

1 NEW YORK STATE SENATE

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3
4 THE STENOGRAPHIC RECORD

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8
9 ALBANY, NEW YORK

10 June 15, 2011

11 2:16 p.m.

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13
14 REGULAR SESSION

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18 SENATOR JOSEPH A. GRIFFO, Acting President

19 FRANCIS W. PATIENCE, Secretary

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

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

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

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

10 ACTING PRESIDENT GRIFFO: The
11 invocation will be given by Imam Daud Hanif,
12 of the New York Metro Ahmadiyya Muslim
13 Community.

14 IMAM HANIF: Thank you.

15 Peace be upon you. We pray in
16 the name of Allah, the gracious, the
17 merciful. All praise belongs to Allah alone,
18 Lord of all the worlds, the gracious, the
19 merciful, master of the day of judgment.
20 Thee alone do we worship, and Thee alone do
21 we implore for help.

22 Guide us in the straight path,
23 the path of those on whom Thou hast bestowed
24 Thy favors, those who have not incurred Thy
25 displeasure and those who have not gone

1 astray.

2 And of His signs is the creation
3 of the heavens and the earth and the
4 diversity of your tongues and colors. In
5 that, surely, are signs for those who possess
6 knowledge.

7 Allah burdens not any soul
8 beyond its capacity. It shall have the
9 reward it earns, and it shall get the
10 punishment it incurs. Our Lord, do not
11 punish us if we forget or fall into error.
12 And, our Lord, lay not on us a responsibility
13 as Thou didst lay upon those before us. Our
14 Lord, burden us not with what we have not the
15 strength to bear, and efface our sins and
16 grant us forgiveness and have mercy on us.

17 Our Lord, You have said 'It is
18 decreed for thee that thou shalt not hunger
19 therein, nor shalt thou be naked, and that
20 thou shalt not be thirsty therein, nor shalt
21 thou be exposed to the sun. And who so acts
22 righteously, whether male or female, and is a
23 believer, We will surely grant him a pure
24 life, and We will surely bestow on such their
25 reward according to the best of their

1 works.'

2 Our Lord, there is none who can bar
3 Your bounties, and nor there is anyone who can
4 grant that which You withhold. Our Lord, grant
5 us good in this world as well as good in the
6 world to come, and save us from the torment of
7 the fire.

8 We beseech You, O our Lord, bestow
9 on our Senate leaders the best of the knowledge
10 and wisdom and enable them to serve the people,
11 the state, and this great country, homeland of us
12 all. And make this our state a most beautiful
13 leading state, and grant all its residents
14 aforementioned bounties and favors in abundance,
15 and remain our protector and guide always.

16 Amen.

17 ACTING PRESIDENT GRIFFO: The
18 reading of the Journal.

19 THE SECRETARY: In Senate, Tuesday,
20 June 14, the Senate met pursuant to adjournment.
21 The Journal of Monday, June 13, was read and
22 approved. On motion, Senate adjourned.

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

25 Presentation of petitions.

1 Messages from the Assembly.

2 The Secretary will read.

3 THE SECRETARY: On page 17, Senator
4 Larkin moves to discharge, from the Committee on
5 Commerce, Economic Development and Small
6 Business, Assembly Bill Number 160A and
7 substitute it for the identical Senate Bill
8 Number 4242B, Third Reading Calendar 425.

9 ACTING PRESIDENT GRIFFO: So
10 ordered.

11 THE SECRETARY: On page 19, Senator
12 Lanza moves to discharge, from the Committee on
13 Transportation, Assembly Bill Number 6443 and
14 substitute it for the identical Senate Bill
15 Number 4657, Third Reading Calendar 516.

16 ACTING PRESIDENT GRIFFO: So
17 ordered.

18 THE SECRETARY: On page 21, Senator
19 Ball moves to discharge, from the Committee on
20 Rules, Assembly Bill Number 141B and substitute
21 it for the identical Senate Bill Number 4582B,
22 Third Reading Calendar 550.

23 ACTING PRESIDENT GRIFFO: So
24 ordered.

25 THE SECRETARY: On page 23, Senator

1 Hannon moves to discharge, from the Committee on
2 Higher Education, Assembly Bill Number 3334 and
3 substitute it for the identical Senate Bill
4 Number 4245, Third Reading Calendar 594.

5 ACTING PRESIDENT GRIFFO: So
6 ordered.

7 THE SECRETARY: On page 34, Senator
8 DeFrancisco moves to discharge, from the
9 Committee on Finance, Assembly Bill Number 2565
10 and substitute it for the identical Senate Bill
11 Number 4146, Third Reading Calendar 858.

12 ACTING PRESIDENT GRIFFO: So
13 ordered.

14 THE SECRETARY: On page 39, Senator
15 Skelos moves to discharge, from the Committee on
16 Rules, Assembly Bill Number 5749 and substitute
17 it for the identical Senate Bill Number 5331,
18 Third Reading Calendar 942.

19 ACTING PRESIDENT GRIFFO: So
20 ordered.

21 THE SECRETARY: On page 40, Senator
22 DeFrancisco moves to discharge, from the
23 Committee on Finance, Assembly Bill Number 7239
24 and substitute it for the identical Senate Bill
25 Number 3944, Third Reading Calendar Number 961.

1 ACTING PRESIDENT GRIFFO: So
2 ordered.

3 THE SECRETARY: On page 40, Senator
4 Grisanti moves to discharge, from the Committee
5 on Environmental Conservation, Assembly Bill
6 Number 5663 and substitute it for the identical
7 Senate Bill Number 4056, Third Reading Calendar
8 964.

9 ACTING PRESIDENT GRIFFO: So
10 ordered.

11 THE SECRETARY: On page 44, Senator
12 O'Mara moves to discharge, from the Committee on
13 Elections, Assembly Bill Number 6767A and
14 substitute it for the identical Senate Bill
15 Number 5211, Third Reading Calendar 1030.

16 ACTING PRESIDENT GRIFFO: So
17 ordered.

18 THE SECRETARY: On page 45, Senator
19 Grisanti moves to discharge, from the Committee
20 on Environmental Conservation, Assembly Bill
21 Number 7638A and substitute it for the identical
22 Senate Bill Number 4363A, Third Reading Calendar
23 1040.

24 ACTING PRESIDENT GRIFFO: So
25 ordered.

1 THE SECRETARY: On page 46, Senator
2 Valesky moves to discharge, from the Committee on
3 Rules, Assembly Bill Number 7637 and substitute
4 it for the identical Senate Bill Number 5082A,
5 Third Reading Calendar 1044.

6 ACTING PRESIDENT GRIFFO: So
7 ordered.

8 THE SECRETARY: On page 46, Senator
9 Grisanti moves to discharge, from the Committee
10 on Environmental Conservation, Assembly Bill
11 Number 295A and substitute it for the identical
12 Senate Bill Number 5352, Third Reading Calendar
13 1045.

14 ACTING PRESIDENT GRIFFO: So
15 ordered.

16 THE SECRETARY: On page 46, Senator
17 Maziarz moves to discharge, from the Committee on
18 Rules, Assembly Bill Number 7943 and substitute
19 it for the identical Senate Bill Number 5442,
20 Third Reading Calendar 1047.

21 ACTING PRESIDENT GRIFFO: So
22 ordered.

23 I'm going to ask that order be kept
24 in the house, please. If you have conversations,
25 please take the conversations outside the

1 chamber, staff and members, please. Thank you.

2 The Secretary will read.

3 THE SECRETARY: On page 47, Senator
4 Maziarz moves to discharge, from the Committee on
5 Children and Families, Assembly Bill Number 7633
6 and substitute it for the identical Senate Bill
7 Number 5470, Third Reading Calendar 1050.

8 ACTING PRESIDENT GRIFFO: So
9 ordered.

10 THE SECRETARY: On page 47, Senator
11 Maziarz moves to discharge, from the Committee on
12 Aging, Assembly Bill Number 5458A and substitute
13 it for the identical Senate Bill Number 5471,
14 Third Reading Calendar 1051.

15 ACTING PRESIDENT GRIFFO: So
16 ordered.

17 THE SECRETARY: On page 47, Senator
18 Martins moves to discharge, from the Committee on
19 Rules, Assembly Bill Number 7919 and substitute
20 it for the identical Senate Bill Number 5483,
21 Third Reading Calendar 1056.

22 ACTING PRESIDENT GRIFFO: So
23 ordered.

24 THE SECRETARY: On page 48, Senator
25 Griffo moves to discharge, from the Committee on

1 Rules, Assembly Bill Number 8102 and substitute
2 it for the identical Senate Bill Number 5531,
3 Third Reading Calendar 1061.

4 ACTING PRESIDENT GRIFFO: So
5 ordered.

6 THE SECRETARY: On page 50, Senator
7 Klein moves to discharge, from the Committee on
8 Codes, Assembly Bill Number 478A and substitute
9 it for the identical Senate Bill Number 541A,
10 Third Reading Calendar 1089.

11 ACTING PRESIDENT GRIFFO: So
12 ordered.

13 THE SECRETARY: On page 51, Senator
14 Flanagan moves to discharge, from the Committee
15 on Finance, Assembly Bill Number 5600A and
16 substitute it for the identical Senate Bill
17 Number 3418A, Third Reading Calendar 1096.

18 ACTING PRESIDENT GRIFFO: So
19 ordered.

20 THE SECRETARY: On page 52, Senator
21 Gallivan moves to discharge, from the Committee
22 on Finance, Assembly Bill Number 6331 and
23 substitute it for the identical Senate Bill
24 Number 4498, Third Reading Calendar 1105.

25 ACTING PRESIDENT GRIFFO: So

1 ordered.

2 THE SECRETARY: And on page 54,
3 Senator Nozzolio moves to discharge, from the
4 Committee on Crime Victims, Crime and Correction,
5 Assembly Bill Number 7237 and substitute it for
6 the identical Senate Bill Number 5368, Third
7 Reading Calendar 1125.

8 ACTING PRESIDENT GRIFFO: So
9 ordered.

10 Messages from the Governor.
11 Reports of standing committees.
12 Reports of select committees.
13 Communications and reports from
14 state officers.

15 Motions and resolutions.

16 Senator Libous.

17 SENATOR LIBOUS: Mr. President, I'm
18 going to have you call on Senator Breslin and
19 then Senator Klein.

20 But before we do that, we're going
21 to call the Finance Committee meeting from the
22 floor, but we're going to continue in session
23 with motions and resolutions so we can keep the
24 process going. I promise you no bills will come
25 up until Finance. But after Finance, there will

1 be a Rules Committee meeting.

2 So in the sake of good order,
3 Mr. President, would you please call on Senator
4 Breslin and Senator Klein and come back to me so
5 I can call Finance.

6 ACTING PRESIDENT GRIFFO: Senator
7 Breslin.

8 SENATOR BRESLIN: Thank you,
9 Mr. President. On behalf of Senator Gianaris,
10 please place a sponsor star on Calendar Number
11 612.

12 ACTING PRESIDENT GRIFFO: So
13 ordered.

14 SENATOR BRESLIN: Mr. President, I
15 wish to call up Senate Print Number 2510A,
16 recalled from the Assembly, which is now at the
17 desk.

18 ACTING PRESIDENT GRIFFO: The
19 Secretary will read.

20 THE SECRETARY: Calendar Number
21 307, by Senator Gianaris, Senate Print 2510A, an
22 act to amend the Penal Law.

23 SENATOR BRESLIN: Mr. President, I
24 now move to reconsider the vote by which this
25 bill was passed.

1 ACTING PRESIDENT GRIFFO: Call the
2 roll on reconsideration.

3 (The Secretary called the roll.)

4 THE SECRETARY: Ayes, 61.

5 SENATOR BRESLIN: Mr. President, I
6 now offer the following amendments.

7 ACTING PRESIDENT GRIFFO: The
8 amendments are received.

9 SENATOR BRESLIN: Thank you,
10 Mr. President.

11 On behalf of Senator Diaz, I wish to
12 call up Senate Print Number 1313A, recalled from
13 the Assembly, which is now at the desk.

14 ACTING PRESIDENT GRIFFO: The
15 Secretary will read.

16 THE SECRETARY: Calendar Number
17 451, by Senator Diaz, Senate Print 1313A, an act
18 to amend the Penal Law.

19 SENATOR BRESLIN: Mr. President, I
20 now move to reconsider the vote by which this
21 bill was passed.

22 ACTING PRESIDENT GRIFFO: Call the
23 roll on reconsideration.

24 (The Secretary called the roll.)

25 THE SECRETARY: Ayes, 61.

1 SENATOR BRESLIN: Mr. President, I
2 now offer the following amendments.

3 ACTING PRESIDENT GRIFFO: The
4 amendments are accepted.

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

7 ACTING PRESIDENT GRIFFO: Senator
8 Klein.

9 SENATOR KLEIN: Thank you,
10 Mr. President.

11 On behalf of Senator Valesky, on
12 page number 40 I offer the following amendments
13 to Calendar Number 953, Senate Print Number 663,
14 and ask that said bill retain its place on Third
15 Reading Calendar.

16 ACTING PRESIDENT GRIFFO: The
17 amendments are received, and the bill shall
18 retain its place on third reading.

19 SENATOR KLEIN: Mr. President, I
20 have a motion to amend a bill recalled from the
21 Assembly. I wish to call up Print Number 4333,
22 recalled from the Assembly, which is now at the
23 desk.

24 ACTING PRESIDENT GRIFFO: The
25 Secretary will read.

1 THE SECRETARY: Calendar Number
2 1228, by Senator Carlucci, Senate Print 4333, an
3 act to authorize.

4 SENATOR KLEIN: Mr. President, I
5 now move to reconsider the vote by which this
6 bill was passed.

7 ACTING PRESIDENT GRIFFO: Call the
8 roll on reconsideration.

9 (The Secretary called the roll.)

10 THE SECRETARY: Ayes, 61.

11 ACTING PRESIDENT GRIFFO: The bill
12 is passed.

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

15 ACTING PRESIDENT GRIFFO: The
16 amendments are received. Thank you, Senator
17 Klein.

18 Senator Libous.

19 SENATOR LIBOUS: Mr. President, as
20 I said before, there will be an immediate meeting
21 of the Finance Committee in Room 332, immediate
22 meeting of the Finance Committee in Room 332.

23 But we will continue to do motions
24 and resolutions and whatever announcements and
25 presentations that need to take place.

1 Mr. President, on behalf of Senator
2 Ranzenhofer, on page 36 I offer the following
3 amendments to Calendar Number 890, Senate Print
4 4753, and ask that said bill retain its place on
5 the Third Reading Calendar.

6 ACTING PRESIDENT GRIFFO: The
7 amendments are received, and the bill shall
8 retain its place on third reading.

9 SENATOR LIBOUS: Mr. President, on
10 behalf of Senator Ball, on page 52 I offer the
11 following amendments to Calendar Number 1109,
12 Senate Print 5381, and ask that said bill retain
13 its place on the Third Reading Calendar.

14 ACTING PRESIDENT GRIFFO: The
15 amendments are received, and the bill shall
16 retain its place on third reading.

17 SENATOR LIBOUS: Mr. President, on
18 behalf of Senator Libous, on page 49 I offer the
19 following amendments to Calendar Number 1079,
20 Senate Print 5203, and ask that said bill retain
21 its place on the Third Reading Calendar.

22 ACTING PRESIDENT GRIFFO: The
23 amendments are received, and the bill shall
24 retain its place on third reading.

25 SENATOR LIBOUS: On behalf of

1 Senator Martins, Mr. President, on page 42 I
2 offer the following amendments to Calendar Number
3 1000, Senate Print 5546, and ask that said bill
4 retain its place on the Third Reading Calendar.

5 ACTING PRESIDENT GRIFFO: The
6 amendments are received, and the bill shall
7 retain its place on third reading.

8 SENATOR LIBOUS: Mr. President, on
9 behalf of Senator Golden, I move that the
10 following bill be discharged from its respective
11 committee and be recommitted with instructions to
12 strike the enacting clause. That would be Senate
13 Print 5616.

14 ACTING PRESIDENT GRIFFO: So
15 ordered.

16 SENATOR LIBOUS: On behalf of
17 Senator Hannon, please place a sponsor star on
18 Calendar Number 969.

19 ACTING PRESIDENT GRIFFO: So
20 ordered.

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

23 On behalf of Senator Flanagan, I
24 wish to call up his bill, Senate Print 5315,
25 recalled from the Assembly, which is now at the

1 desk.

2 ACTING PRESIDENT GRIFFO: The
3 Secretary will read.

4 THE SECRETARY: Calendar Number
5 734, by Senator Flanagan, Senate Print 5315, an
6 act relating to validating actions taken by
7 Smithtown Central School District.

8 SENATOR LIBOUS: Mr. President, I
9 now move to reconsider the vote by which this
10 bill was passed.

11 ACTING PRESIDENT GRIFFO: Call the
12 roll on reconsideration.

13 (The Secretary called the roll.)

14 THE SECRETARY: Ayes, 61.

15 SENATOR LIBOUS: Mr. President, I
16 now offer up the following amendments.

17 ACTING PRESIDENT GRIFFO: The
18 amendments are received.

19 SENATOR LIBOUS: Mr. President, I
20 believe at this time we have a resolution at the
21 desk by Senator Larkin. Could we please have its
22 title read and call on Senator Larkin.

23 ACTING PRESIDENT GRIFFO: The
24 Secretary will read.

25 THE SECRETARY: Legislative

1 resolution by Senator Larkin, commemorating the
2 236th Birthday of the United States Army on
3 June 14, 2011.

4 ACTING PRESIDENT GRIFFO: Senator
5 Larkin.

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

8 Two hundred thirty-six years ago
9 that Army flag was risen. We're talking the year
10 1775. Since that time, the Army flag has been
11 adorned with streamers for 181 battles.

12 Today, Army elements are in 21
13 countries throughout the world, preserving peace
14 at the expense of America. That was a shot? I
15 hope not.

16 But you know, this Army is something
17 special. We have seen people coming in off the
18 farms to do it. We've seen drafts in World War
19 I, we've seen drafts in World War II, Korea,
20 Vietnam. Today the Army force, whether it's
21 active, reserve, or guard, is strictly
22 volunteers. We're very proud of them. The
23 records that they have made and what they have
24 said speaks volumes and volumes of words because
25 of the military's commitment to our communities.

1 I'm very proud to say I served
2 23 years of my life, which matured me a lot. And
3 the Army has done a lot for a lot of our young
4 people. It's taught them a trade, given them an
5 education -- and, yes, sent them into harm's way
6 where many didn't come back. Some come back
7 dismantled, some come back with arms, legs off.
8 But they were all part of a great Army.

9 We in the State of New York should
10 be extra-special proud when we talk about the
11 Army. The chairman of the Joint Chiefs of Staff
12 is a graduate of the Academy, Class of '75, from
13 Goshen, New York. The commander in Afghanistan
14 in the multinational forces is a graduate of the
15 West Point Academy class of '74, and he is soon
16 to be named the CIA director, and he's from
17 Cornwall, New York. So two of out of those great
18 spots, part of the Army, part of a great team. I
19 say "Go Army."

20 Thank you, Mr. President.

21 ACTING PRESIDENT GRIFFO: Thank
22 you, Senator Larkin, for your service. And thank
23 you for the resolution.

24 The question is on the resolution.
25 All in favor signify by saying aye.

1 (Response of "Aye.")

2 ACTING PRESIDENT GRIFFO: Opposed?

3 (No response.)

4 ACTING PRESIDENT GRIFFO: The
5 resolution is adopted.

6 Senator Libous.

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

9 Mr. President, at this time I
10 believe Senator Perkins -- if I could have
11 unanimous consent to call on Senator Perkins for
12 the purposes of an introduction.

13 ACTING PRESIDENT GRIFFO: Without
14 objection, the chair recognizes Senator Perkins.

15 SENATOR PERKINS: Thank you very
16 much.

17 I wanted to just take a brief moment
18 to introduce a guest, a very distinguished
19 guest. I have the privilege, as you know, of
20 representing a district that is a historic
21 district in terms of Harlem as a place where many
22 folks, not just from the African-American
23 experience live, but also from the African
24 Diaspora, particularly from West Africa.

25 And today I have the privilege of

1 introducing Mr. Cellou Dalein Diallo. He was
2 born in the Republic of Guinea, and Mr. Diallo
3 has served over 30 years the Republic of Guinea
4 and his people throughout the world, as prime
5 minister and as minister of equipment, minister
6 of public transportation, telecommunications, and
7 environment. He was the general director of
8 monetary and economic affairs for the Central
9 Bank of Guinea and the Guinea Republic Governor
10 at the World Bank.

11 Mr. Diallo has been working
12 diligently for a stable and eternal democratic
13 system in Guinea. And since 2007, Mr. Diallo
14 became the president of the Democratic Union
15 Forces of Guinea, which is a principal party in
16 Guinea.

17 He joins us today with
18 Assemblymember Stevenson, who, as a
19 representative of the Bronx, also shares a large
20 Guinean community as well. And he introduced our
21 guest in the Assembly, and today it is my honor
22 to introduce him to our colleagues in the Senate.

23 Mr. Diallo, welcome.

24 ACTING PRESIDENT GRIFFO: We
25 welcome you to the chamber and extend the

1 privileges and the courtesies of the house.

2 (Applause.)

3 ACTING PRESIDENT GRIFFO: Senator
4 Libous.

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

7 Thank you, Senator Perkins, and
8 welcome to our guest today.

9 Mr. President, I believe Senator
10 Golden has a resolution at the desk that was
11 previously adopted. He would like the title read
12 and then he would like to speak on it, please.

13 ACTING PRESIDENT GRIFFO: The
14 Secretary will read.

15 THE SECRETARY: Legislative
16 Resolution Number 2326, by Senator Golden,
17 honoring Dr. Daniel Igor Branovan upon the
18 occasion of his designation for special
19 recognition for his work on Project Chernobyl.

20 ACTING PRESIDENT GRIFFO: Senator
21 Golden.

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

24 I have a resolution today from the
25 State Senate in honor of Daniel Igor Branovan, a

1 doctor who emigrated to the United States of
2 America from the Soviet Union. He is a graduate
3 of Haverford College and the Stanford University
4 School of Medicine and the Harvard School of
5 Public Health.

6 Currently Dr. Branovan serves as the
7 director of the Thyroid Center and the director
8 of the Rhinology Division at the New York Eye and
9 Ear Infirmary and has practiced there since
10 1998. Dr. Branovan is recognized as one of the
11 most outstanding physicians and surgeons in his
12 specialty by numerous publications and is the
13 only Russian-speaking specialist in New York to
14 be repeatedly named to the prestigious list of
15 "Best Doctors in America" by New York Magazine.

16 Dr. Daniel Igor Branovan is also
17 founder and president of Project Chernobyl, a
18 project which this Legislature put money into to
19 establish a fund to help the organization, which
20 was established in 2007 to address the growing
21 frequency of thyroid cancer among hundreds of
22 thousands of immigrants to New York City from the
23 affected regions of the Ukraine, Belarus, and
24 Russia after being exposed during the Chernobyl
25 nuclear accident.

1 Project Chernobyl has expanded its
2 scope to regions in New York State with markedly
3 increased thyroid cancer rates among the general
4 population. It offers a cost-effective method of
5 screening the 9/11 responders for thyroid cancer
6 through a new project, "Project 9/11 -- Chernobyl
7 in Your Backyard." And it is saving tremendous
8 amounts of money and lives here in the State of
9 New York.

10 Dr. Branovan has also organized and
11 co-chaired a series of international symposiums
12 at the United Nations on the medical consequences
13 of both the Chernobyl nuclear accident and the
14 recent Fukushima nuclear accident in Japan.

15 Dr. Daniel Branovan is currently
16 serving as president of the American Forum of
17 Russian-Speaking Jewry, RAJI, and also
18 co-president of the United Russian-American
19 Political Action Committee for New York State.
20 He also serves as a board member and chair of the
21 Russian Division of the American Jewish Committee
22 and is a founding member of Doctors against
23 Terrorism.

24 Dr. Daniel Igor Branovan has earned
25 the respect and the admiration of his colleagues,

1 family and friends. And on behalf of the
2 New York State Senate, I thank him for what he is
3 able to do not only for those that emigrated to
4 this great nation but to the people that live
5 here and reside here from our own incident here
6 on 9/11.

7 The good doctor is joined by many of
8 his good friends and colleagues. And I see my
9 colleague up there, Assemblyman Brook-Krasny,
10 joined by Gene Borsh, also joined by Iasenik
11 Anatoly, also joined by Vijay Dandapani, and
12 also, from Davidzon Radio, Gregory Davidzon, and
13 of course Leonid Bard and many other of his
14 friends and guests.

15 We commend you, sir, for your
16 service to our nation and for the great work that
17 you've done and that you continue to do and the
18 lives that you save. Thank you, and God bless
19 you.

20 (Applause.)

21 ACTING PRESIDENT GRIFFO: Thank
22 you, Senator Golden.

23 And we want to welcome Dr. Branovan
24 and the guests here to the chamber, and we extend
25 the courtesies of the chamber to you today.

1 Welcome, Dr. Branovan.

2 This resolution was previously
3 adopted on June 14th.

4 Senator Libous.

5 SENATOR LIBOUS: Mr. President, did
6 you call on me, sir?

7 ACTING PRESIDENT GRIFFO: Yes,
8 Senator Libous, I did.

9 SENATOR LIBOUS: It's greatly
10 appreciated.

11 ACTING PRESIDENT GRIFFO: You're
12 one of the only guys in the chamber.

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

15 I believe there's a privileged
16 resolution at the desk by Senator Ranzenhofer.
17 At this time could we have the resolution read in
18 its entirety, and then I believe Senator
19 Ranzenhofer would like to speak on it.

20 ACTING PRESIDENT GRIFFO: We will
21 note that the Finance Committee is meeting and
22 then you will call Rules, or Rules will
23 immediately follow? How was that, you will call
24 Rules again after Finance?

25 SENATOR LIBOUS: We will call Rules

1 from the floor.

2 ACTING PRESIDENT GRIFFO: Okay.

3 The Secretary will read the resolution.

4 THE SECRETARY: Legislative
5 resolution by Senator Ranzenhofer, commending
6 Williamsville East High School upon the occasion
7 of its designation as recipient of the College
8 Board Middle States Regional Award for Excellence
9 and Innovation in the Arts.

10 "WHEREAS, It is the sense of this
11 Legislative Body to recognize and commend those
12 institutions of commitment and high achievement
13 whose purpose and endeavors prove a dedication to
14 the pursuit of excellence in the education of the
15 youth of this noble Empire State; and

16 "WHEREAS, Attendant to such concern,
17 and in full accord with its long-standing
18 traditions, this Legislative Body is justly proud
19 to commend Williamsville East High School upon
20 the occasion of its designation as recipient of
21 the College Board Middle States Regional Award
22 for Excellence and Innovation in the Arts. The
23 school will be recognized for its long-standing
24 commitment to arts education at the College
25 Board's National Forum in October of 2011; and

1 "WHEREAS, Dedicated to promoting
2 excellence and equity in education, the College
3 Board is a mission-driven not-for-profit
4 organization which connects students to college
5 success and opportunity. Founded in 1900, the
6 College Board was created to expand access to
7 higher education; and

8 "WHEREAS, The College Board has
9 named one outstanding school in each of its six
10 regions as the winner of its first annual Award
11 for Excellence and Innovation in the Arts. The
12 College Board established the award program to
13 recognize and celebrate the achievements of six
14 K-12 schools which have expanded student
15 potential by promoting creativity, innovation,
16 and critical-thinking skills through arts-related
17 programs; and

18 "WHEREAS, Williamsville East High
19 School in East Amherst, New York, was selected as
20 both the Middle States Regional Winner and this
21 year's National Winner; and

22 "WHEREAS, Williamsville East High
23 School's Connections and Collaborations program,
24 founded in 2000, extends beyond Williamsville
25 High. The year-long program brings together

1 students from Buffalo and its surrounding suburbs
2 to create a truly community-oriented experience.
3 The program is built around the work of a guest
4 poet whose own work inspires students to
5 collaborate on poetry, music, dance and the
6 visual arts; and

7 "WHEREAS, The yearly program
8 culminates in a celebration of poetry, music,
9 dance and the visual arts, where students have
10 the opportunity to share their work with the
11 Buffalo community; and

12 "WHEREAS, The College Board Middle
13 States Regional Award for Excellence and
14 Innovation in the Arts stands as a resolute
15 testimony to Williamsville East High School's
16 standards of excellence, its uncompromising
17 values, unparalleled dedication, and the special
18 teamwork of its family of students, parents,
19 teachers and administrators, who share common
20 goals and uncommon expectations; now, therefore,
21 be it

22 "RESOLVED, That this Legislative
23 Body pause in its deliberations to commend
24 Williamsville East High School upon the occasion
25 of its designation as recipient of the College

1 Board Middle States Regional Award for Excellence
2 and Innovation in the Arts; and be it further

3 "RESOLVED, That a copy of this
4 resolution, suitably engrossed, be transmitted to
5 Williamsville East High School."

6 ACTING PRESIDENT MARTINS: Senator
7 Ranzenhofer.

8 SENATOR RANZENHOFER: Thank you,
9 Mr. President. You look very good up there.

10 ACTING PRESIDENT MARTINS: Thank
11 you.

12 SENATOR RANZENHOFER: First of all,
13 I'd like to thank you for recognizing me.

14 And very often in this chamber we
15 have the opportunity to recognize sports teams,
16 organizations, institutions and individuals. And
17 when we recognize organizations and institutions,
18 those are compromised of individuals. And we
19 have two of them with us here today. We have
20 Steve Shewan, who is up in the balcony, and we
21 also have John Kryder.

22 We are recognizing one of the
23 schools in my district, actually the rival of the
24 high school that my own children went to, but a
25 very, very good high school not far from where I

1 live. And they are being recognized for a
2 program that was developed about 11 years ago, I
3 believe, which really collaborates with poetry
4 and music and the arts, bringing people from the
5 entire Western New York area together.

6 And they are being recognized not
7 only as a regional winner but the national winner
8 for their program. That school, I know on a
9 firsthand basis, has produced great students,
10 great musicians, great athletes. And it really
11 is, and needs to be repeated here today, that
12 success through education is really based on the
13 arts. Because those who -- when you have arts
14 programs and music programs, it really enables
15 the students to excel in their core subjects.

16 So again, I want to thank Steve and
17 John for joining us today and representing the
18 Williamsville East High School community.
19 Congratulations on your recognition and honors
20 and for the recognitions and honors that you'll
21 be receiving this October. So again, thank you
22 for being here and congratulations on your
23 achievements.

24 (Applause.)

25 ACTING PRESIDENT MARTINS:

1 Gentlemen, congratulations and welcome.

2 The question is on the resolution.

3 All in favor signify by saying aye.

4 (Response of "Aye.")

5 ACTING PRESIDENT MARTINS: Opposed,
6 nay.

7 (No response.)

8 ACTING PRESIDENT MARTINS: The
9 resolution is adopted.

10 Senator Libous.

11 SENATOR LIBOUS: Thank you,
12 Mr. President.

13 I believe there's another privileged
14 resolution at the desk by Senator Kennedy. Could
15 we please have it read in its entirety and then
16 please call on Senator Kennedy.

17 ACTING PRESIDENT MARTINS: The
18 Secretary will read.

19 THE SECRETARY: Legislative
20 resolution by Senator Kennedy, commending
21 Bornhava Preschool upon the occasion of its
22 recognition for special recognition, and to pay
23 just tribute to its Director Barbara Jo Hard.

24 "WHEREAS, Organizations which seek
25 to enhance the education of our youngest students

1 help to provide children a solid knowledge base
2 upon which to build their future studies; and

3 "WHEREAS, It is the custom of this
4 Legislative Body to recognize and honor those
5 organizations and individuals of commitment and
6 high achievements whose purpose and endeavors
7 have been dedicated to the pursuit of excellence
8 in the education of the youth of this noble
9 Empire State; and

10 "WHEREAS, Attendant to such concern,
11 and in full accord with its long-standing
12 tradition, this Legislative Body is justly proud
13 to commend Bornhava Preschool of Amherst,
14 New York, upon the occasion of its designation
15 for special recognition and to honor its
16 Director, Barbara Jo Hard; and

17 "WHEREAS, Bornhava Preschool was
18 founded by Barbara Jo Hard in 1983, with the
19 intent of offering a home-like atmosphere where
20 high-quality therapeutic and educational
21 interventions are provided for children with
22 special needs from birth to five years of age;
23 and

24 "WHEREAS, Since founding it almost
25 30 years ago, Founder Barbara Jo Hard has

1 remained the executive director of Bornhava
2 Preschool; and

3 "WHEREAS, At its inception, Bornhava
4 Preschool served nine students. Today it serves
5 approximately 198 children, with a commitment for
6 personalized attention to address each of their
7 unique strengths and needs; and

8 "WHEREAS, Bornhava Preschool's focus
9 is not only on the specific needs of these
10 children but also on family involvement and
11 interaction with typical children. Intervention
12 plans are developed for children with mental and
13 physical challenges, sensory deficits,
14 communication delays, and various developmental
15 disabilities; and

16 "WHEREAS, This remarkable school
17 developed a Sensory, Motor, Interactive,
18 Learning, Environment (SMILE) philosophy in
19 response to the documented need to serve the
20 children whose sensory dysfunction,
21 social/emotional delays and communication
22 disorders interfere with the learning process;
23 and

24 "WHEREAS, Bornhava Preschool's SMILE
25 philosophy utilizes an eclectic approach

1 representing a variety of documented educational
2 methods such as 'More Than Words,' 'DIR-
3 Floortime,' 'Total Language,' 'PECS (Picture
4 Exchange Communication System),' and various
5 sensory integration techniques; and

6 "WHEREAS, In so effectively carrying
7 out its mission, the Bornhava Preschool has
8 offered children the opportunity to enhance their
9 quality of life by providing them with a safe,
10 supportive atmosphere while participating in
11 recreational and educational activities; and

12 "WHEREAS, The children of today are
13 the citizens and leaders of tomorrow. Their
14 health, well-being and development are of
15 paramount importance to the people of the State
16 of New York; and

17 "WHEREAS, It is the sense of this
18 Legislative Body to extend its highest
19 commendation to all of the individuals who have
20 been involved with the Bornhava Preschool, past
21 and present, noting the importance of their work
22 and their enduring commitment to young children;
23 now, therefore, be it

24 "RESOLVED, That this Legislative
25 Body pause in its deliberations to commend the

1 Bornhava Preschool upon the occasion of its
2 designation for special recognition, and to pay
3 just tribute to its Director Barbara Jo Hard; and
4 be it further

5 "RESOLVED, That a copy of this
6 resolution, suitably engrossed, be transmitted to
7 Barbara Jo Hard, Director, Bornhava Preschool."

8 ACTING PRESIDENT MARTINS: Thank
9 you.

10 Senator Kennedy.

11 SENATOR KENNEDY: Yes, thank you
12 very much, Mr. President.

13 I just want to recognize Barbara Jo
14 Hard, and her daughter Maggie, who made the long
15 trip up from Buffalo to be here with us today.

16 These are certainly fascinating
17 times to be in the State Capitol. And I'm very
18 happy that you got to get a good flavor of what
19 happens down here.

20 What happens in Amherst, New York --
21 actually in Senator Ranzenhofer's district -- at
22 Bornhava Preschool is fascinating in and of
23 itself every single day. There are miracles that
24 happen at Bornhava Preschool. There are children
25 with disabilities, both physical and emotional

1 and psychological, that come to Bornhava and are
2 treated and are worked into a system that
3 translates into an increase in their level of
4 functioning, to the point that when they turn
5 five years old, they're able to go to school with
6 their peers.

7 This is a system that is funded
8 through the education funding that this honorable
9 body puts through its budget every single year.
10 Bornhava, the small institution that treats
11 hundreds of kids on a daily basis, but also, over
12 the course of the last nearly 30 years since its
13 inception in 1983, has had a positive impact on
14 thousands of children and thousands of families
15 throughout Western New York, is an example of the
16 system working and working well and working,
17 quite frankly, magnificently.

18 And it's due in large part to the
19 efforts of Barbara Jo Hard, who in 1983 founded
20 Bornhava Preschool and has turned it into one of
21 the most incredible educational institutions
22 that's expanding every single year, not with
23 public funds but with private funds, and
24 expanding every year through a foundation that's
25 been established through local private sources

1 that help to make it into the institution that it
2 is today.

3 So thank you, Barbara Jo Hard, for
4 being here today. Thank you, Barbara Jo Hard,
5 for everything that you do at Bornhava and
6 throughout all of Western New York for all of the
7 people and the families that are impacted by
8 everything that and the wonderful staff and
9 extended family at Bornhava do on a daily basis.

10 Congratulations.

11 (Applause.)

12 ACTING PRESIDENT MARTINS: Thank
13 you, Senator Kennedy.

14 The question is on the resolution.
15 All in favor signify by saying aye.

16 (Response of "Aye.")

17 ACTING PRESIDENT MARTINS: Opposed,
18 nay.

19 (No response.)

20 ACTING PRESIDENT MARTINS: The
21 resolution is adopted.

22 Ladies, welcome. Thank you for
23 being here. We extend to you the courtesies and
24 the privileges of the house. Thank you for being
25 here.

1 Senator Libous.

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

4 Mr. President, there's a privileged
5 resolution at the desk by Senator Ritchie. If
6 you could read the title and then call on Senator
7 Ritchie, please.

8 ACTING PRESIDENT MARTINS: The
9 Secretary will read.

10 THE SECRETARY: Legislative
11 resolution by Senator Ritchie, honoring Dallas
12 Mavericks Head Coach and St. Lawrence County
13 native Rick Carlisle upon the occasion of
14 capturing the NBA Championship on June 12, 2011.

15 ACTING PRESIDENT MARTINS: Senator
16 Ritchie.

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

19 I rise to pay tribute to Head Coach
20 Rick Carlisle of the 2011 NBA Champion Dallas
21 Mavericks.

22 Rick is a native of Lisbon in
23 St. Lawrence County. His parents are Preston and
24 Joan Carlisle. Growing up, I had many
25 opportunities to watch Rick play, and I know his

1 family to be very involved still in our
2 community.

