NEW YORK STATE SENATE

THE STENOGRAPHIC RECORD

ALBANY, NEW YORK

May 4, 2009

5:46 p.m.

REGULAR SESSION

SENATOR ANDREA STEWART-COUSINS, Acting President

ANGELO J. APONTE, Secretary

P R O C E E D I N G S

ACTING PRESIDENT STEWART-COUSINS: The Senate will please come to order.

I ask everyone present to rise and recite with me the Pledge of Allegiance to our Flag.

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

ACTING PRESIDENT STEWART-COUSINS: The invocation today will be delivered by Reverend Peter G. Young, of Mother Theresa Community in Albany, New York.

REVEREND YOUNG: Thank you, Senator.

Today is our opportunity to honor our local Siena basketball heroes and a most esteemed Senator Marchi.

Today, the John Marchi Ferry named in his honor transports our New York State citizens to his beloved Staten Island. May we this in chamber remember his 50 years of dedicated service as a Senator.

As was expressed in his funeral service today, we too will share our thanks

with those years of service and his friendship. God has given us a marvelous example of charity that may be a Senator to admire with memories of his charity for those that are weak, are sick and unfortunate.

Grant that your legislative efforts will serve to better the lives of your people here in our great Empire State.

Amen.

ACTING PRESIDENT STEWART-COUSINS: Thank you.

The reading of the Journal.

Secretary will read.

THE SECRETARY: In Senate, Sunday, May 3, the Senate met pursuant to adjournment. The Journal of Saturday, May 2, was read and approved. On motion, Senate adjourned.

ACTING PRESIDENT STEWART-COUSINS: Without objection, the Journal stands approved as read.

Presentation of petitions.

Messages from the Assembly.

Messages from the Governor.

Reports of standing committees.

Reports of select committees.

Communications and reports from state officers.

Motions and resolutions.

Senator Klein.

SENATOR KLEIN: Madam President, I believe Senator Breslin has a resolution at the desk. I ask that the resolution be read in its entirety and move for its immediate adoption and allow Senator Breslin the opportunity to speak on his resolution.

ACTING PRESIDENT STEWART-COUSINS: Thank you, Senator Klein.

The Secretary will read.

THE SECRETARY: By Senator Breslin, Legislative Resolution Number 1729, congratulating the Siena College Men's Basketball Team upon the occasion of capturing the 2009 Metro Atlantic Athletic Conference Championship.

"WHEREAS, Excellence and success in competitive sports can be achieved only through strenuous practice, team play and team

spirit, nurtured by dedicated coaching and strategic planning; and

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

"WHEREAS, On Monday March 9, 2009, the 2008-2009 Siena College Men's Basketball Team achieved unparalleled excellence for the second year in a row by capturing their second consecutive Metro Atlantic Athletic Conference (MAAC) Basketball Championship; and

"WHEREAS, Using a super second half to defeat Niagara 77-70 in front of 9,744 fans in downtown Albany, the 2008-2009 Siena College Men's Basketball Team became one of the college's best teams ever. This win is the first time that Siena has won back to back MAAC tournament titles in school history; and

"WHEREAS, The 2008-2009 Siena

College Men's Basketball Team earned their second straight invitation to the prestigious NCAA Division I Basketball Tournament. This is Siena's fifth trip to the NCAA Tournament; and

"WHEREAS, The MAAC championship win against Niagara gave Siena their 21st consecutive victory at home. It ties Siena for the third longest home winning streak in the country; and

"WHEREAS, The inspired play of the 2008-2009 Siena College Men's Basketball Team built an unprecedented loyal following of students, faculty, staff, alumni and local community support; and

"WHEREAS, The 2008-2009 Siena College Men's Basketball Team was marked by both inspired team play and individual excellence, epitomized by the selection of senior co-captain Kenny Hasbrouck as the tournament's Most Valuable Player and by the selection of junior point guard Ronald Moore and junior Alex Franklin to the All-Tournament team, along with Hasbrouck; and

"WHEREAS, The athletic talent displayed by this team is due in great part to the efforts of Head Coach Fran McCaffery and his talented team of assistant coaches, skilled and inspirational tutors respected for their ability to develop potential into excellence; and

"WHEREAS, Athletically and academically, the 2008-2009 Siena College Men's Basketball Team members have proven themselves to be an unbeatable combination of talents reflecting favorably on their school; and

"WHEREAS, Head Coach Fran McCaffery and his team of assistant coaches have done a superb job in guiding, molding and inspiring the 2008-2009 Siena College Men's Basketball Team members toward their goals; and

"WHEREAS, Sports competition instills the values of teamwork, pride and accomplishment, and Head Coach Fran McCaffery and his assistant coaches and the 2008-2009 Siena College Men's Basketball Team's outstanding athletes have clearly made

contribution to the spirit of excellence which is a tradition of their school; now, therefore, be it

"RESOLVED, That this Legislative Body pause in its deliberations to congratulate the 2008-2009 Siena College Men's Basketball Team, its members, and Head Coach Fran McCaffery and his assistant coaches on their outstanding season, overall team record, capturing the 2009 Metro Atlantic Athletic Conference Championship, and their NCAA Tournament participation; and be it further

"RESOLVED, That copies of this resolution, suitably engrossed, be transmitted to the members of the 2008-2009 Siena College Men's Basketball Team and to Head Coach Fran McCaffery and his assistant coaches."

ACTING PRESIDENT STEWART-COUSINS: Senator Breslin.

SENATOR BRESLIN: Thank you very much, Madam President.

And welcome, Siena College basketball.

And first of all, I apologize for

delaying you. I know Coach McCaffery, if you had scheduled practice for 5:00 and Kenny showed up at quarter to 6:00, you would have said: "That's fine, just shoot some layups and we'll get going." Facetiously stated.

But this is a special group of young men led by a wonderful staff and a wonderful athletic director, John D'Argenio.

This is a team from a school of around 3,000 kids. And last year they won the conference, led by Kenny Hasbrouck, who is the league's Most Valuable Player this year and Honorable Mention All-American, along with Ronald Moore, along with Alex Franklin, this year with Ryan Rossiter and Josh Duell, the two freshmen, Owen and Kyle.

And all of you just played such an essential and clear role in the success of Siena. And you gave us, the fans -- and I'm an unabashed Siena fan. Not a graduate, but my brother and I, although not as famous as the two nuns who come to every game, have been season ticketholders for 25 years, and over 25 years. And you give us our wintertime

enjoyment.

And last year, after winning the title to go face Vanderbilt, a team that had been continuously in the top ten throughout the year -- and it wasn't a close game. Siena routed Vanderbilt.

And then this year, unfortunately to be paired against Ohio State, one of the largest colleges in the United States, with a great basketball tradition, and to come away with one of the most exciting games that I've ever witnessed. And I'm sure for you, Coach Fran, one of most heart-wrenching games that you've ever been a part of.

Then on to face the number-one team in the country, Louisville, in a game that no one gave Siena a chance. And up until the last few minutes, Siena was right in the game, a game that could have gone either way.

Well, our community is extremely proud of you, Fran, and you, Mitch and John, and the entire team. Because each of you played a role. And I think what impressed us as fans most was the unselfishness of each of

you playing as a team. And I never saw an individual part.

And as you guys know, particularly in basketball, there's no "I" in team. And you exemplified what college basketball is, and I commend you and congratulate you.

Thank you very much, Madam President.

ACTING PRESIDENT STEWART-COUSINS: Thank you, Senator.

Senator Farley.

SENATOR FARLEY: Thank you, Madam President.

