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NEW YORK STATE SENATE

THE STENOGRAPHIC RECORD

ALBANY, NEW YORK

June 3, 2009

3:26 p.m.

REGULAR SESSION

SENATOR DAVID J. VALESKY, Acting President

ANGELO J. APONTE, Secretary

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P R O C E E D I N G S

ACTING PRESIDENT VALESKY: The  
Senate will please come to order.

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

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

ACTING PRESIDENT VALESKY: In the  
absence of clergy, may we bow our heads in a  
moment of silence.

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

ACTING PRESIDENT VALESKY: The  
reading of the Journal.

The Secretary will read.

THE SECRETARY: In Senate,  
Tuesday, June 2nd, the Senate met pursuant to  
adjournment. The Journal of Monday, June 1st,  
was read and approved. On motion, Senate  
adjourned.

ACTING PRESIDENT VALESKY:  
Without objection, the Journal stands approved  
as read.

1 Presentation of petitions.  
2 Messages from the Assembly.  
3 Messages from the Governor.  
4 Reports of standing committees.  
5 Senator Klein.

6 SENATOR KLEIN: Mr. President, I  
7 have three motions.

8 The first is a motion to reconsider  
9 substitution and amend a Senate bill. On  
10 behalf of Senator Ruth Hassell-Thompson, I  
11 wish to call up Calendar Number 391, Assembly  
12 Print Number 3664.

13 ACTING PRESIDENT VALESKY: The  
14 Secretary will read.

15 THE SECRETARY: Calendar Number  
16 391, by Member of the Assembly Aubry, Assembly  
17 Print Number 3664, an act to amend the Penal  
18 Law and others.

19 SENATOR KLEIN: I now move to  
20 reconsider the vote by which this Assembly  
21 bill was substituted for Senate Print 4366 on  
22 May 26th.

23 ACTING PRESIDENT VALESKY: Call  
24 the roll on reconsideration.

1 (The Secretary called the roll.)

2 THE SECRETARY: Ayes, 57.

3 ACTING PRESIDENT VALESKY: The  
4 bill is before the house and restored to its  
5 place on the Third Reading Calendar.

6 SENATOR KLEIN: I now move that  
7 Assembly Bill Number 3664 be recommitted to  
8 the Committee on Codes and the Senate bill be  
9 restored to the order of Third Reading  
10 Calendar.

11 ACTING PRESIDENT VALESKY: So  
12 ordered.

13 SENATOR KLEIN: I now offer the  
14 following amendments.

15 ACTING PRESIDENT VALESKY: The  
16 amendments are received.

17 SENATOR KLEIN: The second, on  
18 behalf of Senator Foley, on page 30 I offer  
19 the following amendments to Calendar Number  
20 329, Senate Print Number 4025B, and ask that  
21 said bill retain its place on Third Reading  
22 Calendar.

23 ACTING PRESIDENT VALESKY: So  
24 ordered.

1                   SENATOR KLEIN:       The third, on  
2                   behalf of Senator Montgomery, on page 21 I  
3                   offer the following amendments to Calendar  
4                   Number 179, Senate Print Number 3423, and ask  
5                   that said bill retain its place on Third  
6                   Reading Calendar.

7                   ACTING PRESIDENT VALESKY:       So  
8                   ordered.

9                   SENATOR KLEIN:       Mr. President,  
10                  are there any substitutions at the desk?

11                  ACTING PRESIDENT VALESKY:  
12                  Senator Nozzolio, why do you rise?

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

15                  On page number 36, I offer the  
16                  following amendments to Calendar Number 399,  
17                  Senate Print Number 4201, and ask that said  
18                  bill retain its place on Third Reading  
19                  Calendar.

20                  ACTING PRESIDENT VALESKY:       So  
21                  ordered.

22                  Senator Klein.

23                  SENATOR KLEIN:       Are there any  
24                  substitutions, Mr. President?

1                   ACTING PRESIDENT VALESKY:     Yes,  
2     there are substitutions.

3                   The Secretary will read.

4                   THE SECRETARY:     On page 19,  
5     Senator Diaz moves to discharge, from the  
6     Committee on Aging, Assembly Bill Number 1968  
7     and substitute it for the identical Senate  
8     Bill Number 1555, Third Reading Calendar 78.

9                   On page 38, Senator Parker moves to  
10    discharge, from the Committee on Energy and  
11    Telecommunications, Assembly Bill Number 7736  
12    and substitute it for the identical Senate  
13    Bill Number 3712, Third Reading Calendar 417.

14                  On page 39, Senator C. Johnson  
15    moves to discharge, from the Committee on  
16    Investigations and Government Operations,  
17    Assembly Bill Number 8175 and substitute it  
18    for the identical Senate Bill Number 3886,  
19    Third Reading Calendar 433.

20                  On page 43, Senator Serrano moves  
21    to discharge, from the Committee on Cultural  
22    Affairs, Tourism, Parks and Recreation,  
23    Assembly Bill Number 7803 and substitute it  
24    for the identical Senate Bill Number 3351A,

1 Third Reading Calendar 469.

2 On page 43, Senator Serrano moves  
3 to discharge, from the Committee on Cultural  
4 Affairs, Tourism, Parks and Recreation,  
5 Assembly Bill Number 7432A and substitute it  
6 for the identical Senate Bill Number 5483,  
7 Third Reading Calendar 471.

8 On page 43, Senator Stewart-Cousins  
9 moves to discharge, from the Committee on  
10 Local Government, Assembly Bill Number 8501  
11 and substitute it for the identical Senate  
12 Bill Number 5661, Third Reading Calendar 472.

13 On page 44, Senator C. Johnson  
14 moves to discharge, from the Committee on  
15 Finance, Assembly Bill Number 1356A and  
16 substitute it for the identical Senate Bill  
17 Number 714A, Third Reading Calendar 477.

18 On page 44, Senator Serrano moves  
19 to discharge, from the Committee on Commerce,  
20 Economic Development and Small Business,  
21 Assembly Bill Number 4277 and substitute it  
22 for the identical Senate Bill Number 1329,  
23 Third Reading Calendar 480.

24 On page 44, Senator Stewart-Cousins

1 moves to discharge, from the Committee on  
2 Finance, Assembly Bill Number 4092 and  
3 substitute it for the identical Senate Bill  
4 Number 1787, Third Reading Calendar 483.

5 On page 45, Senator  
6 Hassell-Thompson moves to discharge, from the  
7 Committee on Finance, Assembly Bill Number  
8 4810 and substitute it for the identical  
9 Senate Bill Number 1799, Third Reading  
10 Calendar 485.

11 On page 46, Senator Squadron moves  
12 to discharge, from the Committee on Finance,  
13 Assembly Bill Number 7449 and substitute it  
14 for the identical Senate Bill Number 3638,  
15 Third Reading Calendar 493.

16 And on page 46, Senator Duane moves  
17 to discharge, from the Committee on Health,  
18 Assembly Bill Number 6858A and substitute it  
19 for the identical Senate Bill Number 3845A,  
20 Third Reading Calendar 496.

21 ACTING PRESIDENT VALESKY:  
22 Substitutions ordered.

23 Returning to the regular order of  
24 business, let the record reflect that there

1 are no reports of select committees or  
2 communications and reports from state  
3 officers.

4 Senator Klein.

5 SENATOR KLEIN: Mr. President, I  
6 believe there's a report of the Finance  
7 Committee at the desk.

8 ACTING PRESIDENT VALESKY: There  
9 is. Returning to reports of standing  
10 committees, there is a Finance Committee  
11 report at the desk.

12 The Secretary will read.

13 THE SECRETARY: Senator Kruger,  
14 from the Committee on Finance, reports the  
15 following nominations:

16 As a member of the State Banking  
17 Board, Franz Leichter, of New York City.

18 ACTING PRESIDENT VALESKY:  
19 Senator Kruger.

20 SENATOR CARL KRUGER: Please move  
21 the nomination.

22 ACTING PRESIDENT VALESKY: Are  
23 there any Senators who wish to be heard on the  
24 motion to confirm the nomination?

1                   Seeing none, the question is on the  
2 motion to confirm -- excuse me.

3                   Senator Liz Krueger, on the motion.

4                   SENATOR LIZ KRUEGER:     Thank you  
5 very much. I rise briefly to speak on behalf  
6 of Senator Franz Leichter.

7                   First off, welcome back to the  
8 Senate chambers, Senator Leichter. I know  
9 we're all delighted to see you here today and  
10 to recognize that you are continuing your  
11 lifelong commitment to the people of New York  
12 by agreeing to serve on the Banking  
13 Commission.

14                   I did not serve with you in the  
15 New York State Senate. But for the seven  
16 years that I have been here, your name is  
17 spoken with great frequency. And I believe,  
18 in the highest compliment, sometimes your  
19 colleagues on the other side of the aisle talk  
20 about missing Senator Leichter's very  
21 articulate if sometimes lengthy debate on the  
22 floor.

23                   I always take it as a compliment on  
24 your behalf and am very proud to be able to

1 stand to recognize you today not only as a  
2 great previous Senator of the State of  
3 New York but now, very happily, as a  
4 constituent in my district.

5 So congratulations.

6 ACTING PRESIDENT VALESKY: Thank  
7 you, Senator Krueger.

8 Senator Schneiderman, on the  
9 motion.

10 SENATOR SCHNEIDERMAN: Thank you,  
11 Mr. President. I also rise in support of this  
12 nominee.

13 I have to say that Senator  
14 Leichter, who was my predecessor, is a true  
15 trailblazer in terms of public policy in the  
16 area of banking, in the area of lending, but  
17 also really a trailblazer in terms of this  
18 house.

19 I mean, he was a great Senator and  
20 really the person who taught all of us what  
21 healthy and vigorous dissent should be like.  
22 It was really one of the proudest moments of  
23 my life when Senator Maziarz and others  
24 determined that I was such an irritant to the

1           then-majority that they led, at the Senate  
2           Club Dinner, when Franz entered, a chant of  
3           "Bring back Franz."

4                           (Laughter.)

5                   SENATOR SCHNEIDERMAN:       Thank you  
6           all, ladies and gentlemen.  And  
7           congratulations for your continued service.

8                   ACTING PRESIDENT VALESKY:       Thank  
9           you, Senator Schneiderman.

10                           Senator Farley.

11                   SENATOR FARLEY:       Thank you,  
12           Mr. President.  I do rise in support of my  
13           friend Franz Leichter, who I've known for  
14           many, many years, I'll just put it that way.

15                           You know, prior to me being the  
16           chairman of Banks, which I was chairman for a  
17           lot of years, he was the thorn in the side of  
18           every Banking chairman they ever had.  He was  
19           also considered one of the most loquacious  
20           senators that ever sat in this chamber.

21                           But I'll tell you, he was a guy  
22           that did his homework.  He was a person that  
23           was very well-informed.  And you know, he's  
24           mellowed over the years also.  After leaving

1 here, he went to work in banking.

2 And you know, he does have the  
3 interest of the consumer at heart, he does  
4 have the interest of the state-chartered  
5 banking system at heart. He'll be a good  
6 member. He'll do his homework. And we're  
7 lucky to have him.

8 And, Franz, congratulations, and  
9 you know that I do support you. I know that  
10 you'll be a great member of the Banking Board.

11 ACTING PRESIDENT VALESKY: Thank  
12 you, Senator Farley.

13 Senator Volker, on the motion.

14 SENATOR VOLKER: Mr. President, I  
15 also must commend the Governor for sending  
16 back the biggest pain the banks ever saw in  
17 the Senate.

18 I have to say that I debated Franz  
19 on many occasions. Those were days of  
20 memorable debates. Usually, they were civil.  
21 But one thing about Franz Leichter, he was  
22 always bright, knowledgeable, and ready to  
23 take the initiative.

24 And it's always good to see him

1 back. Because some of the people who were  
2 here previously who knew exactly what they  
3 wanted to do, we miss him.

4 And so my very best to you, Franz,  
5 and good luck for the future.

6 ACTING PRESIDENT VALESKY: Thank  
7 you, Senator Volker.

8 Senator DeFrancisco.

9 SENATOR DeFRANCISCO: Yes, I rise  
10 to support the nomination of Franz Leichter.

11 And I want to say with all  
12 sincerity the years that I've been here -- and  
13 I can't believe it's been 17 -- that the years  
14 I've been here, I don't think I ever saw a  
15 more articulate, intelligent person serve in  
16 the New York State Senate.

17 We may have disagreed, and many  
18 times agreed to disagree. But his arguments  
19 were exceptional, his command of the subject  
20 was always exceptional, and the Governor made  
21 a wonderful, wonderful decision in this  
22 nomination.

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

1                   Senator Onorato, on the motion.

2                   SENATOR ONORATO:     Thank you,  
3                   Mr. President.  I too rise to congratulate the  
4                   Governor on this wonderful, wonderful  
5                   nomination.

6                   Having served with Senator Leichter  
7                   and sharing many an evening at the dinner  
8                   table with him, he's not only a good talker,  
9                   but he's a pretty good eater.

10                  But I do want to congratulate you,  
11                  and I want to reminisce about the times that  
12                  we spent in this chamber at 2 o'clock in the  
13                  morning when you asked for an explanation for  
14                  every bill that was presented, so we got out  
15                  of here about 5 o'clock in the morning.  But  
16                  you kept me awake with all of your questions  
17                  and delving into those pieces of legislation.

18                  I hope that you do the same thing  
19                  now that you're on the Banking Commission.  
20                  Congratulations and good luck.

21                  ACTING PRESIDENT VALESKY:     Thank  
22                  you, Senator Onorato.

23                  Senator Padavan.

24                  SENATOR PADAVAN:     Thank you,

1 Mr. President.

2 Let me echo the comments of Senator  
3 Volker and Senator Farley and others, and  
4 Senator DeFrancisco, relevant to the intellect  
5 and the ability of the nominee when he served  
6 here in the Senate.

7 I always found listening to him an  
8 education on whatever subject he might be  
9 dealing with. And he was very erudite, to say  
10 the least. He was ubiquitous, no doubt about  
11 that. He was broad-based in his approach to  
12 things.

13 Every person in the City of  
14 New York should be grateful to Senator  
15 Leichter, if for no other reason than the  
16 Pooper Scooper Bill --

17 (Laughter.)

18 SENATOR PADAVAN: -- where he  
19 stood on the floor waving a pooper scooper in  
20 the air, and passing that bill very narrowly.  
21 And we're grateful, because it's been with us  
22 ever since.

23 He was also sharp in terms of  
24 rising with a pointed question that would

1 bring the house down. I recall a bill by  
2 Senator Stafford dealing with rogue bears,  
3 going on at great length why it was important  
4 to deal with these bears who were destructive,  
5 chasing them with dogs out of season.

6 And Senator Leichter got up and  
7 said: "I have one question. When the dog is  
8 chasing the bears through the forest, how does  
9 he know it's a good bear or a bad bear?" And  
10 of course there was no answer to that  
11 question.

12 But on a personal basis, I was  
13 grateful, and always will be, for him reaching  
14 out to me during times of personal crisis that  
15 we shared, and for him demonstrating time and  
16 time again that he was a human being who had  
17 empathy and understanding. And undoubtedly in  
18 his new position he will demonstrate all those  
19 qualities.

20 Thank you, Mr. President.

21 ACTING PRESIDENT VALESKY: Thank  
22 you, Senator Padavan.

23 Senator Owen Johnson.

24 SENATOR OWEN JOHNSON: Thank you,

1 Mr. President.

2 And I'd like to congratulate the  
3 Governor for choosing Franz Leichter to serve  
4 on that committee. I'm sure he's going to do  
5 a fine job. As everyone said, he has the  
6 intellect, he has the charm, he has the  
7 ability, and he has all those ingredients.  
8 And to think that we get his service for  
9 nothing is wonderful.

10 (Laughter.)

11 SENATOR OWEN JOHNSON: Besides  
12 that, they say opposites attract. Now, when I  
13 came into the Senate, I was kind of on the  
14 right side of things.

15 (Laughter.)

16 SENATOR OWEN JOHNSON: And Franz  
17 was on the left side of things. And we had  
18 many interesting conversations.

19 And I had one bill that he was  
20 opposed to year after year. And then finally  
21 one year I mentioned the word that this would  
22 empower a woman to carry a spray in her  
23 pocketbook to defend herself against a mugger.  
24 He said: "Oh, Owen, empowering somebody."

1 Yes, yes, I'm in favor of that."

2 So thanks a lot, Franz; your vote  
3 helped carry it through.

4 And all the best of luck to you.

5 ACTING PRESIDENT VALESKY: Thank  
6 you, Senator Johnson.

7 Senator Libous, on the motion.

8 SENATOR LIBOUS: Thank you,  
9 Mr. President. I certainly rise and join all  
10 of my colleagues in praising the Governor's  
11 appointment here of Franz Leichter.

12 And Senator Leichter had that  
13 unique quality of you could debate him on the  
14 floor, and you would be at the opposite end of  
15 where he was. And when the debate was over,  
16 you wanted to go over and shake his hand.  
17 That is a rare quality, and a quality that I  
18 wish existed more often.

19 But, Senator, I want to say thank  
20 you. Because I watched your debating, and you  
21 taught me, you taught me how to debate from  
22 this side of the aisle. Thank you very much.

23 ACTING PRESIDENT VALESKY: Thank  
24 you, Senator Libous.

1                   Senator Maziarz.

2                   SENATOR MAZIARZ:     Thank you very  
3 much, Mr. President.

4                   And, Senator Leichter, it's good to  
5 see you back here. I wish you were here,  
6 because that means Senator Schneiderman would  
7 not be here, but --

8                   (Laughter.)

9                   SENATOR MAZIARZ:     But besides  
10 that, to finish or to make another point to  
11 follow up on what Senator Padavan said about  
12 that hunting story with the bear, Senator  
13 Stafford, who sat where Senator Kruger is  
14 sitting today -- at sort of toward the end of  
15 that debate, I think, Senator Padavan --  
16 Senator Stafford got a little anxious, and he  
17 turned to Senator Leichter, and he said:  
18 "Franz, have you ever hunted bear?"

19                   And Franz said: "No, I've always  
20 hunted with my clothes on."

21                   (Laughter.)

22                   SENATOR MAZIARZ:     This is a great  
23 appointment of a true gentleman. And I'm sure  
24 he's going to do a great job for the consumers

1 in this state.

2 Thank you, Mr. President.

3 ACTING PRESIDENT VALESKY: Thank  
4 you, Senator Maziarz.

5 Senator Saland, on the motion.

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

8 Mr. President, I rise to add to the  
9 chorus of accolades. I have said this to  
10 Franz on more than one occasion. Among the  
11 variety of attributes appropriately attributed  
12 to him, there's one other that I would, with  
13 the deepest respect, attribute to him, that  
14 Franz was always a true believer.

15 Franz did what he did because he  
16 truly believed in it. He debated bills  
17 because he truly was either troubled by the  
18 purpose or the tone of the bills or because he  
19 genuinely sought answers. He did it not  
20 merely to attempt to be in the face of his  
21 colleagues on the other side of the aisle.

22 And I've always felt that this  
23 would be a far better institution, as would  
24 any other legislative institution, if people

1           came to their task with the same devotion, the  
2           same commitment, and the same spirit --  
3           certainly with the same intellect that Franz  
4           brought to the task.

5                        I commend the Governor for a very  
6           wise choice and wish Franz continued success.

7                        ACTING PRESIDENT VALESKY:     Thank  
8           you, Senator Saland.

9                        Are there any other Senators who  
10          wish to be heard?

11                       Senator Foley.

12                       SENATOR FOLEY:     Yes, if I just  
13          may speak briefly on a number of the  
14          appointees today.

15                       They have stellar reputations, as  
16          was mentioned earlier.   Some are former  
17          members of this august body who comported  
18          themselves well over a period of close to 25,  
19          in fact, of 30 years.

20                       So their appointments to the  
21          variety of boards that they intend to serve  
22          our state will do well for those boards as  
23          well as for the whole State of New York, and  
24          we are very, very pleased that they could be

1 with us here today.

2 And certainly their past example I  
3 think is an inspiration for all of us as to  
4 how we can work today and in the future doing  
5 the people's business here in the State of  
6 New York.

7 So I also want to just put on the  
8 record, as the chair, particularly, of the  
9 Banking Committee and a member of the Higher  
10 Education Committee, that we have fine  
11 outstanding New Yorkers who will do well in  
12 both of those fields in order to do well for  
13 the people of this state who see New York  
14 State as one of the finest places to live, to  
15 work and to educate our children.

16 Thank you very much.

17 ACTING PRESIDENT VALESKY: Thank  
18 you, Senator Foley.

19 Senator Stavisky, on the motion.

20 SENATOR STAVISKY: Thank you,  
21 Mr. President. I too want to congratulate  
22 Senator Leichter.

23 He likes to remind me that I grew  
24 up in an area just south of his old Senate

1 district.

2 And I too remember the days where  
3 he would get up, 3 o'clock in the morning, and  
4 discuss various arcane issues that I never  
5 even knew existed, on legislation and on other  
6 issues.

7 And if you take a look at the  
8 material in front of us, it says "Major  
9 Legislative Initiatives and Accomplishments of  
10 Franz S. Leichter." Who else can talk about  
11 campaign finance reform, environmental issues,  
12 tenants rights? He issued a report called:  
13 "MTA: The Art of the Deal" -- I think we're  
14 ready for a revision. So many different  
15 issues.

16 Franz was surely the renaissance  
17 man. And the Governor, I think, has made an  
18 outstanding appointment to the Banking Board  
19 because he brings such a depth of knowledge on  
20 that and so many other issues. And I'm sure  
21 he'll issue a report on the bears in the  
22 banking business.

23 So again, congratulations.

24 ACTING PRESIDENT VALESKY: Thank

1           you, Senator Stavisky.

2                           Are there any other Senators who  
3           wish to be heard?

4                           Seeing none, the question is on the  
5           motion to confirm the nomination of Senator  
6           Franz Leichter as a member of the State  
7           Banking Board. All in favor signify by saying  
8           aye.

9                           (Response of "Aye.")

10                          ACTING PRESIDENT VALESKY:

11           Opposed, nay.

12                           (No response.)

13                          ACTING PRESIDENT VALESKY:        The  
14           motion carries. The nominee is hereby  
15           confirmed.

16                           Senator Leichter is with us in the  
17           gallery. Congratulations.

18                           (Standing ovation.)

19                          ACTING PRESIDENT VALESKY:        The  
20           Secretary will continue to read.

21                          THE SECRETARY:        As a member of  
22           the Board of Trustees of the State University  
23           of New York, John L. Murad, Jr., of  
24           Jamesville.

1                   ACTING PRESIDENT VALESKY:

2           Senator Kruger.

3                   SENATOR CARL KRUGER:       Please move  
4           the nomination.

5                   ACTING PRESIDENT VALESKY:     Are  
6           there any Senators who wish to be heard on the  
7           motion to confirm the nomination?

8                   Senator DeFrancisco.

9                   SENATOR DeFRANCISCO:       Yes, I'd  
10          just like to compliment the Governor again for  
11          a fine appointment.

12                   I know John Murad, and he's an  
13          outstanding attorney, extremely qualified  
14          person for this position, and a Central  
15          New Yorker whose voice is well-needed on this  
16          board.

17                   And I congratulate him and the  
18          Governor for the appointment, and him for  
19          being willing to do this very important  
20          service for the State of New York in view of  
21          all the other things he does in his life.

22                   So I strongly support this nominee.

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

1 Senator Stavisky.

2 SENATOR STAVISKY: Very briefly,  
3 let me just comment together on the two SUNY  
4 nominees who are here today.

5 This is a very exciting time for  
6 SUNY. We have a new chancellor; she visited  
7 the chamber on Monday. We have new  
8 opportunities in higher education. We have an  
9 economic situation that SUNY is going to  
10 participate in the resolving of some of our  
11 economic problems. We have legislation that's  
12 going to be considered today and next week on  
13 SUNY.

14 And these are interesting times  
15 that require qualified people. And I thank  
16 both gentlemen, Mr. Staller and Mr. Murad, for  
17 their willingness to participate in the new  
18 resurgence of SUNY.

19 SUNY is such a wonderful  
20 institution. I'm very proud of it. And I'm  
21 very proud that the Governor has chosen two  
22 individuals for the board with such remarkable  
23 credentials.

24 Thank you.

1                   ACTING PRESIDENT VALESKY:     Thank  
2     you, Senator Stavisky.

3                   Are there any other Senators who  
4     wish to be heard?

5                   Seeing none, the question is on the  
6     motion to confirm the nomination of John L.  
7     Murad, Jr., as a member of the SUNY Board of  
8     Trustees. All in favor signify by saying aye.

9                   (Response of "Aye.")

10                  ACTING PRESIDENT VALESKY:

11     Opposed, nay.

12                  (No response.)

13                  ACTING PRESIDENT VALESKY:     The  
14     motion carries. The nomination is hereby  
15     confirmed.

16                  John Murad is with us in the  
17     gallery. Congratulations, John.

18                  (Applause.)

19                  ACTING PRESIDENT VALESKY:     The  
20     Secretary will continue to read.

21                  THE SECRETARY:     As a member of  
22     the Board of Trustees of the State University  
23     of New York, Cary F. Staller, of Old Field.

24                  ACTING PRESIDENT VALESKY:

1 Senator Kruger.

2 SENATOR CARL KRUGER: Please move  
3 the nomination.

4 ACTING PRESIDENT VALESKY: Are  
5 there any Senators who wish to be heard on the  
6 motion?

7 Senator LaValle.

8 SENATOR LaVALLE: Mr. President,  
9 I rise to support the nomination of Cary  
10 Staller as trustee of the State University of  
11 New York.

12 He has a stellar background, both  
13 educationally and professionally. And he is  
14 not new to State University. He sits on the  
15 Foundation Board at State University at Stony  
16 Brook and also on the oversight board of the  
17 University Hospital. And he will now be on  
18 the State University Board of Trustees.  
19 Heretofore, he has been acting from the  
20 university level up to the board.

21 And I know Cary will do just an  
22 incredible job for all of the people of the  
23 State of New York in his position as SUNY  
24 trustee.

1                   ACTING PRESIDENT VALESKY:     Thank  
2     you, Senator LaValle.

3                   Senator Foley.

4                   SENATOR FOLEY:        Yes, I'd like to  
5     join with Senator LaValle in extolling the  
6     great work that Mr. Staller has completed  
7     during his time as a member of the Foundation  
8     Board over at Stony Brook.

9                   In fact, his philanthropic efforts  
10    as well as his general concern for the Stony  
11    Brook area, the Three Village area, as well as  
12    education and higher education throughout the  
13    State of New York, now culminates in his  
14    appointment to the Board of Trustees. We know  
15    that he'll do an outstanding job in that  
16    capacity.

17                  And as much as he has focused his  
18    time, talent and energy with the Stony Brook  
19    University, we know that the state as a whole,  
20    from Buffalo to Stony Brook, will benefit from  
21    his tenure in office as a member of the Board  
22    of Trustees. So I also heartily endorse and  
23    support this particular appointment.

24                  Thank you, Mr. President.

1                   ACTING PRESIDENT VALESKY:     Thank  
2     you, Senator Foley.

3                   Are there any other Senators who  
4     wish to be heard?

5                   Senator Flanagan, on the motion.

6                   SENATOR FLANAGAN:     Thank you,  
7     Mr. President. I apologize for the delay.

8                   I just want to add my voice to  
9     those who have already spoken to congratulate  
10    Cary Staller, who is a constituent and someone  
11    who I think has distinguished himself as a  
12    truly dedicated public servant in the private  
13    sector, in the public sector. His family is  
14    philanthropic almost beyond belief in many  
15    respects.

16                  And he will be a welcome addition  
17    and someone who will be a passionate advocate  
18    and also remain a gentleman as a member of the  
19    Board of Trustees.

20                  Cary, congratulations.

21                  ACTING PRESIDENT VALESKY:     Thank  
22    you, Senator Flanagan.

23                  Now, are there any other Senators,  
24    either inside or outside of the chamber, who

1 wish to be heard on the nomination?

2 Seeing none, the question is on the  
3 motion to confirm the nomination of Cary F.  
4 Staller as a member of the Board of Trustees  
5 of the State University of New York. All in  
6 favor signify by saying aye.

7 (Response of "Aye.")

8 ACTING PRESIDENT VALESKY:

9 Opposed, nay.

10 (No response.)

11 ACTING PRESIDENT VALESKY: The  
12 motion carries. The nominee is hereby  
13 confirmed.

14 Congratulations, Mr. Staller. Best  
15 wishes.

16 (Applause.)

