NEW YORK STATE SENATE

THE STENOGRAPHIC RECORD

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3:15 p.m.

REGULAR SESSION

SENATOR JOSEPH A. GRIFFO, Acting President

FRANCIS W. PATIENCE, Secretary

P R O C E E D I N G S

ACTING PRESIDENT GRIFFO: The Senate will come to order.

I ask all present to please rise and join with me as we recite the Pledge of Allegiance to our Flag.

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

ACTING PRESIDENT GRIFFO: Today's invocation will be offered by the Reverend Peter G. Young, of the Mother Teresa Community here in Albany.

Father.

REVEREND YOUNG: Thank you, Senator.

As we feel the winds of March, we have a desire to make us therefore share in God's love, to aid in gentle kindness to help those that are weak, those that are sick or unfortunate. In His love for us, God has called us therefore to show them mercy.

Amen.

ACTING PRESIDENT GRIFFO: Thank you, Father.

Reading of the Journal.

The Secretary will read.

THE SECRETARY: In Senate, Tuesday, March 1, the Senate met pursuant to adjournment. The Journal of Monday, February 28, was read and approved. On motion, Senate adjourned.

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

Presentation of petitions.

Messages from the Assembly.

The Secretary will read a substitution.

THE SECRETARY: On page 11, Senator Maziarz moves to discharge, from the Committee on Energy and Telecommunications, Assembly Bill Number 3656A and substitute it for the identical Senate Bill Number 607B, Calendar Number 36.

ACTING PRESIDENT GRIFFO: Substitution so ordered.

Messages from the Governor.

Reports of standing committees.

Reports of select committees.

Communications and reports from

state officers.

Motions and resolutions.

Senator Libous.

SENATOR LIBOUS: Mr. President, would you call on Senator Klein, please.

ACTING PRESIDENT GRIFFO: Senator Klein.

SENATOR KLEIN: Thank you, Senator Libous.

Mr. President, on page 14 I offer the following amendments to Calendar Number 86, Senate Print Number 1031, and ask that said bill retain its place on Third Reading Calendar.

ACTING PRESIDENT GRIFFO: The amendments are received and adopted, and the bill will retain its place on the Third Reading Calendar.

Senator Klein.

SENATOR KLEIN: Also, Mr. President, I move that the following bill be discharged from its respective committee and be recommitted with instructions to strike the enacting clause: Senate Number 583.

ACTING PRESIDENT GRIFFO: So

ordered.

SENATOR KLEIN: Thank you, Mr. President.

ACTING PRESIDENT GRIFFO: Senator Libous.

SENATOR LIBOUS: Thank you, Mr. President.

On behalf of Senator Saland, Mr. President, on page 13 I offer up the following amendments to Calendar Number 71, Senate Print 2192, and ask that said bill retain its place on the Third Reading Calendar.

ACTING PRESIDENT GRIFFO: The amendments are received and adopted, and the bill will retain its place on the Third Reading Calendar.

Senator Libous.

SENATOR LIBOUS: Mr. President, before we start today, if I could just make a brief announcement.

Over the course of the last couple of days, Senators have been answering phones in the chamber. Cellphones are not permitted in the chamber. Members should not be

answering phones in the chamber. Staff should not be answering phones in the chamber. If you need to answer your cellphone, please leave the chamber.

And I just want to make that clarification because I have noticed that there have been quite a few folks that have been answering phones, and phones have been ringing. When you walk into the chamber, please put your phone on vibrate or turn it off.

ACTING PRESIDENT GRIFFO: Thank you, Senator Libous.

SENATOR LIBOUS: Mr. President, Senator Marcellino would like to address the chamber. I would ask for unanimous consent for him to do so.

ACTING PRESIDENT GRIFFO: Without objection, unanimous consent is granted to Senator Marcellino.

SENATOR MARCELLINO: Thank you, my colleagues. Thank you, Mr. President. I do appreciate the unanimous consent.

As you all know, we have a prohibition in this house from announcing

guests in the balcony, because if we did so, every other day someone would be announcing that.

And you all know that I would never break the rules of this august chamber by announcing the fact that we are visited today by the students of the Elwood School District, which happens to be one of my school districts. They've come all the way up from Long Island to visit us and watch the Senate in action.

And if I was inclined to break the rules -- which I am not -- I would say congratulations, safe home, and have a great day.

Thank you, Mr. Chairman.

ACTING PRESIDENT GRIFFO: We want to welcome the Elwood School group here today.

(Applause from the balcony.)

ACTING PRESIDENT GRIFFO: Senator Libous.

SENATOR LIBOUS: Are we on motions and resolutions, Mr. President?

ACTING PRESIDENT GRIFFO: We are indeed.

SENATOR LIBOUS: Okay, I believe there's a privileged resolution at the desk by Senator Robach. I ask that its title be read and move for its immediate adoption, please.

ACTING PRESIDENT GRIFFO: The Secretary will read.

THE SECRETARY: By Senator Robach, Legislative Resolution 718, honoring Jack Balinsky upon the occasion of his designation as recipient of the New York State Catholic Conference J. Alan Davitt Award for Exemplary --

SENATOR LIBOUS: Excuse me, Mr. President, could we have -- I can't seem to hear the Journal Clerk. There's a lot of commotion in the chamber.

ACTING PRESIDENT GRIFFO: I would ask that we bring order to the chamber, please, that members would take their seats and take their conversations outside the chamber.

Thank you, Senator Libous. The Secretary will continue to read.

SENATOR LIBOUS: I want to listen to this very important resolution.

ACTING PRESIDENT GRIFFO: The Secretary will read.

