

1 NEW YORK STATE SENATE

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4 THE STENOGRAPHIC RECORD

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9 ALBANY, NEW YORK

10 March 28, 2018

11 4:05 p.m.

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13
14 REGULAR SESSION

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18 SENATOR ROBERT ORTT, Acting President

19 FRANCIS W. PATIENCE, Secretary

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

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

4 Please rise and stand with me for
5 the Pledge of Allegiance.

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

8 ACTING PRESIDENT ORTT: In the
9 absence of clergy, we'll observe a moment of
10 silence.

11 (Whereupon, the assemblage
12 respected a moment of silence.)

13 ACTING PRESIDENT ORTT: Reading of
14 the Journal.

15 THE SECRETARY: In Senate,
16 Tuesday, March 27th, the Senate met pursuant to
17 adjournment. The Journal of Monday, March 26th,
18 was read and approved. On motion, Senate
19 adjourned.

20 ACTING PRESIDENT ORTT: Without
21 objection, the Journal stands approved as read.

22 Presentation of petitions.

23 Messages from the Assembly.

24 The Secretary will read.

25 THE SECRETARY: On page 28,

1 Senator Murphy moves to discharge, from the
2 Committee on Investigations and Government
3 Operations, Assembly Bill Number 7906 and
4 substitute it for the identical Senate Bill
5 5962, Third Reading Calendar 434.

6 ACTING PRESIDENT ORTT: The
7 substitution is ordered.

8 Messages from the Governor.

9 Reports of standing committees.

10 Reports of select committees.

11 Communications and reports of state
12 officers.

13 Motions and resolutions.

14 Senator DeFrancisco.

15 SENATOR DeFRANCISCO: Yes,
16 Mr. President, can we take up previously adopted
17 Resolution 3874, by Senator Murphy, read it in
18 its entirety, and call on Senator Murphy to
19 speak.

20 ACTING PRESIDENT ORTT: The
21 Secretary will read.

22 THE SECRETARY: Legislative
23 Resolution Number 3874, by Senator Murphy,
24 recognizing March 29, 2018, as Vietnam Veterans
25 Day.

1 "WHEREAS, The State of New York
2 takes great pride in acknowledging days of
3 observance of significant historic events; and

4 "WHEREAS, March 29, 2018, has been
5 declared Vietnam Veterans Day; and

6 "WHEREAS, The United States carried
7 out its first combat mission against the
8 Viet Cong on January 12, 1962; in Operation
9 Chopper, United States Army pilots lifted more
10 than 1,000 South Vietnam service members over
11 jungle and underbrush to capture a National
12 Liberation Front stronghold near Saigon; and

13 "WHEREAS, The last American troops
14 left Vietnam on March 29, 1973; and

15 "WHEREAS, During the 11-year war,
16 Americans from different backgrounds, races, and
17 creeds banded together to fight against the
18 Viet Cong; and

19 "WHEREAS, More than 3 million
20 Americans served their country, and more than
21 58,000 sacrificed their lives; the names of
22 those lost are forever engraved in the black
23 granite Vietnam Memorial in Washington, D.C.;
24 and

25 "WHEREAS, The Vietnam War era was a

1 tumultuous time in America; when our brave
2 service members returned home, often with
3 physical and emotional scars, the voices of those
4 who opposed the war sadly overcame those who
5 supported our troops; and

6 "WHEREAS, The State of New York
7 wishes to show its Vietnam veterans the respect
8 and appreciation they deserve, but did not always
9 get when they returned home; now, therefore, be
10 it

11 "RESOLVED, That this Legislative
12 Body pause in its deliberations to recognize
13 March 29, 2018, as Vietnam Veterans Day, and to
14 thank our brave Vietnam veterans for their
15 honorable service to their country; and be it
16 further

17 "RESOLVED, that copies of this
18 resolution, suitably engrossed, be transmitted to
19 Vietnam veteran organizations."

20 ACTING PRESIDENT ORTT: Senator
21 Murphy on the resolution.

22 SENATOR MURPHY: Mr. President,
23 thank you.

24 I rise today to acknowledge the
25 brave men and women that served in our armed

1 forces during the Vietnam War. As the resolution
2 indicates, there was 58,000 names on the Vietnam
3 Memorial Wall. The men and women among us today
4 are among the ones that actually made it home.
5 For many of them, coming home was the hardest
6 part of their service.

7 This Thursday, March 29th, is our
8 third annual Vietnam Veterans Day in New York
9 State. So today and tomorrow is about them.
10 They volunteered and were drafted into the
11 service. They wore the uniform. They were sent
12 to a faraway place and saw what hell looks like.
13 They came home to a broken country. They endured
14 the dirty looks, the ugly comments, and much more
15 worse.

16 The United States has never been a
17 perfect country, but it is a great country and
18 their service has made the contribution to the
19 greatest country that we all live in. We can't
20 thank you enough.

21 As far as I'm concerned, anybody who
22 serves in the military for the United States of
23 America and fights for our freedom, the red
24 carpet should be rolled out for them when they
25 come home. We should be doing the right things

1 as legislators in the great State of New York to
2 make sure we take care of all of our veterans.
3 The ones that are fighting over there now, let's
4 not forget them. May they come home safe.

5 Mr. President, it is an honor and a
6 privilege to have approximately 40 of our great
7 men and women from the Vietnam veteran era here
8 to be present in the great chamber right here.
9 Thank you. Thank you all. God bless you. Thank
10 you for your service to the great State of
11 New York and the United States of America. It is
12 a privilege to have you all here. I hope you had
13 a wonderful day, and may God bless you and thank
14 you for coming up here.

15 But before I stop, Mr. President, I
16 would just like to acknowledge a few of our own
17 members that serve each and every day right here
18 in the New York State Senate that have served our
19 country.

20 We have our U.S. Commander from the
21 United States Army, Senator Tom Croci. Senator
22 Croci, would you just mind standing?

23 SENATOR CROCI: I'm Navy.

24 SENATOR MURPHY: The Navy, I'm
25 sorry.

1 (Laughter.)

2 SENATOR MURPHY: You're the Army.

3 You're the Army. United States Navy commander.

4 We have Senator Robert Ortt, United
5 States Army first lieutenant, presiding over the
6 floor today.

7 We have U.S. Army Colonel Bill
8 Larkin in the back there.

9 We have a captain from our Air
10 Force, Senator DeFrancisco.

11 We have United States Army Infantry,
12 Senator Marty Golden.

13 We have Senator James Sanders,
14 United States Marine Corps, E-4 infantry.

15 Thank you all for your service. May
16 God bless you.

17 Mr. President, I know we have a few
18 other speakers here. Thank you all for your
19 service. God bless.

20 ACTING PRESIDENT ORTT: Thank you,
21 Senator Murphy.

22 Senator Kennedy on the resolution.

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

25 I rise simply to honor these brave

1 men and women who have served so nobly this great
2 country and to say two simple words: Thank you.
3 Thank you for your service. Thank you for your
4 dedication. Thank you for your sacrifice.

5 Two words that this country sorely
6 needs to continue to provide to you because, as
7 mentioned by Senator Murphy, upon your return
8 home decades ago, it was rare to hear those words
9 of thanks.

10 And our country in so many different
11 ways today is still suffering because of so many
12 of the divisive issues that were dealt with as
13 the war raged on the other side of the globe.
14 We're still healing from that tumultuous time in
15 our nation's history.