17 ACTING PRESIDENT VALESKY: The  
18 Secretary will continue to read.

19 THE SECRETARY: As a member of  
20 the State Banking Board, John M. Scarchilli,  
21 of Latham.

22 As a member of the Industrial Board  
23 of Appeals, LaMarr J. Jackson, of West  
24 Henrietta.

1                   As a member of the New York State  
2                   Foundation for Science, Technology and  
3                   Innovation, Russell W. Bessette, of Orchard  
4                   Park.

5                   As director of the State of  
6                   New York Mortgage Agency, Naomi Bayer, of Rye  
7                   Brook.

8                   As a nonvoting member of the  
9                   Metropolitan Transportation Authority, Ira  
10                  Greenberg, of Sunnyside.

11                  As a member of the Ogdensburg  
12                  Bridge and Port Authority, Steven J. Barlow,  
13                  of Ogdensburg.

14                  As a member of the New York State  
15                  Thruway Authority, Richard Simberg, of Oneida.

16                  As a member of the State Banking  
17                  Board, William C. McGarry, of Williston Park.

18                  As a member of the Board of  
19                  Trustees of the State University of New York  
20                  College of Environmental Science and Forestry,  
21                  Leslie Talbot, of New York City.

22                  As a member of the Board of  
23                  Trustees of the New York Higher Education  
24                  Services Corporation, Charles Delaney, of

1 New York City.

2 As a member of the Correction  
3 Medical Review Board, Robert S. Kurtz, M.D.,  
4 of Riverdale.

5 As a member of the Stewart Airport  
6 Commission, Jon P. Decker, of Highland.

7 And as a member of the Citizen's  
8 Policy and Complaint Review Council, Reverend  
9 Jimmie Seright, of Niagara Falls.

10 ACTING PRESIDENT VALESKY:

11 Senator Kruger.

12 SENATOR CARL KRUGER: Please move  
13 all the nominations.

14 ACTING PRESIDENT VALESKY:

15 Senator Farley.

16 SENATOR FARLEY: Thank you.

17 I do support all the nominees, but  
18 I do want to just say a word to second the  
19 nomination of John Scarchilli, president and  
20 CEO of Pioneer Bank here, a state-chartered  
21 bank, also a former president of the Community  
22 Bankers, and one of the finest men I've ever  
23 known.

24 John has been truly an example of

1           somebody that can lead the upstate small banks  
2           to success. They are respected, they're  
3           sound. And I think it's so important that we  
4           have somebody on the Banking Board that really  
5           understands the value of a state-chartered  
6           institution.

7                           And I enthusiastically support this  
8           nomination.

9                           ACTING PRESIDENT VALESKY:       Thank  
10          you, Senator Farley.

11                           Senator Craig Johnson.

12                           SENATOR CRAIG JOHNSON:       Thank you  
13          very much, Mr. President. I rise to second  
14          the nomination of William C. McGarry to the  
15          New York State Banking Board.

16                           Bill -- I can't think of a better  
17          nominee than Bill McGarry. Bill is the  
18          chairman, president and chief executive  
19          officer of the Ridgeway Savings Bank. He has  
20          more than 35 years' financial experience in  
21          the banking industry. He is involved in his  
22          community, he is involved with various  
23          philanthropic organizations.

24                           He would bring important expertise

1 to the Banking Board at a time when the  
2 Banking Board needs as much experience and as  
3 much insight as possible as we go through  
4 these problems in the U.S. banking system.

5 So I wholeheartedly support and  
6 second the nomination. Thank you very much.

7 ACTING PRESIDENT VALESKY: Thank  
8 you, Senator Johnson.

9 Are there any other Senators who  
10 wish to be heard?

11 Seeing none, the question is on the  
12 motion to confirm the nominations of  
13 individuals as previously read by the  
14 Secretary. All in favor signify by saying  
15 aye.

16 (Response of "Aye.")

17 ACTING PRESIDENT VALESKY:  
18 Opposed, nay.

19 (No response.)

20 ACTING PRESIDENT VALESKY: The  
21 motion carries. The nominations are hereby  
22 confirmed.

23 Senator Klein.

24 SENATOR KLEIN: Mr. President, I

1 believe Senator Larkin has a resolution at the  
2 desk. I ask that the title of the resolution  
3 be read and move for its immediate adoption  
4 and allow Senator Larkin to speak on his  
5 resolution.

6 ACTING PRESIDENT VALESKY: The  
7 Secretary will read.

8 THE SECRETARY: By Senator  
9 Larkin, Legislative Resolution Number 2224,  
10 commemorating the 65th anniversary of the  
11 D-Day Invasion on June 6, 2009.

12 ACTING PRESIDENT VALESKY:  
13 Senator Larkin, on the resolution.

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

16 Ladies and gentlemen, my  
17 colleagues, in three days we will celebrate  
18 the 65th anniversary of the invasion in  
19 Europe. Now, some people are looking at it at  
20 different pictures today, but just so every  
21 member of the body -- I have placed two copies  
22 of some very important information, details  
23 that I hope you will use in the event this  
24 weekend you're with veterans or veterans

1 groups and talking about honoring them for  
2 service 65 years ago.

3           You know, this was one of the major  
4 battles that our country participated in  
5 jointly with our allies. It was a great  
6 event, but it had trouble from start to  
7 finish -- the number of units, how many should  
8 we have, the number of ships, the number of  
9 aircraft, who would be in the chain of  
10 command, who would be the number-one hero, who  
11 would be the number one in air, navy, how  
12 would we have the control of all of these  
13 various elements.

14           You have to understand that there  
15 was over 200,000 troops who were in the first  
16 package. There was 150 echelons long in nine  
17 locations. In the first 24 hours, 9,000  
18 troops, U.S. troops were killed or wounded in  
19 combat. So it tells you right away that we  
20 had something to do.

21           And you know that they took three  
22 months to decide what day they would actually  
23 attack, because they were talking about the  
24 water and the channel, the air coverage, the

1 rain that was coming. As a matter of fact, on  
2 the 5th of June, when they were trying to put  
3 something in order, one-half of the fleet was  
4 in the channel and had to be called back  
5 because they were worried about the air drops.

6 There were 13,000 paratroopers  
7 dropped in advance of the divisions of the  
8 82nd and 101st Airborne. There were some 1900  
9 gliders what we -- you know, some of you see  
10 today in glider parks, that were taking down  
11 the troops. It was a horrendous battle.  
12 Ranger battalions, special battalions that  
13 today we call Delta Forces that were all  
14 involved in it. You know, in the first wave  
15 there were 13,000 bombs dropped on the beaches  
16 of France -- 13,000, just think about it.

17 The invasion was a success. But,  
18 you know, to make the invasion a success, a  
19 lot of things had to take place. For example,  
20 we had floats that we blew up and looked like  
21 tank. It looked like an airborne unit, it  
22 looked like assaults. It looked all bigger  
23 than it was, and it was at another location.  
24 And that's where the Germans thought we were

1 going to make the greatest concentration,  
2 which we didn't. We put it on the other  
3 beaches.

4 You know, I did some survey on  
5 thinking about the ages. How many people in  
6 this room were born before the 6th of  
7 June 1944? Oh, George, come on.

8 Well, on the 6th of June 1944, I  
9 don't know where George was, but at 5:30 in  
10 the morning we were raked out of our sack at  
11 Fort Dix, New Jersey, and they said: "Have we  
12 got a challenge for you." And we all knew  
13 that that was the end of basic training. So I  
14 didn't know what the challenge was; I thought  
15 it was how quick do we get to a bus or a train  
16 station to go home. And he said: "D-Day has  
17 commenced."

18 There were 225 people in my company  
19 that day. In December 1944, there were 50 of  
20 us left. So you can see the spread. Because  
21 they not only went to Europe, but they went to  
22 the Far East.

23 An experience I think that  
24 everybody here should take a few moments this

1 weekend, because you'll see it on the history  
2 channels and you'll see it on others. Because  
3 we talk today about stress, we talk about  
4 traumatic brain injury. All of those things  
5 were even worse during World War II because we  
6 didn't have the medical knowledge that we have  
7 today. And a lot of our troops that died in  
8 World War II, had we had the same capabilities  
9 as today, a lot of them would have survived.

10 But when you start to think of what  
11 we did -- Eisenhower was made the  
12 commander-in-chief, Montgomery from the  
13 British. We had troops all over. Some of the  
14 great battles they talked about -- the Rhine,  
15 the Battle for Berlin after it -- but it all  
16 started at D-Day. It all centered that if we  
17 did our work right, we would be marching  
18 forward and we wouldn't be hit in the  
19 casualties.

20 Our greatest casualties were  
21 because the Germans were defined, they were  
22 dead-in to what they were doing. If you just  
23 look at some of the history channels that are  
24 coming out now about the size of the bunkers,

1 the concrete size of the bunkers, and what was  
2 it all about.

3 New York had one of the largest  
4 percentages of GIs in World War II. There's a  
5 gentleman that came from Watervliet, New York,  
6 Dalessandro, Congressional Medal of Honor  
7 winner, and he served right here in this  
8 chamber. Right, Tommy?

9 So, you know, just take a good look  
10 at -- you know, many of you get a lot of mail  
11 and you say, "Throw that in the garbage." But  
12 for the people that fought in D-Day and gave  
13 their lives, take a moment and read that.  
14 It's not Bill Larkin's writing, it's writing  
15 by some individuals who had a direct knowledge  
16 of what went on.

17 And it might encourage you to  
18 discuss it with young people, because what  
19 went on in 1944 and the bravery of our men and  
20 women -- this morning Andrea Stewart-Cousins  
21 showed me a piece of paper about a black  
22 woman's battalion, the only battalion of black  
23 women that went as whole to Europe. And the  
24 funniest thing about it, we were smiling and

1 she said, "Do you remember, Bill, they got the  
2 mail." They had a mail crisis, M-A-I-L  
3 crisis. And that unit separated all of the  
4 problems and resolved it. Thank you, Andrea,  
5 for bringing it to my attention.

6 Ladies and gentlemen, we could talk  
7 for hours on D-Day. I wasn't at D-Day; I was  
8 in New Guinea and the Philippines. And I  
9 looked at my brave friends that were in  
10 Europe, and I thought: Good wine, good  
11 cheese, good bread, make sure you keep your  
12 head low. Because we in the Pacific were  
13 fighting mosquitos, rats, ants, and  
14 everything.

15 But the biggest thing is we  
16 survived as a nation because of the intensity,  
17 the commitment and the desire and the hope for  
18 America from them GIs. May those who passed  
19 on, God bless them.

20 ACTING PRESIDENT VALESKY: Thank  
21 you, Senator Larkin.

22 Are there any other Senators who  
23 wish to be heard?

24 Senator Craig Johnson.

1                   SENATOR CRAIG JOHNSON:     Thank  
2     you, Mr. President.

3                   Thank you, Senator Larkin, for your  
4     service to our country and, today, this  
5     resolution.

6                   I thank you because when I was a  
7     boy of 14 years old, I went and visited the  
8     beaches of Normandy. And I would urge all of  
9     us in the chamber and all New Yorkers, if they  
10    travel abroad and they have an opportunity, to  
11    go see Normandy and visit the Utah and Omaha  
12    Beaches, where our soldiers of ages 17, 18,  
13    19 -- think about it, 17, 18, 19. Young boys.

14                  You can look around the room and  
15    see some of our young staff members -- young  
16    men younger than them, storming the beaches,  
17    on landing crafts that when the landing crafts  
18    opened, they faced machine gun bullets, they  
19    faced explosives and hand grenades. Never to  
20    come home, many of them.

21                  I urge you, when you go to visit,  
22    to walk the cemetery and look at the names on  
23    the gravestones, and recognize those men and  
24    women who gave their lives in that invasion

1 allow us to be here today to debate. Those  
2 men and women who gave their lives did so for  
3 freedom, the freedom that we enjoy as we pass  
4 resolutions, as we second nominations, as we  
5 begin to debate bills today.

6 Senator Larkin, I thank you for  
7 championing this cause. This date,  
8 June 6th -- you talked about it -- it's  
9 unimaginable what went through. Things were  
10 so bad that the history books note that Dwight  
11 Eisenhower, then the commander of all allied  
12 forces, soon to be the president a few years  
13 later, actually prepared a statement to be  
14 read about the failure of the D-Day landing.

15 But it was the resiliency of our  
16 men and women on the beaches, on the ships, in  
17 the air, behind enemy lines, paratrooped over  
18 there, with our Canadian and British and  
19 French allies, who started the final push to  
20 victory over Nazi Germany.

21 So again, Senator Larkin, I thank  
22 you, from the bottom of my heart, as someone  
23 who never met a grandfather who served in the  
24 United States Air Force who passed away before

1 I could be born, who served in the European  
2 Theater, I thank you again for this  
3 resolution.

4 Thank you very much, Mr. President.

5 ACTING PRESIDENT VALESKY: Thank  
6 you, Senator Johnson.

7 Are there any other Senators who  
8 wish to be heard?

9 The question, then, is on the  
10 resolution. All in favor signify by saying  
11 aye.

12 (Response of "Aye.")

13 ACTING PRESIDENT VALESKY:  
14 Opposed, nay.

15 (No response.)

16 ACTING PRESIDENT VALESKY: The  
17 resolution is adopted.

18 At Senator Larkin's request, it is  
19 open for multisponsorship by all Senators.  
20 Anyone wishing not to cosponsor the resolution  
21 should notify the desk.

22 Senator Klein.

23 SENATOR KLEIN: Mr. President, I  
24 believe Senator Squadron has a resolution at

1 the desk. I ask that the resolution be read  
2 in its entirety and move for its immediate  
3 adoption and allow Senator Squadron to speak  
4 on his resolution.

5 ACTING PRESIDENT VALESKY: The  
6 Secretary will read.

7 THE SECRETARY: By Senator  
8 Squadron, Legislative Resolution Number 2382,  
9 honoring Christopher Rivera upon the occasion  
10 of being named as the 2009 Boys and Girls Club  
11 Youth of the Year.

12 "WHEREAS, Christopher Rivera was  
13 recognized today as a Boys and Girls Club  
14 Youth of the Year; and

15 "WHEREAS, Christopher was raised in  
16 Rutgers Houses, a public housing development  
17 as dynamic as the neighborhoods of Chinatown  
18 and the Lower East Side on which it borders,  
19 reflective of the rich history of New York  
20 City and the opportunity available to its  
21 youth; and

22 "WHEREAS, Christopher considered  
23 himself a shy and quiet youth before joining  
24 the Educational Alliance 'Edgies Teen Center,'

1 an official Boys and Girls Club program and a  
2 home away from home for teenagers in the  
3 community; and

4 "WHEREAS, In the Educational  
5 Alliance program and his involvement in  
6 community activities, Christopher found his  
7 voice and grew into a mature, engaged young  
8 man; and

9 "WHEREAS, Christopher has developed  
10 many talents, including capoeira, karate, and  
11 yoga; and

12 "WHEREAS, Christopher aimed high by  
13 applying to Fordham University and was  
14 accepted with a scholarship in recognition of  
15 his hard work and extraordinary potential; and

16 "WHEREAS, Christopher is already  
17 giving back to his Lower East Side Community  
18 with an evening Teen Club that he organized  
19 and created, giving teenagers in his  
20 neighborhood a better option than spending  
21 time on the street; and

22 "WHEREAS, Christopher has already  
23 accomplished an enormous amount but has much  
24 more to give in years to come; and

1                   "WHEREAS, Being named Youth of the  
2           Year is the highest honor a Boys and Girls  
3           Club member can achieve, an award that  
4           recognizes outstanding contributions to a  
5           member's family, school, community and Boys  
6           and Girls Club, as well as personal challenges  
7           and obstacles overcome; now, therefore, be it

8                   "RESOLVED, That this Legislative  
9           Body pause in its deliberations to honor  
10          Christopher Rivera upon the occasion of being  
11          named as the 2009 Boys and Girls Club Youth of  
12          the Year, and to wish him continued success in  
13          all his future endeavors; and be it further

14                   "RESOLVED, That a copy of this  
15          resolution, suitably engrossed, be transmitted  
16          to Christopher Rivera and to the Educational  
17          Alliance."

18                   ACTING PRESIDENT VALESKY:  
19          Senator Squadron.

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

22                   Yesterday we had the pleasure of  
23          hosting here members of the Boys and Girls  
24          Clubs from across the State of New York.  And

1 this is a resolution honoring Christopher  
2 Rivera, who was named yesterday here in Albany  
3 the Youth of the Year. And it's meant to  
4 honor him, and by honoring him, to honor all  
5 of the Boys and Girls Clubs in this state, all  
6 of the people who make them work, all of the  
7 young people who find refuge and solace,  
8 capoeira skills and educational skills in Boys  
9 and Girls Clubs across the state.

10 Christopher's story is an  
11 incredible one. He told me yesterday that  
12 early in high school he had been quiet. He  
13 said he was in a shell that he didn't know how  
14 to break out of. And by joining the Boys and  
15 Girls Club teen program, by being supported  
16 and mentored by the folks there, he was able  
17 to find himself and find his voice.

18 He told me that at one point he  
19 never imagined he would go to college, and  
20 then he imagined that if he went to college he  
21 would go to the same place that the few people  
22 he knew who had gone to college went to. But  
23 the members of the Boys and Girls Club, his  
24 mentors, the people who taught him, pushed him

1 to apply to Fordham University, where he was  
2 accepted on full scholarship.

3 He said that he never could have  
4 imagined he ever would have applied or tried  
5 to be Youth of the Year. And yet he did, and  
6 he was named Youth of the Year in his local  
7 Boys and Girls Club. And he came up here  
8 yesterday and was awarded with the Youth of  
9 the Year Award, and now he's going to go on to  
10 the regionals and nationals on that.

11 And so the story of Christopher  
12 Rivera is a great story for the Lower East  
13 Side, it's a great story for our state, but  
14 it's a story that's much larger than  
15 Christopher. It's a story that is about all  
16 of the young men and young women with  
17 incredibly long odds and major challenges who  
18 overcome them in order to succeed, who look  
19 beyond the easy or the obvious next step and  
20 aim high, are willing to risk losing or  
21 falling behind to do it.

22 So Christopher Rivera is absolutely  
23 worthy of our honor today, and all of the  
24 young men and women who are in Boys and Girls

1 Clubs in this state are worthy of our honor  
2 today.

3 And so I'd like to take a moment to  
4 congratulate Christopher on his award, to  
5 congratulate the other nominees, and to  
6 congratulate everyone who works to help young  
7 people expand their horizons and find success  
8 that seems otherwise impossible.

9 Thank you, Mr. President.

10 THE SECRETARY: Thank you,  
11 Senator Squadron.

12 Are there any other Senators who  
13 wish to be heard on the resolution?

14 Seeing none, the question is on the  
15 resolution. All in favor signify by saying  
16 aye.

17 (Response of "Aye.")

18 ACTING PRESIDENT VALESKY:  
19 Opposed, nay.

20 (No response.)

21 ACTING PRESIDENT VALESKY: The  
22 resolution is adopted.

23 Senator Squadron has asked that it  
24 be open for multisponsorship. Any member

1 wishing not to multisponsor the resolution  
2 should notify the desk.

3 Senator Klein.

4 SENATOR KLEIN: Mr. President,  
5 can we please move to a reading of the  
6 calendar.

7 ACTING PRESIDENT VALESKY:  
8 Senator Klein, before we get to the active  
9 list, I'd just like to take a moment to  
10 acknowledge the presence of a special guest  
11 here today.

12 We're joined by Michael Ford Mayer,  
13 who is the 91-year-old father of Shelley  
14 Mayer, who of course is the counsel to Senate  
15 Majority Leader Malcolm Smith.

16 Mr. Mayer, welcome. Thank you for  
17 being here today.

18 (Applause.)

19 ACTING PRESIDENT VALESKY: The  
20 Secretary will proceed with the  
21 noncontroversial reading of Senate Calendar  
22 Number 54.

23 THE SECRETARY: Calendar Number  
24 53, by Member of the Assembly Bradley,

1 Assembly Print Number 3123, an act to amend  
2 the Tax Law, in relation to authorizing.

3 ACTING PRESIDENT VALESKY: There  
4 is a home-rule message at the desk.

5 Read the last section.

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

8 ACTING PRESIDENT VALESKY: Call  
9 the roll.

10 (The Secretary called the roll.)

11 THE SECRETARY: Ayes, 62.

12 ACTING PRESIDENT VALESKY: The  
13 bill is passed.

14 THE SECRETARY: Calendar Number  
15 292, by Senator Klein, Senate Print --

16 SENATOR LIBOUS: Lay it aside,  
17 please.

18 ACTING PRESIDENT VALESKY: The  
19 bill is laid aside.

20 THE SECRETARY: Calendar Number  
21 300, by Senator Stavisky, Senate Print 1735B,  
22 an act to amend the Real Property Tax Law and  
23 the Administrative Code of the City of  
24 New York, in relation to authorizing.

1                   SENATOR KLEIN:     Lay the bill  
2     aside for the day.

3                   ACTING PRESIDENT VALESKY:     The  
4     bill is laid aside for the day.

5                   THE SECRETARY:     In relation to  
6     Calendar Number 314, Senator Little moves to  
7     discharge, from the Committee on  
8     Investigations and Government Operations,  
9     Assembly Bill Number 7008 and substitute it  
10    for the identical Senate Bill Number 3427,  
11    Third Reading Calendar 314.

12                  ACTING PRESIDENT VALESKY:  
13     Substitution ordered.

14                  THE SECRETARY:     Calendar Number  
15     314, by Member of the Assembly Duprey,  
16     Assembly Print Number 7008, an act to amend  
17     the Tax Law and Chapter 179 of the Laws of  
18     2007, amending the Tax Law.

19                  ACTING PRESIDENT VALESKY:     There  
20     is a home-rule message at the desk.

21                             Read the last section.

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

24                  ACTING PRESIDENT VALESKY:     Call

1 the roll.

2 (The Secretary called the roll.)

3 THE SECRETARY: Ayes, 62.

4 ACTING PRESIDENT VALESKY: The  
5 bill is passed.

6 THE SECRETARY: Calendar Number  
7 317, by Senator Winner, Senate Print 4096, an  
8 act to amend the Tax Law, in relation to  
9 extending the authorization.

10 ACTING PRESIDENT VALESKY: There  
11 is a home-rule message at the desk.

12 Read the last section.

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

15 ACTING PRESIDENT VALESKY: Call  
16 the roll.

17 (The Secretary called the roll.)

18 THE SECRETARY: Ayes, 62.

19 ACTING PRESIDENT VALESKY: The  
20 bill is passed.

21 THE SECRETARY: Calendar Number  
22 339, by Senator Thompson, Senate Print 4916,  
23 an act to amend the Local Finance Law, in  
24 relation to the sale of bonds and notes.

1                   ACTING PRESIDENT VALESKY:     There  
2     is a home-rule message at the desk.

3                   Read the last section.

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

6                   ACTING PRESIDENT VALESKY:     Call  
7     the roll.

8                   (The Secretary called the roll.)

9                   THE SECRETARY:     Ayes, 62.

10                  ACTING PRESIDENT VALESKY:     The  
11     bill is passed.

12                  THE SECRETARY:     Calendar Number  
13     368, by Member of the Assembly Barron,  
14     Assembly Print Number 7087A, an act to amend  
15     Chapter 514 of the Laws of 1983 amending the  
16     Private Housing Finance Law.

17                  ACTING PRESIDENT VALESKY:     Read  
18     the last section.

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

21                  ACTING PRESIDENT VALESKY:     Call  
22     the roll.

23                  (The Secretary called the roll.)

24                  ACTING PRESIDENT VALESKY:

1 Senator Espada, to explain his vote.

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

4 I rise to give thanks to the body  
5 for enabling the New York City Housing  
6 Development Corporation to continue to finance  
7 affordable housing in New York City. Since  
8 1971, over 135,000 units of affordable housing  
9 have been the by-product of this effort, and  
10 now we extend it for two more years.

11 But I rise particularly because of  
12 a historic note. We're joined today by  
13 Assembly colleague Assemblyperson Inez Barron,  
14 and this happens to be her first bill. And I  
15 salute her, and I know we salute you for your  
16 fine work.

17 Thank you.

18 ACTING PRESIDENT VALESKY:  
19 Senator Espada to be recorded in the  
20 affirmative.

21 Announce the results.

22 THE SECRETARY: Ayes, 62. Nays,  
23 0.

24 ACTING PRESIDENT VALESKY: The

1 bill is passed.

2 THE SECRETARY: Calendar Number  
3 372, by Senator Huntley, Senate Print 3146A,  
4 an act to amend Chapter 667 of the Laws of  
5 2006 relating to providing for the  
6 establishment.

7 ACTING PRESIDENT VALESKY: Read  
8 the last section.

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

11 ACTING PRESIDENT VALESKY: Call  
12 the roll.

13 (The Secretary called the roll.)

14 THE SECRETARY: Ayes, 62.

15 ACTING PRESIDENT VALESKY: The  
16 bill is passed.

17 THE SECRETARY: Calendar Number  
18 376, by Member of the Assembly Cook, Assembly  
19 Print Number 4166, an act to amend Chapter 174  
20 of the Laws of 1968 constituting the New York  
21 State Urban Development Corporation Act.

22 ACTING PRESIDENT VALESKY: Read  
23 the last section.

24 THE SECRETARY: Section 2. This

1 act shall take effect immediately.

2 ACTING PRESIDENT VALESKY: Call  
3 the roll.

4 (The Secretary called the roll.)

5 THE SECRETARY: Ayes, 62.

6 ACTING PRESIDENT VALESKY: The  
7 bill is passed.

8 THE SECRETARY: Calendar Number  
9 387, by Member of the Assembly Pretlow,  
10 Assembly Print Number 2500, an act to amend  
11 the General Obligations Law, in relation to  
12 money deposited.

13 ACTING PRESIDENT VALESKY: Read  
14 the last section.

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

17 ACTING PRESIDENT VALESKY: Call  
18 the roll.

19 (The Secretary called the roll.)

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

23 ACTING PRESIDENT VALESKY: The  
24 bill is passed.

1                   THE SECRETARY:     Calendar Number  
2     388, by Senator C. Johnson, Senate Print 2753,  
3     an act to amend the General Business Law and  
4     the Civil Practice Law and Rules, in relation  
5     to prohibiting.

6                   ACTING PRESIDENT VALESKY:     Read  
7     the last section.

8                   THE SECRETARY:     Section 3. This  
9     act shall take effect on the 60th day.

10                  ACTING PRESIDENT VALESKY:     Call  
11     the roll.

12                  (The Secretary called the roll.)

13                  THE SECRETARY:     Ayes, 62.

14                  ACTING PRESIDENT VALESKY:     The  
15     bill is passed.

16                  THE SECRETARY:     Calendar Number  
17     390, by Member of the Assembly Englebright,  
18     Assembly Print Number 6784, an act to amend  
19     the Navigation Law, in relation to the wearing  
20     of personal flotation devices.

21                  ACTING PRESIDENT VALESKY:     Read  
22     the last section.

23                  THE SECRETARY:     Section 3. This  
24     act shall take effect on the first of

1 November.

2 ACTING PRESIDENT VALESKY: Call

3 the roll.

4 (The Secretary called the roll.)

5 THE SECRETARY: Ayes, 62.

6 ACTING PRESIDENT VALESKY: The

7 bill is passed.

8 THE SECRETARY: Calendar Number

9 411, by Senator C. Johnson, Senate Print

10 4234A, an act to amend the Tax Law, in

11 relation to extending the authorization.

12 ACTING PRESIDENT VALESKY: There

13 is a home-rule message at the desk.

14 Read the last section.

15 THE SECRETARY: Section 3. This

16 act shall take effect immediately.

17 ACTING PRESIDENT VALESKY: Call

18 the roll.

19 (The Secretary called the roll.)

20 THE SECRETARY: Ayes, 62.

21 ACTING PRESIDENT VALESKY: The

22 bill is passed.

23 THE SECRETARY: Calendar Number

24 429, by Senator Squadron, Senate Print 3639,

1 an act to amend the Real Property Tax Law, in  
2 relation to notice of commencement.

3 ACTING PRESIDENT VALESKY: Read  
4 the last section.

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

7 ACTING PRESIDENT VALESKY: Call  
8 the roll.

9 (The Secretary called the roll.)

10 THE SECRETARY: Ayes, 62.

11 ACTING PRESIDENT VALESKY: The  
12 bill is passed.

13 THE SECRETARY: Calendar Number  
14 472, substituted earlier today by Member of  
15 the Assembly Silver, Assembly Print Number  
16 8501, an act to amend the General Municipal  
17 Law and others.

18 SENATOR LIBOUS: Lay it aside.

19 ACTING PRESIDENT VALESKY: The  
20 bill is laid aside.

21 THE SECRETARY: Calendar Number  
22 487, by Senator Stachowski, Senate Print  
23 2020C, an act to amend the Education Law and  
24 others.

