

1 NEW YORK STATE SENATE

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4 THE STENOGRAPHIC RECORD

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9 ALBANY, NEW YORK

10 March 9, 2011

11 3:13 p.m.

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14 REGULAR SESSION

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18 SENATOR JOHN J. FLANAGAN, Acting President

19 FRANCIS W. PATIENCE, Secretary

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

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

4 I ask that everyone present please
5 rise and repeat the Pledge of Allegiance.

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

8 ACTING PRESIDENT FLANAGAN: In
9 the absence of clergy, I would respectfully
10 ask that everyone bow their heads in a moment
11 of silence.

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

14 ACTING PRESIDENT FLANAGAN:
15 Reading of the Journal.

16 THE SECRETARY: In Senate,
17 Tuesday, March 8, the Senate met pursuant to
18 adjournment. The Journal of Monday, March 7,
19 was read and approved. On motion, Senate
20 adjourned.

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

24 Presentation of petitions.

25 Messages from the Assembly.

1 Messages from the Governor.
2 Reports of standing committees.
3 Reports of select committees.
4 Communications and reports from
5 state officers.

6 Motions and resolutions.

7 Senator Libous.

8 SENATOR LIBOUS: Mr. President,
9 Senator Rivera has a privileged resolution at
10 the desk. He would ask that we read it in its
11 entirety and then call on him before its
12 adoption, please.

13 ACTING PRESIDENT FLANAGAN: The
14 Secretary will read.

15 Excuse me. Before the Secretary
16 reads, can we just have some quiet for Senator
17 Rivera's resolution.

18 The Secretary will read.

19 THE SECRETARY: Legislative
20 Resolution Number 676, by Senator Rivera,
21 honoring Dr. Frances Fox Piven upon the
22 occasion of the 40th anniversary of the
23 publication of Regulating the Poor: The
24 Functions of Public Welfare.

25 "WHEREAS, It is the sense of this

1 Legislative Body that individuals who
2 distinguish themselves in their profession and
3 who have dedicated their lives to improving
4 the lives of others merit the highest
5 commendation; and

6 "WHEREAS, Attendant to such
7 concern, and fully in accord with its
8 long-standing traditions, this Legislative
9 Body is justly proud to pay tribute to
10 Dr. Frances Fox Piven, distinguished professor
11 of political science and sociology at the CUNY
12 Graduate Center, upon the occasion of the 40th
13 anniversary of the publication of the
14 Regulating the Poor: The Functions of Public
15 Welfare, her groundbreaking book on social
16 policy in the United States; and

17 "WHEREAS, Regulating the Poor: The
18 Functions of Public Welfare remains a
19 pioneering social analysis of the Great
20 Depression and the social upheaval of the
21 1960s, co-authored by Dr. Piven with her late
22 husband Richard Cloward; and

23 "WHEREAS, Dr. Piven has dedicated
24 her life to making sure all Americans have
25 work, food on the table, and above all a voice

1 in our democracy. Over the past half-century,
2 she has written more than 10 books and
3 countless articles exploring the causes of
4 poverty in the United States, the government's
5 role in alleviating economic suffering, and
6 the power of working people to join together
7 to gain a voice in the corridors of power; and

8 "WHEREAS, She has put her
9 principles into action, as well as leading
10 efforts to expand voting rights, access to the
11 social safety net, and the ability of all
12 Americans to make their voices heard; and

13 "WHEREAS, Putting her ideas into
14 practice, Dr. Piven and her husband, Richard
15 Cloward, worked to fight for greater access to
16 services for the poor. Her efforts were
17 instrumental in enabling needy people to
18 receive federal aid; and

19 "WHEREAS, In the 1980s, Dr. Piven
20 was a leader in the movement to expand access
21 to the ballot box to traditionally
22 disenfranchised groups, including the poor,
23 African-Americans, and immigrants. Her
24 movement was a driving force behind the
25 passage of the National Voter Registration Act

1 of 1993, also known as the 'Motor Voter Act,'
2 which requires all social services agencies,
3 including public assistance and disability
4 centers, as well as Departments of Motor
5 Vehicles, to offer voter registration forms to
6 the public; and