As a Senator from the Capital District, I just want to say how proud that I am of Siena and this team. And the camaraderie that exists at that school is really unique and wonderful.

Siena was the absolute toast of the nation in that tournament, the smallest school in the tournament. And I think they had the entire nation rooting for them. And they really put not only this magnificent school on the map, they have shown that Fran McCaffery,

their incredible coach, has made Siena a national powerhouse.

And I'll tell you, as so many students that go there, they have one of the highest contributions of alumni to their school of any school in the nation percentagewise. And it's an outstanding school, and it is the basketball team that really is the cohesive part of the school that brings those students together.

I know that not only does the Capital District love Siena and its basketball team, the whole nation does. And we're very, very proud of all that you accomplished this year, and we look forward to another great year.

Incidentally, we're losing a great player. But there's an awful lot of them coming back, and they're going to be even better next year, and we wish them well.

Thank you, Madam President.

ACTING PRESIDENT STEWART-COUSINS: Thank you, Senator.

Senator Maziarz.

SENATOR MAZIARZ: Thank you very much, Madam President.

Madam President, I am going to reluctantly -- and I stress the word "reluctantly" -- support this resolution. And I say reluctantly because, Senator Breslin, I thought it was unnecessary that you mentioned not once, but twice in this resolution that Siena defeated Niagara University.

(Laughter.)

SENATOR MAZIARZ: I think one time would have been more than enough, Senator Breslin.

So, Madam President, again, I congratulate the Siena Basketball Team. And I agree with Senator Farley, that the entire nation was rooting for Siena, except perhaps a small part of the nation on Mount Eagle Ridge in Niagara Falls.

Thank you very much, Madam President.

ACTING PRESIDENT STEWART-COUSINS: Thank you.

Senator Leibell.

SENATOR LEIBELL: Thank you, Madam President.

I will join with my colleagues. And unlike Senator Farley and Senator Breslin, I do not represent the Capital District. But like many of my colleagues in the Legislature, I've had children who have gone to Siena and have had two who have gone through and have loved it.

We all know what a great school this is. And they gave tremendous enjoyment not only to the residents of this area but throughout New York State and throughout the country this year through their great accomplishments.

It's a great, great school, and we're tremendously proud of all of them.

Thank you.

ACTING PRESIDENT STEWART-COUSINS: Senator McDonald.

SENATOR McDONALD: Thank you, Madam President.

I am a Capital District legislator and a long-time season ticketholder for Siena.

And so many of my residents and so many of my staff and friends went to Siena. Great school.

And what I'm especially proud of of the Siena team is they're not only great athletes, they're great young men. And they also have a great ladies' team, and they're also tremendous citizens in our community.

And I'm so proud of them and their coach. But the most important thing I'm proud of is the quality of their character and how much they care about the community.

Thank you.

ACTING PRESIDENT STEWART-COUSINS: Thank you, Senator.

Senator DeFrancisco.

SENATOR DeFRANCISCO: I'm not a Capital District legislator, I never paid for any college tuitions at Siena, and I'm not a Siena graduate. I'm from Syracuse, and I went to Syracuse University undergrad and Duke Law School. So I usually have plenty of teams to root for during the NCAA tournament.

But I'll tell you -- and I'm a

basketball nut -- I've never seen a team play together so well and against such high odds and do so well as Siena. It was just really an impressive showing last year, but especially this year as well.

So congratulations. And I wish you, as an Orangemen and a Blue Devil fan, I wish you many more years of success.

ACTING PRESIDENT STEWART-COUSINS: Senator Libous.

SENATOR LIBOUS: Thank you, Madam President.

I too want to stand and join my colleagues in honoring the Siena Basketball Team and you, Coach, for all the great efforts you've done for the last several years. You've really put together one great organization.

And I'm from Binghamton, and our team made it to the NCAAs for the very first time, following your lead. And I hope that Siena goes for many years to come and we can continue to follow in those footsteps.

But it is a great honor to have so

many great, talented athletes from a school that is not a large school but a school that has just a great, solid foundation. So I want to salute all of the men and women who are part of this team and part of the college.

Congratulations.

ACTING PRESIDENT STEWART-COUSINS: Thank you, Senator.

Are there any other Senators that wish to be heard on the resolution? Hearing none, the question is on the resolution. All those in favor please signify by saying aye.

(Response of "Aye.")

ACTING PRESIDENT STEWART-COUSINS: Opposed, nay.

(No response.)

ACTING PRESIDENT STEWART-COUSINS: The resolution is adopted.

(Standing ovation.)

ACTING PRESIDENT STEWART-COUSINS: Thank you for making us all so proud.

Now, at the request of the sponsor, the resolution is open for multisponsorship by the entire house. Any member wishing not to

be a multisponsor of the resolution should so inform the desk.

Senator Klein.

SENATOR KLEIN: Madam President, are there any substitutions at the desk?

ACTING PRESIDENT STEWART-COUSINS: Yes, there are, Senator Klein.

The Secretary will read.

THE SECRETARY: On page 15, Senator Lanza moves to discharge, from the Committee on Codes, Assembly Bill Number 7014 and substitute it for the identical Senate Bill Number 3564, Third Reading Calendar 170.

ACTING PRESIDENT STEWART-COUSINS: Substitution ordered.

Senator Klein.

SENATOR KLEIN: Madam President, I have several motions.

First, on behalf of Senator Breslin, I wish to call up Senate Print Number 738, recalled from the Assembly, which is now at the desk.

ACTING PRESIDENT STEWART-COUSINS: The Secretary will read.

THE SECRETARY: Calendar Number 75, by Senator Breslin, Senate Print 738, an act to amend the Executive Law.

SENATOR KLEIN: I now move to reconsider the vote by which the bill was passed.

ACTING PRESIDENT STEWART-COUSINS: Call the roll on the reconsideration.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 59.

ACTING PRESIDENT STEWART-COUSINS: The bill is before the house.

SENATOR KLEIN: I now offer the following amendments on behalf of Senator Breslin.

ACTING PRESIDENT STEWART-COUSINS: The amendments are received.

SENATOR KLEIN: My second, Madam President, is on behalf of Senator Addabbo. I move that the following bill be discharged from its respective committee and be recommitted with instructions to strike the enacting clause: Senate Number 4037, on behalf of Senator Addabbo.

ACTING PRESIDENT STEWART-COUSINS: So ordered.

Senator Klein.

SENATOR KLEIN: The next, on behalf of Senator Thompson, I move the following bills be discharged from their respective committees and be recommitted with instructions to strike the enacting clause: Senate Numbers 1246 and 4914, on behalf of Senator Thompson.

ACTING PRESIDENT STEWART-COUSINS: So ordered.

Senator Klein.

SENATOR KLEIN: The next, Madam President, on behalf of Senator Espada, on page number 16 I offer the following amendments to Calendar Number 183, Senate Print 2871, and ask that the said bill retain its place on the Third Reading Calendar.

ACTING PRESIDENT STEWART-COUSINS: So ordered.

SENATOR KLEIN: And last, on behalf of Senator Monserrate, on page 17 I offer the following amendments to Calendar

Number 193, Senate Print Number 2575, and ask that the said bill retain its place on the Third Reading Calendar. Again, on behalf of Senator Monserrate.

ACTING PRESIDENT STEWART-COUSINS: So ordered.

Senator Klein.

SENATOR KLEIN: Madam President, can we at this time move for a reading of Senate Calendar 41.

ACTING PRESIDENT STEWART-COUSINS: The Secretary will read.