THE SECRETARY: By Senator Robach, Legislative Resolution Number 718, honoring Jack Balinsky upon the occasion of his designation as recipient of the New York State Catholic Conference J. Alan Davitt Award for Exemplary Service by Archbishop Timothy Dolan and the Bishops of New York State.

ACTING PRESIDENT GRIFFO: The question is on the resolution. All in favor of the resolution signify by saying aye.

(Response of "Aye.")

ACTING PRESIDENT GRIFFO: Opposed?

(No response.)

ACTING PRESIDENT GRIFFO: The resolution is adopted.

Senator Libous.

SENATOR LIBOUS: Mr. President, at this time could we take up the noncontroversial calendar, please.

ACTING PRESIDENT GRIFFO: The Secretary will read.

THE SECRETARY: Calendar Number

55, by Senator Fuschillo, Senate Print 2580, an act to amend the Vehicle and Traffic Law.

ACTING PRESIDENT GRIFFO: There is a home rule message at the desk.

The Secretary will read the last section.

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

ACTING PRESIDENT GRIFFO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 51. Nays, 2. Senators LaValle and Zeldin recorded in the negative.

ACTING PRESIDENT GRIFFO: The bill is passed.

THE SECRETARY: Calendar Number 73, by Senator LaValle, Senate Print 2628, an act to amend the Education Law.

ACTING PRESIDENT GRIFFO: Read the last section.

THE SECRETARY: Section 7. This act shall take effect on the 90th day.

ACTING PRESIDENT GRIFFO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 53.

ACTING PRESIDENT GRIFFO: The bill is passed.

THE SECRETARY: Calendar Number 93, by Senator LaValle, Senate Print 1940, an act to amend the Education Law.

ACTING PRESIDENT GRIFFO: Read the last section.

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

ACTING PRESIDENT GRIFFO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 54.

ACTING PRESIDENT GRIFFO: The bill is passed.

THE SECRETARY: Calendar Number 144, by Senator Grisanti --

SENATOR BRESLIN: Lay it aside.

ACTING PRESIDENT GRIFFO: The bill is laid aside.

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

SENATOR LIBOUS: Thank you,

Mr. President. Could we now take up the controversial reading of the calendar.

ACTING PRESIDENT GRIFFO: The Secretary will ring the bell.

The Secretary will read.

THE SECRETARY: Calendar Number 144, by Senator Grisanti, Senate Print 3143A, an act to amend the Education Law, the Public Authorities Law, and the General Municipal Law.

ACTING PRESIDENT GRIFFO: Senator Grisanti on the bill.

SENATOR GRISANTI: Thank you.

My friends and colleagues, good afternoon. First of all, this bill, I feel, is a bipartisan bill that will not only benefit Western New York but New York State as a whole.

I want to thank members of the Western New York delegation. I want to thank Senator Maziarz, Senator Kennedy, Senators Gallivan and Ranzenhofer for their effort on this bill to move it forward.

I'm sure a lot of you in this room recall this bill from years past, but this

bill not just the University of Buffalo's ideas; the components of this legislation were initially proposed for the state's public universities by the Commission on Higher Education.

There has been in the past bipartisan support on this bill from prior governors, but as the economy declined so did the plan to have New York's public universities have the reform needed to be more efficient and be effective to compete with other institutions.

This bill continues on the path as a program to put those recommended reforms now in place. In particular, given the cuts to University at Buffalo in the past few years, at a total of $63 million, these reforms are even now more critical for creating a world-class public higher education in New York State.

And as this moves forward, we as a legislative body can readily analyze and observe the merits of the various reforms. And as we assess these reforms, we can then decide on this pilot project for any

systemwide reforms that need to be taking place throughout the state.

At the same time, this legislation will serve as a major economic development initiative in Western New York. This will address the chronic lack of economic growth in the entire Western New York region.

This bill today will benefit not only the economy, however, but students and families will benefit because the tuition policies laid out in this bill are fair, responsible, and predictable. It will allow UB to use tuition revenue to pursue the University at Buffalo's plan for academic excellence while protecting students' access to high quality education especially for the state's neediest students.

There were major amendments put in this bill that affect specifically the tuition policies that allow students whose families make under $60,000 a year to be locked in to the State University of New York's tuition for this year, 2010-2011. That's what they will pay if they go ahead and qualify for those four years. It also sets money aside for an

in-house scholarship program for those needy students; 15 to 20 percent will be laid aside.

There are numerous aspects in this bill that deal with minority- and women-based organizations to make sure that they're hired. There are detailed plans that must be in place before any contracts are installed. There are reviews. There's a SUNY Board of Trustees that must oversee any tuition increases, which are minimal.

They are still part of the SUNY system, and they're still governed by the same regulations. They just need a little bit of help in order to move forward. And by moving forward, they will take care of the economy in the Western New York region that's been sorely lacking over these past years.

And I ask for your support on this bill. Thank you very much.

ACTING PRESIDENT GRIFFO: Thank you, Senator Grisanti.

Senator Kennedy on the bill.

SENATOR KENNEDY: Thank you very much.

This is a historic day in these

chambers, a historic day for Western New York, the people of Western New York. This bill is very unique. And this is something that many of you have voted on in one form or another on numerous occasions.

This bill has become symbolic of many different things. It has become symbolic, unfortunately, in many ways in the past, of Albany dysfunction. It's become synonymous, though, moving forward, for the people of Western New York with hope.

And this is an amazing state that we live in. And it's a very diverse state that we live in. You know, in Western New York we have unique problems when it comes to job creation and economic development compared to the rest of the state. In New York City it's been told that although the city represents 3 percent of the population of the nation, last year alone it accounted for 10 percent of the nation's job growth.