7 "WHEREAS, When President Bill
8 Clinton signed the bill into law at a White
9 House ceremony in 1993, Dr. Piven spoke and
10 was honored to receive one of the pens the
11 President used to sign the bill as a testament
12 to her key role in the law's passage. Her
13 work expanding access to the ballot box also
14 earned her a National Association of
15 Secretaries of State's Annual Award in 1994;
16 and

17 "WHEREAS, Since 1982, Dr. Piven has
18 taught in the Political Science and Sociology
19 Departments at the City University of New York
20 Graduate Center, and for the past 45 years she
21 has served as a mentor to countless
22 New Yorkers who have taken their place as
23 productive educators and scholars in the great
24 State of New York; and

25 "WHEREAS, In keeping with its

1 time-honored traditions, this Legislative Body
2 is proud to honor individuals, such as
3 Dr. Frances Fox Piven, who distinguish
4 themselves in their chosen field of endeavor,
5 dedicating themselves to its enhancement and
6 leading it in new directions; now, therefore,
7 be it

8 "RESOLVED, That this Legislative
9 Body pause in its deliberations to honor
10 Dr. Frances Fox Piven upon the occasion of the
11 40th anniversary of the publication of her
12 important work Regulating the Poor: The
13 Functions of Public Welfare; and it be further

14 "RESOLVED, That a copy of this
15 resolution, suitably engrossed, be transmitted
16 to Dr. Frances Fox Piven."

17 ACTING PRESIDENT FLANAGAN:
18 Senator Rivera on the resolution.

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

21 I rise today to kind of tell you a
22 little story about myself. There's many
23 people in this room that might know this, but
24 not everyone does. When I originally came
25 from Puerto Rico in 1998, I came to study

1 political science in a Ph.D. program in the
2 CUNY Graduate Center. And I came as somebody
3 who was very interested in political science,
4 but somebody who didn't know a lot about
5 politics and about political change.

6 One of the first classes that I
7 took was with Dr. Frances Fox Piven, who's
8 with us here today. And during that class
9 what Dr. Piven taught me, the discussions that
10 we had in that class kind of taught me about
11 American politics and change in American
12 politics.

13 I learned to appreciate the fact
14 that this country and the social movements
15 that have existed in the history of this
16 country have driven positive change. I
17 learned about collective action, what people
18 together can achieve.

19 As I tell my students all the time,
20 since I've actually gone on to teach college
21 myself -- not in the same quality that
22 Dr. Piven does, but certainly trying my
23 best -- and I tell my students that when they
24 have an issue and they want to discuss it with
25 an elected official, they can go and say,

1 "Hey, I have this very important issue that I
2 need you to address," and a couple of
3 different things can happen if they go by
4 themselves.

5 They can have an elected official
6 on the other side of the table who really
7 cares about their issue and is going to
8 respond immediately. They can have somebody
9 on the other side of the table who doesn't
10 really want to respond to their issue and
11 tells their staff never to let that person in
12 the room again. Or you can have another
13 elected official who does care but might want
14 to put that off because it's not that
15 important.

16 But if that person comes with
17 100 people, that elected official on the other
18 side of the table has to listen, has to pay
19 attention. That is the power of collective
20 action.

21 And her work has taught me that if
22 you look at the history of this country, it is
23 collective action, it is people together,
24 fighting for their rights and for better
25 conditions, that make it better for all of us.

1 Whether it's the abolitionist movements, the
2 women's rights movements, the civil rights
3 movements, the workers' rights movements --
4 and we can even include in that list the
5 right-to-life movement or the Tea Party
6 movement -- even if you disagree with their
7 political affiliations, you cannot ignore the
8 fact that in American democracy it is
9 collective action, it is people working
10 together that actually can achieve things.

11 So Dr. Piven, as accomplished as
12 she is as a scholar, she is a better mentor to
13 her students. My policy director,
14 Dr. Christopher Malone, who affectionately
15 refers to her as Frances, always, always
16 refers to her as his mentor and the reason why
17 he is doing what he is doing today.

18 And I daresay were it not for that
19 class that I took the first semester when I
20 got off that plane in cold New York, I would
21 not be standing here with you today.

22 So I am honored today to sponsor
23 this resolution which recognizes a great
24 teacher, a great scholar, and a great
25 American, Dr. Frances Fox Piven, who joins us

1 here today.

2 Thank you, Mr. President.

3 ACTING PRESIDENT FLANAGAN: Thank
4 you, Senator Rivera.

5 Dr. Piven, it's a pleasure to see
6 you here today. Welcome to the New York State
7 Senate. Yesterday, had you been here, you
8 could have seen democracy in action, probably
9 in a way that you could have written another
10 book about.