1                   SENATOR LIBOUS:     Lay it aside,  
2     please.

3                   ACTING PRESIDENT VALESKY:     The  
4     bill is laid aside.

5                   Senator Klein, that completes the  
6     noncontroversial reading of the active bills  
7     on Senate Calendar Number 54.

8                   SENATOR KLEIN:     Before we move  
9     on, I do want to have one announcement,  
10    Mr. President.

11                   One of our colleagues is  
12    celebrating his 56th birthday. I hope you all  
13    can wish happy birthday to Senator Aubertine.

14                   ACTING PRESIDENT VALESKY:     Happy  
15    56th birthday, Senator Darrel Aubertine.

16                   (Applause.)

17                   SENATOR KLEIN:     A Senator  
18    representing his district for many years to  
19    come.

20                   (Laughter.)

21                   ACTING PRESIDENT VALESKY:  
22    Senator Klein.

23                   SENATOR KLEIN:     Mr. President,  
24    can we now move to the controversial calendar.

1                   ACTING PRESIDENT VALESKY:     The  
2     Secretary will ring the bells.

3                   The Secretary will proceed with the  
4     controversial reading of the calendar.

5                   THE SECRETARY:     Calendar Number  
6     292, by Senator Klein, Senate Print 706C, an  
7     act to amend the Tax Law.

8                   ACTING PRESIDENT VALESKY:  
9     Senator Padavan, do you request an explanation  
10    from Senator Klein?

11                  SENATOR PADAVAN:     No, I'd like to  
12    speak on the bill.

13                  ACTING PRESIDENT VALESKY:  
14    Senator Padavan, on the bill.

15                  SENATOR PADAVAN:     I think the  
16    bill is quite clear; it requires no  
17    explanation.  But what it's clear in is that  
18    once again, this body expands gambling venues  
19    in this state.

20                  Just a little background for those  
21    who may have not been here when VLTs were  
22    first adopted.  They are slot machines which  
23    are hooked up to the lottery terminal.  When  
24    they first became a factor, a legal action was

1 initiated by the Chamber of Commerce, the City  
2 of Saratoga, along with a number of other  
3 complainants, including several legislators,  
4 myself included.

5 Our contention was and still is  
6 that slot machines are not permitted under our  
7 State Constitution and accepting the old adage  
8 of "if it talks like a duck, walks like a  
9 duck, it's a duck," these were slot machines.

10 We were successful at the  
11 lower-level courts. But when it reached the  
12 Court of Appeals, State Court of Appeals, we  
13 lost the case. They ruled because these were  
14 tied into our state lottery network, they were  
15 not slot machines. In my view -- a split  
16 decision -- but in my view, an absurdity.

17 And so now we have these racinos  
18 around the state: Saratoga, Yonkers, and  
19 others are of course on the drawing board,  
20 such as Queens County. And what this bill  
21 will do is extend the number of hours that  
22 those racinos will be in operation. Up to 20  
23 hours a day, with a four-hour break. I guess  
24 the amount of time you need to clean up the

1 place.

2 And they will allow machines that  
3 replicate casino games -- roulette, blackjack,  
4 poker, baccarat. So in effect what you have,  
5 in terms of the reality of what people are  
6 dealing with, is a full-fledged casino. Which  
7 are not permitted under our State  
8 Constitution, other than those that have been  
9 allowed under Indian land grant claims and the  
10 like.

11 We have over a million people in  
12 this state who are either problem or  
13 compulsive gamblers. And if you listen to the  
14 State Council on Problem Gambling and read  
15 their reports, they will tell you that the  
16 number increases every year.

17 And the more gambling venues we  
18 provide, the more expansion we provide, the  
19 more opportunities we provide in various  
20 communities around the state -- whether it's  
21 Aqueduct in Queens County or Saratoga up here  
22 in the North Country or wherever it may be --  
23 the more you provide those venues and the more  
24 hours those venues are available, the more

1 people get sucked into the whole gambling  
2 venue.

3 The fastest-growing crime in this  
4 state in terms of category are related to  
5 people who become gambling addicts.  
6 Embezzlement, theft to cover their gambling  
7 debts, social service programs -- families  
8 being disrupted, businesses being lost -- all  
9 directly related to this.

10 And New York State has the unique  
11 distinction, on a per-capita basis, of being  
12 the worst state in the nation. Worse than  
13 Nevada, which is outrageous, but it is a fact.

14 So this bill again is an extension  
15 of what we've been doing year after year and  
16 obviously just adds further fuel to the fire.  
17 And I'm standing here to simply say once  
18 again, as I've done on other occasions  
19 unsuccessfully -- and there's no doubt I'll be  
20 unsuccessful today -- preventing something  
21 from happening that shouldn't.

22 Thank you, Mr. President.

23 ACTING PRESIDENT VALESKY: Thank  
24 you, Senator Padavan.

1 Senator Bonacic.

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

4 I'm pleased that this bill is  
5 before us today. The Monticello Raceway in  
6 the Sullivan County and the Catskill area is  
7 struggling, and our racinos are not  
8 competitive with the gaming in the states  
9 around us. And we have to expand recreation  
10 activities to increase tourism for the tracks  
11 all over the state.

12 Whether you're for gaming or  
13 against gaming, that's not the issue. Gaming  
14 is here. And the issue is are we going to  
15 allow our racinos to survive, and the racing  
16 tracks around them. These racinos bring jobs.  
17 They create economic vitality.

18 So I want to thank Senator Klein  
19 for sponsoring this bill. I had done it last  
20 year, and I'm a coprime with Senator Klein.  
21 And I look forward to working with Senator  
22 Klein and Senator Adams in helping the racing  
23 and breeding industry in the State of  
24 New York. I vote aye.

1 Thank you, Mr. President.

2 ACTING PRESIDENT VALESKY: Thank  
3 you, Senator Bonacic.

4 Senator Klein, on the bill.

5 SENATOR KLEIN: Mr. President, on  
6 the bill.

7 I want to thank Senator Bonacic for  
8 supporting this legislation. I know how  
9 important this bill is to his area in the  
10 Catskills.

11 If you look at the numbers, they're  
12 quite startling on how much money we raise  
13 from lottery. Just last year, 13 percent of  
14 the education dollars that went to school  
15 districts around the State of New York were  
16 from the Division of Lottery, either the  
17 racinos or the actual lottery games --  
18 scratch-off lotteries, things of that nature.

19 Also, the total to education last  
20 year was \$2.6 billion just from lottery. If  
21 you just look at the video lottery facilities,  
22 the racinos around the state, last year they  
23 generated \$480 million that went directly to  
24 education.

1                   According to the estimates on my  
2                   legislation, we can generate an additional  
3                   \$150 million a year earmarked just for  
4                   education with the expansion of the types of  
5                   games we can play at the racinos as well as  
6                   expanding the hours.

7                   I think, unfortunately, during  
8                   these fiscal times we need to do everything  
9                   possible to generate increased revenue for the  
10                  State of New York, especially education  
11                  dollars. And I think Senator Bonacic said it  
12                  best. If you look at the numbers, it's quite  
13                  startling. Twenty-three percent of the people  
14                  who gambled in Atlantic City last year were  
15                  New York State residents.

16                  And if you do look at the numbers,  
17                  even though with the expansion of racinos and  
18                  the various scratch-off lottery games, we've  
19                  seen a very, very tiny increase in gambling in  
20                  New York State since the '70s. And that was  
21                  based on a Harvard study that was written a  
22                  couple of years ago.

23                  So I think this is a very important  
24                  piece of legislation. It allows us to be

1 competitive with neighboring states. And if  
2 people choose to gamble, they should do it in  
3 New York to benefit education, and that's  
4 where the revenue is going.

5 So I'm happy this legislation is  
6 before us today. I think this is an  
7 innovative and smart approach to generate  
8 additional revenue for our state. And I hope  
9 the Assembly quickly follows suit and passes  
10 it and then the Governor signs it into law.

11 Thank you, Mr. President.

12 ACTING PRESIDENT VALESKY: Thank  
13 you, Senator Klein.

14 Senator Diaz.

15 SENATOR DIAZ: Thank you,  
16 Mr. President. On the bill.

17 ACTING PRESIDENT VALESKY:  
18 Senator Diaz, on the bill.

19 SENATOR DIAZ: I take this  
20 opportunity to express my position on the  
21 bill.

22 I have no doubt, I have no doubt  
23 that this bill, if it comes into effect, will  
24 bring money. And I have no doubt and I know

1           that the State of New York is in a very  
2           difficult financial situation.  However, I'm  
3           always opposed to gambling.  I cannot vote for  
4           gambling.

5                           And you could tell me:  "But,  
6           Senator, you're a Senator; you have to bring  
7           money to the state."  I have proposed two  
8           bills, two bills that bring money to the state  
9           that have nothing to do with gambling.

10                           One of them has to do with  
11           purchasing direct prescription drugs from  
12           Canada, saving 40 percent to the state.  And  
13           the City of Schenectady is already doing it,  
14           and the state will save \$800 million there.  
15           No one cares.  No one cares.

16                           That's a good bill.  That brings  
17           money to the state.  That's an easy bill.  
18           Schenectady is already doing it.  The same  
19           prescription drugs that is manufactured here  
20           in the state, or from the same company,  
21           Pfizer, the same prescription drugs, the same  
22           brand that is purchased here is purchased in  
23           Canada for 40 percent less.  So why are we  
24           submitting our senior citizens, subjecting our

1        senior citizens -- they have to decide, they  
2        have to buy food, they have to pay their rent,  
3        they have to pay their other bills or buy  
4        their prescription drugs when we could help  
5        them and we could help the state's fiscal  
6        crisis. But no one cares.

7                    So to me, it's better, that bill,  
8        than a bill that brings gambling. And because  
9        I'm opposed to gambling -- it has nothing to  
10       do with the sponsor, it has nothing to do with  
11       anything, any other reason. I oppose  
12       gambling.

13                   Another bill that I have proposed  
14       that will bring money to the state and will  
15       help the situation in the state is to allow or  
16       submit the credit card companies to send the  
17       taxes back to the state, not to the merchants.  
18       When you purchase, the credit card companies  
19       take the taxes and they send the taxes back to  
20       the merchants and not to the state. And the  
21       state is losing \$500 million there. Easy  
22       money. Easy money. Let's force them to send  
23       the money straight to the state.

24                   \$800 million in prescription drugs

1 from Canada, \$500 million from forcing the  
2 credit cards -- more than \$1 billion there.  
3 Nobody cares.

4 So it would be better for some  
5 people stop gambling where people are going to  
6 have to go and play and sometimes play their  
7 children's tuition, their children's food,  
8 their children's clothes, their rent, and get  
9 the habit of gambling to produce money than to  
10 do this thing.

11 That's why I am not supporting this  
12 bill. That's why I'm opposing this bill,  
13 because I oppose gambling in any shape or  
14 form.

15 Thank you.

16 ACTING PRESIDENT VALESKY: Thank  
17 you, Senator Diaz.

18 Senator Saland.

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

21 Mr. President, I've always viewed  
22 gambling, whether it be casinos, racinos,  
23 really as zero-sum game. There's only so many  
24 of those dollars that are available. And

1           whether New Yorkers are gambling in New Jersey  
2           or New Yorkers are gambling in Pennsylvania,  
3           the pie is just going to move. It's not going  
4           to expand greatly; it's going to be primarily  
5           the same pie.

6                         There are no windfalls that are  
7           going to be found by resort to gambling or  
8           expanding gambling as somehow or other curing  
9           our fiscal ills. And in fact, if anything,  
10          it's going to burden with us yet additional  
11          ills, the kinds of problems I believe that  
12          were either alluded to earlier by Senator  
13          Padavan or certainly have been alluded to in  
14          more than one instance here on this floor.

15                        I can well recall the initiation of  
16          the video game which I think in large part  
17          thanks to Senator Padavan has become known as  
18          video crack. I can recall the discussions at  
19          the time -- I believe it was during the Pataki  
20          administration -- and those discussions were  
21          to the effect, well, it's going to be limited,  
22          we'll only allow certain hours, we'll require  
23          certain square footage, we'll require that  
24          they can't be merely in a bar, there has to be

1 food service.

2 Well, one by one, the limitations  
3 went by the wayside. One by one, they just  
4 slipped away and evaporated. And the time  
5 that was permitted between games was narrowed  
6 so that the games could be played more  
7 frequently -- all of this in our lust for  
8 revenue.

9 What we see here today is pretty  
10 much a replication of what we've seen with  
11 video crack. The simple fact of the matter is  
12 is we are hoping to secure more revenue by  
13 inducing people to gamble more. That's the  
14 bottom line. That's really, I would think  
15 from a policy perspective, not exactly a  
16 desirable way to balance your books, not  
17 exactly a desirable way to support whatever  
18 spending you might have in mind.

19 I know we're not particularly big  
20 on reducing spending; certainly haven't been  
21 this year. But to somehow or other look to  
22 support additional spending by, in effect,  
23 relying upon frailties of people, relying upon  
24 the compulsiveness of people, I think is just

1 a God-awful signal for us to be sending.  
2 However desperate we may be, we should not be  
3 that desperate.

4 Thank you, Mr. President.

5 ACTING PRESIDENT VALESKY: Thank  
6 you, Senator Saland.

7 Are there any other Senators who  
8 wish to be heard on the bill?

9 Seeing none, the debate is closed,  
10 and the Secretary will ring the bells.

11 The Secretary will read the last  
12 section.

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

15 ACTING PRESIDENT VALESKY: Call  
16 the roll.

17 (The Secretary called the roll.)

18 ACTING PRESIDENT VALESKY:  
19 Senator LaValle, to explain his vote.

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

22 For a number of years I have  
23 followed the lead -- I think we share a  
24 similar philosophy with Senator Padavan, who

1 articulated, I think, a position on this bill.  
2 I think, and I hope the members -- I'm going  
3 to make an analogy here, that when your  
4 children tell you, Oh, it's okay because  
5 Johnny or Mary did it, you should remember  
6 your vote on this bill. Because Connecticut  
7 does it, or New Jersey, or anyone else,  
8 doesn't make it right.

9 And I think this state really needs  
10 to begin to come to grips with this issue and  
11 either amend the Constitution to allow gaming  
12 or stop going through the lottery because it  
13 yields money for education.

14 It's not the right thing to do, and  
15 I vote in the negative.

16 ACTING PRESIDENT VALESKY:  
17 Senator LaValle to be recorded in the  
18 negative.

19 Senator Marcellino, to explain his  
20 vote.

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

23 I could not agree more with my  
24 colleague Senator LaValle. The point he makes

1 is well-taken. What we are doing is little  
2 bitty nibbles. We're nibbling at the whole  
3 thing, we're skirting around the edges, and  
4 we're not really helping the situation.

5 Senator Padavan points out the  
6 problems with the gambling as a whole. If  
7 we're going to do it, let's bite the bullet  
8 and do the thing the correct way and the  
9 proper way, not this nickel-and-dime approach,  
10 not this half piece now, a quarter piece  
11 there, a little bit there, and hope we get it  
12 right.

13 This is not a good way to approach  
14 this situation. It's much too serious. The  
15 social impacts and the economic impacts are  
16 much too serious for the state and our people.

17 Mr. President, I vote no.

18 ACTING PRESIDENT VALESKY:  
19 Senator Marcellino to be recorded in the  
20 negative.

21 Senator Adams, to explain his vote.

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

24 As the chair of the committee that

1 deals with many gaming issues, I'm in full  
2 support of this. I respect the view of my  
3 colleagues, and I agree that we should move  
4 forward to look at gaming.

5 Gaming is legal in many states. I  
6 think that we need to have responsible gaming,  
7 and I think that this is one way of doing  
8 that. The law allows us to do that via video  
9 lottery and as well as any other way that's  
10 within the law.

11 And as the chair of the committee,  
12 I am going to put my energies to moving  
13 towards having legalized gaming in New York  
14 State. There's no reason, the entertainment  
15 capital of the globe, that we are eating the  
16 crumbs off the floor of Las Vegas and other  
17 states.

18 Gaming is legal. We should do it  
19 responsible. We should make sure that those  
20 that are using the Internet for sports betting  
21 and other methods to siphon millions and  
22 billions of dollars out of New York State  
23 taxpayers, we should not permit that to  
24 happen.

1                   I think this is a step in the right  
2                   direction, and I fully support it and I hope  
3                   my colleagues do so also.

4                   ACTING PRESIDENT VALESKY:  
5                   Senator Adams to be recorded in the  
6                   affirmative.

7                   Senator Stewart-Cousins, to explain  
8                   her vote.

9                   SENATOR STEWART-COUSINS:     Thank  
10                  you, Mr. President.

11                  I rise to support this legislation,  
12                  and I also want to thank Senator Klein for  
13                  looking at ways to expand revenues especially  
14                  for education.

15                  I would be remiss in not stating  
16                  again that I am terribly sorry that we very  
17                  often have to depend on gambling dollars to  
18                  educate our children. I think that certainly  
19                  sends a message that should not be sent.

20                  However, I will say that the City  
21                  of Yonkers has been able to fill educational  
22                  gaps and financial problems with the use of  
23                  these revenues.

24                  And so as we look to correct what

1 is wrong with funding education -- and I think  
2 we are going a far way to make those  
3 corrections -- I am pleased that we are able  
4 to continue to get dollars through the VLTs --  
5 and certainly Yonkers Raceway is an example of  
6 one that's doing very, very well -- and hope  
7 as we increase those revenues we will be able  
8 to increase those dollars that go to the city  
9 to be able to support education and the other  
10 things that are required.

11 So I will be supporting the bill.

12 ACTING PRESIDENT VALESKY:

13 Senator Stewart-Cousins to be recorded in the  
14 affirmative.

15 The Secretary will announce the  
16 results.

17 THE SECRETARY: Those recorded in  
18 the negative on Calendar Number 292 are  
19 Senators Hannon, LaValle, Marcellino, Padavan,  
20 Saland, Volker. Also Senator O. Johnson.  
21 Also Senator Monserrate.

22 Ayes, 54. Nays, 8.

23 ACTING PRESIDENT VALESKY: The  
24 bill is passed.

1 THE SECRETARY: Calendar Number  
2 472, substituted earlier today by Member of  
3 the Assembly Silver, Assembly Print Number  
4 8501, an act to amend the General Municipal  
5 Law and others.

6 ACTING PRESIDENT VALESKY:  
7 Senator Libous.

8 SENATOR LIBOUS: Mr. President,  
9 there's an amendment at the desk. I would  
10 waive its reading, please.

11 ACTING PRESIDENT VALESKY:  
12 Senator Libous, there is an amendment at the  
13 desk. Without objection, the reading of the  
14 amendment is waived and you are recognized to  
15 speak on your amendment.

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

18 This amendment would deal with the  
19 fire districts that are going to be affected  
20 in this consolidation bill. There are a  
21 number of factors when it comes to pure  
22 consolidation, but something that I think  
23 would be detrimental to moving this bill  
24 forward would be to include fire districts.

1 I'd like to explain why.

2 If you look at the number of  
3 volunteer firefighters in those fire companies  
4 across the state, the key word in many of them  
5 is "volunteer." And as we all know, there is  
6 a problem in finding volunteers in our  
7 communities all over New York. It's not just  
8 an upstate or downstate thing, it's a problem  
9 everywhere. We had at one time 140,000  
10 volunteer firefighters in this state; we're  
11 now down to 90,000.

12 By giving an opportunity to  
13 consolidate fire districts, it would be, I  
14 think, detrimental to the system of volunteer  
15 firefighters throughout the state. Because  
16 what it would do if those districts were  
17 consolidated, it would eliminate those  
18 volunteers.

19 Let me give you an example.  
20 Volunteers join a fire company -- or, for that  
21 matter those who are involved in emergency  
22 management services, same thing -- because  
23 they care about their town, village, their  
24 community. If a district was to be

1 consolidated, it is probably unlikely that the  
2 volunteers would then go to volunteer in a  
3 consolidated district, because it's something  
4 they care about in the particular small town  
5 that they live in.

6 To put something together that  
7 would be a detriment to volunteers I think  
8 makes no sense.

9 And the other point is that the key  
10 word here is "volunteer." There's not a lot  
11 of cost here. They volunteer their time to  
12 help save lives and work for the community.  
13 And their cost is usually a cost that is very  
14 minimal. They receive their funds in many  
15 cases through voluntary efforts, through  
16 fundraising. And a very, very small  
17 percentage, if any in some cases, comes from  
18 tax dollars.

19 So for that reason, while I  
20 certainly personally am not against the  
21 concept of consolidation, I do fear that we  
22 have a system of volunteers that is declining  
23 in this state. And to keep fire districts in  
24 this piece of legislation I think would be

1 detrimental to every community that we serve  
2 across this state.

3 ACTING PRESIDENT VALESKY: Thank  
4 you, Senator Libous.

5 Are there any other Senators who  
6 wish to be heard on the amendment?

7 Seeing none, the question then is  
8 on the nonsponsor motion to amend Calendar  
9 Number 472. Those Senators voting in support  
10 of the nonsponsor amendment please indicate so  
11 by raising your hand.

12 The Secretary will announce the  
13 results.

14 THE SECRETARY: Ayes, 30. Nays,  
15 32.

16 ACTING PRESIDENT VALESKY: The  
17 motion fails.

18 Senator Libous.

19 SENATOR LIBOUS: Mr. President, I  
20 believe there is another amendment at the  
21 desk. I would ask that you waive its reading  
22 and call on Senator Farley.

23 ACTING PRESIDENT VALESKY:  
24 Senator Libous, Senator Farley does have an

1 amendment at the desk. Without objection, the  
2 reading is waived and Senator Farley is  
3 recognized to speak on the amendment.

4 Senator Farley, before you speak,  
5 may we have some quiet in the chamber, please.

6 SENATOR FARLEY: Thank you very  
7 much, Mr. President.

8 This is not a hostile amendment,  
9 this is a friendly amendment.

10 The New York Library Association  
11 opposes this situation and this bill. You  
12 know, consolidation is fine and it's great.  
13 And like everything, libraries are governed by  
14 the Education Law.

15 And I want to applaud my  
16 colleagues. Everybody on both sides of the  
17 aisle in this house has been so supportive of  
18 libraries. And libraries in New York State  
19 are our crown jewel, as far as the rest of the  
20 nation is concerned. They're chartered,  
21 they're covered by the Education Law, they're  
22 chartered by the Board of Regents, like all  
23 educational institutions.

24 You know, schools and the education

1 institutions are exempted from this  
2 consolidation, as should be libraries.  
3 Traditionally, we haven't had any great  
4 problem with overtaxation or anything else  
5 like that.

6 I just want to bring up one other  
7 example. And I don't want to use Albany  
8 County as an example, but let's say that a  
9 library district in Bethlehem, which is right  
10 near here, and Guilderland and so forth, if  
11 you start consolidating this thing and  
12 bringing in one library, the poor, the elderly  
13 that do not have access to information will be  
14 shut out because of not being able to get to  
15 that particular institution. This  
16 consolidation would certainly limit access.

17 And, you know, libraries, generally  
18 speaking, when you're talking about local  
19 government, they generally speaking are the  
20 last to be funded and the first to be cut.  
21 And they think if they can save some money by  
22 not funding libraries, by consolidating them  
23 and so forth, I think it would be a very, very  
24 bad thing.

1                   Now, none of us really want to do  
2                   anything to hurt libraries. And consequently,  
3                   I think this is a very important amendment and  
4                   one that should be supported. Because as I  
5                   say, the libraries have been a friend of this  
6                   Legislature, and they do oppose being included  
7                   in this bill. And they think they should be  
8                   treated like the schools, because they  
9                   certainly are part of the education system.

10                   I move this amendment.

11                   ACTING PRESIDENT VALESKY:     Thank  
12                   you, Senator Farley.

13                   Are there any other Senators who  
14                   wish to be heard?

15                   Seeing none, the question is on the  
16                   nonsponsor motion to amend Calendar Number  
17                   472. Those Senators voting in support of the  
18                   nonsponsor amendment should signify by raising  
19                   your hand.

20                   Announce the results.

21                   THE SECRETARY:     Ayes, 30. Nays,  
22                   32.

23                   ACTING PRESIDENT VALESKY:     The  
24                   motion fails.

1                   Senator Libous.

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

4                   I believe there's another amendment  
5                   at the desk. I would ask that you would waive  
6                   its reading and call on Senator DeFrancisco,  
7                   please.

8                   ACTING PRESIDENT VALESKY:     There  
9                   is another amendment at the desk. However, I  
10                  have reviewed Senator DeFrancisco's amendment  
11                  with counsel and am ruling it out of order as  
12                  not germane to the bill.

13                  It relates to a different subject  
14                  matter than the bill at hand, which relates to  
15                  the issue of consolidation, a process to  
16                  consolidate or dissolve local governments.  
17                  Senator DeFrancisco's amendment relates to the  
18                  issue of the New York State budget process  
19                  and, in particular, levels of state spending.

20                  Senator Libous.

21                  SENATOR LIBOUS:     Mr. President,  
22                  point of order. I believe Senator DeFrancisco  
23                  would like to debate the germaneness of this  
24                  particular amendment.

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ACTING PRESIDENT VALESKY:

Senator DeFrancisco is recognized to appeal the ruling of the chair.

SENATOR DeFRANCISCO: I believe you're mistaken on your ruling. As you know, the amendment would deal with adding the Governor's -- not our previously introduced and announced spending cap, but the Governor's Program Bill 16 that would cap spending by the growth of -- only by the growth for the last three years of inflation, the average rate of inflation for the last previous calendar years. And it would increase the reserve fund from 3 to 10 percent, thereby making a cushion for future years.

And the reason it's relevant and germane is simply this, that the whole purpose of this consolidation effort and the purpose of the bill -- and I believe the sponsor will admit it -- the purpose of it is to save money so that we can in the future be able to save the amount of dollars that has to be spent by the state government on various things to localities. In other words, save money. It's

1 the same concept.

2 I'm a cosponsor of the bill. This  
3 would make the bill of Senator Stewart-Cousins  
4 even better. And I as a cosponsor will state  
5 on the record that this is germane to my bill  
6 that I'm cosponsoring, insofar as it's a  
7 question of trying to save money.

8 And therefore, I would appeal the  
9 ruling of the chair. Thank you.

10 ACTING PRESIDENT VALESKY: Thank  
11 you, Senator DeFrancisco.

12 The question before the house,  
13 then, is whether the decision of the chair  
14 shall stand as judgment of the Senate. All in  
15 favor of overruling the decision of the chair  
16 please signify by raising your hands.

17 The Secretary will announce the  
18 results.

19 THE SECRETARY: Ayes, 30. Nays,  
20 32.

21 ACTING PRESIDENT VALESKY: Having  
22 failed to obtain the necessary votes, the  
23 ruling is sustained and the appeal is denied.

24 Senator DeFrancisco.

1                   SENATOR DeFRANCISCO:     I just  
2                   wondered if I could ask for a recount.

3                   (Laughter.)

4                   SENATOR LIBOUS:       Explanation of  
5                   the bill, please.

6                   ACTING PRESIDENT VALESKY:  
7                   Senator Stewart-Cousins, an explanation of the  
8                   bill has been requested by Senator Libous.

9                   SENATOR STEWART-COUSINS:     Thank  
10                  you, Mr. President.

11                  As chair of the Local Government  
12                  Committee, at the request of Attorney General  
13                  Cuomo I introduced Legislative Program Bill  
14                  Number 1, the "New New York Government  
15                  Reorganization and Citizen Empowerment Act."

16                  Reform is something we've talked  
17                  about. We never stop talking about it. And  
18                  every once in a while, when we all put our  
19                  minds to it, we actually do reform. This is  
20                  one step, and it's a very big step in that  
21                  process.

22                  The bill, first of all, was  
23                  cosponsored by the ranking member of the Local  
24                  Government Committee, my colleague Senator

1 Betty Little, who's also worked very, very  
2 hard on these issues for many, many years.

3 We passed this piece of legislation  
4 out of our committee last week, and we feel  
5 that it's very important. Important because  
6 it gives a very solid road map, a blueprint  
7 for not only local officials who might want to  
8 consolidate entities of government but also  
9 the electorate who might want to consolidate  
10 levels of government.

11 If there was a question about how  
12 one could do that, this particular piece of  
13 legislation shows you clearly that you can and  
14 shows you clearly how it can be done. It does  
15 not compel anyone to do anything. There are  
16 no mandates here. It does not threaten anyone  
17 or anything.

18 What it simply does is establishes  
19 a uniform and user-friendly process by which  
20 you can consolidate or dissolve entities  
21 should you desire to do so.

22 The act reforms existing law -- and  
23 when I saw existing law, I should probably say  
24 it in the plural, because there are so many.

