

1 NEW YORK STATE SENATE

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4 THE STENOGRAPHIC RECORD

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9 ALBANY, NEW YORK

10 May 9, 2018

11 11:21 a.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 Senate
3 will come to order.

4 I would ask everyone present to
5 please rise and recite with me the Pledge of
6 Allegiance.

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

9 ACTING PRESIDENT CROCI: With us
10 today is Chaplain Donald Carrothers, who will be
11 delivering the invocation. He's the chaplain for
12 the United States Corps of Cadets, West Point,
13 New York.

14 Chaplain Carrothers.

15 CHAPLAIN CARROTHERS: Thank you.

16 Allow me to voice a prayer for us.

17 O God, long before we were a nation,
18 many people in this area we now call New York
19 looked to You for inspiration and guidance. As
20 the founders of our nation began to dream of
21 independence, they also looked to You for
22 inspiration and guidance. They even wrote, in
23 our Declaration of Independence: "We hold these
24 truths to be self-evident, that all men are
25 created equal, that they are endowed by their

1 creator with certain unalienable rights; that
2 among these are life, liberty and the pursuit of
3 happiness. That to secure these rights,
4 governments are instituted among men, deriving
5 their just powers from the consent of the
6 governed."

7 O God, even though at many times we
8 as a nation have failed to live up to these
9 values, I pray that You will forgive us for those
10 failures and continue to empower us to make
11 change and to strive to live to these goals.

12 Today, God, I ask Your blessings on
13 the New York State Assembly and the Senate. I
14 ask that these members would be aware of Your
15 presence through all their ordeals, through all
16 the things that come before them and the
17 decisions that they make. Bless this body today
18 as they represent their voters' dreams and hopes
19 for a better life.

20 At West Point in our prayers in our
21 chapels we pray, in cadet chapel, the cadet
22 prayer that says some of these words: Encourage
23 us in our endeavor to live above the common level
24 of life. Make us to choose the harder right
25 instead of the easier wrong, and never to be

1 content with a half truth when the whole can be
2 won.

3 O God, I ask You to continue to
4 guide these men and women to rise above such
5 common human desires as selfish ambition,
6 personal profit, party betterment at all costs,
7 self-promotion, and presenting half-truths as the
8 whole truth.

9 O God, allow this group of men and
10 women to find the inspiration and the guidance in
11 You that generations of New Yorkers have done in
12 the past and that generations continue to do
13 today. Continue to bless our nation with Your
14 grace and Your favor.

15 Amen.

16 ACTING PRESIDENT CROCI: Thank you,
17 Chaps.

18 The reading of the Journal.

19 THE SECRETARY: In Senate, Tuesday,
20 May 8th, the Senate met pursuant to adjournment.
21 The Journal of Monday, May 7th, was read and
22 approved. On motion, Senate adjourned.

23 ACTING PRESIDENT CROCI: Without
24 objection, the Journal stands approved as read.

25 Presentation of petitions.

1 Messages from the Assembly.
2 Messages from the Governor.
3 Reports of standing committees.
4 Reports of select committees.
5 Communications and reports from
6 state officers.
7 Motions and resolutions.
8 Senator DeFrancisco.
9 SENATOR DeFRANCISCO:
10 Mr. President, can we take up previously adopted
11 Resolution 5050, by Senator Larkin, read it in
12 its entirety, and call on Senator Larkin to
13 speak.
14 ACTING PRESIDENT CROCI: The
15 Secretary will read.
16 THE SECRETARY: Legislative
17 Resolution Number 5050, by Senator Larkin,
18 memorializing Governor Andrew M. Cuomo to
19 proclaim May 9, 2018, as West Point Day in
20 New York State.
21 "WHEREAS, This Legislative Body is
22 justly proud to celebrate the establishment of
23 the United States Military Academy at West Point
24 and to call upon Governor Andrew M. Cuomo to
25 proclaim May 9, 2018, as West Point Day in the

1 State of New York; and

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

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

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

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

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

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

25 "WHEREAS, The United States Military

1 Academy is in the forefront of our state's
2 outstanding institutions of higher learning; and

3 "WHEREAS, Sixty-six years ago, the
4 late James T. McNamara, then a member of the
5 New York State Assembly, and a member of the
6 academy's class of 1939, was the author of the
7 State Legislature's first 'West Point Day'
8 resolution; and

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

14 "WHEREAS, The members of this
15 Legislative Body are proud to commemorate this
16 event, marking May 9, 2018, as West Point Day in
17 New York State, and to welcome the following
18 senior personnel from the United States Military
19 Academy in attendance: Brigadier General Cindy
20 Jebb, Dean of the Academic Board; Lieutenant
21 Colonel Donald Carrothers, West Point Chaplain;
22 Lieutenant Colonel Chevelle Thomas, West Point
23 Public Affairs; Captain Josh Kim, Officer in
24 Charge of Cadets; Sergeant Major U.S. Army
25 (retired) David Brzywczy, West Point Public

1 Affairs; Mr. Brian Ilyankoff, West Point
2 Photographer; and the cadets in attendance:
3 First Captain Simone Askew, Cadet Katrina
4 Josberger, Cadet Daniel Pryor, Cadet Andrew
5 Newton, Cadet Courtney Hill, Cadet Jung-Min Lee,
6 Cadet Alexander Leist, Cadet Rhianna Lichtenthal,
7 Cadet Caroline McCusker, and Cadet Stephanie
8 McDermott; now, therefore, be it

9 "RESOLVED, That this Legislative
10 Body pause in its deliberations to celebrate the
11 establishment of the United States Military
12 Academy at West Point and to memorialize Governor
13 Andrew M. Cuomo to proclaim May 9, 2018, as
14 West Point Day in New York State; and be it
15 further

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

20 ACTING PRESIDENT CROCI: Senator
21 Larkin.

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

24 Ladies and gentlemen of the chamber
25 and the balconies, I ask you to rise and give a

1 welcome to the Capitol of the future leaders of
2 America, West Point.

3 (Standing ovation.)

4 SENATOR LARKIN: Thank you very
5 much.

6 You know, I live next door to
7 West Point, so I watch you all the time.

8 General Jebb, what a pleasure it is
9 to see you. We used to see one another quite a
10 bit because her children and my grandchildren
11 went to school together in Cornwall.

12 Ladies and gentlemen, this is a
13 great day in our life. And everybody here,
14 elected or not, should be in this chamber sitting
15 down, giving respect to those who will be willing
16 to place their life on the line for the
17 protection of this great country.

18 The leadership of West Point, second
19 to none. Sixteen thousand applications this year
20 for 1,000 seats. That says that we are looking
21 for the best of the best. And ladies and
22 gentlemen, we beat Navy twice.

23 (Laughter; applause.)

24 SENATOR LARKIN: I've never read a
25 speech before, and I'm not going to start now.

1 But just think about what West Point means to us.
2 You know, it isn't about basketball, lacrosse,
3 football, whatever. It's raising that right hand
4 the day you get there as a plebe, and you say: I
5 will serve my country.

6 Millions of people in America, but
7 they have not had the heart. When somebody says
8 to me, "Oh, he went to West Point," I say, No, it
9 isn't he went to the West Point -- that
10 individual went, whether it was male or female.
11 And it was the heart and soul of someone who said
12 "I love this country, and I will do everything to
13 stand up for it."

14 Senator Breslin stands here. We met
15 with his brother this morning; I gave him some
16 instructions for you. The Class of '61, Vietnam
17 combat. When it comes to your home, you start to
18 understand what it's all about.

19 In 23 years, I served with
20 West Point cadets, graduates. I was their buddy,
21 their supervisor, and their leader. And in
22 23 and a half years, I can tell you that I was
23 proud to serve with the Long Gray Line.

24 You, ladies, gentlemen, have chosen
25 to help us, to let the rest of the world say, We

1 are a country united and we are protected by the
2 members of the armed forces.

3 In two weeks, graduation will be
4 here, and some of these people will go off --
5 anybody going to the First Cav? 25th Infantry
6 Division? Second Armored Division?

7 (Laughter.)

8 SENATOR LARKIN: I guess I lost; I
9 was in those three.

10 Ladies and gentlemen, I don't want
11 to delay you here, because others would like to
12 tell their cadet what they believe in them. I
13 can go back a few years to John's late father,
14 and he always said something about West Point
15 because he respected them, and duty, honor and
16 country.

17 General Jebb, thank you very much
18 for your leadership. The function of the dean of
19 the Academy has a tremendous responsibility. And
20 the team that she has here with her today says
21 very clearly: We are leaders, and developing
22 leaders of the future.

23 Mr. President, thank you very much.

24 (Extended standing ovation.)