Those are tremendous statistics. The City of New York and those representatives of the City of New York and downstate should be extremely proud of those kind of

statistics. Those are amazing.

Those are statistics that we in Western New York and, quite frankly, across upstate New York, we want to mirror. This bill begins the process of hope, of job creation, of economic development, of economic viability for the people of Western New York.

And while the population has shifted toward downstate, the population shift in upstate hasn't gone downstate, it's gone out of state. Western New York suffered. Our economy has suffered, and with it the population has suffered.

Individuals in Western New York have left the region because of a lack of jobs and opportunity afforded to them in Buffalo and Western New York. Tens of thousands of jobs have left Western New York in the last decade. Hundreds of thousands of jobs have left upstate New York in the last several decades.

We need to reverse these trends. We need to take unique steps, bold steps that are unique to the various regions of this state. This is a unique bill to the people of

Buffalo. This is a unique bill to the people of Western New York. UB 2020 represents hope. It represents opportunity. It represents a change to the status quo. And it represents an opportunity for our region, Western New York, to move forward, to take a step in the reverse direction -- the right direction, the forward direction, reversing the trends, moving forward.

The statistics that are associated with this bill are amazing. Hope comes because of optimism. The optimism comes because of this bill and the statistics contained within this bill. Billions of dollars of economic investment in Buffalo and Western New York are going to come from this bill, the passage of this bill not just in this house but in the Assembly as well.

I have been working in a bipartisan effort with my colleagues across the aisle in this chamber, in a bipartisan effort with our colleagues across the hall in the Assembly, and with this Governor to put forward legislation that works for the people of Western New York. It works for the people of

all of New York State, whether you're from Western New York, whether you're from upstate, or whether you're from downstate.

I've been working very closely with the folks in the Democratic Conference over the course of the last two months. I want to recognize my colleagues in the Democratic Conference who in 2009 spearheaded this bill, putting it forward because of the needs of western New York.

Today we're circulating a petition within the Democratic Conference -- I ask my colleagues across the aisle to do the same -- to petition all of our colleagues, Democrat and Republican, in the New York State Assembly to recognize the needs and the importance of this bill to job creation, the needs and the importance of this bill to the future of the people in Western New York and all across New York State, no matter what side of the aisle you stand, no matter what side of the Hudson you live on.

This isn't just about Western New York, this isn't just about Buffalo, this is about New York State, the Empire State.

And we need to begin to make decisions in this chamber that are going to make the difference for future generations, both our kids, our grandkids and future generations that we're yet to meet.

I thank you for all the support coming out of the Democratic Conference, the Republican Conference, the recognition of the importance of this bill to the people of Western New York and of upstate New York and of New York State. And I applaud the efforts of the University at Buffalo system in working with all houses in a bipartisan effort to get this bill passed today.

Thank you very much.

ACTING PRESIDENT GRIFFO: Thank you, Senator Kennedy.

Senator Gallivan on the bill.

SENATOR GALLIVAN: Thank you, Mr. President.

I would like to thank Senator Grisanti and my colleagues for all their work on this bill, for providing support to a bill that will benefit students, families, and the economy of Western New York, which of course

contributes to the economy of New York State.

This bill will give the University at Buffalo the opportunity to create a tuition policy that is fair, responsible and predictable. And many of us, if not all of us, have heard our chancellor speak towards that goal.

It will enable UB to use the funds to pursue and enhance academic excellence and at the same time protect students' access to high-quality education, especially for our state's neediest students.

This bill gives UB relief from outdated state regulations. It gives them the tools to move their strategic plan forward and assist in reversing years of cuts.

This bill is in direct response to why we are all here. We represent our communities. This has been identified as the number-one priority in Western New York, which cuts across numerous Senate districts, numerous Assembly districts. Support exists from virtually every arena, from the business community, from labor, from faith leaders, civic organizations, grassroots organizations,

management, administration and students.

This is a high-impact and, perhaps more importantly in these times, a no-cost proposal. It ends tuition roulette. It protects access, it leverages private sector revenue and eliminates outdated, duplicative and burdensome regulations. When enacted, this will provide UB the critical tools to become a world-class public research university, which will greatly increase its economic impact throughout the region, creating jobs and economic activity that many parts of our state, including Western New York, most and so desperately need.

UB is not merely an institution of higher learning, it's part of Western New York's cultural and economic foundation. For years we've been sold silver-bullet revitalization plans that have either failed to meet expectations or been left on the drawing board.

This is a realistic and attainable economic development project. It has the potential to create thousands of permanent jobs, position our region to attract

businesses and compete in the 21st century economy. I think we all have the obligation to support academic excellence, enhanced access, job creation and the growth of our economy.

Thank you.

ACTING PRESIDENT GRIFFO: Thank you, Senator Gallivan.

Senator Ranzenhofer on the bill.

SENATOR RANZENHOFER: Thank you, Mr. President.

First I would like to thank my colleague and neighbor Mr. Grisanti for being the prime sponsor of this bill, and also the other members of the Senate on both sides of the aisle -- Mr. Kennedy, Mr. Gallivan, Mr. Maziarz -- and also our colleagues in the Assembly. This has been a unified effort from Western New York -- both Democrat, Republican, urban, suburban -- to push forth a program and a project that is very important for our area.

I think a lot of credit also needs to go to those at the University of Buffalo, from President Simpson to Megan Toohey to Ryan McPherson and the others who have so

diligently pushed this project and kept it on track, and for the members in this body who have kept it on track as well.

