NEW YORK STATE SENATE

THE STENOGRAPHIC RECORD

ALBANY, NEW YORK

February 24, 2010

2:43 p.m.

REGULAR SESSION

SENATOR ANDREA STEWART-COUSINS, Acting President

ANGELO J. APONTE, Secretary

P R O C E E D I N G S

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

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

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

ACTING PRESIDENT STEWART-COUSINS: In the absence of clergy, may we all bow our heads in a moment of silence.

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

ACTING PRESIDENT STEWART-COUSINS: The reading of the Journal.

The Secretary will read.

THE SECRETARY: In Senate, Tuesday, February 23, the Senate met pursuant to adjournment. The Journal of Monday, February 22, was read and approved. On motion, Senate adjourned.

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

Presentation of petitions.

Messages from the Assembly.

Messages from the Governor.

Reports of standing committees.

Reports of select committees.

Communications and reports from state officers.

Motions and resolutions.

Senator Klein.

SENATOR KLEIN: Madam President, I believe Senator Seward has a resolution at the desk. I ask that the resolution be read in its entirety and move for its immediate adoption.

ACTING PRESIDENT STEWART-COUSINS: Senator Klein, has this resolution been deemed privileged and approved by the office of the Temporary President?

SENATOR KLEIN: Yes, it has, Madam President.

ACTING PRESIDENT STEWART-COUSINS: The Secretary will read.

THE SECRETARY: By Senators Seward and Stachowski, Legislative Resolution Number 3812, mourning the untimely death of New York State Trooper Jill E. Mattice on

January 20, 2010.

"WHEREAS, It is the sense of this Legislative Body to convey its grateful appreciation and heartfelt regret in the recognition of the loss of a courageous police officer who dedicated her purposeful life and career in faithful service to her family, community, and the New York State Police; and

"WHEREAS, It is with profound sadness that this Legislative Body records the passing of New York State Trooper Jill E. Mattice, who made the ultimate sacrifice on January 20, 2010, while faithfully executing her responsibilities, serving with dedication, loyalty and compassion, and who devoted her purposeful life and career to serve and protect; and

"WHEREAS, A six-and-one-half-year veteran of the New York State Police, 31-year-old Jill E. Mattice was assigned to the Oneonta trooper barracks and worked as a school resource officer for Unadilla Valley Central School and Franklin Central School; and

"WHEREAS, A friend and mentor to

the students she worked with, Trooper Jill E. Mattice was a true professional and beautiful person; and

"WHEREAS, She exemplified what it truly means to give of herself in providing vital police services in keeping with the noble mission of the New York State Police; and

"WHEREAS, The 123rd New York State trooper to die in the line of duty, Trooper Jill E. Mattice was the first female New York State police officer to die in the performance of her duties; and

"WHEREAS, A 1996 graduate of Cleveland Hill High School, where she was an accomplished athlete, active in volleyball, basketball and softball, Trooper Jill E. Mattice lived her life with great dignity and genuine grace, always demonstrating a deep and continuing concern for the welfare of others; and

"WHEREAS, Recently married, Trooper Jill E. Mattice is survived by her loving husband, Troy Mattice, of Oneonta, New York; and

"WHEREAS, Armed with a humanistic spirit, imbued with a sense of compassion, and comforted by a loving family, Trooper Jill E. Mattice leaves behind a legacy which will long endure the passage of time and will remain as a comforting memory to all she served and befriended. She will be deeply missed and truly merits the grateful tribute of this Legislative Body; now, therefore, be it

"RESOLVED, That this Legislative Body pause in its deliberations to mourn the untimely death of New York State Trooper Jill E. Mattice, noting the significance of her contributions on behalf of the citizens of this noble Empire State and expressing its deepest condolences to her family; and be it further

"RESOLVED, That a copy of this resolution, suitably engrossed, be transmitted to the family of Trooper Jill E. Mattice."

ACTING PRESIDENT STEWART-COUSINS: Senator Seward.

SENATOR SEWARD: Thank you, Madam President.

I appreciate the body pausing today

to pass this resolution honoring the memory of State Police Officer Jill Mattice, who was born and brought up out in Senator Stachowski's district, in Western New York. Her parents still reside there.

But she had her career as state police officer in my district, marrying a local Oneonta young man and moving to our area.

In addition to her responsibilities, which she carried out with great aplomb, as a state police officer for the past six and a half years, in addition to the normal duties as a state police officer, she served two local schools as the school resource officer and, in doing so, contributed so much in a positive way to some young lives in those school districts.

She tragically was killed in an automobile accident back on January 20th, and the life of this bright star of our State Police was tragically extinguished.

And this is certainly a -- her untimely death, a tragedy for the State Police and of all New Yorkers and all police officers

everywhere. It was a tragedy for the community that she served in our area, certainly a tragedy for the Mattice family -- she and her husband were just building a new home in our area and were looking forward to a great future together -- and of course a great tragedy to her many, many friends.

But even though her life and career was all too short, her legacy will live on forever, because she did in fact touch the lives of so many during her short career and life. And for that we're eternally grateful.

And our hearts collectively go out to her family and friends who continue to feel her great loss.

Thank you, Madam President.

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

Senator Stachowski.

SENATOR STACHOWSKI: Yes, I'd like to join Senator Seward in saying a few words about Officer Mattice. She was a terrific resource officer, had a tremendous effect on the students that she touched.

Obviously she was born and raised

in Western New York, and she did her career out in Senator Seward's district, as he stated, and met a young man that she decided to start her life with, and tragically it was cut short.

