it's dwindling, the
15 third generation spoke at that service. And the
16 purpose is to keep the memory alive, in the same
17 way that we want to keep the anniversary of the
18 State of Israel alive.

19 My colleagues have spoken about
20 their visits to Israel. My first visit was right
21 after I graduated from college. I decided at the
22 last minute, and I had to go on a tour -- which I
23 had never been on before, and never again.

24 But we took a bus through -- from
25 Tel Aviv down to Eilat, and then back the same

1 day. And there was nothing there. It was
2 desert, it was rock and stone and one or two
3 buildings in Eilat. And 25 years -- or about
4 30 years later, I went back with my husband for
5 our 25th wedding anniversary, and you see the
6 desert is blooming, industry is flourishing, and
7 this little town of Eilat is a major resort. And
8 that is due to the hard work and the perseverance
9 of the people of the State of Israel.

10 I have been back since. I was there
11 in 2002, 15 years ago, to participate in a panel.
12 They had Jewish legislators from all over the
13 world at a conference in Jerusalem. I was on a
14 panel dealing with education. But there were so
15 many experiences where we had meetings with
16 people who you read about in the newspapers. I
17 remember the meeting with the prime minister,
18 Mr. Sharon. And I was impressed by the fact that
19 what you read in the newspapers, with all due
20 respect, it's not the man that spoke to us. He
21 was a moderate, it seemed to me. His only hope
22 was to go back to his farm. Unfortunately, he
23 never got that opportunity.

24 But we met for about a week with
25 various people, and it just made me even prouder

1 to participate in that conference and to wish
2 that the State of Israel continues to fight.

3 And we welcome our consul general to
4 Albany and wish him many, many more visits to
5 this and to other places in a world of peace.

6 Thank you.

7 ACTING PRESIDENT CROCI: Senator
8 Krueger.

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

11 I also rise to join my voice in
12 thanking the consul general for coming today to
13 be with us on the 69th birthday of the country of
14 Israel.

15 After listening to some of my
16 colleagues, I want to do a little promotion. We
17 Jews aren't as depressing a people as
18 Senator Díaz's history would lead you to believe,
19 and Israel is also a beautiful, phenomenal
20 country that is doing amazing and has done
21 amazing things -- its educational system, its
22 science, its technology, its museums, the beauty
23 and history of this great country.

24 I was truly honored to have the
25 consul general speak at my father's funeral last

1 week, on behalf of the Israeli government. And
2 I, like many of my colleagues, spent from my
3 childhood up visiting Israel. I worked on a
4 kibbutz, I flunked all the assignments. I am a
5 terrible farmer. I decided I had to choose to do
6 something else.

7 My brother worked on a kibbutz and
8 knocked down a banana tree. I fell out of the
9 lemon trees and the orange trees. We
10 participated with the Hebrew University in
11 Jerusalem. I grew up with dear, dear friends.
12 And as I think the consul general knows, my
13 father traveled to Israel over 400 times and
14 worked with every prime minister and every major
15 institution in that country and loved it dearly.

16 But one of my most important
17 experiences about Israel being such a close-knit
18 country was even before cellphones and computers,
19 if we needed to find my father, we would just
20 call the King David Hotel and say, Please find
21 him and tell him to call home. And somebody
22 always would, no matter where he was in the
23 country.

24 So despite everything being true
25 that we've heard today about all the issues the

1 small, incredible country of Israel still faces,
2 I don't want people to walk away today thinking
3 it's just a litany of sad stories and bad news,
4 because in fact the promise and the aspiration of
5 Israel for its future is what an amazing country
6 and amazing people they have and the potential
7 moving forward.

8 So best for the 70th year and going
9 forward. Thank you for joining with us today.

10 ACTING PRESIDENT CROCI: Senator
11 Kennedy.

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

14 I just wanted to join my colleagues
15 in welcoming the consul general of Israel here,
16 Dani Dayan. I had an opportunity to meet the
17 consul general earlier.

18 I think this is a fitting tribute to
19 the State of Israel and to the intimate
20 relationship that both the State of New York and
21 the United States plays and continues to play
22 with the State of Israel. The intimate
23 relationship that our country and the State of
24 Israel has in both the history, the present, and
25 the future.

1 And you think about it being the
2 69th birthday of Israel -- 69 years is a very,
3 very short period of time. And you think about
4 where we were as an international community
5 69 years ago when the State of Israel was formed
6 on the heels of World War II, on the heels of the
7 Holocaust, on the heels of millions of Jews that
8 were put to death simply because of their
9 religion.

10 And we have to be very careful in
11 these trying times in our country and in the
12 international community to never allow history to
13 repeat itself and to always be diligent and
14 always to be aware of the discourse that's
15 happening publicly, the discourse that's
16 happening in society, and to recognize and to be
17 very, very careful and conscious of our words and
18 our actions and the impact that it has on others
19 of all religions and all races.

20 And I stand here with great honor to
21 recognize the 69th anniversary of the State of
22 Israel. And as one who has recently done my
23 DNA and found out that the vast majority of the
24 blood flowing through me is Irish, I also have 1
25 percent European Jewish. So when I shared with

1 my Jewish friends, they said, "Well, we knew
2 there was something that we liked about you" --
3 although apparently a very small piece of
4 something that they like about me.

5 (Laughter.)

6 SENATOR KENNEDY: All that said, I
7 wish you great congratulations and once again
8 welcome you, Consul General.

9 Thank you, Mr. President.

10 ACTING PRESIDENT CROCI: Senator
11 Boyle.

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

14 I too would like to welcome the
15 consul general of Israel and stand in strong
16 support of this resolution.

17 I had the opportunity -- I know a
18 lot of people have spoken about going to Israel.
19 I went there for the first time in my life a
20 couple of weeks ago. I love the State of Israel.
21 My wife and I had talked about going for years.

22 And, as was mentioned by Senator
23 Kennedy, an interesting story. My wife, who
24 always swore she was Italian, I bought her a
25 23andMe DNA test for Christmas: No Italian, half

1 Jewish.

2 So this was the year we wanted to
3 go, and we loved the country. Beautiful. We
4 went to Jerusalem, Masada, Caesarea, all over
5 that beautiful country. A strong ally. We'll
6 always remember it. And we only went for a week,
7 but we're definitely going to go back.

8 Thank you so much for your
9 friendship.

10 ACTING PRESIDENT CROCI: Ambassador
11 Dayan, on behalf of the Senate, we want to
12 congratulate Israel on its 69th anniversary.

13 On behalf of the Senate, we want to
14 extend to the State of Israel our eternal
15 gratitude and recognition of your strength, and
16 we hope that you will take with you the warmth
17 and strength of Americans and New Yorkers back to
18 your homeland.

19 And with that, sir, we extend all
20 the privileges and courtesies of the house, and
21 we would ask the chamber to stand and recognize
22 the ambassador.

23 (Standing ovation.)

24 ACTING PRESIDENT CROCI: Senator
25 DeFrancisco.

1 SENATOR DeFRANCISCO: Will you
2 please open it up for cosponsorship.

3 ACTING PRESIDENT CROCI: The
4 resolution is open for cosponsorship. If you
5 would like to be a cosponsor, please notify the
6 desk.

7 Senator DeFrancisco.

8 SENATOR DeFRANCISCO: Can we now
9 take up Resolution 1854, by Senator Peralta, read
10 the title only, and call on Senator Peralta.

11 ACTING PRESIDENT CROCI: The
12 Secretary will read, title only.

13 THE SECRETARY: Legislative
14 Resolution Number 1854, by Senator Peralta,
15 commemorating the celebration of Cinco de Mayo on
16 May 5, 2017.

17 ACTING PRESIDENT CROCI: Senator
18 Peralta.

19 SENATOR PERALTA: Thank you,
20 Mr. President.

21 I've been celebrating Cinco de Mayo
22 for many years here in this chamber, but this
23 time the traditional Cinco de Mayo celebration
24 had a special meaning. Unfortunately, this year
25 is not like any other year. As we mark the first

1 hundred days of this new administration in
2 Washington, immigrant communities have been
3 constantly under fire, with potential threats of
4 deportations increasing and becoming more real.