1 It repeals and amends and supersedes outdated  
2 laws and establishes, in a single article of  
3 the General Municipal Law, uniform procedures.

4 The bill will help, again, local  
5 governments or the voters themselves to  
6 facilitate consolidation or dissolutions. It  
7 gives citizens power. It gives all of us a  
8 clear direction. And hopefully we will  
9 support, again, this very first but very  
10 important step towards reform and towards  
11 easing a tax burden should communities wish to  
12 consolidate or dissolve entities.

13 Thank you.

14 ACTING PRESIDENT VALESKY: Thank  
15 you, Senator Stewart-Cousins.

16 Senator Saland.

17 SENATOR SALAND: Mr. President,  
18 would Senator Stewart-Cousins please yield.

19 ACTING PRESIDENT VALESKY:  
20 Senator Stewart-Cousins, do you yield?

21 SENATOR STEWART-COUSINS: I do.

22 ACTING PRESIDENT VALESKY: The  
23 sponsor yields.

24 SENATOR SALAND: Through you,

1 Mr. President, I have some questions for  
2 Senator Stewart-Cousins.

3 Senator Stewart-Cousins, I'm  
4 looking at page 2 of the bill, Section 13,  
5 beginning at line 47. And the language of the  
6 bill excludes certain local entities from the  
7 provisions of this legislation. Could you  
8 tell us which those entities might be?

9 SENATOR STEWART-COUSINS: I mean,  
10 I guess I could tell you which they are, but  
11 is there some entity that you are particularly  
12 concerned about?

13 SENATOR SALAND: I just want, for  
14 the purposes of the record that we're going to  
15 establish here, to have from the sponsor the  
16 entities. Or if you'd like, I'll identify  
17 them and you can tell me --

18 SENATOR STEWART-COUSINS: Well, I  
19 mean, you know, cities, counties, school  
20 districts?

21 SENATOR SALAND: Now, Title 2 is  
22 "Consolidation of local government entities."  
23 And you provide that "two or more local  
24 government entities, whether within the same

1 county or different counties."

2 Now, I know the County Law provides  
3 for the ability to articulate boundaries to  
4 accommodate these type of changes. But could  
5 you tell me, if there were two local entities  
6 that wished to consolidate, what would  
7 determine which county they would be in at the  
8 conclusion of the consolidation? And what  
9 would that do to the tax base of both of the  
10 counties?

11 SENATOR STEWART-COUSINS: Senator  
12 Saland, the county boundary lines would not  
13 change. So I guess what you're asking is  
14 should this consolidation happen, where would  
15 the various entities be within either of those  
16 counties? Is that what you're asking?

17 SENATOR SALAND: I'm asking the  
18 question because I simply don't know the  
19 answer. If you have to consolidate --

20 SENATOR STEWART-COUSINS: I'm  
21 not -- I was asking you was that the question  
22 you were asking.

23 SENATOR SALAND: Okay. There's  
24 Town A and Town B on different sides of the

1 county border between County 1 and County 2.  
2 Town A and Town B decide that they're going to  
3 consolidate and become Town AB. For purposes  
4 of governance, for purposes of, for example,  
5 representation in a county board of  
6 supervisors or in a county legislature, the  
7 area that currently was a municipality in  
8 County 2 is now a municipality in County 1.

9 How does the governing structure  
10 work, and what impact if any does that have on  
11 the healthcare of services? And if there's a  
12 snowstorm and the county is responsible for  
13 providing plowing services on a county road,  
14 is County 1 responsible or is County 2  
15 responsible?

16 SENATOR STEWART-COUSINS: Well, I  
17 could only say -- without being able to  
18 predict the outcomes of your question  
19 definitively, I can say that before any of  
20 that happened, there would have to have been a  
21 plan. And within the construct of that plan,  
22 those types of details are worked out.

23 So again, I want to continue to  
24 emphasize -- and I know that you clearly

1 understand that this is a blueprint to begin  
2 the process if one wished to consolidate. But  
3 there are many, many steps beyond just  
4 suggesting it might be time to consolidate.

5 And before any of those things  
6 arose, there would have had to have been a  
7 plan in place that would take care of all of  
8 the jurisdictional issues.

9 SENATOR SALAND: Well, if in fact  
10 there were jurisdictional issues -- and I'm  
11 only talking about the instances in which  
12 there are contiguous municipalities on either  
13 side of a county line -- would the counties  
14 have to be party to whatever that agreement  
15 was? Or could the town -- or town or village,  
16 as the case may be -- bind the county by its  
17 actions?

18 SENATOR STEWART-COUSINS: Would  
19 the county be bound by the town's or village's  
20 action, you're asking?

21 SENATOR SALAND: In the absence  
22 of being a party to whatever this agreement  
23 is --

24 SENATOR STEWART-COUSINS: Yes.

1                   SENATOR SALAND:     -- could the  
2 town and/or --

3                   SENATOR STEWART-COUSINS:     Yes.

4                   SENATOR SALAND:     They could bind  
5 the county?

6                   SENATOR STEWART-COUSINS:     Yes.

7                   SENATOR SALAND:     If you'd permit  
8 me an observation, I'm not sure if that might  
9 not necessarily be the case, absent the  
10 willingness of the county to be bound. But  
11 I'll let that be for the lawyers to resolve.

12                   There are several references in the  
13 bill to --

14                   SENATOR STEWART-COUSINS:     Do you  
15 want me to continue to yield?

16                   SENATOR SALAND:     If you would,  
17 please. Thank you.

18                   ACTING PRESIDENT VALESKY:     The  
19 senator continues to yield.

20                   SENATOR SALAND:     Thank you.

21                   There are several references in the  
22 bill, as part of the either the consolidation  
23 plan or the dissolution plan, to providing  
24 estimates of fiscal savings. Who or what

1           entity would be the entity responsible for  
2           providing that information?

3                         SENATOR STEWART-COUSINS:       Well,  
4           it would depend on who initiated the process.  
5           Should the process be initiated by the  
6           governing bodies, then it would be the  
7           governing bodies that would have to provide  
8           what the impact would be, including the  
9           proposed savings.

10                        When it comes to the  
11           electorate-initiated process, they would go  
12           through the petition-gathering process and  
13           then, once there were enough signatures  
14           gathered to pose the question, the question  
15           would be posed.  And should the majority of  
16           the electorate decide that this might be a  
17           good idea, then the process of putting the  
18           plans together begins.

19                        SENATOR SALAND:       Excuse me.  
20           Thank you.  Thank you.

21                        SENATOR STEWART-COUSINS:       So it  
22           would depend.

23                        SENATOR SALAND:       Would it be done  
24           by some type of fiscal officer?  Would it be

1 done by some type of an --

2 SENATOR STEWART-COUSINS: The  
3 local board would be responsible and would of  
4 course do -- the local governing board would  
5 draw on the resources that boards would  
6 normally draw upon to give that type of  
7 information.

8 SENATOR SALAND: So basically it  
9 would be a board decision.

10 SENATOR STEWART-COUSINS: Yeah,  
11 it would be information.

12 SENATOR SALAND: Thank you.  
13 If the Senator would continue to  
14 yield.

15 ACTING PRESIDENT VALESKY:  
16 Senator Stewart-Cousins, do you continue to  
17 yield?

18 SENATOR STEWART-COUSINS: I do.

19 ACTING PRESIDENT VALESKY: The  
20 sponsor continues.

21 SENATOR SALAND: Over on page 16,  
22 "Dissolution of Local Government Entities,"  
23 you provide that -- when I say "you," I  
24 realize it's an Attorney General's bill -- the

1 proposed dissolution plan shall specify, and  
2 you enumerate a number of things. And one of  
3 the things you enumerate is a fiscal estimate  
4 of the cost of dissolution.

5 And yet in a number of the other  
6 provisions of this legislation, you provide  
7 for a fiscal estimate of the savings that's,  
8 for example, used in the consolidation.

9 Is there a reason why you only want  
10 a fiscal estimate of the cost of the  
11 dissolution as distinguished from the savings  
12 when it comes to a dissolution?

13 SENATOR STEWART-COUSINS: Well, I  
14 think that the reference that you're making  
15 include those things that are the minimum  
16 level of information that must be provided.

17 As we all know, sometimes there are  
18 unexpected costs. And so the minimum is to  
19 let people know what it might cost actually to  
20 dissolve a government, which could, in many  
21 ways, begin to tell the story of what could be  
22 saved.

23 But this is a minimum requirement.  
24 It is by no means the maximum. And it's part

1 of the process that must be complied with.

2 SENATOR SALAND: If the Senator  
3 will continue to yield.

4 ACTING PRESIDENT VALESKY:  
5 Senator Stewart-Cousins.

6 SENATOR STEWART-COUSINS: And I  
7 think also, just if I might, I think it's also  
8 hard -- I mean, one could -- and I think we've  
9 had this discussion on both sides of the  
10 aisle. You know, it's very hard to qualify  
11 what precisely will be saved. And I think we  
12 can, and I would hope all these governments  
13 would strive in their best possible way to  
14 make sure that the facts about what it would  
15 cost to dissolve is there.

16 SENATOR SALAND: Thank you,  
17 Senator.

18 I would merely suggest that the  
19 distinct differences between the language  
20 either constitutes a drafting error or, in  
21 fact, somebody is looking for different  
22 information. Because what I would think would  
23 be of relevance to an elector, as is referred  
24 to in this bill, would be is there a savings

1 and what is it. That would seem to be what's  
2 relevant.

3 And in two or three other places in  
4 this bill, that is the language that is used.  
5 Only in this place in this bill do we talk  
6 about the fiscal estimate of the cost of  
7 dissolution. Perhaps someone in the Attorney  
8 General's office could tell us why there's a  
9 difference.

10 Senator, someplace in this bill,  
11 and it may have been at the beginning of the  
12 bill, there's provision --

13 SENATOR STEWART-COUSINS: Do you  
14 want me to continue to yield?

15 SENATOR SALAND: If you will.

16 SENATOR STEWART-COUSINS: Thank  
17 you.

18 SENATOR SALAND: Thank you.

19 Someplace in this bill, and I  
20 believe at the beginning of the bill, there's  
21 a provision that certain districts do not have  
22 to be contiguous in order to be consolidated.

23 And I'm wondering what districts  
24 might be in mind for that type of

1 consolidation, and why would it be beneficial  
2 that they not be contiguous?

3 SENATOR STEWART-COUSINS: Maybe  
4 sewer districts.

5 SENATOR SALAND: Ah, page 4.

6  
7 SENATOR STEWART-COUSINS: Sewer  
8 districts. Did you hear my answer?

9 SENATOR SALAND: But the  
10 language, if I may, does not limit itself to  
11 sewer districts.

12 SENATOR STEWART-COUSINS: No, you  
13 asked me a question, so I gave you a  
14 possibility.

15 SENATOR SALAND: I'm looking  
16 at -- if you'll continue to yield, I'm looking  
17 at lines 2 through 4 on page 4. "The  
18 requirement that local government entities be  
19 contiguous to consolidate does not apply to  
20 entities other than towns and villages."

21 So I would assume -- and please  
22 correct me if I'm wrong -- that if you're not  
23 a town or village, if you're a water district,  
24 if you're a fire district --

1                   SENATOR STEWART-COUSINS:     Right.

2     The special districts.

3                   SENATOR SALAND:        Oh, the special  
4     districts.

5                   SENATOR STEWART-COUSINS:     Special  
6     districts don't have to be contiguous, whereas  
7     the towns and villages do.

8                   SENATOR SALAND:        And could you --  
9     if you'll continue to yield --

10                  SENATOR STEWART-COUSINS:

11     Absolutely.

12                  SENATOR SALAND:        -- explain to me  
13     what the value would be in merging  
14     noncontiguous fire districts.  Given that one  
15     has to respond to a fire rather rapidly, or an  
16     emergency situation, I don't know --

17                  SENATOR STEWART-COUSINS:     Senator  
18     Saland, I don't know either.  And the beauty  
19     of this is that I don't have to know, and  
20     neither do you.

21                  The reality is that this is a  
22     blueprint and a road map.  And should people  
23     make the decision to go down that path, they  
24     would have their reasons, and this would be an

1 opportunity for them to be able to do it  
2 without the hurdles that existed before.

3 SENATOR SALAND: Thank you.  
4 Thank you, Senator.

5 SENATOR STEWART-COUSINS: Thank  
6 you, Senator.

7 SENATOR SALAND: On the bill.

8 ACTING PRESIDENT VALESKY:  
9 Senator Saland, on the bill.

10 SENATOR SALAND: I must confess I  
11 am genuinely interested in trying to be  
12 supportive of this bill and quite literally  
13 haven't made up my mind. And I'm assuming  
14 there's going to be further comment on the  
15 bill before this is over.

16 One of the things that I heard  
17 Senator Stewart-Cousins say in the course of  
18 her introductory remarks was she referred to  
19 this as a very big step. I'm not quite sure  
20 that that might not be overamplifying to a  
21 considerable degree the value of this  
22 legislation. I would more or less have to  
23 define it as being a rather small if not  
24 minute step that's truly playing at the edges.

1                   Because once you eliminate school  
2                   districts, once you eliminate cities, once you  
3                   eliminate counties, you are talking about a  
4                   modest amount that's left on the table. For  
5                   most of us -- certainly people in my area --  
6                   the school tax bill will run you close to  
7                   two-thirds of your overall tax bill. So I  
8                   think it's realistic to use a 65 percent  
9                   number.

10                   If you live in a city and you also  
11                   are -- I'm sorry, if you're living in a  
12                   county, if the county tax is also not part of  
13                   this equation, I have to assume that you've  
14                   probably taken, before batting an eye,  
15                   70 percent of your overall property tax burden  
16                   easily out of the equation.

17                   Now, when I see estimates -- and I  
18                   have a couple of memos, and I'll read from --  
19                   and you'll excuse me for laughing -- a  
20                   Citizen's Action memo in support. It says:  
21                   "Published reports from various state agencies  
22                   have stated that consolidating special taxing  
23                   districts can actually save statewide  
24                   homeowners up to 22 percent on their property

1 taxes."

2 Well, if the rest of the universe  
3 is 32 percent, 22 percent would amount to the  
4 majority of that 30 percent. It just isn't  
5 going to happen. It's not going to happen.  
6 There's no way in the world. I mean. This is  
7 so ludicrous as to be laughable.

8 I mean, if you want to be realistic  
9 about it, it's nice to talk about this as  
10 being a step -- and it is a step. And  
11 consolidation is important. But when you use  
12 numbers like 22 percent, my God, that borders  
13 on lunacy, idiocy. There can't be anybody  
14 with half a brain who could believe this.  
15 Whoever made this up should go back and use  
16 their Ouija board and come up with another  
17 number.

18 And then I've got a NYPIRG memo  
19 saying it can reduce your town tax bill by  
20 20 percent. Well, that's every bit as much of  
21 a stretch, although not as ludicrous as  
22 22 percent of your total tax bill.

23 If you turn back the pages of time,  
24 when Willie Sutton, probably back in the '50s,

1 was asked why he robbed banks, he said,  
2 "That's where the money is." Well, where the  
3 money is is where the school tax is. The  
4 money is not in consolidation; you're truly  
5 playing on the edges. The money is where the  
6 school tax is.

7 The bottom line is without dealing  
8 meaningfully with the issue of your school  
9 property tax, there is no reform that's going  
10 to be accomplished. Can this be helpful? I  
11 would certainly hope so. And I would hope  
12 that I would be able to support this bill.  
13 But the simple fact of the matter is to call  
14 this a major step, a big step, is a result  
15 only of using magnifying glasses and  
16 amplification.

17 The bottom line, basically, is we  
18 are truly here, at most, just playing on the  
19 periphery of an issue that has plagued this  
20 institution, has plagued this state for years,  
21 certainly more than a decade.

22 To advance this as somehow or other  
23 a major reform or making any significant  
24 difference in anybody's property tax bill is

1 truly an enormous reach and an injustice to a  
2 problem that still cries out, cries out every  
3 single day in every one of our constituencies,  
4 particularly where you have so-called  
5 independent school districts, and begs for  
6 reform that this doesn't come close to even  
7 touching.

8 ACTING PRESIDENT VALESKY: Thank  
9 you, Senator Saland.

10 Senator Marcellino.

11 SENATOR MARCELLINO: Thank you,  
12 Mr. President. On the bill.

13 ACTING PRESIDENT VALESKY:  
14 Senator Marcellino, on the bill.

15 SENATOR MARCELLINO: Would you  
16 buy a car without looking under the hood?  
17 Would you buy a car without test driving,  
18 kicking the tires, turning on the engine to  
19 see if the motor works? Would you buy a car  
20 without knowing the mileage, the gas mileage,  
21 especially today?

22 What this bill is asking us to do  
23 is to buy, literally, a pig in a poke. We  
24 don't know what this bill will achieve. There

1 is no -- as has been explained by Senator  
2 Saland's questioning, there is no real savings  
3 to be pointed to here that we can identify  
4 that makes any difference.

5 The savings is in the state. We  
6 tax too much and we spend too much. We should  
7 be consolidating state agencies. We should be  
8 consolidating state workforce, state business.  
9 We should be consolidating what we do here in  
10 Albany and eliminating waste and duplication.  
11 That's our problem.

12 We shouldn't be meddling around in  
13 water districts, in local communities, which  
14 are run usually very efficiently and very  
15 effectively and deliver a quality product.

16 I live on Long Island. We drink  
17 the water beneath our feet. We're very  
18 concerned about its quality. The people in  
19 the districts that handle that stuff handle it  
20 carefully and under great scrutiny, because  
21 the people of Long Island care about their  
22 water and they understand its important and  
23 significance.

24 I live in the Jericho Water

1 District. It is a water district that has  
2 never issued a bond to pay any bills. It is  
3 the best-run water district on Long Island, in  
4 my mind. It is one of the most effective, and  
5 amongst all of them -- they're all very  
6 effective. But the commissioners of that  
7 district have never sought to raise money by  
8 issuing bonds. It's been pay as you go. And  
9 they do it well, they have excess water, and  
10 they deliver a good product.

11 Why would we want to lose that?  
12 Why would we want to put that at risk? We  
13 talked about fire districts before. The key  
14 element in fire districts is response time.  
15 If you consolidate Fire District A with Fire  
16 District B, you still have to get to where the  
17 fire is. What house are you going to close?  
18 What equipment are you going to sell off?  
19 Because that's where the savings is going to  
20 be.

21 And if we start reducing the number  
22 of firehouses within your community, within  
23 our areas, we now run the risk of extending  
24 response time. Response time, as everybody

1 knows, is life and death. If you can't get  
2 there on time when the fire is going to rescue  
3 the people in the home or to protect and save  
4 the home, you have a problem. No amount of  
5 consolidation is worth putting someone's life  
6 at risk.

7           And when you're doing that, you're  
8 putting someone's life at risk for a savings  
9 which, as was pointed out so eloquently by  
10 Senator Saland, is extremely minimal at best.

11           The process belies, you know,  
12 explanation. The public is asked to vote on  
13 the concept of consolidation. No plan, just  
14 the concept. After the vote is taken, should  
15 it be successful, then a plan will be formed.  
16 By whom?

17           The only way the voters who  
18 supported the concept, according to this bill,  
19 can get a look at the plan is by doing another  
20 referendum with another petition with even  
21 more signatures required. It's not automatic.  
22 It doesn't go back to those voters.

23           I'm reminded of the Wizard of Oz  
24 movie where we saw the Emerald City, where you

1 heard the loud voice of the wizard, but when  
2 you got in there you saw the little old man  
3 throwing the levers and pulling the strings  
4 admonishing everybody, "Don't look at the man  
5 behind the curtain." Don't worry about the  
6 facts, don't worry about the details, just  
7 remember the wizard. Just believe in the  
8 wizard.

9 Well, I don't think we should be  
10 doing that to our taxpayers. I think it's  
11 dangerous. I think it's selling a bill of  
12 goods that isn't there.

13 We have to be very careful.  
14 Consolidation is important. Everybody wants  
15 to save money. I believe the Attorney General  
16 is working hard. I believe he wants to do the  
17 right thing, I really do. I don't believe  
18 this bill is crafted well enough. I believe  
19 it needs a lot more work before it should be  
20 put out there and before it should be passed  
21 to become law.

22 It's dangerous to put this sort of  
23 thing forward without a proper vetting,  
24 without the proper really hard look and full

1 explanation. When are we going to vote on  
2 this bill? Consolidation, according to this,  
3 will be done in a special election. Well,  
4 special elections are notoriously low-turnout  
5 elections. We've all experienced it. We've  
6 all run, in some cases -- I know I did. The  
7 turnout in that special that got me elected  
8 the first time in 1995 was about 20 percent of  
9 what turned out in the general election. I  
10 got the same percentage, by the way.

11 But the point being, the point  
12 being something like this should not be -- and  
13 as serious as this, as important as this,  
14 should not be the subject of a minority of  
15 votes and a very small amount of signatures.  
16 It should be done, in my mind, in the general.

17 It should be put up for a vote in a  
18 general election, where a majority of the  
19 voters are going to come out and a large  
20 number will turn out. Hopefully educated.  
21 Hopefully a full debate in the public, in the  
22 light of day, will be done by people running,  
23 where this issue can be fully vetted by the  
24 taxpayers. Who are the ones who are going to

1 have to pay the price for this.

2 Because once you've done it, once  
3 you've done this consolidation or the  
4 dissolution of these districts, you're not  
5 going to go back. You're not going to go back  
6 and put them back. Once the damage is done,  
7 it's over. And you have to live with that  
8 problem for years and years to come.

9 So, ladies and gentlemen, I  
10 strongly suggest that we look behind the  
11 curtain here, that we lift the hood up on that  
12 car and see what is actually there and make  
13 sure that it truly works and does what it's  
14 going to do.

15 And if we're going to ask our  
16 people and say that we're doing this in the  
17 guise of voter empowerment, I want to truly  
18 empower the voter. I want to make sure that  
19 voter knows what they're voting for. Not some  
20 mythical savings which isn't real. They  
21 should understand what the reality is before  
22 this thing is done. It's much too important,  
23 the issue is much too important for us to do  
24 this like this.

1                   I suggest this bill go back for  
2                   revision. And I'm not talking about chapter  
3                   amendments, I'm talking about revision  
4                   beforehand, before it's done. I think this  
5                   bill should be recalled. And I think it  
6                   should be redone so that we can have all of  
7                   the problems that have been pointed out here  
8                   fixed to everybody's satisfaction before it  
9                   comes to a vote on this floor.

10                   If comes in this form, if it stays  
11                   in this form, I will be voting no because I  
12                   don't think this is the -- I don't think this  
13                   is the true thing that it's pretending to be.  
14                   As I said earlier, this isn't the real issue.  
15                   This isn't the real thing. This is a wish.  
16                   And I don't think we should be voting on a  
17                   wish.

18                   I'm going to vote no on this bill  
19                   if it stays the way it is, Mr. President. And  
20                   I urge everyone else to do the same. Thank  
21                   you for your patience.

22                   ACTING PRESIDENT VALESKY:       Thank  
23                   you, Senator Marcellino.

24                   Senator Little.

1                   SENATOR LITTLE:     Thank you,  
2     Mr. President.   On the bill.

3                   ACTING PRESIDENT VALESKY:  
4     Senator Little, on the bill.

5                   SENATOR LITTLE:     Thank you.

6                   I would like to begin by thanking  
7     Senator Stewart-Cousins for asking me to be a  
8     cosponsor on a bill and for recognizing the  
9     fact that this is an issue that I have talked  
10    about and worked on and suggested legislation  
11    for for a number of years -- actually, since  
12    I've been in the Senate.

13                  I believe that we have to look at  
14    ways of being more efficient, as was spoken,  
15    at the state level as well as at the local  
16    level. I believe there are many local  
17    governments that would like to look at how  
18    they can be more efficient and that they also  
19    need help in making the process easier and  
20    having the state be a partner with local  
21    government in getting to the end result.

22                  I appreciate this legislation. I  
23    think that as we go forward we will see that  
24    much of this legislation can already be done

1 at the local level. But what it actually is  
2 trying to do is to streamline the process.

3 For every different entity that you  
4 want to do a consolidation or a merger for and  
5 have a vote on, you need a different  
6 percentage of signatures. So what this does  
7 is say that not 5 percent of those who voted  
8 in the last election but 10 percent of the  
9 eligible voters in a district would be allowed  
10 to petition that particular government.

11 There are two ways that you can  
12 reach this consolidation in this, and it's  
13 laid out step-by-step with what has to be  
14 included, hearings and the whole works.

15 The one is that an elected body  
16 would put forth a consolidation proposal or a  
17 dissolution of a village. And I have two sets  
18 of village-towns who are looking at this type  
19 of thing.

20 When they put it forth, if it's  
21 from the elected body, they have to have a  
22 consolidation plan with a fiscal note as to  
23 what the savings are, what the process is,  
24 what happens to the property, how everything

1 is going to work. And then it would go --  
2 have hearings as well, publications, and then  
3 it would go a vote.

4 The other one is when a percentage,  
5 10 percent of the eligible voters would come  
6 forward with a petition. Now, when that  
7 petition is brought, the elected body then  
8 sets a time to go to a vote. Certainly there  
9 will be a lot of discussion between then.

10 But as to having to come up with a  
11 full-scale plan, you might want to do that,  
12 but you might not want to do that if you know  
13 that this consolidation and this petition is  
14 from a real minority and is not going to pass  
15 anyway. So why do the plan and then put it to  
16 the voters.

17 Once those voters have decided that  
18 they want to pursue a consolidation, then a  
19 plan has to be devised that you have to have  
20 hearings, you have to have publications, you  
21 have to meet with all kinds of people and come  
22 up with how you would do it. That elected  
23 body can -- there can be another petition to  
24 go to a second vote, or that elected body can

1 call for a referendum and have that.

2 There are many opportunities here  
3 that could be taken by local governments.  
4 They may; they may not. This is a very  
5 emotional issue. It's an issue that affects a  
6 lot of people in a district. Some want it,  
7 some won't want it. But it gives an  
8 opportunity to bring this to a vote, and it  
9 really clarifies the process in a step-by-step  
10 way.

11 I have seen in my own district a  
12 lot of duplication. We talked about the  
13 counties. I have one village, the Village of  
14 Saranac Lake, which is in three towns and two  
15 counties. Now, there are layers upon layers  
16 of government in that area.

17 And as to trying to work together,  
18 we now have the village looking at becoming  
19 one unit with the town, the town that it is --  
20 has the greatest part of the village.

21 So whether that happens or not, I  
22 don't know. But throughout my district I've  
23 had two village police departments combine. I  
24 have, as I said, two villages and two towns

1 that are looking at how they can avoid the  
2 duplication and have a more efficient  
3 government.

4 Are there savings? There are  
5 savings in many of these districts, sewer  
6 districts, water districts, all kinds of  
7 districts, just in the administration. The  
8 people want the service. You're still going  
9 to have all the service. But you might be  
10 able to save in the administration of the  
11 operation that goes on. I have towns that  
12 have three and four water districts. You  
13 could have all those water districts being  
14 administered by one group.

15 So there are savings that can be  
16 generated by this. In the long run, you may  
17 be able to, through attrition, reduce the  
18 number of people that are employed by the  
19 village or the town. And especially if you  
20 dissolve a village, you're going to see some  
21 savings in that.

22 It is an emotional issue. But I  
23 really commend the Attorney General for  
24 putting forth this piece of legislation. I

1 served on the Lundine Commission, called the  
2 Commission on Government Efficiency. And  
3 many, many, many issues were discussed. And  
4 trying to move a couple of those issues  
5 forward is what's happening in this piece of  
6 legislation.

7 As I said, much of this can be done  
8 anyway by those local governments who choose  
9 to do it. We talk about initiative and  
10 referendum. We're giving people the  
11 opportunity, making it a little easier for  
12 them to petition government, to look at some  
13 consolidation.

14 And I believe that this is a good  
15 bill. I think that there are probably some  
16 things in it that need to be tweaked and will  
17 be, going forward. But I think that we as  
18 elected representatives owe it to our  
19 communities to be a partner in helping them in  
20 becoming more efficient if they choose to.  
21 And there is no mandate, as Senator  
22 Stewart-Cousins said, in this bill, absolutely  
23 no mandate anyplace that would require anyone  
24 to do anything. But if there is a petition or

1           there is a decision made, the steps are all  
2           laid out.

3                        So thank you. And I will be voting  
4           in the affirmative on this bill.

5                        ACTING PRESIDENT VALESKY:       Thank  
6           you, Senator Little.

7                        Senator Libous.

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

10                      I put an amendment on the floor  
11           earlier that I believed in. And it is my hope  
12           that when this bill passes that Senator  
13           Stewart-Cousins and the Attorney General will  
14           work with me to protect those fire districts,  
15           because I care very deeply about them and I  
16           will continue to pursue that issue.