25 ACTING PRESIDENT CROCI: Thank you,

1 Colonel Larkin.

2 Members of the Senate, ladies and
3 gentlemen, I have the high honor to introduce the
4 14th dean of the Academic Board at the United
5 States Military Academy at West Point, Brigadier
6 General Cindy Jebb.

7 BRIGADIER GENERAL JEBB: Majority
8 Leader Flanagan; Senator Larkin, sir -- my
9 neighbor, World War II veteran -- thank you for
10 your tremendous public service and for being a
11 role model and an inspiration through your
12 lifetime of service. You honor us here today;
13 members of this distinguished Senate, good
14 morning and thank you for having us here today.
15 It truly is an honor to address you this morning.

16 And on behalf of our superintendent,
17 the entire staff, faculty and Corps of Cadets of
18 the United States Military Academy, we thank you
19 for this tremendous recognition.

20 I'm pleased to be here representing
21 the Academy, along with Cadet Simone Askew, the
22 First Captain for the Corps of Cadets, and nine
23 cadets from across New York, representing more
24 than 4,000 members of the Corps of Cadets, 273 of
25 whom call the Empire State their home.

1 Since the days of the American
2 Revolution, the United States Army has had a
3 strong presence in New York, to include
4 West Point, in its early days as a strategic
5 garrison in the fight against the British in the
6 defense of the American colonies. New York State
7 enjoys a rich history of military service, with
8 many New Yorkers serving throughout our nation's
9 history with valor and distinction, and some
10 making the ultimate sacrifice.

11 Our mission at West Point is to
12 develop the leaders of character who prepare to
13 fight and win our nation's wars. We couldn't do
14 this without the tremendous support of the
15 New York State Legislature and our neighboring
16 communities. And on behalf of the West Point
17 community, we greatly appreciate that support.

18 We are committed to being good
19 neighbors with towns and communities across the
20 state, and we're always looking for ways to
21 connect and build relationships and partner
22 together on opportunities that will not only
23 enhance the cadet development at West Point, but
24 also benefit the community as well.

25 These young men and women with me

1 today represent what's been referred to as the
2 9/11 generation, and they represent the very best
3 of America. They are a generation of men and
4 women who have only known our nation at war, and
5 they have volunteered to serve knowing full well
6 that they could be sent into harm's way. They
7 desire to serve something larger than
8 themselves -- our nation.

9 That desire to serve echoes the
10 actions of those who served before them. They
11 understand service, and they understand
12 sacrifice. Our graduates are entering a complex
13 and uncertain world -- issues of climate change,
14 mass migrations, rampant urbanization, extremist
15 ideology, to name a few, as well as advances in
16 genomics, robotics and other technologies, all of
17 which affect the human condition -- present our
18 graduates with complexities, ambiguities and
19 threats that we have yet to imagine.

20 We as a nation are entering an
21 unprecedented time of change and uncertainty.
22 And in times of immense change, it's more
23 important than ever that our values that define
24 us help guide us.

25 Martin Luther King, Jr., tells us:

1 "The function of education is to teach one to
2 think intensively and to think critically. But
3 we must remember that intelligence is not enough.
4 Intelligence plus character -- that is the goal
5 of true education. The complete education gives
6 one not only power of concentration, but worthy
7 objectives upon which to concentrate."

8 Character and intelligence. Thus
9 it's imperative that our mission at West Point is
10 to graduate commissioned leaders of character who
11 are committed to the values of duty, honor,
12 country. And it is imperative that our
13 graduates, leaders of character, those who think
14 critically, internalize their professional
15 identity and employ their education to help build
16 the Army and the nation.

17 It's so important that our nation's
18 future leaders are not only problem solvers, but
19 they also need to be able to anticipate new kinds
20 of problems, and perhaps even know what problems
21 they ought not attempt to solve. They also must
22 be ready to embrace diverse teams, whether that
23 be across militaries, interagency organizations,
24 NGOs, IGOs and other elements of civil society.

25 As you might imagine, I'm proud to

1 serve with the incredible community of
2 professionals at West Point, both soldier and
3 civilian, and many from our local area, who have
4 committed themselves to the honor, duty and
5 privilege of developing leaders of character for
6 our nation.

7 I had the honor a few months ago to
8 travel to Hyde Park in New York to help
9 commemorate the 136th birthday of President
10 Franklin Roosevelt. I know that as citizens we
11 gravitate especially strongly towards places that
12 hold historical significance, and Hyde Park is
13 certainly such a place.

14 President Roosevelt led this nation
15 under tough circumstances, and throughout his
16 presidency and his life the theme of community
17 permeated everything that President Roosevelt
18 did. Community is evident in his early life, his
19 career, his speeches and his famous fireside
20 chats that brought people from across the nation
21 together.

22 Central to the heart of every
23 community are the cherished bonds formed with one
24 another, and he reminded us that "If civilization
25 is to survive, we must cultivate the science of

1 human relationships, the ability of all peoples
2 of all kinds to live together in the same world
3 at peace."

4 Today, as our world seems
5 increasingly complex and uncertain, we are
6 reminded of the hope and strength of community,
7 whether it is here in Albany or on the banks of
8 the Hudson.

9 Military members are often thanked
10 for their service, but I want to take this
11 opportunity to thank you for your service. A
12 strong civilian-military relationship and the
13 mutual trust between the military and the society
14 it serves are cornerstones for our democracy.
15 Thank you for your continued support.

16 I salute you, and I salute each of
17 our 4400 cadets and the members of the Long Gray
18 Line. Thank you for this tremendous honor today.

19 Go Army!

20 (Sustained standing ovation.)

21 ACTING PRESIDENT CROCI: Senator
22 Flanagan.

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

25 Brigadier General Jebb, it's awesome

1 to have you here today. I very much enjoyed
2 listening to your comments. And I want to --
3 Brigadier General, I was definitely referring to
4 you.

5 I had a brief chance to chat with
6 the Brigadier General. She has 36 years of
7 dedicated service to our great country. And
8 anyone who's got a little bit of time, I would
9 recommend looking at her background. She has
10 quite an extensive background in academia and in
11 service.

12 And I think fundamentally, for all
13 of us -- I'll take the liberty of speaking for
14 all of us -- we are in awe. I find myself, you
15 know, standing up taller, hopefully behaving a
16 little bit better when all of you are here,
17 including our cadets. So thank you for your
18 personal service. And we'll have a chance to
19 talk more about your cadets.

20 But Lieutenant Colonel Carrothers,
21 who gave our invocation -- there he is, he's
22 sitting down now -- I said to him as he went up
23 there, I knew he was the chaplain, I just said,
24 "Please, please pray for us. I'll give you
25 45 minutes, we need some extra prayers."

1 (Laughter.)

2 SENATOR FLANAGAN: But his words
3 were very poignant in terms of what he was
4 directing to us, recognizing that we do a lot of
5 things well but we make mistakes. And the
6 smartest thing we can do is learn from our own
7 mistakes and do things better. If we follow your
8 lead collectively, we'll be in a good spot.

9 Now, Chaplain Carrothers has
10 22 years of service. Lieutenant Colonel Thomas,
11 who's seated to his left, told me she has
12 22 years of service. That just happens to be one
13 of my lucky numbers. So to both of you, welcome,
14 and thank you for being here.

15 Now, seated in the back in a quiet
16 capacity, is Captain Kim. Captain Kim, I found
17 out, is the officer in charge of the cadets. And
18 he's seated behind all of you, because he's
19 watching you.

20 (Laughter.)

21 SENATOR FLANAGAN: Okay? He has
22 four years of service. Captain, thank you to
23 you. You have an awesome responsibility, and I'm
24 sure you fulfill your duties with great success.

25 And I want to just mention some of

1 our colleagues here who served. And I want to
2 start, because I can, and I want to, to speak
3 about our colleague Bill Larkin, Senator Larkin
4 and Colonel Larkin.

5 Now to our cadets in particular, as
6 you pay respect to your superiors, we do the
7 same, willingly and voluntarily. Now, Colonel
8 Larkin has this effect on all of us. When he
9 speaks, everyone is quiet and everyone listens.
10 And he has served with distinction in so many
11 different capacities, it would be hard to list.

12 He cares deeply about people -- men
13 and women of all walks of life, whether it was
14 during his 23 years of service in the military or
15 in governmental service for half a century.

16 But I have news for you. Senator
17 Larkin will be celebrating his last official
18 West Point Day with all of you. You should be
19 honored to have that opportunity.

20 And I want to explain how this
21 happened. Colonel Larkin has served this
22 country, but he also knows the chain of command.
23 He totally understands the chain of command. And
24 his commander-in-chief has decided that it was
25 time to come home. So when Mrs. Larkin says

1 "You're done" --

2 (Laughter.)