5 We have witnessed how this new
6 administration attacked one immigrant group after
7 another, including Mexicans. But we are in the
8 21st century. We're here to tear down walls, not
9 build them.

10 But in a couple of days,
11 specifically this Friday, we're marking the
12 155th anniversary of an important chapter in
13 history. We're celebrating one of the biggest
14 upsets in warfare history, a shocker at the hands
15 of the Mexican army. It was of epic biblical
16 proportions, David versus Goliath: A young and
17 outnumbered Mexican army was victorious over the
18 French giant, a European army which was
19 considered the greatest military force on earth
20 at the time. But the heart, the desire for
21 independence and the courage of the Mexicans made
22 up the difference in the number of soldiers, and
23 the brave Mexican soldiers defeated the Europeans
24 at the historic Battle of Puebla.

25 I want to wish all my colleagues a

1 happy Cinco de Mayo, and viva Mexico. This
2 battle, the Battle of Puebla, was about the
3 spirit of determination. And the unexpected
4 defeat of the French evolved into a celebration
5 of the Mexican and Hispanic culture, especially
6 here in New York and the rest of the nation.
7 This is an important date for the Mexican and the
8 Chicano communities in my district, and in our
9 great state and in our nation.

10 In my district alone, I am proud to
11 represent more than 44,000 Mexicans and
12 Mexican-Americans. As it occurs in every borough
13 of the City of New York and every county of the
14 state, Mexicans enrich all of the communities
15 they live in. And in celebrating Cinco de Mayo,
16 we recognize their tremendous contributions to
17 our society.

18 In my district, which I call the
19 United Nations of all Senate districts, we
20 celebrate Cinco de Mayo. It is just another
21 reminder of how diverse my district is, how
22 crucial our vibrant immigrant communities are for
23 our society. It is a celebration of unity, one
24 that strengthens the solid and long-standing
25 friendship between Mexico and the United States

1 of America. And no one is going to change that.

2 The Mexican culture and its heritage
3 are interwoven in the American fabric that will
4 last forever, with or without walls. We are two
5 societies united by many factors and by many
6 common interests and a common vision for the
7 future.

8 Feliz Cinco de Mayo, everyone.
9 Happy Cinco de Mayo.

10 (Scattered applause.)

11 ACTING PRESIDENT CROCI: Please, go
12 ahead.

13 The question then is on the
14 resolution. All in favor please signify by
15 saying aye.

16 (Response of "Aye.")

17 ACTING PRESIDENT CROCI: Opposed,
18 nay.

19 (No response.)

20 ACTING PRESIDENT CROCI: The
21 resolution is adopted.

22 And the Senator has been good enough
23 to open this resolution up for cosponsorship. If
24 you would like to be a cosponsor, please notify
25 the desk.

1 Senator Griffo.

2 SENATOR GRIFFO: Mr. President, we
3 have a previously adopted resolution at the desk
4 from Senator Montgomery, Resolution 1676. I
5 would ask that you have the title only read and
6 then call upon Senator Montgomery to speak.

7 ACTING PRESIDENT CROCI: The
8 Secretary will read, title only.

9 THE SECRETARY: Legislative
10 Resolution Number 1676, by Senator Montgomery,
11 honoring Lynn Nottage upon the occasion of her
12 designation as recipient of the 2017 Pulitzer
13 Prize for Drama.

14 ACTING PRESIDENT CROCI: Senator
15 Montgomery.

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

18 I rise to pay tribute and homage to
19 a woman whose life of writing stands out as an
20 inspiration to others, especially young people in
21 America.

22 Today we celebrate Lynn Nottage on
23 the occasion of her designation as recipient of
24 the 2017 Pulitzer Prize for Drama for her play
25 entitled Sweat. This play is about a steel

1 factory in Reading, Pennsylvania, and the
2 resulting economic and racial chaos in that
3 working-class town where friendships and family
4 ties are irreparably damaged.

5 Lynn Nottage is the first female
6 playwright to receive this prestigious award for
7 the second time. Lynn is a Brooklynite. She's a
8 Brooklyn-based playwright and a screenwriter
9 whose plays have been produced widely in the U.S.
10 and throughout the world.

11 Her latest play Sweat, the recipient
12 of the 2015-2016 Susan Smith Blackburn Prize, was
13 written on commission and presented at the
14 Shakespeare Festival in Ashland, Oregon, in July
15 of 2015, and then at the Arena Stage in
16 Washington, D.C., in January of 2016. And on
17 November 3, 2016, Sweat premiered off-Broadway
18 here in New York, in New York City, at The Public
19 Theater. After a sold-out run at The Public
20 Theater, Sweat has now moved to Broadway, where
21 it officially opened at Studio 54 in March of
22 2017.

23 Lynn Nottage has many other
24 productions that she has written prior to Sweat,
25 including By the Way, Meet Vera Stark;

1 Intimate Apparel; Fabulation, or the Re-Education
2 of Undine; Crumbs from the Table of Joy; Las
3 Meninas; Mud, River, Stone; as well as
4 Por'knockers. All of these exceptional plays
5 have won numerous awards.

6 And in 2009, Lynn Nottage won her
7 first Pulitzer Prize for her play entitled
8 Ruined, which takes a look at the impact of the
9 brutal civil war in the Democratic Republic of
10 Congo, and its horrific impact on women.

11 Over the years, Lynn Nottage has
12 developed original projects for HBO, for Sidney
13 Kimmel Entertainment, for Showtime, for This is
14 That, and for Harpo. She is also the
15 writer/producer on the Netflix series She's Gotta
16 Have It, directed by Spike Lee.

17 And in addition to her awards for
18 her plays, this incredibly talented woman has
19 been the recipient of numerous additional
20 accolades and awards, including the MacArthur
21 "Genius Grant" Fellowship for 2007, the Steinberg
22 "Mimi" Distinguished Playwright Award, the Nelson
23 A. Rockefeller Award for Creativity, and the
24 Jewish World Watch iWitness Award, as well as the
25 OBIE Award in 2005.

1 Lynn is a graduate of Brown
2 University as well as the Yale School of Drama.
3 She is currently an assistant professor in the
4 theater department of Columbia School of the
5 Arts.

6 And she has continued to be
7 committed to the cultural enrichment of the
8 citizens of our state. She serves as a member of
9 the boards of directors of BRIC Arts Media in
10 Brooklyn, Donor Direct Action, Second Stage, and
11 the Dramatists Guild, and recently she completed
12 a three-year term as an artist trustee on the
13 board of the Sundance Institute.

14 She has continued to share her
15 brilliance, her competence, her leadership, and
16 consequently has been designated for special
17 honor. This is a remarkable and talented young
18 woman from the Borough of Brooklyn. She happens
19 to reside in my district. She is a friend, a
20 daughter, and an outstanding citizen of our
21 state.

22 It is with great honor that I am
23 able to rise and pay tribute to someone who is so
24 talented and who has been so great in bringing
25 this art to the citizens of New York City as well

1 as New York State and others around the world.

2 Mr. President, thank you for this
3 honor, and I thank my colleagues for allowing me
4 to celebrate one of the great artists that
5 New York State has produced.

6 Thank you.

7 ACTING PRESIDENT CROCI: Thank you.

8 The resolution has been previously
9 adopted.

10 And Senator Montgomery has opened
11 the resolution up for cosponsorship. If you
12 would like to be a cosponsor, please notify the
13 desk.

14 Senator Griffo.

15 SENATOR GRIFFO: Mr. President, I
16 believe we have another previously adopted
17 resolution, Resolution Number 1679, by Senator
18 Kennedy. I would ask that we have the title read
19 only and then call upon Senator Kennedy to speak.

20 ACTING PRESIDENT CROCI: The
21 Secretary will read, title only.

22 THE SECRETARY: Legislative
23 Resolution Number 1679, by Senator Kennedy,
24 mourning the death of Martin McGuinness,
25 dedicated leader, distinguished citizen and

1 devoted member of his community.

