

1 NEW YORK STATE SENATE

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4 THE STENOGRAPHIC RECORD

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8
9 ALBANY, NEW YORK

10 May 15, 2019

11 11:24 a.m.

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13
14 REGULAR SESSION

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18 SENATOR BRIAN A. BENJAMIN, Acting President

19 ALEJANDRA N. PAULINO, ESQ., Secretary

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

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

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

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

8 ACTING PRESIDENT BENJAMIN:
9 Reverend Dr. James Thornton, the pastor of Salem
10 Missionary Baptist Church in Brooklyn, will
11 deliver today's invocation.

12 Dr. Thornton.

13 REVEREND DR. THORNTON: Let us
14 pray.

15 Dear God, we come into Your presence
16 today recognizing that You are omnipotent,
17 omniscient and omnipresent. We thank You for a
18 brand-new day, one that is not recycled, but
19 one that is pregnant with new possibilities and
20 opportunities.

21 We ask now Your richest blessings
22 upon this political body. Bless their work and
23 aid them to personify the words of the Prophet
24 Micah, who declares: What does the Lord require
25 of thee but to do justly, love mercy, and to walk

1 humbly with God.

2 When this happens, we cannot be
3 satisfied until we have affordable housing, jobs,
4 and equal opportunities for all regardless of
5 race, creed or gender. When this happens, we
6 will be about the business of building bridges,
7 and not walls, as we seek to see Your divinity in
8 all humanity.

9 We give You thanks, praise and
10 adoration for a new day and another chance to
11 strive, to walk in Your divine purpose and will
12 for our lives. Hear our prayer, incline Your ear
13 to us.

14 In Jesus' name we pray. Amen.

15 ACTING PRESIDENT BENJAMIN: The
16 reading of the Journal.

17 THE SECRETARY: In Senate, Tuesday,
18 May 14, 2019, the Senate met pursuant to
19 adjournment. The Journal of Monday, May 13,
20 2019, was read and approved. On motion, Senate
21 adjourned.

22 ACTING PRESIDENT BENJAMIN: Without
23 objection, the Journal stands approved as read.

24 Presentation of petitions.

25 Messages from the Assembly.

1 The Secretary will read.

2 THE SECRETARY: On page 28, Senator
3 Kennedy moves to discharge, from the Committee on
4 Transportation, Assembly Bill Number 4950B and
5 substitute it for the identical Senate Bill
6 Number 4524B, Third Reading Calendar 408.

7 ACTING PRESIDENT BENJAMIN: The
8 substitution is so ordered.

9 THE SECRETARY: On page 29, Senator
10 Metzger moves to discharge, from the Committee on
11 Judiciary, Assembly Bill Number 1104A and
12 substitute it for the identical Senate Bill
13 Number 4206A, Third Reading Calendar 433.

14 ACTING PRESIDENT BENJAMIN: The
15 substitution is so ordered.

16 Messages from the Governor.

17 Reports of standing committees.

18 Reports of select committees.

19 Communications and reports from
20 state officers.

21 Motions and resolutions.

22 Senator Gianaris.

23 SENATOR GIANARIS: Mr. President,
24 at this time can we take up previously adopted
25 Resolution 1294, by Senator Tedisco, read that

1 resolution's title only, and recognize
2 Senator Tedisco.

3 ACTING PRESIDENT BENJAMIN: The
4 Secretary will read.

5 THE SECRETARY: Senate Resolution
6 1294, by Senator Tedisco, condemning the ruthless
7 acts of terrorism in Sri Lanka and mourning the
8 tragic loss of life and injury to its Christian
9 community on Easter Sunday.

10 ACTING PRESIDENT BENJAMIN: Senator
11 Tedisco on the resolution.

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

14 First of all, I'd like to associate
15 my remarks on this resolution with a wonderful
16 statement our good Senator on the other side of
17 the aisle, Senator Myrie, presented the other
18 day.

19 I had the opportunity to talk with
20 him for a few minutes yesterday at the Senate
21 Dinner, and I told him how impressed I was at how
22 pertinent and important -- a short speech, not
23 long, but reminded us that wherever terrorism
24 rears its ugly head, whether it's in this nation
25 or around the world, we have an obligation, no

1 matter what it relates to -- diversity,
2 anything -- we have an obligation to stand up and
3 we have an obligation to speak out and make sure
4 we combat that in every way possible.

5 So I thank you, Senator, for that
6 statement, and I truly meant what I said about
7 appreciating what you have done.

8 I rise as the author of this
9 resolution today to express mine and the Senate's
10 profound grief for the tragic loss of life and
11 injury to the Christian community and all the
12 victims of the brutal terrorist attacks on
13 Easter Sunday in Sri Lanka.

14 This terrorism and violence, which
15 is rooted in bigotry, hatred, racism and
16 intolerance towards diversity, are at the true
17 center of evil and should be condemned wherever
18 it rears its ugly head. Whether it's
19 anti-Semitism, anti-Christian, anti-Muslim or
20 violence committed towards anyone's religious
21 beliefs, we have an obligation to stand up and to
22 speak out.

23 Sri Lanka is a religiously diverse
24 country of about 20 million people containing
25 Buddhists, Hindus, Muslims and Christians, all of

1 whom assume an expectation of freely practicing
2 their religion and observing their holiest days
3 in peace.

4 This past Easter Sunday, those who
5 would perpetrate religious extremism detonated at
6 least nine bombs targeting churches and hotels,
7 killing over -- and this just boggles my mind, I
8 don't know what it did to you when you heard
9 it -- 300 people and leaving more than 500 others
10 wounded.

11 The bombing victims were from at
12 least 12 countries, including four Americans.
13 And the vast majority were Christians from
14 Sri Lanka. At one of the Catholic churches,
15 St. Sebastian's, 110 were killed while they were
16 praying in church. In some cases, entire
17 families were murdered while they celebrated one
18 of the holiest days of the Christian calendar.

19 This attack, like all forms of
20 terrorism, was truly horrific. We cannot allow
21 silence on terrorism like this, regardless of who
22 are the targets or in what part of the world it
23 takes place. Senator Myrie explained that and
24 reminded me the other day, and all of us.

25 It's important that freedom-loving

1 people worldwide stand together in opposition. I
2 know after 9/11 it was important to have leaders,
3 countries, and individuals stand up for the
4 United States in admonishment of what took place
5 at that time. Our Constitution's First Amendment
6 allows for freedom of worship and religion
7 without fear from violence and terror from
8 religious zealots.

9 Mr. President and my colleagues,
10 today I know we and the people of the great State
11 of New York, in solidarity with Sri Lanka's
12 Christian community and all the residents of that
13 country, are here to mourn this senseless act of
14 terrorism, and vow to continue to stand for
15 freedom and liberty and the free exercise of
16 one's religion here and throughout the world.

17 I thank you, Mr. President, and all
18 of my colleagues.

19 ACTING PRESIDENT BENJAMIN: Senator
20 Savino on the resolution.

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

23 I want to thank Senator Tedisco for
24 bringing this resolution.

25 You may not realize it, Senator

1 Tedisco, but Senator Lanza and I represent the
2 largest Sri Lankan community outside of Sri Lanka
3 in the United States. In the tiny little borough
4 of Staten Island, we have about 450 families who
5 live there, and they have been heartbroken about
6 what has happened in Sri Lanka.

7 We recently participated in a
8 conference call and a meeting with our other
9 local elected officials and representatives from
10 the Sri Lankan community and other
11 representatives from the Pakistani community and
12 from the Muslim community and representatives
13 from all of the churches, and we're going to
14 participate in an interfaith service soon in
15 recognition of the horror that happened on that
16 day.

17 This is a peace-loving community,
18 and they are asking for all of us to extend our
19 support and, most importantly, to send a message
20 to the government of Sri Lanka that the world is
21 watching and that we are going to do exactly what
22 you said: We're not going to tolerate this
23 inhuman abuse that has occurred against the
24 people of Sri Lanka and the minority communities,
25 and it continues to today.

1 So thank you for recognizing the
2 suffering of the people there and acknowledging
3 their humanity, and we look forward to continuing
4 that dialogue with this very marginalized
5 community.

6 Thank you, Senator Tedisco.

7 ACTING PRESIDENT BENJAMIN: Senator
8 Boyle on the resolution.

9 SENATOR BOYLE: Thank you,
10 Mr. President, on the resolution.

11 I'd like to thank my colleague
12 Senator Tedisco for bringing this and all my
13 colleagues for supporting it.

14 I've had the opportunity to travel
15 to scores of nations in the world, and by far the
16 most beautiful one I've ever been to is
17 Sri Lanka -- a peaceful, wonderful people that is
18 multicultural and multireligious.

19 To see the tragedy and the violence
20 that ensued here is something that we need to
21 condemn all around the United States,
22 particularly here in the New York State Senate.
23 I thank you for doing so.

24 ACTING PRESIDENT BENJAMIN: The
25 resolution was previously adopted on May 7th.

1 Senator Gianaris.

2 SENATOR GIANARIS: Can we now stick
3 with Senator Tedisco, Mr. President, and bring up
4 previously adopted Resolution 1366, read its
5 title only, and recognize Senator Tedisco.

6 ACTING PRESIDENT BENJAMIN: The
7 Secretary will read.

8 THE SECRETARY: Senate Resolution
9 1366, by Senator Tedisco, memorializing Governor
10 Andrew M. Cuomo to proclaim May 2019 as Pediatric
11 Stroke Awareness Month in the State of New York.

12 ACTING PRESIDENT BENJAMIN: Senator
13 Tedisco on the resolution.

14 SENATOR TEDISCO: I know all of us
15 are exceptionally proud of our districts and many
16 of our constituents in it, and I have two of them
17 which go above and beyond what I'm proud of.

18 I rise to speak on this resolution
19 designating the month of May as Pediatric Stroke
20 Awareness Month, to recognize the efforts of two
21 very special constituents of mine who are here
22 today in the chamber with us to highlight a
23 health issue that has impacted their lives and
24 the lives of many families across this state and
25 across this nation.

1 From the great Town of Niskayuna,
2 which I'm proud to represent, please welcome
3 6-year-old Sierra May -- she's right over
4 there -- and her loving mother, Ellen Russo.

5 Sierra was born via emergency
6 C-section at 36 weeks. It was later discovered,
7 at nine months, that Sierra had suffered a
8 massive stroke. We don't often think of strokes
9 affecting children, but the reality is stroke is
10 one of top 10 causes of death for children
11 between the ages of one and 19. Shocking.

12 Stroke occurs at a rate of one in
13 3500 live births each year, and five in 100,000
14 children per year. Of children surviving stroke,
15 about 60 percent will have permanent neurological
16 deficits and behavioral difficulties, and many
17 require ongoing physical therapy and surgeries.

18 While very little is known about the
19 cause of pediatric stroke, it's been shown that
20 an early diagnosis and commencement of treatment
21 greatly improves the chances of recovery and
22 prevention of a recurrence. The more attention
23 we can draw to this condition, hopefully the more
24 young lives we can save and improve.

25 Sierra is now a first-grader at

1 Craig Elementary School in Niskayuna.

2 I want to thank you -- I want to
3 thank Sierra's mother, Ellen Russo, for her
4 fierce advocacy and for bringing this issue to my
5 attention. And special thanks to Sierra, who as
6 you can see is absolutely adorable. And she says
7 I am too -- no, she didn't say that.

8 (Laughter.)

9 SENATOR TEDISCO: And clearly a
10 true blessing for her family and all of us.

11 Mr. President and my colleagues,
12 please join me in welcoming them to the Senate
13 chamber and recognizing their efforts to bring
14 attention to this very serious issue.