16 And I'll tell you, it was only
17 recently that I learned as much as I did about
18 your plight and your brothers' and sisters'
19 plight in Vietnam. I was born in 1976, after the
20 war was over. So for me coming up, hearing about
21 the Vietnam War was a bit of an obscurity. It
22 was just another war that had been fought before
23 I was around, like World War Two and World War
24 One and Korea.

25 Recently I was educated by the

1 extraordinary documentary by Ken Burns, which was
2 over 20 hours long, I believe 10 different
3 episodes. And it showed in gory and graphic
4 detail the horrors of war, specifically the
5 horrors that you had to endure in Vietnam. And
6 it opened my eyes to what could possibly happen
7 if government is run roughshod, if government
8 isn't run with transparency, if government isn't
9 run with honor -- when the people of this great
10 country are told lies, so many different sides.

11 And it is a reminder to us in
12 government at every single level and in society,
13 in this extraordinary unique and great United
14 States of America that we live in -- that you
15 fought for, that you sacrificed for, that you
16 bled for and that many of your brothers and
17 sisters died for -- that we have an obligation to
18 this country and to the people that we serve to
19 do so with honor and respect and dignity. And
20 that is something that each and every one of us
21 has to strive for every day.

22 I am absolutely in awe of each and
23 every one of you Vietnam veterans, of your
24 brothers and sisters that you fought with, of
25 those that paid the ultimate sacrifice, and what

1 you did, how you did it, why you did it and what
2 you dealt with not only while you were there, in
3 country, but when you came home.

4 It is an honor to be in your
5 presence, and I thank you for your service to the
6 greatest country in the history of the world.
7 Thank you, and God bless.

8 ACTING PRESIDENT ORTT: Senator
9 Larkin on the resolution.

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

12 To my colleagues, wherever the hell
13 you are in this building, you should be in this
14 room right now. We're saying thank you to
15 America's bravest.

16 There is no joy in combat. Murphy
17 said that so many times today, I now remembered.
18 But what are we saying? Those of us who were in
19 World War Two and Korea, we thought we were
20 finished, there was no more. And then came
21 Vietnam. And people spit at us. People wouldn't
22 talk to us. People threw stuff at us.

23 Yes, but they damn well didn't take
24 the effort to raise their right hand and say
25 "I'll go." But we went. We went for one reason.

1 We love this damn country of ours, and we're not
2 going to let anybody take us away.

3 Just look at the ages. Anybody over
4 there 80 years of age, stand up. So you want to
5 call me an old man then, huh?

6 (Laughter.)

7 SENATOR LARKIN: I'm very proud of
8 you. I know most of you. Some of us, we
9 soldiered together. Some of us had a glass of
10 water -- and we were in Brooklyn and Marty Golden
11 gave us the water and it turned brown. But we
12 didn't ruin it, we took good care of it.

13 Yes, ladies and gentlemen, they are
14 heroes. They're not just heroes, they're
15 America's finest.

16 You know, when I hear people say,
17 Well, I would have gone, but, you know, I had
18 a -- my left toe was bothering me, I could look
19 at them and say I remember the guy that was in
20 basic training with me, 17 years old. He was
21 old; I was 16. But when the first sergeant said
22 Mitchell got his head blown off today, I cried.
23 You're damn right I cried. Could have been me.

24 When I come home, I saw guys that
25 said, Oh, I was in college, I was doing the best

1 I could to be a teacher. I said you know what?
2 There's a lot of others taught. They taught
3 people that we Americans are not going to be
4 dictated by anybody. We're the greatest nation
5 on this earth.

6 Ladies and gentlemen, please join me
7 in thanking these dedicated men and women, the
8 real heroes of our country.

9 Thank you very much.

10 (Standing ovation.)

11 ACTING PRESIDENT ORTT: Senator
12 Sanders on the resolution.

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

15 First I want to thank the sponsor of
16 this resolution, Senator Murphy, and my fellow
17 vets. Job well done. I'm just having a little
18 difficulty understanding why Senator Golden was
19 giving out brown water. But short of that, I'm
20 sure that that will come to me.

21 My brother, a Marine Corps scuba
22 diver, had a problem when he heard that I was
23 going to join the Marines. He said to me: "If
24 you want to live, you'd better find you a
25 grizzled sergeant, get to him and stick with

1 him." And that was some very, very good advice
2 that he gave me. Because I discovered that that
3 was a generation that came back, and they -- they
4 really earned it. They understood that all gave
5 some, and some gave all that there was to give.

6 I also understand that when we speak
7 of war and peace, we should learn from this war
8 and say that before we spill American blood or
9 treasure, let us make sure that America's
10 interests are under attack. If America's
11 interests are under attack, we should fight
12 quickly, expeditiously, and teach as many lessons
13 as we can. But if they're not, then we should
14 find other ways.

15 Gentlemen, you guys stood on the
16 wall. You guarded it, you made sure that nobody
17 was going to come across there who wanted to
18 bring harm. It was lonely, it was cold, it was
19 raining, it was muddy, it was all of that stuff.
20 And then you had a hard time.

21 But you guarded that wall, and
22 generations after you are guarding that wall, and
23 people are still guarding that same wall.

24 To all of you, I really say thank
25 you. And to the Marines, I say Urra, which is

1 what we do when we go and take care of a little
2 business here and there.

3 I know this. Mr. President, I know
4 that as long as America produces youth who will
5 value freedom more than they will value life,
6 then this noble experiment will continue. And it
7 is an experiment, a very noble one, one that we
8 are playing a part in every day that we do.

9 And part of our part, if you wish,
10 is to make sure that gentlemen like these -- and
11 ladies, I stand corrected -- are taken care of,
12 that their needs are met. That we don't just
13 love them in the theory, but we make sure that we
14 meet their needs as they come home. As we do
15 that, we make sure that we stand with those who
16 are guarding the wall on some far-off soil.

17 So as long as America produces youth
18 in the spirit of these men and women, then the
19 noble experiment will continue. I congratulate
20 you all. I congratulate you for coming up with
21 this idea. It's an excellent idea. And to all
22 of my colleagues in general, and to the veterans
23 in particular, let us stand tall. We have a
24 different wall to guard. Let's make sure that we
25 guard it well every day.

1 Thank you very much, sir.

2 ACTING PRESIDENT ORTT: Senator
3 Marchione on the resolution.

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

6 I first would like to thank Senator
7 Murphy for bringing this forward. Thank you so
8 very much for remembering our Vietnam veterans.

9 As what has been stated here today,
10 it was a really -- not only a very tough war
11 away, but it was very tough when they came home,
12 and I remember that.

13 I want just to reiterate a story to
14 you. During the 50th anniversary, I brought the
15 Vietnam monument to my community and the Town of
16 Halfmoon. And one of the concerns I had was they
17 said you needed to have at least 300 volunteers
18 in order to be able to have the Vietnam Wall come
19 in for a five-or-six-day period. And we said to
20 ourselves, it's really a project we want to do,
21 but can we get 300 people who would be willing to
22 volunteer their time?

23 I want you to know we sent out a
24 survey, as part of a regular survey that we do,
25 and one of the questions was: If we brought in

1 the Vietnam Moving Wall, would you be willing to
2 volunteer? And I want you to know in a week's
3 time we had 750 volunteers who wanted to come pay
4 their -- and do what they could so that the
5 Vietnam Moving Wall could be brought into their
6 community.

7 I think that speaks well that we are
8 no longer this nation who didn't treat you as you
9 needed to be treated, but we are a nation of
10 people who care, who wanted to say thank you, who
11 wanted to say welcome home.