2 ACTING PRESIDENT CROCI: Senator
3 Kennedy.

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

6 Today I rise to honor the life of
7 Martin McGuinness, who passed away on March 21st
8 of this year at the age of 66, a former IRA
9 commander who would later become one of the
10 fathers of the peace in the North of Ireland,
11 Sinn Fein's chief negotiator, and the first
12 deputy minister of Ireland.

13 Martin McGuinness was born in Derry,
14 Ireland, into one of the most difficult times in
15 Irish history. McGuinness took a complicated and
16 fraught path towards peace. While initially
17 believing that the British presence in Ireland
18 could only be ended by armed struggle, he later
19 became a passionate believer in compromise,
20 leading the republican movement away from
21 violence.

22 In his young adulthood, he and
23 others organized the resistance, joining the
24 Irish Republican Army, and he was chosen as a
25 leader. The resistance lasted from 1969 until

1 1998, with the violence finally coming to an end
2 when McGuinness and others negotiated a lasting
3 peace agreement known as the Good Friday
4 Agreement. He worked closely with President Bill
5 Clinton on the 1998 agreement, of which he would
6 later personally oversee the arms-decommissioning
7 phase.

8 As a sign of his contributions to
9 the peace process, President Clinton spoke at
10 McGuinness's funeral. He urged leaders to
11 continued McGuinness's legacy and finish the work
12 that he had started. The Good Friday Agreement
13 formally cemented the peace process in the North
14 of Ireland and the legacy President Clinton
15 cited.

16 After the peace agreement,
17 McGuinness was later elected deputy first
18 minister, the highest elected Catholic in the
19 newly formed government. It was often said that
20 if not for the respect his adversaries had for
21 him, and he for them, there would have been no
22 Good Friday Peace Agreement.

23 Following the conflict, he worked
24 relentlessly to resolve the complex issues of
25 self-government, civil rights, disarmament,

1 justice and policing in Ireland. McGuinness will
2 be remembered as one of the most consequential
3 leaders of Ireland of our time for his essential
4 and historic contributions to the extraordinary
5 journey of Ireland from violent conflict to
6 peace.

7 McGuinness would often simply sum up
8 his own life as "I fought, I made peace, I made
9 politics." As a former member of the IRA who
10 became what many called a healer of Ireland,
11 McGuinness was instrumental in bringing peace to
12 the North of Ireland. McGuinness was a truly
13 reformed man who left a remarkable legacy which
14 will long endure the passage of time and will
15 remain as a comforting memory to all he served
16 and befriended.

17 McGuinness was truly a gracious
18 statesman and a consummate gentleman. It was one
19 of the highlights of my own life to have had the
20 opportunity to meet him at Stormont, as my wife
21 and I paid tribute to the homeland in the fall of
22 2015. It's a memory I'm going to cherish
23 forever. And standing at that historic ground
24 served as a reminder to me of the extraordinary
25 and intimate role that the State of New York and

1 the United States played in Irish history and the
2 Irish peace process.

3 The early life of Martin McGuinness
4 was that of a young, passionate idealist who
5 learned that violence only breeds violence and
6 that for Ireland to truly reunite, there must be
7 compromise. McGuinness was someone who began his
8 life defending Ireland through decades of
9 sectarian violence and strife who later evolved
10 into an elder statesman of Northern Irish
11 politics and a peacemaker. After spending his
12 life in selfless service and during decades of
13 struggle, showing a remarkable resolve and
14 unstoppable commitment, Martin McGuinness will be
15 remembered as a fearless peacemaker, a patriot,
16 and an admired comrade and leader.

17 We share our deepest condolences
18 with his wife, Bernadette, and their four
19 children. We thank them for their commitment and
20 sacrifice to a united and peaceful Ireland.

21 We look forward to carrying on and
22 carrying out the legacy and path of peace Martin
23 McGuinness carved for us. May he rest in peace.
24 Erin Go Bragh.

25 Thank you, Mr. President.

1 ACTING PRESIDENT CROCI: The
2 resolution has been previously adopted.

3 Senator Kennedy would like to open
4 up the resolution for cosponsorship. If you
5 would like to be a cosponsor, please notify the
6 desk.

7 Senator DeFrancisco.

8 SENATOR DeFRANCISCO: I'd like to
9 call an immediate meeting of the Rules Committee
10 in Room 332.

11 ACTING PRESIDENT CROCI: There will
12 be an immediate meeting of the Rules Committee in
13 Room 332.

14 The Senate will stand at ease.

15 (Whereupon, the Senate stood at ease
16 at 4:32 p.m.)

17 (Whereupon, the Senate reconvened at
18 4:41 p.m.)

19 ACTING PRESIDENT CROCI: Senator
20 DeFrancisco.

21 SENATOR DeFRANCISCO: Yes, can we
22 return to reports of standing committees for a
23 report of the Rules Committee.

24 ACTING PRESIDENT CROCI: Reports of
25 standing committees.

1 The Secretary will read.

2 THE SECRETARY: Senator Flanagan,
3 from the Committee on Rules, reports the
4 following bills:

5 Senate Print 474B, by Senator
6 Peralta, an act to amend the Public Health Law,
7 Senate 806, by Senator Alcantara, an
8 act to amend the Public Health Law;

9 Senate 2410, by Senator Golden, an
10 act to amend the Civil Practice Law and Rules;

11 Senate 4622, by Senator Golden, an
12 act to amend the Retirement and Social Security
13 Law; and

14 Senate 5283B, by Senator Jacobs, an
15 act to amend the Public Health Law.

16 All bills reported direct to third
17 reading.

18 ACTING PRESIDENT CROCI: Senator
19 DeFrancisco.

20 SENATOR DeFRANCISCO: I move to
21 accept the report of the Rules Committee.

22 ACTING PRESIDENT CROCI: All in
23 favor of accepting the report of the
24 Rules Committee please signify by saying aye.

25 (Response of "Aye.")

1 ACTING PRESIDENT CROCI: Opposed,
2 nay.

3 (No response.)

4 ACTING PRESIDENT CROCI: The report
5 is accepted.

6 Senator DeFrancisco.

7 SENATOR DeFRANCISCO: Can we now go
8 to the noncontroversial reading of the calendar,
9 please.

10 ACTING PRESIDENT CROCI: The
11 Secretary will read.

12 THE SECRETARY: Calendar Number
13 171, by Senator Ortt, Senate Print 688, an act to
14 amend the Public Authorities Law.

15 ACTING PRESIDENT CROCI: Read the
16 last section.

17 THE SECRETARY: Section 2. This
18 act shall take effect January 1, 2018.

19 ACTING PRESIDENT CROCI: Call the
20 roll.

21 (The Secretary called the roll.)

22 THE SECRETARY: Ayes, 60.

23 ACTING PRESIDENT CROCI: The bill
24 is passed.

25 THE SECRETARY: Calendar Number

1 173, by Senator Griffo, Senate Print 1225A, an
2 act to amend the Public Service Law.

3 ACTING PRESIDENT CROCI: Read the
4 last section.

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

7 ACTING PRESIDENT CROCI: Call the
8 roll.

9 (The Secretary called the roll.)

10 ACTING PRESIDENT CROCI: Senator
11 Krueger to explain her vote.

12 SENATOR KRUEGER: Thank you very
13 much, Mr. President.

14 I am voting no -- not necessarily
15 because I think it's a terrible idea to let
16 companies make their own determinations about how
17 to move forward with energy efficiency, but I am
18 concerned that we have not looked carefully
19 enough into the impact on NYSERDA's funding base
20 if we are withdrawing the funds from NYSERDA for
21 the programs that they, through the budget
22 process, have prioritized to leave companies to
23 make their own determinations.

24 And it was not clear enough in the
25 bill for my satisfaction that we would be able to

1 hold these companies accountable or claw back the
2 money if they did not meet the obligations.