17                      I would like now talk about the  
18           main bill and consolidation. You've heard a  
19           number of points for and against the bill, and  
20           I certainly have great respect for all of my  
21           colleagues and their positions.

22           Mr. President, I stand here to support the  
23           bill, and I want to share why.

24                      Consolidation is an issue that's

1 always talked about, but then when it comes to  
2 implementing, people get nervous because there  
3 may be a loss of a job or two or a merging of  
4 various departments. But yet everybody talks  
5 about consolidation. Even the local officials  
6 who run for office talk about consolidation.

7 In my district the people have  
8 spoken in the Village of Johnson City.  
9 They've actually petitioned -- as Senator  
10 Little said, you can do it now. They've  
11 petitioned, and they are moving forward. And  
12 I can tell you that not only are they moving  
13 forward with great speed, but they got the  
14 local governments to begin to talk about  
15 various mergers of departments, whether it be  
16 the water treatment facility or the police  
17 department or the fire department. They're  
18 now talking about two village fire departments  
19 merging together. But it was because the  
20 people spoke.

21 And, Mr. President, I support and  
22 have supported initiative and referendum. And  
23 I sometimes wonder why people get nervous when  
24 the voters want to have a say. They're the

1 same people who put us here, every one of us  
2 here in the Senate. The same people who made  
3 wise choices in electing us to the positions  
4 we hold. Why not allow them to make decisions  
5 in their own towns and villages as it pertains  
6 to their local governments?

7 As Senator Little said, and I think  
8 Senator Stewart-Cousins said, this legislation  
9 isn't mandating a thing. As a matter of fact,  
10 most of it is in law anyway.

11 I think the people need to have  
12 more opportunities to speak. They are the  
13 taxpayers. They are the men and women who not  
14 only provide the money that pay our salaries,  
15 but they pay the salaries of the local  
16 officials. And they certainly have a right to  
17 an honest say into how those dollars spent  
18 locally.

19 I applaud the Attorney General for  
20 taking a leadership move. I hope that he will  
21 be open to amendments, because many of my  
22 colleagues have brought up some very valid  
23 points. And I think that there needs to be  
24 some chapter amendments to this legislation.

1                   But I stand here to support the  
2                   effort. I think consolidation is an important  
3                   issue. And at least this will begin and has  
4                   begun the discussion. Everyone at the local  
5                   level is talking about the issue, and that's  
6                   positive. So if the Attorney General has done  
7                   anything, at least he's brought a new  
8                   awareness to the issue of consolidation. And  
9                   hopefully we can amend the bill so that we can  
10                  take care of some of the issues that were  
11                  brought up today.

12                  But we need to look at  
13                  consolidation seriously in New York State.  
14                  Many of our governments are overbloated. And  
15                  as we need to continue to trim state  
16                  government, we need give the locals an  
17                  opportunity -- not force them, but give them  
18                  their own opportunity to reduce and  
19                  consolidate governments.

20                  I vote aye.

21                  ACTING PRESIDENT VALESKY:        Thank  
22                  you, Senator Libous.

23                  Senator Craig Johnson.

24                  SENATOR CRAIG JOHNSON:        Thank you

1 very much, Mr. President. On the bill.

2 ACTING PRESIDENT VALESKY:

3 Senator Johnson, on the bill.

4 SENATOR CRAIG JOHNSON: I first  
5 want to thank my neighbor and colleague and  
6 the chairwoman of the Local Governments  
7 Committee, Andrea Stewart-Cousins, for  
8 sponsoring this initiative.

9 I would be remiss if I did not  
10 thank the Attorney General, Andrew Cuomo, and  
11 in particular his staff, Hank Greenberg and  
12 Jim Malatras, who throughout the process have  
13 had constant open lines of communications with  
14 respect to this issue.

15 And I think we can all say in this  
16 body that we all agree of the need to lower  
17 the cost of government here in New York State.  
18 The way I look at it, reasonable people are  
19 going to differ on reasonable positions. And  
20 notwithstanding the fact of hearing the  
21 proponents of the bill on the bill today, I  
22 believe that this piece of legislation  
23 contains some potential flaws and pitfalls  
24 that I don't see as being reconcilable at this

1           junction.

2                       Before I get into that, I think  
3           it's important just to quickly discuss the  
4           amendments that failed earlier today. And I  
5           commend you, Senator Libous, on the amendment  
6           that you brought up with respect to the fire  
7           districts. But it fell a little bit short  
8           because the bill, your amendment didn't exempt  
9           fire protection districts or village fire  
10          departments.

11                      I've got village protection  
12          districts in my district. I've got village  
13          fire departments in my district. Many of us  
14          do. And notwithstanding the good intention of  
15          the amendment, we didn't include those. And  
16          so it's kind of hard to split the baby  
17          Solomon-like.

18                      But I think, as you said, I am  
19          hopeful that you will work with us, and  
20          hopefully the Attorney General's office, on  
21          chapter amendments to address the issue of the  
22          volunteer firefighters. And whether it's  
23          through an exemption or creating a process  
24          where we give a full and fair opportunity --

1 through an arbitrator, a mediator,  
2 something -- to let the people understand  
3 what's going on, I'm hopeful we can get to  
4 that process.

5 And there's no doubt, Senator  
6 Farley, your issue on library districts and  
7 the important role that they play. But like  
8 my good friend Senator Marcellino talked  
9 about, water districts play a very important  
10 role in Long Island and in other places.  
11 Police districts. There are other special  
12 districts that impact the lives of our  
13 residents.

14 And so my concern on the library  
15 district is maybe look at other exemptions.  
16 And again, a positive piece of this  
17 legislation is that the effective date is not  
18 for 270 days after it's been signed into law.  
19 That gives us nine months to work together, to  
20 work together on addressing those particular  
21 issues.

22 And so it was hard, obviously, and  
23 you addressed great points. But the need to  
24 address them going forward is just as

1           compelling.

2                       A lot of the discussion both inside  
3           this chamber and the halls of the Capitol, all  
4           across the state, is the need to reduce the  
5           size of government. The concern is that we  
6           all represent different areas of the state.  
7           And my concern is what this bill could start  
8           is creating big government.

9                       And I'll give you an example. And  
10          it's an example I picked up on in reading the  
11          various editorials in support of this  
12          legislation. They discussed a particular  
13          village. I think the village was by the name  
14          of Tully -- coincidentally, my predecessor's  
15          predecessor in the 7th Senatorial District.  
16          And the editorial page took issue with the  
17          mayor of the Village of Tully for claiming of  
18          thwarting a consolidation into the Town of  
19          Tully. The population of Tully was in the  
20          hundreds; the Town of Tully was in the  
21          thousands, the low thousands. Interesting  
22          point.

23                       My concern is take a village in my  
24          district -- and I rent 33 of them, ladies and

1 gentlemen, 33 villages. They range in size  
2 from the high hundreds to the tens of  
3 thousands. Consolidating a village in my  
4 district into one of the three towns I  
5 represent -- I represent towns with population  
6 over 200,000, over 700,000, over 300,000.  
7 Talk about big government. Talk about big  
8 government.

9 I think what we need to do is take  
10 some time. I think what we need to do is take  
11 some time. I think that the well-intentioned  
12 provisions of this law unfortunately  
13 potentially create some mischief. There's no  
14 doubt there have been instances and examples  
15 of villages, under the current threshold of  
16 the law, 33 percent of the owners of real  
17 property have had efforts to consolidate under  
18 the law. And they've tried. And there have  
19 been instances, and I think there are members  
20 in the Senate body who have been involved in  
21 some of those efforts in the past in other  
22 roles.

23 Now what we're doing is we're  
24 dropping the initiative to 10 percent, one out

1 of 10 individuals who live in the district,  
2 who are electorates in the district, live in  
3 the district. One out of 10. I don't know if  
4 that's really indicating something. One out  
5 of three, one out of three persons, maybe, to  
6 bring a referendum. But one out of 10, I  
7 don't know.

8 But the other concern I have is  
9 that these referendums, these referendums can  
10 become special elections, which have  
11 notoriously low turnout. It doesn't  
12 necessarily accurately reflect whether the  
13 electorate wants to undertake something.

14 I don't know what the efforts will  
15 be to address the issue of if somebody is  
16 angry at village hall, to have them undertake  
17 paid canvassers to go around and collect  
18 signatures and start the process. I don't  
19 know.

20 I know that Senator Little  
21 discussed the issue of the plan first versus  
22 the referendum. I also know that all of us  
23 here are experienced in campaigns, and things  
24 many times are said in campaigns.

1                   But I think it's important that  
2                   regardless if you took the plan first or the  
3                   plan second, you have to be allowed to vote on  
4                   the plan. And it shouldn't be triggered by a  
5                   permissive referendum. Right now the  
6                   legislation says that if a referendum passes  
7                   and you now start the process of a  
8                   consolidation or dissolution, start it by  
9                   voter electorates, that at the end of the day  
10                  that plan takes place unless you have another  
11                  petition drive.

12                  Never mind the fact that the  
13                  original petition drive has no cutoff date on  
14                  signatures -- you can collect them for  
15                  months -- and the vote on a plan has a short  
16                  cutoff date, you have to rush out and get  
17                  signatures after 45 days. Put that aside, and  
18                  put aside the fact that you have different  
19                  higher thresholds. Why wouldn't the  
20                  proponents of a consolidation or dissolution  
21                  want to put their plan immediately up for a  
22                  vote?

23                  And by the way, ladies and  
24                  gentlemen, we talk about nothing is mandated.

1 Well, what this actually does is create a  
2 little bit of an unfunded mandate that we talk  
3 about that we want to prevent. The unfunded  
4 mandate is, if you read it, the villages or  
5 the entities that are being consolidated or  
6 dissolved have to pay for the plan. There's  
7 no incentive.

8           When I served on the Lundine  
9 Commission and when we talked about these  
10 issues, one of the things talked about quite a  
11 bit was if people want to consolidate or  
12 dissolve, you've got to offer incentives. So  
13 one of the things that has to be taken into  
14 account in any kind of fiscal impact has to be  
15 what's the cost going to be for actually  
16 putting this plan together. And it's going to  
17 take a lengthy process.

18           And then we have to look at the  
19 result. And then we have to look at the  
20 issues. What about labor costs? What about  
21 union contracts? What happens to them? A lot  
22 of it's open-ended, and I understand that.  
23 It's a process, we're starting a process. But  
24 there are a lot of questions, ladies and

1 gentlemen. A lot of questions.

2 And so my concern as I'm here today  
3 is I agree, Senator Libous, it's about the  
4 people, letting the people decide. But we  
5 need to do it in a way that we correct the  
6 pitfalls.

7 When we are involved in a petition  
8 process to get on the ballot, there is a right  
9 to challenge the signatures. I think we've  
10 even had debates here this session on changes  
11 to the Election Law that people brought up  
12 that very point.

13 Is there a way to challenge those  
14 signatures in here? I don't know. I don't  
15 think so. I think the village clerk or the  
16 clerk in the town who takes the petitions  
17 takes and checks them off. Is there a way for  
18 people to challenge those signatures other  
19 than to look at it?

20 So there are questions, ladies and  
21 gentlemen, there are questions. I had hoped  
22 and I had wished to do hearings on this. We  
23 spent a year on the Lundine Commission going  
24 around and talking about this and listening to

1 both sides, to both sides. And obviously  
2 there can and should be ways to address these  
3 issues, because they are important. Because  
4 we do want to reduce the cost of government  
5 and give relief to our constituents.

6 But my concern is today, as we vote  
7 on this bill, there are just too many  
8 unanswered questions. And so as much as I  
9 regret, I am going to have to break ranks with  
10 my friend Andrea Stewart-Cousins and I am  
11 going to have to oppose this legislation for  
12 the reasons I've set forth.

13 Thank you, Mr. President.

14 ACTING PRESIDENT VALESKY: Thank  
15 you, Senator Johnson.

16 Senator Morahan.

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

19 Much has been said about this bill,  
20 pro and con, which clearly indicates it's not  
21 a perfect bill. But in all the years I'm  
22 here, I never had the opportunity to vote for  
23 a perfect bill.

24 We hear these questions and these

1 specters looming up in front of us like  
2 they're insurmountable. I believe over the  
3 next nine months we will continue to get input  
4 from local villages, from constituents, on and  
5 on, to indicate what we may have to do to  
6 tweak this bill. Because there are some  
7 concerns.

8 But overall what we're doing is  
9 we're giving people, the taxpayers, something  
10 to say about their own destiny. And what I  
11 hear from those who are not supporting the  
12 bill today is that we know best, we know of  
13 all the foibles, and we have to protect the  
14 people from themselves because they may not be  
15 as smart or as wise as we are, that they won't  
16 see these same pitfalls that some point out in  
17 this chamber.

18 I believe this is the start of  
19 something good. I have concerns, I had  
20 concerns, and I spoke for the Attorney  
21 General's office as well. And I believe that  
22 after the commissions -- the Suozzi  
23 Commission, Governor Spitzer, now the Attorney  
24 General all coming out with this thrust of

1           what we can do to deal with the magnitude of  
2           the sheer numbers of local districts and local  
3           municipalities -- that maybe it is time for  
4           that in-depth review.

5                         And I think people in the villages  
6           know what they want, know what they will pay  
7           for, know what is excessive. We have seen  
8           already mergers. We've seen villages pass off  
9           to towns the police departments because of  
10          economic drivers. So I give them full credit  
11          on how to deal with this particular bill.

12                        What we've done, in essence --  
13          because all of the things that we propose in  
14          this bill are doable under current law -- what  
15          we're doing here is just making this a little  
16          bit less onerous and burdensome. Some of the  
17          original law was driven so people would be  
18          discouraged. Villages were a creation of  
19          votes, they were a creation of the people, not  
20          by any constitution. And therefore, the same  
21          people have the right to dissolve, they have  
22          the right to merge, they have the right to  
23          dictate their own destiny.

24                        And while all of us have some

1 reservations, I have trust in the people,  
2 certainly in my district, and the people in  
3 the State of New York that they're just as  
4 smart as we are, they're just as knowledgeable  
5 and will become more knowledgeable, and they  
6 will move this process where it is appropriate  
7 and it won't move where it would be  
8 inappropriate.

9 I will cast my vote in the  
10 affirmative, Mr. President.

11 ACTING PRESIDENT VALESKY: Thank  
12 you, Senator Morahan.

13 Senator Larkin.

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

16 I've read this bill twice. I've  
17 read parts of it three or four times. And I  
18 haven't been a local government official. I  
19 have some serious questions.

20 The intent is perfect. Some  
21 members in this chamber remember Senator  
22 Charlie Cook, late Senator Cook. I was in the  
23 Assembly, he was in the Senate, and we tried  
24 to put this package together. And we found

1           stumbling blocks all over. Most of it came  
2           from turf. Some of it came from strong-armed  
3           outside agencies.

4                         But one of the things that we  
5           included in our proposal was the financing.  
6           Because if two units are going to merge -- and  
7           this goes back to when we used to talk of  
8           revenue-sharing, not AIM -- we provided a  
9           structure in there so that AIM money would go  
10          into the two or more prospective units to be  
11          consolidated for a period of five years.

12                        Now, we don't talk about that in  
13          here. We don't talk about that. And we don't  
14          talk enough about the indebtedness.

15                        I've seen water districts that went  
16          to the comptroller in 1976 and the comptroller  
17          said you can't dissolve them, what you need to  
18          do is to take Water District 11 and make part  
19          of it Water District 11A and Water District  
20          11B. The same thing with the Attorney  
21          General.

22                        So I don't see this in here. If  
23          it's in here, I'm blind, because I'm not  
24          reading it. And I think these are some of the

1 things that the public should know before any  
2 of this is done.

3 The original concept we had 20,  
4 25 years ago is still good today. The intent  
5 of this bill, I give Senator Stewart-Cousins a  
6 lot of credit and Betty Little and John  
7 Bonacic and DeFrancisco and a lot of others.  
8 And Tom Libous too. But the point that I'm  
9 making is that we're losing some factors here  
10 that the public should know about.

11 I couldn't in good conscience tell  
12 my people to vote for this when there's  
13 something left out of it, something that  
14 affects their pocketbook. I hear people say  
15 this will save us 22 to 24 percent. I say,  
16 sit down and show me. Well, we'll do this,  
17 we'll do this, we'll do -- no, you're not.  
18 That's not in here.

19 The plan to dissolve it as it was  
20 projected years ago was laid out so  
21 everybody -- and while we're talking about it,  
22 why are we saying, well, we'll eliminate this,  
23 we'll eliminate that, we'll eliminate this,  
24 we'll eliminate? That goes back to the

1           problem that some of us in the MTA area had  
2           when we said we'll excuse you, we'll excuse  
3           you, but we'll tighten it up on someone else.

4                         Now, to the people New York City,  
5           why don't we consolidate boroughs? I read in  
6           the papers where they say the borough  
7           president is strictly a ceremonial position.  
8           And he does this, that and the other, but he  
9           has no effective management of the City of  
10          New York. That's the mayor. You want to save  
11          some money? Start right there.

12                        Why are we just sticking to towns  
13          and villages? What's the matter with cities?

14                        There was a plan here about 15  
15          years ago to make elements of government  
16          within so many years continuous. Look at some  
17          of our school districts upstate in the small  
18          areas. We have school districts with less  
19          than a thousand students. Yet we keep them.  
20          I think it's a mistake to not take a good hard  
21          look at these.

22                        This is serious business. And I  
23          appreciate the effort that's been put forth.  
24          But I'm saying we are not doing enough to

1 ensure that we're providing the people of this  
2 state with specific information on what you're  
3 buying.

4           You read this book, you read it,  
5 and it tells you we'll do this, we'll do that,  
6 we'll do this, we'll do that, we'll do this.  
7 But what are we doing to ensure that the  
8 public has the knowledge?

9           The original concept was  
10 Municipality A and B want to get together.  
11 Each one of them have a separate hearing.  
12 Then they have the board decision. Then they  
13 have a consolidated. And then the agreement  
14 was signed as to what was going to be done.

15           That's not in here. When you talk  
16 about the fire districts -- I have a fire  
17 district that serves five municipalities. How  
18 do you take them out and separate them and let  
19 them see what's going on? You can't. No  
20 matter what we want to say here, politically  
21 or not, if you don't think there's ego and  
22 there's turf you've got to be worried about in  
23 here, you're foolish. If you think CSEA is  
24 going to stand by, PEF and a lot of others,

1           because they do not feel they're getting a  
2           fair shake -- anybody can tell me, I have a  
3           thousand emails from Long Island alone that  
4           says this is not in the best interests of the  
5           taxpaying public.

6                         We keep talking about what we're  
7           going to save, but I don't see it here. Do I  
8           agree we need to do some consolidation? Five  
9           hundred percent I do. But we're going at it  
10          ass backwards. Excuse my language, ladies.

11                        I think what we need to do is start  
12          to say we want to have a consolidation, and  
13          here's the elements of consolidation. Now,  
14          John Flanagan can tell you this, because when  
15          he was a young boy they wanted to consolidate  
16          his school district, and his father said to  
17          him: John, you'll never play for that school  
18          and wear pink and gray. And somebody else  
19          will say: And you'll never wear black and  
20          blue. They bruised up a little bit.

21                        But if you don't think that those  
22          are real issues, you're fooling yourself. You  
23          go to a firehouse, and Senator Johnson just  
24          mentioned it very clearly. These firehouses,

1 we're talking about volunteers. We're not  
2 talking about someone who's getting a check.  
3 We're talking about someone who gives their  
4 whole life to protecting their fellow  
5 citizens -- winter, summer, sleet, storm,  
6 whatnot. They don't get -- the pride they get  
7 is what what's it. There's no paycheck there.

8 But then we're going to say to  
9 them: Well, we're going to take care of you.  
10 Take care of you how? Why are we so damn  
11 closed eyes, closed ears, to sit down -- why  
12 don't we have the Attorney General and the  
13 people in this house and the other sit down,  
14 sit down with the Association of Counties,  
15 Association of Towns, the Conference of  
16 Mayors, some of our chambers of commerce.  
17 They would all want to be partners in this.

18 This is a rush job. Do I  
19 appreciate what the Attorney General is trying  
20 to do? Most certainly. I don't know if the  
21 Governor will even sign it if we pass it,  
22 because you have to realize the Governor has  
23 his proposal. This is the Attorney General's  
24 proposal.

1                   And what are we really doing?

2                   We're making a big political show because we  
3                   haven't produced this year for the people of  
4                   the State of New York. And they know it. I  
5                   have not one, not one piece of correspondence  
6                   from the 31 municipalities in my district or  
7                   my 18 school districts that says to me:  
8                   Support this consolidation. They have  
9                   constantly said to me, This is a shame.

10                   Start from ground zero. If you  
11                   don't start from ground zero, you're not going  
12                   to accomplish anything. It's nice to say  
13                   we're going to save money. But if you were  
14                   buying an estate plan, wouldn't you go in and  
15                   want to find out what the plan is going to do  
16                   for you? You wouldn't walk in and say, here's  
17                   a hundred thousand dollars and throw it on the  
18                   table. You want to know what it's going to  
19                   give you.

20                   We don't know here. And we're  
21                   blind-eyed because we say, you know, this is  
22                   consolidation, this is what the public wants.  
23                   They want -- they may want consolidation, but  
24                   they want it done in a manner which will

1 reflect on something positive for the State of  
2 New York.

3 How does it help our remaining  
4 municipalities? What will they be doing?  
5 What will be the jurisdiction? Where will our  
6 law enforcement come from?

7 We have plenty of things today if  
8 you want to dissolve a unit. It's in the  
9 books. You can do it. But we don't want to  
10 do it, we're looking for a quick fix. And a  
11 quick fix, that's what drug dealers do, quick  
12 fixes. We're legislators. We were sent here  
13 to do a job, not to play politics. We were  
14 sent here to do something that will increase  
15 the quality of life of the people of this  
16 state.

17 Mr. President, I would love to  
18 support this bill because I think it's got  
19 some good avenues of approach. But until we  
20 correct that and let the public know what  
21 they're buying, I cannot vote for this bill.

22 ACTING PRESIDENT VALESKY: Thank  
23 you, Senator Larkin.

24 Before recognizing Senator

1           Stewart-Cousins to close the debate, are there  
2           any other Senators who wish to be heard?

3                         Senator Owen Johnson.

4                         SENATOR OWEN JOHNSON:        Yes, thank  
5           you, Mr. President.

6                         Well, we've heard a lot, but we  
7           don't know a lot.  And the reason is because  
8           we haven't had too much discussion about this  
9           bill.  It's been rushed to the floor for a  
10          vote.

11                        You know, it's not always good to  
12          hear something you think is a great idea and  
13          rush in and do it.  My mother said to me once,  
14          act in haste, repent at leisure.  That's what  
15          you're going to be doing if you vote for this  
16          bill.  Because the simple fact is that we  
17          don't know all the mischief that could be  
18          created by this bill.

19                        We don't know what the cost is  
20          going to be.  And some lawyers here will be  
21          smiling, I'm sure.  They'll have a lot of work  
22          in their communities because it's going to  
23          create a lot of legal action, activity.  And  
24          whether there's any profit, nobody knows.

1                   Ten percent of the people can  
2           decide that some consolidation measure,  
3           whatever it might be -- and if the people vote  
4           for the idea, good. But they don't have any  
5           particulars. They won't find out till later,  
6           until after you adopt the thing, that they can  
7           create something that maybe they haven't even  
8           anticipated taking place.

9                   There's no security about voting.  
10          What are the regulations about voting? When  
11          and how are you going to vote? Who's going to  
12          do it? Who's going to check the petitions and  
13          all that business, the board of elections or  
14          some other group that we set up to count the  
15          votes and know who came in to vote and who  
16          didn't come in to vote?

17                   So a small minority of people could  
18          really create a chaotic situation in many of  
19          our communities. And it's been suggested that  
20          this change should take place and that change  
21          should take place. In fact, we already said  
22          that we want to change it for the fire  
23          districts, change it for the libraries. Maybe  
24          we're going to make other changes. But once

1           this becomes law, you might not ever get a  
2           chance to make those changes. Think about  
3           that.

4                         This is not a perfect thing.  
5           Everybody knows it's imperfect. We're going  
6           to adopt it because somebody said we're in a  
7           hurry to save money. We don't know what the  
8           costs are going to be, we don't know what the  
9           benefits are going to be. This is really  
10          blindsiding everybody.

11                        And the media may think it's a  
12          wonderful thing, but don't let them buffalo  
13          you and push you around. Tell them when this  
14          bill is perfected, we'll bring it up again and  
15          then we'll vote on it. Till then, we're not  
16          going to do it.

17                        ACTING PRESIDENT VALESKY:     Thank  
18          you, Senator Johnson.

19                        Senator Stewart-Cousins, to close.

20                        SENATOR STEWART-COUSINS:     Thank  
21          you, Mr. President.

22                        I really appreciated the debate and  
23          certainly appreciate the commitment that all  
24          of my colleagues have on both sides of the

1 aisle to tackle the things that we all know  
2 that the people sent us here to tackle. And  
3 we know, whether or not it's a big step or a  
4 little step or whatever, that it is an  
5 important step, because today is the step that  
6 we take where we actually stop studying an  
7 issue and start really doing something about  
8 it.

9 I looked at how long we've been  
10 talking about this issue. It seems that in  
11 1935, the Commission for Revision of Tax  
12 Laws -- because even in 1935, they were a  
13 mess -- we studied. And then in 1970 we had a  
14 Temporary State Commission on Powers of Local  
15 Government to study how to do what we are  
16 beginning to do today. That was in 1973.

17 In 1990 through 1992, we had a  
18 Local Government Restructuring Project that  
19 was convened by the Rockefeller Institute.  
20 And from 1990 to 1993, the Commission on  
21 Merging Local Governments, by Governor Cuomo,  
22 was convened.

23 2002 to 2004, the Commission on  
24 Local Government Reform, Governor Pataki. And

1           then the Commission on Local Government  
2           Efficiency and Competitiveness, chaired by  
3           former Lieutenant Governor Stan Lundine,  
4           brought us from 2007 to 2008. Clearly, we  
5           have done a lot of studying on this issue.

6                        So today, ladies and gentlemen, we  
7           are closing the book on those studies and  
8           walking forward in terms of actually creating  
9           an environment that allows people, the  
10          electorate, those people that we trusted  
11          enough -- yes, even during special  
12          elections -- to vote for the right person and  
13          send them here, these people can also look at  
14          their governments, look at their special  
15          districts, and make decisions.

16                       And we are in a position where  
17          through our legislation, through this  
18          initiative, we are able to help people walk  
19          through the process and, yes, do the things  
20          that they think are necessary.

21                       I think that before we close I need  
22          to thank a lot of people. And the first  
23          person I do want to thank is our Majority  
24          Leader, Senator Smith, for his leadership on

1 the issue. I also want to thank my colleagues  
2 on both sides of the aisle for their support.  
3 My staff members, who worked so hard on this.  
4 My legislative director, Kate Glazer; counsel  
5 to my committee, Susan Grelick; the Senate  
6 Policy Committee staff members: Tonya Cantlo,  
7 Dave Marcus, Dave Krakauer; our counsel to the  
8 Majority, Shelley Mayer.

9 I want to thank the Attorney  
10 General for the work that he's done and his  
11 staff, who I think many of you have heard have  
12 always had a listening ear. And I want to  
13 thank Hank Greenberg and Jim Malatras for  
14 their support. I also want to thank the  
15 Attorney General for working alongside of  
16 Governor Paterson.

17 And of course I want to thank the  
18 other house of this Legislature for passing  
19 this bill.

20 I thanked my ranker, Betty Little,  
21 already, but I will thank her again for being  
22 steadfast and supportive.

23 And more than that, I really want  
24 to thank the people of New York State, because

1 we are all hire through their good graces and  
2 we are making these initiatives and these  
3 steps because of their will to see us act in  
4 ways that will help them. Their demand for  
5 change and reform helped us get to this place.  
6 And I'm confident that, again, these initial  
7 steps will be the beginning of real reform,  
8 real relief in property taxes, and real  
9 empowerment for the citizens of our  
10 government.

11 So I thank you, Mr. President.

12 ACTING PRESIDENT VALESKY: Thank  
13 you, Senator Stewart-Cousins.

14 The debate is closed.

15 The Secretary will ring the bells.

16 The Secretary will read the last  
17 section.

18 THE SECRETARY: Section 19. This  
19 act shall take effect on the 270th day.

20 ACTING PRESIDENT VALESKY: Call  
21 the roll.

22 (The Secretary called the roll.)