12 So thank you so much for being here
13 today. Thank you for what you have done for our
14 country. We are so proud of you and so very
15 grateful.

16 Thank you, Mr. President.

17 ACTING PRESIDENT ORTT: Senator
18 Akshar on the resolution.

19 SENATOR AKSHAR: Mr. President,
20 thank you very much for your indulgence. On the
21 resolution.

22 Senator Murphy, for your leadership
23 on bringing forth this resolution. I said the
24 other day my most favorite resolution of course
25 was brought forth by Senator Marchione for World

1 Down Syndrome Day. Fellas, this is my second
2 most favorite day in Albany.

3 Colonel Larkin spoke about us being
4 the greatest nation on earth, and no truer words
5 have been spoken. That is very true because of
6 everything that you have done and the sacrifices
7 that you have put forth.

8 All of our veterans deserve our debt
9 of gratitude. But I'm here to say while the
10 Vietnam era was much before my time, you all
11 deserve our deepest debt of gratitude. And I say
12 that because I think about -- and I said this
13 earlier when we were together -- I think about
14 the trials and tribulations that all of you went
15 through specifically when you came home. I'll
16 describe them as this. Uncalled for,
17 disrespectful, and un-American. And I don't have
18 a problem saying that. The way you were treated
19 was un-American.

20 And unfortunately, I think people
21 got caught up in the politics of the war and
22 forgot what was truly important -- the men and
23 women who were fighting for our freedom and for
24 others' freedom, and you coming home.

25 But I want to say this again -- and

1 again, I said it earlier -- your sacrifice, all
2 that you endured during that particular time
3 coming home, I feel very comfortable saying that
4 that has served as an edification for the rest of
5 America today, because we're not seeing that
6 happen. And we are in a much better position
7 today, thanks to your sacrifice, in regards to
8 the way that we treat the men and women who serve
9 this country so selflessly.

10 So today I say thank you as well,
11 along with my colleagues. Welcome home. And we
12 do in fact live in the greatest nation on the
13 face of this earth because of you. Thank you
14 very much.

15 Thank you, Mr. President.

16 ACTING PRESIDENT ORTT: Senator
17 Brooks on the resolution.

18 SENATOR BROOKS: Thank you,
19 Mr. President.

20 Thank you, Senator Murphy, for
21 introducing this resolution.

22 To the veterans, we all still
23 remember well how divided a nation we were during
24 that war. We still remember well the welcome
25 home you didn't receive.

1 As one veteran to another, I say
2 thank you for your service, and welcome home.

3 Thank you, Mr. President.

4 ACTING PRESIDENT ORTT: Thank you,
5 Senator Brooks.

6 Senator Golden on the resolution.

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

9 I rise to thank the Colonel and of
10 course Senator Flanagan, our leader here, and of
11 course Senator Murphy and all of my colleagues
12 that are on this resolution across the aisle and
13 here on this side of the aisle.

14 I will tell you this is a great day
15 to be able to honor our great veterans. And I
16 think the brown water comes from -- I won't go
17 back to the Battle of Brooklyn, but I will go
18 back to that we built the ships in World War One
19 and World War Two and Korea that brought our
20 troops to battle and brought them home.

21 And those that came home, not only
22 did you see -- those that died with you and by
23 your side, they came back through the Brooklyn
24 Army Terminal. And if you were an Army recruit,
25 you got inducted through Fort Hamilton Army Base,

1 and you left through Brooklyn.

2 And luckily many of you came back,
3 and God sent you back. Many of you came back
4 with war injuries, both physically and mental.
5 And it's unfortunate to see how many of our
6 soldiers had died, not only in Vietnam but
7 through all of those wars. And then to come back
8 here and see what they got and happened to them
9 in this nation, and not able to get a job, and
10 the suicide rate the highest that we've ever
11 seen. It was so sad to lose your brother in war
12 and then to come back here and see your brother
13 dying in the street as well. No jobs for them,
14 nobody reaching out to them.

15 Well, we've seen what's happened and
16 we see what's going on today. But this
17 conference here on both sides, both the Assembly
18 and the Senate, we work for our American soldier,
19 to make sure that we have credits for our
20 veterans for jobs, to make sure we're there if
21 they're sick, if they need help and housing, by
22 making sure that we keep our VA hospitals open.

23 We're making sure that our forts are
24 taken care of. They used to be camps many years
25 ago -- Camp Smith, Camp Drum -- today they're

1 forts. And we're making sure that we're
2 supplying money into those forts to keep those
3 forts open, from the State Senate, from the State
4 Assembly and from this Governor, because it's the
5 right thing to do.

6 And our men and women are still
7 dying from unfortunate suicide and opioid
8 addiction, and we're reaching in there as well to
9 make sure that we can help those men and women
10 that are returning that need that help, making
11 sure that they get the jobs, making sure that
12 they get the education that you never got back
13 when you came back here in the '60s and '70s.

14 It's a different world today. And
15 we know what you've suffered, and we learned from
16 it. We still have a lot more to learn. We still
17 have a lot more to do. But I've got to say,
18 without your service and the service of people
19 like Colonel Larkin and the other members here
20 that have served, we wouldn't be living in the
21 greatest state in the greatest nation in the
22 world. Because we are, because of your service
23 and for the men and women that went before you
24 and those that will come after you. That's why
25 this is the greatest country in the world.

1 Thank you for your service. May God
2 bless you. Thank you for being here.

3 ACTING PRESIDENT ORTT: Senator
4 Serino on the resolution.

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

7 And thank you, Senator Murphy. I
8 recognize quite a few of our veterans here today.
9 And I want to say thank you from the bottom of my
10 heart.

11 For the past few years I've been
12 going to the Honor Flight at Stewart Air Force
13 Base with Colonel Larkin, and it's been an
14 amazing experience. In September of 2016, I was
15 an honor guard for a Korean War veteran. But
16 now, as you know because you've been there,
17 they've opened it up to the Vietnam veterans.
18 And I don't know what's more emotional, being
19 there with our veterans from World War Two,
20 Korean War veterans or our Vietnam veterans who,
21 as the Colonel said, were treated horribly when
22 each and every one of you came home.

23 So it's an amazing time. And
24 anytime I speak about veterans or have veterans
25 in the room, I feel that it is my job to tell

1 people to please try and attend these Honor
2 Flights, thank our veterans. And it's the
3 greatest experience in your lifetime, I promise
4 you that.

5 So thank you from the bottom of my
6 heart. Thank you.

7 ACTING PRESIDENT ORTT: Are there
8 any other members who wish to be heard on the
9 resolution? Seeing as there are none, Senator
10 DeFrancisco to close.

11 SENATOR DeFRANCISCO: Thank you,
12 Senator Murphy, Colonel Larkin, and thank you for
13 the veterans that are here today.

14 You know, I've been here 26 years,
15 and I never thought of this before. And I don't
16 know why I thought about it now, but I think it
17 puts a different perspective on what you are and
18 what you've done and what we've benefited from.

19 I've played baseball since I was a
20 kid, a young kid. And on one of those teams way
21 back when, there was a fellow on the team called
22 David Doomis -- a little chubby guy, tough as
23 nails, looked more like a football player. But
24 David would always have a smile on his face,
25 always being ready to joke about something that

1 usually wasn't funny, but he found laughter in
2 everything.