3 Sports fans in New York, especially
4 in northern New York, have watched Rick's career
5 and felt a great deal of pride in his
6 accomplishments. He is one of only 11 to have
7 won the NBA championships as both a coach and as
8 a player, with the Boston Celtics. Rick began
9 his NBA career in Boston but also played briefly
10 here as a New York Knick. He also played just
11 down the street with the Albany Patroons.

12 We are in St. Lawrence County are
13 very proud of Rick Carlisle and his family. He
14 brings honor to our community and honor to the
15 State of New York. So thank you, Mr. President.

16 ACTING PRESIDENT MARTINS: Thank
17 you, Senator Ritchie.

18 The question is on the resolution.
19 All in favor signify by saying aye.

20 (Response of "Aye.")

21 ACTING PRESIDENT MARTINS: Opposed,
22 nay.

23 (No response.)

24 ACTING PRESIDENT MARTINS: The
25 resolution is adopted.

1 Senator Libous.

2 SENATOR LIBOUS: You would think,
3 Mr. President, that Senator Ritchie could have
4 gotten tickets for all of us for the championship
5 games.

6 (Laughter.)

7 ACTING PRESIDENT MARTINS: We had
8 hoped.

9 SENATOR LIBOUS: And we would have
10 paid for them, of course.

11 (Laughter.)

12 SENATOR LIBOUS: Mr. President, I
13 believe Senator Sampson has a privileged
14 resolution at the desk. Could we have the title
15 read and move for its adoption.

16 ACTING PRESIDENT MARTINS: The
17 Secretary will read.

18 THE SECRETARY: Legislative
19 resolution by Senator Sampson, commending
20 Reverend Dr. Randolph Nugent upon the occasion of
21 his retirement from Vanderveer Park United
22 Methodist Church, Brooklyn, New York.

23 ACTING PRESIDENT MARTINS: The
24 question is on the resolution. All in favor
25 signify by saying aye.

1 (Response of "Aye.")

2 ACTING PRESIDENT MARTINS: Opposed,
3 nay.

4 (No response.)

5 ACTING PRESIDENT MARTINS: The
6 resolution is adopted.

7 Senator Libous.

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

10 Mr. President, at this time the
11 Finance Committee is meeting. When the Finance
12 Committee finishes its meeting, there will be a
13 meeting of the Rules Committee in Room 332.

14 And for the time being, the Senate
15 will stand at ease.

16 ACTING PRESIDENT MARTINS: The
17 Senate will stand at ease.

18 (Whereupon, the Senate stood at ease
19 at 2:56 p.m.)

20 (Whereupon, the Senate reconvened at
21 3:33 p.m.)

22 SENATOR LIBOUS: Mr. President,
23 there will be an immediate meeting of the Rules
24 Committee in Room 332, immediate meeting of the
25 Rules Committee in Room 332. As quick as the

1 members can get there, we will do the meeting and
2 get back on the floor and begin the calendar.

3 ACTING PRESIDENT MARTINS: There
4 will be an immediate meeting of the Rules
5 Committee in Room 332, as quickly as the members
6 can get there.

7 Thank you, Senator Libous.

8 The Senate continues to stand at
9 ease.

10 (Whereupon, the Senate stood at ease
11 at 3:34 p.m.)

12 (Whereupon, the Senate reconvened at
13 4:06 p.m.)

14 SENATOR LIBOUS: Mr. President.

15 ACTING PRESIDENT MARTINS: Senator
16 Libous.

17 SENATOR LIBOUS: I would like to go
18 back to reports of standing committees. And when
19 Senator DeFrancisco is ready, we will have a
20 report of the Finance Committee, if we could just
21 hold a second.

22 (Pause.)

23 SENATOR LIBOUS: If we could read
24 the report of the Finance Committee at this time.

25 ACTING PRESIDENT MARTINS: Reports

1 of standing committees.

2 The Secretary will read.

3 THE SECRETARY: Senator
4 DeFrancisco, from the Committee on Finance,
5 offers the following nominations.

6 As a commissioner of the Port
7 Authority of New York and New Jersey, Jeffrey
8 Hayden Lynford, of Katonah.

9 ACTING PRESIDENT MARTINS: Senator
10 DeFrancisco.

11 SENATOR DeFRANCISCO: Yes, I rise
12 to move the nomination of Jeffrey Hayden Lynford,
13 of Katonah, for a commissioner's position on the
14 board of the Port Authority of New York and
15 New Jersey.

16 Mr. Lynford appeared before the
17 Finance Committee, was unanimously approved in
18 order to have his nomination sent to the floor,
19 and we would recommend that nomination.

20 And I would request that you
21 recognize the chairman of Transportation, Senator
22 Fuschillo, to second the nomination.

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

25 Senator Fuschillo.

1 SENATOR FUSCHILLO: Thank you very
2 much, Mr. President.

3 I want to thank Mr. Lynford for his
4 willingness to serve the people of the State of
5 New York.

6 Mr. Lynford came before the
7 Transportation Committee and we were extremely
8 satisfied with his experience, and we want to
9 thank Governor Cuomo for his nomination. I
10 proudly second the nomination.

11 ACTING PRESIDENT MARTINS: Thank
12 you, Senator.

13 Senator Oppenheimer.

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

16 Jeff is not a constituent of mine;
17 he's a little north of my district. But he's a
18 friend and a man that I think we're very
19 fortunate to have willing to serve in state
20 government. His background in finance, in public
21 debt, in development, in rehabilitation, in all
22 the things that are so important for our
23 Port Authority. And looking ahead, we'll need
24 all these skills to get through the coming years.

25 On a more personal note, I would say

1 that his role in Westchester as a member of the
2 Council of the Arts and as someone who is
3 committed to Caramoor, which is a beautiful
4 musical festival that we have in Westchester
5 County --

6 ACTING PRESIDENT MARTINS: Excuse
7 me, Senator Oppenheimer.

8 {Gaveling.} Can we have order in
9 the house? Thank you.

10 SENATOR OPPENHEIMER: His
11 commitment to the arts has advanced the arts and
12 helped them to stay healthy in Westchester
13 County.

14 And on an aside, I would say that
15 his wife, Tondra, has been a blessing as a
16 psychotherapist who takes into her heart the
17 needs of children with special needs and has
18 worked tirelessly in this field. And both he and
19 his wife are people to be admired.

20 And I am happy to be able to talk on
21 his behalf. Thank you.

22 ACTING PRESIDENT MARTINS: Thank
23 you, Senator.

24 Any other Senators wishing to be
25 heard?

1 The question is on the nomination of
2 Jeffrey Hayden Lynford, of Katonah, as a
3 commissioner of the Port Authority of New York
4 and New Jersey. All in favor signify by saying
5 aye.

6 (Response of "Aye.")

7 ACTING PRESIDENT MARTINS: Opposed,
8 nay.

9 (No response.)

10 ACTING PRESIDENT MARTINS: Jeffrey
11 Hayden Lynford hereby is confirmed as a
12 commissioner of the Port Authority of New York
13 and New Jersey.

14 Congratulations.

15 (Applause.)

16 ACTING PRESIDENT MARTINS: The
17 Secretary will read.

18 THE SECRETARY: As member and chair
19 of the New York State Thruway Authority, Howard
20 Milstein, of New York City.

21 ACTING PRESIDENT MARTINS: Senator
22 DeFrancisco.

23 SENATOR DeFRANCISCO: Yes, I am
24 proud to move the nomination of Howard Milstein
25 as a member and chair of the New York State

1 Thruway Authority.

2 And I just wanted to comment on just
3 a couple of things. First of all, I've mentioned
4 this before on other nominees, but the four
5 nominees that appeared before the committee today
6 are extremely well qualified for the positions to
7 which they were appointed.

8 And it's really a credit to the
9 Governor that he would be able to get people that
10 were this successful in their private lives and
11 in their public service to serve in these
12 positions. Nowadays, it seems to me that a lot
13 of people shy away from public service,
14 especially if they're successful in their private
15 ventures because of the glass house that they
16 have to live in or the microscope that they're
17 always viewed under.

18 And somehow it seems to me that
19 people seem to believe or some seem to believe
20 that if you're successful in private life and
21 you've done well financially, that there's
22 something wrong with that. Well, the people that
23 have been nominated today show that there's
24 nothing wrong with that. And they -- at least as
25 to Mr. Milstein, shots have been taken already,

1 and he hasn't been confirmed yet.

2 And it was clear from the reaction
3 of the committee that he's not only
4 well-qualified, but we're all very pleased that
5 he's willing to serve in this position, bringing
6 his expertise from the private sector to make the
7 Thruway Authority better. And that holds true
8 for each of the other nominees.

9 And I'm proud to move his
10 nomination. I'd request that you recognize,
11 again, the chairman of the Transportation
12 Committee, Senator Fuschillo, to second the
13 nomination.

14 ACTING PRESIDENT MARTINS: Thank
15 you, Senator.

16 Senator Fuschillo.

17 SENATOR FUSCHILLO: Mr. President,
18 thank you very much.

19 I've had the pleasure and the
20 opportunity of meeting Mr. Milstein on a few
21 occasions in the last week, and I concur and say
22 ditto to all of the comments by the chairman of
23 the Finance Committee, Senator DeFrancisco.

24 You know, it is a rare opportunity
25 where we have the pleasure of meeting such

1 qualified individuals that do possess a
2 willingness to people of the New York State.
3 Mr. Milstein certainly doesn't need any more jobs
4 in his life. He is an enormously successful
5 businessman, enormous successful in his personal
6 life as well.

7 We raised some issues of serious
8 concern and interest during the Transportation
9 Committee, and we're extremely satisfied with his
10 knowledge of the Thruway Authority and his
11 concern for the future of the Thruway Authority
12 as well. So I proudly second the nomination. I
13 applaud Governor Cuomo.

14 Mr. Milstein, I wish you tremendous
15 success. You formed a partnership with members
16 of the Transportation Committee and certainly
17 myself. Congratulations, and the best of luck.

18 And now I'd appreciate it if you'd
19 recognize Senator Maziarz and Senator Nozzolio
20 for purposes of a second. Thank you very much.

21 ACTING PRESIDENT MARTINS: Thank
22 you, Senator Fuschillo.

23 Senator Nozzolio.

24 SENATOR NOZZOLIO: Thank you,
25 Mr. President.

1 Mr. President, on the nomination, I
2 rise to echo the comments and sentiments
3 expressed by Senator DeFrancisco and especially
4 Senator Fuschillo in thanking Governor Cuomo for
5 presenting an individual who has extremely
6 broad-based experience and is well up to the
7 challenges that our two most important
8 thoroughfares in New York State are facing.

9 That as the Senator representing the
10 longest run of the New York State Thruway and the
11 longest run of the New York State barge canal
12 system, the Thruway Authority is a very important
13 component of job development in the central
14 Finger Lakes, upstate New York region.

15 As such, Governor Cuomo's decision
16 to reach out into the business community to find
17 a person with an exemplary background as
18 Mr. Milstein I think is a great tribute to the
19 Governor's acumen and a better tribute to
20 Mr. Milstein's desire to serve his community.

21 I should add very quickly that
22 Mr. Milstein has already demonstrated, through
23 his efforts, his leadership, his involvement with
24 the best university in all of New York State --
25 and I know you all know that's Cornell

1 University. But we're very proud as Cornellians
2 to have Howard, who's a classmate of mine of a
3 number of years ago, of 1973. And I know Senator
4 Carlucci, who graduated about 30 years after us,
5 is also very, very appreciative of Mr. Milstein's
6 work for our alma mater.

7 I said this at our committees; I'm
8 going to say it one more time. That
9 Mr. Milstein, Howard Milstein, does not need the
10 job of being the chairman of the Thruway
11 Authority, but the important job of the Thruway
12 Authority needs a person like Mr. Milstein to
13 move it forward and to ensure that it can be and
14 continue to be what it really should be, which is
15 a job-development engine for New York State.

16 With that, I thank, Mr. President,
17 you and my colleagues for the opportunity to
18 speak and support this wonderful nomination.
19 Thank you, Mr. President.

20 ACTING PRESIDENT MARTINS: Thank
21 you, Senator.

22 Senator Maziarz.

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

25 I too rise just to echo what my

1 colleagues said and congratulate the Governor on
2 the appointment of Howard Milstein.

3 As I said in the Transportation
4 Committee, I've known Mr. Milstein for several
5 years now, and he is exactly the type of
6 person -- a businessperson, an individual who is
7 open to private/public private partnerships --
8 this is exactly what the New York State Thruway
9 Authority needs.

10 As Senator Nozzolio pointed out, the
11 canal and the Thruway Authority are very
12 prominent in upstate. And we talked about the
13 Tappan Zee Bridge issue and some of the other
14 important issues facing the Thruway Authority in
15 the next decade. And that we in upstate consider
16 those issues to be our issues anyway, to be
17 equally important. And I think Mr. Milstein
18 understands that and appreciates that and will do
19 the right thing by the people of the State of
20 New York.

21 Mr. President, I'm honored to second
22 this nomination.

23 And just to all of the nominees here
24 today, you picked a very unusual day to be here.
25 And believe me, things are not always this

1 chaotic, okay? When I spoke to Mr. Milstein last
2 week and he told me that the Governor's office
3 had made the arrangements to be here on a
4 Wednesday at 9:00 o'clock, I guaranteed him: "So
5 Wednesday, 9:00 o'clock, you'll be out of here by
6 noon." So sorry about that, Howard.

7 (Laughter.)

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

10 ACTING PRESIDENT MARTINS: Thank
11 you, Senator.

12 Senator Oppenheimer.

13 SENATOR OPPENHEIMER: Things are
14 never or always this chaotic?

15 Well, I'm delighted to second the
16 nomination of Howard Milstein. We've heard much
17 about his business skills, which we all know
18 about -- real estate, banking, finance, all
19 things that are going to be very important and
20 are very important for the current and the future
21 success of the Thruway Authority.

22 I noted that there were so many
23 dozens of boards and executive committees that
24 Mr. Milstein was on, which shows the depth and
25 width of his many interests, from religious to

1 musical to art to educational to healthcare. And
2 it speaks of how highly respected he is outside
3 of the business world.

4 My only concern was that a person
5 with this number of interests and so many
6 commitments, how would he be able to do the job
7 of chair of the Thruway Authority? And he
8 reminded me of a statement I've heard many times,
9 which is if you want to get the job done, you go
10 to a busy person. Because they get to doing it
11 right away so that they can get it off their
12 plate. And I subscribe to that thinking, and
13 therefore I know that Howard Milstein is going to
14 be a wonderful, brilliant chair of our Thruway
15 Authority.

16 Thank you.

17 ACTING PRESIDENT MARTINS: Thank
18 you, Senator.

19 Any other Senators wishing to be
20 heard?

21 Senator Kennedy.

22 SENATOR KENNEDY: Thank you,
23 Mr. President. I too want to rise and
24 congratulate Howard Milstein on his nomination
25 and his appointment.

1 I'm very proud to vote in the
2 affirmative for this appointment. As a member of
3 the Transportation Committee, we earlier today
4 signaled our support for Howard Milstein to this
5 position. I want to congratulate the Governor on
6 another fine choice.

7 And I definitely look forward to
8 working with you, Howard, in moving the Thruway
9 Authority forward and improving the conditions
10 across all of New York State, especially
11 improving the infrastructure as it pertains to
12 the people of my district out in Western
13 New York. So again, congratulations and thank
14 you.

15 ACTING PRESIDENT MARTINS: Thank
16 you, Senator Kennedy.

17 The question is on the nomination of
18 Howard Milstein as member and chair of the
19 New York State Thruway Authority.

20 All in favor signify by saying aye.

21 (Response of "Aye.")

22 ACTING PRESIDENT MARTINS: Opposed,
23 nay.

24 (No response.)

25 ACTING PRESIDENT MARTINS: Howard

1 Milstein is hereby confirmed as member and chair
2 of the New York State Thruway Authority.

3 (Applause.)

4 ACTING PRESIDENT MARTINS:

5 Mr. Milstein, congratulations.

6 The Secretary will read.

7 THE SECRETARY: As a commissioner
8 of the Port Authority of New York and New Jersey,
9 Scott Howard Rechler, of Old Brookville.

10 ACTING PRESIDENT MARTINS: Senator
11 DeFrancisco.

12 SENATOR DeFRANCISCO: Yes, I move
13 the nomination of Scott Howard Rechler as a
14 commissioner of the Port Authority of New York
15 and New Jersey and again would ask you to
16 recognize the esteemed Long Island Senator,
17 chairman of Transportation, Senator Fuschillo, to
18 second the nomination.

19 ACTING PRESIDENT MARTINS: Senator
20 Fuschillo.

21 SENATOR FUSCHILLO: Thank you very
22 much, Mr. President.

23 And, Senator DeFrancisco, you
24 finally got the introduction correct of me after
25 all these years in the chambers.

1 (Laughter.)

2 SENATOR FUSCHILLO: And I rise to
3 second the nomination and support the nomination
4 of a fellow Long Islander. And I won't hold that
5 against you, as some others from upstate New York
6 had booed you in the committee.

7 But you certainly possess, as did
8 the first nominee, Jeffrey Lynford, the necessary
9 qualifications to serve on the Port Authority as
10 one of the commissioners. And we've stressed to
11 you that we feel strongly that we don't get our
12 fair share. And I must say it was quite
13 refreshing to hear your responses, and the other
14 nominee. And I'm confident you will serve the
15 residents of New York State with great
16 distinction.

17 I applaud your willingness to serve,
18 and I congratulate Governor Cuomo. I proudly
19 second the nomination, Mr. President.

20 ACTING PRESIDENT MARTINS: Thank
21 you, Senator.

22 Senator Marcellino.

23 SENATOR MARCELLINO: Thank you,
24 Mr. President. I too rise to congratulate the
25 nominee of the Governor. It's a good nomination,

1 and I know he will serve with distinction.

2 His reputation is well known
3 throughout the Long Island community and the
4 entire tristate area. It was a pleasure to see
5 him at the Finance Committee and hear the kind
6 remarks made by my colleagues. And we
7 Long Islanders have to stick together, as you now
8 know, in the face of this upstate onslaught. But
9 we will survive.

10 I proudly vote aye on this
11 nomination.

12 ACTING PRESIDENT MARTINS: Thank
13 you, Senator Marcellino.

14 Senator Hannon.

15 SENATOR HANNON: Yes,
16 Mr. President, I rise to commend to this body the
17 nomination of Mr. Rechler.

18 He has not only served the community
19 of Long Island quite well, but, because of his
20 business interests throughout the metropolitan
21 area, is especially well-suited to be on the Port
22 Authority to work on the essential transportation
23 components that the Port Authority addresses
24 itself to, as well as the economic advancement of
25 the metropolitan area.

1 So I know that with his
2 accomplishments heretofore and with his talents
3 that he will be a real positive addition to this
4 government. So thank you. I commend him.

5 ACTING PRESIDENT MARTINS: Thank
6 you, Senator Hannon.

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

9 The question is on the nomination of
10 Scott Howard Rechler as a commissioner of the
11 Port Authority of New York and New Jersey. All
12 in favor signify by saying aye.

13 (Response of "Aye.")

14 ACTING PRESIDENT MARTINS: Opposed,
15 nay.

16 (No response.)

17 ACTING PRESIDENT MARTINS: Scott
18 Howard Rechler is hereby confirmed as a
19 commissioner of the Port Authority of New York
20 and New Jersey.

21 Mr. Rechler, congratulations.

22 (Applause.)

23 ACTING PRESIDENT MARTINS: The
24 Secretary will read.

25 THE SECRETARY: As a member of the

1 New York State Metropolitan Transportation
2 Authority, Fernando Ferrer, of the Bronx.

3 ACTING PRESIDENT MARTINS: Senator
4 DeFrancisco.

5 SENATOR DeFRANCISCO: Yes, I
6 proudly rise to move the nomination of Fernando
7 Ferrer as a member of the New York State
8 Metropolitan Transportation Authority.

9 I never met the nominee until
10 yesterday, and it's amazing how when you meet
11 somebody you immediately get an impression of the
12 individual. And I had heard about him for many,
13 many years and his service in New York City and
14 the things he's done in the city and his public
15 service. And I immediately got a feeling that
16 this is the type of person that truly loves what
17 he's doing, wants to continue to contribute.

18 People always ask me why I keep
19 running for office year after year. I thought I
20 figured it out when my son won a city council
21 seat in Syracuse; I thought it was that it was a
22 genetic defect, that you keep wanting to be
23 beaten up continuously in the public eye.

24 But it's much, much more than that,
25 obviously. It's someone, as with Mr. Ferrer,

1 that is someone who is truly dedicated to public
2 service that wants to do good. Again, here's an
3 individual, doesn't have to come back and doesn't
4 have to serve more. He's served more than most
5 would ever consider, and served admirably. But
6 the fact that he's willing to serve at this time
7 in history with this very difficult body that has
8 so many difficult issues before it is a true
9 tribute to the individual.

10 And we're very, very happy that the
11 Governor appointed you and that you were willing
12 to serve.

13 With that said, if there is anything
14 else to say, I'm going to turn it over and ask
15 you to have Senator Fuschillo second the
16 nomination of this fine candidate.

17 ACTING PRESIDENT MARTINS: Thank
18 you, Senator DeFrancisco.

19 If there is anything else to say,
20 Senator Fuschillo.

21 SENATOR FUSCHILLO: Thank you very
22 much, Mr. President. Thank you, Senator
23 DeFrancisco.

24 I've had the pleasure of
25 interviewing and approving several nominees this

1 morning, all eminently qualified. And Fernando
2 Ferrer is the example of somebody who's dedicated
3 his life not only to public service but to his
4 community and to his family.

5 He gets it, when you talk about the
6 MTA. He's somebody who rides that transportation
7 system on a daily basis. We've expressed to him
8 the enormous challenges that the MTA will be
9 facing shortly, a \$10 billion gap. And, Freddy,
10 I hope you have the answers for that, for the
11 capital program.

12 As we spoke, we toured the East Side
13 Access, that needs to be continued funding, the
14 Second Avenue Subway project, and on and on and
15 on, while -- while -- not cutting services or
16 raising fares. And we know you're certainly up
17 to the challenge.

18 Mr. President, I proudly support
19 this nomination.

20 ACTING PRESIDENT MARTINS: Thank
21 you, Senator Fuschillo.

22 Senator Rivera.

23 SENATOR RIVERA: Thank you,
24 Mr. President. I rise today to enthusiastically
25 support the nomination of my constituent Fernando

1 Ferrer.

2 There's actually many things yet
3 left to say, and I'll repeat the last name to
4 make sure that the R's are rolled on the floor of
5 the Senate -- make sure that you put a lot of R's
6 there -- Ferrnando Ferrrerr -- who is not only my
7 constituent but also my friend.

8 I remember before I actually got to
9 really know him during my campaign last year,
10 when I actually bumped into him more than once on
11 the bus or on the train. Without any type of
12 security, without any type of, you know, pomp and
13 circumstance, just somebody going to their
14 office, going to their work.

15 As somebody who is a user of the
16 Metro system, of the train system and the bus
17 every single day, I know that we need people in
18 the MTA board who understand the importance of
19 the MTA to the City of New York as the backbone
20 of the transportation system in the city. And I
21 know that Freddy is going to be -- is not only an
22 excellent nomination, he will be a fantastic
23 advocate for public transportation in the MTA
24 board.

25 So as somebody who has not only

1 worked in both of his -- in his 2001 campaign and
2 his 2005 campaign, and as somebody who has gotten
3 to know him very well over the last year, I can
4 proudly say that Fernando Ferrer is my friend,
5 has been a mentor, and will be a fantastic
6 advocate for all of New York State in the MTA
7 board.

8 So I stand again to say: Freddy,
9 thank you for your service, because you certainly
10 don't have to be doing it. And one last thing, I
11 would -- and I'm actually going to talk to the
12 Governor to see if we can convince you to do
13 this. I'd like you to grow your mustache back.
14 I think it would actually just add to your
15 already great resume.

16 (Laughter.)

17 SENATOR RIVERA: So again, I
18 encourage everyone to support Freddy.

19 Thank you so much, Mr. President.

20 ACTING PRESIDENT MARTINS: Thank
21 you, Senator Rivera.

22 Senator Marcellino.

23 SENATOR MARCELLINO: Thank you,
24 Mr. President.

25 I rise to support this nomination,

1 and I will. I have never met Mr. Ferrer, and we
2 don't know each other. I have read about him and
3 I've read about his career, I've followed it over
4 the years. And I have always found that no
5 matter what the article, no matter whether I
6 agree with the political position he took or not,
7 I always felt that he was an honorable and honest
8 gentleman.

9 The MTA needs honorable, honest, and
10 outspoken people on the board. Too many times,
11 sir, people join that board and then disappear.
12 We never hear from them again. We never hear of
13 them again.

14 The MTA is a troubled entity. It is
15 in deep financial distress. It is hemorrhaging
16 dollars on an annual basis. And it seems the
17 only recourse is to turn back to the riders in
18 the raising of fares or cutting services, neither
19 of which is a good thing and neither of which is
20 a desirable thing.

21 Long Island gets help from the MTA.
22 Riders use it to go to the East End and go to our
23 resorts and beaches. And some of our workers and
24 some of my constituents use it to travel the Long
25 Island Railroad into the city and to travel on

1 the buses, limited though they may be in their
2 routes.

3 The system needs an outspoken
4 advocate, one who will stand up for the riders,
5 stand up for the people who need the system, who
6 use the system -- the subway riders, the bus
7 riders, the Long Island Railroad riders, the
8 people who use it -- and to work for them to make
9 the service better, more effective, more
10 efficient, but affordable.

11 It is a mass transit system that it
12 runs, and too often that system is now becoming
13 an elite transit system because not a lot of
14 people can afford the ride the railroad to work.
15 They're jumping back in their cars, which is
16 where we don't want them, clogging up the
17 streets, polluting the air. We want them on the
18 mass transit system. We want them on the
19 subways, we want them on the railroad, and we
20 want them on the buses. But they can't go there
21 if they can't afford it.

22 So we're going to need your help.
23 We're going to move soon to pass a bill in this
24 house to repeal the MTA payroll tax, which I
25 voted against when it was put on in the first

1 place, because I think and I believe it's a
2 job-killer. And it's the last thing we need
3 during what we are going through now in economics
4 and there's a recession.

5 So you've got a job ahead of you,
6 sir. Not an easy one. I wish you well. And I
7 offer you my support and help, and I'll be more
8 than happy to sit down and talk to you on behalf
9 of my constituents as to what you can do for
10 them.

11 My colleague Senator Fuschillo has
12 talked to you about the capital needs of the
13 system, and he also believes, like I believe, the
14 riders are paramount.

15 So I support this nomination, sir.
16 I wish you well. And I offer you help.

17 Thank you, Mr. President.

18 ACTING PRESIDENT MARTINS: Thank
19 you, Senator Marcellino.

20 Senator Smith.

21 SENATOR SMITH: Thank you very
22 much, Mr. President.

23 Sorry I wasn't here earlier to lend
24 my support and second the nomination also of
25 Howard Milstein. Good to see you, Howard. And

1 less golf, because you'll be working harder. But
2 you couldn't have got a better person to chair
3 the Thruway Authority, there's no question about
4 that.

5 But I now have the opportunity to
6 say a word or two about my good friend Freddy
7 Ferrer. Obviously the Governor needs to be
8 applauded on the recommendation. For someone to
9 be on the MTA of his caliber obviously bodes well
10 for us as a state and also for the authority.

11 Jay Walder and I had a conversation
12 a few days ago, and I was explaining to him the
13 caliber in which Fernando Ferrer will be for that
14 board. And obviously when it comes to making
15 touch decisions -- and it's clear that the MTA
16 will have its challenges going forward -- but you
17 could not get someone of brighter and sharper
18 intellect, someone who understands the City of
19 New York as well as the State of New York,
20 someone whose devotion and commitment to public
21 service is unquestionable, as Freddy Ferrer.

22 And it is my honor, Mr. President,
23 to stand here before you to second his
24 nomination. I'm sure there willing be many
25 members who will be sending accolades toward this

1 member of the MTA. But let's be clear, let's be
2 very clear that the Governor has made an
3 exceptional choice by putting forth this
4 nominee. And that is why I'm here today on this
5 prestigious floor to nominate Freddy Ferrer and
6 be happy to be the person doing so to the MTA.

7 Congratulations.

8 ACTING PRESIDENT MARTINS: Thank
9 you, Senator Smith.

10 Senator Klein.

11 SENATOR KLEIN: Thank you,
12 Mr. President.

13 Over the years I've had the
14 opportunity to second the nomination on a lot of
15 appointments, but I have to say there hasn't been
16 one of them who I respect as much or consider a
17 close friend.

18 Freddy Ferrer is one of those people
19 you deem a public man, someone who has spent his
20 whole life dedicated to public service. First as
21 a New York City Council member, where he chaired
22 the Health Committee, then as the Bronx borough
23 president.

24 And if many of you remember your
25 history, Freddy Ferrer took over the Bronx after

1 the Bronx was considered the borough that was
2 burning. He built more housing than any borough
3 president in the history of the Bronx, put the
4 Bronx back on the map, and was someone who
5 constantly advocated and explained to people that
6 the Bronx was coming back. And because of his
7 effort, the Bronx did come back and now is the
8 home to a very diverse group of people that I
9 think contribute a lot not only to our city but
10 to the state.

11 Freddy Ferrer is also someone who
12 takes public service very seriously. So I think
13 his new role on the MTA board will not only be
14 good for the riders, the residents of the Bronx,
15 but the entire State of New York. And I happily
16 second the nomination of Freddy Ferrer as a
17 member of the MTA board.

18 ACTING PRESIDENT MARTINS: Thank
19 you, Senator Klein.

20 Senator Peralta.

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

23 I rise to support the nomination of
24 Fernando Ferrer. I'm going to take this
25 opportunity to not only congratulate him but also

1 thank him.

2 Freddy, congratulations on your
3 nomination to this board of the MTA, and I know
4 which will -- I expect this to be a resounding
5 confirmation.

6 I also want to take this opportunity
7 to thank Freddy Ferrer not only for the many
8 years of faithful, distinguished service in the
9 City of New York, but also for opening the doors
10 for those of us who came after him.

11 So I want to thank him, I want to
12 wish him luck in this new chapter of his life,
13 and I vote to confirm Mr. Fernando Ferrer for the
14 MTA board, Mr. President.

15 ACTING PRESIDENT MARTINS: Thank
16 you, Senator.

17 Senator Espaillat.

18 SENATOR ESPAILLAT: Thank you,
19 Mr. President. I also rise to second the
20 nomination of Fernando Ferrer.

21 I think he lives in my district,
22 Senator Rivera. But, you know, we'll take that
23 fight outside. We'll Google his name and see
24 where he comes up. He may have even voted for
25 me.

1 But anyway, he is a distinguished
2 New Yorker, someone that has proven himself on
3 the ground by bringing the Bronx back. We may
4 all remember, particularly Yankee fans, the words
5 of Howard Cosell, "The Bronx is burning," during
6 that World Series. And he brought that borough
7 back to the degree that it finally got the
8 All-American City award in 1999. So he is
9 someone that has proven himself with deeds.

10 And I am sure that he will be an
11 excellent board member. He will take on the
12 issues of security in the subway system because
13 he has already done that in the Bronx, as there
14 was a deep decline in crime during his borough
15 presidentship. He will also be very strong with
16 the capital plan, because he rebuilt the Bronx
17 and he built over 66,000 homes and apartments.
18 So he know about the capital plan. And he will
19 also be good for straphangers, because he's a
20 rider himself.

21 So this is someone that brings all
22 these attributes to the table, and I am very
23 happy to stand here and second his nomination.
24 Except that I will be voting against that
25 elimination of the mobility tax, because I think

1 the MTA needs more resources. We need to make
2 his job a little bit easier. And since it
3 services 12 counties across the state, I think
4 that we need to take a look at that.

5 But, Freddy, we don't want to throw
6 you in the fray. We welcome you to the Senate
7 chamber, and we are confident your confirmation
8 will be accepted by all of us. Congratulations.

9 ACTING PRESIDENT MARTINS: Thank
10 you, Senator.

11 Senator Perkins.

12 SENATOR PERKINS: Thank you very
13 much.

14 I want to join my colleagues in
15 seconding the motion on behalf of Fernando
16 Ferrer, who is the epitome of a public servant,
17 with many outstanding accomplishments which have
18 already been quite eloquently articulated that
19 more than qualify him for this most important
20 position.

21 But for me, I guess the most
22 significant credential that he brings is in his
23 pocket. It's this thing called the MetroCard.
24 Because this is the card that signals most
25 significantly that he is in touch with his job,

1 that he knows what this job is on a daily basis,
2 that he knows -- this is not someone that rides
3 the subway a few stops and gets off to take his
4 limousine to his office. This is someone that
5 knows what this means to the person that he is
6 serving, and therefore will be very much in
7 tune -- he'll be on track, if you will -- with
8 what it takes to do the job for the people of the
9 City of New York and I daresay for the people
10 throughout the whole region.

11 So it's been an honor to work with
12 you. It's been an honor to be a part of this new
13 stage in your career. And I look forward to
14 continuing to work with you as we move forward.

15 Thank you.

16 ACTING PRESIDENT MARTINS: Thank
17 you, Senator Perkins.

18 Senator Serrano.

19 SENATOR SERRANO: Thank you very
20 much, Mr. President.

21 It's truly an honor to stand here on
22 the Senate floor and second the nomination and
23 congratulate my friend Freddy Ferrer for his
24 nomination to the MTA board. And I want to thank
25 Governor Cuomo for putting this nomination

1 forth.

2 And it is quite evident, all my
3 colleagues have mentioned before I spoke about
4 the transformation that we saw in the Bronx. But
5 for a person like myself growing up in the South
6 Bronx in the '70s and '80s, people remember what
7 the neighborhoods were like. Unfortunately, the
8 Bronx had become sort of a punch line. But the
9 moment that Freddy became the borough president,
10 there was almost an immediate but ongoing
11 transformation of the community.

12 He brought tremendous energy, he
13 brought tremendous integrity to the work that was
14 going to happen. And because of that integrity,
15 there were people who wanted to work with him,
16 there were people who wanted to help him in his
17 endeavor to not only change the reality of the
18 Bronx but the perception, which I think was
19 equally as important.

20 So now when we think about the
21 Bronx, we think about a place that is thriving,
22 we think about a place that has come from, in
23 many ways, humble beginnings, just like he was --
24 born on Fox Street, correct? Did I get that
25 right? Just a kid from Fox Street, grew up in

1 humble conditions, and rose to be one of the
2 great leaders we've seen in the City of
3 New York. And I think his life serves as an
4 inspiration for many people, for many young
5 people not only in the Bronx but people
6 throughout the State of New York.

7 Luckily, I've known him almost all
8 my life. He's always been a good friend to me.
9 But more importantly, he has been a role model
10 for people about the importance of public
11 service.

12 And I'm so happy and so grateful,
13 Freddy, that you are continuing in the role of
14 public service. I want to thank you for all your
15 years of mentorship to me and to Gustavo and many
16 other young elected officials -- I like to think
17 of myself as young, but -- youngish. But I want
18 to thank you very much, Freddy, and congratulate
19 the Governor and look forward to your nomination
20 and confirmation.

21 Thank you.

22 ACTING PRESIDENT MARTINS: Thank
23 you, Senator.

24 Senator Stavisky.

25 SENATOR STAVISKY: Thank you,

1 Mr. President.

2 This morning at the Transportation
3 Committee I asked Mr. Ferrer -- I'm not
4 pronouncing it, I know, the way Senator Rivera
5 pronounces it. But I asked him, "What do you
6 know about subways?" And he pulled out his
7 MetroCard. And that, to me, tells us that he
8 gets it, he understands what the subways are all
9 about.

10 His service in other parts of
11 government, other areas demonstrate that he has a
12 well-developed, well-honed knowledge of
13 government. And when Senator Serrano indicated
14 that the former borough president lived on
15 Fox Street, I must say, Mr. Borough President,
16 that my -- and we've discussed this before, but
17 my husband too lived on Fox Street, in the eight
18 hundred -- 864, I think it was, Fox Street.

19 And I congratulate you, and we look
20 forward to your leadership on the MTA board.

21 Thank you.

22 ACTING PRESIDENT MARTINS: Thank
23 you, Senator.

24 Senator Hassell-Thompson.

25 SENATOR HASSELL-THOMPSON: Thank

1 you, Mr. President.

2 I rise to congratulate the Governor
3 on his appointment, and certainly as someone who
4 came into the government in the Bronx under his
5 leadership. And he was Freddy. Very down to
6 earth, very real, understood the districts. We
7 watched the Bronx undergo a magnificent change
8 under his leadership and administration. And I
9 know that he will bring that same leadership to
10 the MTA, which desperately needs his help.

11 He is a leader. And he does it in a
12 very quiet, unassuming manner, but with firmness
13 and commitment. And I thank him for his many
14 years of service. And I hope that he considers
15 this a reward, because he will continue to serve
16 the people of the State of New York very, very
17 well.

18 And I commend the Governor on this
19 appointment and add my thanks to him and
20 congratulate him on his successful achievement
21 today.

22 ACTING PRESIDENT MARTINS: Thank
23 you, Senator.

24 Senator Montgomery:

25 SENATOR MONTGOMERY: Thank you,

1 Mr. President.

2 It gives me a great deal of pride
3 and pleasure to be able to stand and second the
4 nomination for Freddy Ferrer for this important
5 position on the MTA.

6 I have known him and known of him
7 from the time that he was borough president of
8 the Bronx, and I have always been impressed by
9 the fact that he is a people's person and cares
10 about the citizens of New York, all of them.

11 And so I've watched, over the years,
12 him make tremendous contributions. He was one of
13 the only people of his stature who would come all
14 the way from the Bronx to Brooklyn many years ago
15 to offer us, at a hearing, some significant
16 options for ways in which we could address the
17 aggressive policing which we were experiencing in
18 Brooklyn. Obviously, we still are. But at that
19 time he had some ideas he shared with us based on
20 his own experiences and knowledge.