THE SECRETARY: Calendar Number 8, by Member of the Assembly Paulin, Assembly Print Number 755A, an act to amend the Executive Law.

SENATOR LIBOUS: Lay it aside, please.

ACTING PRESIDENT STEWART-COUSINS: The bill is laid aside.

THE SECRETARY: Calendar Number 147, by Senator Dilan, Senate Print 3625, an act to amend the Vehicle and Traffic Law.

ACTING PRESIDENT STEWART-COUSINS:

Read the last section.

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

ACTING PRESIDENT STEWART-COUSINS: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT STEWART-COUSINS: Announce the results.

THE SECRETARY: Ayes, 59.

ACTING PRESIDENT STEWART-COUSINS: The bill is passed.

THE SECRETARY: Calendar Number 158, by Senator C. Kruger, Senate Print 552, an act to amend the Election Law, in relation to providing.

SENATOR VALESKY: Lay the bill aside for the day.

ACTING PRESIDENT STEWART-COUSINS: The bill is laid aside for the day.

THE SECRETARY: Calendar Number 159, by Senator Thompson, Senate Print 1213, an act to amend the --

SENATOR LIBOUS: Lay it aside, please.

ACTING PRESIDENT STEWART-COUSINS: The bill is laid aside.

THE SECRETARY: Calendar Number 170, substituted earlier today by Member of the Assembly Bing, Assembly Print Number 7014, an act to amend the Penal Law and the General Business Law.

ACTING PRESIDENT STEWART-COUSINS: Read the last section.

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

ACTING PRESIDENT STEWART-COUSINS: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT STEWART-COUSINS: Announce the results.

THE SECRETARY: Ayes, 59.

ACTING PRESIDENT STEWART-COUSINS: The bill is passed.

THE SECRETARY: Calendar Number 184, by Member of the Assembly Weinstein, Assembly Print Number 2574, an act to amend the Domestic --

SENATOR LIBOUS: Lay it aside,

please.

ACTING PRESIDENT STEWART-COUSINS: The bill is laid aside.

THE SECRETARY: Calendar Number 202, by Senator L. Krueger, Senate Print 3583, an act to amend the Arts and Cultural Affairs Law, in relation to the American Museum of Natural History.

ACTING PRESIDENT STEWART-COUSINS: Read the last section.

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

ACTING PRESIDENT STEWART-COUSINS: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT STEWART-COUSINS: Announce the results.

THE SECRETARY: Ayes, 59.

ACTING PRESIDENT STEWART-COUSINS: The bill is passed.

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

SENATOR VALESKY: Madam President, if we could at this time move to a

controversial reading of the calendar, beginning with Calendar Number 159, Senator Thompson's bill.

ACTING PRESIDENT STEWART-COUSINS: If the Secretary would please ring the bells.

Members are all asked to come to the chamber for the controversial reading of the calendar.

The chamber will come to order, please.

The Secretary will read.

THE SECRETARY: Calendar Number 159, by Senator Thompson, Senate Print 1213 --

ACTING PRESIDENT STEWART-COUSINS: Please come to order.

SENATOR LIBOUS: Madam President, can we have order in the house. I can't hear the Journal clerk read the bill.

Thank you.

ACTING PRESIDENT STEWART-COUSINS: The Secretary will read.

THE SECRETARY: Calendar Number 159, by Senator Thompson, Senate Print 1213, an act to amend the Public Authorities Law.

SENATOR LIBOUS: Explanation, please.

ACTING PRESIDENT STEWART-COUSINS: Senator Thompson.

SENATOR THOMPSON: Gladly. Thank you for recognizing me.

This is I think a long overdue piece of legislation giving the City of Buffalo two seats on the Niagara Frontier Transportation Authority.

This body first began to provide bus service in Buffalo back in 1923. It initially was International Bus Company, and the International Railway Company as well. Later, in 1947, the proposed Niagara Frontier Rapid Transit Commission began to provide additional services to residents in Buffalo. Since 1967, it's operated as the Niagara Frontier Transit Authority Corporation.

The other communities upstate that have large transit service include the City of Rochester, which has the Rochester-Genesee Regional Transportation Authority. There, the city of Rochester has three members appointed

to this transit authority. The City of Syracuse, which operates a system as well, that city also has three appointments to that transit authority.

The City of Buffalo does not have any direct representation or appointments to that board.

A couple of things I also believe it's important to note to explain why this bill is important. In 1985, the Niagara Frontier Transit Authority put together -- they finally started a rail system. It goes six miles, six miles down one street. It starts downtown on Main Street and goes uptown on Main Street. It has not expanded in 24 years.

And there are lots of groups -- people from the city, the suburbs, all throughout the region -- who have been working diligently to try to expand the rail system from going up Main Street and down Main Street. That's what our system has.

This is about representation. As we all know, the stimulus money, whether you

agree with it or disagree with it, has monies for transit systems. Our system, whether it's this year or in years past, has failed to expand beyond one street.

Now I want to put this in the context as well that the City of Buffalo, approximately 40 percent of the people in the City of Buffalo do not have a car. And most of the growth in terms of jobs has been in the suburbs. So then you wonder why we have double-digit poverty and Buffalo is the second-poorest city in America when 25-plus percent of the people don't even have a car.

So this is about access in the planning and the decision-making of that authority. That's not to say that they have not -- there are no residents from the City of Buffalo that are on that board. But why can Rochester and Syracuse have representation for years on their authority yet the City Council and the mayor of Buffalo don't have one? And these groups have three, and we're only asking for two.

So thank you.

ACTING PRESIDENT STEWART-COUSINS: Thank you, Senator.

Senator Volker.

SENATOR VOLKER: Madam President, Senator Thompson failed to recognize or point out the City of Buffalo provides no funding for the Niagara Frontier Transit Authority.

In fact, the interesting thing about the rail line that he's talking about is I have been told in the past it is the most profitable rail line that is a rapid transit line in the country. Of course, one reason is is because it's a short line.

The people who have been asking so badly to extend the line -- by the way, they're not from Buffalo. Most of the people that have been looking to extend the line are from Amherst and from the suburbs. And the only thing is, when they hear it might cost $6 billion or $8 billion, they get a little different take on it.

The NFTA police are paid for by the people of the counties of Erie and Niagara. All the services of the NFTA are paid for

strictly by the two counties. The City of Buffalo receives an enormous amount of services, and they have their own people on the board.

The question, I guess, is if the city wishes to have direct appointments to the board, then maybe they should start providing some funding. Like other cities do, by the way. Because I believe Rochester does and I believe Syracuse does. But not in Buffalo.

And the reason is that we have treated Buffalo extremely well. No school system in the United States of America gets as much money as Buffalo gets. I don't think there's any transit system that I know of, certainly in this state, that gets as much free transportation -- and by that I mean doesn't pay for anything -- as the City of Buffalo.

And yet we also provide for appointees from both Niagara County, Niagara Falls, City of Buffalo, and so forth.

Now, the problem is that this system has worked very well. And the question

that's asked is why should the mayor of the City of Buffalo and the City Council have an appointment when they provide no funding, they do no direction for the NFTA.

That was, by the way, deliberate from the beginning, because --

ACTING PRESIDENT STEWART-COUSINS: Senator Thompson, why do you rise?

SENATOR THOMPSON: I would just ask if my colleague Senator Volker will yield for one question.

SENATOR VOLKER: I certainly will.

ACTING PRESIDENT STEWART-COUSINS: Senator Thompson.

SENATOR THOMPSON: Through you, Madam President. If Senator Volker would answer whether or not city residents pay county taxes.