23 ACTING PRESIDENT VALESKY:  
24 Senator DeFrancisco, to explain his vote.

1                   SENATOR DeFRANCISCO:     Yes,  
2           there's been a lot of debate on this bill to  
3           consolidate or at least give the people of our  
4           respective Senate districts the right to vote  
5           on whether to consolidate various governmental  
6           and other entities.

7                   And this bill is certainly not  
8           perfect. I don't know of any bill that's ever  
9           been passed here that's been perfect. But on  
10          the other hand, whenever you can give the  
11          localities and the taxpayers the right to make  
12          a decision when there's stagnation by  
13          government, I think it's a good thing. That's  
14          why I've always supported the initiative and  
15          referendum bill.

16                   I think those who are opposed or  
17          some of the arguments that I heard of those  
18          that were opposed I don't think give the  
19          taxpayers and the voters enough credit to make  
20          a decision in a right way whether it's a good  
21          thing or not a good thing to consolidate.

22                   For those reasons, I'm going to  
23          support this bill and I do support this bill.  
24          And I'll give you one example of how important

1       it is. We had a police department in Onondaga  
2       County, the Clay Police Department, and their  
3       supervisor decided to bring that to the  
4       voters. Well, there was a big debate, just as  
5       much argument on both sides as there were in  
6       the chambers today. The people decided to  
7       consolidate. And now the Town of Clay is  
8       saving about a million dollars as a result of  
9       the Clay Police Department now merging with  
10      the sheriff's department.

11                If that's what people want, we  
12      should allow them to have that choice.

13                Lastly, we should take the example  
14      of this bill, of what we're giving the people  
15      locally, to pass initiative and referendum  
16      here so people can put bills on the agenda  
17      dealing with state issues. And also we should  
18      provide more savings to the people of our  
19      communities by way of consolidating areas in  
20      state government as well.

21                Thank you, Mr. President.

22                ACTING PRESIDENT VALESKY:

23      Senator DeFrancisco to be recorded in the  
24      affirmative.

1                   Senator LaValle, to explain his  
2                   vote.

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

5                   Certainly real property taxes are  
6                   important to all of our constituents. The  
7                   Attorney General deserves a lot of credit for  
8                   going out and trying to put forth a proposal  
9                   to address that problem, as he has done, you  
10                  know, in saving students money through the  
11                  SLATE bill that he put forth, and again on  
12                  proposals to deal with superintendents  
13                  double-dipping and independent contractors who  
14                  were full-time individuals.

15                  If you had asked me yesterday  
16                  morning how I would vote on this bill, I would  
17                  have told you yes. But I began to look at the  
18                  bill and listen to some of the individuals.  
19                  My colleague Owen Johnson really raised a  
20                  consciousness about we represent communities.  
21                  And you start to think about the communities  
22                  that we represent and what people are saying  
23                  in those communities about the government that  
24                  they want.

1 I remember being out in the  
2 Mattituck School District, 200 people. And  
3 Matt Crossen, who is the president of the LIA,  
4 made a presentation, basically on this bill,  
5 how we needed to consolidate. When I followed  
6 Matt Crossen, I asked the 200 people, "How  
7 many people in this room want to consolidate  
8 any district or special district?" Not one  
9 hand went up.

10 I'm concerned about the village  
11 provision that has counties playing a key  
12 role, even though there are safeguards that  
13 the village can override what the county  
14 wants. And the volunteer firefighters, who  
15 volunteer, are not paid, and have said to me  
16 that this is not a good bill.

17 In my own district we are doing a  
18 dissolution process of a fire district, Gordon  
19 Heights Fire District. So there is a process  
20 for dissolution. There is a process for  
21 villages to combine.

22 And so I wish we had more time and  
23 resolved some of these problems, and I am  
24 going to vote in the negative.

1                   ACTING PRESIDENT VALESKY:

2           Senator LaValle to be recorded in the  
3           negative.

4                   Senator Foley, to explain his vote.

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

7                   Certainly this issue has captured  
8           the imagination of many in our state,  
9           particularly in the area of how we can work  
10          together in order to consolidate services.

11                  When we read the math on this  
12          particular measure, no doubt it will be  
13          approved today. I will be supporting this  
14          particular measure, and I want to commend the  
15          Attorney General for the outstanding service  
16          that he's done to our state and on this  
17          particular issue.

18                  But I think it's important to note  
19          that over the next nine months there will be a  
20          number of us within the Senate who will be  
21          working very closely with our Attorney General  
22          in order to put forward chapter amendments  
23          that will particularly address the concerns  
24          raised by our volunteer fire services, whether

1       it's volunteer fire departments or fire  
2       protection districts. We know that there have  
3       been a number of issues that they have raised,  
4       and that many of us have expressed today in a  
5       bipartisan fashion that we intend to address  
6       those concerns over the next number of months  
7       through chapter amendments.

8                 So with that particular  
9       understanding, I will be supporting the  
10      measure today. I look forward to making  
11      improvements. It's been said earlier,  
12      particularly by Senator Morahan, there's been  
13      no in the history of either our state or of  
14      our country that is absolutely perfect. But  
15      we will, moving forward, make it less  
16      imperfect by adopting chapter amendments that  
17      will address concerns that were raised today,  
18      raised by men and women who have volunteered  
19      their time and effort in order to protect the  
20      lives and property of our different  
21      constituencies.

22                 I will vote in the affirmative.

23      Thank you, Mr. President.

24                 ACTING PRESIDENT VALESKY:

1 Senator Foley to be recorded in the  
2 affirmative.

3 Senator Stachowski, to explain his  
4 vote.

5 SENATOR STACHOWSKI: Yes,  
6 Mr. President, I too would like to  
7 congratulate Senator Stewart-Cousins. Also  
8 the Attorney General, for not only putting the  
9 bill together but also traveling across the  
10 state making presentations on the bill and  
11 showing us that, yes, I know a lot of these  
12 things are already in law, but it's a mishmash  
13 and a mess the way they all are constructed.

14 And as someone said earlier, and  
15 I'm going to give him credit but not mention  
16 his name -- he'll know who he was -- that all  
17 these localities then say, Well, it's the  
18 state's fault we can't do this. We'd be happy  
19 to look into the consolidation, but the state  
20 won't let us.

21 So although there might be some  
22 problems in this bill -- and I've heard from  
23 my fire districts also, and we're looking  
24 forward to working with them and see if it's

1           necessary to work on some kind of chapter in  
2           the future -- I think it's very important that  
3           we pass this bill now. And then if we need to  
4           do a chapter, we can do it, to clean up  
5           anything that we think needs to be cleaned up.

6                         And I think that in the case of the  
7           volunteer fireman that may come true, because  
8           a lot of us have heard from our firemen and  
9           we've listened to them and we've already been  
10          talking. So with that in mind, and the fact  
11          that the Attorney General did so much work on  
12          this, I'm glad to stand here today and vote in  
13          the affirmative.

14                         Thank you, Mr. President.

15                         ACTING PRESIDENT VALESKY:  
16          Senator Stachowski to be recorded in the  
17          affirmative.

18                         Senator Schneiderman, to explain  
19          his vote.

20                         SENATOR SCHNEIDERMAN:     Thank you,  
21          Mr. President. I rise in support of this  
22          legislation. And I guess listening to this  
23          debate today, it makes me appreciate all the  
24          more Senator Stewart-Cousins, Senator Little,

1 and the others who have led us in this effort.  
2 And our Attorney General, who has provided  
3 terrific leadership.

4 Boy, is it hard to get something  
5 done in this state. That's my reaction to  
6 this debate. Ladies and gentlemen, we have to  
7 do something. We cannot sit here in Albany  
8 and say we can't cut this agency, we can't cut  
9 that agency, we can't do anything about taxes,  
10 we can't do anything about local governments.

11 The people of the state want us to  
12 take action in all of these areas. And this  
13 bill is a modest, prudent step towards  
14 reducing one aspect of the burden on the  
15 people of the State of New York, which is that  
16 we have over 10,000 taxing jurisdictions. So  
17 thank you, ladies and gentlemen, for your  
18 leadership.

19 And to all my colleagues who are  
20 concerned about this, we all have concerns  
21 about everything. But the gridlock of Albany  
22 has to stop. And with this bill, in one small  
23 way we put an end to it.

24 I vote yes, Mr. President, and urge

1 everyone to support Senator Stewart-Cousins in  
2 her ongoing work to streamline government, to  
3 make it more efficient and effective. And I  
4 think we need more legislation like this, not  
5 less.

6 Thank you.

7 ACTING PRESIDENT VALESKY:

8 Senator Schneiderman to be recorded in the  
9 affirmative.

10 Senator Winner, to explain his  
11 vote.

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

14 You know, in areas such as mine  
15 that I represent, which is a large part of  
16 rural New York, there's nothing more than  
17 important than the provision and the  
18 maintenance of our volunteer firefighter  
19 services and our EMS responders. Those  
20 individuals perform the types of services that  
21 cannot be replaced without the expenditure of  
22 billions of dollars.

23 And let's not be mistaken. The  
24 circumstances surrounding the existence of

1 volunteer firefighter services and EMS  
2 providers in this state is at a crisis level.  
3 The level of volunteers are shrinking. The  
4 protection that is out there for communities  
5 such as mine are in peril because of the lack  
6 of volunteers.

7 And while I am, you know, and  
8 everyone in this room -- I don't know how  
9 anybody can say that they're opposed to  
10 consolidation and saving the real property  
11 taxpayer money -- I think that first and  
12 foremost you have to make sure that you're  
13 providing for the public safety of the  
14 citizens that we serve.

15 And I feel that this measure is  
16 imperiling and potentially imperils the public  
17 service that is occurring, particularly in  
18 rural New York. And as such, I am disposed to  
19 oppose it.

20 You know, I think it's unfortunate  
21 that I've heard that, well, you know, this is  
22 not great, and we'll fix it later. You know,  
23 I think rather than taking a step forward that  
24 is potentially going to place our volunteer

1 firefighter services and our EMS provider  
2 services at peril with an acknowledgment that  
3 it needs to be fixed, why would anyone ever go  
4 down that road? Why aren't we fixing it  
5 before we go down that road and imperil the  
6 continuing delivery of those vital services to  
7 rural New York in particular?

8 So for those reasons, my  
9 colleagues, I just think that this measure  
10 should now be revised to take care of those  
11 concerns, rather than hoping down the road  
12 that we're going to take care of it later.

13 So I vote in the negative,  
14 Mr. President.

15 ACTING PRESIDENT VALESKY:  
16 Senator Winner to be recorded in the negative.

17 Senator Klein, to explain his vote.

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

20 I rise in support of this  
21 legislation today. And I want to thank my  
22 colleague Senator Andrea Stewart-Cousins and  
23 our Attorney General for putting forth this  
24 program bill.

1                   You know, everyone, I think by now  
2                   knows, of course, about the Suozzi Commission  
3                   report, which talked about ways to save on  
4                   property taxes. But one of the things we  
5                   don't always know about is the Lundine report,  
6                   which was released before the Suozzi report,  
7                   which talked about ways we can consolidate  
8                   government.

9                   When our constituents look at their  
10                  property tax bill, it's very important to  
11                  point out that 60 percent, on average, may be  
12                  the school tax, but 40 percent is the local  
13                  government tax. So anything we can do to save  
14                  our taxpayers money as far as property tax is  
15                  concerned is something we should be looking  
16                  at.

17                 The thing I don't understand -- and  
18                 I listened to the entire debate here, of  
19                 course, today -- is if our local governments  
20                 are performing efficiently, our water  
21                 districts, our fire districts, what do they  
22                 have to hide? There is no chance that the  
23                 local voters would want to petition for  
24                 consolidation.

1                   So I think one of the things of the  
2                   importance of this bill, I believe, is sort of  
3                   keeping local governments, school districts,  
4                   special districts honest, so to speak, where  
5                   they have to be efficient, they have to make  
6                   sure they what they're supposed to be doing in  
7                   a cost-effective manner.

8                   So I think this is allowing, I  
9                   believe, the voters in our districts to play a  
10                  greater role in keeping local governments and  
11                  special districts much more efficient. And I  
12                  think the result will certainly be, at the end  
13                  of the day, a reduction in property taxes,  
14                  which I know we all want.

15                  I vote yes.

16                  ACTING PRESIDENT VALESKY:  
17                  Senator Klein to be recorded in the  
18                  affirmative.

19                  Senator Seward, to explain his  
20                  vote.

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

23                  I rise to congratulate the Attorney  
24                  General as well as the sponsors on both sides

1 of the aisle of this legislation before us,  
2 because it does bring to the forefront the  
3 whole issue of consolidation, and that's very,  
4 very important to do that.

5 There are many very positive  
6 aspects to this legislation. As a supporter  
7 of initiative and referendum, I find the  
8 provisions in terms of giving the public and  
9 the voters more of a say in this whole matter  
10 of consolidation, that's very positive in this  
11 bill.

12 And I certainly believe that  
13 consolidation should take place in terms of  
14 our local governments when there is local  
15 support for the consolidation, when it  
16 actually saves money, lowers local taxes and  
17 still maintains vital services.

18 However, the legislation before us,  
19 in my estimation, misses the mark in a number  
20 of ways which I feel need to be corrected  
21 before supporting this legislation. For  
22 example, the inclusion of the fire districts  
23 and library districts in this legislation.

24 I think particularly in the rural

1 areas where we have large districts, it could  
2 very well interrupt the important vital  
3 services that are provided by our fire  
4 departments, emergency squads, and our local  
5 libraries.

6 And I have concerns that when a  
7 petition is filed to trigger a vote for  
8 consolidation that there's no plan or  
9 cost-benefit analysis required under the bill  
10 before that vote is taken so that everyone  
11 will have full knowledge of the finances and  
12 what the plan would look like before they take  
13 that initial vote.

14 So for these and other reasons, I  
15 find, Mr. President, I shall vote no, but  
16 doing so with the hope that eventually we will  
17 be able to pass a better bill in the best  
18 interests of all concerned in the State of  
19 New York.

20 ACTING PRESIDENT VALESKY:

21 Senator Seward to be recorded in the negative.

22 Senator Saland, to explain his  
23 vote.

24 SENATOR SALAND: Thank you,

1 Mr. President.

2 Mr. President, this bill, as has  
3 been alluded to by others, is anything but  
4 perfect. And certainly I think we all  
5 recognize that its benefit is modest at best.

6 It does, however -- it doesn't  
7 reinvent the wheel, it perhaps creates a  
8 different sort of wheel, in that it affords a  
9 mechanism whereby people will have the  
10 opportunity, where they deem it appropriate,  
11 to seek consolidation of districts. I think  
12 that, in essence, has the potential to work  
13 some modest savings in certain instances.

14 I'm as troubled as anybody is about  
15 this being somehow or other viewed as a major  
16 reform. I think it certainly doesn't rise to  
17 anything even approaching that level. We are  
18 all playing at the margins. There can be no  
19 real reform, as I mentioned in my earlier  
20 remarks, without dealing with certainly the  
21 issues surrounding school taxes.

22 I would certainly like to believe  
23 that with all the expressions that have been  
24 made here today -- we had 30 votes for an

1 amendment that would have omitted fire  
2 districts. I've heard some of my colleagues  
3 from the other side of the aisle talk about  
4 the importance of including or omitting fire  
5 districts in a chapter amendment. I would  
6 hope that these expressions are more than  
7 platitudes, that they are expressions of  
8 reality, and that in fact we will revisit this  
9 and accomplish just that.

10 I commend the Attorney General for  
11 being the catalyst to bring this before us.  
12 But please let us not think that by any  
13 stretch of imagination we have accomplished  
14 real property tax reform. We have tinkered at  
15 the margins, we have made it easier for people  
16 to in effect exercise something akin to  
17 initiative and referendum where they deem it  
18 appropriate. There are some provisos in here  
19 that provide safeguards to a threatened entity  
20 such as a village.

21 Mr. President, I on balance find  
22 myself supporting this bill and vote in the  
23 affirmative.

24 ACTING PRESIDENT VALESKY:

1 Senator Saland to be recorded in the  
2 affirmative.

3 Senator Bonacic, to explain his  
4 vote.

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

7 I cosponsored the legislation with  
8 Senator Stewart-Cousins, so obviously I  
9 support the legislation.

10 And the reason I support the  
11 legislation is that it preserved home rule. I  
12 trust the wisdom of the people to know their  
13 communities. I think this is the start of  
14 something good, and I want to thank the  
15 Attorney General for putting it out there. I  
16 think this is a building block to look for  
17 bigger and better things.

18 Now, will the savings happen at  
19 what the -- everybody has different  
20 projections? Maybe not. But so what? If  
21 there's any savings and there's a momentum for  
22 efficiency and cost savings, why wouldn't we  
23 support the legislation?

24 So I wholeheartedly support the

1           legislation. And if we have little bumps in  
2           the road that we have to correct, we'll so do  
3           it.

4                        I want to talk a little bit about  
5           the firefighters, because that has always been  
6           a concern with me.

7                        We have about a thousand fire  
8           districts. The value that they give to their  
9           communities is between \$7 billion and  
10          \$9 billion. As a practical matter, do you see  
11          anybody, any of the towns in the rural areas  
12          voting to eliminate fire districts and  
13          diminishing volunteer firefighters? I don't  
14          think that's realistic.

15                       I'll tell you what will happen as a  
16          result of the acts of this Legislature.  
17          You're going to see shared services. They're  
18          going to get ahead of the curve, the villages,  
19          the towns. They're going to say, you know, I  
20          like being the head of my domain. I don't  
21          really maybe want consolidation, I don't want  
22          to tempt my constituents to put up a petition,  
23          so I'm going to get more efficient. I'm going  
24          to share services with other municipalities.

1                   So as I said before, this is the  
2                   start of something good, and I think we can do  
3                   better and build on this. I vote yes.

4                   Thank you, Mr. President.

5                   ACTING PRESIDENT VALESKY:  
6                   Senator Bonacic to be recorded in the  
7                   affirmative.

8                   Senator Farley, to explain his  
9                   vote.

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

12                  I rise on this issue because it has  
13                  been a very wrenching decision. I think  
14                  Senator LaValle and I spoke, we were like  
15                  Ping-Pong balls whether we'll vote for it,  
16                  vote against it, and so forth.

17                  I, like so many, applaud the  
18                  Attorney General for addressing this very  
19                  thorny issue and, incidentally, going around  
20                  the state, coming to Schenectady and so forth  
21                  and talking about this issue. Consolidation  
22                  has to be addressed. It's a good thing.

23                  But let me just say this. I'm  
24                  gravely concerned -- and I don't want to keep

1 beating this issue -- about the fire  
2 districts. You have no idea -- in my  
3 judgment, this could be a mortal blow to  
4 volunteerism. It just sends a message out  
5 there that we don't want to deliver. And, of  
6 course, libraries that have spoken to me about  
7 please, to exempt them.

8 I think that really my negative  
9 vote is to send a message that we've got to  
10 have these chapter amendments for the fire  
11 districts, for the libraries, and make it a  
12 piece of legislation that can really make a  
13 difference to encourage consolidation and cost  
14 savings.

15 When you're talking about real  
16 savings, it's going to be modest. But it's  
17 the idea that we have to do things not only at  
18 the local level but at the state level we've  
19 got to do some consolidating if government is  
20 going to become more efficient.

21 Unfortunately, I'm going to send a  
22 message and vote no on this one.

23 ACTING PRESIDENT VALESKY:  
24 Senator Farley to be recorded in the negative.

1                   Senator Marcellino, to explain his  
2                   vote.

3                   SENATOR MARCELLINO:       Yes.  
4                   Mr. President, thank you. I rise to  
5                   explaining my vote.

6                   In listening to the debate, we  
7                   heard some very good points, both pro and con.  
8                   And I think if there's anything good that  
9                   comes out of this, it has been the debate, it  
10                  has been the exposure of the issue, and it has  
11                  been discussed.

12                  What I'm hearing in the explaining  
13                  of the votes is how we're going to fix the  
14                  bill. How we're going to fix the bill. We  
15                  have a bill which, if you pass it in its  
16                  current form, and I believe you will, you have  
17                  very minimal savings. And all the explaining  
18                  of the votes is we're going to take the fire  
19                  districts out, which will reduce the savings;  
20                  we're going to take the libraries out, which  
21                  will reduce the savings. Why not the  
22                  villages? Want to take the villages out,  
23                  we'll have even less savings.

24                  Where are the savings? They were

1 minimal to begin with in this bill. And from  
2 what I'm hearing, what's going to come in nine  
3 month is a whole bunch of chapter amendments,  
4 If they materialize, that will make this bill  
5 even less effective than it is now.

6 So, Mr. President, this bill should  
7 have come forward with all of these  
8 considerations. If it was so important, if  
9 it's so important now, they should have been  
10 put in the bill in the beginning, before we  
11 vote on this thing.

12 I vote nay, and I urge my  
13 colleagues to consider and vote no until we  
14 get the right bill.

15 ACTING PRESIDENT VALESKY:  
16 Senator Marcellino to be recorded in the  
17 negative.

18 Senator Nozzolio, to explain his  
19 vote.

20 SENATOR NOZZOLIO: Thank you,  
21 Mr. President. To explain my vote.

22 When Alex de Tocqueville came to a  
23 new America, he was impressed with the fact  
24 that America, unlike European areas, as he

1           traveled through New York State the difference  
2           was that in New York, in America, we had  
3           strong units of local government and people  
4           made the decisions closest to the government.

5                        I trust the people. We all trust  
6           the wisdom of the citizenry, of the  
7           electorate. That citizenry is going to be  
8           more empowered by this legislation because  
9           they will, in effect, make the decisions most  
10          important to them.

11                       It's the people's government, not  
12          the Senate's government, not the Governor's  
13          government, not New York State government.  
14          It's the people's government. And that's what  
15          separates this issue apart, in that it  
16          provides citizens with the opportunity to make  
17          decisions close to their home.

18                       That's why I support the  
19          legislation, Mr. President.

20                       ACTING PRESIDENT VALESKY:  
21          Senator Nozzolio to be recorded in the  
22          affirmative.

23                       Senator Alesi, to explain his vote.

24                       SENATOR ALESI:       Thank you,

1 Mr. President and my colleagues.

2 I respect the views of both sides  
3 of this issue. But the thing that I am forced  
4 to respect the most is the view of the vast  
5 majority of my constituents who, over the last  
6 several years, have been crying out for some  
7 kind of tax relief, property tax relief, even  
8 just the opportunity for them to find a way to  
9 lower their property taxes.

10 And for those people that say that  
11 perhaps the fire departments or the libraries  
12 might be imperiled by this, I would simply say  
13 this. There were 30 votes here that would  
14 have helped those entities. But having failed  
15 that amendment, there's nothing that should  
16 prevent us from moving forward to help the  
17 overall population to try to do something at  
18 their own will, something akin to initiative  
19 and referendum without having to change the  
20 Constitution of this state, to help lower  
21 their own property taxes if they so choose.

22 And I would also say to my  
23 colleagues what I asked myself when it came to  
24 the fire department volunteers and the

1 libraries and others: Who is a better friend  
2 to the local fire departments than me, or to  
3 my libraries than me? And I'll bet every one  
4 of us could say the same thing. We have all  
5 helped those entities because we appreciate  
6 the things they do for us on a day-to-day  
7 basis.

8 I don't see us imperiling them, the  
9 volunteers, the people that work in the  
10 libraries, the others that supposedly would be  
11 impacted by this. And I agree with Senator  
12 Bonacic, I don't see any of those towns or  
13 villages closing down their fire departments.

14 The people that volunteer and work  
15 on our libraries are property taxpayers too.  
16 They are the 90 percent or so of the people  
17 that I hear from on a regular basis that say  
18 please help us do something about property  
19 taxes.

20 The bill could do more. But we  
21 have to start somewhere. And this is the  
22 starting point. Because if we don't support  
23 this bill and pass this bill, then this is the  
24 failing point.

1 I vote aye.

2 ACTING PRESIDENT VALESKY:

3 Senator Alesi to be recorded in the  
4 affirmative.

5 Senator Leibell, to explain his  
6 vote.

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

9 I doubt there's anyone in this  
10 chamber who hasn't at one time or another  
11 argued in favor of some degree of  
12 consolidation.

13 It is somewhat surprising, as I've  
14 listened to this debate, to think back that  
15 only a period of a few short weeks ago, during  
16 the state budget, we had the opportunity in  
17 this house and the other house to do some  
18 consolidation in state government, state  
19 programs, and this Legislature chose not to do  
20 it in this year's state budget. So there may  
21 be just a touch of hypocrisy with this  
22 legislation.

23 But beyond that, we send out a very  
24 bad signal to our constituents who are

1 interested in tax reduction, are interested in  
2 efficiency in government, by indicating to  
3 them that in some way this legislation will  
4 lead to that.

5 It's true that there's probably  
6 never been a piece of legislation that's gone  
7 through this Legislature that's perfect. But  
8 this really stretches that saying. This is a  
9 very imperfect piece of legislation.

10 And as we talk here today about all  
11 the chapter amendments, all the changes that  
12 need to be made, it seems to me that we have  
13 sufficient time left in this legislative  
14 session to make those changes and to do it  
15 with integrity and to present a more finished  
16 and more polished piece of legislation, a  
17 better bill than we have before us here today.  
18 We can still do that.

19 In addition to which, we should  
20 give our constituents more of an opportunity  
21 to take a closer look at this. I'll tell you,  
22 I've received a tremendous amount of mail only  
23 in the last 10 days or so on this proposal,  
24 and it's overwhelmingly against it. So we

1           should possibly get ourselves in the habit of  
2           listening to our constituents out there. And  
3           that's exactly what I intend to do.

4                        I'm more than prepared to listen to  
5           this legislation when it's been revised, when  
6           we have the necessary amendments. I don't  
7           want to take it on faith that there will be  
8           chapter amendments. This is more than  
9           imperfect. We need a finished bill before we  
10          vote on it. I vote in the negative.

11                       ACTING PRESIDENT VALESKY:  
12          Senator Leibell to be recorded in the  
13          negative.

14                       The Secretary will announce the  
15          results.

16                       THE SECRETARY:       Those recorded in  
17          the negative on Calendar Number 472 are  
18          Senators Farley, Fuschillo, Hannon,  
19          C. Johnson, O. Johnson, Larkin, LaValle,  
20          Leibell, Marcellino, Maziarz, McDonald,  
21          Seward, Skelos, Volker and Winner.

22                       Ayes, 47. Nays, 15.

23                       ACTING PRESIDENT VALESKY:       The  
24          bill is passed.

1 THE SECRETARY: In relation to  
2 Calendar Number 472, voting in the negative,  
3 Senator Young.

4 Ayes, 46. Nays, 16.

5 ACTING PRESIDENT VALESKY: The  
6 bill is passed.

7 THE SECRETARY: Calendar Number  
8 487, by Senator Stachowski, Senate Print  
9 2020C, an act to amend the Education Law and  
10 others.

11 ACTING PRESIDENT VALESKY:  
12 Senator Libous.

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

15 I believe there's an amendment at  
16 the desk. I would ask that you waive its  
17 reading and call on Senator LaValle.

18 ACTING PRESIDENT VALESKY:  
19 Senator LaValle has an amendment at the desk.  
20 Without objection, the reading is waived.

21 Senator LaValle, you are recognized  
22 to be heard on the amendment.

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

1                   Just very briefly, this legislation  
2                   would amend Senator Stachowski's legislation  
3                   to include all four University Centers and the  
4                   Downstate and Upstate Medical Centers.

5                   It is called the SUNY Innovation  
6                   and Economic Growth Act, and it will allow  
7                   those institutions that I mentioned to seek a  
8                   more rational tuition policy with regular  
9                   increases and an acknowledgment that it costs  
10                  more to educate students at research  
11                  universities and medical colleges.

12                  The ability to retain the revenue  
13                  generated by tuition, spending and contracting  
14                  flexibility, as recommended by the New York  
15                  State Commission on Higher Education, that I  
16                  had the privilege to serve on, and to better  
17                  serve students, faculty, researchers and staff  
18                  in a timely manner.

19                  Access to capital markets, to  
20                  enable campuses to build the infrastructure  
21                  necessary to support the state's economic  
22                  development mission.

23                  It will also build on the  
24                  flexibility legislation that we passed in the

1 mid-1980s and to allow the institutions  
2 greater flexibility to end micromanagement and  
3 to allow the system, hopefully, to achieve  
4 excellence in the competitive marketplace.

5 And we have to remember, and I'll  
6 probably say this many times, that each of  
7 these institutions compete with peer  
8 institutions not only throughout this country  
9 but throughout the world.

10 And lastly -- key provision -- that  
11 this legislation allows the trustees who  
12 manage the entire system to deal with tuition  
13 rates.