Because of the effect she'll have on touching all those students, her memory will go on. And we just thank her family, not only her new husband but her mother and father and relatives, for sharing her with the state, as she served as a State Police officer and a very valuable resource officer in her school.

And we will sorely miss Jill Mattice, and we hope her memory lives on through the work she did with all the students.

Thank you.

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

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

Hearing none, the question is on the resolution. All those in favor please signify by saying aye.

(Response of "Aye.")

ACTING PRESIDENT STEWART-COUSINS: Opposed, nay.

(No response.)

ACTING PRESIDENT STEWART-COUSINS: The resolution is adopted.

And certainly our collective condolences go out to the Mattice family.

In addition, of course, this resolution is open to cosponsorship, so anyone not wishing to be on the resolution should notify the desk.

Senator Klein.

SENATOR KLEIN: Madam President, there will be an immediate meeting of the Finance Committee in Room 332, followed by an immediate meeting of the Rules Committee.

Pending the return of the Rules Committee, may we please stand at ease.

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

There will be an immediate meeting of the Finance Committee, followed by an immediate meeting of the Rules Committee in the Majority Conference Room, Room 332.

Pending the return of the Rules

Committee, the Senate will stand at ease.

(Whereupon, the Senate stood at ease at 2:52 p.m.)

(Whereupon, the Senate reconvened at 3:16 p.m.)

ACTING PRESIDENT STEWART-COUSINS: Senator Klein.

SENATOR KLEIN: Madam President, I believe there's a report of the Rules Committee at the desk. I move that we adopt the report at this time.

ACTING PRESIDENT STEWART-COUSINS: The Secretary will read.

THE SECRETARY: Senator Smith, from the Committee on Rules, reports the following bill direct to third reading:

Senate Print 6430A, by Senator Squadron, an act to amend the Public Housing Law.

ACTING PRESIDENT STEWART-COUSINS: All those in favor of accepting the report of the Rules Committee please signify by saying aye.

(Response of "Aye.")

ACTING PRESIDENT STEWART-COUSINS:

Opposed, nay.

(No response.)

ACTING PRESIDENT STEWART-COUSINS: The report of the Rules Committee is adopted.

Senator Klein.

SENATOR KLEIN: Madam President, do we have any substitutions at the desk?

ACTING PRESIDENT STEWART-COUSINS: Yes, we do.

The Secretary will read.

THE SECRETARY: On page 13, Senator Sampson moves to discharge, from the Committee on Cities, Assembly Bill Number 2575 and substitute it for the identical Senate Bill Number 5693, Third Reading Calendar 107.

On page 14, Senator Schneiderman moves to discharge, from the Committee on Finance, Assembly Bill Number 8678A and substitute it for the identical Senate Bill Number 5701A, Third Reading Calendar 117.

On page 15, Senator Sampson moves to discharge, from the Committee on Judiciary, Assembly Bill Number 3581 and substitute it for the identical Senate Bill Number 2459, Third Reading Calendar 122.

On page 15, Senator Klein moves to discharge, from the Committee on Judiciary, Assembly Bill Number 2374A and substitute it for the identical Senate Bill Number 2613A, Third Reading Calendar 123.

On page 16, Senator Duane moves to discharge, from the Committee on Health, Assembly Bill Number 7729D and substitute it for the identical Senate Bill Number 3164B, Third Reading Calendar 129.

And in relation to Calendar Number 175, Senator Squadron moves to discharge, from the Committee on Housing, Construction and Community Development, Assembly Bill Number 9487B and substitute it for the identical Senate Bill Number 6430A, Third Reading Calendar 175.

ACTING PRESIDENT STEWART-COUSINS: Substitutions ordered.

Senator Klein.

SENATOR KLEIN: Madam President, can we please move to a reading of the calendar.

ACTING PRESIDENT STEWART-COUSINS: The Secretary will read.

THE SECRETARY: Calendar Number 42, by Senator Little, Senate Print 262A, an act to amend the Real Property Tax Law, in relation to the enhanced STAR exemption.

ACTING PRESIDENT STEWART-COUSINS: Read the last section.

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

ACTING PRESIDENT STEWART-COUSINS: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 58.

ACTING PRESIDENT STEWART-COUSINS: The bill is passed.

THE SECRETARY: Calendar Number 63, by Member of the Assembly Wright, Assembly Print Number 1308, an act to amend the Election Law.

ACTING PRESIDENT STEWART-COUSINS: Read the last section.

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

ACTING PRESIDENT STEWART-COUSINS: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT STEWART-COUSINS: Announce the results.

THE SECRETARY: Ayes, 58.

ACTING PRESIDENT STEWART-COUSINS: The bill is passed.

THE SECRETARY: Calendar Number 73, by Senator Nozzolio, Senate Print 2398, an act to amend the Correction Law, in relation to permitting correction officers.

ACTING PRESIDENT STEWART-COUSINS: Read the last section.

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

ACTING PRESIDENT STEWART-COUSINS: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT STEWART-COUSINS: Announce the results.

THE SECRETARY: Ayes, 58.

ACTING PRESIDENT STEWART-COUSINS: The bill is passed.

THE SECRETARY: Calendar Number 75, by Senator Adams, Senate Print 3559A --

SENATOR KLEIN: Lay the bill aside for the day, please.

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

THE SECRETARY: Calendar Number 85, by Senator Addabbo, Senate Print 4242, an act to amend the Election Law, in relation to deadline.

ACTING PRESIDENT STEWART-COUSINS: Read the last section.