SENATOR VOLKER: Of course city residents pay county taxes. But most of the funding for the NFTA does not come from county taxes. There are special funds that are set up for the NFTA that do not involve the City

of Buffalo.

ACTING PRESIDENT STEWART-COUSINS: Senator Thompson, why do you rise?

SENATOR THOMPSON: Could you ask Senator Volker if he can explain those and also, in the same vein, would he -- the handshake agreement about the sales tax that was temporary also in the 1980s that Buffalo still is struggling to get its fair share of that as well.

ACTING PRESIDENT STEWART-COUSINS: Senator Volker, do you continue to yield?

SENATOR VOLKER: Yeah. Buffalo did get its fair share of the sales tax. In fact, Assemblyman Tokasz and I, over a lot of objections, provided some additional money to the City of Buffalo.

And let me just follow it up by saying that the city refused to share the revenue from the new gambling facility in Buffalo. We thought we had an agreement, but the budget came out and the budget gave all the money to the City of Buffalo. And even though the mayor had said that he was willing

to negotiate with the county executive.

So everyone realizes the mayor of the City of Buffalo is a Democrat. The Common Council is a Democratic common council. The county executive is a Republican. The board, of course, is a Democratic board. There are Republican members on the board, but it's a Democratic board.

It seems to me that until the city provides some sort of assistance to the NFTA and provides some sort of cooperation -- and by the way, we understand that the problem here also is that the representative of the County of Niagara also wants people on the board. Even though, again, the City of Niagara Falls provides no money for the NFTA.

So the reason I can't support this is that this is a county function. The city is taken care of by the county. And therefore, and since we already appoint -- not we, but the NFTA -- and this body confirms people from the city to the board, they certainly have adequate representation and they don't need any more people on the NFTA

board.

ACTING PRESIDENT STEWART-COUSINS: Senator Maziarz.

SENATOR MAZIARZ: Thank you very much for the recognition, Madam President.

Would Senator Thompson yield to a question?

ACTING PRESIDENT STEWART-COUSINS: Senator Thompson, do you yield?

SENATOR THOMPSON: Absolutely.

SENATOR MAZIARZ: Senator Thompson, I don't blame you for wanting -- you represent the City of Buffalo, and you want --

SENATOR THOMPSON: And Niagara Falls.

SENATOR MAZIARZ: And several other areas, too.

But you represent the City of Buffalo, and you want your constituents to be represented.

Let me ask you this. The largest entity that the Niagara Frontier Transit Authority operates is the Buffalo Niagara International Airport. It services the most

people. That's really a base of a great deal of their funding. And that's located in, I believe, the Town of Cheektowaga, which is represented by Senator Stachowski.

Do you believe that the Town of Cheektowaga should have some representatives on the NFTA board of directors?

SENATOR THOMPSON: I believe that today's bill is about the City of Buffalo getting representation. If the Town of Cheektowaga wants representation, that's up to them.

This is really about expanding a light rail system which many people have been recommending to the NFTA for years, to take Genesee Street from the airport, to go to downtown Buffalo -- like they do in Chicago, Atlanta, New York City, and everywhere else -- where they can have train service from the airport to downtown Buffalo.

And years ago, actually -- Senator, I'm sure you're probably aware of this -- you used to be able to take a trolley, when trolley services were available, from the city

to the suburbs. But, you know, in the 24 years that we've had light rail transportation in Buffalo, it has not expanded to the suburbs. Because you know where it stops? At the city line. Right at Bailey and Amherst.

And you know why? It's interesting it has not expanded because of bills like this that we're trying to stop. Because if more people from Niagara Falls and Buffalo were on that board, it would have expanded it a lot longer many years ago.

I think our colleagues should know that the Buffalo rail system stops at the city line. You know why it stops? Because people fought it from expanding when it was first started in the 1980s.

My colleague should know that this rail system stops at the city line. City residents have to take a bus to get to the suburbs. It's tragic that we're even debating this. Because this won't cost us any money.

ACTING PRESIDENT STEWART-COUSINS: Senator Maziarz.

SENATOR MAZIARZ: Madam President, through you. I appreciate that.

But my question was about the residents of Cheektowaga, which have the largest entity of operations for the Niagara Frontier Transportation Authority. I mean, aren't the people of Cheektowaga -- shouldn't they have some representation on the NFTA board?

SENATOR THOMPSON: Again, I think I stated if he wants to do that, he can introduce a bill that I will coauthor it with him.

I think we also need to take into impact that yes, the airport is big, but that Buffalo also has numerous train stations. And I've never had anyone do an analysis of the square footage of all of those train stations and all the bus depots that are in the City of Buffalo compared to the square footage that's held by the airport.

But I welcome any time people want representation and it's meaningful. That's why I have a bill, as my colleague Senator

Volker talked about, not only for Buffalo but for the City of Niagara Falls, where people as well in the City of Niagara Falls, which is the largest municipality in Niagara County, people there in that small community that used to hold 100,000 people, those folks don't have adequate representation. They have a couple of people; some of them live in the city of Niagara Falls, some of them don't.

But the mayor is working hard, the council is working hard to improve mass transit coming into the city, and we need to see that rail system go from downtown Buffalo or from the airport, be able to go to Buffalo and go all the way to Niagara Falls. There's no reason why people should come to Western New York and not be able to go from Cheektowaga to Niagara Falls by train like they can in every other major city in America that has a system.

That's what this public policy debate -- climate change, global warming. This light-rail rapid transit and expanding public transit systems, that's what this

debate is about. It's not about politics and patronage. This is about 24 years ago we started a system so that people can move easily through the region. And we have failed the people.

Billions and billions of dollars have been given to cities all over America to expand their rail system, and Western New York has not done that. All we do is get more green buses, retrofit some of the trains. But we don't believe in trying to expand the rail system. We like the status quo. We keep it -- we say you can take a bus into the city or you can drive into the city, park your car at the city line, and take the train downtown. But by God, we don't let you take a train from Cheektowaga, Amherst, Clarence, West Seneca, Orchard Park, East Aurora, and take a train all the way to the City of Buffalo.

That's what happens in Atlanta, Georgia. That's what happens in Westchester. That's what happened in all other places except for Buffalo or Western New York. That's what this debate is really about. Not

about four seats. Four seats are helpful, they're very helpful. But this is about expanding a rail system.

That's why we can't get -- that's why New York City is getting is $1.1 billion. And how much are we getting upstate for mass transit? A couple of hundred thousand dollars. Because we looked to the little vision upstate, not the way other folks are doing it across the country.

SENATOR MAZIARZ: Thank you. Madam President, through you, I would ask if the Senator would continue to yield and try to answer my question.

ACTING PRESIDENT STEWART-COUSINS: Senator Thompson, do you continue to yield?

SENATOR THOMPSON: Sure. Gladly.

SENATOR MAZIARZ: Back to -- you know, I appreciate what you said about Atlanta and Niagara Falls, but I want to get back to Cheektowaga. Because, as I said, the largest entity is the Buffalo Niagara International Airport.

So do I understand you to say,

Senator, that if I introduce a bill that gives the Town of Cheektowaga two representatives or one representative, let's say, on the Niagara Frontier Transportation Authority, that you would do cosponsor it with me?

SENATOR THOMPSON: Whatever you choose. I think the issue is really -- I said to each of the things that you've said already. So we state that for the record.

SENATOR MAZIARZ: Okay. Thank you.

SENATOR THOMPSON: The main issue here is that making sure that Buffalo, like Syracuse and like Rochester, has seats. And I think we need to stay on the issue at hand.