14 That's the amendment,  
15 Mr. President.

16 ACTING PRESIDENT VALESKY: Thank  
17 you, Senator LaValle.

18 Senator Breslin, on the amendment.

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

21 On the amendment, which would  
22 include one of the universities in my  
23 district, the University at Albany. You would  
24 expect that I would give this full

1           consideration, as it would assist Albany. And  
2           I do.

3                         However, Senator Stachowski and the  
4           other western Senators have worked a great  
5           deal on this bill, and we've heard 2020 over  
6           and over and over and over again. It's an  
7           economic development engine for Western  
8           New York. It's changing the way we look at  
9           the university system. And I believe that  
10          this should be, at this point in time, a  
11          stand-alone.

12                        However, I believe that this house,  
13          this Senate in the coming weeks, in a very  
14          collegial way, with Democrats and Republicans,  
15          looking at Binghamton University, looking at  
16          Stony Brook, looking at the University at  
17          Albany, will come to a resolution that will  
18          make this a very, very comprehensive  
19          educational plan for all of New York.

20                        So on this occasion, and trusting  
21          that in a collegial way we will do that, I  
22          vote no on the amendment.

23                        ACTING PRESIDENT VALESKY:     Thank  
24          you, Senator Breslin.

1                   Are there any other Senators who  
2 wish to be heard on the amendment?

3                   Senator Farley, on the amendment.

4                   SENATOR FARLEY:     I rise in  
5 support of this amendment.

6                   As somebody who lives in the  
7 Capital District and has spent my adult life  
8 working for the University at Albany, I'm very  
9 concerned that these four institutions have  
10 been considered University Centers and always  
11 treated equally.

12                   I don't think there's any reason to  
13 make Stony Brook or the University at Albany  
14 or the University at Binghamton second-class  
15 citizens. And basically, that's what you're  
16 doing, there's no doubt about it.

17                   I want to do everything we can to  
18 support the University at Buffalo, because it  
19 is so important for economic development in  
20 Western New York, but not at the expense of  
21 the other University Centers. They are all  
22 great institutions, and they should be treated  
23 equally. And as long as I've been here, in  
24 the 33 years, the four units, the four

1 University Centers have always been treated  
2 equally. And this breaks that bond.

3 I'm going to vote for the  
4 amendment.

5 ACTING PRESIDENT VALESKY: Thank  
6 you, Senator Farley.

7 Senator Libous, on the amendment.

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

10 I rise to support Senator LaValle's  
11 amendment, and for all the reasons that  
12 Senator Farley just mentioned. I support it  
13 because of Binghamton University. I think  
14 that all of the University Centers should be  
15 included in one bill, and will certainly have  
16 more to say about to it on the main bill.

17 But I just think it's absurd not to  
18 have all of the University Centers included  
19 along with the Upstate and Downstate Medical  
20 Centers. Because we are a state university  
21 system, they should work together, and  
22 particularly its centers and its medical  
23 facilities.

24 So I want to stand in support of

1           this amendment.

2                           ACTING PRESIDENT VALESKY:       Thank  
3           you, Senator Libous.

4                           Senator Ranzenhofer, on the  
5           amendment.

6                           SENATOR RANZENHOFER:       Yes,  
7           Mr. President, very briefly. Thank you.

8                           I do support the concept of all the  
9           Universities being treated equally and  
10          certainly would be willing to support that  
11          type of legislation.

12                          But I do agree with the comments  
13          that were made before, is that 2020 has been a  
14          program which has been around for some time.  
15          The University of Buffalo is in my district.  
16          I've seen it grown where they had four  
17          buildings on the academic spine to what it is  
18          today. So I don't believe we should do  
19          anything to stop that progress which has been  
20          made. This has been a great, great effort for  
21          Western New York.

22                          And again, I'm supportive of  
23          legislation that will give other University  
24          Centers the same opportunities that 2020 is

1 being afforded, but I think that should be a  
2 stand-alone proposition for today.

3 Thank you, Mr. President.

4 ACTING PRESIDENT VALESKY: Thank  
5 you, Senator Ranzenhofer.

6 Are there any other Senators who  
7 wish to be heard on the amendment?

8 Seeing none, the question is on the  
9 nonsponsor motion to amend Calendar Number  
10 487. Those Senators voting in support of the  
11 nonsponsor amendment please raise your hand.

12 The Secretary will announce the  
13 results.

14 THE SECRETARY: Ayes, 27. Nays,  
15 35.

16 ACTING PRESIDENT VALESKY: The  
17 motion fails.

18 Senator Libous.

19 SENATOR LIBOUS: Mr. President,  
20 would the sponsor please explain the bill?

21 ACTING PRESIDENT VALESKY:  
22 Senator Stachowski, an explanation has been  
23 requested by Senator Libous.

24 SENATOR STACHOWSKI: Yes,

1 Senator.

2 This bill is a bill that the  
3 University at Buffalo has worked on for five  
4 years, ever since the report came out. And we  
5 had a bill in Albany, and they started working  
6 on their own bill just in case, because  
7 nothing was moving as a combination bill for  
8 all the research universities.

9 So the university in the last two  
10 years has picked up its pace, worked on  
11 getting the whole community involved, and has  
12 spent the last two years putting the bill  
13 together and building community support. They  
14 have Friends of 2020 that includes people from  
15 all walks of life in Western New York.

16 This is considered by the people in  
17 Western New York the single biggest economic  
18 development piece possible for the Western  
19 New York area.

20 They feel if this bill passes both  
21 houses and is signed, it has the capability of  
22 creating 25,000 construction and  
23 infrastructure jobs, 10,000 net long-term  
24 jobs, \$650 million in new funding for academic

1 research, and establishment of a 1300-person  
2 world-class medical research treatment  
3 facility.

4 Now, in the budget, had we been in  
5 a position to pass the amendment, those  
6 provisions were all in the budget. They were  
7 taken out during the negotiations because  
8 there wasn't enough support for everything to  
9 move at once.

10 UB, anticipating that -- and the  
11 reason they started working on their own was  
12 that if they could build consensus and be put  
13 out there as more or less a pilot to test the  
14 waters and single-handedly move forward, not  
15 with any lack of respect for their colleagues  
16 or to get an advantage over their colleagues,  
17 just to move forward and hopefully use the  
18 fact that this is the economic engine that may  
19 turn Western New York around -- put this bill  
20 together and has been working on it. And, in  
21 the process, working on various sections of it  
22 with various parties that had problems with  
23 it.

24 So what this bill does, in the

1       tuition part, it amends a lot of sections --  
2       and if you want me to do that, I can do that  
3       for you -- amending the Education Law, the  
4       State Finance Law, the Tax Law, the Public  
5       Authorities Law, and the General Municipal Law  
6       to grant greater regulatory flexibility and  
7       autonomy to the State University of New York  
8       at Buffalo in the areas of procurement,  
9       contracting for services, leasing, purchasing  
10      and the selling of real property and capital  
11      construction.

12                 In addition, the bill would  
13      authorize the president of the University at  
14      Buffalo to implement differing tuition rates  
15      by class year and degree program annually,  
16      based on the rates charged by peer  
17      institutions, but not to exceed 1 1/2 times  
18      the percentage increase of the most recently  
19      published HEPI index.

20                 In the tuition area, the president  
21      has the capability of raising the tuition  
22      based on what courses you're taking. It would  
23      be a much more rational way of doing it. It  
24      would be small increases. The president has

1 to announce by September 15th of the preceding  
2 year whenever he's going to do an increase so  
3 that the people can get ready for it the  
4 following year. It would be according to what  
5 courses you're in.

6 And besides the money that would  
7 come back to the university and stay in the  
8 fund, they would also establish a fund to help  
9 students. Ten percent to 20 percent of that  
10 money would be put in a program that would  
11 help students that couldn't afford to be in  
12 those programs be in those programs.

13 In the area of capital  
14 construction, that reform would take this  
15 capital construction program and let the  
16 university use -- in that construction on  
17 their three campuses, they could have their  
18 campus-related not-for-profit organizations  
19 doing the construction, which would procure  
20 financing through the Dormitory Authority of  
21 the State of New York.

22 In another section, Section 6, the  
23 bill would then put into existence  
24 requirements that would provide that wages

1       paid to contractors employed in conjunction  
2       with such construction and renovations shall  
3       be at prevailing wage rates, in accordance  
4       with the Labor Law, and that such construction  
5       or renovation complies with certain safety  
6       precautions set forth in the Labor Law, and  
7       that a competitive process is employed in  
8       selecting contractors to perform such  
9       construction or renovation.

10               In Section 7, the bill provides for  
11       certain construction or renovation projects at  
12       the University at Buffalo to be undertaken  
13       pursuant to project labor agreements, provided  
14       a study determines that a project labor  
15       agreement will benefit such construction or  
16       renovation.

17               In Section 8, the bill provides for  
18       the creation and implementation of a diversity  
19       plan for the University at Buffalo at UB, UB's  
20       2020 initiative, and periodic responding  
21       regarding such diversity plan.

22               In Section 9 and 10 of Part A, the  
23       bill amends the General Municipal Law to allow  
24       future capital projects on the three campuses

1 at the University at Buffalo to proceed  
2 through campus-related nonprofit  
3 organizations, through local industrial  
4 development agencies.

5 In Section 11, it provides that the  
6 university can have future projects by  
7 allowing the university to utilize alternative  
8 modes, more cost-advantage construction  
9 delivery models, including design and build  
10 construction manager at risk, which are  
11 presently not allowed under existing state  
12 law.

13 In section 14, Part A, which is an  
14 important part for everybody here, the  
15 proposed legislation requires the president of  
16 the University of Buffalo to report annually  
17 to the Governor and the Legislature on the  
18 effectiveness of these reforms.

19 In leasing, acquisition and  
20 disposition of real property, Part B, the bill  
21 would amend the Education Law to provide the  
22 University at Buffalo with more flexibility to  
23 lease, acquire and dispose of land under the  
24 auspices of the SUNY trustees, so as to

1 maximize the educational and commercial  
2 development opportunities associated with the  
3 UB's 2020 initiative.

4 Section 3, Part B amends the  
5 Education Law to permit participation by the  
6 University at Buffalo in public/private  
7 partnerships, arrangements with public  
8 not-for-profit and business entities to  
9 further the objectives of the University of  
10 Buffalo, including UB 2020 initiative.

11 Procurement and flexibility. Part  
12 C of the Education Law permits the university  
13 to purchase goods and services without prior  
14 state agency approval. Part 1 through 4 and 8  
15 of Part C are designed to provide greater  
16 autonomy to the University at Buffalo in  
17 procuring goods and services by replacing the  
18 State Comptroller's procurement guidelines  
19 with the guidelines put forth by the SUNY  
20 trustees and by exempting University at  
21 Buffalo contracts from prior State Comptroller  
22 approval. Such transactions would remain  
23 subject to post-audit review by the  
24 Comptroller.

1                   Sections 5 and 6 of Part C are  
2                   designed to allow SUNY-affiliated nonprofit  
3                   corporations to take advantage of centralized  
4                   state purchasing.

5                   Section 7 permits SUNY to establish  
6                   rules for sole-source procurements of goods  
7                   and services in lieu of state-mandated  
8                   sole-source procurement policies in  
9                   recognition of the unique nature of goods and  
10                  services procured by SUNY educational  
11                  institutions.

12                  Revenue retention is the part that  
13                  talks about UB retaining the money that they  
14                  save and raise through these various sections.  
15                  There's also a section on alumni leases, which  
16                  means the alumni association can lease  
17                  property from the University at Buffalo.

18                  The fiscal implications. There's a  
19                  minor increase in the amount of TAP that may  
20                  be drawn because of tuition increases, but  
21                  when matched up against the money that will be  
22                  saved by these other reforms, it's a net gain  
23                  for the state.

24                  The impact on Western New York, as

1 I said previously, is vast. It's supported by  
2 the whole community. And that's pretty much  
3 the general outline of the legislation,  
4 Senator.

5 SENATOR PADAVAN: Would Senator  
6 Stavisky yield to a question? I'm sorry.  
7 Stachowski, sorry.

8 SENATOR STACHOWSKI: She's  
9 Stavisky.

10 SENATOR PADAVAN: My S got  
11 slipped. Freudian.

12 ACTING PRESIDENT STEWART-COUSINS:  
13 Senator Stachowski, do you yield?

14 SENATOR STACHOWSKI: Yes, I would  
15 yield.

16 SENATOR PADAVAN: Senator, you  
17 mentioned several times the selling of  
18 property would be authorized by this bill. To  
19 whom would the property be sold, and for what  
20 purpose?

21 SENATOR STACHOWSKI: In this  
22 bill, the buying and selling of property --  
23 it's the buying of property, too, and leasing  
24 of property. Sometimes you might buy

1 properties in the city where they're going to  
2 do some development. There's also some  
3 properties on either south or north campus  
4 that may be sold. Most of it will probably be  
5 leased.

6 But the selling of it would be in  
7 the intentions of advancing the university and  
8 the buildings that they would put there.

9 SENATOR PADAVAN: If the Senator  
10 would yield. I heard that part earlier. But  
11 my question is, to whom would the property be  
12 sold?

13 SENATOR STACHOWSKI: I imagine,  
14 Senator, the provision is in there to allow  
15 the university to sell a piece of property to  
16 a developer who would then develop something  
17 that would be used in the good of the  
18 university. For example, a new conference  
19 center or maybe dormitories built by a private  
20 agency.

21 SENATOR PADAVAN: Thank you.  
22 Would the Senator yield?

23 ACTING PRESIDENT STEWART-COUSINS:  
24 Senator Stachowski, do you continue to yield?

1                   SENATOR STACHOWSKI:     Yes, I  
2     continue to yield.

3                   SENATOR PADAVAN:     Are there any  
4     particular developers currently involved in  
5     this process?

6                   SENATOR STACHOWSKI:     I don't  
7     believe there's any chosen developers.  And  
8     this process is available to any developers.  
9     I think the university will do a selection  
10    just like everybody else.  And as you saw,  
11    competitive bids are involved in a lot of  
12    these things, and everybody will have an  
13    opportunity to work with the university.

14                  I know that it's important to be  
15    able to buy property also, because that's part  
16    of the part necessary to expand it to the City  
17    of Buffalo section near the AOC Building that  
18    they want to expand the university.

19                  SENATOR PADAVAN:     Will the  
20    Senator yield?

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

23                  SENATOR STACHOWSKI:     Yes, I  
24    continue to yield.

1                   SENATOR PADAVAN:     You mentioned,  
2     I think in passing, construction of a sort not  
3     currently permitted by state building code or  
4     law.  Could you explain what that really is?

5                   SENATOR STACHOWSKI:   Well, for  
6     example, Senator, there's a part where it's  
7     designed to develop and build at the same  
8     time.  And as you know now, in the SUNY  
9     system, to do a project, you have to have an  
10    18-month advance audit and review, which eats  
11    up money, and you have to do all the design up  
12    front.

13                   This would let you design and build  
14    at the same time.  You, being a -- I think you  
15    have an engineering background, would  
16    understand it's time saving.  You would also  
17    eliminate that up-front audit.

18                   But the Comptroller still has full  
19    auditing at the end of the project.  And  
20    obviously, if anything was not done properly,  
21    it would still be discovered by the  
22    Comptroller and dealt with accordingly.

23                   SENATOR PADAVAN:     Will the  
24    Senator yield?

1                   ACTING PRESIDENT STEWART-COUSINS:

2           Senator, do you yield?

3                   SENATOR STACHOWSKI:       Yes, I  
4           continue to yield.

5                   SENATOR PADAVAN:        So it would be  
6           after the construction is done, then they  
7           would determine that it was not either done by  
8           code or properly or appropriately; is that  
9           right?

10                   SENATOR STACHOWSKI:       Well,  
11           Senator, the way I'm going to answer that  
12           question -- through you, Madam President -- is  
13           with all the negotiations that put this bill  
14           together, and most of those negotiations took  
15           place in the building part of this, with the  
16           building trade unions in Western New York, who  
17           were very active in these negotiations and  
18           with the fact that everything is going to be  
19           done by prevailing wage.

20                   SENATOR PADAVAN:        That I  
21           understand.

22                   SENATOR STACHOWSKI:       Everything's  
23           going to be -- a lot of other projects are  
24           going to be done with a PLA.  There's MWBE

1 provisions in this. They still will be doing  
2 standard -- there will be no substandard  
3 construction. There won't be below-standard  
4 building materials.

5 This is trying to make this  
6 university a first-class research university  
7 in -- compared to not just people in the State  
8 of New York but compared with the people in  
9 the United States. With that in mind, I don't  
10 believe they have any intention of allowing  
11 things to be built substandard or out of code.

12 SENATOR PADAVAN: Will the  
13 Senator yield?

14 ACTING PRESIDENT STEWART-COUSINS:  
15 Senator Stachowski?

16 SENATOR STACHOWSKI: I continue  
17 to yield, Madam President.

18 SENATOR PADAVAN: I think I heard  
19 you say, also in passing, that there would be  
20 the purchase of goods and services without  
21 prior state approval. Now, can you explain  
22 what that means?

23 SENATOR STACHOWSKI: I think  
24 that -- I think, I know that means in the one

1 section, if it's a thing that's specific for  
2 the university -- for example, some sort of  
3 microscope, some sort of piece of equipment --  
4 that they currently have to put in and sit  
5 18 months waiting to buy it. They won't have  
6 to wait 18 months to buy anymore.

7 I know that in the procedure that  
8 they have to follow now, the best example I  
9 can give you of something that happened that  
10 really highlights the problem with the way  
11 procedure is done now is when the university  
12 was going to have Al Gore speak in a speaker  
13 series, they had to put out to bid and find  
14 out if there were more than one Al Gore and  
15 reach out to contact them to see if they were  
16 the Al Gore that wanted to speak at the  
17 University of Buffalo. Because that's what  
18 the rules currently say.

19 SENATOR PADAVAN: One final  
20 question, if the Senator would yield.

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

23 SENATOR STACHOWSKI: Yes, Madam  
24 President.

1                   ACTING PRESIDENT STEWART-COUSINS:  
2           Before your question, can I please ask those  
3           who would want to continue talking to go  
4           outside the chamber.

5                   Thank you.

6                   SENATOR PADAVAN:        You mentioned  
7           also, I believe, if I heard you correctly, the  
8           development of public-private partnerships in  
9           this whole venture. Can you give us an idea  
10          of who the private components of this  
11          partnership might be?

12                  SENATOR STACHOWSKI:    Actually, I  
13          can I give you a perfect example of what a  
14          private-public partnership would be for the  
15          University at Buffalo.

16                  In our budget there was a piece in  
17          there that allowed them to start moving  
18          forward on one of their first buildings, which  
19          is a vascular unit to be built in downtown  
20          Buffalo in a medical corridor. Their partner  
21          in that is Kaleida Health System.

22                  And so that that is being built  
23          through -- and what this lets them do is put  
24          their money together.

1                   SENATOR PADAVAN:     What's the  
2     system?  I'm sorry, I didn't hear.

3                   SENATOR STACHOWSKI:    Kaleida.

4                   SENATOR PADAVAN:     Would you spell  
5     that?

6                   SENATOR STACHOWSKI:    It's  
7     K-A-L-E-I-D-A.

8                   The Kaleida system is actually a  
9     combination of hospitals that used to be  
10    Buffalo General, Buffalo Gates Circle, ECMC,  
11    and Children's Hospital.  And DeGraff --  
12    DeGraff --

13                  SENATOR MAZIARZ:     DeGraff Number  
14    One.

15                  SENATOR STACHOWSKI:    Yeah.  
16    That's Kaleida.

17                  SENATOR PADAVAN:     Thank you very  
18    much, Senator.

19                  SENATOR STACHOWSKI:    You're  
20    welcome, Senator.

21                  ACTING PRESIDENT STEWART-COUSINS:  
22    Senator LaValle.

23                  SENATOR LaVALLE:     Yes.  On the  
24    bill, Madam President.

1                   ACTING PRESIDENT STEWART-COUSINS:

2           Senator LaValle, on the bill.

3                   SENATOR LaVALLE:       I was going to  
4           ask Senator Stachowski a lot of questions, but  
5           he went through the bill in great detail.

6                   I was heartened by the remarks made  
7           by Senator Breslin that we'll be working  
8           together to have a four-center solution along  
9           with the Upstate and Downstate Medical Center.  
10          That is a "One New York" approach.

11                  The approach that we are taking  
12          today is not in the best interest of all of  
13          the campuses, all of the people of the state.

14                  We are -- and Senator Stachowski in  
15          his legislation and the legislative intent  
16          talks about the economy of Western New York.  
17          And every one of us in this room have been  
18          focused and understand that a part of our  
19          state is not doing as well as other parts of  
20          the state and we need to do whatever we can to  
21          remediate that.

22                  UB is certainly a major part of  
23          whatever happens in the Western New York  
24          economy. It generates \$1.5 billion. That's

1 the effect of UB in the Western New York  
2 economy.

3 And certainly Senator Stachowski --  
4 and all the people who have worked on that,  
5 Senator Volker, Senator Maziarz, Senator  
6 Ranzenhofer, and the Assembly members -- he  
7 has articulated what has taken place in the  
8 Western New York area with the business  
9 community, et cetera. And that is very good  
10 and the way things should happen. And he  
11 talked about and described five years that  
12 they have been working on this.

13 But I want to tell you, Madam  
14 President, that the other four institutions  
15 and the medical centers have not been sitting  
16 idly during that period of time. They have  
17 developed Centers of Advanced Technology,  
18 Centers of Excellence. They have developed,  
19 as at Binghamton and at Stony Brook, research  
20 development parks as part of the campus and as  
21 part of the strategy to use their research  
22 capabilities.

23 Here at Albany, Senator Breslin has  
24 worked very hard, and Senator McDonald,

1 Senator Farley, and certainly Senator Bruno,  
2 when he was here, to ensure that the nanotech  
3 facility has generated lots of jobs, research  
4 capability. And they have moved, certainly,  
5 in trying to help themselves.

6 So UB has not been the only campus  
7 in the State of New York that has been working  
8 towards an economic development strategy.

9 What is important is this week we  
10 have had, for the first time in 24 months, a  
11 chancellor, a new chancellor, Chancellor  
12 Zimpher. And we have to try and help her  
13 develop the system. And all of its components  
14 are part of a system.

15 And so I think that ultimately a  
16 four-center solution is proper, and also  
17 dealing with the components at Downstate and  
18 Upstate Medical, critically important because  
19 of their teaching facilities and the cost.  
20 And all of this will fit in.

21 In my years here, I have not seen a  
22 bill in higher education move through the  
23 committee process and out onto the floor with  
24 memos in opposition from UUP, NYSUT, PEF,

1 CSEA. And I never thought I would see a  
2 NYPIRG memo in opposition. And so there are  
3 concerns in the constituencies there, in the  
4 stakeholders. And certainly those  
5 stakeholders, in any piece of legislation,  
6 their concerns need to be addressed.

7 I know, Senator Stachowski, that in  
8 the amendments to your bill you put in PLAs  
9 and other things to deal with that segment of  
10 the labor community. And you should be  
11 complimented on that, because I think that  
12 that was a good provision.

13 I mention that -- and you went  
14 through in great detail about the flexibility  
15 pieces. And I believe that State University,  
16 through the Governor, advanced in the budget  
17 process many of the identical provisions that  
18 are in your bill. Those were rejected in the  
19 budget process.

20 Now, it doesn't mean -- and  
21 actually in the amendments that I handed up,  
22 there are many of those that are incorporated  
23 in that. And we will ultimately have to go  
24 through and see what -- you mentioned

1 purchasing. That is like a no-brainer. But  
2 there are other things there of concern.

3 In the bill that I filed, which was  
4 the Stony Brook 2020, unfortunately a  
5 provision got into my bill that I did not  
6 want, and that's the leasing provision.  
7 Leasing of land, Senator Padavan went through,  
8 asked questions.

9 Senator Marcellino learned  
10 firsthand by going around a process at Old  
11 Westbury. It's now that's the cry across the  
12 state on that particular issue. If we remove  
13 ourselves from that process, the only thing  
14 that can happen is not good things. So that's  
15 a piece of flexibility that I think we need to  
16 listen to a lot of the people that say that's  
17 very, very dangerous. And I know because I  
18 worked with Senator Marcellino to remediate  
19 that disaster that happened at Old Westbury.

20 There are other things in the  
21 legislation that certainly need to be  
22 resolved. But I know that Senator Stavisky  
23 will be calling roundtables and involving  
24 people and getting people involved, and we

1 need that.

2 But my last point here is this. We  
3 need, as a system, to stay strong. We have  
4 made, over the years, incremental investments  
5 in the State University of New York. The  
6 strength is the system, to have the components  
7 working with one another.

8 And it's a shame that we kind of  
9 got off a track, and I believe because we  
10 didn't have a chancellor in these 24 months.  
11 We should all be partners. We should all be  
12 part of one New York State and one SUNY system  
13 and strengthen the whole thing. And I know  
14 you, through your sports background and your  
15 personality, are a team player. And  
16 ultimately, as a team, we will benefit.

17 I wish I could support this  
18 legislation. But because we have partners  
19 left behind -- and it doesn't resonate. It's  
20 not a good message. We will repair it, you  
21 know, when we get back home and we will talk  
22 about the positive things, things that Senator  
23 Breslin talked about, the things I know  
24 Senator Stavisky will be doing.

1                   But certainly this is a good  
2                   message for Western New York. People have  
3                   worked hard. And so at least it's a good  
4                   beginning for the people of Western New York.

5                   ACTING PRESIDENT STEWART-COUSINS:  
6                   Thank you, Senator.

7                   Senator Ranzenhofer.

8                   SENATOR RANZENHOFER:       Thank you,  
9                   Madam President. I rise in support of this  
10                  legislation, as I said earlier.

11                 This university, where it's  
12                 currently constituted, is in the heart of my  
13                 district and has grown enormously during the  
14                 last 30 years. As a graduate of the State  
15                 University, and actually with connections to  
16                 all the universities in the State of New York,  
17                 I don't see anything wrong with conducting a  
18                 pilot program, which this really is, to see  
19                 how this is going to work.

20                 I know that all the university  
21                 centers, as Senator LaValle indicated, have  
22                 been working very hard on their particular  
23                 projects. And this project is ready to move  
24                 today, and I rise in support of the project.

1                   One of the things which I think is  
2                   important is the private-public partnership  
3                   between trying to do things a little bit  
4                   differently than have been done for the last  
5                   20, 40, 50 years. Sometimes you have to do  
6                   things differently if you're going to be  
7                   successful. And I think the University of  
8                   Buffalo, with the leadership of John Simpson,  
9                   has done that.

10                   They have spent an awful lot of  
11                   time, as have the other communities and the  
12                   other universities and the other university  
13                   presidents, and done their due diligence, but  
14                   the University of Buffalo has also done that.  
15                   They have reached out extensively to the  
16                   community, to all segments to the community,  
17                   and this project is ready to move forward.

18                   On the point that was raised by  
19                   Senator LaValle, I mean, there's one important  
20                   difference between what happened down on Long  
21                   Island and what happened in Buffalo. This is  
22                   in the heart of the city, where they are  
23                   starving for development. People in the  
24                   communities that surround this particular

1 university can't wait to have this type of  
2 development.

3 This is going to mean jobs for  
4 Western New York, all sorts of jobs, whether  
5 they're construction jobs, technology jobs,  
6 people that will be working at the university  
7 to maintain the building. This is really a  
8 way to grow the community and to provide jobs  
9 for the community for the people that are  
10 already living there and don't have jobs.

11 One of the things that I learned  
12 before I actually came to the Senate, and I  
13 was talking to some of the people that worked  
14 at the university, is they themselves are very  
15 frustrated by the bureaucracy that they have  
16 to go through. And one of the things that  
17 this legislation does is tear away some of  
18 those impediments to actually getting things  
19 done.

20 Again, this is a model project,  
21 this is a pilot program. There are going to  
22 be some steps and some bumps along the way.  
23 But I think this is a good indicator of let's  
24 see how the other universities will do as well

1           once this project moves forward.

2                       As I said, Western New York is a  
3           little bit different than the other parts of  
4           the state. Our unemployment rate is higher.  
5           Our economic malaise has been longer than  
6           other parts of the state. And the infusion of  
7           jobs and capital into the region, into  
8           Buffalo, into Amherst, into Western New York I  
9           think is just going to be so important.

10                      So I stand here to support the bill  
11           wholeheartedly, as I indicated earlier. I'll  
12           be fully supportive of initiatives for other  
13           universities. But I think the day has  
14           arrived. I think the people at the university  
15           and the community are to be commended for  
16           their efforts today. And I will be voting yes  
17           on this legislation.