This is a very personal project for me because I'm a graduate of this university. When I first came to the Buffalo area nearly 35 years ago, the university had three buildings on its campus. It now has dozens of buildings. It's fully developed now. But it really needs to push forward to the next generation, and that is the UB 2020 project.

I understand the positive impact that UB has on our region, and it's critically important that UB 2020 be passed, not only for the university but for our community. UB 2020 will modernize and expand the University at Buffalo, and at the same time create opportunities and provide research and technology for businesses and other institutions in our community.

Just some points of information and some facts, Mr. President. Enacting UB 2020 will add over 750 faculty. It will add 600 support staff and 10,000 new students. The increase in 10,000 new students to a new

downtown campus and to the campus which is in my district would contribute an additional $80 million to our local community and economy in Western New York. Right now the University at Buffalo is an economic engine, and the UB 2020 plan would greatly boost that plan and that economy.

Some other points of information, Mr. President: 340 inventions, 102 patents, 201 licensing agreements have already been produced at the school. The technology and research at UB has directly resulted in over 60 companies, new startup companies in the last four years. When fully enacted and built out, UB 2020 would create up to 5,000 jobs.

These reforms will allow UB to serve as a model for the next generation of research universities in New York State. And it will enable our children, our grandchildren to compete in the 21st century global economy in Western New York.

Members of our delegation from Western New York have fought very hard over the last two years to make this come to fruition. I personally have been a believer

and I know my colleagues have been believers in the University at Buffalo for years. And I believe that after passing this legislation today the entire New York State Senate will be a believer as well.

So, Mr. President, thank you for allowing me to speak on this bill. I would urge my colleagues to support it. Thank you.

ACTING PRESIDENT GRIFFO: Thank you, Senator Ranzenhofer.

Senator Rivera on the bill.

SENATOR RIVERA: Thank you, Mr. President.

I sit on the Higher Education Committee, and yesterday I voted aye without rec on this bill. And when I spoke to my staff about it and looked it over, I decided that I was going to vote no on it.

As somebody who is a product of public higher education back home in Puerto Rico, somebody who came to the United States originally to do my graduate work in a public institution -- CUNY, the CUNY Graduate Center in the city, in the State of New York -- as somebody who started his teaching career at

the CUNY system at Hunter College, I have serious concerns about this bill in a couple of different ways.

Certainly that I believe in a public higher education system, and something that starts to mix public with private I believe could cause problems, and I certainly do not want our public higher education system to become a private one.

I also have concerns about what this bill would do, if it could potentially actually create the jobs or just economic activity that it is supposed to create.

I have some concerns about the quality of education that could result from turning this into a research institution.

But I've never visited Buffalo, I've never had the opportunity. And my friend and colleague Tim Kennedy, born and raised there, we've had various conversations about that in particular. I hope that I can visit Buffalo soon. And in that conversation, I realized that I had to listen to Tim, as somebody who very passionately expressed to me and to the rest of the conference how he feels

about the seriousness of the economic concerns in his region and the impact that this could potentially have in that region of the state. There's a couple of words that he kept mentioning, both "potential" and "hope."

I hope to visit Western New York soon; I hope to visit Buffalo. And I'm going to vote yes on this bill today. As I said, I do have serious concerns about it, but I do believe that to be able to give hope to this region of the state, and particularly in the way that Senator Kennedy has expressed how important this is to him, to his constituents, to the people that he represents, I will be supportive of him and to the people of Buffalo and Western New York today.

So I will be voting yes on this bill. Thank you, Mr. President.

ACTING PRESIDENT GRIFFO: Senator Diaz on the bill.

SENATOR DIAZ: Thank you, Mr. President.

You know, in 2009 Senator Stachowski from Buffalo introduced this bill to the Senate floor. Senator Stachowski is no

longer with us. But he introduced this bill in 2009, and every Democrat voted for it. Seventeen members of the other party voted against.

And in 2010 we were in the majority, we had 32 votes. And Senator Stachowski submitted another bill, similar -- some difference -- and that bill never came to the floor, Mr. President, because I was the only one that opposed that bill. And it didn't come to the floor last year, last year.

So I believe in public education, and I didn't want this to happen, thinking of other issues and other communities that would suffer.

But now Senator Kennedy, a distinguished representative from Buffalo, made a presentation that broke my heart. And it designed to break my heart. It broke my heart. He made me understand the situation in Buffalo. I'm from the city, I'm from the South Bronx, but he made me understand the situation in Buffalo. And he described the benefits that the residents of Buffalo that he represents will obtain with this bill.

And last year I stopped this bill from coming to the floor. And in 2009, I'm going to repeat again, 17 members of the other side voted against.

So we are facing this bill again today. And listening to the explanation that Senator Kennedy gave us, I will support this bill. I hope that Senator Stachowski is listening. Praise be to him. He introduced it and he'd been fighting for this and the Democratic Conference have been fighting for this.

And today I hope that the 17 members of the other side that voted against in 2009 will join me today in changing their mind. I'm changing my mind. Senator Kennedy made me change my mind. I listened. So I am asking the 17 members of the other side that voted against this bill in 2009 to follow me, to follow my example and change their mind too and support this bill today. Unanimously, everybody in the chamber, 60 votes, 62 votes in the chamber, to send a message that we care for Buffalo.

And to those people that told me

last year and the year before that I didn't care about Buffalo, and those 17 that voted against in 2009 -- I'm sticking you, right? I'm asking you again, please join me. Let's vote for Buffalo. Amen. Let's do it for Buffalo.