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

ACTING PRESIDENT STEWART-COUSINS: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT STEWART-COUSINS: Announce the results.

THE SECRETARY: Ayes, 58.

ACTING PRESIDENT STEWART-COUSINS: The bill is passed.

THE SECRETARY: Calendar Number 91, by Senator Farley, Senate Print 1260A, an act to authorize New Creation in Christ Ministries to file.

ACTING PRESIDENT STEWART-COUSINS: Read the last section.

THE SECRETARY: Section 2. This

act shall take effect immediately.

ACTING PRESIDENT STEWART-COUSINS: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT STEWART-COUSINS: Announce the results.

THE SECRETARY: Ayes, 56. Nays, 2. Senators Bonacic and Larkin recorded in the negative.

ACTING PRESIDENT STEWART-COUSINS: The bill is passed.

THE SECRETARY: Calendar Number 96, by Senator Valesky, Senate Print 2829, an act to amend the State Administrative Procedure Act, in relation to detailing.

ACTING PRESIDENT STEWART-COUSINS: Read the last section.

THE SECRETARY: Section 5. This act shall take effect on the first of September.

ACTING PRESIDENT STEWART-COUSINS: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT STEWART-COUSINS: Announce the results.

THE SECRETARY: Ayes, 58.

ACTING PRESIDENT STEWART-COUSINS: The bill is passed.

THE SECRETARY: Calendar Number 129, substituted earlier today by Member of the Assembly Gottfried, Assembly Print Number 7729D, an act to amend the Public Health Law and others, in relation to establishing procedures.

ACTING PRESIDENT STEWART-COUSINS: Read the last section.

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

ACTING PRESIDENT STEWART-COUSINS: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT STEWART-COUSINS: Senator Hannon, to explain his vote.

SENATOR HANNON: Thank you, Madam President.

The bill, titled the Family Healthcare Decision Act, which also embraces surrogate decision-making, deals with one of the most sensitive subjects we have in all of healthcare, and that is end-of-life

decision-making.

Starting somewhere in 1987, with a further report in 1992, the New York State Task Force on Life and Law has had a proposal; I think I was the first Senator to introduce it in the late '90s. For a whole host of different reasons, it's been through a number of different iterations.

Today, Senator Duane has brought the bill to the floor. Assemblyman Gottfried has passed it in the Assembly. And I think we are coming to a conclusion of a lengthy process.

It will not be the end of that process, because dealing with such essential decisions on life and death is something we are continually exploring, becoming more sensitive to, trying to be more advanced.

When the idea of this law began, we didn't really talk about hospice, we didn't talk about palliative care, we didn't talk about end-of-life decision-making. We didn't have people from all walks of life getting graduate degrees in end of life, in ethics and health. We now have that. We now have ethics

committees in hospitals that are much more fully fleshed out than they were 15 years ago.

So we are at a point where we will try to make it easier for patients in this state to deal with that end-of-life decision-making and actually, along the way, regular healthcare decision-making when they're incapable -- because right now the court cases have made it extraordinarily difficult to do this absent a healthcare proxy.

And who knows who has a healthcare proxy? Do we have a registry for healthcare proxies? We have a long way to go in so many different ways. But today does mark a point.

I do want to say that -- and I made this clear to Senator Duane -- along the way we passed healthcare decision-making for the mentally retarded, people who never had the capacity to ever have a healthcare proxy. That set of statutes has been approved by the Court of Appeals. It has an extraordinary careful number of safeguards, as this bill does. I would have liked, because we discovered it along the way, to have used the

standard that we use for the mentally retarded here, and that's the standard, when you make decisions, what's in the best interest of the patient. Well, we don't do that. But we do everything but that.

And when you do it, we had four goals in mind for the mentally retarded statute, the same four goals for here: To clarify the decisions on health-sustaining treatment are part of the natural healthcare continuum; to allow decisions to end life-sustaining treatment only where there is the clearest of need, intent, and rationality; and to use utilize existing legal standards and to maintain judicial oversight at the end.

The goals are worthy. This is difficult. We have over a hundred thousand people in this state in nursing homes. We have a lot more in critical stages in hospitals. We're going to face a lot of complications in years to come as the baby boomers clog our nursing homes, assisted living, and home care and hospitals.

But today is a good step. And, Senator Duane, congratulations.

Thank you.

ACTING PRESIDENT STEWART-COUSINS: Senator Hannon, how do you vote?

SENATOR HANNON: Yes.

ACTING PRESIDENT STEWART-COUSINS: Senator Hannon to be recorded in the affirmative.

Senator Smith.

SENATOR SMITH: Thank you very much, Madam President.

Just very briefly, I also wanted to lend my voice of congratulations to Senator Duane. This particular Family Healthcare Decision Act is what one that I think impacts all of us. Anyone can search their family, and I am sure there is someone related to you or someone that you know who difficult choices had to be made, and in some instances one was not able available to make that difficult choice on behalf of that person.

Senator Duane, Senator Breslin, all of which -- Senator Hannon -- all of which deserve congratulations, they've all had a lot of work and time to put in this.

Every now and then a bill comes to

the floor of the Senate that we all can be very proud of, that we can walk away from and go back to our particular districts and explain to them the good work that this body does. Today is one of those days.

Senator Duane, you deserve a tremendous amount of congratulations and stick-to-it-iveness. A bill like this sometimes takes a while. And with Senator Duane's fortitude, it's happening today.

So I just wanted to lend my voice of congratulations to him, to Senator Breslin, and also to Senator Hannon.