18                      Thank you.

19                      ACTING PRESIDENT STEWART-COUSINS:

20           Thank you, Senator.

21                      Senator Volker.

22                      SENATOR VOLKER:       Madam President,  
23           let me first of all say that -- to Senator  
24           LaValle, as he knows very well, I have always

1       tried to lead the Western New York delegation  
2       in collaboration with the rest of the state.  
3       And in fact, Senator LaValle and I have worked  
4       together on many, many projects.

5                   What happened here is that the  
6       business community, the SUNY Buffalo  
7       community, both campuses -- I say both  
8       campuses because you must remember there's one  
9       of the campuses in Amherst and one part of it  
10      in Buffalo, the city of Buffalo -- even the  
11      media got together. And as some of us said,  
12      you must understand that some people call  
13      Buffalo "Beirut by the Lake."

14                   It is rare, in my time, that an  
15      entire community in Buffalo was able to get  
16      together on a single project or in a single  
17      thrust. We were called together -- we meaning  
18      the legislators, Democrats and Republicans.  
19      And admittedly at the time there was a  
20      different governor who was pushing for  
21      movement in several campuses. SUNY Buffalo  
22      took up the cudgel and, with the help of  
23      people in the business community and with the  
24      help of all sorts of experts, put together

1           this bill.

2                         Now, let me say to my colleagues, I  
3           am more than willing to collaborate with the  
4           rest of the SUNY system.  Although I will say  
5           this.  The SUNY system itself did not seem to  
6           react well to collaborating with 2020 or in  
7           fact many times, it seems to me, has not been  
8           readily willing to do innovation.  Of course,  
9           as Senator LaValle said, there was a problem  
10          because of the gap in the leadership at SUNY.  
11          And that was absolutely true.

12                        Nobody in this Capitol has worked  
13          harder for the SUNY system than Senator Ken  
14          LaValle.  No one has to tell me about that.  
15          But I must say that this legislation is  
16          extremely critical, not just to the  
17          development of SUNY Buffalo but to the entire  
18          Western New York region.

19                        This bill, which is supported  
20          bipartisan-wise in Western New York -- and  
21          that's hard to do too, by the way, in many  
22          cases.  And I don't just mean in the  
23          Legislature, I mean in the city, in the  
24          county, and everybody -- is an attempt to put

1 together a plan not just for this year and  
2 next year but, obviously, for the next  
3 20 years.

4 This is, we hope the beginning of  
5 an entire renaissance for Western New York.  
6 We already have a beginning of a renaissance  
7 with the biomedical campus. Which, by the  
8 way, this house was primarily responsible for  
9 over the last five to ten years. Sometimes no  
10 one paid too much attention to that, because  
11 the credit was taken by other people. But it  
12 was really this house, people in this house  
13 who really developed the process for the  
14 biomedical corridor.

15 But what this bill does -- and I  
16 understand the concern that it is not done  
17 along with other areas of the state that would  
18 like something similar. My suggestion is that  
19 we pass this bill, get this done, and then  
20 work together. And I personally -- and I  
21 think the entire delegation -- is ready, ready  
22 and willing to work together with all the rest  
23 of -- with the major campuses and with the  
24 health facilities and try to make sure that we

1 do have one SUNY that is for the best  
2 interests of all the students of this state.

3 I ask my colleagues, despite the  
4 unusual nature of this, to please support us.  
5 Because we need this legislation. We need it  
6 for Western New York, we need it for SUNY  
7 Buffalo. At the same time, I promise that I  
8 will do whatever I can to assist the other  
9 campuses, the other parts of the state in  
10 putting this whole thing together and coming  
11 up with a total plan.

12 Thank you.

13 ACTING PRESIDENT STEWART-COUSINS:

14 Thank you, Senator.

15 Senator Maziarz.

16 SENATOR MAZIARZ: Thank you very  
17 much, Madam President and my colleagues.

18 And I just want to, like Senator  
19 Volker, note the great respect that I have for  
20 the knowledge of Senator LaValle. I think one  
21 of the foremost experts in the country on  
22 higher education.

23 But, you know, support for this  
24 particular piece of legislation for the

1 University at Buffalo doesn't necessarily mean  
2 that we are opposed to similar legislation for  
3 Binghamton, Albany, or for Stony Brook.

4 The new chancellor on her first day  
5 on the job, which was Monday, wrote an op-ed  
6 piece where she call the SUNY the engine of  
7 the Empire State. And she said that Albany  
8 can help with resources for the SUNY system  
9 but also giving our campuses flexibility so  
10 that they can become more entrepreneurial and  
11 better compete in the workplace.

12 That's exactly what this  
13 legislation today does for the University at  
14 Buffalo. We had the good fortune, we were  
15 very fortunate to have a visionary, Dr. John  
16 Simpson, become president of the University of  
17 Buffalo a few years ago and started down the  
18 road and on this process of changing the  
19 University at Buffalo. And he did that --  
20 again, not to leave out any of the other  
21 universities, but he got the community  
22 together, he got a planning process together.  
23 He got, as Senator Volker aptly pointed out,  
24 very, very different parts of the community to

1           come on board and support this particular plan  
2           for changing all of Western New York.

3                        So again, I look forward to future  
4           legislation involving Binghamton and Stony  
5           Brook and Albany and doing some similar  
6           things. But I don't think it should be  
7           done -- I don't think Buffalo should have to  
8           stop its process or interrupt its process in  
9           going forward. Because, you know, time is of  
10          the essence in Western New York for the  
11          economy of Western New York.

12                       So I wholeheartedly support this  
13          particular piece of legislation. And, Madam  
14          President, I do want to note for the record  
15          that I promised Senator Marty Dilan -- Senator  
16          Dilan -- for the record, I wanted you to note,  
17          Madam President, that I promised Senator Marty  
18          Dilan that I would speak on this bill about  
19          Western New York and I would not mention the  
20          Power Authority. So my promise was kept.

21                       (Laughter.)

22                       ACTING PRESIDENT STEWART-COUSINS:  
23          I'm not sure about that promise being kept.

24                       (Laughter.)

1                   ACTING PRESIDENT STEWART-COUSINS:

2           Senator Libous.

3                   SENATOR LIBOUS:       Thank you, Madam  
4           President. I want to speak on the bill.

5                   Senator Stachowski certainly did a  
6           good job of outlining what is in it. I do  
7           disagree with the direction he and my  
8           colleagues Senator Maziarz and Senator Volker  
9           and Senator Ranzenhofer are going. Because if  
10          you listen to what Senator LaValle said, I  
11          think it makes an awful lot of sense that we  
12          are beating up the integrity of the SUNY  
13          system.

14                   The system has been built by men  
15          and women who are serving here now and have  
16          served here before. It is one of the finest  
17          university systems in the country and rivals  
18          those across the world. And we have been very  
19          proud of the flagships, the four University  
20          Centers, of which I am very proud to have one  
21          in my district, Binghamton University.

22                   And as my colleague Senator  
23          Ranzenhofer said, he said that Western  
24          New York is hungry for jobs. I understand

1           that. And I understand why each of you are  
2           defending the areas that you live in. I would  
3           expect you to do no less. But New York State  
4           is starving for jobs, Senator, starving.  
5           They're starving in Binghamton and in Syracuse  
6           and in Long Island. And even New York City is  
7           starting to have its problems. So the state  
8           is starving for jobs.

9                         And I applaud the men and women  
10           from Western New York who came up with this  
11           concept. I think that's outstanding that they  
12           put a plan together. But if the plan is good  
13           for Western New York -- and as many of you  
14           said from time to time that we are one  
15           New York -- then it should be good for the  
16           other university centers, it should be good  
17           for the medical centers and then help this  
18           state.

19                         Because believe me, and I'll speak  
20           for Binghamton, we're starving for jobs.  
21           Unfortunately, just recently Secretary of  
22           Defense Gates announced that the presidential  
23           helicopter program that Lockheed Martin in  
24           Owego is doing is going to end.

1                   Puzzling to me, because as  
2           President Obama talks about stimulus and  
3           invests trillions, billions of dollars, a  
4           program that has created some 800 jobs at  
5           lucrative salaries to build the defense and  
6           quite frankly to improve upon the  
7           transportation system of the President of the  
8           United States, the program has stopped and we  
9           will lose 800 jobs. And the effect of that  
10          will trickle down to the many small  
11          manufacturers in our area and throughout the  
12          state who are part of that \$10 billion  
13          program.

14                    Binghamton University is now  
15          stepping in and working with Lockheed Martin  
16          and trying to come up with ways to keep those  
17          800 people in the Southern Tier, to keep them  
18          in New York State.

19                    Obviously, to be partners in this  
20          program throughout the university system would  
21          be wonderful. It would be a great  
22          opportunity. I would hope that, as Senator  
23          Stachowski and Senator Stavisky have said,  
24          that we could come to a compromise plan that

1 is good for Western New York, good for the  
2 Southern Tier, good for the two medical  
3 centers, good for Stony Brook and Long Island,  
4 good for the Capital District, good for  
5 everybody.

6 Because when we start drifting away  
7 from the concept of what made the State  
8 University system great, it's going to be a  
9 real problem, because it's going to have an  
10 effect on the quality of education.

11 Now, one of the items in this  
12 particular proposal talks about UB setting  
13 their own tuition policy. That's a horrible  
14 idea, to have them set their own tuition  
15 policy different from the other centers, the  
16 other colleges. We have fought on this floor  
17 time in and time out about tuition, trying to  
18 keep tuition in the State University  
19 affordable so that all individuals at all ages  
20 could afford to go to college in the state.

21 And I'm puzzled that now Senator  
22 Stachowski is proposing a bill that would  
23 allow BU to set -- UB. BU, UB. I'm BU, he's  
24 UB -- to set their own tuition standard. But

1 yet earlier this year, he and his colleagues  
2 on that side of the aisle voted to sweep the  
3 tuition paid by SUNY students and put it in  
4 the General Fund. That didn't help UB.

5 I think this is a very, very  
6 dangerous path that we're on. I understand  
7 that Western New York needs help. Central New  
8 York needs help. The Southern Tier is in dire  
9 need of help, and so are all parts of the  
10 state. We need to put legislation together  
11 that helps everywhere, that helps every part  
12 of the state but yet keeps the university  
13 system intact.

14 To start breaking off and giving  
15 special consideration to one of the centers  
16 over the others is bad public policy. I hope  
17 that in the coming weeks before the end of  
18 session, that level heads will prevail, that  
19 we can sit down and come up with a plan for  
20 all of the university centers and the medical  
21 centers, upstate and down, so that we can  
22 create the same opportunity for the rest of  
23 the state that you want to create for Western  
24 New York.

1 I respect what you're trying to do  
2 here. I ask for your help. I ask you to help  
3 the rest of us put this plan together.

4 ACTING PRESIDENT STEWART-COUSINS:  
5 Thank you, Senator.

6 Senator Flanagan.

7 SENATOR FLANAGAN: Thank you,  
8 Madam President. On the bill.

9 I want to join in the comments of a  
10 number of my colleagues, but I want to start  
11 off by just mentioning something about Senator  
12 LaValle.

13 I've had the good fortune of being  
14 a member of this house now for seven years,  
15 and in that time I have had the privilege of  
16 representing Stony Brook, the core of which is  
17 right in the heart of the 2nd Senate District.  
18 And it's been great working with them on a lot  
19 of different things.

20 But it's like a one, two punch.  
21 When you have the chair of the Higher Ed  
22 Committee, and now the ranker on that  
23 committee, someone who's been a champion, it's  
24 like a tag team. So there have been a lot of

1 very good things that have happened.

2 And I raise that point in two  
3 contexts. One is to reiterate part of the  
4 comments that were made that I think could be  
5 said about Binghamton, it could be said about  
6 Albany. I know dealing with Dr. Kenny and the  
7 administration at Stony Brook, they've been  
8 talking about this stuff for a long time and  
9 in very positive ways. So that's a good  
10 thing.

11 And when we talk about UB, I don't  
12 really care which university system it is.  
13 Part of this, I just don't like a little bit  
14 of the tone, because I want to start from a  
15 different premise, and the premise is that  
16 they're all darn good. And we shouldn't  
17 apologize for anything. What we're trying to  
18 do is to take something that works, that's a  
19 jewel right here in this state and across the  
20 country, and we're trying to make it better.

21 So I think when we talk about this,  
22 no matter what the university center may be,  
23 or the medical center, let's start with all  
24 the positive stuff and just see how we can

1 move forward in a positive light.

2           Having said that, I do believe that  
3 when we do separate, we are going to create  
4 potential problems. And I'll say this to my  
5 colleagues in Western New York in particular.  
6 The upshot of this whole thing may be that  
7 this bill may get accomplished what a lot of  
8 people have been trying to do all along, and  
9 that may be to have real changes for all of  
10 our university centers.

11           But I will close on this point. I  
12 have had the opportunity to work closely with  
13 Senator LaValle. And I think all of you who  
14 know him, he's like a nurturer. And  
15 periodically, it will drive some people crazy,  
16 because he takes a very keen and strong  
17 interest in things. Right? Okay?

18           But, you know, he looks at the  
19 university system like a family, like we're  
20 all either brothers or sisters or children  
21 that's part of a larger group, and everybody  
22 needs to be taken care of. And in so doing, I  
23 think he has avoided splitting things off.

24           So no one should mistake the fact

1           that we haven't seen a major bill that's been  
2           signed into law for a lack of effort or lack  
3           of trying. I personally believe that our  
4           greatest obstacle is not on this side of the  
5           aisle, and it's not on this side of the aisle.  
6           Because I think cooler heads will prevail and  
7           that we will make the progress we need.

8                         Our greatest obstacle is across the  
9           hall. We'll come up with something that will  
10          work for everybody in this house, but if we  
11          don't have a true partner in the New York  
12          State Assembly, it doesn't mean anything.

13                        So where we really need the  
14          leadership, it's not from SUNY, because we  
15          have a new chancellor, and I think she's a  
16          bright light and will do a wonderful job. And  
17          it's not going to be here. We're going to  
18          need help in the New York State Assembly,  
19          because they have to change their mindset on a  
20          lot of very basic things if we're going to be  
21          able to accomplish all the positive goals of  
22          this legislation.

23                        Thank you.

24                        ACTING PRESIDENT STEWART-COUSINS:

1 Thank you, Senator.

2 Senator Marcellino.

3 SENATOR MARCELLINO: Thank you,  
4 Madam President.

5 I had not intended to rise on this  
6 particular piece of legislation, but since  
7 Senator LaValle pointed out some of the  
8 experiences that I had with the College at Old  
9 Westbury -- which is part of the SUNY system  
10 in my district, and in need of help, as is  
11 Farmingdale, which I abut, which is in Senator  
12 Fuschillo's district, also in need of help.

13 And since we took money out of the  
14 system in the budget, since we limited the  
15 kind of construction that these colleges can  
16 do in the budget, there doesn't seem to be  
17 anything in this bill or even in the proposed  
18 compromise bill that Senator LaValle talked  
19 about that would help Old Westbury in any way,  
20 shape or form.

21 I have a problem with giving the  
22 universities the ability to raise their own  
23 tuitions without checking with this  
24 Legislature. These colleges are a trust.

1       They were paid for by the taxpayers of the  
2       state for the purpose of educating those who  
3       could not afford to going to the higher-priced  
4       private schools. These were colleges for the  
5       people, all the people.

6               Now we're going to price some of  
7       these people out of these colleges, and I  
8       don't think that's a good thing. I personally  
9       don't think that's a good thing. I want to  
10      keep it affordable. I understand the need for  
11      the development of Western New York. I  
12      understand SUNY Stony Brook wanting to be in  
13      development; it's a great university. I  
14      understand the medical schools want to do  
15      their thing; they're great schools.

16              But they're made great schools and  
17      have been supported and been subsidized by the  
18      taxpayers of this state in order to allow the  
19      students and the families that couldn't afford  
20      the higher-priced institutions with the  
21      fancy-schmancy names so that they could go to  
22      quality educational institutions. We possibly  
23      could see that ending right here, right now,  
24      and I don't think that's a good idea.

1 I also don't think it's a good idea  
2 without checks, without careful checks and  
3 balances. I'm not happy with a report coming  
4 from the president of a college to the state.  
5 When you get the greedy hand of developers  
6 into something, it can get out of hand. Their  
7 interest is making money, let's make no bones  
8 about that.

9 And I have no problem with problem  
10 with that. I have absolutely no problem with  
11 people making money. But I want to be careful  
12 because they're going to make money using the  
13 land, using the facilities that were bought  
14 and paid for by the taxpayers of this state.  
15 And if a private developer is going to make a  
16 living on that, that's wrong. That's wrong.

17 I want to see the check and  
18 balance. I want to see that every college in  
19 the system benefits. Senator Libous said it  
20 right. If we're going to move ahead, let's  
21 move ahead as a group. Let's protect, as  
22 Senator Flanagan called it, the jewel that we  
23 have, and that is the State University of the  
24 State of New York. It is well recognized

1           wherever you go as the creme de la creme of  
2           the university systems in this country.

3                       And I would hate to see anything  
4           happen that would put that at risk. That  
5           would be a problem. This former schoolteacher  
6           is not about to support anything that's going  
7           to put that at risk.

8                       Thank you, Madam President.

9                       ACTING PRESIDENT STEWART-COUSINS:

10          Thank you, Senator.

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

13                      Senator Stachowski, to close for  
14          the majority.

15                      SENATOR STACHOWSKI:       Yes, Madam  
16          President, thank you. I Just wanted to make a  
17          few remarks, some of them in response to some  
18          of the things that were said.

19                      And believe me, this legislation  
20          was never put forward to leave anybody behind.  
21          We had -- UB had waited, along with everybody  
22          else, for some movement on the four centers to  
23          move. When the community got activated by the  
24          new president to start moving this idea

1 forward, especially in a time when the state  
2 was not going to be in a position to give them  
3 financial assistance that they would need,  
4 because they knew the state were going to be  
5 in difficult economic times. So they started  
6 on UB 2020 as a way to business the university  
7 through mandate relief and relief from some  
8 other processes that maybe are somewhat  
9 outdated.

10 I think it's important to  
11 mention -- and I mentioned it when I talked  
12 about the bill, but I think I have to repeat  
13 it, because two people have talked about the  
14 fact that there's no oversight on leasing or  
15 selling of land. But that is done under the  
16 auspice of the SUNY trustees.

17 So that the University at Buffalo  
18 still can't just say "We're going to do this";  
19 the SUNY trustees have to take a look at it  
20 first before they can do it. That says that  
21 right there, and I mentioned it.

22 The tuition increases, the maximum  
23 in an average course is \$270, much less than  
24 the SUNY board just did on their own. Without

1 anything coming from the Legislature whether  
2 they could raise it or not, they raised it.  
3 So that argument is a little bit off.

4 And as Senator Volker said, and I  
5 will also repeat, that we feel it's necessary  
6 to pass this legislation. We think we would  
7 be letting our community down not to do it.  
8 We think it's good for the university. We  
9 think that because of the difficulty we've  
10 always had in moving the whole package  
11 together, to mention what Senator Ranzenhofer  
12 said, this is kind of like a pilot project.  
13 But it doesn't have to be a long-term ahead of  
14 everybody else.

15 As Senator Volker said, we'll also  
16 be happy to work with everybody else to move  
17 along the other university system  
18 institutions, that we're not shortchanging  
19 them, we're just pushing this one ahead to get  
20 it out there as an example because they did  
21 the work in the background to get us in the  
22 position.

23 And when Senator LaValle mentioned  
24 a lot of those memos against -- with the

1           exception of NYPIRG's, because I find it  
2           interesting that NYPIRG has a memo against it  
3           when the student body voted in favor of that  
4           tuition policy. And they voted pretty  
5           substantially in favor of that tuition policy.

6                         But the fact is we're willing to  
7           still continue to work even after we pass this  
8           bill to alleviate any concerns that CSEA or  
9           PEF or UUP would have with this kind of  
10          legislation and the possible ramifications.

11                        As far as we can see, and in  
12          talking with the people that I worked with at  
13          the university to put this together, this is a  
14          win-win for UUP, and for some reason they  
15          don't want to see it. And I was sitting in a  
16          meeting once, and the person from Buffalo kept  
17          saying, "If it's going to create more jobs for  
18          you and it's going to create more UUP  
19          full-time professors, why are you still  
20          against it?" And it was a question that we  
21          really didn't get a good answer for.

22                        Even that being said, we're still  
23          going to continue to work with everybody to  
24          try to alleviate any concerns they have, try

1 to clear up any problems they have. But we  
2 feel it's necessary to move forward with this  
3 and to pass this bill today.

4 I thank everybody that rose to  
5 speak for it. I appreciate everything  
6 everybody said that stated their interests in  
7 their area, and understandably so.

8 I think that the tone of Senator  
9 Breslin's remarks was especially appropriate,  
10 because he talked about the fact that we're  
11 going to still get together and try to do  
12 something to move all the other institutions  
13 together.

14 And I know, under Senator  
15 Stavisky's leadership, she has a real  
16 interest, as did Senator LaValle, and Senator  
17 LaValle still does have, in the whole SUNY  
18 system. But she also realizes the importance  
19 of this bill, and I thank her for her help in  
20 moving this bill along.

21 And I am especially thank Senator  
22 Breslin and Senator Foley and Senator Johnson  
23 nor their understanding that this bill has  
24 advanced because they did so much work on it,

1 but we won't be leaving them behind.

2 I also -- the only member from  
3 Western New York that wasn't thanked on this  
4 was Senator Thompson. And he has been very  
5 active in this, and obviously is one of the  
6 main reasons that the minority business and  
7 women business piece is in there and it's in  
8 there so strong.

9 So the fact is that everybody has  
10 participated from Western New York, the whole  
11 community. I know that everybody weighed in.  
12 We will continue to work to try to move the  
13 whole system forward, because we do believe in  
14 one New York.

15 But I thank everybody for the work  
16 they did on this bill. I congratulate John  
17 Simpson for being the visionary that saw that  
18 this was a good way to go and the state was in  
19 poor financial condition, that this would make  
20 his university stronger and could make up for  
21 a funding that maybe we couldn't provide  
22 because of the situation we find ourselves in.

23 And I thank him and his team for  
24 all the work they did on this and working

1 together with everybody to get this bill to  
2 the point it's at and continue to hope to work  
3 with them as we move this bill out of this  
4 house and along to the Assembly, where we may  
5 have been see this again because to get it  
6 through the Assembly, it may require some  
7 other changes and it may be back here.

8 But we're in a position, I think,  
9 to keep continuing to work with everybody as  
10 we have. And I thank everybody for all the  
11 help.

12 And, Madam President, I hope that  
13 everyone will see fit to vote for this bill.  
14 Thank you.

15 ACTING PRESIDENT STEWART-COUSINS:  
16 Thank you, Senator Stachowski, for those  
17 closing remarks.

18 The debate is closed.

19 I'd ask the Secretary to please  
20 ring the bells.

21 Read the last section.

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

24 ACTING PRESIDENT STEWART-COUSINS:

1 Call the roll.

2 (The Secretary called the roll.)

3 ACTING PRESIDENT STEWART-COUSINS:

4 Senator Thompson, to explain his vote.

5 SENATOR THOMPSON: Yes. First, I  
6 want to thank you, Madam Chairwoman, for  
7 recognizing me.

8 I also want to thank Senator  
9 Stachowski for his leadership on this bill, in  
10 addition to Chairwoman Stavisky for her  
11 leadership as well in bringing people  
12 together.

13 We still have more work to do, but  
14 I think that this is a great step in the right  
15 direction for Western New York. We still have  
16 to recognize that Western New York needs  
17 strong leadership, and today the Senate is  
18 providing leadership in a bipartisan way to  
19 move Western New York forward to make UB an  
20 even greater flagship university, not only in  
21 the state but in the nation as well.

22 We've worked out a number of  
23 details to provide project labor agreements to  
24 increase diversity. There are still some

1 remaining issues as relates to concerns  
2 related to organized labor that work within  
3 the State University system. I am confident  
4 and cautiously optimistic that we will push to  
5 get some of those other considerations  
6 addressed.

7 I strongly support this bill. This  
8 is great for Western New York. And too often  
9 it's said that Albany fails Western New York;  
10 that is not true. And today we are providing  
11 good and strong leadership.

12 And I strongly vote aye on this  
13 bill. Thank you.

14 ACTING PRESIDENT STEWART-COUSINS:  
15 Thank you, Senator.

16 Senator Thompson will be recorded  
17 in the affirmative.

18 Senator Foley.

19 SENATOR FOLEY: Thank you, Madam  
20 President.

21 Certainly the great work that's  
22 been put together on this resolution is to be  
23 noted, particularly of Senator Stachowski.

24 I think it should also be mentioned

1 for the record that this bill, while a pilot  
2 in nature, is also turning out to be a  
3 catalyst. It's a catalyst wherein we will be  
4 forging, over the next several weeks, from the  
5 testimony, if you will, by members of both  
6 conferences, a more, let's say, comprehensive  
7 and holistic approach to the four major  
8 research facilities in our state.

9 So it's my hope and expectation  
10 that in the remaining time of this session  
11 that we will see forged, through hard work, a  
12 follow-up resolution that addresses the needs  
13 and issues of the other research centers so  
14 that we can then, at the end of session, say  
15 that this is one New York. That, yes, the  
16 first resolution is the University at Buffalo,  
17 but that as we move forward, we will be  
18 addressing the other universities, and in so  
19 doing bringing all the research centers to new  
20 levels of excellence, which is what this state  
21 is all about.

22 I'll be voting in the affirmative,  
23 Madam President.

24 ACTING PRESIDENT STEWART-COUSINS:

1 Senator Foley to be recorded in the  
2 affirmative.

3 Senator Craig Johnson, to explain  
4 his vote.

5 SENATOR CRAIG JOHNSON: Thank you  
6 very much, Madam President.

7 I wish to congratulate Senator  
8 Stachowski. I know how hard he has worked in  
9 this process for the past couple of years, as  
10 well as some of the Senators from the other  
11 side of the aisle.

12 I think we need to take the benefit  
13 of their hard work and labor as we move  
14 forward. And echoing my friend and colleague  
15 Brian Foley, we just can't leave the other  
16 research centers behind, be it in Albany,  
17 Binghamton, or, for us, Stony Brook.

18 But we also have to recognize that  
19 we need to move forward, that efforts in the  
20 past that have been stalled when dealing with  
21 this, we just can't simply rest on that. We  
22 need to move forward. And this way we begin  
23 the process.

24 But as so eloquently stated by my

1 colleague Brian Foley, something good has come  
2 out of this. And hopefully by the end of  
3 session we'll be able to address the other  
4 three, using the fruits of Senator  
5 Stachowski's labors.

6                   Congratulations, Senator  
7 Stachowski. I'll be voting yes.

8                   Thank you very much.

9                   ACTING PRESIDENT STEWART-COUSINS:  
10 Senator Craig Johnson will be recorded in the  
11 affirmative.

12                   Is there any other Senator who  
13 wishes to explain his or her vote?

14                   Announce the results.

15                   THE SECRETARY:     Those recorded in  
16 the negative on Calendar Number 487 are  
17 Senators DeFrancisco, Farley, Flanagan,  
18 Fuschillo, Griffio, Hannon, O. Johnson, Lanza,  
19 Larkin, LaValle, Libous, Marcellino, McDonald,  
20 Padavan, Robach, Seward and Winner.

21                   Absent from voting: Senator  
22 Little.

23                   Ayes, 44. Nays, 17.

24                   ACTING PRESIDENT STEWART-COUSINS:

1 The bill is passed.

2 Senator Klein.

3 SENATOR KLEIN: Madam President,  
4 can we just recognize Senator Ruth  
5 Hassell-Thompson for a brief announcement.

6 ACTING PRESIDENT STEWART-COUSINS:  
7 Senator Ruth Hassell-Thompson.

8 SENATOR HASSELL-THOMPSON: Thank  
9 you, Madam President. I just want to announce  
10 that at 10 a.m. in the morning there will be a  
11 conference of the Majority in Room 332. There  
12 will be no conference tonight.

13 ACTING PRESIDENT STEWART-COUSINS:  
14 Thank you.

15 There will be a conference of the  
16 Majority, 10:00 a.m., Room 332. No conference  
17 this evening.

18 Senator Klein.

19 SENATOR KLEIN: Madam President,  
20 is there any further business at the desk?

21 ACTING PRESIDENT STEWART-COUSINS:  
22 Senator Klein, the desk is clear.

23 SENATOR KLEIN: There being none,  
24 I move we adjourn until Tuesday, June 4th, at

1 11:00 a.m.

2 ACTING PRESIDENT STEWART-COUSINS:

3 On motion, the Senate stands adjourned until  
4 Thursday, June 4th, at 11:00 a.m.

5 (Whereupon, at 8:13 p.m., the  
6 Senate adjourned.)

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