21 And I have always admired the fact
22 that I could look to him as a person who was a
23 public servant with complete integrity and
24 commitment. So it's wonderful that he, knowing
25 the City of New York, knowing the needs of the

1 people who live there, understanding all of the
2 neighborhoods and the nuances of the cultural and
3 all of the rhythms of our city, that he will be
4 representing the people of the city and the state
5 as a member of the Metropolitan Transportation
6 Authority.

7 So it's my pleasure and I thank him
8 for accepting, thank the Governor for choosing
9 him, and look forward to working with him over
10 the years.

11 Thank you, Mr. President.

12 ACTING PRESIDENT MARTINS: Thank
13 you, Senator Montgomery.

14 Senator Squadron.

15 SENATOR SQUADRON: Thank you,
16 Mr. President.

17 I just want to join the chorus.
18 While I today represent parts of Brooklyn and
19 Lower Manhattan, I am a son of the Bronx, born
20 and raised there, and was very honored as I was
21 growing up to know that Freddy Ferrer, Fernando
22 Ferrer, was our borough president. He did such a
23 great job, was such a big part of the renaissance
24 that's happening there.

25 In a time that was really tougher

1 for the city, a time when especially in the
2 boroughs outside of Manhattan economic
3 development, trying to get neighborhoods
4 revitalized, was that much more challenging, he
5 was on the forefront of it, was a great leader,
6 was a name that was always spoken with great
7 reverence in my home growing up, and for good
8 reason.

9 And I'm very glad to be able to vote
10 in support of his nomination today. Thank you,
11 Mr. President.

12 ACTING PRESIDENT MARTINS: Thank
13 you, Senator Squadron.

14 Senator Parker.

15 SENATOR PARKER: Thank you,
16 Mr. Chairman. On the nomination.

17 I just really want to add my voice
18 to those who have gotten up and sang the praises
19 of this nominee. Fernando Ferrer has been a --
20 not just a great leader in New York City and in
21 our community and in this state, but a friend.
22 He's somebody who's always been there to stand
23 for the right things and the right people at the
24 right times.

25 And so certainly this is -- you

1 know, now is the time for a man such as this to
2 come and bring some order to the chaos that has
3 been the MTA, somebody to be on the side of the
4 riders, somebody who understands what the
5 farepayers are going through and the things that
6 need to be done. We can certainly use his
7 leadership.

8 I congratulate the Governor and
9 congratulate him on this important nomination and
10 look forward to our continued partnership to make
11 not just the City of New York and the MTA but
12 making this state as great as it should be.

13 Thank you.

14 ACTING PRESIDENT MARTINS: Thank
15 you, Senator Parker.

16 Any other Senators wishing to be
17 heard?

18 The question is on the nomination of
19 Fernando Ferrer as a member of the New York State
20 Metropolitan Transportation Authority. All in
21 favor signify by saying aye.

22 (Response of "Aye.")

23 ACTING PRESIDENT MARTINS: Opposed,
24 nay.

25 (No response.)

1 ACTING PRESIDENT MARTINS: Fernando
2 Ferrer is hereby confirmed as a member of the
3 New York State Metropolitan Transportation
4 Authority.

5 (Standing ovation.)

6 ACTING PRESIDENT MARTINS:
7 Mr. Borough President, congratulations and
8 Godspeed.

9 The Secretary will read.

10 THE SECRETARY: As a member of the
11 Battery Park City Authority, Donald A. Capoccia,
12 of New York City.

13 As commissioner of the New York
14 State Insurance Fund, Mario Cilento, of
15 Orangeburg.

16 As a member of the Republic Airport
17 Commission, Joan Flaumenbaum, of Farmingdale.

18 As a member of the board of
19 directors of the New York Convention Center
20 Operating Corporation, Edward P. Kane, of
21 Rockville Centre.

22 As a member of the board of
23 directors of the New York Convention Center
24 Operating Corporation, Gary Lavine, of
25 Fayetteville.

1 As a member of the board of trustees
2 of the City University of New York, Joseph J.
3 Lhota, of Brooklyn.

4 As a director of the New York State
5 Urban Development Corporation, Dennis Mehiel, of
6 New York City.

7 As members of the New York State
8 Council on the Arts: Aby J. Rosen, of New York
9 City; Jonathan Bard Sheffer, of New York City;
10 and Richard J. Schwartz, of New York City.

11 As director and chief of the
12 New York State Urban Development Corporation,
13 Julie A. Shimer, of Skaneateles.

14 As a member of the New York State
15 Dormitory Authority, Beryl L. Snyder, of New York
16 City.

17 As a member of the New York State
18 Public Health and Health Planning Council,
19 Theodore J. Strange, of Staten Island.

20 As a commissioner of the Ohio River
21 Valley Water Sanitation Commission, Michael P.
22 Wilson, of Dunkirk.

23 As trustee of the Power Authority of
24 the State of New York, Raymond Wayne LeChase, of
25 Rochester.

1 As a member of the Republic Airport
2 Commission, Vincent A. Bologna, of West Babylon.

3 And as a member of the Ogdensburg
4 Bridge and Port Authority, Douglas W. Loffler, of
5 Ogdensburg.

6 ACTING PRESIDENT MARTINS: Senator
7 DeFrancisco.

8 SENATOR DeFRANCISCO: Yes, I would
9 move each of the nominations and just comment
10 extremely briefly on a couple, and then you can
11 recognize others in the chambers.

12 First of all, Richard Schwartz has
13 been nominated for the Council on the Arts. He
14 was chairman of the Council on the Arts for
15 years. Just a wonderful person, did wonderful
16 things for the arts. And I'm just pleased that
17 he's willing to continue to serve.

18 Also, a Central New Yorker from a
19 very important corporation in our community,
20 Julie Shimer -- who is the chief executive
21 officer and president of Welch Allyn, one of our
22 fantastic high-tech corporations that keeps
23 expanding even in these difficult times -- was
24 nominated as a member of the New York State Urban
25 Development Corporation. What a great

1 nomination, and someone from Central New York is
2 really a good thing in upstate.

3 And Gary Lavine, who's also an
4 Onondaga County resident, was legislative counsel
5 in the Senate and in the Assembly and also was
6 vice president and general counsel to Niagara
7 Mohawk, another great nomination.

8 And I'm very pleased that the
9 Governor is recognizing Central New York and some
10 of those wonderful people for these nominations.

11 And I would request that you
12 recognize -- I believe Senator Hassell-Thompson
13 would like to comment on one or more of the
14 nominees as well.

15 ACTING PRESIDENT MARTINS: Thank
16 you, Senator DeFrancisco.

17 Before we call on Senator
18 Hassell-Thompson, can we please have order in the
19 house as we continue with these nominations.

20 Senator Hassell-Thompson.

21 SENATOR HASSELL-THOMPSON: Thank
22 you, Mr. President.

23 Again, I rise to congratulate the
24 Governor on his appointments. And very
25 specifically, I would like to direct my

1 congratulations to Dennis Mehiel, who is going to
2 be a director of the New York State Urban
3 Development Corp.

4 And as someone who has been a major
5 businessman in the State of New York and who has
6 himself run for public office, unsuccessfully,
7 but is very committed to this state, I think that
8 he will make an extraordinary member of this
9 board and certainly make a tremendous
10 contribution, for which I congratulate the
11 Governor and congratulate him on this
12 appointment.

13 Thank you, Mr. President.

14 ACTING PRESIDENT MARTINS: Thank
15 you, Senator.

16 Senator Squadron.

17 SENATOR SQUADRON: Thank you,
18 Mr. President. And congratulations to all of the
19 nominees.

20 Particular congratulations to Donald
21 Capoccia, who's going to be on the board of the
22 Battery Park City Authority in my district.
23 Congratulations, as I say, to Mr. Capoccia, and
24 we are certainly happy to have him in Battery
25 Park City.

1 I do want to point out how critical
2 it is that we also move forward with nominations
3 of community members in Battery Park City.
4 That's something that began under the previous
5 administration; unfortunately, the members were
6 not confirmed.

7 And I just want to highlight again
8 that we're very pleased to have Donald Capoccia
9 on the Battery Park City. It is critical that we
10 also get members of the community on that
11 authority and do it quickly. The names have been
12 put out, the local elected officials in the
13 community have spoken. And so I would urge the
14 Governor to move forward with community
15 representation in addition to Mr. Capoccia, whose
16 nomination I will vote in support of.

17 Thank you, Mr. President.

18 ACTING PRESIDENT MARTINS: Thank
19 you, Senator.

20 Any other Senators wishing to be
21 heard?

22 The question is on the nomination of
23 the members as read by the Secretary. All in
24 favor signify by saying aye.

25 (Response of "Aye.")

1 ACTING PRESIDENT MARTINS: Opposed,
2 nay.

3 (No response.)

4 ACTING PRESIDENT MARTINS: The
5 members as read by the Secretary are hereby
6 confirmed.

7 (Applause.)

8 ACTING PRESIDENT MARTINS: Senator
9 Libous.

10 SENATOR LIBOUS: Mr. President, can
11 we go to motions and resolutions, please.

12 ACTING PRESIDENT MARTINS: Motions
13 and resolutions.

14 Senator Libous.

15 SENATOR LIBOUS: I have a motion on
16 behalf of Senator Hannon. On page 25, I offer to
17 the following amendments to Calendar Number 629,
18 Senate Print 3503A, and ask that said bill retain
19 its place on the Third Reading Calendar.

20 ACTING PRESIDENT MARTINS: The
21 amendments are received, and the bill will retain
22 its place on the Third Reading Calendar.

23 SENATOR LIBOUS: And if you could
24 call on Senator Valesky, Mr. President.

25 ACTING PRESIDENT MARTINS: Senator

1 Valesky.

2 SENATOR VALESKY: Mr. President, I
3 wish to call up Senator Carlucci's bill, Senate
4 Bill 3885, recalled from the Assembly, which is
5 now at the desk.

6 ACTING PRESIDENT MARTINS: Thank
7 you, Senator. The Secretary will read.

8 THE SECRETARY: Calendar Number
9 318, by Senator Carlucci, Senate Print 3885, an
10 act to amend the Vehicle and Traffic Law.

11 SENATOR VALESKY: Mr. President, I
12 now move to reconsider the vote by which this
13 bill passed.

14 ACTING PRESIDENT MARTINS: Call the
15 roll on reconsideration.

16 (The Secretary called the roll.)

17 THE SECRETARY: Ayes, 62.

18 SENATOR VALESKY: Mr. President, I
19 now offer the following amendments.

20 ACTING PRESIDENT MARTINS: The
21 amendments are received.

22 Senator Libous.

23 SENATOR LIBOUS: Thank you,
24 Mr. President.

25 There will be an immediate meeting

1 of the Finance Committee in Room 332, an
2 immediate meeting of the Finance Committee in
3 Room 332. I'm told it will be a very quick
4 meeting, and then if members come immediately
5 back to the floor, we will begin the calendar.

6 ACTING PRESIDENT MARTINS:
7 Immediate meeting of the Finance Committee in
8 Room 332.

9 The Senate will stand at ease.

10 (Whereupon, the Senate stood at ease
11 at 4:59 p.m.)

12 (Whereupon, the Senate reconvened at
13 5:01 p.m.)

14 SENATOR LIBOUS: Mr. President,
15 while we're waiting on the Finance Committee, at
16 this time could we please call on Senator
17 Hassell-Thompson for recognizing a very special
18 group with us today.

19 ACTING PRESIDENT MARTINS:
20 Certainly. Thank you, Senator Libous.

21 Senator Hassell-Thompson.

22 SENATOR HASSELL-THOMPSON: Thank
23 you again, Mr. President.

24 I would like to welcome and ask you
25 to share in the welcome with me of the Youth

1 Civic Leadership Academy, under the directorship
2 of Mr. Mark Favors, and for helping to bring
3 young men and women from the state of Ohio and
4 from Memphis, Tennessee, to New York to see how
5 we in the State Legislature pass bills.

6 They are joining us in the gallery
7 today. The coordinators are Mark Favors and Gina
8 Duncan. From Memphis, the chaperones are
9 Dr. Simone Thomas and Dr. Tanya Biles. The
10 students are Torris Harris, Cameron Green, and
11 Thedric Morton from Memphis, Tennessee.

12 From Ohio, from the Hartford Middle
13 School, the chaperones are Principal Sandy
14 Womack, Jr., Deanna Edwards and Mrs. Watkins.
15 The students are Aaryonna Fontes, Raymon Walker,
16 Isaiah Smith, Khalil Wilson, Chris Nelson, Mikal
17 Meadows, Malaisia Taylor, Lamiesha Lytle,
18 La'Tasia Robinson, Makayla Campbell, Darijah
19 McCollum, Takeyia Moore, Krystyle Travis, Taylor
20 Dozier, Iman Blasingame, Imani Womack, and Alexis
21 Mayle.

22 Please congratulate my children and
23 thank them for visiting with us, as they do each
24 year from Ohio and Memphis, to come and see how
25 New York carries on its legislative business.

1 And they've had a wonderful day today.

2 Thank you.

3 ACTING PRESIDENT MARTINS: Thank
4 you, Senator Hassell-Thompson.

5 (Applause.)

6 ACTING PRESIDENT MARTINS: Ladies
7 and gentlemen, welcome to the New York State
8 Senate. We extend to you the courtesies and
9 privileges of the house. Thank you for being
10 here.

11 The Senate will stand at ease.

12 (Whereupon, the Senate stood at ease
13 at 5:03 p.m.)

14 (Whereupon, the Senate reconvened at
15 5:11 p.m.)

16 ACTING PRESIDENT MARTINS: Senator
17 Libous.

18 SENATOR LIBOUS: Mr. President, one
19 second before we start.

20 All right, Mr. President, I'm
21 ready. It took a minute to gather my thoughts,
22 Mr. President.

23 Could we return to motions and
24 resolutions.

25 ACTING PRESIDENT MARTINS: Motions

1 and resolutions.

2 SENATOR LIBOUS: I have a motion,
3 Mr. President. On behalf of Senator Skelos, on
4 page 25 I offer the following amendments to
5 Calendar Number 637, Senate Print Number 4264B,
6 and ask that said bill retain its place on the
7 Third Reading Calendar.

8 ACTING PRESIDENT MARTINS: The
9 amendments are received, and the bill will retain
10 its place on the Third Reading Calendar.

11 SENATOR LIBOUS: If we could return
12 to reports of standing committees, I believe
13 there's a report of the Finance Committee at the
14 desk.

15 ACTING PRESIDENT MARTINS: Reports
16 of standing committees.

17 The Secretary will read.

18 THE SECRETARY: Senator
19 DeFrancisco, from the Committee on Finance,
20 reports the following nomination.

21 As a member of the board of
22 directors of the Roosevelt Island Operating
23 Corporation, Salvatore Ferrera, of Brooklyn.

24 ACTING PRESIDENT MARTINS: Senator
25 DeFrancisco.

1 SENATOR DeFRANCISCO: I would move
2 the nomination.

3 ACTING PRESIDENT MARTINS: Thank
4 you, Senator.

5 Any Senator wishing to be heard?

6 The question is on the nomination of
7 Salvatore Ferrera as a member of the board of
8 directors of the Roosevelt Island Operating
9 Corporation. All in favor signify by saying aye.

10 (Response of "Aye.")

11 ACTING PRESIDENT MARTINS: Opposed,
12 nay.

13 (Response of "Nay.")

14 ACTING PRESIDENT MARTINS:
15 Salvatore Ferrera is hereby confirmed as a member
16 of the board of directors of the Roosevelt Island
17 Operating Corporation.

18 Senator Libous.

19 SENATOR LIBOUS: Mr. President, at
20 this time could we take up the reading of the
21 noncontroversial calendar.

22 ACTING PRESIDENT MARTINS: The
23 Secretary will read.

24 THE SECRETARY: Calendar Number 41,
25 by Senator Hannon, Senate Print 379, an act to

1 amend the Social Services Law.

2 ACTING PRESIDENT MARTINS: Read the
3 last section.

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

6 ACTING PRESIDENT MARTINS: Call the
7 roll.

8 (The Secretary called the roll.)

9 ACTING PRESIDENT MARTINS: Call the
10 roll.

11 (The Secretary called the roll.)

12 THE SECRETARY: Ayes, 59. Nays 3.
13 Senators Addabbo, Avella and Rivera recorded in
14 the negative.

15 ACTING PRESIDENT MARTINS: The bill
16 is passed.

17 THE SECRETARY: Calendar Number 49,
18 by Senator Little, Senate Print 343, an act to
19 amend the Highway Law.

20 ACTING PRESIDENT MARTINS: Read the
21 last section.

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

24 ACTING PRESIDENT MARTINS: Call the
25 roll.

1 (The Secretary called the roll.)

2 THE SECRETARY: In relation to
3 Calendar Number 49, those recorded in the
4 negative are Senators Avella, Dilan, Duane,
5 Espaillat, Hassell-Thompson, L. Krueger,
6 Montgomery, Parker, Perkins, Rivera, and
7 Squadron.

8 Ayes, 51. Nays, 11.

9 ACTING PRESIDENT MARTINS: The bill
10 is passed.

11 THE SECRETARY: Calendar Number 53,
12 by Senator Grisanti, Senate Print 2353, an act to
13 amend the Vehicle and Traffic Law.

14 ACTING PRESIDENT MARTINS: There is
15 a home-rule message at the desk.

16 Read the last section.

17 THE SECRETARY: Section 2. This
18 act shall take effect January 1, 2013.

19 ACTING PRESIDENT MARTINS: Call the
20 roll.

21 (The Secretary called the roll.)

22 THE SECRETARY: Ayes, 62.

23 ACTING PRESIDENT MARTINS: The bill
24 is passed.

25 THE SECRETARY: Calendar Number

1 115, by Senator Saland, Senate Print 2598, an act
2 to amend the Penal Law.

3 ACTING PRESIDENT MARTINS: Read the
4 last section.

5 THE SECRETARY: Section 4. This
6 act shall take effect on the first of November.

7 ACTING PRESIDENT MARTINS: Call the
8 roll.

9 (The Secretary called the roll.)

10 THE SECRETARY: Ayes, 62.

11 ACTING PRESIDENT MARTINS: The bill
12 is passed.

13 THE SECRETARY: Calendar Number
14 127, by Senator LaValle, Senate Print 2911A, an
15 act to amend the Education Law.

16 ACTING PRESIDENT MARTINS: Read the
17 last section.

18 THE SECRETARY: Section 3. This
19 act shall take effect on the 180th day.

20 ACTING PRESIDENT MARTINS: Call the
21 roll.

22 (The Secretary called the roll.)

23 THE SECRETARY: Ayes, 62.

24 ACTING PRESIDENT MARTINS: The bill
25 is passed.

1 THE SECRETARY: Calendar Number
2 188, by Senator LaValle, Senate Print 1449B, an
3 act to amend the Correction Law.

4 ACTING PRESIDENT MARTINS: Read the
5 last section.

6 THE SECRETARY: Section 3. This
7 act shall take effect on the first of July.

8 ACTING PRESIDENT MARTINS: Call the
9 roll.

10 (The Secretary called the roll.)

11 THE SECRETARY: Ayes, 61. Nays,
12 1. Senator Montgomery recorded in the negative.

13 ACTING PRESIDENT MARTINS: The bill
14 is passed.

15 THE SECRETARY: Calendar Number
16 189, by Senator Ranzenhofer, Senate Print 3220,
17 an act to amend the Correction Law.

18 ACTING PRESIDENT MARTINS: Read the
19 last section.

20 THE SECRETARY: Section 2. This
21 act shall take effect on the first of November.

22 ACTING PRESIDENT MARTINS: Call the
23 roll.

24 (The Secretary called the roll.)

25 THE SECRETARY: Ayes, 59. Nays,

1 3. Senators Montgomery, Parker and Perkins
2 recorded in the negative.

3 ACTING PRESIDENT MARTINS: The bill
4 is passed.

5 THE SECRETARY: Calendar Number
6 228, by Senator Griffo, Senate Print --

7 SENATOR LIBOUS: Lay it aside for
8 the day.

9 ACTING PRESIDENT MARTINS: Lay it
10 aside for the day.

11 THE SECRETARY: Calendar Number
12 250, by Senator Addabbo, Senate Print 1271, an
13 act to amend the Vehicle and Traffic Law.

14 ACTING PRESIDENT MARTINS: Read the
15 last section.

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

18 ACTING PRESIDENT MARTINS: Call the
19 roll.

20 (The Secretary called the roll.)

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

23 ACTING PRESIDENT MARTINS: The bill
24 is passed.

25 THE SECRETARY: Calendar Number

1 410, by Senator Nozzolio, Senate Print 476A --

2 SENATOR BRESLIN: Lay it aside.

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

5 THE SECRETARY: Calendar Number
6 414, by Senator Saland, Senate Print 1429, an act
7 to amend the Correction Law.

8 ACTING PRESIDENT MARTINS: Read the
9 last section.

10 THE SECRETARY: Section 5. This
11 act shall take effect on the 30th day.

12 ACTING PRESIDENT MARTINS: Call the
13 roll.

14 (The Secretary called the roll.)

15 THE SECRETARY: In relation to
16 Calendar 414, those recorded in the negative are
17 Senators Duane, Gianaris, Hassell-Thompson,
18 Parker, Perkins, Rivera, Squadron and Stavisky.

19 Ayes, 54. Nays, 8.

20 ACTING PRESIDENT MARTINS: The bill
21 is passed.

22 THE SECRETARY: Calendar Number
23 425, substituted earlier today by Member of the
24 Assembly Cahill, Assembly Print Number 160A, an
25 act to amend the Alcoholic Beverage Control Law.

1 ACTING PRESIDENT MARTINS: Read the
2 last section.

3 THE SECRETARY: Section 2. This
4 act shall take effect on the 180th day.

5 ACTING PRESIDENT MARTINS: Call the
6 roll.

7 (The Secretary called the roll.)

8 THE SECRETARY: Ayes, 60. Nays,
9 2. Senators Diaz and Parker recorded in the
10 negative.

11 ACTING PRESIDENT MARTINS: The bill
12 is passed.

13 THE SECRETARY: Calendar Number
14 430, by Senator Saland, Senate Print 4436A, an
15 act to amend the Penal Law.

16 ACTING PRESIDENT MARTINS: Read the
17 last section.

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

20 ACTING PRESIDENT MARTINS: Call the
21 roll.

22 (The Secretary called the roll.)

23 THE SECRETARY: In relation to
24 Calendar Number 430, those recorded in the
25 negative are Senators Duane, Montgomery, Parker,

1 and Perkins. Ayes, 58. Nays, 4.

2 ACTING PRESIDENT MARTINS: The bill
3 is passed.

4 THE SECRETARY: Calendar Number
5 431, by Senator Nozzolio, Senate Print 4472, an
6 act to amend the Criminal Procedure Law.

7 ACTING PRESIDENT MARTINS: Read the
8 last section.

9 THE SECRETARY: Section 2. This
10 act shall take effect on the 90th day.

11 ACTING PRESIDENT MARTINS: Call the
12 roll.

13 (The Secretary called the roll.)

14 THE SECRETARY: Ayes, 60. Nays,
15 2. Senators Perkins and Parker recorded in the
16 negative.

17 ACTING PRESIDENT MARTINS: The bill
18 is passed.

19 THE SECRETARY: Calendar Number
20 508, by the Senate Committee on Rules --

21 SENATOR BRESLIN: Lay it aside.

22 ACTING PRESIDENT MARTINS: The bill
23 is laid aside.

24 THE SECRETARY: Calendar Number
25 511, by the Senate Committee on Rules, Senate

1 Print 4872, an act to amend the Tax Law.

2 ACTING PRESIDENT MARTINS: Read the
3 last section.

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

6 ACTING PRESIDENT MARTINS: Call the
7 roll.

8 (The Secretary called the roll.)

9 THE SECRETARY: In relation to
10 Calendar Number 511, those recorded in the
11 negative are Senators Espaillat, Gianaris,
12 L. Krueger, Parker, Peralta, Perkins, Rivera,
13 Squadron and Stavisky.

14 Ayes, 53. Nays, 9.

15 ACTING PRESIDENT MARTINS: The bill
16 is passed.

17 THE SECRETARY: Calendar Number
18 513, by Senator Flanagan, Senate Print 4630, an
19 act to amend the Education Law.

20 ACTING PRESIDENT MARTINS: Read the
21 last section.

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

24 ACTING PRESIDENT MARTINS: Call the
25 roll.

1 (The Secretary called the roll.)

2 THE SECRETARY: Ayes, 62.

3 ACTING PRESIDENT MARTINS: The bill
4 is passed.

5 THE SECRETARY: Calendar Number
6 516, substituted earlier today by Member of the
7 Assembly Brennan, Assembly Print Number 6443, an
8 act to amend the Public Authorities Law.

9 ACTING PRESIDENT MARTINS: Read the
10 last section.

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

13 ACTING PRESIDENT MARTINS: Call the
14 roll.

15 (The Secretary called the roll.)

16 THE SECRETARY: Ayes, 62.

17 ACTING PRESIDENT MARTINS: The bill
18 is passed.

19 THE SECRETARY: Calendar Number
20 525, by Senator Robach, Senate Print 356, an act
21 to amend the Correction Law.

22 ACTING PRESIDENT MARTINS: Read the
23 last section.

24 THE SECRETARY: Section 2. This
25 act shall take effect on the first of November.

1 ACTING PRESIDENT MARTINS: Call the
2 roll.

3 (The Secretary called the roll.)

4 THE SECRETARY: Ayes, 60. Nays,
5 2. Senators Montgomery and Parker recorded in
6 the negative.

7 ACTING PRESIDENT MARTINS: The bill
8 is passed.

9 THE SECRETARY: Calendar Number
10 526, by Senator Maziarz --

11 SENATOR BRESLIN: Lay it aside.

12 ACTING PRESIDENT MARTINS: The bill
13 is laid aside.

14 THE SECRETARY: Calendar Number
15 527, by Senator Young, Senate Print 744A, an act
16 to amend the Correction Law.

17 ACTING PRESIDENT MARTINS: Read the
18 last section.

19 THE SECRETARY: Section 7. This
20 act shall take effect immediately.

21 ACTING PRESIDENT MARTINS: Call the
22 roll.

23 (The Secretary called the roll.)

24 ACTING PRESIDENT MARTINS: Senator
25 Rivera to explain his vote.

1 SENATOR RIVERA: Thank you,
2 Mr. President. I will be brief.

3 I will be in support of this
4 legislation. I remember when it was brought
5 before the committee that I am the ranker on, and
6 the observation that we made was that even though
7 it provides for additional ways for work release
8 programs to actually serve in a way to get people
9 back into communities, there was an observation
10 that perhaps it should include for religious
11 exceptions.

12 If a person feels that they cannot
13 serve for a particular organization because of
14 their religious preferences or their religious
15 practices, then they might be able to exclude
16 themselves.

17 It is included in this version of
18 the bill. I voted against it in committee
19 because it did not have that. It has it now.
20 Thank you, Senator Little, for doing that, and I
21 will be voting in the affirmative on this piece
22 of legislation.

23 Thank you, Mr. President.

24 ACTING PRESIDENT MARTINS: Senator
25 Rivera will be recorded in the affirmative.

1 Thank you, Senator.

2 Announce the results.

3 THE SECRETARY: Ayes, 62.

4 ACTING PRESIDENT MARTINS: The bill
5 is passed.

6 THE SECRETARY: Calendar Number
7 528, by Senator Maziarz, Senate Print 1194, an
8 act to amend the Correction Law.

9 ACTING PRESIDENT MARTINS: Read the
10 last section.

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

13 ACTING PRESIDENT MARTINS: Call the
14 roll.

15 (The Secretary called the roll.)

16 THE SECRETARY: In relation to
17 Calendar Number 528, those recorded in the
18 negative are Senators Duane, Montgomery, Parker
19 and Perkins. Ayes, 58. Nays, 4.

20 ACTING PRESIDENT MARTINS: The bill
21 is passed.

22 THE SECRETARY: Calendar Number
23 532, by Senator Flanagan, Senate Print 2481, an
24 act to amend the Correction Law.

25 ACTING PRESIDENT MARTINS: Read the

1 last section.

2 THE SECRETARY: Section 2. This
3 act shall take effect on the first of November.

4 ACTING PRESIDENT MARTINS: Call the
5 roll.

6 (The Secretary called the roll.)

7 ACTING PRESIDENT MARTINS: Senator
8 Rivera to explain your vote.

9 SENATOR RIVERA: Thank you,
10 Mr. President.

11 First, I will correct myself. It
12 was of course Senator Young that I was speaking
13 to, and not Senator Little. My apologies.

14 Regarding this bill, it is also one
15 that came through the committee that I am the
16 ranker on. I will be voting in the negative on
17 this bill.

18 The purpose of the bill is to try
19 to -- relating to the custody and visitation of
20 sex offenders. The observation that I made
21 during the committee meeting is that it does not
22 make a distinction between different levels of
23 sex offenders. Certainly a Level 3 sex offender
24 who is a predator, he or she should absolutely be
25 kept from children.

1 In this case, it includes excludes
2 Level 1 sex offenders, which might be for much --
3 minor offenses earlier in life, and it might
4 actually cause certain people to not be able to
5 have visitation or custodial rights of their
6 children.

7 So I am in opposition to this bill.
8 I'll be voting in the negative.

9 Thank you, Mr. President.

10 ACTING PRESIDENT MARTINS: Senator
11 Rivera will be recorded in the negative.

12 Senator Krueger.

13 SENATOR KRUEGER: Thank you.

14 I appreciate Senator Rivera's
15 comments. And I also will be voting no, because
16 I think it is very important for us to understand
17 as a Legislature that there is a very real
18 difference between a Level 1 sex offender and a
19 Level 3 sex offender. A Level 1 sex offender
20 could technically be someone who pinched my
21 derriere in a New York City bus.

22 And I don't know that I actually
23 think someone who falls into that situation, or a
24 statutory rape situation of a 17-year-old and a
25 16-year-old, should in fact by law then be

1 forbidden from visitation or custodial care of
2 their own child at some much later date in life.

3 So I respect the intention of the
4 sponsor, but I think that this bill should have
5 been more finely crafted to be the higher-level
6 sex offenders and not to have Level 1. So I'll
7 also be voting no.

8 Thank you, Mr. President.

9 ACTING PRESIDENT MARTINS: Thank
10 you, Senator. Senator Krueger will be recorded
11 in the negative.

12 Announce the results.

13 THE SECRETARY: In relation to
14 Calendar Number 532, those recorded in the
15 negative are Senators Adams, Duane,
16 Hassell-Thompson, L. Krueger, Little, Montgomery,
17 Parker, Perkins, and Rivera.

18 Ayes, 53. Nays, 9.

19 ACTING PRESIDENT MARTINS: The bill
20 is passed.

21 THE SECRETARY: Calendar Number
22 533, by Senator Nozzolio, Senate Print 3747, an
23 act to amend the Correction Law.

24 SENATOR BRESLIN: Lay it aside.

25 ACTING PRESIDENT MARTINS: The bill

1 is laid aside.

2 THE SECRETARY: Calendar Number
3 550, substituted earlier today by Member of the
4 Assembly Paulin, Assembly Print 141B, an act to
5 amend the Mental Hygiene Law.

6 ACTING PRESIDENT MARTINS: Read the
7 last section.

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

10 ACTING PRESIDENT MARTINS: Call the
11 roll.

12 (The Secretary called the roll.)

13 THE SECRETARY: Ayes, 62.

14 ACTING PRESIDENT MARTINS: The bill
15 is passed.

16 THE SECRETARY: Calendar Number
17 586, by Senator Grisanti, Senate Print 3497A, an
18 act to amend the General Business Law.

19 ACTING PRESIDENT MARTINS: Read the
20 last section.

21 THE SECRETARY: Section 5. This
22 act shall take effect on the 180th day.

23 ACTING PRESIDENT MARTINS: Call the
24 roll.

25 (The Secretary called the roll.)

1 THE SECRETARY: Ayes, 62.

2 ACTING PRESIDENT MARTINS: The bill
3 is passed.

4 THE SECRETARY: Calendar Number
5 594, substituted earlier today by Member of the
6 Assembly Gottfried, Assembly Print 3334, an act
7 to amend the Education Law.

8 ACTING PRESIDENT MARTINS: Read the
9 last section.

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

12 ACTING PRESIDENT MARTINS: Call the
13 roll.

14 (The Secretary called the roll.)

15 THE SECRETARY: Ayes, 62.

16 ACTING PRESIDENT MARTINS: The bill
17 is passed.

18 THE SECRETARY: Calendar Number
19 604, by Senator Marcellino, Senate Print 4272A,
20 an act to amend the Vehicle and Traffic Law.

21 ACTING PRESIDENT MARTINS: Read the
22 last section.

23 THE SECRETARY: Section 7. This
24 act shall take effect on the 120th day.

25 ACTING PRESIDENT MARTINS: Call the

1 roll.

2 (The Secretary called the roll.)

3 THE SECRETARY: Ayes, 62.

4 ACTING PRESIDENT MARTINS: The bill
5 is passed.

6 THE SECRETARY: Calendar Number
7 625, by Senator Young, Senate Print 2446, an act
8 to amend the General Municipal Law.

9 ACTING PRESIDENT MARTINS: Read the
10 last section.

11 THE SECRETARY: Section 11. This
12 act shall take effect immediately.

13 ACTING PRESIDENT MARTINS: Call the
14 roll.

15 (The Secretary called the roll.)

16 THE SECRETARY: Ayes, 61. Nays,
17 1. Senator Ball recorded in the negative.

18 ACTING PRESIDENT MARTINS: The bill
19 is passed.

20 THE SECRETARY: Calendar Number
21 638, by Senator Carlucci, Senate Print 4331, an
22 act in relation to alienation of certain
23 parklands.

24 ACTING PRESIDENT MARTINS: We have
25 a home-rule message at the desk.

1 Read the last section.

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

4 ACTING PRESIDENT MARTINS: Call the
5 roll.

6 (The Secretary called the roll.)

7 THE SECRETARY: Ayes, 62.

8 ACTING PRESIDENT MARTINS: The bill
9 is passed.

10 THE SECRETARY: Calendar Number
11 653, by Senator Stavisky, Senate Print 899, an
12 act to amend the Abandoned Property Law.

13 ACTING PRESIDENT MARTINS: Read the
14 last section.

15 THE SECRETARY: Section 4. This
16 act shall take effect on the 60th day.

17 ACTING PRESIDENT MARTINS: Call the
18 roll.

19 (The Secretary called the roll.)

20 THE SECRETARY: In relation to
21 Calendar Number 653, Senator Ball recorded in the
22 negative. Ayes, 61. Nays, 1.

23 ACTING PRESIDENT MARTINS: The bill
24 is passed.

25 THE SECRETARY: Calendar Number

1 672, by Senator Maziarz, Senate Print 4253B, an
2 act to authorize the County of Niagara.

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

5 Read the last section.

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

8 ACTING PRESIDENT MARTINS: Call the
9 roll.

10 (The Secretary called the roll.)

11 THE SECRETARY: Ayes, 62.

12 ACTING PRESIDENT MARTINS: The bill
13 is passed.

14 THE SECRETARY: Calendar Number
15 674, by Senator O'Mara, Senate Print 4267B, an
16 act to authorize the County of Schuyler.

17 ACTING PRESIDENT MARTINS: There is
18 a home-rule message at the desk.

19 Read the last section.

20 THE SECRETARY: Section 6. This
21 act shall take effect immediately.

22 ACTING PRESIDENT MARTINS: Call the
23 roll.

24 (The Secretary called the roll.)

25 THE SECRETARY: Ayes, 62.

1 ACTING PRESIDENT MARTINS: The bill
2 is passed.

3 THE SECRETARY: Calendar Number
4 725, by Senator Saland, Senate Print 5226, an act
5 to amend the Criminal Procedure Law.

6 ACTING PRESIDENT MARTINS: Read the
7 last section.

8 THE SECRETARY: Section 58. This
9 act shall take effect on the first of November.

10 ACTING PRESIDENT MARTINS: Call the
11 roll.

12 (The Secretary called the roll.)

13 THE SECRETARY: Ayes, 62.

14 ACTING PRESIDENT MARTINS: The bill
15 is passed.

16 THE SECRETARY: Calendar Number
17 748, by Senator LaValle, Senate Print 5343, an
18 act to amend the Education Law.

19 ACTING PRESIDENT MARTINS: Read the
20 last section.

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

23 ACTING PRESIDENT MARTINS: Call the
24 roll.

25 (The Secretary called the roll.)

1 THE SECRETARY: Ayes, 62.

2 ACTING PRESIDENT MARTINS: The bill
3 is passed.

4 THE SECRETARY: Calendar Number
5 802, by Senator Golden --

6 SENATOR BRESLIN: Lay it aside.

7 ACTING PRESIDENT MARTINS: The bill
8 is laid aside.

9 THE SECRETARY: Calendar Number
10 803, by Senator Lanza, Senate Print 2945, an act
11 to amend the Penal Law.

12 ACTING PRESIDENT MARTINS: Read the
13 last section.

14 THE SECRETARY: Section 3. This
15 act shall take effect on the first of November.

16 ACTING PRESIDENT MARTINS: Call the
17 roll.

18 (The Secretary called the roll.)

19 THE SECRETARY: Ayes, 62.

20 ACTING PRESIDENT MARTINS: The bill
21 is passed.

22 THE SECRETARY: Calendar Number
23 813, by Senator Gallivan, Senate Print 3240, an
24 act to amend the Vehicle and Traffic Law.

25 ACTING PRESIDENT MARTINS: Read the

1 last section.

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

4 ACTING PRESIDENT MARTINS: Call the
5 roll.

6 (The Secretary called the roll.)

7 THE SECRETARY: Ayes, 62.

8 ACTING PRESIDENT MARTINS: The bill
9 is passed.

10 THE SECRETARY: Calendar Number
11 823, by Senator Nozzolio, Senate Print 5208, an
12 act to amend the Real Property Tax Law.