3 So we played ball together up till I
4 think we were 12 or 13 years old, we went our
5 separate ways, separate schools. We still knew
6 each other well during high school and the like.
7 I went off to college, he enlisted in the Army
8 and went to Vietnam.

9 He was wounded in battle twice
10 before he was 21 years old, and kept going back.
11 He served more than one tour of duty. And
12 ultimately he was killed, at age 22.

13 And when I think back about since
14 that time what I've been able to do and what
15 benefits I receive from our military and David
16 Doomis -- things that he never had a chance for.
17 I married my high school sweetheart, we're going
18 to be married 50 years this July. We've had
19 three phenomenal children, eight grandchildren.

20 I've been able to go to college, to
21 law school, served in the Air Force, fortunately
22 not in combat. I've been able to have a
23 political career besides a law practice. All the
24 things that this country offers to those who get
25 the opportunity and take up that opportunity.

1 And David never had that chance.

2 And so to me, that's what this day
3 means and that's what veterans mean to me.
4 Because there's a direct correlation of his
5 sacrifice to what I've been able to do and what
6 everyone in this room has been able to do.

7 So thank you for being here. It's
8 important. Without you, this would not be a
9 resolution that would be so important. And thank
10 you for everything you've done.

11 And as we go forward, my only ask is
12 this, to everybody that's maybe listening
13 somewhere. And that is we have to unify as a
14 country. No matter what our political
15 differences are, we've got to say frequently, and
16 believe it, that this is a great country.
17 Diversity, differences of opinion -- but for
18 crying out loud, we have a country that we should
19 all be proud of. And it's because of the people,
20 the men and women in this room, that serve.

21 So thank you, Mr. President, and God
22 bless all of you.

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

25 To the men and women, the veterans

1 who are here, thank you for your service, your
2 sacrifice. And we extend all the privileges and
3 the courtesies of this house to you. And we say,
4 on behalf of a grateful state and a grateful
5 nation, welcome home.

6 Please rise and be recognized).

7 (Extended standing ovation.)

8 ACTING PRESIDENT ORTT: Senator
9 DeFrancisco.

10 SENATOR DeFRANCISCO:

11 Mr. President, I wish to call up Senate Print
12 7838, by Senator Ritchie, recalled from the
13 Assembly, which is now at the desk.

14 ACTING PRESIDENT ORTT: The
15 previous resolution is open for cosponsorship.
16 All members will be listed as cosponsors. Any
17 member who wishes not to be a cosponsor, please
18 notify the desk.

19 The Secretary will read.

20 THE SECRETARY: Calendar Number
21 554, by Senator Ritchie, Senate Print 7838, an
22 act to amend the Education Law.

23 SENATOR DeFRANCISCO:

24 Mr. President, I now move to reconsider the vote
25 by which this bill was passed.

1 ACTING PRESIDENT ORTT: Call the
2 roll on reconsideration.

3 (The Secretary called the roll.)

4 THE SECRETARY: Ayes, 60.

5 ACTING PRESIDENT ORTT: The bill is
6 restored to its place on the Third Reading
7 Calendar.

8 SENATOR DeFRANCISCO: I now offer
9 the following amendments.

10 ACTING PRESIDENT ORTT: The
11 amendments are received, and the bill shall
12 retain its place on the Third Reading Calendar.

13 SENATOR DeFRANCISCO: Can we now
14 take up a privileged resolution, by Senator
15 Phillips, read it in its entirety, and call on
16 Senator Phillips to speak.

17 ACTING PRESIDENT ORTT: The
18 Secretary will read.

19 THE SECRETARY: Legislative
20 Resolution by Senator Phillips, paying tribute to
21 the life and valiant service of Lieutenant
22 Michael R. Davidson, who died on March 23, 2018.

23 "WHEREAS, Citizens across our state
24 and nation are inspired by and indebted to our
25 valiant firefighters who exhibit courage and

1 bravery every day in the course of their duties;
2 and

3 "WHEREAS, Firefighters exemplify the
4 power of human compassion and the strength of the
5 American spirit through actions of the most
6 heroic magnitude; their sacrifices and their
7 selfless dedication merit tribute and recognition
8 by all citizens of this great country; and

9 "WHEREAS, Lieutenant Michael
10 Davidson of the New York City Fire Department
11 heroically performed, above and beyond the call
12 of duty, those responsibilities which define the
13 task of fire protection; and

14 "WHEREAS, This Legislative Body is
15 moved this day to record the passing of
16 Lieutenant Michael R. Davidson; while responding
17 to an emergency call on March 23, 2018, he made
18 the supreme sacrifice; leaving behind his beloved
19 wife, Eileen, and their four precious children;
20 and

21 "WHEREAS, Having served for
22 Engine 69 like his father, Lieutenant Michael R.
23 Davidson served for 15 years, having been cited
24 four times for bravery life-saving actions; and

25 "WHEREAS, Lieutenant Michael R.

1 Davidson genuinely loved being a firefighter; he
2 was a vital member of the Floral Park community
3 as well as the Harlem-based Engine 69; he
4 volunteered countless hours of service to not
5 only his Floral Park neighbors, but to numerous
6 lives in the State of New York; and

7 "WHEREAS, Known by many as a
8 natural-born leader and one of the finest
9 firefighters in the State of New York, Lieutenant
10 Michael R. Davidson was a cherished member of the
11 Fire Department of New York; and

12 "WHEREAS, Lieutenant Michael R.
13 Davidson's engine team and neighbors feel truly
14 blessed to have known and loved him; he was a
15 devoted father and a beloved husband who
16 dedicated his life to caring for his family; he
17 will be remembered as a warm and caring friend
18 who was always ready to lend a helping hand; and

19 "WHEREAS, Throughout his meritorious
20 life, Lieutenant Michael R. Davidson touched many
21 people through his kindness and commitment to
22 service, and, as we recall the loss of this great
23 man, we memorialize his remarkable life and the
24 enormous impact he had on everyone with whom he
25 came in contact; and

1 "WHEREAS, Having passed too soon,
2 Michael R. Davidson has been posthumously raised
3 to the esteemed ranking of Lieutenant; and

4 "WHEREAS, It is the sense of this
5 Legislative Body to convey its grateful
6 appreciation and heartfelt regret in recognition
7 of a courageous firefighter who dedicated his
8 purposeful life and career in faithful service to
9 his family and community; now, therefore, be it

10 "RESOLVED, That this Legislative
11 Body pause in its deliberations to pay tribute to
12 the life and valiant service of Lieutenant
13 Michael R. Davidson who died on March 23, 2018;
14 and be it further

15 "RESOLVED, That a copy of this
16 resolution, suitably engrossed, be transmitted to
17 the family of Lieutenant Michael R. Davidson."

18 ACTING PRESIDENT ORTT: Senator
19 Phillips on the resolution.

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

22 So today we're here not only to
23 honor the heroes that are here in this Senate
24 chamber today, but also to honor a hero who last
25 Thursday evening gave his life.

1 And I first want to thank my Senate
2 colleagues for yesterday taking that moment of
3 silence.

4 As we discussed yesterday, at
5 10 o'clock yesterday morning, firefighters from
6 across the United States came to pay their
7 tribute to Lieutenant Michael Davidson, who was a
8 15-year veteran of the Fire Department, a --

9 ACTING PRESIDENT ORTT: Can we have
10 some order in the house, please.

11 SENATOR PHILLIPS: Thank you.

12 -- a 15-year veteran, a resident of
13 the Village of Floral Park.