Grisanti, thank you -- I mean Kennedy. And Grisanti -- and Grisanti, thank you for submitting the bill today, because you are now a member of that side and maybe now you convince the other 17 to join us. So Grisanti, thank you. And Kennedy, thank you. What was that? Who? Oh, let me see if it's in the list of the 17.

So I'm changing my mind. I'm voting yes. And I hope every single member of this body vote yes today.

ACTING PRESIDENT GRIFFO: Thank you, Senator Diaz. Maybe next we'll hear him singing the Buffalo Bills fight song.

(Laughter.)

ACTING PRESIDENT GRIFFO: Senator Adams on the bill.

SENATOR ADAMS: Thank you, Mr. President. I just want to rise also and

just voice that my colleague Senator Rivera stated some of my concerns.

And I did travel to Buffalo and saw what the school is doing. This is an amazing development, an amazing opportunity. The land that they're going to build over, I spent five hours on the campus and walked through and saw some of the investment that's going to be attracted.

So one should not mix up what Buffalo is attempting to do with our concerns for making sure that education remains affordable. SUNY and CUNY is important to many of us throughout the entire state. I commend all my colleagues in Buffalo for what they are attempting to do.

Buffalo needs help, many of our regions upstate need. And I really commend Senator Kennedy for really taking the time and speaking to each member on this side of the aisle to explain how important this bill is and what UB 2020 means for the region.

I think UB 2020 is going to start the development in the upstate region. And anyone who has spent time in Buffalo, I'm

hoping everyone will take a trip up, that you can sponsor those colleagues from that area to show what's taking place on that Buffalo campus. This is an amazing opportunity for that region. This is an amazing opportunity for the upstate area. And I'm hoping that everyone will join the rest of us in supporting UB 2020 and what it could bring.

I thank you, Senator Kennedy and other colleagues from the Buffalo area -- Senator Maziarz, who's also a Dominican also, right? I thank you for this opportunity to support a bill of this importance.

Thank you.

ACTING PRESIDENT GRIFFO: Senator Breslin on the bill.

SENATOR BRESLIN: Thank you, Mr. President. Very briefly.

I know some have shared their concerns with this bill. I think people across the state who represent areas with other of the major universities, including myself with Albany, obviously have some concerns. People who have labor support have some concerns.

But I think, in the end analysis, the words "prosperity" and "hope" really drive the opinion. And I commend Senator Grisanti, Senator Kennedy, the others from the Buffalo area for this bill because that hope and prosperity is so key to prove that this body can come together and not talk about upstate or downstate, and not talk about east or west in New York, or Jamestown to the Island, but talk about how we're one New York. And one New York to help our brothers and sisters not from a particular area around us, but who need that help for economic development.

And I know that I'm parroting in some respects to what Senator Kennedy did in our conference, is to drive home that message that this is critically important for the future, for the prosperity, for not only the University of Buffalo, not only Buffalo itself, but the whole area of Western New York.

And I am proud to say that I will support this, as I'm sure that many others in our conference and in both conferences will do today.

Thank you, Mr. President.

ACTING PRESIDENT GRIFFO: Thank you, Senator Breslin.

Senator Libous on the bill.

SENATOR LIBOUS: Thank you, Mr. President.

Senator Diaz, you've convinced me.

(Laughter.)

SENATOR DIAZ: Praise be to God.

SENATOR LIBOUS: Senator Adams, I have been to Buffalo to watch the Giants beat the Bills.

I voted against this bill the last time it was before this house, and I voted against it for a couple of reasons. One reason was that I was not included in any of the discussions on the bill. When the bill came to the floor, I had no clue what was in it, no idea at all as to what effect it was going to have on Western New York or anywhere, for that matter.

I know UB is very important to my colleagues in Western New York. BU, Binghamton University, is very important to me and in the Southern Tier region. And like UB,

BU is the economic engine of the Southern Tier. Without it, it would be a different place. It would be a different place.

But I also understand, as I think as Senator Rivera said, that every now and then we have to step back. And in my 23rd year now here, I've always tried to be helpful to any of my colleagues on either side of the aisle when it pertained to their home. Because let's face it, we are elected by the people in our region, in our districts, and at least for two years we're elected because they think that we will do what's best for that area that we represent.

I believe that Senator Grisanti and my other colleagues that are here -- Senator Gallivan, certainly Senator Ranzenhofer, we'll hear from Senator Maziarz, and certainly Senator Kennedy, our new Senator from the other side of the aisle -- come from a region that needs help. They need help just like the Binghamton area needs help and other upstate communities need help.

Senator Diaz, I'm going to help them today. I'm going to support this bill

because it's important to their communities, it's important to our colleagues.

And I hope that when we get to the point where we can help other communities, like the Southern Tier and certainly Binghamton University, who is the tremendous economic engine of our community -- and I know that Senator LaValle as chairman of the Higher Education Committee has been working tirelessly to try to negotiate on behalf of this house and members who have universities and colleges for good things, hopefully, in this budget so that we too can move forward with our universities and our colleges to do what's best for all the communities.

But today, I want to help Buffalo. And I am going to give you a vote of confidence to my colleagues because I really believe that after spending the time that I have with Senator Grisanti and my other colleagues and listening to their plea, that this means something to the region. This is serious, not only for them but for the people that elected them to come here and represent them.

For that reason, they have my commitment this afternoon.

ACTING PRESIDENT GRIFFO: Senator Maziarz on the bill.

SENATOR MAZIARZ: Could I yield to Senator LaValle, please.

ACTING PRESIDENT GRIFFO: You may indeed.

Senator LaValle on the bill.

SENATOR LaVALLE: Thank you very much, Mr. President.