13 ACTING PRESIDENT MARTINS: Read the
14 last section.

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

17 ACTING PRESIDENT MARTINS: Call the
18 roll.

19 (The Secretary called the roll.)

20 THE SECRETARY: In relation to
21 Calendar Number 823: Ayes, 61. Nays, 1.
22 Senator Espaillat recorded in the negative.

23 ACTING PRESIDENT MARTINS: The bill
24 is passed.

25 THE SECRETARY: Calendar Number

1 826, by Senator O'Mara, Senate Print 3920, an act
2 to amend the Education Law.

3 ACTING PRESIDENT MARTINS: Read the
4 last section.

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

7 ACTING PRESIDENT MARTINS: Call the
8 roll.

9 (The Secretary called the roll.)

10 THE SECRETARY: Those recorded in
11 the negative on Calendar Number 826 are Senators
12 Gianaris and Stavisky. Also Senator Rivera.

13 Ayes, 59. Nays, 3.

14 ACTING PRESIDENT MARTINS: The bill
15 is passed.

16 THE SECRETARY: Calendar Number
17 834, by Senator Carlucci, Senate Print 4300, an
18 act to amend the Tax Law.

19 ACTING PRESIDENT MARTINS: Read the
20 last section.

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

23 ACTING PRESIDENT MARTINS: Call the
24 roll.

25 (The Secretary called the roll.)

1 THE SECRETARY: Ayes, 62.

2 ACTING PRESIDENT MARTINS: The bill
3 is passed.

4 THE SECRETARY: Calendar Number
5 838, by Senator Young, Senate Print 5059, an act
6 to amend the Tax Law.

7 ACTING PRESIDENT MARTINS: Read the
8 last section.

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

11 ACTING PRESIDENT MARTINS: Call the
12 roll.

13 (The Secretary called the roll.)

14 THE SECRETARY: Ayes, 62.

15 ACTING PRESIDENT MARTINS: The bill
16 is passed.

17 THE SECRETARY: Calendar Number
18 853, by Senator Nozzolio --

19 SENATOR BRESLIN: Lay it aside.

20 ACTING PRESIDENT MARTINS: The bill
21 is laid aside.

22 THE SECRETARY: Calendar Number
23 858, substituted earlier today by Member of the
24 Assembly Colton, Assembly Print 2565, an act to
25 amend the Correction Law.

1 ACTING PRESIDENT MARTINS: Read the
2 last section.

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

5 ACTING PRESIDENT MARTINS: Call the
6 roll.

7 (The Secretary called the roll.)

8 THE SECRETARY: In relation to
9 Calendar Number 858, those recorded in the
10 negative are Senators Montgomery, Parker and
11 Perkins. Ayes, 59. Nays, 3.

12 ACTING PRESIDENT MARTINS: The bill
13 is passed.

14 THE SECRETARY: Calendar Number
15 874, by Senator O'Mara, Senate Print 4857A, an
16 act to amend the Real Property Tax Law.

17 ACTING PRESIDENT MARTINS: Read the
18 last section.

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

21 ACTING PRESIDENT MARTINS: Call the
22 roll.

23 (The Secretary called the roll.)

24 THE SECRETARY: Ayes, 62.

25 ACTING PRESIDENT MARTINS: The bill

1 is passed.

2 Senator Libous.

3 SENATOR LIBOUS: Mr. President,
4 could we go back to Calendar Number 725? I
5 believe that bill was passed. And can we call
6 the roll on reconsideration.

7 ACTING PRESIDENT MARTINS: The
8 Secretary will recall Bill 725.

9 The Secretary will read.

10 THE SECRETARY: Calendar Number
11 725, by Senator Saland, Senate Print 5226, an act
12 to amend the Criminal Procedure Law.

13 SENATOR LIBOUS: Please call the
14 roll on reconsideration.

15 ACTING PRESIDENT MARTINS: Call the
16 roll on reconsideration.

17 (The Secretary called the roll.)

18 THE SECRETARY: Ayes, 62.

19 SENATOR LIBOUS: The bill is before
20 the house. Lay it aside.

21 ACTING PRESIDENT MARTINS: The bill
22 is laid aside.

23 THE SECRETARY: Calendar Number
24 915, by Senator Saland, Senate Print 4530A, an
25 act to amend the Civil Practice Law and Rules.

1 ACTING PRESIDENT MARTINS: The bill
2 is high. The bill is laid aside for the day.

3 THE SECRETARY: Calendar Number
4 925, by Senator Gallivan, Senate Print 5494A, an
5 act to amend the Social Services Law.

6 SENATOR LIBOUS: Lay it aside for
7 the day.

8 ACTING PRESIDENT MARTINS: The bill
9 is laid aside for the day.

10 THE SECRETARY: Calendar Number
11 942, substituted earlier today by Member of the
12 Assembly Galef, Assembly Print 5749, an act to
13 amend the Tax Law.

14 ACTING PRESIDENT MARTINS: Read the
15 last section.

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

18 ACTING PRESIDENT MARTINS: Call the
19 roll.

20 (The Secretary called the roll.)

21 THE SECRETARY: In relation to
22 Calendar Number 942, those recorded in the
23 negative are Senators Espaillat, Gianaris,
24 L. Krueger, Parker, Peralta, Perkins, Rivera,
25 Squadron, and Stavisky.

1 Ayes, 53. Nays, 9.

2 ACTING PRESIDENT MARTINS: The bill
3 is passed.

4 THE SECRETARY: Calendar Number
5 961, substituted earlier today by Member of the
6 Assembly Farrell, Assembly Print 7239, an act to
7 amend the Tax Law.

8 ACTING PRESIDENT MARTINS: Read the
9 last section.

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

12 ACTING PRESIDENT MARTINS: Call the
13 roll.

14 (The Secretary called the roll.)

15 THE SECRETARY: Ayes, 62.

16 ACTING PRESIDENT MARTINS: The bill
17 is passed.

18 THE SECRETARY: Calendar Number
19 964, substituted earlier today by Member of the
20 Assembly Sweeney Assembly, Print Number 5663, an
21 act to amend the Environmental Conservation Law.

22 ACTING PRESIDENT MARTINS: Read the
23 last section.

24 THE SECRETARY: Section 2. This
25 act shall take effect April 1, 2012.

1 ACTING PRESIDENT MARTINS: Call the
2 roll.

3 (The Secretary called the roll.)

4 THE SECRETARY: Ayes, 62.

5 ACTING PRESIDENT MARTINS: The bill
6 is passed.

7 THE SECRETARY: Calendar Number
8 993, by Senator O'Mara, Senate Print 5137, an act
9 to amend the General Municipal Law.

10 ACTING PRESIDENT MARTINS: Read the
11 last section.

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

14 ACTING PRESIDENT MARTINS: Call the
15 roll.

16 (The Secretary called the roll.)

17 THE SECRETARY: Ayes, 62.

18 ACTING PRESIDENT MARTINS: The bill
19 is passed.

20 THE SECRETARY: Calendar Number
21 1006, by Senator Young, Senate Print 4720, an act
22 to amend the Parks, Recreation and Historic
23 Preservation Law.

24 ACTING PRESIDENT MARTINS: Read the
25 last section.

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

3 ACTING PRESIDENT MARTINS: Call the
4 roll.

5 (The Secretary called the roll.)

6 THE SECRETARY: Ayes, 62.

7 ACTING PRESIDENT MARTINS: The bill
8 is passed.

9 THE SECRETARY: Calendar Number
10 1015, by Senator Ranzenhofer, Senate Print 5370,
11 an act to amend the Not-For-Profit Corporation
12 Law.

13 ACTING PRESIDENT MARTINS: Read the
14 last section.

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

17 ACTING PRESIDENT MARTINS: Call the
18 roll.

19 (The Secretary called the roll.)

20 THE SECRETARY: Ayes, 62.

21 ACTING PRESIDENT MARTINS: The bill
22 is passed.

23 THE SECRETARY: Calendar Number
24 1026, by Senator Seward, Senate Print 5562, an
25 act to amend the Insurance Law.

1 ACTING PRESIDENT MARTINS: Read the
2 last section.

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

5 ACTING PRESIDENT MARTINS: Call the
6 roll.

7 (The Secretary called the roll.)

8 THE SECRETARY: Ayes, 62.

9 ACTING PRESIDENT MARTINS: The bill
10 is passed.

11 THE SECRETARY: Calendar Number
12 1030, substituted earlier today by Member of the
13 Assembly DenDekker, Assembly Print 6767A, an act
14 to amend the Election Law.

15 ACTING PRESIDENT MARTINS: Read the
16 last section.

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

19 ACTING PRESIDENT MARTINS: Call the
20 roll.

21 (The Secretary called the roll.)

22 THE SECRETARY: Ayes, 62.

23 ACTING PRESIDENT MARTINS: The bill
24 is passed.

25 THE SECRETARY: Calendar Number

1 1037, by Senator Grisanti, Senate Print 4213, an
2 act to amend the Environmental Conservation Law.

3 ACTING PRESIDENT MARTINS: Read the
4 last section.

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

7 ACTING PRESIDENT MARTINS: Call the
8 roll.

9 (The Secretary called the roll.)

10 THE SECRETARY: Ayes, 62.

11 ACTING PRESIDENT MARTINS: The bill
12 is passed.

13 THE SECRETARY: Calendar Number
14 1040, substituted earlier today by Member of the
15 Assembly Sweeney, Assembly Print 7638A, an act to
16 amend the Environmental Conservation Law.

17 ACTING PRESIDENT MARTINS: Read the
18 last section.

19 THE SECRETARY: Section 2. This
20 act shall take effect on the 60th day.

21 ACTING PRESIDENT MARTINS: Call the
22 roll.

23 (The Secretary called the roll.)

24 ACTING PRESIDENT MARTINS: Senator
25 DeFrancisco to explain his vote.

1 SENATOR DeFRANCISCO: Yes. I'm
2 going to vote no.

3 It's certainly a wonderful thing
4 that these people that provide information about
5 lawn application, as to what's in the substances
6 that are being put on the lawn, it's a good thing
7 if people really want to know. And if they want
8 to know and they're entering into a contract with
9 a lawn applicator, they can ask for what is in
10 the stuff being put on the lawn.

11 But to require a business to provide
12 information that 99 percent of the people could
13 care less about is a burden on business that I
14 think is unnecessary. And as a result, I'm going
15 to vote no.

16 ACTING PRESIDENT MARTINS: Senator
17 DeFrancisco will be recorded in the negative.

18 Announce the results.

19 THE SECRETARY: In relation to
20 Calendar Number 1040, those recorded in the
21 negative are Senators DeFrancisco, Farley, Lanza,
22 Little, Robach, and Seward. Ayes, 56. Nays, 6.

23 ACTING PRESIDENT MARTINS: The bill
24 is passed.

25 THE SECRETARY: Calendar Number

1 1041, by Senator LaValle, Senate Print 4604A, an
2 act to amend the Environmental Conservation Law.

3 SENATOR LIBOUS: Lay the bill aside
4 for the day.

5 ACTING PRESIDENT MARTINS: Lay it
6 aside for the day.

7 THE SECRETARY: Calendar Number
8 1044, substituted earlier today by Member of the
9 Assembly Magee, Assembly Print 7637, an act to
10 amend the Environmental Conservation Law.

11 ACTING PRESIDENT MARTINS: Read the
12 last section.

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

15 ACTING PRESIDENT MARTINS: Call the
16 roll.

17 (The Secretary called the roll.)

18 THE SECRETARY: In relation to
19 Calendar Number 1044, those recorded in the
20 negative are Senators Duane, Perkins, and
21 Serrano. Also Senator Espaillat.

22 Ayes, 58. Nays, 4.

23 ACTING PRESIDENT MARTINS: The bill
24 is passed.

25 THE SECRETARY: Calendar Number

1 1045, substituted earlier today by Member of the
2 Assembly Hevesi, Assembly Print 295A, an act to
3 amend the Environmental Conservation Law.

4 ACTING PRESIDENT MARTINS: Read the
5 last section.

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

8 ACTING PRESIDENT MARTINS: Call the
9 roll.

10 (The Secretary called the roll.)

11 THE SECRETARY: Ayes, 62.

12 ACTING PRESIDENT MARTINS: The bill
13 is passed.

14 THE SECRETARY: Calendar Number
15 1046, by Senator Grisanti, Senate Print --

16 SENATOR BRESLIN: Lay it aside.

17 ACTING PRESIDENT MARTINS: The bill
18 is laid aside.

19 THE SECRETARY: Calendar Number
20 1047, substituted earlier today by Member of the
21 Assembly Gunther, Assembly Print Number 7943, an
22 act to amend the Environmental Conservation Law.

23 ACTING PRESIDENT MARTINS: Read the
24 last section.

25 THE SECRETARY: Section 2. This

1 act shall take effect on the same date and in the
2 same manner as a chapter of the Laws of 2011.

3 ACTING PRESIDENT MARTINS: Call the
4 roll.

5 (The Secretary called the roll.)

6 THE SECRETARY: In relation to
7 Calendar 1047, those recorded in the negative are
8 Senators Espaillat, L. Krueger, Perkins, and
9 Serrano. Ayes, 58. Nays, 4.

10 ACTING PRESIDENT MARTINS: The bill
11 is passed.

12 THE SECRETARY: Calendar Number
13 1050, substituted earlier today by Member of the
14 Assembly Paulin, Assembly Print 7633, an act to
15 amend the Social Services Law.

16 ACTING PRESIDENT MARTINS: Read the
17 last section.

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

20 ACTING PRESIDENT MARTINS: Call the
21 roll.

22 (The Secretary called the roll.)

23 THE SECRETARY: Ayes, 62.

24 ACTING PRESIDENT MARTINS: The bill
25 is passed.

1 THE SECRETARY: Calendar Number
2 1051, substituted earlier today by Member of the
3 Assembly Scarborough, Assembly Print 5458A, an
4 act to amend the Social Services Law.

5 ACTING PRESIDENT MARTINS: Read the
6 last section.

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

9 ACTING PRESIDENT MARTINS: Call the
10 roll.

11 (The Secretary called the roll.)

12 THE SECRETARY: Ayes, 62.

13 ACTING PRESIDENT MARTINS: The bill
14 is passed.

15 THE SECRETARY: Calendar Number
16 1056, substituted earlier today by Member of the
17 Assembly Sweeney, Assembly Print 7919, an act to
18 amend the Vehicle and Traffic Law.

19 ACTING PRESIDENT MARTINS: Read the
20 last section.

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

23 ACTING PRESIDENT MARTINS: Call the
24 roll.

25 (The Secretary called the roll.)

1 THE SECRETARY: Ayes, 62.

2 ACTING PRESIDENT MARTINS: The bill
3 is passed.

4 THE SECRETARY: On page 47, Senator
5 Griffo moves to discharge, from the Committee on
6 Rules, Assembly Bill Number 8156 and substitute
7 it for the identical Senate Bill Number 4612A,
8 Third Reading Calendar 1059.

9 ACTING PRESIDENT MARTINS:
10 Substitution ordered.

11 The Secretary will read.

12 THE SECRETARY: Calendar Number
13 1059, by Member of the Assembly Lancman, Assembly
14 Print 8156, an act to amend the Banking Law.

15 ACTING PRESIDENT MARTINS: Read the
16 last section.

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

19 ACTING PRESIDENT MARTINS: Call the
20 roll.

21 (The Secretary called the roll.)

22 THE SECRETARY: Ayes, 62.

23 ACTING PRESIDENT MARTINS: The bill
24 is passed.

25 THE SECRETARY: Calendar Number

1 1061, substituted earlier today by Member of the
2 Assembly Castro, Assembly Print 8102, an act to
3 amend Chapter 223 of the Laws of 1996.

4 ACTING PRESIDENT MARTINS: Read the
5 last section.

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

8 ACTING PRESIDENT MARTINS: Call the
9 roll.

10 (The Secretary called the roll.)

11 THE SECRETARY: Ayes, 62.

12 ACTING PRESIDENT MARTINS: The bill
13 is passed.

14 THE SECRETARY: Calendar Number
15 1062, by Senator Robach, Senate Print 702A, an
16 act to amend the Penal Law.

17 ACTING PRESIDENT MARTINS: Read the
18 last section.

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

21 ACTING PRESIDENT MARTINS: Call the
22 roll.

23 (The Secretary called the roll.)

24 THE SECRETARY: In relation to
25 Calendar 1062, those recorded in the negative are

1 Senators Duane, Montgomery and Parker.

2 Ayes, 59. Nays, 3.

3 ACTING PRESIDENT MARTINS: The bill
4 is passed.

5 THE SECRETARY: Calendar Number
6 1069, by Senator Flanagan, Senate Print 4400, an
7 act to amend the Penal Law.

8 ACTING PRESIDENT MARTINS: Read the
9 last section.

10 THE SECRETARY: Section 3. This
11 act shall take effect on the first of November.

12 ACTING PRESIDENT MARTINS: Call the
13 roll.

14 (The Secretary called the roll.)

15 THE SECRETARY: Those recorded in
16 the negative on Calendar Number 1069 are Senators
17 Duane, Montgomery and Parker.

18 Ayes, 59. Nays, 3.

19 ACTING PRESIDENT MARTINS: The bill
20 is passed.

21 THE SECRETARY: Calendar Number
22 1085, by Senator Martins, Senate Print 5394, an
23 act to legalize, validate, ratify and confirm.

24 ACTING PRESIDENT MARTINS: Read the
25 last section.

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

3 ACTING PRESIDENT MARTINS: Call the
4 roll.

5 (The Secretary called the roll.)

6 THE SECRETARY: Ayes, 62.

7 ACTING PRESIDENT MARTINS: The bill
8 is passed.

9 THE SECRETARY: Calendar Number
10 1086, by Senator Larkin, Senate Print --

11 SENATOR LARKIN: Lay it aside for
12 the day.

13 ACTING PRESIDENT MARTINS: The bill
14 is laid aside for the day.

15 THE SECRETARY: Calendar Number
16 1087, by Senator Larkin, Senate Print 5513, an
17 act to authorize the Commissioner of Education.

18 ACTING PRESIDENT MARTINS: Read the
19 last section.

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

22 ACTING PRESIDENT MARTINS: Call the
23 roll.

24 (The Secretary called the roll.)

25 THE SECRETARY: Ayes, 62.

1 ACTING PRESIDENT MARTINS: The bill
2 is passed.

3 THE SECRETARY: Calendar Number
4 1089, substituted earlier today by Member of the
5 Assembly Lancman, Assembly Print 478A, an act to
6 amend the Criminal Procedure Law.

7 ACTING PRESIDENT MARTINS: Read the
8 last section.

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

11 ACTING PRESIDENT MARTINS: Call the
12 roll.

13 (The Secretary called the roll.)

14 THE SECRETARY: In relation to
15 Calendar 1089, those recorded in the negative are
16 Senators Dilan, Parker and Rivera.

17 Ayes, 59. Nays, 3.

18 ACTING PRESIDENT MARTINS: The bill
19 is passed.

20 THE SECRETARY: Calendar Number
21 1090, by Senator Martins, Senate Print 1209A, an
22 act to amend the Executive Law.

23 ACTING PRESIDENT MARTINS: Read the
24 last section.

25 THE SECRETARY: Section 2. This

1 act shall take effect on the 120th day.

2 ACTING PRESIDENT MARTINS: Call the
3 roll.

4 (The Secretary called the roll.)

5 THE SECRETARY: In relation to
6 Calendar Number 1090, those recorded in the
7 negative are Senators Avella, Dilan, Duane,
8 Espaillat, Hassell-Thompson, L. Krueger,
9 Montgomery, Parker, Perkins, Rivera, Squadron,
10 and Stewart-Cousins.

11 Ayes, 50. Nays, 12.

12 ACTING PRESIDENT MARTINS: The bill
13 is passed.

14 THE SECRETARY: Calendar Number
15 1096, substituted earlier today by Member of the
16 Assembly Nolan, Assembly Print 5600A, an act to
17 amend Part C of Chapter 57 of the Laws of 2004.

18 ACTING PRESIDENT MARTINS: Read the
19 last section.

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

22 ACTING PRESIDENT MARTINS: Call the
23 roll.

24 (The Secretary called the roll.)

25 THE SECRETARY: Ayes, 62.

1 ACTING PRESIDENT MARTINS: The bill
2 is passed.

3 THE SECRETARY: Calendar Number
4 1101, by Senator DeFrancisco, Senate Print 3945A,
5 an act to amend the Tax Law.

6 ACTING PRESIDENT MARTINS: Read the
7 last section.

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

10 ACTING PRESIDENT MARTINS: Call the
11 roll.

12 (The Secretary called the roll.)

13 THE SECRETARY: Ayes, 62.

14 ACTING PRESIDENT MARTINS: The bill
15 is passed.

16 THE SECRETARY: Calendar Number
17 1104, by Senator Bonacic, Senate Print 4255, an
18 act to amend the Public Health Law.

19 ACTING PRESIDENT MARTINS: Read the
20 last section.

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

23 ACTING PRESIDENT MARTINS: Call the
24 roll.

25 (The Secretary called the roll.)

1 THE SECRETARY: Ayes, 62.

2 ACTING PRESIDENT MARTINS: The bill
3 is passed.

4 THE SECRETARY: Calendar Number
5 1105, substituted earlier today by Member of the
6 Assembly Titus, Assembly Print 6331, an act to
7 amend Chapter 436 of the Laws of 1997.

8 ACTING PRESIDENT MARTINS: Read the
9 last section.

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

12 ACTING PRESIDENT MARTINS: Call the
13 roll.

14 (The Secretary called the roll.)

15 THE SECRETARY: Ayes, 62.

16 ACTING PRESIDENT MARTINS: The bill
17 is passed.

18 THE SECRETARY: Calendar Number
19 1106, by Senator Ball --

20 SENATOR LIBOUS: Lay it aside for
21 the day.

22 ACTING PRESIDENT MARTINS: The bill
23 is laid aside for the day.

24 THE SECRETARY: Calendar Number
25 1110, by Senator Farley, Senate Print 5390, an

1 act to provide for the repayment by the
2 Schenectady City School District.

3 ACTING PRESIDENT MARTINS: Read the
4 last section.

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

7 ACTING PRESIDENT MARTINS: Call the
8 roll.

9 (The Secretary called the roll.)

10 THE SECRETARY: Ayes, 62.

11 ACTING PRESIDENT MARTINS: The bill
12 is passed.

13 THE SECRETARY: Calendar Number
14 1111, by Senator Saland, Senate Print 5560, an
15 act to amend the Executive Law.

16 ACTING PRESIDENT MARTINS: Read the
17 last section.

18 SENATOR BRESLIN: Lay it aside.

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

21 THE SECRETARY: On page 53, Senator
22 Fuschillo moves to discharge, from the Committee
23 on Rules, Assembly Bill Number 8030 and
24 substitute it for the identical Senate Bill
25 Number 3807A, Third Reading Calendar 1112.

1 ACTING PRESIDENT MARTINS:

2 Substitution ordered.

3 The Secretary will read.

4 THE SECRETARY: Calendar Number
5 1112, by Member of the Assembly Paulin, Assembly
6 Print 8030, an act to amend Chapter 563 of the
7 Laws of 2008.

8 ACTING PRESIDENT MARTINS: Read the
9 last section.

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

12 ACTING PRESIDENT MARTINS: Call the
13 roll.

14 (The Secretary called the roll.)

15 THE SECRETARY: Ayes, 62.

16 ACTING PRESIDENT MARTINS: The bill
17 is passed.

18 THE SECRETARY: Calendar Number
19 1114, by Senator Young --

20 SENATOR LIBOUS: Lay it aside for
21 the day.

22 ACTING PRESIDENT MARTINS: The bill
23 is laid aside for the day.

24 THE SECRETARY: Calendar Number
25 1121, by Senator Ritchie, Senate Print 5320, an

1 act to amend the Tax Law.

2 ACTING PRESIDENT MARTINS: Read the
3 last section.

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

6 ACTING PRESIDENT MARTINS: Call the
7 roll.

8 (The Secretary called the roll.)

9 THE SECRETARY: Ayes, 62.

10 ACTING PRESIDENT MARTINS: The bill
11 is passed.

12 THE SECRETARY: Calendar Number
13 1123, by Senator Ritchie, Senate Print 5547, an
14 act to amend the Tax Law.

15 ACTING PRESIDENT MARTINS: Read the
16 last section.

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

19 ACTING PRESIDENT MARTINS: Call the
20 roll.

21 (The Secretary called the roll.)

22 THE SECRETARY: Ayes, 62.

23 ACTING PRESIDENT MARTINS: The bill
24 is passed.

25 THE SECRETARY: Calendar Number

1 1125, substituted earlier today by Member of the
2 Assembly Kolb, Assembly Print 7237, an act to
3 amend the Correction Law.

4 ACTING PRESIDENT MARTINS: Read the
5 last section.

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

8 ACTING PRESIDENT MARTINS: Call the
9 roll.

10 (The Secretary called the roll.)

11 THE SECRETARY: Ayes, 62.

12 ACTING PRESIDENT MARTINS: The bill
13 is passed.

14 THE SECRETARY: Calendar Number
15 1127, by Senator Young, Senate Print 5565, an act
16 to amend the Executive Law.

17 ACTING PRESIDENT MARTINS: Read the
18 last section.

19 THE SECRETARY: Section 16. This
20 act shall take effect on the first of January.

21 ACTING PRESIDENT MARTINS: Call the
22 roll.

23 (The Secretary called the roll.)

24 THE SECRETARY: In relation to
25 Calendar Number 1127, those recorded in the

1 negative are Senators Duane, Hassell-Thompson,
2 Montgomery, and Perkins.

3 Ayes, 58. Nays, 4.

4 ACTING PRESIDENT MARTINS: The bill
5 is passed.

6 THE SECRETARY: Calendar Number
7 1142, by Senator DeFrancisco --

8 SENATOR BRESLIN: Lay it aside.

9 ACTING PRESIDENT MARTINS: The bill
10 is laid aside.

11 THE SECRETARY: Calendar Number
12 1144, by Senator Golden, Senate Print 3894, an
13 act to amend the Military Law.

14 ACTING PRESIDENT MARTINS: Read the
15 last section.

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

18 ACTING PRESIDENT MARTINS: Call the
19 roll.

20 (The Secretary called the roll.)

21 THE SECRETARY: Ayes, 62.

22 ACTING PRESIDENT MARTINS: The bill
23 is passed.

24 THE SECRETARY: Calendar Number
25 1167, by the Senate Committee on Rules, Senate

1 Print 5527, an act to amend the Tax Law.

2 ACTING PRESIDENT MARTINS: Read the
3 last section.

4 THE SECRETARY: Section 16. This
5 act shall take effect immediately.

6 ACTING PRESIDENT MARTINS: Call the
7 roll.

8 (The Secretary called the roll.)

9 ACTING PRESIDENT MARTINS: Senator
10 Krueger to explain her vote.

11 SENATOR KRUEGER: Thank you very
12 much.

13 As the record shows, I've been
14 voting no on tax bills that have no Senate
15 sponsor. But this is a tax bill that is needed
16 by the City of New York, and so I will be voting
17 yes and would like to note that I would have been
18 happy to have my name on as the sponsor of a tax
19 bill for the City of New York.

20 And so I wish there was a sponsor.
21 I could have been one. But I won't vote no,
22 because my city needs this bill.

23 I vote yes. Thank you.

24 ACTING PRESIDENT MARTINS: Senator
25 Krueger will be recorded in the affirmative.

1 Senator Squadron.

2 SENATOR SQUADRON: Thank you very
3 much.

4 And I am happy today, for my own
5 locality, to vote for this bill. I do wish it
6 were sponsored by Senator Krueger.

7 Thank you, Mr. President.

8 (Laughter.)

9 ACTING PRESIDENT MARTINS: Senator
10 Squadron will also be recorded in the
11 affirmative.

12 Senator Parker.

13 SENATOR PARKER: Mr. President, I
14 rise to share my concern about bills coming to
15 the floor with no one's name on it.

16 But I'm voting no on this bill
17 because we talk a lot about not raising taxes and
18 here we are again raising taxes. If we're going
19 to tax people, instead of extending a sales tax
20 that is regressive and hurts working-class
21 people, we should have done the -- you know, not
22 given the millionaires and billionaires a tax
23 break like we did earlier today.

24 So I vote nay.

25 ACTING PRESIDENT MARTINS: Senator

1 Parker will be recorded in the negative.

2 Announce the results.

3 THE SECRETARY: In relation to
4 Calendar Number 1167, those recorded in the
5 negative are Senators Ball, Lanza and Parker.
6 Also Senator Robach. Ayes, 58. Nays, 4.

7 ACTING PRESIDENT MARTINS: The bill
8 is passed.

9 THE SECRETARY: Calendar Number
10 1192, by Senator Skelos, Senate Print 4655, an
11 act to amend the Volunteer Firefighters Benefit
12 Law.

13 ACTING PRESIDENT MARTINS: Read the
14 last section.

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

17 ACTING PRESIDENT MARTINS: Call the
18 roll.

19 (The Secretary called the roll.)

20 THE SECRETARY: Ayes, 62.

21 ACTING PRESIDENT MARTINS: The bill
22 is passed.

23 THE SECRETARY: Calendar Number
24 1200, by Senator Young, Senate Print 755, an act
25 to amend the Private Housing Finance Law.

1 ACTING PRESIDENT MARTINS: Read the
2 last section.

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

5 ACTING PRESIDENT MARTINS: Call the
6 roll.

7 (The Secretary called the roll.)

8 THE SECRETARY: Ayes, 62.

9 ACTING PRESIDENT MARTINS: The bill
10 is passed.

11 THE SECRETARY: Calendar Number
12 1202, by Senator Maziarz, Senate Print 958C, an
13 act to amend the Parks, Recreation and Historic
14 Preservation Law.

15 ACTING PRESIDENT MARTINS: Read the
16 last section.

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

19 ACTING PRESIDENT MARTINS: Call the
20 roll.

21 (The Secretary called the roll.)

22 THE SECRETARY: Ayes, 61. Nays,
23 1. Senator Oppenheimer recorded in the negative.

24 ACTING PRESIDENT MARTINS: The bill
25 is passed.

1 THE SECRETARY: Calendar Number
2 1206, by Senator Libous --

3 SENATOR BRESLIN: Lay it aside.

4 ACTING PRESIDENT MARTINS: The bill
5 is laid aside.

6 THE SECRETARY: Calendar Number
7 1207, by Senator Bonacic, Senate Print 2544 --

8 SENATOR BRESLIN: Lay it aside.

9 ACTING PRESIDENT MARTINS: The bill
10 is laid aside.

11 THE SECRETARY: Calendar Number
12 1209, by Senator Saland, Senate Print 2737, an
13 act to amend the Penal Law.

14 ACTING PRESIDENT MARTINS: Read the
15 last section.

16 THE SECRETARY: Section 2. This
17 act shall take effect on the first of November.

18 ACTING PRESIDENT MARTINS: Call the
19 roll.

20 (The Secretary called the roll.)

21 THE SECRETARY: In relation to
22 Calendar 1209, those recorded in the negative are
23 Senators Dilan, Duane and Montgomery. Also
24 Senator Perkins. Also Senator L. Krueger.

25 Ayes, 57. Nays, 5.

1 ACTING PRESIDENT MARTINS: The bill
2 is passed.

3 THE SECRETARY: Calendar Number
4 1214, by Senator Seward, Senate Print 3057, an
5 act to amend the Insurance Law.

6 ACTING PRESIDENT MARTINS: Read the
7 last section.

8 THE SECRETARY: Section 3. This
9 act shall take effect January 1, 2012.

10 ACTING PRESIDENT MARTINS: Call the
11 roll.

12 (The Secretary called the roll.)

13 THE SECRETARY: Ayes, 60. Nays,
14 2. Senators Avella and Dilan recorded in the
15 negative.

16 ACTING PRESIDENT MARTINS: The bill
17 is passed.

18 THE SECRETARY: Calendar Number
19 1216, by Senator Hannon, Senate Print 3201, an
20 act to amend the Real Property Tax Law.

21 ACTING PRESIDENT MARTINS: Read the
22 last section.

23 SENATOR LIBOUS: Lay it aside for
24 the day.

25 ACTING PRESIDENT MARTINS: The bill

1 is laid aside for the day.

2 THE SECRETARY: Calendar Number
3 1217, by Member of the Assembly Hoyt, Assembly
4 Print Number 3320, an act to amend the Executive
5 Law.

6 ACTING PRESIDENT MARTINS: Read the
7 last section.

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

10 ACTING PRESIDENT MARTINS: Call the
11 roll.

12 (The Secretary called the roll.)

13 THE SECRETARY: Ayes, 62.

14 ACTING PRESIDENT MARTINS: The bill
15 is passed.

16 THE SECRETARY: In relation to
17 Calendar Number 1217: Ayes, 61. Nays, 1.
18 Senator Grisanti recorded in the negative.

19 ACTING PRESIDENT MARTINS: The bill
20 is passed.

21 THE SECRETARY: Calendar Number
22 1218, by Senator Gallivan, Senate Print --

23 SENATOR BRESLIN: Lay it aside.

24 ACTING PRESIDENT MARTINS: The bill
25 is laid aside.

1 THE SECRETARY: Calendar Number
2 1224, by Senator Young, Senate Print 4143A, an
3 act to amend the Alcoholic Beverage Control Law.

4 ACTING PRESIDENT MARTINS: Read the
5 last section.

6 THE SECRETARY: Section 20. This
7 act shall take effect on the 90th day.

8 ACTING PRESIDENT MARTINS: Call the
9 roll.

10 (The Secretary called the roll.)

11 THE SECRETARY: Ayes, 61. Nays,
12 1. Senator Diaz recorded in the negative.

13 ACTING PRESIDENT MARTINS: The bill
14 is passed.

15 THE SECRETARY: Calendar Number
16 1225, by Senator Larkin, Senate Print 4223 --

17 SENATOR BRESLIN: Lay it aside.

18 ACTING PRESIDENT MARTINS: There is
19 a home-rule message at the desk.

20 The bill is laid aside.

21 THE SECRETARY: Calendar Number
22 1230, by Senator Robach, Senate Print 4435A, an
23 act to amend the General Business Law.

24 ACTING PRESIDENT MARTINS: Read the
25 last section.

1 THE SECRETARY: Section 2. This
2 act shall take effect on the 90th day.

3 ACTING PRESIDENT MARTINS: Call the
4 roll.

5 (The Secretary called the roll.)

6 THE SECRETARY: Ayes, 62.

7 ACTING PRESIDENT MARTINS: The bill
8 is passed.

9 THE SECRETARY: Calendar Number
10 1233, by Senator Robach, Senate Print 4560, an
11 act to amend the Correction Law.

12 ACTING PRESIDENT MARTINS: Read the
13 last section.

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

16 ACTING PRESIDENT MARTINS: Call the
17 roll.

18 (The Secretary called the roll.)

19 ACTING PRESIDENT MARTINS: Senator
20 Rivera to explain his vote.

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

23 I will be voting in the affirmative
24 on this bill. And I appreciate Senator Robach
25 bringing this bill to the floor.

1 And I want to underline the fact
2 that this is precisely the type of change that
3 can happen in certain bills that I've voted in
4 the negative in the past. Once you've made it
5 specific to the particular level of sex offender
6 that a law should apply to, then I certainly can
7 be supportive.

8 In this case, keeping this type of
9 predator from living in college housing is
10 something that I am supportive of. But this is
11 exactly the type of changes that I believe we
12 need to make to certain bills to make them more
13 specific so that I can be supportive in the
14 future.

15 So thank you, Senator Robach. I
16 will be voting in the affirmative.

17 Thank you, Mr. President.

18 ACTING PRESIDENT MARTINS: Thank
19 you, Senator Rivera. Senator Rivera will be
20 recorded in the affirmative.

21 Announce the results.

22 THE SECRETARY: Ayes, 61. Nays,
23 1. Senator Parker recorded in the negative.

24 ACTING PRESIDENT MARTINS: The bill
25 is passed.

1 THE SECRETARY: Calendar Number
2 1234, by Senator Lanza, Senate Print 4637, an act
3 to amend the Public Authorities Law.

4 ACTING PRESIDENT MARTINS: Read the
5 last section.

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

8 ACTING PRESIDENT MARTINS: Call the
9 roll.

10 (The Secretary called the roll.)

11 ACTING PRESIDENT MARTINS: Senator
12 Carlucci to explain his vote.

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

15 This is an important step in the
16 right direction. I believe that this forensic
17 audit will be a tool that I'm hopeful that the
18 MTA leaders will welcome, to use to make sure
19 that the money spent at the MTA is money well
20 spent, to make sure that our transportation
21 system is the most efficient and most
22 cost-effective, and ultimately to lead to the
23 repealing of the MTA payroll tax.

24 So I'm hopeful that the MTA will see
25 this as welcome and will take it into effect and

1 make sure we're going in a cost-effective way for
2 the MTA.

3 Mr. President, I'll be voting in the
4 affirmative. Thank you.

5 ACTING PRESIDENT MARTINS: Senator
6 Carlucci will be recorded in the affirmative.

7 Senator Fuschillo.

8 SENATOR FUSCHILLO: Just briefly,
9 Mr. President.

10 Let me thank my colleague Senator
11 Lanza for his leadership on this issue. When we
12 held budget hearings, Senator Lanza brought this
13 up and stressed how important this would be to
14 the MTA but also to the residents throughout the
15 metropolitan area.

16 We need to know exactly how the
17 money is being spent, how much money is there.
18 We've heard estimates of multi-billion-dollar
19 structural deficits based on the hearings that
20 Senator Marcellino had done through his
21 committee. And a forensic audit, an independent
22 audit is critically important to the members of
23 the Legislature here as well as the general
24 public.

25 I'll be voting in the affirmative.

1 ACTING PRESIDENT MARTINS: Senator
2 Fuschillo will be recorded in the affirmative.
3 Thank you, Senator.

4 Senator Dilan.

5 SENATOR DILAN: Yes, I just rise to
6 indicate that I will be voting in the negative
7 with respect to this forensic audit.