11 But we welcome you here today
12 nonetheless and -- I'm sorry, Senator Krueger
13 on the resolution.

14 SENATOR LIZ KRUEGER: Thank you
15 very much. Thank you, Mr. President.

16 I also am very proud to stand here
17 to say thank you, Senator Rivera, for putting
18 forth this very important resolution, and how
19 delighted I am to see Frances Piven here with
20 us today.

21 I also went to a graduate school --
22 earlier than you, I'm older -- in a different
23 city, in Chicago. I went to Public Policy
24 School at the University of Chicago. And one
25 of the most important books I read when I was

1 in graduate school was the book by Cloward and
2 Piven.

3 And then when, years later, I came
4 to New York City to work on antipoverty
5 programs, I had the opportunity to meet them
6 both in person and to work with them around
7 the motor voter issue and the importance of
8 making sure everyone had access to register to
9 vote, everyone had access, needed access to
10 participate in democracy by voting, regardless
11 of their income, regardless of where they
12 lived or who they were.

13 And so both as a symbol of academic
14 freedom in our time and the importance of it,
15 and a national and international symbol of
16 speaking out and educating others about the
17 role we all play in democracy, I am delighted
18 that Senator Rivera has brought Dr. Piven here
19 to us today. And I hope that everybody will
20 take an opportunity to do a little research
21 into the amazing work that she has done for
22 students and people throughout the world for
23 many, many years.

24 Thank you very much, Dr. Piven, for
25 all your work.

1 Thank you, Senator Rivera.

2 Thank you, Mr. President.

3 ACTING PRESIDENT FLANAGAN: Thank
4 you, Senator Krueger.

5 Senator Perkins on the resolution.

6 SENATOR PERKINS: Thank you very
7 much. I'll just be brief.

8 I want to first thank my colleague
9 for the resolution and for the opportunity to
10 meet Dr. Piven. I am probably amongst many
11 others like yourself who have had the
12 privilege of being influenced by her work,
13 especially in undergraduate school and
14 especially as it relates to the poor.

15 And to many of us who are from poor
16 families, poor communities, who are dedicated
17 to trying to empower them and to move them
18 along, your work has been very, very important
19 in terms of an appreciation of how that can be
20 done and what has been wrong with the system
21 that we've been living through for so long.

22 So I thank you so much for your
23 work, thank you for providing us with the
24 opportunity to recognize her and to meet her,
25 and I hope that we get a chance to see more of

1 your work as time goes on.

2 Thank you so much.

3 ACTING PRESIDENT FLANAGAN: Thank
4 you, Senator Perkins.

5 Is there any other Senator wishing
6 to be heard on the resolution?

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

10 (Response of "Aye.")

11 ACTING PRESIDENT FLANAGAN:
12 Opposed, nay.

13 (No response.)

14 ACTING PRESIDENT FLANAGAN: The
15 resolution is adopted.

16 Senator Libous.

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

19 There's a privileged resolution at
20 the desk by Senator Lanza. May we please have
21 the title read and move for its immediate
22 adoption.

23 ACTING PRESIDENT FLANAGAN: The
24 Secretary will read.

25 THE SECRETARY: Legislative

1 Resolution Number 782, by Senator Lanza,
2 commemorating the Staten Island Advance upon
3 the occasion of celebrating its 125th
4 anniversary.

5 ACTING PRESIDENT FLANAGAN: The
6 question is on the resolution. All those in
7 favor signify by saying aye.

8 (Response of "Aye.")

9 ACTING PRESIDENT FLANAGAN:
10 Opposed, nay.

11 (No response.)

12 ACTING PRESIDENT FLANAGAN: The
13 resolution is adopted.

14 Senator Libous.

15 SENATOR LIBOUS: At this time,
16 Mr. President, I believe we can take up the
17 reading of the noncontroversial calendar.

18 ACTING PRESIDENT FLANAGAN: The
19 Secretary will read.

20 THE SECRETARY: Calendar Number
21 105, by Senator Gallivan, Senate Print 2385,
22 an act to amend the Environmental Conservation
23 Law.