Senator Libous, thank you for your kind words. And there will be a point in time when I think the other university centers -- Albany, Binghamton, Stony Brook -- will also be able to share.

But my remarks today, because I've heard a lot of names mentioned -- the sponsor of this bill is Senator Grisanti, along with other members of Western New York. This bill would not be on this floor today without his doggedness, his persistence that this bill -- for his region, for his district, for Western New York -- was critically important. Others can take a bow, but the person who should be

at the center of the stage is Senator Grisanti, who is the sponsor of this bill and has put it forward.

So, Senator Grisanti, I can now probably go to the men's room without you following me and lobbying that the bill should be on the Higher Ed agenda.

And we have moved this bill early in the session, and it's because of again Mark Grisanti's persistence and his group of Western New York support staff who have obviously been a critical part of everything that is happening today. So I just want to congratulate you prematurely, Senator Grisanti.

Thank you.

ACTING PRESIDENT GRIFFO: Senator Klein on the bill.

SENATOR KLEIN: Thank you, Mr. President.

I too rise in support of this very important piece of legislation, and I want to particularly single out Senator Grisanti and Senator Tim Kennedy and the rest of the Western New York delegation for fighting hard

to bring this bill to the floor today.

A previous version of this bill did pass; a SUNY Empowerment bill which included more schools unfortunately did not because of misinformation and politics last session.

But I am glad today we stand here and we send a clear message to the University of Buffalo, one of the jewels of our SUNY system, that we do care about their institution, which is one of the best examples of higher education that we have in the State of New York, and that it will enhance their ability to educate our young people.

And also we're letting Western New York know, specifically Buffalo and the surrounding areas, that we care about their economy. This piece of legislation is going to create thousands of jobs, bring construction jobs to research jobs to janitorial jobs in an area of our state that certainly needs help. This is a comprehensive approach, not only enhancing our education system in the State of New York but also stimulating the economy in Western New York.

I think one of the things we have

to be mindful of, that we all sit in this chamber, in the State Senate, and we all care about our own individual districts, we all care about our individual regions, but I think there comes a time where you also have to be mindful of the fact that we do serve in a statewide legislative body. And when a member of the Senate like Senator Kennedy and Senator Grisanti talk about how important this is to their region, how this could really be the lifeblood and the future of their economy, I think we have to listen and support them overwhelmingly.

So, Mr. President, it's my privilege to support my colleagues in Western New York, enhance a great institution, create jobs in Western New York. I vote yes.

ACTING PRESIDENT GRIFFO: Thank you, Senator Klein.

Senator Martins on the bill.

SENATOR MARTINS: I too rise in support of this bill, and I want to congratulate my colleague Senator Grisanti for having presented this bill and having persuaded so many of us as to the importance

of this bill not only for Western New York but for all of New York State.

And I must say I am extraordinarily proud today at the tenor that we've taken with respect to this bill and with respect to the needs of Western New York.

Congratulations, Senator Kennedy, Senator Gallivan, Senator Maziarz for bringing this important issue to our attention but also for stressing the need. We are one state. What happens in Western New York affects us on Long Island, and just as things on Long Island also affect Western New York.

And so congratulations again. Thank you for giving us this opportunity to once again show that as a state we can overcome, sometimes, some of those divides that do crop up from time to time. And I'm looking forward to voting yea on this bill, but also supporting the jobs, the increased economy and the improvement to the lives of those residents in Western New York.

So to Senator Grisanti and to the Senators of Western New York, congratulations.

ACTING PRESIDENT GRIFFO: Thank

you, Senator Martins.

Senator Savino on the bill.

SENATOR SAVINO: Thank you, Mr. President.

This will be I think the third time in as many years that I have voted in favor of this bill in one way, shape or form. And I'm very happy to congratulate both my new colleagues Senator Kennedy and Senator Grisanti for doing something that your two predecessors were not able to do, and that was to get the Senate to come together to do the right thing for the people of Western New York. So congratulations to both of you.

I actually joked with Senator Kennedy that if we had been able to pass this bill back I think it was late August, in our final night of session, perhaps neither one of them would be here with us today. It was that important to Western New York.

But just to clarify for Senator Diaz, we did bring this bill to the floor. It was the final night that we were in session last year. I was presiding. And three times we attempted to get the votes necessary to

pass this bill and were finally forced to take it off the floor.

I see Senator Maziarz shaking his head, because he was in charge of rounding up votes in the Republican Conference. And Senator Thompson, who is no longer with us, and Senator Klein and Senator Adams, I believe, were responsible for rounding up votes in our conference.

And we couldn't do it. We just didn't have it. It was too contentious. There were those who felt that their issues that weren't being resolved. There were some who felt that the bill went too far, others felt it didn't go far enough. And we weren't able to do it. And as a result, we failed the people of Western New York and Binghamton and Stony Brook.

Well, we're not covering all of those people today. We still have issues that affect SUNY Binghamton; we still have issues that affect Stony Brook. But we're able to do something right for the people of Western New York and Buffalo with the passage of UB 2020.

So I am very confident that when Tommy Testo starts to take the vote this time, we're not going to have to stop and run into conference. I am very confident that we're not going to have to take this vote more than once today. I am almost confident that we're going to be able to pass this vote close to unanimously. And if we do, it will be a step in the right direction for economic development for the people of Buffalo. And it will be the right thing to do by this body, which will be the third time we've tried to.

So today, Senator Kennedy, I think we're going to do the right thing. Congratulations.

ACTING PRESIDENT GRIFFO: Senator Montgomery on the bill.

SENATOR MONTGOMERY: Thank you. Thank you, Mr. President.