15 ACTING PRESIDENT BENJAMIN: To our
16 guests, I welcome you on behalf of the Senate.
17 We extend to you all the privileges and
18 courtesies of this house. Please rise and be
19 recognized.

20 (Standing ovation.)

21 ACTING PRESIDENT BENJAMIN: The
22 resolution was previously adopted on May 7th.

23 Senator Gianaris.

24 SENATOR GIANARIS: Mr. President,
25 both of the resolutions we just considered are

1 open for cosponsorship.

2 ACTING PRESIDENT BENJAMIN: These
3 resolutions are open for cosponsorship. Should
4 you choose not to be a cosponsor of the
5 resolutions, please notify the desk.

6 Senator Gianaris.

7 SENATOR GIANARIS: Mr. President, I
8 have a motion here on behalf of Senator Hoylman.
9 On page 26, I offer the following amendments to
10 Calendar 318, Senate 3297A, and ask that said
11 bill retain its place on Third Reading Calendar.

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

15 Senator Gianaris.

16 SENATOR GIANARIS: Can we now
17 recognize Senator Carlucci for an introduction.

18 ACTING PRESIDENT BENJAMIN: Senator
19 Carlucci for an introduction.

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

22 It's so exciting that we have with
23 us today, in the gallery with us, Reverend
24 McLauchlin, from the St. Charles A.M.E. Zion
25 Church in Sparkill, New York. And we also have

1 with us an educator from the East Ramapo School
2 District, Tyanna Collins, and Della Anderson, who
3 represents the Rockland Negro Scholarship Fund
4 and a member of the Delta Sigma Theta Sorority
5 county chapter in Rockland County.

6 And they're here today celebrating
7 Thurgood Marshall Day in the State of New York,
8 which is May 17th, and they had a resolution in
9 the Assembly.

10 And what's fitting is that in
11 Rockland County, in the Village of Hillburn, in
12 1943 Thurgood Marshall, when he was the lead
13 lawyer for the NAACP, came to Hillburn to fight
14 and say it's separate but not equal, and setting
15 the course for Brown v. Board of Education. And
16 Thurgood Marshall's genius was on display in
17 arguing for the children in Rockland County in
18 that time in 1943. And it's a history that we
19 want to talk about and make sure that people
20 recognize that the fight for civil rights
21 has a deep history in New York State right in the
22 Village of Hillburn, a history that we're proud
23 of.

24 And this body passed legislation
25 earlier this year to rename Route 17 in the

1 Village of Hillburn the Thurgood Marshall
2 highway. And it's a legacy that we're proud
3 of -- one of the greatest lawyers of the
4 20th century, Thurgood Marshall. And that's why
5 we're honoring him today.

6 I want to thank our guests from
7 Rockland County for coming up. Look forward to
8 seeing you in the district. Thank you for being
9 here.

10 Thank you, Mr. President, for
11 indulging me for a few moments. Thank you.

12 ACTING PRESIDENT BENJAMIN: To our
13 guests, I welcome you on behalf of the Senate.
14 We extend to you all of the privileges and
15 courtesies of this house. Please be recognized
16 at this time. Thank you.

17 (Standing ovation.)

18 ACTING PRESIDENT BENJAMIN: Senator
19 Gianaris.

20 SENATOR GIANARIS: Can we now take
21 up the reading of the calendar.

22 ACTING PRESIDENT BENJAMIN: The
23 Secretary will read.

24 THE SECRETARY: Calendar Number 87,
25 Senate Print 1414A, by Senator Parker, an act to

1 amend the Penal Law and the Criminal Procedure
2 Law.

3 ACTING PRESIDENT BENJAMIN: Read
4 the last section.

5 THE SECRETARY: Section 8. This
6 act shall take effect on the 180th day after it
7 shall have become a law.

8 ACTING PRESIDENT BENJAMIN: Call
9 the roll.

10 (The Secretary called the roll.)

11 ACTING PRESIDENT BENJAMIN: Senator
12 Hoylman to explain his vote.

13 SENATOR HOYLMAN: I just want to
14 thank Senator Parker for this important bill that
15 will really address the growing concern around
16 3-D printed weapons.

17 You know, you can today go online
18 and purchase a schematic to download to your 3-D
19 printer -- which would be an undetectable weapon,
20 in most instances, at airports -- and print it in
21 the comfort and safety of your own home.

22 Well, thanks to Senator Parker's
23 legislation today, we are outlawing that type of
24 undetectable, unassembled weaponry. And I really
25 congratulate Senator Parker for moving this bill

1 to the floor for a vote.

2 Thank you.

3 ACTING PRESIDENT BENJAMIN: Senator
4 Hoylman to be recorded in the affirmative.

5 Announce the results.

6 THE SECRETARY: In relation to
7 Calendar Number 87, those Senators voting in the
8 negative are Senators Gallivan, Ortt and
9 Ranzenhofer. Also Senator Amedore. Also Senator
10 Helming.

11 Ayes, 51. Nays, 5.

12 ACTING PRESIDENT BENJAMIN: The
13 bill is passed.

14 THE SECRETARY: Calendar Number
15 148, Senate Print 1549A, by Senator Kennedy, an
16 act to amend the Highway Law.

17 ACTING PRESIDENT BENJAMIN: Read
18 the last section.

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

21 ACTING PRESIDENT BENJAMIN: Call
22 the roll.

23 (The Secretary called the roll.)

24 ACTING PRESIDENT BENJAMIN:
25 Announce the results.

1 THE SECRETARY: In relation to
2 Calendar Number 148, those Senators voting in the
3 negative are Senators Akshar, Amedore, Antonacci,
4 Flanagan, Gallivan, Helming, Jacobs, Jordan,
5 Lanza, Little, O'Mara, Ortt, Ranzenhofer,
6 Ritchie, Serino, Seward and Tedisco. Also
7 Senator Robach.

8 Ayes, 39. Nays, 18.

9 ACTING PRESIDENT BENJAMIN: The
10 bill is passed.

11 THE SECRETARY: Calendar Number
12 151, Senate Print 2978, by Senator Gaughran, an
13 act to amend the Vehicle and Traffic Law.

14 ACTING PRESIDENT BENJAMIN: Read
15 the last section.

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

18 ACTING PRESIDENT BENJAMIN: Call
19 the roll.

20 (The Secretary called the roll.)

21 ACTING PRESIDENT BENJAMIN: Senator
22 Gaughran to explain his vote.

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

25 Back in the 1920s and 1930s we built

1 parkways in this state literally to take people
2 in cars, which they then called motorcars, to the
3 parks from our more urban areas. These parkways
4 were never really designed effectively for
5 today's traffic back and forth.

6 And particularly on Long Island,
7 but I know in other parts of the state as well,
8 we have had some terrific accidents, particularly
9 with charter buses crashing into these overpasses
10 that are way too low.

11 So what we are doing today is we are
12 curing that problem to some extent, in that we
13 are now requiring that all commercial buses have
14 a commercial GPS so they will be notified that
15 first of all they shouldn't be on that road in
16 the first place, and secondly, if they don't get
17 that message, that there's an overpass coming
18 that they're not going to fit through.

19 And hopefully that will help to save
20 lives and to save people's health, particularly
21 our young people. Because back in April, on the
22 Southern State Parkway, we had 38 students on a
23 field trip who were injured, many of them
24 seriously.

25 So I vote in the affirmative,

1 Mr. President. Thank you.

2 ACTING PRESIDENT BENJAMIN: Senator
3 Gaughran to be recorded in the affirmative.

4 Senator May to explain her vote.

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

7 And I want to thank Senator Gaughran
8 for bringing this bill forward.

9 We have a parkway in Syracuse that
10 runs along the north shore of Onondaga Lake. It
11 was originally the Oswego Canal, and there is a
12 railroad bridge that runs across it that is a
13 very low bridge. In 2010 a mega bus, a
14 double-decker mega bus took that route in the
15 middle of the night and hit the bridge, and four
16 people died. Many others were injured. And it
17 was a tragedy that should and could have been
18 averted.

19 And I think -- although the driver
20 passed 12 warnings and still kept going, I think
21 a GPS warning might have diverted him to a
22 different route and saved those four lives.

23 So I am very grateful for this bill,
24 and I vote aye.

25 ACTING PRESIDENT BENJAMIN: Senator

1 May to be recorded in the affirmative.

2 Senator Bailey to explain his vote.

3 SENATOR BAILEY: Thank you,
4 Mr. President.

5 I applaud Senator Gaughran for
6 introducing this bill. It's something that also
7 affects my district.

8 I represent the North Bronx and
9 Westchester County, and we have a number of
10 parkways, the Hudson River Parkway, the Bronx
11 River Parkway. And often you have oversized
12 trucks that will get stuck on these parkways and
13 that are causing significant delays and that are
14 cumbersome to many of the residents who are
15 attempting to drive and get to work.

16 So in addition to the practical
17 matters, which are more important in saving
18 lives, this is just something that's a
19 commonsense piece of legislation that you should
20 be using commercial GPS, as opposed to whatever
21 brand it is that you can purchase in a store when
22 you're engaging in that.

23 So, Senator Gaughran, I appreciate
24 this legislation.

25 I vote aye, Mr. President.

1 ACTING PRESIDENT BENJAMIN: Senator
2 Bailey to be recorded in the affirmative.

3 Announce the results.

4 THE SECRETARY: Ayes, 57.

5 ACTING PRESIDENT BENJAMIN: The
6 bill is passed.

7 THE SECRETARY: Calendar Number
8 243, Senate Print 3344A, by Senator Ramos, an act
9 to amend the Public Health Law.

10 ACTING PRESIDENT BENJAMIN: Read
11 the last section.

12 THE SECRETARY: Section 2. This
13 act shall take effect on the 90th day after it
14 shall have become a law.

15 ACTING PRESIDENT BENJAMIN: Call
16 the roll.

17 (The Secretary called the roll.)

18 ACTING PRESIDENT BENJAMIN: Senator
19 Ramos to explain her vote.

20 SENATOR RAMOS: Thank you,
21 Mr. President, for allowing me the opportunity to
22 explain the importance of this bill.

23 When I gave birth to my boys, I was
24 very lucky that everything pretty much went
25 without a glitch. But that's not true for

1 many mothers and especially mothers of color in
2 New York State. In fact, we're ranked 30th in
3 the nation for maternal mortality.

4 And in a recent study that was
5 published by the American Journal of Obstetrics,
6 it suggested that labor with a doula is among the
7 most effective birth practices that we could
8 offer. In fact, doula support is associated with
9 shorter labor times, lower odds of preterm birth,
10 and better neonatal healthcare overall.

11 And Governor Cuomo, to his credit,
12 has introduced a series of initiatives including
13 a pilot program that would allow doulas to be
14 reimbursed by Medicaid. We know that this
15 service is actually usually not readily available
16 and accessible for many low-income women of
17 color. And so ensuring that this particular
18 group of workers is certified to do the work well
19 is really critical.

20 So I want to thank the Health
21 Committee chair for allowing my bill, and also
22 all of my colleagues who are in support of it.
23 Thank you.

24 ACTING PRESIDENT BENJAMIN: Senator
25 Ramos to be recorded in the affirmative.

1 Announce the results.

2 THE SECRETARY: Ayes, 57.

3 ACTING PRESIDENT BENJAMIN: The
4 bill is passed.

5 THE SECRETARY: Calendar Number
6 407, Senate Print 2960A, by Senator Kaplan, an
7 act to amend the Vehicle and Traffic Law.

8 ACTING PRESIDENT BENJAMIN: Read
9 the last section.

10 THE SECRETARY: Section 2. This
11 act shall take effect one year after it shall
12 have become a law.

13 ACTING PRESIDENT BENJAMIN: Call
14 the roll.

15 (The Secretary called the roll.)