3 So while I respect the goal, I do
4 not find myself able to vote yes on this bill. I
5 vote no.

6 Thank you, Mr. President.

7 ACTING PRESIDENT CROCI: Senator
8 Krueger to be recorded in the negative.

9 Announce the result.

10 THE SECRETARY: Ayes, 59. Nays, 1.
11 Senator Krueger recorded in the negative.

12 ACTING PRESIDENT CROCI: The bill
13 is passed.

14 THE SECRETARY: Calendar Number
15 333, by Senator Valesky, Senate Print 3849, an
16 act to amend the Local Finance Law.

17 ACTING PRESIDENT CROCI: Read the
18 last section.

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

21 ACTING PRESIDENT CROCI: Call the
22 roll.

23 (The Secretary called the roll.)

24 THE SECRETARY: Ayes, 60.

25 ACTING PRESIDENT CROCI: The bill

1 is passed.

2 THE SECRETARY: Calendar Number
3 431, by Senator Seward, Senate Print 2077, an act
4 to amend the Insurance Law.

5 ACTING PRESIDENT CROCI: Read the
6 last section.

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

9 ACTING PRESIDENT CROCI: Call the
10 roll.

11 (The Secretary called the roll.)

12 ACTING PRESIDENT CROCI: Senator
13 Krueger to explain her vote.

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

16 So I know that the insurance
17 industry feels that New York State's insurance
18 requirements are stricter than most other states.
19 I'm proud of that fact. We have stronger
20 consumer protections for insurance than almost
21 any other state in the country -- probably all
22 the states.

23 So this bill would actually mean
24 that insurance companies no longer would have to
25 provide in writing information to potential

1 customers, but only after a customer chose to
2 purchase an insurance plan, signed and received
3 the policy, would they actually ever get to see
4 in writing what the deal was.

5 The companies argue they have at
6 least 10 days then to change their mind and get
7 their money back. And will I challenge anyone in
8 this room to tell me that they have read their
9 insurance policy and actually understand what it
10 says.

11 So I'm a strong believer in strong
12 consumer protections for insurance policies. You
13 should be able to get the materials in writing
14 up-front to evaluate them before you sign on the
15 dotted line, before you hand your money over.

16 I think that this is a serious
17 mistake for the State of New York to change its
18 law. I vote no.

19 ACTING PRESIDENT CROCI: Senator
20 Krueger to be recorded in the negative.

21 Announce the result.

22 THE SECRETARY: In relation to
23 Calendar 431, those recorded in the negative are
24 Senators Alcantara, Bailey, Comrie, Dilan,
25 Hoylman, Krueger, Montgomery, Persaud, Serrano

1 and Squadron.

2 Ayes, 50. Nays, 10.

3 ACTING PRESIDENT CROCI: The bill
4 is passed.

5 THE SECRETARY: Calendar Number
6 467, by Senator Serino, Senate Print 2162A, an
7 act to amend the Vehicle and Traffic Law.

8 ACTING PRESIDENT CROCI: Read the
9 last section.

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

12 ACTING PRESIDENT CROCI: Call the
13 roll.

14 (The Secretary called the roll.)

15 THE SECRETARY: Ayes, 60.

16 ACTING PRESIDENT CROCI: The bill
17 is passed.

18 THE SECRETARY: Calendar Number
19 505, by Senator Gallivan, Senate Print 3581, an
20 act to amend the Correction Law.

21 ACTING PRESIDENT CROCI: Read the
22 last section.

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

25 ACTING PRESIDENT CROCI: Call the

1 roll.

2 (The Secretary called the roll.)

3 THE SECRETARY: Ayes, 60.

4 ACTING PRESIDENT CROCI: The bill
5 is passed.

6 THE SECRETARY: Calendar Number
7 508, by Senator Griffo, Senate Print 5126, an
8 act --

9 SENATOR GIANARIS: Lay it aside.

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

12 THE SECRETARY: Calendar Number
13 535, by Senator Ritchie, Senate Print 860A, an
14 act to amend the Vehicle and Traffic Law.

15 ACTING PRESIDENT CROCI: Read the
16 last section.

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

19 ACTING PRESIDENT CROCI: Call the
20 roll.

21 (The Secretary called the roll.)

22 THE SECRETARY: Ayes, 60.

23 ACTING PRESIDENT CROCI: The bill
24 is passed.

25 THE SECRETARY: Calendar Number

1 564, by Senator Funke, Senate Print 4634, an act
2 to amend the Retirement and Social Security Law.

3 ACTING PRESIDENT CROCI: Read the
4 last section.

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

7 ACTING PRESIDENT CROCI: Call the
8 roll.

9 (The Secretary called the roll.)

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

12 SENATOR FUNKE: Mr. President,
13 thank you. It was an honor to welcome the
14 soldiers from Fort Drum today and to recognize
15 now another group of men and women who protect
16 and serve.

17 Last year we passed a similar law
18 for our Forest Rangers, and today we take the
19 first step to include our SUNY police under the
20 provisions of the heart presumption bill. The
21 State University Police are proud members of the
22 State Police force, one of five police agencies
23 employed by the State of New York, and many of
24 them joined us today in the gallery earlier.

25 These officers work 24/7 protecting

1 the lives and property of nearly 500,000
2 students, employees and visitors of SUNY's 29
3 campuses. These officers meet and often exceed
4 the state's training requirements as prescribed
5 by the Division of Criminal Justice Services.
6 They work under very stressful conditions, like
7 all police officers, identical to that of
8 officers around the state, and all of that takes
9 a physical toll.

10 State University of New York police
11 officers have not yet been included under the
12 provisions of the heart presumption bill. They
13 are the only such officers employed by the State
14 of New York not included under the provisions of
15 the heart presumption bill, and that needs to
16 change.

17 The office of the State Comptroller
18 has generated a fiscal note attached to the SUNY
19 heart presumption bill and has placed the cost
20 analysis for this as negligible to taxpayers.

21 So it's time that we now show our
22 support to these men and women who protect us and
23 provide them the same benefit afforded other
24 police officers in our state by passing this SUNY
25 heart presumption bill.

1 And I vote aye, Mr. President. I
2 urge my colleagues to join me. And ladies and
3 gentlemen, those of you in the gallery who are
4 members of the SUNY police force, we thank you
5 for your service.

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

8 Announce the result.

9 THE SECRETARY: Ayes, 60.

10 ACTING PRESIDENT CROCI: The bill
11 is passed.

12 THE SECRETARY: Calendar Number
13 575, by Senator DeFrancisco, Senate Print 3136,
14 an act to amend the Real Property Tax Law.

15 ACTING PRESIDENT CROCI: Read the
16 last section.

17 THE SECRETARY: Section 4. This
18 act shall take effect on the first of January.

19 ACTING PRESIDENT CROCI: Call the
20 roll.

21 (The Secretary called the roll.)

22 THE SECRETARY: Ayes, 60.

23 ACTING PRESIDENT CROCI: The bill
24 is passed.

25 THE SECRETARY: Calendar Number

1 608, by Senator Carlucci, Senate Print 1475, an
2 act to amend the Tax Law.

3 ACTING PRESIDENT CROCI: Read the
4 last section.

5 THE SECRETARY: Section 2. This
6 act shall take effect on the 60th day.

7 ACTING PRESIDENT CROCI: Call the
8 roll.

9 (The Secretary called the roll.)

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

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

14 Right now in New York State there's
15 over 10,000 men, women and children currently
16 waiting for a life-saving organ transplant. And
17 unfortunately in New York, we lag behind almost
18 every other state when it comes to the percentage
19 of eligible people enrolling in the organ donor
20 program. But we've started to turn that around
21 because of policies that have been implemented in
22 the State Senate and the State of New York.

23 And I'm just thankful to the
24 legislators that have put forth bills that are on
25 the calendar today that will continue to make a

1 difference and an impact.

2 The legislation that we're voting on
3 right now, what it does is helps the living
4 donor. Last year we had only 460 living donors
5 in the State of New York, and that's a number
6 that we know we can expand upon. So what this
7 legislation does is it takes down one of the
8 additional barriers that exist to a living organ
9 donation. And what this does is it expands the
10 amount of eligible things that you can deduct on
11 your income taxes. So we're expanding the amount
12 of eligible deductions that you can write off
13 when you make a living organ transplant, and we
14 believe that's extremely important.