8 I believe that when we first
9 indicated that we requested a forensic audit,
10 there was a question as to who was going to pay
11 for it. And in view of all the deficits that the
12 MTA has at this time, I really believe that they
13 cannot afford to pay for it. And I believe that
14 we indicated that we would pay for that forensic
15 audit. So therefore I'm voting no.

16 ACTING PRESIDENT MARTINS: Thank
17 you, Senator Dilan. Senator Dilan will be
18 recorded in the negative.

19 Announce the results.

20 THE SECRETARY: In relation to
21 Calendar Number 1234, those recorded in the
22 negative are Senators Dilan, Perkins and
23 Squadron. Ayes, 59. Nays, 3.

24 ACTING PRESIDENT MARTINS: The bill
25 is passed.

1 THE SECRETARY: Calendar Number
2 1238, by Senator Maziarz, Senate Print 4844, an
3 act to direct the New York State Office of Parks,
4 Recreation and Historic Preservation.

5 ACTING PRESIDENT MARTINS: Read the
6 last section.

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

9 ACTING PRESIDENT MARTINS: Call the
10 roll.

11 (The Secretary called the roll.)

12 ACTING PRESIDENT MARTINS: Senator
13 Maziarz to explain his vote.

14 SENATOR MAZIARZ: Just very briefly
15 to explain my vote, Mr. President.

16 Nik Wallenda is a member of the
17 famous Flying Wallenda family, been doing this
18 for a long -- all his life, actually, three
19 generations. This used to be done in Niagara
20 Falls across the Niagara Gorge in the 1800s all
21 the time.

22 Nik Wallenda has very generously,
23 Mr. President, offered to carry a member of the
24 New York State Senate across the tightrope wire
25 with him.

1 (Laughter.)

2 SENATOR MAZIARZ: And in a spirit
3 of bipartisanship, I have volunteered Senator
4 Marty Dilan to do that.

5 (Laughter.)

6 SENATOR MAZIARZ: So thank you,
7 Mr. President. I vote in the affirmative. Thank
8 you.

9 ACTING PRESIDENT MARTINS: Senator
10 Maziarz will be recorded in the affirmative.

11 We will hold off on asking Senator
12 Dilan as to whether or not he'll accept.

13 (Laughter.)

14 ACTING PRESIDENT MARTINS: Announce
15 the results.

16 THE SECRETARY: Ayes, 62.

17 ACTING PRESIDENT MARTINS: The bill
18 is passed.

19 THE SECRETARY: Calendar Number
20 1239, by Senator Saland, Senate Print 4851A --

21 SENATOR BRESLIN: Lay it aside.

22 ACTING PRESIDENT MARTINS: The bill
23 is laid aside.

24 THE SECRETARY: Calendar Number
25 1240, by Senator LaValle, Senate Print 4899, an

1 act to amend Local Finance Law.

2 ACTING PRESIDENT MARTINS: We have
3 a home-rule message at the desk.

4 Please read the last section.

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

7 ACTING PRESIDENT MARTINS: Call the
8 roll.

9 (The Secretary called the roll.)

10 THE SECRETARY: Ayes, 62.

11 ACTING PRESIDENT MARTINS: The bill
12 is passed.

13 THE SECRETARY: Calendar Number
14 1242, by Senator Young --

15 SENATOR BRESLIN: Lay it aside.

16 ACTING PRESIDENT MARTINS: The bill
17 is laid aside.

18 THE SECRETARY: Calendar Number
19 1244, by Senator Ritchie, Senate Print 5161, an
20 act to amend the Environmental Conservation Law.

21 ACTING PRESIDENT MARTINS: Read the
22 last section.

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

25 ACTING PRESIDENT MARTINS: Call the

1 roll.

2 (The Secretary called the roll.)

3 THE SECRETARY: Ayes, 62.

4 ACTING PRESIDENT MARTINS: The bill
5 is passed.

6 THE SECRETARY: Calendar Number
7 1245, by Senator Young, Senate Print 5184B, an
8 act to amend the Education Law.

9 ACTING PRESIDENT MARTINS: Read the
10 last section.

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

13 ACTING PRESIDENT MARTINS: Call the
14 roll.

15 (The Secretary called the roll.)

16 THE SECRETARY: Ayes, 62.

17 ACTING PRESIDENT MARTINS: The bill
18 is passed.

19 THE SECRETARY: Calendar Number
20 1250, by Senator Robach, Senate Print 5323B, an
21 act to amend the Environmental Conservation Law.

22 SENATOR LIBOUS: Lay it aside for
23 the day.

24 ACTING PRESIDENT MARTINS: The bill
25 is laid aside for the day.

1 THE SECRETARY: Calendar Number
2 1251, by Member of the Assembly Calhoun, Assembly
3 Print 2877, an act to amend the Criminal
4 Procedure Law.

5 ACTING PRESIDENT MARTINS: Read the
6 last section.

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

9 ACTING PRESIDENT MARTINS: Call the
10 roll.

11 (The Secretary called the roll.)

12 THE SECRETARY: In relation to
13 Calendar Number 1251, those recorded in the
14 negative are Senators Duane, L. Krueger,
15 Montgomery and Perkins. Ayes, 58. Nays, 4.

16 ACTING PRESIDENT MARTINS: The bill
17 is passed.

18 THE SECRETARY: Calendar Number
19 1262, by Senator Bonacic, Senate Print 5601, an
20 act to amend the Environmental Conservation Law.

21 ACTING PRESIDENT MARTINS: Read the
22 last section.

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

25 ACTING PRESIDENT MARTINS: Call the

1 roll.

2 (The Secretary called the roll.)

3 THE SECRETARY: Ayes, 62.

4 ACTING PRESIDENT MARTINS: The bill
5 is passed.

6 THE SECRETARY: Calendar Number
7 1265, by Senator Golden, Senate Print 5631 --

8 SENATOR BRESLIN: Lay it aside.

9 ACTING PRESIDENT MARTINS: The bill
10 is laid aside.

11 Senator Libous, that concludes our
12 reading of the noncontroversial calendar.

13 Senator Libous.

14 SENATOR LIBOUS: Mr. President, can
15 we go back to the reports of standing
16 committees. I believe there's a report of the
17 Rules Committee at the desk.

18 ACTING PRESIDENT MARTINS: Reports
19 of standing committees.

20 The Secretary will read.

21 THE SECRETARY: Senator Skelos,
22 from the Senate Committee on Rules, reports the
23 following bills direct to third reading:

24 Senate Print 1361, by Senator Dilan,
25 an act to amend the General Municipal Law;

1 1521, by Senator Klein, an act to
2 amend the Correction Law;

3 1748, by Senator Golden, an act to
4 amend the Public Health Law;

5 1914, by Senator Serrano, an act to
6 amend the Economic Development Law;

7 2048, by Senator C. Kruger, an act
8 to amend the Correction Law;

9 2438, by Senator Alesi, an act to
10 amend the Tax Law;

11 2878, by Senator Grisanti, an act to
12 amend the Tax Law;

13 3605, by Senator Carlucci, an act to
14 create the Orangetown Public Library;

15 3686, by Senator Adams, an act to
16 amend the Penal Law;

17 4228, by Senator Alesi, an act to
18 amend the Tax Law;

19 4241, by Senator Larkin, an act to
20 amend the Alcoholic Beverage Control Law;

21 4290A, by Senator Carlucci, an act
22 to authorize the Town of Ramapo;

23 4665, by Senator Nozzolio, an act to
24 amend the Public Health Law;

25 4816, by Senator Carlucci, an act to

1 amend the State Administrative Procedure Law;
2 4892, by Senator Lanza, an act to
3 amend the Vehicle and Traffic Law;
4 4927, by Senator Griffo, an act to
5 amend the Banking Law;
6 5271, by Senator Ball, an act to
7 amend the Executive Law;
8 5289, by Senator Lanza, an act to
9 amend the Tax Law;
10 5295, by Senator Ball, an act to
11 amend the Alcoholic Beverage Control Law;
12 5349, by Senator Maziarz, an act to
13 amend the Tax Law;
14 5362, by Senator Carlucci, an act to
15 amend the Local Finance Law;
16 5532A, by Senator Oppenheimer, an
17 act to amend the Town Law;
18 5596A, by Senator Zeldin, an act to
19 amend the Tax Law;
20 5607, by Senator Kennedy, an act to
21 legalize, validate, ratify and confirm;
22 5628, by Senator Martins, an act to
23 authorize the Village of Mineola;
24 5638, by Senator Carlucci, an act to
25 amend the Village Law;

1 And Senate 5709, by Senator Skelos,
2 an act to amend Chapter 576 of the Laws of 1974.

3 All bills ordered direct to third
4 reading.

5 ACTING PRESIDENT MARTINS: Senator
6 Libous.

7 SENATOR LIBOUS: I move to accept
8 the report of the Rules Committee.

9 ACTING PRESIDENT MARTINS: Thank
10 you, Senator. All in favor signify by saying
11 aye.

12 (Response of "Aye.")

13 ACTING PRESIDENT MARTINS: Opposed,
14 nay

15 (No response.)

16 ACTING PRESIDENT MARTINS: The
17 report of the Rules Committee is accepted.

18 Thank you, Senator.

19 SENATOR LIBOUS: Mr. President, at
20 this time I would like to go to motions and
21 resolutions.

22 ACTING PRESIDENT MARTINS: Motions
23 and resolutions.

24 Senator Libous.

25 SENATOR LIBOUS: On behalf of

1 Senator Fuschillo, on page 42 I offer the
2 following amendments to Calendar Number 999,
3 Senate Print 5545, and ask that said bill retain
4 its place on the Third Reading Calendar.

5 ACTING PRESIDENT MARTINS: The
6 amendments are accepted, and the bill will retain
7 its place on the Third Reading Calendar.

8 Senator Libous.

9 SENATOR LIBOUS: On behalf of
10 Senator Grisanti, I wish to call up Senate Print
11 3134, recalled from the Assembly, which is now at
12 the desk.

13 ACTING PRESIDENT MARTINS: The
14 Secretary will read.

15 THE SECRETARY: Calendar Number
16 267, by Senator Grisanti, Senate Print 3134, an
17 act to amend the Criminal Procedure Law.

18 SENATOR LIBOUS: Mr. President, I
19 now move to reconsider the vote by which this
20 bill was passed.

21 ACTING PRESIDENT MARTINS: Call the
22 roll on reconsideration.

23 (The Secretary called the roll.)

24 THE SECRETARY: Ayes, 62.

25 SENATOR LIBOUS: Mr. President, I

1 offer up the following amendments.

2 ACTING PRESIDENT MARTINS: The
3 amendments are received.

4 SENATOR LIBOUS: Mr. President, on
5 behalf of Senator Larkin, I'd like to place a
6 sponsor star on Calendar Number 1086.

7 ACTING PRESIDENT MARTINS: So
8 ordered.

9 Senator Libous.

10 SENATOR LIBOUS: Mr. President, at
11 this time I would like to go to Supplemental
12 Calendar 53A and do the noncontroversial reading
13 of that calendar.

14 ACTING PRESIDENT MARTINS: We're
15 going to the noncontroversial reading of Calendar
16 Number 53A.

17 The Secretary will read.

18 THE SECRETARY: Calendar Number
19 1246, by Senator Dilan, Senate Print 1361, an act
20 to amend the General Municipal Law.

21 ACTING PRESIDENT MARTINS: Read the
22 last section.

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

25 ACTING PRESIDENT MARTINS: Call the

1 roll.

2 (The Secretary called the roll.)

3 THE SECRETARY: Ayes, 62.

4 ACTING PRESIDENT MARTINS: The bill
5 is passed.

6 THE SECRETARY: Senator Klein moves
7 to discharge, from the Committee On Crime
8 Victims, Crime and Correction, Assembly Bill
9 Number 5661 and substitute it for the identical
10 Senate Bill Number 1521, Third Reading Calendar
11 1269.

12 ACTING PRESIDENT MARTINS:
13 Substitution ordered.

14 The Secretary will read.

15 THE SECRETARY: Calendar Number
16 1269, by Member of the Assembly Weisenberg,
17 Assembly Print 5661, an act to amend the
18 Correction Law.

19 ACTING PRESIDENT MARTINS: Read the
20 last section.

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

23 ACTING PRESIDENT MARTINS: Call the
24 roll.

25 (The Secretary called the roll.)

1 THE SECRETARY: Ayes, 61. Nays 1.
2 Senator Duane recorded in the negative.

3 ACTING PRESIDENT MARTINS: The bill
4 is passed.

5 THE SECRETARY: Calendar Number
6 1270, by Senator Golden, Senate Print 1748, an
7 act --

8 SENATOR BRESLIN: Lay it aside.

9 ACTING PRESIDENT MARTINS: The bill
10 is laid aside.

11 THE SECRETARY: Calendar Number
12 1271, by Senator Serrano, Senate Print 1914, an
13 act to amend the Economic Development Law.

14 ACTING PRESIDENT MARTINS: Read the
15 last section.

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

18 ACTING PRESIDENT MARTINS: Call the
19 roll.

20 (The Secretary called the roll.)

21 THE SECRETARY: Ayes, 62.

22 ACTING PRESIDENT MARTINS: The bill
23 is passed.

24 THE SECRETARY: Calendar Number
25 1272, by Senator C. Kruger, Senate Print 2048, an

1 act to amend the Correction Law.

2 ACTING PRESIDENT MARTINS: Read the
3 last section.

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

6 ACTING PRESIDENT MARTINS: Call the
7 roll.

8 (The Secretary called the roll.)

9 THE SECRETARY: In relation to
10 Calendar 1272, those recorded in the negative are
11 Senators Duane, Hassell-Thompson, Montgomery and
12 Perkins. Ayes, 58. Nays, 4.

13 ACTING PRESIDENT MARTINS: The bill
14 is passed.

15 THE SECRETARY: Calendar Number
16 1273, by Senator Alesi, Senate Print 2438, an act
17 to amend the Tax Law.

18 SENATOR BRESLIN: Lay it aside.

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

21 THE SECRETARY: Calendar Number
22 1274, by Senator Grisanti, Senate Print 2878, an
23 act to amend the Tax Law.

24 SENATOR BRESLIN: Lay it aside.

25 ACTING PRESIDENT MARTINS: The bill

1 is laid aside.

2 THE SECRETARY: Senator Carlucci
3 moves to discharge, from the Committee on Rules,
4 Assembly Bill Number 587 and substitute it for
5 the identical Senate Bill Number 3605, Third
6 Reading Calendar 1275.

7 ACTING PRESIDENT MARTINS:
8 Substitution ordered.

9 The Secretary will read.

10 THE SECRETARY: Calendar Number
11 1275, by Member of the Assembly Jaffee, Assembly
12 Print 587, an act to create the Orangetown Public
13 Library District.

14 ACTING PRESIDENT MARTINS: Read the
15 last section.

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

18 ACTING PRESIDENT MARTINS: Call the
19 roll.

20 (The Secretary called the roll.)

21 THE SECRETARY: Ayes, 62.

22 ACTING PRESIDENT MARTINS: The bill
23 is passed.

24 THE SECRETARY: Calendar Number
25 1276, by Senator Adams, Senate Print 3686, an act

1 to amend the Penal Law.

2 ACTING PRESIDENT MARTINS: Read the
3 last section.

4 THE SECRETARY: Section 2. This
5 act shall take effect on the first of November.

6 ACTING PRESIDENT MARTINS: Call the
7 roll.

8 (The Secretary called the roll.)

9 THE SECRETARY: Ayes, 62.

10 ACTING PRESIDENT MARTINS: The bill
11 is passed.

12 THE SECRETARY: Calendar Number
13 1277, by Senator Alesi, Senate Print 4228, an
14 act --

15 SENATOR BRESLIN: Lay it aside.

16 ACTING PRESIDENT MARTINS: The bill
17 is laid aside.

18 THE SECRETARY: Calendar Number
19 1278, by Senator Larkin, Senate Print 4241, an
20 act to amend the Alcoholic Beverage Control Law.

21 ACTING PRESIDENT MARTINS: Read the
22 last section.

23 THE SECRETARY: Section 10. This
24 act shall take effect on the 180th day.

25 ACTING PRESIDENT MARTINS: Call the

1 roll.

2 (The Secretary called the roll.)

3 THE SECRETARY: Ayes, 61. Nays,

4 1. Senator Diaz recorded in the negative.

5 ACTING PRESIDENT MARTINS: The bill
6 is passed.

7 THE SECRETARY: Senator Carlucci
8 moves to discharge, from the Committee on Rules,
9 Assembly Bill Number 2702A and substitute it for
10 the identical Senate Bill Number 4290A, Third
11 Reading Calendar 1279.

12 ACTING PRESIDENT MARTINS:
13 Substitution ordered.

14 The Secretary will read.

15 THE SECRETARY: Calendar Number
16 1279, by Member of the Assembly Rabbitt, Assembly
17 Print 2702A, an act to authorize the Town of
18 Ramapo.

19 ACTING PRESIDENT MARTINS: Read the
20 last section.

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

23 ACTING PRESIDENT MARTINS: Call the
24 roll.

25 (The Secretary called the roll.)

1 THE SECRETARY: Ayes, 60. Nays,
2 2. Senators Bonacic and Larkin recorded in the
3 negative.

4 ACTING PRESIDENT MARTINS: The bill
5 is passed.

6 THE SECRETARY: Calendar Number
7 1281, by Senator Nozzolio, Senate Print 4665, an
8 act to amend the Public Health Law.

9 ACTING PRESIDENT MARTINS: Read the
10 last section.

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

13 ACTING PRESIDENT MARTINS: Call the
14 roll.

15 (The Secretary called the roll.)

16 THE SECRETARY: Ayes, 61. Nays,
17 1. Senator Avella recorded in the negative.

18 ACTING PRESIDENT MARTINS: The bill
19 is passed.

20 THE SECRETARY: Senator Carlucci
21 moves to discharge, from the Committee on Rules,
22 Assembly Bill Number 7445 and substitute it for
23 the identical Senate Bill Number 4816, Third
24 Reading Calendar 1282.

25 ACTING PRESIDENT MARTINS:

1 Substitution ordered.

2 The Secretary will read.

3 THE SECRETARY: Calendar Number
4 1282, by Member of the Assembly Lavine, Assembly
5 Print 7445, an act to amend the State
6 Administrative Procedure Act.

7 ACTING PRESIDENT MARTINS: Read the
8 last section.

9 THE SECRETARY: Section 2. This
10 act shall take effect on the first of October.

11 ACTING PRESIDENT MARTINS: Call the
12 roll.

13 (The Secretary called the roll.)

14 THE SECRETARY: Ayes, 62.

15 ACTING PRESIDENT MARTINS: The bill
16 is passed.

17 THE SECRETARY: Calendar Number
18 1283, by Senator Lanza, Senate Print 4892, an act
19 to amend the Vehicle and Traffic Law.

20 ACTING PRESIDENT MARTINS: Read the
21 last section.

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

24 ACTING PRESIDENT MARTINS: Call the
25 roll.

1 (The Secretary called the roll.)

2 THE SECRETARY: Ayes, 62.

3 ACTING PRESIDENT MARTINS: The bill
4 is passed.

5 THE SECRETARY: Calendar Number
6 1284, by Senator Griffo, Senate Print 4927, an
7 act to amend the Banking Law.

8 ACTING PRESIDENT MARTINS: Read the
9 last section.

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

12 ACTING PRESIDENT MARTINS: Call the
13 roll.

14 (The Secretary called the roll.)

15 THE SECRETARY: Ayes, 62.

16 ACTING PRESIDENT MARTINS: The bill
17 is passed.

18 THE SECRETARY: Calendar Number
19 1285, by Senator Ball, Senate Print 5271, an act
20 to amend the Executive Law.

21 ACTING PRESIDENT MARTINS: Read the
22 last section.

23 THE SECRETARY: Section 2. This
24 act shall take effect on the 180th day.

25 ACTING PRESIDENT MARTINS: Call the

1 roll.

2 (The Secretary called the roll.)

3 THE SECRETARY: Ayes, 62.

4 ACTING PRESIDENT MARTINS: The bill
5 is passed.

6 THE SECRETARY: Calendar Number
7 1286, by Senator Lanza, Senate Print 5289, an act
8 to amend the Tax Law.

9 ACTING PRESIDENT MARTINS: Read the
10 last section.

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

13 ACTING PRESIDENT MARTINS: Call the
14 roll.

15 (The Secretary called the roll.)

16 THE SECRETARY: Ayes, 62.

17 ACTING PRESIDENT MARTINS: The bill
18 is passed.

19 THE SECRETARY: Calendar Number
20 1287, by Senator Ball, Senate Print 5295, an act
21 to amend the Alcoholic Beverage Control Law.

22 ACTING PRESIDENT MARTINS: Read the
23 last section.

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

1 ACTING PRESIDENT MARTINS: Call the
2 roll.

3 (The Secretary called the roll.)

4 THE SECRETARY: Ayes, 60. Nays,
5 2. Senators Diaz and Duane recorded in the
6 negative.

7 ACTING PRESIDENT MARTINS: The bill
8 is passed.

9 THE SECRETARY: Senator Maziarz
10 moves to discharge, from the Committee on Rules,
11 Assembly Bill Number 7793 and substitute it for
12 the identical Senate Bill Number 5349, Third
13 Reading Calendar 1288.

14 ACTING PRESIDENT MARTINS:
15 Substitution ordered.

16 The Secretary will read.

17 THE SECRETARY: Calendar Number
18 1288, by Member of the Assembly Hevesi, Assembly
19 Print 7793, an act to amend the Tax Law.

20 ACTING PRESIDENT MARTINS: Read the
21 last section.

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

24 ACTING PRESIDENT MARTINS: Call the
25 roll.

1 (The Secretary called the roll.)

2 THE SECRETARY: Ayes, 62.

3 ACTING PRESIDENT MARTINS: The bill
4 is passed.

5 THE SECRETARY: Calendar Number
6 1289, by Senator Carlucci, Senate Print 5362, an
7 act to amend the Local Finance Law.

8 ACTING PRESIDENT MARTINS: There is
9 a home-rule message at the desk.

10 The Secretary will read the last
11 section.

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

14 ACTING PRESIDENT MARTINS: Call the
15 roll.

16 (The Secretary called the roll.)

17 THE SECRETARY: Ayes, 62.

18 ACTING PRESIDENT MARTINS: The bill
19 is passed.

20 THE SECRETARY: Calendar Number
21 1290, by Senator Oppenheimer, Senate Print --

22 SENATOR BRESLIN: Lay it aside for
23 the day.

24 ACTING PRESIDENT MARTINS: The bill
25 is laid aside for the day.

1 THE SECRETARY: Calendar Number
2 1291, by Senator Zeldin, Senate Print 5596A, an
3 act to amend the Tax Law.

4 ACTING PRESIDENT MARTINS: Read the
5 last section.

6 THE SECRETARY: Section 13. This
7 act shall take effect immediately.

8 ACTING PRESIDENT MARTINS: Call the
9 roll.

10 (The Secretary called the roll.)

11 ACTING PRESIDENT MARTINS: Senator
12 Squadron to explain his vote.

13 SENATOR SQUADRON: Thank you,
14 Mr. President. To explain my vote.

15 I think we all realize the extent to
16 which the MTA payroll tax has been a challenge in
17 many communities. We are committed to doing
18 something about that.

19 Unfortunately, a bill that appears
20 to do something about that but has no chance of
21 becoming law and doesn't do anything to ensure
22 that the MTA continues to serve the entire
23 region, all of the counties in the MTA region, is
24 not a real solution for the folks who need relief
25 here. And that's why I'm going to be voting no.

1 I am eager to work seriously on a
2 real solution to give folks relief, but a simple
3 press release isn't going to do it. I vote no,
4 Mr. President.

5 ACTING PRESIDENT MARTINS: Senator
6 Squadron to be recorded in the negative.

7 Senator Klein.

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

10 I reluctantly vote no on this
11 legislation, because I think the first step on
12 the MTA payroll tax has to be what Senator Lanza
13 just passed a little earlier, which is a forensic
14 audit. I think the best way we can take a good
15 hard look at whether or not we need to partially
16 repeal or repeal the MTA payroll tax is to first
17 do a forensic audit.

18 It's interesting, because the
19 history with the MTA hasn't been a good one.
20 They came to us, as everyone knows, two years
21 ago, hat in hand, saying that they needed the
22 money, otherwise they were going to have to cut
23 service, raise fares. Well, here we are two
24 years later, they're still probably going to
25 raise fares, and they actually did cut service in

1 many areas.

2 So I think an important first step
3 is to make sure we get that forensic audit, which
4 was part of the original MTA payroll tax, but
5 then-Governor Paterson, in his infinite wisdom,
6 decided to defund the forensic audit.

7 So I vote no, and hopefully we can
8 have that forensic audit and look to really
9 either eliminate or reduce the MTA payroll tax.
10 Thank you, Mr. President.

11 ACTING PRESIDENT MARTINS: Senator
12 Klein will be recorded in the negative. Thank
13 you, Senator.

14 And can we please have order in the
15 house {gaveling}.

16 Senator Fuschillo.

17 SENATOR FUSCHILLO: Thank you very
18 much, Mr. President.

19 I rise to compliment my colleague
20 Senator Zeldin for his leadership on this issue.
21 When I took over as chairman of the Senate
22 Transportation Committee, Senator Zeldin on a
23 daily basis has never missed a moment to talk to
24 me about the MTA payroll tax and the negative
25 effect it is having on businesses -- small

1 businesses, large businesses, nonprofits,
2 hospitals, schools -- and anybody that has to pay
3 the payroll tax throughout Long Island and the
4 metropolitan area of the 12 counties.

5 This is the first step to repeal
6 something that was wrongly done by this body in a
7 bipartisan fashion. We stressed then,
8 Mr. President, that the MTA payroll tax was a
9 job-killing tax. And in a state that is not
10 business-friendly, in a state that is number one
11 in interstate migration, where more people move
12 out of our state than any other state in the
13 nation, the reason is because of taxes, taxes,
14 and taxes.

15 I'll be voting in the affirmative to
16 do away with this tax. Senator Zeldin has
17 revenue sources in there. Because I know it's
18 always been a concern that if we just took the
19 money away, what would happen to the MTA. But
20 the actions taken today by Senator Lanza, and now
21 followed up by Senator Zeldin, will get New York
22 State back on the right track. I'll be voting in
23 the affirmative.

24 ACTING PRESIDENT GRIFFO: Senator
25 Fuschillo to be recorded in the affirmative.

1 Senator Savino to explain her vote.

2 SENATOR SAVINO: Thank you,
3 Mr. President. I wasn't actually going to do
4 that, but I think it's probably a good idea that
5 I do.

6 I tend to agree with Senator
7 Klein -- more often than not, but certainly on
8 this issue -- that the bill that we passed
9 previously, Senator Lanza's bill with respect to
10 a forensic audit of the MTA, is critically
11 important and the first step before we talk about
12 any revenue replacement.

13 You know, I represent an area of the
14 City of New York that arguably is the most
15 overtaxed by the MTA and the least served by the
16 MTA. And Senator Lanza is my colleague over
17 there; the two of us represent the Island of
18 Staten.

19 Now, I want you to think about
20 this. The people of Staten Island have no
21 subway. They have a poor bus system that is
22 provided by the MTA. Nobody in Staten Island
23 will ever lose votes for beating up on the MTA.
24 In fact, it's something we all love to do, and we
25 do it well. And with good reason.

1 Six percent of the total toll
2 revenue collected in the United States is
3 collected at the Verrazano-Narrows Bridge. The
4 people of Staten Island have no free access on or
5 off the island. And if anyone tells me that the
6 ferry is free, well, they are wrong. It's only
7 free if you can walk to it and walk from it. If
8 you have to use a bus to get there, it's all part
9 of the ride.

10 So Staten Islanders are already
11 disproportionately taxed. But here's what I
12 know. Of that 6 percent total toll revenue
13 collected in the United States that comes at the
14 Verrazano Bridge, 70 percent of the money that's
15 collected at the Verrazano Bridge goes to
16 subsidize Metro-North and the Long Island
17 Railroad and Suburban Rail and Transit.

18 So until we get a forensic audit and
19 we know how the money is being spent, I'm not
20 going to risk the idea that the people that I
21 represent, who are already underserved and
22 overtaxed, are going to have to make up that lost
23 revenue. So I'm going to vote no on this bill,
24 and I'm going to strongly support Senator Lanza's
25 bill and hope we get that forensic audit.

1 Thank you, Mr. President.

2 ACTING PRESIDENT GRIFFO: Senator
3 Savino to be recorded in the negative.

4 Senator Espaillat to explain your
5 vote.

6 I'll remind members we're on a
7 two-minute explanation.

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

10 Several million people come in on a
11 daily basis to the City of New York to work. In
12 fact, the MTA subway system, Metro-North and all
13 the other systems of transportation attached to
14 the MTA are the economic engine, the transmission
15 of the economy of New York City. And New York
16 State, for that matter.

17 You know, several years back we
18 eliminated the commuter tax. And now we're
19 looking to eliminate a very important source of
20 revenue that continues to be critical in the
21 maintenance and the upkeep of the public
22 transportation system in New York City.

23 Earlier today we accepted the
24 nomination of some of the members of the board of
25 directors of the MTA. And I dare to say that

1 their job is going to be harder if we continue to
2 take money away from them.

3 This subway system in New York City
4 requires investment, capital investment. It
5 requires upkeep and investment in order for
6 people to get to work and to get to work on
7 time. We cannot do that by cutting revenue
8 sources. The MTA provides services to
9 12 counties, not just the five boroughs of the
10 City of New York, but to 12 counties in the
11 region.

12 And we should continue to fund the
13 MTA. We should have a forensic audit, but we
14 cannot cut back on the revenue. If we do so, we
15 will once again face the difficult predicament of
16 perhaps having to cut or eliminate the MetroCard
17 for young people to go school. We will have to
18 deal with the dilapidated condition of subway
19 stations or buses that are constantly breaking
20 down and disallowing people to get to work on
21 time.

22 Yes, this may be a job-killer if we
23 eliminate this tax as we take a direct hit on the
24 economy of New York City by crippling its
25 transportation system. I will be voting in the

1 negative.

2 ACTING PRESIDENT GRIFFO: Thank
3 you, Senator Espaillat. You will be recorded in
4 the negative.

5 Senator Marcellino to explain his
6 vote.

7 SENATOR MARCELLINO: Thank you,
8 Mr. President.

9 I rise to support this bill. Is it
10 perfect? No. Does it need refining? Yes. But
11 it is a good first step. And I commend my
12 colleague for putting this bill out there and
13 setting the stage and starting the dialogue that
14 has to be started.

15 We held hearings a few months ago on
16 the MTA. We know where the money is being
17 spent. Every entity in the MTA is losing
18 billions of dollars except for one, the bridges
19 and tunnels that collect the tolls. They're the
20 only ones making a profit. Every other entity,
21 including the city, is losing billions. Can't
22 keep running as an entity like that, can't keep
23 supporting it by raising fares and cutting
24 services. Because that's what they do.

25 They're driving people out of the

1 subways, they're driving people off the Long
2 Island Railroad, they're putting them in their
3 cars, where we don't want them. That's why the
4 bridges and tunnels are making money. People are
5 not using mass transit. It's becoming elite
6 transit. The average citizen can't afford to use
7 the Long Island Railroad. The average citizen
8 can't afford to use the subways anymore. It's
9 costing too much money, and they're getting too
10 little, imperfect service.

11 Senator Zeldin's bill is the step we
12 need to start this process. It's the step we
13 need to get this thing going. We've got to send
14 a message to everybody involved with the
15 Metropolitan Transit Authority that enough is
16 enough and our taxpayers and our ratepayers have
17 had it up to here. They want no more. They want
18 good service at fair prices. They're getting
19 neither. And it's got to step.

20 Mr. President, I vote aye.

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

23 Senator Bonacic to explain his vote.

24 SENATOR BONACIC: Thank you,
25 Mr. President.

1 I rise to congratulate Senator
2 Zeldin. I want to thank Senator Skelos because
3 our conference has made this tax, trying to
4 eliminate it, our number-one priority. You're
5 going to see more bills concerning the MTA tax --
6 as far as I'm concerned, the most punitive, the
7 most discriminatory tax I have ever seen or read
8 about in Albany.

9 There was geographical
10 discrimination when this tax was adopted. What
11 do I mean by that? In Orange County, my
12 population, 2.5 percent may use the buses. We
13 got taxed a hundred percent of the payroll tax.
14 Every not-for-profit, small business, as in
15 New York City, where the lion's share of that
16 mass transit is used. It was wrong what was done
17 then, and this has to be corrected.

18 This is a responsible act, phasing
19 it out. And everything that's been said about
20 the MTA, we have lost confidence in the MTA.
21 That's a quasi-public agency that's out of
22 control. We've heard about a forensic audit for
23 years. It doesn't get done. Now we're committed
24 to hold them accountable and get rid of this most
25 punitive, most unfair tax.

1 I vote in the affirmative, and I
2 thank Senator Zeldin.

3 Thank you, Mr. President.

4 ACTING PRESIDENT GRIFFO: Senator
5 Bonacic to be recorded in the affirmative.

6 Senator Larkin to explain his vote.

7 SENATOR LARKIN: Thank you,
8 Mr. President.

9 MTA. MTA, in my district, is
10 considered the enemy. The chambers of commerce,
11 small business, not-for-profits, everything that
12 you would touch says one thing: Why? We have
13 businesses in Orange County. Nobody rides the
14 MTA. No subways, no buses, no trains. Those who
15 commute to the city, I meet them at the train
16 station and I tell them, "You want to work in the
17 city? Pay the freight."

18 Why should somebody pay in my
19 district that doesn't work in the city, owns a
20 business and all of his employees drive their
21 cars? I don't see the MTA or the city.

22 You know, we talk about a state.
23 Maybe sometime you folks ought to take a trip
24 upstate and see how the rest of the world lives.
25 We don't have the amenities. We don't have the

1 trains. We don't have the buses. People have to
2 drive their own car, and they're paying \$4.10 a
3 gallon.

4 Let me just explain to you the tax.
5 Last October we had a great project going to
6 happen right in my district. It was an offshoot
7 from Macy's out of New York City, someplace
8 that's been in business since 1855. They came to
9 us, and the unions cut off 30 percent, everybody
10 else chipped in to do something.

11 Two things happened. Empire State
12 Development Corporation turned their back. And
13 what did we do? We sat down with them and showed
14 them the tax rates. And when they said the tax,
15 "What do you mean, we got to pay \$34 million
16 before we even put a shovel in the ground?" We
17 lost 2200 construction jobs. And upon completion
18 of the project, they were going to be hiring 1975
19 employees. They have none there. There's a
20 piece of ground.

21 Why? Because we got greedy people
22 in the city that think the upstaters and
23 outsiders should pay for this, for your luxury.
24 If you want to ride the subway or that, pay for
25 it. Just like ours would pay for it when they go

1 to work and use their cars and their gasoline.

2 Thank you, Mr. President.

3 ACTING PRESIDENT GRIFFO: Senator
4 Larkin to be recorded in the affirmative.

5 Senator Carlucci to explain his
6 vote.

7 Again, I remind members, please stay
8 within the two-minute explanation. Thank you.

9 Senator Carlucci.

10 SENATOR CARLUCCI: Thank you,
11 Mr. President.

12 I want to thank my colleagues for
13 putting this forward. This is an important piece
14 of legislation.

15 As was said before, the MTA payroll
16 tax is just an onerous, job-killing tax. And in
17 the district that I'm lucky enough to represent,
18 we straddle New Jersey. And in a time where
19 we're competing for jobs, we're not only in
20 competition with other nations but we're in
21 competition with other states. And when you can
22 just drive a few miles down the road and be in a
23 district where you don't have to pay this tax,
24 it's a reason why businesses won't do business in
25 Rockland and Orange Counties.

1 We have to send a message to the
2 rest of the nation, to the rest of the world that
3 the Hudson Valley is open and ready for
4 business. And I believe this is a great first
5 step to do that. So, Mr. President, I'll be
6 voting in the affirmative. Thank you.

7 ACTING PRESIDENT GRIFFO: Senator
8 Carlucci to be recorded in the affirmative.

9 Senator LaValle to explain his vote.

10 SENATOR LaVALLE: Thank you,
11 Mr. President.

12 I want to congratulate Senator
13 Zeldin, who has made this a number-one issue.
14 There is no member in this chamber who has
15 studied this issue, has looked at it -- and at
16 times, I had the feeling he was like a bookkeeper
17 from days gone by, moving numbers, crunching
18 numbers to put together a proposal that made
19 sense.

20 In Suffolk County, and I don't know
21 whether someone said this, and in the outlying
22 counties, our constituents feel like the MTA, for
23 them, is an ATM machine, that they are paying for
24 something that many people are not getting.

25 And the First Senatorial District --

1 that is Eastern Long Island -- probably uses the
2 MTA the least of any area on Long Island. I
3 represent Fishers Island. Who on Fishers Island,
4 close to the Connecticut coastline, uses the
5 MTA? And they feel put upon. And it's about
6 jobs. And I'll tell you, there's not much you
7 can do to create additional jobs on Fishers
8 Island. Or in the East End parts of the
9 district, the small businesses really feel very
10 put upon.

11 So, Senator Zeldin, you've put forth
12 a measure that shows great intellect, a great
13 deal of energy, and you have put forth a
14 reasonable proposal that people need to pay
15 attention to during this session.

16 I vote aye.

17 ACTING PRESIDENT GRIFFO: Senator
18 LaValle to be recorded in the affirmative.

19 Senator Parker to explain his vote.

20 SENATOR PARKER: Thank you,
21 Mr. President. To explain my vote.

22 I'm voting no on this bill. And I
23 really don't want to get into the nature of the
24 conversation we're getting into now, because this
25 really is one New York. And part of what

1 everybody has to understand, regardless of
2 whether you're from the suburbs or the city or
3 from rural parts of the state, is that we are one
4 New York. And in the context of one New York,
5 part of what you have to understand is that
6 everything is connected.