So yes. But I don't understand why is it not good for -- it's good enough for Syracuse, it's good enough for Rochester, but it's not good enough for Buffalo. And I think that's where we have to understand that it's not fair, it's just simply indefensible to say that for 24 years that train system has stopped at the city line.

And I would like to ask my

colleague a question when he gets finished. In case he has any more questions.

ACTING PRESIDENT STEWART-COUSINS: Senator Maziarz, would you like Senator Thompson to continue to yield?

SENATOR MAZIARZ: Yes. But I believe Senator Thompson asked me a question.

ACTING PRESIDENT STEWART-COUSINS: And I didn't know whether you were through asking him to yield. If indeed you are, then will you yield?

SENATOR MAZIARZ: Yes, I do.

ACTING PRESIDENT STEWART-COUSINS: Senator Thompson, Senator Maziarz yields.

SENATOR MAZIARZ: Now, you want me to answer the question that you just asked?

SENATOR THOMPSON: No, I got another -- I've got a question for you.

I'd just like to ask my colleague whether or not you believe it's acceptable that the NFTA has not expanded beyond Main and Bailey, stopping at the city line, for the last 24 years, whether or not you think that's acceptable.

SENATOR MAZIARZ: Through you, Madam President, the answer to that question is no.

SENATOR THOMPSON: That's the only reason why this bill is happening.

And I'd just like to say as well that when I was on the City Council, I fought vigorously to support -- passed resolutions, got petitions, you name it. Gladys Gifford, Citizens Regional Transportation Corporation, been very involved with that for years. I've had town meetings in Niagara Falls and Buffalo, inviting them to come out. That's what this is about.

This is not about whether it's Democrat or Republican. This is about doing the missed opportunities. Whether it was a Republican president or a Democratic president, they've all been pumping money into expanding transit systems in communities. And until we change the mindset on that board, whether they're appointed by a Democrat or a Republican, they've got to understand that they've got to support this expansion. That's

all.

I'll yield if he has any other questions.

ACTING PRESIDENT STEWART-COUSINS: Senator Volker, why do you rise?

SENATOR VOLKER: I didn't know if you were finished --

SENATOR MAZIARZ: Oh, go ahead. I'm not finished, but I'll yield to Senator Volker.

We have to resolve this issue of Cheektowaga, Madam President. That's all I'm trying to do.

SENATOR VOLKER: Well, I'll tell you something. Senator Thompson, I wish what you said is true. You see, Senator Thompson, I was around when this whole thing started. It stopped at the city line because that was the end of the money. The federal government would not provide any more money. The city wouldn't provide any money.

And by the way, the Common Council now has been moving not to expand the rapid transit, but they want to take the rails off

of Main Street. They not only don't want to expand it, they want to take the rails off of Main Street.

Yes, we did try. And I was one of those who went to Washington and worked here in Albany to try get an expansion. The cost was so prohibitive. And we were fought, by the way, by a group called environmentalists. You know, they didn't want the rapid transit out into the suburbs because they felt it was environmentally not good.

So when you say that somehow people in the City of Buffalo have been fighting to expand it, I don't know anything about that. I have never heard the City of Buffalo asking for expansion of the rapid transit system except for a very small number of people. They're very nice people. And when you say to them where is the money going to come from, they say, Well, that's not our problem.

Well, it is our problem. You've talked about Washington. Washington, what do they spend, $14 billion, if I'm not mistaken, on their transit system. The City of Buffalo,

remember, contributes nothing, has never contributed anything to the NFTA.

So my response to you, the only reason that the system stopped where it did stop was because basically they ran out of money. And no one at the time was able to come up with the money to expand it, and that is a fact.

ACTING PRESIDENT STEWART-COUSINS: Senator Thompson, why do you rise?

SENATOR THOMPSON: If Senator Volker will yield for a question, please.

ACTING PRESIDENT STEWART-COUSINS: Senator Volker, do you yield?

SENATOR VOLKER: Sure. Certainly.

SENATOR THOMPSON: And this is such a sensitive issue, and I really don't like to get into highly charged issues. Senator Volker, you don't have to get into a long big thing about it.

Senator Volker -- through you, Madam Chair, if Senator Volker can comfortably -- and I don't want to put him too

heavily on the spot. But I am a student of history as well. And no, I was not in the Legislature at the time, but I've been so involved in this issue.

But if he could just honestly say whether or not there were too many protests from people on a whole host of issues related to nonenvironmental issues that also contributed to the fact why that system -- yes, money was part of the issue, but there were some issues that rang far deeper than air quality and which route the rail systems should go down, Millersport Highway or whichever route into Amherst.

There were other issues beyond that that I don't think are appropriate for the floor of the Senate. But I think that we need to be more forthright in saying that this was not all about the cost in money.

ACTING PRESIDENT STEWART-COUSINS: Senator Volker, do you have a response?

SENATOR VOLKER: I really don't know what the question was. I didn't see any question.

But I have to tell you something. You can tell me all you want that there were other issues, but I can still tell you it came down to money.

Because I was one of the people, along with Arthur O. Eve and a number of other people, who were looking around for money for various projects in Western New York, and one of them was the rapid transit project. And I have to be honest with you, we never really received a lot of support from the City of Buffalo. Most of the support came from outside the City of Buffalo, not the city itself.

So that's been my experience, and I have to be perfectly honest with you. And so that's the reason we are opposed to the city appointing more people to the board.

ACTING PRESIDENT STEWART-COUSINS: Senator Maziarz.

SENATOR MAZIARZ: Madam President, on the bill.

ACTING PRESIDENT STEWART-COUSINS: Senator Maziarz, on the bill.

SENATOR MAZIARZ: May I make a suggestion to my colleague Senator Thompson. He said, when he asked a question, he said of -- he said "I'd like a short answer." If you want a short answer, Senator Thompson, I suggest you don't ask Senator Volker the question, okay?

(Laughter.)

SENATOR MAZIARZ: Now, that was a little joke. I wanted to get some levity in here, Senator, because you seem angry. But I know some people sometimes they mistake passion for anger, you know.

But anyway, on the bill, Madam President.

ACTING PRESIDENT STEWART-COUSINS: Senator Maziarz, on the bill.

SENATOR MAZIARZ: I think our rescue in this whole thing, unbelievably, may be the people of Cheektowaga. Because I am going to take my colleague up on his idea. He stated that he would cosponsor a bill with me. It will be on his desk tomorrow morning, to put at least two residents of the Town of

Cheektowaga, the home of the airport -- which I think makes a lot more money for the NFTA and clearly services a lot more people than does the very short rapid rail transit.

Which, by the way, is a very good train ride. I remember when my kids were a little bit younger, we used to drive down to U.B. to the Park and Ride and go into the ballpark on the train. It was the best way of getting to the ballpark.

But this is bad legislation. And hopefully, Madam President, and unbelievably, that we may in fact be saved by the New York State Assembly on this piece of legislation.

Thank you, Madam President.

ACTING PRESIDENT STEWART-COUSINS: Thank you, Senator.

Senator Thompson.

SENATOR THOMPSON: On the bill.

ACTING PRESIDENT STEWART-COUSINS: Senator Thompson, on the bill.

SENATOR THOMPSON: Yeah, I'd like to just first thank you for recognizing me and also thank my colleagues, whether they support

or disagree with the bill.

This bill actually passed the Assembly last year in June. And as many bills used to do, it died in the Senate. And this bill actually provides additional representation for the City of Buffalo. And hopefully later this session we can do something that will provide greater representation to the City of Niagara Falls.