ACTING PRESIDENT STEWART-COUSINS: Senator Smith will be recorded in the affirmative.

SENATOR SMITH: Oh, I would say aye.

ACTING PRESIDENT STEWART-COUSINS: Senator Volker.

SENATOR VOLKER: Madam President, I just want to congratulate Senator Duane on this bill.

You know, it reminded me -- and I first looked at it and I realized that there's

still some opposition to it. But you know what? In the healthcare proxy area, you need the wisdom of Solomon. I mean, there's always going to be somebody who is going to be upset, I guess, or whatever, because this is such a tough issue.

But as somebody who has represented people in their end days, so to speak, and tried desperately to get them to sign something because we need to have some sort of control over their end days, so to speak -- one of the things about it, too, has to do with -- and it's not something that we like to talk about, but it has to do with monetary things. And there's money involved in it. Of course, in my opinion, that's the last thing maybe we should think of. But it is important.

As a lawyer, I think that the need is there for finality. And I think what Senator Duane is doing here -- and Senator Hannon before him, who struggled with this for years -- is to develop a way to find finality. And my congratulations to you, to Senator Breslin, and everybody involved in this.

I vote aye.

ACTING PRESIDENT STEWART-COUSINS: Senator Volker to be recorded in the affirmative.

Senator L. Krueger, to explain her vote.

SENATOR LIZ KRUEGER: Thank you, Madam President.

I too rise to congratulate Senator Duane on finally, hopefully successfully passing this bill.

I don't believe there's one person in New York State who hasn't had the experience of having to deal with a loved one at the end of life, having to make extremely difficult decisions. And it's becoming more and more common as people are living to older and older ages, and also becoming more and more of a reality that many people at the end of their lives may not have an immediate family member with them. It's a changing pattern of where people live, a changing pattern of how many children people have, a changing pattern of divorce and extended families and different definitions of

families.

I represent a district which I think has more hospitals in it than any other district in the state, and so as a result I have a huge number of healthcare providers -- doctors, social workers, nurses. And to have had to have the conversation over and over again with healthcare providers and professionals and people going through the same experiences I and my family have had to go through, and have to explain that we didn't have this law, has been so painful.

So many people will be benefited by this law. We will be a more humane state. We will allow families and professionals to make the right decisions when unfortunately sometimes people weren't able to make the decision for themselves until it was too late.

And so I am very happy we're going to pass the bill, and yet I have the regret of knowing that it's been a couple of decades where we didn't have this law, we could have had this law, and a lot of suffering took place because of it.

But again, today I am very proud to

be a cosponsor and to be voting for this bill.

Thank you.

ACTING PRESIDENT STEWART-COUSINS: Senator L. Krueger to be recorded in the affirmative.

Senator Foley.

SENATOR FOLEY: Thank you, Madam President.

I stand in strong support of this legislation as well. It will empower families to make the right decisions for their loved ones.

I think particularly we can commend the chair of the Health Committee, Senator Duane, and also ranking member Senator Kemp Hannon.

There's an interesting legislative history to this policy matter, but today we're here I think in strong bipartisan support to help empower the families of our state to make some very, very difficult and heart-wrenching decisions about their loved ones. But this legislation will help those families to make the right decisions for those that they love very deeply.

Thank you, Madam President.

ACTING PRESIDENT STEWART-COUSINS: Senator Foley to be recorded in the affirmative.

Senator Duane.

SENATOR DUANE: Thank you, Madam President.

This bill has had a long journey. And I do want to voice strong appreciation for the stewardship of Senator Hannon along the way, and of course Senator Sampson, who represented this side of the aisle on the Health Committee, and also my colleague Assemblymember Gottfried.

It seems paradoxical that, you know, legislation dealing with how it is that we make really tough decisions about the care of very, very ill people would be cause for some kind of celebration. But in fact this legislation will serve to take away one part of the heartache that can be caused when a family member is desperately, chronically ill. And that's why I think people are speaking out so strongly on this legislation.

You know, current law would allow

an individual to sign a healthcare proxy, you know, to appoint a proxy to make these kind of decisions. You know, I frankly was tempted to come down and wave one and say I just signed mine today, but in fact that's not true. But for the past -- as many of you know, my mom recently passed away, and I've had one sitting on my desk in my office, in my district office, and I haven't signed it yet.

So I think today's legislation is, you know, a very strong reminder that I'd better do it on Friday when I get back to my office in the city.

And, you know, I'm one of the 80 percent. And frankly, I should know better. I have seen a lot of death and sadness in my life. And I guess, you know, I don't like to think that I'm on that list, but in fact we're all on that list.

So I do want to encourage, if there are any other members of that have 80 percent that hasn't filled one out here, that they fill one out. And that will save them from their family members having to actually turn to the Family Healthcare Decisions Act.

You know, it's rare that you can get a hundred groups that lobby in Albany to agree on something, and yet this is a piece of legislation that more than a hundred groups have asked us to bring to the floor and get signed.

And I believe that we are going to pass it today. The Assembly has passed it this year as well. And I know the Governor is going to sign it into law. And this is really good government, and government which, as I say, will save heartache for families when they are going through incredibly difficult times because of the sickness of a family member.

So I'm voting yes. I encourage all my colleagues to vote yes. And I think we've made the burden of life a little bit easier for New Yorkers and New York families.

Thank you, Madam President.

ACTING PRESIDENT STEWART-COUSINS: Thank you, Senator Duane. And of course you will be recorded in the affirmative.

If there are no further discussions on the bill, please announce the results.