16 ACTING PRESIDENT BENJAMIN:
17 Announce the results.

18 THE SECRETARY: Ayes, 57.

19 ACTING PRESIDENT BENJAMIN: The
20 bill is passed.

21 THE SECRETARY: Calendar Number
22 408, Assembly Print 4950B, substituted earlier by
23 Assemblymember Magnarelli, an act to amend the
24 Vehicle and Traffic Law.

25 ACTING PRESIDENT BENJAMIN: Read

1 the last section.

2 THE SECRETARY: Section 25. This
3 act shall take effect on the 30th day after it
4 shall have become a law.

5 ACTING PRESIDENT BENJAMIN: Call
6 the roll.

7 (The Secretary called the roll.)

8 ACTING PRESIDENT BENJAMIN: Senator
9 Kennedy to explain his vote.

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

12 First let me start by thanking our
13 leader, Senator Andrea Stewart-Cousins, not only
14 for bringing this bill to the floor today, but
15 for first of all asking me to be the chair of the
16 Transportation Committee and then tasking our
17 committee to make transportation safety a
18 priority in this legislative session.

19 I want to thank the Transportation
20 Committee for their diligence and their efforts
21 on behalf of this bill, as well as the Assembly
22 chair of Transportation, Assemblymember
23 Magnarelli, for helping to champion this on the
24 other side of the chamber, as well as the
25 Governor for committing to signing this into law

1 once passed.

2 This bill that we're passing today
3 is going to ensure that our children are safe
4 when we put them on school buses, send them off
5 to school, send them out in the community, and
6 when they're returning home to us. And the way
7 we're going to make them safer is by ensuring
8 that our communities across New York State can
9 install cameras onto these school buses to catch
10 those that blatantly disregard the law, that put
11 our children's lives at stake each and every day
12 as they're transported throughout the state.

13 To an outrageous extent, they're
14 putting them at risk today. The numbers are
15 mind-boggling. Studies have shown over and over
16 and over that vehicles pass stopped school buses
17 in the State of New York each day, to the tune of
18 50,000, illegally. That number is absolutely
19 unconscionable. It's so large of a number, you
20 almost question the accuracy of it.

21 But when you look at the videos that
22 have been presented publicly and when you listen
23 to the tales of the drivers of these school buses
24 that transport over two and-a-half-million kids
25 each year across the state, you know that that is

1 an accurate number. The videos we've seen of
2 kids getting caught by school bus drivers that
3 recognize that the bus is being passed at the
4 last moment, and save that little child's life or
5 save that child from critical injury.

6 The amount of times these buses are
7 passed is so outrageous, in my mind, due to one
8 thing: That there has been an enormous lack of
9 enforcement of the law, and that's because this
10 system has not been put in place.

11 And while the Senate has tried and
12 the Assembly has tried over the years in
13 different bills that have been put forward, in
14 different conversations that have been advanced,
15 to this point it hasn't gotten done.

16 Today we pass this bill with a
17 same-as in the Assembly, with a commitment from
18 the Governor. We're getting it done. Today
19 we're going to protect our children in the State
20 of New York from those that disregard the law,
21 that put our children's lives at risk, and that
22 fail to stop when school buses are pulled over
23 with the lights flashing, with the stop signs
24 out, with the cross bar out in front of the
25 vehicle, so that our kids can pass safely. This

1 is going to hold those drivers accountable.

2 Now, there are many different pieces
3 to this bill. It is complex in nature. A local
4 municipality will pass a law, the school district
5 will opt in. They will contract with the agency
6 to install the camera, and the drivers will be
7 fined from \$250 up to \$300 for passing stopped
8 school buses. But most importantly, most
9 importantly, this will begin to change the
10 behavior of drivers in this state to ensure that
11 they're thinking about the safety of our kids as
12 they are transported across the state and across
13 our communities.

14 I'm the father of three children
15 ages 13, 10 and 7. My kids take the school bus
16 each and every day to school and home, to the
17 community center and home. And I trust that when
18 my kids get on the school bus, like many of our
19 kids or grandkids in this room, outside of this
20 chamber, I trust that they're going to be
21 returned home safely.

22 No parent should have to worry about
23 the safety of their child when they get onto a
24 school bus because drivers are disregarding the
25 law and disregarding their safety. This bill is

1 going to ensure that those that do that, that
2 disregard the law, put our children at risk, are
3 ultimately held accountable.

4 Thank you, Mr. President. I want to
5 thank again the Transportation Committee. And I
6 want to thank those colleagues in this chamber
7 for their advocacy in getting this bill finally
8 passed into law today.

9 I vote aye.

10 ACTING PRESIDENT BENJAMIN: Senator
11 Kennedy to be recorded in the affirmative.

12 Announce the results.

13 THE SECRETARY: Ayes, 57.

14 ACTING PRESIDENT BENJAMIN: The
15 bill is passed.

16 THE SECRETARY: Calendar Number
17 433, Assembly Print Number 1104A, substituted
18 earlier by Assemblymember Abinanti, an act to
19 amend the General Obligations Law.

20 ACTING PRESIDENT BENJAMIN: Read
21 the last section.

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

24 ACTING PRESIDENT BENJAMIN: Call
25 the roll.

1 (The Secretary called the roll.)

2 ACTING PRESIDENT BENJAMIN:

3 Announce the results.

4 THE SECRETARY: Ayes, 57.

5 ACTING PRESIDENT BENJAMIN: The
6 bill is passed.

7 THE SECRETARY: Calendar Number
8 514, Senate Print 2773, by Senator Comrie, an act
9 to amend the Public Authorities Law.

10 ACTING PRESIDENT BENJAMIN: Read
11 the last section.

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

14 ACTING PRESIDENT BENJAMIN: Call
15 the roll.

16 (The Secretary called the roll.)

17 ACTING PRESIDENT BENJAMIN:

18 Announce the results.

19 THE SECRETARY: Ayes, 57.

20 ACTING PRESIDENT BENJAMIN: The
21 bill is passed.

22 THE SECRETARY: Calendar Number
23 570, Senate Print 4175, by Senator Gaughran, an
24 act to amend the Real Property Tax Law.

25 ACTING PRESIDENT BENJAMIN: Read

1 the last section.

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

4 ACTING PRESIDENT BENJAMIN: Call
5 the roll.

6 (The Secretary called the roll.)

7 ACTING PRESIDENT BENJAMIN:
8 Announce the results.

9 THE SECRETARY: Ayes, 56. Nays, 1.
10 Senator Montgomery recorded in the negative.

11 ACTING PRESIDENT BENJAMIN: The
12 bill is passed.

13 THE SECRETARY: Calendar Number
14 599, Senate Print 1777, by Senator Skoufis, an
15 act to validate certain acts of the Newburgh
16 Enlarged City School District and the Chester
17 Union Free School District with regard to certain
18 capital improvement projects.

19 ACTING PRESIDENT BENJAMIN: Read
20 the last section.

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

23 ACTING PRESIDENT BENJAMIN: Call
24 the roll.

25 (The Secretary called the roll.)

1 ACTING PRESIDENT BENJAMIN:

2 Announce the results.

3 THE SECRETARY: Ayes, 57.

4 ACTING PRESIDENT BENJAMIN: The
5 bill is passed.

6 THE SECRETARY: Calendar Number
7 602, Senate Print 2611, by Senator Metzger, an
8 act relating to validating certain acts by the
9 Roscoe Central School District relating to final
10 building cost reports required to be filed with
11 the Education Department.

12 ACTING PRESIDENT BENJAMIN: Read
13 the last section.

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

16 ACTING PRESIDENT BENJAMIN: Call
17 the roll.

18 (The Secretary called the roll.)

19 ACTING PRESIDENT BENJAMIN: Senator
20 Serino to explain her vote.

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

23 I rise today to call this body's
24 attention to a bill that I sponsor that is almost
25 identical to this one. In fact, the only

1 substantive difference between the two bills are
2 the dates that are referenced and the school
3 districts' names.

4 The bill I carry is for the
5 Spackenkill Union Free School District, who was
6 assessed a penalty of over \$9 million stemming
7 from a 2012 issue, a number that has been reduced
8 thanks to our efforts in last year's budget. But
9 unfortunately they are still facing a penalty in
10 the millions that will directly impact their
11 ability to provide critical programs to our local
12 students.

13 What makes the Spackenkill School
14 District situation especially unique is the fact
15 that the current administration was not even
16 aware that they were ever assessed a penalty
17 until last year, nearly six years after the
18 supposed missed deadline.

19 The kicker of it all? It wasn't
20 until my office was given a list of impacted
21 school districts by another Senator who received
22 it from an outside organization -- and we
23 actually reached out to the district to let them
24 know.

25 The list I was given included their

1 name, but unlike the other districts listed, it
2 did not include a penalty amount. While we
3 originally hoped it was a typo, and after
4 spending a significant amount of time getting
5 confirmation from SED, we learned that there was
6 in fact a penalty levied.

7 While my bill passed unanimously
8 here last year, unfortunately the Assembly failed
9 to do so.

10 This year this package of bills all
11 passed through the Education Committee on
12 April 9th, yet that committee agenda failed to
13 include similar bills sponsored by some
14 Republican members of this body. I've gone
15 through the appropriate motions to get the bill
16 moved but haven't received any answer as to why
17 it hasn't. This is a local bill that is so
18 clearly in line with this package.

19 This issue, as we all know, has
20 plagued so many of our school districts here in
21 our state for far too long. And while I
22 appreciate and commend the efforts of my
23 colleagues to advance these critically important
24 bills here today, there are still some other
25 districts in the state in desperate need of this

1 penalty forgiveness.

2 This is an issue that directly
3 impacts our school districts, our taxpayers, and
4 most importantly our children. Each day that
5 these bills fail to advance is another day that
6 our schools are left to evaluate what programs
7 will be negatively impacted.

8 You know, our children do not wear
9 an R or a D, they're not labeled with an R or a
10 D. But in this case politics is leading the way.
11 I'm voting yes for this bill, but I'm urging my
12 colleagues to put politics aside and do right by
13 our students and our children and our school
14 communities and advance my bill, along with the
15 others who are in desperate need of programs on
16 this issue.

17 Thank you so much.

18 ACTING PRESIDENT BENJAMIN: Senator
19 Gianaris.

20 SENATOR GIANARIS: Thank you.

21 I too will be voting yes on this
22 bill, Mr. President.

23 I heard my colleague's comments just
24 now. I just wonder if she felt the same way when
25 Senator Gipson was unable to get a bill passed

1 through the Republican majority dealing with Lyme
2 disease -- which passed very quickly, the same
3 identical bill, when Senator Serino introduced it
4 herself.

5 So before we cast aspersions, we
6 should look at making sure the entire body
7 functions for everybody.

8 Thank you.

9 ACTING PRESIDENT BENJAMIN: Senator
10 Gianaris to be recorded in the affirmative.

11 Announce the results.

12 THE SECRETARY: Ayes, 57.

13 ACTING PRESIDENT BENJAMIN: The
14 bill is passed.

15 THE SECRETARY: Calendar Number
16 603, Senate Print 2976, by Senator Gaughran, an
17 act to legalize, validate, ratify and confirm the
18 actions of the Huntington Union Free School
19 District.

20 ACTING PRESIDENT BENJAMIN: Read
21 the last section.

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

24 ACTING PRESIDENT BENJAMIN: Call
25 the roll.

1 (The Secretary called the roll.)