15 We've been seeing strides. The
16 legislation that's coming to the floor today will
17 continue to expand and give more opportunities
18 for people to become organ donors. We've seen a
19 tremendous increase. Just last week we saw
20 6,332 people sign up on the health exchange to
21 become an organ donor.

22 Traditionally, it was always the
23 Department of Motor Vehicles where we got the
24 majority of people enrolled in the organ donor
25 program. A few years ago the members here

1 supported Lauren's Law, and we were able to
2 increase the amount of people that enroll at the
3 Department of Motor Vehicles by 70 percent.

4 It's not as far as we'd like to go,
5 but we're making these steps forward. We're
6 chipping away at the stigma attached to organ
7 donation, and that's thanks to all of you here in
8 this chamber that are making the difference,
9 supporting these bills that I think will
10 ultimately save people's lives in New York State.

11 So I want to thank my colleagues for
12 supporting this legislation and the package of
13 bills that are on the floor today. So I vote
14 aye.

15 Thank you, Mr. President.

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

18 Please announce the result.

19 THE SECRETARY: Ayes, 60.

20 ACTING PRESIDENT CROCI: The bill
21 is passed.

22 THE SECRETARY: Calendar Number
23 612, by Senator Hannon, Senate Print 2496, an act
24 to amend the Public Health Law.

25 ACTING PRESIDENT CROCI: Read the

1 last section.

2 THE SECRETARY: Section 7. This
3 act shall take effect on the 90th day.

4 ACTING PRESIDENT CROCI: Call the
5 roll.

6 (The Secretary called the roll.)

7 THE SECRETARY: Ayes, 60.

8 ACTING PRESIDENT CROCI: The bill
9 is passed.

10 THE SECRETARY: Calendar Number
11 613, by Senator Hannon, Senate Print 2497, an act
12 to amend the Tax Law.

13 SENATOR GIANARIS: Lay it aside.

14 ACTING PRESIDENT CROCI: The bill
15 will be laid aside.

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

18 SENATOR DeFRANCISCO: Yes, there's
19 a supplemental calendar consisting of the five
20 bills that were just reported from Rules. We're
21 going to take up two of those bills, please.

22 This is on Supplemental Calendar
23 38A. The first bill, 685.

24 ACTING PRESIDENT CROCI: The
25 Secretary will read.

1 THE SECRETARY: Calendar Number
2 685, by Senator Peralta, Senate Print 474B, an
3 act to amend the Public Health Law.

4 ACTING PRESIDENT CROCI: Read the
5 last section.

6 THE SECRETARY: Section 11. This
7 act shall take effect on the first of January.

8 ACTING PRESIDENT CROCI: Call the
9 roll.

10 (The Secretary called the roll.)

11 ACTING PRESIDENT CROCI: Senator
12 Peralta to explain his vote.

13 SENATOR PERALTA: Thank you,
14 Mr. President.

15 ACTING PRESIDENT CROCI: One
16 moment, Senator.

17 May I just have some order in the
18 house, please, while the Senator explains his
19 vote. Thank you.

20 Go ahead, Senator.

21 SENATOR PERALTA: Thank you,
22 Mr. President.

23 First I'd like to take this
24 opportunity to thank the New York Alliance for
25 Donation because they're up here today in Albany

1 as part of their annual Lobby Day efforts.

2 I'm glad to see that New York is
3 finally taking a stand toward reversing our poor
4 rates of organ donation registration, as we
5 currently rank second-to-last in the country per
6 capita for our population of registered eligible
7 donors.

8 Among a series of bills that we're
9 ushering through today is my legislation to
10 expand the number of state forms upon which an
11 organ donor may register. New Yorkers only
12 interact with their government every so often, so
13 allowing for registration only on driver's
14 license applications and renewals, voter
15 registration forms, and stand-alone forms simply
16 isn't enough.

17 Today we're taking a stand and
18 telling the state that the ability to register
19 must be included on a series of forms, including
20 applications for professional licenses, teacher
21 certifications, and attorney registration
22 statements. So too we're mandating that this
23 option be included on forms providing for car
24 registrations. And finally, and perhaps most
25 importantly, we're telling the state to include a

1 place of registration on income tax forms, forms
2 that every New Yorker will come across at least
3 once a year.

4 The logic behind this bill is
5 simple. The more chances that members of the
6 public have to register or start thinking about
7 registering, the higher our registration rates
8 will be. This bill takes a big step toward
9 ending the ongoing crisis of donor shortages in
10 New York.

11 I thank my colleagues for their
12 support and I thank all of the advocates for
13 their tireless work on this very, very important
14 issue.

15 Thank you.

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

18 Announce the result.

19 THE SECRETARY: Ayes, 60.

20 ACTING PRESIDENT CROCI: The bill
21 is passed.

22 SENATOR DeFRANCISCO: Can we now
23 take up Calendar Number 689.

24 ACTING PRESIDENT CROCI: The
25 Secretary will read.

1 THE SECRETARY: Calendar Number
2 689, by Senator Jacobs, Senate Print 5283B, an
3 act to amend the Public Health Law.

4 ACTING PRESIDENT CROCI: Read the
5 last section.

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

8 ACTING PRESIDENT CROCI: Call the
9 roll.

10 (The Secretary called the roll.)

11 ACTING PRESIDENT CROCI: Senator
12 Jacobs to explain his vote.

13 SENATOR JACOBS: Thank you,
14 Mr. President.

15 I rise today in support and awe for
16 this bill in our collective efforts to save lives
17 and be focused on the overall number of
18 10,000 New Yorkers who currently are waiting for
19 a lifesaving organ transplant. Currently
20 New York rests at the bottom of the 50 states in
21 the union in terms of the number of residents
22 signed up to be an organ donor.

23 One of the most significant efforts
24 to increase donations has been the partnership
25 established between the Department of Motor

1 Vehicles and the Donate Life registry, making it
2 simple and easy for those doing business at local
3 auto bureaus to sign up to that registry.

4 Although this effort has made gains,
5 it has not nearly been as effective in downstate
6 because fewer residents drive and do business at
7 a local DMV. This law would establish the same
8 partnership model with those getting library
9 cards and SUNY and CUNY identifications, a
10 potential to expand the universe of people having
11 access to this opportunity to sign on with
12 several million additional potential residents of
13 New York State annually.

14 I would like to thank Senator
15 Hoylman for his invaluable input on the design of
16 this legislation and developing it to fruition.

17 It is my hope that this act becomes
18 law and translates into many more lives saved. I
19 vote in the affirmative.

20 Thank you.

21 ACTING PRESIDENT CROCI: Senator
22 Jacobs to be recorded in the affirmative.

23 Please announce the result.

24 THE SECRETARY: Ayes, 60.

25 ACTING PRESIDENT CROCI: The bill

1 is passed.

2 Senator DeFrancisco.

3 SENATOR DeFRANCISCO: Can we now do
4 the controversial reading of the active list for
5 today.

6 ACTING PRESIDENT CROCI: The
7 Secretary will ring the bell.

8 The Secretary will read.

9 THE SECRETARY: Calendar Number
10 508, by Senator Griffo, Senate Print 5126, an act
11 to amend the Public Authorities Law.

12 ACTING PRESIDENT CROCI: Senator
13 Squadron.

14 SENATOR SQUADRON: Explanation,
15 please, Mr. President.

16 ACTING PRESIDENT CROCI: Senator
17 Griffo.

18 SENATOR GRIFFO: Mr. President, so
19 the bill before us today deals with legislation
20 which -- first, I want to clarify, this bill does
21 not in any way prevent the Champlain Hudson Power
22 Express line.

23 What it does is it basically sets
24 some standards here to say that if the New York
25 Power Authority were to contract to bring power,

1 then it would also ensure that they allow
2 in-state existing generating facilities located
3 throughout our state to have that opportunity to
4 transmit their electricity across such
5 transmission lines.