3 SENATOR FLANAGAN: -- he listens.

4 So Senator Larkin is really -- he's
5 just such a strong figure for all of us.

6 Our colleagues Senator Croci,
7 Senator Ortt, Senator DeFrancisco, we have
8 Senator Sanders -- we have a proud line of
9 tradition of service here as well.

10 The only other thing I wanted to
11 mention is that because of all of you, we have
12 the liberty of standing up here and debating.
13 Sometimes fighting, but not fighting in the sense
14 that you do. And we have that luxury and that
15 privilege because you protect our interests every
16 single day.

17 I'm deeply grateful for that
18 personally. I got a chance to meet a cadet from
19 my area, Daniel Pryor. Daniel, would you stand
20 up for a moment? And don't worry, everything's
21 going to be fine, just because you have to stand
22 up. There's no discipline related to this.

23 But, you know, to Daniel and your
24 fellow cadets, we love the fact that you are
25 here. We all wear it like a badge of honor, and

1 we will go back home and talk about this. You
2 will be on social media, you will be on Facebook,
3 but for all the right reasons.

4 So Daniel, to you, best of luck. To
5 all the cadets that I had an opportunity to meet,
6 we thank you now for the service that you're
7 giving to our country. We are desperately
8 grateful for the notion and idea that you not
9 only are our present leaders, but you will be our
10 leaders into the future.

11 So welcome to all of you. Our
12 obligation to you is to make sure that you have
13 the opportunities and all the advantages in life
14 that you richly deserve. Thank you very much for
15 being here.

16 (Applause.)

17 ACTING PRESIDENT CROCI: Senator
18 Flanagan.

19 SENATOR FLANAGAN: I apologize. I
20 failed to mention a very important person.

21 Senator Helming has a family member,
22 Charlie Sauter, who was a West Point graduate in
23 2011, and he is serving in the capacity as a
24 Green Beret. Senator Helming, I'm sorry I
25 overlooked that. That is -- see, she's beaming,

1 just by virtue of the fact that his name was
2 properly mentioned.

3 So any one of us could get up and do
4 that -- but Senator Helming and her family.

5 Again, Mr. President, thank you very
6 much.

7 (Applause.)

8 ACTING PRESIDENT CROCI: Senator
9 DeFrancisco.

10 SENATOR DeFRANCISCO: Yes. Today
11 is bittersweet. I've listened to Senator Larkin
12 for I think twenty -- this is the 26th year,
13 welcome the cadets from West Point. And I can
14 tell you unequivocally there never was and there
15 never will be someone that is more supportive of
16 the armed services and West Point than Colonel
17 Bill Larkin.

18 I kidded him after he spoke, I said
19 "you were able to do that without crying."
20 Because I know how emotional he gets in this
21 chamber speaking about members in the armed
22 forces and especially West Point. So you -- as
23 John Flanagan said, Senator Flanagan said, you
24 are truly being honored by being here for his
25 last presentation. But the tradition no doubt

1 will go on.

2 To General Jebb, I know you're
3 definitely academically qualified. I was a Duke
4 Law graduate, and very intelligent people came
5 from Duke, including your undergraduate degree
6 and your master's degree. So I know you had that
7 sound footing to make you successful in the
8 academic area that you are serving presently in.

9 I have a cadet here, Andrew Newton.
10 Would you stand up briefly?

11 I was looking on the resumes, and it
12 says Andrew -- he's from Skaneateles, part of my
13 district. On the resume it says that your major
14 is geospatial information sciences. I have no
15 idea what the hell that is.

16 (Laughter.)

17 SENATOR DeFRANCISCO: But you're
18 definitely ready for success. And the reason is
19 when I asked you that same question at the
20 breakfast, you said your major was geography. So
21 you talk my language.

22 (Laughter.)

23 SENATOR DeFRANCISCO: And I'm sure
24 people will understand you better than maybe some
25 of the others who try to describe you.

1 But congratulations on your success
2 and the success of all of you. We're very proud
3 of you. And we know -- and this is the hardest
4 part of this for me -- we know that each one of
5 you are possibly going to be subjected to, very
6 soon, some very difficult duty at a young age.

7 And God bless you all of you. And
8 I'm sure you will do everything you have to do to
9 succeed in life and, as the leader said, be our
10 leaders in the future. Hopefully you'll do a
11 better job than we did.

12 Thank you.

13 (Applause.)

14 ACTING PRESIDENT CROCI: Senator
15 Bonacic.

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

18 Mr. President, I hope it was not too
19 painful when we started, Senator Croci up there,
20 when they said Army beat Navy, because he is a
21 Navy man, I want you to know that.

22 We always equated West Point Day
23 with Senator Larkin Day in this chamber. They
24 were always connected. And in the 20 years that
25 I've been here -- and I'm from Orange County. I

1 have the other half. Senator Larkin has
2 West Point physically in the district -- I was
3 always impressed with the cadets, with their
4 academic background, their ability to speak
5 different languages. You truly are the best of
6 the best.

7 But putting yourself in harm's way,
8 in protecting America and our values, that's why
9 we love each and every one of you.

10 And what I notice differently today
11 in the 20 years is the face of women of
12 West Point.

13 (Applause.)

14 SENATOR BONACIC: I saw Dean
15 Jebb -- and this is no disrespect to the men, but
16 I counted six women here today with the white
17 cadet uniform.

18 So I thank each and every one of you
19 for the task that is ahead of you. And I pray to
20 the Lord that you're always kept out of harm's
21 way.

22 Thank you.

23 (Applause.)

24 ACTING PRESIDENT CROCI: Senator
25 Amedore.

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

3 I want to thank Colonel Larkin. You
4 know, you have taught us so much of being
5 respectful and working hard as a Senator. But
6 you have also taught us, and led by example, what
7 it is to be a proud American because of your
8 service, Senator. So I thank you for giving us
9 West Point Day here in the Capitol for as many
10 years as you have.

11 I'm honored to be joined in the
12 chamber with the future leaders, Brigadier
13 General Jebb and the cadets. You are the
14 brightest of the bright. There's no one in this
15 country at your age at this particular time that
16 can do what you can do. There's no greater love
17 that a man can give than the willingness to lay
18 down his own life for someone else, and you have
19 that willingness. You show that.

20 To the parents who raised you up in
21 the way that you should go, to understand those
22 words -- it's not a motto, but it's deep in your
23 heart -- of duty, honor, country, what that
24 means. You're displaying that today through your
25 actions.

1 And I would like to introduce a
2 cadet that is from Coxsackie in Greene County,
3 that's Cadet Josberger. Katrina, could you stand
4 up? Not only do we have Katrina here, but we
5 also have her great parents up in the gallery,
6 and we thank you.

7 (Applause.)

8 SENATOR AMEDORE: I met Katrina two
9 years ago on this floor when I was introduced to
10 her the first time, when she arrived at
11 West Point to come here, be proud. Today she
12 understands what it is not just to be a young
13 lady, but now a trained person who understands
14 the call of duty. So thank you, Katrina.

15 And I also want to introduce someone
16 that's on the floor -- or two people, and that is
17 Mr. and Mrs. William Denn. Bill is the president
18 of the West Point Parents Club of Upstate
19 New York. If they could rise.

20 (Applause.)

21 SENATOR AMEDORE: Mr. and Mrs. Denn
22 raised three beautiful sons, all who are part of
23 the West Point family. So we congratulate you on
24 your leadership and dedication to your country.

25 So to the cadets from West Point, we

1 all pray and I hope and know that God will watch
2 over, that God will bless you, and that you will
3 be safe in doing your duty.

4 Thank you, Mr. President.

5 (Applause.)

6 ACTING PRESIDENT CROCI: Senator
7 Addabbo.

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

10 Good morning, everyone. I want to
11 first start out by thanking Senator Colonel Bill
12 Larkin. Senator, not only thank you for your
13 service to our state and our country, but thank
14 you for being an inspiration, certainly to me and
15 hopefully to everyone in this chamber. I am so
16 proud to have known you, to have called you a
17 friend. And I want to thank you again. So thank
18 you, Senator Colonel Bill Larkin. Thank you very
19 much.

20 (Applause.)

21 SENATOR ADDABBO: You know, I
22 believe that some of our best days in this
23 chamber is when we get to acknowledge our
24 veterans and our military personnel. You know,
25 Fort Drum Day, Vietnam Veterans Day. Next week

1 we get to do the Veterans Hall of Fame and honor
2 our district veterans.

3 And so today, no different, we get
4 to once again honor our cadets, the future of
5 West Point but also the history and the alumni of
6 West Point. And Brigadier General, thank you so
7 much for being here as well.

8 You know, for over 200 years -- 216,
9 to be exact -- West Point has been turning out
10 some of the finest military personnel. And while
11 many things have changed over the last 216 years,
12 some things don't change, like the values and the
13 character of those West Point cadets and alumni.