I must apologize to Senator Grisanti; I haven't had an opportunity to meet you and talk to you. But certainly Senator Kennedy has been really, really very, very actively pushing for the passage of this legislation.

So I want to thank you, Senator Kennedy, because I know you've talked to the conference, you've talked to us individually, and you've made it very, very clear and understandable what is the importance of this legislation.

I must say that it really is a step that we're taking. It's new. We're moving into uncharted territory, I understand that. I know that many of our citizens are not sure about the ramifications, long term, and the implications of what we're doing.

But since the building of this magnificent system of higher education in our state -- and I believe it was expanded by none other than the Republican Governor Rockefeller when he was governor way back when and insisted on us having a premier higher education system open and available and accessible to all of our citizens.

So we have an extensive university system that includes a strong community college system as well as four major higher institutions, higher ed centers, university centers. And we also have several medical

schools associated with and affiliated with and that's part of the SUNY system.

So it's a magnificent system. We now see that Buffalo is going to move to the next level to become a real economic engine in our state. That, I believe, was part of the original mission anyway. And so this really is -- we're taking this step hopefully to fulfill that part of the mission in a very different way. And SUNY Buffalo, SUNY Buffalo is going to be the first one to move out into that arena.

So I am looking forward to great things happening. I know that this legislation is not the final piece, but certainly it's a good beginning. And it forces all of us to look and rethink what our university system is, should be doing, ought to be doing, where it needs to be especially as it relates to really fulfilling its mission as the university systems have throughout our country, and that is be the beacon of progress, especially in the areas of economic development and scientific research and producing citizens who can compete in a world

that we have never known.

So I'm very happy to support this legislation. And as I say, for those who -- for those of us -- many of us have had questions and still have questions and concerns. But I do think this is the right step to take. And I thank the new Senator the newest Senator among us, Senator Kennedy, for pushing us out to make this happen.

Thank you, Mr. President. I'll be voting aye.

ACTING PRESIDENT GRIFFO: Senator Perkins.

SENATOR PERKINS: Thank you.

I just want to first express my deep appreciation to my colleague Senator Kennedy for his diligence and articulation about the significance of this bill to his community and to Western New York and how well he has managed to help our conference understand how important it was to him not only personally but, more importantly, to his community.

I'm not going to be able to vote for this legislation. In the past, I've had

that opportunity with the expectation that some of my concerns that were in the prior bills might be addressed in future bills. And I don't see them addressed in this particular bill either.

I'm very concerned about the privatization of the public university system, and I think that that type of privatization which is reflected here diminishes opportunity, as opposed to increasing opportunity, because of those types of models that I've seen in the past.

I also am concerned that this particular piece of legislation does not provide the kind of legislative oversight that I would like to see in the final version of the legislation.

I believe, in fact, that there will be more opportunities to come. I don't think this is the last time we're going see this bill. I think we're going to see it again, and I'm hoping that some of the concerns that I've expressed in the past will be put into the bill that we ultimately decide upon.

Thank you. I will not be voting

for the bill.

ACTING PRESIDENT GRIFFO: Is there any other Senator wishing to be heard?

Seeing none, I call upon Senator Maziarz to close debate.

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

And thank you very much to all of my colleagues on both sides of the aisle. I just particularly want to mention Dr. John Simpson, former president of the University at Buffalo, who had the vision to start this process almost five years ago by building consensus within the Western New York community, something that's not very easy to do.

As Senator Ranzenhofer mentioned, just the staff at the University at Buffalo has been great -- Megan Toohey, Ryan McPherson, they've done an excellent, an excellent job.

You have no idea, you have no idea how much this particular piece of legislation means to Western New York and to Buffalo. I think it's ironic, as somebody who's been here

a few years, the senior member of the Western New York delegation now, that it took two freshmen members, Senator Grisanti and Senator Kennedy, to kind of work both of their conferences into an area of agreement. I suspect, just from hearing some of the comments on the other side, that this legislation is going to pass with overwhelming support today.

I do want to again particularly thank Senator Ken LaValle and the members of the Higher Education Committee. Originally I know the original print of this version that Senator Grisanti was made better because of some of the suggestions made by Senator LaValle and other members of the Higher Education Committee.

All of the things that were said today on both sides of the aisle mean a great deal. I can assure you, even those of you with questions on this bill, that this is going to make the University at Buffalo a better public institution, an institution that creates a lot of jobs, a lot of opportunities for young people in Western New York and

really across the State of New York, because so many individuals, so many students from outside of the area go to this great university.

I want to point out that my former colleagues, all our good friends, Senator Stachowski, Senator Volker, would be very proud of us today.

Senator Savino again pointed out how it took these two freshmen members who didn't know maybe some of the standard procedures of operating around here, who didn't maybe have some of the differences of opinions with other members, that it took them to sort of carry the load in both of these conferences to get us to a point where we are going to overwhelmingly support this legislation.

What we're doing today is important for Buffalo and for Western New York. And I don't represent one inch of the City of Buffalo, but this is important for Buffalo. It's important for another former colleague of ours, former Senator Byron Brown.

But what this is going to do,

passing it this early in the session is going give us the opportunity to work with our colleagues in the other house and in the Governor's office to come out with a UB 2020 that has acceptance and will pass in both houses and be signed into law by the Governor.

And when the Governor does sign that legislation in Buffalo, you're all invited to be there. At Senator Kennedy and Senator Grisanti's expense.

(Laughter.)

SENATOR MAZIARZ: There will be a football game that day, right. It will be in the fall of the year.