14 As the resolution so clearly says,
15 he was beyond that, though. He was a husband, he
16 was a son from a fire-fighting family. His
17 father worked in the same -- up in Harlem, as
18 with him. His brother is a current firefighter.
19 Husband to Eileen, and a father to four children,
20 ages 7, 6, 3 and 1.

21 And I know I can speak for every
22 person in this Senate chamber today. But can you
23 imagine, can you imagine not having the
24 opportunity to watch these children grow? I
25 can't.

1 So Michael Davidson, a true hero,
2 just like the men and the women here in this
3 audience. Thank you for coming today. And we
4 owe so much dedication and respect to Michael,
5 because he truly is the American hero. We will
6 all mourn his loss. May he rest in peace.

7 Thank you.

8 ACTING PRESIDENT ORTT: Senator
9 Golden on the resolution.

10 SENATOR GOLDEN: I rise to thank
11 Senator Phillips for bringing this resolution to
12 the floor.

13 We spoke about our military units,
14 and now we're speaking about our paramilitary
15 units. And many of the military men and women
16 that returned went into paramilitary units.

17 The Fire Department had a tough time
18 last week; they lost two men in a helicopter
19 accident in Iraq. We had another one die from
20 9/11 that went -- he was the guy that took the
21 boat and took the people off the island and took
22 them to safety on 9/11. And he died from 9/11
23 cancers in Brooklyn this past week. And now
24 we're talking about Michael. Michael, who
25 went -- as every morning, gets up and goes to

1 work, and his wife never knew, he would never
2 know if he'd never come home. You always have
3 that fear, if you're a police officer or a
4 fireman, that someday you may be called and you
5 may not return. Or you'll come back with
6 injuries that are life-threatening and last a
7 lifetime.

8 In this particular case, this young
9 man, four kids, as Senator Phillips has said --
10 his wife fought two battles of cancer, just
11 getting over breast cancer. This family has been
12 pushed right to the very end. And they've never
13 lost their faith, as you could see in
14 St. Patrick's Cathedral, the thousands that came
15 out for this young man.

16 Mike Long, many of you that know
17 him, his son, that was his hose man. They worked
18 together, they were best friends.

19 He's not only a great loss to his
20 family, he's a great loss to his friends, he's a
21 great loss to the fire department, the family of
22 the New York City Fire Department. We lost a
23 great man.

24 We keep him in our prayers. We
25 thank him for his service. And may his life

1 never be forgotten. And this resolution allows
2 him to enter into the history books forever for
3 his service for his city, for his state, for his
4 nation.

5 May God bless him. May God bless
6 his family. And may God bless the City of
7 New York in this tragic loss.

8 Thank you, Senator Phillips. Thank
9 you, my colleagues.

10 ACTING PRESIDENT ORTT: Thank you,
11 Senator Golden.

12 Senator Marchione on the resolution.

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

15 I'd also like to thank Senator
16 Phillips for bringing this resolution.

17 When I first read about this
18 terrible tragedy, I immediately put it out on my
19 Facebook page. Michael is not in my district,
20 but he a fireman who risked his life and lost his
21 life in service to his community. That is
22 something that we should say thank you for no
23 matter where you live, no matter where you come
24 from.

25 I had a brother-in-law who was a

1 firefighter his entire life. And it was during
2 the time when you fought fires from inside the
3 building, and he lost his life tragically at 54
4 to lung disease. He gave his life for his
5 community as this young man did.

6 And I just wanted to rise today to
7 say thank you to him, thank you to the sacrifice
8 that his wife and his family have made, and to
9 wish them Godspeed. Because this is a very
10 difficult tragedy, and I just wanted to express
11 my sincere sorrow.

12 Thank you again, Senator.

13 ACTING PRESIDENT ORTT: Are there
14 any other Senators who wish to be heard on the
15 resolution?

16 Senator Benjamin.

17 SENATOR BENJAMIN: I want to rise
18 to thank Senator Phillips for bringing this
19 resolution.

20 Firefighter Davidson was serving in
21 my district. And I learned about him after this
22 tragedy, found out that he had been cited for
23 bravery four times. This young man was 37 years
24 old, and I'm just -- I'm 41.

25 But he is another American hero for

1 the work that he has done. He was serving people
2 in my district, people who I'm sure he didn't
3 know. He was there because there was a film that
4 was being taped, and a fire broke out. And he
5 represented Engine 69, and he just came out
6 because that's what he did. From what I
7 understand, he was the first to arrive. And I'm
8 sure in a number of other cases he was always the
9 first to arrive.

10 And I just want to say, on behalf of
11 my residents and my district, that we thank him
12 for his service, condolences to his family, and
13 may he rest in peace, but know that he did a lot
14 of good while he was here.

15 And so I want to thank Senator
16 Phillips for bringing this to the floor, and I
17 want to thank Firefighter Davidson for his
18 bravery and heroics that has helped a lot of
19 people's lives.

20 Thank you.

21 ACTING PRESIDENT ORTT: Senator
22 Brooks on the resolution.

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

25 Thank you to Senator Phillips for

1 bringing this resolution.

2 The fire service, in the end, is a
3 band of brothers. The flag at my home is at
4 half-staff right now, and has been. We all
5 recognize the risks that we take when we get on a
6 truck and go into a fire. And as brothers, we
7 pause to remember those who paid the ultimate
8 sacrifice.

9 There are no real words to say and
10 to recognize in this particular incident where he
11 was on the nozzle and got separated. It's a
12 tough situation, a fire is not a comfortable
13 situation to be in. And to get lost in a
14 building is hard.

15 But I want to extend my condolences
16 to the family and to his brother firefighters and
17 mourn the loss of my brother, a fellow
18 firefighter.

19 Thank you.

20 ACTING PRESIDENT ORTT: Any other
21 members who wish to be heard on the resolution?

22 Seeing as there are none, the
23 question is on the resolution. All in favor
24 signify by saying aye.

25 (Response of "Aye.")

1 ACTING PRESIDENT ORTT: Opposed,
2 nay.

3 (No response.)

4 ACTING PRESIDENT ORTT: The
5 resolution is adopted.

6 Mr. Floor Leader.

7 SENATOR DeFRANCISCO: Yes, can we
8 now take up previously adopted Resolution 3773,
9 by Senator Murphy, read it in its entirety, and
10 call on Senator Croci to speak.

11 ACTING PRESIDENT ORTT: The
12 previous resolution is open for cosponsorship.
13 If you would like to be a cosponsor, please
14 notify the desk.

15 The Secretary will read.

16 THE SECRETARY: Legislative
17 Resolution Number 3873, by Senator Murphy
18 recognizing March 30, 2018, as Welcome Home
19 Vietnam Veterans Day.