14 Duty, honor, country. Those values
15 will never change. These cadets will follow
16 those. And I have faith that they will follow
17 those values just as those graduates have before
18 them, graduates we know -- Senator Colonel Bill
19 Larkin, Eisenhower, MacArthur, Patton,
20 Schwarzkopf. Treasured and revered graduates.

21 And today we have a classmate of
22 General Schwarzkopf, Class of 1956, and
23 affectionately known to me as my uncle, Brigadier
24 General Luciano Salamone, Class of 1956.
25 General, thank you.

1 (Standing ovation.)

2 SENATOR ADDABBO: Thank you for
3 standing, because I may not have heard the end of
4 it if you didn't. Thank you for standing for my
5 uncle.

6 As the ranking member of the
7 Veterans Committee, so ably chaired by our great
8 veteran here, Senator Croci -- thank you so much,
9 Senator Croci -- I want to say thank you to our
10 cadets and to the alumni. I wish the cadets all
11 the best as we pray for their safety. But thank
12 you for the path that you have chosen, for our
13 country, and for making us so proud.

14 So to our cadets, welcome and thank
15 you.

16 Thank you very much, Mr. President.

17 (Applause.)

18 ACTING PRESIDENT CROCI: Senator
19 Breslin.

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

22 What a great day, West Point Day.
23 And to turn to my dear friend Colonel Bill
24 Larkin, I've traveled to many destinations across
25 this country with Bill and his wife and

1 Jim Seward on insurance ventures, and we always
2 look to Bill for advice. We always followed your
3 instructions, and you generally have instructed
4 us without us asking.

5 (Laughter.)

6 SENATOR BRESLIN: So as you prepare
7 for the next part of your life, I want you to
8 know publicly how much I love you and respect you
9 and what you have meant for each of us. And I
10 always recall my mom saying you make your
11 reputation by the people you hang around with.
12 If I'm next to you, I know I'm all right.

13 So I look forward to the next couple
14 of months with you, Bill, and then beyond that.
15 But Godspeed.

16 And now to West Point Day. As
17 Senator Addabbo said, it's the nicest day of the
18 year. It's the day that we look at our future
19 leaders and say we're okay. It's a wonderful
20 place to be, a wonderful place to graduate from,
21 and a wonderful inspiration to us.

22 And lastly, I take this one day of
23 the year -- generally, I never commend my older
24 brother. I see Senator Lanza laughing already,
25 preparing. My brother Michael and I sometimes

1 have a love-hate relationship. But he's the
2 retired county executive of Albany for 20 years,
3 and Class of '61 at West Point. And after
4 West Point, went to jump school, rangers school,
5 jungle warfare school, air transportation school,
6 jump master school. He was a company commander
7 in Vietnam and, among other things, a Bronze Star
8 winner. And made major when he was 27, came back
9 and taught counterinsurgency in Spanish at the
10 College of the Americas. Which I tell him that
11 prepared him to enter the world of politics, all
12 of that training. And he indicates that it still
13 wasn't enough.

14 (Laughter.)

15 SENATOR BRESLIN: So to my brother
16 Michael, I salute you for everything you've done
17 and our friendship over the years.

18 And to you, West Point, you make us
19 feel proud. And you make us feel comfortable in
20 the fact that our country is in good hands.

21 Thank you, Mr. President.

22 (Applause.)

23 ACTING PRESIDENT CROCI: General
24 Jebb, to the Corps of Cadets, and to the entire
25 West Point family, we of course -- I'm sorry.

1 Senator Helming.

2 SENATOR HELMING: Thank you,
3 Mr. President.

4 I too rise to share my thoughts on
5 how much I truly appreciate everything that
6 West Point does. To our West Point leadership
7 who's here today, to our cadets, to our family
8 members, from the bottom of my heart I thank you
9 for the courageous decisions you've made and for
10 your willingness to sacrifice on behalf of this
11 great country of ours.

12 I'd like to ask Ms. Courtney Hill to
13 please stand. Courtney, thank you. Courtney
14 lives in Williamson, which is located in Wayne
15 County. Courtney, I'm so proud to have you and
16 your entire family living in my district.

17 I have to say that Courtney is
18 following in a long tradition of family members
19 committed to the United States of America.
20 Courtney's father is Master Sergeant Scott A.
21 Hill. Her brother, Captain Corey G. Hill, is a
22 West Point 2014 graduate.

23 And again, Courtney, to you and your
24 family, I thank you from the bottom of my heart,
25 and I wish you all the best as you continue

1 forward. Thank you very much.

2 (Applause.)

3 SENATOR HELMING: Mr. President,
4 I'd also like to thank Colonel Larkin.

5 Colonel, you have been serving
6 America since 1944 -- 23 years of active military
7 service, 40 years of public service. I am so
8 thankful that I joined the Senate in 2017 and had
9 this time to work with you and to learn from you.
10 You have been an incredible mentor.

11 And as Senator Flanagan mentioned, I
12 am so proud that my son-in-law serves in the Army
13 as well. He's a 2011 West Point graduate. So
14 the Colonel and I have shared many stories.

15 And with my son-in-law Charlie, I
16 have talked about you, Colonel, your advocacy for
17 our veterans, what you do for our military. I've
18 shared some of the stories about how when you
19 really want to make a point, you get that cane of
20 yours and bang it on the desk.

21 But this morning some of you were at
22 the colonel's breakfast when I had the
23 opportunity to present the colonel with a
24 challenge coin from my son-in-law Charlie. I
25 mean, Colonel, I just don't know how to thank you

1 for everything you've done, like I said, to
2 promote our military, to make us remember the
3 special sacrifices that they've done. Thank you
4 so much.

5 Thank you.

6 (Applause.)

7 ACTING PRESIDENT CROCI: Senator
8 Marchione.

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

11 I rise also to say thank you to the
12 cadets. Thank you all for putting your lives
13 where they are, for sacrificing, for studying,
14 for being of the caliber that you are to be one
15 of the 1,000 chosen out of the 16,000. It is
16 such an honor for me to be here in the chamber
17 with all of you.

18 And from my district, there isn't a
19 cadet, but there is an alumni member, and I would
20 ask him to stand. His name is Peter Goebel. And
21 Peter not only is a West Point graduate and
22 served his country, but he also serves the County
23 of Rensselaer as their veterans coordinator.

24 He works tirelessly on behalf of our
25 military and our veterans, and I'm so honored

1 that he is in the chambers today. So Peter,
2 thank you for all that you have done.

3 And from a Senator who is quite
4 local, I also want you to know how important you
5 are that I looked around and coming to visit
6 today was Emil Baker, who is a wonderful veteran
7 from the Town of Hoosick, who is here to honor
8 you as well. Emil only hires veterans in his
9 employment, and is involved in every type of
10 veterans programs that there are.

11 And he was here today, he is here
12 today, as well as Amy Amoroso, who is also
13 involved in veterans employment. Your presence
14 here in this chamber means more than any one of
15 you would ever realize. And I am just so honored
16 to be able to stand here and welcome you to
17 Albany and at the same time thank my friend
18 Senator Colonel Larkin for all that he has done
19 for the Senate, all that he has done for the
20 people of his district.

21 I can't tell you how many times the
22 Senator has shared his wisdom with every single
23 one of us and tells us how critically important
24 not only is the legislation in this chamber, but
25 what we do when we're out in our districts. And

1 how many times he has brought us different things
2 that he does for veterans and shares that wisdom
3 with us so that we all feel as he does. And I am
4 so very grateful to him and so honored that I've
5 had the opportunity to serve with him.

6 So thank you, Senator.

7 And thank you, each and every one of
8 you.

9 Thank you, Mr. President.

10 (Applause.)

11 ACTING PRESIDENT CROCI: Senator
12 Klein.

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

15 I stand also today to congratulate
16 our brave men and women. And I think everyone
17 knows the old adage that the freedoms that we
18 enjoy each and every day, the sacrifice made by
19 you is our ability to enjoy those freedoms. So I
20 thank you for your service.

21 And certainly any West Point Day is
22 not complete without saluting and thanking
23 Senator Larkin. Senator Larkin provides so much
24 to us each and every day. He reminds us of the
25 importance of sacrifice, of country, of always

1 remembering, never forgetting our veterans.

2 But I also want to recognize another
3 veteran among us today, Senator Brooks. I want
4 to thank you for your dedication to our country.
5 Senator Brooks served in the New York National
6 Guard as a medic for six years. Thank you for
7 your dedicated service.

8 ACTING PRESIDENT CROCI: Senator
9 Young.

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

12 I rise in awe and to honor our
13 cadets from West Point, your leadership, everyone
14 associated with that, and also to sincerely thank
15 our very own Senator Colonel Bill Larkin.

16 And I want to talk about Senator
17 Larkin for just a moment. He is, as you know, a
18 combat veteran. During World War II, he served
19 in New Guinea and the Philippines, combat veteran
20 in Korea.