As I stated earlier, Syracuse has three appointments, Rochester's government has three appointments as well. Buffalo has zero. It's unfair. It needs to be changed.

Also, I would like to say that we shouldn't get distracted with the politics of division. But this is about really expanding light rail, expanding bus service, making sure that the people who use the service the most have some voice.

And that I am glad to sponsor this bill, and it did pass the Assembly and I'm sure will pass again, and that the people in Buffalo are already looking to have a voice at the seat of power with the NFTA.

Thank you.

ACTING PRESIDENT STEWART-COUSINS: Senator Ranzenhofer.

SENATOR RANZENHOFER: Yeah, if I could ask a couple of questions to Senator Thompson.

ACTING PRESIDENT STEWART-COUSINS: Senator Thompson, do you yield for some questions?

SENATOR THOMPSON: Yes. Yes. Yes, absolutely.

SENATOR RANZENHOFER: Thank you.

Through you, Madam President. Senator Thompson, can you just tell us how come the City of Buffalo hasn't contributed any money towards the rapid transit system if they are so interested in rapid transit?

SENATOR THOMPSON: My position is that city residents are county residents, so if the county contributes money, then the city contributes money.

I don't understand how people constantly try to separate the city from the county when the city residents pay sales tax,

city residents pay county taxes, city residents vote for a county executive, city residents give the same authority to the legislature to make their appointments. So city residents are county residents. They're not mutually exclusive.

SENATOR RANZENHOFER: Through you, Madam President. I understand that the money comes from the same pocket --

ACTING PRESIDENT STEWART-COUSINS: Senator Ranzenhofer, do you want Senator Thompson to continue to yield?

SENATOR RANZENHOFER: Yes.

ACTING PRESIDENT STEWART-COUSINS: Senator, will you continue to yield?

SENATOR THOMPSON: Yes.

SENATOR RANZENHOFER: I understand that the taxpayers, no matter where you live, are contributing.

But where is the equity in not having the City of Buffalo government -- if it says that it is so supportive of rapid transit, why has the city government refused for the last 24 years to contribute any money

towards the system?

SENATOR THOMPSON: Through you, Madam President. It's my understanding that the largest users of the bus and rail system are residents of the City of Buffalo. I'm not sure if my colleague is aware of that. If Buffalo residents went on strike for a week, as they did down south, that system would probably come to a halt.

The issue always comes up to, whether it's a share in the sales tax or anything else, the residents of Buffalo and the taxpayers of Buffalo are county residents as well. So why do we always get into this game of semantics saying, well, Buffalo residents are not county residents?

The last I understood is that whether it's a county judgeship, it's the county executive, county comptroller, county DA, those residents are -- Buffalo residents vote in those elections.

The key here is that we need to have representational power the same way folks from Rochester and Syracuse have

representational power. And we currently don't. We are at the mercy of the county legislature and the governor of the State of New York. And that simply is not fair. That's simply --

ACTING PRESIDENT STEWART-COUSINS: Excuse me. Can we have order in the chamber. People are having difficulty hearing the debate.

Thank you, Senator.

SENATOR THOMPSON: That's simply not fair.

I would humbly submit that I am sure there was a reason why residents from Syracuse and Rochester have representation. I used to go to SUNY Brockport. I used to get on that service. And I'm actually pleased that Rochester and Syracuse have representation on that board. I think it's commendable.

And we're simply asking for a seat at the table.

SENATOR RANZENHOFER: Madam President, through you. Senator Thompson --

ACTING PRESIDENT STEWART-COUSINS: Are you asking Senator Thompson to continue to yield?

SENATOR RANZENHOFER: Yes, I am.

ACTING PRESIDENT STEWART-COUSINS: Senator Thompson, do you continue to yield?

SENATOR THOMPSON: Yes.

ACTING PRESIDENT STEWART-COUSINS: Senator Ranzenhofer.

SENATOR RANZENHOFER: Senator Thompson, can you tell me how much money in this year's budget was appropriated for the expansion of the light rail system in Buffalo?

SENATOR THOMPSON: Excuse me, I can't hear you.

SENATOR RANZENHOFER: Can you tell us how much money was appropriated in this year's budget for the expansion of the light rail system in Buffalo?

SENATOR THOMPSON: I have not read Mayor Brown's budget that was submitted on May 1st --

SENATOR RANZENHOFER: State budget.

SENATOR THOMPSON: Excuse me?

SENATOR RANZENHOFER: The state budget. The budget that was passed here.

SENATOR THOMPSON: The state budget this year for expansion?

SENATOR RANZENHOFER: Madam Chairman, through you. How much did you include for the expansion?

ACTING PRESIDENT STEWART-COUSINS: Senator Ranzenhofer, please speak up.

SENATOR RANZENHOFER: I asked how much money did you include this year for the expansion of the light rail system in Buffalo.

SENATOR THOMPSON: Oh, I'd gladly love to answer that.

Well, first let me say that this year we did not put any money for capital money. It's my understanding that the capital appropriation process is underway.

But I would hope that once we get this bill passed and begin to lobby the federal lawmakers, hopefully within the next three to five years we'll have some money to expand the rail system.

There are lots of discussions underway about expanding the rail system. I do agree with my colleague about some of the rails downtown. That is a separate issue from downtown to expanding across the city into the suburbs. Downtown is because if you go to -- the train downtown, you can't drive cars on the tracks unless you do it the way they do in Philadelphia and Boston and some other cities, where you can drive on the trolley tracks with your cars. We currently don't allow for that in Buffalo.

So will we expand our rail system? I believe if we get more people from Buffalo and Niagara Falls on that system. And now that I'm in the majority, I will gladly work to put some money aside to expand the system.

SENATOR RANZENHOFER: Through you, if -- do I take that to mean that -- another question, please.

ACTING PRESIDENT STEWART-COUSINS: You're asking him to continue to yield?

SENATOR RANZENHOFER: Yes. Yes.

ACTING PRESIDENT STEWART-COUSINS:

Senator Thompson, do you continue to yield?

SENATOR THOMPSON: Yes. But I answered him. I said no, there's no money. We're doing the capital now.

SENATOR RANZENHOFER: Okay. I tried to sort of figure out where the short answer was in that long colloquy.

Again, Madam President, will the Senator yield for another question?

ACTING PRESIDENT STEWART-COUSINS: Senator Thompson, do you continue to yield?

SENATOR THOMPSON: Gladly.

SENATOR RANZENHOFER: Thank you. Do you know how much the City of Rochester and the City of Syracuse contribute for their metro systems?

SENATOR THOMPSON: I'm not certain of what they contribute to their system. But you have it, I'd love to have that information if you have it with you.

SENATOR RANZENHOFER: Do you know whether or not they do or not?

SENATOR THOMPSON: Excuse me?

ACTING PRESIDENT STEWART-COUSINS:

Are you asking for a continuation?

SENATOR RANZENHOFER: Yes. Yes.

ACTING PRESIDENT STEWART-COUSINS: Senator Thompson, do you continue to yield?

SENATOR THOMPSON: Gladly. Absolutely.

SENATOR RANZENHOFER: Do you know whether or not either of the cities contributes?

SENATOR THOMPSON: I'm not certain if they contribute. I don't understand why it's relevant. But go ahead.

SENATOR RANZENHOFER: Another question.

ACTING PRESIDENT STEWART-COUSINS: Senator Thompson, do you continue to yield?

SENATOR THOMPSON: Yes.

SENATOR RANZENHOFER: Using your analysis that city taxpayers are county taxpayers and that's why the city hasn't contributed any money over the last 24 years, wouldn't it also be fair to say that the appointments of the county also include the city? So therefore, under your logic, that

the city is also well represented?