2 ACTING PRESIDENT BENJAMIN:

3 Announce the results.

4 THE SECRETARY: In relation to
5 Calendar Number 603, those Senators voting in the
6 negative: Senator Akshar.

7 Ayes, 56. Nays, 1.

8 ACTING PRESIDENT BENJAMIN: The
9 bill is passed.

10 THE SECRETARY: Calendar Number
11 604, Senate Print 2977, by Senator Gaughran, an
12 act in relation to legalizing, validating,
13 ratifying and confirming a transportation
14 contract of the Cold Spring Harbor Central School
15 District.

16 ACTING PRESIDENT BENJAMIN: Read
17 the last section.

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

20 ACTING PRESIDENT BENJAMIN: Call
21 the roll.

22 (The Secretary called the roll.)

23 ACTING PRESIDENT BENJAMIN:

24 Announce the results.

25 THE SECRETARY: In relation to

1 Calendar Number 604, those Senators voting in the
2 negative: Senator Akshar.

3 Ayes, 56. Nays, 1.

4 ACTING PRESIDENT BENJAMIN: The
5 bill is passed.

6 THE SECRETARY: Calendar Number
7 609, Senate Print 4333, by Senator Metzger, an
8 act to legalize, validate, ratify and confirm the
9 actions of the Monticello Central School
10 District.

11 ACTING PRESIDENT BENJAMIN: Read
12 the last section.

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

15 ACTING PRESIDENT BENJAMIN: Call
16 the roll.

17 (The Secretary called the roll.)

18 ACTING PRESIDENT BENJAMIN:
19 Announce the results.

20 THE SECRETARY: In relation to
21 Calendar Number 609, those Senators voting in the
22 negative: Senator Akshar.

23 Ayes, 56. Nays, 1.

24 ACTING PRESIDENT BENJAMIN: The
25 bill is passed.

1 THE SECRETARY: Calendar Number
2 610, Senate Print 4949, by Senator Harckham, an
3 act to validate certain acts of the Mahopac
4 Central School District.

5 ACTING PRESIDENT BENJAMIN: Read
6 the last section.

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

9 ACTING PRESIDENT BENJAMIN: Call
10 the roll.

11 (The Secretary called the roll.)

12 ACTING PRESIDENT BENJAMIN: Senator
13 Lanza to explain his vote.

14 SENATOR LANZA: Thank you,
15 Mr. President. I rise to explain my vote.

16 I'm going to vote yes. And I never
17 subscribed to this notion that two wrongs make a
18 right.

19 But beyond that, I'm looking at all
20 these bills, we passed them out of committee.
21 The question I have is why these school districts
22 can't get their act together. This is endemic.
23 You know, there are rules. They have
24 responsibilities. They get paid to do a job.
25 And it's one after the other after the other,

1 school districts can't file the requisite reports
2 in a timely manner.

3 It's something that I think it's
4 high time -- and this is not new this year. It's
5 been going on every year. It's something that we
6 ought to get a handle on and take a look at. I
7 mean, if they can't get a report in, what else
8 are they messing up? How else are they failing
9 our children? I mean, it really is unacceptable.

10 I know there are reasons that
11 they'll give, and they'll blame the state and
12 they'll blame the rules, they'll blame the
13 regulations. Whatever the reason is, we ought to
14 get to the bottom of it. This is not the way to
15 operate.

16 And we're placed in this difficult
17 position where the choices between once again
18 just allowing these districts to do what they
19 might, not follow the rules, or vote against the
20 taxpayers. I'm going to choose the taxpayers.
21 The costs of their irresponsibility, their
22 malfeasance should not be borne by the taxpayers
23 and the students.

24 So I'm going to vote in the
25 affirmative, but I really wish that we'd get a

1 handle on this.

2 ACTING PRESIDENT BENJAMIN: Senator
3 Lanza to be recorded in the affirmative.

4 Senator Mayer to explain her vote.

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

7 I rise to explain my vote on this
8 bill and to respond in part to my colleague's
9 comments.

10 You know, a number of these problems
11 that occur when districts make sometimes
12 de minimis errors in filing, sometimes errors
13 that were made by prior employees who are no
14 longer employed by the school district -- and
15 sometimes, in fact, they are not errors at all
16 but things that the State Education Department
17 deems to be in violation of the rules.

18 So rather than express such strong
19 frustration, which I understand, we ought to
20 develop a system where school districts have
21 greater clarity, make a strong effort to comply.
22 When there is inadvertent error, not to make a
23 school district have to spend millions, in some
24 cases millions of dollars to rectify these modest
25 errors. We ought to have a system that works.

1 So rather than blaming the employees
2 of the school district, I think our goal should
3 be to find a more effective way going forward.
4 In the meanwhile, we have districts throughout
5 the state in both Majority and Minority districts
6 where these very strong penalties are a true
7 problem for educating our children, which is our
8 goal.

9 So I think we should take blame out
10 of the conversation, work to improve the system,
11 and in the interim give these districts the
12 relief they need from punitive actions by the
13 State Education Department.

14 I vote aye.

15 ACTING PRESIDENT BENJAMIN: Senator
16 Mayer to be recorded in the affirmative.

17 Announce the results.

18 THE SECRETARY: In relation to
19 Calendar Number 610, voting in the negative:
20 Senator Akshar.

21 Ayes, 56. Nays, 1.

22 ACTING PRESIDENT BENJAMIN: The
23 bill is passed.

24 THE SECRETARY: Calendar Number
25 611, Senate Print 4957, by Senator Seward, an act

1 authorizing the Schenevus Central School District
2 to apply to the commissioner of education.

3 ACTING PRESIDENT BENJAMIN: Read
4 the last section.

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

7 ACTING PRESIDENT BENJAMIN: Call
8 the roll.

9 (The Secretary called the roll.)

10 ACTING PRESIDENT BENJAMIN:
11 Announce the results.

12 THE SECRETARY: Ayes, 57.

13 ACTING PRESIDENT BENJAMIN: The
14 bill is passed.

15 THE SECRETARY: Calendar Number
16 677, Senate Print 3450B, by Senator Stavisky, an
17 act to amend the Vehicle and Traffic Law.

18 ACTING PRESIDENT BENJAMIN: Read
19 the last section.

20 THE SECRETARY: Section 3. This
21 act shall take effect on the first of April.

22 ACTING PRESIDENT BENJAMIN: Call
23 the roll.

24 (The Secretary called the roll.)

25 ACTING PRESIDENT BENJAMIN:

1 Announce the results.

2 THE SECRETARY: In relation to
3 Calendar Number 677, voting in the negative:
4 Senator Akshar.

5 Ayes, 56. Nays, 1.

6 ACTING PRESIDENT BENJAMIN: The
7 bill is passed.

8 THE SECRETARY: Calendar Number
9 678, Senate Print 3557, by Senator Kennedy, an
10 act to amend the Vehicle and Traffic Law.

11 ACTING PRESIDENT BENJAMIN: Read
12 the last section.

13 THE SECRETARY: Section 2. This
14 act shall take effect on the 30th day after it
15 shall have become a law.

16 ACTING PRESIDENT BENJAMIN: Call
17 the roll.

18 (The Secretary called the roll.)

19 ACTING PRESIDENT BENJAMIN:
20 Announce the results.

21 THE SECRETARY: In relation to
22 Calendar Number 678, voting in the negative:
23 Senator Akshar.

24 Ayes, 57. Nays, 1.

25 ACTING PRESIDENT BENJAMIN: The

1 bill is passed.

2 THE SECRETARY: Calendar Number
3 680, Senate Print 4336, by Senator Carlucci, an
4 act to amend the Vehicle and Traffic Law.

5 ACTING PRESIDENT BENJAMIN: Read
6 the last section.

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

9 ACTING PRESIDENT BENJAMIN: Call
10 the roll.

11 (The Secretary called the roll.)

12 ACTING PRESIDENT BENJAMIN: Senator
13 Carlucci to explain his vote.

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

16 Three and a half decades ago,
17 New York State led the nation in being the first
18 to require seat belts to be worn in the front
19 seat of passenger vehicles.

20 Now, 35 years later, 29 states have
21 taken action and have required seat belts to be
22 worn in the back seat of the vehicle. Right now,
23 every day in New York State, every three hours
24 a New Yorker is seriously injured simply because
25 they're not wearing their seat belt in the back

1 seat of a vehicle.

2 You're eight times more likely to be
3 killed or injured in a vehicle if you're not
4 wearing a seat belt in the back seat. And what's
5 worse is you're two times more likely to kill the
6 driver or the occupant in front of you if you're
7 not wearing that seat belt in the back seat.

8 Look, 37,000 fatalities happen each
9 year on our highways in the United States. And
10 half of those, about half of those 37 fatalities
11 are because people are not wearing seat belts.

12 This legislation is commonsense. It
13 requires any adult sitting in any part of the car
14 to be wearing a seat belt. And it gives law
15 enforcement the ability, as a primary offense, if
16 they see someone not wearing a seat belt in the
17 back seat of the vehicle, to pull them over and
18 give a ticket to the driver and to the occupant
19 that's not wearing the seat belt.

20 In the rise of ridesharing, we see
21 more and more people riding in the back seat of
22 vehicles. We've seen the ridesharing companies
23 really be absent in developing policies to get
24 people to wear seat belts to protect their
25 drivers, to protect their passengers. So in

1 New York State we have to step forward, pass this
2 legislation to protect New Yorkers. And in doing
3 so, in years to come we will be saving thousands
4 of New Yorkers from injury and unfortunate
5 deaths.

6 So thank you, Mr. President. I vote
7 in the affirmative and want to thank my
8 colleagues for doing the same. Thank you.

9 ACTING PRESIDENT BENJAMIN: Senator
10 Carlucci to be recorded in the affirmative.

11 Announce the results.

12 THE SECRETARY: In relation to
13 Calendar Number 680, those Senators voting in the
14 negative are Senators Akshar, Amedore, Gallivan,
15 Jacobs, Little, Ortt and Ritchie.

16 Ayes, 51. Nays, 7.

17 ACTING PRESIDENT BENJAMIN: The
18 bill is passed.

19 THE SECRETARY: Calendar Number
20 682, Senate Print 5228A, by Senator Gounardes, an
21 act to amend the Vehicle and Traffic Law.

22 ACTING PRESIDENT BENJAMIN: Read
23 the last section.

24 THE SECRETARY: Section 2. This
25 act shall take effect on the 180th day after it

1 shall have become a law.

2 ACTING PRESIDENT BENJAMIN: Call
3 the roll.

4 (The Secretary called the roll.)

5 ACTING PRESIDENT BENJAMIN: Senator
6 Gounardes to explain his vote.

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

9 It's amazing how, you know, our
10 roads have changed over many, many years. I took
11 my driving course 17, 18 years ago, and the way
12 that I was taught to drive, the instructions that
13 we had in our courses, the test that we took, the
14 driving test, hasn't been updated to reflect the
15 reality that today our roadways are shared
16 spaces. We share it with pedestrians, we share
17 it with cyclists, we share it with motorized
18 bikes, with motorcycles, with vehicles of all
19 kinds, pedestrians of all kinds.

20 We have to update our laws to
21 reflect the changed reality that is happening on
22 our streets. We have an epidemic of traffic
23 violence, especially in New York City right now.
24 This year 67 pedestrians have lost their lives to
25 traffic crashes. This month alone, four in

1 southern Brooklyn, three in the last week.

2 Two weeks ago a little
3 three-year-old boy, a block outside of my
4 district, in Senator Savino's district, was
5 killed when he was run over by a van because the
6 van approached an intersection, didn't think to
7 look for a kid crossing the street, rolled up to
8 the stop sign, like many of us -- I know we're
9 all guilty of it at times, roll right past that
10 stop sign, looking for other cars, not thinking
11 that there could be cyclists or pedestrians or
12 anyone looking to cross the street. And a
13 three-year-old boy's life was lost.