THE SECRETARY: Those recorded in the negative on Calendar Number 129 are Senators Diaz, Golden and Lanza.

Ayes, 55. Nays, 3.

ACTING PRESIDENT STEWART-COUSINS: The bill is passed.

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

SENATOR KLEIN: Madam President, at this time can we please move to a reading of the supplemental calendar.

ACTING PRESIDENT STEWART-COUSINS: The Secretary will read.

THE SECRETARY: Calendar Number 175, substituted earlier today by Member of the Assembly V. Lopez, Assembly Print Number 9487B, an act to amend the Public Housing Law.

ACTING PRESIDENT STEWART-COUSINS: Read the last section.

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

ACTING PRESIDENT STEWART-COUSINS: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT STEWART-COUSINS:

Senator Squadron, to explain your vote.

SENATOR SQUADRON: Thank you, Madam President. I rise on the bill.

This legislation will allow the New York City Housing Authority to make use of a one-time opportunity created in the ARRA federal stimulus bill and get more than $75 million a year permanently to benefit New York City's public housing residents.

The opportunity needs that state legislation. It has a hard deadline. And it's happening. It's happening on time, here, and it's going to benefit a whole lot of New Yorkers. This is exactly the sort of legislation that really speaks to what's happening here in the Senate and the Assembly.

Before beginning, it's important to highlight that it's also happening because New York's public housing has long benefitted from leaders who are effective fighters for NYCHA tenants. The State Assembly has already passed the bill, under the stewardship of Housing Chair Vito Lopez, without whom it would not have been possible.

Here in the Senate, the leadership

of Conference Leader John Sampson, Senate Finance Chair Carl Kruger, Housing Chair Pedro Espada -- all of whom have state and city developments that would be affected and for which they have fought and delivered for a long time.

My other colleagues who also have state and city developments that are so important for them to protect, and for which they have given so much: Senator Perkins, Senator Huntley, Senator Diaz, Senator Schneiderman, Senator Dilan, Senator Duane, Senator Hassell-Thompson, Senator Savino. All have state and city developments that will get affected and will be supported by this bill. Without all of their support, we would not be passing this bill today, on time, in a way that will dramatically affect more than 400,000 NYCHA tenants.

And it will be a very big deal for them. More than $280 million in immediate capital improvements of those 21 developments. $75 million a year in federal money for all of NYCHA. $30 million a year in capital for all of NYCHA.

And again, it's not just these 18,000 units, more than 20,000 tenants, 21 developments -- it's everyone. Because right now, since the state and city defunded their developments, every single public housing unit, every single public housing resident has gotten less. Because the amount that we get from the federal government, excluding these units, gets spread out to everyone.

With this bill, everyone will get more. Public housing will work better for everyone in the City of New York.

The bill does three things. It requires the Department of Housing and Community Renewal to approve any deal to make sure it's a fair deal for the state and tenants, and developments are protected. It also explicitly protects tenants and developments so that these developments will permanently stay public housing, so that these tenants will get benefit without any bad side effects. And it commits the state to continue to pay off the debt on the 15 developments that it built so that this deal can go through.

Together, it's going to be the most dramatic infusion of dollars that we have seen for public housing in years. And it will lead to the most dramatic improvements in public housing that we have seen in years.

And I want to thank my colleagues, I want to thank the Assembly sponsor for their support in making this happen and for the way that they have all fought for so long for New York's nearly half a million public housing residents.

I'll be voting aye.

Thank you, Madam President.

ACTING PRESIDENT STEWART-COUSINS: Senator Squadron to be recorded in the affirmative.

Senator Smith.

SENATOR SMITH: Thank you very much, Madam President.

Senator Squadron, to your credit, you have offered a bill that clearly rights some wrongs. There is a convoluted combination of regulations that have placed a number of our public housing units in New York City in a lot of disrepair. And this

particular bill actually corrects some of that. By virtue of them no longer being under the authority or the resources of the state, this particular bill, which will allow them to receive federal money, will allow them to maintain the kind of living conditions that people deserve.

The district that I represent has approximately 25 percent of the public housing in Queens. And many times when I am through those developments, the disrepair that is in these particular units is one that no one would want for themselves or their family or friends.

This particular bill will now give them a sense of a feeling that they are living in standard and not substandard housing. Everyone knows that there is nothing better for your ego or for your state of mind than having a good living condition. It's good for you; it's good for your children.

This particular bill takes properties that heretofore have had very difficult times in their management and upkeep, and will make sure that the pride that

we all have in the homes that we live in, these individuals will have the same.

I am proud to be a supporter of this bill. I vote aye for this bill, Madam President. And I want to congratulate Senator Squadron on a fine job.

Thank you.

ACTING PRESIDENT STEWART-COUSINS: Senator Smith to be recorded in the affirmative.

Senator Hassell-Thompson, to explain her vote.

SENATOR HASSELL-THOMPSON: Thank you, Madam President.

I rise to congratulate Senator Squadron on this particular bill.

As someone who has 23 public housing complexes in my district, this obviously is of great concern to me on two levels. One, that we finally infuse the kind of money into those properties to facilitate, as Senator Smith said, a better standard of living that people have a right to expect.

And secondly, there has been very careful monitoring of the language of this

bill to ensure that we do not lose this affordable housing to the private market.

There has been some concern, there have been some roundtables that have been convened to ensure that we put forth the best language possible to safeguard the public housing that we have in our communities. And so as someone who has been an advocate of affordability -- how do we keep affordable housing, how do we reduce the opportunities for privatization -- I am very pleased that this federalization is going to occur in all of the properties, certainly, but in two very critical properties in my district.