7 So yes, the people on the island may
8 not feel that they're using trains or using MTA
9 buses, but if you eliminate the MTA and eliminate
10 the services that go along the borders, even
11 things like the LIE, the Northern Expressway and
12 the Southern State, those things would be parking
13 lots all of the time without the MTA.

14 So our systems are connected. And
15 so even though it may seem like somebody who is
16 driving isn't getting an advantage or a benefit
17 from the MTA services, they actually are.

18 The other thing that we have to just
19 get rid of is this notion that taxes kill jobs in
20 small businesses. I defy anybody to find me a
21 reputable study from an independent source -- not
22 a business source, from an independent source.
23 No one wants to pay taxes. But the reality is
24 you can't on hand tell me you want no one to pay
25 taxes and you still want bridges and you will

1 want tunnels and you still want, you know,
2 subsidies for agriculture and you still want, you
3 know, prisons and you want all of these things
4 but no one wants to pay for it.

5 Paying your taxes is patriotic. And
6 so I really want everybody in here, the same way
7 that we saluted the flag yesterday on Flag Day,
8 do something patriotic today, pay your taxes,
9 support the mass transit system that helps
10 everybody in the state. And let's remember,
11 Mr. President, we're one New York.

12 ACTING PRESIDENT GRIFFO: Senator
13 Parker to be recorded in the negative.

14 Senator Saland to explain his vote.

15 SENATOR SALAND: Thank you,
16 Mr. President.

17 Mr. President, I live in Dutchess
18 County, and we are one of the renowned
19 quarter-pounders, Dutchess, Putnam, Orange and
20 Rockland. And I have described our plight as
21 being, in effect, revenue hostages.

22 Less than 2 percent of the people in
23 my county of over 300,000 people avail themselves
24 of Metro-North. And for the dubious distinction
25 of being the end of the line, we wind up paying

1 somewhere in the area of \$100 million for those
2 2 percent of people. That amounts to somewhere
3 in the area of -- it's less than 2 percent --
4 4,000 or so people who regularly use or avail
5 themselves of Metro-North.

6 The measure that was passed that
7 imposed this tax was perhaps one of the most
8 egregious, the most heinous, the most offensive
9 of all taxes because it bore no relationship to
10 any reality. And any one of us who was in those
11 quarter-pound counties basically are there for
12 one reason and one reason alone, which is to
13 provide money to the coffers of the MTA.

14 There are fewer commuters on the
15 west side of the river than on the east side of
16 the river, and we on the east side of the river
17 have virtually no commuters. So it is a gross
18 injustice.

19 This is an appropriate step
20 forward. I mean, if you look at the numbers,
21 Metro-North has maybe 90,000 commuters. We
22 contribute 10,000 of them. The vast majority of
23 the commuters come from Westchester and
24 Connecticut. The city, on the other hand, has
25 about 7.5 million commuters every day, between

1 the buses and the subway. And I can understand
2 the value that the city derives from it.

3 But there is no way on the face of
4 this earth that anybody is going to be able to
5 make a convincing argument that my county -- and
6 I am sure the same holds true for the other
7 quarter-pounders -- derives any benefit to speak
8 of, any significant benefit.

9 I vote in favor of this measure. It
10 is certainly a step in the right direction, and
11 there's a lot more that we can do.

12 ACTING PRESIDENT GRIFFO: Senator
13 Saland to be recorded in the affirmative.

14 Senator Ball to explain his vote.

15 SENATOR BALL: Yes, Mr. President.
16 If paying taxes is your patriotic duty, I'm
17 certainly proud, as a former Air Force captain
18 and an Air Force Academy graduate, to know that I
19 live in the most patriotic state in the United
20 States of America.

21 And if there's anybody out there in
22 TV land other than my mom and my cat that's
23 watching TV in the Senate right now that needs to
24 know the clear definition between that side of
25 the aisle and this side of the aisle, they should

1 just go back a few steps and watch that statement
2 again and again and again.

3 We have a patriotic duty, we have a
4 responsibility in this chamber to the people in
5 this state, the blue-collar people in this state
6 who are being driven out of the state. That is
7 our duty. That is our duty. And they are not
8 leaving this state because they have too much
9 money or times are too good. They're going to
10 states like South Carolina and Texas and
11 North Carolina, not because the pizza is good or
12 the bagels are good, they're going because they
13 can't afford to live in this state anymore.

14 And if you really believe that we
15 are one state, then you have a moral obligation
16 to some places north of the bridges and tolls, to
17 head up to the Hudson Valley and out to Long
18 Island and beyond.

19 This MTA payroll tax is a killer.
20 It's the final nail in a coffin of a state that
21 was once great. We're not talking about a
22 scarcity of resources, we're talking about an
23 authority that has corruption going down to their
24 headquarters, I believe at 2 Broadway, including
25 mob infiltration and project overruns to the tune

1 of 200 and 300 percent.

2 When we talked about the forensic
3 accounting, you said "Where are we going to get
4 the money? You will save money -- and by
5 "forensic," we mean criminal accounting of the
6 MTA's books -- you will save money by
7 forensically accounting for their practices.

8 We cannot get our way -- and it's
9 your great Democratic governor, from your
10 perspective, who has suggested that New York
11 State no longer has a future of being number one
12 in all the wrong ways, in overtaxation, in
13 out-migration.

14 This MTA payroll tax is another
15 opportunity for this Legislature. And if -- I'm
16 not going to go back in history, but I know that
17 if we were in the majority, we would not have had
18 that MTA payroll tax. We cannot dig our way out
19 of this hole by more taxes and more fees and more
20 regulation. And this is the number-one thing
21 that is killing small business owners.

22 By 2014, this bill will ensure that
23 \$841 million in savings will be had. That's
24 \$841 million in savings that will go directly
25 back to small business owners who create over

1 70 percent of the jobs.

2 This is one of the best job-creation
3 packages to come before this State Senate this
4 year. If you want to support jobs and having one
5 state and getting New York State back on track
6 and saying that we are open for business, you
7 have got to vote yes. Anything else is complete
8 pandering.

9 ACTING PRESIDENT GRIFFO: Senator
10 Ball --

11 SENATOR BALL: Thank you, and I will
12 be voting yes.

13 ACTING PRESIDENT GRIFFO: Senator
14 Ball to be recorded in the affirmative.

15 Senator Flanagan to explain his
16 vote.

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

19 It's always enlightening to be able
20 to listen to our colleagues. And I appreciate
21 everyone's passion on the issue.

22 I want to start by making two
23 references. One, there's been a number of
24 references made to my new colleague from Suffolk,
25 but I want to start with Senator Martins, who's

1 also been very passionate and actively involved
2 in this issue, not only from a perspective as a
3 former local elected official but now as a State
4 Senator, and of course, Senator Zeldin.

5 And I don't think I'm going out on
6 the proverbial limb to suggest that a large part
7 and a core part of their success in arriving here
8 in Albany was tied directly to this tax. They
9 learned about it, they got involved, they were
10 passionate about it during the campaign, and now
11 they've brought forward a measure that I think is
12 reasonable.

13 And as I heard Senator Marcellino
14 say, there are other things that will need to be
15 done. And yes, Senator Parker, we do live in one
16 New York, and I believe that very importantly.
17 But I also must tell you that I don't really need
18 a study. I don't need statistics for me to
19 understand that for small business in particular,
20 taxes kill jobs. Taxes kill jobs. Taxes kill
21 jobs. And I will keep repeating that.

22 And I don't think I'm any different
23 from any of my colleagues in any part of the
24 state. When you go back and ask people,
25 particularly in the MTA region, I have never had

1 people talk to me more about a subject than the
2 MTA tax. And it's casual. You're out, and
3 people will talk about it, and you're an
4 accountant, you have a professional office, a
5 restaurant, a local government, you had to pay
6 it. Our counties had to pay it. It's a
7 job-killing tax that needs to be gotten rid of.

8 And I will close on this point. I
9 think at the time of the enactment of this tax it
10 showed a fundamental difference in priorities.
11 We on the Republican side had a different set of
12 priorities. We were talking about the STAR
13 rebate, we were talking about other things. And
14 in looking for balance, we never would have gone
15 to a negotiating table and allowed the MTA tax to
16 happen. It's bad public policy. It's bad
17 politics. It's bad government. And it's
18 something that should be rectified.

19 And this approach is, again,
20 reasonable and it's something that can and should
21 be done, and I hope that we get real action in
22 the Assembly. Thank you.

23 ACTING PRESIDENT GRIFFO: Senator
24 Flanagan to be recorded in the affirmative.

25 Senator Martins to explain his vote.

1 SENATOR MARTINS: Thank you,
2 Mr. President.

3 I want to start by congratulating
4 Senator Zeldin and Senator Ball for their efforts
5 in making this bill a reality. You know, if
6 we're going to use the payment of taxes as a
7 barometer for how patriotic we are, I represent
8 perhaps the most patriotic district not only in
9 the state but in this country, from the amount of
10 taxes that we pay, from property taxes, this
11 payroll tax, income taxes, and it goes on and on
12 and on.

13 But it doesn't surprise me that
14 we're getting push-back from the very same people
15 who voted to impose this payroll tax on our
16 businesses, on our not-for-profits, on our
17 schools, on our local governments -- yet never
18 once asked why is it that the MTA is the only
19 entity in New York State that gets a blank
20 check. Why is it that when we asked our schools
21 to take a cut this year -- we all did, on both
22 sides of the aisle -- when we asked Medicaid to
23 take a cut and every state agency to take a cut
24 this year, why is it that the MTA gets a pass?

25 And if you look at the numbers, it's

1 \$234 million the first year. The MTA has a
2 \$14 billion budget. That's less than 2 percent
3 of their budget. And if you tell me that the MTA
4 can't absorb a less than 2 percent efficiency in
5 their own budget, then we have more to talk about
6 than is evident here in this bill.

7 In my district we're talking about
8 not-for-profits who have told me that they have
9 not been able to provide services to people who
10 need it in this recession because they're paying
11 this tax. We're talking about churches,
12 synagogues, schools, as well as our local
13 governments, who are passing on this tax to our
14 property taxpayers.

15 This is a rational approach to
16 phasing out this tax over three years. It starts
17 out by eliminating the tax for small businesses
18 with less than 25 employees. It makes sense. It
19 restores jobs in our economy. And I would ask
20 everybody to consider voting for it, even those
21 who were misguided enough to impose it to begin
22 with.

23 I'll be voting in the affirmative.
24 Thank you, Mr. President.

25 ACTING PRESIDENT GRIFFO: Senator

1 Martins to be recorded in the affirmative.

2 Is there any other Senator that
3 wishes to explain their vote on the issue?

4 Seeing none, hearing none, I call on
5 Senator Zeldin to close.

6 SENATOR ZELDIN: Keeping the
7 commitment. It's been a rallying cry for our
8 conference all session. Cutting taxes, cutting
9 spending, creating jobs. Keeping the
10 commitment. That's what this legislation all
11 about.

12 I was surprised to hear just now
13 that by repealing the MTA payroll tax that
14 somehow that was going to kill jobs. The
15 rationale of what I'm hearing on the other side
16 of the aisle does not make any sense to my
17 constituents in the Third Senate District.
18 That's why they sent me here, to fight for them.

19 This is an effort that is more than
20 a press release, Senator Squadron. Months of
21 work has gone into researching, consolidating
22 balance sheets and the budgets. Multiple
23 hearings have taken place. A lot of thought has
24 gone into this bill. And there are Democratic
25 majority sponsors in the State Assembly. And we

1 have a Governor who's in favor of repealing the
2 MTA payroll tax. This is not a press release,
3 this is action.

4 And if you were serious about
5 keeping our commitment, if our commitment was
6 your commitment, you too would be sharing the
7 goal of cutting taxes, of cutting spending, of
8 creating jobs. You'd be calling your colleagues
9 in the State Assembly, telling them to take
10 action to repeal this tax. You'd be calling your
11 Governor, our Governor, for him to take action to
12 repeal this tax.

13 I want to thank you, Senator Skelos,
14 for your leadership. I want to thank Senator
15 Martins, Senator Ball, our fine Finance staff and
16 counsel office -- Rob Mujica, Mary Clark, Mary
17 Arzumanian, Mark Nachbar, Steven Taylor, Diane
18 Burman, Ryan McAllister. Senator Carlucci, thank
19 you for your cosponsorship as well.

20 And this is fortunately, hopefully
21 for us, more than just a positive first step,
22 this is hopefully very close to the final step.
23 Thank you. And I absolutely will be voting in
24 the affirmative.

25 ACTING PRESIDENT GRIFFO: Senator

1 Zeldin will be recorded in the affirmative.

2 Announce the results.

3 THE SECRETARY: In relation to
4 Calendar Number 1291, those recorded in the
5 negative are Senators Adams, Addabbo, Avella,
6 Diaz, Dilan, Duane, Espaillat, Gianaris,
7 Hassell-Thompson, Klein, L. Krueger, Montgomery,
8 Parker, Peralta, Perkins, Rivera, Sampson,
9 Savino, Serrano, Squadron, Stavisky. Also
10 Senator Huntley.

11 Ayes, 40. Nays, 22.

12 ACTING PRESIDENT GRIFFO: The bill
13 is passed.

14 THE SECRETARY: Calendar Number
15 1292, by Senator Kennedy, Senate Print 5607, an
16 angle to legalize, validate, ratify and confirm.

17 ACTING PRESIDENT GRIFFO: Read the
18 last section.

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

21 ACTING PRESIDENT GRIFFO: Call the
22 roll.

23 (The Secretary called the roll.)

24 THE SECRETARY: Ayes, 62.

25 ACTING PRESIDENT GRIFFO: The bill

1 is passed.

2 THE SECRETARY: Calendar Number
3 1293, by Senator Martins, Senate Print 5628, an
4 act to authorize the Village of Mineola.

5 ACTING PRESIDENT GRIFFO: Read the
6 last section.

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

9 ACTING PRESIDENT GRIFFO: Call the
10 roll.

11 (The Secretary called the roll.)

12 THE SECRETARY: Ayes, 61. Nays,
13 1. Senator Bonacic recorded in the negative.

14 ACTING PRESIDENT GRIFFO: The bill
15 is passed.

16 THE SECRETARY: Senator Carlucci
17 moves to discharge, from the Committee on Local
18 Government, Assembly Bill Number 2930A and
19 substitute it for the identical Senate Bill
20 Number 5638, Third Reading Calendar 1294.

21 ACTING PRESIDENT GRIFFO:
22 Substitution ordered.

23 The Secretary will read.

24 THE SECRETARY: Calendar Number
25 1294, by Member of the Assembly Zebrowski,

1 Assembly Print 2930A, an act to amend the Village
2 Law.

3 ACTING PRESIDENT GRIFFO: Read the
4 last section.

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

7 ACTING PRESIDENT GRIFFO: Call the
8 roll.

9 (The Secretary called the roll.)

10 ACTING PRESIDENT GRIFFO:

11 THE SECRETARY: Ayes, 62.

12 ACTING PRESIDENT GRIFFO: The bill
13 is passed.

14 Senator Larkin.

15 SENATOR LARKIN: Mr. President, I
16 don't think my hand was up high enough, but on
17 1293 I was also a no.

18 ACTING PRESIDENT GRIFFO: The
19 record shall so reflect, Senator Larkin.

20 The Secretary will continue to read.

21 THE SECRETARY: Calendar Number
22 1295, by Senator Skelos, Senate Print 5709, an
23 act to amend Chapter 576 of the Laws of 1974.

24 ACTING PRESIDENT GRIFFO: Read the
25 last section.

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

3 ACTING PRESIDENT GRIFFO: Call the
4 roll.

5 SENATOR BRESLIN: Lay it aside.

6 ACTING PRESIDENT GRIFFO: Lay it
7 aside.

8 Senator Skelos, that completes the
9 noncontroversial reading of Senate Supplemental
10 Calendar 53A.

11 Senator Skelos.

12 SENATOR SKELOS: Mr. President,
13 there will be an immediate meeting of the Rules
14 Committee in Room 332 of the Capitol.

15 ACTING PRESIDENT GRIFFO: There is
16 an immediate meeting of the Rules Committee in
17 Room 332.

18 Senator Breslin.

19 SENATOR BRESLIN: Yes. While the
20 Rules meeting is going on, I would request that
21 the remainder of the Democratic Conference go to
22 our conference room for a brief discussion.

23 ACTING PRESIDENT GRIFFO: Senator
24 Breslin has requested the remaining members of
25 the Democrat Conference to go to the Democrat

1 Conference Room as the Rules Committee is
2 meeting.

3 The Senate will stand at ease.

4 (Whereupon, the Senate stood at ease
5 at 5:57 p.m.)

6 (Whereupon, the Senate reconvened at
7 7:32 p.m.)

8 ACTING PRESIDENT DeFRANCISCO:
9 Senator Libous.

10 SENATOR LIBOUS: Mr. President, at
11 this time the Senate will break for dinner and we
12 will resume session at 10:00 o'clock, when we'll
13 take up the calendar.

14 The Senate will stand at ease.

15 ACTING PRESIDENT DeFRANCISCO: The
16 Senate will stand at ease, and we are to
17 reassemble at 10:00 o'clock.

18 (Whereupon, the Senate stood at ease
19 at 7:33 p.m.)

20 (Whereupon, the Senate reconvened at
21 10:04 a.m.)

22 ACTING PRESIDENT GRIFFO: The
23 Senate will come to order.

24 Senator Libous.

25 SENATOR LIBOUS: Mr. President, can

1 we go to reports of standing committees. I
2 believe there's a report of the Rules Committee
3 at the desk.

4 ACTING PRESIDENT GRIFFO: The
5 Secretary will read.

6 THE SECRETARY: Senator Skelos,
7 from the Committee on Rules, reports the
8 following bill direct to third reading: Senate
9 Print 5773, by the Committee on Rules, an act to
10 amend Chapter 576 of the Laws of 1974.

11 SENATOR LIBOUS: Mr. President, I
12 move to accept the Rules Committee report.

13 ACTING PRESIDENT GRIFFO: There is
14 a motion to accept the Rules Committee report.
15 All in favor signify by saying aye.

16 (Response of "Aye.")

17 ACTING PRESIDENT GRIFFO: Opposed?

18 (No response.)

19 ACTING PRESIDENT GRIFFO: The
20 report is accepted.

21 Senator Libous.

22 SENATOR LIBOUS: Mr. President, at
23 this time I think we should take up Supplemental
24 Calendar 53B, noncontroversial reading.

25 ACTING PRESIDENT GRIFFO: The

1 Secretary will read.

2 THE SECRETARY: Senator Skelos
3 moves to discharge, from the Committee on Rules,
4 Assembly Bill Number 8446 and substitute it for
5 the identical Senate Bill Number 5773, Third
6 Reading Calendar 1268.

7 ACTING PRESIDENT GRIFFO:
8 Substitution so ordered.

9 The Secretary will read.

10 THE SECRETARY: Calendar Number
11 1268, by Member of the Assembly Lopez, Assembly
12 Print 8446, an act to amend Chapter 576 of the
13 Laws of 1974.

14 ACTING PRESIDENT GRIFFO: Senator
15 Libous.

16 SENATOR LIBOUS: Mr. President, is
17 there a message of necessity at the desk?

18 ACTING PRESIDENT GRIFFO: There is
19 a message of necessity at the desk.

20 SENATOR LIBOUS: I move to accept
21 the message of necessity.

22 ACTING PRESIDENT GRIFFO: All in
23 favor signify by saying aye.

24 (Response of "Aye.")

25 ACTING PRESIDENT GRIFFO: Opposed?

1 (No response.)

2 ACTING PRESIDENT GRIFFO: The
3 message of necessity is accepted.

4 Senator Libous.

5 SENATOR BRESLIN: Lay it aside.

6 ACTING PRESIDENT GRIFFO: Lay it
7 aside.

8 SENATOR LIBOUS: Mr. President, at
9 this time can we take up the controversial
10 reading of Supplemental Calendar 53B.

11 ACTING PRESIDENT GRIFFO: The
12 Secretary will ring the bell.

13 SENATOR BRESLIN: Explanation.

14 ACTING PRESIDENT GRIFFO: Senator
15 Libous, Senator Breslin has asked for an
16 explanation.

17 SENATOR LIBOUS: Mr. President,
18 what this bill does is it extends --

19 ACTING PRESIDENT GRIFFO: Senator
20 Libous, excuse me, we have to call the bill up
21 again.

22 The Secretary will read.

23 ACTING PRESIDENT GRIFFO: Calendar
24 Number 1268, by Member of the Assembly Lopez,
25 Assembly Print 8446, an act to amend Chapter 576

1 of the Laws of 1974.

2 SENATOR BRESLIN: Explanation.

3 ACTING PRESIDENT GRIFFO: An
4 explanation has been requested, Senator Libous.

5 SENATOR LIBOUS: Mr. President,
6 this extends the rent regulation to Friday of
7 this week at 3:00 p.m.

8 ACTING PRESIDENT GRIFFO: Thank
9 you, Senator Libous.

10 Senator Krueger.

11 SENATOR KRUEGER: Thank you very
12 much. Will the sponsor yield for some
13 questions?

14 ACTING PRESIDENT GRIFFO: Will the
15 sponsor yield?

16 SENATOR LIBOUS: Mr. President, the
17 Governor is the sponsor of this bill, and I'm not
18 sure he would yield. But I'll try to answer
19 Senator Krueger's questions.

20 SENATOR KRUEGER: Thank you.

21 So this bill is an extension until
22 June 17th at 3 o'clock post-meridian time; is
23 that correct?

24 SENATOR LIBOUS: Yes,
25 Mr. President.

1 SENATOR KRUEGER: Mr. President, if
2 through you the sponsor would continue to yield.

3 ACTING PRESIDENT GRIFFO: Senator
4 Libous will yield on behalf of the Governor's
5 program bill, Senator Krueger.

6 SENATOR KRUEGER: Thank you.
7 What's your understanding of what
8 happens at 3:01 on June 17th post-meridian time?

9 SENATOR LIBOUS: Mr. President,
10 anything could happen between now and then.

11 SENATOR KRUEGER: Thank you.
12 On the bill.

13 ACTING PRESIDENT GRIFFO: Senator
14 Krueger on the bill.

15 SENATOR KRUEGER: Thank you. I
16 appreciate the sponsor's response.

17 Here's the dilemma. It's now 10:07
18 on June 15th. We have rent regulation laws set
19 to expire at midnight or 12:01 June 16th. We're
20 being given a bill that goes till Friday at
21 3:00 p.m. But we have 2.5 million New York
22 residents whose future ability to stay in their
23 homes is dependent on what this body does.
24 Perhaps not by 12:01 a.m., but now by 3:00 p.m.
25 on Friday.

1 We've been in session since the
2 beginning of the year. We have had endless
3 numbers of days of relatively nonactive committee
4 meetings or active lists. We've known we needed
5 to deal with this issue. And yet at 10:05 on
6 June 15, 2011, the only thing we're being offered
7 by the Governor and the Senate leadership and the
8 Assembly, which I understand has passed this
9 bill, is a few hours' extension.

10 So I would like to take this
11 opportunity to talk about what I think should be
12 in a bill that is before us tonight or should
13 have been in a bill before us weeks or even
14 months ago.

15 And the reason I think it's worth
16 discussing starting at 10:07 or 10:04 on
17 June 15th is because this is a critical issue for
18 2.5 million New Yorkers. I would actually argue
19 it's significantly more than 2.5 million
20 New Yorkers, it's 2.5 million individuals living
21 in a million, approximately, rent-regulated
22 units. But there is a domino relationship
23 between what happens to tenants living in
24 rent-regulated units and what happens to tenants
25 living in the apartments in the same buildings or

1 in neighboring buildings or in neighboring
2 communities.

3 Because when you have a shortage of
4 housing, which I would like to present is a
5 statistical and quantitative fact for New York
6 City and many other sections of the state, when
7 you have a housing crisis, a vacancy rate so low
8 that you really cannot find alternative housing
9 at equivalent prices, you have an impact
10 throughout the housing market and throughout
11 communities, particularly those communities who
12 are of lesser wealth. And again, in our society,
13 in our state, in my city, it's disproportionately
14 lower-income and people of color.

15 And so this is a housing crisis for
16 millions of people, for millions of the most
17 vulnerable New Yorkers. And it's now 10:10 on
18 June 15th, and we're talking about a 36-, 37-hour
19 extension.

20 Rent regulation laws were created
21 because there was a housing crisis in the City of
22 New York. And actually they date back to earlier
23 than World War II. But there was perhaps an
24 illusion that we would age out of the problem or
25 we would build our way out of the problem. And

1 in fact, we have not done either. Our housing
2 stock is older, our population living in this
3 housing stock is both older and younger. And we
4 have tried to build enough affordable housing for
5 the generations that have come after the original
6 generations who needed rent regulation, who
7 needed the protections of the State of New York,
8 but we have failed in that assignment.

9 So despite the fact that even in the
10 current mayoral administration of Mayor Michael
11 Bloomberg he has done a much more aggressive job
12 at trying to build more affordable housing for
13 New York City, we have lost more units than we
14 have been able to build. We are actually in a
15 bigger crisis now than when he came into office.
16 And in fact the only thing that we can do at this
17 moment in history is to strengthen and expand
18 rent regulations.

19 And my colleagues and I have a
20 number of proposals that would go far to
21 addressing the problems that we are facing in
22 rent regulation, and I know that some of them are
23 going to be discussing some specifics. I'll just
24 start with the specific of repealing the Urstadt
25 Law.

1 Up until 1973, the State Legislature
2 didn't decide housing policy for the City of
3 New York. And I would hypothesize there are a
4 large number of my colleagues here on both sides
5 of the aisle who often wonder why we are deciding
6 and dealing with housing policy and tenant policy
7 and rental policy in the City of New York and in
8 Nassau and Westchester and Rockland County.

9 I would hypothesize that many of my
10 colleagues would wonder very seriously why
11 New York City elected officials such as myself
12 were making decisions about their housing policy
13 in their districts, their zoning policy, their
14 urban planning or suburban planning. That many
15 of us have stood on this floor in support, loudly
16 and proudly, of home-rule rights, of the
17 importance of big government at the state level
18 not micromanaging local issues.

19 And yet tonight we're in this
20 position because we've never repealed a law that
21 was a serious mistake that was passed in 1973,
22 the Urstadt Law, which took the decision-making
23 and the power over New York City housing policy
24 away from New York City's government, the City
25 Council and the mayor, and moved it up here to

1 Albany.

2 So we're here tonight at this moment
3 in time for many reasons. But I would submit
4 that a bill that I have carried here in the
5 Senate for I believe as many years as I have been
6 here, to repeal the 1973 Urstadt Law and hand the
7 power and responsibility for the good and the
8 bad, for the easy and the tough, back to the
9 New York City Council and to the mayor of New
10 York City, would be a much better answer, would
11 be a conservative answer, would even be, small
12 "R," a republican answer.

13 And that we could do that tonight
14 very easily. The bill is in. It has aged. We
15 could call a Rules Committee meeting. We could
16 bring Urstadt repeal to the floor. And we could
17 have done the right thing for the City of
18 New York and address this crisis as best we could
19 in the context of being legislators from all over
20 the state, many of whom have little knowledge
21 and, frankly, not an obvious interest in the
22 future of affordable housing in the southern
23 districts of this state.

24 So I would recommend that in the
25 next 36 hours we should consider moving an

1 Urstadt repeal law under whosever name we like,
2 calling it whatever we like. Give the authority
3 and the control of the future of housing back to
4 the local governments who have to take daily
5 responsibility for how they answer the questions
6 will we have affordable homes in our communities,
7 will we have an urban planning model that ensures
8 we can plan for our future, we can keep our
9 senior citizens in the communities they have
10 lived in and built, we can have children and
11 grandchildren live in those same communities, we
12 can have an urban planning process that provides
13 for the most possible and the best way possible.

14 We have a City Council who each year
15 from New York City sends us a home-rule message
16 supporting Urstadt repeal.

17 So I am hoping that between now and
18 3:00 p.m. on Friday, among any number of other
19 strengthening provisions we could do in rent
20 regulation, we could move an Urstadt repeal
21 bill. And I would encourage my colleagues on
22 both sides of the aisle to work hard to move us
23 towards that, to move us in that direction to
24 accomplish that goal before we leave here on
25 Friday at 3:00 p.m.

1 Thank you, Mr. President.

2 ACTING PRESIDENT GRIFFO: Senator
3 Espaillat.

4 SENATOR ESPAILLAT: Thank you,
5 Mr. President.

6 Now that we're back from a little
7 break, I hope we're all feeling a little more
8 rested and we can be ready for a vigorous debate
9 and discussion about this very important piece of
10 legislation that impacts over 2.5 million
11 New Yorkers.

12 I think that warrants a vigorous and
13 lengthy debate. It doesn't matter how late we
14 end. We started at 10:00, we started pretty
15 late. So for those of us that have advocated for
16 this bill, the rent bill to be included in the
17 budget, and for those of us that throughout this
18 session, this legislative session, have advocated
19 that we work very hard not to find ourselves at
20 the precipice here tonight, with less than two
21 hours to go, I think it's becoming upon us that
22 we all reflect how this issue impacts over a
23 million units of housing and 2.5 million
24 New Yorkers.

25 Those of us that are concerned about

1 taxes should also be concerned that a rent
2 increase for a poor family or a working-class
3 family or even a middle-class family, a rent
4 increase is equivalent to a heavy tax. In fact,
5 some have said throughout this session that
6 New Yorkers have voted with their feet because we
7 have increased taxes across the state.

8 Well, I say that New Yorkers have
9 voted with their feet because rent is too high.
10 Just like New Yorkers have left the state because
11 there's a real estate tax-cap problem,
12 New Yorkers have also left because the city
13 becomes unaffordable, families aren't making ends
14 meet, they find it too hard to survive in the
15 boroughs and outside of the boroughs, and they
16 leave the city and the state because the rent is
17 too high.

18 So this is a very important and
19 defining moment this year, this session. And an
20 extension, obviously, of these rent laws is not
21 enough. We need to strengthen also tenant
22 protection. And if we extend the laws, what we
23 will get is in addition to 300,000 units of
24 housing that have been deregulated since 1994, we
25 will get an additional 100,000 units of

1 affordable housing disappear in the next decade.

2 So this is critical to all of us.

3 And the time to act is now. And a mere extender
4 is not enough. Recent polls show that 61 percent
5 of New Yorkers support an extension of the rent
6 laws, and 65 percent of New Yorkers think that
7 these laws should be strengthened, that tenant
8 protection should be strengthened. Voting to
9 just extend the current law is a vote against
10 tenants. As I said previously, we have lost
11 300,000 units of housing.

12 We are ready to stay as long as we
13 can to strengthen the law. We join Governor
14 Cuomo in his call that we should not leave Albany
15 unless we take care of this issue. In fact, we
16 should not even leave tonight unless we take care
17 of this issue. A mere extension is not enough.
18 Expanding rent regulation will stabilize
19 New York's affordable housing stock and ensure
20 that working and middle-class families have the
21 protections to stay in their homes and in their
22 neighborhoods.

23 Our omnibus bill that we presented
24 early in session will strengthen rent
25 stabilization laws, safeguard tenants from

1 harassment and abuse, and secure the stock of
2 affordable housing for working-class families
3 that we they need to stay in New York.

4 Within that omnibus bill we have
5 several provisions that are of critical
6 importance to many of us. One is the major
7 capital improvement program, the MCI program.
8 You may know that landlords often hike the rent
9 when they apply for a rent increase through HCR
10 after they have done a major capital improvement
11 to their building. It is often used as a
12 back-door way to hike the rent.

13 So, for example, new windows are
14 installed in a building that has a hundred units,
15 for example. And those windows obviously cost to
16 be installed, and the landlord invests money to
17 install those new windows. So he or she may
18 apply to HCR for a rent increase for the
19 installation of those windows. And HCR will then
20 render a decision that often turns out to be an
21 increase per room per apartment for those
22 families.

23 Now, these increases are not given
24 temporarily or throughout the lifetime of the
25 recapturing of the investment, as it should be.

1 If you invest \$100,000 in putting in new windows,
2 once you have recaptured that money, that
3 investment, the rent should go back down. It's
4 common sense. No, the increase goes on in
5 perpetuity. It happens forever. And two years
6 down the line, when that tenant renews their
7 lease, that increase of the lease is based on the
8 aggregate cost of rent, the original rent plus
9 the increase that the landlord got through the
10 MCI practices.

11 This omnibus bill proposes to
12 correct that egregious problem in the rent laws
13 by making sure that rent surcharges cease upon
14 the recovery of improvement costs by landlords,
15 placing a limitation on the term of such
16 increases. It also establishes a method by which
17 the allocation of such increases can be
18 calculated based on the number of rooms in a
19 rental unit.

20 The increase related to any
21 improvement should not exceed 6 percent of the
22 monthly rent. Nor should the improvement, if
23 it's not covered by the 6 percent limit, the
24 additional cost may be paid for in increments not
25 exceeding 6 percent forthwith.

1 I further propose in the omnibus
2 bill that any landlord applying for a rent
3 increase through HCR provide a detailed
4 explanation of the improvements, as there has
5 been many complaints about potential fraud in the
6 paperwork that is submitted and the receipts that
7 are submitted to HCR regarding this major capital
8 improvement. The explanation would list all the
9 improvements that the landlord used to calculate
10 the new rent, and proof, showing the cost of the
11 completed improvement that has been paid for.

12 So this is the MCI, Major Capital
13 Improvement program that the omnibus bill
14 proposes to dramatically reform by ensuring that
15 an owner will only be able to hike the rent until
16 he or she recovers the investment in the
17 improvement. Many of us would think that that's
18 a fair and practical solution to this problem,
19 that in fact the MCI practices have been used as
20 a back-door way to hike the rent on top of other
21 availabilities that owners may have to hike the
22 recent. So we are proposing in this omnibus bill
23 that the MCI program should be reformed
24 dramatically.

25 In addition to that, we have the

1 problem of personal use. The need for safe and
2 affordable housing continues to be a challenge
3 for many, many residents throughout the state,
4 particularly for residents in New York City.
5 Consequently, for a landlord to take over
6 multiple units or an entire building, as
7 sometimes it happens, of regulated units with the
8 claim that the landlord and family members need
9 them as personal residences, is simply a ploy
10 that further reduces the affordable housing stock
11 in New York City.

12 Therefore, the omnibus bill proposes
13 that the landlord's ability to empty out an
14 entire building or a number of units be limited.
15 It is fair that it should be so, that in fact the
16 landlord should not be able to take over
17 rent-regulated units as a primary residence
18 unless there's an immediate and compelling reason
19 why that should be so. The landlord's recovery,
20 that the landlord's recovery be limited to one
21 apartment and not all the apartments in a
22 multi-unit housing building if the tenant has
23 lived there for 20 years or more.

24 Mr. President, at this time I would
25 like to ask Senator Libous some questions, if he

1 may.

2 ACTING PRESIDENT GRIFFO: Senator
3 Libous, do you yield?

4 SENATOR LIBOUS: Yes,
5 Mr. President.

6 ACTING PRESIDENT GRIFFO: Senator
7 Espaillat.

8 SENATOR ESPAILLAT: Senator Libous,
9 why are we today, after a full session, and I may
10 say a very productive session where we have
11 tackled very important issues that affect many
12 New Yorkers, and where both sides of the aisle
13 have been effective in having perhaps what may
14 wind up to be one of the most productive
15 legislative sessions in years, why are we voting
16 today on an extender after we have asked for the
17 rent bill to be included in the budget and for
18 months upon months we have asked you to engage us
19 in a fair discussion on this very important
20 rent-regulation bill? Why are we voting to
21 extend another 38 hours when we have had weeks
22 and months and tenants are now very anxious and
23 seniors and single moms across the City of
24 New York are afraid that they are going to lose
25 their apartment when the clock ticks 12:00? Why

1 are we doing this now?

2 SENATOR LIBOUS: Mr. President,
3 Senator, that's why we're doing this now, so that
4 doesn't happen.

5 SENATOR ESPAILLAT: Well, many of
6 us feel that in fact.

7 ACTING PRESIDENT GRIFFO: Senator
8 Espaillat, are you asking Senator Libous to
9 continue to yield?

10 SENATOR ESPAILLAT: Mr. President,
11 through you, if I may -- I want to make a strong
12 statement on the bill, Mr. President.

13 ACTING PRESIDENT GRIFFO: Are you
14 on the bill now?

15 SENATOR ESPAILLAT: Thank you,
16 Senator Libous.

17 ACTING PRESIDENT GRIFFO: Senator
18 Espaillat on the bill.

19 SENATOR ESPAILLAT: We have come
20 full circle on this debate about rent regulation,
21 and yet we are here again at the precipice, at
22 the eleventh hour, with our backs to the wall,
23 having to answer to 2.5 million New Yorkers. We
24 took a long break for two hours, and here we are
25 trying to shut down session very quickly in the

1 middle of the night, with no sunshine, with very
2 little transparency. And we're trying to simply
3 extend for 38 hours the pain of over 2.5 million
4 New Yorkers that tonight will go home to sleep,
5 many of them thinking that when they wake up
6 tomorrow they may not have an apartment.

7 Seniors that may not understand,
8 fully understand the very complicated housing
9 code will go to sleep tonight thinking that.
10 Parents with their children asleep that are
11 trying to make ends meet with a bad economy will
12 go to sleep thinking that perhaps tomorrow their
13 rent will go up. Young professionals that are
14 facing the \$2,000 threshold and their apartment
15 may be deregulated are also going to sleep
16 tonight thinking that perhaps they may not be
17 able to afford their rent when it goes up.

18 It should have never gotten to
19 this. This is too much of an important issue to
20 us. In fact, I saw a lot of vigor in the debate
21 over the property tax cap, which is
22 philosophically joined at the hip with this. If
23 you cannot pay your taxes because your property
24 taxes are too high, and you lose your home, it's
25 no different than you cannot pay your rent and

1 you lose your home. Eventually both families
2 will be homeless or will have to leave the state.

3 This is a very important issue. It
4 should have never dragged to this moment. We
5 should have taken care of it earlier. It will
6 impact on a significant number of New Yorkers.
7 And a mere extender is not good enough.