6 Now, the CHPE has been on the books
7 and proposed for a number of years. There have
8 been some staggering costs associated with this.
9 Some estimates have been over \$2 billion. So the
10 concern again here is that if our Power Authority
11 were to engage in any type of a contract for this
12 type of activity and service through our state,
13 what we want to do to bring power, we want to
14 ensure that we're not enabling a subsidy which
15 would, in the end, potentially cause additional
16 increases on our taxpaying ratepayers.

17 ACTING PRESIDENT CROCI: Senator
18 Squadron, why do you rise?

19 SENATOR SQUADRON: If the sponsor
20 would yield for a question.

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

23 SENATOR GRIFFO: I would.

24 ACTING PRESIDENT CROCI: Senator
25 Squadron.

1 SENATOR SQUADRON: The sponsor says
2 that this would in no way shut down the Champlain
3 Hudson transmission line. However, I believe the
4 bill says that it would do exactly that if the
5 conditions in the bill aren't met. Isn't that
6 correct?

7 SENATOR GRIFFO: No, Senator
8 Squadron. What it says -- I indicated that
9 earlier in the explanation -- that only if the
10 New York Power Authority is to engage in a
11 contract with this specific line, that we would
12 like equal opportunity and access to in-state
13 generators to have that ability to hook up to
14 that line. Because you now have a public benefit
15 entity involved in trying to bring power.

16 We believe that there are a number
17 of opportunities and potential sources that exist
18 also that will be able to provide the power,
19 because I know there's a concern we want to
20 ensure that power is provided where needed,
21 particularly in the city. In one way, what this
22 language and bill kind of does is to codify some
23 of the Article VII transmission line
24 certifications -- certificate that exists to
25 protect the ratepayer also.

1 So they can build the line, but if
2 they want to engage in some type of public
3 connection through a public subsidy, if you want
4 the Power Authority to get engaged in that,
5 that's where we would say that we want to ensure
6 that also we allow the in-state generators to
7 have that type of access.

8 In the early '90s, the Power
9 Authority entered into contracts with
10 Hydro-Québec, and they subsequently were canceled
11 because they were too expensive. So we're trying
12 to just monitor this from a cost perspective and
13 to be mindful to the ratepayer across the region
14 and the state as a whole.

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

17 SENATOR GRIFFO: Yes.

18 ACTING PRESIDENT CROCI: I would
19 remind all members to please direct their
20 comments through the chair and not to an
21 individual member.

22 The sponsor continues to yield.

23 Senator Squadron.

24 SENATOR SQUADRON: Thank you.

25 Is the sponsor aware of any plans

1 for the power that's going to be transmitted over
2 this line to be currently purchased by NYPA? And
3 if not, sort of under what circumstances does the
4 sponsor imagine -- you know, consider that that
5 might happen?

6 SENATOR GRIFFO: Mr. President,
7 through you. Senator Squadron, first of all, in
8 the bill on lines 3, 4, and 5 you can see some of
9 what I discussed previously.

10 But my concern is in the past NYPA
11 has been a part of some costly transmission
12 projects. We look at the Hudson Transmission
13 Project, which was a line that ran for about
14 7 miles between Ridgefield, New Jersey, under the
15 Hudson to Hell's Kitchen. And because of the
16 lack of buyers for that power, NYPA lost
17 \$43.1 million.

18 As I indicated earlier, in the early
19 '90s they had another contract which subsequently
20 was canceled.

21 So the concern is there's a past
22 history here. And not to be reactive, but to be
23 proactive, we are trying to be mindful of this
24 type of potential interaction. And we are
25 suggesting that if they were to get involved --

1 if they're not to get involved, and it's a
2 private-sector venture, then it is what it is.
3 But if they are to get involved with public
4 dollars, then we're saying that if you're going
5 to engage in a contract, we want to ensure that
6 we allow in-state generators to have access to
7 that line.

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

10 SENATOR GRIFFO: Yes.

11 ACTING PRESIDENT CROCI: The
12 sponsor continues to yield.

13 Senator Squadron.

14 SENATOR SQUADRON: So if I
15 understand the purpose of this bill, it is to
16 prevent the New York Power Authority from
17 accessing the power on this transmission line, in
18 the event it wants to, and instead give
19 preference to power producers largely upstate,
20 such as the producers owned by Exelon?

21 SENATOR GRIFFO: No, that's not
22 true. Mr. President, through you. Senator
23 Squadron, no, that is not accurate.

24 Again, what the bill attempts to do
25 is to ensure that if the Power Authority is to

1 engage in a contract, then they would allow
2 access to that line for in-state generators. We
3 have over \$10 billion that have been invested by
4 some of these in-state generators. We have over
5 10,000 employees working for them across the
6 state.

7 So we're just saying that if you're
8 going to use public dollars, which potentially
9 could have an adverse impact on the ratepayer --
10 and I cited some of the previous examples, and
11 that's why we're looking at this from a proactive
12 standpoint rather than a reactive -- then we just
13 need to be cognizant of that and say if you
14 engage in this, then you have to allow access to
15 those lines to these in-state power generators.

16 SENATOR SQUADRON: If the sponsor
17 will continue to yield.

18 ACTING PRESIDENT CROCI: Will the
19 sponsor yield?

20 SENATOR GRIFFO: Yes.

21 ACTING PRESIDENT CROCI: Senator
22 Squadron.

23 SENATOR SQUADRON: Thank you.

24 If there's no capacity on those
25 lines under this scenario, what would the impact

1 be?

2 SENATOR GRIFFO: Mr. President,
3 through you, I don't believe that's an issue,
4 but -- I'm not aware that that is an issue in any
5 way.

6 In fact, as I look at this, when we
7 look at the requirement if we were to -- if NYPA
8 were to engage in some type of contract, what the
9 request would be, it would be in-state power
10 generation, they would have to agree to at least
11 one cutoff, where these in-state power generators
12 can put their power into the line and carry it
13 down to the city.

14 SENATOR SQUADRON: I'm sorry, if
15 the sponsor would just repeat, I apologize.

16 SENATOR GRIFFO: It would at
17 least -- what we're suggesting, it could -- you
18 asked like what it would entail. If NYPA were to
19 engage in a contract, what we're requiring is
20 that they must agree to include at least one
21 cutoff from where the line -- from the line where
22 the in-state power generators would have the
23 opportunity to put their power into this line to
24 carry it down to the city.

25 SENATOR SQUADRON: If the sponsor

1 would continue to yield.

2 SENATOR GRIFFO: Yes.

3 ACTING PRESIDENT CROCI: The
4 sponsor yields.

5 Senator Squadron.

6 SENATOR SQUADRON: And that
7 requirement would exist regardless of the
8 relative cost of the power generated by the
9 in-state power generators and the -- relative to
10 the purchase price in the NYPA contract?

11 SENATOR GRIFFO: I think that
12 that -- Mr. President, through you. Senator
13 Squadron, I think that has to be determined.

14 I think the effort that we're trying
15 to seek here, Senator Squadron, is to ensure we
16 protect the ratepayer, the taxpayer, that we
17 don't want to enable a contract that puts public
18 dollars into something that could potentially
19 increase those rates. So that's the concern that
20 we have using a public benefit authority in this
21 particular instance.

22 If the line -- and as I indicated,
23 there obviously are some concerns and issues with
24 the line from a private perspective, because it's
25 been several years and the costs are staggering.

1 So we're just trying to determine what is the
2 best approach here to deliver the power.

3 And as I indicated to you earlier,
4 there are a number of other possible scenarios
5 and sources that may also exist and that are
6 evolving each and every day of where we can
7 generate and deliver that power to where it's
8 needed, particularly in light of some of the
9 decisions that are being made in facilities such
10 as Indian Point.

11 SENATOR SQUADRON: If the sponsor
12 would continue to yield.

13 SENATOR GRIFFO: Yes.

14 ACTING PRESIDENT CROCI: The
15 sponsor yields.

16 Senator Squadron.

17 SENATOR SQUADRON: So just to be
18 clear -- thanks -- are there any protections in
19 the bill to suggest that this access would only
20 be provided if it were to reduce costs for
21 ratepayers? Or is it an automatic access to this
22 transmission line regardless as to whether that
23 would increase costs for ratepayers?