14 Eight cyclists have lost their lives
15 this year in New York City, four of them in
16 southern Brooklyn.

17 We have to change the way that we
18 think about driving on our streets. And
19 requiring pedestrian safety and cyclist safety
20 instruction in our motor vehicle licensing course
21 and in the licensing examination is a critical
22 step forward to making sure that everyone knows
23 how to use the roadways in a safe and responsible
24 manner.

25 And for that reason, I'm voting aye.

1 Thank you.

2 ACTING PRESIDENT BENJAMIN: Senator
3 Gounardes to be recorded in the affirmative.

4 Senator Ramos to explain her vote.

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

7 I'd like to thank my colleague for
8 introducing and passing this very important bill.

9 The last time we were talking about
10 transportation safety and car violence on this
11 floor, I rattled off the names of so many
12 children who we've lost in my district because of
13 drivers who have failed to yield to pedestrians
14 when crossing the street.

15 It's unconscionable that our
16 roadways have become so dangerous. Because of
17 course our population, especially in New York
18 City, is growing, our streets are becoming
19 denser, and we need to have a clear understanding
20 of how we share our streets between vehicles and
21 pedestrians.

22 I know that as a mom who doesn't
23 drive, I'm a full-time pedestrian. And when I
24 walk with my boys across the street, I want to
25 make sure that we're safe at all times.

1 So thank you so much for this bill,
2 Senator. And I hope to continue the work to
3 making our streets safe for everyone.

4 ACTING PRESIDENT BENJAMIN: Senator
5 Ramos to be recorded in the affirmative.

6 Senator Metzger to explain her vote.

7 SENATOR METZGER: Thank you,
8 Mr. President. I too want to express my
9 appreciation for this bill.

10 In the Hudson Valley and Catskills,
11 recreational tourism is a huge and growing driver
12 in our economy. We are seeing many, many more
13 cyclists on the road and many, many more
14 pedestrians. And, you know, we often -- the
15 Main Streets of our towns are fast state roads,
16 and the shoulders are often narrow on these
17 roads.

18 And this is -- it's very important
19 now that -- it's more important than ever that
20 drivers be properly trained to watch out for and
21 avoid pedestrians and cyclists.

22 So I want to thank you very much for
23 this legislation. I vote aye, thank you.

24 ACTING PRESIDENT BENJAMIN: Senator
25 Metzger to be recorded in the affirmative.

1 Announce the results.

2 THE SECRETARY: Ayes, 58.

3 ACTING PRESIDENT BENJAMIN: The
4 bill is passed.

5 THE SECRETARY: Calendar Number
6 686, Senate Print 5685, by Senator Brooks, an act
7 to amend the Navigation Law.

8 SENATOR GALLIVAN: Lay it aside.

9 ACTING PRESIDENT BENJAMIN: The
10 bill will be laid aside.

11 Senator Gianaris, that completes the
12 reading of today's calendar.

13 SENATOR GIANARIS: Can we take up
14 the controversial calendar now, please.

15 ACTING PRESIDENT BENJAMIN: The
16 Secretary will ring the bell.

17 The Secretary will read.

18 THE SECRETARY: Calendar Number
19 686, Senate Print 5685, by Senator Brooks, an act
20 to amend the Navigation Law.

21 SENATOR GALLIVAN: Please call on
22 Senator Ranzenhofer.

23 ACTING PRESIDENT BENJAMIN: Senator
24 Ranzenhofer.

25 SENATOR RANZENHOFER: Thank you,

1 Mr. President. Will the sponsor yield for a few
2 questions?

3 ACTING PRESIDENT BENJAMIN: Does
4 the sponsor yield?

5 SENATOR BROOKS: Yes,
6 Mr. President.

7 ACTING PRESIDENT BENJAMIN: The
8 sponsor yields.

9 SENATOR RANZENHOFER: Thank you,
10 Senator Brooks.

11 Not being a boater, I have some
12 questions about the piece of legislation that
13 we're about to discuss and vote on. And right
14 now, can you tell me if a person wants to operate
15 a boat -- like let's say I go for a vacation to
16 Lake Placid or to Lake George, and I want to rent
17 a boat, do I need a boating license right now in
18 order to be able to do that?

19 SENATOR BROOKS: No.

20 SENATOR RANZENHOFER: So --

21 ACTING PRESIDENT BENJAMIN: Senator
22 Ranzenhofer, are you asking him a question?

23 SENATOR RANZENHOFER: Yes,
24 Mr. President, if the sponsor continue to yield.

25 ACTING PRESIDENT BENJAMIN: Does

1 the sponsor yield?

2 SENATOR BROOKS: Yes.

3 ACTING PRESIDENT BENJAMIN: The
4 sponsor yields.

5 SENATOR RANZENHOFER: So does this
6 particular legislation only apply to boat owners
7 and not to boat renters?

8 SENATOR BROOKS: The legislation
9 applies to anyone that's going to operate a boat
10 in the State of New York.

11 SENATOR RANZENHOFER: Okay. So if
12 it applies to -- Mr. President, if the sponsor
13 will continue to yield.

14 ACTING PRESIDENT BENJAMIN: Does
15 the sponsor yield?

16 SENATOR BROOKS: Yes.

17 ACTING PRESIDENT BENJAMIN: The
18 sponsor yields.

19 SENATOR BROOKS: The legislation
20 does not apply to someone who's renting a boat
21 over the age of 18. Anyone under 18.

22 SENATOR RANZENHOFER: I didn't --
23 Mr. President, if he can repeat that, I didn't
24 catch the answer.

25 SENATOR BROOKS: The legislation

1 applies to anyone over the -- under the age of 18
2 that is renting a boat. Anyone over the age of
3 18 that rents a boat does not have to take the
4 course.

5 SENATOR RANZENHOFER:

6 Mr. President, I still did not hear what he said.

7 ACTING PRESIDENT BENJAMIN: Senator
8 Brooks, may you speak up, project?

9 SENATOR BROOKS: The legislation
10 excludes anyone over the age of 18 who's renting
11 a boat.

12 ACTING PRESIDENT BENJAMIN: Does
13 the sponsor yield? Sponsor, do you yield?
14 Senator Brooks, do you yield?

15 SENATOR BROOKS: Yes.

16 ACTING PRESIDENT BENJAMIN: The
17 sponsor yields.

18 SENATOR RANZENHOFER: Okay. So
19 this does not apply to anybody over 18 who's
20 renting a boat. So what you're saying, then, is
21 if somebody -- a family is vacationing and they
22 go to a resort and they want to rent a boat, that
23 this law would not apply to them, they wouldn't
24 need a license, they wouldn't have to take any
25 safety course. Is that correct?

1 SENATOR BROOKS: The law requires
2 that the renting company provide training to the
3 renter.

4 SENATOR RANZENHOFER: I'm sorry,
5 Mr. President, I didn't catch what he said.

6 SENATOR BROOKS: Mr. President, the
7 law requires that the renting agency or company
8 provide training to the renter.

9 SENATOR RANZENHOFER: Okay. So
10 just if you'll follow with me, then --

11 ACTING PRESIDENT BENJAMIN: Are you
12 asking the sponsor to yield?

13 SENATOR RANZENHOFER:
14 Mr. President, if the sponsor will continue to
15 yield.

16 ACTING PRESIDENT BENJAMIN: Does
17 the sponsor yield?

18 SENATOR BROOKS: Yes.

19 ACTING PRESIDENT BENJAMIN: The
20 sponsor yields.

21 SENATOR RANZENHOFER: So again,
22 let's say your family is vacationing at
23 Lake Placid or Lake George and they're up there
24 for three or four days and they want to, you
25 know, take a little tour around the lake. Under

1 this legislation, would they then be required to
2 take this eight-hour boating course?

3 SENATOR BROOKS: No.

4 SENATOR RANZENHOFER: And
5 Mr. President, if the sponsor will continue to
6 yield.

7 ACTING PRESIDENT BENJAMIN: Does
8 the sponsor yield?

9 SENATOR BROOKS: Yes.

10 ACTING PRESIDENT BENJAMIN: The
11 sponsor yields.

12 SENATOR RANZENHOFER: Okay. And
13 can you tell me why this law would not apply to
14 that person wanting to rent the boat and go out
15 on the waterway with a boat?

16 SENATOR BROOKS: That is how the
17 existing law in State of New York works right
18 now.

19 SENATOR RANZENHOFER: Okay, so this
20 then -- does this only --

21 ACTING PRESIDENT BENJAMIN: Senator
22 Ranzenhofer, are you asking --

23 SENATOR RANZENHOFER:
24 Mr. President, if the sponsor will continue to
25 yield.

1 ACTING PRESIDENT BENJAMIN: Does
2 the sponsor yield?

3 SENATOR BROOKS: Yes.

4 ACTING PRESIDENT BENJAMIN: The
5 sponsor yields.

6 SENATOR RANZENHOFER: So does this
7 only apply to boat owners, or does it also apply
8 to people that are renting the boat?

9 SENATOR BROOKS: Boat owners.

10 SENATOR RANZENHOFER: So could I --
11 Mr. President, if the sponsor will continue to
12 yield.

13 SENATOR BROOKS: Yes.

14 ACTING PRESIDENT BENJAMIN: The
15 sponsor yields.

16 SENATOR RANZENHOFER: And I'm not
17 sure if I heard you correctly, Senator Brooks,
18 but I thought you had said earlier that if
19 somebody goes up and they want to rent a boat, I
20 thought you had said that the renting company
21 would be required to provide this sort of safety
22 instruction. So can you just clarify that for
23 me, please?

24 SENATOR BROOKS: The rental company
25 is going to be required to provide training

1 before they rent the boat.

2 SENATOR RANZENHOFER: Okay, so
3 that's what I'm trying to get at. So again, you
4 know, I'm a family, I'm taking my family up to
5 Lake Placid --

6 ACTING PRESIDENT BENJAMIN: Are you
7 on the bill, or are you asking the sponsor to
8 yield?

9 SENATOR RANZENHOFER: I am
10 continuing to ask the sponsor to yield, if he
11 would yield.

12 ACTING PRESIDENT BENJAMIN: Does
13 the sponsor yield?

14 SENATOR BROOKS: Yes.

15 ACTING PRESIDENT BENJAMIN: The
16 sponsor yields.

17 SENATOR RANZENHOFER: So again,
18 back to the scenario that I was talking about
19 before. So I bring my family and we go up to
20 Lake George -- and again, I'm not a boater, and I
21 want to rent a boat and I want to drive it around
22 the lake and, you know, do whatever I'm going to
23 do in the boat. You're telling me that I would,
24 as the operator of the boat, I would have to take
25 this eight-hour course before I was able to go

1 out on the lake and drive the boat, is that
2 correct?

3 SENATOR BROOKS: The rental company
4 is going to provide you training before you rent
5 the boat, and provide you with a certificate.

6 SENATOR RANZENHOFER: No, I
7 understand that --

8 ACTING PRESIDENT BENJAMIN: Senator
9 Ranzenhofer --

10 SENATOR RANZENHOFER: If the
11 sponsor will continue to yield, Mr. President.

12 ACTING PRESIDENT BENJAMIN: Does
13 the sponsor yield?

14 SENATOR BROOKS: Yes.

15 ACTING PRESIDENT BENJAMIN: The
16 sponsor yields.

17 SENATOR RANZENHOFER: So I
18 understand that the company that's renting the
19 boat has to provide the training. I understand
20 that part of it.

21 But as -- if I'm driving my family
22 around the lake in the boat, I'm required to take
23 this course from the renting company, this
24 eight-hour course; is that correct?