8 That's why I will be voting in the
9 negative, Mr. President.

10 ACTING PRESIDENT GRIFFO: Thank
11 you, Senator Espaillat.

12 Is there any other Senator wishing
13 to be heard?

14 Senator Diaz.

15 SENATOR DIAZ: Thank you,
16 Mr. President.

17 I see tonight the passion and the
18 fervor with which my colleagues are defending the
19 2.5 million residents of the State of New York.
20 I heard my colleagues ask "Why now?" I have to
21 say, ladies and gentlemen, that we didn't -- we
22 heard that it should never have gotten to this
23 point, and I agree.

24 I agree, ladies and gentlemen, this
25 should have never gotten to this point, and those

1 senior citizens and those 2.5 million residents
2 should have no reason to be worrying that in one
3 half-hour the rent laws will expire.

4 We could have done this before. I
5 asked my colleagues, I asked my -- we have six
6 Hispanic Senators. I asked all of them. We have
7 blacks here, African-American Senators. I asked
8 them, during the budget negotiations, let's not
9 vote for this budget until Governor Cuomo
10 includes in that budget the rent laws and the
11 millionaire tax so our residents will not be hurt
12 by cutting services. I asked them to do that.

13 In politics you only have some chips
14 to bargain. Once you give out those chips, you
15 have nothing, nothing to bargain. So we didn't
16 have to be here. And we could have protected our
17 people. The six Hispanic Senators and the
18 African-Americans, especially, and all the
19 Democrats in this chamber, we could have held our
20 votes and we could have told the Governor, If you
21 care so much about the poor and needy, include in
22 that budget the rent laws, and then we will vote
23 for it.

24 But, ladies and gentlemen, my
25 colleagues didn't want to embarrass the

1 Governor. And they went to the Governor and they
2 voted, and they all voted for the budget without
3 the rent. And they all voted for the budget
4 without the millionaire tax.

5 So now our residents, our
6 constituents have been affected. Services have
7 been cut. Education money has been cut. We
8 could have prevented that. We could even have
9 prevented being here today.

10 So there is no reason why are we
11 asking and discussing, Oh, what are we doing,
12 what are we doing. It's our fault. It's our
13 fault. The only two people, the only two
14 Democrats that voted against that budget was
15 Senator Tom Duane and myself. Every other
16 Democrat voted for that budget. Without, without
17 the rent laws and without the millionaire tax.

18 So don't blame anybody. The culprit
19 is the Governor and we the Democrats that voted
20 for that budget. If we would have not voted for
21 that budget, the people would have been
22 protected.

23 So we neglected to protect the
24 people. We neglected to defend our community.
25 We neglected that. And I could stand here proud

1 and say, Hey, I didn't vote for it because of
2 that. I didn't vote for it because of that,
3 because I knew that the rent laws were not
4 included and I knew that the millionaire tax was
5 not included there.

6 So today we're doing an extension.
7 I'm voting that for that extension I am voting
8 for the extension. I am voting for the extension
9 so we could have more time and until Friday at
10 whatever to be sure that the tenants are
11 protected.

12 But we should have done better.
13 Ladies and gentlemen, we should have done
14 better. Only Senator Tom Duane and myself
15 abstained from voting for that budget. So if
16 something happens and if our people get hurt,
17 there is no other people to blame but those that
18 voted for that budget without rent control and
19 without millionaire tax.

20 So, ladies and gentlemen,
21 Mr. President, yes, I am voting yes on the
22 extension.

23 ACTING PRESIDENT GRIFFO: Senator
24 Rivera.

25 SENATOR RIVERA: Thank you,

1 Mr. President.

2 I want to speak about rent
3 regulation. I want to briefly address some of
4 the comments of Senator Diaz, and they're
5 certainly germane to this conversation.

6 I do not believe that there was --
7 when we're talking about the budget, there were
8 certainly difficult votes that we took. And I
9 believe that there were some votes that we should
10 have -- that we could have done differently. But
11 overall, I believe that we made the tough choices
12 that we needed to make.

13 And there were a few of the budget
14 bills, as you remember, Senator Diaz, that we
15 actually voted against. I voted against two of
16 the bills. And one of them was certainly
17 regarding the millionaire's tax.

18 Now, as far as rent regulation is
19 concerned, I want to speak briefly about my own
20 personal history. I got to New York in 1998.
21 And at first I lived in the dorms for the
22 Graduate Center, the CUNY Graduate Center where I
23 came to study for a Ph.D. in political science.
24 Shortly after that, I moved to East Harlem. And
25 then just a little bit after that, I moved up to

1 the Bronx.

2 I moved up there into a
3 rent-regulated apartment. I would not have been
4 able to live in the city, I would not have been
5 able to thrive in the city if it was not for rent
6 regulation. Seventy-two thousand units in my
7 district, and the hundreds of thousands of people
8 that live in it, are going to be impacted by
9 this. And I believe that we owe them. I
10 certainly believe, I certainly know that I owe
11 them my voice in this chamber and in this
12 conversation. We need to extend the rent
13 regulations, though we need strengthen them, so
14 we can protect the millions of New Yorkers that
15 live in rent-regulated apartments who again would
16 not be able to live in the city or thrive in the
17 city without these laws.

18 Thank you, Mr. President. I will be
19 voting in the negative on this extension.

20 ACTING PRESIDENT GRIFFO: Thank
21 you, Senator Rivera.

22 Senator Diaz, why do you rise?

23 SENATOR DIAZ: Would Senator Rivera
24 yield for a question or two?

25 ACTING PRESIDENT GRIFFO: Senator

1 Rivera, do you yield to questions from Senator
2 Diaz?

3 SENATOR RIVERA: I will certainly
4 yield for a few questions, Senator Diaz.

5 SENATOR DIAZ: Yes, thank you,
6 Senator.

7 Senator Rivera, did you or did you
8 not know that the budget didn't include the
9 rent -- the extension for the rent control, for
10 the rent law --

11 SENATOR RIVERA: It did not include
12 it, no, sir.

13 SENATOR DIAZ: -- before you voted
14 for it?

15 SENATOR RIVERA: Did it include it
16 before I voted for it?

17 SENATOR DIAZ: Did you know that
18 the rent law was not included in the budget?

19 SENATOR RIVERA: Yes.

20 SENATOR DIAZ: Will you yield --

21 SENATOR RIVERA: I will continue to
22 yield.

23 ACTING PRESIDENT GRIFFO: Senator
24 Diaz asks Senator Rivera to yield. Senator
25 Rivera yields.

1 SENATOR DIAZ: Senator Rivera, did
2 I ask you not to vote for that budget until the
3 rent control be included, yes or no?

4 SENATOR RIVERA: Yes.

5 SENATOR DIAZ: Could you --

6 SENATOR RIVERA: I yield.

7 ACTING PRESIDENT GRIFFO: Senator
8 Rivera does yield.

9 SENATOR DIAZ: So, Senator Rivera,
10 what did you vote for it?

11 SENATOR RIVERA: I voted yes on
12 nine of the budget bills and no on two of them.

13 SENATOR DIAZ: Through you,
14 Mr. President.

15 ACTING PRESIDENT GRIFFO: Senator
16 Rivera, do you continue to yield?

17 SENATOR RIVERA: Just one more
18 question.

19 ACTING PRESIDENT GRIFFO: One more
20 question, Senator Diaz.

21 SENATOR DIAZ: So, Senator Rivera,
22 even knowing that this would affect your
23 constituents, you decided to vote for it.

24 SENATOR RIVERA: It was a tough
25 choice, but yes, sir.

1 SENATOR DIAZ: All right, thank
2 you.

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

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

7 Senator DeFrancisco.

8 SENATOR DeFRANCISCO: May I ask
9 Senator Rivera a question?

10 ACTING PRESIDENT GRIFFO: Senator
11 Rivera, do you yield?

12 SENATOR DeFRANCISCO: I think I was
13 paying attention closely, but I want to be sure.
14 Did you say, as a New York City legislator, you
15 are voting no on the extender?

16 SENATOR RIVERA: I am saying on
17 this particular extender, because it is not --
18 because it is not a strengthening of rent
19 regulation, the answer is yes. As in I am voting
20 in the negative on this bill.

21 SENATOR DeFRANCISCO: Would Senator
22 Rivera respond to another question?

23 ACTING PRESIDENT GRIFFO: Senator
24 Rivera, do you continue to yield?

25 SENATOR RIVERA: I yield.

1 ACTING PRESIDENT GRIFFO: Senator
2 DeFran.

3 SENATOR DeFRANCISCO: And you're
4 voting no as a New York City legislator, knowing
5 that at 12:01 all the apartments of the people
6 that you're concerned about, 2.5 million people,
7 are going to be deregulated, and you're still
8 going to vote no?

9 SENATOR RIVERA: I'm going to vote
10 no on this particular bill, Senator
11 DeFrancisco -- through you, Mr. President --
12 because it is not -- because it is only a simple
13 extender and it is not the strengthening that the
14 folks in my district require.

15 SENATOR DeFRANCISCO: Would Senator
16 Rivera answer one last question.

17 ACTING PRESIDENT GRIFFO: Senator
18 Rivera, do you continue to yield?

19 SENATOR RIVERA: Yes,
20 Mr. President.

21 ACTING PRESIDENT GRIFFO: He does.

22 SENATOR DeFRANCISCO: And based on
23 that principled position you're taking, you would
24 be willing to take the risk that the Republican
25 side of this house would follow your lead and

1 vote no on this bill for the same reasons you're
2 voting no and end up with not enough votes to
3 pass this extender? And you'd still believe that
4 your position would be correct?

5 SENATOR RIVERA: I believe that the
6 bill that we need to be voting on, Senator
7 DeFrancisco -- through you, Mr. President -- is
8 one that will truly protect the people in my
9 district, not only extending rent regulations but
10 certainly strengthening them.

11 SENATOR DeFRANCISCO: Thank you.

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

14 Seeing none, hearing none, debate is
15 closed. The Secretary will ring the bell.

16 Read the last section.

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

19 ACTING PRESIDENT GRIFFO: Call the
20 roll.

21 (The Secretary called the roll.)

22 ACTING PRESIDENT GRIFFO: Senator
23 DeFrancisco to explain his vote.

24 SENATOR DeFRANCISCO: Yes. Rent
25 control does not affect any of my residents. But

1 judging from the negative votes on the other side
2 of the aisle -- other than Senator Diaz, who
3 understands the practicality of the situation --
4 if the other New York Senators on the other side
5 of the aisle don't think it's important to extend
6 for an additional period of time the
7 rent-regulation laws until a deal can be
8 resolved, then it certainly is fine with me.

9 And because of that, I'm taking the
10 lead of the New York City delegation on the other
11 side of the aisle and will vote no with Senator
12 Rivera and everyone else. Because apparently
13 it's a very principled position, and I pride
14 myself on being principled. Thank you.

15 ACTING PRESIDENT GRIFFO: Senator
16 DeFrancisco to be recorded in the negative.

17 I want to inform everybody that I
18 will be strictly enforcing the two-minute
19 explanation of votes.

20 Senator Hassell-Thompson.

21 SENATOR HASSELL-THOMPSON: Thank
22 you, Mr. President.

23 I rise to vote no. And you want to
24 talk about practicality? We had six months.
25 What could we do in 38 hours that we could not do

1 in six months? We have been begging, we have had
2 residents come to these chambers every week since
3 January begging for us not to come to the
4 eleventh hour to do this action.

5 So if you can wave a magic wand in
6 36 hours and make something happen you couldn't
7 do in six months, all to the better. But I will
8 be voting no. I have promised my residents that
9 I would not vote for an extender that did not
10 give them what they need to ensure their security
11 in their apartments.

12 Thank you, Mr. President.

13 ACTING PRESIDENT GRIFFO: Senator
14 Hassell-Thompson to be recorded in the negative.

15 Please raise your hands again if
16 you're voting in the negative so we can get an
17 accurate accounting of the votes.

18 Senator Diaz to explain his vote.

19 SENATOR DIAZ: Mr. President, I am
20 voting yes because I know that at 12 midnight the
21 clock will end, and I will not play this game
22 with my constituents. For me, it is better to
23 extend it for three more days or two more days.
24 They're not going to lose anything. The same
25 thing that they're having now, they're going to

1 still have for two more days until we decide the
2 situation. So I am not going to play this game.

3 And because I believe that whoever
4 wanted to help the community, they could have
5 done that during budget negotiations. But the
6 Governor didn't want to put it in, and my
7 colleagues didn't want to include it in. So now
8 I'm voting yes. Because I'm responsible enough
9 to fight for my constituents and to be sure that
10 they continue having, two more days, the rents
11 until we decide otherwise.

12 ACTING PRESIDENT GRIFFO: Senator
13 Diaz to be recorded in the affirmative.

14 Senator Espaillat to explain his
15 vote.

16 SENATOR ESPAILLAT: Yes,
17 Mr. President, to explain my vote.

18 This is not a game. This is not
19 trivial. This is about the life of thousands of
20 New Yorkers. You know, and enough is enough.
21 We've been through six months of this. And
22 tenants have come here on a daily basis. Some of
23 our colleagues got arrested in civil disobedience
24 because of this. We have continuously asked that
25 we wanted to vote for a rent bill that will not

1 only extend the laws, but will provide tenant
2 protection.

3 Enough is enough. This is it. You
4 know, we talked about this for six months. We
5 talked about the perils of going until midnight
6 on June 15th. And here we are. This is not our
7 doing. This is the machinations of other folks.
8 And that's why we're voting no tonight.

9 ACTING PRESIDENT GRIFFO: Senator
10 Espaillat to be recorded in the negative.

11 Senator Martins to explain his vote.

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

14 I, as opposed to some of my
15 colleagues in this chamber, do care about the
16 residents of my district who do live under the
17 protections afforded by rent regulation. I do
18 have residents in my district who rely on those
19 regulations and will be relying on the extensions
20 of these regulations as we work out the details
21 of that which we're discussing here today.

22 But when we talk about
23 strengthening, quote unquote, rent regulations, I
24 find it ironic that the very same people who
25 advocate for raising taxes on those who make more

1 than \$200,000 a year are now advocating for
2 protections for those people making \$300,000 a
3 year paying \$3,000 a month in rent. And I would
4 suggest that everyone reevaluate their priorities
5 and think about the purpose of rent regulations
6 and those people who these regulations were meant
7 to protect, those people who are relying on these
8 rent regulations in order to make housing
9 accommodations for themselves and their
10 families.

11 Stop protecting the rich Manhattan
12 and New York City residents and start protecting
13 those people who these rent regulations were
14 meant to protect. Vote yes on this bill, extend
15 it for three days, and work out these details.
16 Have the courage of your own stated convictions.

17 I'll be voting yes.

18 ACTING PRESIDENT GRIFFO: Senator
19 Martins to be recorded in the affirmative.

20 Senator Savino to explain her vote.

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

23 You know, most of you by now have
24 known me for several years and you know I don't
25 like to be out late at night. I certainly like

1 to be home in my bed by just about this time. I
2 don't like political games. And what I'm seeing
3 here happening tonight is the worst of the
4 political games, where both sides are pointing
5 fingers at each other about an issue that matters
6 to no less to million residents of the people of
7 the City of New York, if not more.

8 We can stand here and debate over
9 who's responsible, whether we had six months this
10 year for you guys to figure it out or we had
11 24 months when we were in charge for us to figure
12 it out. The reality is we are here with less
13 than an hour before the rent regulations in the
14 City of New York expire, affecting the lives of
15 real New Yorkers. We should be able to set aside
16 our petty differences and at least extend this
17 law for at least two more days.

18 Now, I don't believe that anybody in
19 New York City is going to get thrown out in the
20 street. They all have leases. But there is real
21 anxiety on the part of tenants in the City of
22 New York because they don't know what we're
23 doing. We have an obligation to them to allay
24 those fears and tell them that while we may not
25 have an agreement today, June 15th on the day

1 that they're supposed to expire, that we're not
2 going to leave here, not this legislative
3 session, until we do have an agreement.

4 Now, I know we're all posturing.
5 You know, and it's cool. We all love to do that
6 from time to time, to flex a little bit. But we
7 have important issues that affect real people.
8 And we owe it to them to set aside that posturing
9 mentality just for this moment and let them know
10 that while we don't have an agreement now, at
11 this hour, ten minutes before the final hour, we
12 will before we shut down this legislative
13 session.

14 And I have full faith that we will
15 reach that agreement, because we know what's at
16 stake. It really is important. And it doesn't
17 matter who controls this chamber or who's in the
18 Governor's office --

19 ACTING PRESIDENT GRIFFO: Senator
20 Savino, how do you vote?

21 SENATOR SAVINO: I vote yes on this
22 bill, Senator Griffo.

23 ACTING PRESIDENT GRIFFO: Senator
24 Savino to be recorded in the affirmative.

25 Senator Squadron to explain his

1 vote.

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

4 You know, even if you don't have one
5 of the 2.5 million people whose homes depend on
6 these laws, you do care about these laws, or you
7 should. Because if you love New York today, you
8 believe in rent regulation, because it is
9 fundamental to what New York City and the
10 surrounding counties are today. Close to
11 25 percent of people in the City of New York live
12 in rent regulation. It is the city, and in many
13 ways the city is the keystone of the state.

14 And if you don't understand that,
15 I'm not going to convince you in the next
16 90 seconds. And if you don't care, I've got a
17 great idea for the other side. There's a bill
18 that will extend and expand rent regulation. It
19 is available to be voted on right now. I am sure
20 the Assembly would come back, with joy, tonight
21 and vote on that bill, Senator Espaillat's
22 omnibus bill.

23 So if you don't care about this
24 issue, if you have no tenants, then please pass
25 the bill the New York State delegation really

1 wants. And if you have the vision and
2 understanding to care about this issue, pass the
3 bill that we need. We have an hour and five
4 minutes left; let's pass Senator Espaillat's
5 omnibus. Let's do it now and we won't have any
6 problem, any concern. We won't have to come back
7 this Friday, and we'll have 2.5 million tenants
8 who will no longer have to live with harassment,
9 with fear of eviction. That's what this is
10 about.

11 A. I promised my constituents I would not
12 vote for a bill that would require them to
13 continue to live with the constant fear of
14 harassment, with the constant knowledge of a
15 potential false eviction around the corner.
16 That's why I can't vote for this bill. That's why
17 we should stay tonight and pass Senator
18 Espaillat's bill and go home knowing we have
19 protected 2.5 million tenants, we have protected
20 the City of New York, we have maintained the State
21 of New York for what it should be.

22 That's why I'm voting no, Mr. President.

23 ACTING PRESIDENT GRIFFO: Senator
24 Squadron to be recorded in the negative.

25 Senator Klein to explain his vote.

1 SENATOR KLEIN: Thank you,
2 Mr. President.

3 I too rise in favor of this
4 extender. And I think what I heard tonight so
5 far is sort of clouding the real issue.

6 What's before us now is an extender
7 to extend the rent regulations till Friday. And
8 by voting no and not doing it this evening, what
9 we're doing is scaring tenants that they will no
10 longer have rent protections, code enforcement,
11 they will no longer have the warranty of
12 habitability, everything that makes tenants safe
13 in their apartment.

14 I also will say that it's very
15 interesting now, when we had over two years to
16 actually get stronger rent regulations, we chose
17 not to do that. We just dwelled on one issue,
18 repealing vacancy decontrol, not worrying about
19 the MCIs which cause tenants to pay higher rents,
20 not making sure that tenants can have an
21 affordable and clean apartment in my home county
22 of the Bronx. I guess when it's no longer a
23 political issue, it's no longer the right issue.

24 But I'm going to do the right thing
25 tonight. I'm going to vote to extend this

1 rent-regulation package which is so important to
2 all of us until Friday. I vote yes.

3 ACTING PRESIDENT GRIFFO: Senator
4 Klein to be recorded in the affirmative.

5 Senator Perkins to explain his vote.

6 SENATOR PERKINS: Thank you very
7 much.

8 You know, I want to first express my
9 appreciation to Senator Espaillat for the
10 extraordinary leadership that he has provided
11 over the last few months in terms of providing
12 the people of the City and the State of New York
13 with what they want, what they have indicated
14 that they want, in the most simple and eloquent
15 way possible.

16 You know, I don't know where these
17 \$300,000 people are living that have been
18 referenced earlier, but they don't live in my
19 district, which has over 68,000 residents that
20 live in rent-stabilized, rent-controlled homes.
21 In fact, quite the opposite. I represent not
22 only Harlem, I represent the Upper West Side,
23 Morningside Heights, Washington Heights,
24 East Harlem and parts of Inwood. And for the
25 most part, those are regular working-class

1 families who are going to suffer severely as a
2 result of this kind of gamesmanship, brinkmanship
3 that is taking place.

4 There are those who say that they
5 have heard from tenants. Well, I know I've heard
6 from tenants. And on their behalf I spent a few
7 hours in jail to make sure that their voices were
8 well-represented. This is not what they want.
9 They do not want an extender. They want the
10 Espaillat bill. And an extender is an insult and
11 smack in the face as far as they are concerned.

12 So if in fact there are some of us
13 here who really want to do something on behalf of
14 those people that I represent, on behalf of the
15 other 1.2 million that are a part of the larger
16 universe, then vote for the Espaillat bill.
17 Let's stop the gamesmanship, let's stop the
18 brinkmanship. We can do this and we can go home
19 and those folks can be relieved of the games that
20 are being played at this point in time.

21 So I'm voting against this because
22 that's what the people in my district, the people
23 that I represent have told me in no uncertain
24 words: Do not vote for an extender, vote for the
25 Espaillat bill.

1 ACTING PRESIDENT GRIFFO: Senator
2 Perkins to be recorded in the negative.

3 Senator Krueger to explain her vote.

4 SENATOR KRUEGER: Thank you,
5 Mr. President.

6 No posturing. You're hearing it
7 from many of my colleagues, the tenants of
8 New York City are loud and clear. A straight
9 extender is not acceptable. The game of playing
10 things out to the last minute moved us backwards
11 in 1997 and 2003.

12 The good news is there is no tenant
13 who has to fear that they lose their apartment if
14 we don't get an extender for the next two days.
15 There will be no immediate expiration. In 1997,
16 the laws expired for five days and then were
17 reinstated retroactively. In 2003, we did a
18 series of one-day extenders; they were
19 irrelevant.

20 What's not irrelevant is the
21 commitment of the Democratic members of this
22 chamber to making sure that people hear that we
23 must be strengthening the laws. We lost hundreds
24 of thousands of units because bad decisions were
25 made in 2003 and in 1997. The Governor said it

1 himself earlier, it doesn't matter whether
2 midnight comes and goes, what matters is that we
3 get a stronger protective bill for housing for
4 New York City. And he has made it clear that he
5 is committed to getting that done.

6 And I think we are committed to
7 staying here to get it done also. But not
8 through a game of straight extenders. I vote
9 no. Thank you.

10 ACTING PRESIDENT GRIFFO: Senator
11 Krueger to be recorded in the negative.

12 Senator Nozzolio to explain his
13 vote.

14 SENATOR NOZZOLIO: Mr. President, I
15 wish to thank every member of the Democratic
16 caucus who's voting against this measure, because
17 ending rent control is something I believe should
18 have happened for years. So I really want to
19 thank you for voting against this extender and
20 hopefully ending this socialistic program that
21 began in the droves of World War II and that is
22 now --

23 ACTING PRESIDENT GRIFFO: Order
24 (gaveling).

25 SENATOR NOZZOLIO: -- one of the

1 most government-controlled economic enterprises
2 in this country.

3 And any of you who are trying to
4 defend those who make \$300,000 or more a year so
5 that their apartments can be rent-controlled,
6 just come on upstate. I'd like to show you the
7 affordable housing that we have in upstate
8 New York, where senior citizens who make less
9 than \$18,000, \$20,000 a year have no such thing
10 as a government-controlled, rent-controlled
11 apartment.

12 I want to thank you for ending
13 socialism in this great State of New York.

14 (Laughter.)

15 SENATOR NOZZOLIO: Mr. President, I
16 vote with my Democratic colleagues against rent
17 control.

18 ACTING PRESIDENT GRIFFO: Senator
19 Nozzolio to be recorded in the negative.

20 Senator Parker to explain his vote.

21 SENATOR PARKER: To explain my
22 vote, Mr. President. I see that we are --

23 SENATOR LIBOUS: Mr. President,
24 before Senator Parker, if you'd just indulge me
25 for a second.

1 ACTING PRESIDENT GRIFFO: Senator
2 Libous.

3 SENATOR LIBOUS: You know, I think
4 everybody has something to say. I want to hear
5 what Senator Parker says. Members need to be
6 respectful of their colleagues, whether you agree
7 or disagree. There's a lot of noise going on.

8 Mr. President, thank you. Senator
9 Parker, I am very interested in hearing what you
10 have to say.

11 ACTING PRESIDENT GRIFFO: Senator
12 Parker to explain his vote.

13 SENATOR PARKER: To explain my
14 vote, Mr. President. Thank you, Senator Libous.

15 It seems like we are participating
16 in some revisionist history tonight, and that's
17 okay. You know, we forget -- and how many have
18 we had, six months or in some cases two years or
19 three years to get this. We've actually had
20 eight years, because since 2003 when we passed
21 this bad bill, we knew that this day was coming.

22 Let's not forget that the
23 Republicans were in charge when we in fact passed
24 two bad bills and walked out of here the last day
25 of session in 2003. All right? So this has been

1 something that's been mounting. And we've had
2 lots of opportunities. So if anybody is afraid
3 of scaring tenants, we've been scaring tenants
4 the whole year. And now all of a sudden we wait
5 until the very, very last moment.

6 But I want to thank Senator Krueger
7 for setting the record straight about the fact
8 that there is no fear, that in fact we do have a
9 couple of days. And certainly the 38 hours which
10 this bill would have covered, you know, will be a
11 fine period for us to figure it out. And the
12 Governor has done that.

13 But let's get to the real point.
14 This is a three-way deal between the Republicans,
15 the Governor, and the Assembly. Where are your
16 votes? You pass stuff in this house every single
17 day without a Democratic vote. And so how come
18 your members aren't here if you in fact had a
19 deal to do the extender? Why are we here
20 incumbent upon carrying your water when in fact
21 you were the ones who could have brought Senator
22 Espaillat's bill to the floor any day starting
23 January 2nd?

24 And so as Senator Squadron has
25 indicated, we'll stay here as long as we need to

1 to pass Senator Espaillat's bill. Let's pass it
2 today. Let's give the tenants of New York City
3 what they need and what will be best for the
4 people of the State of New York, and then let's
5 continue that kind of socialism.

6 But the socialism we ought to stop
7 is all the corporate welfare that we got going on
8 in this state. So being real and start -- and
9 we'll start with the farm subsidies. And
10 although I think the farmers are important and I
11 want to help them --

12 ACTING PRESIDENT GRIFFO: Senator
13 Parker.

14 SENATOR PARKER: If we're going to
15 have -- if we're going to stop subsidies --

16 ACTING PRESIDENT GRIFFO: Senator
17 Parker, how do you vote?

18 SENATOR PARKER: I vote no on this
19 bill, and I vote yes for some socialism,
20 particularly --

21 ACTING PRESIDENT GRIFFO: Senator
22 Parker to be recorded in the negative.

23 Senator Marcellino to explain his
24 vote.

25 I'm going to remind the members you

1 have a two-minute explanation period. And I will
2 maintain order in the chamber. Respect the
3 rulings of the chair, please.

4 Senator Marcellino.

5 SENATOR MARCELLINO: Mr. President,
6 I intend to vote aye. I have residents in my
7 district who are dependent upon this
8 legislation. If we need another 36, whatever
9 hours it takes to come to a reasonable
10 conclusion, I think we should take it, come to a
11 reasonable conclusion, resolve the issues the way
12 we can, and without playing silly games back and
13 forth. Let's just do it right.

14 We need 36 hours to come to a
15 decision. Let's take the 36 hours on behalf of
16 the landlords and on behalf of the tenants who
17 need this time. I vote aye.

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

20 Senator Serrano to explain his vote.

21 SENATOR SERRANO: Thank you very
22 much, Mr. President.

23 My remarks are not intended to
24 further divide this chamber. In actuality, I
25 think I believe that this issue is something that

1 all sides can agree upon.

2 When you consider that the vast
3 majority of people who live in rent regulated
4 apartments, the average income is \$36,000 a
5 year -- these are disabled families. These are
6 disabled individuals. These are working
7 families. These are the elderly. And also,
8 people who live in rent-regulated apartments in
9 many ways are the underpinnings, the financial
10 engine, the economic engine for the City of
11 New York, the tax base which benefits not only
12 the five boroughs of New York City but actually
13 the entire state of the New York, because the
14 economy is interlinked.

15 So really, I don't see why there
16 needs to be two sides and these horrible attacks
17 that I'm hearing here tonight. This is very
18 clear. When you protect vulnerable individuals
19 who are also the tax base, that are also the
20 people who are providing those jobs, that are
21 doing those jobs. That are so critical for the
22 City and for the State of New York -- they're the
23 ones raising families, they are the ones trying
24 to achieve the American dream. These are new
25 immigrants. These are the people who founded

1 this nation. This is that next generation.

2 And when you consider the chronic
3 underfunding of NYCHA, the loss of Mitchell-Lama
4 as we know it, and now these horrible
5 rent-regulation laws that are expiring and we're
6 not strengthening them, we will have a City of
7 New York that is completely unaffordable. So
8 where will the tax base be? Where will the
9 working families be?

10 So I think it's of critical
11 importance that we come together on this, stop
12 fighting about it, come together about this,
13 realize that this is good for all sides. The
14 business community benefits greatly from strong
15 rent regulations because where are the customers
16 going to be if they can't live in New York City?

17 Let's be smart about this. I think
18 this extender is not the way to go, and I'll be
19 voting in the negative, Mr. President.

20 ACTING PRESIDENT GRIFFO: Senator
21 Serrano to be recorded in the negative.

22 Senator Young to explain her vote.

23 SENATOR YOUNG: Thank you,
24 Mr. President.

25 I think what the other side may not

1 understand is that there are true philosophical
2 differences between how we view rent control and
3 how you view it. And, you know, on this side of
4 the aisle we believe in private property rights,
5 we believe in free market enterprise, we believe
6 in a growing economy. And so because of those
7 reasons, we have issues with rent control.

8 You on the other side have always
9 said that you need it. And Senator Serrano just
10 talked about the fact that there are a lot of
11 people in rent-controlled apartments who make
12 \$36,000 a year. Now, Senator Espaillat talks
13 about his omnibus bill, which actually would
14 raise -- you talk about strengthening rent
15 control? Think about what you're doing. Because
16 what you're actually doing is helping the
17 wealthy.

18 So you're holding out tonight and
19 voting against people who actually make \$36,000 a
20 year because you want to abet in a rational
21 system and help people who are rich. Help people
22 who are rich. And so you're throwing people
23 under the bus who make \$36,000 a year, maybe
24 less. So you're voting against those people.
25 I'm very surprised by this.

1 But I have to say that study after
2 study has shown that rent control actually
3 depresses the housing market. It actually avoids
4 private investors from building more affordable
5 housing. So, you know, on this side of the
6 aisle, if we got rid of rent control, that would
7 be fine with us.

8 And here you are tonight voting
9 along with us. I'm very surprised by it, but I'm
10 very pleased by it too. So I want to thank you.

11 ACTING PRESIDENT GRIFFO: Senator
12 Young, how do you vote?

13 SENATOR YOUNG: I vote no.

14 ACTING PRESIDENT GRIFFO: Senator
15 Young to be recorded in the negative.

16 Is there any other Senator that
17 wishes to explain their votes?

18 I then call upon Senator Skelos to
19 complete the explanation of voting.

20 SENATOR SKELOS: Thank you very
21 much, Mr. President.

22 I respect everybody that's voting no
23 on this side of the aisle, the Republican side,
24 because Democrats are once again setting the
25 example of hypocrisy.

1 Now, I've said all along that I
2 favor the extension of rent regulations. That's
3 why I'm voting yes to continue rent regulations
4 today.

5 Now, where I live on the island some
6 of my constituents do have rent-regulated
7 apartments. But I also have an awful lot of
8 people in my district that own homes that are
9 struggling to make their mortgage payments and
10 their property tax payments, and nobody's coming
11 into them and saying, We're going to cut your
12 mortgage in half, we're going to eliminate your
13 property taxes. It's not happening. So they're
14 working hard to make ends meet.

15 And what would we do if somebody in
16 any part of the state -- and there was a need for
17 affordable housing? What do we do if your house
18 is worth \$400,000? Do you say, We need
19 affordable housing, you can only get \$200,000 for
20 it? Is this what this is about? There is a
21 thing called personal and private property.

22 Now, I've said all along that we
23 will be willing to extend rent regulations, and I
24 mean that. I talked to the Governor, he sent
25 this bill up, and I said with the support of the

1 Democrats we would pass it. But obviously you're
2 not looking to have this passed and you're
3 looking to kill rent regulations in New York
4 City. And if that's the decision you're going to
5 make, we'll join you in that decision. We'll
6 join you in that decision.

7 So, Mr. President, I'm going to keep
8 my word that I said I believe in extending rent
9 regulations, and I am going to vote yes. But
10 again, it's amazing to me how in certain
11 districts in some of the areas that are
12 represented by some of the Senators on the
13 Democrat side of the aisle, that you're defending
14 legislation such as passed the Assembly that
15 wealthy individuals who live in Senator Krueger's
16 district who are making -- that they'd be
17 protected if they're making \$300,000 a year and
18 their rent is \$3,000 a month? That's who you're
19 protecting? My God, that's unbelievable, that
20 you want to protect those rich people. But when
21 it comes to income taxes or surcharges, \$200,000
22 is considered wealthy.

23 So -- and I say this respectfully
24 when I say there's a lot of hypocrisy here this
25 evening on the Democrat side of the aisle. I

1 can't say that about Senator Diaz, because
2 Senator Diaz is always right when he speaks. Or
3 most of the time.

4 (Laughter.)

5 SENATOR SKELOS: But,
6 Mr. President, I intend to vote aye.

7 ACTING PRESIDENT GRIFFO: Senator
8 Skelos in the affirmative.

9 Announce the results.

10 THE SECRETARY: In relation to
11 Calendar Number 1268, those recorded in the
12 negative are Senators Adams, Addabbo, Alesi,
13 Avella, Ball, Breslin, DeFrancisco, Dilan, Duane,
14 Espaillat, Farley, Flanagan, Gallivan, Gianaris,
15 Griffio, Grisanti, Hassell-Thompson, Huntley,
16 Johnson, Kennedy, L. Krueger, Larkin, LaValle,
17 Libous, Maziarz, Montgomery, Nozzolio, O'Mara,
18 Oppenheimer, Parker, Peralta, Perkins,
19 Ranzenhofer, Ritchie, Rivera, Sampson, Serrano,
20 Seward, Squadron, Stavisky, Stewart-Cousins,
21 Young, and Zeldin.

22 Absent from voting: Senators
23 Bonacic, C. Kruger, McDonald, Saland, and Smith.

24 Ayes, 14. Nays, 43.

25 ACTING PRESIDENT GRIFFO: The bill

1 is defeated.

2 Senator Libous.

3 SENATOR LIBOUS: Could we now go to
4 the controversial reading of Calendar Number 53
5 and take it up with Senator Nozzolio at -- I
6 think it's Calendar Number 410.

7 ACTING PRESIDENT GRIFFO: The
8 Secretary will read.

9 THE SECRETARY: Calendar Number
10 410, by Senator Nozzolio, Senate Print 476A, an
11 act to amend the Correction Law.

12 ACTING PRESIDENT GRIFFO: Read the
13 last section.

14 SENATOR SQUADRON: Explanation.

15 ACTING PRESIDENT GRIFFO: An
16 explanation has been requested by Senator
17 Squadron.

18 Again, I'm going to ask for some
19 order in the house.

20 Senator Squadron has asked for an
21 explanation, Senator Nozzolio.

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

24 ACTING PRESIDENT GRIFFO: Senator
25 Nozzolio, one second, please. {Gaveling.}

1 Senator Nozzolio.

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

4 Mr. President and my colleagues.
5 Calendar Number 410, S476A, creates a process to
6 save the state taxpayers' dollars in the provision
7 of medical treatment for the thousands of inmates
8 now incarcerated in state correctional facilities
9 and county correctional facilities across
10 New York State. This is again an opportunity for
11 this government, this state government and
12 particularly the New York State Legislature, to
13 save taxpayers' funds.

14 Each inmate in the state system
15 under this provision will be required to
16 establish a modest medical copayment, a copayment
17 that is modeled after copayments required of
18 prison inmates in the entire federal prison
19 system, prison inmates in the neighboring states
20 of New Jersey, Pennsylvania, as well as the large
21 state of California. A number of states have
22 established this, and that we believe it's an
23 opportunity to save some taxpayers dollars by
24 providing a modest copayment posted to inmates'
25 accounts.

1 I should indicate rapidly that no
2 inmate in our state system shall be refused
3 treatment for the lack of ability to pay for
4 their copayment charges.

5 ACTING PRESIDENT GRIFFO: Thank
6 you, Senator Nozzolio.

7 Senator Rivera.

8 SENATOR RIVERA: Thank you,
9 Mr. President. Would the sponsor yield for a few
10 questions.

11 ACTING PRESIDENT GRIFFO: Senator
12 Nozzolio, do you yield for a few questions?

13 SENATOR NOZZOLIO: Yes,
14 Mr. President.

15 ACTING PRESIDENT GRIFFO: Senator
16 Rivera.

17 SENATOR RIVERA: Thank you,
18 Mr. President. Through you.

19 Senator Nozzolio, what is the
20 pressing need to have incarcerated individuals
21 pay for their medical expenses? What is the main
22 thrust, really, of the legislation?

23 SENATOR NOZZOLIO: This provision
24 has been proffered in an attempt to save
25 taxpayers dollars. That in these hard economic

1 times, every aspect of state expenditure should
2 be analyzed.