It will also alleviate the fact that the very short amount of money that has been available will not now have to go toward these properties because, for the first time, we will be properly infusing that money necessary for ongoing operational expenses as well as capital development.

And so I'm very pleased to be a cosponsor of this bill. And as someone who has helped to shepherd this bill to this point, I'm very appreciative of this

opportunity.

Thank you, Madam President.

ACTING PRESIDENT STEWART-COUSINS: Senator Hassell-Thompson to be recorded in the affirmative.

Senator L. Krueger, to explain her vote.

SENATOR LIZ KRUEGER: Thank you, Madam President.

I'm also happy to be a cosponsor of the bill, delighted we are getting it done today. Because, as was explained by the sponsor, Senator Squadron, we're on a very tight time frame to ensure that we move legislation that assures that we can take advantage of the federal window for new money.

You know, everybody likes to be critical of public housing. And to be honest, it's not always that hard. I want better from NYCHA. I think we all do. But let's face it, unless we maximize the dollars to ensure that public housing in this state has the operating revenue and the capital money to continue to be viable, to continue to be there for our residents throughout the State of New York, we

all do ourselves a disservice.

So this is a huge opportunity to maximize federal money now and into the future. It's the perfect win from a stimulus perspective. We're going to draw in a large amount of money, hundreds of millions of dollars, to immediately do rehab construction on these units, creating jobs, construction jobs right there in our communities right now, and have ongoing, in perpetuity, federal money to help us operate this. It's a win/win.

I'm delighted the Senate is moving this bill today. So thank you. And thank you, Senator Squadron. I'll be voting yes.

ACTING PRESIDENT STEWART-COUSINS: Senator L. Krueger to be recorded in the affirmative.

Senator Huntley.

SENATOR HUNTLEY: Yes, Madam President.

I will be supporting the bill, but I have a lot of reservations about it.

First of all, I have two housing complexes in my district. I have two. Which has nothing to do with this bill, because

they're not -- they're funded by the city, which means we will not benefit. Even though they tell me that we will.

When the State of New York had money, the housing projects were always in disarray. This is nothing new. This money -- which I hope, I just hope we're going to see a difference. Because there's been many times, and I've attended many meetings, from community boards to meetings all over, about people trying to make a better life for people that live in housing.

And I'm just so happy my colleagues are concerned about housing, because I've been here a while and this is the first time I've heard them mention housing. In fact, this is the first time I've seen this bill. So therefore, it was not circulated, because I never read the bill.

But again, I will support it, mainly for my colleague Ruth Hassell-Thompson because she has a lot of housing developments which this will help. So I will support it for that reason only.

But in the future, I would like for

bills, regardless of where they go -- this should have come to the City Committee. I should have seen it. And I would hope that in the future that my colleagues will realize that you cannot leave people out. Everyone had a right to review this bill.

Thank you.

ACTING PRESIDENT STEWART-COUSINS: Senator Huntley to be recorded in the affirmative.

Senator Diaz, to explain his vote.

SENATOR DIAZ: Thank you, Madam President.

Today I just want to congratulate Senator Squadron, because he obviously has been thinking of the people from my district. There are 21 public developments that have been affected because they don't receive federal help. And Senator Squadron, with this legislation, is trying to remedy that damage.

Senator Squadron, I thank you. Because one or two of those -- two of those 21 public housing developments are in my district, one of them in Castle Hill, Castle Hill Public Housing and Saint Mary's Park

Public Housing.

And, Senator Squadron, let me tell you that by you doing this, you are helping 2,025 units in Castle Hill, the equivalent of 5,421 people that live in Castle Hill. Of all the 21, of all the 21 developments, the biggest one in population is in my district, Castle Hill -- 5,421 people that will be benefitting from this bill in Castle Hill Housing. And there are 2,331 people in Saint Mary's Park. A total of 7,752 people will be benefitting, and 3033 units.

So, Senator Squadron, I never do this, but you the man. You are the man. Thank you on behalf of the residents of Castle Hill Housing. And on behalf of the residents of Saint Mary's Park in my district, I thank you. And if you continue doing this, maybe I support you for mayor.

(Laughter.)

SENATOR DIAZ: So thank you, Madam President, and I'm voting yes.

ACTING PRESIDENT STEWART-COUSINS: Senator Diaz to be recorded in the affirmative.

Senator Espada, to explain his vote.

SENATOR ESPADA: Surely. Thank you, Madam President.

I want to applaud and obviously support this legislation. I think officially Senator Squadron not only gets one vote for mayor today but should be enshrined in the New York City Housing Authority Hall of Fame for this. It's truly landmark legislation that would affect so many.

All the laudable ends have been explained. Two things. Chairman Rhea has a tremendous challenge ahead of him. As chairman of the New York City Housing Authority, I think he too deserves tremendous credit. And tremendous credit because during this housing crisis and the economic crisis, we need to think out of the box. And that kind of thinking is what's going to get us out of the doldrums and out of this economic crisis.

So again, kudos to the chairman, to Senator Squadron. And I must admit also that this relinquishes a tremendous amount of guilt

for me, inasmuch as I grew up on Cauldwell Avenue, facing the windows of Saint Mary's Housing -- on stickball games, hitting those Spaulding balls into those windows, now they will be fixed.

So we thank you for that. You've rid me of tremendous guilt. And we applaud your efforts.

Thank you very much.

ACTING PRESIDENT STEWART-COUSINS: Senator Espada to be recorded in the affirmative.

Senator Duane, to explain his vote.