25 SENATOR BROOKS: Right.

1 SENATOR RANZENHOFER: Okay. So --
2 and this is going to be --

3 ACTING PRESIDENT BENJAMIN: Senator
4 Ranzenhofer, are you asking the sponsor to yield
5 or are you on the bill?

6 SENATOR RANZENHOFER: I will. Yes.
7 I will.

8 ACTING PRESIDENT BENJAMIN: Yes to
9 which question?

10 SENATOR RANZENHOFER: I'm asking
11 the sponsor, Mr. President --

12 ACTING PRESIDENT BENJAMIN: To
13 yield.

14 SENATOR RANZENHOFER: -- if he will
15 continue to yield.

16 ACTING PRESIDENT BENJAMIN: Okay,
17 does the sponsor -- the sponsor yields.

18 SENATOR RANZENHOFER: Okay. So --
19 okay, so I understand that part. You bring your
20 family up to Lake George or Lake Placid and
21 before you get on the boat, you have to take this
22 eight-hour course.

23 Let me just kind of go in a
24 different direction. If I -- if I'm a fisherman
25 and I have a little rowboat or a little canoe

1 which I normally paddle around or use the oars to
2 row and I want to put a little 5-horsepower motor
3 on the boat to kind of trawl around in the lake
4 to fish, do I have to -- am I required to take
5 this eight-hour course?

6 SENATOR BROOKS: Mr. President, I'm
7 sorry, with the conversation here, I didn't get
8 all of the question. If you can repeat the
9 question --

10 ACTING PRESIDENT BENJAMIN: Repeat
11 the question, please.

12 SENATOR RANZENHOFER: Ask the
13 question again? Thank you.

14 So I'm just changing directions here
15 a little bit and I want to give you another
16 scenario, if I may.

17 So if I'm a fisherman and I own
18 either a rowboat or a canoe and, you know,
19 normally I paddle around the lake or row around
20 the lake, and I decide that I want to -- on this,
21 you know, particular occasion, I want to throw a
22 little 5-horsepower engine on that boat to kind
23 of trawl around the lake, am I required to take
24 that eight-hour course before I put this
25 5-horsepower engine on my rowboat or my canoe or

1 whatever I'm driving? Or operating.

2 SENATOR BROOKS: The renting
3 company would be required to provide you some
4 training to show that you demonstrate the ability
5 to operate that boat with safety.

6 SENATOR RANZENHOFER:
7 Mr. President, if the sponsor will continue to
8 yield.

9 ACTING PRESIDENT BENJAMIN: Does
10 the sponsor yield?

11 SENATOR RANZENHOFER: Okay --

12 ACTING PRESIDENT BENJAMIN: Does
13 the sponsor yield? Does the sponsor --

14 SENATOR BROOKS: Yes.

15 SENATOR RANZENHOFER: Senator
16 Brooks, I kind of changed directions there a
17 little bit. So I'm not talking about a family
18 going up and renting a boat anymore, I'm talking
19 about if I own a boat on Seneca Lake, and it's a
20 rowboat or a canoe and I want to throw a
21 5-horsepower engine on the back of my rowboat and
22 kind of go around the lake. Am I required to
23 take an eight-hour course before I throw this
24 engine on the back of my rowboat to trawl around
25 the lake?

1 SENATOR BROOKS: The legislation
2 requires, on any mechanically propelled boat --

3 SENATOR RANZENHOFER: I'm sorry,
4 could you repeat that?

5 SENATOR BROOKS: The legislation
6 requires, for any mechanically propelled boat,
7 that you would take the training.

8 The training is also going to be
9 available online, which is -- probably can be
10 completed in about a three-hour period.

11 So yes, you would take the training.

12 SENATOR RANZENHOFER: Okay. So let
13 me just ask you a couple of more questions, if I
14 may, with the permission of the -- Mr. President?

15 ACTING PRESIDENT BENJAMIN: Does
16 the sponsor yield? Senator Brooks, do you yield?

17 SENATOR BROOKS: Yes.

18 ACTING PRESIDENT BENJAMIN: The
19 sponsor yields.

20 SENATOR RANZENHOFER: So you talked
21 about this online course. Can you just tell me
22 who is going to be providing the online course?

23 SENATOR BROOKS: The same companies
24 that are providing the training now, which is
25 regulated by the Parks Department.

1 SENATOR RANZENHOFER: Okay. So I'm
2 not aware right now --

3 ACTING PRESIDENT BENJAMIN: Senator
4 Ranzenhofer --

5 SENATOR RANZENHOFER:
6 Mr. President, if the sponsor will continue to
7 yield.

8 ACTING PRESIDENT BENJAMIN: Does
9 the sponsor yield?

10 SENATOR RANZENHOFER: I'm not
11 aware right now, because the original --

12 ACTING PRESIDENT BENJAMIN: Senator
13 Ranzenhofer, the sponsor has to yield first.

14 Does the sponsor yield?

15 SENATOR BROOKS: Yes.

16 ACTING PRESIDENT BENJAMIN: The
17 sponsor yields.

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

20 So I'm not aware right now, because
21 this is not a law right now, of having to take
22 this eight-hour course. So is this training
23 course online, is this now provided by private
24 companies? Is that what you're talking about?

25 SENATOR BROOKS: Both private

1 companies and the state, yeah.

2 SENATOR RANZENHOFER:

3 Mr. President, if the sponsor will continue to
4 yield.

5 ACTING PRESIDENT BENJAMIN: Does
6 the sponsor yield? Senator --

7 SENATOR BROOKS: People under the
8 age of 15 right now are taking these courses.

9 SENATOR RANZENHOFER: I'm sorry?

10 SENATOR BROOKS: People under the
11 age of 15 right now take these courses.

12 SENATOR RANZENHOFER: Okay. So did
13 you -- Mr. President, if the sponsor will
14 continue to yield.

15 ACTING PRESIDENT BENJAMIN: Does
16 the sponsor yield?

17 SENATOR BROOKS: Yes.

18 ACTING PRESIDENT BENJAMIN: The
19 sponsor yields.

20 SENATOR RANZENHOFER: So other than
21 the private companies, is the State of New York
22 currently right now providing this type of online
23 training?

24 SENATOR BROOKS: I didn't get the
25 whole question, I'm sorry.

1 ACTING PRESIDENT BENJAMIN: Please
2 repeat the question.

3 SENATOR RANZENHOFER: Right now,
4 other than the online companies that you referred
5 to that are providing this training right now for
6 boating safety, are there any agencies of the
7 State of New York that are providing this type of
8 training?

9 SENATOR BROOKS: Okay. The
10 programs are made available by the National
11 Boating Education Standards, under the standards.
12 And the Parks Department makes people -- they're
13 contracted for people to provide those programs.

14 SENATOR RANZENHOFER:
15 Mr. President, if the sponsor will continue to
16 yield.

17 ACTING PRESIDENT BENJAMIN: Does
18 the sponsor yield? Senator Brooks --

19 SENATOR BROOKS: Yes, I'm sorry.

20 ACTING PRESIDENT BENJAMIN: The
21 sponsor yields.

22 SENATOR RANZENHOFER: So are you
23 saying that the New York State Department of
24 Parks and Recreation right now is providing this
25 training through companies that they've

1 contracted with?

2 SENATOR BROOKS: Yes.

3 SENATOR RANZENHOFER: Okay.

4 Mr. President, if the sponsor will continue to
5 yield.

6 ACTING PRESIDENT BENJAMIN: Does
7 the sponsor yield?

8 SENATOR BROOKS: Yes.

9 ACTING PRESIDENT BENJAMIN: The
10 sponsor yields.

11 SENATOR RANZENHOFER: Was there any
12 thought of making this training online through
13 DEC or Parks and Recreation free, so someone can
14 just go online, not pay a fee, and just be able
15 to get -- you know, take their training and get
16 their certificate?

17 SENATOR BROOKS: No, there was no
18 discussion to make it free. The bill was worked
19 out with the Parks Department concerning areas
20 that they felt were important to be addressed.

21 SENATOR RANZENHOFER:
22 Mr. President, on the bill.

23 ACTING PRESIDENT BENJAMIN: Senator
24 Ranzenhofer on the bill.

25 SENATOR RANZENHOFER: First of all,

1 Senator Brooks, I want to thank you for indulging
2 me in answering my questions.

3 I'm not a boater, so I don't know a
4 lot of this information. But I do have a lot of
5 constituents in my district who are into boating,
6 who do boating, who go on vacation and things
7 like that.

8 And in looking -- you know, I was
9 reading through your bill -- and I understand the
10 family is here today, and I express my sympathies
11 through you to the family. And I understand that
12 you're trying to address, you know, high-speed
13 boating situations, people that are drinking
14 while they're boating. You know, all clearly
15 which is reprehensible conduct.

16 But I wanted to just, you know, find
17 out how is this going to apply to residents of my
18 district, to vacationers which are coming in here
19 from out of state. You know, they go to Lake
20 Placid, they go to Lake George, they go to any of
21 our "I Love New York," you know, advertised
22 places that, you know, we try to encourage
23 tourism. And they come in here and they're here
24 for two or three days, and then they are
25 surprised that, you know, they want to take out a

1 little rowboat with a very small horsepower
2 engine on the back of it, and they find out --
3 you know, they're with their family and they're
4 not able to do that.

5 So that was the reasoning behind my
6 questioning. Obviously I think there's a very
7 clear difference between high-speed boating, you
8 know, people that have these big boats that they
9 operate them irresponsibly, that they drink when
10 they're operating a boat. And we've all had
11 these situations. You know, we've had these in
12 my own area.

13 But I also am concerned for those
14 that represent tourist areas and all of a sudden,
15 you know, this bill is going to be sprung on
16 them, or this law is going to be sprung on them
17 and, you know, what the effect is going to be on
18 them in terms of their families. You know, what
19 is it going to do to recreational areas where,
20 you know, they try to attract a lot of people to
21 come in with our beautiful lakes, and all of a
22 sudden people are not going to be able to partake
23 in what they thought they were going to be able
24 to do when they came here to vacation.

25 So again, Senator Brooks, I want to

1 thank you for the intent of the bill, I want to
2 thank you for introducing the bill, and also for
3 indulging me and answering some of the questions
4 that I had to ask you today.

5 Thank you very much.

6 ACTING PRESIDENT BENJAMIN: Senator
7 Gianaris on the bill.

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

10 I just want to clarify for my
11 colleagues, as I read this bill, that there is
12 wide latitude to the commissioner to provide
13 additional exemptions to these requirements and
14 to specify specific courses.

15 So if there are specific examples --
16 small boats, for example, I heard, or small
17 motors on boats -- the commissioner does have the
18 discretion under this bill to provide for that,
19 because obviously no one is trying to do any
20 damage to the tourism industry or people who are
21 using the waterways in a way that the bill
22 doesn't contemplate.

23 So I just wanted to clarify that for
24 all my colleagues, that the bill specifically
25 contemplates that scenario and does give

1 appropriate discretion to the commissioner to
2 handle it.

3 Thank you.

4 ACTING PRESIDENT BENJAMIN: Are
5 there any other Senators wishing to be heard?

6 Senator Tedisco -- on the bill, or
7 to ask questions?

8 SENATOR TEDISCO: I'd just like to
9 ask one question, if the chairman will --

10 ACTING PRESIDENT BENJAMIN: Will
11 the sponsor yield?

12 SENATOR BROOKS: Yes.

13 ACTING PRESIDENT BENJAMIN: The
14 sponsor yields.

15 SENATOR TEDISCO: So a family rents
16 a boat -- I guess the father could, but it's
17 going out with the mother, maybe there's three or
18 four grown children in the boat. They're on the
19 lake, one of the grown children decides to drive
20 the boat. Is there a penalty? Hasn't taken the
21 course, right? All the people on the boat don't
22 have to take a course.