21 But he also was there at some of the
22 most historic moments in our country's history.
23 He guarded President John F. Kennedy as an Army
24 project officer on his historic trip to Germany
25 in 1963. He also guarded the Reverend Dr. Martin

1 Luther King, Jr., on his courageous march from
2 Selma to Montgomery.

3 Senator Larkin was there. He has
4 spent more than 40 years serving his district,
5 serving the state in the State Legislature. And
6 he has not only been a guardian of veterans in
7 that role, an ardent supporter of veterans,
8 passing historic landmark legislation, but also
9 he has been a guardian of some of our most
10 vulnerable citizens.

11 He no doubt has saved lives on the
12 battlefield, but he has also saved the lives of
13 newborns, because he was the author of
14 legislation that required pulse oximetry tests on
15 newborns, saving countless lives.

16 So Senator Larkin is an inspiration,
17 as has been pointed out, to many of us. And he
18 has lived a life of service. And I know he's
19 very proud of the fact that he did spend time
20 with Martin Luther King, Jr. And I think that he
21 has taken some of his lifetime service
22 inspiration from him. Martin Luther King, Jr.,
23 once said, Everybody can be great because anybody
24 can serve.

25 And I say to you cadets, that's what

1 you're doing right now. You are courageous, you
2 are a group of the best of the best that we have
3 in New York State. And we thank you for your
4 service to our country, to our state, to our
5 people, to our way of life, to protect our
6 freedoms that we hold so dear as Americans. You
7 have that responsibility now and ahead of you.

8 And we salute you, we give you great
9 tribute because we feel that you deserve every
10 single honor that's coming your way. We do wish
11 you Godspeed in all of your responsibilities and
12 your duties, and we could not be more proud of
13 you and Senator Larkin.

14 Thank you.

15 (Applause.)

16 ACTING PRESIDENT CROCI: Are there
17 any other members who are wishing to speak?

18 General Jebb, to the Corps of
19 Cadets, we want to thank you of course for your
20 great service to the United States Army, but also
21 to our great republic. And we would ask that you
22 would please rise to be recognized by the
23 State Senate.

24 (Standing ovation.)

25 ACTING PRESIDENT CROCI: Thank you.

1 Senator DeFrancisco.

2 SENATOR DeFRANCISCO: Yes, on this
3 resolution I will be presumptuous and assume that
4 you could be on this resolution unless you speak
5 to the desk and say you do not want to be on.

6 ACTING PRESIDENT CROCI: Very good.
7 Senator Larkin has opened this resolution for
8 cosponsorship. If you do not wish to be a
9 cosponsor, please notify the desk.

10 Senator DeFrancisco.

11 SENATOR DeFRANCISCO: Next can we
12 take up previously adopted Resolution 4838, by
13 Senator Tedisco, read it in its entirety, and
14 call on Senator Tedisco.

15 ACTING PRESIDENT CROCI: The
16 Secretary will read.

17 THE SECRETARY: Legislative
18 Resolution Number 4838, by Senator Tedisco,
19 memorializing Governor Andrew M. Cuomo to
20 proclaim May 2018 as Neurofibromatosis Month in
21 the State of New York.

22 "WHEREAS, It is the custom of this
23 Legislative Body to recognize official months
24 that are set aside to increase awareness of
25 serious illnesses that affect the lives of

1 citizens of New York State; and

2 "WHEREAS, This Legislative Body is
3 justly proud to memorialize Governor Andrew M.
4 Cuomo to proclaim May 2018 as Neurofibromatosis
5 Month in the State of New York, in conjunction
6 with the observance of National Neurofibromatosis
7 Month; and

8 "WHEREAS, Neurofibromatosis (NF), a
9 debilitating disorder, affects more than 100,000
10 Americans; and

11 "WHEREAS, Neurofibromatosis
12 Northeast has worked for over 25 years on its
13 mission to find a cure for NF; and

14 "WHEREAS, With a mission to finding
15 a treatment and cure for NF, Neurofibromatosis
16 Northeast promotes research, creates awareness
17 and supports those who are affected by NF; and

18 "WHEREAS, Increased awareness of NF
19 will help initiate critical research; NF patients
20 and their families are determined to make
21 neurofibromatosis a household word; and

22 "WHEREAS, It is imperative that
23 there be greater awareness of this serious health
24 condition, and more must be done to increase
25 activity at the local, state and national levels;

1 now, therefore, be it

2 "RESOLVED, That this Legislative
3 Body pause in its deliberations to memorialize
4 Governor Andrew M. Cuomo to proclaim May 2018 as
5 Neurofibromatosis Month in the State of New York;
6 and be it further

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

11 ACTING PRESIDENT CROCI: Senator
12 Tedisco.

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

15 Mr. President and my colleagues, to
16 show you something that relates to the way our
17 mind works -- I don't know about you, but my
18 memory fails me often. And not too long ago I
19 was doing what I like to do on a Sunday, and
20 that's read that little magazine that comes in
21 your newspaper, the Parade Magazine. And in that
22 Parade Magazine, it always gives special new
23 things that are happening.

24 It said the new longest word in the
25 Oxford English Dictionary. I read it once, I

1 went to bed that night, I woke up in the morning
2 and I knew about pneumonoultramicroscopicsilico-
3 volcanoconiosis.

4 I've got another big word that I
5 want to read, which has been read by the
6 president: Neurofibromatosis. It's a big word
7 for importance for some of the people up in the
8 gallery here, and over 7,000 families in New York
9 State. And I'd like to tell you a little bit
10 about neurofibromatosis.

11 Today I'm honored to welcome to the
12 Senate chamber guests from the Neurofibromatosis
13 Northeast group, who are here today to advocate
14 and bring more awareness to this genetic
15 disorder. This group was organized and formed by
16 a group of people who were in some way affected
17 by this genetic disorder. Some of our guests up
18 in the gallery today are living every day with
19 neurofibromatosis. This month, as has been
20 said -- May -- is Neurofibromatosis Month in
21 New York State and the nation.

22 It's not as big a word as the word I
23 read that's the longest word in the Oxford
24 English Dictionary, but I think it's much more
25 important for them and for us and for those

1 families across the state.

2 It encompasses a set of distinct
3 genetic disorders that cause tumors along various
4 types of nerves. It causes tumors to grow
5 anywhere on or in the body. These tumors can
6 cause significant damage to nerves, leading to
7 hearing loss, visual impairment, balance issues,
8 and other functional problems, depending upon the
9 location of the tumors.

10 To date, treatment has been limited
11 to surgery to remove the tumors, often creating
12 collateral damage to the nerves and spinal cord.
13 Research has focused on nonsurgical therapies to
14 reduce tumors and prevent formation of new
15 tumors.

16 This research significantly -- and
17 this is important -- overlaps with cancer
18 research and many drugs that have been effective
19 in treating cancer; they're also being
20 investigated for their potential in helping
21 neurofibromatosis patients. Conversely,
22 neurofibromatosis research has significant
23 potential for identifying new therapeutic
24 approaches to cancer.

25 I'd like to have them stand up there

1 in the gallery. Dr. Vito Grasso is with us.
2 Rebecca Grasso, who is dealing with the
3 challenges of neurofibromatosis too. Susan
4 Benjamin, whose grandson Caesar is also
5 challenged by neurofibromatosis too.

6 And I would ask you to welcome them,
7 give them all the cordialities of the house, and
8 I wish them all the very best in the future and
9 thank them for being here today.

10 ACTING PRESIDENT CROCI: Ladies and
11 gentlemen, we thank you for your presence here
12 today and your courageous fight. We extend to
13 you the courtesies and privileges of this house,
14 and we ask you to please stand and be recognized.

15 (Standing ovation.)

16 ACTING PRESIDENT CROCI: Senator
17 DeFrancisco.

18 SENATOR DeFRANCISCO:
19 Mr. President, that resolution is also open for
20 cosponsorship. If you want to cosponsor, please
21 notify the desk.

22 ACTING PRESIDENT CROCI: The
23 resolution is open for cosponsorship. If you
24 would like to be a cosponsor, please notify the
25 desk.

1 SENATOR DeFRANCISCO: There's a
2 hand-up from Senator Stewart-Cousins of various
3 committee assignments.

4 ACTING PRESIDENT CROCI: The
5 submission will be filed with the Journal.

6 SENATOR DeFRANCISCO: At this point
7 there will be an immediate meeting of the Rules
8 Committee in Room 124. For those of you who are
9 within the hearing of the chambers, Room 124,
10 immediate meeting of the Rules Committee.

11 ACTING PRESIDENT CROCI: There will
12 be an immediate meeting of the Rules Committee in
13 Room 124 of the Capitol. Not Room 332, Room 124.