SENATOR DUANE: Thank you, Madam President.

You know, ever since I was even in the City Council, I've worked with advocates and struggled with people in my community on how it is that we could make capital improvements to our New York City Housing Authority developments. And it was always complicated by the fact that some of them were state developments, and it just made everything so much more difficult. So being able to federalize them is really going to

make my job easier.

You know, I have three developments that are going to be positively impacted by this. One is 344 East 28th Street, one is the Amsterdam Addition of the Amsterdam Houses, and the other is the Chelsea Addition of the Chelsea-Elliott Houses. And, you know, to equalize them is just -- it's a very, very positive development.

And I know that people on both sides of the aisle have tried to figure out a way to bring operating as well as capital fundies to state projects. And here, you know, we're able to take advantage of, you know, the Recovery Act funds. And really it's just a great thing.

And that we're today going to pass this legislation and it's not even the day before is just a milestone here in the Senate.

And I want to thank Senator Squadron, because he really has been dogged and determined on this legislation.

And I also just want to -- and this just goes to something that happened in the past. But two people that I also worked with

on this that aren't really getting a mention but who have kept this issue alive, one is Senator Diane Savino -- who, you know, I wouldn't take a step in this body without making sure it's okay with Diane Savino -- and also Senator Lanza. When we needed his help, even though there wasn't really a huge, you know, upside for him to do it, he stepped up and did it.

So also, to both of you, thank you for your work on the issue of the state developments as well.

I vote yes, Madam President.

ACTING PRESIDENT STEWART-COUSINS: Senator Duane to be recorded in the affirmative.

Senator Montgomery, to explain your vote.

SENATOR MONTGOMERY: Yes, thank you, Madam President.

I rise to also thank my colleague Senator Squadron for his work on this very, very important legislation. Because, as for my district, we have some 30,000 residents who live in public housing. I have housing that

starts at the Hudson River and ends almost at the border in Ocean Hill. And those 30,000 residents actually are already living in federally financed housing.

So the people in Red Hook and Farragut and Ingersoll and Whitman and Marcy and Tompkins and Sumner and Roosevelt and Kingsborough and Brevoort and Lafayette Gardens and all of my people, I want to say to them, when they ask "What does this have to do with us, how does this help us" -- well, it helps us because based on this legislation, when all of the residents are federalized, the state developments will no longer be essentially robbing Peter to pay Paul. So they've been taking, really, from our people to make it possible for us to serve all of the people in public housing. So now this corrects that problem.

And in fact, based on this, NYCHA will receive $400 million immediately. And every year from this point going forward, they will receive $75 million annually in operating costs, and additionally $30 million in capital subsidies from the federal government.

Which means that the community centers in my district, the public housing in the 18th Senate District, even though they are already federal, now we can have our community centers fixed. And we can have jobs for people who live in my district in public housing, and after-school programs. And they've asked me, "Senator, we need lights to secure our buildings." They can now look to receive that.

So I thank Senator Squadron. And more importantly, Madam President, let me say this: I thank the people who live in public housing. They have written me in very large numbers this year. They're very organized, and they have put this as number one on their agenda, and that is that we should do something to help make the environment in those communities safe, secure, and maintained. And so this will allow us to do it. Even though we don't have the funding in our budget, the federal government is coming to our rescue, and we appreciate that.

So I thank them, I thank Senator Squadron, I thank my colleagues. Because

today this that we're doing affects hundreds of thousands of families in the City of New York and in other parts of the state as well.

So thank you, and I vote yes.

ACTING PRESIDENT STEWART-COUSINS: Senator Montgomery to be recorded in the affirmative.

Senator Perkins, to explain his vote.

SENATOR PERKINS: Thank you, Madam Chair.

You know, who in their right mind, especially having grown up in public housing and who has the privilege now of representing a large portfolio of public housing developments, would hesitate to see hundreds of millions of dollars come to the public housing portfolio of public housing opportunities.

Especially when we know that there are so many that are not getting what they need by virtue of the fact that they were not built by the federal government. And that it has an impact on our state budget and

subsequently other opportunities that we could use that money for.

But, you know, I've had reservations. Just the other day, the New York Times reported, on February 21st, "After years of poor conditions under the Public Housing Authority, a night of sudden repairs."

The history of the Public Housing Authority in terms of its commitment to the residents of public housing is not one that would make one have any faith in their ability or even sometimes their willingness to do the right thing.

Secondly, I know that on 114th Street, between Adam Clayton Powell and Frederick Douglass Boulevard, they vacated half of the block of public housing with the promise that they would rehab that block with new infusions of money and that the tenants would be relocated for a short period of time and then come back to new housing, and then on the other side of the block they would be rehabbed and the tenants would come back for that new housing opportunity.

Five years later, the block is

still abandoned. Worse than that, it has become infested with dope dealers. So the folks that were moved out are still out. And as you know, when you move out temporarily, you never unpack. You live out of -- and these are not folks that did not move without families, children and so forth.

So there's a good reason why one would be reluctant to support a proposal being spearheaded by the Public Housing Authority, especially in this climate, where not only have they been negligent in terms of their responsibilities but also where you're seeing instances of privatization of public housing, privatization all over the country.

And in fact, some of you may on occasion read the City Journal, in which there is a fairly lengthy article talking about how we can privatize public housing in New York City and create housing opportunities in those communities that will be subject to the private market. And most of us know that's another word for being unaffordable and luxury. And it means that we have to be displaced and move out to someplace else.