SENATOR THOMPSON: Well, through you, Madam President, I think clearly the fact that the city residents came out for a hearing to protest the rate increase in overwhelming numbers back in December, and the person who was chairing the meeting -- who is not a City of Buffalo resident and I don't believe is a Niagara Falls resident -- was just out of control. So I don't believe we have proper representation.

Secondly, if we have more adequate representation, the train system would not stop at the Amherst line. And I would just ask my colleague if he wants to join me in expanding the rail system that stops at the end of my district and the beginning of his.

So that's what this is about, so that people can have adequate service to the jobs that are throughout the region. And so that people can stop spending so much money on gas and give people more transportation options. They can have more options. And that just simply does not exist the way it

should.

And there have been people on both sides of the aisle who have understood this issue, who have been working on this issue for many years. And now we are in a position, I believe, to get some traction on this.

As I said, when I was on the City Council, I sponsored resolutions in support of this. There have been groups who have rallied and demonstrated and protested out front of the NFTA because they refused to even submit capital plans with even a possible expansion. That's how tragic this situation is. Where the feds have actually contacted them and said please take some of this money.

ACTING PRESIDENT STEWART-COUSINS: Senator Ranzenhofer.

SENATOR RANZENHOFER: On the bill.

ACTING PRESIDENT STEWART-COUSINS: Senator Ranzenhofer, on the bill.

SENATOR RANZENHOFER: This really is not about the expansion of the rapid rail system. This is not about a host of other

issues that we've talked about. This is really about appointments to an NFTA board.

The NFTA board is not just the rapid rail system. It's the bus system in Western New York, it's the airport in Western New York. And the reason why there is currently no Buffalo representation is because in the early 1990s when the trains stopped, Buffalo refused to make any contribution to get them going.

And Erie County made a contribution, and that's why they have representation on the board. If Buffalo had made that type of contribution, they would have representation on the board.

But you have, Madam President, the Towns of Amherst, Cheektowaga, where Senator Maziarz mentioned, Tonawanda, the Town of Niagara, Town of Wheatfield, Village of Kenmore, Village of Williamsville -- you have communities that are much more affected by the total NFTA system than the City of Buffalo. And you have many more municipalities that are more affected than the City of Buffalo.

So my sense is that if you want representation on the board, then make a contribution to run the system. You can't say that you want representation on the board, when you currently have representation through the governor and through the county, but not be willing to make any financial contribution towards the running of the actual system.

I think it would be very instrumental to know whether or not the other cities have representation because they make contributions. I would believe that they do.

Thank you.

ACTING PRESIDENT STEWART-COUSINS: Senator Maziarz.

SENATOR MAZIARZ: Thank you very much, Madam President.

Would the sponsor yield for more questions?

ACTING PRESIDENT STEWART-COUSINS: Senator Thompson, do you continue to yield?

SENATOR THOMPSON: Sure. Glady.

SENATOR MAZIARZ: Thank you very much, Senator.

Senator, you mentioned on at least seven occasions that it was unfair that Buffalo did not have representation and that Rochester and Syracuse do have representation. And Senator Volker pointed out on at least four different times that the City of Rochester and the City of Syracuse both contribute. I'm not as familiar with Syracuse as I am Rochester. I believe Rochester actually contributes a portion of their sales tax to the RGRTA.

But I guess my first question is, did you hear Senator Volker's explanation? You don't have to agree with it, but did you just --

SENATOR THOMPSON: Yes, of course, I think I'm a pretty good -- I have no choice but to hear; the question is about listening. And I did both.

SENATOR MAZIARZ: Okay. Would the Senator continue to yield for another question?

ACTING PRESIDENT STEWART-COUSINS: Do you continue to yield?

SENATOR THOMPSON: Yes, absolutely.

SENATOR MAZIARZ: Senator, you asked I think it was Senator Volker if -- you know, aren't the people of Buffalo Erie County residents and don't the people in Buffalo pay Erie County sales tax.

Are the people of the Cheektowaga Erie County residents, and do they pay Erie County sales tax?

SENATOR THOMPSON: Of course the answer is yes. And this is a political game. And I don't think that the people of any community need to see the Senate degenerate into partisan stuff on the Senate floor.

The issue for me is about the bill at hand. And the bill at hand is something that Buffalo, like Rochester and Syracuse, should have an appointment on the board.

And in terms of the sales tax, I believe it's important to note that for years, for years everyone knows in Western New York that Buffalo has been fighting to get a greater share of the sales tax. Buffalo

currently receives less of sales tax revenue, based on the formula, than the City of Rochester. And I think my colleague very well -- both of my colleagues understand that.

SENATOR MAZIARZ: Thank you. Through you, Madam President, will Senator Thompson continue to yield?

ACTING PRESIDENT STEWART-COUSINS: Senator Thompson, do you continue to yield?

SENATOR THOMPSON: Absolutely.

SENATOR MAZIARZ: How does the difference in transportation aid compare for the NFTA and the RGRTA, Senator?

SENATOR THOMPSON: Excuse me? I'm not -- I don't understand that. Maybe you can better explain that to me.

SENATOR MAZIARZ: Through you, Madam President, you were making the comparison of the sales tax between Buffalo and Rochester.

SENATOR THOMPSON: Oh, yeah. Okay, I can respond to that. Very good question. I want to thank my colleague for that question.

The reason why that is important, Madam President, is because the inference was made that Rochester contributes to the regional transit system. Well, it should be important to note, the reason why they do that, as my colleague Senator Volker indicated -- which I have not verified -- he said that it was because of the sales tax.

Well, Rochester receives a far greater percentage of the sales tax revenue based on the formula than Buffalo. And Mayor Brown, previously Mayor Masiello, all of them tried to get a higher percentage. We got a couple of dollars in the bucket a couple of years ago. But no, we still do not receive our fair share of sales tax revenue.

So as we increase that, perhaps maybe Buffalo can contribute more. But remember, Buffalo is the second poorest city. Our residents ride the system more than any other residents. And it's not a matter of choice. Forty percent of the residents in Buffalo have a car. It may even be less than that today.

So that's what this is about. Bus system, expansion of the rail system to the suburbs, and we don't have our fair share of sales tax. And that's something that we need to look at but has not been properly addressed yet.

SENATOR MAZIARZ: Madam President, through you. My question wasn't about the sales tax. I'd appreciate it if Senator Brown [sic] would answer Senator Volker's question when he's debating with Senator Volker.

My question was about transportation aid, state transportation aid, the comparison between the City of Buffalo and the Niagara Frontier Transportation Authority and the City of Rochester and the RGRTA. Is the Senator aware of the difference between state transportation aid to those two entities?

ACTING PRESIDENT STEWART-COUSINS: Senator Thompson, do you continue to yield?

SENATOR THOMPSON: I'm not certain of that. But if he wants to share

that with me, I'm willing to listen and learn.

SENATOR MAZIARZ: Thank you, Madam President.

ACTING PRESIDENT STEWART-COUSINS: Thank you, Senator.

Senator Griffo.

SENATOR GRIFFO: Will Senator Thompson yield?

ACTING PRESIDENT STEWART-COUSINS: Senator Thompson, will you yield?

SENATOR THOMPSON: Gladly.

SENATOR GRIFFO: Senator Thompson, just for a point of clarification, would you be adding two additional seats to the authority in this legislation?

SENATOR THOMPSON: Yes. Unpaid.

SENATOR GRIFFO: Would Senator Thompson continue to yield?