23 SENATOR BROOKS: Correct. Anyone
24 that was going to operate the boat would need to
25 take the training offered by the renting agency.

1 SENATOR TEDISCO: Will the chairman
2 yield?

3 ACTING PRESIDENT BENJAMIN:
4 Senator --

5 SENATOR BROOKS: Yes.

6 ACTING PRESIDENT BENJAMIN: -- the
7 sponsor yield? The sponsor yields.

8 SENATOR TEDISCO: Okay. So if the
9 adult child didn't take the training, just the
10 father did, got the boat, the family was in it.
11 The adult child was stopped driving the boat. Is
12 there a penalty because he didn't take a -- the
13 eight-hour test?

14 SENATOR BROOKS: (Pause.)
15 Checking.

16 SENATOR TEDISCO: Get a new one
17 over there. He doesn't have the right ...

18 (Laughter.)

19 SENATOR TEDISCO: I'm going to need
20 a shave and a haircut.

21 SENATOR BROOKS: The training when
22 you're in the boat is an informal training
23 program, and therefore there's no penalty from
24 that.

25 SENATOR TEDISCO: I didn't quite

1 hear what he said.

2 SENATOR BROOKS: The training
3 program on a rental is an informal training
4 program, making yourselves aware of how the boat
5 operates and safety issues. In those cases
6 there's no penalty associated with that.

7 SENATOR TEDISCO: So it can't be
8 really enforced, this law?

9 SENATOR BROOKS: I would think that
10 the -- the law itself does not apply to renters.

11 SENATOR TEDISCO: I didn't --

12 ACTING PRESIDENT BENJAMIN: Please
13 repeat.

14 SENATOR BROOKS: The company that's
15 rented the boat is responsible to ensure that the
16 training is done. The responsibility rests with
17 them. The way the law is designed right now,
18 there is no penalty to that company if they fail
19 to provide the training for that youngster that
20 operated the boat.

21 SENATOR TEDISCO: Okay, so just on
22 the bill now.

23 ACTING PRESIDENT BENJAMIN: Senator
24 Tedisco on the bill.

25 SENATOR TEDISCO: Just to clarify,

1 if you wanted the father to drive the boat, you
2 could have one of the sons take the test, get on
3 the boat, and anybody could really drive that
4 boat, because there's no penalty for it.

5 So I don't think we should put more
6 laws in place that we're not enforcing. If we
7 really think this is a serious bill, I think
8 there might have to be some type of penalty
9 because you're allowing to happen what you don't
10 want to happen, because there are others who can
11 take control of the boat.

12 And it won't be the boat owner's
13 fault, because he can't have spyglasses and be
14 watching the whole family to see if the -- and
15 then go out there and call the Coast Guard to
16 come in and bring the boat in.

17 So I think that could be a little
18 problematic to the solution and the answer that
19 wants to be reached here by this piece of
20 legislation.

21 Thank you, Mr. President.

22 ACTING PRESIDENT BENJAMIN: Are
23 there any other Senators wishing to be heard?

24 Seeing and hearing none, the debate
25 is closed. The Secretary will ring the bell.

1 Senator Gianaris.

2 SENATOR GIANARIS: Mr. President,
3 without objection, can we return this bill to the
4 noncontroversial calendar and take it up.

5 ACTING PRESIDENT BENJAMIN: Without
6 objection, so ordered.

7 Read the last section.

8 THE SECRETARY: Section 4. This
9 act shall take effect on January 1, 2020.

10 ACTING PRESIDENT BENJAMIN: Call
11 the roll.

12 (The Secretary called the roll.)

13 ACTING PRESIDENT BENJAMIN: Senator
14 Brooks to explain his vote.

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

17 First I want to thank Senator Boyle.
18 He's introduced this bill in the past several
19 years to try to carry it.

20 The bill itself is a direct result
21 of an accident that occurred on Long Island
22 several years ago where a young lady, an
23 11-year-old, was killed in a boating collision
24 off Long Island.

25 This bill is aimed principally at

1 individuals who own the boat, and to make sure
2 that they receive the proper safety programs.
3 It's not dissimilar to the defensive driving
4 programs we take with an automobile.

5 Senator Boyle did an excellent job
6 of carrying this bill in the past. I had the
7 opportunity to take the leadership in part
8 because water safety, to me, is a critical issue.

9 In this state we have a great number
10 of outstanding waterways. Beautiful as they are,
11 they present hazards. My family has been using
12 the waterways off Long Island since the 1640s.
13 They were baymen, they grew up on the waters.
14 They understood the dangers that are out there.

15 I recognize, as did Senator Boyle
16 and as do all that support this bill, that there
17 is a need for safety training on the water. We
18 are seeing too many accidents. You all know I'm
19 a first responder. I've responded to boating
20 accidents, one of them a fatality.

21 It's critical that the people in
22 this state that are going to operate boats
23 understand the rules of the road. Our
24 neighboring department is a principal responder
25 with the Coast Guard to incidents on Long Island.

1 They're running all the time to accidents and
2 injuries across our waterways.

3 And this bill is to ensure that
4 everybody that's operating a boat in this state
5 understands the safety rules that apply on our
6 waterways, understands the hazards that are out
7 there.

8 In the audience -- in the gallery
9 today is the mother and the sister of the girl
10 who was killed in that incident. Gina has been
11 working for years to get this bill passed, to
12 make sure that those who are on the waterways
13 understand the hazards that are out there, to
14 reduce and eliminate the injuries that are out on
15 the water.

16 We understand and we worked with the
17 Parks Department, and there is an issue out there
18 with the rentals of boats. We tried to include
19 that in the bill. The principal focus of this
20 bill was the people that are owning and using
21 those boats on our waterways. This bill is
22 designed to save lives.

23 Brianna lost her life in tragic
24 boating accident. We still see those accidents
25 on the waterways in this state every day.

1 I'll be voting aye on this bill.

2 ACTING PRESIDENT BENJAMIN: Senator
3 Brooks to be recorded in the affirmative.

4 Senator Martinez to explain her
5 vote.

6 SENATOR MARTINEZ: Thank you,
7 Mr. President.

8 First I just want to thank the past
9 sponsor and today's sponsor, Senator Boyle and
10 Senator Brooks respectively, for championing this
11 piece of legislation. It's so important that we
12 do protect not just our children but our families
13 on our waterways. Long Island, as you know, is
14 surrounded by water, and it's important to keep
15 those waterways safe.

16 And this law, named after Brianna
17 Lieneck, is such an emotional day for many of us
18 here today. And I just want to say to the
19 family, to the parents, thank you for your
20 advocacy and for not giving up.

21 Some bills are easier than others.
22 Some of them become emotional. But your tenacity
23 for your daughter and in your daughter's name and
24 for other victims that have tragically died due
25 to boating incidents -- I not only thank you for

1 what you've done, but know that you have the
2 support of many of us here. And thank you for
3 who you are and for keeping Brianna's name alive.

4 Mr. President, I vote in the
5 affirmative.

6 ACTING PRESIDENT BENJAMIN: Senator
7 Martinez to be recorded in the affirmative.

8 Senator Carlucci to explain his
9 vote.

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

12 I want to thank my colleagues for
13 supporting this legislation. I want to thank
14 Senator Brooks and the entire Senate for today's
15 package of bills for protecting New Yorkers from
16 our waterways to our highways.

17 And this bill particularly hits home
18 for me. In the community of Ossining, we lost a
19 young man named Bryan Johnson at the age of 26.
20 And that will be seven years ago next month. And
21 when that happened, he drowned off the coast of
22 City Island in the Bronx. And we recognized at
23 the time there was no requirement for any type of
24 boater safety education in the State of New York.
25 When multiple other states had that requirement,

1 nothing.

2 And the sad fact is that we know
3 that if one person on that boat that Bryan
4 Johnson was on had taken a basic boater safety
5 education course, he would most likely be with us
6 today.

7 So I teamed up with his grandmother
8 Thomasina and his mother Sheila, and we said
9 we've got to do something. And we passed that
10 legislation back in 2013 that at least required
11 people that were born after May of 1996 to take
12 the boater safety education course. The Coast
13 Guard puts out a report each year. It shows us
14 that on average, about 4,000 recreational boating
15 accidents happen each year. And in over
16 80 percent of the fatalities, the operator of the
17 vessel has not taken any type of boater safety
18 education course.

19 So we could debate the merits of
20 this bill, but the bottom line is we need to make
21 sure that more people are educated, are taking
22 the basic boater safety education course before
23 they operate a boat.

24 So in memory of Brianna and your
25 family for advocating for this, I want to thank

1 you. I want to thank Senator Brooks for passing
2 this legislation. And I want to cast my vote in
3 memory of Bryan Johnson.

4 Thank you, Mr. President.

5 ACTING PRESIDENT BENJAMIN: Senator
6 Carlucci to be recorded in the affirmative.

7 Senator Gaughran to explain his
8 vote.

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

11 And I'd like to thank both Senator
12 Brooks as well as Senator Boyle for their
13 leadership on this important legislation.

14 My district has the Long Island
15 Sound all around it. And during the boating
16 season, which is just starting, there are
17 boats -- power boats, all sorts of boats out
18 there all the time.

19 And I applaud all the advocates who
20 have been fighting for this. But you know who is
21 also asking that this get done? The vast
22 majority of people who own these boats. Because
23 they're out there and they see people, often who
24 have no clue what the laws are, what the dangers
25 are, who are just speeding around and just

1 waiting for an accident to happen.

2 So I vote in the affirmative,
3 Mr. President. Thank you.

4 ACTING PRESIDENT BENJAMIN: Senator
5 Gaughran to be recorded in the affirmative.

6 Senator Boyle to explain his vote.

7 SENATOR BOYLE: Thank you,
8 Mr. President, to explain my vote.

9 I'd first like to thank Senator
10 Brooks for getting this bill across the finish
11 line, and also our Assembly sponsors,
12 Assemblywoman Kimberly Jean-Pierre and
13 Assemblyman Andrew Raia, who did so much hard
14 work on this legislation. Thank you.

15 On the evening of August 17, 2005,
16 my wife and I lived in a house overlooking the
17 Great South Bay. It was a beautiful evening.
18 And then we saw a tremendous amount of EMS
19 approaching an area -- we didn't see the
20 accident, but we knew something bad happened.
21 They were out there for hours.

22 It wasn't until a couple of days
23 later we read in the paper about the tragic loss
24 of 11-year-old Brianna Lieneck and her severely
25 injured parents, Frank and Gina, and also her

1 daughter and her friend.

2 Those of us who represent waterways
3 like the Great South Bay, upstate lakes, larger
4 lakes, the Long Island Sound, we hear it all the
5 time from boaters that have been out there for
6 years. It gets worse and worse. People buy
7 these boats and go out with absolutely no
8 training. We would not hand a set of keys to
9 someone and just say, You're out there, go drive
10 down the road, you don't know which side of the
11 road, you don't know basic, basic principles of
12 road safety.

13 Well, the water is the same way.
14 And the vehicles are just as dangerous and just
15 as deadly, particularly when there's alcohol
16 involved.

17 We worked on this legislation for
18 years. We dealt with the marine trades. We
19 offered compromises over and over again. They
20 were not very willing to do it.

21 Do I think this bill should include
22 coverage of small dinghies in upstate lakes? Of
23 course not. And I hope the DEC commissioner,
24 whoever is involved, takes those exemptions out.
25 We are talking about these boats that can take

1 people's lives, not people that have been doing
2 it for years.