20 "Whereas, the State of New York
21 takes great pride in commemorating days of
22 recognition for significant historical events;
23 and

24 "WHEREAS, Welcome Home Vietnam
25 Veterans Day will be commemorated on March 30,

1 2018; and

2 "WHEREAS, From 1961 until 1975, in
3 the Republic of South Vietnam, North Vietnamese
4 regular forces and Viet Cong guerilla forces
5 waged an armed conflict with United States armed
6 forces and the army of the Republic of Vietnam;
7 and

8 "WHEREAS, Members of the United
9 States armed forces began serving in an advisory
10 role to the government of the Republic of South
11 Vietnam in 1961; and

12 "WHEREAS, Following the Gulf of
13 Tonkin incidents on August 2nd and 4th of 1965,
14 the Gulf of Tonkin Resolution authorized the
15 president of the United States to pursue war
16 against North Vietnam; and

17 "WHEREAS, American ground combat
18 units arrived in Vietnam in 1965; by 1969, there
19 were approximately 543,000 troops; and

20 "WHEREAS, The Treaty of Paris was
21 signed on January 27, 1973, requiring the release
22 of all American prisoners of war held in North
23 Vietnam and the withdrawal of United States armed
24 forces from South Vietnam; withdrawal was
25 completed on March 30, 1973; and

1 "WHEREAS, Due to the controversy of
2 the war and division in our country, Vietnam
3 veterans did not receive the respect they
4 deserved upon returning home; Welcome Home
5 Vietnam Veterans Day is just one way that a
6 grateful nation is showing its appreciation; now,
7 therefore, be it

8 "RESOLVED, That this Legislative
9 Body pause in its deliberations to recognize
10 March 30, 2018, as Welcome Home Vietnam Veterans
11 Day; and be it further

12 "RESOLVED, That copies of this
13 resolution, suitably engrossed, be transmitted to
14 Vietnam veterans' organizations."

15 ACTING PRESIDENT ORTT: Senator
16 Croci on the resolution.

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

19 And once again, Senator Murphy,
20 thank you for introducing this resolution. I'm
21 very proud to be able to speak on it today on
22 your behalf.

23 First, I must start with an apology
24 to Senator Brooks. I provided the list of our
25 veterans in this chamber to Senator Murphy, and

1 I'd forgotten that Senator Brooks had served as
2 well. So I wanted to make sure Senator Brooks
3 knew that because, Mr. President, these are the
4 days that I am proudest to be a member of this
5 body and in elected office in the Senate, when
6 this chamber shrinks and it doesn't feel so big
7 anymore and it doesn't feel like there are very
8 many differences.

9 Because I believe, and Senator
10 Addabbo believes, as the ranker on the Veterans
11 Committee, that there are some issues that should
12 transcend. Even in these tough times, there are
13 some things that should transcend. And certainly
14 our veterans and the service and recognition of
15 those who served in the Vietnam conflict is one
16 of those things.

17 It's very important, I think, as we
18 talk about what Welcome Home Day should mean, to
19 recognize that there are still many veterans in
20 that conflict and in current conflicts who don't
21 get welcome homes because they deploy in the
22 middle of the night, they deploy their
23 intelligence professionals, their civilians,
24 their military -- and they don't get a welcome
25 home and they know they're never going to get a

1 welcome home.

2 But to our men and women who go
3 overseas in uniform to do the job, we have every
4 generation of warrior in this chamber today, from
5 World War Two and Korea to Vietnam to
6 Afghanistan, the Cold War. Everybody -- all
7 those generations are represented in this chamber
8 today.

9 And the concept of home is one of
10 the reasons that all of us serve. Yes, it's for
11 the Constitution of the United States, of course.
12 Yes, it's for the greatest republic the world has
13 ever known, of course. But for those who have
14 served, they know too well that it is also for
15 your brother to your right and your sister to
16 your left and your family at home and that
17 concept of community.

18 And in this chamber, I've learned a
19 lot about community. We have some communities,
20 some Senate districts that take six hours to
21 drive across, and there are some that it's
22 six minutes on two subway stops. And that's --
23 that's what I've learned in this chamber about
24 community.

25 So when the welcome home comes from

1 your community, it means a lot. There was a
2 commercial many years ago, I don't remember what
3 company did it -- I think it was around the Super
4 Bowl -- where there's a couple of soldiers
5 walking through the airport and they're in their
6 uniform, they've just come home from the
7 deployment, and that 1980s slow clap starts for
8 them. And pretty much the entire airport then
9 erupts into applause for returning soldiers.

10 I don't know about you, but that's
11 the kind of thing that chokes me up and motivates
12 me. These gentlemen didn't get that. And there
13 probably are a lot of really heartfelt reasons
14 why people thought that the men and women who are
15 on the pointy edge of the spear were somehow
16 responsible for it. But as we know from the
17 Vietnam conflict, which the first troops went in
18 under one president and four presidents later,
19 there were still men and women going to serve in
20 Vietnam -- none of those men ever sat in the
21 National Security Council and determined what to
22 do with regard to sending, committing forces into
23 Southeast Asia. Their job was to protect and
24 defend the Constitution of the United States with
25 their very lives, to volunteer in some cases, to

1 be volun-told, in other cases, as it was with the
2 draft. But they went.

3 And I am gratified that in every
4 generation since the Revolutionary War, including
5 the American Civil War, our bloodiest and most
6 costly war, that men and women have raised their
7 right hand, have taken the oath and have gone off
8 to fight.

9 I don't know if all of you have had
10 the opportunity to get a welcome home in an
11 airport subsequently. There are many trips now
12 where charities and government are taking Vietnam
13 veterans to Vietnam. And as they come home,
14 veterans groups will meet them at the airport and
15 welcome them home. Today this is your welcome
16 home.

17 The last thing I just want to
18 compliment this generation of warrior on is
19 regardless of the treatment that they received
20 when they returned home, they have pledged that
21 no generation subsequently will ever face that.
22 And that no veteran who served will ever go
23 without the honor and recognition that they
24 deserve.

25 And we see that in their services at

1 funerals for our veterans. We see that as they
2 counsel and work with our prison population, the
3 Vietnam Veterans of America are working with our
4 prisoners today, in jail, helping veterans who
5 have posttraumatic stress disorder. Regardless
6 of the treatment, you decided that it was your
7 mission to give back and to make sure that never
8 happened again.

9 Welcome Home day is for you. Not
10 just your welcome home from service, but a great
11 debt of gratitude that we owe you for paying
12 forward what you never received.

13 So, Mr. President, I'm so privileged
14 to be able to speak on Senator Murphy's behalf on
15 this resolution. I want to thank every member in
16 this chamber for the way that you embrace
17 veterans and the way sometimes we forget about
18 elections and we think more about the
19 Constitution and the system of government that
20 allows us to have those elections every year.

21 Thank you, Mr. President.

22 ACTING PRESIDENT ORTT: Are there
23 any other members who wish to speak on the
24 resolution?

25 Seeing as there are none, Senator

1 DeFrancisco.

2 SENATOR DeFRANCISCO: Can we open
3 it open up for cosponsorship, please.

4 ACTING PRESIDENT ORTT: The
5 Resolution is open for cosponsorship. Any member
6 wishing to be a cosponsor will notify the desk.

7 SENATOR DeFRANCISCO: Can we now
8 take up previously adopted Resolution 4296, by
9 Senator Boyle, read the title only, and call on
10 Senator Boyle to speak.

11 ACTING PRESIDENT ORTT: The
12 Secretary will read.

13 THE SECRETARY: Legislative
14 Resolution Number 4296, by Senator Boyle,
15 commending the New York State Ancient Order of
16 Hibernians and the New York State Ladies Ancient
17 Order of Hibernians upon the occasion of honoring
18 Ireland's 1918 Freedom Mandate, in remembrance of
19 the 1916 Easter Rising.

20 ACTING PRESIDENT ORTT: Senator
21 Boyle on the resolution.

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

24 I rise to briefly commemorate this
25 resolution and to thank the New York State

1 Ancient Order of Hibernians, its president Vic
2 Vogel, and women's president, Jacqueline Clute.

3 It names April 24, 2018, as the
4 hundredth anniversary of the Freedom Mandate in
5 Ireland. Ireland in 1918 was not a free country
6 but was ruled by the British. Two years earlier,
7 in 1916, a group of Irish nationalists staged a
8 rebellion for the establishment of the Irish
9 Republic. It's known by many of us as the Easter
10 Rebellion, the Easter Rising, in 1916.