3 That there is a dual system of
4 medical treatment. We think it's an equitable
5 situation to have a modest copayment for county
6 correctional inmates, state correctional
7 inmates -- again, modeled after the federal
8 system. The federal government has established
9 this. The Obama administration has allowed this
10 to happen, and that in effect we believe New York
11 is foolhardy to not take advantage of the
12 opportunity to save dollars.

13 SENATOR RIVERA: Through you,
14 Mr. President, if the sponsor would continue to
15 yield.

16 ACTING PRESIDENT GRIFFO: The
17 sponsor yields.

18 SENATOR NOZZOLIO: Yes,
19 Mr. President.

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

22 I think we can both agree, Senator
23 Nozzolio, that the federal policies are not
24 always the ones that we should follow in the
25 state.

1 Let me ask you a further question.
2 How much revenue would this bring to the state
3 each year?

4 SENATOR NOZZOLIO: Mr. President,
5 if I may, I'm having trouble hearing
6 Senator Rivera.

7 ACTING PRESIDENT GRIFFO: I do
8 admonish the chamber once again. I know it's
9 been a long day, but please let's respect the two
10 members who are engaged in debate. Thank you
11 very much.

12 Senator Nozzolio.

13 SENATOR NOZZOLIO: In response to
14 Senator Rivera's question about savings, that we
15 believe that it would save in the range of
16 \$5 million to \$10 million a year.

17 Based on the fact that inmates, as I
18 have visited many of the correctional facilities,
19 told by the officers and other correctional
20 employees who work at those facilities that many
21 times sick call is used as a form of sport
22 recreation and hobby, to break the day-to-day
23 prison routine.

24 And that we're not saying anyone
25 should be denied medical treatment. We're saying

1 that a modest copayment would in fact raise
2 revenue from those who can afford it, those
3 inmates who have resources.

4 Also, it would stop the utilization
5 of -- or I should say misuse of services when
6 inmate the utilize sick call as an opportunity to
7 simply break the day-to-day routine. That we
8 believe also there's a certain equity here, where
9 each and every one of our constituents who is
10 lucky enough, fortunate enough in their lives to
11 have medical insurance, those constituents that
12 are taxpayers have to have a modest copayment --
13 in some cases, not so modest, depending on the
14 type of health insurance they have.

15 Why have a system that the taxpayers
16 must pay for in terms of their own health
17 insurance and also the medical treatment of
18 inmates who are -- in effect, could be utilized
19 in another way.

20 And just one last thing. And thank
21 you for your patience, Senator Rivera, in the
22 long answer here. But yes, the federal
23 government is not something that should be always
24 followed, emulated. But certainly other states
25 have also adopted this system, states that are

1 our neighbors, states that are saving funds as a
2 result.

3 So thank you, Senator Rivera, for
4 the opportunity to discuss that portion of your
5 inquiry.

6 SENATOR RIVERA: Through you,
7 Mr. President, if the sponsor would continue to
8 yield.

9 ACTING PRESIDENT GRIFFO: The
10 sponsor yields.

11 SENATOR NOZZOLIO: Yes,
12 Mr. President.

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

15 I did hear, Senator Nozzolio, you
16 talked about savings. I would ask you to also,
17 if there is any revenue that's involved, if
18 there's any revenue that the state would make, if
19 you could add this to the next answer to this
20 question as far as where the copayment would come
21 from. And, if it comes from an individual's
22 account, how exactly would it work.

23 So could you explain that to me and
24 also clarify the revenue question as opposed to
25 savings question.

1 SENATOR NOZZOLIO: Yes,
2 Mr. President. Senator Rivera is asking about
3 the inmate account system.

4 Each inmate in the state prison
5 system has their individual account. The
6 custodianship is the Department of Corrections.
7 That account, as inmates are not to have cash on
8 their possession for a variety of reasons, that
9 the account is a bank account within their
10 custodianship of the Corrections Department. Any
11 copayment would be extracted from that inmate
12 account.

13 SENATOR RIVERA: Thank you,
14 Mr. President. If through you the sponsor would
15 continue to yield.

16 ACTING PRESIDENT GRIFFO: The
17 sponsor yields.

18 SENATOR NOZZOLIO: Yes,
19 Mr. President.

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

22 I still would like clarification on
23 the issue of revenues. But so it is an account
24 that each incarcerated individual has. And what
25 else is this account used for? Through you,

1 Mr. President.

2 SENATOR NOZZOLIO: An inmate's
3 accounts are utilized, Mr. President, for
4 inmates' personal expenses, expenses to purchase
5 goods at the commissary. By the way, that's
6 another one of my legislative measures. I
7 believe that the commissaries in our prison
8 facilities should charge inmates sales tax,
9 because the inmates pay no sales tax now.

10 But other things that the inmates
11 may be allowed to purchase during the course of
12 their incarceration can be extracted from their
13 individual account.

14 SENATOR RIVERA: Through you,
15 Mr. President, if the sponsor would yield for one
16 more question.

17 ACTING PRESIDENT GRIFFO: Would you
18 yield for an additional question?

19 SENATOR NOZZOLIO: Yes,
20 Mr. President.

21 ACTING PRESIDENT GRIFFO: Senator
22 Nozzolio yields, Senator Rivera.

23 SENATOR RIVERA: Thank you,
24 Mr. President.

25 You clarified that as far as medical

1 treatment for an individual, that they would
2 never be denied. What if an individual could not
3 pay -- the bill, I believe, says that they would
4 not be denied medical treatment. But how would
5 you ensure that this is the case?

6 SENATOR NOZZOLIO: That,
7 Mr. President, again, the treatment is provided
8 prior to that determination. In effect, the
9 inmate is required under this legislation to log
10 in when they are making a visit for medical
11 purposes. That log will be evaluated each and
12 every month, and the inmate's account will be
13 deducted for those modest copayments as a
14 result.

15 That if it is determined that the
16 inmate does not have sufficient resources in
17 their account, of course the services would have
18 already been provided.

19 Again, Mr. President, this is not a
20 unique process. This is not a punitive process.
21 This is a process that the Department of
22 Corrections that the federal Bureau of Prisons
23 utilizes. It's a process that other states
24 utilize. Let's have New York get into the
25 opportunity zone here to actually save some money

1 and be competitive with other states. That's
2 what the motive for this measure is all about.

3 SENATOR RIVERA: Thank you,
4 Mr. President. On the bill.

5 ACTING PRESIDENT GRIFFO: Senator
6 Rivera on the bill.

7 SENATOR RIVERA: Thank you, Senator
8 Nozzolio, for answering a few questions.

9 This is a bill that we have clashed
10 in the Crime Victims, Crime and Corrections
11 Committee about. I will be voting in the
12 negative on this piece of legislation for a
13 couple of different reasons.

14 Incarcerated individuals make very
15 little income to begin with. They have these
16 accounts that they use, as Senator Nozzolio
17 indicated, for their personal needs, for things
18 they might be able to get at the commissary.
19 What we are talking about here is -- I disagree
20 strongly with Senator Nozzolio that this is not a
21 further punitive measure. You have incarcerated
22 individuals. They have already had their freedom
23 taken away from them. And now we are adding onto
24 that the only account they have available to them
25 for personal hygiene products, that is being

1 taken away from them, slowly but surely.

2 For example, if there is an
3 individual that has a chronic condition that he
4 or she may have to manage, such as asthma, they
5 might have to go continuously back to receive
6 medical services, and it might be a situation
7 that they can't really stop.

8 Now, while I accept that there might
9 be situations where there might be individuals
10 that are taking advantage of the situation, I
11 would posit that it is a minority and that we
12 should not be making policy that is going to
13 impact negatively, across the board, what amounts
14 to thousands of incarcerated individuals that are
15 already being punished for their crimes. Now
16 they would be further punished by having,
17 potentially, their small, limited bank account be
18 drained and taken away.

19 I do not believe that this is the
20 correct way to proceed in this instance. I
21 strongly oppose this measure. And I ask my
22 colleagues if they would do the same. I will be
23 voting in the negative for this bill. Thank you,
24 Mr. President.

25 ACTING PRESIDENT GRIFFO: Senator

1 Rivera to be recorded in the negative.

2 Senator Robach.

3 SENATOR ROBACH: Yes,
4 Mr. President. I want to rise to applaud Senator
5 Nozzolio for this very, I think, necessary and
6 logical approach to this. In all candor, I
7 probably would be in favor of this on the
8 ideology. But I think in today's time I hope
9 everybody will pause and think about it for a
10 minute.

11 We have inmates who first of all
12 don't pay sales tax, have no responsibility for
13 healthcare, really anything that goes on in
14 there, which I don't think is a good system to
15 begin with, where you have it a little bit better
16 on the inside, in some ways, than you would on
17 the outside, at least in terms of money. Not
18 that jail is a good place.

19 But then I think we're in a little
20 different time now. So I applaud Senator
21 Nozzolio for trying to implement what the federal
22 government and other states have done. Here we
23 are having to struggle to fund programs for
24 people who haven't victimized anybody, haven't
25 violated anybody, on very important things from

1 education to everything else. Why not make these
2 people whose families could also put money in
3 their accounts, as well as their in-house
4 programs that are paid for for what they do, to
5 give them a little skin in the game, let them pay
6 little bit back?

7 I think we could put that money to
8 good use, I think we all agree on that, to
9 something better. Let them have a little skin in
10 the game. I think it makes all the sense in the
11 world. We've even had to cut our own operation
12 10 percent in last year's budget. We're all
13 participating. Let's let the inmates in the
14 State of New York participate and help in these
15 tough times too.

16 I'm going to vote in the
17 affirmative, and I would encourage my colleagues
18 to do the same.

19 ACTING PRESIDENT GRIFFO: Thank
20 you, Senator Robach.

21 Senator Stewart-Cousins.

22 SENATOR STEWART-COUSINS: Yes,
23 would the sponsor yield for a question.

24 ACTING PRESIDENT GRIFFO: Senator
25 Nozzolio, do you yield?

1 SENATOR NOZZOLIO: I'd be happy to
2 yield, Mr. President.

3 ACTING PRESIDENT GRIFFO: The
4 Senator yields.

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

7 I think that one of the questions
8 that I asked when we discussed this in Finance
9 was what the statistics are. I know that you
10 said that you believe that this happens a lot.
11 But is there a percentage? Is it 10 percent of
12 the inmates that pretend they're ill, 20 percent,
13 30 percent? Do you have any idea?

14 SENATOR NOZZOLIO: Mr. President,
15 in response to the Senator's question, it depends
16 on who you ask. That the correction officers who
17 are often charged with managing a typical sick
18 call will tell you that a very high percentage,
19 well over 60 percent of those who are getting
20 sick call, are there to avoid the daily routine
21 as opposed to being bona-fidely ill.

22 Now, that's anecdotal. It's not a
23 statistic. I don't believe that there is any
24 empirical data in response to the Senator's
25 question. But I do think that just look at what

1 other states are doing, just look what the
2 federal system is doing. They're not doing it by
3 accident. They're establishing this system
4 because they know it saves money and it's the
5 right thing to do.

6 SENATOR STEWART-COUSINS: Thank
7 you, Senator. Just on the bill. Thank you,
8 Senator.

9 ACTING PRESIDENT GRIFFO: Senator
10 Stewart-Cousins on the bill.

11 SENATOR STEWART-COUSINS: I'm going
12 to vote no because I think we can find that
13 information. I think that the prison population
14 is obviously being treated by someone, and there
15 has to be records. I think that we can probably
16 do something to find out how many people are
17 abusing the system and how many people are ill.

18 I think until we can substantiate
19 that there is this rampant fraud, again, I'll be
20 voting no, in the hopes that we can get some real
21 data. Thank you.

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

24 Senator Adams.

25 SENATOR ADAMS: First of all, so I

1 understand, who's behind here that I should tell
2 when I want to speak? Because I told you I
3 wanted to speak.

4 Did you let him know I wanted to
5 speak? Okay. I just want to make sure I'm
6 telling the right person when I want to speak. I
7 don't want to be ignored.

8 ACTING PRESIDENT GRIFFO: Senator,
9 we're doing our best to acknowledge everyone.

10 SENATOR ADAMS: Okay.

11 ACTING PRESIDENT GRIFFO: All
12 right?

13 SENATOR ADAMS: All right. Would
14 the sponsor --

15 ACTING PRESIDENT GRIFFO: So in the
16 future, Senator Adams, just raise your hand or
17 let the desk know and you'll be recognized.

18 SENATOR ADAMS: Okay. And I
19 thought I did that, so I want to who behind, so I
20 know I'm talking to the right person.

21 ACTING PRESIDENT GRIFFO: Somebody
22 will see you, Senator Adams.

23 SENATOR ADAMS: Okay. Would the
24 sponsor yield for a question?

25 ACTING PRESIDENT GRIFFO: The

1 sponsor yields, Senator Adams.

2 SENATOR ADAMS: Yeah, Senator
3 Nozzolio, I just want to understand. If the
4 individual is -- if a family puts money into the
5 person's commissary, is that money also taken out
6 to pay for the medical expenses?

7 SENATOR NOZZOLIO: Mr. President,
8 as I understand Senator Adams's question -- and
9 again, I appreciate the opportunity to discuss
10 this matter with Senator Adams, a former ranking
11 member of the Corrections Committee. As we've
12 discussed this in the past, Senator, it is an
13 account that the Department of Corrections has
14 authorization of and custodianship of. It's a
15 trust account that is maintained for each and
16 every prison inmate in our state system.

17 Whatever deposits are in that
18 account, it is within the custodianship and the
19 trust agreement of the Department of Corrections
20 in their management of that account. And it's up
21 to the inmate to decide what they want to spend
22 money on. That money, though, is of course --
23 expenditures are limited. Certain items can be
24 acquired within the facility, some payments
25 utilized. But the fact of the matter is that

1 account is the inmate's and managed for the
2 inmate's purposes.

3 SENATOR ADAMS: Thank you.

4 On the bill.

5 ACTING PRESIDENT GRIFFO: Senator
6 Adams on the bill.

7 SENATOR ADAMS: First, I just want
8 to say people that are in jail, they do bad
9 things. And I don't subscribe to the belief that
10 people who are incarcerated are people who are
11 just down on their luck. They committed crimes,
12 and they're in jail because they committed
13 crimes.

14 And I believe that if people outside
15 of the correctional facility have to pay for
16 their healthcare, I believe people who are
17 incarcerated should contribute to their
18 healthcare just as well. I don't subscribe to
19 the theory that if we are telling every
20 New Yorker, every American that you have to do
21 more and give more, that those who are inside
22 correctional facilities should not subscribe to
23 that same theory.

24 And one of the worst things you can
25 do is to have someone in any state, either

1 incarcerated or free, receiving any form of
2 benefit without giving back. That instills bad
3 habits, bad behavior, and that instills bad
4 principles.

5 I think that this bill is an
6 excellent idea. I think that my only concern and
7 reluctancy on voting for the bill is if an
8 outside family member contributes to a commissary
9 for particular hygiene items, I don't believe --
10 I don't know if that's the right thing to tax
11 that amount. But whatever the inmate is doing in
12 employment inside the facility, if he's being
13 employed inside the facility and he's paid and it
14 goes into the commissary, he should pay for part
15 of his healthcare. I believe that he should pay
16 for part of his healthcare just as we ask every
17 other American to pay for part of their
18 healthcare, particularly during a period of time
19 where there's now an obligation that every
20 American has health benefits.

21 So I applaud this bill. I am not
22 comfortable with voting for this bill only
23 because the component that you just explained to
24 me that the individual -- if a family member put
25 into the commissary, that that money is going

1 into the -- they're paying for it. But I think
2 the concept is the right concept.

3 I think that those individuals who
4 are incarcerated have an obligation to pay for
5 their healthcare, and they have an obligation to
6 make sure that that healthcare that they need is
7 paid for and they have an obligation not to abuse
8 the healthcare system. And very few people, if
9 any, are inside our correctional facilities
10 because they did something nice. Particularly
11 when you're in state prisons.

12 You don't go to state prisons for
13 jaywalking. You don't go to state prisons
14 because you failed to pay a summons. If you are
15 in a state prison, more than likely you committed
16 a serious felonious act. And the worst thing we
17 can do is do condone that behavior by giving
18 someone free medical attention. I don't
19 subscribe to that. I don't believe that.

20 But I am hoping that if another
21 version of this bill is done where -- that we're
22 dealing with just taxing the individual based on
23 the money they're making from being incarcerated,
24 I can strongly support that bill. I can't
25 support it in this version. And I just wanted to

1 be clear on why I couldn't support it in this
2 version.

3 Thank you, Mr. President.

4 ACTING PRESIDENT GRIFFO: Senator
5 Hassell-Thompson.

6 SENATOR HASSELL-THOMPSON: Thank
7 you, Mr. President.

8 I think almost every year since I've
9 been here, that this bill has come to the floor.
10 And at the end of my statement, I'll make it at
11 the beginning, I will not be voting for this bill
12 again.

13 In part because it's not clear to me
14 that someone who has problems with migraine, goes
15 to the infirmary for an aspirin should pay \$7, as
16 opposed to -- you know, and there's no sliding
17 scale in terms of what you will pay. They will
18 pay a copay. And a copay based on what? And
19 that's a part of what this bill has never been
20 clear to me. I think I remember, Senator
21 Nozzolio, that you were setting a fee of \$7 for
22 these payments.

23 But I also know, as you very well
24 know, that many of our incarcerated people have
25 HIV and AIDS, have many other debilitating

1 conditions, have the inability to work. So
2 because they can't work, who makes those
3 copayments?

4 And so because these have never been
5 issues that have been made clear to me, I have to
6 continue to vote no. As somebody who visits
7 prisons on a very regular basis, trust me, not
8 everybody in prison is healthy. And the kind of
9 care that we continue to talk about, the fact
10 that people come home with infectious diseases,
11 come home with a drug addiction -- you know, we
12 live in the real world, and these are the kind of
13 conditions that a lot of our inmates are
14 experiencing.

15 And so until we can resolve some of
16 those issues, Senator Nozzolio, I will always be
17 voting no on this bill.

18 Thank you, Mr. President.

19 ACTING PRESIDENT GRIFFO: Thank
20 you.

21 Senator Montgomery.

22 SENATOR MONTGOMERY: Yes,
23 Mr. President, thank you. I would just like to
24 ask if Senator Nozzolio would yield for a
25 question, a couple of questions.

1 ACTING PRESIDENT GRIFFO: Senator
2 Nozzolio, do you yield?

3 SENATOR NOZZOLIO: Yes, certainly,
4 Mr. President.

5 ACTING PRESIDENT GRIFFO: Senator
6 Montgomery.

7 SENATOR MONTGOMERY: Thank you.
8 Through you.

9 Senator Nozzolio, do you have any
10 idea what the Corcraft industry, which is the
11 prison-based industrial complex, what is
12 produced, what is the total amount produced by
13 the Corcraft industries in our state?

14 SENATOR NOZZOLIO: Mr. President,
15 the total amount of product, the total amount of
16 revenue, the total amount of cost? I don't
17 understand Senator Montgomery's question.

18 SENATOR MONTGOMERY: Okay. My
19 question is -- through you, Mr. President -- what
20 is the total revenue produced by Corcraft?

21 SENATOR NOZZOLIO: Mr. President, I
22 do not have the exact number and I would only be
23 guesstimating. I would not want to present that
24 at this time.

25 SENATOR MONTGOMERY: All right.

1 Mr. President, through you, if Senator Nozzolio
2 would yield for another question.

3 ACTING PRESIDENT GRIFFO: Senator
4 Nozzolio, do you continue to yield?

5 SENATOR NOZZOLIO: Yes,
6 Mr. President.

7 ACTING PRESIDENT GRIFFO: The
8 Senator yields.

9 SENATOR MONTGOMERY: Is it the fact
10 that the average income for a person who is
11 incarcerated in a facility in our state is around
12 \$1.50 an hour?

13 SENATOR NOZZOLIO: Mr. President,
14 in response to Senator Montgomery's question, I
15 don't know if there's ever been an average
16 established. But I do know this. Just this last
17 week, Plaxico Burress, a multimillionaire NFL
18 star who was incarcerated at the Oneida
19 Correctional Facility, would certainly have a
20 great deal of impact on whatever average inmate
21 income there was.

22 And, Mr. President, that's exactly
23 the point of this legislation. There are 60,000
24 different examples of circumstances for inmates
25 in our prison system. And although Senator

1 Montgomery would like to say what is the average,
2 I think that what this measure tries to do is to
3 look at those who can afford it.

4 So next time Senator Montgomery
5 meets a constituent who can't afford her copay or
6 is laid off from their job or simply can't afford
7 to make ends meet, Senator Montgomery could say
8 "I protected Plaxico Burress from having to make
9 a \$7 copayment by voting against this legislation
10 so that millionaires could in fact be insulated
11 from any type of responsibility for their
12 healthcare even though they've committed a
13 crime."

14 ACTING PRESIDENT GRIFFO: Senator
15 Montgomery.

16 SENATOR MONTGOMERY: Thank you,
17 Senator Nozzolio, for that.

18 I would like to speak on the bill.

19 ACTING PRESIDENT GRIFFO: Senator
20 Montgomery on the bill.

21 SENATOR MONTGOMERY: Okay, thank
22 you.

23 It is my understanding that out of
24 the many, many different products that are
25 produced by people who are incarcerated in this

1 massive system of prisons in our state, the
2 furniture industry on the outside doesn't exist
3 because the furniture is made inside. All of the
4 furniture in the State of New York is made in the
5 prisons, by prisoners, all of the government
6 agencies. And some of the local government
7 agencies are also eligible to purchase furniture
8 from Corcraft.

9 All of the cleaning supplies are
10 produced by Corcraft that we use. The people who
11 clean, do the heavy-duty cleaning of the floors
12 in the State Capitol are people who are
13 incarcerated. The people who are incarcerated do
14 the training of dogs that assist people, disabled
15 people. They make -- all of the emergency cones
16 that we see up and down the highway are made
17 inside the prisons. In fact, a small business in
18 my district was underbid by Corcraft, and
19 therefore all of those cones are now produced by
20 prisoners.

21 We passed a bill today that Senator
22 Young introduced which will allow prisoners to
23 volunteer or to work, do work release in
24 not-for-profit organizations. All of the highway
25 signs, all of local street signs are produced in

1 prisons. So what we're talking about is a major
2 part of our industry in the State of New York is
3 on the inside.

4 So I think what we need to be
5 talking about, what would be very helpful, is to
6 what extent we can transfer some of that industry
7 into jobs on the outside, for people in Senator
8 Nozzolio's district, Senator Young's district, my
9 district, all over the state, so that people have
10 access to jobs on the outside, especially when
11 they leave the state prison system.

12 So I hope that we will begin to look
13 at what our system, this mass incarceration and
14 this prison system is doing to our economy on the
15 outside, as opposed to further penalizing and
16 being punitive in a very negative way, in a very
17 hurtful way. Because those people who are
18 incarcerated have to come back to communities
19 like mine. And we want them, hopefully, to have
20 access to medical attention while they're in so
21 that they are to some extent able to reintegrate
22 and reenter society and not bring with them the
23 diseases that are so prevalent in the prison
24 system.

25 So I am voting no on this bill, as I

1 have for the last however many years Senator
2 Nozzolio has introduced it. I think he knows,
3 because there is no same-as bill in the Assembly,
4 so he knows that it's not going to pass. This is
5 another one of those posturing bills like Senator
6 Savino referred to earlier.

7 So, Mr. President, I'll be voting
8 no.

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

11 Seeing none, hearing none, the
12 debate is closed.

13 The Secretary will ring the bell.

14 Read the last section.

15 THE SECRETARY: Section 2. This
16 act shall take effect on the 120th day.

17 ACTING PRESIDENT GRIFFO: Call the
18 roll.

19 (The Secretary called the roll.)

20 ACTING PRESIDENT GRIFFO: Senator
21 Nozzolio to explain his vote.

22 SENATOR NOZZOLIO: Yes,
23 Mr. President.

24 Mr. President and my colleagues,
25 let's support this measure. Let's support those

1 who pay the bills, the taxpayers of this state.
2 Let's support those who obey the law, the
3 taxpayers of this state. Let's do what other
4 states do. Let's do what the federal government
5 does. Let's make New York competitive again by
6 continuing to cut expenses to make our state a
7 more affordable place to live.

8 That's why I'm supporting this
9 legislation. Mr. President, I urge my colleagues
10 to dot same. Thank you very much. I vote aye.

11 ACTING PRESIDENT GRIFFO: Senator
12 Nozzolio will be recorded in the affirmative.

13 Senator Hassell-Thompson to explain
14 her vote.

15 SENATOR HASSELL-THOMPSON: Thank
16 you, Mr. President.

17 You know, Senator Montgomery just
18 raised an issue that I think ought to be
19 resounded. When you talk about the amount of
20 money that Corcraft makes as a result of the
21 furniture and all of the other by-products that
22 are sold on the outside, it's very interesting
23 that everyone is anxious for the inmates to pay
24 \$7 as a copay, but those same people on the
25 outside, the same people who want them to pay the

1 copay, pay their share, fight for a livable
2 wage. They don't make a livable wage. And when
3 they start making a livable wage, then we can
4 have a conversation about what amount they should
5 in fact pay.

6 And of the numbers of prisoners, the
7 ones that comes from my neighborhoods and
8 communities, they don't have millions of dollars,
9 Senator Nozzolio.

10 So, Mr. President, as I said, I will
11 be voting no.

12 ACTING PRESIDENT GRIFFO: Senator
13 Hassell-Thompson to be recorded in the negative.

14 Senator Rivera to explain his vote.

15 SENATOR RIVERA: Thank you,
16 Mr. President.

17 As is already clear, I will be
18 voting in the negative on this bill. But I would
19 only like to -- I stood up to explain my vote and
20 to say I thank Senator Stewart-Cousins for
21 bringing up a very simple, simple point. And
22 that is to ask whether there is actually factual
23 evidence on which to base this policy.

24 And I would only ask all colleagues,
25 not only on this piece of legislation but across

1 the board, in all of our legislative endeavors,
2 to just know that anecdotal evidence does not
3 good policy make.

4 So in this sense I will be voting in
5 the negative. Because as we have already stated,
6 to make policy like this that's going to impact
7 thousands of people from what a couple are doing
8 is I believe the wrong way to go about making
9 policy.

10 Thank you, Mr. President. I will be
11 voting in the negative.

12 ACTING PRESIDENT GRIFFO: Senator
13 Rivera to be recorded in the negative.

14 Senator Duane to explain his vote.

15 SENATOR DUANE: Thank you,
16 Mr. President.

17 I'm going to be voting in the
18 negative. But I have to say that I'm very sad
19 that Senator Nozzolio did not miss my usual line
20 of questioning about whether Mr. Burress had
21 insurance, if the insurance company would have
22 covered that copay. Ten years, we miss a couple
23 of years, you forget. All right. My feelings
24 are hurt.

25 I'm going to vote no, Mr. President.

1 ACTING PRESIDENT GRIFFO: Senator
2 Duane to be recorded in the negative.

3 Announce the results.

4 THE SECRETARY: In relation to
5 Calendar 410, those recorded in the negative are
6 Senators Breslin, Diaz, Dilan, Duane, Espaillat,
7 Gianaris, Hassell-Thompson, Klein, L. Krueger,
8 Montgomery, Oppenheimer, Parker, Perkins, Rivera,
9 Sampson, Savino, Serrano, Squadron, Stavisky and
10 Stewart-Cousins. Also Senator Adams. Also
11 Senator Avella.

12 Absent from voting are Senators
13 Bonacic, Huntley, C. Kruger, McDonald, Peralta,
14 and Smith.

15 Ayes, 34. Nays, 22.

16 ACTING PRESIDENT GRIFFO: The bill
17 is passed.

18 Senator Libous.

19 SENATOR LIBOUS: Can we return to
20 motions for a moment, please.

21 ACTING PRESIDENT GRIFFO: We'll
22 return to motions.

23 SENATOR LIBOUS: On behalf of
24 Senator Nozzolio, on page 57 I offer the
25 following amendments to Calendar Number 1162,

1 Senate Print 5455A, and ask that said bill retain
2 its place on the Third Reading Calendar.

3 ACTING PRESIDENT GRIFFO: The
4 amendments are received and --

5 SENATOR LIBOUS: On behalf of
6 Senator Zeldin --

7 ACTING PRESIDENT GRIFFO: -- the
8 bill will be retained --

9 SENATOR LIBOUS: I'm sorry,
10 Mr. President.

11 ACTING PRESIDENT GRIFFO: -- on
12 third reading.

13 Go ahead, Senator Libous.

14 SENATOR LIBOUS: The stenographer
15 gets very mad when I do that. I'm very sorry.

16 On behalf of Senator Zeldin, I wish
17 to call up his bill, 3844, recalled from the
18 Assembly, which is now at the desk.

19 ACTING PRESIDENT GRIFFO: The
20 Secretary will read.

21 THE SECRETARY: Calendar Number
22 871, by Senator Zeldin, Senate Print 3844, an act
23 to amend Chapter 397 of the Laws of 1996.

24 SENATOR LIBOUS: Mr. President, I
25 now move to reconsider the vote by which this

1 bill was passed.

2 ACTING PRESIDENT GRIFFO: Call the
3 roll on reconsideration.

4 (The Secretary called the roll.)

5 THE SECRETARY: Ayes, 62.

6 SENATOR LIBOUS: Mr. President, I
7 now offer up the following amendments.

8 ACTING PRESIDENT GRIFFO:
9 Amendments accepted.

10 SENATOR LIBOUS: Mr. President, at
11 this time can we return to the reading of the
12 controversial calendar.

13 ACTING PRESIDENT GRIFFO: The
14 Secretary will read.

15 THE SECRETARY: Calendar Number
16 508, by the Senate Committee on Rules, Senate
17 Print 4792, an act to amend the Tax Law.

18 ACTING PRESIDENT GRIFFO: Senator
19 Breslin.

20 SENATOR BRESLIN: Mr. President, I
21 believe there's an amendment at the desk. I ask
22 that the reading of the amendment be waived and
23 that Senator Avella be allowed to speak on the
24 amendment.

25 ACTING PRESIDENT GRIFFO: There is

1 an amendment at the desk. The reading will be
2 waived without objection.

3 Senator Avella, you may speak on the
4 amendment.

5 SENATOR AVELLA: Thank you,
6 Mr. President. I know it's late, it's ten
7 minutes to 12:00, but this is an important
8 amendment.

9 The amendment to the bill, if
10 approved, would continue the millionaire's
11 surcharge for the next calendar year, with two
12 exceptions. It would then be only for people
13 making a million dollars or more. Despite that
14 some of my colleagues on the other side said we
15 were interested in only people making \$200,000,
16 this would only be for people making a million
17 dollars or more.

18 And the second change would be
19 30 percent of the revenue would go to an
20 educational assistance fund which would only be
21 used for the payment of education aid to school
22 districts and BOCES.

23 You know, we took a very important
24 act, when we balanced the budget, to cap a
25 \$10 billion deficit. But we did that with a lot

1 of pain to a lot of people in the State of
2 New York, especially those people who are least
3 able to afford the high taxes in this state. And
4 we are the second highest paid taxes -- the
5 second highest state in the country, second only
6 to New Jersey.

7 We need to have the people who are
8 the wealthiest in our society pay a little bit
9 more so we can restore some of these services.
10 We've had discussions over and over again. We've
11 had discussions tonight. I remember some of the
12 comments from our colleagues about the MTA
13 payroll tax. And there was a comment from the
14 other side of the aisle about the working
15 blue-collar families.

16 Well, we are thinking about the
17 working blue-collar families. Why should they
18 have to pay a little bit more in taxes, why
19 should they get less services when we're letting
20 the richest of our society off the hook? This is
21 something we absolutely must do.

22 And there are always two arguments
23 that are brought up about continuing the
24 millionaire's tax. One, that it would be hurt
25 small business. And that is absolutely not the

1 case. I did a lot of research on this issue
2 before I introduced this amendment. I cannot
3 find one study that shows small business would be
4 affected by this. Because remember, this is the
5 personal income tax surcharge.

6 The other argument that is always
7 brought up is that the rich of the State of
8 New York are going to leave. There have been
9 numerous studies on this issue, and most
10 independent studies have shown that people do not
11 leave. And in fact, there was a 2011 New Jersey
12 study, there was a 2011 New England study which
13 actually looked at 18 years of taxes in states
14 throughout the country and found that tax rates
15 do not influence mobility.

16 And the one study that was done
17 which a lot of people refer to, the Partnership
18 for New York City, actually did not look at
19 people making a million dollars or more, it
20 merely looked at people who had wealth of a
21 million dollars or more.

22 And finally, to counter that
23 argument that people are leaving the state, this
24 would affect 79,000 filers in the State of
25 New York. And it would still account for

1 \$4.1 billion. That could go a long way to
2 restore some of those services that we've had to
3 cut. Of those 79,000 filers, 40,000 are New York
4 State residents. Thirty-nine thousand do not
5 live in the State of New York.

6 So to anybody who says, well, we
7 can't do this because people are going to leave,
8 well, half of the filers already do not live in
9 the State of New York. But they have to pay the
10 income tax because of the amount of money they
11 earn here.

12 My colleagues, this is a fair thing
13 to do. And I'm assuming the worst-case scenario
14 that I'm going to be ruled out of order, this is
15 not germane. But if that is the case, if that is
16 the case, I ask the leadership to allow this
17 issue to come up for a full debate. We owe that
18 to the residents of this state, that we have a
19 full debate on this issue so that both sides can
20 get up and talk about it.

21 Because I can tell you, whenever I
22 go through my district -- and I have some very
23 wealthy middle-class neighborhoods, but I also
24 have some working-family neighborhoods. To a
25 person, people say, "Why are we not taxing the 1

1 percent of income earners in this state?" Why
2 does the mayor of the City of New York threaten
3 to close firehouses? Why are school districts
4 throughout the entire state threatening to lay
5 off teachers? This would stop that and only
6 affect the top 1 percent. Of 79,000 filers, only
7 40,000 live in the State of New York.

8 And I think it would it was my
9 colleague Senator Suzi Oppenheimer who said, at a
10 discussion on this, that the millionaires in her
11 district have said to her on a personal level,
12 "Tax us. We're willing to pay the additional
13 tax."

14 So I urge my colleagues to vote for
15 this amendment. And if I get ruled out of order,
16 I ask the leadership to bring it up for future
17 consideration.

18 ACTING PRESIDENT GRIFFO: Thank
19 you, Senator Avella.

20 (Laughter.)

21 ACTING PRESIDENT GRIFFO: You're
22 very astute. You're very astute.

23 Senator Avella, I have reviewed the
24 amendment and I find it to be nongermane to the
25 subject matter of the bill in chief. Senate Bill

1 4792 is a bill relative to a local sales tax of
2 one particular county. And this legislation
3 relates to the personal income tax and education
4 expenditures statewide. Therefore, I rule that
5 it is nongermane.

6 The Secretary will ring the bell.

7 Read the last section.

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

10 ACTING PRESIDENT GRIFFO: Call the
11 roll.

12 (The Secretary called the roll.)

13 ACTING PRESIDENT GRIFFO: Announce
14 the results.

15 Senator Libous.

16 SENATOR LIBOUS: We have to call
17 the roll. Announce the results.

18 ACTING PRESIDENT GRIFFO: The roll
19 was called. We're waiting for a tally of
20 results, Senator Libous.

21 SENATOR LIBOUS: That's correct.

22 THE SECRETARY: In relation to
23 Calendar 508, those recorded in the negative are
24 Senators Adams, Espaillat, Gianaris, L. Krueger,
25 Parker, Perkins, Rivera, Serrano, Squadron and

1 Stavisky.

2 Absent from voting: Senators
3 Bonacic, Huntley, C. Kruger, McDonald, Peralta
4 and Smith.

5 Ayes, 46. Nays, 10.

6 ACTING PRESIDENT GRIFFO: The bill
7 is passed.

8 Senator Libous.

9 SENATOR LIBOUS: Mr. President, if
10 we could return to motions for a moment.

11 ACTING PRESIDENT GRIFFO: On
12 motions.

13 SENATOR LIBOUS: On behalf of
14 Senator LaValle, on page 42 I offer the following
15 amendments to Calendar Number 994, Senate Print
16 5216B, and ask that said bill retain its place on
17 the Third Reading Calendar.

18 ACTING PRESIDENT GRIFFO: The
19 amendments are received, and the bill will retain
20 its place on third reading.

21 SENATOR LIBOUS: Mr. President, is
22 there any further business at the desk at this
23 moment?

24 ACTING PRESIDENT GRIFFO: There is
25 no further business at this moment.

1 SENATOR LIBOUS: Well, we are going
2 to lay aside temporarily Calendar Number 53 and
3 53A. We will take them up tomorrow morning.

4 But before I announce what time, I
5 believe Senator Hassell-Thompson would like to
6 make an announcement.

7 ACTING PRESIDENT GRIFFO: The
8 calendars will be laid aside until tomorrow.

9 Senator Hassell-Thompson is
10 recognized for the purposes of an announcement.

11 SENATOR HASSELL-THOMPSON: Thank
12 you, Mr. President.

13 At 10:30 a.m. there will be a
14 meeting of the Democratic Conference in the
15 Democratic Conference Room.

16 Thank you.

17 ACTING PRESIDENT GRIFFO: At
18 10:30 a.m. tomorrow, there will be a meeting of
19 the Democratic Conference in the Democrat
20 Conference Room.

21 Senator Libous.

22 SENATOR LIBOUS: Mr. President,
23 seeing that the time is 12:03 a.m., the
24 Republicans will conference later this morning at
25 10:00 a.m. in Room 332.

1 And the Senate will meet at
2 11:00 a.m. tomorrow, June 16th. Or today.
3 Excuse me, Mr. President, the Senate will meet
4 today, June 16th, at 11:00 a.m.

5 ACTING PRESIDENT GRIFFO: There
6 will be a Republican conference this morning at
7 10:00 a.m. in the Republican Conference Room, and
8 the Senate will stand adjourned until this
9 morning at 11:00 a.m. on the 16th of June.

10 The Senate stands adjourned.

11 (Whereupon, at 12:05 a.m., the
12 Senate adjourned.)

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