24 SENATOR GRIFFO: Mr. President,
25 through you. Senator Squadron, there's nothing

1 specific in the bill, but the intent of the bill
2 is to ensure, as I indicated to you, that we try
3 to do whatever is possible to avoid costs that
4 could be passed along ultimately to the
5 ratepayer. That's the goal and the objective.

6 Obviously we want to get the power
7 there, and we want to do it in the most efficient
8 manner possible and the most cost-effective
9 manner possible.

10 SENATOR SQUADRON: On the bill,
11 Mr. President.

12 ACTING PRESIDENT CROCI: Senator
13 Squadron on the bill.

14 SENATOR SQUADRON: Thank you.

15 I really appreciate the sponsor
16 answering the questions. And I actually do
17 better understand the intent of the bill than I
18 did before, so that was -- it was time well
19 spent.

20 I do have an ongoing concern about
21 the bill. While I think it is clear that this
22 bill is not intended to make the \$2.2 billion
23 investment in the Champlain Hudson Power Express
24 moot or lie fallow, which I do appreciate, I
25 think it still does tie the hands of NYPA,

1 obviously -- that's in fact the intent -- and,
2 more importantly, could have the consequence of
3 either increasing costs for ratepayers in places
4 like Long Island and parts of New York State that
5 already have very, very high rates and whose
6 rates need to be protected as Indian Point is
7 phased out, just as the sponsor says.

8 One major concern is we know that a
9 lot of the power that is currently projected to
10 be generated in the upstate part of New York is
11 generated by a set of nuclear generating
12 facilities owned by Exelon -- FitzPatrick, Ginna,
13 and Nine Mile 1 and 2 -- that are currently
14 slated to get up to \$7.6 billion in subsidy over
15 the next decade-plus, dwarfing the \$2.2 billion
16 that we're getting out of this transmission line
17 to access Quebec's power.

18 And to make the downstate region
19 more dependent upon power that requires nearly
20 \$8 billion in subsidy that the ratepayers across
21 the state are going to have to pay, is real
22 concerning. There are lots of different ways to
23 protect ratepayers. To make the ratepayers of
24 Nassau and Suffolk and New York City and the
25 Hudson Valley more dependent on power that

1 requires a subsidy of nearly \$8 billion is not
2 the way to do it.

3 So I do understand and in fact am
4 sympathetic to, having dealt with them a couple
5 of times, the need to hold NYPA's feet to the
6 fire and protect ratepayers when NYPA is involved
7 from time to time. But I have to tell you,
8 protecting ratepayers is not tying the hands of
9 the regulators so that they are required to make
10 a region of the state more dependent on heavily,
11 heavily, heavily subsidized power that is already
12 projected to raise energy costs significantly
13 across the state.

14 So I worry a lot about that. I also
15 do worry about the ability for NYPA to come in,
16 if it needs to, quickly. And for those two
17 reasons, Mr. President, I'll be voting no.

18 I would be interested in working
19 with the sponsor further on ensuring that NYPA
20 doesn't come in and create higher-priced power
21 through its contracting, which I know is a
22 legitimate concern, but also that we do not even
23 further burden the ratepayers across this state
24 with the enormous, enormous subsidy that is
25 currently projected to be driven into a couple of

1 these producers in one region.

2 So I'm a no, Mr. President. Thank
3 you.

4 ACTING PRESIDENT CROCI: Senator
5 Krueger, why do you rise?

6 SENATOR KRUEGER: On the bill,
7 Mr. President.

8 ACTING PRESIDENT CROCI: Senator
9 Krueger on the bill.

10 SENATOR KRUEGER: I also want to
11 thank the sponsor for his answers to the
12 questions my colleague asked of him.

13 But as I listened to him, I was also
14 reading the memo from the Independent Power
15 Producers of New York, who support his bill, and
16 their memo explicitly says the legislation "would
17 prohibit NYPA from contracting for or otherwise
18 buying or requiring electricity or environmental
19 attributes associated with electricity that is
20 transmitted over this type of transmission line."

21 So despite his answer, I actually
22 think it's clear that this bill would prevent
23 this transmission line from going forward. I
24 think that is bad for the State of New York.

25 They also say they are concerned

1 that the import of hydroelectricity from Canada
2 wouldn't meet the clean energy standards and so
3 shouldn't be viewed as sustainable. But when I
4 checked with several people, I was assured that
5 hydroelectric as it exists would meet our clean
6 energy standards.

7 And I know for a fact that the
8 people of New York City -- and the people of
9 Long Island particularly -- desperately need more
10 energy transmission lines and more energy
11 available to them because we are purchasing it at
12 an incredibly high utility cost. And because of
13 the deal that was incorporated through the
14 Governor and not resolved through the budget,
15 taxpayers are in fact footing subsidies of
16 nuclear power. Why? Because supposedly we
17 needed to keep them. Why? Because we didn't
18 have enough energy otherwise. Why? Because
19 we're not producing and transmitting around the
20 state adequate energy. Hence, supply and demand,
21 we are paying higher utility rates than almost
22 anywhere else in the country.

23 I think it's fascinating that the
24 Independent Power Producers of New York oppose
25 this, because they say all these other things

1 could happen without importing some energy from
2 Canada. I've been in this chamber for 15 years
3 wondering why New York State can't seem to
4 modernize its transmission lines, why New York
5 State can't move faster to move into sustainable
6 energy that in fact could be distributed
7 statewide, upstate and downstate, watching
8 New York City put highly environmentally toxic
9 small plants throughout our boroughs because we
10 couldn't get more energy from transmission lines
11 from upstate and Western New York even though we
12 desperately wanted to.

13 So there might be a lot of
14 responsibility to go around as to why in 2017
15 we're asking -- no, we're requiring taxpayers to
16 subsidize old nuclear plants because otherwise we
17 won't enough energy. And there might be many
18 explanations for why New York State's energy
19 producers failed to do their job for decades of
20 not modernizing energy transmission lines so that
21 we could produce energy and sustainable energy in
22 a more-cost effective way throughout the State of
23 New York.

24 All I know is it's 2017. Downstate
25 is desperate for more sustainable energy and the

1 transmission lines to move it to us. And I
2 frankly am not going to lose any sleep about the
3 idea that some of that electricity might start in
4 Canada and run through lines in New York State.
5 So I am not interested in stopping this kind of
6 movement.

7 We need modernization of our
8 transmission-line system in New York State. We
9 are decades behind. We have legal obligations to
10 meet sustainable energy target goals by certain
11 years. And we owe it to the taxpayers of the
12 state to do everything we can to actually lower
13 their cost of electricity.

14 I think this bill, if it became law,
15 would move us in the opposite direction. I'll
16 vote no, Mr. President.

17 Thank you.

18 ACTING PRESIDENT CROCI: Seeing no
19 other members wishing to rise, I would like the
20 Secretary to ring the bell. The debate is
21 closed.

22 Read the last section.

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

25 ACTING PRESIDENT CROCI: Call the

1 roll.

2 (The Secretary called the roll.)

3 ACTING PRESIDENT CROCI: Announce
4 the result.

5 THE SECRETARY: In relation to
6 Calendar 508, those recorded in the negative are
7 Senators Alcantara, Avella, Bailey, Brooks,
8 Comrie, Díaz, Dilan, Felder, Gianaris, Hamilton,
9 Hoylman, Kaminsky, Krueger, Latimer, Montgomery,
10 Peralta, Persaud, Rivera, Serrano, Squadron,
11 Stavisky and Stewart-Cousins.