So anyway, again, I sincerely, from the bottom of my heart, appreciate all of your support for this legislation. I know many of you have doubts. Many of you would probably have suggestions to make this a better bill. This means a lot. It means a lot to me personally, it means a lot to my four colleagues from Western New York. And I can assure you, I can assure you that this will make Buffalo, the University at Buffalo, and Western New York a much better place to live

for the young people that are there now and those young people that are yet to come.

Thank you.

Thank you, Mr. President.

ACTING PRESIDENT GRIFFO: Thank you, Senator Maziarz.

Debate is closed. The Secretary will ring the bell.

SENATOR LIBOUS: Mr. President.

ACTING PRESIDENT GRIFFO: Senator Libous.

SENATOR LIBOUS: As soon as the members get to their seats -- I went over this yesterday; unfortunately, the Senate rules say you have to be in your seat so that we can take a vote -- we can take the vote and move on.

ACTING PRESIDENT GRIFFO: Please, members, proceed to your seats.

The Secretary will read the last section.

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

ACTING PRESIDENT GRIFFO: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT GRIFFO: Senator Marcellino, to explain his vote.

SENATOR MARCELLINO: Thank you, Mr. President. I appreciate the recognition.

When this bill was brought up the first time last year, I voted against it. Not because I was not in favor of economic development in the Western New York region or not to not support the people of Buffalo or the University at Buffalo, but because I was worried about the tuition increase position or portion of the legislation.

I am still concerned about the tuition increase idea. These universities, the State Universities and the City Universities, were put together to support people, to allow people who could not afford the higher-priced private colleges, the high-priced tuitions of the private colleges, this system was designed to give them a high-quality education at an affordable price.

We cannot lose sight of that purpose of SUNY. We must maintain that purpose of SUNY. So I will vote for this

legislation, I will be in support of it, but I want to remind everybody -- and I will be watching in all future permutations of this legislation as they come out -- that the tuition area and the ability of the middle class to go to college and get a high-quality higher education is paramount and must be protected by this Legislature. I intend to see that that is.

Thank you, Mr. President. I vote aye.

ACTING PRESIDENT GRIFFO: Senator Marcellino to be recorded in the affirmative.

Senator Kennedy, to explain his vote.

SENATOR KENNEDY: Thank you, Mr. President.

I again wanted to thank both sides of the aisle, Democrats and Republicans, for their overwhelming support for UB 2020 today. This is a sign of hope and opportunity for Western New York and for all of New York State, the billions of dollars of economic investment that will result because of this bill's passage today, followed by all of our

collective lobbying to the Assembly, to the Governor to move this bill forward for the betterment of all of New York State, particularly to the people of Western New York, creating tens of thousands of jobs, construction jobs in the immediacy, and tens of thousands of jobs in the long term for the people of Western New York.

Thank you again.

ACTING PRESIDENT GRIFFO: Senator Kennedy to be recorded in the affirmative.

Senator Grisanti, to explain his vote.

SENATOR GRISANTI: Well, for my first bill that's going to be passed in this chamber, my heart is touched, the proudness that I have inside with regards to what has happened with colleagues on both sides of the aisle that understand what Western New York is going through.

I didn't want to get into it before, but as my friend Senator Kennedy has said, we have lost jobs. This area, with UB 2020 in conjunction with the Buffalo Niagara Medical Campus in that same area, is

the new Bethlehem Steel of Buffalo. And for those of you who remember that, Bethlehem Steel had a huge manufacturing site in Buffalo, New York.

Manufacturing is now gone. The focus now is on research, development, education, medical corridor. This campus is going to fit in nicely inside that corridor. And the jobs that are going to be created in construction are real. The jobs that are going to be permanent are real.

And my friend Senator Marcellino, I too had problems in the beginning with regard to the tuition aspect of it. Which is why changes were made to protect the neediest of students, not only with in-house scholarship programs, but if you're making under $60,000 you're locked into the tuition rate from 2010-2011. You're locked in.

But it's a proud day not only for myself and everybody here in this chamber who's going to vote in the affirmative, but it's a proud day for Western New York and the Buffalo-Niagara region. I vote yes, and again, my deepest and heartfelt thank you to

everybody in this chamber that's voting on this bill.

Thank you.

ACTING PRESIDENT GRIFFO: Senator Grisanti to be recorded in the affirmative.

Announce the results.

THE SECRETARY: In relation to Calendar Number 144, recorded in the negative: Senator Perkins.

Absent from voting: Senators Espaillat and C. Kruger.

Absent from voting pursuant to Rule 9, Senators DeFrancisco and McDonald.

Ayes, 53. Nays, 1.

ACTING PRESIDENT GRIFFO: The bill is passed.

(Applause.)

SENATOR LIBOUS: Mr. President, I believe we are congratulating Senator Grisanti.

ACTING PRESIDENT GRIFFO: May I have order, please.

Senator Libous.

SENATOR LIBOUS: I believe the applause is congratulating our colleague

Senator Grisanti for passage of his first bill.

Senator, from the entire house, our congratulations.

(Applause.)

ACTING PRESIDENT GRIFFO: Congratulations, Senator Grisanti.

Senator Libous.

SENATOR LIBOUS: Mr. President, is there any further business at the desk?

ACTING PRESIDENT GRIFFO: There is no further business before the desk.

SENATOR LIBOUS: Thank you, Mr. President. There being no further business, I move that the Senate adjourn until Thursday, March 3rd, at 11:00 a.m.

ACTING PRESIDENT GRIFFO: On motion, the Senate stands adjourned until Thursday, March 3rd, at 11:00 a.m.

(Whereupon, at 4:24 p.m., the Senate adjourned.)