14 The Senate stands at ease.

15 (Whereupon, the Senate stood at ease
16 at 12:20 p.m.)

17 (Whereupon, the Senate reconvened at
18 12:34 p.m.)

19 ACTING PRESIDENT CROCI: The Senate
20 will come to order.

21 Senator DeFrancisco.

22 SENATOR DeFRANCISCO: Yes. Is
23 there a Rules Committee report at the desk?

24 ACTING PRESIDENT CROCI: Yes, there
25 is, Senator.

1 SENATOR DeFRANCISCO: Could we
2 please take that up and have it read.

3 ACTING PRESIDENT CROCI: Yes. The
4 Secretary will read.

5 THE SECRETARY: Senator Flanagan,
6 from the Committee on Rules, reports the
7 following bills:

8 Senate Print 922B, by Senator Croci,
9 an act to amend the Economic Development Law;

10 Senate 2325, by Senator Griffo, an
11 act to amend the Legislative Law;

12 Senate 3354, by Senator Krueger, an
13 act to amend the Business Corporation Law;

14 Senate 3984A, by Senator
15 DeFrancisco, an act to amend the State Finance
16 Law;

17 Senate 5985A, by Senator Boyle, an
18 act to amend the Economic Development Law;

19 Senate 7697A, by Senator
20 DeFrancisco, an act to amend the Public
21 Authorities Law;

22 Senate 7781, by Senator Griffo, an
23 act to amend the Public Officers Law;

24 Senate 8235A, by Senator Flanagan,
25 an act to amend subpart H of Part C of Chapter 20

1 of the Laws of 2015;

2 Senate 8404, by Senator Ranzenhofer,
3 an act to amend the Election Law;

4 And Senate 8409, by Senator
5 Ranzenhofer, an act to amend the Election Law.

6 All bills reported direct to third
7 reading.

8 ACTING PRESIDENT CROCI: Senator
9 DeFrancisco.

10 SENATOR DeFRANCISCO: Move to
11 accept the report of the Rules Committee.

12 ACTING PRESIDENT CROCI: All in
13 favor of accepting the Rules Committee report
14 please signify by saying aye.

15 (Response of "Aye.")

16 ACTING PRESIDENT CROCI: Opposed,
17 nay.

18 (No response.)

19 ACTING PRESIDENT CROCI: The report
20 is accepted.

21 Senator DeFrancisco.

22 SENATOR DeFRANCISCO:
23 Mr. President, could we go to the active list for
24 today and just call up one bill, the first bill,
25 Senator Jacobs' bill.

1 ACTING PRESIDENT CROCI: The
2 Secretary will read.

3 THE SECRETARY: Calendar Number
4 101, by Senator Jacobs, Senate Print --

5 SENATOR KLEIN: Lay it aside,
6 please.

7 ACTING PRESIDENT CROCI: The bill
8 is laid aside.

9 SENATOR DeFRANCISCO: Could we take
10 up that bill, please.

11 ACTING PRESIDENT CROCI: The
12 Secretary will ring the bell.

13 The Secretary will read.

14 THE SECRETARY: Calendar Number
15 101, by Senator Jacobs, Senate Print 5912C, an
16 act to amend the State Administrative Procedure
17 Act.

18 ACTING PRESIDENT CROCI: Senator
19 Klein.

20 SENATOR KLEIN: Mr. President, I
21 believe there's an amendment at the desk. I ask
22 that the reading of the amendment be waived and
23 that we may be heard on the amendment.

24 ACTING PRESIDENT CROCI: Senator,
25 I've reviewed your amendment and rule that

1 pursuant to Senate Rules Article VII, Section 4B,
2 that it is not germane and therefore it is out of
3 order.

4 SENATOR KLEIN: Well,
5 Mr. President, I appeal the decision of the
6 chair, and I ask that Senator Mayer be heard on
7 the appeal.

8 ACTING PRESIDENT CROCI: Senator
9 Mayer.

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

12 Our teachers are the very foundation
13 of our education system. All of us have them in
14 our districts, we know they work tirelessly and
15 endlessly to create an environment for our
16 children that fosters learning, creativity and
17 prepares them for the future.

18 In this modern era, we rely on our
19 teachers like never before. They not only teach
20 our children, but they provide all the services
21 that many of our children need. Many times --
22 and I know this firsthand -- our teachers have
23 become the family members to our children.

24 Sadly, our current evaluation system
25 and the mandatory use of state tests for teacher

1 evaluation has put pressure on teachers that no
2 other profession faces. We don't ask our doctors
3 to demonstrate how many patients they have cured,
4 yet we ask our teachers to prove how many
5 children received a perfect score on state exams
6 before we evaluate their performance.

7 Our current system is flawed because
8 it requires districts to judge teachers based on
9 the outcome of these state tests. It has created
10 an overreliance on standardized testing that has
11 stifled the learning climate. Students are
12 forced to only learn the concepts that will be
13 tested instead of the more expansive curriculum.
14 As a result, students are no longer excited to
15 learn, and we risk that teachers are less excited
16 to teach.

17 In addition, the current evaluation
18 system does not reflect or recognize the issues
19 that students face outside the classroom. Our
20 students are facing challenges like never before.
21 Mental health issues, family problems, social and
22 emotional well-being are all issues that the
23 children of all of our districts face.

24 On any given day, our children face
25 issues that we could not imagine, yet we are

1 rating our teachers on the day's results of our
2 students' exams. Our teachers and our
3 students are more than just a test score.

4 The bill which is the basis of this
5 amendment addresses these problems. It
6 recognizes that testing is not how we measure
7 good teachers. It attempts to fix our flawed
8 system by allowing school districts and their
9 teachers to create an evaluation system within
10 their own district that's fair and effective. It
11 removes the current mandate in state law that
12 state exams must be the sole measure of our
13 individual teachers.

14 This bill restores our faith and
15 respect for our teachers. It is long overdue.
16 And this bill sends a clear message to our
17 current and prospective teachers, our families,
18 our parents and, most importantly, our children
19 that we care about the education system, our
20 children and our teachers.

21 Thank you, Mr. President.

22 ACTING PRESIDENT CROCI: The
23 question is on the ruling of the chair. All
24 those in favor of overruling the ruling of the
25 chair please signify by saying aye.

1 (Response of "Aye.")

2 ACTING PRESIDENT CROCI: Those
3 opposed, nay.

4 (No response.)

5 ACTING PRESIDENT CROCI: The ruling
6 of the chair --

7 SENATOR KLEIN: Can we signify by a
8 show of hands, please.

9 ACTING PRESIDENT CROCI: A show of
10 hands is ordered.

11 Announce the results.

12 THE SECRETARY: Ayes, 30.

13 ACTING PRESIDENT CROCI: The ruling
14 of the chair stands.

15 The bill is before the house.

16 Senator DeFrancisco.

17 SENATOR DeFRANCISCO: Yes, if we
18 could go back to the active list of today. And I
19 would request unanimous consent to put the Jacobs
20 bill back on the noncontroversial calendar for
21 reading.

22 And if we could start with the
23 Jacobs bill and go through the active list for
24 noncontroversial, please.

25 ACTING PRESIDENT CROCI: So

1 ordered.

2 The Secretary will read.

3 THE SECRETARY: Calendar Number
4 101, by Senator Jacobs, Senate Print 5912C, an
5 act to amend the State Administrative Procedure
6 Act.

7 ACTING PRESIDENT CROCI: Read the
8 last section.

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

11 ACTING PRESIDENT CROCI: Call the
12 roll.

13 (The Secretary called the roll.)

14 ACTING PRESIDENT CROCI: Senator
15 Jacobs.

16 SENATOR JACOBS: Thank you,
17 Mr. President --

18 ACTING PRESIDENT CROCI: Will the
19 Senator suspend.

20 Ladies and gentlemen, a little order
21 in the house, please. Thank you.

22 Senator Jacobs, please continue.

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

25 This bill has to do with the process

1 and procedure of emergency rulemaking. Emergency
2 rulemaking privilege has been on the books for
3 many, many years, giving the Executive and the
4 Executive's --

5 ACTING PRESIDENT CROCI: Excuse me,
6 Senator. (Gaveling.) Go ahead, Senator.

7 SENATOR JACOBS: -- providing the
8 Executive and the departments under the Executive
9 the power to bypass the standard process of input
10 from the community and stakeholders, and
11 transparency, to be able to bypass the typical
12 comment period and initiate and implement a rule,
13 a regulation, immediately due to the fact of an
14 emergency.

15 Unfortunately, this rule has been
16 abused over the last number of years and been
17 used as a way to bypass and carve out people's
18 right to have input in the process of rules and
19 regulations that impact their lives. And what
20 we've seen is a proliferation of the emergency
21 rulemaking procedure, using it to bypass public
22 input.