11 The very idea at the time of Ireland
12 becoming a free country did not have popular
13 support, even by the politicians. That's what
14 people thought. However, in 1918, in a British
15 general election, Ireland voted the Mandate for
16 Freedom by electing an overwhelming majority of
17 representatives who pledged to go to the free
18 Irish Parliament, the Dail Eireann, rather than
19 go to Westminster.

20 They elected candidates, many of
21 whom were arrested and imprisoned in
22 establishment of the first Dail Eireann, and
23 issued Ireland's first declaration of
24 independence.

25 The vote of 1918 was historic

1 because Irish people voted by popular mandate for
2 freedom and independence. This led, within a few
3 years, to Ireland's independence. That is why we
4 rise today to commemorate the 1918 Freedom
5 Mandate and to thank the Ancient Hibernians for
6 championing it.

7 Thank you, Mr. President.

8 ACTING PRESIDENT ORTT: Senator
9 Kennedy on the resolution.

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

12 First of all, let me thank my
13 colleague Senator Boyle for bringing this
14 important resolution to the floor today honoring
15 the New York State Ancient Order of Hibernians
16 and the New York State Ladies Ancient Order of
17 Hibernians on the 100th anniversary of Ireland's
18 1918 Freedom Mandate.

19 As mentioned, the history of Ireland
20 is a difficult one. And for centuries the
21 oppression from the British ultimately culminated
22 in many, many different rebellions and uprisings,
23 including one just over a hundred years ago on
24 Easter Monday, 1916, at the General Post
25 Office -- to which, I may add, a flag that flew

1 over the GPO on that fateful day during that
2 battle is located now at the American Irish
3 Historical Society on Park and 85th, across from
4 the Met.

5 Now, that battle ultimately had been
6 criticized by the populace in Ireland they said
7 here we go again, another rebellion. But shortly
8 thereafter, when the rebels were jailed and
9 surrendered in prison and ultimately executed by
10 the Crown, it galvanized the Irish people,
11 resulting, in 1918, in the historic election
12 calling for freedom and independence once and for
13 all.

14 And one cannot understand today's
15 freedoms that the Irish have and the Brexit vote
16 that ensued in the North and in Western Europe
17 and the difficulties that the countries face
18 today, based upon many different votes, without
19 understanding the significance of that vote a
20 hundred years ago this year.

21 And so much has been done, so many
22 lives were lost, so much blood was shed. But
23 ultimately freedom, independence and democracy
24 has prevailed.

25 In 1916 when Patrick Pearse, on the

1 steps of the GPO, read the Irish Proclamation,
2 there was one country other than Ireland itself
3 that was mentioned, and that was the United
4 States of America. And the freedoms that are
5 established in Ireland today are a result,
6 unquestionably, of the unique relationship
7 between not only the United States and Ireland,
8 but also, especially uniquely, New York State and
9 Ireland. James Connolly, one of the Irish rebels
10 who was put to death following the uprising,
11 resided right here in our state's capital. So
12 many others not only spent time here in the
13 capital, but in the great City of New York as
14 well, galvanizing the Irish people that had fled
15 the bloodshed and the oppression to seek a better
16 life in our nation.

17 So once again, we honor the Ancient
18 Order of Hibernians and the Ladies Ancient Order
19 of Hibernians on all of their great work on
20 keeping the stories, the history, and of course
21 the great Irish culture alive each and every day
22 throughout the years.

23 Thank you, Mr. President.

24 ACTING PRESIDENT ORTT: Thank you,
25 Senator Kennedy.

1 Senator Golden on the resolution.

2 SENATOR GOLDEN: I want to thank
3 Senator Boyle and Senator Kennedy for their
4 oratory on this great, great issue and the
5 similarities between this great nation and the
6 great nation of Ireland.

7 I am a card-carrying member of the
8 Ancient Order of Hibernians. And I've got to
9 tell you, they are a strong group, a great group.
10 My brother is the Golden School of Irish Dance,
11 my sister plays with Cherish the Ladies, an Irish
12 group. And my parents, when they came to this
13 country, brought that Irish culture and that
14 Irish tradition here. And the two organizations
15 that we were brought up to actually join was the
16 Holy Name, the Knights of Columbus, and a third
17 organization, the Ancient Order of Hibernians.
18 Eight of us born in 10 years. Every one of us
19 had to play some type of an Irish instrument or
20 do the Irish dances.

21 I will tell you that the Ancient
22 Order of Hibernians today -- I will be honoring
23 them this Saturday in Garrison Beach at their
24 parade, for the great works that they've been
25 able to do in helping to build communities. And

1 they've helped build this great city to what it
2 is, the great City of New York, this great state
3 and this great nation. And the similarities
4 between this country and how we fled England, and
5 we created this great country, one great country
6 under God -- that's what we did here, and that's
7 what Ireland did, under God and under freedom of
8 their country.

9 And the Ancient Order of Hibernians
10 have very strongly fought for those causes. And
11 today, regardless of what culture or where you
12 come from, we still live in the greatest nation
13 in the world, where the contributions that the
14 Irish have given to this nation could never be
15 forgotten.

16 And for that I thank Senator Boyle
17 and I thank Senator Kennedy and all of my
18 colleagues for that resolution today honoring the
19 great Ancient Order of Hibernians and the Ladies
20 Ancient Order of Hibernians.

21 Thank you.

22 ACTING PRESIDENT ORTT: Seeing as
23 there are no other members wishing to be heard on
24 the resolution, Senator DeFrancisco.

25 SENATOR DeFRANCISCO: Yes, it was

1 previously adopted. Could you please open it up
2 for cosponsorship?

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

6 Senator DeFrancisco.

7 SENATOR DeFRANCISCO: Now can we
8 take up the noncontroversial reading of the
9 calendar, please.

10 ACTING PRESIDENT ORTT: The
11 Secretary will read.

12 THE SECRETARY: Calendar Number
13 403, by Senator Serino, Senate Print 7171, an act
14 to amend the Mental Hygiene Law.

15 ACTING PRESIDENT ORTT: Read the
16 last section.

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

19 ACTING PRESIDENT ORTT: Call the
20 roll.

21 (The Secretary called the roll.)

22 ACTING PRESIDENT ORTT: Announce
23 the result.

24 THE SECRETARY: Ayes, 61.

25 ACTING PRESIDENT ORTT: The bill is

1 passed.

2 THE SECRETARY: Calendar Number
3 434, substituted earlier by Member of the
4 Assembly Schimminger, Assembly Print 7906, an act
5 to amend Chapter 297 of the Laws of 2016.

6 ACTING PRESIDENT ORTT: Read the
7 last section.

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

10 ACTING PRESIDENT ORTT: Call the
11 roll.

12 (The Secretary called the roll.)

13 ACTING PRESIDENT ORTT: Announce
14 the result.

15 THE SECRETARY: Ayes, 61.

16 ACTING PRESIDENT ORTT: The bill is
17 passed.

18 THE SECRETARY: Calendar Number
19 474, by Senator Griffo, Senate Print 2728, an act
20 to amend the Penal Law.

21 ACTING PRESIDENT ORTT: Read the
22 last section.

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

25 ACTING PRESIDENT ORTT: Call the

1 roll.