So you would have to really hesitate, with the history of the Public Housing Authority, to want to jump into something called a hundred million dollars or whatever, hundreds of millions of dollars, because their track record has not been good and the climate has not been good.

And then add to that that the new person in charge of public housing, the general manager, comes from one of those localities in New Orleans where he oversaw the privatization of the public housing in that area, and now he has joined us in New York City.

So it's a scary scenario to have to advocate to people in your community -- that are already suffering that kind of neglect and that kind of fear -- that this proposal is going to be as it is promised.

I have four developments that are amongst these 21: Drew-Hamilton Houses, the Manhattanville Houses, Fred Samuels Houses, and the Wise Towers. And of course I have a larger portfolio of public housing throughout my whole senatorial district, which again

indirectly would benefit.

But on the other hand, you know, every once in a while you have to take a leap of faith. You have to believe that maybe in this particular moment in this particular time that this will happen as it was promised to happen.

And so with those reservations, those severe reservations about privatization, about the incompetence of the Public Housing Authority in terms of living up to its maintenance and operating responsibilities, about the fact that we are still suffering, on 114th Street, from a situation in which the block has been abandoned with the promise that the people will be returned, I'm going to reluctantly support this legislation, with the reservations that I've shared, because on the other hand it's what's before us, and I think that if it goes forward clearly it will be a good thing.

So I'll be voting aye.

ACTING PRESIDENT STEWART-COUSINS: Senator Perkins to be recorded in the affirmative.

Are there any other Senators wishing to explain his or her vote?

Senator Savino.

SENATOR SAVINO: Thank you, Senator Stewart-Cousins. I will be brief.

Let me add my congratulations to Senator Squadron for bringing this bill to the floor.

When he first got elected, he came to talk to me about what he felt was a serious inequity with respect to New York City housing, looking at how much money the State of New York provided to the Housing Authority for the maintenance and the support and the operation of several of the units.

And I explained to him how it happened that more than 12 years ago, the State of New York decided to stop providing funding to the Housing Authority. At the time, the Housing Authority had $168 million in a surplus, and they made a decision that they could potentially use that money and they didn't need money from the state.

It was probably not the smartest decision to make, because once the state

stopped providing funding to state-run units, they quickly went through the money they had and brought us to where we are today.

Federalization of these units has been an issue that we have all wanted for a very long time. One of my congressional members, Nydia Velazquez, has been working on this for years. But what was missing was a commitment from Washington. And now we have that commitment from Washington and we have access to the ARRA funds that will allow us to do this.

And it's not just for the units that are here that are outlined -- one of them is mine, the Stapleton Houses, which will affect 693 units and almost 2200 families there. I, like Senator Hassell-Thompson, represent just about -- she's got 23 developments, I have 21 developments between Brooklyn and Staten Island. Any extra money into either Brooklyn or Staten Island for these units helps those that are not going to be federalized, helping preserve public housing and improve it. And that money has been desperately needed for a long time.

But I do want to say this is not the first time that we have stepped forward in an effort to try and correct issues that have been unfair to the Housing Authority. Senator Duane made mention of it, but I think it's important that for some of you who weren't here in 2007, we should at least give credit to Senator Lanza, who did introduce the bill and carry the bill in this body that allowed the Housing Authority to finally begin to capture the full shelter allowance for families living in public housing that are on public assistance. That was a longstanding inequity, and it brought hundreds of millions of dollars into the Housing Authority's coffers at a time when we couldn't find a way to do it.

So that was the first step; this is the second step. And I'm very proud to be voting on this bill today.

Thank you.

ACTING PRESIDENT STEWART-COUSINS: Senator Savino to be recorded in the affirmative.

Senator Schneiderman, to explain

his vote.

SENATOR SCHNEIDERMAN: Thank you, Madam President.

I am proud to rise in support of this legislation. I too have projects that will benefit from this money in my district.

And in the long list of people to be thanked, I just want to note that Senator Squadron also did mention to me that we really also should be appreciative of the work our representatives in Washington did. The fact that this money is available is in large part attributable to the work of our senior senator, Chuck Schumer.

And I just wanted to make sure that Senator Squadron's praise for Senator Schumer and gratitude to Senator Schumer was noted for the record.

ACTING PRESIDENT STEWART-COUSINS: Thank you. And Senator Schneiderman will be recorded in the affirmative.

Announce the results.

THE SECRETARY: In relation to Calendar Number 175: Ayes, 58. Nays, 0.

ACTING PRESIDENT STEWART-COUSINS:

The bill is passed.

Senator Klein, that completes the reading of the noncontroversial supplemental calendar.

SENATOR KLEIN: Madam President, can you recognize Senator Ruth Hassell-Thompson for a brief announcement.

ACTING PRESIDENT STEWART-COUSINS: Senator Hassell-Thompson.

SENATOR HASSELL-THOMPSON: Thank you, Madam President.

There will be an immediate meeting of the Majority in the Majority Conference Room, 332.

ACTING PRESIDENT STEWART-COUSINS: Thank you. There will be an immediate meeting of the Majority in the Majority Conference Room, Room 332.

Senator Klein.

SENATOR KLEIN: Madam President, is there any further business at the desk?

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

SENATOR KLEIN: There being none, I move that we adjourn until Monday,

March 1st, at 3:00 p.m., intervening days to be legislative days.

ACTING PRESIDENT STEWART-COUSINS: There being no further business to come before the Senate, on motion, the Senate stands adjourned until Monday, March 1st, at 3:00 p.m., intervening days being legislative days.

(Whereupon, at 4:09 p.m., the Senate adjourned.)