23 In fact, between 2006 and 2015,
24 there were 2,750 rules and regulations
25 implemented in New York State; 1,938 of them were

1 done through the emergency rulemaking process,
2 nearly 70 percent. I do not believe that
3 70 percent of those rules and regulations had to
4 be implemented right away because there was an
5 emergency.

6 Furthermore, an emergency regulation
7 is supposed to be for a brief period of time, and
8 then the normal period of input and public
9 comment is supposed to be implemented. Yet many,
10 many of the instances when an emergency rule is
11 used, they perpetuate the emergency rule time and
12 time again to avoid the opportunity for anybody
13 to comment and have input on the impact of these
14 rules.

15 So what this legislation simply does
16 is lend clarity to when a rule can be done
17 through an emergency rulemaking procedure. And
18 also after that initial period of time the
19 emergency rule is utilized, that they do have to
20 have a standard process of public comment so this
21 is done in a fair, transparent way where
22 stakeholders and those impacted have a right to
23 comment on rules and regulations that will impact
24 their lives or their businesses.

25 Thank you very much, Mr. President.

1 I vote aye.

2 ACTING PRESIDENT CROCI: If we
3 could have a show of hands again for anybody who
4 is voting in the negative, it would help the desk
5 clerk tremendously. Thank you.

6 Announce the result.

7 THE SECRETARY: In relation to
8 Calendar 101, those recorded in the negative are
9 Senators Addabbo, Alcantara, Brooks, Comrie,
10 Dilan, Hoylman, Kavanagh, Kennedy, Mayer,
11 Montgomery, Peralta, Rivera, Sepúlveda, Stavisky
12 and Stewart-Cousins.

13 Ayes, 47. Nays, 15.

14 ACTING PRESIDENT CROCI: The bill
15 is passed.

16 THE SECRETARY: Calendar Number
17 384, by Senator Lanza, Senate Print 3308A, an act
18 to amend the Public Authorities Law.

19 ACTING PRESIDENT CROCI: Read the
20 last section.

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

23 ACTING PRESIDENT CROCI: Call the
24 roll.

25 (The Secretary called the roll.)

1 THE SECRETARY: Ayes, 62.

2 ACTING PRESIDENT CROCI: The bill
3 is passed.

4 THE SECRETARY: Calendar Number
5 589, by Senator Croci, Senate Print 6613B, an act
6 to amend the New York State Urban Development
7 Corporation Act.

8 ACTING PRESIDENT CROCI: Read the
9 last section.

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

12 ACTING PRESIDENT CROCI: Call the
13 roll.

14 (The Secretary called the roll.)

15 THE SECRETARY: Ayes, 62.

16 ACTING PRESIDENT CROCI: The bill
17 is passed.

18 THE SECRETARY: Calendar Number
19 605, by Senator Funke, Senate Print 1670, an act
20 to amend the Vehicle and Traffic Law.

21 ACTING PRESIDENT CROCI: Read the
22 last section.

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

25 ACTING PRESIDENT CROCI: Call the

1 roll.

2 (The Secretary called the roll.)

3 THE SECRETARY: Ayes, 61. Nays, 1.

4 Senator Krueger recorded in the negative.

5 ACTING PRESIDENT CROCI: The bill
6 is passed.

7 THE SECRETARY: Calendar Number
8 648, by Senator Griffo, Senate Print 2419, an act
9 to amend the Banking Law.

10 ACTING PRESIDENT CROCI: Read the
11 last section.

12 THE SECRETARY: Section 2. This
13 act shall take effect on the 120th day.

14 ACTING PRESIDENT CROCI: Call the
15 roll.

16 (The Secretary called the roll.)

17 THE SECRETARY: Ayes, 61. Nays, 1.

18 Senator Kavanagh recorded in the negative.

19 ACTING PRESIDENT CROCI: The bill
20 is passed.

21 THE SECRETARY: Calendar Number
22 701, by Senator Robach, Senate Print 285, an act
23 to amend the Penal Law.

24 ACTING PRESIDENT CROCI: Read the
25 last section.

1 THE SECRETARY: Section 3. This
2 act shall take effect on the first of November.

3 ACTING PRESIDENT CROCI: Call the
4 roll.

5 (The Secretary called the roll.)

6 THE SECRETARY: In relation to
7 Calendar 701: Ayes, 61. Nays, 1. Senator
8 Montgomery recorded in the negative.

9 ACTING PRESIDENT CROCI: The bill
10 is passed.

11 THE SECRETARY: Calendar Number
12 710, by Senator Bailey, Senate Print 3335, an act
13 to amend the Penal Law.

14 ACTING PRESIDENT CROCI: Read the
15 last section.

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

18 ACTING PRESIDENT CROCI: Call the
19 roll.

20 (The Secretary called the roll.)

21 THE SECRETARY: Ayes, 62.

22 ACTING PRESIDENT CROCI: The bill
23 is passed.

24 THE SECRETARY: Calendar Number
25 749, by Senator Robach, Senate Print 309, an act

1 to amend the Highway Law.

2 ACTING PRESIDENT CROCI: Read the
3 last section.

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

6 ACTING PRESIDENT CROCI: Call the
7 roll.

8 (The Secretary called the roll.)

9 THE SECRETARY: Ayes, 62.

10 ACTING PRESIDENT CROCI: The bill
11 is passed.

12 THE SECRETARY: Calendar Number
13 752, by Senator Marcellino, Senate Print 1187, 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 on the first of November.

19 ACTING PRESIDENT CROCI: Call the
20 roll.

21 (The Secretary called the roll.)

22 THE SECRETARY: Ayes, 61. Nays, 1.
23 Senator Montgomery recorded in the negative.

24 ACTING PRESIDENT CROCI: The bill
25 is passed.

1 THE SECRETARY: Calendar Number
2 756, by Senator Hannon, Senate Print 2249, an act
3 to amend the Vehicle and Traffic Law.

4 ACTING PRESIDENT CROCI: Read the
5 last section.

6 THE SECRETARY: Section 2. This
7 act shall take effect on the 120th day.

8 ACTING PRESIDENT CROCI: Call the
9 roll.

10 (The Secretary called the roll.)

11 THE SECRETARY: Ayes, 62.

12 ACTING PRESIDENT CROCI: The bill
13 is passed.

14 THE SECRETARY: Calendar Number
15 758, by Senator Griffo, Senate Print 2537, an act
16 to amend the Highway Law.

17 ACTING PRESIDENT CROCI: Read the
18 last section.

19 THE SECRETARY: Section 4. This
20 act shall take effect on the 120th day.

21 ACTING PRESIDENT CROCI: Call the
22 roll.

23 (The Secretary called the roll.)

24 THE SECRETARY: Ayes, 62.

25 ACTING PRESIDENT CROCI: The bill

1 is passed.

2 THE SECRETARY: Calendar Number
3 760, by Senator Larkin, Senate Print 3249, an act
4 to amend the Vehicle and Traffic Law.

5 ACTING PRESIDENT CROCI: Read the
6 last section.

7 THE SECRETARY: Section 2. This
8 act shall take effect on the first of September.

9 ACTING PRESIDENT CROCI: Call the
10 roll.

11 (The Secretary called the roll.)

12 THE SECRETARY: Ayes, 62.

13 ACTING PRESIDENT CROCI: The bill
14 is passed.

15 THE SECRETARY: Calendar Number
16 763, by Senator Seward, Senate Print 4454A, an
17 act to amend the Vehicle and Traffic Law.

18 ACTING PRESIDENT CROCI: Read the
19 last section.

20 THE SECRETARY: Section 2. This
21 act shall take effect January 1, 2019.

22 ACTING PRESIDENT CROCI: Call the
23 roll.

24 (The Secretary called the roll.)

25 THE SECRETARY: Ayes, 62.

1 ACTING PRESIDENT CROCI: The bill
2 is passed.

3 THE SECRETARY: Calendar Number
4 955, by Senator Serino, Senate Print 6173, an act
5 to amend the Vehicle and Traffic Law.

6 ACTING PRESIDENT CROCI: Read the
7 last section.

8 THE SECRETARY: Section 3. This
9 act shall take effect on the 120th day.

10 ACTING PRESIDENT CROCI: Call the
11 roll.

12 (The Secretary called the roll.)

13 THE SECRETARY: Ayes, 62.

14 ACTING PRESIDENT CROCI: The bill
15 is passed.

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

18 SENATOR DeFRANCISCO:
19 Mr. President, there is a supplemental calendar
20 on the desks, Calendar 41A. Would you take up
21 the noncontroversial reading of that calendar.

22 ACTING PRESIDENT CROCI: The
23 Secretary will read.

24 THE SECRETARY: Calendar Number
25 1122, by Senator Croci, Senate Print 922B, an act

1 to amend the Economic Development Law.