3 It's allowed -- another issue was
4 online safety, whether you could take the course
5 online. Originally we talked about doing it in
6 person. You can do it online. It's a number of
7 hours, the cost is minimal, I think the last
8 time I checked it was \$29.95 to take the course,
9 and you have several years to do it for most
10 boaters. This is really the basic.

11 On behalf of Gina and Frank and the
12 Lieneck family, who tragically lost their
13 11-year-old daughter Brianna, I am very, very
14 proud to vote in favor and glad we're going to
15 bring boater safety to New York State.

16 I vote in the affirmative.

17 ACTING PRESIDENT BENJAMIN: Senator
18 Boyle to be recorded in the affirmative.

19 Senator Ranzenhofer to explain his
20 vote.

21 SENATOR RANZENHOFER: Yes, thank
22 you, Mr. President.

23 And again, I thank Senator Brooks
24 for introducing this bill and indulging me with
25 some information.

1 And also to Senator Gianaris, who
2 provided some clarification in terms of the
3 commissioner and the commissioner having certain
4 powers.

5 Boater safety is very important.
6 And all the references that have been mentioned
7 on the floor today in the bill talk about these
8 high-speed power boats and that they are deadly.
9 And certainly in those situations when somebody
10 is operating a high-speed power boat on either
11 one of our large lakes or the Long Island
12 waterways, boater safety and boater training and
13 safety courses would be very, very important.

14 One of the things is that this is a
15 very large and diverse state, and not everybody
16 that's operating a boat operates a high-speed
17 power boat.

18 And in looking through the
19 legislation in light of Senator Gianaris's
20 comments, I did not see anything in the bill
21 that's before us which gives the commissioner the
22 discretion to say that this particular course is
23 good for this type of boat or not for that type
24 of boat. And my experience with commissioners on
25 this issue and many, many issues is that

1 commissioners often don't do what we think that
2 they are going to do.

3 So the concern that I have -- and
4 again, you know, I think there needs to be an
5 understanding -- and I don't think that the
6 language of this bill does it -- that there is a
7 difference between what everybody has been
8 talking about and the tragedies that we see with
9 high-speed power boats and the situation where
10 somebody takes out a little rowboat and throws a
11 very-low-horsepower motor on the back of it.

12 That's one of the distinctions
13 between boating in downstate and boating in
14 upstate. And I would have liked to see a bill
15 which actually had a carve-out in the legislation
16 which talked about the different types of boating
17 and the different types of requirements that
18 would be required on that particular type of
19 situation.

20 So again, I appreciate what is being
21 done. My sympathy to the family and the long
22 ordeal that they've had to go through. And I do
23 want to congratulate you on solving that part of
24 the problem. But for the area that I represent
25 and the type of boaters that I have and my lack

1 of faith in commissioners and what they do and
2 what they don't do, I'll be casting a vote in the
3 negative.

4 Thank you, Mr. President.

5 ACTING PRESIDENT BENJAMIN: Senator
6 Ranzenhofer to be recorded in the negative.

7 Senator Tedisco to explain his vote.

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

10 Well, I think that's correct, any
11 loss of life is a tragedy. And our heart does go
12 out to the family or any of the families who have
13 faced this type of tragedy.

14 And if you're going to put together
15 a piece of legislation to stop this from
16 happening, in training, and make sure that people
17 who are on these boats have the ability to make
18 the right decisions, any law has to have an
19 incentive to adhere to it in some way. It could
20 either be a penalty or a loss of privileges.

21 In the discourse -- and I thank you,
22 Senator Brooks and Senator Boyle, for your
23 efforts here in attempting to make it safer on
24 waterways. But the statement that this will
25 ensure safety for those who are driving these

1 boats just doesn't hold up in the discussion we
2 had.

3 Because a group of individuals,
4 college kids, five of them, rent a boat. The
5 individual who rents it gets trained. They get
6 in the boat -- that's the first scenario -- and
7 the fellow who was trained drives it for a while,
8 and some of those who were not trained say, "I
9 want to take a turn," and they start driving it.
10 If they're stopped on the lake, there's no
11 penalty to stop those individuals from driving.
12 I don't hear a citation or taking them off the
13 lake or any guidelines of what they're going to
14 do if somebody who is on that and riding on there
15 and who didn't take the test and was trained,
16 starts to get behind the wheel and drives that
17 boat.

18 Let's take the case where an
19 individual is going to buy a boat. They have to
20 be trained. They buy a boat, they're trained.
21 They go out with several other people, and while
22 they're on the lake, others drive the boat who
23 are not trained or are really required to be
24 trained, because there is no penalty when they're
25 found driving that boat.

1 One step further. I already have a
2 boat. I want to buy another boat for my friend,
3 who says "I don't want to go through any process
4 of training, I know what the law says. It says
5 if I'm on the lake and they stop me, they say,
6 You don't have a license." As far as I heard the
7 discussion, there's nothing to do when they stop
8 you and you don't have a license driving a boat.
9 Maybe I'm mistaken, maybe it's in there
10 somewhere.

11 So now you've got a guy who gets in
12 the business of buying boats. Is that illegal,
13 to buy a boat for somebody who you're going to
14 give it to who is not trained? But even if that
15 person takes that boat who didn't buy it and
16 wasn't trained and gets on the lake and drives
17 it, what's the incentive to not do that? Because
18 there's no penalty or loss of privileges as I see
19 in this legislation. So it's kind of toothless.

20 And I'm a little bit concerned it's
21 going to give a false sense of security: Now
22 we've done something to make us all safer on the
23 lake. Because it's not only the individuals who
24 maybe drink a few too many sixpacks and get out
25 there and are out of control, it's the

1 individuals they may run into or impact, the
2 other family members who are driving and riding
3 safely in the boats on our lakes.

4 So for that reason, I really can't
5 support this bill and have to vote no on it.

6 ACTING PRESIDENT BENJAMIN: Senator
7 Tedisco to be recorded in the negative.

8 Senator Krueger to explain her vote.

9 SENATOR KRUEGER: Thank you.

10 It's a fascinating debate. I was
11 thinking and reading the bill.

12 So maybe it doesn't go far enough,
13 as one of my colleagues pointed out with their no
14 vote. And there's always room in this
15 legislative body to add additional statutes into
16 law if one thinks one needs those.

17 I think what's really important
18 about the bill that Senator Brooks has brought us
19 today and has been floating around for quite a
20 while, Senator Boyle, is that it's actually
21 finally saying we understand that boats can be
22 dangerous if not handled correctly. We're going
23 to make sure that whenever anybody is buying a
24 boat, choosing to use a boat, including rentals,
25 that there's going to be something that says you

1 need to learn about it and basic safety
2 standards.

3 I'm not that concerned that we're
4 not sending police on boats to give you tickets.
5 I don't even know what you call police on boats
6 in upstate New York or on Long Island.

7 But I will tell you that even in the
8 City of New York -- I am on an island, it's
9 called Manhattan. We have the East River and the
10 Hudson River surrounding us. And there are
11 people who rent all kinds of strange boats and
12 other things at the marinas, where they very
13 clearly think how hard can this be, I'm just
14 getting on and I'm heading out. Neither of these
15 rivers are that wide.

16 So people are not getting any kinds
17 of training even just to go on these rental boats
18 which sometimes are very small, sometimes are
19 very fast. And then they have to confront all
20 these other boats in these narrow rivers. And if
21 they've had no boat safety training at all, they
22 may have no idea which side they're supposed to
23 be on, starboard or port. They might not even
24 know what a starboard or port means. They don't
25 know what rules you have to follow, according to

1 the Coast Guard, to be on our rivers.

2 And frankly, I think this is an
3 important bill. It will make sure everybody
4 grasps that it's not necessarily just that easy
5 and simple to turn a boat on, go into whatever
6 waterway it's on, and know what you're doing.

7 So I think this is a win for
8 everyone. And if it doesn't go far enough, I
9 think that even the two lead sponsors on this
10 might explore expanding and strengthening their
11 bills in the future.

12 But I appreciate that we're going to
13 get this done today. Apparently it's taken too
14 long to even get to this stage. And I want to
15 thank you, Senator Brooks, and I vote yes.

16 ACTING PRESIDENT BENJAMIN: Senator
17 Krueger to be recorded in the affirmative.

18 Senator Kennedy to explain his vote.

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

21 I just simply want to take the
22 opportunity to thank Senator John Brooks for
23 bringing this legislation not only to the floor
24 today, but also making it a priority of his from
25 the inception of this legislative session.

1 As the chairman of Transportation,
2 it was my honor to have this bill pass through
3 Transportation. It was my honor to have
4 Brianna's mother there with us and once again
5 here in the chamber with us here today. We will
6 pass this bill today. We will do it in memory of
7 your daughter. And lives will be saved because
8 of it.

9 The fact of the matter is today is a
10 package of bills that came through
11 Transportation. We are addressing all sorts of
12 transportation safety issues, from bus safety for
13 our kids and students to Complete Streets
14 legislation for our cyclists and pedestrians to
15 public transit, and everything in between.

16 This particular bill deals with
17 boater safety. And no one should have to worry
18 about going out on the water. It's worrisome
19 enough. But nobody should have to worry about
20 going out on the water and having someone that
21 has no idea what they're doing behind the
22 controls of that vessel putting others at risk.

23 And so it's imperative that we do
24 our part to keep our waterways safe as well.
25 What are we going to wait for to enact boater

1 safety measures? Are we going to wait for other
2 deaths? Are we going to wait for other injuries?
3 The time is now.

4 I congratulate Senator Brooks for
5 bringing this bill forward that languished for
6 far too long. And I'm a proud supporter and look
7 forward to its passage today.

8 Mr. President, I vote aye.

9 ACTING PRESIDENT BENJAMIN: Senator
10 Kennedy to be recorded in the affirmative.

11 Senator Stavisky to explain her
12 vote.

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

15 I'm struck by all of the bills that
16 we passed today and how they're going to affect
17 people's lives.

18 And I too thank Senator Brooks, but
19 I thank all of my colleagues, because this is one
20 of the reasons we come to Albany, to do these
21 things. We've been talking about them for years.
22 It's time we put into statute commonsense
23 responses to everyday situations.

24 I proudly vote aye.

25 ACTING PRESIDENT BENJAMIN: Senator

1 Stavisky to be recorded in the affirmative.

2 Announce the results.

3 THE SECRETARY: In relation to
4 Calendar Number 686, those Senators voting in the
5 negative are Senators Akshar, Amedore, Antonacci,
6 Gallivan, Helming, Jordan, Lanza, Little, May,
7 O'Mara, Ortt, Ranzenhofer, Ritchie, Robach,
8 Serino, Seward, Skoufis and Tedisco.

9 Ayes, 40. Nays, 18.

10 ACTING PRESIDENT BENJAMIN: The
11 bill is passed.

12 Senator Gianaris, that completes the
13 reading of today's calendar.

14 SENATOR GIANARIS: Mr. President,
15 in consultation with Senator Flanagan,
16 Leader Stewart-Cousins submits the following
17 committee assignments to the desk.

18 ACTING PRESIDENT BENJAMIN: The
19 hand-up is received and filed.

20 SENATOR GIANARIS: Is there any
21 further business at the desk?

22 ACTING PRESIDENT BENJAMIN: There
23 is no further business at the desk.

24 SENATOR GIANARIS: I move to
25 adjourn until Monday, May 20th, at 3:00 p.m.,

1 intervening days being legislative days.

2 ACTING PRESIDENT BENJAMIN: On
3 motion, the Senate stands adjourned until Monday,
4 May 20th, at 3:00 p.m., intervening days being
5 legislative days.

6 (Whereupon, at 12:57 p.m., the
7 Senate adjourned.)

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