12 Absent from voting: Senator Golden.

13 Ayes, 37. Nays, 22.

14 ACTING PRESIDENT CROCI: The bill
15 is passed.

16 Senator DeFrancisco.

17 SENATOR DeFRANCISCO: Would you
18 continue reading the controversial calendar.

19 ACTING PRESIDENT CROCI: The
20 Secretary will read.

21 THE SECRETARY: Calendar Number
22 613, by Senator Hannon, Senate Print 2497, an act
23 to amend the Tax Law.

24 ACTING PRESIDENT CROCI: Senator
25 Gianaris, why do you rise?

1 SENATOR GIANARIS: Mr. President, I
2 believe there is an amendment at the desk. I ask
3 that the reading be waived and that Senator --

4 ACTING PRESIDENT CROCI: Senator
5 Gianaris, I have reviewed your amendment already
6 and it is -- I reviewed it very carefully, and it
7 is not germane to the bill.

8 SENATOR GIANARIS: Thank you.

9 ACTING PRESIDENT CROCI: So I'm
10 ruling that it is out of order.

11 SENATOR GIANARIS: Well, that's
12 different than ruling it not germane. I think
13 you're ruling it not germane, is that correct,
14 Mr. President?

15 ACTING PRESIDENT CROCI: It is both
16 not germane and therefore out of order.

17 (Laughter.)

18 SENATOR GIANARIS: Mr. President, I
19 appeal from whichever of those two decisions you
20 would like to have me appeal -- or both, for that
21 matter -- and I would ask that Senator Hoylman be
22 heard on the appeal.

23 ACTING PRESIDENT CROCI: Senator
24 Hoylman.

25 SENATOR HOYLMAN: Thank you,

1 Mr. President.

2 I rise to argue that the amendment
3 is germane and therefore in order.

4 We're talking about personal income
5 taxes here in our amendment before us today.
6 This amendment would reestablish a very important
7 political norm in connection with income taxes,
8 that political norm which every president of the
9 United States since Jimmy Carter followed. They
10 all released their taxes to New Yorkers and the
11 American public before they ran for office.

12 Why is that important? Well, we as
13 New Yorkers should know the financial interests
14 of candidates. That's why all of us fill out
15 financial disclosure forms. And it's more
16 important to even know the financial interests of
17 the president of the United States.

18 First, the president of the
19 United States, which is not widely known, is
20 actually immune from most conflict-of-interest
21 laws. That means that he could make public
22 policy, as they're doing down in Washington
23 today, that could directly conflict with national
24 policy. He could advocate, for example, tax cuts
25 for the very wealthy that might benefit his

1 bottom line. The American people need to know
2 that.

3 Secondly, it's a matter of national
4 security. I would argue, Mr. President, that we
5 need to know the financial entanglements of an
6 individual who has such complex taxes,
7 particularly as it regards domestic and foreign
8 entities.

9 And third, let me say we as
10 New Yorkers have a responsibility to our
11 constituents to set ballot access. We do it all
12 the time. We set ballot requirements for the
13 number of signatures. Well, we can do the same
14 for requiring presidents and vice presidential
15 candidates to release their taxes before they
16 qualify for the ballot in New York State.

17 This amendment, Mr. President, would
18 require all candidates for president or
19 vice president of the United States to release
20 five years' worth of taxes within 50 days of the
21 election. The Board of Election would then
22 publish those returns on a website within 10 days
23 of an election.

24 If a presidential or vice
25 presidential candidate doesn't release their

1 taxes, what happens? They don't qualify for the
2 ballot in New York.

3 I'll tell you something else,
4 Mr. President. New York isn't alone in this
5 effort, although we were the first. Since
6 New York introduced legislation, 28 other states
7 have done the same. This is a national movement.
8 The people have a right to know whether this
9 president is benefiting from federal policy,
10 whether this president is actually creating
11 conflicts of interest, whether this president is
12 putting the national interests behind his own
13 personal ones.

14 I would urge my colleagues to, with
15 all due respect, Mr. President, reject your
16 ruling and support this amendment so we have full
17 presidential tax transparency in the State of
18 New York.

19 Thank you.

20 ACTING PRESIDENT CROCI: Having
21 heard your appeal, I rule that it is not germane
22 to the bill. Appreciate the appeal.

23 All those in favor of overruling the
24 ruling of the chair please signify by saying aye.

25 SENATOR GIANARIS: Show of hands,

1 Mr. President.

2 ACTING PRESIDENT CROCI: A show of
3 hands is ordered.

4 Announce the results.

5 THE SECRETARY: Ayes, 28.

6 ACTING PRESIDENT CROCI: The ruling
7 of the chair stands.

8 Senator DeFrancisco.

9 SENATOR DeFRANCISCO: Can we take
10 up the bill?

11 ACTING PRESIDENT CROCI: Read the
12 last section.

13 THE SECRETARY: Section 3. This
14 act shall take effect on the first of January.

15 ACTING PRESIDENT CROCI: Call the
16 roll.

17 (The Secretary called the roll.)

18 ACTING PRESIDENT CROCI: Announce
19 the result.

20 THE SECRETARY: Ayes, 60.

21 ACTING PRESIDENT CROCI: The bill
22 is passed.

23 SENATOR DeFRANCISCO: Excuse me.

24 Pardon me. I'd like to explain my vote.

25 ACTING PRESIDENT CROCI: I'm sorry.

1 Senator DeFrancisco to explain his vote.

2 SENATOR DeFRANCISCO: In case
3 anyone is out there in the viewing public and
4 wonders what is going on here, I'm sort of
5 wondering myself.

6 The bill we just passed was a bill
7 by Senator Hannon which established a one-time
8 personal income tax credit for up to \$10,000 for
9 the expenses incurred by a resident taxpayer in
10 the course of donating his or her organs for
11 transplantation. What the release of tax returns
12 by presidential candidates has to do with that is
13 beyond me.

14 So I vote yes because it's a
15 phenomenal bill and it's going to help us make
16 more donations in this state and hopefully help
17 those people who are willing to do that, to pay
18 the expenses that they incur for making those
19 donations.

20 Thank you, Mr. President.

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

23 Senator Gianaris.

24 SENATOR GIANARIS: We're in the
25 vote explanation period?

1 ACTING PRESIDENT CROCI: Senator
2 Gianaris to explain his vote.

3 SENATOR GIANARIS: To explain my
4 vote, Mr. President.

5 I just want to point out to my
6 colleague, who I respect greatly, that amendments
7 on bills that are related in our view, but maybe
8 tangentially so, are necessary because the
9 majority refuses to allow proper hearings on
10 these bills where the issues can be hashed out
11 and discussed in public light.

12 And so this is the procedural
13 mechanism that's available to us, and we
14 certainly are going to continue to take advantage
15 of it as we see fit.

16 I vote yes on the underlying bill,
17 Mr. President.

18 ACTING PRESIDENT CROCI: Senator
19 Gianaris recorded in the affirmative.

20 Senator Krueger, why do you rise?

21 SENATOR KRUEGER: Thank you,
22 Mr. President. To explain my vote.

23 I too rise to support the bill and
24 the intention of the bill. And actually one of
25 the arguments for why the hostile amendment was

1 germane was don't we all want to know if we're
2 going to elect someone a president of the United
3 States, whether they might have donated away
4 their heart or their brain before they get to the
5 White House.

6 (Laughter.)

7 ACTING PRESIDENT CROCI: Senator
8 Krueger to be recorded in the negative.

9 Senator Hoylman.

10 SENATOR HOYLMAN: Mr. President, I
11 think it -- I commend Senator Hannon for his bill
12 on organ donation. But I for one would give part
13 of my right lung to see Donald Trump's taxes.

14 (Groans, moans from floor.)

15 ACTING PRESIDENT CROCI: Announce
16 the result, please.

17 THE SECRETARY: Ayes, 60.

18 ACTING PRESIDENT CROCI: The bill
19 is passed.

20 Senator DeFrancisco.

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

23 ACTING PRESIDENT CROCI: No, sir,
24 there is no further business before the desk.

25 SENATOR DeFRANCISCO: In that case,

1 I move to adjourn until Wednesday, May 3rd, at
2 11:00 a.m.

3 ACTING PRESIDENT CROCI: On motion,
4 the Senate stands adjourned until Wednesday,
5 May 3rd, at 11:00 a.m.

6 (Whereupon, at 5:32 p.m., the Senate
7 adjourned.)

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