2 ACTING PRESIDENT CROCI: Read the
3 last section.

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

6 ACTING PRESIDENT CROCI: Call the
7 roll.

8 (The Secretary called the roll.)

9 THE SECRETARY: Ayes --

10 (Inaudible member exchange.)

11 ACTING PRESIDENT CROCI: The Senate
12 supplemental calendar that is before the house is
13 available on your iPads.

14 Read the last section.

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

17 ACTING PRESIDENT CROCI: Call the
18 roll.

19 (The Secretary called the roll.)

20 THE SECRETARY: Ayes, 61. Nays, 1.
21 Senator Hoylman recorded in the negative.

22 ACTING PRESIDENT CROCI: The bill
23 is passed.

24 THE SECRETARY: Calendar Number
25 1123, by Senator Griffo, Senate Print 2325, an

1 act to amend the Legislative Law.

2 ACTING PRESIDENT CROCI: Read the
3 last section.

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

6 ACTING PRESIDENT CROCI: Call the
7 roll.

8 (The Secretary called the roll.)

9 THE SECRETARY: Ayes, 62.

10 ACTING PRESIDENT CROCI: The bill
11 is passed.

12 THE SECRETARY: Calendar Number
13 1124, by Senator Krueger, Senate Print 3354, an
14 act to amend the Business Corporation Law.

15 ACTING PRESIDENT CROCI: Read the
16 last section.

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

19 ACTING PRESIDENT CROCI: Call the
20 roll.

21 (The Secretary called the roll.)

22 THE SECRETARY: Ayes, 62.

23 ACTING PRESIDENT CROCI: The bill
24 is passed.

25 THE SECRETARY: Calendar Number

1 1125, by Senator DeFrancisco, Senate Print 3984A,
2 an act to amend the State Finance 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 DeFrancisco.

12 SENATOR DeFRANCISCO: Yes. This
13 bill I've been trying to get passed for some
14 time, and I'm happy it's on the calendar today.

15 It's a bipartisan bill. In fact,
16 it's a bill the original of which was prepared by
17 the Comptroller of the State of New York.

18 And it basically provides more
19 oversight of various contracts, the type of
20 contracts that are listed in the title there.
21 And I think it's essential that we have more
22 transparency in government, and especially in
23 procurement, in view of some of the incidents
24 that are the subject matter of actual criminal
25 trials at the present time.

1 There's a second bill, and I'll
2 speak on that quickly at the same time, and that
3 provides that the Public Authorities PACB Board,
4 Public Authorities Control Board, has to receive
5 certain basic information -- and it's outlined in
6 the bill -- before they make a vote to approve
7 any type of project.

8 It's been done in a blind fashion in
9 the past, and it was like pulling teeth trying to
10 get more information. So this would require
11 certain information be provided for that board
12 which will provide more oversight.

13 So I would urge everyone to pass
14 this bill and the subsequent bill dealing with
15 the PACB.

16 Thank you.

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

19 Announce the results.

20 THE SECRETARY: Ayes, 60. Nays, 2.
21 Senators Klein and Savino recorded in the
22 negative.

23 ACTING PRESIDENT CROCI: The bill
24 is passed.

25 THE SECRETARY: Calendar Number

1 1126, by Senator Boyle, Senate Print 5985A, an
2 act to amend the Economic Development Law.

3 ACTING PRESIDENT CROCI: Read the
4 last section.

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

7 ACTING PRESIDENT CROCI: Call the
8 roll.

9 (The Secretary called the roll.)

10 THE SECRETARY: Ayes, 62.

11 ACTING PRESIDENT CROCI: The bill
12 is passed.

13 THE SECRETARY: Calendar Number
14 1127, by Senator DeFrancisco, Senate Print 7697A,
15 an act to amend the Public Authorities Law.

16 ACTING PRESIDENT CROCI: Read the
17 last section.

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

20 ACTING PRESIDENT CROCI: Call the
21 roll.

22 (The Secretary called the roll.)

23 THE SECRETARY: Ayes, 62.

24 ACTING PRESIDENT CROCI: The bill
25 is passed.

1 THE SECRETARY: Calendar Number
2 1128, by Senator Griffo, Senate Print 7781, an
3 act to amend the Public Officers Law.

4 ACTING PRESIDENT CROCI: Read the
5 last section.

6 THE SECRETARY: Section 2. 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: Announce
12 the result.

13 THE SECRETARY: In relation to
14 Calendar 1128, those recorded in the negative are
15 Senators Bailey, Breslin, Brooks, Comrie, Dilan,
16 Gianaris, Hoylman, Kennedy, Krueger, Mayer,
17 Montgomery, Rivera and Sepúlveda.

18 Ayes, 49. Nays, 13.

19 ACTING PRESIDENT CROCI: The bill
20 is passed.

21 THE SECRETARY: Calendar Number
22 1129, by Senator Flanagan --

23 SENATOR KLEIN: Lay it aside.

24 SENATOR DeFRANCISCO: Lay it aside
25 for the day, please.

1 ACTING PRESIDENT CROCI: The bill
2 will be laid aside for the day.

3 THE SECRETARY: Calendar Number
4 1130, by Senator Ranzenhofer, Senate Print 8404,
5 an act to amend the Election Law.

6 ACTING PRESIDENT CROCI: Read the
7 last section.

8 THE SECRETARY: Section 3. This
9 act shall take effect on the 180th day.

10 ACTING PRESIDENT CROCI: Call the
11 roll.

12 (The Secretary called the roll.)

13 THE SECRETARY: Ayes, 60. Nays, 2.
14 Senators Sanders and Savino recorded in the
15 negative.

16 ACTING PRESIDENT CROCI: The bill
17 is passed.

18 THE SECRETARY: Calendar Number
19 1131, by Senator Ranzenhofer, Senate Print 8409,
20 an act to amend the Election Law.

21 ACTING PRESIDENT CROCI: Read the
22 last section.

23 THE SECRETARY: Section 3. This
24 act shall take effect on the 180th day.

25 ACTING PRESIDENT CROCI: Call the

1 roll.

2 (The Secretary called the roll.)

3 THE SECRETARY: Ayes, 60. Nays, 2.

4 Senators Sanders and Savino recorded in the
5 negative.

6 ACTING PRESIDENT CROCI: The bill
7 is passed.

8 Senator DeFrancisco, that completes
9 the reading of the supplemental calendar.

10 SENATOR DeFRANCISCO: Thank you.

11 And it's my understanding that
12 there's a hand-down from the Assembly.

13 ACTING PRESIDENT CROCI: Senator,
14 Calendar 962 would bring that legislation to the
15 desk.

16 SENATOR DeFRANCISCO: Calendar 962.
17 So however you bring it to the desk, would you do
18 it?

19 (Laughter.)

20 ACTING PRESIDENT CROCI: The
21 Secretary will read.

22 THE SECRETARY: On page 63, Senator
23 Breslin moves to discharge, from the Committee on
24 Education, Assembly Bill Number 9040A and
25 substitute it for the identical Senate Bill

1 7432A, Third Reading Calendar 962.

2 ACTING PRESIDENT CROCI: The
3 substitution is ordered.

4 The Secretary will read.

5 THE SECRETARY: Calendar Number
6 962, by Member of the Assembly Fahy, Assembly
7 Print 9040A, an act to amend the Education Law.

8 ACTING PRESIDENT CROCI: Read the
9 last section.

10 THE SECRETARY: Section 2. 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, 62.

16 ACTING PRESIDENT CROCI: The bill
17 is passed.

18 Senator DeFrancisco.

19 SENATOR DeFRANCISCO: Could we
20 please return to motions and resolutions.

21 ACTING PRESIDENT CROCI: Motions
22 and resolutions.

23 SENATOR DeFRANCISCO: On page 46, I
24 offer the following amendments to Calendar 728,
25 Senate Print 4241A, by Senator Seward, and ask

1 that said bill retain its place on the Third
2 Reading Calendar.

3 ACTING PRESIDENT CROCI: So
4 ordered.

5 SENATOR DeFRANCISCO: On page 46, I
6 offer the following amendments to Calendar 731,
7 Senate Print 7746, by Senator Seward, and ask
8 that said bill retain its place on the Third
9 Reading Calendar.

10 ACTING PRESIDENT CROCI: It is so
11 ordered.

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

14 ACTING PRESIDENT CROCI: Senator,
15 there is no further business before the desk.

16 SENATOR DeFRANCISCO: That being
17 the case, I move to adjourn until Monday,
18 May 14th, at 3:00 p.m., intervening days being
19 legislative days.

20 ACTING PRESIDENT CROCI: On motion,
21 the Senate stands adjourned until Monday,
22 May 14th, at 3:00 p.m., intervening days being
23 legislative days.

24 (Whereupon, at 1:00 p.m., the Senate
25 adjourned.)