24 ACTING PRESIDENT FLANAGAN: Read
25 the last section.

1 THE SECRETARY: Section 3. This
2 act shall take effect immediately.

3 ACTING PRESIDENT FLANAGAN: Call
4 the roll.

5 (The Secretary called the roll.)

6 THE SECRETARY: Ayes, 54. Nays,
7 2. Senator Duane and Senator Serrano in the
8 negative.

9 ACTING PRESIDENT FLANAGAN: The
10 bill is passed.

11 Senator Libous.

12 SENATOR LIBOUS: Mr. President, I
13 believe that was Senator Gallivan's first
14 bill.

15 Congratulations, Senator.

16 ACTING PRESIDENT FLANAGAN:
17 Senator Gallivan, congratulations.

18 (Applause.)

19 ACTING PRESIDENT FLANAGAN: The
20 Secretary will read.

21 THE SECRETARY: Calendar Number
22 148, by Senator Ranzenhofer, Senate Print
23 2682, an act to repeal Section 2975-a of the
24 Public Authorities Law.

25 ACTING PRESIDENT FLANAGAN: Read

1 the last section.

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

4 ACTING PRESIDENT FLANAGAN: Call
5 the roll.

6 (The Secretary called the roll.)

7 ACTING PRESIDENT FLANAGAN:

8 Senator Valesky, why do you rise?

9 SENATOR VALESKY: Mr. President,
10 just to explain my vote.

11 ACTING PRESIDENT FLANAGAN: To
12 explain your vote.

13 SENATOR VALESKY: I want to thank
14 Senator Ranzenhofer for bringing this measure
15 to the floor today.

16 I sponsor similar legislation in
17 the Senate, Senate Bill 1910. Both bills do
18 essentially the same thing, which is to
19 correct a measure that was included in the
20 state budget from a few years ago that is very
21 much anti-economic development and would
22 repeal what has become known as the IDA tax.

23 So again, I want to thank you,
24 Senator Ranzenhofer, for your leadership on
25 this issue and hope that the Assembly will

1 follow suit.

2 I vote in the affirmative.

3 ACTING PRESIDENT FLANAGAN: Thank
4 you, Senator Valesky.

5 Announce the results.

6 THE SECRETARY: Ayes, 58. Nays,
7 1. Senator Duane in the negative.

8 ACTING PRESIDENT FLANAGAN: The
9 bill is passed.

10 THE SECRETARY: Calendar Number
11 158, by Senator Carlucci, Senate Print 2404,
12 an act to authorize the Town of Orangetown,
13 County of Rockland, to discontinue the use of
14 certain town lands.

15 ACTING PRESIDENT FLANAGAN: A
16 home-rule message is at the desk.

17 Read the last section.

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

20 ACTING PRESIDENT FLANAGAN: Call
21 the roll.

22 (The Secretary called the roll.)

23 ACTING PRESIDENT FLANAGAN:
24 Senator Carlucci, to explain his vote.

25 SENATOR CARLUCCI: Thank you,

1 Mr. President.

2 This legislation is a win/win
3 situation for the residents of the Town of
4 Orangetown, for the local businesses, for the
5 local utility company. It's a great example
6 of how a public/private partnership can foster
7 economic development and job growth in
8 New York.

9 So I'll be voting in the
10 affirmative on this legislation. Thank you.

11 ACTING PRESIDENT FLANAGAN:
12 Announce the results.

13 THE SECRETARY: Ayes, 59.

14 ACTING PRESIDENT FLANAGAN: The
15 bill is passed.

16 Senator Libous.

17 SENATOR LIBOUS: Mr. President, I
18 believe that was Senator Carlucci's first
19 bill.

20 (Applause.)

21 SENATOR LIBOUS: And,
22 Mr. President, it wasn't Senator Ranzenhofer's
23 first bill, but it may be his last.

24 (Laughter.)

25 SENATOR LIBOUS: Mr. President,

1 is there any further business at the desk?

2 ACTING PRESIDENT FLANAGAN:

3 Senator Libous, there is none.

4 SENATOR LIBOUS: There being no
5 further business at the desk, I move we
6 adjourn until Thursday, March 10th, at
7 11:00 a.m.

8 ACTING PRESIDENT FLANAGAN: On
9 motion, the Senate stands adjourned until
10 Thursday, March 10th, at 11:00 a.m.

11 (Whereupon, at 3:31 p.m., the
12 Senate adjourned.)

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