2 (The Secretary called the roll.)

3 ACTING PRESIDENT ORTT: Senator
4 DeFrancisco to explain his vote.

5 SENATOR DeFRANCISCO: Yes, I have
6 nothing against an employee of a secure or
7 limited secure residential facility licensed,
8 certified or operated by the Office of Children
9 and Family Services. Nor do I have anything
10 against the sponsors, Senator Griffo or Senator
11 Avella.

12 But basically what the bill does is
13 add another group in that when an assault takes
14 place, it would go from Assault 3 to an
15 Assault 2. Let me list some of the members of
16 the group. Just so you know, the group is almost
17 already encompassing the whole population of the
18 State of New York and I think we just need to
19 change the statute for everybody, not have
20 special categories.

21 An assault goes from an Assault 3 to
22 an Assault 2 -- I can understand registered
23 nurse, licensed practical nurse, public health
24 sanitarian, New York City public health
25 sanitarian, sanitation enforcement agent,

1 New York City sanitation worker, and it goes on
2 and on and on.

3 I'm sure there's many people in the
4 state that are just as valuable as the people
5 that we're trying to add onto this increase in
6 penalty. And I think why don't we just increase
7 the penalty rather than keep adding people to a
8 protected class, especially when the people in
9 the protected class are going to be the entire
10 population before I retire.

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

13 ACTING PRESIDENT ORTT: Senator
14 DeFrancisco to be recorded in the negative.

15 Senator Krueger to explain her vote.

16 SENATOR KRUEGER: Thank you.

17 I appreciated Senator DeFrancisco's
18 explanation of his no vote.

19 I'm also voting no, but I just want
20 to add another reason I'm voting no. It actually
21 takes young people who are in OCFS facilities and
22 moves them to a status where they could be found
23 guilty of a felony and moved to adult prison.

24 And I think it's been clear for many
25 years that the direction the state should

1 continue to go in is to not continue to
2 incarcerate more and more young people in our
3 adult prisons. So clearly there is a problem
4 sometimes in these facilities for troubled young
5 people. But a bill that expands the category of
6 assault to a felony and risks moving people,
7 young people out of a juvenile detention system
8 into an adult prison system is not justified in
9 these situations.

10 So there are two different reasons
11 people can choose to vote no today.

12 Thank you, Mr. President.

13 ACTING PRESIDENT ORTT: Thank you,
14 Senator Krueger.

15 Senator Krueger to be recorded in
16 the negative.

17 Announce the result.

18 THE SECRETARY: In relation to
19 Calendar 474, those recorded in the negative are
20 Senators Benjamin, Breslin, Comrie, DeFrancisco,
21 Gianaris, Hoylman, Kavanagh, Krueger, Montgomery,
22 Parker and Sanders. Also Senator Rivera.

23 Ayes, 49. Nays, 12.

24 ACTING PRESIDENT ORTT: The bill is
25 passed.

1 THE SECRETARY: Calendar Number
2 560, by Senator DeFrancisco, Senate Print 3136,
3 an act to amend the Real Property Tax Law.

4 ACTING PRESIDENT ORTT: Read the
5 last section.

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

8 ACTING PRESIDENT ORTT: Call the
9 roll.

10 (The Secretary called the roll.)

11 THE SECRETARY: Ayes, 60. Nays, 1.
12 Senator Montgomery recorded in the negative.

13 ACTING PRESIDENT ORTT: The bill is
14 passed.

15 THE SECRETARY: Calendar Number
16 573, by Senator Avella, Senate Print 1428, an act
17 to establish.

18 ACTING PRESIDENT ORTT: Read the
19 last section.

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

22 ACTING PRESIDENT ORTT: Call the
23 roll.

24 (The Secretary called the roll.)

25 ACTING PRESIDENT ORTT: Announce

1 the result.

2 THE SECRETARY: Ayes, 59. Nays, 2.
3 Senators Akshar and Funke recorded in the
4 negative.

5 ACTING PRESIDENT ORTT: The bill is
6 passed.

7 THE SECRETARY: Calendar Number
8 598, by Senator Marchione, Senate Print 7751, an
9 act to amend the Real Property Law.

10 ACTING PRESIDENT ORTT: Read the
11 last section.

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

14 ACTING PRESIDENT ORTT: Call the
15 roll.

16 (The Secretary called the roll.)

17 ACTING PRESIDENT ORTT: Announce
18 the results.

19 THE SECRETARY: Ayes, 61.

20 ACTING PRESIDENT ORTT: The bill is
21 passed.

22 THE SECRETARY: Calendar Number
23 612, by Senator Boyle, Senate Print 3945A, an act
24 to amend the Alcoholic Beverage Control Law.

25 SENATOR DeFRANCISCO: Lay the bill

1 aside for the day.

2 ACTING PRESIDENT ORTT: The bill is
3 laid aside for the day.

4 THE SECRETARY: Calendar Number
5 678, by Senator Valesky, Senate Print 3849, an
6 act to amend the Local Finance Law.

7 ACTING PRESIDENT ORTT: Read the
8 last section.

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

11 ACTING PRESIDENT ORTT: Call the
12 roll.

13 (The Secretary called the roll.)

14 ACTING PRESIDENT ORTT: Announce
15 the results.

16 THE SECRETARY: Ayes, 61.

17 ACTING PRESIDENT ORTT: Can we have
18 some order in the chamber, please.

19 The bill is passed.

20 THE SECRETARY: Calendar Number
21 690, by Senator Marcellino, Senate Print 6090, an
22 act to amend the Education Law.

23 ACTING PRESIDENT ORTT: Read the
24 last section.

25 THE SECRETARY: Section 2. This

1 act shall take effect immediately.

2 ACTING PRESIDENT ORTT: Call the
3 roll.

4 (The Secretary called the roll.)

5 ACTING PRESIDENT ORTT: Announce
6 the result.

7 THE SECRETARY: Ayes, 60. Nays, 1.
8 Senator DeFrancisco recorded in the negative.

9 ACTING PRESIDENT ORTT: The bill is
10 passed.

11 THE SECRETARY: Calendar Number
12 711, by Senator Phillips, Senate Print 3632A, an
13 act to amend the Criminal Procedure Law.

14 ACTING PRESIDENT ORTT: Read the
15 last section.

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

18 ACTING PRESIDENT ORTT: Call the
19 roll.

20 (The Secretary called the roll.)

21 ACTING PRESIDENT ORTT: Announce
22 the result.

23 THE SECRETARY: In relation to
24 Calendar 711, those recorded in the negative are
25 Senators Bailey, Dilan, Hoylman, Kavanagh,

1 Krueger, Montgomery, Parker, Rivera and Sanders.

2 Ayes, 52. Nays, 9.

3 ACTING PRESIDENT ORTT: The bill is
4 passed.

5 That completes the noncontroversial
6 reading of the calendar.

7 Senator DeFrancisco.

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

10 Is there any further business at the
11 desk?

12 ACTING PRESIDENT ORTT: There is no
13 further business at the desk.

14 SENATOR DeFRANCISCO: That being
15 the case, I move to adjourn until Thursday,
16 March 29th, at 12:00 noon.

17 And conference for the Republicans
18 will be at 11:00 a.m. and also immediately
19 following session this evening.

20 ACTING PRESIDENT ORTT: On motion,
21 the Senate stands adjourned until Thursday,
22 March 29th, at 12:00 noon.

23 (Whereupon, at 5:17 p.m., the Senate
24 adjourned.)

25