ACTING PRESIDENT STEWART-COUSINS: Senator Thompson, do you continue to yield?

SENATOR THOMPSON: Gladly, to my fellow Brockport alum.

SENATOR GRIFFO: So, Senator Thompson, would this be enlarging this public

authority, then?

SENATOR THOMPSON: By two seats, yes.

SENATOR GRIFFO: Thank you, Senator Thompson.

SENATOR THOMPSON: Thank you.

ACTING PRESIDENT STEWART-COUSINS: Senator Griffo.

SENATOR GRIFFO: On the bill, Madam President.

ACTING PRESIDENT STEWART-COUSINS: Senator Griffo, on the bill.

SENATOR GRIFFO: I have listened to the debate here. And I have found that when you grow authorities, authorities are insulated from the public, there is no assurance that you will be expanding service, but you will expand the bureaucracy.

And what I have seen from authorities that have existed and continue to exist, like the Thruway Authority, that no good thing can come from them. Because this doesn't assure that we're going to see the type of service that you may be debating here

today, but it is going to grow this authority.

And I'm a little leery of any authority growth. I think we should be moving towards consolidation and elimination of authorities at this point in time.

Thank you, Madam President.

ACTING PRESIDENT STEWART-COUSINS: Thank you, Senator Griffo.

Are there any other Senators wishing to be heard at this time?

Hearing none, the debate is closed.

The Secretary will please ring the bells.

Read the last section.

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

ACTING PRESIDENT STEWART-COUSINS: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT STEWART-COUSINS: Announce the results.

THE SECRETARY: Those recorded in the negative on Calendar Number 159 are Senators Alesi, Bonacic, DeFrancisco, Farley,

Flanagan, Fuschillo, Golden, Griffo, Hannon, O. Johnson, Lanza, Larkin, LaValle, Leibell, Libous, Marcellino, Maziarz, McDonald, Morahan, Nozzolio, Padavan, Ranzenhofer, Robach, Saland, Seward, Skelos, Volker, Winner and Young.

Excused for the day, Senator Little.

Ayes, 32. Nays, 29.

ACTING PRESIDENT STEWART-COUSINS: The bill is passed.

The Secretary will continue to read.

SENATOR VALESKY: Madam President.

ACTING PRESIDENT STEWART-COUSINS: Senator Valesky.

SENATOR VALESKY: Madam President, Senator Craig Johnson has asked that we lay Calendar Number 8 aside for the day, if we could do that.

ACTING PRESIDENT STEWART-COUSINS: The bill is laid aside for the day.

Senator Valesky.

SENATOR VALESKY: And at this time would you call up Calendar Number 184, Senator Sampson's bill.

ACTING PRESIDENT STEWART-COUSINS: The Secretary will read.

THE SECRETARY: Calendar Number 184, by Member of the Assembly Weinstein, Assembly Print Number 2574, an act to amend the Domestic Relations Law.

ACTING PRESIDENT STEWART-COUSINS: Senator Saland.

SENATOR SALAND: Thank you, Madam President. Would Senator Sampson yield for a question? It might be two questions. I'll try and do it in one.

ACTING PRESIDENT STEWART-COUSINS: Senator Sampson, will you yield?

SENATOR SAMPSON: I will always yield for a question from Senator Saland.

SENATOR SALAND: Well, perhaps -- let me ask if Senator Sampson will be kind enough to explain the bill, and then I'll ask him my question.

ACTING PRESIDENT STEWART-COUSINS:

Senator Sampson.

SENATOR SAMPSON: Through you, Madam President. Basically, this bill just establishes an automatic stake in matrimonial actions to prevent either parties from either depleting assets, draining assets, or basically transferring assets while the marital proceeding is going on. It exempts usual household expenses and also reasonable attorney's fees.

ACTING PRESIDENT STEWART-COUSINS: Senator Saland.

SENATOR SALAND: Thank you, Madam President. Through you, Madam President.

Senator Sampson, assume for the moment -- and I don't know if I could find the answer to my question in the language or perhaps it's in another section of law. Assume for the moment that one of the parties -- husband, wife -- is engaged in business. And they might normally, were it a harmonious relationship, perhaps take a loan, be it a home equity line or a second mortgage

on their house.

This clearly would prevent them from doing it certainly on their own. How would they then go about accomplishing that?

And I'll ask you the second question also. The person who is maintaining the home -- let's say the people have split, and there is a home and someone is in the home. Let's assume some extraordinary expense comes up that is not a routine household expense. You know, some freak storm, you know, does serious damage to the building, and it's not all covered by insurance.

Is there some section of the law that we're amending that provides for these particular types of issues? Or is it merely the matter of making an application to the court for the ability to address these types of issues? And if so, where does that authority lie?

SENATOR SAMPSON: Through you, Madam President. Basically it would require you to make an application to the court because -- if you couldn't find the other

spouse, for whatever reason. And that would be customary expenses that usually come into the course of owning a home.

Because if in fact there is a storm, a catastrophic storm, and you need to fix the roof, you can make an application to the court or you can argue that this is a customary expense because of the situation that existed, so therefore the court would then allow you to go ahead. Or you can unilaterally go ahead because you can make the argument that this is unforeseen circumstances.

But usually in the normal course of business of being a homeowner, that if there's a catastrophic storm or something like that that causes disrepair, I'm quite sure the court would allow you to go ahead and fix the home so you can maintain the equity in the value of the home.

SENATOR SALAND: I would assume that the court certainly would be able to do that.

And I'm just trying to define the

process, both the process and the other thing that would be of concern to me would be that in these types of instances where there might be unusual or extraordinary expenses that were bona fide expenses, that there be some means by which to expedite the hearing before the court so that the issue is addressed in a timely fashion so that either the repairs can be made in a timely fashion or, if the business is hard-pressed, threatened with some type of closure, or if in fact there's some bona fide opportunity, that there's the ability to do this in some expedited fashion or perhaps some preference that gets you in front of the court to make it happen.

SENATOR SAMPSON: Through you, Madam President. Yes, Senator Saland.

SENATOR SALAND: Is that already in law?

SENATOR SAMPSON: It is not in law. But if you -- with respect to -- read the -- and when you talk about in law, the other party can make the motion to the court, make an order to show cause and ask for

expedient relief with respect to the situation that arose.

So in law, in law -- through you, Madam President -- you can move for an order to show cause if extenuating circumstances like that exist.

SENATOR SALAND: Thank you, Senator Sampson. Thank you. Thank you, Madam President.

ACTING PRESIDENT STEWART-COUSINS: Thank you, Senator Saland.

Are there any other Senators wishing to be heard on the bill?

Hearing none, the debate is closed.

The Secretary will ring the bell.

Read the last section.

THE SECRETARY: Section 2. This act shall take effect on the first of the calendar month next succeeding.

ACTING PRESIDENT STEWART-COUSINS: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT STEWART-COUSINS: Announce the results.

THE SECRETARY: Ayes, 61. Nays, 0.

ACTING PRESIDENT STEWART-COUSINS: The bill is passed.

Senator Valesky.

SENATOR VALESKY: Madam President, is there any further business before the desk?

ACTING PRESIDENT STEWART-COUSINS: Senator Valesky, the desk is clear.

SENATOR VALESKY: There being no further business, I move that we adjourn until Tuesday, May 5th, at 3:00 p.m.

ACTING PRESIDENT STEWART-COUSINS: There being no further business to come before the Senate, on motion, the Senate stands adjourned until Tuesday, May 5th, at 3:00 p.m.

(Whereupon, at 7:06 p.m., the Senate adjourned.)